



# STATE POWER SUPERVISION AND CORRUPTION PREVENTION IN INDONESIA: EVALUATING INSTITUTIONAL INEFFECTIVENESS THROUGH HISBAH PERSPECTIVES



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## Abstract

This study examines the effectiveness of oversight of power in preventing corruption in Indonesia from the perspective of fiqh siyasah hisbah. Studies on corruption have tended to focus on positive law and modern institutional approaches, while the Islamic ethical – political dimension has not been widely used as an analytical framework in evaluating weak institutional oversight. This article addresses this gap by analyzing how the principles of fiqh siyasah, particularly the concepts of amanah, hisbah, and maslahah, can be used to interpret the structural problems in the oversight of power in Indonesia. This study uses library research with a qualitative – analytical approach through a review of primary sources in the form of the Qur'an, hadith, and classical and contemporary literature on fiqh siyasah, combined with an analysis of regulations, anti – corruption policies, and academic studies on oversight institutions in Indonesia. The results show that the weak effectiveness of oversight institutions is not solely caused by regulatory issues, but also by the dominance of political interests, low elite integrity, and the absence of ethical oversight oriented towards moral accountability. In this context, fiqh siyasah hisbah offers a normative and theoretical framework that places supervision of power as a collective responsibility of the state and society.

## Abstrak

Penelitian ini mengkaji problem efektivitas pengawasan kekuasaan dalam pencegahan korupsi di Indonesia melalui perspektif fiqh siyasah hisbah. Kajian mengenai korupsi selama ini cenderung berfokus pada pendekatan hukum positif dan kelembagaan modern, sementara dimensi etika-politik Islam belum banyak ditempatkan sebagai kerangka analitis dalam mengevaluasi lemahnya pengawasan institusional. Artikel ini berangkat dari kesenjangan tersebut dengan tujuan menganalisis bagaimana prinsip-prinsip fiqh siyasah, khususnya konsep amanah, hisbah, dan maslahah, dapat digunakan untuk membaca problem struktural pengawasan kekuasaan di Indonesia. Penelitian ini menggunakan metode kepustakaan (library research) dengan pendekatan kualitatif-analitis melalui telaah terhadap sumber primer berupa Al-Qur'an, hadis, serta literatur klasik dan kontemporer fiqh siyasah, yang dipadukan dengan analisis terhadap regulasi, kebijakan anti-korupsi, dan studi akademik mengenai kelembagaan pengawasan di Indonesia. Hasil penelitian menunjukkan bahwa lemahnya efektivitas lembaga pengawas tidak semata-mata disebabkan oleh persoalan regulasi, tetapi juga oleh dominasi kepentingan politik, rendahnya integritas elite, serta absennya pengawasan etik yang



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*berorientasi pada akuntabilitas moral. Dalam konteks ini, fiqh siyasah hisbah menawarkan kerangka normatif sekaligus teoritis yang menempatkan pengawasan kekuasaan sebagai tanggung jawab kolektif negara dan masyarakat.*

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## INTRDUCTION

Corruption is a global phenomenon that transcends geographical boundaries, ideologies, and political systems. Nearly every country, both developed and developing, faces corruption as a major obstacle to sustainable development, democratic consolidation, and public welfare. Transparency International consistently identifies corruption as a structural problem that weakens social justice, erodes public trust, and undermines the rule of law (Transparency International, 2023). Indonesia is not exempt from this condition. Since the Reformasi era, corruption has remained a persistent issue in governance reform and public administration despite the establishment of various supervisory institutions and anti-corruption regulations (Juwono, 2016).

Based on the Corruption Perceptions Index (CPI) data, the level of perceived corruption in Indonesia over the past five years has fluctuated, with instability. In 2021, Indonesia scored 38, ranking 96th out of 180 countries. However, in 2022, this score dropped to 34, ranking 110th. In 2023, Indonesia again scored 34, ranking 115th out of 180 countries. In 2024, there was a slight improvement, with the score increasing to 37 and the ranking rising to 99th. However, in 2025, the score dropped again to 34, ranking 109th out of 180 countries. This data indicates that the perception of corruption in Indonesia remains a serious challenge to governance and upholding public integrity. (Transparency International, 2025). This condition indicates that institutional reforms alone have not been sufficient to create an effective and accountable oversight system.

The persistence of corruption in Indonesia demonstrates that the problem is not merely legal-administrative but also structural and ethical. Several major corruption scandals involving high-ranking public officials, such as the lobster seed export bribery case involving the Minister of Maritime Affairs and Fisheries and the social assistance corruption case involving the Minister of Social Affairs during the COVID-19 pandemic, reveal serious weaknesses in state supervision and accountability mechanisms (Hendrik Khoirul Muhid, Francisca Christy, dan Joniansyah, 2025; Wahyuni Sahara, 2021). Existing studies on corruption in Indonesia generally focus on legal enforcement, political oligarchy, bureaucratic reform, and institutional effectiveness from the perspective of constitutional law or governance studies. However, only a limited number of studies examine corruption oversight through the analytical framework of *fiqh siyasah*, particularly the concept of *hisbah* as an ethical and institutional mechanism for supervising power. Previous studies also tend to discuss Islamic political ethics in a normative manner without critically linking them to contemporary institutional weaknesses in anti-corruption governance. This gap indicates the need for a more integrative study

that connects Islamic political jurisprudence with modern systems of checks and balances in democratic governance.

From a theoretical perspective, corruption cannot be understood solely as a violation of criminal law. Corruption also reflects a crisis of morality, accountability, and political ethics. In Islamic legal thought, corrupt practices are closely associated with *ghulul* (abuse of authority), *risywah* (bribery), and betrayal of public trust, all of which are strongly condemned in the Qur'an and Hadith (Gunawan, 2018). Within the tradition of *fiqh siyasah*, governance is not only concerned with the legitimacy of political authority but also with ensuring that power is exercised in accordance with justice, accountability, and public welfare (*maslahah*) (Mustafid dkk., 2023). One of the central concepts in this framework is *hisbah*, which historically functioned as a supervisory institution responsible for monitoring social, economic, and governmental conduct (Rozi, 2019). Conceptually, *hisbah* shares similarities with modern theories of checks and balances because both emphasize accountability and the limitation of power to prevent abuse (Da Ros & Taylor, 2021). Nevertheless, unlike modern institutional oversight that relies primarily on procedural legality, *hisbah* integrates legal, ethical, and spiritual dimensions simultaneously. This theoretical distinction provides an important analytical contribution to understanding why formal oversight institutions often fail to prevent corruption despite the existence of comprehensive legal frameworks.

This article argues that the ineffectiveness of corruption oversight in Indonesia is rooted not only in institutional weaknesses but also in the absence of ethical supervision grounded in public morality and accountability. Therefore, integrating the principles of *fiqh siyasah hisbah* into modern governance may offer an alternative framework for strengthening anti-corruption oversight. Islamic values such as *amanah* (trustworthiness), justice, transparency (*al-wuduh*), and *maslahah* can function not merely as moral ideals but as substantive principles for evaluating the performance of supervisory institutions, including the Corruption Eradication Commission. This argument positions *fiqh siyasah* not only as a theological discourse but also as a critical approach to contemporary governance and anti-corruption studies.

Based on these considerations, this study seeks to answer the following research questions: (1) how does *fiqh siyasah hisbah* conceptualize corruption and the supervision of political power; (2) what are the main factors contributing to the ineffectiveness of corruption oversight institutions in Indonesia; and (3) to what extent can the principles of *fiqh siyasah hisbah* contribute to strengthening contemporary anti-corruption governance? By addressing these questions, this research aims to contribute theoretically to the development of interdisciplinary studies between Islamic political jurisprudence and governance studies, while also offering a critical perspective on the reform of supervisory institutions in Indonesia.

## METHODS

This study employs a normative legal research method with a qualitative approach based on library research. The study focuses on analyzing the effectiveness of power oversight in preventing corruption in Indonesia from the perspective of *fiqh siyasah hisbah* (legal and non – legal) (*hisbah*). The approaches employed include conceptual, statutory, and comparative approaches. Primary data sources include the Qur'an, hadith, and classical and contemporary literature on *fiqh siyasah* discussing the concepts of *amanah* (trust), *hisbah* (law), justice, and *maslahah* (beneficial benefits) in the governance of power. Secondary data were obtained from reputable national and international journals, Transparency International reports, official documents of the Corruption Eradication Commission (KPK), regulations related to the oversight of state institutions, and previous research relevant to the issues of corruption and power oversight.

Data collection was conducted systematically through academic literature searches in scientific databases such as Google Scholar, DOAJ, Scopus, and university repositories, using relevant keywords such as corruption oversight, *fiqh siyasah*, *hisbah*, state supervision, and anti – corruption governance. Data validity was maintained through source triangulation techniques by comparing various literature, regulations, and institutional reports to obtain consistency of information and strengthen the objectivity of the analysis. The collected data were then analyzed using content analysis and comparative analysis techniques. The first stage was carried out by identifying and categorizing the main concepts in *fiqh siyasah hisbah* related to the supervision of power. In the second stage, these concepts were critically analyzed and compared with institutional supervision practices in Indonesia to assess factors that contribute to ineffective supervision in preventing corruption. The analytical framework of this study places the principles of *amanah*, *hisbah*, accountability, and *maslahah* as evaluative instruments in understanding the relationship between Islamic political ethics and the modern supervision system in Indonesia.

## RESULT AND DISCUSSION

### Corruption in the *Siyasah Fiqh* Perspective

In Islamic legal and political thought, corruption is not understood merely as an administrative or financial violation, but as a multidimensional crime that damages moral order, public trust, and social justice. (Syarafi & Syahbandir, 2024) Classical Islamic literature does not use the modern term "corruption" directly; however, several concepts are closely associated with corrupt practices, such as *ghulul* (embezzlement of public assets) (Zaruni & Isnaeni, 2023), *risywah* (bribery), *khiyanat al-amanah* (betrayal of trust), *sariqah* (theft), *hirabah* (robbery), *al-maks* (illegal levies or extortion), *al-ikhtilas* (embezzlement), and *al-ihthab* (plunder) (Ihsan, 2019). These concepts demonstrate that Islamic jurisprudence has historically recognized various forms of abuse of power and unlawful appropriation of wealth. Nevertheless, contemporary corruption differs from classical forms

because it often occurs systematically through bureaucratic manipulation, political transactions, procurement fraud, and institutional collusion. (Atmoko & Syauket, 2022). Therefore, interpreting corruption solely through literal classical categories is insufficient without contextualizing them within modern governance structures (Ali dkk., 2024).

Among these concepts, *ghulul* occupies a central position in understanding corruption from the perspective of *fiqh siyasah*. Originally, *ghulul* referred to the unlawful appropriation of war booty before its official distribution. However, its substantive meaning extends beyond military contexts and includes any misuse of collective or public property for personal benefit. This principle is reflected in Surah Ali Imran verse 161, which condemns betrayal in managing public assets. In the modern state context, *ghulul* can be interpreted as the abuse of state budgets, public procurement manipulation, or embezzlement of public funds by state officials. (Zaruni & Isnaeni, 2023) Such reinterpretation is important because corruption today operates through legal–administrative mechanisms that are more complex than the individual acts described in classical texts. Thus, the relevance of *ghulul* lies not merely in its textual prohibition but in its ethical principle that public office is inseparable from accountability.

Similarly, the concept of *risywah* (bribery) remains highly relevant in contemporary political systems. A hadith narrated by Abu Dawud condemns both the giver and receiver of bribes, indicating that corruption is not only an individual moral deviation but also a transactional system involving reciprocal interests. In modern governance, bribery frequently manifests in political lobbying, vote–buying, procurement arrangements, and bureaucratic facilitation payments disguised as administrative practices. This indicates that corruption has evolved from isolated misconduct into an institutionalized network embedded within political and economic structures. Therefore, corruption cannot be addressed solely through punitive legal measures because it is sustained by patronage systems, elite alliances, and weak accountability cultures (Ikhsan & Iskandar, 2021).

Another important concept is *khiyanat al-amanah*, or betrayal of trust. In Islamic political thought, political authority is fundamentally an *amanah* entrusted by society and ultimately accountable before God. (Irfan, 2019) Surah An–Nisa' verse 58 emphasizes the obligation to deliver trusts to those entitled to them and to govern with justice. From this perspective, corruption represents not only financial misconduct but also the collapse of ethical responsibility in leadership. This understanding provides a broader analytical framework than positive law because it links corruption to moral legitimacy. Modern anti–corruption systems generally emphasize procedural compliance and legal sanctions, yet they often neglect the ethical dimension of governance. As a result, many public officials formally comply with regulations while simultaneously manipulating institutional loopholes for private interests. This condition demonstrates the limitation of legal–formal approaches that are detached from ethical accountability.

The Qur'an also establishes a broader normative foundation against corruption through Surah Al-Baqarah verse 188, which prohibits consuming wealth unlawfully and using wealth to influence legal authorities unjustly. In a contemporary context, this verse is highly relevant to practices such as judicial corruption, political bribery, and collusion between economic elites and state officials. Likewise, prophetic traditions prohibiting officials from accepting gifts reinforce the principle that public authority must remain free from personal interests. Historically, these prohibitions functioned as preventive ethics against conflicts of interest. In modern governance, however, conflicts of interest are often normalized through political financing, corporate lobbying, and transactional appointments. Consequently, corruption persists not because ethical principles are absent, but because institutional systems frequently tolerate practices that blur the boundary between public duty and private gain.

From the perspective of *fiqh siyasah*, corruption ultimately threatens the realization of *maslahah* (public welfare) and *'adl* (justice), which are central objectives of governance. (Hasanah, 2020) Corruption diverts public resources from collective welfare toward elite interests, thereby deepening inequality and weakening public trust in the state. In Indonesia, corruption in sectors such as education, social assistance, and infrastructure demonstrates how abuse of authority directly affects citizens' access to public services. (Fuadi, 2025). The Chromebook procurement scandal involving the Ministry of Education, Culture, Research, and Technology, with a budget of approximately IDR 9.9 trillion for 2019–2023, illustrates how policy decisions can be manipulated through opaque procurement processes (Kompas.com, 2025). From a *fiqh siyasah* perspective, this case reflects not only *ghulul* and *khiyanat al-amanah* but also the failure to uphold *hifz al-mal* (protection of public wealth) as one of the broader objectives of Islamic law. Importantly, such cases reveal that corruption in modern states is rarely an individual act; rather, it is facilitated by institutional weaknesses, political intervention, and ineffective oversight mechanisms.

In this regard, the concept of *hisbah* offers an important analytical bridge between classical Islamic governance and modern oversight systems. Historically, *hisbah* functioned as a supervisory institution responsible for monitoring market practices, public morality, and governmental conduct. However, reducing *hisbah* merely to moral preaching would oversimplify its historical role. In practice, *hisbah* represented a mechanism of accountability aimed at preventing abuse of power and protecting public interests. Conceptually, this resembles the modern principle of checks and balances, which seeks to distribute authority and prevent concentration of power (Da Ros & Taylor, 2021). The difference lies in the foundation of oversight: modern systems rely primarily on procedural legality, whereas *hisbah* combines institutional supervision with ethical and spiritual accountability. This integration is significant because many anti-corruption institutions today possess formal authority yet lack moral legitimacy and public trust.

The weak effectiveness of oversight institutions in Indonesia reflects this broader structural problem. Data from the 2024 National Integrity Assessment Survey released by the Corruption Eradication Commission recorded an integrity index score of 71.53, still categorized as vulnerable (kpk.go.id, 2025). Although institutions such as the KPK, the Supreme Audit Agency (BPK), and the Financial and Development Supervisory Agency (BPKP) have established monitoring and auditing mechanisms, their effectiveness remains constrained by political intervention, selective enforcement, bureaucratic collusion, and declining institutional independence. This condition suggests that oversight mechanisms in Indonesia often function procedurally rather than substantively. Within the framework of *fiqh siyasah hisbah*, such weaknesses indicate the absence of integrated moral accountability in governance. Therefore, strengthening anti-corruption efforts requires not only legal reform and institutional restructuring but also the reintegration of ethical principles such as *amanah*, justice, transparency, and public accountability into the culture of state administration.

### **Power Monitoring System (Hisbah) in Siyasah Fiqh**

In Islamic political tradition, hisbah is understood as a supervisory instrument to maintain social justice and prevent abuse of power. Hisbah functions not only as a legal mechanism but also as a moral control over the behavior of rulers and society to ensure it remains in accordance with Sharia values (Olaniyi, 2011). In the context of a modern state, this concept can be equated with a supervisory institution that has the authority to supervise, prevent, and take action against abuses of power (Halim, 2011). In Indonesia, this function is institutionally carried out by the Corruption Eradication Commission (KPK), so the KPK is often positioned as a modern representation of hisbah within the positive legal system. However, equating the KPK with hisbah cannot be accepted absolutely because the two have different characteristics and orientations. Hisbah in Islamic tradition is broader, encompassing moral dimensions, social ethics, and collective oversight of society, while the KPK is more oriented towards administrative law enforcement and criminal corruption.

In Islamic jurisprudence (*fiqh siyasah*), leadership accountability is transcendental because a leader is responsible not only to the people but also to Allah SWT. This aligns with the hadith of the Prophet Muhammad (peace be upon him): "Each of you is a leader, and each of you will be held accountable for those you lead" (Prayogo dkk., 2023). This concept emphasizes that power is a trust, not an instrument for enriching oneself or a particular group. From this perspective, the Corruption Eradication Commission (KPK) normatively aligns with the principle of hisbah, as it aims to safeguard the public trust and protect state assets (*hifz al-mal*). (Asa'ari dkk., 2023) However, in practice, the KPK's approach remains largely repressive, focusing on legal enforcement rather than on fostering moral development and public ethical transformation. As such, while the KPK partially fulfills hisbah principles, its efforts toward broader moral guidance and

preventive measures require further enhancement to fully represent the substantive spirit of hisbah.

The effectiveness of the Corruption Eradication Commission (KPK) as a modern representation of hisbah can be measured through empirical indicators such as the number of corruption cases handled, the value of state loss recovery, and the achievements of the Corruption Perception Index (CPI) and the Integrity Assessment Survey (SPI) (Yusuf & Umardani, 2025). Normatively, these achievements demonstrate efforts to protect the principles of amanah (trust), 'adl (justice), and *hifz al-mal* (property of God). However, national data shows that the level of vulnerability to corruption remains high, even after various enforcement operations have been carried out. This condition indicates that an institutional approach that focuses too much on enforcement has not been able to touch the structural roots of corruption, such as political patronage, oligarchy of power, and a culture of permissiveness towards abuse of authority. Thus, the KPK's success is still partial and not fully effective as a holistic instrument of oversight of power, as the concept of hisbah in Islam.

The Corruption Eradication Commission (KPK) has fundamental weaknesses that prevent it from fully representing its role. First, the 2019 revision of the KPK Law put the KPK under the executive and created a Supervisory Board. This move reduced the KPK's independence and allowed more political intervention in anti-corruption efforts. Second, in Islamic tradition, hisbah requires community participation in social control, but KPK oversight remains elitist and bureaucratic. Third, hisbah promotes enjoining good and forbidding evil by moral education and leadership. The KPK's educational efforts have not yet built a strong anti-corruption culture in society or the political elite.

When analyzed through a comparative institutional approach, there are important differences between classical hisbah and the modern Corruption Eradication Commission (KPK). Hisbah in classical Islam, particularly during the Abbasid and Ottoman dynasties, was carried out by *muhtasibs* (religious leaders) who possessed both moral and social authority to directly supervise markets, public administration, and official behavior. Supervision was preventive and based on close contact with the community. In contrast, the KPK operates within a modern legal state system that is highly procedural and relies on bureaucratic mechanisms, regulations, and formal evidentiary processes. As a result, the KPK is stronger in the formal-legal aspect but relatively weak in building moral legitimacy and community-based social oversight. In this context, the KPK can be said to represent only a portion of the hisbah function, particularly in law enforcement, but does not fully encompass the ethical and spiritual dimensions.

Furthermore, a comparative approach also shows that the effectiveness of oversight is determined not only by the existence of institutions but also by the political culture and integrity of the system. Countries with low corruption indices, such as Denmark or Finland, not only rely on anti-corruption institutions but also build a culture of transparency, ethical public service, and strong community participation. In Islamic jurisprudence (*fiqh siyasah*), this condition aligns with the

principles of *maslahah* and *'adl*, where supervision must be supported by collective morality, not merely the threat of punishment. Therefore, strengthening the Corruption Eradication Commission (KPK) cannot be achieved simply by expanding its legal authority; it must also be accompanied by political culture reform, public ethics education, and increased public participation in oversight of power.

Thus, the KPK can be understood as a modern adaptation of the concept of *hisbah*, but it does not fully represent the substance of *hisbah*. Its main weaknesses lie in its limited moral – spiritual dimension, weak institutional independence, and suboptimal public participation in oversight of power. The Islamic jurisprudence perspective demonstrates that effective oversight requires not only strong institutions but also the integrity of leaders, a healthy political culture, and public moral awareness. Therefore, the integration of *hisbah* values into a modern democratic system needs to be directed not only at the aspect of law enforcement, but also at the development of sustainable governance ethics and an anti – corruption culture.

### **The Reality of the Power Monitoring System in Indonesia**

Indonesia's system of oversight of power is constitutionally grounded in the 1945 Constitution (UUD 1945), which institutionalizes the separation of powers among the executive, legislative, and judicial branches as part of a checks and balances mechanism. In theory, this constitutional arrangement reflects modern governance principles that seek to prevent the concentration of power and ensure public accountability. Oversight functions are carried out through several state institutions, including the Corruption Eradication Commission (KPK), the House of Representatives (DPR), the Supreme Audit Agency (BPK), the Ombudsman, and judicial institutions (Susanto, 2014). From the perspective of governance theory, these institutions are intended to create horizontal accountability by supervising and limiting one another's authority. However, empirical developments in Indonesia demonstrate that the existence of formal institutions alone does not automatically produce effective oversight. Instead, the Indonesian case illustrates what governance scholars describe as *governance failure*, namely a condition in which institutional structures formally exist but fail to function optimally due to political capture, weak integrity, and institutional fragmentation.

This condition is particularly visible in the trajectory of the Corruption Eradication Commission (KPK). Initially, the KPK was regarded as one of the most credible anti – corruption agencies in Southeast Asia because of its strong investigative authority and relative independence. Nevertheless, the revision of the KPK Law in 2019 significantly altered its institutional position by placing it more directly under executive influence and introducing a Supervisory Board whose authority was perceived as limiting investigative autonomy. Empirically, this change coincided with declining public trust and growing concerns regarding the weakening of anti – corruption enforcement. From the perspective of institutional decline theory, this phenomenon reflects *institutional erosion*, where

institutions gradually lose their effectiveness not through formal abolition, but through legal and political restructuring that reduces their independence and coercive capacity. Consequently, the weakening of the KPK demonstrates that anti-corruption institutions are highly vulnerable to political intervention when democratic accountability mechanisms are not supported by strong political ethics.

A similar pattern can be observed in the legislative and oversight functions of the House of Representatives (DPR). Constitutionally, the DPR functions as a supervisory body over the executive branch. However, empirical realities indicate that the DPR is often entangled in partisan interests, coalition bargaining, and transactional politics, causing oversight mechanisms to lose their neutrality (Ramadhan & Prasetyoningsih, 2024). Rather than functioning as an institution of accountability, the DPR frequently operates within pragmatic political compromises that blur the distinction between oversight and political negotiation. In governance studies, this situation reflects the phenomenon of *elite capture*, where public institutions are dominated by political and economic elites who use formal democratic structures to protect group interests rather than public accountability. As a result, oversight becomes procedural rather than substantive.

The weakness of institutional oversight is also evident in the Ombudsman and the Supreme Audit Agency (BPK). Although the Ombudsman has the authority to supervise public services, its recommendations are often ignored by government agencies, limiting its effectiveness in encouraging bureaucratic reform (Wattimury & Dahoklory, 2022). Likewise, the BPK regularly identifies irregularities in state financial management, yet follow-up actions on audit findings are frequently inconsistent or politically selective. This condition indicates that Indonesia's oversight problem is not merely regulatory, but structural. The absence of binding enforcement mechanisms and weak inter-institutional coordination create what institutional theorists call *implementation gaps*, namely disparities between legal norms and administrative execution. Consequently, oversight institutions formally possess authority but lack sufficient political leverage to ensure compliance.

Judicial institutions such as the Supreme Court (MA) and the Constitutional Court (MK) also face challenges related to integrity and institutional legitimacy. Corruption cases involving members of the judiciary (Suparto, 2022) demonstrate that institutions expected to uphold justice are themselves vulnerable to abuses of power. This phenomenon reinforces the argument that corruption in Indonesia is not only an individual ethical problem but also a manifestation of systemic institutional decay. In the framework of institutional degradation, recurring corruption within oversight bodies weakens public confidence and creates a cycle of distrust toward democratic institutions. When judicial institutions lose legitimacy, the rule of law becomes fragile because legal enforcement is increasingly perceived as selective and politically influenced.

Beyond institutional weaknesses, the persistence of transactional politics further undermines oversight effectiveness. Money politics in elections, pragmatic coalition-building, and patronage networks encourage public officials to prioritize political survival over institutional accountability (Sisilia dkk., 2024). This

condition aligns with neo-patrimonial governance theory, where formal democratic institutions coexist with informal patron-client networks that dominate political decision-making. In practice, oversight mechanisms become subordinated to political compromise, thereby weakening checks and balances. Consequently, corruption persists not because oversight institutions are absent, but because political incentives encourage the maintenance of corrupt networks.

Moreover, the permissive social culture surrounding corruption exacerbates institutional decline. In many cases, public officials implicated in corruption continue to receive political support and social sympathy because they are framed as victims of political conflict or as influential community figures. This demonstrates that corruption has become partially normalized within political culture, particularly in bureaucratic and electoral contexts. According to legal culture theory, effective law enforcement depends not only on institutions and regulations but also on societal values and collective attitudes toward legality. Therefore, weak public intolerance toward corruption significantly reduces the deterrent effect of anti-corruption policies (Ramadhan & Prasetyoningsih, 2024).

From this analysis, it becomes evident that the central problem of oversight in Indonesia lies in the gap between constitutional design and institutional practice. Formally, Indonesia possesses an extensive oversight framework consistent with democratic governance principles. However, empirically, these institutions experience governance failure due to political intervention, institutional erosion, elite capture, and weak legal culture. This condition suggests that strengthening oversight cannot rely solely on legal reform or institutional expansion. Instead, it requires structural transformation involving institutional independence, ethical political leadership, stronger public participation, and the reconstruction of anti-corruption norms within society. Without addressing these deeper governance problems, the constitutional ideal of checks and balances will remain largely procedural rather than substantively effective in safeguarding democracy and public accountability.

### **Measuring the Effectiveness of the Corruption Eradication Committee from the Perspective of Fiqh Siyasah**

Siyasah fiqh and the Indonesian constitutional system intersect in their shared concern with limiting the abuse of power through accountability, public responsibility, and institutional oversight. Both frameworks reject the concentration of unchecked authority and place legitimacy on the capacity of government institutions to protect public interests. In Siyasah fiqh, leadership is understood as an amanah (trust) that must be exercised responsibly before both society and God (Hakiki, 2022). Meanwhile, Indonesia's constitutional framework institutionalizes this principle through checks and balances among the executive, legislative, and judicial branches following the amendments to the 1945 Constitution. Despite these similarities, the two systems differ in their epistemological foundations. Fiqh siyasah derives its legitimacy from transcendental ethical values rooted in revelation, whereas the Indonesian

constitutional system relies on procedural legality and institutional arrangements (Susanto, 2014). As a result, constitutional oversight in Indonesia often operates formally and procedurally, but lacks a strong ethical foundation capable of shaping the moral behavior of political actors.

This distinction becomes important when examining the persistent weakness of power oversight in Indonesia. Empirically, the existence of formal supervisory institutions such as the Corruption Eradication Commission (KPK), the Supreme Audit Agency (BPK), and parliamentary oversight mechanisms has not automatically reduced systemic corruption. This indicates that institutional effectiveness cannot be measured solely by the existence of legal structures, but also by the extent to which those institutions maintain integrity, independence, and public trust. In this context, *fiqh siyasah* offers an analytical contribution by emphasizing that oversight is not merely administrative control, but also moral accountability. Therefore, the weakness of Indonesian oversight institutions can be interpreted not only as a legal problem, but also as a crisis of political ethics and public morality.

The concept of *maslahah* provides a concrete analytical framework for evaluating whether state policies genuinely serve public interests or merely reproduce elite domination. (Haniatunnisa, 2021) explains that governance in Islamic political thought obliges rulers to prioritize public welfare (*khidmat ijtima'i*) in every policy decision. This perspective is relevant to contemporary governance failures in Indonesia, where many public policies are formally legal yet fail substantively because they benefit political oligarchies rather than society at large. Thus, *maslahah* can function as an evaluative indicator of policy effectiveness, particularly in assessing whether state institutions successfully distribute justice, protect public resources, and minimize corruption risks.

Similarly, the concept of *hisbah* can be interpreted not simply as a religious doctrine, but as a model of ethical–institutional oversight. Historically, *hisbah* functioned as a public supervisory institution with authority to oversee markets, public morality, and abuses of power (Zakaria, 2017). In the Indonesian context, institutions such as the KPK partially reflect this function because they combine investigative authority with preventive supervision. However, unlike classical *hisbah*, modern oversight institutions remain heavily dependent on political configurations and legal formalism. The weakening of the KPK after the 2019 revision of the KPK Law demonstrates that institutional independence in Indonesia is vulnerable to political intervention. Consequently, the oversight system operates procedurally but often fails substantively to control elite corruption. This condition reveals that the effectiveness of oversight depends not only on institutional design, but also on the political environment surrounding the institution.

From a comparative institutional perspective, *fiqh siyasah* contributes a broader understanding of oversight effectiveness than constitutional proceduralism alone. In the Indonesian constitutional system, effectiveness is generally measured through legal indicators such as prosecution rates, audit findings, and bureaucratic compliance. By contrast, *fiqh siyasah* incorporates ethical indicators, including

integrity, justice, trustworthiness, and public welfare. Combining these two approaches allows oversight effectiveness to be assessed through at least four dimensions: institutional independence, enforcement consistency, public participation, and ethical legitimacy. Institutional independence measures the extent to which oversight bodies are free from political intervention; enforcement consistency evaluates whether laws are applied impartially; public participation examines the involvement of civil society in monitoring power; and ethical legitimacy assesses whether state institutions maintain public trust and moral credibility.

Based on these dimensions, a conceptual model of integrative oversight can be formulated. In this model, the constitutional system functions as the structural framework that regulates authority and procedural accountability, while *fiqh siyasah* functions as the ethical framework that shapes political morality and public responsibility. The interaction between the two produces what can be described as an "ethical – constitutional oversight model," in which institutional effectiveness is not only determined by legal authority but also by moral legitimacy and social trust. This model suggests that anti – corruption reforms in Indonesia should not focus solely on strengthening regulations and institutions, but also on reconstructing ethical governance values within political culture and public administration.

Therefore, the integration of *fiqh siyasah* and the Indonesian constitutional system should not be understood merely as normative Islamization of state law, but rather as an effort to bridge the gap between procedural legality and ethical accountability. The constitutional system alone has proven insufficient to prevent institutional decline when political actors manipulate legal mechanisms for pragmatic interests. Conversely, ethical values without institutional mechanisms risk remaining symbolic. The combination of both frameworks offers a more comprehensive analytical approach for understanding why oversight institutions often fail and how governance reform can move beyond procedural compliance toward substantive justice and public accountability.

## CONCLUSION

This study demonstrates that corruption in Indonesia cannot be understood solely as a legal – administrative violation, but must also be analyzed as a structural crisis of accountability and public ethics. From the perspective of *fiqh siyasah*, corruption reflects the collapse of the principles of *amanah*, *'adl*, and *maslahah* that should form the normative foundation of governance. The findings reveal that the weakness of power oversight in Indonesia does not primarily stem from the absence of legal instruments or supervisory institutions, but from the limited institutional independence, political intervention, oligarchic influence, and the persistence of a permissive political culture toward corruption. In this context, the Corruption Eradication Commission (KPK) represents only a partial adaptation of the classical concept of *hisbah*. While the KPK performs legal and institutional supervisory functions, it has not fully embodied the broader moral and social

dimensions of hisbah, which historically integrated legal enforcement, ethical guidance, and collective social control.

Theoretically, this research contributes to the development of fiqh siyasah studies by repositioning hisbah not merely as a classical religious doctrine, but as a critical analytical framework for evaluating modern democratic oversight institutions. This study also offers an institutional – comparative perspective by showing that the effectiveness of anti – corruption mechanisms depends not only on formal legal authority, but also on the interaction between institutional integrity, political culture, and public morality. Thus, the article expands the discourse on corruption studies by bridging Islamic political jurisprudence with contemporary governance theory, particularly in relation to accountability, checks and balances, and institutional legitimacy in democratic states.

Nevertheless, this research remains limited because it relies primarily on normative and library – based analysis. The study has not yet empirically examined how Islamic ethical values are internalized within state institutions or how public perceptions influence the legitimacy of anti – corruption agencies. Future research therefore needs to adopt empirical and interdisciplinary approaches, such as socio – legal studies, political ethnography, or institutional performance analysis, to investigate the practical interaction between fiqh siyasah principles and modern governance systems. Comparative studies between Muslim – majority countries may also provide deeper insight into whether Islamic moral frameworks genuinely strengthen anti – corruption institutions or merely function as normative rhetoric within state discourse.

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This article is the collective work of Mustafid, Mardona Siregar, Imam Agung Prakoso, Putra Halomoan Hsb, and Muhammad Faiz Algifari. All five authors contributed equally to all stages of the writing process, from the idea formulation and title design, through the abstract, the introduction, the methodology formulation, data collection and analysis, to the presentation of the results and discussion. Furthermore, the authors are jointly responsible for ensuring that the entire content of this article complies with academic standards and the ethics of scientific publication. The final review process was carried out carefully and

thoroughly by all authors before the manuscript was jointly approved for publication.

## CONFLICT OF INTEREST

All authors have no conflict of interest regarding the publication of this article.

## REFERENCES

- Ali, B., Hanapi, A., Salam, A. J., Syauqi, M., & Filzah, N. (2024). The Preemptive Approach of Ulama in Aceh to Eradicating Corruption. *El-Mashlahah*, 14(2), 361 – 380. <https://doi.org/10.23971/el-mashlahah.v14i2.8885>
- Asa'ari, A., Ahmad, J., Zufriani, Z., Witro, D., & Kustiawan, M. T. (2023). Considering Death Penalty for Corruptors in Law on Corruption Eradication from the Perspective of Maqasid al-Syarī'ah. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 7(2), 920. <https://doi.org/10.22373/sjkh.v7i2.14944>
- Atmoko, D., & Syauket, A. (2022). Penegakan Hukum Terhadap Tindak Pidana Korupsi Ditinjau dari Perspektif Dampak Serta Upaya Pemberantasan. *Binamulia Hukum*, 11(2), 177 – 191. <https://doi.org/10.37893/jbh.v11i2.732>
- Da Ros, L., & Taylor, M. M. (2021). Checks and Balances: The Concept and Its Implications for Corruption. *Revista Direito GV*, 17(2). <https://doi.org/10.1590/2317-6172202120>
- Fuadi, F. (2025). Pengawasan Kekuasaan Eksekutif oleh Lembaga Legislatif dalam Sistem Ketatanegaraan Indonesia dan Prinsip Hisbah dalam Islam. *Madania: Jurnal Hukum Pidana dan Ketatanegaraan Islam*, 15(1).
- Gunawan, H. (2018). Korupsi Dalam Perspektif Hukum Islam. *Yurisprudentia; Jurnal Hukum Ekonomi*, 4(2). <https://doi.org/10.24952/yurisprudentia.v4i2.1506>
- Hakiki, Y. R. (2022). Kontekstualisasi Prinsip Kekuasaan sebagai Amanah dalam Pertanggungjawaban Presiden dan Wakil Presiden Republik Indonesia. *As-Siyasi: Journal of Constitutional Law*, 2(1), 1 – 20. <https://doi.org/10.24042/as-siyasi.v2i1.11813>
- Halim, M. (2011). Eksistensi Wilayahul Hisbah dalam Sistem Pemerintahan Islam. *Jurnal Ilmiah Islam Futura*, 10(2). <https://doi.org/10.22373/jiif.v10i2.45>
- Haniatunnisa, S. (2021). Mashlahah Al Mursalah Dalam Konsep Kenegaraan Menurut Imam Al Ghazali. *An Nawawi: Jurnal Hukum dan Ekonomi Islam*, 1(1), 13 – 20. <https://doi.org/10.55252/annawawi.v1i1.6>
- Hasanah, A. N. (2020). *Analisis Masalah Terhadap Sanksi Hukum Bagi Pelaku Tindak Pidana Korupsi Di Indonesia Dan Malaysia (Studi atas UU No 31 Tahun 1999 Junto UU No. 20 Tahun 2001 dengan Akta Suruhanjaya Pencegahan Rasuah Malaysia No. 694 Tahun 2009)*. Universitas Islam Negeri Sunan Ampel Surabaya Fakultas Syariah dan Hukum.

- Ihsan, M. (2019). Pencegahan Korupsi Dalam Perspektif Hukum Islam. *Lex Justitia*, 1(1), 101 – 112. [https://doi.org/10.22303/lj.1.1.2019.101 – 112](https://doi.org/10.22303/lj.1.1.2019.101-112)
- Ikhsan, M., & Iskandar, A. (2021). Hukum Seputar Risywah dalam Perspektif Hadis Nabi. *BUSTANUL FUQAHA: Jurnal Bidang Hukum Islam*, 2(2), 160 – 180. <https://doi.org/10.36701/bustanul.v2i2.322>
- Irfan. (2019). Penafsiran Ayat – Ayat Amanah Dalam Al – Qur'an. *Al-Tadabbur: Jurnal Ilmu Al-Quran dan Tafsir*, 4(2). <https://doi.org/10.30868/at.v4i02.571>
- Juwono, V. (2016). *Berantas Korupsi: A Political History Of Governance Reform And Anti-Corruption Initiatives In Indonesia 1945-2014*. London School of Economics for the degree of Doctor of Philosophy.
- Mahardhika, Tessa. KPK Rilis Hasil SPI 2024, Skor Indeks Meningkatkan namun Masih di Kategori Rentan. < [https://kpk.go.id/id/ruang – informasi/berita/kpk – rilis – hasil – spi – 2024 – skorindeks – meningkat – namun – masih – di – kategori – rentan](https://kpk.go.id/id/ruang-informasi/berita/kpk-rilis-hasil-spi-2024-skorindeks-meningkat-namun-masih-di-kategori-rentan). {accessed 19 January 2026}
- Mustafid, Enghariano, D. A., Harahap, A. A., Siregar, M. S. A., Sari, R., Harahap, N. K., Damanik, A., Rambe, T., Nst, N. A., Pahutar, A. A., Siregar, S. A., & Siregar, K. M. (2023). *Fiqih Siyazah*. Semesta Aksara.
- Octavia, Shela, Danu Damarjati. Diduga Dikorupsi, Anggaran Chromebook Kemendikbudristek Nyaris Rp 10 Triliun. <[https://nasional.kompas.com/read/2025/05/26/20350111/diduga – dikorupsianggaran – chromebook – kemendikbudristek – nyaris – rp – 10 – triliun](https://nasional.kompas.com/read/2025/05/26/20350111/diduga-dikorupsianggaran-chromebook-kemendikbudristek-nyaris-rp-10-triliun). {accessed 19 January 2026}
- Olaniyi. (2011). Hisbah and Sharia Law Enforcement in Metropolitan Kano. *Africa Today*, 57(4), 71. <https://doi.org/10.2979/africatoday.57.4.71>
- Prayogo, A., Siregar, M. N., Zalukhu, D. S., & Pia, A. (2023). Politik Islam Kontemporer: Analisis Hadis Tentang Pemimpin Pelindung Rakyat. *IMTIYAZ: Jurnal Ilmu Keislaman*, 7(2), 231 – 244. <https://doi.org/10.46773/imtiyaz.v7i2.892>
- Ramadhan, M. R., & Prasetyoningsih, N. (2024). Independensi Lembaga Komisi Pemberantasan Korupsi Pasca Putusan Mahkamah Konstitusi Nomor 36/Puu – Xv/2017. *Media of Law and Sharia*, 5(3).
- Rozi, F. (2019). Hisbah Dalam Islam. *Atanwir: Jurnal Kajian Keislaman dan Pendidikan*, 10(1).
- Sisilia, Rakrian Ajar Legowo, & Abdullah Sholah Syahadah. (2024). Eksistensi Pengawasan Terhadap Lembaga Pengawasan Sesuai Dengan Peraturan Perundang – Undangan. *YUSTISI: Jurnal Hukum dan Hukum Islam*, 11(2), 98 – 111. <https://doi.org/10.32832/yustisi.v11i2.16656>
- Suparto. (2022). *DINAMIKA & PROBLEMATIKA HUKUM Dari Hak Angket DPR Terhadap KPK Sampai Ke Penyelesaian Sengketa Batas Wilayah Melalui Pengujian Peraturan Perundang-Undangan*. Bina Karya.
- Susanto, S. N. H. (2014). Pergeseran Kekuasaan Lembaga Negara Pasca Amandemen UUD 1945. *Masalah-Masalah Hukum*, 43(2). [https://doi.org/10.14710/mmh.43.2.2014.279 – 288](https://doi.org/10.14710/mmh.43.2.2014.279-288)

- Syarafi, T., & Syahbandir, M. (2024). Confiscation of Corruption Asset in The Indonesian Legal System: A Study of Criminal Law in Aceh. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 8(2), 665. <https://doi.org/10.22373/sjhk.v8i2.20045>
- Transparency International Indonesia, Indeks Persepsi Korupsi 2024: "Korupsi, Demokrasi, Dan Krisis Lingkungan". <https://ti.or.id/indeks-persepsi-korupsi-2024-korupsi-demokrasi-dan-krisis-lingkungan/>. { accessed 19 January 2026}
- Wattimury, E., & Dahoklory, M. V. (2022). Hakikat Kedudukan Lembaga Ombudsman Dalam Struktur Ketatanegaraan Republik Indonesia. *Jurnal Pendidikan Tambusai*, 6(3).
- Yusuf, A. F., & Umardani, A. (2025). Tinjauan Siyasah Dusturiyyah terhadap Konsep Pengawasan KPK pasca Revisi Undang-Undang Nomor 19 Tahun 2019. *Manabia: Journal of Constitutional Law*, 5(01), 113-128. <https://doi.org/10.28918/manabia.v5i01.13274>
- Zakaria, M. (2017). Peradilan Dalam Politik Islam (Al Qadhaiyyah Fis Siyasah Assyar'iyah). *HUKUMAH: Jurnal Hukum Islam*, 1(1). <http://dx.doi.org/10.55403/hukumah.v1i1.70>
- Zaruni, A., & Isnaeni, A. (2023). Pemaknaan Ghulul Dalam Al-Qur'an Menurut Pandangan Tafsir Klasik Dan Modern. *Unisan Jurnal: Jurnal Manajemen & Pendidikan Islam*, 2(3).