

## Beyond Borders: Shedding Light on Foreign Bribery through an Islamic Legal Lens

Herawan Sauni<sup>1</sup>, \*Zico Junius Fernando<sup>2</sup>, David Aprizon Putra<sup>3</sup>, Saivol Virdaus<sup>4</sup>, Aris Hardianto<sup>5</sup>

Universitas Bengkulu<sup>1</sup>, Institut Agama Islam Negeri Curup, Indonesia<sup>3</sup>  
Universitas Sebelas Maret<sup>4</sup>, Universitas Diponegoro<sup>5</sup>

Corresponding author: \*zjfernando@unib.ac.id.

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### Abstract

This research examines the urgency and challenges of eradicating foreign bribery in Indonesia, utilizing the perspective of Islamic law as an ethical and moral framework. Although Indonesia has committed to the eradication of corruption through ratification of the United Nations Convention against Corruption (UNCAC) and participation in the G20 Anti-Corruption Working Group, the persistence of a stagnant Corruption Perception Index (CPI) score and the absence of specific regulations on foreign bribery indicate a gap between international commitments and domestic implementation. Through a normative legal method, this research analyzes the legal framework and corruption eradication practices in comparison to the principles of fairness, transparency, and accountability in Islamic law. The results show that there are significant gaps in the regulation and practice of combating corruption, especially in relation to combating foreign bribery. This research recommends reforming regulations that not only meet international standards but also accommodate ethical and moral values from Islamic law, as well as emphasizing the importance of international cooperation based on the principle of solidarity in goodness. Efforts to eradicate foreign bribery in Indonesia require a comprehensive approach, combining legal reform, integration of

Islamic values, and strengthening international cooperation, to increase the effectiveness of the fight against corruption and strengthen integrity and public trust.

**Keywords:** Foreign bribery; Indonesia's anti-corruption efforts; Islamic legal perspective; ethical and moral values

## Introduction

In 2023, Indonesia's Corruption Perception Index (CPI) recorded the number 34, indicating stagnation or no change compared to the previous year. Transparency International Indonesia (TII) calculates and releases this index, which uses a rating scale from 0 to 100.<sup>1</sup> A score of 0 indicates the highest level of corruption, while 100 reflects the optimal level of honesty.<sup>2</sup> Indonesia's CPI figures in 2023 stagnate, indicating that the implemented anti-corruption efforts and initiatives have not significantly reduced the perception of corruption in the country.<sup>3</sup> The stagnation of Indonesia's Corruption Perception Index (IPK) at 34 from year to year has a direct impact on the country's international ranking in terms of perceptions of corruption, which fell from 110th position out of 180 countries in 2022 to 115th in 2023.<sup>4</sup> This decline reflects the challenges faced by Indonesia in its efforts to increase transparency and eradicate corruption in the global community. Despite efforts to combat corruption, stagnant assessments suggest that these initiatives are not enough to deliver recognized improvements on an international scale. This downgrade could be seen as an indicator that, relative to other countries, Indonesia may be experiencing greater difficulties in dealing with corruption issues or that other countries may have taken more significant progressive steps in fighting corruption.<sup>5</sup> These factors, along with global and regional dynamics, contribute to Indonesia's position in this

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<sup>1</sup> Fika Nurul Ulya et al, "Indeks Persepsi Korupsi Indonesia: Skor Stagnan Di Angka 34 Tahun 2023, Peringkat Turun 5 Poin," Kompas.com, 2024, [https://nasional.kompas.com/read/2024/01/30/14304521/indeks-persepsi-korupsi-indonesia-skor-stagnan-di-angka-34-tahun-2023#google\\_vignette](https://nasional.kompas.com/read/2024/01/30/14304521/indeks-persepsi-korupsi-indonesia-skor-stagnan-di-angka-34-tahun-2023#google_vignette).

<sup>2</sup> Herlambang et al, "Kejahatan Memperkaya Diri Sendiri Secara Melawan Hukum (Illicit Enrichment) Dan Aparatur Sipil Negara: Sebuah Kajian Kritis," *RechtsVinding* 11, no. 2 (2022): 247–64, <https://doi.org/http://dx.doi.org/10.33331/rechtsvinding.v11i2>.

<sup>3</sup> Calvin Moniaga Sipahutar, "Indonesia Ranks Sixth in ASEAN in 2023 Corruption Perception Index," *Jakartaglobe.id*, 2024, <https://jakartaglobe.id/news/indonesia-ranks-sixth-in-asean-in-2023-corruption-perception-index>.

<sup>4</sup> Tim News, "Indeks Persepsi Korupsi Indonesia Tahun 2023 Stagnan Di Angka 34," *Liputan6.com*, 2024.

<sup>5</sup> Stephen Sherlock, "Combating Corruption in Indonesia? The Ombudsman and the Assets Auditing Commission," *Bulletin of Indonesian Economic Studies* 38, no. 3 (December 1, 2002): 367–83, <https://doi.org/10.1080/00074910215532>.

respected index and highlight the importance of a more effective and responsive anti-corruption strategy.<sup>6</sup>

Indonesia's Corruption Perception Index (IPK) score of 34 places this country in a relatively low position when compared to several neighboring countries in the Southeast Asia region. Singapore, with a stagnant GPA score of 83, remains the region's leader in integrity and transparency, demonstrating its success in maintaining high standards and eradicating corruption.<sup>7</sup> Behind Singapore, Malaysia achieved a score of 50, placing it in second place in the region, followed by a surprising score of 43, marking significant progress in anti-corruption efforts. Vietnam and Thailand, with scores of 41 and 35, respectively, also show better levels of perceived corruption compared to Indonesia, although by a relatively narrow margin in Thailand's case.<sup>8</sup> On the other hand, other ASEAN countries such as the Philippines recorded the same score as Indonesia, namely 34, while Laos, Cambodia, and Myanmar were in a lower position with scores of 28, 22, and 20, respectively.<sup>9</sup> This contrast in scores reflects varying levels of success and challenges faced by countries in the Southeast Asia region in their efforts to combat corruption, with Indonesia in the middle position in this regional context. Malaysia recorded a significant improvement in the Corruption Perception Index (CPI), with the score increasing from 47 to 50, marking progress in the country's efforts to fight corruption. This increase shows the effectiveness of the anti-corruption strategy implemented by the Malaysian government, as well as a greater commitment to transparency and clean government. Meanwhile, Timor-Leste also experienced an increase in its GPA score from 42 to 43, although this increase may seem more moderate compared to Malaysia. Interestingly, even though Timor-Leste shows progress, this country is only assessed based on four indicators, in contrast to Indonesia, which is assessed based on eight indicators. This condition shows that assessments of Timor-Leste may not fully reflect the complexity of the anti-corruption challenges it faces, while Indonesia, with more indicators, provides a broader picture of efforts and challenges in fighting

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<sup>6</sup> Muh Ilham, "Tackling Corruption in Indonesia: Lessons Learned and Future Directions," *Journal of Public Representative and Society Provision* 2, no. 3 (December 31, 2022): 83–88, <https://doi.org/10.55885/JPRSP.V2I3.234>.

<sup>7</sup> kumparanNEWS, "Indeks Persepsi Korupsi Indonesia 2023: Skor Stagnan 34, Peringkat 115," *Kumparan.com*, 2024, <https://kumparan.com/kumparannews/indeks-persepsi-korupsi-indonesia-2023-skor-stagnan-34-peringkat-115-224ECeQcZGh>.

<sup>8</sup> Radzi Razak, "Corruption Perception Index: Malaysia Records Worst Score in a Decade, but Goes up One Spot," *Malaymail.com*, 2023, <https://www.malaymail.com/news/malaysia/2023/01/31/corruption-perception-index-malaysia-records-worst-score-in-a-decade-but-goes-up-one-spot/52725>.

<sup>9</sup> Fika Nurul Ulya et al, "Indeks Persepsi Korupsi Indonesia: Skor Stagnan Di Angka 34 Tahun 2023, Peringkat Turun 5 Poin."

corruption.<sup>10</sup> This comparison underscores the importance of the number and type of indicators in assessing and understanding country-specific contexts related to perceptions of corruption and efforts to eradicate it.

This condition emphasizes the need for more innovative and effective strategies and approaches to fighting corruption, considering the negative impact it has on government governance, economic efficiency, and public trust. One of the crucial challenges in efforts to eradicate corruption in Indonesia is the lack of comprehensive existing regulations, especially those contained in Law Number 31 of 1999 jo Law Number 20 of 2001 concerning the Eradication of Corruption Crimes.<sup>11</sup> This regulation, although an important basis in the fight against corruption, apparently does not cover several critical aspects that are now increasingly relevant in modern corruption practices. Specifically, the law does not yet regulate several important offenses such as bribery of foreign public officials and officials of international organizations (foreign bribery), the practice of trading influence (Trading in Influence), illegal enrichment, and bribery in the private sector (Bribery in the Private Sector).<sup>12</sup> The absence of regulations regarding these aspects creates gaps in the legal system that can be exploited by perpetrators of corruption, complicating law enforcement and broader corruption prevention efforts. This condition shows the importance of revising and updating regulations to cover a wider scope of corrupt practices, thereby strengthening Indonesia's legal architecture in facing increasingly complex and diverse corruption challenges.<sup>13</sup>

In this research, a specific focus will be given to the issue of foreign bribery, which has not yet been criminalized and integrated into anti-corruption regulations in Indonesia.<sup>14</sup> Foreign bribery refers to the act of offering, promising, giving, or authorizing the giving of a financial or other advantage to a foreign public official, with the intention of influencing that official to act or refrain from acting in relation to the performance of official duties, in order to

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<sup>10</sup> Fika Nurul Ulya et al.

<sup>11</sup> Ivan Muhammad Fakhriy, "Combating Corruption: Problems and Challenges in Indonesia," *Law Research Review Quarterly* 7, no. 4 (November 1, 2021): 487–504, <https://doi.org/10.15294/LRRQ.V7I4.48186>.

<sup>12</sup> Zubaedah Hanum et al, "Menkumham Ungkap 4 Tindak Pidana Korupsi Yang Belum Ada Aturannya," *Mediaindonesia.com*, 2023, <https://mediaindonesia.com/politik-dan-hukum/624297/menkumham-ungkap-4-tindak-pidana-korupsi-yang-belum-ada-aturannya>.

<sup>13</sup> Hamdan Rampadio, Ana Fauzia, and Fathul Hamdani, "The Urgency of Arrangement Regarding Illicit Enrichment In Indonesia In Order to Eradication of Corruption Crimes by Corporations," *Jurnal Pembaharuan Hukum* 9, no. 2 (August 21, 2022): 225–41, <https://doi.org/10.26532/JPH.V9I2.17625>.

<sup>14</sup> Moh. Dani Pratama Huzaini, "Mengetahui Instrumen Hukum Anti Suap Asing Yang Berlaku Lintas Batas," *Hukumonline.com*, 2019, <https://www.hukumonline.com/berita/a/mengenal-instrumen-hukum-anti-suap-asing-yang-berlaku-lintas-batas-lt5d400cf1551cb>.

obtain or retain business or other improper advantage in the conduct of international business. The research will explore how the absence of specific regulations regarding cross-border bribery creates gaps in efforts to eradicate corruption, especially in the context of international transactions involving public officials or private entities. Furthermore, this research will use the analytical knife of Islamic law, known for its principles of justice, transparency, and accountability, to evaluate and provide a perspective on the issue of foreign bribery. Through the lens of Islamic law, we will examine how sharia principles can provide guidance in formulating effective policies and legal rules to criminalize and combat transnational bribery. This research employs the analytical framework of Islamic law to examine the issue of foreign bribery because Islamic law offers a comprehensive ethical and moral foundation that emphasizes principles of justice, transparency, and accountability. In the context of Indonesia, a predominantly Muslim country, integrating Islamic legal principles into the analysis provides culturally and religiously relevant insights that resonate with the population's values. Moreover, Islamic law's stringent stance against corruption and bribery aligns with international anti-corruption efforts, offering a robust ethical guideline that can bridge the gap between Indonesia's international commitments and domestic practices. By leveraging the ethical and moral imperatives of Islamic law, this research aims to propose legal reforms and policies that not only meet global standards but also enhance public trust and integrity through culturally attuned and morally grounded approaches. This research aims to fill the gap in legal literature and law enforcement practice in Indonesia, with the hope of encouraging the adoption of more comprehensive regulations that not only meet international standards but are also in line with the ethical and moral values upheld in Islamic law. Through this analysis, it is hoped that pragmatic and principled policy recommendations can be produced, which will support Indonesia in strengthening its legal framework against corruption, especially in the context of transnational bribery.

This research adopts normative legal methods that include statutory, conceptual, comparative, and futuristic approaches to investigate and understand in depth the issue of foreign bribery that has not been criminalized in Indonesia and its analysis from an Islamic legal perspective.<sup>15</sup> Normative legal methods allow this research to systematically examine and evaluate existing legal regulations, theories, and practices, both in national and international contexts, to identify gaps, challenges, and opportunities in anti-corruption regulations

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<sup>15</sup> Erdianto Effendi et al., "Trading in Influence (Indonesia): A Critical Study," *Cogent Social Sciences* 9, no. 1 (December 31, 2023): 1–13, <https://doi.org/10.1080/23311886.2023.2231621>.

related to foreign bribery.<sup>16</sup> A statutory approach is used to analyze the applicable legal framework, especially regarding the absence of specific regulations regarding foreign bribery in the Indonesian legal system. Meanwhile, the conceptual approach facilitates a theoretical understanding of the concept and definition of cross-border corruption, as well as principles in Islamic law that are relevant to this issue. A comparative approach is carried out by comparing regulations and practices for eradicating foreign bribery in various countries to identify best practices and lessons that can be adopted by Indonesia. A futuristic approach allows this research to formulate recommendations and innovative future strategies, taking into account global developments and trends in eradicating corruption. The historical approach in the context of this research, which adopts normative legal methods to investigate the issue of foreign bribery through an Islamic legal perspective, aims to understand and analyze the historical dynamics related to the development of anti-corruption law and how the issue of cross-border bribery has been handled over time, both in Indonesia and on the international stage. This approach allows research to explore the origins, evolution, and changes in legal norms, as well as responses to corrupt practices, with a particular focus on foreign bribery. Through historical analysis, this research can reveal how historical Islamic legal traditions have dealt with issues of corruption and bribery and compare this with the development of contemporary anti-corruption regulations. This includes examining how social, economic, and political changes have influenced the understanding and application of laws relating to corruption, as well as how international norms and values regarding anti-corruption have been adopted or adapted in the context of Indonesian national law. The nature of this research is descriptive-prescriptive, which means that it not only describes and analyzes the existing situation related to foreign bribery regulations and an Islamic legal perspective but also provides recommendations on how this issue should be addressed and managed within the Indonesian legal framework in the future.<sup>17</sup> The material that has been collected is analyzed using the content analysis method, which is a technique for systematically processing and evaluating information from textual data. Through content analysis, this research identifies themes, patterns, and narratives in legal literature, official documents, and other

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<sup>16</sup> Akhmad Akhmad, Zico Junius Fernando, and Papontee Teeraphan, "Unmasking Illicit Enrichment: A Comparative Analysis of Wealth Acquisition Under Indonesian, Thailand and Islamic Law," *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 899–934, <https://doi.org/10.15294/jils.v8i2.69332>.

<sup>17</sup> Muchamad Satria Endriana et al., "Green Financial Crime: Expose About Financial Crime In The Environment And Renewable Energy World," *IOP Conference Series: Earth and Environmental Science* 1270, no. 1 (2023): 1–9, <https://doi.org/10.1088/1755-1315/1270/1/012012>.

sources related to foreign bribery and Islamic law.<sup>18</sup> This process allows for the extraction and synthesis of relevant information that will support the development of research arguments and conclusions, as well as the formulation of recommendations that are evidence-based and theoretically sound.

The legal materials for this research were collected using a comprehensive approach, incorporating various sources to ensure a thorough analysis of the topic. Primary legal materials include national legislation, particularly Law Number 31 of 1999 jo Law Number 20 of 2001 on the Eradication of Corruption Crimes, as well as international instruments such as the United Nations Convention against Corruption (UNCAC). Secondary legal materials consist of academic articles, legal commentaries, and reports from organizations such as Transparency International and the G20 Anti-Corruption Working Group, which provide context and expert opinions on corruption and bribery practices. Additionally, tertiary legal materials, including legal dictionaries and encyclopedias, were utilized to clarify legal terminologies and concepts related to corruption and bribery. The collection process involved systematic literature reviews and document analysis to extract relevant information and identify gaps in the existing legal framework. The normative legal method applied in this research encompasses a statutory approach to scrutinize the current laws and regulations, a conceptual approach to understand the underlying principles and definitions of foreign bribery, and a comparative approach to evaluate best practices from other jurisdictions. Furthermore, a futuristic approach was employed to anticipate future developments and propose forward-looking recommendations. Historical analysis was conducted to trace the evolution of anti-corruption laws and Islamic legal traditions, offering insights into how these have shaped contemporary legal norms. Content analysis was the primary method for analyzing the collected materials. This involved coding and categorizing the textual data to identify recurring themes, patterns, and narratives. By systematically processing the information, the research was able to synthesize the findings, draw informed conclusions, and develop evidence-based recommendations. This meticulous process ensures that the research is grounded in a solid legal foundation, addressing both the practical and theoretical aspects of combating foreign bribery within the framework of Indonesian and Islamic law.

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<sup>18</sup> Zico Junius Fernando et al., “The Role of Neuroprediction and Artificial Intelligence in the Future of Criminal Procedure Support Science: A New Era in Neuroscience and Criminal Justice,” *Yuridika* 38, no. 3 (September 1, 2023): 593–620, <https://doi.org/10.20473/YDK.V38I3.46104>.

## Discussion

### The Urgency of Criminalizing Foreign Bribery: A Critical Step towards Transparency and Integrity in Indonesia

Efforts to eradicate corruption in Indonesia require full support from a strong and professional law enforcement system.<sup>19</sup> The importance of improving performance in law enforcement is the main key to avoiding a repetition of failures in eradicating corruption that have occurred in the past. In an increasingly integrated global context, international cooperation has become essential as an effective mechanism for fighting corruption that knows no national borders.<sup>20</sup> This cooperation was born from shared needs in various fields such as ideology, economics, politics, social, environment, culture, defense, and security. According to Greico, international cooperation is established based on the existence of shared objective interests, which will continue as long as those interests are relevant.<sup>21</sup>

The United Nations Convention against Corruption (UNCAC) is an important step in international efforts to eradicate corruption, with 8 chapters and 71 articles that have been agreed to by 140 countries.<sup>22</sup> Based on the principle of *pacta sunt servanda*, UNCAC has binding force like law and aims to increase efforts to effectively prevent and eradicate corruption, facilitate international cooperation, and support the return of assets lost due to corruption. Even though Indonesia has ratified UNCAC through Law No. 7 of 2006, the implementation of several of its provisions is still not fully integrated into the Corruption Eradication Law in Indonesia.<sup>23</sup> According to Andi Hamzah, several criminal acts of corruption, such as bribery in the private sector, influence trading, bribery of foreign public officials, and illegal acquisition of wealth, are still not accommodated in national regulations. This shows that there is still significant room for Indonesia to strengthen its legal framework so that it is in line with international commitments and standards for

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<sup>19</sup> Farida Sekti Pahlevi, "Strategi Ideal Pemberantasan Korupsi Di Indonesia," *Al-Syakhsyiyah: Journal of Law & Family Studies* 4, no. 1 (August 8, 2022): 28–44, <https://doi.org/10.21154/SYAKHSIYYAH.V4I1.4251>.

<sup>20</sup> Valentyna Drozd, Yuliia Chornous, and Liudmyla Havryliuk, "Cooperation in Countering Corruption as a Condition for National Security: International Legal Framework," in *Proceedings of the International Conference on Business, Accounting, Management, Banking, Economic Security and Legal Regulation Research (BAMBEL 2021)*, vol. 188 (Atlantis Press, 2021), 160–65, <https://doi.org/10.2991/AEBMR.K.210826.028>.

<sup>21</sup> Razananda Skandiva and Beniharmoni Harefa, "Urgensi Penerapan Foreign Bribery Dalam Konvensi Antikorupsi Di Indonesia," *Integritas: Jurnal Antikorupsi* 7, no. 2 (April 5, 2021): 245–62, <https://doi.org/10.32697/INTEGRITAS.V7I2.826>.

<sup>22</sup> Skandiva and Harefa.

<sup>23</sup> Eddy O.S. Hiariej, "United Nations Convention Against Corruption Dalam Sistem Hukum Indonesia," *Jurnal Mimbar Hukum* 31, no. 1 (2019): 113–24, <https://doi.org/https://doi.org/10.22146/jmh.43968>.



eradicating corruption, emphasizing the importance of harmonizing national regulations with the principles and provisions set out in UNCAC.<sup>24</sup> According to Edward Omar Syarief Hiariej, criminal acts regulated in the United Nations Convention Against Corruption (UNCAC) but not yet integrated into the Corruption Eradication Law in Indonesia act as complementary elements in the overall corruption eradication system, especially with regard to the substance of corruption itself. UNCAC distinguishes between mandatory offenses, which all participating countries must criminalize based on agreement, and non-mandatory offenses, which are not required to be criminalized due to lack of universal agreement.<sup>25</sup> The five criminal acts categorized as mandatory in UNCAC include bribery of national public officials, bribery of foreign public officials or officials of international organizations (foreign bribery), embezzlement in office, abuse of authority related to the transfer of property by public officials, laundering money from crime, and obstructing the justice process. Participating countries, including Indonesia, must fulfill the obligation to adopt and implement these provisions into their national legislation as part of the global commitment to fighting corruption.<sup>26</sup>

Article 16 of the United Nations Convention against Corruption (UNCAC) specifically regulates the criminal act of bribery of foreign public officials or officials of public international organizations, which includes giving promises, offers, or undue benefits to such officials, either directly or indirectly, with the aim that the official acts outside his official duties. Indonesia has still not integrated this provision, which embodies mandatory offenses and should be included in national legislation to demonstrate the state's commitment to eradicating corruption, into the Corruption Eradication Law.<sup>27</sup> This, as expressed by Gunawan and Kris, shows the urgent need for Indonesia to update its corruption laws and adopt rules relating to cross-border bribery to improve the country's ability to control and prevent corruption.<sup>28</sup>

The failure to adopt foreign bribery provisions into Indonesian legislation creates significant challenges for domestic law enforcement to carry out investigations, prosecutions, and trials of Indonesian companies involved in transnational corrupt practices. In the midst of ASEAN economic integration,

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<sup>24</sup> Skandiva and Harefa, "Urgensi Penerapan Foreign Bribery Dalam Konvensi Antikorupsi Di Indonesia."

<sup>25</sup> Skandiva and Harefa.

<sup>26</sup> Hiariej, "United Nations Convention Against Corruption Dalam Sistem Hukum Indonesia."

<sup>27</sup> Dianita, Pujiyono, and Rahmi Dwi Sutanti, "The Criminalization Of Illicit Enrichment in Combating Corruption in Indonesia," *Mahadi: Indonesia Journal of Law* 2, no. 2 (August 28, 2023): 165–74, <https://doi.org/10.32734/MAH.V2I2.13183>.

<sup>28</sup> Skandiva and Harefa, "Urgensi Penerapan Foreign Bribery Dalam Konvensi Antikorupsi Di Indonesia."

which facilitates the movement of goods, services, investment, capital, and labor between member countries, as stated by the Corruption Eradication Commission, and with Indonesia's position in the 2023 Corruption Perception Index (CPI) at rank 115 out of 180 countries, the risk of Indonesian companies being involved in the practice of bribing foreign public officials is increasing.<sup>29</sup> This situation shows the importance of Indonesia immediately adopting a ban on foreign bribery into its legislation, following steps taken by neighboring countries such as Malaysia and Singapore to increase transparency and integrity in cross-border business activities.

The absence of specific rules governing foreign bribery in Indonesian legislation has had a significant impact on the country's ability to handle corruption cases involving foreign public officials.<sup>30</sup> When an Indonesian company commits acts of bribery against public officials in Malaysia or Singapore, Indonesian law enforcement encounters obstacles in carrying out investigations, prosecutions, or trials of the case due to the lack of an adequate legal basis. On the other hand, if the opposite situation occurs, where a company from Malaysia or Singapore is involved in foreign bribery practices targeting officials in Indonesia, law enforcement from Malaysia or Singapore still has the legal capacity to carry out investigations, prosecutions, and trials of the case thanks to the existence of clear regulations regarding foreign bribery in their country. This situation creates an imbalance in handling cross-border corruption cases, where Indonesia has the potential to lose its right to take legal action against perpetrators of corruption who harm its country. Furthermore, this also affects Indonesia's ability to recover assets or fines that should be returned to the state as part of criminal sanctions, considering that Indonesia cannot effectively pursue and prosecute perpetrators of transnational corruption.<sup>31</sup>

### **Global Bribery Scandal: Exposing the Foreign Bribery Case that Shook Indonesia**

The corruption case involving Emirsyah Satar as President Director of Garuda Indonesia from 2004 to 2015 was in the spotlight when it was revealed that the loss of \$373 million, or around IDR 4.8 trillion, experienced by the airline in 2014, related to the purchase of 34 new aircraft, was the result of bribery practices.<sup>32</sup> The Corruption Eradication Commission (KPK) revealed

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<sup>29</sup> Transparency International Indonesia, "Corruption Perceptions Index 2023," Ti.or.id, 2024, <https://ti.or.id/corruption-perceptions-index-2023/>.

<sup>30</sup> J Vernon Henderson and Ari Kuncoro, "Corruption in Indonesia," *NBER Working Paper Series* 10764, no. August (2004): 1–36, <http://www.nber.org/papers/w10674>.

<sup>31</sup> Skandiva and Harefa, "Urgensi Penerapan Foreign Bribery Dalam Konvensi Antikorupsi Di Indonesia."

<sup>32</sup> Reuters, "Former Garuda Indonesia CEO Jailed for Eight Years for Bribery," Reuters.com, 2020, <https://www.reuters.com/article/idUSKBN22K1Y1/>.

that during his tenure, Emirsyah Satar allegedly received bribes of around IDR 46 billion and goods worth \$2 million from Rolls-Royce, a leading British manufacturing company, through Soetikno Soedarjo beneficial owner Connaught International Pte. Ltd. and owner PT Ardyaparamita Ayuprakarsa in return for his assistance in procuring 50 Airbus aircraft. The initial meeting between Emirsyah Satar and Soetikno in Bali, which was then followed by a meeting between Satar and Jim Sheard, Senior Vice President of Rolls-Royce in Osaka, resulted in an agreement and the signing of a contract for the procurement of Airbus aircraft and aircraft engines between PT Garuda Indonesia and Rolls-Royce.<sup>33</sup>

Bribery by Rolls-Royce not only occurred in Indonesia but was also carried out on a large scale in several other countries on three continents, including Thailand, India, Nigeria, Malaysia, China, and Russia, between 1989 and 2013, as revealed by the UK's Serious Fraud Office (SFO) investigation. The Guardian and BBC reported in 2016 that Rolls-Royce had signed business contracts in at least 12 different countries.<sup>34</sup> This case attracted attention because Indonesia has full jurisdiction to carry out investigations, prosecutions, and sentences based on territorial principles, considering that the case occurred in Bali, Indonesian territory. Meanwhile, the UK also has the authority to provide assistance to Indonesia in handling this case based on the principle of *aut dedere aut judicare*, which requires every country to prosecute and prosecute international criminal behavior and is obliged to cooperate with other countries in order to detain, prosecute, and prosecute perpetrators of international crimes.<sup>35</sup>

The case of Emirsyah Satar, former President and Director of Garuda Indonesia, is a clear example of the urgency of implementing stricter regulations on foreign bribery in Indonesia. Through Decision Number 19/Pid.Sus-TPK/2020/PT.DKI on July 17, 2020, Emirsyah Satar was found guilty of violating Article 12 letter b of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law No. 20 of 2001 in conjunction with Article 55 paragraph (1) 1st of the Criminal Code in conjunction with Article 65 paragraph (1) of the Criminal Code and Article 3 of Law No. 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering in conjunction with Article 55 paragraph (1) 1st. This

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<sup>33</sup> Norbertus Arya Dwiangga Martia, "Emirsyah Satar Accused of Losing the State IDR 9.37 Trillion," Kompas.id, 2023, <https://www.kompas.id/baca/english/2023/09/18/en-bekas-dirut-garuda-emirsyah-satar-didakwa-rugikan-negara-rp-937-triliun>.

<sup>34</sup> Skandiva and Harefa, "Urgensi Penerapan Foreign Bribery Dalam Konvensi Antikorupsi Di Indonesia."

<sup>35</sup> Dominic Peltier-Rivest, "Corruption at Rolls-Royce: Can It Happen Again?," *Journal of Financial Crime* 28, no. 2 (2020): 433–47, <https://doi.org/10.1108/JFC-01-2020-0002/FULL/XML>.

violation is related to abuse of power and a combination of criminal acts, which resulted in a sentence of 8 years in prison and a fine of IDR 1 billion, subsidiary to 3 months' imprisonment for Satar, as well as the obligation to pay compensation of SGD 2 million, subsidiary to two years' imprisonment. This case highlights the need for Indonesia to be more serious in handling foreign bribery cases. The fact is that transnational corruption not only harms the country's economy but also tarnishes the integrity of institutions and undermines public trust in government and the business sector. This decision also emphasizes the importance of inter-institutional cooperation in uncovering and resolving corruption cases involving cross-border actors, as well as the importance of implementing strict laws as a preventive measure. Apart from that, the sentence handed down to Soetikno Soedarjo, who was sentenced to 6 years in prison through Decision Number 22/Pid.Sus-TPK/2020/PT-DKI dated July 23, 2020, by the DKI Jakarta High Court, shows the involvement and responsibility of the parties involved. facilitating or playing a role in corrupt practices.<sup>36</sup>

This underlines the need for more comprehensive and effective regulations for preventing and eradicating corruption, including foreign bribery, which cover all parties involved, both directly and indirectly. This case is proof of the urgency for Indonesia to not only strengthen the application of domestic law but also adopt international standards, as mandated in the UN Anti-Corruption Convention, to effectively fight corruption and increase transparency and accountability in every aspect of government and business. Seriousness in implementing anti-corruption regulations, including regarding foreign bribery, will be key in Indonesia's efforts to improve its image and position in the global order as a country that is fully committed to eradicating corruption.

Foreign bribery is a major target of laws such as the Foreign Corrupt Practices Act (FCPA) in the United States and the UK Bribery Act in the United Kingdom. Both regulations are specifically designed to address and prevent acts of bribery committed by individuals or entities from their country against foreign officials in order to obtain or maintain business abroad. The FCPA, for example, prohibits US companies and individuals from paying or offering to pay, directly or indirectly, anything of value to foreign officials for the purpose of influencing their actions or to obtain an unfair business advantage. This includes not only money but also gifts, travel, and other benefits that could be considered bribes. As such, the FCPA promotes transparency and ethical business practices among US entities operating in the global marketplace.

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<sup>36</sup> Andrian Pratama Taher, "Jejak Kasus Emirisyah Satar Di Garuda, Diusut KPK Hingga Kejagung," *Tirto.id*, 2022, <https://tirto.id/jejak-kasus-emirisyah-satar-di-garuda-diusut-kpk-hingga-kejagung-gtsx>.

Meanwhile, the UK Bribery Act takes it a step further by prohibiting not only bribes given to foreign officials by UK entities but also bribes received by them, making it one of the most stringent anti-bribery laws in the world. The Act is also unique in that it introduces the concept of "failure to prevent bribery," meaning that companies can be held guilty if they do not take adequate steps to prevent bribes being made on their behalf.<sup>37</sup>

### **Highlighting Indonesia's Lack of Commitment to UNCAC and the G20 Anti-Corruption Working Group: A Call to Action**

On June 2–4, 2021, the United Nations General Assembly (UN General Assembly Special Session/UNGASS) held a special session in New York, United States, which focused entirely on the issue of corruption, known as the "Special Session of the General Assembly against Corruption".<sup>38</sup> This session provided an opportunity for UN member countries, including Indonesia, to provide responses and share their views regarding eradicating corruption. The Indonesian government, represented by the Deputy Permanent Representative of the Republic of Indonesia to the UN, H.E. Mohammad Kurniadi Koba, emphasized the need for more systematic efforts to prevent cross-jurisdictional corruption. One of the main points discussed was the importance of cooperation between countries in recovering corrupt assets. However, this statement creates irony considering that the current legal conditions in Indonesia do not yet show a strong commitment to recovering assets resulting from corruption. This highlights the gap between international aspirations expressed in global forums and the reality of domestic implementation of laws and policies, which still require improvement and a greater commitment to eradicating corruption, especially in terms of asset recovery.<sup>39</sup>

Since the ratification of the United Nations Convention Against Corruption (UNCAC) on September 19, 2006, through Law Number 7 of 2006, Indonesia has been committed to implementing UNCAC articles, especially those relating to mandatory offenses.<sup>40</sup> This commitment reflects Indonesia's seriousness in fighting corruption in the international and domestic arenas. In an effort to ensure effective implementation of UNCAC, a review mechanism has

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<sup>37</sup> Moh. Dani Pratama Huzaini, "Mengenal Instrumen Hukum Anti Suap Asing Yang Berlaku Lintas Batas."

<sup>38</sup> José-Miguel Bello y Villarino, "Middle Point, End of the Road or Just the Beginning? Anticorruption Efforts, Failures and Promises at the United Nations," *Max Planck Yearbook of United Nations Law Online* 25, no. 1 (December 23, 2022): 26–53, [https://doi.org/10.1163/18757413\\_02501004](https://doi.org/10.1163/18757413_02501004).

<sup>39</sup> Skandiva and Harefa, "Urgensi Penerapan Foreign Bribery Dalam Konvensi Antikorupsi Di Indonesia."

<sup>40</sup> Herlambang et al, "Kejahatan Memperkaya Diri Sendiri Secara Melawan Hukum (Illicit Enrichment) Dan Aparatur Sipil Negara: Sebuah Kajian Kritis."

been implemented, involving two review rounds of five years each.<sup>41</sup> This review process not only provides an opportunity for Indonesia to showcase and gain appreciation for the anti-corruption practices that have been implemented, but also to obtain recommendations regarding aspects that still require urgent attention and resolution.

However, Indonesia's performance in fulfilling these commitments appears less than satisfactory. Of the 32 recommendations made in the first round of the UNCAC review, only eight were successfully completed. Furthermore, of the 21 second-round recommendations, only around 13 have been completed.<sup>42</sup> This condition shows that there is an urgent need to increase efforts to eradicate corruption, especially in dealing with priority issues that have been identified by the Corruption Eradication Commission (KPK), including the revision of the Corruption Crime Law, increasing the transparency and integrity of the private sector, strengthening the independence and institutions of anti-corruption institutions, as well as completing the Draft Law on Asset Confiscation.<sup>43</sup> The failure to complete these recommendations reflects the challenges that Indonesia still faces in efforts to strengthen the legal and institutional framework to fight corruption effectively, demanding an urgent increase in commitment and concrete action in eradicating corruption.<sup>44</sup>

The gap analysis between the laws and regulations of the Republic of Indonesia and the United Nations Convention Against Corruption (UNCAC) has provided important recommendations regarding the implementation of foreign bribery. These recommendations emphasize the need to make explicit provisions in Indonesia's anti-corruption law that specifically regulate cross-border bribery. This step is considered critical because it can significantly change the subject of the law and expand the scope of bribery involving foreign public officials in Indonesia, as well as Indonesian officials involved in foreign bribery practices in other countries. Furthermore, Gap Analysis interprets that Article 2 of the Criminal Code, which explains the application of the territorial principle, allows the criminalization of foreign public officials who commit criminal acts of foreign bribery corruption in Indonesian territory.

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<sup>41</sup> Jamin Ginting, "Asset Recovery Principles in the United Nations Convention Against Corruption 2003 (UNCAC 2003) to Support Corruption Eradication in Indonesia," *Indonesian Journal of International Law* 8, no. 3 (April 30, 2011): 446–63, <https://doi.org/10.17304/ijil.vol8.3.299>.

<sup>42</sup> Skandiva and Harefa, "Urgensi Penerapan Foreign Bribery Dalam Konvensi Antikorupsi Di Indonesia."

<sup>43</sup> Sekar Langit Jatu Pamungkas and Kuswardani, "Law on Asset Recovery for Corruption in Indonesia: An Urgent Need," *Rechtsidee* 9, no. 0 (December 31, 2021): 10.21070/jjhr.v9i0.762, <https://doi.org/10.21070/jjhr.v9i0.762>.

<sup>44</sup> Bambang Waluyo, "Optimalisasi Pemberantasan Korupsi Di Indonesia," *Jurnal Yuridis* 1, no. 2 (2014): 169–82, <https://doi.org/http://dx.doi.org/10.35586/.v1i2.149>.

In addition, Indonesia's involvement in the G20 Anti-Corruption Working Group (ACWG) since its formation at the G20 Toronto Summit in June 2010 shows Indonesia's commitment to promoting anti-corruption values in both national and international instruments. The G20 ACWG's focus on integrity and transparency of the public and private sectors, bribery, international cooperation, asset recovery, beneficial owner transparency, vulnerable sectors, and capacity development reflect critical areas in global anti-corruption efforts. The G20 ACWG meeting in Moscow in 2013, as reported by the United Nations on Combating Drugs and Crime (2021), discussed various important issues, including the G20 Guiding Principles on Combating the Demand for Bribes and the G20 Guiding Principles on Law Enforcement of the Crime of Bribery of Foreign Public Officials, as well as a framework for mutual legal assistance and asset recovery. This emphasizes the importance of Indonesia continuing to strengthen its domestic legal framework in fighting corruption, especially transnational bribery, to meet agreed-upon international standards and commitments.

The G20 Guiding Principles on Law Enforcement for the Crime of Bribery of Foreign Public Officials is an important initiative that aims to direct member countries to intensify efforts to take action against the practice of foreign bribery. Recommended steps include the establishment of a strong legal framework capable of supporting detection, proactive domestic coordination, and effective investigation and prosecution. This initiative underscores the importance of domestic inter-agency cooperation and effective coordination to combat transnational bribery crimes, which often involve complex networks and require specialized resources and expertise.

However, even though these principles have been formulated and supported by G20 countries, including Indonesia, real implementation in the form of criminalizing foreign bribery still appears slow. Indonesia, as a member of the G20 Anti-Corruption Working Group (ACWG) and a state party to UNCAC, appears to be still struggling to fulfill this commitment consistently.<sup>45</sup> The Indonesian government's lack of seriousness in adopting concrete steps to criminalize foreign bribery shows that there is a gap between commitments in international forums and domestic law enforcement practices. This not only hampers Indonesia's efforts to combat transnational corruption but also has the potential to damage Indonesia's international reputation as a country committed to eradicating corruption. The failure to strengthen the domestic legal framework to crack down on criminal acts of bribery by foreign public officials indicates that much work remains to be done to align Indonesian law

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<sup>45</sup> Skandiva and Harefa, "Urgensi Penerapan Foreign Bribery Dalam Konvensi Antikorupsi Di Indonesia."

enforcement policies and practices with global standards and expectations for eradicating corruption.

### **Eradicating Corruption and Foreign Bribery: Islamic Perspectives on Justice, Honesty, and Responsibility**

In Islamic law, the sharia established by Allah SWT aims for the benefit of mankind, including in terms of protecting property so that it is protected from the transfer of property rights that is not in accordance with established legal procedures, as well as from its use that deviates from the will of Allah SWT.<sup>46</sup> This reflects the principles of justice and honesty, which are highly prioritized in Islam, where every transaction and use of property must be carried out in a halal and correct manner.<sup>47</sup> Prohibition of confiscation, theft, pickpocketing, and other actions that result in illegal ownership of property is one way to maintain the security of property and ensure that every transfer of property rights is carried out in accordance with the law. Islam also prohibits using property for betting or giving it to others expected to use it for immoral acts, as this goes against the beneficial purposes desired by Allah SWT.<sup>48</sup> Fiqh scholars consistently state that corruption, in any form, is haram and prohibited because it conflicts with maqasid asy-syariah, namely the objectives of Islamic law, which include the protection of religion, soul, mind, lineage, and property. Thus, acts of corruption are considered serious violations of the principles of justice, transparency, and accountability emphasized in Islamic law.<sup>49</sup> Acts of corruption not only harm certain individuals or entities but also damage the social, economic, and political structure of society as a whole and hinder the achievement of the benefits desired by the Shari'a. In the Islamic religion, corruption is seen as a highly reprehensible act and is strictly prohibited, with terms including *risyah* (bribery), *saraqah* (theft), *al-gasyisy* (fraud), and *khianat* (betrayal).<sup>50</sup> Each of these terms reflects a different aspect of corrupt behavior, indicating the wide range of negative impacts corruption has on society and the social order. When relating these terms to the offense of foreign bribery, which is the practice of giving bribes to foreign public officials to obtain business

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<sup>46</sup> Nawir Yuslem, "Sharia Contextualisation to Establish The Indonesian Fiqh," *PETTITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH* 5, no. 2 (November 1, 2020): 202–10, <https://doi.org/10.22373/PETTITA.V5I2.96>.

<sup>47</sup> Abdullah Saad Alarefi, "Overview of Islamic Law," *International Criminal Law Review* 9, no. 4 (January 1, 2009): 707–31, <https://doi.org/10.1163/156753609X12487030862782>.

<sup>48</sup> Abdurrahman Siregar, "The Concept of Property and Ownership in Islam," *Randwick International of Social Science Journal* 2, no. 4 (October 13, 2021): 341–46, <https://doi.org/10.47175/RISSJ.V2I4.314>.

<sup>49</sup> N Solikin, "Reconstruction of Anti-Corruption Education Materials with Islamic Law in Indonesia," *Italienisch* 11, no. 1 (2021): 220–29, <http://italienisch.nl/index.php/VerlagSauerlander/article/view/89>.

<sup>50</sup> Akhmad, Fernando, and Teeraphan, "Unmasking Illicit Enrichment: A Comparative Analysis of Wealth Acquisition Under Indonesian, Thailand and Islamic Law."



benefits or other illegal benefits, it is very clear that these actions fall into the category of *risywah*. In Islam, *risywah* (bribery) is considered a major sin because it destroys justice, harms other people's rights, and creates injustice in society.<sup>51</sup> Giving bribes to foreign officials not only undermines the principles of fairness and transparency in business and government but also betrays public trust and undermines the integrity of financial and political systems. This is very contrary to the values of honesty, transparency, and responsibility emphasized in Islam. In the context of foreign bribery, *risywah* not only affects the two parties directly involved but also has a wider impact on social, economic, and political justice, both in the country of origin and in the country where the bribe is given. Therefore, eradicating corruption, including foreign bribery, is very much in line with Islamic teachings, which demand justice, honesty, and openness. This emphasizes the importance of countries with a majority Muslim population, such as Indonesia, to take firm steps in combating transnational corrupt practices through strengthening the legal framework and effective implementation of existing laws. Thus, efforts to eradicate corruption are not only a global commitment but also a manifestation of deep religious values that promote justice and prosperity for all.<sup>52</sup>

In the Islamic context, the use of assets obtained from acts of corruption, including foreign bribery or cross-border bribery, is declared haram and invalid, considering that the same principle is applied to the proceeds of looting, gambling, theft, and other illicit sources. The practice of foreign bribery, which involves providing illegal benefits to foreign officials to obtain business profits, is clearly contrary to the principles of justice, transparency, and honesty recommended in Islam. This directly damages the integrity of the economic and social system and harms the rights of individuals or entities entitled to these assets.

The word of Allah Swt in QS. Al-Baqarah: 188 emphasize the prohibition of taking other people's property through false means, including corruption, fraud, and theft, showing that Islam rejects all forms of unlawful taking of property.<sup>53</sup> Furthermore, the verse in QS. Ali Imran: 130, which prohibits usury, emphasizes the principle that obtaining wealth through illegal means, including corruption and usury, is haram. Fiqh scholars, based on fiqh rules, state that if taking a property is haram, then using, giving, or making use

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<sup>51</sup> Muhammad Aziz Ullah et al, "Bribery A Social Evil: An Islamic Perspective," *Al-Ajazz Research Journal of Islamic Studies & Humanities* 04, no. 21 (2021): 10–16, [https://doi.org/https://doi.org/10.53575/u2.v5.04.\(21\)10-16](https://doi.org/https://doi.org/10.53575/u2.v5.04.(21)10-16).

<sup>52</sup> Nur Khoirin et al., "Religious Inconsistency on Corruption Behaviour Among Muslim Politicians in Indonesia," *HTS Teologiese Studies / Theological Studies* 78, no. 1 (June 6, 2022): 9, <https://doi.org/10.4102/HTS.V78I1.7361>.

<sup>53</sup>QS. Al-Baqarah: 188

of that property is also haram.<sup>54</sup> Imam Ahmad bin Hanbal emphasized that as long as an act is considered haram, then using the results of that act is also haram. This demonstrates the ulama's agreement on the prohibition of using corrupt assets, including proceeds from foreign bribery.

The consequences of using assets resulting from corruption or foreign bribery in Islam are not only limited to prohibiting their use but also require the return of these assets to their rightful owners. Although Islamic jurisprudence scholars agree on the prohibition of using corrupt assets, there are differences of opinion regarding the legal consequences of using these assets, particularly in the context of returning them to the legal owner. Strengthening the legal and policy framework to prevent and combat corruption, including cross-border bribery, in line with the values of justice and benefit highly upheld in Islam is crucial due to the relationship between foreign bribery and Islamic principles.<sup>55</sup>

Other propositions in the Qur'an explicitly outline the prohibition against corrupt practices, including foreign bribery, which is a form of cross-border bribery. QS An-Nisa's 4:29 emphasizes the importance of fair and consensual transactions, avoiding taking property in an unauthorized manner.<sup>56</sup> This principle directly contradicts the essence of foreign bribery, where bribes are given to obtain undue benefits or services without a fair and transparent agreement between both parties. Furthermore, QS Al-Maidah:42 mentions the tendency to listen to false news and eat what is haram, with Ibn Mas'ud and Ali bin Abi Talib interpreting suht as bribery.<sup>57</sup> This verse underlines how Islam views bribery, including foreign bribery, as something that is haram and unacceptable. This practice not only undermines the social and economic order but also degrades the moral integrity of individuals and society as a whole. QS Al-Maidah:2 invites Muslims to help each other in virtue and piety while distancing themselves from sin and transgression.<sup>58</sup> This verse describes the importance of cooperation based on positive values and avoiding cooperation in actions that are detrimental or violate norms. In the context of foreign bribery, this verse calls for the need to avoid practices that can damage justice and integrity, both nationally and internationally. In the Islamic context, corruption, including the practice of foreign bribery or cross-border bribery, is considered a very reprehensible act. This is reinforced by an authentic hadith, in which the Prophet Muhammad SAW cursed bribers, bribe recipients, and all parties involved in this corruptive practice. This prohibition not only covers bribery in

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<sup>54</sup> QS. Ali Imran: 130

<sup>55</sup> Busyro, "Utilizing the Assets Acquired from Illegal Conducts A Study of Fiqh Maqâshid of Yûsuf Al-Qaradlâwî," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 13, no. 2 (2018): 231–53, <https://doi.org/https://doi.org/10.19105/al-lhkam.v13i2.1670>.

<sup>56</sup> QS An-Nisa's 4:29

<sup>57</sup> QS Al-Maidah:42

<sup>58</sup> QS Al-Maidah:2

the domestic context but also implicitly covers bribery involving foreign officials or entities, given that Islam does not differentiate between acts of corruption committed within or across jurisdictions.

The opinion of the Prophet's friends, such as Ibn Mas'ud, who states that bribery occurs when someone gives a gift because they have a need for another person and the gift is accepted, provides an understanding that giving with the specific aim of influencing a decision or action is a bribe. In the context of foreign bribery, this often occurs when companies or individuals give 'gifts' to foreign officials in the hope of gaining business benefits or special treatment, which clearly contradicts the principles of fairness and transparency. Umar bin Abdul Aziz emphasized that what was considered a gift in the time of the Prophet has now turned into a bribe. This indicates that social and economic dynamics have changed the perception and practice of gift-giving.<sup>59</sup> In the modern context, especially in international business and politics, what might once have been considered a form of kindness or diplomacy is now often carried out with less pure intentions, namely as a means of obtaining illegitimate gain.

This analysis shows that, from an Islamic perspective, corruption and foreign bribery are clearly prohibited because they damage the integrity of the social and economic system and erode the values of justice, honesty, and responsibility. Islam teaches that all forms of transactions and interactions must be based on legal agreements and clarity, without any elements of coercion or fraud. Therefore, in an effort to combat corruption and foreign bribery, it is very important to return to the ethical and moral principles taught by Islam, which not only condemn these practices but also offer a foundation for building a just and transparent society.

### **Carving Justice through Sharia: Formulating Anti-Foreign Bribery Regulations in Indonesia with Islamic Law Inspiration**

In Islam, the concept of *ghulul*, or corruption, including the practice of foreign bribery, is strongly emphasized as an act that brings bad consequences both in this world and in the afterlife.<sup>60</sup> Verse 161 of Surah Ali Imran and various hadiths, including the history of 'Adiy bin 'Amirah and Abu Humaid as Sa'idi, illustrate that perpetrators of corruption will carry the burden of the results of their corrupt actions on the Day of Judgment, a symbol of responsibility and the consequences of their actions.<sup>61</sup> This picture illustrates

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<sup>59</sup> Dalam Islam, "Hukum Korupsi Dalam Islam Dan Dalilnya," DalamIslam.com, 2024, <https://dalamislam.com/hukum-islam/hukum-korupsi-dalam-islam>.

<sup>60</sup> Waled Younes E. Alazzabi, Hasri Mustafa, and Ahmed Razman Abdul Latiff, "Corruption and Control From the Perspective of Islam," *Journal of Financial Crime* 27, no. 2 (April 23, 2020): 355–68, <https://doi.org/10.1108/JFC-02-2019-0020/FULL/XML>.

<sup>61</sup> QS Ali-Imran:161

that there is no escape from the consequences of corruption, even after death. Furthermore, corruption not only causes humiliation and the torment of hellfire, as expressed in the hadith of Ubadah bin ash Shamit, but also prevents the perpetrator from entering heaven, a very serious consequence considering that the ultimate goal of every Muslim is to obtain the blessings of heaven. This emphasizes that the consequences of corruption go beyond material or social losses in the world; they also impact a person's spiritual salvation. Apart from that, Allah SWT will not accept shadaqah from assets obtained unlawfully, including the proceeds of corruption. This principle is reinforced by the words of the Prophet Muhammad SAW regarding the importance of the halal origin of everything consumed or used, including in the context of worship and sadaqah. The example of someone who goes on a long journey with wrinkled clothes and prays to Allah, but the food, drink, and clothes used come from haram sources, shows that prayer and worship efforts will not be accepted if they are supported by illegitimate results.

In relation to foreign bribery, which is a form of transnational corruption, these concepts underscore that the impact of such acts is not only limited to financial or reputational losses for individuals and countries but also has deep spiritual consequences. The practice of bribing foreign officials to obtain business profits not only damages integrity and fairness in international relations but also conflicts with the basic values of faith, which demand honesty, transparency, and halalness in every aspect of life. Thus, efforts to eradicate corruption and foreign bribery are not only legal and social demands but also religious obligations that must be upheld by every Muslim in order to achieve the benefit of the people and the pleasure of Allah SWT. In formulating regulations regarding the prevention and eradication of foreign bribery in Indonesia, an Islamic legal perspective can provide a strong moral and ethical foundation. Islam, with its principles that emphasize justice, transparency, and halal, offers guidance that can be integrated into national legal frameworks to address the problem of transnational corruption.

First, the principle of justice in Islam, which demands fair treatment of all parties, can be used as a basis for formulating rules that ensure equality before the law for every individual and business entity, regardless of status or power. This is relevant to efforts to prevent foreign bribery, where regulations must be designed to prevent individuals or companies from using their wealth or influence to gain unfair advantages from foreign public officials. Second, transparency in every transaction is a core value in Islam, which can prevent the practice of foreign bribery. In formulating related regulations, the importance of openness in the public procurement process and international business transactions can be emphasized. This can be realized through implementing a strict reporting system and independent audits that can examine and reveal any potential acts of corruption. Third, the concept of halal in Islam, which is not

only limited to food but also to actions, can be a reference in determining that every business activity, including interactions with foreign public officials, must be carried out in a legal manner and free from all forms of corruption or bribery. In this context, the use of assets resulting from corruption (*ghulul*) for any purpose is considered haram and will not bring blessings. Fourth, Islam also emphasizes the importance of accountability and punishment for violators. In the context of foreign bribery, this means that individuals or entities proven to have committed cross-border bribery must face appropriate legal consequences, including criminal sanctions and fines, as well as the obligation to return ill-gotten profits. Fifth, Islam encourages human cooperation and solidarity in goodness and piety. In the case of foreign bribery, this can be translated into strong international cooperation between Indonesia and other countries, as well as international organizations, in a joint effort to fight corruption. Indonesia, by adopting and implementing these principles of Islamic law into its national regulations, will not only strengthen its domestic anti-corruption legal framework but also contribute to global efforts to fight transnational corruption.

The application of Islamic legal principles in formulating regulations regarding foreign bribery in Indonesia offers an opportunity to integrate ethical and moral values into the legal system while strengthening the country's commitment to eradicating corruption in accordance with international standards and the religious beliefs held by the majority of its population.

The application of sanctions in *jimayah* law (Islamic criminal law) targets corruptors who take others' property or public property without citizens' consent. The confiscation of corruptors' assets has specific rules regarding frequency, motive, and the amount of corrupted assets. For corruptors who meet these criteria, asset confiscation can be executed if they do not return the corrupted assets. The Criminal Code (KUHP) reflects the *fiqh* of *jimayah*, including *ta'zir* punishments (judicially determined punishments). If asset confiscation is difficult, the last resort is the death penalty, as supported by Hanbali scholars for repeat offenders. This aligns with the *maqashid al-syari'ah* concept, as it benefits the state and deters future corruption. In Islam, corruption, including foreign bribery (*ghulul*), is heavily condemned for its severe consequences in this world and the hereafter. Surah Ali Imran, verse 161, and various hadiths, including those from 'Adiy bin 'Amirah and Abu Humaid as Sa'idi, illustrate that corruptors will bear the burden of their corrupt actions on Judgment Day, symbolizing accountability. This shows that there is no escape from corruption's consequences, even after death.<sup>62</sup> Corruption prevents entry

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<sup>62</sup> Syariful Alam et al., "Islamic Criminal Law Study on The Seizure of Corruptor Assets as an Indonesian's Criminal Sanction in The Future," *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (2022): 143–56, <https://doi.org/10.31958/juris.v21i2.6722>.

into heaven and results in humiliation and torment in hell, as highlighted in Ubadah bin ash Shamit's hadith. Additionally, Allah will not accept charity from unlawfully obtained assets, including those from corruption. The Prophet Muhammad emphasized the importance of halal origins for everything consumed or used, including in worship and charity. For instance, prayers and worship will not be accepted if supported by illegitimate means. Regarding foreign bribery, a form of transnational corruption, these principles emphasize that the impact extends beyond financial or reputational loss to deep spiritual consequences. Bribing foreign officials for business gains undermines integrity and fairness in international relations and conflicts with core Islamic values of honesty, transparency, and halal practices. Therefore, combating corruption and foreign bribery is not only a legal and social demand but also a religious obligation for Muslims to achieve communal well-being and Allah's pleasure. In formulating regulations to prevent and combat foreign bribery in Indonesia, Islamic legal principles can provide a strong moral and ethical foundation.<sup>63</sup> Firstly, the principle of justice in Islam demands fair treatment for all parties, which can be the basis for rules ensuring equality before the law for all individuals and business entities, regardless of status or power. This is relevant to preventing foreign bribery, where regulations must prevent individuals or companies from using their wealth or influence to gain unfair advantages from foreign public officials. Secondly, transparency in every transaction is a core Islamic value, which can prevent foreign bribery. Regulations should emphasize openness in public procurement and international business transactions, implemented through strict reporting systems and independent audits to uncover potential corruption. Thirdly, the concept of halal in Islam, which extends beyond food to actions, can guide that all business activities, including interactions with foreign officials, must be lawful and free from corruption or bribery. Using assets obtained from corruption (*ghulul*) is considered haram and will not bring blessings. Fourthly, Islam stresses accountability and punishment for violators. In the context of foreign bribery, this means those proven to engage in cross-border bribery must face appropriate legal consequences, including criminal sanctions and fines, and return ill-gotten gains. Fifthly, Islam encourages cooperation and solidarity in goodness and piety. In the case of foreign bribery, this translates into strong international cooperation between Indonesia and other countries and international organizations in a joint effort to combat corruption.<sup>64</sup>

In Islam, the principles of justice, transparency, halal practices, accountability, and cooperation are highly emphasized to ensure that every action and transaction is conducted in a rightful and lawful manner. These

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<sup>63</sup> Alam et al.

<sup>64</sup> Alam et al.

principles provide a robust framework for formulating anti-bribery regulations that are not only legally effective but also align with the high moral and ethical standards upheld in Islam. The following is an introduction to the main principles that can be used in formulating anti-bribery regulations:

1. Justice (*Al-Adl*)

Islamic justice demands fair treatment for all, forming the basis for laws ensuring equal legal standing for individuals and entities. This principle is crucial in preventing foreign bribery, where regulations must prevent undue advantages gained through bribery.

2. Transparency (*Al-Mushafah*)

Transparency in transactions, a core Islamic value, helps prevent bribery. Implementing strict reporting systems and independent audits ensures openness in public procurement and international business transactions, reducing corruption opportunities.

3. Halal Practices

Islamic law's emphasis on halal actions extends to all business dealings. Regulations should ensure that interactions with foreign officials are lawful and free from corruption. Assets obtained through corrupt means are considered haram and devoid of blessings.

4. Accountability (*Al-Mas'uliyah*)

Islam stresses the importance of holding violators accountable. In foreign bribery cases, this involves appropriate legal consequences, including sanctions, fines, and the return of illicit gains.

5. Cooperation and Solidarity (*Ta'awun*)

Islamic teachings advocate for cooperation in goodness. International cooperation in anti-corruption efforts aligns with this principle, fostering joint efforts to combat transnational corruption.

Detailed Elaboration on Anti-Bribery Regulation Formulation (Islamic Legal Methodology Approach)

1. *Usul al-Fiqh* (Principles of Islamic Jurisprudence):

- a. *Qiyas* (Analogy): Apply principles from established Islamic rulings to contemporary issues like foreign bribery. For instance, analogizing the prohibition of domestic bribery to international contexts.
- b. *Istihsan* (Juristic Preference): Use juristic preference to address unique bribery cases where strict analogical reasoning might not suffice.

- c. *Maslahah Mursalah* (Public Interest): Formulate regulations prioritizing public interest, emphasizing societal benefits and preventing harm.
2. *Maqasid al-Shariah* (Objectives of Islamic Law):
  - a. Protection of Property (*Hifz al-Mal*): Ensure that regulations protect property from illegal acquisition and misuse, aligning with the *maqasid* principle.
  - b. Preservation of Justice and Fairness: Formulate laws that uphold justice and fairness in all business dealings, particularly in preventing bribery.
3. *Ijtihad* (Independent Reasoning):
  - a. Engage scholars in *ijtihad* to develop context-specific anti-bribery regulations that address modern challenges while adhering to Islamic principles.
  - b. Encourage interdisciplinary collaboration between Islamic jurists, legal experts, and policymakers to create comprehensive and effective anti-bribery laws.
4. *Hudud* and *Ta'zir* Punishments:
  - a. Apply *hudud* (fixed punishments) for clear cases of corruption, as outlined in the Sharia.
  - b. Use *ta'zir* (discretionary punishments) for cases requiring judicial discretion, ensuring proportional and context-appropriate penalties.
5. Educational and Preventive Measures:
  - a. Implement educational programs to raise awareness about the religious and legal implications of bribery.
  - b. Promote ethical business practices rooted in Islamic values to prevent corrupt behaviour.

Islamic teachings offer a robust framework for addressing corruption and foreign bribery, emphasizing justice, transparency, and ethical conduct. By integrating these principles into national regulations, Indonesia can strengthen its legal framework and contribute to global anti-corruption efforts while aligning with the religious values of its Muslim-majority population. The detailed application of Islamic legal methodologies provides a comprehensive approach to formulating anti-bribery regulations, ensuring justice and fairness in both domestic and international contexts.



## Conclusion

This research explores the problems and urgency of eradicating foreign bribery in the context of Indonesian law, taking into account the perspective of Islamic law as a moral and ethical foundation. Indonesia, as a country that has ratified the United Nations Convention against Corruption (UNCAC) and is part of the G20 Anti-Corruption Working Group, has an international commitment to fight corruption, including cross-border bribery. However, the stagnation of Indonesia's Corruption Perception Index (CPI) score in 2023 and the lack of specific regulations governing foreign bribery indicate a gap between these commitments and implementation in the field. From the perspective of Islamic law, the practice of cross-border bribery or foreign bribery is contrary to the principles of justice, transparency, and honesty. Islam strictly prohibits all forms of corruption and bribery (*risywah*), which are considered to undermine the integrity of social and economic systems and harm the rights of individuals or entities entitled to these assets. The application of Islamic values in corruption eradication efforts is not only a legal and social demand but also a religious obligation that every Muslim must fulfill to achieve the welfare of the people and the pleasure of Allah SWT. To address the problem of foreign bribery, Indonesia needs an innovative and effective strategy that is not only oriented towards improving the national legal and policy framework but also integrates the ethical and moral values of Islamic law. This includes strengthening the principle of justice by ensuring equality before the law for all individuals and business entities, increasing transparency in public transactions and international business, and emphasizing accountability and punishment for perpetrators of cross-border bribery. Furthermore, strengthening international cooperation in the fight against corruption, in accordance with the principles of solidarity and cooperation in good that Islam teaches, is also important to increase the effectiveness of efforts to combat transnational corruption. Indonesia can utilize its position in international forums to promote the application of ethical and moral values in the global framework against corruption. In conclusion, combating foreign bribery in Indonesia requires a comprehensive and multidimensional approach that relies not only on improving the legal and policy framework but also on the integration of Islamic ethical and moral values in all aspects of preventing and combating corruption. By applying strong principles of fairness, transparency, and accountability and strengthening international cooperation, Indonesia can enhance its efforts in the fight against corruption and improve the integrity and public trust in government and the business sector, in line with global commitments and the religious values upheld by its people.

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## References

- Akhmad, Akhmad, Zico Junius Fernando, and Papontee Teeraphan. "Unmasking Illicit Enrichment: A Comparative Analysis of Wealth Acquisition Under Indonesian, Thailand and Islamic Law." *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 899–934. <https://doi.org/10.15294/jils.v8i2.69332>.
- Alam, Syariful, Yaris Adhial Fajrin, Sholahuddin Al-Fatih, and Merve Ozkan Borsa. "Islamic Criminal Law Study on The Seizure of Corruptor Assets as an Indonesian's Criminal Sanction in The Future." *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (2022): 143–56. <https://doi.org/10.31958/juris.v21i2.6722>.
- Alarefi, Abdullah Saad. "Overview of Islamic Law." *International Criminal Law Review* 9, no. 4 (January 1, 2009): 707–31. <https://doi.org/10.1163/156753609X12487030862782>.
- Alazzabi, Waled Younes E., Hasri Mustafa, and Ahmed Razman Abdul Latiff. "Corruption and Control From the Perspective of Islam." *Journal of Financial Crime* 27, no. 2 (April 23, 2020): 355–68. <https://doi.org/10.1108/JFC-02-2019-0020/FULL/XML>.
- Andrian Pratama Taher. "Jejak Kasus Emirsyah Satar Di Garuda, Diusut KPK Hingga Kejagung." *Tirto.id*, 2022. <https://tirto.id/jejak-kasus-emirsyah-satar-di-garuda-diusut-kpk-hingga-kejagung-gtsx>.
- Busyro. "Utilizing the Assets Acquired from Illegal Conducts A Study of Fiqh Maqâshid of Yûsuf Al-Qaradlâwî." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 13, no. 2 (2018): 231–53. <https://doi.org/https://doi.org/10.19105/al-lhkam.v13i2.1670>.
- Celvin Moniaga Sipahutar. "Indonesia Ranks Sixth in ASEAN in 2023 Corruption Perception Index." *Jakartaglobe.id*, 2024. <https://jakartaglobe.id/news/indonesia-ranks-sixth-in-asean-in-2023-corruption-perception-index>.
- DalamIslam. "Hukum Korupsi Dalam Islam Dan Dalilnya." *DalamIslam.com*, 2024.

<https://dalamislam.com/hukum-islam/hukum-korupsi-dalam-islam>.

- Dianita, Pujiyono, and Rahmi Dwi Sutanti. "The Criminalization Of Illicit Enrichment in Combating Corruption in Indonesia." *Mabadi: Indonesia Journal of Law* 2, no. 2 (August 28, 2023): 165–74. <https://doi.org/10.32734/MAH.V2I2.13183>.
- Droz, Valentyna, Yuliia Chornous, and Liudmyla Havryliuk. "Cooperation in Countering Corruption as a Condition for National Security: International Legal Framework." In *Proceedings of the International Conference on Business, Accounting, Management, Banking, Economic Security and Legal Regulation Research (BAMBEL 2021)*, 188:160–65. Atlantis Press, 2021. <https://doi.org/10.2991/AEBMR.K.210826.028>.
- Effendi, Erdianto, Zico Junius Fernando, Ariesta Wibisono Anditya, and M Jeffri Arlinandes Chandra. "Trading in Influence (Indonesia): A Critical Study." *Cogent Social Sciences* 9, no. 1 (December 31, 2023): 1–13. <https://doi.org/10.1080/23311886.2023.2231621>.
- Endriana, Muchamad Satria, Yusriadi, Ana Silviana, and Zico Junius Fernando. "Green Financial Crime: Expose About Financial Crime In The Environment And Renewable Energy World." *IOP Conference Series: Earth and Environmental Science* 1270, no. 1 (2023): 1–9. <https://doi.org/10.1088/1755-1315/1270/1/012012>.
- Fakhrizy, Ivan Muhammad. "Combating Corruption: Problems and Challenges in Indonesia." *Law Research Review Quarterly* 7, no. 4 (November 1, 2021): 487–504. <https://doi.org/10.15294/LRRQ.V7I4.48186>.
- Fernando, Zico Junius, Rosmanila, Laily Ratna, Achmad Cholidin, and Bhanu Prakash Nunna. "The Role of Neuroprediction and Artificial Intelligence in the Future of Criminal Procedure Support Science: A New Era in Neuroscience and Criminal Justice." *Yuridika* 38, no. 3 (September 1, 2023): 593–620. <https://doi.org/10.20473/YDK.V38I3.46104>.
- Fika Nurul Ulya et al. "Indeks Persepsi Korupsi Indonesia: Skor Stagnan Di Angka 34 Tahun 2023, Peringkat Turun 5 Poin." Kompas.com, 2024. [https://nasional.kompas.com/read/2024/01/30/14304521/indeks-persepsi-korupsi-indonesia-skor-stagnan-di-angka-34-tahun-2023#google\\_vignette](https://nasional.kompas.com/read/2024/01/30/14304521/indeks-persepsi-korupsi-indonesia-skor-stagnan-di-angka-34-tahun-2023#google_vignette).
- Ginting, Jamin. "Asset Recovery Principles in the United Nations Convention Against Corruption 2003 (UNCAC 2003) to Support Corruption Eradication in Indonesia." *Indonesian Journal of International Law* 8, no. 3 (April 30, 2011): 446–63. <https://doi.org/10.17304/ijil.vol8.3.299>.
- Henderson, J Vernon, and Ari Kuncoro. "Corruption in Indonesia." *NBER Working Paper Series* 10764, no. August (2004): 1–36. <http://www.nber.org/papers/w10674>.
- Herlambang et al. "Kejahatan Memperkaya Diri Sendiri Secara Melawan Hukum (Illicit Enrichment) Dan Aparatur Sipil Negara: Sebuah Kajian Kritis." *RechtsVinding* 11, no. 2 (2022): 247–64. <https://doi.org/http://dx.doi.org/10.33331/rechtsvinding.v11i2>.

- Hiariej, Eddy O.S. “United Nations Convention Against Corruption Dalam Sistem Hukum Indonesia.” *Jurnal Mimbar Hukum* 31, no. 1 (2019): 113–24. <https://doi.org/https://doi.org/10.22146/jmh.43968>.
- Ilham, Muh. “Tackling Corruption in Indonesia: Lessons Learned and Future Directions.” *Journal of Public Representative and Society Provision* 2, no. 3 (December 31, 2022): 83–88. <https://doi.org/10.55885/JPRSP.V2I3.234>.
- Khoirin, Nur, Mahfudz Junaedi, Islam Negeri, and Walisongo Semarang. “Religious Inconsistency on Corruption Behaviour Among Muslim Politicians in Indonesia.” *HTS Teologiese Studies / Theological Studies* 78, no. 1 (June 6, 2022): 9. <https://doi.org/10.4102/HTS.V78I1.7361>.
- kumparanNEWS. “Indeks Persepsi Korupsi Indonesia 2023: Skor Stagnan 34, Peringkat 115.” *Kumparan.com*, 2024. <https://kumparan.com/kumparannews/indeks-persepsi-korupsi-indonesia-2023-skor-stagnan-34-peringkat-115-224ECeQcZGh>.
- Moh. Dani Pratama Huzaini. “Mengenal Instrumen Hukum Anti Suap Asing Yang Berlaku Lintas Batas.” *Hukumonline.com*, 2019. <https://www.hukumonline.com/berita/a/mengenal-instrumen-hukum-anti-suap-asing-yang-berlaku-lintas-batas-lt5d400cf1551cb>.
- Muhammad Aziz Ullah et al. “Bribery A Social Evil: An Islamic Perspective.” *Al-Ajaz Research Journal of Islamic Studies & Humanities* 04, no. 21 (2021): 10–16. [https://doi.org/https://doi.org/10.53575/u2.v5.04.\(21\)10-16](https://doi.org/https://doi.org/10.53575/u2.v5.04.(21)10-16).
- Norbertus Arya Dwiangga Martia. “Emirsyah Satar Accused of Losing the State IDR 9.37 Trillion.” *Kompas.id*, 2023. <https://www.kompas.id/baca/english/2023/09/18/en-bekas-dirut-garuda-emirsyah-satar-didakwa-rugikan-negara-rp-937-triliun>.
- Pahlevi, Farida Sekti. “Strategi Ideal Pemberantasan Korupsi Di Indonesia.” *Al-Syakhsyiyah: Journal of Law & Family Studies* 4, no. 1 (August 8, 2022): 28–44. <https://doi.org/10.21154/Syakhsyiyah.V4I1.4251>.
- Pamungkas, Sekar Langit Jatu, and Kuswardani. “Law on Asset Recovery for Corruption in Indonesia: An Urgent Need.” *Rechtsidee* 9, no. 0 (December 31, 2021): 10.21070/jihr.v9i0.762. <https://doi.org/10.21070/jihr.v9i0.762>.
- Peltier-Rivest, Dominic. “Corruption at Rolls-Royce: Can It Happen Again?” *Journal of Financial Crime* 28, no. 2 (2020): 433–47. <https://doi.org/10.1108/JFC-01-2020-0002/Full/Xml>.
- Radzi Razak. “Corruption Perception Index: Malaysia Records Worst Score in a Decade, but Goes up One Spot.” *Malaymail.com*, 2023. <https://www.malaymail.com/news/malaysia/2023/01/31/corruption-perception-index-malaysia-records-worst-score-in-a-decade-but-goes-up-one-spot/52725>.
- Rampadio, Hamdan, Ana Fauzia, and Fathul Hamdani. “The Urgency of Arrangement Regarding Illicit Enrichment In Indonesia In Order to Eradication of

- Corruption Crimes by Corporations.” *Jurnal Pembaharuan Hukum* 9, no. 2 (August 21, 2022): 225–41. <https://doi.org/10.26532/JPH.V9I2.17625>.
- Reuters. “Former Garuda Indonesia CEO Jailed for Eight Years for Bribery.” Reuters.com, 2020. <https://www.reuters.com/article/idUSKBN22K1Y1/>.
- Sherlock, Stephen. “Combating Corruption in Indonesia? The Ombudsman and the Assets Auditing Commission.” *Bulletin of Indonesian Economic Studies* 38, no. 3 (December 1, 2002): 367–83. <https://doi.org/10.1080/00074910215532>.
- Siregar, Abdurrahman. “The Concept of Property and Ownership in Islam.” *Randwick International of Social Science Journal* 2, no. 4 (October 13, 2021): 341–46. <https://doi.org/10.47175/RISSJ.V2I4.314>.
- Skandiva, Razananda, and Beniharmoni Harefa. “Urgensi Penerapan Foreign Bribery Dalam Konvensi Antikorupsi Di Indonesia.” *Integritas: Jurnal Antikorupsi* 7, no. 2 (April 5, 2021): 245–62. <https://doi.org/10.32697/INTEGRITAS.V7I2.826>.
- Solikin, N. “Reconstruction of Anti-Corruption Education Materials with Islamic Law in Indonesia.” *Italienisch* 11, no. 1 (2021): 220–29. <http://italienisch.nl/index.php/VerlagSauerlander/article/view/89>.
- Tim News. “Indeks Persepsi Korupsi Indonesia Tahun 2023 Stagnan Di Angka 34.” Liputan6.com, 2024.
- Transparency International Indonesia. “Corruption Perceptions Index 2023.” Ti.or.id, 2024. <https://ti.or.id/corruption-perceptions-index-2023/>.
- Villarino, José-Miguel Bello y. “Middle Point, End of the Road or Just the Beginning? Anticorruption Efforts, Failures and Promises at the United Nations.” *Max Planck Yearbook of United Nations Law Online* 25, no. 1 (December 23, 2022): 26–53. [https://doi.org/10.1163/18757413\\_02501004](https://doi.org/10.1163/18757413_02501004).
- Waluyo, Bambang. “Optimalisasi Pemberantasan Korupsi Di Indonesia.” *Jurnal Yuridis* 1, no. 2 (2014): 169–82. <https://doi.org/http://dx.doi.org/10.35586/.v1i2.149>.
- Yuslem, Nawir. “Sharia Contextualisation to Establish The Indonesian Fiqh.” *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 5, no. 2 (November 1, 2020): 202–10. <https://doi.org/10.22373/PETITA.V5I2.96>.
- Zubaedah Hanum et al. “Menkumham Ungkap 4 Tindak Pidana Korupsi Yang Belum Ada Aturannya.” *Mediaindonesia.com*, 2023. <https://mediaindonesia.com/politik-dan-hukum/624297/menkumham-ungkap-4-tindak-pidana-korupsi-yang-belum-ada-aturannya>.

