

THE CULTURE OF CCN IN ISLAMIC PERSPECTIVE

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Abstract: *An honest is an attitude that must be possessed by every human being, especially for every Muslim. Without an honest, it will be difficult to be trusted by the community. Corruption, collusions and nepotism (CCN) is known as KKN in Indonesia. It is an immoral act by abusing an authority based on a form of agreement with close people regardless of quality to get profit. CCN is a form of treason that is very large and is strictly forbidden in Islam, because this act is very dangerous. The purpose of this research was to know the form and punishment explanation of CCN values in islamic perspective. This research focused on the discussion of CCN based on Islamic perspective. The method of this research was qualitative using library research. The data used was the Qur'an and books, papers and journals related to the object of this study. then the data were analyzed using content analysis by using descriptive analytic approach to produce a comprehensive conclusion. The result of this study was the mechanism of punishment from CCN based on Islamic perspective.*

Keywords: *Islamic Law; Corruption, Collusions; Nepotisms*

Introduction

Corruption, Collusion and Nepotism (CCN) in Indonesia has become a dangerous social disease for the survival of the nation in its efforts to realize social justice, prosperity, independence, and even fulfil the basic rights of vulnerable groups of people. Hasbi (2019) said that CCN is one of the crucial issues currently being discussed by the public. Every form used as a means to help the sleaze of truth is forbidden by law. Thus, how the betrayal committed by a leader because of the amount of harm caused. Among them, it can damage the social and state order. Then the question is How if there are state/public officials who commit fraud: such as corruption, manipulation, collusion and other CCN actions? We can see this by uncovering various acts of massive corruption, both in government institutions and in companies. This is really very detrimental to the state, depriving the people's rights and hampering the course of development. And the case illustrates all of us, that it turns out that corruption and collusion crime has been so severe and rampant in our country and it turns out that our nation's morals are damaged. That can be seen in our own environment.

People get along, many are not honest anymore, they are close because there are interests for a moment, if there are no more interests, then intimacy does not exist anymore. In the case of such trade too, many perpetrators are cheating and lying, looking for as much profit as possible even if it has to harm and disappoint others. Likewise, in government, committing corruption is considered normal, abusing one's position and authority is considered not unusual. This CCN can be categorized as a criminal offense because CCN is not only harmful for private interests but also public interests. The above paradigm, the writer wants to explain how Islam views about the perpetrators of CCN.

Literature Review

The abbreviation 'CCN' is a familiar one to Indonesian people. The abbreviation stands for corruption (*korupsi*), collusion (*kolusi*) and nepotism (*nepotisme*) which means corrupt, evil, bad, broken, destructive, cheating. In terms of corruption is a bad deed like being bribed, acts that insult / slander, deviate from chastity and immoral and - much to the dismay of the majority of the Indonesian population - has been an intrinsic part of Indonesian governments. Corruption can be defined as grand, petty and political, depending on the amounts of money lost and the sector where it occurs in society. Fiona (1999) stated that a broad definition of corruption, which can incorporate collusion and nepotism is the misuse of public office for private gain.

Kartono (1983) defines corruption as a behavior of individuals who use the authority and position to extract personal gain, to the detriment of public interest and the state. Dahlia (2016) defined that corruption is one form violation of law, namely acts of abuse of authority, abuse of power and use the opportunity for personal gain or other people. So corruption is one of the symptoms of wear and mismanagement of power for personal gain, mismanagement of the sources of wealth of the country by using the authority and powers of formal (e.g. by reason of the law and force of arms) to enrich themselves. Corruption occurs due to the abuse of authority and positions held by officials or employees for personal gain in the name of personal or family, relatives and friends. CCN is an immoral act by abusing an authority based on a form of agreement with close people regardless of quality.

Myrdal advises prevention of corruption is that arrangements and procedures for administrative decisions concerning individuals and companies more simplified and reinforced, procurement oversight harder, personal discretion in the exercise of power should be reduced as far as possible, staff salaries low must be increased and socioeconomic status improved, more secure, security units including the police must be strengthened, criminal law and the law on corrupt officials can be quickly retrieved². People who bribe officials should be prosecuted as well. Collusion is a non-competitive agreement, usually secretive, between two or more persons or businesses to limit open competition among them. It can involve an agreement among companies to divide the market, to set prices, to limit production or to share private information.

Nepotism is a form of favoritism shown to acquaintances and family members. Nepotism is the act of abusing one's power or official position to offer a job or a favor to a family member while disregarding their merit and qualification.

Method

This study used qualitative method and library approach to obtain representative data by searching, collecting, reading, and analyzing books that are relevant to the research problem. Then it is processed and developed in accordance with the current context but is not independent of the ability of the author. The type of research in writing this paper is qualitative.

Result and Discussion

a. Result

The results of this study show that fraud, such as corruption, manipulation, embezzlement, nepotism regarding what is mandated or betrayed is an act of corruption and the punishment for corruption is forbidden or proscribed. And the law of the world is determined by the *ijtihad* of a judge. In Islamic justice it is included in the scope of the *ta'zir* chapter.

CCN is a very dangerous thing. It is like a cancer that will continue to spread and undermine all parts of the body if not immediately eradicated to its roots. CCN is a form of treason that is very large and is strictly forbidden in Islam, Allah SWT 'says in surah al-Anfal: 27.

يَتَأَيُّهَا الَّذِينَ ءَامَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمْنَنَاتِكُمْ وَأَنْتُمْ
تَعْلَمُونَ

“O you who believe! be not unfaithful to Allah and the Messenger, nor be unfaithful to your trusts while you know”.

In this verse, God forbids doing CCN then remembers the day of reckoning and will be fully rewarded by each person with his actions. The forms of sanctions carried out against violators like this; beginning and publication of fraud (tasyhir), warning of confiscation of assets, exile, imprisonment, caning until the death penalty is related to the weight of his error.

Umar bin Khattab, for example in avoiding CCN, had made a decision requiring state officials to know in advance the amount of his wealth before serving. Then at the end of his position, the official's assets were recalculated. If there is a difference after deducting the salary during his tenure, Umar bin Khattab did not hesitate to take the excess, and handed over to Baitul Mall as belonging to the Muslims. Caliph Umar Bin Khattab also made the decision of banning state officials from conducting business/ trade activities and the like, while ordering them to devote their abilities and minds to serving the benefit of the whole community. Instead, he provides compensation or a decent salary, thus avoiding them from cheating or taking rights from the community and the state because it was forbidden.

b. Discussion

1. The Law of CCN In Indonesia

In Indonesia, CCN is threatened with crime in Crimes Against Public Authority. It listed in Law No. 3, 1971 of the Criminal Code Article 209, 210, 387, 388, 415, 416, 417, 418, 419, 420, 423, 425, 435. These articles explain about CCN happened in the society. CCN includes in these articles because CCN is the same with criminal. If we examine the articles in Indonesian Criminal Code above, it tends to provide a relatively low threat and rule of law. Indonesia criminal code is disastrous not only for women and religious and gender minorities, but for all Indonesians. This is not so strong in reducing the CCN disease. The threat of a heavier sentence (proper) may motivate people to think many times before doing CCN. If we apply the threat of capital punishment and fines of hundreds of millions of rupiah, it will be far more effective than the maximum threat of a lifetime and a maximum fine of thirty million rupiah as in Law No. 3 1971. Moreover, the application of the existing law is still very incompatible or lacking in educating.

Try to think about the effect of the power of intervention obtained from a sentence, like someone who corrupts billions of rupiah, but the sentence is only five or six years and the penalty is thirty million rupiah. So we need a review of the threat of punishment and it's time we apply a reversal of the burden of proof as it applies in certain countries, especially in Malaysia, Singapore and Hong Kong .

2. Prohibition of Betray

Allah SWT has sent down the Qur'an to the Prophet Muhammad. This book contains appropriate demands and accompanied by rights in all its aspects so as to judge between human beings whoever they are with what Allah has revealed, through what Allah has shown you, both that which you have received and that will certainly be you accept and do not be a challenger to the innocent, because of defending the traitors. Allah says in Al-Anfal/8: 58.

وَأَمَّا تَخَافُ مِنْ قَوْمٍ خِيَانَةً فَانْبِذْ إِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِبِينَ ﴿١٠٥﴾

“And if you fear treachery from any people (with whom you have a covenant) then publicly throw their covenant at them. Allah does not love the treacherous”.

In this verse, Allah confirms His hatred of disbelievers who betray. This verse also is as a message to prophet Muhammad to fight those who betrayed the war. So, if you are worried that the people who entered into the agreement will betray and damage the agreement, because you see clear signs that men show him, then close the betrayal door before it happens, by throwing it at them and warning them, that you are not attached to it, and do not pay attention to their business. this, you should do it in a clear manner, without fraud and stealth. The emphasis of this interpretation, that Islam does not allow treason, is not allowed to fight before informing them and canceling the agreement, so that both parties know about it. Allah also states about betray in An-Nisa: 105).

إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ وَلَا تَكُنْ لِلْخَائِبِينَ

خَصِيمًا ﴿١٠٦﴾

“Indeed, We have sent down the Book to you ‘O Prophet’ in truth to judge between people by means of what Allah has shown you. So do not be an advocate for the deceitful”.

Base on the meaning of this surah, we can take the conclusion that this surah An-nisa 105 is addressed to prophet Muhammad. It give a decision if there is a case between a Muslim and a non-Muslim as human being based on the laws revealed and taught by Allah to him. What Allah showed to Muhammad is not limited to showing Muhammad the details of a law. It also stated that betray is opposite with Al-Qur’an. Allah subhanahuwata’ala reveals to him or shown him, and Allah will not give them appologize. The emphasis of this interpretation is that Islam absolutely does not allow betrayal, it is not allowed to fight before telling them and canceling the agreement, so that both parties are equally aware of it.

3. Implementation in life

Humans being as God's creations have been given a significant role and function as caliph in the earth. At the same time, such a position has a logical foundation and gives high respect to its human status. So it is also logical if they are burdened with the mandate identified as the mandate of Allah Almighty, humiliated in the world and in the hereafter when passing the mandate provided a place of hell.

The implementation of the mandate is also a part of the legal provisions that deserve to be obeyed and should be implemented. If we see the law in Indonesia stated in KUHAP Article 209,210, 387, 388, 415, 416, 417, 418, 419, 420, 423, 425, and 435 concerning criminal threats for violators of the mandate which include abusing the position and authority. One of the most crucial discussions on this topic is to remember the word of God written in the Qur'an surah al-A'raf: 96)

وَلَوْ أَنَّ أَهْلَ الْقُرَىٰ ءَامَنُوا وَاتَّقَوْا لَفَتَحْنَا عَلَيْهِم بَرَكَاتٍ مِّنَ السَّمَاءِ وَالْأَرْضِ وَلَٰكِن كَذَّبُوا فَأَخَذْنَاهُم بِمَا كَانُوا يَكْسِبُونَ ﴿٥٨﴾

“And if the people of the towns had believed and feared, then We would surely have opened upon them blessings from heavens and earth but they belied, then We arrested them on account of their doings”.

Based on this verse, it can be concluded that Allah promises to the inhabitants of any land that if they believe, Allah will reveal blessings from heaven and from the earth, and if they are kufr then Allah will punish them with misery in this world and in the hereafter. It means that if the people believe and protect themselves, the people would surely have opened blessings upon them from the heaven and the earth. But they denied, So Allah will be seized them with what they earned with their deeds. The opportunity to get blessing in their own country will give them experience in a good life both materially and spiritually at the same time. Conversely, if the inhabitants of a country does not have faith and piety as the reality that is developing now to obtain something or other things that are served by humans must be rewarded or in terms of bribery religion, this could be one of factors causing the state to not get a country desirable by all people, namely a country that is blessed, peaceful and prosperous in social and state life.

Conclusion

1. Two verses Al-Anfal: 58 and An-nisa: 105), talk about treacherous and must not defend to the wrong person. The greatest form of betrayal is the betrayal of the leader or official. One form is CCN, because it must be eradicated thoroughly and the perpetrators are given the punishment.
2. Threatening and punishment for CCN in Indonesia tends to be ineffective as seen in the Criminal Code articles.
3. Allah hates betrayal in all forms, even though we do it to even infidels. Therefore, if a people have entered into an agreement with the Muslims, then they betrayed them, then convey to them the agreement made has been canceled. The agreement must not cancel the agreement without prior notice.

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