Interdisciplinary Explorations in Research Journal (IERJ)
Vol. 4, Number 3 (Sept-Dec, 2026), pp. 942-959
E-ISSN: 3032-1069

Restorative Justice in the Handling of Corruption Crimes from the Perspective of Islamic Law and Its Relevance to Jampidsus Circular Letter No. B-1113/F/Fd.1/05/2010

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Received 03-09-2026| Received in revised form 29-09-2026 | Accepted 23-10-2026

Abstract
Background: The use of restorative justice in corruption cases remains contested. Attorney General's Circular (SE JAMPIDSUS) No. B-1113/F/Fd.1/05/2010 permits prosecutors to forgo low-value cases once the losses are repaid, yet Article 4 of the Anti-Corruption Law states that restitution does not extinguish criminal liability. Inconsistent practice undermines equality before the law, while studies from an Islamic legal perspective are still scarce. Objective: This article examines how Islamic law constructs the handling of corruption, identifies how restorative justice is applied in corruption cases, and assesses its relevance to the circular. Methods: This normative-doctrinal legal study adopts a qualitative design with conceptual and statutory approaches. Primary, secondary, and tertiary legal materials were gathered through library research and analyzed using grammatical, systematic, and teleological interpretation within the framework of maqāṣid al-sharī'ah. Results: Corruption falls under jarīmah ta'zīr. The circular specifies no threshold for minor losses, no offender criteria, and no oversight mechanism, so the reviewed rulings treat restitution merely as a mitigating factor. Discussion: The relevance of Islamic law is conditional, since procedural efficiency (ḥājiyyāt) cannot override the protection of public wealth (ḍarūriyyāt). The study proposes a limited and selective restorative justice model that combines full restitution, ta'zīr sanctions, and supervised prosecutorial discretion.
Keywords: *Corruption; Islamic Law; Maqāṣid al-Sharī'ah; Restorative Justice; Ta'zīr*

Abstrak
Latar belakang: Penerapan restorative justice pada perkara korupsi masih diperdebatkan. SE JAMPIDSUS No. B-1113/F/Fd.1/05/2010 membuka peluang tidak menindaklanjuti perkara bernilai kecil yang kerugiannya dikembalikan, padahal Pasal 4 UU Tipikor menegaskan bahwa pengembalian tidak menghapus pemidanaan. Praktik yang tidak seragam mengusik asas equality before the law, sementara kajian dari perspektif hukum Islam masih terbatas. Tujuan: Artikel ini menganalisis konstruksi penanganan korupsi dalam hukum Islam, mengidentifikasi penerapan restorative justice pada perkara korupsi, serta menilai relevansinya terhadap surat edaran tersebut. Metode: Penelitian ini menggunakan metode hukum normatif-doktrinal dengan pendekatan kualitatif, konseptual, dan perundang-undangan. Bahan hukum primer, sekunder, dan tersier dihimpun melalui studi kepustakaan, lalu dianalisis dengan penafsiran gramatikal, sistematis, dan teleologis serta kerangka maqāṣid al-syarī'ah. Hasil: Korupsi tergolong jarīmah ta'zīr. Surat edaran tidak memuat batas kerugian kecil, kriteria pelaku, maupun mekanisme pengawasan, sehingga putusan yang dikaji hanya

memperlakukan pengembalian kerugian sebagai faktor yang meringankan. Pembahasan: Relevansi hukum Islam bersifat bersyarat karena efisiensi perkara (ḥājiyyāt) tidak boleh mengorbankan perlindungan harta publik (ḍarūriyyāt). Penelitian ini merumuskan model restorative justice terbatas dan selektif yang menggabungkan pengembalian kerugian penuh, sanksi ta'zīr, serta diskresi penuntutan yang terawasi.
Kata kunci: Hukum Islam; Korupsi; Maqāṣid al-Syarī'ah; Restorative Justice; Ta'zīr

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INTRODUCTION

Corruption in Indonesia is categorized as *an extraordinary crime* because it damages the joints of law, democracy, and public welfare.[1] Transparency International defines it as *the abuse of entrusted power for private gain*, namely the abuse of trust for personal gain.[2] Klitgaard explained that the opportunity for corruption increases when monopoly and discretion are not balanced by accountability.[3] In Islamic law, similar substances are prohibited through the concepts *of risywah*, *ghulūl*, and the prohibition of eating property illegally. [4] Ibn Kathīr interprets QS. Al-Baqarah: 188 as a prohibition against using legal channels to legalize the confiscation of other people's property.[5] Contemporary studies also place religious values and moral integrity as the foundation for the prevention of corruption.[6][7][8]

On the other hand, *restorative justice* is understood as an approach that prioritizes the recovery of losses and responsibility of the perpetrator rather than mere

[1] Todung Mulya Lubis, "Corruption in Indonesia: Causes, Consequences, and Solutions," *Jakarta: LP3ES*, 2020.

[2] Transparency International, "Corruption Perceptions Index 2022," *Berlin: Transparency International*, 2022, https://worldjusticeproject.org/news/taking-stock-corruption-us-and-worldwide-ti's-corruption-perceptions-index?gad_source=1&gad_campaignid=24262756295&gbraid=0AAAAA-TYemuxnM7MyUSWhKTDC1_AilQ9S&gclid=EAIaIQobChMIkdvI57nPlwMVeppmAh2l-yzGEAAYASAAEgLMu_D_BwE.

[3] R Klitgaard, "Controlling Corruption," in *University of California Press*, 1988, https://books.google.co.id/books?id=8V71EAAAQBAJ.

[4] Wahbah Al-Zuḥaylī, "Al-Fiqh Al-Islāmī Wa Adillatuhu," *Juz 6. Damascus: Dār Al-Fikr*, 1985.

[5] Ibn Katsir, "Tafsir Al-Qur'an Al-'Azim," *Beirut: Dar Al-Kutub Al-'Ilmiyyah Volume 2*, 1999.

[6] Irham and Sansan Ziaul Haq, "Islam And Anti-Corruption: Development Of Anti-Corruption Education Materials From A Religious Perspective," *Paradigm* 22, no. 2 (2025): 513–36, https://doi.org/10.33558/paradigma.v22i2.10762.

[7] Mevliyar Er, "Corruption from the Islamic Perspective: Some Recommendations for the MENA Region," *International Journal of Islamic and Middle Eastern Finance and Management* 1, no. 1 (2008): 31–51, https://doi.org/10.1108/17538390810864241.

[8] Nur Khoirin and Mahfudz Junaedi, "Religious Inconsistency on Corruption Behaviour among Muslim Politicians in Indonesia," *HTS Theological Studies* 78, no. 1 (2022): 7361, https://doi.org/10.4102/hts.v78i1.7358.

retribution.[910] Braithwaite views it as substantive justice that does not negate the preventive function.[11] Its application to corruption cases has sparked debate. Some researchers consider it to be in line with the principles of simple, fast, and low-cost justice.[12] Other researchers warn of the weak regulatory foundation and the risk of reduced deterrent effects.[1314]

The policy foothold of this approach is SE JAMPIDSUS No. B-1113/F/Fd.1/05/2010. The circular prioritizes *big fish* and *still going on* cases, and opens up opportunities not to follow up on cases of small value whose losses are returned.[15] The problem is, Article 4 of Law No. 31 of 1999 jo. Law No. 20 of 2001 emphasizes that the return of state losses does not remove the criminalization of perpetrators, while the circular does not set a threshold of "small losses". As a result, the practice is not uniform. The case of the Trikora Monument in Ambon, with a project value of IDR 897,479,800, was stopped after the losses were returned.[16] On the other hand, the perpetrators of the corruption of the Raudhatul Athfal teacher scholarship in Mataram were still sentenced to one year in prison even though they had returned IDR 6 million.[17] This disparity disturbs the principle of *equality before the law*, which in Islam is in line with the principle of justice without distinguishing social status.[18]

In terms of Islamic law, *maqāṣid al-syarī'ah* provides a framework for assessing a

[9] Howard Zehr, "The Little Book of Restorative Justice: Revised and Updated," in *Simon and Schuster*, 2015.

[10] Tony F Marshall, "Restorative Justice: An Overview," *Home Office, London*, 1999.

[11] John Braithwaite, "Restorative Justice and Responsive Regulation," in *Oxford University Press*, vol. 10, 2002.

[12] Aksan Akbar, La Ode Awal Sakti, and Faisal Herisetiawan Jafar, "The Application of Restorative Justice in Corruption Cases as a Form of Simple, Fast, and Low Cost Justice," *Journal of Ius Constituendum* 8, no. 2 (2023), https://doi.org/10.26623/jic.v8i2.6822.

[13] Wawan Prasetyo, "Reconstruction of State Loss Reimbursement Regulations on Corruption Crimes through Penal Mediation Policy Based on Pancasila Justice," in *Sultan Agung Islamic University (Indonesia)*, 2024, https://repository.unissula.ac.id/33453/.

[14] Ida Made Oka Wijaya, "Restorative Justice in a Progressive Law Review: Existence and Implications," *Empowered Indonesia* 3, no. 3 (2022): 707–18, https://ukinstitute.org/journals/ib/article/view/297.

[15] Gomgom Damanik, "Legal Analysis of the Attorney General's Circular Letter No. B-1113/F/FD. 1/05-2010 concerning the Handling of Corruption Criminal Cases Prioritized in Big Fish Cases and Still Going On Reviewed from Article 4 of Law Number 31 of 1999 concerning Tin," in *Bangka Belitung University*, 2018, https://repository.ubb.ac.id/id/eprint/2373/.

[16] Siwalimanews, "Strong Evidence, Corruption of the Trikora Monument Project Must Be Completed," 2020, https://siwalima.co/berita/bukti-kuat-korupsi-proyek-tugu-trikora-harus-tuntas.

[17] Radar Lombok, "Corruption of Rp 6 Million, Jailed for 1 Year," *Radarlombok.Co.Id*, 2017, https://radarlombok.co.id/korupsi-rp-6-juta-dipenjara-1-tahun.html.

[18] Mahir Amin, "The Concept of Justice in the Perspective of Islamic Legal Philosophy," *Al-Daulah: Journal of Islamic Law and Jurisprudence* 4, no. 02 (2014): 322–43, https://jurnalfsh.uinsa.ac.id/index.php/aldaulah/article/view/60.

policy through the protection *of ḥifẓ al-māl* and the public good.[1920] The principle *of 'afw* (forgiveness) is also known in the restorative system.[21] However, previous studies generally rely on positive or general criminal law. [22] There has been no study that has tested the circular with the framework *of maqāṣid*, *ta'zīr*, and *shari'iyyah siyāsah*. This gap is what is the *research gap* of this article.

This research is normative-qualitative, so it does not test statistical hypotheses. The proposed work proposition is that *restorative justice* in corruption cases can only be justified in sharia if it is limited and selective, with full and continuous state losses returned accompanied by sanctions that maintain a deterrent effect. Based on this description, this article aims to: (1) analyze the construction of handling corruption crimes in Islamic law; (2) identify the application of *restorative justice* in handling corruption cases; and (3) analyze the relevance of Islamic law to the application of *restorative justice*, especially in relation to SE JAMPIDSUS No. B-1113/F/Fd.1/05/2010.

METHODS

This research is a normative-doctrinal legal research with a qualitative approach, which places norms, principles, and doctrines as the focus of the study.[23] The object of the research is the regulation and practice of applying the principle *of restorative justice* in cases of corruption, with JAMPIDSUS Circular Letter No. B-1113/F/Fd.1/05/2010 as the main target. Because it does not involve human respondents, the subject of the research is in the form of legal material, which is the source from which the data originated. Primary legal materials include the Qur'an (QS. Al-Baqarah [2]: 188 and QS. An-Nisa [4]: 58), hadith, Law No. 31 of 1999 jo. Law No. 20 of 2001, the Criminal Code, the Prosecutor's Office, the circular, and the elected corruption decision. Secondary legal materials include the book *of jurisprudence, maqāṣid al-syarī'ah literature*, criminal law books, journal articles, and the results of previous research. Tertiary legal materials are in the form of dictionaries and legal encyclopedias. Data collection uses library *research* followed by documentation, with a selection of sources

[19] Abu Isḥāq Al-Shāṭibī, "Al-Muwāfaqāt Fī Uṣūl Al-Sharī'Ah," *Jil. II. Beirut: Dār Al-Kutub Al-'Ilmiyyah*, 2005.

[20] Jasser Auda, "What Are Mammoths?"ṣid Al-Shariah," *Herndon, Virginia: Islamic Book Trust*, 2015.

[21] Muhammad Rijaldy Alwy Alwy, "The 'afw Principle and The Indonesian Restorative Justice System," *Journal of Islamic Law* 19, no. 2 (2021): 313–28, https://doi.org/10.28918/jhi.v19i2.4726.

[22] Yusi Amdani, "The Concept of Restorative Justice in the Settlement of Cases of Theft by Children Based on Islamic Law and Acehnese Customs," *Al-´ Is* 13, no. 1 (2016): 76–81, https://doi.org/10.24042/adalah.v13i1.1130.

[23] S Soekanto and Sri Mamudji, "Normative Law Research: A Brief Review," in *CV Publisher. Rajawali*, 1986, https://books.google.co.id/books?id=_Y1GPAAACAAJ.

based on the relevance and credibility of the author.[24] The approaches used are conceptual *approach* and statutory *approach*.[25] The analysis is carried out qualitatively through the inventory and classification of legal materials, then grammatical, systematic, and teleological interpretation of the norms studied.[26] The assessment of the conformity of the policy with Islamic law uses *the approach of maqāṣid al-syarī'ah*, then is complemented by a comparative analysis between the concept of modern restoration and *ta'zīr* in Islamic law.[27] The results of the analysis are presented in a descriptive-analytical manner to draw conclusions and recommendations.

RESULTS

The Construction of Corruption in the Perspective of Islamic Law

The Concept of Criminal Acts in Islamic Law

Jinayah jurisprudence refers to criminal acts as *jarīmah*, which are acts that are prohibited by the Shari'ah and threatened with sanctions, both those whose level is determined to be definite and those that are left to the policy of the ruler.[28] The scholars divide it into three categories, namely *ḥudūd*, *qiṣā ṣ-diyāt, and* ta'zīr. [29] Corruption is not explicitly mentioned in the nash. However, its elements, such as *ghulūl*, *risywah*, and *khiyānah*, are clearly forbidden, so contemporary scholars place them as *jarīmah ta'zīr*. In this category, judges are free to determine the form of sanctions, ranging from imprisonment, fines, and confiscation of assets to social sanctions, by weighing the faults of the perpetrators and the social impact of their actions. Punishment itself is based on three principles, namely *al-'adl*, *al-maṣlaḥah*, and *al-zajr*, which must be balanced.[30]

Typology of Justice in Islamic Law

Islamic law does not use only one model of justice. There are five known typologies, namely normative, distributive, corrective, retributive, and restorative

[24] P D M Marzuki, "Legal Research: A Revised Edition," in *Medium Pregnancy*, 2017, https://books.google.co.id/books?id=CKZADwAAQBAJ.

[25] S Soekanto, "Introduction to Legal Research," in *University of Indonesia Publisher (UI-Press)*, 2006, https://books.google.co.id/books?id=M3b3NAAACAAJ.

[26] Johnny Ibrahim, "Legal Research Methods: Normative and Empirical," in *Medium Pregnancy*, 2018, https://books.google.co.id/books?id=5OZeDwAAQBAJ.

[27] B. A. Sidharta, "Reflections on the Structure of the Sciences," in *Mandar Maju*, 1999, https://books.google.co.id/books?id=xWLiAAAACAAJ.

[28] Wahbah Al-Zuḥaylī, "Al-Fiqh Al-Islāmī Wa Adillatuhu," *Damascus: Dār Al-Fikr*, 2011.

[29] D.H.A.W. Muslich, "Islamic Criminal Law," in *Graphic Ray*, 2025, https://books.google.co.id/books?id=QpmSEQAAQBAJ.

[30] M H Kamali, "Crime and Punishment in Islamic Law: A Fresh Interpretation," in *Oxford University Press*, 2019, https://books.google.co.id/books?id=h8-aDwAAQBAJ.

justice. Corrective justice is seen in the obligation to restore rights and pay diyat. Restorative justice is seen in *ṣulḥ*, forgiveness, and restoration of deprived rights.[31] The five are directed at benefits so that they should not negate each other.[32] For the policy of prosecuting corruption, the implications are clear. The policy must maintain legal certainty, recover state losses, remain enforceable, and limit the discretion of the authorities. Approaches that are too repressive and too restorative are both uneven.

Corruption in the Perspective of the Qur'an and Hadith

The Qur'an and Hadith view corruption through three concepts of prohibition. First, *al-bāṭil*, which is the acquisition of property without rights. Second, *al-ghulūl*, which is embezzlement of public property (al-). Third, *al-risywah*, which is bribery that closes the path of justice. The ethical basis is trust, justice, and public responsibility, which are accounted for in this world and in the hereafter. Corruption is also double because it violates the rights of Allah (*ḥaqq Allāh*) as well as the rights of the community (*ḥaqq al-'ibād*). Therefore, the solution is not enough with individual forgiveness and the state is obliged to be present to enforce the law.[33]

Purpose of Criminalization in Islamic Law against Corruption Crimes

The criminalization of corruption in Islamic law has three objectives. The first goal is to protect property (*ḥifẓ al-māl*), including public property, through the return of assets and the confiscation of the proceeds of crime.[34] The second goal is to prevent the social damage and economic inequality born from the unfair distribution of wealth. [35] The third goal is to restore the public good (*maṣlaḥah 'āmmah*) by eliminating damage (*raf' al-mafsadah*) while presenting social benefits. Thus, punishment does not stop at retaliation. It becomes a means of reconstructing social justice and restoring public trust in the state.

Model of Handling Corruption Crimes in the Islamic Legal Tradition

The Islamic legal tradition offers three models of handling. First, the ruler or judge imposes *flexible ta'zīr* sanctions, including imprisonment, fines, confiscation of property, revocation of office, and social sanctions.[36] Second, the return of property

[31] M H Kamali, "Shari'ah Law: An Introduction," in *Oneworld Publications*, The Foundations of Islam, 2008, https://books.google.co.id/books?id=QBq9DwAAQBAJ.
[32] Al-Shāṭibī, "Al-Muwāfaqāt Fī Uṣūl Al-Sharī'Ah."
[33] Abdalgaber Mohamed, "Public and Private Distinction in the Criminal Justice Institutions of the Modern Muslim State," in *Birkbeck, University of London*, 2025.
[34] Kamali, "Crime and Punishment in Islamic Law: A Fresh Interpretation."
[35] Auda, "What Are Maqāṣid Al-Shariah."
[36] Abdul Karim Zaidan, "Al-Wajīz Fī Uṣūl Al-Fiqh," *Beirut: Mu'assasah Al-Risālah*, 2014.

resulting from crime is emphasized because it is illegal to possess null property. Corporal punishment without recovery of losses is seen as not completing the purpose of punishment.[37] Third, there is room for *ijtihād policy* for extraordinary crimes such as corruption, ranging from the imposition of punishment to the restriction of political rights, as long as it is directed at benefit.[38] This principle is in line with modern *asset recovery* policies.

Principles of Corrective and Restorative Justice in Islamic Law

Islamic justice rests on three elements of restoration, namely *iṣlāḥ* (reparation), repentance, and *radd al-ḥ uqūq* (restoration of rights). Legitimate repentance demands the cessation of the act and the commitment not to repeat, but does not abort the obligation to restore human rights.[39] . In this framework, retribution is only a last resort, while its main goal is to remove the effects of tyranny and restore social balance. [40] Values such as deliberation, forgiveness, and moral responsibility of the perpetrator show that restorative ideas grow from within the sharia itself, not concepts borrowed from outside.[41]

Restorative Justice in the Perspective of Contemporary Jinayah Fiqh

Contemporary jihaah fiqh positions *restorative justice* (RJ) as a form of contextual *application of ta'zīr*. RJ is understood as the most beneficial sanction option, not the removal of criminal liability. [42] Forgiveness (*'afw*) and reconciliation (*ṣulḥ*) are indeed recognized, but in crimes involving public rights (*ḥuqūq al-'āmmah*) they are both limited and cannot remove sanctions completely.[43] The discretion of the ruler within the framework *of shar'iyyah is* also limited by justice and the protection of the interests of the community. [44] Thus, the restorative approach is valid according to sharia only if the accountability of the perpetrators and the public interest is maintained.

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[37] Kamali, "Crime and Punishment in Islamic Law: A Fresh Interpretation."
[38] Wael B Hallaq, "An Introduction to Islamic Law," in *Cambridge University Press*, 2009.
[39] Tariq Ramadan, "Islamic Ethics and Liberation," in *Oxford University Press*, vol. 163, 2008.
[40] Padlah Riyadi, "Reconstruction of Restorative Justice Regulations within the Indonesian Penal System Post-Law No. 1 of 2023," *Civilization Journal of Law and Society* 3, no. 2 (2024): 154–67, https://doi.org/10.59001/pjls.v3i2.241.
[41] Mohamad Rifan and Liavita Rahmawati, "Reform of the Industrial Design Law: The Challenge of Protecting User Interfaces and Comparing Aesthetic Impression Elements," *Rechts Vinding Journal of National Legal Development Media* 9, no. 2 (2020): 295, https://rechtsvinding.bphn.go.id/ejournal/index.php/jrv/article/view/438.
[42] Abd al-Qādir Awdah, "Al-Tashrī' Al-Jinā'ī Al-Islāmī," *Volume II. Beirut: Mu'assasah Al-Risālah*, 1987.
[43] Ahmad Fathi Bahnasi, "Al-'Uqubah Fī Al-Fiqh Al-Islāmī," *Cairo: Dār Al-Shurūq*, 1983.
[44] Abdul Wahab Khallaf, "Al-Siyasah Al-Syar'iyyah," *Cairo: Dar Al-Anshar*, 1977.

Maqāṣid al-Syarī'ah as a Framework for Handling Corruption Crimes

Al-Syāṭibī arranges *the maqāṣid* in three levels, namely *ḍarūriyyāt*, *ḥājiyyāt*, and *taḥsīniyyāt*, which centers on five basic needs, including *ḥifẓ al-māl*. [45] Corruption attacks *ḥifẓ al-māl* at *the ḍarūriyyāt level*. The efficiency of the cost of the case, which is one of the reasons for the SE JAMPIDSUS, is only at the *ḥājiyyāt level*, so it should not be at the expense of the protection of public property.[46] Ibn 'Āsyūr added five purposes of wealth management and three purposes of punishment, namely *ta'dīb al-jānī*, *irḍā' al-majnī 'alaih*, and *zajr al-muqtadī*. Policy weighers are formulated through the rules of fiqh, including *taṣarruf al-imām manūṭ bi al-maṣlaḥah*.[47]

Application of the Principle *of Restorative Justice* in Handling Corruption Cases

Basic Concepts and Principles of Restorative Justice

Restorative justice views crime as an act that harms the victim, society, and the perpetrator, not just a violation of the state.[48] This idea grew out as a critique of a retributive system that ignores the needs of victims, rooted in indigenous peoples' conflict resolution practices.[49] The main principles are the participation of the parties, the recovery of losses, and the active responsibility of the perpetrator.[5051] In contrast to the retributive approach that emphasizes commensurate retribution and places the victim as a witness, RJ measures justice from the extent to which losses are recovered.[52] The two do not have to be contradicted because RJ can serve as a complement.[53]

Restorative Justice in the Indonesian Criminal Justice System

In Indonesia's positive law, RJ was first explicitly recognized through diversion in the juvenile criminal justice system. After that, Attorney General Regulation Number 15 of 2020 on the termination of prosecution based on the RJ appeared, and the new

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[45] Al-Ghazālī, "Abu Ḥāmid. Al-Mustaṣfour min 'ilm al-uṣ"Uh-huh," *Beirut: Dār Al-Kutub Al-'Ilmiyyah*, 1997.

[46] Imam Syatibi, "Al-Muwafaqat," *Beirut: Maktabah Al-Ashyritah*, 1997.

[47] Iklimah Dinda Indiyani Adiesta, "The Application of Restorative Justice as an Innovation in Resolving Petty Crime Cases," *Interdisciplinary Journal on Law, Social Sciences and Humanities* 2, no. 2 (2021): 143–70, https://doi.org/10.19184/idj.v2i2.25842.

[48] H Zehr, "Changing Lenses: Restorative Justice for Our Times," in *MennoMedia*, 2015, https://books.google.co.id/books?id=jIFIEAAAQBAJ.

[49] Braithwaite, "Restorative Justice and Responsive Regulation."

[50] Zehr, "The Little Book of Restorative Justice: Revised and Updated."

[51] G Johnstone and D W Van Ness, "Handbook of Restorative Justice," in *Willan*, Gale Virtual Reference Library, 2007, https://books.google.co.id/books?id=WHDSEhgC2IcC.

[52] A Ashworth, "Sentencing and Criminal Justice," *International Journal of the Sociology of Law* 24 (1996): 448–50.

[53] Lode Walgrave, "Restorative Justice, Self-Interest and Responsible Citizenship," in *Willan*, 2013.

Criminal Code through Law No. 1 of 2023. The regulation is still fragmented between institutions and has not been integrated in the Criminal Code, so it depends on sectoral policies.[54] Its application is relatively easy for minor general crimes. In special crimes such as corruption, RJ is limited to the recovery of state losses and not the abolition of criminal penalties.[55] In serious crimes, the restrictions are strict due to the risk of re-victimization and a decrease in the deterrent effect.[5657]

Corruption Handling Policy through a Restorative Approach

Corruption is seen as an *extraordinary crime* because it is systemic, structured, and damages public governance and trust.[5859] Therefore, its handling does not rely enough on imprisonment. The recovery of state financial losses is a strategic orientation, because even the perpetrators who have been punished do not necessarily return the state's losses.[60] In Islamic law, the return of the proceeds of corruption is even an obligation rooted in *ḥifẓ al-māl*. Academic debates are divided. One camp rejects the restorative approach because it demands a strong repressive response.[61] Other camps consider it complementary to recover losses.

Analysis of JAMPIDSUS Circular Letter No. B-1113/F/Fd.1/05/2010

SE JAMPIDSUS was born from the pressure of the case burden, the difficulty *of asset recovery*, and the absence of distinguishing guidelines between small and large

[54] Odie Guslan, "Harmonization of Restorative Justice Arrangements in the Criminal Justice System in Indonesia," *Proceedings Series on Social Sciences & Humanities* 23 (June 11, 2025): 41–47, https://doi.org/10.30595/pssh.v23i.1547.

[55] Marie Hutchinson, "Critiques and Challenges of Restorative Justice," *Sociology and Criminology* 11, no. 2 (2023): 275.

[56] Ana M Nascimento, Joana Andrade, and Andreia de Castro Rodrigues, "The Psychological Impact of Restorative Justice Practices on Victims of Crimes—a Systematic Review," *Trauma, Violence, & Abuse* 24, no. 3 (2023): 1929–47, https://doi.org/10.1177/15248380221082085.

[57] Jonathan Hobson et al., "Restorative Justice, Youth Violence, and Policing: A Review of the Evidence," *Laws* 11, no. 4 (2022): 1–20, https://doi.org/10.3390/laws11040062.

[58] Susan Rose-Ackerman and Bonnie J Palifka, "Corruption and Government," *Causes, Consequences*, 1999.

[59] Andi Hamzah, "Eradication of Corruption through National and International Criminal Law," *Jakarta: RajaGrafindo Persada*, 2015.

[60] Barda Nawawi Arief, "Bunga Potpourri Criminal Law Policy," in *Kencana*, 2016, https://books.google.co.id/books?id=Clc_DwAAQBAJ.

[61] R A Duff, "The Realm of Criminal Law," in *OUP Oxford*, Criminalization, 2018, https://books.google.co.id/books?id=bixhDwAAQBAJ.

corruption cases.[626364] Its content prioritizes large cases and opens up prosecutorial discretion for cases of small value whose losses have been returned. The problem is that this circular does not set a nominal limit for "small losses", criteria for perpetrators, or a supervisory mechanism.[65] The practice is also not uniform. The Trikora Monument case in Ambon was stopped, while a similar case in Mataram was still ruled criminal. Even though the return of losses does not remove the crime, so there is a risk *of abuse of power*, *legal corruption*, and violation of the principle of *equality before the law*.[66]

Practice and Implications of the Application of the Principle of Restorative Justice in Corruption

The impact of RJ on the effectiveness of law enforcement is ambivalent. RJ accelerates recovery and efficiency, but has the potential to weaken the deterrent effect and legal certainty without normative limits. The risks include abuse of discretion and *moral hazard*, i.e. the perpetrator considers the refund as a "price" to escape punishment. Legal certainty and benefits need to be balanced. The verdict under review shows this pattern. The case of RA teachers in Mataram (losses of Rp6 million, returned) is still sentenced to 1 year.[67] The Pandeglang case (Rp234 million) is sentenced to 1 year. [68] The Tapin case (Rp188 million, fully refunded) was sentenced to 1 year and 3 months.[69] The Pidie case (Rp196.19 million, not yet recovered) was sentenced to 4 years.[70] The Juliari Batubara case (bribe of Rp32.48 billion) was sentenced to 12 years.[71] This means that the return is only treated as a mitigating circumstance.

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[62] Indonesia Corruption Watch, "ICW Annual Report 2009: Corruption in the Grip of Power," *Jakarta: ICW*, 2010.

[63] Institute for the Study and Advocacy of Judicial Independence, "Anti-Corruption Courts in Indonesia after 2009: Between Expectation and Reality," *Jakarta: LeIP*, 2010.

[64] World Bank, "Combating Corruption in Indonesia: Enhancing Accountability for Development," *Washington, D.C.: World Bank*, 2003.

[65] Arief, "Bunga Pourri Criminal Law Policy."

[66] Lucia Zedner, "Criminal Justice," *Oxford: Oxford University Press*, 2019.

[67] Radar Lombok, "Corruption of Rp 6 Million, Jailed for 1 Year."

[68] Detiknews, "Corruption of Poor Student Assistance, Former Head of School in Pandeglang Sentenced to 1 Year in Bui," *News.Detik.Com*, 2024, https://news.detik.com/berita/d-7125909.

[69] BPK RI Representative of South Kalimantan Province, "Banjarmasin Corruption Judge Sentences Former Head of Sawaja to 15 Months in Prison," *News Clippings*, 2024, https://kalsel.bpk.go.id.

[70] ANTARA, "Judge Sentences Village Head to Four Years in Prison Related to Village Fund Corruption," *Antaranews.Com*, 2024, https://www.antaranews.com/berita/4214091.

[71] ANTARA, "Juliari Batubara Sentenced to 12 Years in Prison," *Antaranews.Com*, 2021, https://www.antaranews.com/berita/2344562.

DISCUSSION

The Relevance of Islamic Law to the Application of the Principles *of Restorative Justice* in the Handling of Corruption

The Meeting Point of Islamic Law and Restorative Justice

Islamic law and RJ meet on three values, namely substantive justice, restoration, and benefit. Both reject punishment without restoration. *Ta'zīr* becomes a conceptual bridge because it gives judges discretionary space to blend sanctions and restorative obligations, but that space is limited by *al-'adl* and proportionality.[72] The three pillars of RJ according to Zehr are parallel to the concept of Islam. The pillars *of harms and needs* are aligned with *radd al-ḥ uqūq*, the pillars *of obligations* with repentance that require the restoration of rights, and the pillars *of engagement* with *ṣulḥ*.[73] However, because the victims of corruption are collective, the third pillar cannot represent personal peace. Therefore, the valid meeting point according to *maqāṣid* lies in the first and second pillars.

Critical Analysis of the Application of Restorative Justice in the Perspective of Islamic Law

Tested with *maqāṣid al-'uqūbah*, RJ which only requires the return of new losses fulfills *irḍā' al-majnī 'alaih* and part *of ta'dīb*, but has not yet fulfilled *zajr al-muqtadī*. [74] The easing of sanctions risks reducing the deterrent and public justice effect because it creates the impression that public crimes can be "solved" with money.[75] Repentance and restitution of losses are also interrelated but do not replace each other. Repentance is a matter of servants and Allah, while law enforcement concerns the rights of the community.[76] This finding is in line with positive law, where corruption offenses are formally formulated and Article 4 of the Corruption Law emphasizes that restitution does not erase crimes. Thus, restitution is cumulative with sanctions, not substitutes.

The Relevance of SE JAMPIDSUS No. B-1113/F/Fd.1/05/2010 with Islamic Law

[72] Rudolph Peters, "Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century," in *Cambridge University Press*, 2005.
[73] Braithwaite, "Restorative Justice and Responsive Regulation."
[74] Zafar Iqbal, "Governance and Corruption: Can Islamic Societies and the West Learn from Each Other? By Zafar Iqbal and Mervyn K. Lewis," *American Journal of Islam and Society* 19, no. 2 (2002): 1–33, https://doi.org/10.35632/ajis.v19i2.1968.
[75] Mark Drumbl, "Atrocity, Punishment, and International Law," *Cambridge University Press, New York*, 2007.
[76] Mohammad Taufiq, "The Concept and Sources of Law: A Comparative Analysis of the Islamic Legal System and the Positive Legal System," *Istidlal: Journal of Islamic Economics and Law* 5, no. 2 (2021): 87–98, https://ojs.pps-ibrahimy.ac.id/index.php/istidlal/article/view/348.

Principles

The relevance of SE JAMPIDSUS to Islamic law is conditional. Its orientation on the recovery of public property is in line with *ḥifẓ al-māl* and can be categorized *as maṣlaḥah mu'tabarah* as long as it is applied limited, selective, and accountable. As an administrative policy, this circular falls within the territory *of the shar'iyyah siyāsah*, but its legitimacy collapses if it weakens the deterrent effect or gives birth to unequal treatment.[77] The reason for the efficiency of the cost of the case is at the *ḥājiyyāt level*, while the protection of public property and the prevention of crime are at the ḍ *arūriyyāt* level, so that the low should not sacrifice the high. Substantive justice is indeed prioritized in Islam, but it still requires legal certainty so as not to become subjectivity.[78]

Analysis of Prosecution Discretion in the Perspective of Siyāsah Syar'iyyah

In *shari'iyyah sharia*, the discretion of prosecution is valid when it is directed to the purpose of the shari'a. However, discretion is a mandate that is subject to justice and accountability, so that it can turn into tyranny. The benchmark is the rule ta *ṣarruf al-imām 'alā al-ra'iyyah manūṭ bi al-maṣlaḥah*. From the point of view of corruption theory, the element of "abuse of authority" in Article 3 of the Corruption Law shows that authority that deviates from its purpose is the core of the crime of corruption itself. Therefore, the termination of cases without parameters and supervision risks reproducing the pattern of crimes to be eradicated.[79] SE JAMPIDSUS is only *wasīlah* (means), not *ghāyah* (goals). Discretion that is in line with the sharia must be oriented towards the public interest, do not negate criminal liability, and be carried out in a transparent and proportionate manner.[80]

Formulation of a Model for Handling Corruption Based on Islamic Law and Restorative Justice

The above analysis focuses on the repressive-restorative integrative model formulated as "Limited and Selective *Restorative Justice*". Criminal sanctions remain

[77] Khallaf, "Al-Siyasah Al-Syar'iyyah."

[78] Gustav Radbruch, "Five Minutes of Legal Philosophy (1945)," *Oxford Journal of Legal Studies* 26, no. 1 (2006): 13–15, https://academic.oup.com/ojls/article-abstract/26/1/13/1505666.

[79] Awdah, "Al-Tashrī' Al-Jinā'ī Al-Islāmī."

[80] Suparno Suparno, Rusli Rusli, and Ia Hidarya, "A New Restorative Justice Paradigm in the Sociology of Islamic Law in Indonesia: Nahdlatul Ulama and Muhammadiyah Responses to Corruption Cases," *Shariah: Journal of Law and Thought* 24, no. 2 (2024): 480–502, https://jurnal.uin-antasari.ac.id/index.php/syariah/article/view/16221.

the foundation, while the restorative approach serves as a complement.[81] This model contains four cumulative conditions. First, small and non-systemic losses. Second, the perpetrators are not power elites. Third, full and real state losses are repaid. Fourth, social *or administrative ta'zīr* sanctions such as revocation of office or social work that remain visible to the public.[82] Discretion is limited by three limits, namely objective parameters, transparency, and supervision. Its implementation must be measured through the indicator of return on losses and its impact on corruption prevention. This model does not soften the eradication of corruption. It maintains a balance between legal certainty, public justice, and benefits.[83]

CONCLUSION

Based on the analysis that has been carried out, this study concludes three main points according to the purpose of the study. First, Islamic law views corruption as *jarīmah* that is included in the realm *of ta'zīr*. Its elements, such as *ghulūl*, *risywah*, and *khiyānah*, are clearly prohibited even though they are not explicitly mentioned in the nash. Because it violates *ḥaqq allāh* as well as *ḥaqq al-'ibād*, it is not enough to resolve it through individual forgiveness. The state is obliged to enforce the law while recovering property that was illegally acquired.

Second, the application *of restorative justice* in corruption cases still relies on SE JAMPIDSUS No. B-1113/F/Fd.1/05/2010, which does not set a nominal limit for small losses, criteria for perpetrators, or a supervisory mechanism. This void gives rise to non-uniform practices, as seen in the difference in treatment between the Tugu Trikora case in Ambon and the case in Mataram. The decisions studied show that the return of losses is ultimately only positioned as a mitigating circumstance, in line with Article 4 of the Corruption Law. Thus, legal certainty and equality before the law have not been adequately guaranteed.

Third, the relevance of Islamic law to the policy is conditional. The orientation of restoring public property is in line with *ḥifẓ al-māl* and can be categorized *as maṣlaḥah mu'tabarah*. However, the reason for the efficiency of cases at the *ḥājiyyāt level* should

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[81] Moody Rizqy Syailendra, Joel Natanael, and Michelle Heydee Kurniawan, "The Role of the Constitution in Maintaining the Principles of Democracy and the Rule of Law in Indonesia," *Multilingual: Journal of Universal Studies* 4, no. 4 (2024): 250–64, https://ejournal.penerbitjurnal.com/index.php/multilingual/article/view/999.

[82] Taufikurrahman Taufikurrahman et al., "Electoral Contestation Democracy in the Islamic View," *IQTISODINA* 7, no. 1 (2024): 36–44, https://ejournal.kopertais4.or.id/madura/index.php/IQTISODINA/article/view/7507.

[83] Bambang Waluyo, "The Relevance of the Restorative Justice Doctrine in the Criminal System in Indonesia," *Hasanuddin Law Review* 1, no. 2 (2025): 210–26, https://scholarhub.unhas.ac.id/halrev/vol1/iss2/20/.

not come at the expense of the protection of public property at *the ḍarūriyyāt* level. A restorative approach that merely demands the return of losses has also not met *the zajr al-muqtadī*. Therefore, this study formulates a limited and selective *restorative justice* model with four cumulative conditions: small and non-systemic losses, perpetrators who are not power elites, full and tangible restitution, and publicly visible social or administrative *ta'zīr* sanctions. Prosecutorial discretion should be limited by objective parameters, transparency, and supervision. This model does not weaken the eradication of corruption, but rather maintains a balance between legal certainty, public justice, and benefit. Further research is recommended to test this model empirically.

REFERENCES

Adiesta, Iklimah Dinda Indiyani. "The Application of Restorative Justice as an Innovation in Resolving Petty Crime Cases." *Interdisciplinary Journal on Law, Social Sciences and Humanities* 2, no. 2 (2021): 143–70. https://doi.org/10.19184/idj.v2i2.25842.

Akbar, Aksan, La Ode Awal Sakti, and Faisal Herisetiawan Jafar. "The Application of Restorative Justice in Corruption Cases as a Form of Simple, Fast, and Low-Cost Justice." *Journal of Ius Constituendum* 8, no. 2 (2023). https://doi.org/10.26623/jic.v8i2.6822.

Al-Ghazālī. "Abū Ḥāmid. Al-Mustaṣfā Min 'Ilm Al-Uṣūl." *Beirut: Dār Al-Kutub Al-'Ilmiyyah*, 1997.

Al-Shāṭibī, Abū Isḥāq. "Al-Muwāfaqāt Fī Uṣūl Al-Sharī'Ah." *Jil. II. Beirut: Dār Al-Kutub Al-'Ilmiyyah*, 2005.

Al-Zuḥaylī, Wahbah. "Al-Fiqh Al-Islāmī wa Adillatuhu." *Juz 6. Damascus: Dār Al-Fikr*, 1985.

Al-Zuḥaylī, Wahbah. "Al-Fiqh Al-Islāmī wa Adillatuhu." *Damascus: Dār Al-Fikr*, 2011.

Alwy, Muhammad Rijaldy Alwy. "The 'afw Principle and The Indonesian Restorative Justice System." *Journal of Islamic Law* 19, no. 2 (2021): 313–28. https://doi.org/10.28918/jhi.v19i2.4726.

Amdani, Yusi. "The Concept of Restorative Justice in the Settlement of Cases of Theft by Children Based on Islamic and Customary Law of Aceh." *Al-´Is* 13, no. 1 (2016): 76–81. https://doi.org/10.24042/adalah.v13i1.1130.

Amen, Mahir. "The Concept of Justice in the Perspective of Islamic Legal Philosophy." *Al-Daulah: Journal of Islamic Law and Legislation* 4, no. 02 (2014): 322–43. https://jurnalfsh.uinsa.ac.id/index.php/aldaulah/article/view/60.

ANTARA. "Judge Sentences Village Head to Four Years in Prison Related to Village Fund Corruption." *Antaranews.Com*, 2024. https://www.antaranews.com/berita/4214091.

ANTARA. "Juliari Batubara Sentenced to 12 Years in Prison." *Antaranews.Com*, 2021. https://www.antaranews.com/berita/2344562.

Arief, Barda Nawawi. "Bunga Potpourri Criminal Law Policy." In *Kencana*, 2016. https://books.google.co.id/books?id=Clc_DwAAQBAJ.

Ashworth, A. "Sentencing and Criminal Justice." *International Journal of the Sociology of Law* 24 (1996): 448–50.

Auda, Jasser. "What Are Maqāṣid Al-Shariah." *Herndon, Virginia: Islamic Book Trust*, 2015.

Awdah, Abd al-Qādir. "Al-Tashrī' Al-Jinā'ī Al-Islāmī." *Volume II. Beirut: Mu'assasah Al-Risālah*, 1987.

Bahnasi, Ahmad Fathi. "Al-'Uqubah Fī Al-Fiqh Al-Islāmī." *Cairo: Dār Al-Shurūq*, 1983.

BPK RI Representative of South Kalimantan Province. "Banjarmasin Corruption Judge Sentences Former Head of Sawaja to 15 Months in Prison." *News Clipping*, 2024. https://kalsel.bpk.go.id.

Braithwaite, John. "Restorative Justice and Responsive Regulation." In *Oxford University Press*, Vol. 10, 2002.

Damanik, Gomgom. "Legal Analysis of the Attorney General's Circular Letter No. B-1113/F/FD. 1/05-2010 concerning the Handling of Corruption Criminal Cases Prioritized in Cases of Big Fish and Still Going On Reviewed from Article 4 of Law Number 31 of 1999 concerning Tin." In *University of Bangka Belitung*, 2018. https://repository.ubb.ac.id/id/eprint/2373/.

Detiknews. "Corruption of Poor Student Assistance, Former Head of School in Pandeglang Sentenced to 1 Year in Bui." *News.Detik.Com*, 2024. https://news.detik.com/berita/d-7125909.

Drumbl, Mark. "Atrocity, Punishment, and International Law." *Cambridge University Press, New York*, 2007.

Duff, R A. "The Realm of Criminal Law." In *OUP Oxford*. Criminalization, 2018. https://books.google.co.id/books?id=bixhDwAAQBAJ.

Er, Mevliyar. "Corruption from the Islamic Perspective: Some Recommendations for the MENA Region." *International Journal of Islamic and Middle Eastern Finance and Management* 1, no. 1 (2008): 31–51. https://doi.org/10.1108/17538390810864241.

Guslan, Odie. "Harmonization of Restorative Justice Arrangements in the Criminal Justice System in Indonesia." *Proceedings Series on Social Sciences & Humanities* 23 (June 11, 2025): 41–47. https://doi.org/10.30595/pssh.v23i.1547.

Hallaq, Wael B. "An Introduction to Islamic Law." In *Cambridge University Press*, 2009.

Hamzah, Andi. "Eradication of Corruption through National and International Criminal Law." *Jakarta: RajaGrafindo Persada*, 2015.

Hobson, Jonathan, Anamika Twyman-Ghoshal, Rebecca Banwell-Moore, and Daniel P. Ash. "Restorative Justice, Youth Violence, and Policing: A Review of the Evidence." *Laws* 11, no. 4 (2022): 1–20. https://doi.org/10.3390/laws11040062.

Hutchinson, Marie. "Critiques and Challenges of Restorative Justice." *Sociology and Criminology* 11, no. 2 (2023): 275.

Ibn Katsir. "Tafsir Al-Qur'an Al-'Azim." *Beirut: Dar Al-Kutub Al-'Ilmiyyah Volume 2*, 1999.

Ibrahim, Johnny. "Legal Research Methods: Normative and Empirical." In *Prenada*

Media, 2018. https://books.google.co.id/books?id=5OZeDwAAQBAJ.

Indonesia Corruption Watch. "ICW Annual Report 2009: Corruption in the Grip of Power." *Jakarta: ICW*, 2010.

Iqbal, Zafar. "Governance and Corruption: Can Islamic Societies and the West Learn from Each Other? By Zafar Iqbal and Mervyn K. Lewis." *American Journal of Islam and Society* 19, no. 2 (2002): 1–33. https://doi.org/10.35632/ajis.v19i2.1968.

Irham, and Sansan Ziaul Haq. "Islam And Anti-Corruption: Development Of Anti-Corruption Education Materials From A Religious Perspective." *Paradigm* 22, no. 2 (2025): 513–36. https://doi.org/10.33558/paradigma.v22i2.10762.

Johnstone, G, and D W Van Ness. "Handbook of Restorative Justice." In *Willan*. Gale Virtual Reference Library, 2007. https://books.google.co.id/books?id=WHDSEhgC2IcC.

Kamali, M H. "Crime and Punishment in Islamic Law: A Fresh Interpretation." In *Oxford University Press*, 2019. https://books.google.co.id/books?id=h8-aDwAAQBAJ.

Kamali, M H. "Shari'ah Law: An Introduction." In *Oneworld Publications*. The Foundations of Islam, 2008. https://books.google.co.id/books?id=QBq9DwAAQBAJ.

Khallaf, Abdul Wahab. "Al-Siyasah Al-Syar'iyyah." *Cairo: Dar Al-Anshar*, 1977.

Khoirin, Nur, and Mahfudz Junaedi. "Religious Inconsistency on Corruption Behaviour among Muslim Politicians in Indonesia." *HTS Theological Studies* 78, no. 1 (2022): 7361. https://doi.org/10.4102/hts.v78i1.7358.

Klitgaard, R. "Controlling Corruption." In *University of California Press*, 1988. https://books.google.co.id/books?id=8V71EAAAQBAJ.

Institute for the Study and Advocacy of Judicial Independence. "Anti-Corruption Courts in Indonesia after 2009: Between Expectation and Reality." *Jakarta: LeIP*, 2010.

Lubis, Todung Mulya. "Corruption in Indonesia: Causes, Consequences, and Solutions." *Jakarta: LP3ES*, 2020.

Marshall, Tony F. "Restorative Justice: An Overview." *Home Office, London*, 1999.

Marzuki, P D M. "Legal Research: A Revised Edition." In *Prenada Media*, 2017. https://books.google.co.id/books?id=CKZADwAAQBAJ.

Mohamed, Abdalgaber. "Public and Private Distinction in the Criminal Justice Institutions of the Modern Muslim State." In *Birkbeck, University of London*, 2025.

Muslich, D.H.A.W. "Islamic Criminal Law." In *Sinar Grafika*, 2025. https://books.google.co.id/books?id=QpmSEQAAQBAJ.

Nascimento, Ana M, Joana Andrade, and Andreia de Castro Rodrigues. "The Psychological Impact of Restorative Justice Practices on Victims of Crimes—A Systematic Review." *Trauma, Violence, & Abuse* 24, no. 3 (2023): 1929–47. https://doi.org/10.1177/15248380221082085.

Peters, Rudolph. "Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century." In *Cambridge University Press*, 2005.

Prasetyo, Wawan. "Reconstruction of Regulations for the Return of State Losses on

Corruption Crimes through a Penal Mediation Policy Based on Pancasila Justice." In *Sultan Agung Islamic University (Indonesia)*, 2024. https://repository.unissula.ac.id/33453/.

Radar Lombok. "Corruption of Rp 6 Million, 1 Year in Prison." *Radarlombok.Co.Id*, 2017. https://radarlombok.co.id/korupsi-rp-6-juta-dipenjara-1-tahun.html.

Radbruch, Gustav. "Five Minutes of Legal Philosophy (1945)." *Oxford Journal of Legal Studies* 26, no. 1 (2006): 13–15. https://academic.oup.com/ojls/article-abstract/26/1/13/1505666.

Ramadan, Tariq. "Islamic Ethics and Liberation." In *Oxford University Press*, Vol. 163, 2008.

Rifan, Mohamad, and Liavita Rahmawati. "Reform of the Industrial Design Law: The Challenge of Protecting User Interfaces and Comparative Aesthetic Impression Elements." *Journal of Rechts Vinding Media for National Legal Development* 9, no. 2 (2020): 295. https://rechtsvinding.bphn.go.id/ejournal/index.php/jrv/article/view/438.

Riyadi, Padlah. "Reconstruction of Restorative Justice Regulations within the Indonesian Penal System Post-Law No. 1 of 2023." *Civilization Journal of Law and Society* 3, no. 2 (2024): 154–67. https://doi.org/10.59001/pjls.v3i2.241.

Rose-Ackerman, Susan, and Bonnie J Palifka. "Corruption and Government." *Causes, Consequences*, 1999.

Sidharta, B A. "Reflections on the Structure of Legal Science." In *Mandar Maju*, 1999. https://books.google.co.id/books?id=xWLiAAAACAAJ.

Siwalimanews. "Strong Evidence, Corruption of the Trikora Monument Project Must Be Completed," 2020. https://siwalima.co/berita/bukti-kuat-korupsi-proyek-tugu-trikora-harus-tuntas.

Soekanto, S. "Introduction to Legal Research." In *University of Indonesia Publisher (UI-Press)*, 2006. https://books.google.co.id/books?id=M3b3NAAACAAJ.

Soekanto, S, and Sri Mamudji. "Normative Law Research: A Brief Review." In *CV Publishers. Rajawali*, 1986. https://books.google.co.id/books?id=_Y1GPAAACAAJ.

Suparno, Suparno, Rusli Rusli, and Ia Hidarya. "A New Restorative Justice Paradigm in the Sociology of Islamic Law in Indonesia: Nahdlatul Ulama and Muhammadiyah Responses to Corruption Cases." *Sharia: Journal of Law and Thought* 24, no. 2 (2024): 480–502. https://jurnal.uin-antasari.ac.id/index.php/syariah/article/view/16221.

Syailendra, Moody Rizqy, Joel Natanael, and Michelle Heydee Kurniawan. "The Role of the Constitution in Maintaining the Principles of Democracy and the Rule of Law in Indonesia." *Multilingual: Journal of Universal Studies* 4, no. 4 (2024): 250–64. https://ejournal.penerbitjurnal.com/index.php/multilingual/article/view/999.

Syatibi, Imam. "Al-Muwafaqat." *Beirut: Maktabah Al-Ashyritah*, 1997.

Taufikurrahman, Taufikurrahman, Aditya Satria Wijaya, M Mansur, and Ahmad Wiyono. "Election Contestation Democracy in Islamic Perspectives." *IQTISODINA* 7, no. 1 (2024): 36–44. https://ejournal.kopertais4.or.id/madura/index.php/IQTISODINA/article/view/7

507.

Taufiq, Mohammad. "Legal Concepts and Sources: A Comparative Analysis of the Islamic Legal System and the Positive Legal System." *Istidlal: Journal of Islamic Economics and Law* 5, no. 2 (2021): 87–98. https://ojs.pps-ibrahimy.ac.id/index.php/istidlal/article/view/348.

Transparency International. "Corruption Perceptions Index 2022." *Berlin: Transparency International*, 2022. https://worldjusticeproject.org/news/taking-stock-corruption-us-and-worldwide-ti's-corruption-perceptions-index?gad_source=1&gad_campaignid=24262756295&gbraid=0AAAAA-TYemuxnM7MyUSWhKTDC1_AilQ9S&gclid=EAIaIQobChMIkdvI57nPlwMVeppmAh2l-yzGEAAYASAAEgLMu_D_BwE.

Walgrave, Lode. "Restorative Justice, Self-Interest and Responsible Citizenship." In *Willan*, 2013.

Waluyo, Bambang. "The Relevance of the Restorative Justice Doctrine in the Criminal System in Indonesia." *Hasanuddin Law Review* 1, no. 2 (2025): 210–26. https://scholarhub.unhas.ac.id/halrev/vol1/iss2/20/.

Wijaya, Ida Made Oka. "Restorative Justice in a Progressive Law Review: Existence and Implications." *Empowered Indonesia* 3, no. 3 (2022): 707–18. https://ukinstitute.org/journals/ib/article/view/297.

World Bank. "Combating Corruption in Indonesia: Enhancing Accountability for Development." *Washington, D.C.: World Bank*, 2003.

Zaidan, Abdul Karim. "Al-Wajīz Fī Uṣūl Al-Fiqh." *Beirut: Mu'assasah Al-Risālah*, 2014.

Zedner, Lucia. "Criminal Justice." *Oxford: Oxford University Press*, 2019.

Zehr, H. "Changing Lenses: Restorative Justice for Our Times." In *MennoMedia*, 2015. https://books.google.co.id/books?id=jIFIEAAAQBAJ.

Zehr, Howard. "The Little Book of Restorative Justice: Revised and Updated." In *Simon and Schuster*, 2015.