Journal of Progressive Law and Legal Studies
E-ISSN 2986-9145 P-ISSN 3031-9242
Volume 4 Issue 01, January 2026, Pp. 1-24
DOI: https://doi.org/10.59653/jplls.v4i01.2167

Criminal Sanctions for Corruption in Islamic and Positive Legal Systems: A Comparative Study of Indonesia, Saudi Arabia, and Egypt

Faishal Agil Al Munawar
Universitas Islam Negeri Maulana Malik Ibrahim Malang, Indonesia
Corresponding Email: faishalagilalmunawar@uin-malang.ac.id

Received: 10-11-2025 *Reviewed: 12-12-2025* *Accepted: 15-01-2026*

Abstract

Corruption constitutes a serious criminal offense that undermines legal integrity, social justice, and the sustainability of national development. Beyond its characterization as a violation of positive law, corruption also represents a profound breach of moral values and public trust (amanah) within the framework of Islamic law. This article aims to comparatively analyze criminal sanctions for corruption under Islamic law and positive law, with particular focus on Indonesia, Saudi Arabia, and Egypt. The study adopts a normative juridical methodology employing a comparative law approach, examining statutory regulations, doctrines of Islamic criminal law (fiqh jināyah), and relevant contemporary legal literature. The findings demonstrate that, within Islamic law, corruption is classified as a jarīmah ta'zīr, as its sanctions are not explicitly stipulated in the primary sources (naṣṣ). Consequently, discretionary authority is vested in rulers or judges to determine appropriate penalties based on considerations of public welfare and social harm. In contrast, Indonesia regulates corruption through comprehensive and specialized anti-corruption legislation, emphasizing imprisonment, fines, and supplementary sanctions such as asset confiscation and the revocation of certain rights. Saudi Arabia implements a criminal law framework grounded predominantly in Islamic law and reinforced by modern regulatory instruments, imposing relatively severe sanctions designed to ensure deterrence and safeguard public trust. Meanwhile, Egypt applies a civil law–based legal system, criminalizing corruption through codified provisions in the Penal Code and specialized anti-corruption statutes. This study concludes that, notwithstanding conceptual and structural differences in the regulation of corruption sanctions, both Islamic law and positive law converge on shared objectives, namely the preservation of justice, the prevention of social harm, and the protection of public interests. The integration of ethical values and the principles of maqāṣid al-sharī'ah into positive legal systems offers significant potential to enhance the coherence, legitimacy, and long-term effectiveness of anti-corruption frameworks.

Keywords: Criminal Sanctions; Corruption; Islamic Law; Positive Law

Introduction

Corruption constitutes one of the most severe forms of extraordinary crime, producing systemic consequences that penetrate the core foundations of state governance. Its detrimental effects extend far beyond financial losses to public coffers, encompassing the erosion of public trust, the degradation of institutional integrity, and the weakening of the rule of law. From a human rights and governance perspective, corruption has been identified as a structural violation of economic, social, and cultural rights, particularly due to its impact on access to public services and social justice (Poerwanto et al., 2023; Kesiranon, 2023). Empirical studies further demonstrate that corruption undermines governmental effectiveness and public confidence in legal institutions, thereby threatening social cohesion, democratic legitimacy, and sustainable development (Efendi & Sukasih, 2024; Puanandini et al., 2024; Afrizal, 2024). Beyond its material and structural impacts, corruption represents a profound violation of justice, morality, and public trust (amānah), values that are central to both modern legal systems and Islamic ethical–legal thought (Lubis & Ramadi, 2023; Syarbaini, 2025). Consequently, corruption is widely recognized as an extraordinary crime that demands exceptional legal responses, including stringent, proportional, and deterrent criminal sanctions (Aziz, 2017; Wahid, 2021).

Within the Indonesian legal context, anti-corruption efforts are grounded in a comprehensive statutory framework established by Law No. 31 of 1999, as amended by Law No. 20 of 2001 on the Eradication of Corruption Crimes. These statutes institutionalize both repressive and preventive strategies through criminal sanctions such as imprisonment, fines, asset confiscation, and additional penalties including the revocation of political and civil rights (Putri et al., 2024). The characterization of corruption as an extraordinary crime (extraordinary crime) has also been reaffirmed in doctrinal and comparative analyses, including its reaffirmation in the development of the Indonesian Criminal Code (Hidayat et al., 2025). Nevertheless, despite the normative robustness of this legal framework, empirical studies consistently reveal persistent shortcomings in its implementation, including sentencing disparities, limited deterrent impact, procedural complexity, and challenges in asset recovery (Efendi & Sukasih, 2024; Syarbaini, 2025; Sumiadi et al., 2025). These challenges indicate that legal severity alone is insufficient without normative coherence and effective institutional enforcement.

From the perspective of Islamic criminal law, although the term “corruption” (al-fasād al-mālī) is not explicitly articulated in the Qur’an or Hadith, its substantive elements are clearly addressed through a range of prohibited acts within fiqh jināyah, such as ghulūl (misappropriation of public property), risywah (bribery), and khiyānah (breach of trust) (Setiawan, 2025; Ramadhani et al., 2023). Qur’anic exegesis, particularly in Tafsīr al-Qurṭubī, emphasizes the sanctity of public wealth and the prohibition of exploiting authority for private gain, forming a strong normative basis for the criminalization of corruption (Setiawan, 2025). Classical and contemporary Islamic jurists generally classify corruption-related offenses as jarīmah ta‘zīr, crimes for which punishment is discretionary and determined by the authority based on considerations of public interest (maṣlaḥah) and harm prevention (daf‘ al-mafāsid) (Aziz, 2017; Wahid, 2021; Wahyuni et al., 2021).

Recent scholarship has further developed this framework by situating corruption sanctions within the objectives of Islamic law (maqāṣid al-syarī'ah). Reform-oriented studies emphasize that corruption directly violates the protection of property (ḥifẓ al-māl), justice, and governance integrity, thereby justifying severe and adaptive sanctions, including asset confiscation and impoverishment of corruptors (tajrīd al-mufsid) (Thamsir et al., 2025; Marlina, 2025). The maqāṣid-based approach underscores that punishment in corruption cases should not be limited to retribution but must also serve preventive, deterrent, and restorative functions to safeguard public welfare (Al Munawar, 2021; Al Munawar, 2025).

Existing literature demonstrates significant scholarly engagement with corruption from both Islamic and positive law perspectives. Several studies focus on doctrinal analyses within fiqh jināyah, affirming that corruption constitutes a serious violation of Islamic legal and moral norms (Lubis & Ramadi, 2023; Ramadhani et al., 2023; Januaris et al., 2024). Other works critically assess the effectiveness of Indonesia's anti-corruption legal regime, highlighting institutional weaknesses, inconsistencies in judicial sentencing, and the limited realization of deterrence and asset recovery objectives (Efendi & Sukasih, 2024; Putri et al., 2024; Syarbaini, 2025). Comparative studies further explore corruption regulation in different jurisdictions, including Saudi Arabia and Egypt, with particular attention to administrative corruption, abuse of public office, and the role of specialized anti-corruption authorities (Abdalsalam, 2023; Beschel Jr. et al., 2024; AlGhamdi, 2025; Alnafisah & Alyahya, 2025).

In Saudi Arabia, corruption control is reinforced through a Shariah-based legal system complemented by modern regulatory instruments, including enhanced whistleblower protection and the expanded authority of the Oversight and Anti-Corruption Authority (Nazaha) (Saudi Gazette, 2024; AlGhamdi, 2025; Mostafa & AlRomi, 2026). Meanwhile, Egypt represents a hybrid legal model in which civil law traditions intersect with Islamic legal principles. Studies on Egypt reveal persistent challenges in combating both financial and non-financial corruption, particularly within public administration, despite the existence of disciplinary and criminal mechanisms (Abdalsalam, 2023; GAN Integrity, 2020; Rodriguez Olivari, 2024; El-Kady, 2024).

Despite the growing body of scholarship, existing studies remain fragmented and largely confined to single legal systems or doctrinal analyses. Comparative works often emphasize statutory structures and institutional design without fully integrating Islamic criminal law as a normative and ethical framework rooted in maqāṣid al-syarī'ah (Thamsir et al., 2025). Moreover, only a limited number of studies explicitly link corruption sanctions to broader theories of punishment such as deterrence, retribution, restoration, and impoverishment within an integrated Islamic–positive law paradigm (Marlina, 2025; Al Munawar, 2025). Consequently, the normative convergence between Islamic criminal law and contemporary anti-corruption regimes, particularly regarding proportionality, public interest protection (maṣlaḥah 'āmmah), and governance integrity, remains underexplored.

In response to these gaps, this article offers several points of originality. First, it integrates fiqh jināyah ta'zīr and modern positive law within a unified comparative analytical framework. Second, it comparatively examines corruption-related criminal sanctions in

Indonesia, Saudi Arabia, and Egypt, representing distinct yet intersecting legal traditions. Third, it reconceptualizes corruption sanctions not merely as punitive mechanisms but as normative instruments for safeguarding public welfare and moral governance, employing maqāṣid al-syarī‘ah as the central analytical lens.

Accordingly, this study is expected to contribute both theoretically to the advancement of Islamic criminal law scholarship and contemporary criminal law discourse, and practically to the formulation of corruption sanctions that are more just, effective, and oriented toward the protection of public interest and sustainable governance.

Literature Review

Corruption is commonly defined as the abuse of power, authority, or public office for personal or collective gain in a manner that undermines the public interest (Afrizal, 2024). Within modern legal systems, corruption is classified as a grave criminal offense due to its systemic and destructive impact on state finances, social justice, and public trust in governmental and legal institutions (Puanandini et al., 2024). Consequently, many jurisdictions recognize corruption as an extraordinary crime (extraordinary crime), necessitating exceptional law enforcement measures, including specialized legal frameworks, enhanced evidentiary standards, and the imposition of severe and cumulative criminal sanctions (Poerwanto et al., 2022).

From the perspective of criminal law theory, corruption is characterized not merely by the misuse of authority and the infliction of financial losses upon the state, but also by violations of fundamental principles of justice, propriety, and public integrity (Sumiadi et al., 2025). Contemporary scholarship increasingly emphasizes that corruption cannot be reduced to a mere administrative or bureaucratic infraction. Rather, it constitutes a moral and structural crime rooted in weak legal culture, deficient ethical standards in the exercise of authority, and systemic failures of accountability and oversight (Kesiranon, 2023).

In Islamic law, the term “corruption” does not appear explicitly as a technical legal concept in the Qur’an or Hadith. Nevertheless, the substantive elements of corrupt conduct are clearly encompassed within several doctrines of Islamic criminal jurisprudence (fiqh jināyah), including ghulūl (misappropriation of public property), risywah (bribery), khiyānah (breach of trust), and akl al-māl bi al-bāṭil (unlawful appropriation of property) (Ramadhani et al., 2023; Al Munawar, 2025). Prohibitions against these acts are firmly grounded in Qur’anic injunctions and Prophetic traditions that emphasize trust (amānah), justice, and accountability as foundational principles in the administration of power and the management of public wealth (Syarbaini, 2025).

Classical Muslim jurists unanimously classify such acts as jarīmah ta‘zīr, namely criminal offenses for which neither the form nor the severity of punishment is explicitly prescribed in the revealed texts, thereby entrusting their determination to the discretion of the ruler (ulū al-amr) or the judge (Thamsir et al., 2025). The imposition of ta‘zīr sanctions is guided by considerations of culpability, the magnitude of social harm, and broader public

interest (maṣlaḥah ʻāmmah) (Marlina, 2025). Both classical and contemporary fiqh jināyah literature underscores that the objectives of taʻzīr punishment extend beyond retribution to include moral education (ta'dīb), deterrence (zajr), and the protection of public welfare (ḥimāyat al-maṣlaḥah) (Januaris et al., 2024).

Scholarly analyses further demonstrate that the inherent flexibility of taʻzīr sanctions enables Islamic criminal law to respond adaptively to modern forms of crime, including corruption, through a wide spectrum of penalties such as fines, imprisonment, dismissal from public office, exile, and, in exceptional cases, more severe sanctions (Lubis et al., 2023). Nevertheless, the application of such discretionary punishments requires careful judicial assessment to ensure conformity with the principles of justice, proportionality, and legal certainty (Wahid, 2021).

Under Indonesian positive law, corruption is classified as a special criminal offense comprehensively regulated under the Anti-Corruption Law, namely Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 (Al Munawar, 2025). Indonesian criminal law scholarship emphasizes that corruption sanctions serve not only as instruments of retribution, but also as mechanisms of general deterrence and recovery of state financial losses (Efendi & Sukasih, 2024). Numerous studies have assessed the effectiveness of custodial sentences, criminal fines, and additional penalties such as asset forfeiture and the revocation of political rights (Sumiadi et al., 2025).

Empirical and doctrinal research, however, indicates that despite the relatively strong and progressive normative framework governing corruption offenses in Indonesia, significant challenges persist in judicial practice. These include substantial sentencing disparities, limited deterrent effects, and suboptimal recovery of assets derived from corruption (Efendi & Sukasih, 2024). Such conditions have stimulated ongoing academic and policy debates regarding the reformulation of corruption-related sanctions toward a model that prioritizes substantive justice, social utility, and effective restitution of state financial resources (Hidayat et al., 2025).

In Saudi Arabia, criminal law operates within a legal system fundamentally grounded in Islamic law (Sharīʿa), while simultaneously incorporating modern statutory and institutional mechanisms. In addressing corruption and bribery, Saudi Arabia has enacted comprehensive legal provisions criminalizing the abuse of public office and breaches of public trust (amānah), supported by a stringent enforcement framework that includes imprisonment, substantial fines, and asset confiscation (Alatawi, 2025; Mostafa & AlRomi, 2026). Recent regulatory developments have further strengthened anti-corruption governance, particularly through the expansion of authority vested in the Oversight and Anti-Corruption Authority (Nazaha), enhancing investigative powers, inter-agency coordination, and preventive oversight (Saudi Gazette, 2024). Scholarly analyses characterize the Saudi approach as highly deterrence-oriented, reflecting a policy choice aimed at safeguarding public integrity and reinforcing state authority (Alnafisah & Alyahya, 2025).

Beyond custodial and monetary sanctions, Saudi Arabia also employs administrative measures such as dismissal from public office, disqualification from holding strategic positions, whistleblower protection mechanisms, and comprehensive asset recovery regimes

(AlGhamdi, 2025). The principle of ta‘zīr provides the primary normative foundation for sentencing flexibility, allowing judicial discretion while operating within the structured framework of a modern regulatory state. This synthesis of Sharīʿa-based norms and contemporary legal instruments illustrates Saudi Arabia’s adaptive legal strategy in addressing corruption as a systemic threat (Wahyuni et al., 2021).

Egypt, by contrast, adheres to a civil law legal system strongly influenced by the French legal tradition, while constitutionally recognizing Islamic law as a principal source of legislation. Within Egyptian legal doctrine, corruption offenses are regulated under the Penal Code and supplemented by sector-specific statutes addressing bribery, abuse of public office, and the misappropriation of public funds (El-Kady, 2024). Egypt’s sanctioning model is generally characterized as more moderate than that of Saudi Arabia, emphasizing imprisonment, monetary fines, disciplinary measures against public servants, and mechanisms for asset recovery (Abdalsalam, 2023).

Nevertheless, empirical and policy-oriented studies raise critical concerns regarding the effectiveness of corruption law enforcement in Egypt. These include challenges related to institutional independence, political influence, uneven disciplinary enforcement within the public sector, and inconsistencies in sentencing practices (Beschel Jr. et al., 2024; Rodriguez Olivari, 2024; GAN Integrity, 2020). Such constraints indicate that while Egypt possesses a relatively comprehensive normative framework, the effectiveness of its anti-corruption regime remains contingent upon broader institutional reform and sustained political commitment.

Based on this review of the literature, it may be concluded that scholarly studies on corruption have developed extensively within both Islamic law and positive law traditions. However, much of the existing research remains partial and sectoral, lacking an integrated normative analysis that combines Islamic legal principles with cross-national comparative perspectives. This article seeks to address this gap by examining corruption-related criminal sanctions through a comparative analysis of Indonesia, Saudi Arabia, and Egypt, while situating such sanctions within the objectives of punishment and the framework of maqāṣid al-syarī‘ah. Accordingly, this study aims to contribute to the development of criminal law scholarship that is oriented not only toward legal certainty, but also toward substantive justice, moral integrity, and the promotion of public welfare.

Research Method

This study employs a normative legal research method with a qualitative approach and comparative legal analysis. This methodological choice is appropriate because the research focuses on examining legal norms, principles, doctrines, and concepts governing corruption-related criminal sanctions within Islamic law and positive law in Indonesia, Saudi Arabia, and Egypt, rather than on empirical legal behavior. Normative legal research emphasizes doctrinal analysis, legal reasoning, and the systematic interpretation of legal sources as developed within each legal system (Hutchinson, 2013; Chynoweth, 2008).

The research is classified as juridical-normative, grounded in the analysis of both written and unwritten legal materials. Several methodological approaches are employed to ensure a comprehensive examination. First, a statutory approach is applied to analyze legislative instruments governing corruption-related criminal offenses, including Indonesia's Anti-Corruption Law, Saudi Arabia's anti-corruption regulations within the Sharia-based legal system, and the Egyptian Penal Code along with related statutes. This approach enables the identification of normative structures, legal consistency, and sanction models embedded in positive law (Bix, 2015).

Second, a conceptual approach is employed to examine fundamental legal notions concerning corruption, criminal sanctions, and the objectives of punishment from both Islamic law and modern criminal law perspectives. In Islamic law, particular attention is given to fiqh jināyah doctrines, jarīmah ta'zīr, and maqāṣid al-sharī'ah, which provide the normative and philosophical foundations of discretionary punishment and public-interest-oriented sanctions. Conceptual legal analysis plays a crucial role in clarifying abstract legal principles and theoretical constructs that inform the formulation and justification of criminal sanctions (Bix, 2015; McCrudden, 2017).

Third, a comparative law approach is applied to identify similarities, differences, and normative patterns in corruption-related criminal sanctions across Indonesia, Saudi Arabia, and Egypt. Comparative legal methodology enables the systematic evaluation of legal solutions across jurisdictions while taking into account differences in legal culture, sources of law, and institutional frameworks (Van Hoecke, 2004). This approach is particularly relevant in highlighting how distinct legal systems address similar social problems through different normative mechanisms.

In addition, a limited historical and philosophical approach is employed to contextualize the development of legal norms and the underlying philosophy of corruption punishment, especially in relation to justice, public interest (maṣlaḥah), and crime prevention. This approach supports a deeper understanding of how legal doctrines evolve in response to moral values, institutional needs, and socio-political contexts (McCrudden, 2017).

The legal materials used in this study consist of primary, secondary, and tertiary sources. Primary legal materials include statutory regulations governing corruption in Indonesia, Saudi Arabia, and Egypt, as well as the Qur'an and Hadith addressing khiyānah (breach of trust), risywah (bribery), and unlawful appropriation of property within the Islamic legal framework. Secondary legal materials comprise classical and contemporary fiqh jināyah literature, criminal law and comparative law textbooks, and peer-reviewed national and international journal articles. Tertiary materials include legal dictionaries, encyclopedias, and bibliographic indexes that support conceptual clarification (Chynoweth, 2008).

Data collection is conducted through library-based legal research, involving a systematic review of statutory provisions, classical and contemporary Islamic legal texts, scholarly books, and academic journals. The collected legal materials are analyzed qualitatively and descriptively through several stages: (1) inventorying and classification of materials based on each legal system and Islamic law perspective; (2) normative interpretation of statutory

provisions and fiqh doctrines related to corruption sanctions; and (3) comparative analysis to examine differences and similarities in sanction types, objectives of punishment, and enforcement mechanisms. The final stage involves drawing normative conclusions to formulate theoretical implications and policy recommendations for a criminal justice framework that is just, effective, and oriented toward public interest.

To ensure analytical validity and methodological reliability, this study employs source triangulation by cross-referencing statutory law, Islamic legal doctrines, and authoritative scholarly opinions. Such triangulation strengthens doctrinal consistency and enhances the objectivity and academic rigor of normative legal research (Creswell & Poth, 2016).

Result and Discussion

The Concept of Corruption in Islamic Law and Positive Law

In Islamic law, the term "corruption" is not explicitly formulated as a technical legal concept in the Qur'an or the Hadith. Nevertheless, the substantive acts constituting corruption are clearly reflected in several doctrines within Islamic criminal jurisprudence (fiqh jināyah), particularly those addressing the misuse of trust and the unlawful appropriation of wealth. From an Islamic legal perspective, corruption is fundamentally regarded as conduct that violates the core principles of justice, trustworthiness (amānah), and social responsibility, which collectively form the ethical and normative foundations of communal life (Lubis & Ramadi, 2023; Wahid, 2021).

Practices substantively equivalent to corruption are encompassed within classical Islamic legal concepts such as ghulūl (embezzlement or unauthorized appropriation of public property by entrusted officials), risywah (bribery intended to influence legal or administrative decisions), khiyānah (betrayal of trust and abuse of authority), and akl al-māl bi al-bāṭil (unlawful consumption or acquisition of another's property). These concepts are derived from Qur'anic injunctions and the Sunnah of the Prophet Muhammad (peace be upon him) and have been further elaborated by jurists to address contemporary manifestations of abuse of power, including budget embezzlement, manipulation of public projects, and misuse of state finances (Aziz, 2017; Setiawan, 2025; Ramadhani et al., 2023).

From the perspective of jarīmah classification, Islamic jurists are in broad agreement that corruption falls within the category of jarīmah ta'zīr, namely criminal acts for which neither the form nor the specific severity of punishment is explicitly prescribed in the revealed texts. Consequently, the determination of sanctions is entrusted to the discretion of the ruler (ulū al-amr) or the judge, taking into account the gravity of the offense, its social consequences, and considerations of public interest (maṣlaḥah 'āmmah) (Syarbaini, 2025; Thamsir et al., 2025). The objectives of punishment in Islamic law are not merely retributive but also educative (ta'dīb), preventive (zajr), and restorative, aimed at safeguarding the maqāṣid al-sharī'ah, particularly the protection of property (ḥifẓ al-māl) and the realization of social justice (Al Munawar, 2021; Marlina, 2025).

In contrast, under positive law, corruption is understood as an unlawful act committed through the abuse of power, office, or authority to obtain personal or group benefits that directly or indirectly cause harm to state finances or the public economy. This conception is explicitly codified in statutory regulations, particularly in anti-corruption legislation, which defines corruption through precise legal elements and formal normative standards (Afrizal, 2024; Puanandini et al., 2024).

Within the Indonesian positive law system, for instance, corruption is comprehensively regulated under the Law on the Eradication of Corruption Crimes, which enumerates various prohibited acts, including abuse of authority, bribery, embezzlement in office, extortion, conflicts of interest, and acts of illicit enrichment detrimental to state finances. This legal framework emphasizes several core elements: the unlawfulness of the act (both formal and material), abuse of authority or position, the occurrence of state or public financial loss or unlawful gain, and culpability (mens rea) in the form of intent or negligence (Sumiadi et al., 2025; Efendi & Sukasih, 2024).

From the standpoint of modern criminal law theory, corruption is widely classified as an extraordinary crime due to its systemic, pervasive, and destructive impact on governance, economic stability, and social justice. Accordingly, positive law prescribes not only principal sanctions such as imprisonment and fines but also supplementary penalties, including asset forfeiture, revocation of political rights, and special procedural mechanisms in investigation, prosecution, and evidentiary processes (Poerwanto et al., 2023; Kesiranon, 2023).

Conceptually, there is a strong convergence between Islamic law and positive law in perceiving corruption as a reprehensible act that undermines justice, violates trust (amānah), and harms the public interest. Both systems emphasize integrity, honesty, and responsibility as fundamental principles in the exercise of authority. The primary divergence lies in their normative foundations and approaches to punishment. Islamic law grounds the prohibition and sanctioning of corruption in moral values and the objectives of the Sharī‘ah (maqāṣid al-sharī‘ah), employing flexible sanctioning mechanisms through ta‘zīr. In contrast, positive law prioritizes legal certainty and formal legality by implementing detailed norms and penalties codified in statutory instruments. This distinction illustrates that while positive law excels in procedural certainty and enforceability, Islamic law offers ethical depth and normative flexibility capable of enriching contemporary corruption sanction policies in modern states committed to justice and the public good (Wahyuni et al., 2021; Al Munawar, 2025).

Criminal Sanctions for Corruption in Indonesia

In Indonesia, criminal sanctions for corruption are specifically regulated under Law No. 31 of 1999 on the Eradication of Corruption Crimes, as amended by Law No. 20 of 2001. This specialized legislation classifies corruption as an extraordinary crime, necessitating distinct and more severe penal mechanisms compared to ordinary offenses due to its systemic, structured, and destructive impact on governance, public trust, and social justice (Afrizal, 2024; Puanandini et al., 2024; Syarbaini, 2025). The law explicitly enumerates various forms of corrupt conduct, including abuse of authority, bribery, embezzlement in office, extortion, conflicts of interest, and illicit enrichment that harms state finances or public economic

interests (Sumiadi et al., 2025). Each type of offense carries penalties proportionate to the offender's culpability and the impact on public interests.

The legal framework provides for both principal sanctions, such as imprisonment and fines, and ancillary sanctions, including asset forfeiture and revocation of certain civil and political rights, to ensure restitution and accountability (Efendi & Sukasih, 2024). This comprehensive approach reflects recognition that corruption is not merely a statutory violation but a serious threat to public trust, state finances, and social justice, and may also be construed as a violation of economic, social, and cultural human rights (Poerwanto et al., 2023).

Imprisonment constitutes the principal sanction for corruption offenses in Indonesia. The law prescribes relatively severe minimum and maximum prison terms, ranging from several years to life imprisonment, and in certain circumstances permits the death penalty, particularly when corruption occurs during national economic crises, disasters, or other states of emergency (Afrizal, 2024; Hidayat et al., 2025). The establishment of minimum sentences limits judicial discretion, aiming to reduce sentencing disparities and ensure that punishments remain proportionate and effective as deterrents, while also reflecting the state's firm commitment to combating corruption (Efendi & Sukasih, 2024).

In addition to imprisonment, offenders are subject to substantial fines, which are cumulative with custodial sentences to prevent evasion of accountability through monetary payment alone. The amount of fines is determined based on the type of offense and the extent of financial losses inflicted on the state, reflecting the principle of proportionality between crime and sanction. Beyond these principal penalties, the Law on the Eradication of Corruption Crimes prescribes ancillary sanctions that play a strategic role in criminal justice policy, including confiscation of assets derived from corruption, compensation for state losses, revocation of certain rights (such as political rights or eligibility for public office), and the closure of companies used as instruments of corruption (Marlina, 2025; Wahyuni et al., 2021). These additional sanctions demonstrate that Indonesia's criminalization of corruption emphasizes both punitive and restorative objectives, particularly through asset recovery mechanisms.

From a criminal justice policy perspective, corruption-related sanctions in Indonesia are designed to achieve multiple objectives simultaneously: deterring offenders and society at large, providing proportional retribution, protecting public interests and state finances, and restoring state losses through asset recovery (Putri et al., 2024; Januaris et al., 2024). Nevertheless, various studies indicate that, despite the stringency and comprehensiveness of these sanctions, their effectiveness faces persistent challenges, including sentencing disparities, prolonged judicial processes, and suboptimal recovery of assets derived from corruption (Efendi & Sukasih, 2024; Sumiadi et al., 2025).

Several academic studies have also criticized that the orientation of corruption sanctions in Indonesia remains predominantly retributive and has not fully integrated a restorative justice approach focused on maximizing loss recovery, repairing institutional damage, and improving governance quality (Putri et al., 2024; Wahyuni et al., 2021). Moreover, the death penalty as a normative sanction has sparked ongoing debate regarding its actual deterrent effect and its

compatibility with international human rights principles (Poerwanto et al., 2023; Kesiranon, 2023). Sentencing disparities in judicial practice may further undermine public trust in law enforcement, prompting scholarly calls for reformulating corruption sanctions toward greater substantive justice, consistency in sentencing, enhanced asset recovery, and long-term prevention.

From the perspective of Islamic law, Indonesia's corruption-related sanctions converge with the principle of ta'zīr, which grants the state discretion to determine the type and severity of punishment in order to achieve public welfare (maṣlaḥah 'āmmah) (Lubis & Ramadi, 2023; Ramadhani et al., 2023). Ancillary sanctions such as asset confiscation, dismissal from public office, and revocation of political rights align with the objectives of property protection (ḥifẓ al-māl) and safeguarding public trust (amanah) within the framework of maqāṣid al-syarī'ah (Thamsir et al., 2025; Al Munawar, 2025). Conceptually, this illustrates the strong potential for integrating Islamic legal values into Indonesia's corruption sentencing policy to promote justice, deterrence, and sustainable governance.

Table 1. Criminal Sanctions for Corruption in Indonesia

Aspect	Description
Legal System	Modern positive law (civil law).
Normative Foundation	Law No. 31 of 1999 on the Eradication of Corruption Crimes, as amended by Law No. 20 of 2001.
Corruption Classification	Extraordinary crime (tindak pidana khusus).
Approach to Punishment	Repressive and preventive, with emphasis on legal certainty.
Primary Sanctions	Imprisonment and fines.
Additional Sanctions	Asset confiscation, restitution payments, revocation of political rights, closure of companies used in corruption.
Maximum Sanctions	Life imprisonment or death penalty in certain circumstances.
Role of Judges	Bound by minimum and maximum sentences stipulated in law; limited discretion.
Objectives of Punishment	Deterrence, proportional retribution, and asset recovery.
Moral-Ethical Dimension	Implicit, primarily reflected in law enforcement policies.
Alignment with Maqāṣid al-Syarī'ah	Partial, mainly in protecting wealth (ḥifẓ al-māl).

The Table of Criminal Sanctions for Corruption in Indonesia illustrates the country's approach to combating corruption within a civil law system that places strong emphasis on codification, legal certainty, and statutory regulation. Corruption is classified as an extraordinary crime due to its profound impact on public finances, governance, and social trust, and is regulated through specialized legislation that provides detailed definitions of offenses and corresponding penalties.

Primary sanctions consist of imprisonment and monetary fines, which form the core of the punitive framework. These are complemented by additional penalties, including asset confiscation, restitution of state losses, revocation of political rights, and the closure or dissolution of corporate entities involved in corrupt practices. The inclusion of supplementary sanctions reflects a dual objective of enhancing deterrence and ensuring the recovery of public assets, thereby addressing both the punitive and restorative dimensions of corruption crimes.

In aggravated circumstances such as corruption resulting in substantial state losses or committed during periods of national emergency the legal framework permits the imposition of life imprisonment or the death penalty. Although such sanctions are applied selectively and infrequently, their availability underscores the seriousness with which corruption is regarded within the Indonesian legal system. Judicial discretion is constrained by statutory minimum and maximum sentencing thresholds, promoting proportionality and consistency while limiting individualized moral evaluation by judges.

The objectives of corruption sanctions in Indonesia encompass deterrence, proportional retribution, and asset recovery. While the system primarily emphasizes procedural certainty and formal legality, its ethical dimension is implicitly reflected in mechanisms designed to protect public wealth and uphold public accountability. From the perspective of maqāṣid al-syarī‘ah, this framework demonstrates partial alignment with Islamic legal objectives, particularly in safeguarding property (ḥifẓ al-māl) and preventing social harm, even though Islamic punitive concepts such as ta‘zīr are not explicitly incorporated into the formal sentencing structure.

Criminal Sanctions for Corruption in Saudi Arabia

Saudi Arabia adopts a legal system fundamentally grounded in Islamic law (Sharīʿa), with the Qur’an and Sunnah serving as the primary sources of law, complemented by royal decrees (niẓām and amr malakī) and modern administrative regulations. Within this framework, corruption is regarded as a grave violation of public trust (amānah), justice, and social order, rendering its eradication a central priority of national legal and governance policy. Normatively, Saudi anti-corruption regulation integrates the principles of fiqh jināyah, particularly the doctrine of jarīmah ta‘zīr, with contemporary statutory provisions criminalizing bribery, abuse of public office, and the embezzlement of public funds. This synthesis reflects the distinctive character of the Saudi legal system, which harmonizes Islamic legal values with the functional imperatives of modern state governance (Alatawi, 2025; Mostafa & AlRomi, 2026).

From an Islamic legal perspective, corruption encompasses a range of sharʿī violations, including ghulūl (embezzlement of public funds), risywah (bribery), and khiyānah (breach of trust). In cases where corruption produces systemic and widespread harm to society or threatens state stability, it may also be conceptually associated with ifsād fī al-arḍ (spreading corruption and disorder on earth). Since such offenses do not fall within the categories of ḥudūd or qiṣāṣ, they are classified as jarīmah ta‘zīr, thereby granting the state and the judiciary broad discretionary authority to determine appropriate sanctions. This discretion is exercised with due regard to the offender’s culpability, the public office held, the scale of financial loss, and the broader social and economic consequences of the offense (Alnafisah & Alyahya, 2025).

Imprisonment constitutes the principal criminal sanction for corruption in Saudi Arabia, with sentence durations ranging from several years to multiple decades, depending on factors such as the magnitude of state losses, the degree of intentionality, and the authority entrusted to the offender. Public officials are frequently subjected to harsher penalties than private individuals, reflecting the heightened standard of accountability attached to amānah in public

office. In addition to custodial sentences, substantial fines are imposed cumulatively, aiming to eliminate illicit enrichment, reinforce deterrence, and facilitate the recovery of state assets (Mostafa & AlRomi, 2026).

Administrative and office-related sanctions play a central role in the Saudi anti-corruption regime. These include dismissal from public office, permanent or temporary bans on holding government positions, freezing and confiscation of assets, and dishonorable discharge from service. Such measures underscore the understanding that corruption constitutes not merely a legal infraction, but a profound ethical violation and betrayal of public trust. Recent regulatory developments have further strengthened institutional enforcement capacity, particularly through the expansion of powers vested in the Oversight and Anti-Corruption Authority (Nazaha), enhancing investigative authority, inter-agency coordination, and preventive oversight mechanisms (Saudi Gazette, 2024; Beschel Jr., Schaider, & Chelbi, 2024).

In addition, Saudi Arabia has developed a comprehensive regulatory framework for the protection of whistleblowers, witnesses, experts, and other reporting parties in corruption cases. This framework serves as a critical preventive and enforcement mechanism, aiming to encourage reporting, reduce institutional silence, and strengthen accountability within public administration (AlGhamdi, 2025). Such protective measures reflect a shift toward a more preventive and systemic approach to anti-corruption governance, complementing the traditionally punitive orientation of criminal sanctions.

In exceptional circumstances, particularly where corruption causes serious harm to state security, economic stability, or social order, or involves organized and systemic criminal conduct, Saudi law permits the imposition of severe penalties, including the death penalty. From a fiqh perspective, such sanctions represent an extreme form of ta‘zīr, justified on the basis of overriding public interest (maṣlaḥah ‘āmmah) and the prevention of widespread harm (sadd al-dharā’iʿ). Although such penalties are rarely applied in practice, their normative availability reflects a strongly deterrent and repressive policy orientation aimed at protecting fundamental public and state interests (Alatawi, 2025).

The objectives of criminal sanctions for corruption in Saudi Arabia extend beyond retribution, encompassing the safeguarding of public trust, the preservation of governmental integrity, the deterrence of future offenses, the protection of state assets, and the maintenance of social order in accordance with the maqāṣid al-sharī‘ah, particularly the protection of property (ḥifẓ al-māl) and the preservation of public order. In comparative perspective, the Saudi model places greater emphasis on judicial discretion through ta‘zīr, demonstrates stronger integration of administrative, moral, and preventive sanctions, and allows broader sentencing flexibility despite comparatively lower levels of codification. This contrast highlights the philosophical divergence between a Sharīʿa-based legal system and modern positive law systems such as Indonesia’s, which prioritize detailed statutory formulation and procedural certainty.

Table 2. Criminal Sanctions for Corruption in Saudi Arabia

Aspect	Description
Legal System	Islamic law (Sharia) integrated with modern royal decrees and regulations.
Normative Basis	Qur'an, Sunnah, fiqh jināyah (ta'zīr), royal decrees.
Classification of Corruption	Jarīmah ta'zīr - crimes that breach public trust and governance.
Penal Approach	Discretionary and flexible, based on public interest and severity of offense.
Primary Sanctions	Imprisonment, fines, and other ta'zīr penalties.
Additional Sanctions	Asset seizure, dismissal from office, prohibition from future public office.
Maximum Sanction	Severe, including death penalty in extreme cases as ta'zīr maximum.
Role of Judge	Central and discretionary, considering social impact, position, and severity.
Objectives of Punishment	Protection of public trust, deterrence, prevention of social harm, moral enforcement.
Moral-Ethical Dimension	Strong and explicit, embedded in Sharia principles.
Alignment with Maqāṣid al-Syarī'ah	Very strong, focusing on protection of wealth (ḥifẓ al-māl), public order, and prevention of corruption.

The table of criminal sanctions for corruption in Saudi Arabia illustrates the country's distinctive approach to addressing corruption within a Sharia-based legal system that is complemented by royal decrees and modern administrative regulations. The normative foundation of this framework is derived from the Qur'an, the Sunnah, and fiqh jināyah particularly the doctrine of ta'zīr alongside state-issued regulatory instruments. This structure reflects a synthesis between religious authority and modern state governance.

Corruption is classified as a jarīmah ta'zīr, encompassing offenses that undermine public trust, administrative integrity, and social order. As ta'zīr offenses, corruption-related crimes are not subject to fixed textual penalties, allowing sanctions to be determined through judicial discretion. In practice, the type and severity of punishment are calibrated based on the seriousness of the offense, the official status of the perpetrator, and the extent of social and economic harm caused.

Primary criminal sanctions consist of imprisonment and monetary fines, which may be imposed cumulatively. Supplementary sanctions play a significant role and include asset confiscation, dismissal from public office, disqualification from holding future public positions, and other administrative measures aimed at preventing recidivism and restoring public confidence. In exceptional cases involving large-scale or systemic harm to state interests and social stability, the legal framework permits the imposition of the death penalty as a form of maximum ta'zīr, although such measures are applied selectively and with heightened consideration of public interest.

Judicial discretion occupies a central position in this sanctioning system, enabling judges to tailor penalties in accordance with moral, social, and ethical considerations. The objectives of corruption sanctions in Saudi Arabia extend beyond deterrence and retribution to include the preservation of public trust (amanah), the maintenance of social order, and the reinforcement of ethical conduct in public life. These objectives align with the maqāṣid al-

syarī‘ah, particularly the protection of property (ḥifẓ al-māl) and the prevention of societal harm, demonstrating how Saudi Arabia integrates legal, moral, and ethical dimensions into a comprehensive and context-sensitive anti-corruption framework.

Criminal Sanctions for Corruption in Egypt

Egypt adheres to a civil law system strongly influenced by the French legal tradition, while constitutionally recognizing the principles of Islamic law as one of the main sources of legislation. This configuration produces a hybrid legal system that combines modern positive law with normative Islamic values, particularly in matters concerning public ethics, justice, and social order. In the context of corruption, the Egyptian legal approach prioritizes codification, legal certainty, and formal enforcement mechanisms, while simultaneously reflecting moral considerations and the protection of public interest. Corruption is regarded as a serious offense against state administration and public trust, regulated primarily under the Egyptian Penal Code and supplemented by various special anti-corruption statutes addressing bribery, abuse of office, and embezzlement of public funds (El-Kady, 2024).

Normatively, Egypt’s anti-corruption framework is dispersed across several key legal instruments. The Penal Code criminalizes offenses against public office, including bribery, embezzlement, and abuse of authority, while specialized statutes expand the scope of liability and impose stricter sanctions, particularly for public officials and individuals holding strategic positions within the state apparatus. These criminal provisions are reinforced by administrative and disciplinary regulations applicable to public servants, providing complementary non-criminal sanctions such as dismissal from office, suspension, and restrictions on certain administrative and civil rights. This layered regulatory structure reflects Egypt’s strong emphasis on legal formalism, codification, and institutional certainty in combating corruption (Abdalsalam, 2023; El-Kady, 2024).

Imprisonment constitutes the principal criminal sanction for corruption offenses in Egypt. The length of custodial sentences is determined by the type of offense committed, the offender’s official position, and the extent of state financial loss or the value of the illicit benefit obtained. High-ranking officials involved in systematic, repeated, or organized corruption are subject to significantly longer sentences, reflecting the broader social, economic, and institutional harm caused by such conduct. In addition to imprisonment, fines are imposed cumulatively and calibrated in proportion to the value of bribes or losses inflicted on state finances, ensuring the elimination of economic incentives associated with corruption. Asset forfeiture plays a crucial role within this framework, enabling the recovery of property obtained directly or indirectly through corrupt practices and reinforcing the restorative dimension of punishment (El-Kady, 2024).

Administrative and supplementary sanctions further reinforce integrity in public office and governance standards. These measures include dismissal from public service, temporary or permanent disqualification from holding public positions, revocation of certain administrative rights including pension entitlements in specific cases and the inclusion of offenders in official blacklists. Such sanctions are designed not only to punish individual

offenders, but also to restore public trust, deter future misconduct, and strengthen accountability within the public sector (Abdalsalam, 2023).

Despite the relative comprehensiveness of Egypt's normative anti-corruption framework, empirical and policy-oriented assessments reveal persistent challenges in implementation and enforcement. Studies highlight structural vulnerabilities such as limited institutional independence, selective enforcement, weak oversight mechanisms, and insufficient protection for whistleblowers, particularly in cases involving non-financial corruption risks such as favoritism, nepotism, and abuse of discretionary power (Rodriguez Olivari, 2024). Country risk assessments further emphasize concerns regarding transparency deficits, regulatory inconsistency, and governance constraints that undermine the deterrent effect of criminal and administrative sanctions (GAN Integrity, 2020).

The objectives of Egypt's corruption sanctions encompass the enforcement of legal certainty and formal justice, the protection of state administration and public finances, deterrence of both offenders and society at large, and the recovery of state losses through asset forfeiture. While the Egyptian system relies predominantly on legal-formal and administrative mechanisms rather than moral discretion, Islamic ethical values continue to function as a normative backdrop within the legal order. Consequently, although Islamic criminal law is not formally applied, the substance and objectives of Egypt's anti-corruption sanctions align with key Islamic legal principles, particularly the protection of property (ḥifẓ al-māl), the prevention of social harm (daf' al-mafāsid), and the preservation of public trust (amānah). This alignment demonstrates how moral and religious values may be substantively integrated within a modern civil law framework without direct implementation of Sharīʿa criminal provisions.

Table 3. Criminal Sanctions for Corruption in Egypt

Aspect	Description
Legal System	Civil law with strong codification influenced by French law; incorporates Islamic principles as normative guidance.
Normative Basis	Egyptian Penal Code (Crimes against public office, bribery, embezzlement), anti-corruption laws, anti-bribery legislation, and relevant administrative regulations.
Definition of Corruption	Offenses against public administration and state finances, including bribery, embezzlement, abuse of power, and illicit enrichment.
Penal Approach	Legalistic, codified, and administrative; emphasizes procedural certainty and formal enforcement.
Principal Sanctions	Imprisonment and fines; penalties determined based on the offense, position of the offender, and financial damage caused.
Additional/Complementary Sanctions	Asset forfeiture (confiscation of illegally obtained property), dismissal from public office, restriction from occupying certain positions, inclusion in administrative blacklists, and in some cases, revocation of pension rights.
Maximum Sanctions	Long-term imprisonment, fines proportional to damage or illicit gain; severe cases may involve extended imprisonment for systematic or organized corruption.
Role of Judges	Bound by codified law; limited discretion within statutory ranges for sentencing.

Objective of Sanctions	Enforcement of legal certainty, protection of public administration and finances, deterrence of corruption, and recovery of state assets.
Moral-Ethical Dimension	Moderate; Islamic ethical values influence the legislative background but are not formally codified as part of sanctions.
Alignment with Maqāṣid al-Syarī'ah	Partial alignment: protection of property (ḥifẓ al-māl), prevention of social harm (daf' al-mafāsid), and safeguarding public trust.

The table provides an overview of criminal sanctions for corruption in Egypt, illustrating the types of penalties imposed, their modes of application, and the underlying legal framework. Egypt operates within a civil law system largely influenced by the French legal tradition, while constitutionally acknowledging Islamic ethical principles as a normative source of legislation. This configuration produces a hybrid legal framework that integrates modern positive law with moral and ethical values. Within this system, corruption is regarded as a serious offense against public administration, state finances, and public trust.

The principal sanctions for corruption consist of imprisonment and monetary fines, with their severity determined by the nature of the offense, the institutional position of the offender, and the magnitude of financial loss or bribery involved. In cases involving senior public officials or systematic and repeated conduct, sanctions tend to be more severe, reflecting the broader social harm caused. Supplementary measures play a significant role and include asset forfeiture, dismissal from public office, disqualification from holding public positions, and administrative blacklisting. These additional sanctions are designed to eliminate illicit gains, prevent recidivism, and restore public confidence in state institutions.

Egypt's corruption sanctions are codified primarily in the Penal Code and reinforced by specialized anti-corruption legislation, underscoring a strong commitment to legal certainty and procedural rigor. At the same time, the system reflects moral and ethical considerations rooted in Islamic values, particularly concerning integrity, accountability, and the protection of public property. The overarching objectives of Egypt's anti-corruption regime include deterrence, the safeguarding of public interests, and the recovery of state assets, demonstrating how formal legal mechanisms and normative ethical principles are combined to address corruption in a comprehensive and context-sensitive manner.

Comparative Analysis and Implications of Criminal Sanctions for Corruption in Indonesia, Saudi Arabia, and Egypt

A comparative examination of corruption sanction systems in Indonesia, Saudi Arabia, and Egypt reveals substantial differences in the conceptualization and implementation of criminal penalties, reflecting the distinct legal traditions and normative foundations of each country (Kesiranon, 2023; Sumiadi et al., 2025). Indonesia operates within a civil law–based positive legal system characterized by strong codification and statutory specificity. Corruption is explicitly defined under specialized legislation, accompanied by detailed and relatively rigid sanction frameworks, reflecting its classification as an extraordinary crime (extraordinary crime) (Afrizal, 2024; Puanandini et al., 2024). This model prioritizes legal certainty, predictability, and procedural regularity, although empirical studies continue to highlight

challenges such as sentencing disparities, limited deterrent effects, and suboptimal asset recovery (Efendi & Sukasih, 2024; Hidayat et al., 2025).

In contrast, Saudi Arabia applies a Sharīʿa-based legal system in which corruption is classified as jarīmah taʻzīr, granting judges and state authorities broad discretionary powers in determining sanctions based on culpability, office held, and social impact (Aziz, 2017; Wahid, 2021; Lubis & Ramadi, 2023). Criminal sanctions are thus normatively flexible and strongly oriented toward moral accountability and the protection of amānah (public trust). Recent legal and institutional reforms, including the strengthening of the Oversight and Anti-Corruption Authority (Nazaha), demonstrate a deterrence-oriented policy combining Islamic legal principles with modern regulatory governance (Saudi Gazette, 2024; Alatawi, 2025; Mostafa & AlRomi, 2026). Empirical assessments indicate that this integrated approach enhances enforcement capacity while preserving Sharīʿa-based legitimacy (Beschel Jr. et al., 2024).

Egypt represents an intermediate or hybrid model, operating under a civil law system heavily influenced by the French legal tradition while constitutionally recognizing Islamic law as a principal source of legislation. Corruption offenses are regulated primarily under the Penal Code and specialized anti-corruption statutes addressing bribery, abuse of office, and embezzlement of public funds (El-Kady, 2024; Abdalsalam, 2023). Although Islamic criminal law is not formally applied, public ethics and Islamic moral values continue to inform the normative orientation of enforcement, particularly regarding public trust and integrity (amānah) (Rodriguez Olivari, 2024). Nevertheless, governance assessments highlight persistent challenges related to institutional independence, uneven enforcement, and non-financial corruption risks (GAN Integrity, 2020; Beschel Jr. et al., 2024).

Regarding the types and severity of sanctions, all three jurisdictions employ imprisonment and fines as principal instruments, albeit with significant differences in orientation and flexibility. Indonesia combines custodial sentences with fines, asset forfeiture, compensation for state losses, and the revocation of political rights, increasingly incorporating restorative justice principles through asset recovery mechanisms (Putri et al., 2024; Marlina, 2025). Although capital punishment is formally available under exceptional circumstances, its application remains extremely limited, reflecting normative restraint within a progressive legal framework (Syarbaini, 2025; Al Munawar, 2025).

Saudi Arabia imposes comparatively stricter sanctions, including long-term imprisonment, substantial fines, asset confiscation, dismissal from office, and disqualification from public positions, supported by whistleblower protection mechanisms (AlGhamdi, 2025; Alnafisah & Alyahya, 2025). In extreme cases involving systemic harm, the death penalty may be imposed as a form of maximum taʻzīr, grounded in considerations of public interest (maṣlaḥah ʻāmmah) and harm prevention (dafʿ al-mafāsid) (Thamsir et al., 2025). Egypt applies more moderate sanctions, emphasizing imprisonment, fines, disciplinary measures, and asset forfeiture, prioritizing legal certainty and administrative order over punitive extremity (El-Kady, 2024; Abdalsalam, 2023).

These structural differences are mirrored in the objectives of corruption sentencing. Indonesia emphasizes deterrence and proportional retribution while gradually strengthening

restorative and recovery-oriented measures (Efendi & Sukasih, 2024; Marlina, 2025). Saudi Arabia prioritizes moral integrity, public trust, and social stability, closely aligned with the objectives of maqāṣid al-syarī'ah (ḥifẓ al-māl, ḥifẓ al-niẓām) (Thamsir et al., 2025; Al Munawar, 2021). Egypt focuses on legal certainty, public order, and bureaucratic discipline, with Islamic values serving as a substantive ethical backdrop rather than a formal legal source (Rodriguez Olivari, 2024).

Theoretically, this comparison demonstrates that ta'zīr in Islamic criminal law offers significant potential to address modern crimes such as corruption in a flexible and context-sensitive manner, enabling sanctions to be calibrated according to levels of social harm and moral culpability (Ramadhani et al., 2023; Januaris et al., 2024). Positive law systems, by contrast, provide clarity and objectivity but risk ethical detachment if not integrated with substantive justice values (Kesiranon, 2023). Egypt illustrates that the incorporation of Islamic ethical principles into a civil law framework may serve as an adaptive model for Muslim-majority countries seeking balanced anti-corruption regimes.

From the perspective of Indonesian criminal justice policy, several implications emerge. First, asset recovery should be repositioned as a central objective of corruption sanctions rather than a supplementary measure (Marlina, 2025). Second, embedding ethical values such as amānah, honesty, and moral responsibility within the penal framework is essential for achieving substantive justice (Al Munawar, 2025; Setiawan, 2025). Third, enhancing sentencing consistency is crucial to strengthening public confidence and institutional legitimacy (Sumiadi et al., 2025).

Viewed through the lens of maqāṣid al-syarī'ah, corruption sanctions must protect property (ḥifẓ al-māl), preserve justice and public order (ḥifẓ al-niẓām), and prevent social harm (dafʿ al-mafāsid) (Thamsir et al., 2025). This comparative analysis confirms that punitive approaches relying solely on imprisonment or severe punishment are insufficient unless complemented by effective asset recovery, institutional reform, and ethical internalization. Accordingly, a synthesis between the flexibility inherent in ta'zīr and the legal certainty provided by positive law is essential for designing corruption sanction regimes that are just, sustainable, and oriented toward the public interest.

Table 4. Comparative of Criminal Sanctions for Corruption in Indonesia, Saudi Arabia, and Egypt

Comparison Aspect	Indonesia	Saudi Arabia	Egypt
Legal System	Modern positive law (civil law)	Islamic law (Sharia) + state regulations	Positive law (civil law) with Islamic law influence
Normative Basis	Law No. 31 of 1999 jo. Law No. 20 of 2001	Qur'an, Sunnah, fiqh jināyah (ta'zīr), and royal decrees	Egyptian Penal Code and specific anti-corruption laws
Corruption Qualification	Special crime (extraordinary crime)	Jarīmah ta'zīr (crime violating public trust)	Crime against public administration and state finances

Penal Approach	Repressive and preventive with legal certainty	Flexible and discretionary based on public interest (maṣlaḥah)	Legalistic and administrative
Principal Sanctions	Imprisonment and fines	Imprisonment, fines, and other ta'zīr sanctions	Imprisonment and fines
Additional Sanctions	Asset forfeiture, revocation of political rights, restitution	Asset seizure, dismissal from office, prohibition from future positions	Asset forfeiture, dismissal from office
Maximum Penalty	Life imprisonment or death penalty (in certain conditions)	Severe, up to death penalty as maximum ta'zīr	Long-term imprisonment
Role of Judges	Bound by statutory minimum-maximum limits	Highly dominant and discretionary	Bound by statutory provisions
Penal Objectives	Deterrence, retribution, and asset recovery	Safeguarding trust, public morality, and prevention of harm	Legal certainty and administrative stability
Moral-Ethical Dimension	Implicit, not explicit	Strong and explicit	Moderate, serves as normative background
Alignment with Maqāṣid al-Sharia	Partial (mainly ḥifẓ al-māl - protection of property)	Strong and comprehensive	Relatively aligned, not explicit

The Comparative Table of Criminal Sanctions for Corruption in Indonesia, Saudi Arabia, and Egypt highlights the diverse approaches employed by each country, reflecting fundamental differences in legal philosophy, sanction structures, and the objectives of punishment. In Indonesia, corruption is classified as an extraordinary crime under Law No. 31 of 1999, as amended by Law No. 20 of 2001. The primary sanctions consist of imprisonment and fines, supplemented by additional measures such as asset confiscation, restitution of state losses, and the revocation of political rights. This legal framework prioritizes legal certainty, procedural clarity, and deterrence, while also demonstrating partial alignment with Islamic legal values, particularly in its emphasis on protecting public wealth (ḥifẓ al-māl). Judicial discretion is relatively constrained by statutory limits in order to promote consistency and predictability in sentencing.

In Saudi Arabia, the legal system is fundamentally grounded in Sharīʿa law and Islamic jurisprudence (fiqh jināyah), complemented by royal decrees and modern administrative regulations. Corruption is classified as a jarīmah ta'zīr, granting broad discretion to judges and state authorities in determining the type and severity of sanctions. These sanctions may include imprisonment, substantial fines, asset seizure, dismissal from public office, disqualification from holding government positions, and, in exceptional cases, the death penalty as a form of maximum ta'zīr. This model places strong emphasis on moral accountability, the safeguarding of public trust (amānah), and the prevention of social harm, reflecting a normative flexibility and ethical orientation consistent with the objectives of Islamic law (maqāṣid al-syarī'ah).

In Egypt, corruption is addressed as a serious offense against public administration and state finances within a civil law framework influenced by the French legal tradition, while

constitutionally recognizing Islamic law as one of the sources of legislation. Sanctions are regulated primarily through the Penal Code and specialized anti-corruption laws, consisting of imprisonment, fines, asset confiscation, and administrative measures such as dismissal from office or restrictions on holding certain public positions. This approach prioritizes legal certainty, administrative stability, and formal enforcement, with Islamic ethical principles operating as a normative backdrop rather than a formal basis for punishment.

Overall, the comparative analysis reveals three distinct models of corruption sanctioning. Indonesia emphasizes codification and procedural certainty, Saudi Arabia prioritizes judicial discretion and moral-ethical flexibility through ta'zīr, and Egypt adopts an integrative model that combines civil law codification with normative Islamic guidance. These differences illustrate how legal traditions, institutional structures, and ethical frameworks collectively shape the formulation and implementation of criminal sanctions for corruption in protecting public interest and maintaining governance integrity.

Conclusion

Corruption constitutes an extraordinary crime that not only results in substantial financial losses to the state but also undermines moral order, social justice, and public trust in legal and governmental institutions. Through a comparative analysis of Indonesia, Saudi Arabia, and Egypt, this study demonstrates that, despite the diversity of legal frameworks from modern positive law to Sharia-based systems the ultimate objectives of corruption sanctions converge: the protection of public interest, the enforcement of justice, and the prevention of broader societal harm.

From the perspective of Islamic law, corruption is classified as jarīmah ta'zīr, indicating that its criminal sanctions are not explicitly prescribed in the textual sources (nash) but are left to the discretion of the ruler or judge. Sentencing is determined with regard to the severity of the offense, its social consequences, and the public interest. This approach reflects the inherent flexibility of Islamic law and its penal orientation toward safeguarding trust (amānah) and realizing the objectives of Sharia (maqāṣid al-syarī'ah), particularly the protection of property (ḥifẓ al-māl) and maintenance of social order.

In Indonesia, a rule-of-law state grounded in modern positive law, criminal sanctions for corruption are codified through specialized legislation emphasizing imprisonment, fines, and additional penalties, including asset forfeiture and revocation of certain civil and political rights. Nevertheless, enforcement challenges persist, such as disparities in judicial decisions, limited deterrent effects, and suboptimal recovery of state assets. Saudi Arabia, operating a Sharia-based criminal system supplemented by contemporary regulations, implements relatively severe and flexible sanctions oriented toward public interest, reflecting the state's commitment to safeguarding trust and preventing abuse of power. In contrast, Egypt adopts a civil law framework influenced by Islamic values, emphasizing legal certainty, administrative stability, and normative ethical guidance.

These findings indicate that effective anti-corruption enforcement requires more than the mere imposition of severe sanctions; it necessitates the integration of legal certainty, asset recovery mechanisms, and the internalization of moral and public ethical values. Accordingly, the incorporation of Islamic legal principles particularly the concepts of ta'zīr and maqāṣid al-syarī'ah into positive law has the potential to enhance Indonesia's anti-corruption policies in terms of both substantive justice and sustainable implementation. Reformulating criminal sanctions for corruption with a focus on justice, public welfare, and the protection of public interest is therefore essential to effectively address contemporary forms of corruption.

References

Abdalsalam, T. S. (2023). Evaluating the disciplinary system of public servants in Egypt: A comparative study. *Science, Technology & Public Policy, 7*(1), 26–31. https://doi.org/10.11648/j.stpp.20230701.14

Afrizal, T. Y. (2024). The Criminal Acts of Corruption as Extraordinary Crimes in Indonesia. *International Journal of Law, Social Science, and Humanities*, *1*(1), 27-37. https://journal.lps2h.com/ijlsh/article/view/141

Al Munawar, F. A. (2021). 'Abd al-Majīd al-Najjār's Perspective on Maqāṣid al-Sharī'ah. *JURIS (Jurnal Ilmiah Syariah)*, *20*(2), 209-223. https://doi.org/10.31958/juris.v20i2.4281

Al Munawar, F. A. (2025). The legal sanctions of corruption criminal acts in Indonesia from the perspective of Abdul Majid An-Najjar's Islamic legal philosophy. *Journal of Modern Islamic Studies and Civilization (JMISC)*, *3*(1), 111-128. https://doi.org/10.59653/jmisc.v3i01.1416

Alatawi, O. D. (2025). Combating corruption and promoting economic resilience: legal and institutional reform in Saudi Arabia. *Humanities and Social Sciences Communications, 12*, Article 1597. https://doi.org/10.1057/s41599-025-05873-x

AlGhamdi, N. bin S. bin M. (2025). The regulatory framework for the protection of whistleblowers, witnesses, experts, and their equivalents in corruption cases: The Saudi system as a model. *Research Journal in Advanced Humanities*, *6*(2). https://doi.org/10.58256/s4gg7492

Alnafisah, L. A., & Alyahya, B. I. (2025). The Effects of Administrative Corruptionin Public Office in The Kingdom of Saudi Arabia. *Journal of Economic, Administrative and Legal Sciences*, *9*(9), 50 – 67. https://doi.org/10.26389/AJSRP.L1105252025

Aziz, M. W. (2017). SANKSI TINDAK PIDANA KORUPSI DALAM PERSPEKTIF FIQIH JINAYAT. *International Journal Ihya' 'Ulum Al-Din*, *18*(2), 159–180. https://doi.org/10.21580/ihya.17.2.1735

Beschel Jr., R. P., Schaider, I., & Chelbi, O. (2024). *How effective are Arab anticorruption agencies? Is the glass half empty or half full?* Middle East Council on Global Affairs. https://mecouncil.org/publication/how-effective-are-arab-anticorruption-agencies-is-the-glass-half-empty-or-half-full/

Bix, B. (2015). Jurisprudence: theory and context.

Chynoweth, P. (2008). Legal research. *Advanced research methods in the built environment*, *1*.

Creswell, J. W., & Poth, C. N. (2016). *Qualitative inquiry and research design: Choosing among five approaches*. Sage publications.

Efendi, R. A., & Sukasih, A. (2024). Assessing the Effectiveness of Indonesia's Criminal Justice System in Combatting Corruption: A Juridical Analysis. *Law and Economics*, *18*(2), 110–121. https://journals.ristek.or.id/index.php/LE/article/view/85

El-Kady, R. (2024). Examining and Combating Corruption in Egyptian Criminal Legislation. In I. Yakubu (Ed.), *Examining Corruption and the Sustainable Development Goals* (pp. 112-143). IGI Global Scientific Publishing. https://doi.org/10.4018/979-8-3693-2101-0.ch008

GAN Integrity. (2020). *Egypt country risk report*. GAN Integrity. https://www.ganintegrity.com/country-profiles/egypt/

Hidayat, R. T., Effendi, E., & Rahmadan, D. (2025). Corruption crimes in the 2023 Indonesian Criminal Code vs. the Anti-Corruption Laws: A comparative legal analysis. *Jurnal Ilmiah Advokasi*, *13*(4), 1566-1578. https://doi.org/10.36987/jiad.v13i4.8164

Hutchinson, T. (2013). Doctrinal research: researching the jury. In *Research methods in law* (pp. 15-41). Routledge.

Januaris, F. ., Arwani, M. K. ., Jumanda, A. ., Utama Yazid, I. ., Ulfazah, Y., & Fikri, R. . (2024). Combating Corruption in Indonesia Through Islamic Criminal Law and Customary Criminal Law. *Hakamain: Journal of Sharia and Law Studies*, *2*(2), 221–231. https://doi.org/10.57255/hakamain.v2i2.333

Kesiranon, K. (2023). Scrutinize the United Nations Convention against Corruption (UNCAC):A Human Rights Critique on Defining. Journal of Contemporary Sociological Issues, 3(2), 133-157. https://doi.org/10.19184/csi.v3i2.27775

Lubis, T. I. M., & Ramadi, B. (2023). Theoretical Studies Regarding Corruption, Corruption Crimes, and Perspective Studies on Islamic Criminal Law Theory (Fiqh Jinayah). *Al-Arfa: Journal of Sharia, Islamic Economics and Law*, *1*(2), 84–96. https://doi.org/10.61166/arfa.v1i2.38

Marlina, A. (2025). From Confiscation to Prevention: Asset Confiscation and the Impoverishment of Corruptors in Islamic Jurisprudence. *Legitimasi: Jurnal Hukum Pidana dan Politik Hukum*, *14*(2), 352-375. https://doi.org/10.22373/legitimasi.v14i2.32508

McCrudden, C. (2017). Legal research and the social sciences. In *Legal theory and the social sciences* (pp. 149-167). Routledge.

Mostafa, M. I., & AlRomi, S. (2026, January 7). *Anti-bribery and anti-corruption: Saudi Arabia*. Lexology. https://www.lexology.com/indepth/anti-bribery-and-anti-corruption/saudi-arabia

Poerwanto, H., Setiyono, J., & Sunardi. (2023). Corruption as a Violation of Human Rights, Economic, Social and Cultural Human Rights Perspective. *International Journal of Law and Politics Studies*, *5*(1), 119-129. https://doi.org/10.32996/ijlps.2023.5.1.14

Puanandini, D. A., Maharani, V. S., & Anasela, P. (2024). Korupsi sebagai kejahatan luar biasa: Analisis dampak dan upaya penegakan hukum. *Public Sphere: Jurnal Sosial Politik, Pemerintahan dan Hukum, 3*(3), 22–30. https://doi.org/10.59818/jps.v3i3.1173

Putri, N. T. A., Ratnasari, A., & Firananda, G. A. (2024). Restorative Justice and Anti-Corruption Law: Toward a Progressive Penal Policy in Indonesia. *Supremasi Hukum: Jurnal Kajian Ilmu Hukum*, *13*(2), 157-172. https://doi.org/10.14421/hnqvpv26

Ramadhani, M. A., Fadhilah, M. A., Ketaren, R. Z., Hutabarat, A. P., & Ahdy, Y. A. (2023). Penerapan hukum pidana Islam terhadap tindak pidana korupsi dalam tinjauan fiqih jinayah. *Jurnal Sains Student Research*, *3*(5), 90–105. https://doi.org/10.61722/jssr.v3i5.5478

Rodriguez-Olivari, D. (2024). *Egypt: Corruption and anti-corruption: A focus on non-financial corruption risks* (U4 Helpdesk Answer 2024:33). U4 Anti-Corruption Resource Centre & Transparency International Knowledge Hub. https://knowledgehub.transparency.org/helpdesk/egypt-corruption-and-anti-corruption

Saudi Gazette. (2024, July 23). *Oversight and Anti-Corruption Authority granted expanded powers to combat corruption*. Saudi Gazette. https://saudigazette.com.sa/article/644413

Setiawan, I. (2025). HUKUM PIDANA KORUPSI DALAM TAFSIR AL-JAMI'AL-AHKAM AL-QUR'AN KARYA AL-QURTUBI. *Al Burhan: Jurnal Kajian Ilmu dan Pengembangan Budaya Al-Qur'an*, *25*(1), 47-61. https://journal.ptiq.ac.id/index.php/alburhan/article/view/612

Sumiadi, & Rasyid, Laila & Irwali, Ikramsyah. (2025). Corruption Crimes in Indonesia: A Comparative Study. *International Journal of Law, Social Science, and Humanities*, *2*(1), 171-180. https://doi.org/10.70193/ijlsh.v2i1.224

Syarbaini, A. (2025). JARIMAH KORUPSI SEBAGAI KEJAHATAN LUAR BIASA. *Jurnal Tahqiqa : Jurnal Pemikiran Hukum Islam*, *19*(1), 1–14. https://doi.org/10.61393/tahqiqa.v19i1.269

Thamsir, M., Latif, M., & Muhammad, P. (2025). Islamic Criminal Law Reform in Corruption Cases: Maqasid al-Shariah Perspective. *Jurnal Ius Constituendum*, *10*(1), 16-27. https://doi.org/10.26623/jic.v10i1.10932

Van Hoecke, M. (Ed.). (2004). *Epistemology and methodology of comparative law*. Bloomsbury Publishing.

Wahid, S. (2021). Hukuman terhadap koruptor dalam perspektif hukum Islam: Punishment for corruptor in the perspective of Islamic law. *Bustanul Fuqaha: Jurnal Bidang Hukum Islam, 2*(2), 181–192. https://doi.org/10.36701/bustanul.v2i2.336

Wahyuni, F., Ishaq, I., & Irawan, A. (2021). Criminal Sanctions for Corruption Crimes Based on Perspective Study of Renewal Law and the Relationship with Islamic Criminal Law. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, *21*(2), 219–233. https://doi.org/10.30631/alrisalah.v21i2.795