
The Phenomenon and Existence of Corruption in the 5.0 Era: Moral and Ethical Perspectives

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Abstract: This study aims to 1) understand the meaning of corruption from a moral and ethical perspective, 2) find out the causes of people committing corruption, and 3) identify the impacts of corruption in the 5.0 era. Data collection methods using literature research techniques known as normative juridical approaches to literature evaluation are used. Following the moral and ethical basis derived from the Qur'an, Hadith, scientific papers, books, and articles, serve as a source of legal information. The findings of this study lead to the conclusion that corruption according to the moral and ethical perspective that has been discussed in the Qur'an Surah Al-Baqarah Verse 188 is taking the property of others in a vanity and deviant way of moral and ethical rules, and this act is a sin in the view of religions. Corruption has been regulated in the universal laws of all countries in the world, even the rules on combating corruption decide the harshest punishment is death, life imprisonment, or imprisonment according to the size of the property confiscated. Whereas in Islamic law perpetrators of corruption can be punished with chopping off hands or life imprisonment or ta'zir punishment (after the amount of property corrupted).

Keywords: corruption, phenomenon and existence, morals and ethics, era. 5.0, punishment.

INTRODUCTION

The phenomenon of corruption that occurs in Indonesia today, has always been a hot issue to discuss. One of the things that has always been the main topic in connection with the law enforcement process is the eradication of corruption. Responding to this phenomenon, the government has always made the phrase eradicating corruption the main agenda of its activities. the phenomenon of Indonesian corruption is already in a very severe position and is deeply rooted in every aspect of life. The development of corrupt practices from year to year is increasing, both in the quantity or amount of state financial losses and in terms of quality that is increasingly systematic, and sophisticated and its scope has expanded in all aspects of society [1].

The increase in uncontrolled corruption will bring disaster, not only to the life of the national economy but also to the life of the nation and state in general. The rise of corruption cases in Indonesia no longer knows the boundaries of who, why, and how. Not only stakeholders and interests who commit criminal acts of corruption, both in the public and private sectors, but corruption has become a phenomenon. As a state of law, Indonesia has certainly made various efforts, both preventive and repressive [2].

But on the ground, no matter how severe the punishment imposed by the state through its law enforcement officials against perpetrators of corruption crimes and no matter how much preventive efforts are made, such as the promotion of anti-corruption seminars, anti-corruption education, and the like, it is still not enough to reduce and stop such corrupt behaviour. The laws on corruption and its penalties that are still in force in Indonesia are Law Number 31 of 1999 and Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption [3].

Article 2 of Law No. 31 of 1999. This article regulates the type of unlawful crime in the form of enriching oneself or other people or corporations. This act of self-enrichment is carried out in a way that harms the state or the country's economy. Anyone who commits this act will be imprisoned with three options:

1. Life imprisonment,
2. Imprisonment for a minimum of 4 (four) years,
3. Imprisonment for a maximum of 20 (twenty) years.

In addition, the choice of punishment is a fine. The amount of the fine to be submitted is at least two hundred million rupiah (Rp 200,000,000) or a maximum fine of one billion rupiah (1,000,000,000) [4].

METHODOLOGY

This research uses the Library Research type method, which is data collection by examining several literature using the normative juridical approach method. Legal materials are obtained from the Qur'an, Hadith, and Indonesian translation books, as well as related scientific works, books, and articles [5]–[7].

The research approach used is qualitative descriptive research. Then the data from the writing is analyzed about the phenomenon and existence of corruption in the 5.0 era from the perspective of Islamic law and thought scientifically to obtain true, logical, clear and accurate data [8]–[10].

RESULTS AND DISCUSSION

The phenomenon of corruption that occurs in Indonesia today, has always been a hot issue to discuss. One of the things that has always been the main topic in connection with the law enforcement process is the eradication of corruption. Responding to this phenomenon, the government has always made the phrase eradicating corruption the main agenda of its activities. the phenomenon of Indonesian corruption is already in a very severe position and is deeply rooted in every aspect of life [11].

Corruption cases continue to increase from year to year, this makes corruption a phenomenon that has its existence, but this existence leads to damage to the state and society, both from the quantity or amount of state financial losses and in terms of quality that is increasingly systematic, sophisticated and its scope has expanded in all aspects of society. The increase in uncontrolled corruption will bring disaster, not only to the life of the national economy but also to the life of the nation and state in general [12].

Etymologically, corruption comes from the word corrupt which means bad, corrupt and rotten, corrupt also means it can be bribed through power for personal gain. Corruption is also mentioned from the Latin corrupter and corruption which means bribery and corruption which

means to destroy. This term is then used in various foreign languages such as English to be corruption or corrupt, Dutch for corruption or corruption and in Indonesia for corruption. In modern Arabic dictionaries, the word corruption is translated as façade or ifsad [13].

According to Mahmud Muhammad in terms, a façade is: Any crime and violation that is contrary to Islamic law, its purpose, and its application is called a façade. Departing from this understanding also pay attention to the understanding of corruption put forward by experts, in principle there is no difference between the understanding of Sharia and other understandings of corruption in essence the existence of a harmed public interest, which is carried out by the public officer on his authority as a servant of the interests of the people. Because where there is a benefit there is the sharia of Allah.

Samuel Huntington in his book Political Order in Changing Societies Defined corruption as the behavior of public official with deviates from accepted norms to serve private ends.

The definition of corruption above identifies the deviation of public employees from the norms accepted and adopted by the community to obtain private benefits (serve private ends). In line with Azyumardi Azra, he quoted The abuse of public or private office for personal gain. corruption involves behaviour on the part of officials in the public and private sector, in which they improperly and unlawfully enrich themselves and/or those close to them, or include others to do so, by misusing the position in which they are placed [8]–[10].

Abuse of public or private office for personal gain A more comprehensive definition would be as follows: Corruption includes the conduct of public and private sector employees, where they improperly and unlawfully enrich themselves and/or those close to them, or persuade others to do so, by abusing the position in which they are placed [17]–[19].

From the definition above, there are elements inherent in corruption: first, the act of taking, hiding, or embezzling state or community property, second against legal norms that are valid and applicable, third, abuse of power or authority or trust that exists in him, fourth, for the benefit of oneself, family, relatives, corporations or institutions, fifth, harming other parties, either society or state. Fraud, embezzlement and filthy means of obtaining wealth are expressly forbidden in Islam as sins, even though you know. (Q.S. Al-Baqarah: 188).

Corruption is a forbidden act whose law is haram. To determine corruption as a jarimah requires ijtihad in the source of Islamic law either in the Quran, Al-Sunnah, Ijma' and Qiyas as sources of law agreed by scholars or from sources of law that scholars still disagree as sources of Islamic law such as istishab, istislah, urf and others. Ijtihad in determining corruption as a criminal act does not stop at establishing corruption as an act whose law is haram.

However, it must also be determined whether the punishment given to perpetrators of corruption in Islamic law, as well as the severity and lightness of the punishment given. Corruptive practices in Islamic law or criminal law have existed since the time of the Holy Prophets. It's just that when viewed from the practice taken by the prophet, it is more dominant in the aspect of moral formation. This means that the prophet did not treat corrupt practices in the realm of jarimah (criminalization) [20]–[22].

Islamic Moral Perspectives

Corruption is a historical event. It is a disease that cannot live together in the system. Corruption is deviating from a mutually agreed upon system. Corruption is not just about theft. Theft only affects economic problems, but corruption has a holistic impact. If corruption exists in a system of government, then all aspects of national and state life in that government will also be damaged. The Qur'anic proposition Surah Al-Baqarah Verse 188 forbids corruption in Islam.

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

Meaning: Do not eat the treasures among you in a vanity way, and (do not) take them to the judges with the intention that you can eat some of the other people's treasures by sin when you know.

In the lexical concept of Islam, corruption has many terms. Among the most popular terms for corruption are al-rishwah, al-suht, and al-ghûl. However, these three terms are technical terms to describe the kinds of misappropriation commonly committed by humans. The term itself is essentially a tool for Muslims to remain focused on the philosophical message of justice. Islam is a religion of justice, on the contrary, strongly fights injustice. Corruption is misappropriation that directly challenges the enforcement of justice [23], [24].

Associated with corruption, Islam and rahmatan lil al-'âlamîn are explanations that corruption is a jâhiliyah behaviour that must be resolved. Islam teaches that oppression, arbitrariness, and abuse are attitudes of life that can hurt other human beings. Islam does not like such irresponsible attitudes, so it has adopted almost all of its teachings to eradicate these attitudes. The goal is for all mankind to live well, dignified and happy. Islam is a way out of oppression, injustice, and feelings of unhappiness [25], [26].

The next question is, what is the measure and indication that this concept of grace li lal-'âlamîn is considered to work? First, that society, especially Muslims, is well educated. Islam is an educational activity, if this activity is carried out well, then it will produce good output. If Islam is led in a distorted way, then it will produce another deviation that is even further away from the ideals of Rahmat lil al-'âlamîn.

Islam, education and an educated Muslim society are the first trilogy that can be a benchmark for whether the concept of Rahmat lil al-'âlamîn might be realized or not.

Second, the enforcement of social justice. A well-educated society will find it easier to carry out the mandate of justice. On the contrary, justice will be difficult to take place in an uneducated society. Of course, the achievement of a life of justice is not only theory and cognitive education. Justice is knowledge and at the same time commitment to implementation. Justice is central to social virtue [27], [28].

In the Qur'an, the concept of justice can be found in many Surahs and Verses. One of them is in QS. al-Nahl: 90, where this verse is so popular that it is almost always mentioned as the conclusion of the Friday sermon. This verse contains affirmations and commandments for the establishment of justice and good works. This verse cries out

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ
يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

"Verily Allah commands to do justice and do good, to give to the kindred, and God forbids from wickedness, evil and enmity. He taught you so that you might learn lessons."

From this verse, it is mandated that fair and virtuous is the antithesis of corrupt behaviour. The principles of justice and virtue are capable of preventing deviant behaviour from occurring. Fair means discipline to put everything where it should be. Fairness, honesty, and wisdom are a whole package to be able to be a measure of judging a society. A society that does not prioritize discipline in justice will not be able to eradicate corruption. Because the essence of misappropriation is indiscipline.

Third, by creating benefits. This third principle is the principle of social medicine in Islam. Social healing means building something better than the original sick and slumped condition. The creation of benefit is to invent and innovate a balanced situation amid society so that people can live in a supportive climate for good.

Ibn al-Qayyim al-Jawzî even concluded that benefit is a substantial basis for law in Islam. The spirit of benefit is the spirit to realize the universal good for humanity, which includes justice, mercy, and wisdom. In addition to calling for the principle of justice, here are the

hadîts that also explicitly mobilize Muslims to stay away from some things. Staying away from some things means advocating to do the opposite [29], [30].

As explained above, these include bribery or gratification (al-rishwah or al-suht) and hiding something that is not rightfully his/her (al-ghûl). Among the most popular is the concept of rishwah or bribery. Bribery is giving something to the party who has the authority to use his authority following the interests of the gift-giving party. Between giver and receiver gets attention and threats in Islamic teachings [31].

Al-suht is a psychological situation in the way of working and in the way of earning a living that is rash and careless. Work that only focuses on results and does not care about the cleanliness of sources of income is also corruption. Islam educates its adherents to always maintain the cleanliness of work and its results [32].

Furthermore, al-ghûl is the focus of out-of-place budgeting. Al-ghûl is a structural egoism that deprives others of their rights by exploiting their position by mobilizing the budget. Budget allotments are exploited to benefit the position of the perpetrator even if it comes at the expense of the interests of others' livelihoods [33].

Correlation of Corruption with Theft

On the one hand, corruption and theft have something in common, namely both have elements of taking property illegally. But on the other hand, corrupt practices are much more complex than theft. Here are the differences between the two:

1. Theft must be done clandestinely, but corruption can be done blatantly.
2. Theft is not always related to the trust of the owner of the property to the thief, while corruption must be related to public trust.
3. Stolen property is generally property that is under the control of others, while corrupted property is generally under the power of the corruptor [34], [35].

Stolen property can be private property or public property, while corrupted property must be public property. Although the two have fundamental differences, Islamic law forbids both acts. Allah Almighty says in Q.S al-Nisa's (4): 29 "O believers, do not eat one another's property in a vanity way, except by the way of consensual business among you. and slay yourselves not; Verily Allah is merciful to you".

Correlation of Corruption with Bribery

Corruption is also closely related to bribery. In Islamic legal terms, bribery in Indonesian equated with risywah, even though there is a difference between the two. Bribery is juridically defined as an act in the form of giving or promising something to a public servant or state administrator with the intention that the civil servant or organizer does or does not do something, which is contrary to his obligations. It is said to be bribery if the act is done bottom-up (from bottom to top) from the people to officials or from subordinate officials to superior officials [36], [37].

Correlation of Corruption with Embezzlement

In terms of embezzlement of property, corruption is closely related to the term "ghulûl" in Islamic law. The concept of ghulûl in Islamic law means "betrayal of the trust that should be kept". As Allah says in Q.S Al-Imrân (3): 16

A prophet cannot betray the spoils of war. Whoever betrays the spoils of war will come on the Day of Judgment with what he has betrayed, and each will be rewarded for what he did with proper retribution, while they are not persecuted.

In addition, when referring to the elements of corruption, the concept of ghulûl satisfies all these elements;

1. Both of them have the intention of enriching themselves

2. Both have a detrimental impact on others and the wealth of the country
3. Both occur because of abuse of power
4. Both are unlawful and damage the legal system and morals of society.

Correlation of Corruption with Robbery

Robbery or *hirâbah* is an act that damages the order of people's lives. Likewise with corruption, which damages all areas of people's lives, both in the fields of education, health, economy and so on. Hierarchism and corruption both threaten the lives and property of many people and destroy various lines of life, such as environmental damage, poor quality of public services, and weak law enforcement. However, the impact of corruption is still broader than that of *hirâbah*, for example;

The lives threatened by acts of corruption are more numerous than *hirâbah*. Because *hirâbah* is generally only life-threatening. Meanwhile, corruption is more widespread because of the large amount of misappropriation of funds [38].

The wealth taken through corruption is greater than the *hirâbah*. In *hirâbah*, the property taken is small in nominal, but in the crime of corruption, the nominal amount of property taken is large amounts up to hundreds of milyar or even trillions of rupiah.

The impact of corruption is far more massive than the *hirâbah*. Sweeping the budget of highways, bridges, and public buildings such as education, health or sports buildings, results in low-quality facilities. The result is poor quality in public services [23], [39], [40].

The Bad Impact of Corruption in the 5.0 Era

1. Corruption slows economic growth. Corruption Perceptions Index data by Transparency International shows that developed countries have low levels of corruption. While in developing countries, the level of corruption is very high. The data shows corruption is correlated with low economic growth rates, GDP per capita, economic inequality, and development, corruption is rife in the licensing sector to the procurement of goods and services. Entrepreneurs in these countries use their money and connections to bribe permits and manipulate policies, and market mechanisms.
2. Corruption lowers the level of investment. Citing the book "Business Integrity Module - Social Impact of Corruption", various studies show that corruption can reduce the level of investment of a country, especially foreign direct investment (FDI) or direct investment from abroad. This condition occurs when foreign investors tend to invest in countries with low levels of corruption. They assume that investment in a corrupt country will lead to high transaction costs due to fees and bribes. As a result, their profits in the country will not be maximized. Investors who enter the country also tend to be corrupt. This type of investor usually produces products that are not of high quality but can continue to operate because they are willing to give bribes. Paolo Mauro in his 1995 journal pointed to empirical evidence that corruption lowers the ratio of investment to GDP, and causes a drop in investment levels and economic growth.
3. Corruption Reduces the Quality of Facilities and Infrastructure. The budget determination that is manipulated for its interests and groups can cause the low quality of a country's facilities and infrastructure. This happens because corruption by state administrators has led to the reallocation of resources. About the economy, this reallocation leads to inappropriate budget distribution. The infrastructure development budget for the advancement of the economy finally did not get the appropriate portion. Not to mention if you add the infrastructure budget it is corrupted. Already the budget is lacking, circumscribed also by the unscrupulous. As a result, the infrastructure built will be of low quality.
4. Corruption creates income inequality. Various studies show the level of corruption has an impact on income inequality as measured based on the Gini ratio. This happens because the rich have more influence and opportunity to take bribes than the poor. Bribes they do to

maintain status and increase the wealth of themselves and companies. Meanwhile, the poor will be increasingly destitute because they are squeezed by corrupt state organizers in various walks of life, even for public services that are supposed to be cheap or even free. Wealthy people in the corruption-ridden country have also used their influence to win tenders for government projects. As a result, there is no equal distribution of community income from these projects, in addition to causing poor infrastructure quality.

5. Corruption creates poverty. The various effects of corruption on the economy ultimately boil down to one thing: poverty. Corruption itself does not directly create poverty. But as described above, corruption has weakened the economy, closed jobs, and income inequality which ultimately created poverty.
6. Corruption closes opportunities for the poor to improve their lives. They mostly lack the influence and money to manipulate policy or take advantage of the chaos of licensing and public services in a country. Finally, wealth belongs to only a few people who have money and power. State administrators or corrupt parliamentarians who are supposed to prosper the people instead use power to enrich themselves. As a result, the rich get richer, and the poor collapse more [\[41\]](#), [\[42\]](#).

Factors Causing Corruption

One of the Muslim scholars, 'Abd al-Rahman Ibn Khaldûn, was known as an honest and fair judge who sought to fight corruption and bribery in his neighbourhood. But his efforts failed and instead, he was fired from his position. In his view, the main cause of widespread corruption is a luxurious lifestyle [\[43\]](#), [\[44\]](#).

This was further confirmed by B. Soedarso as quoted by Jur. Andi Hamzah stated that one of the reasons that are often associated with corrupt behaviour is the low salaries of officers while needs continue to increase. However, he realized that the lack of salary is not an absolute cause, in reality, many well-off people are corrupt. Other external factors influence each other to cause corrupt behaviour, such as the political interests of related officials to gain and maintain their power [\[45\]](#).

Ansari Yamamah also argues that if the materialistic and consumptive tendencies of society and the political system are still high-cost, then it forces money games and corruption. In detail, Syed Hussein Alatas lays out the following causes of corruption: lack or weakness of leadership in key positions; teaching weaknesses in religious and ethical teaching; colonialism; lack of education; poverty; the absence of harsh punishments; scarcity of fertile environment for anti-corruption behaviour; government structure; radical changes; and the state of society.

In addition to the factors mentioned above, there is still another factor that increasingly exists in corruption behaviour, namely nepotism. The culture of prioritizing personal or group interests above public interests, contributes to strengthening corruption dynasties, especially within the bureaucracy. As long as nepotism is only based on strengthening one's ruling dynasty, then the path of corruption will be wide open [\[46\]](#).

Sanctions for Corruptors

To deter the corrupt, everyone agrees that they (pen. corruptor) are given the maximum legal sanctions, either in the form of social sanctions or actions, as well as imprisonment and heavy fines. This is considering the impact of corruption which is very detrimental and dangerous for the survival of a nation. As a result of corruption, poverty, tyranny, and injustice, as well as the destruction of morality in various aspects of people's lives, it reaches the peak of its depravity.

All concepts of crime related to property, such as theft (sariqah), embezzlement (ghulûl), bribery (risywah), and robbery (hirâbah); can be used to crack down on the corrupt.

However, it is necessary to consider things that can be used as a basis for determining the severity and lightness of the penalty sanction. At the level of sariqah and hirâbah, the sanction

applied in Islamic law is the punishment of hudūd. While the concepts of ghuḥlūl and risywah, both apply the sanction of ta'zir [47]–[49].

CONCLUSION

From the explanation above, it can be concluded that morals are part of ethics and religion which are very sensitive to corruption issues. Islamic morals based on the Qur'an and the Hadith have clearly explained, warned, and described punishments regarding the dangers of corruption and its implications for mankind. Islamic morals unequivocally state part of ethics and religion which is anti-corruption. In Islamic moral studies, corruption is closer to ghuḥlūl and risywah than to sariqah and hirābah. Corruption can occur not only from one kind of factor but from a variety of very complicated factors because in practice it usually involves experts, and professionals, who tend to look for opportunities for corruption. So the heaviest sanctions as a form of deterrence against corruptors are a must, considering the impact caused by corrupt behaviour is very broad and massive. In addition, for everyone to avoid corrupt behaviour, two efforts are needed, namely repressive efforts through penal channels and preventive efforts through non-penal channels. The penal path against corruptors can be done by giving criminal sanctions that vary according to how much property is corrupted and how often the frequency of corruption is carried out by the person. The non-penal path can be done with a variety of social activities that lead to the growth of public awareness to hate corrupt behaviour.

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Author Contribution

All authors contributed equally to this paper's main contributor, read and approved the final paper, and declared no conflict of interest.

Conflicts of Interest

All authors declare no conflict of interest.

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