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Omerta And Its Implications For Eradication Of Criminal Acts Of Corruption: Integration Of *Maqasid Sharia*

Roni Efendi, Hebby Rahmatul Utamy, Dewi Putri, Arifki Budia Warman
Faculty of Sharia, Mahmud Yunus Batusangkar State Islamic University

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Author's email:
roniefendi@uinmybatusangkar.ac.id
hebby.ru@uinmybatusangkar.ac.id
dewiputri@uinmybatusangkar.ac.id
arifkibudiawarman@uinmybatusangkar.ac.id

Abstract

Corruption is an extraordinary crime that has a systemic impact on social life, the nation, and the state. So the eradication process requires extraordinary measures. However, 24 years after the promulgation of the Corruption Eradication Law, criminal statistics show that corruption crimes are still high. This recorded is only a small part of the criminal acts of corruption that have not been criminally processed. Among the causal aspects is the legal system, especially legal substance. That was by disharmonization of these laws shows that there is an opportunity for the tradition of omerta by the perpetrators, namely the legitimacy of formal legal norms that replace Herziene Indlandsch Reglement. By another side of Islamic law criminal acts of corruption have an impact on the basic of worldly life as well as safety in the afterlife. So this research aims to provide a solution to eradicating criminal acts of corruption and elaborate on the Islamic legal system. The type of research was normative juridical with a qualitative approach by secondary data and meta norms regarding the Corruption Eradication Law and the Criminal Procedure Law. Research findings show that the culture of omerta occurs due to disharmonization of norms between the Corruption Eradication Law and Article 56 paragraph (1) of Law Number 8 of 1981 concerning Criminal Procedure Law which gives suspects or defendants the right not to answer questions from law enforcement officials at any stage. inspection. Then the omerta of criminal acts of corruption also contradicts the concept of maqasid sharia.

Keywords: *Omerta; Corruption Crimes; Maqasid Shariah*

Introduction

After the promulgation of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Corruption Crimes (UU PTPK), criminal statistics show that corruption cases are increasing in Indonesia. (Efendi, Adhari, et al., 2023). Recapitulation *of criminal statistics* Corruption Crimes, based on data from the Corruption Eradication Commission (KPK), the author took samples, namely categories of corruption crimes by agency, statistics on corruption crimes for the last 6 (six) years can be analyzed in the following table:

Table 1

Action/Case	2018	2019	2020	2021	2022	2023	Total
Investigation	164	142	111	119	113	119	768
Investigation	199	145	91	108	120	128	711
Prosecution	151	153	75	88	133	106	706
Inkracht	109	142	92	87	141	93	664
Execution	113	136	108	89	101	103	650

Source:(Corruption Eradication Commission, 2023):

The table above shows that corruption cases based on the type of agency handled by the Corruption Eradication Committee will increase, especially in 2023, not to mention the analysis of corruption cases handled by National Police investigators. These corruption cases are only a small part of the cases that have not been recorded, the level of dark corruption is estimated to be much greater than recorded corruption (Elwi Danil, 2014). This is related to the iceberg theory, likening it to an iceberg, that the corruption crimes recorded on the surface are only a small part of the corruption crimes that have not been uncovered (Roni Efendi, 2021).

The lack of holistic corruption cases is caused by various aspects, one of which is seen from the legal system aspect(Friedmann, 2011), including legal substance, legal structure, and legal culture (Lawrence M. Friedman, 2002). The absence of criminal acts of corruption from the legal substance aspect can be analyzed from the formulation of the law. In terms of formal legal regulations, articles have been found that provide loopholes for perpetrators to carry out omerta. Omerta is a custom that prohibits providing information about the involvement of criminal mafias (Mario Puzo, 2002). The author conducted a study of the Court Decision in the absolute competence of the Padang Corruption Crime Trial with case number 06/Pid.Sus-TPK/2018/Pn.Pdg.

Case Number	**Number 02/Pid.Sus-TPK/2019/PN.Pdg**		
Convict	**Drh. EH**		
Case	**Corruption (Gratification)**		
Type of Indictment	**Subsidiarity**		
Verdict	**1 year 6 months, fine 50 million, subsidiary 2 months, asset recovery 11,034,000**		
Delneming	***Mede Dader***	***Illegal Levies***	***Deelneming Possession***
	Drh. EH	11,034,000,-	*Doen Pleger / Pleger*
	Ir. PB	4,373,970,-	*Mede Pleger*
	Drh. SRJ	**15,713,130.-**	***Doen Pleger / Pleger***
	Drh. HF	26,530,750,-	*Mege Pleger*
	Drh. FL	15,336,750,-	*Mede Pleger*
	Drh. US	15,000,930,-	*Mede Pleger*
	M.A	10,796,560,-	*Mede Pleger*
	I	663,210,-	*Mede Pleger*
	J.D	1,883,010,-	*Mede Pleger*
	Drh. IH	9,941,100,-	*Mede Pleger*
	ND	1,645,080,-	*Mede Pleger*

Then data of omerta show by case number 02/Pid.Sus-TPK/ 2019/Pn.Pdg (Roni Efendi, 2021).

Case Number	**Number 06/Pid.Sus-TPK/2018/PN.Pdg**		
Convict	**Drh. SRJ**		
Case	**Corruption (gratification)**		
Type of Indictment	**Subsidiarity**		
Verdict	**1 Year 6 Months, Fine 50 Million Subsidiary 3 Months Imprisonment, Asset Recovery 15,713,130,- (confiscation or 1 year imprisonment)**		
Delneming	***Mede Dader***	***Illegal Levies***	***Deelneming Possession***
	Drh. EH	11,034,000,-	*Doen Pleger / Pleger*
	Ir. PB	4,373,970,-	*Mede Pleger*
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In both of the Corruption Court's decisions, there was evidence of conviction, but only one person was convicted in each decision. This deelneming was not revealed due to the convict's efforts to silence or keep his mouth shut.

Research on criminal acts of corruption has been carried out by many previous researchers, at least the researchers found several previous studies published in reputable international journals and grouped authors based on research focus, including comparisons of the causes of criminal acts of corruption in various countries. (Ade Pranata, 2022),(Alex O. Acheampong; Elliot Boateng; Corlins Baah Annor, 2024),(Oluseye, 2023). Then research on the impact of criminal acts of corruption was carried out by(Boge Triatmanto ; Suryaning Bawono, 2023),(Anisah Alfada, 2019)as well as research that focuses on aspects of the integrity of human resources and local government(Boge Triatmanto ; Suryaning Bawono, 2023),(Beatriz Simon-Yarza Corresponding, 2023)And(Klein et al., 2023). From this research, no one has examined omerta as a cause of non-disclosure of criminal acts of corruption, so this research is important to carry out to find solutions in eradicating criminal acts of corruption from the aspect of synchronizing material law and formal law.

Then, according to Ija Sunata, corruption is not comprehensively recorded because: *Indonesia is a state squeezed by the constructions of national law, Islamic law, and customary law* (Suntana et al., 2023).In this context, even though Indonesia is not a Muslim country, Islamic values are clearly stated in Pancasila. As a staatfundamental norm, every principle

in Pancasila flows the teachings of the philosophy of punishment (Efendi, Zurnetti, et al., 2023) and the concept of benefit. Because the perpetrators of criminal acts of corruption have undermined the concept of maqasid sharia, namely something that should be done with full consideration and aimed at achieving something that can lead someone to the straight path (truth), the truth obtained must be firmly believed in and practiced (Muhammad Farhan, 2020). However, corruption is a shortcut that breaks through the concept of maqasid sharia and the practice of eradicating corruption as explained above is very disturbing to elements of the nation, so the author needs to conduct studies and research to improve the system so that the eradication of criminal acts of corruption can be carried out with full justice, certainty and usefulness (benefits).

Method

The method that the author uses in writing this article is normative juridical because the author uses a meta-norm approach and studies legal philosophy, legal theory, and legal norms in Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Crimes. Corruption Crime, Law Number 8 of 1981 concerning Criminal Procedure Law as well as a study of the concept of Maqasid Sharia.

Results and Discussion

In 1882, Pitr è denied that the words *Mafia* and *omertà* could refer to the criminal sphere: according to him, *omert a* in particular corresponded to *manliness* , the traditional code, and the sense of oneself that forced every Sicilian male to defend both his own and his family's honor. So, the Mafia's "propaganda" has distant origins. One propagandistic argument, shared by Mafiosi and non-Mafiosi alike, goes like this: the label "Mafia" in itself corresponds to a racist stigma that aims to criminalize all law-abiding Sicilians (in Italy) and Italian-Americans (in the United States). M. L. Harney, a prominent FBN agent, considered this appeal against racism as one of the "fundamentals" of the game that the brotherhood had learned "as a good football team."2 Another argument, used by insiders, affirms that: "our thing," what *they* call Mafia, is neither a gang nor a corporation, but something far better. In a text confiscated in prison from Rosario Spatola (the drug merchant operating on the Sicilian-American route around 1980 to whom I referred in the previous chapter), we read: Are we interested in defining what the judges and the powers that be call Mafia? It shouldn't be called Mafia, since its real name is *omert à* , that is men of honor, who help rather than profiting from the weak, who always do good and never evil (Lupo, 2015).

Nonetheless, the omerta tradition of the mafia is one of the reasons corruption persists today. Omerta was the Mafia's communicational codes, whether written, unwritten, spoken or unspoken, demonstrate a system of silence that overpowers individuals and institutions within its society. This domination reveals itself through the Mafia's perversions of common societal structures (Adriana Nicole Cerami, 2009).

Omerta can be defined as the code of honor of the Italian mafia which is based on the code of silence deeply rooted in southern Italy (first of all, Sicilia) and Corsica, the refusal to cooperate with the authorities and noninterference in other people's legal affairs. To understand the axiological essence of omertà and its influence on social life it is necessary to refer to the question of the mafia hierarchy (Olena Andriyenko, 2019).

There are two approaches to the phenomenon of omerta. First approach is based on the idea that background of omerta is fear. Silence exists at the expense of the fear that the mafia spreads, threatening to take away property and land from those ordinary people who decide to openly cooperate with the police. Silence implies loyalty to a criminal organization, that is, compliance with all its systems as a result of which Camorra's strong power is established. In the Sicilian mafia, the term "*omu di panza*" exists. This is a person who knows how to be silent and does not give out information. "*Pentito*" is a repentant mafia, a traitor, the one who provided the police withinformation in exchange for protection and logout (Olena Andriyenko, 2019).

The second approach seems to be more deep and systematic. It does not refuse from the idea that omertà is connected with the sense of fear (it is characteristic feature of many social norms and behavioral rules). But this approach does not insist that fear is only and the most important factor of existence of omertà. In its context omertà is shown as a complex phenomenon which has deep roots in the Italian social worldview, culture, history, religion and traditions. The code of silence is a prime example of a perversion of family and Church, whose foundation on love allows for free and direct communication. Omertà, instead, is largely based on fear, and therefore requires codes of communication in order to avoid outside infiltration and deciphering of such codes (Olena Andriyenko, 2019).

In the meantime, the Indonesian legal system is the reason behind Omerta In a state, the law requires normative and empirical recognition of the principles of the supremacy of law, namely that all problems are resolved with the law as superior guidance. Normative recognition of the supremacy of law is realized in the formation of legal norms hierarchically and leads to the supremacy of the Constitution. Meanwhile, empirical recognition is realized in the behavior of government and society which is based on

applicable legal rules (Is, 2020). Furthermore, the characteristic of a modern state legal system is the existence of something supreme (Muchamad Ali Safa'at, 2016), or law is an order from a sovereign ruler (law is a command of the lawgiver) (Roni Efendi, 2016).

So in this case the House of Representatives (DPR) as the supreme authority to shape the law has promulgated the PTPK Law based on the principle of lex specialis derogate legi generalis (Agustina, 2015) on the material legal provisions of the Criminal Code (KUHP). As a law-making function institution, the DPR has properly constructed laws regarding corruption offenses. From a criminal policy perspective, the enactment of the PTPK Law is a manifestation of criminal law policy. The PTPK Law is a national effort taken by the State to tackle criminal acts of corruption through penal policy (Adhari, 2018).

The PTPK Law as a criminal law policy regulates materially the qualifications for offenses and sanctions and there are several formal legal provisions as a form of deviation from the Criminal Procedure Code. This is justified considering that corruption is an extraordinary crime so it requires extraordinary measures through criminal law reform which emphasizes aspects of the legal system. Because corruption in Indonesia is widespread and systematic, violating people's economic rights. Therefore, overcoming it also requires extraordinary methods (Roni Efendi, 2021). This extraordinary method is to form a Corruption Eradication Commission (KPK) which is tasked with carrying out investigations and prosecutions of corruption and establishing a special court, namely the Corruption Crime Court within the scope of general justice.

In the process of law enforcement against criminal acts of corruption, conflicts are often encountered which have the impact of not revealing crimes of corruption holistically and comprehensively as in the legal facts that the author has presented in the previous section. These conflicts sometimes occur between norms in one law and other laws, one of which is Article 56 Paragraph (1) (Law Number 8 of 1981 concerning Criminal Procedure Law, 1981) namely: " If a suspect or defendant is suspected or accused of committing a criminal offense that is punishable by the death penalty or a sentence of fifteen years or more or for those who are incapacitated who are threatened with a sentence of five years or more who do not have their legal advisor, the official who concerned at all levels of examination in the judicial process are obliged to appoint legal advisors for them."

The legal politics of Article 56 Paragraph (1) of the Criminal Procedure Code is the State's recognition and respect for the rights of suspects or defendants who are undergoing the criminal process. However, the author analyzes that the implementation

of the article in question has been interpreted extensively to give suspects or defendants very broad rights, including the right to remain silent or not answer questions from officials at every stage of the examination. This right to remain silent is adopted from the Miranda Rule concept, namely the rules that regulate the constitutional rights of suspects or defendants which include the right not to answer questions from the official concerned in the criminal justice system process and the right to be accompanied or present by legal advisors starting from the investigation stage. to all levels of the judicial process (M. Sofyan Lubis, 2010).

Miranda Rule is an important instrument in the justice system, it is intended to provide guarantees that the examination will be carried out fairly and humanely (Dwi Seno Wijanarko; Irman Jaya, 2021). Apart from that, the Miranda Rule is also known as the Miranda Right, which emphasizes the right to remain silent or refuse to answer questions from the police or those arresting them before being questioned by investigators. Furthermore, there is the term Miranda Warning, which is a warning that must be given by investigators to suspects (Finta Riris Sitorus, 2016).

As a universal principle of The International Covenant and Civil and Political Rights article 14 Sus 3d (Maulidar, 2021)The Miranda Rule was ratified in Indonesian legislation (Revelation Rizki Pratama, 2022) highly upholds and respects the Miranda Rule, which is proven by adopting it into the Criminal Procedure Law system (M. Sofyan Lubis, 2010).

The ratification of Miranda Rights in criminal procedural law does provide color and has a positive impact, especially providing the rights of suspects or defendants that are not adhered to by *Herziene Inlandsch Reglement* (HIR) and *Rechtreglement voor de Buitengewesten* (RBg). However, because Miranda rights are a universal principle and are applied at every stage of examination in the criminal justice system, they also have negative impacts. Because the suspect or defendant will use the Miranda Rights to remain silent or shut up (Omerta) from every question the investigating officer asks, this is a novelty for this article. The failure to fully resolve corruption cases is due to Article 56 Paragraph (1) of the Criminal Procedure Code which provides its legitimacy.

So in the author's opinion, even though Miranda Rights are a universal principle, their application needs to be done in a limited way. These restrictions apply to the most serious crimes such as criminal acts of corruption, money laundering as transnational organized crimes (Efendi, 2018), and other serious crimes. The limitation of Miranda Rights on criminal acts of corruption is also a form of Indonesia's commitment to implementing this extraordinary measure.

Apart from limiting the application of Miranda Rights principles, optimizing the eradication of criminal acts of corruption is the application of obstruction of justice articles against suspects or defendants who are reluctant to provide information or are silent and do not answer officials' questions. The silence of a suspect or defendant during the investigation process by officials is a criminal act of obstructing the legal process to eradicate criminal acts of corruption (Shinta Agustina, 2015). This is justified in criminal law through the concept of concursus or samenloop. It is important to remember that this is done because the number of corruption in Indonesia is increasingly worrying.

Based on data obtained from the Corruption Eradication Commission in 2022, several investigative activities were carried out233 (two hundred and thirty-three) cases, which consists of things remainder of 2021 113 (one hundred and thirteen) cases, and cases in 2022 will be 120 (one hundred and twenty) cases. Activities for transferring cases to the prosecution stage (P-21) are carried out in a total of 133 (one hundred and thirty-three) cases. Prosecution activities were carried out in 226 (two hundred and twenty-six) cases, the latest cases which have permanent legal force (inkracht van gewijsde) in 2022 are 134 (one hundred and thirty-four) cases.(Https://Www.Kpk.Go.Id/Id/Publikasi/Penanganan-Perkara, nd)

Furthermore, the criminal statistics for corruption crimes based on the type of case for the last 6 (six) years are as follows:

Table 2

Case Type	2018	2019	2020	2021	2022	2023	Total
Procurement of goods and services	17	18	27	30	14	54	160
Licensing	1	0	0	2	0	0	3
Gratification	169	119	55	65	100	63	571
Levies/Extortion	4	1	0	0	1	1	7
Budget Abuse	0	2	6	3	0	0	11
Money Laundering Crime	6	5	3	7	5	8	79
KPK Obstruction	3	0	0	1	0	2	6

Source :(Corruption Eradication Commission, 2023):

The table above shows that in 2023 there will be an increase in corruption cases based on the type of case in the field of procurement of goods and services. Furthermore, the legal facts about the increase in corruption cases in Indonesia can be seen based on the type of position as follows:

Table 3

Type of Position/Profession	2018	2019	2020	2021	2022	2023	Total
Members of the DPR and DPRD	103	10	22	29	35	1	200
Head of Institution/Ministry	1	2	4	1	2	3	13
Governor	2	1	0	1	1	1	6
Mayor/Regent and Deputy	30	18	8	13	5	7	81
Echelon I – IV	24	26	18	20	47	53	118
Judge	5	0	0	1	6	2	14
prosecutor	0	3	0	0	1	0	4
Police	0	0	0	1	1	0	2
Lawyer	4	1	0	1	3	2	11
Private	56	59	31	18	27	44	235
Etc	31	33	20	28	10	15	137
Corporation	4	1	0	1	1	0	7

Source:(Corruption Eradication Commission, 2023)

In the table above, criminal statistics also show that in 2023 several professions will experience an increase in corruption cases among Echelon Officials, the private sector, and other professions. Furthermore, criminal statistics for criminal acts of corruption can also be analyzed from cases that have been finalized with the following data:

Table 4

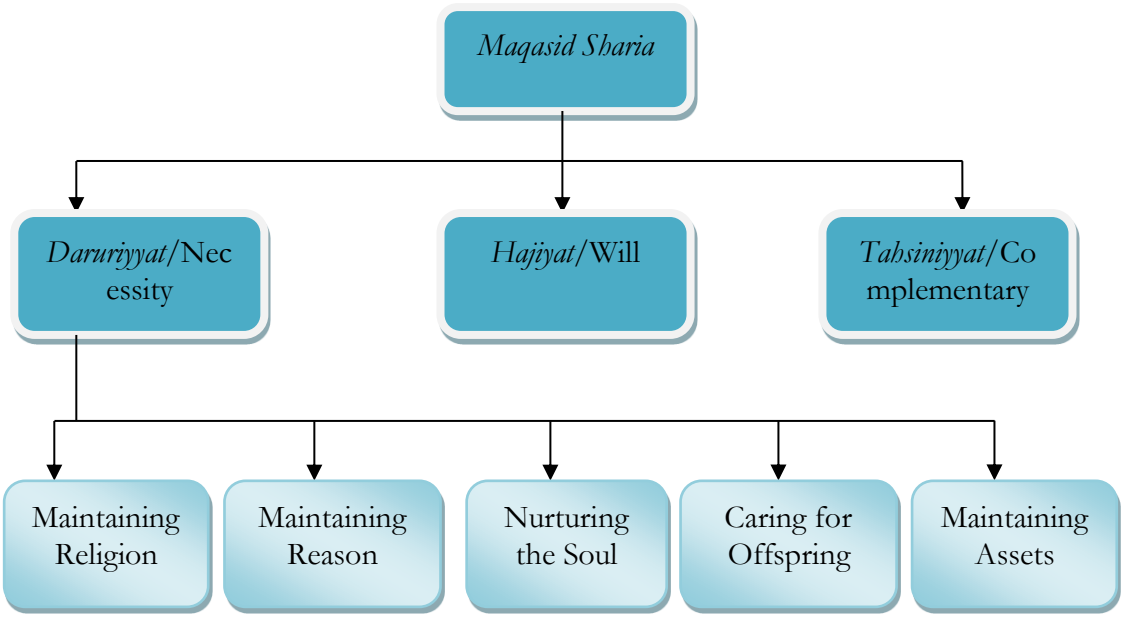
Inkraht	2015	2016	2017	2018	2019	2020	Total
District Court	16	43	71	94	113	52	389
High Court	6	13	5	10	11	4	49
Supreme Court	15	14	8	5	14	14	70

Source:(Corruption Eradication Commission, 2023)

Based on the data obtained by the Author from the Corruption Eradication Commission above, it is clear that there is an increase in cases every year and the cases recorded in these criminal statistics are only a small part of the corruption cases that have not been uncovered which are caused by the disharmonization of norms between the PTPK Law and Article 56 Paragraph (1) of the Criminal Procedure Code. The existence of Article 56 Paragraph (1) of the Criminal Procedure Code. So it is necessary to carry out a judicial review at the Constitutional Court so that it is applied in a limitative manner. Because in the legal philosophy approach the main orientation of law is to provide justice, the practice of applying disharmonious norms in eradicating criminal acts of corruption certainly does not provide justice for Justicia Bellen. Apart from that, from a normative perspective, disharmonization of norms also does not provide a guarantee of legal certainty. Because the PTPK Law as a legal substance that has been well formulated cannot be implemented properly by the legal structure, whether it is the National Police investigators or the Corruption Eradication Committee investigators and the Public

Prosecutor. Article 56 Paragraph (1) of the Criminal Procedure Code is a stumbling block for law enforcement officials in eradicating criminal acts of corruption. Meanwhile, from a sociological aspect, disharmonization of these norms does not provide any benefit in eradicating criminal acts of corruption. Because this usefulness covers all aspects, both law enforcement and social aspects.

From a social aspect, corruption causes social disharmony and does not provide benefits for the perpetrators themselves. Because criminal acts of corruption contradict the concept of Maqasid Syariah. The discussion regarding maqāsid sharia is very broad and in-depth. In summary, the discussion on maqāsid sharia can be seen in the chart below (Faezy Adenan, 2018):



The relevance of the Maqasid Syariah concept in the chart above to eradicating criminal acts of corruption is that corruption has a very systemic impact on national sovereignty, especially in the field of state finances. Corruption also causes insecurity regarding the religion of the perpetrators (hifz al-din) (Farhan, 2020) because by committing a criminal act of corruption the perpetrator has violated Allah's Shari'ah as confirmed in Surah An-Nisa' verse 29, namely: Those who believe, do not falsely eat your neighbor's wealth.

Then, perpetrators of criminal acts of corruption also cannot control reason (hifz 'aql) (Farhan, 2020) because humans were created by Allah as caliphs who were gifted with reason. The existence of this reason is what differentiates humans from other creatures of Allah, so by committing criminal acts of corruption the perpetrator has

misused his reason and thoughts as caliph. Because data on perpetrators of criminal acts of corruption is based on profession, the majority of perpetrators are knowledgeable people, such as council members, echelon officials, judges, prosecutors, lawyers, police, and other professionals. This shows that perpetrators of criminal acts of corruption cannot maintain common sense in illegally obtaining property.

Perpetrators of criminal acts of corruption also oppose the concept of the benefit of maqasid sharia in protecting the soul (Farhan, 2020). Because perpetrators of criminal acts of corruption will be sentenced to death for violating Article 2 Paragraph (2) of the PTPK Law, namely, "if criminal acts of corruption as intended in paragraph (1) are committed under certain circumstances, the death penalty can be imposed" (Law Number 20 of 2001 concerning Corruption Crimes, nd). The phrase certain circumstances is interpreted as if corruption is carried out with funds intended for national disasters and the State is in a condition of monetary crisis, then the perpetrator can be subject to the death penalty. One example of a perpetrator who should be subject to the death penalty is the former Minister of Social Affairs of the Republic of Indonesia, Juliari Batubara, who committed corruption in social assistance funds for dealing with COVID-19. Apart from that, the perpetrator indirectly also did not protect the lives of other people. Because the funds were supposed to be intended for dealing with COVID-19 but these funds were corrupted.

Then the perpetrators of criminal acts of corruption also do not look after their descendants, because the perpetrators do not set a good example for the nation's future generations (Farhan, 2020). It is feared that corrupt behavior will become a bad president for future generations and will be exacerbated by patterns of law enforcement that do not provide justice and benefit. Lastly, perpetrators of criminal acts of corruption certainly cannot keep their assets, because the assets obtained from criminal acts of corruption and derivative criminal acts were obtained in illicit ways.

Conclusion

The disclosure of criminal acts of corruption by criminal elements of the criminal justice system is only a small part of the corruption cases that are not yet known. One of the reasons is the tradition of omerta of criminal acts of corruption which is legitimized by the disharmonization between the Law on the Eradication of Corruption Crimes and the General Provisions of Formal Law, namely Article 56 Paragraph (1) of Law Number 8 of 1981 concerning the Criminal Procedure Law. Article 56 Paragraph (1) of the Criminal Procedure Code gives suspects or defendants the right to remain silent and not

answer questions from officials at any stage of the examination. These rights are adopted from the concept of the Miranda Rule or Miranda Rights. So it is necessary to carry out a material review of Article 56 Paragraph (1) of the Criminal Procedure Code at the Constitutional Court so that its application is determined in a limitative manner for the most serious crimes. Apart from that, the omerta tradition of criminal acts of corruption also contradicts the concept of maqasid sharia because corruption threatens religion, reason, soul, lineage, and property.

Reference

Ade Pranata. (2022). The miracle of anti-corruption efforts and regional fiscal independence in plugging budget leakage: evidence from western and eastern Indonesia. *Heliyon*, *8*(10), e11153. https://doi.org/10.1016/j.heliyon.2022.e11153

Adhari, A. (2018). Konstitusionalitas Materiele Wederrechtelijk Dalam Kebijakan Pemberantasan Tindak Pidana Korupsi. *Jurnal Yudisial*, *11*(2), 131. https://doi.org/10.29123/jy.v11i2.260

Adriana Nicole Cerami. (2009). *the Mafia'S System of Silence in Communication, Film and Literature: Perversions of Society and Transgressions of Omertà*.

Agustina, S. (2015). *Asas Lex Specialist Derogat Legi Generaly Dalam Penegakan Hukum Pidana* (Themis Boo).

Alex O. Acheampong ; Elliot Boateng ; Corllins Baah Annor. (2024). Do corruption, income inequality and redistribution hasten transition towards (non)renewable energy economy? *Structural Change and Economic Dynamics*, *68*(February 2023), 329–354. https://doi.org/10.1016/j.strueco.2023.11.006

Anisah Alfada. (2019). The destructive effect of corruption on economic growth in Indonesia: A threshold model. *Heliyon*, *5*(10), e02649. https://doi.org/10.1016/j.heliyon.2019.e02649

Beatriz Simon-Yarza Corresponding. (2023). The Changing Wheels Hypothesis . Corruption and Development : Evidence from China Author : Beatriz Simon-Yarza Corresponding author : Beatriz Simon-Yarza. *Journal of Government and Economics*, 100094. https://doi.org/10.1016/j.jge.2023.100094

Boge Triatmanto ; Suryaning Bawono. (2023). The interplay of corruption, human capital, and unemployment in Indonesia: Implications for economic development. *Journal of Economic Criminology*, *2*(September), 100031. https://doi.org/10.1016/j.jeconc.2023.100031

Dwi Seno Wijanarko; Irman Jaya. (2021). Kedudukan Miranda Rules Dan Penegakan Hukumnya Dalam Sistem Peradilan Pidana Di Indonesia. *Jurnal Ilmiah Hukum Dan Keadilan*, *8*(2), 261–275. https://doi.org/10.59635/jihk.v8i2.160

Efendi, R. (2018). Kewenangan Komisi Pemberantasan Korupsi Dalam Melakukan Penuntutan Terhadap Tindak Pidana Korupsi. *Jurnal Imiah Syariah IAIN*

Batusangkar, *1*.

Efendi, R., Adhari, A., Raus, A., & Aryani, F. D. (2023). *The Reversal of the Burden of Proof ; Between Presumption of Innocence and Presumption of Guilt*. *8*(June).

Efendi, R., Zurnetti, A., & Sukmareni, S. (2023). Indonesia's Revocation of Political Rights: Criminal Perspectives Philosophy. *Nagari Law Review*, *6*(2), 120. https://doi.org/10.25077/nalrev.v.6.i.2.p.120-132.2023

Elwi Danil. (2014). *Korupsi, Konsep, Tindak Pidana dan Pemberantasannya*. PT. Raja Grafindo Persada.

Faezy Adenan, A. A. R. (2018). Keamanan Negara Menurut Perspektif Maqāsid Syariah. *Jurnal Wasatiyyah Malaysia*, *1*(January), 7–30.

Farhan, M. dkk. (2020). Implementasi Surat Edaran Mahkamah Agung Nomor 3 Tahun 2015 Pada Pengadilan Agama Sawahlunto. *Jurnal Imiah Syariah IAIN BatusangkarJurnal Ilmiah SYariah*, *19*(2), 245–263.

Finta Riris Sitorus. (2016). Pelanggaran Pengaturan Prinsip Miranda Rule Dalam Hukum Acara Pidana di Indonesia. *Revista CENIC. Ciencias Biológicas*, *152*(3), 28. file:///Users/andreataquez/Downloads/guia-plan-de-mejora-institucional.pdf%0Ahttp://salud.tabasco.gob.mx/content/revista%0Ahttp://www.revistaalad.com/pdfs/Guias_ALAD_11_Nov_2013.pdf%0Ahttp://dx.doi.org/10.15446/revfacmed.v66n3.60060.%0Ahttp://www.cenetec.

Friedmann, L. M. (2011). *The Legal Sistem. A Social Science Perspektive*. Nusamedia.

https://www.kpk.go.id/id/publikasi/penanganan-perkara. (n.d.).

Is, S. M. dan S. (2020). *Hukum Ketenaga Kerjaan di Indonesia*. Kencana.

Klein, B., Mullard, S., Ahamadi, K., Mara, P., Mena, J., Nourdine, S., Rakoto, M., Tombozandry, D., & Maraina, A. V. (2023). (Re)Interpreting corruption in local environments: Disputed definitions, contested conservation, and power plays in Northern Madagascar. *Political Geography*, *107*(September), 102973. https://doi.org/10.1016/j.polgeo.2023.102973

Komisi Pemberantasan Korupsi. (2023). *Statistik Tindak Pidana Korupsi Berdasarkan Profesi/Jabatan*.

Komisi Pemberantasan Tindak Pidan Korupsi. (2023). *Statistik Tindak Pidana Korupsi Inkracht*.

Komisi Pemberantasan Tindak Pidana Korupsi. (2023a). *Statistik Tindak Pidana Korupsi Berdasarkan Instansi*.

Komisi Pemberantasan Tindak Pidana Korupsi. (2023b). *Statistik Tindak Pidana Korupsi Berdasarkan Jenis Perkara*.

Lawrence M. Friedman. (2002). American Law in the 20th Century. In *NBER Working Papers*. Yele University New Haven London. http://www.nber.org/papers/w16019

Lupo, S. (2015). Mafia ' s Ideology. *Italian and Italian American Studies Book Series (IIAS)*.

M. Sofyan Lubis. (2010). *Prinsip Miranda Rule Hak Tersangka Sebelum Pemeriksaan*. Pustaka Yustisia.

Mario Puzo. (2002). *Omerta*. PT. Gramedia Pustaka Utama.

Maulidar, M. (2021). Korelasi Filosifis Antara Restorative Justice dan Diyat Dalam Sistem Hukum Pidana Islam. *Jurnal Ilmiah Prodi Muamalah*, *13*, 143–155.

Muchamad Ali Safa'at. (2016). *Konsep Hukum H.L.A. Hart*. Konstitusi Press.

Muhammad Farhan, dkk. (2020). *Implementasi Suart edaran Mahkamah Agung Nomor 3 Tahun 2015 Pada Pengadilan Agama Sawahlunto*.

Olena Andriyenko. (2019). Omertà As a Worldview Phenomenon of the Italian Mafia. *Paradigm of Knowledge*, *4*(36). https://doi.org/10.26886/2520-7474.4(36)2019.2

Oluseye, O. (2023). Exploring Potential Political Corruption in Large-Scale Infrastructure Projects in Nigeria. *Journal Pre-Proof*, 118159. https://doi.org/10.1016/j.plas.2023.100108

Roni Efendi. (2016). *Kedudukan Masa Tunggu Eksekusi Bagi Terpidana Mati Dalam Sistem Pemidanaan*. Andalas.

Roni Efendi. (2021). *Kebijakan Hukum Pidana Dalam Pemberantasan Tradisi Omerta Tindak Pidana Korupsi di Indonesia* (Hebby Rahmatul Utamy (Ed.)). Deepublish Publisher.

Shinta Agustina, D. (2015). *Obstuction of Justice Tindak Pidana Menghalangi Proses Hukum Dalam Upaya Pemberantasan Korupsi*. Themis Books.

Suntana, I., Rusliana, I., Asdak, C., & Gazalba, L. (2023). Ideological distrust: re-understanding the debate on state ideology, normalization of state-religion relationship, and legal system in Indonesia. *Heliyon*, *9*(3), e14676. https://doi.org/10.1016/j.heliyon.2023.e14676

Undang-Undang Nomor 20 Tahun 2001 tentang Tindak Pidana Korupsi.

Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana, (1981).

Wahyu Rizki Pratama. (2022). Application of the Principle of Miranda Rule for Legal Aid Assistance in Criminal Cases for Poor People in Indonesia in accordance with Law No. 16 of 2011. *The Digest: Journal of Jurisprudence and Legisprudence*, *3*(2), 115–138. https://doi.org/10.15294/digest.v3i2.66015