



ISLAMIC LAW AND BUGIS-MAKASSAR CULTURE: AN APPROACH TO ANTI-ILLEGAL GRATIFICATION

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Submitted	Accepted	Published
30 th of April 2024	30 th of May 2024	5 th of June 2024

ABSTRACT

The objective concerning Anti-Illegal Gratification in the Perspective of Islamic Law and the Culture of Bugis-Makassar Community is to provide a profound understanding of the practice of illegal gratification within the Bugis-Makassar cultural context and Islamic legal perspective. This discussion also aims to provide a strong foundation for formulating effective prevention strategies related to illegal gratification. By exploring the perspectives of Islamic law and the culture of the Bugis-Makassar community, this discussion is expected to contribute positively to efforts to prevent illegal gratification and corruption in the Bugis-Makassar community, as well as to strengthen awareness of the importance of integrity and honesty in social interactions. This research employs a meticulous and in-depth literature review method, combining various reference sources. It is hoped that this research will provide a comprehensive understanding of the issue of illegal gratification from the perspectives of Islamic law and the culture of the Bugis-Makassar community. From the findings of this research, it can be concluded that

How to Cite: Marlina, A., Mulyono, A., & Lahangatubun, N. (2024). ISLAMIC LAW AND BUGIS-MAKASSAR CULTURE: AN APPROACH TO ANTI-ILLEGAL GRATIFICATION. Jurnal Al-Dustur, 7(1), 64-79.
doi:<https://doi.org/10.30863/aldustur.v7i1.6271>

efforts to prevent illegal gratification from the perspective of Islamic law and the culture of the Bugis-Makassar community require a holistic approach that integrates local cultural values with Islamic legal principles. Concrete steps are needed to address existing challenges and strengthen social awareness of the importance of integrity and honesty in social interactions.

Keywords: *Anti-Illegal Gratification, Islamic law, Bugis-Makassar culture.*

INTRODUCTION

Bugis-Makassar community is rich in traditions and strong cultural values, where the practice of giving gifts or tokens of gratitude is an integral part of respected social interactions, passed down from generation to generation. However, on the other hand, acts of corruption and illegal gratification, which contradict principles of justice and honesty, are also issues that cannot be ignored. From an Islamic legal perspective, such practices are prohibited as they violate the ethical and moral values underlying religious teachings. Meanwhile, from the Bugis-Makassar cultural perspective, corruption and illegal gratification have contravened the characteristics of the Bugis-Makassar tribe known as "*Siri na Pacce*". Therefore, it is important to understand how the practice of giving gifts in Bugis-Makassar culture interacts with the concepts of Islamic law and morality, and how its use can create a dilemma between tradition and adherence to broader principles of ethics and law.¹

Based on the 2023 integrity assessment survey, there has been a 1 percent increase in cases of gratification in the governance of positions compared to the previous year. This indicates that the

¹Ade Irma Suryani and Ahmad Hasan Basri, "Rekonstruksi Frasa Fasilitas Lainnya Dalam Tindak Pidana Korupsi Terkait Gratifikasi Seksual," *Journal of Law and Islamic Law* 1, no. 1 (2023): 108–23.



phenomenon is still occurring.² Illegal gratification has widely detrimental impacts, including systemic corruption, undermining public trust in institutions and government, hindering economic and social development, and causing injustice in the distribution of resources. Moreover, this practice can also diminish the quality of public services, exacerbate social inequalities, and impede the growth of healthy and sustainable businesses. Furthermore, illegal gratification often leads to abuse of power and threatens political stability and national security.³

To address illegal gratification, the Corruption Eradication Commission implemented control over gratuities in December 2023 through socialization, campaigns, and anti-corruption training, including programs aimed not only at employees in institutions but also at service users, and to strengthen efforts and achievements of anti-corruption programs by institutions. Control over gratuities and the reporting of wealth statements (LHKPN) is conducted by fostering accountability and transparency. The development of service systems is pursued with the aim of optimizing the use of technology, including online services or other existing platforms, to expand openness and accessibility while reducing reliance on intermediaries in service processes. In this context, cooperation with partners is crucial to enhance the quality of services that are honest and transparently accountable. The implementation of duties includes building an integrated whistleblowing system by establishing a trustworthy and responsive Public Complaints medium. This aims to encourage the

² Literasigratifikasi, "Gratifikasi Dalam Tolak Ukur Tata Kelola Jabatan Masih Terjadi" (gol.kpk.go.id, 2023).

³Syukri Hidayat Nasution and Zaid Alfauza Marpaung, "Analisis Hukum Peninjauan Kembali Terhadap Gratifikasi Penyelesaian Perkara Di Pengadilan (Studi Putusan MA Nomor 1 Pk/Pid. Sus/2019)," *Spektrum Hukum* 20, no. 1 (2023): 19–32.



public and local government employees to feel comfortable, safe, and confident in reporting violations.⁴

Although the proposed solution holds potential for enhancing effectiveness in addressing illegal gratification, there are several shortcomings that need to be considered. Firstly, the assurance of universal internalization of awareness and understanding regarding the consequences of corrupt actions cannot be guaranteed despite socialization efforts, campaigns, and anti-corruption training. Secondly, limitations in technology access and inadequate infrastructure may hinder the effectiveness of developing service systems with technology optimization, especially in rural areas and among socioeconomically disadvantaged groups. Thirdly, resistance to change, particularly concerning the establishment of whistle-blowing systems and Community Complaints Media, could disrupt the reporting process and necessitate strong protection for reporters.

Based on the outlined issues, the author has proposed a novel innovation that integrates local cultural values with Islamic ethical principles. This approach aims to strengthen social awareness, support anti-corruption education, and introduce simple technological solutions for reporting illegal gratification. Furthermore, robust protection for reporters is underscored by launching a blockchain-based digital platform tailored to Bugis-Makassar cultural values and Islamic legal principles. This solution not only amalgamates modern technology with traditional values but also provides an effective means to address corruption issues by harnessing community strength effectively.

This research aims to address the gaps in previous studies concerning illegal gratification in the context of Islam and the Bugis-Makassar community's culture. While there have been several prior studies examining illegal gratification from the perspectives of Islamic

⁴Mutiara Carina, "Penguatan Gratifikasi," *Komusi Pemberantasan Korupsi* 2023, no. Hakordia (2023).



law and the Bugis-Makassar cultural context, none have specifically explored the elaboration of the intersection between Islamic perspectives and the Bugis-Makassar cultural context regarding gratification. For instance, the research conducted by Mughny Ilman Wali Rusdi and Susanti Prasetyaningrum in the Indigenous Journal (2015) with the article titled "*Nilai Budaya siri' na Pecce dan Perilaku Korupsi*" did not specifically elucidate strategic prevention strategies for illegal gratification. The study by Fazzan and Abdul Karim Ali in the Shariah Journal (2016) entitled "*Gratifikasi dalam Prespektif Hukum Positif di Indonesia dan Solusinya Menurut Hukum Islam*" examined the analysis of scholars' views regarding corruption, gifts, and grants, as well as actions taken to prevent corrupt practices. The research by Muhammad Sabir and Iin Mutmainnah in Alhurriyah: Journal of Islamic Law (2020) titled "*Korupsi, Hibah, dan Hadiah dalam Prespektif Hukum Islam*" discussed the analysis of scholars' perspectives on corruption, gifts, and grants, as well as actions taken to prevent corrupt practices. The study by Ahmad Alyadi Rahman et al. in the Qawanin Journal of Legal Science (2021) titled "*Pembentukan Peraturan Daerah Melalui Pendekatan Nilai Siri Na Pacce Sebagai Upaya Pencegahan Korupsi*" addressed the formation of local regulations using the *Siri na Pacce* values to prevent corruption. However, one crucial aspect that has not been explored in previous research is the integration of two important aspects: Islamic ethical values and the local cultural traditions of the Bugis-Makassar ethnic group, to comprehend and address the issue of illegal gratification.

METHODS

This research method involves a meticulous and in-depth literature review utilizing various reference sources. The reference sources utilized will encompass relevant books, reputable scholarly journal articles, perspectives on Islamic Law and the Culture of the Bugis-Makassar Community, as well as pertinent legislative regulations.



In elaborating on the Islamic law perspective and the culture of the Bugis-Makassar Community. By utilizing diverse reference sources, it is anticipated that the research can yield a comprehensive and profound analysis of the complexity of the issue of Illegal Gratification According to Islamic Law and the Culture of the Bugis-Makassar Community, and provide a strong foundation for the formulation of effective prevention strategies.

RESULTS AND DISCUSSION

A. Illegal Gratification in the Perspective of Islamic Law and Bugis-Makassar Culture

Gratification is not merely a legal matter, but also an issue of ethics and integrity. Max Weber, a renowned sociologist, regarded bureaucracy as a machine that must separate itself from personal interests and state interests. Accepting gratification for personal gain is a betrayal of the duties and responsibilities as a servant of the state.⁵

A gratuity is categorized as an act of corruption, requiring consideration of the formulation of Article 12B Paragraph (1) of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001. "Any gratuity to a public official or state official is deemed bribery if it relates to their position and contradicts their obligations or duties, subject to the following provisions:."

From the aforementioned section, it can be inferred that the acceptance of gratuities or gifts by a state official or civil servant from parties having a relationship or affiliation with their position or duties can be classified as an act of corruption.⁶

Between gifts and gratuities, the distinction indeed is very slight. Firstly, in terms of definition, a gift refers to a bestowal made with the

⁵H Sukiyat, *Teori Dan Praktik Pendidikan Anti Korupsi* (Jakad Media Publishing, 2020); Muhammad Reza Syariffudin Zaki and M A SH, *Pengantar Ilmu Hukum Dan Aspek Dalam Ekonomi* (Prenada Media, 2022).

⁶Agustina Gubali, "Analisis Pengaturan Gratifikasi Menurut Undang-Undang Di Indonesia," *Lex Crimen* 2, no. 4 (2013).



intention of showing appreciation, creating a memento, or bestowing honor. On the other hand, a gratuity constitutes an act of bribery, which is itself defined as an attempt to influence someone by offering something. In this context, the disparity between gifts and gratuities is quite clear: gifts carry a positive connotation, whereas gratuities tend to carry a negative one. Secondly, from the perspective of the giver's intention. If the giver presents something with the intention of bestowing appreciation or honor upon the recipient, such an action may be termed a gift. However, if the giver's intention is to offer a bribe or inducement, the action is more accurately described as a gratuity.⁷

To differentiate between gifts and gratuities from the perspective of the perpetrator, there is an opinion that if the giving occurs prior to the completion of the legal process or the task undertaken, it is considered a gratuity. However, if the giving takes place after the completion of said process, then it is termed a gift. Nevertheless, if there is a covert agreement between the giver and the recipient that the gift will be given after the conclusion of the matter and has been agreed upon by both parties, it still qualifies as a gratuity. This is because, despite being termed a gift, there is no substantive difference between the two, and the giver has made a promise beneficial to the recipient. To better understand the concepts of gifts and gratuities, careful attention must be paid to the circumstances surrounding the giving and whether there are efforts to influence the actions or decisions of the recipient.⁸

The term "gift" or "*hadiah*" in Indonesian when traced etymologically, originates from the word "*hada*," which carries the connotations of gathering and collecting. The plural form of the word "*hadiyyah*" is "*hadaya*." In the book Ash-Shihah, "*hadiyyah*" is the singular form of the word "*hadayah*." People say "*ahdaitu lahu*" or "*adhaitu ilahi*." Both sentences convey the same meaning.

⁷Irvan Sebastian Iskandar, "Korupsi Gratifikasi Bagi Pejabat Publik," *Jurnal Administrasi Publik* 14, no. 2 (2023).

⁸ Millatul Bariyah, "Motif Dan Kondisi Aparat Penegak Hukum Dalam Menerima Hadiah Perspektif Hukum Islam," *Journal of Islamic Business Law* 6, no. 2 (2022).



In the Islamic perspective, giving gifts is an encouraged act, especially when done to strengthen bonds and express gratitude for kindness received. However, it should be noted that gifts can become impermissible if they aim to violate Sharia law, such as influencing public policy or fostering unhealthy dependencies.⁹ Similarly, the act of gift-giving has long been ingrained in the Bugis-Makassar culture, where rich cultural values of honesty, propriety, and purity of heart serve as the primary foundation for giving and receiving gifts. However, in modern contexts, this practice often becomes entangled in issues of corruption and illegal gratuities that undermine social and moral order.

Imam Ahmad stated, "Whoever holds power in government or office is not allowed to accept any gift." Additionally, it is narrated, "Gifts for officeholders constitute betrayal, especially for rulers. I do not like it if they accept gifts, except from friends or relatives who have been accustomed to giving them gifts before they assumed power."

If an official who is about to receive a gift can ensure that the giver is honest and has no hidden motives behind the gift, then such action may still be acceptable. This is based on the principles of honorable gift acceptance. Therefore, it is not objectionable to receive a gift; indeed, it may be considered a virtuous act to reciprocate with a better gift if the official is convinced that the giver acted with good intentions. An example drawn is the action of the Prophet Muhammad (pbuh), who accepted a gift from someone known to have good intentions, without any hidden motives behind the gift. In response, the Prophet Muhammad (pbuh) gave a better reward as a form of appreciation and generosity.¹⁰

There is an interesting phenomenon that merits attention here, namely the societal practice of often expressing gratitude to officials by offering goods or money. Although in the eyes of the public, such

⁹KPK RI, *Gratifikasi Menurut Pandangan 6 Agama*, 2021, <https://youtu.be/GTe-UVAfWk?si=LX2viMt1klGuSCzN>.

¹⁰ Ali Maulida et al., "Tindak Pidana Korupsi Dalam Perspektif Hukum Indonesia Dan Pidana Islam," *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 8, no. 01 (2020): 43–67.



actions may seem customary or acceptable, from a legal perspective, this practice is inherently detrimental and holds the potential to cultivate corruption in the future if perpetuated consistently.¹¹ In this context, preventive measures should be taken by the law, specifically to prevent the potential occurrence of corruption. Additionally, state officials should also exhibit firm attitudes in rejecting gratuities and reporting them to the relevant authorities if there are suspicions of gifts related to their positions or authorities.¹²

In the Bugis-Makassar culture, there exists a rather unique custom whereby individuals frequently experience a sense of discomfort or obligation to reciprocate by giving something to others as a token of gratitude for assistance or aid rendered by those individuals. Moreover, this discomfort is not limited solely to expressions of gratitude but often manifests across various aspects of life.¹³

The principles of *Siri' na Pacce* values, which serve as the foundation against corruption within the Bugis-Makassar culture, encompass the following aspects. Firstly, integrity demonstrated through honesty in actions and words. This signifies those individuals adhering to *Siri' na Pacce* values will refuse to take what is not rightfully theirs and will not engage in corrupt practices in this modern era. Secondly, intelligence is defined by one's ability to comprehend humanitarian values, which will deter them from violating the rights of others or engaging in corrupt behavior. Thirdly, wealth in this context is not a matter of material possession, but rather a sense of contentment with what one has, thus eliminating any impulse to usurp the rights of others. Fourthly, courage is demonstrated by a firm stance against

¹¹ Nur Mauliddar, Mohd Din, and Yanis Rinaldi, "Gratifikasi Sebagai Tindak Pidana Korupsi Terkait Adanya Laporan Penerima Gratifikasi," *Kanun Jurnal Ilmu Hukum* 19, no. 1 (2017): 155–73.

¹² Maghfur Ahmad, "Fiqih Anti-Korupsi Mazhab Negara: Memadu Hukum Islam Dan Hukum Nasional," *Jurnal Hukum Islam* 12, no. 1 (2014): 38–62.

¹³ Vira Nurliza et al., "Tanda Terimakasih Yang Dapat Berujung Tindak Pidana Korupsi Jenis Gratifikasi," *De'Rechtsstaat* 9, no. 2 (2023): 120–31, <https://doi.org/10.30997/jhd.v9i2.8560>.



wrongdoing, including rejecting all forms of abuse of power or corrupt actions contrary to principles of justice and truth.¹⁴

There are also cultural values that serve as a strong foundation in the practice of gift-giving in Bugis-Makassar culture. Values such as *amaccang* (ingenuity), *asitinajang* (propriety), *agettengeng* (perseverance), *reso* (entrepreneurship), *alempureng* (honesty), and *Siri' na Pacce* (sense of shame and empathy) form a strong moral framework in giving and receiving gifts. These values emphasize the importance of honesty, the alignment between rights and obligations, and integrity in interacting with others.¹⁵

The Bugis-Makassar community, who previously refrained from engaging in corruption, did so not only due to the four dimensions of *Siri' na Pacce* values, but also because within the dimensions of *Siri' na Pacce* values, there are social and moral sanctions that serve as reasons for people not to infringe upon the rights of others. The cultural values of *Siri' na Pacce* have a negative or opposing relationship with corrupt behavior, thus these values can be one of the factors in reducing corrupt practices. By strengthening the cultural values of *Siri' na Pacce*, corrupt behavior can be prevented. Within the cultural values of *Siri' na Pacce* lie anti-corruption values, such as honesty, intelligence, wealth, and courage. These four dimensions should ideally be instilled from an early age, as if an individual practices the values inherent in the *Siri' na Pacce* culture, the likelihood of illegal gratification practices decreases.¹⁶

B. The Prevention Solution of Illegal Gratification in the Perspective of Islamic Law and Bugis-Makassar Society

¹⁴ Anggia Bahana Putri et al., "KOMUNIKASI BUDAYA SALAM TEMPEL DI INDONESIA," 2023, 321–32.

¹⁵KPK RI, *Gratifikasi Dalam Prespektif Budaya Bugis*, 2021, <https://youtu.be/zcTT9Tq16BU?si=cYHXcb95Z65trm9C>.

¹⁶ Mughny Ilman, Wali Rusdi, and Susanti Prasetyaningrum, "Nilai Budaya Siri'Na Pacce Dan Perilaku Korupsi," *Jurnal Indigenous* 13, no. 2 (2015): 68–86.



In the history of Islam, the handling of corruption emphasizes the necessity of strict oversight over prospective state officials to ensure freedom and cleanliness from corrupt actions. One example of this practice occurred during the time of Caliph Umar bin Khattab. In the process of appointing governors or state officials in a certain region, they were required to report or assess their wealth before accepting the position. After their term of office ended, their wealth would be thoroughly examined again. If wealth deemed to exceed reasonable limits was discovered, the excess wealth had to be returned to the state treasury.¹⁷

In addition to the efforts undertaken by Khalifah Umar to combat corruption, he also issued a prohibition for state officials to engage in business. The rationale behind this prohibition lies in the belief that a state official is prone to exploit their authority to dominate markets and businesses, potentially creating unfair or unhealthy competition. Another repercussion of state officials' involvement in business is a decline in work ethic, which ultimately may reinforce corrupt behavior.¹⁸

The fundamental aspect that requires attention is that public officials should refrain from accepting gifts or favors from the public to the best of their ability. Although giving gifts is a common practice in society and is considered commendable, it differs for public servants or government officials who receive gifts from individuals. This action can undermine the governance system as accepting gifts can influence the

¹⁷ Bambang Wijayanto, Abdul Malik Gismar, and M Syarif Laode, "Korupsi Itu Kafir: Telaah Fiqih Korupsi Dalam Muhammadiyah Dan Nahdlatul Ulama," *Jakarta: Mizan*, 2010.

¹⁸ Hajam Hajam and Theguh Saumantri, "Meretas Ketegangan Relasi Agama Dan Negara Di Indonesia Dalam Perspektif Nurcholish Madjid," *RUSYDIAH: Jurnal Pemikiran Islam* 3, no. 2 (2022): 189–211.



policies adopted by government officials, ultimately leading to conflicts of interest.¹⁹

In relation to the regulatory factor itself, the government has made amendments to the Corruption Law, namely Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption. However, in the opinion of the author, these regulations are still inadequate and incomplete. One example is the formulation regarding gratification. It is advisable that the regulation be comprehensively formulated regarding gratification, including clear criteria and details, so that the public does not misinterpret the regulation. For instance, Article 12B of Law Number 20 of 2001 which uses the phrase "other facilities." Therefore, legal changes are considered necessary if there are discrepancies between societal conditions and the prevailing regulations.²⁰

The cultural values of *Siri' na Pacce* can be utilized as preventive measures by implementing them in the form of Regional Regulations encompassing the Local Curriculum of *Siri' na Pacce* Cultural Values in South Sulawesi. Additionally, as a repressive measure, specific regional regulations can be established to govern Illegal Gratification sanctions, such as expulsion penalties for the perpetrators of Illegal Gratification and their families. For the Bugis-Makassar community, sanctions of this nature are particularly feared due to the high regard for honor and shame. Therefore, it is believed that such sanctions will be more effective in reducing the incidence of Illegal Gratification.

It is highly anticipated that the community can delve deeper into the meaning of a culture, particularly the *Siri' na Pacce* culture. By understanding and internalizing the cultural values of *Siri' na Pacce*, each individual can become more beneficial, both in personal life and

¹⁹ Wiki Oktama Putri and Ridwan Arifin, "Penegakan Hukum Terhadap Anggota Legislatif Dalam Kasus Tindak Pidana Korupsi Di Indonesia," *Jurnal Hukum Pidana Dan Ketatanegaraan* 8, no. 1 (2019): 1–15.

²⁰ Nadya Syafira, Erdianto Effendi, and Erdiansyah Erdiansyah, "Tinjauan Yuridis Tindak Pidana Menerima Gratifikasi Berdasarkan Undang-Undang Nomor 31 Tahun 1999 Jo Undang-Undang Nomor 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi" (Riau University, 2015).



as part of society. In addition to serving as a guide in daily life, the cultural values of *Siri' na Pacce* also play a role as a tool to control the attitudes and behaviors of individuals and to shape a more moral and ethical societal order. Therefore, it is important for all of us to uphold and preserve the values contained within the *Siri' na Pacce* culture.²¹

The author has proposed a new innovation for Preventing Illegal Gratification in the Perspective of Islamic Law and Bugis-Makassar Society, namely:

1. Combining local cultural values with the principles of Islamic ethics. This approach aims to strengthen social awareness. It can be achieved through collaboration with religious institutions, which can provide teachings on Islamic ethical principles regarding gift-giving and impart local cultural values emphasizing honesty and integrity. Furthermore, local stakeholders such as regional governments can organize educational and socialization programs that integrate cultural values and Islamic principles in efforts to prevent illegal gratification. Meanwhile, civil society organizations can assist in disseminating information, facilitating dialogue among stakeholders, and overseeing the implementation of these illegal gratification prevention programs.
2. Supporting anti-corruption education and introducing simple technological solutions for reporting illegal gratuities. Strong protection for whistleblowers is also emphasized by launching a blockchain-based digital platform that records all transactions and related government activities permanently and distributed, enabling all parties to access and verify data in real-time. This enhances government transparency and accountability, which is utilized to provide easy access for the public to report corruption

²¹ Ilman, Rusdi, and Prasetyaningrum, "Nilai Budaya Siri'Na Pacce Dan Perilaku Korupsi."



practices tailored to Bugis-Makassar cultural values and Islamic legal principles.

3. To address the challenge of illegal gratification towards inadequate access to technology, it is proposed to strengthen technological infrastructure and provide intensive training to relevant employees. This measure encompasses sufficient allocation of funds for technological infrastructure development, as well as the provision of training focused on ethics and prevention of gratification.

CONCLUSION

Illegal gratification within the context of Bugis-Makassar culture and Islamic legal perspective is expected to contribute positively to efforts to prevent illegal gratification and corruption. Although the practice of gift-giving is an integral part of social tradition, there exists a dilemma between rich cultural values and principles of justice and honesty. Despite preventive efforts such as socialization programs and anti-corruption training, significant challenges persist in changing societal behaviors and mindsets. Therefore, there is a need for innovation that integrates local cultural values with Islamic ethical principles to address illegal gratification and reinforce social awareness.

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