



Islamic Law View Corruption as A Structured Crime (Case Study Corruption of PKH Social Assistance in Tangerang District)

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Abstract

Islamic law has a point of view in looking at corruption. Corruption is defined as a form of fraudulent practice by humans to get something, Islam has its definition, namely (risywah) something that is given to someone who has the power or position to help everything. Corruption of social assistance The family hope program is carried out by all levels so that it becomes a unity, recipients of bribes, givers of bribes and bribes. The purpose of this research is to see how Islamic law views corruption. This research approach uses qualitative with quantitative methods and primary and secondary data collection and uses literature related to Islamic law and corruption.

Keywords: Islamic Law, PKH Corruption, Risywah.

1. Introduction

Corruption is described as a structured and systematic crime so that it becomes a crime of calculation or calculation, not just a passion. Corruption also causes the inefficiency of the bureaucracy and increases administrative costs in the bureaucracy. If the bureaucracy has been surrounded by corruption in various forms, then the basic principles of a rational, efficient, and quality bureaucracy will never be implemented. The quality of service is definitely very bad and disappoints the public. Only people who have it will get good service because they are able to bribe. This situation can lead to widespread social unrest, social inequality and possibly social anger, which leads to the downfall of the bureaucracy.

Soedarto (2018) provides an explanation related to corruption from a criminal law point of view. He is first, committing a prohibited act, secondly saving something that can harm others, thirdly committing an act that is prohibited. So if someone commits a criminal act of corruption, then he is included in someone who violates religious law and state law, there have been many efforts to eradicate corruption in Indonesia, namely the issuance of Law Number 31 of 1971. Then Law Number 31 of 1999 was issued. From Article 2 to Article 20, corruption is an act of taking people's rights that can harm both people and the state. In addition, it also results in changes in the social conditions of the community which have negative social impacts such as criminal acts which are very disturbing to the community (Bunga et al., 2019).

Islamic law sees corruption as a haram act and has a bad impact on the lives of many people, Islamic law should be used as a guideline for the behavior of criminal acts of corruption, corruption is strictly prohibited because it causes disease for society and the state, as the hadith of the Prophet Muhammad SAW, narrated by Ibnu Abbas Rasulullah SAW said "that we will not go to heaven if we eat food that is haram" the Word of Allah Subhana wataalla in Surah Al-Baqarah Verse 188:

ال ناس اموال من ف ر ي ق ال نأ ك ل و ا ل ا ح ك ا م ال ي ب ه ا و ت د ل و ا ب ال با ط ل ب ي ن ك م ا م و ا ل ك م ت أ ك ل و ا و لا
 □ ت ع ل م و ن و ا ن ت م ب ال ا ث م

So it is not permissible for you to take what belongs to others, by means of kindness and aiming to have what you want, even though you know that property is not ours and you know that action is not allowed according to religion or state and the law is haram/sin. (Amalia, 2016) There are several parts to what is forbidden according to religion. 1) commit acts prohibited by religion. 2) committing an act that is not prohibited by religion with a prohibited purpose. And those who commit an act of corruption especially harming the people there are sanctions or penalties for those who do it, an act of corruption can be punished with applicable penalties regardless of Islamic religious law The sanction that commits the crime of corruption according to Islamic criminal law is a form of treason.

According to the law of Fiqh, someone who has been proven stealing will be severely punished in the form of cutting off his hand as responsibility for his actions, given such sanctions so as not to repeat what they have done (Arifin, 2015). As what has been explained in the Koran, men and women who commit acts of theft in the form of goods or objects belonging to other people, which can be detrimental, can be punished by having their hands cut off as a sanction for what they have done and as punishment. from Allah. And Allah is Mighty, Most Wise. So whoever commits repentance when he has committed a crime of corruption and improves himself, then in fact Allah accepts his repentance "Allah is forgiving, most merciful" (Surat Al-Maidah verse 38).

The corruption eradication commission cannot be separated from the rampant corruption crime, so that by its formation this institution can tackle corruption crimes that have the potential to harm the State's finances. Corruption never brings positive consequences therefore corruption is classified as Extraordinary Crime or external crimes. usual, so extra effort is needed in terms of its restriction (Puspitasari, 2017). With the issuance of Law number 31 of 1999 concerning Sanctions for criminal acts of corruption, starting from article 2 to article 20 then amendments to law Number 20 of 2001 concerning sanctions for criminal acts of corruption, but from the point of view of sanctions law Number 20 of 2001 sanctions are lighter than law No. 31 of 1999 (Rabain, 2014).

To prevent the occurrence of criminal acts of corruption, the government and society must play a role in maintaining the occurrence of criminal acts of corruption because the community is the victim, and society as the scope of the state so that a just and prosperous society is formed. more performance, so that it is useful and successful in efforts to eradicate corruption. (Alhakim & Sopyono, 2019) Based on the principle of equality, the protection authority of the community.

In 2005, a coordination team for corruption eradication (Timtas Tipikor) was formed through Presidential Decree No. 11 of 2005. consisting of the police, the

Attorney General's Office, and the Financial and Development Employee Agency (BPKP), which aims to supervise and coordinate with competent institutions. an institution that is in charge of the main role in corruption eradication, the Financial Supervisory Agency (BPK), the financial transaction analysis reporting center (PPATK) aims to compile financial data for reporting investigators in cases of criminal acts of corruption.

Beginning in 1998 until now Indonesia is experiencing a monetary crisis, poverty is a problem in development which is marked by development and underdevelopment and then increases to inequality. To minimize social problems, the government issued a social assistance program to overcome the economic crisis, in the fields of education, health, difficult job vacancies and the economy of the community (Purwoasri et al., 1996). The hopeful family program was held in 2007 to accelerate poverty reduction called Conditional Cash Transfers (CCT), the government issued social assistance from the Ministry of Social Affairs. To minimize social welfare problems, poverty that has continued to increase over the years, this program seeks to develop a social protection system. towards the poor in Indonesia. This social assistance can be taken every 3 months in various banks that have been determined by the government.

The Family of Hope Program (PKH) is a poverty reduction program and the position of PKH is part of other poverty reduction programs. The Family Hope Program (PKH) provides cash assistance to Very Poor Households (RSTM), if they meet the requirements related to efforts to improve the quality of life in the education and health sectors. The main objective of PKH is to reduce poverty and improve the quality of human resources, especially among the poor. This goal is also an effort to accelerate the achievement of the MDGs targets. In its implementation, PKH has general goals and specific objectives. The general objective is to reduce numbers and break the chain of poverty, improve the quality of human resources, as well as changing the behavior of RTSM which is relatively less welfare improvement. Specifically, the objectives of the PKH (PKH Guidelines 2008, p.12) consist of: 1. Improving the socio-economic conditions of the RTSM; 2. Increasing the educational level of RTSM children; 3. Improve the health and nutritional status of pregnant women, postpartum mothers, and children under 6 years of age from RTSM; 4. Improve access and quality of education and health services, especially for RTSM. PKH targets or beneficiaries are Very Poor Households (RTSM) which have family members consisting of children aged 0-15 years and / or pregnant / postpartum mothers and are in selected locations. Recipients of assistance are mothers or adult women who take care of children in the household concerned because this is so that the fulfillment of this requirement can be carried out effectively. the objectives of the PKH (PKH Guidelines 2008, p.12) consist of: 1. Improving the socio-economic conditions of the RTSM; 2. Increasing the educational level of RTSM children; 3. Improve the health and nutritional status of pregnant women, postpartum mothers, and children under 6 years of age from RTSM; 4. Improve access and quality of education and health services, especially for RTSM. PKH targets or beneficiaries are Very Poor Households (RTSM) which have family members consisting of children aged 0-15 years and / or pregnant/postpartum mothers and are in selected locations. Recipients of assistance are mothers or adult women who take care of children in the

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In the Regulation of the Minister of Social Affairs, the social assistance allocated by the government is Rp. 11.4 trillion. The expected family week aid will be distributed as much as Rp. 1,900,000 per year with a distribution of 4 times a year. Distribution (1) of Rp. 500,000, distribution (2) of Rp. 450,000, distribution to (3) of Rp. 500,000 and distribution (4) of Rp. 450,000, PKH assistance covers several sectors, namely education and health. There are several criteria in determining the distribution of PKH assistance funds, which are absolute requirements conveyed by the government, especially by the Ministry of Social Affairs and those who are entitled to receive social assistance for the Hope Family Week, namely poor families, people who have children under five and have children who are still school.

The purpose of this study is to obtain data on how corruption is committed in Tangerang Regency and how the application of corruption law practices in Tangerang Regency.

2. Approach Method

This study uses a qualitative method to explain as a whole about the problem of corruption in the Tangerang Regency and how the application of criminal law practices in Tangerang Regency, the analysis used is based on literature studies from studies related to the criminal law of corruption.

Data collection methods are techniques used in collecting research data to determine the success or failure of a study. The data collection techniques in this study are as follows:

- a. observation is a step taken by the researcher by observing directly the symptoms in the field, making an observation and the most important thing from this observation stage is taking notes that are considered important so that it makes it easier for researchers to choose the information to be used. in the study.
- b. Interviews or what can be called interviews are the next step in finding information that researchers do in the field, where this step is very important for a researcher, because at this stage the researcher will ask the selected sources.

In qualitative research the main objective of data analysis techniques is to alleviate data and facts that have been found in the field in a form that is easier to understand or the data is summarized and concluded that is easier to interpret, so that the problem relationship is going on in between the research that is being done can be learned easily.

- a. Data reduction
After possessing the data that we collect from the field and getting relevant results, the next task is to understand and summarize more thoroughly which data is very necessary to be processed to the next stage and used as data to be used as material for the next stage.
- b. Presentation of data
After getting the data in the field, you can find out the problems or symptoms in the field, to be used as material for assessment through deliberation so that they are easy to understand, and given in conclusions.
- c. And in the last stage, it can be concluded that problems in the field will be presented in the form of tables and graphs, if the data is deemed sufficient, supported by satisfactory evidence and findings in the field, then a credible conclusion will be obtained.

3. Result and Discussion

Based on the findings in the field, by using the method of observation and interviews directly with the parties involved by evaluating and also analyzing the

data on the findings in the field, it can be concluded that some of the results and also the discussion found, are:

3.1 Islamic Law Viewing Corruption PKH Social Assistance

The problem of corruption that occurs in the district of Tangerang is not serious on the part of the government or from the punishment of corruption and the lack of control in institutions that do not occur in many corruption cases, as a result of the lack of control it will make the growth of the embryo of corruption increasingly develop, which is meant by the lack of control. supervision is here to oversee the behavior of actions that deviate from corruption, and can also be said to be prevention, supervision and prosecution. This means that law enforcers are trusted by the community to uphold the values of truth and justice contained in the law. However, in upholding the law, there is an important side, namely the role of the community which is then called social control (Bunga et al., 2019) Supervision is also carried out in a number of ways, with supervision that is planned or not planned so that there will be seriousness for the community with follow-up actions for criminal penalties of corruption. Then it will make rules that can be obeyed and can prevent violations of criminal acts of corruption.

An example relating to social assistance funds regarding the hopeful family week assistance fund which was pointed out by many parties with these funds was not allocated precisely, the result of this unequal distribution of social assistance resulted in state financial losses, sanctions for those that harm state finances should be brought to trial and are acted fairly as well as possible, starting from cases involving only "ordinary people" to involving large numbers of people, such as what happened in Kabupaten Tangerang where in this case it involved several government agencies to cause several losses including losses to state money, to be precise what happened in the year 2020.

so not all practices of corruption that occur in Indonesia are immediately punishable by death. In Islamic law itself, the death penalty can be applied and also carried out on criminals who can threaten the survival of the wider community and can have a negative impact on the government in power, this act can be categorized as very dangerous for the benefit of the life of the wider community.

Implementation of Islamic Legal Efforts in Preventing corruption of PKH Social Assistance in Tangerang District

The application of legal practice in the government community must provide an example of not committing violations and provide an understanding of who commits a crime, then it will be penalized, so it must provide a view to the community so that those who commit a criminal act are wrong, and should not be done. the government and society must take part in preventing the crime of corruption, which is a crime as an extraordinary crime. The government makes the rules in the criminal law Article 108 paragraph 1 to paragraph 3 Number 8 of 1981, the first point in which all people who see or hear or are victims of criminal acts of corruption are obliged to report to the authorities from the police or institutions take action against criminal acts of corruption. The second point is that every state apparatus who sees criminal behavior is obliged to participate in reporting to the authorities. And the public must make concrete steps to prevent criminal acts of corruption by making it, one of the anti-corruption movements in society. The anti-corruption movement must be

supported by all levels of society such as students, NGOs and the press, both print and electronic media, community leaders, youth, and other mass organizations with the aim of providing prevention and sanctions against criminal acts of corruption (Bunga et al., 2018).

You can feel the impact of the occurrence of corruption is very large, especially from the criminal act of corruption in social assistance in Tangerang Regency, the community is in dire need of social assistance, especially with the current economic downturn. When they can feel the impact, the public is aware by taking serious action in preventing corruption and taking action so that the punishment for the criminal act of corruption is serious.

4. Conclusion

for those who commit corruption crimes and institutions that tackle corruption, they must step in to supervise institutions that are mostly prone to corruption so that there is no misuse of state finances, and so that they are made into binding and firm rules. Corruption laws must also be firm and have a deterrent effect on those who do it, so that there are no more corruption offenses at the top or at the lower level.

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