



THE NARRATING ONTOLOGY MORALITY OF CORRUPTION LAW IN INDONESIA BASED ON ISLAMIC VALUE

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ABSTRACT

This article aimed to explain the ontology morality of corruption law in Indonesia from an Islamic value. The meaning of justice in the study of law contains the value of goodness and truth. The value of goodness has a home in the realm of 'taste,' which provides a foundation and direction towards the spirit of conscience. Philosophically, it must be done fundamentally, deeply, and thoroughly to the meanings of god's attributes in essence (ontology). The philosophical approach is one of the options for this article, besides the concept approach and doctrine (epistemology). Although realized, there is a firm limit to rational ability in providing the meanings of justice, certainty, and usefulness of the law. Limited ability shows 'dwarfity' and rational superiority under 'breadth' divine values and attributes. The ontology of legal morality in a country can be explored from its ideology, which is the source of basic values that guide the direction of the purpose of the establishment of a country. The constitution became a method to justify the realization of one's country's purpose. State ideology became the rail of formation, change, revocation, and enforcement of its laws. As a result, the goal of this analysis is to show how these religious beliefs strengthen legal frameworks, ensuring that corruption is viewed not only as a legal infringement but also as a serious moral breach that undermines society's well-being. To summarize, integrating Islamic moral concepts with corruption law increases the ethical foundations of legal systems, fostering both legal deterrence and moral accountability in governance.

1. Introduction

Ontology morality laws conceive meaning as a way of viewing in-depth and thorough fundamentals to the source of the main values of the goodness of the law that are essential. The main good values that form the basic spirit of the law are called morality.¹ Sources of primary morality in the context of the state of the law are the overall usage of the nation's value ideology. Sources of primary morality in the context of the theological are the values of the nation's whole religion, belief, and trust. Thus, ontology morality of law is the principal value from the ideological and theological perspective, and it has become the basis of the highest (ground norm) substance of the law.

The ontological morality of corruption law in Indonesia is significant because it establishes the underlying ethical and intellectual grounds that influence the legal framework against corruption. This notion assures that anti-corruption legislation are more than merely procedural restrictions; they are founded on moral and ethical principles. As a major ideological source,² the overall values of the nation's ideology are obligatory and must be based on direction for making, changing, repealing and enforcing laws. Likewise, also as a major theological source,³ the overall values of religion, faith and belief should be based on direction of construction, change, revocation and law enforcement.

Rationality towards the irrationality of the meaning of divine values is an important part of the whole process of making, changing, revoking and enforcing laws in a nation.⁴ Laws substantially have a status and the nature of rationality is irrational.⁵ That is not rational to value the substance of the law, which comes on the value of the Deity should be viewed as a poultice limiting the ability of the rationality of man without the need to negate the irrational.⁶

Construction, alteration, repeal and enforcement of laws a nation must and should contain the value of humanity in the context that the presence of law as a prerequisite embodiment of civilisation of human beings is based on justice.⁷ The law must humanize humans.^{8,9} The nature of humanity is universal and

1 A. D. Woosley and Lon L. Fuller., *The Morality of Law.*, *The Philosophical Quarterly*, Vol.16 Virginia: Yale Law School, 1966;

2 David Bourchier and Vedi R. Hadiz., *Indonesian Politics and Society: A Reader*, ed. David Bourchier and Vedi R. Hadiz, *Indonesian Politics and Society: A Reader*. Taylor & Francis, 2014;

3 M. Amin Abdullah., The Intersubjective Type of Religiosity: Theoretical Framework and Methodological Construction for Developing Human Sciences in a Progressive Muslim Perspective, *Al-Jami'ah*, Vol.58 No.1, 2020, page.63–102

4 Rupi'i Amri., *Hukum Modern Dan Pemikiran Hukum Di Indonesia*, Semarang: IAIN Walisongo Press, 2008.

5 Ana., Wujud Keadilan Dalam Masyarakat Di Tinjau Dari Perspektif Hukum Nasional, *Morality: Jurnal Ilmu Hukum*, Vol.4 No.1, 2018, page.1–10

6 Toshihiko Izutsu., *Ethic Religious Concepts in the Qur'an*, London: McGill-Queen's University Press, 1914.

7 Hans-Georg Gadamer., *Hermeneutics, Religion, and Ethics*, Yale University Press, 1999.

8 Hariyanto Hariyanto., Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila, *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, Vol.1 No.1, June 2018, page.53–63.

must be the frame of primary interest law that embodies the order of living beings' humans are fair and civilized.¹⁰ Civilisation is the pinnacle of the whole building of justice values. The value of human civilisation is inherent in forming human character and personality. The development of the legal school of thought begins and ends in the perspective of the meaning of a just and civilised humanity.¹¹ Humanity is the foundation that supports the building of the value of justice as the direction and basis of civilisation in all living systems.

The making, changing, revoking and enforcing of laws of a nation must contain the value of unity. Legal presence has the function and purpose to unite the plurality of the values of law into the spirit of principle on universality. In the context of the frame of the value of unity, pluralism negates universalism. The diversity of values is the glue of the universality of the nature of the law.¹² Legal universalism becomes a line, not as a boundary sign. As a sign of the line, its existence does not mean limiting. Written law must be interpreted as a line to ensure the only goal, i.e., justice. Laws are written to be interpreted as a sign of the limits of the methods of jurisdiction to ensure that justice is the spirit of justice.¹³

The making, changing, repealing and enforcing of the laws of a nation must contain the value of wisdom. The nature of the basic law should enable us to discuss the value of justice in the law written with the value of justice in society as wise and prudent, meaning wisdom contains the meaning of sincerity, earnestness and with no strings attached. The focus of the nature of the substance of the law is justice, meaning wise procedures of law must be upheld, inflexible and not rigid (legisme). With such manufacture, alteration, repeal, and the rule of law of a nation should be chaired by the nature of wisdom, which always discusses the value of justice that exists in the law, written and unwritten. Legislators, who are the reflection of the people's representatives, must prioritise the nature of wisdom in making, changing, revoking and enforcing the laws of a nation.¹⁴

Making, changing, revoking and enforcing the law of a nation must explore, follow and understand the values of justice that are lived and applied in society.

9 Jeferson Kameo and Teguh Prasetyo., Hakikat Hukum Ekonomi (Internasional) Dalam Perspektif Teori Keadilan Bermartabat, *Jurnal Hukum Ius Quia Iustum*, Vol.27 No.2, May 2020

10 Harry Brighouse, *Justice*, ed. Polity Press, Cambridge, 2004.

11 Muhammad Najib Azca, Hakimul Ikhwan, and Moh Zaki Arrobi., A Tale of Two Royal Cities: The Narratives of Islamists' Intolerance in Yogyakarta and Solo, *Al-Jami'ah*, Vol.57 No.1, 2019, page.25–50

12 Agus Setiawan., Penalaran Hukum Yang Mampu Mewujudkan Tujuan Hukum Secara Proporsional, *Jurnal Hukum Mimbar Justitia*, Vol.3 No.2, 2017, page.204.

13 Afrinald Rizhan., Konsep Hukum Dan Ide Keadilan Berdasarkan Teori Hukum Statis(Nomostatics)Hanskelsen, *Kodifikasi Jurnal*, Vol.2 No.1, 2020, page.61–71.

14 Farihan Aulia and Sholahuddin Al-Fatih., Perbandingan Sistem Hukum Common Law, Civil Law Dan Islamic Law Dalam Perspektif Sejarah Dan Karakteristik Berpikir, *Jurnal Ilmiah Hukum Legality*, Vol.25 No.1, 2018, page.98

The paradigm of justice in Indonesia is justice social not justice individually.¹⁵ Justice individual typically prioritises the truth rationally and asymmetrically, while justice social commonly prioritises kindness irrationally and symmetrically. Justice individual placing procedure law as a certainty to realise the rights of individuals, as that stipulated in the law is written. Meanwhile, social justice places legal procedures as a method to ensure the certainty of the realisation of justice and benefits for all people. The paradigm of justice individually placing the values of certainty, fairness and expediency is a *contrario*, because it is logically difficult to be realised at the same time: with the presence of a value, one can negate the value of the other as an alternative. The paradigm of justice social placing the values of certainty, fairness and expediency is symmetric because all three can be realised at the same time.¹⁶ The presence of a value of the one is an adhesive value of the other, so the essence of the principle of justice social is a paradigm that spawned doctrine that the purpose of the primary law is to realise the certainty of the law that is fair for the entire people of Indonesia (benefit). The meaning of theological morality of law as described above is shown in Figure 1.

Theological morality of law refers to the integration of moral principles derived from religious or theological frameworks into legal systems. This concept argues that law is not merely a secular construct but is fundamentally shaped by underlying moral beliefs rooted in divine or transcendent authority. Theological morality suggests that the essence of justice is inseparable from religious morality, meaning that laws should align with universal ethical norms, such as fairness, honesty, and the protection of human dignity, as dictated by divine teachings. Ultimately, theological morality of law insists on the necessity of aligning legal principles with higher moral ideals, contending that without such grounding, law risks becoming arbitrary and devoid of true justice. However, the debate rests on whether religious moral standards can coexist with secularism without infringing on the rights and beliefs of others.

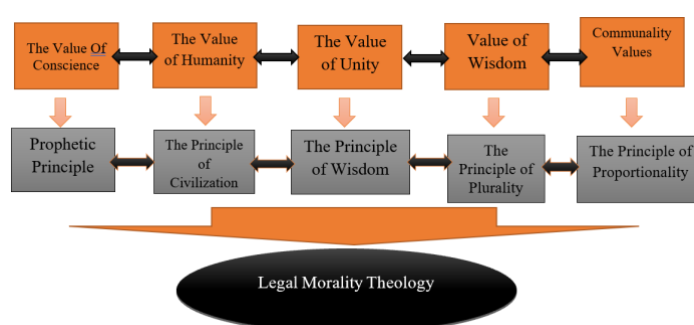


Figure 1. The Meaning of Theological Morality of Law

15 Shinta Dewi Rismawati., Menebarkan Keadilan Sosial Dengan Hukum Progresif Di Era Komodifikasi Hukum, *Jurnal Hukum Islam*, Vol.13 No.1, 2015, page.1–12
 16 A. Khudori Soleh., Mencermati Teori Keadilan Sosial John Rawls, *Ulul Albab Jurnal Studi Islam*, Vol.5 No.1, 2018, page.175–92

In Figure 1, it is explained that the theology is derived from the value of conscience that gives birth to the principles of prophetic theology that comes from the value of humanities that, in turn, gives birth to the principle of civilisation, a theology that comes from the value of unity that also gives birth to the principle of prudence, a theology that comes from the value wisdom that also gives birth to the principle plurality and theology that comes from the value of communality that gives birth to the principle of proportionality. Essentially, the use and values theology of the law would give birth to the principles of moral law.¹⁷ The overall value of the law of theology is a unity that is imperatively cumulative and gives birth to the principles of justice that have the character of prophets, civilisation, wisdom, plurality, and proportionality.

Ontology morality of law contains the meaning of the nature of morality laws without limit, thus constituting the realm of philosophy. Ontology morality of law should not polarise the limits of universality and plurality of morality, but both must become the adhesive limit of morality. Writing is the focus outlined on how morality can go beyond the limits of universality and plurality of values and the meaning of justice that becomes the spirit of the law, especially from the perspective of the ideology of law in Indonesia.

Finding the meaning of the ontology of legal morality must be done by exploring, following, understanding the meaning of the basic concepts of ideology of a nation¹⁸ The meaning of the essence of ideological values¹⁹ reflects the human personality which is the main subject of the nation. Humans as the main subjects of the nation occupy the highest position in interpreting and exploring.²⁰ The meaning of the source of morality in managing civilisation in all its life systems. The will of a free man who is framed by the limits of divine morality will be able to find the value and nature of God as a base source of inspiration. The morality of law is theological. Philosophy becomes a method to find the theological meaning of legal morality, concepts, and doctrines, as well as a way of finding the principles of the ontology of legal morality. Ontology morality laws need to be explored thoroughly through the approach to the concept and philosophy. The sequence framework of thought is formulated and shown in Figure 2.

17 Zaka Firma Aditya and Sholahuddin Al-fatih., *Tanggung Jawab Moral Pejabat Melalui Pemanfaatan Media Cetak Dan Elektronik Dalam Rangka Penyelenggaraan Pemerintahan Yang Bebas Dari KKN*, *Jurnal Universitas Paramadina*, Vol.13 No.1, 2016, page.1430–50

18 Satjipto Rahardjo and S Hukum., *Perkembangan Metode Dan Pilihan Masalah*, Yogyakarta: Genta Publishing, 2010.

19 Muhammad Eko Purwanto., *Penelitian Hukum Dalam Perspektif Normatif*, Semarang, 2016.

20 Johannis Siahaya., *Filsafat Ilmu: Filsafat Ilmu Hukum*, Jakarta: Pustaka Sinar Harapan Bandung: Laboratorium Hukum Fakultas Hukum Universitas Parahyangan, 2019.

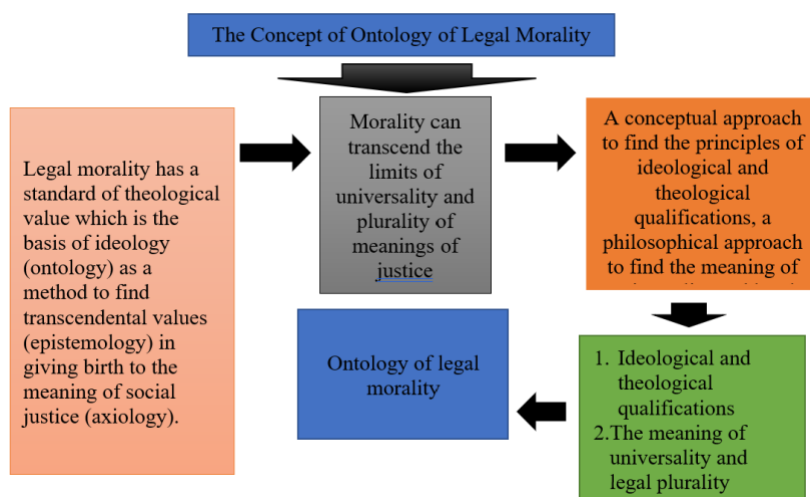


Figure 2. The Concept of Ontology of Legal Morality

The concept of the ontology of legal morality delves into the fundamental nature and existence of morality within the legal realm. It examines whether morality is intrinsic to law or merely an external influence. The central argument revolves around whether legal systems are inherently moral or whether moral principles are superimposed onto legal frameworks based on social, cultural, or political factors. The debate over the ontology of legal morality questions whether law can exist in its purest form without moral underpinnings or if it is inherently intertwined with the ethical values that shape justice. Advocates for the integration of morality within law maintain that without it, the law loses its moral compass and fails to serve its ultimate purpose: to deliver justice. However, those favoring separation warn against the dangers of legal subjectivity and the complexities of applying diverse moral frameworks to the law.

Values theological and ideological have become the standard base morality of law to find the value of transcendental justice social.²¹ The conceptual meaning of morality is beyond the limits of space universality and a plurality of conventional meaning of justice. The basic principles of the value of ideology and theology have become the substance of universality and plurality of legal morality in essence. Morality is abstracted by a 'spirit' law that already items of character are not in the realm of rationality, and it is more in the realm of irrationality as the nature of fundamental fairness.²² This is in accordance with previous research written by Derita Prapti Rahayu that morals and Pancasila have become the main basis for legal order in Indonesia.²³

Justice exists in nature's 'taste' for the philosophy of helping rationalise it to unite and force the subjectivity of 'taste' heading and get back to the standard value of the conscience of a man who has the source and origin of the same.

21 Woozley and Fuller., *The Morality of Law*.

22 Miswardi, Nasfi, and Antoni., *Etika, Moralitas Dan Penegak Hukum, Menara Ilmu*, Vol.15 No. 2, 2021, page.150–62

23 Derita Prapti Rahayu., *Aktualisasi Pancasila Sebagai Landasan Politik Hukum Indonesia, Yustisia*, Vol.4 No.1, 2015

The subjectivity of taste reflects the nature of plurality; human conscience reflects the nature of universality. Point intersection of the natures of plurality and universality thus has an order essence meaning morality. The value of written law reflects more on the universality of state administrators in all areas of power. The value of justice that lives and thrives in society more reflects the nature of the plurality because it contains many dimensions. The dimension reflects the needs of living flesh and spiritual communities in the plenary. According to those background, this article intended to explain the ontology and morality of corruption laws in Indonesia from an Islamic value. The study of law defines justice as the value of goodness and truth. The value of goodness is rooted in the world of 'taste', which serves as a foundation and guidepost for the spirit of conscience.

2. Research Methods

The research in this article uses legal research methods²⁴ with a philosophical approach.²⁵ The author took a philosophical approach to finding the meaning of morality in regulations²⁶ and legal norms against corruption in Indonesia. The true nature of morality is obtained through a systematic analysis by examining the importance of morality in the articles of the Corruption Eradication Law. The findings from this research align with the meaning of morality from a theological perspective and Islamic values.

3. Results and Discussion

3.1. The Universality and Plurality of Legal Morality

Making, changing, revoking and enforcing laws in Indonesia must contain theological values. The essence of a good law is a law that is fair and beneficial.^{27,28} The law of the fair certainly contains the value of religion, belief and trust. Perspective's life of the nation and the state, the law of that kind also substantially contains the value of justice that lives and thrives in the community (customs and traditions). Plurality becomes the spiritual basis of the law because it contains the meaning of the theological basis varies.²⁹ The meaning of the universality of values theological become a sign of the limits plurality of values of law are good. Diversity becomes the only principle

24 Sholahuddin Al-Fatih., *Perkembangan Metode Penelitian Hukum Di Indonesia*, 1st ed., Vol.1 Malang: UMM Press, 2023

25 Tunggul Ansari Setia Negara., Normative Legal Research in Indonesia: Its Originis and Approaches, *Audito Comparative Law Journal (ACLJ)*, Vol.4 No.1, February 2023, page.1–9

26 Catur Wido Haruni., Constitutionality of Monitoring and Evaluation of Regional Regulation Drafts and Regional Regulations by Regional Representative Council, *Legality: Jurnal Ilmiah Hukum*, Vol.30 No.1, April 2022, page.103–15

27 Islamiyati Islamiyati., Kritik Filsafat Hukum Positivisme Sebagai Upaya Mewujudkan Hukum Yang Berkeadilan, *Law, Development and Justice Review*, Vol.1 No.1, November 2018, page. 82–96

28 M Irsyad., Hukum Dan Penyelesaian Konflik Hukum, *De Lega Lata: Jurnal Ilmu Hukum* , Vol.6 No.2, 2021, page.389–95

29 Myengkyo Seo., Defining 'religious' in Indonesia: Toward Neither an Islamic nor a Secular State, *Citizenship Studies*, Vol.16 No.8, 2012, page.1045–58

(universality) the overall value of religion, faith, belief and customs and traditions that live in the community (plurality).

The universality of the value of religion, faith, belief, and customs and traditions are inherent and main characteristic plurality of the law is good. The essence of good law is a law that has ideological and theological main characteristics. The nature of the main ideological and theological is called the ontology of morality laws. The nature of the ideological contains the meaning of foundation, while the nature of theological contains the meaning of the spirit towards the law. The foundation and spirit of the basic direction of law are the essence of legal morality. The ontology of legal morality contains the meaning of the law as a source of national morality in realising the goals of the state.

Ontology morality of law is the quintessence of the values of the plurality of law in the ideological and theological perspective. The essence of the values of legal plurality is a universal reflection of the nation's ideologies. The essence of the values of the plurality of national ideologies is the boundary of a nation's legal sovereignty. The legal sovereignty of a nation becomes a demarcation line for the essence of the meaning of universality. The demarcation of the essence of the meaning of universality is always marked by a plurality of ideologies as the main source of morality.

Pancasila is a demarcation source of primary morality of law in Indonesia. Five value basis is the unity (universality) meaning in ideological and nomenclature (not just the title's name). 'Pancasila' become an adhesive soul between Sila with Sila that more (plurality). Pancasila is the soul and personality that shapes legal morality in Indonesia.^{30,31} Qualification's morality laws in Indonesia should reflect the nature and value to the complete body of Pancasila is limited following the scope respective fields of law. Universality, plurality and morality of law in the assessment are shown in Figure 3:

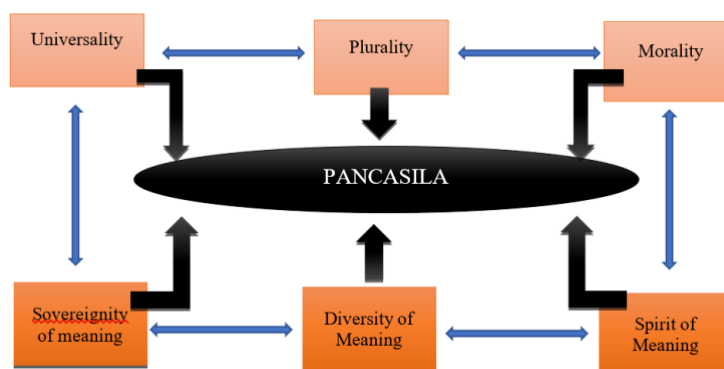


Figure 3. The Value of Pancasila

30 Ahmad Dion Ghøjaji et al., Pancasila Based Character Education to Form Good and Smart Citizens, *Journal of Community Service and Engagement (JOCOSAE)*, Vol.2 No.4, 2022, page.11–18

31 Annisa Prajabti, Xo Ho Dac Kien, and Muhammad Rasyid Ridho., Hedonism in the Young Generation: The Challenge of Pancasila Moral Education, *Jurnal Panjar: Pengabdian Bidang Pembelajaran*, Vol.4 No.2, August 2022, page.141–58

Universality lowers the principle of sovereignty of legal meaning; plurality reduces the principle of diversity of legal meanings; and morality lowers the principle of spirit of legal meaning. The principle of the sovereignty of the meaning of the law, the diversity of the meaning of the law and the spirit of the meaning of the law of mutual intertwined to form the universality of justice that has the properties of a plurality of the frame of morality laws that have a source principal of the entire Sila Pancasila. Pancasila is the ideology of the direction of the nation and state to ensure the path to achieving the goals of the state.³² Pancasila is the legal morality to uphold and realise the principles of the administration of a legal state.

The values of Pancasila, Indonesia's foundational philosophy, provide a robust moral framework to address and combat criminal acts of corruption. Corruption, as a violation of ethical and legal norms, directly contradicts the core principles of Pancasila, which emphasize justice, humanity, and the common good. In an argumentative context, the relationship between Pancasila and anti-corruption efforts reveals the philosophical and ethical imperatives for eradicating corruption from Indonesian society.

The first principle of Pancasila, "*Ketuhanan Yang Maha Esa*" (Belief in One God), establishes the importance of moral and ethical conduct guided by divine principles. Corruption violates this principle by undermining moral responsibility, as it involves deceit, dishonesty, and selfishness. Corrupt behavior betrays not only the trust of fellow citizens but also the ethical accountability to a higher power, as religious and moral teachings across faiths condemn theft and exploitation. The second principle, "*Kemanusiaan yang Adil dan Beradab*" (Just and Civilized Humanity), demands that individuals act with justice, fairness, and respect for human dignity. Corruption, which diverts public resources for personal gain, fundamentally harms the most vulnerable members of society by depriving them of essential services like education, healthcare, and infrastructure. Corrupt acts erode social justice, as they disproportionately affect those with limited access to power and wealth, contradicting the principle of a just and humane society.

The third principle, "*Persatuan Indonesia*" (Unity of Indonesia), calls for national unity and solidarity. Corruption, however, sows division by creating inequality and fostering distrust in public institutions. When public officials engage in corrupt practices, they weaken the integrity of the state, fragment society, and undermine national unity. A society riddled with corruption cannot work toward common goals, as personal greed outweighs the collective good. The fourth principle, "*Kerakyatan yang Dipimpin oleh Hikmat Kebijaksanaan dalam Permusyawaratan/Perwakilan*" (Democracy Guided by the Inner Wisdom of Deliberation and Representation), highlights the importance of transparent governance and decision-making based on wisdom and the common good.

32 Abdul Latief et al., Revitalizing the Value of Pancasila in the Development of the Character of Indonesian Citizens, in *Proceedings of the 1st International Conference on Social Sciences (ICSS 2018)*, Paris, France: Atlantis Press, 2020

Corruption violates this principle by distorting democratic processes through bribery, collusion, and nepotism. Instead of decisions being made in the interest of the public, they are influenced by personal gain, reducing public trust in democratic institutions.

Finally, the fifth principle, "*Keadilan Sosial bagi Seluruh Rakyat Indonesia*" (Social Justice for All the People of Indonesia), advocates for equitable distribution of resources and opportunities. Corruption directly opposes this principle by diverting public funds away from programs aimed at reducing poverty and promoting social welfare. The theft of public resources not only exacerbates social inequality but also prevents the realization of social justice, where every citizen has an equal chance to thrive. The values of Pancasila provide a moral and ethical roadmap for combating corruption in Indonesia. Each principle reinforces the idea that corruption is not merely a legal violation but a profound moral betrayal of the nation's founding values. Therefore, any efforts to eradicate corruption must be rooted in the values of Pancasila, ensuring that governance is conducted with integrity, fairness, and a commitment to the common good. Corruption, by undermining these core principles, poses a serious threat to the realization of a just and prosperous society envisioned by Pancasila.

3.2. Moral qualification of corruption law in Indonesia

Before outlining that the morality of the law of corruption in Indonesia is empirical normative, this section proposes a concept of qualification morality law of corruption in Indonesia. The concept of moral qualification³³ is important because it serves as a direction for finding the qualifications of morality in corruption law in Indonesia. There are five qualifying morality laws of corruption in Indonesia; the fifth is an interpretation to the whole of Pancasila principle. Each concept qualification of the moral law of corruption in Indonesia presents an extract from the meaning of each precept of Pancasila. The mention of cider starch is not intended as an attempt to reduce the meaning of the formulation complete each Sila but more to facilitate the essence of the meaning of each principle. The five concepts of legal morality qualifications for corruption in Indonesia are described in the following explanation.

3.2.1. Theological

Morality law in qualifying theology contains meaning that the substance of the law must be sourced on the value of virtue religion.³⁴ The virtues of religion ensure the journey to achieve the main goal of the law, namely transcendental justice. Justice transcendental shows that the meaning that law is not only for the human but above it all is the law of nature of the universe. Universality goal³⁵ of the law becomes (*ultimum*) the overall value of justice. Justice must

33 Robert I. Rotberg and Dennis Thompson, eds., *Truth V. Justice*, Princeton and Oxford: Princeton University Press, 2000.

34 George Boas and Frederick Copleston., *A History of Philosophy. Vol. I: Greece and Rome., The Philosophical Review*, Vol.56, Image Books: Doubleday, 1947

35 Philippe Nonet and Philip Selznick., *Law and Society in Transition: Toward Responsive Law, Law and Society in Transition: Toward Responsive Law*, 2017

be able to integrate the universe in a balanced and orderly manner (equilibrium and order). Injustice is the cause of major (impetus majority) imbalances and irregularities in the nature of the universe. The imbalance of the universe causes the disorder of the universe's life order.

The essence of transcendental justice is justice that can maintain and guarantee the balance of the universe. Humans no longer are the centre of all the needs of nature that should be guaranteed by law. Humans must be able to adapt and brothers with the environment natural, including in it the earth, water, room space and richness that is contained therein. Humans do not view law as a justification for exploiting the universe to meet his needs.³⁶

The law must be able to guarantee the certainty of balance and order in the life order of the universe. Human monopoly over the universe breeds injustice. Humans no longer have free autonomy over the universe to maintain and guarantee their lives. The law is no longer placed under human needs,³⁷ but the law must be able to maintain and ensure the preservation of the universe. In this context, the values of religion become a source of justification of morality of law that spawned the balance of life nature system of the universe.

3.2.2. Humanism

Justice becomes the basis of the civilisation of the lives of humans. Humans with all their dignity and respect become upstream and downstream of the law. The law must ensure that human rights are balanced with their obligations. The rights of man are all something that is received or obtained while the obligations of man are all something that should be done or should be met. The implementation of the law must cover all aspects of life in a balanced way, not there are imperative ones that negate the others.³⁸ The economic imperative cannot negate the social, cultural and political and vice versa.

The law cannot serve orders from the imperative of one field only. Laws must load the entire imperative carefully over one of the imperatives. Integration imperative areas of life and the needs of human beings must be the character of the law of the humanist. Humanisation of law lays the foundation and direction of integration of the fields of life in realising human beings in a just and civilised life order.

3.2.3. Universality

The balance becomes an important aspect in the law because the nature of law is regularity and order. Rotation of life nature of the universe which is orderly and balanced shows the unity between the one with the others still spinning on its trajectory. Law becomes gravity which ensures line circulation balance of system life nature of the universe runs in a regular and orderly.

36 John Rawls., *A Theory of Justice, Essays and Reviews: 1959-2002* (Harvard University press, 2014), <https://doi.org/10.5840/tpm20136171>.

37 D.D. Raphael., *Concept of Justice*, Clarendon Press, 2001.

38 Frederick Wilmot-Smith., *Equal Justice, Equal Justice*, Clarendon Press, 2019

Laws must be able to ensure the calibration of the passion's elements the will of man which is not restricted from areas of life that can damage and disrupt integration. The universality of the law must be adhesive diversity that is inherent to happen collision when only between elements in the field of life that one with the other. Diversity must be interpreted as the acceptance of communal values as the basis of wisdom in regulating and limiting the will as an abstract manifestation of the needs of a balanced social life.³⁹

3.2.4. Plurality

The morality of law is the epicentre of all the diversity and differences of creatures that exist and are created by God as the inhabitants of the universe. Laws do not look at each entity's occupant nature of the universe as something that is different and must be negated from the other. The plurality⁴⁰ contains the meaning of 'diversity is fused and not unite diversity'. The paradigm of diversity that blends must be morality in establishing the law.

The paradigm of 'diversity that blends' contains a meaning that is *sunnatullah* nature of the universality of nature is no single but between the one with the others, each attached so that gave birth to the balance and regularity are functional. Like the body of man, the diversity of the senses and organs of the body of one with another of different shape, properties and functions, but they are united in the form, nature and function are varied so that the 'universality' as being human that is integral to the function of the nature of the caliph to function in accordance to the creator. Shapes, properties and functions are different, but they each appreciate and converge towards the perfection of the nature of this universe.

It is in contrast to the paradigm of 'uniting diversity', meaning that since the beginning of existence per se each is different from the other. In the form, nature and function are different, they become one because they are 'forced' to be paired, attached to blend in the form specified that desired.

Like a humanoid robot or puppet man, where the anatomy and structure of the body and organs, his organs were originally separate and then attached or coupled between the part that one with parts of another, then into the shape of the body of a man who almost perfectly similar and resemble humans. Then, the system technology excels and is able to 'turn on' the humanoid robot that is like a human being with the ability of the motor that is versatile and is artificial. They become like human beings because, according to nature, different forms and functions are forced to be paired or coupled into one. Law that the paradigm of 'uniting diversity' will be very rational and gave birth to justice false, as if the fair (pseudo justice). Thus, the qualification plurality of moral law is the paradigm of diversity that integrates, not unites, diversity.

39 Frederic R. Kellogg., *Oliver Wendell Holmes, Jr., Legal Theory, and Judicial Restraint*, Oliver Wendell Holmes, Jr., *Legal Theory, and Judicial Restraint*, Cambridge: Cambridge University Press The Edinburgh Building, 2006;

40 Sulistyowati Irianto., *Moving Law Review of Legal Anthropology*, Jakarta: Obor Foundation, 2009.

3.2.5. Social Justice

The flow and theory of justice are usually preceded by debating the purpose of the law of flow or the theory that one with theory to another. Sometimes the stream or the theory negates the other. Likewise, between schools or theories, one integrates and compiles the other. Dialectics and discourse between flow and theories thrive in a dynamic, critical and liberal under the age and already definitely correspond well with the situation and the condition of its discoverer. Justice social probably has also already entered the vortex of dialectics and discourse flow or theory that is being grown. Qualification morality of law in the perspective of justice social in the study is to contain the meaning of that justice the substance does not contain the value of a single.⁴¹

Justice social therein contains plural grades, i.e., the value of which is imbued by the value of theological, humanity, universality and plurality. The essence of social justice is justice which contains theological values, humanity, universality and plurality. All these values are integrated and mutually animate one with the other, the value of which depends on the value of the other, the value of which one is not to negate the value of the other. Overall, the value having weight is the same and does not exist higher than the other⁴² nor is it more imperative than the others, but all grades are very important for other values since the essence of the values of justice cannot be divided but united.

The qualification of legal morality in Indonesia reflects the meaning of the overall values of the Pancasila precepts. The overall value of *Sila* (principle) Pancasila reflects all grades of religion, beliefs, customs, traditions and cultures, which form the personality and soul of the nation of Indonesia. Pancasila became a differentiator sublime mind and character of the nation Indonesia with nations other in the face of the earth.

The qualification of morality in Indonesia's legal system is a subject of ongoing debate, particularly in the balance between legal positivism and moral imperatives. Laws in Indonesia, while rooted in formal legislative processes, are heavily influenced by the moral values embedded in Pancasila, religious teachings, and societal customs. The issue lies in whether moral principles should directly shape laws or remain as ethical guidelines influencing behavior outside the legal domain. Pancasila, as the philosophical foundation of the nation, emphasizes principles like justice, humanity, and social harmony, which inherently contain moral dimensions. These values underpin the creation and enforcement of laws, particularly in areas such as corruption, family law, and social justice. Religious values, especially from Islam, also play a role in defining what is morally acceptable, guiding the legal framework in areas like criminal acts involving immorality or public decency. For instance, Indonesia's laws on corruption are not only legal prohibitions but also moral imperatives against the

41 Yoan N. Simanjuntak Bernard L. Tanya., *Teori Hukum, Strategi Tertib Manusia Lintas Ruang Dan Generasi*, Cetakan III, *Yogyakarta: Genta Publishing*, 2020, page.129–32.

42 Andrew Altman and Christopher Heath Wellman, *A Liberal Theory of International Justice, A Liberal Theory of International Justice*, vol. 9780199564, Oxford: Oxford University Press, 2009.

betrayal of public trust. The moral argument is that corruption is not just a legal offense; it is an ethical violation of the values of integrity and responsibility to the people. Similarly, laws regulating family matters such as marriage and divorce reflect religious and moral principles of duty, responsibility, and respect. Qualification's morality laws in Indonesia are shown in Figure 4.

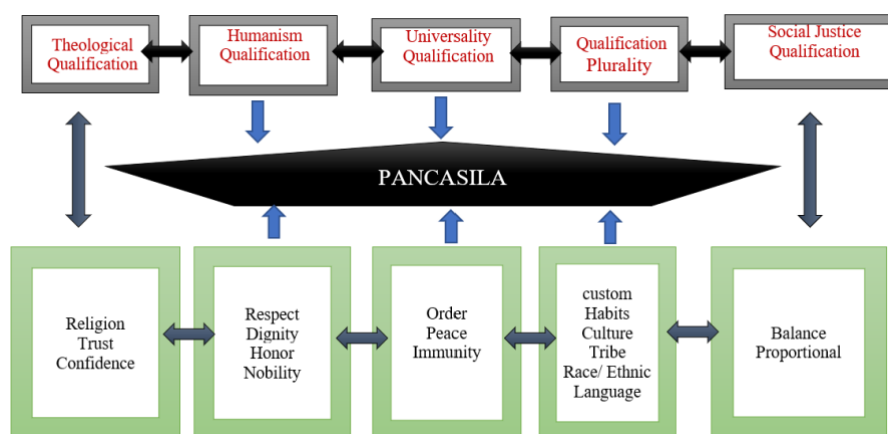


Figure 4. The Qualifications of Morality Laws in Indonesia

Theological qualification is the meaning of the first Sila (principle) of Pancasila reflects religious values, beliefs and beliefs that become the ethical spirit of the life of the nation and state. Qualification's humanism is the meaning of the second Sila (principle) of Pancasila, which reflects the value of dignity, prestige, honour, nobility in realising life was fair and civilised. Qualification's universality is the meaning of the third Sila (principle) of Pancasila, which reflects the value of the order, peace, immunity/protection to integrate attitude and mental attitude of social as media consolidation of all citizens of the nation. Qualification's plurality is the meaning of the fourth Sila (principle) of Pancasila, which reflects the value of customs and traditions, customs, culture, tribe, race/ethnicity, language to embody the principle of egalitarian (consultative) in the implementation of the country in earnestly and thoughtful. Qualification of social justice is the meaning of the fifth Sila (principle) of Pancasila, which reflects the value of balance and proportion in building the principle of balance, guaranteeing the implementation of rights and obligations for all people.

The fifth qualifications and value are one of unity which forms the qualification of morality laws in Indonesia. Qualifying morality of law cannot be mutually negated between one with the other. The qualification of legal morality implies the quality of law. The quality of law that guarantees the certainty of the law in a fair in Indonesia is required to contain five qualifiers. The law, whatsoever, which is made in Indonesia, shall contain five qualifiers. The discourse about certainty, fairness and expediency which became the standard process of finding the meaning of the law in Indonesia, in particular, should begin to be returned to *khittah* (back to faith and ideals), namely the process of search and discovery of the laws of Indonesia quality.

3.3. The Qualifications of Morality Laws Combating Acts of Criminal Corruption in Indonesia

Qualifications of morality laws positively can be found in the preamble (philosophical) and setting the terms of its articles. Qualification of morality laws of Acts of Criminal Corruption in Indonesia is not appropriate or does not meet the qualifications of morality laws that should (*das sollen*) and that in fact follow the values that live in the community (*das sein*).

Law No. 31 of 1999 About Eradication Act Criminal Corruption, where the legislation's enactment repeal of Act Number 3 of 1971 About Eradication Act Criminal Corruption, is rated already as not following the needs. Supposedly qualification morality of law at least should be enshrined in the preamble to weigh because the preamble is the foundation of philosophical made legal. Act No. 31 of 1999 About Eradication Act Criminal Corruption, qualification humanism and universality are not found, but the qualification theological, the plurality of justice social is found in the preamble, whereas in the provisions of the articles, qualifications of legal morality are found in the aspects of humanism, universality, plurality and social justice, but the theological qualifications are not found in the provisions of the article.

Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning Eradication of Criminal Acts of Corruption found qualifications of legal morality in its preamble, namely qualifications of universality and social justice, and theological qualifications, humanism and plurality were not found. The qualifications of theological legal morality are not found in the provisions of the article but are found in the legal morality qualifications of humanism, plurality, universality and social justice. Thus, Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption does not meet the legal morality qualifications that should be.

Law No. 3 of 1971 concerning Eradication of Criminal Acts of Corruption, where this Law is reapplied based on Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning Eradication of Criminal Acts of Corruption, specifically for criminal acts of corruption which occurred before the Act No. 31 of 1999 About Eradication Act Criminal Corruption. Qualifications of morality laws of justice social are found in Law No. 3 of 1971 About Eradication Act Criminal Corruption, but qualifying morality laws theological, humanism, pluralism and universality are not in the preamble. The qualifications of theological legal morality are not found in the provisions of the article but the legal morality of humanism, plurality, universality and social justice is found. But Law No. 3 of 1971 About Eradication Act Criminal Corruption did not meet the qualifications of morality laws needed.

The law on combating acts of criminal corruption in Indonesia has lesser weight qualifications in the morality of law category and does not meet the qualifications of good law. Laws that contain morality are needed.

3.3.1. Moral Principles of Corruption Law in Indonesia

3.3.2. Concept of Moral Principles of Corruption Law in Indonesia

The moral principles of criminal law on corruption in Indonesia are deeply rooted in the nation's ethical foundations, particularly those of Pancasila, which demands integrity, justice, and social responsibility. Corruption is not merely a legal violation; it is a moral offense against society, betraying public trust and undermining the welfare of the nation. The moral principle guiding anti-corruption law is that public officials, entrusted with power, must act in the public interest rather than for personal gain. Corruption violates the principle of "*Keadilan Sosial bagi Seluruh Rakyat Indonesia*" (Social Justice for All Indonesians) by diverting resources meant for public benefit to the private enrichment of a few, disproportionately harming the most vulnerable. The concept of moral principles in Indonesia's criminal law on corruption emphasizes the dual necessity of legal enforcement and ethical accountability. Legal sanctions alone are insufficient without embedding moral education, religious values, and social responsibility in governance. The law must not only punish corrupt acts but also promote a culture of integrity, where public officials are held to the highest moral standards. This concept calls for a holistic approach that combines strict legal measures with societal moral reinforcement, ensuring that legal actions reflect the ethical imperatives of justice, fairness, and accountability. Thus, Indonesia's anti-corruption legal framework seeks to embody both legal consequences and moral duty, aiming to create a just and honest society where corruption is universally condemned.

The concept of the principle of morality is the law of corruption in Indonesia is the crystallisation of the meaning of the destination country, as well as the opening of the State Constitution of Republic of Indonesia of 1945. Here is the concept of the principle of morality is the law of corruption in Indonesia.

3.3.3. Intelligence

Law that good is the law that can become a basic embodiment to the intellectual life of the people of the human. Laws are good not only contain commands technically social that legalised⁴³ by a state that has coercive power so that it must be obeyed by humans, but good law is a means for humans to understand all their rights and obligations in a balanced way. Humans can understand and carry out all the rights and obligations are balanced is a man that smart.

Law that both contain the spirit of intelligence morality is derived from the value of the Divine and the spirit of intelligence sense that derived from the value of truth and virtue. The principle of moral laws is that feeding is the principle whereby the spirit of the law of one side puts humans as subjects in using the rights and obligations that are proportionate to meet the needs of life. The other side places humans as part of the universe in the continuity of their lives. This spirit of fulfilment and continuity of human life is the essence of legal morality which contains the principle of intelligence.

3.3.4. Welfare

43 N. W. Barber, *The Principles of Constitutionalism, The Principles of Constitutionalism* (Oxford University Press, 2018), <https://doi.org/10.1093/oso/9780198808145.001.0001>.

Law that good is the law that can realise the welfare of live humans. Laws must be able to ensure the well-being of the life of man is outwardly and inwardly. Privileged morality of law that contains the value of well-being not only in textual describe the degree of truth of rational,^{44,45} but the substance contains advice imperative is logical. Meaning of moral law which contains the principle of the welfare of not only the substance can explain the text is contextual⁴⁶ but more than that its substance is an affirmation in maintaining and guaranteeing its ascribed authority. Morality law which contains the principle of the welfare of not only reducing the meaning of life is symbolic, but more than that induces a sense of participation humane in celebration.

3.3.5. Human Rights Protection

Principles of morality⁴⁷ is the law which contains the meaning of the protection of human rights, the substance can keep the purification of the nature of humanity is historical. The nature of humanity is historically put the overall value which becomes a frame order of life is integrated with morality communal. The purification of basic human rights values which are the pillars of human life becomes a shield in countering the abrasion that creates disruption. So, those legal values are abstractions that reflect the situation towards which the eternal life of mankind is anchored.

Law reflects the description and at the same time the prescription of human will. Human Rights no longer be dogma and axioms but becomes a reflection restricted from the properties of God which are inherent in such a form in the form of the human whole. The integrity of the human being is no longer measured from the will (his will) in phenomenology (manifest) but must be measured from the nature of humanity in nomology (latent). The attitude and actions of man which is good and which is bad, wrong and right are manifest not be interpreted by law in justification⁴⁸ normative as it is, but must be interpreted as justification for latent human mental attitude.

3.3.6. Life balance

The principle of moral law should contain a balance of objectives and powers that be guarantee 'processes. The balance of life substantially beyond the purpose and authority 'might' laws it. The balance of life demands a balance from the disruption of feelings and happiness. The meaning of life balance is not singular, and ideas do not always reflect ideals. The process of culture and acculturation becomes a presentation of accuracy to emphasise the aspiration to perpetuate life.

44 Rahardjo and Hukum., *Perkembangan Metode Dan Pilihan Masalah*, Yogyakarta.

45 Satjipto Rahardjo., *Hukum Progresif: Penerapannya*, *Academi.AEdu*, Vol.4 No.1, 2018, page.64–75.

46 Otto Bird., *The Idea of Justice, Plato and Modern Law*, 2017, page.575–618,

47 Michael J. Perry., *Toward a Theory of Human Rights, Religion, Law, Courts, Toward a Theory of Human Rights, Religion, Law, Courts*, Cambridge: Cambridge University Press (CUP), 2006

48 Massimo La Torre., *Law as Institution, Law and Philosophy Library*, Vol.90, 2010, page.97–134

Law not an instrument of justice textual but a consensus of social,⁴⁹ which places the law as the basis for realising moral justice.⁵⁰ The value of legal wisdom outperforms the virtue of law. The law enforcement process is not just a pulpit to hold the freedom of judicial power but as a stage to test the wisdom of the law. Rostrum test the wisdom of the law is integrated with the source of morality legal parent is genuine, while the pulpit mat virtue of law only sees the purification of value in deduction where the law is only regarded as the value of a single and pure of elements the values of others.

Legal morality that contains a balance life⁵¹ puts the judicial process⁵² is not limited to the authority of the law is symbolic (centripetal), but the process of justice becomes a catalyst source of primary solution and resolution of the conflict of values and conflicts needs of life to toward a point of balance back (centrifugal). The judiciary is not an arena for competition to seek justice, but a forum for competence to ensure justice.

Justice became a pillar buffer of the upright and the imbalance of the life of man and the nature of the universe. Justice becomes the pivot point of rotation of the values of justice who became trajectory treatise traveling civilisation of life nature of the universe that does not slip. Justice is a beacon of the balance of life that is a sign of the land and sea of universal life. Justice becomes clapper to give a sign when the balance of life begins and ends. This is the essence of the principle of legal morality that embodies the balance of life.

The principles of moral law in Indonesia are grounded in the nation's philosophical foundation of Pancasila, which emphasizes justice, humanity, and social harmony. These principles assert that law is not merely a system of rules, but a reflection of moral obligations that promote the common good. In Indonesia, the moral dimension of law demands that legal norms align with ethical values such as fairness, accountability, and respect for human dignity. Advocates argue that this integration of morality ensures that the law serves not only as a mechanism for regulating behavior but also as a tool for fostering a just and compassionate society. However, critics caution that overly moralistic laws risk imposing subjective standards that may infringe on individual freedoms in a pluralistic society. Despite these tensions, the principles of moral law in Indonesia seek to balance legal certainty with the ethical imperatives of justice and social welfare. The principle of morality laws in Indonesia is shown in Figure 5.

49 Nonet and Selznick., *Law and Society in Transition: Toward Responsive Law*.

50 Adi Sulistiyono., Menggapai Mutiara Keadilan: Membangun Pengadilan Yang Independen Dengan Paradigma Moral, *Jurnal Ilmu Hukum*, Vol.8 No.2, 2005, page.152–84.

51 Adrian W. Bedner and Val Jacqueline., *Sebuah Kerangka Analisis Untuk Penelitian Empiris Dalam Bidang Akses Terhadap Keadilan Dalam Ajian Sosio Legal: Seri Unsur-Unsur Penyusun Bangunan Negara Hukum*, Jakarta: Pustaka Larasan, 2012.

52 Morris R. Cohen, Rudolf von Jhering, and Isaac Husik., *Law as a Means to an End., The Philosophical Review*, Vol.23, Cambridge: Cambridge University Press, 1914

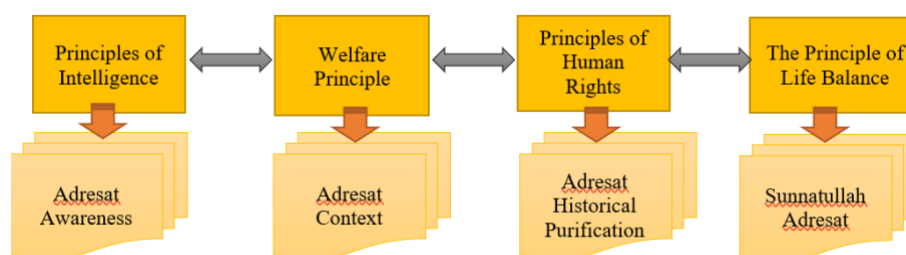


Figure 5. The Principle of Morality Laws in Indonesia

The principle of legal morality intelligence has a goal to build legal awareness of state authorities and citizens.⁵³ The principle of the welfare of legal morality has the goal of opening a window on the substance of legal meaning outside the text by the values of legal morality from its main source. The principle of protecting human rights and legal morality has a goal to purify the historical treatise of the nation's civilisation as the basis of a legal state. The principle of balance in the life of legal morality has the target of *Sunatullah's* determination that the meaning of justice essentially places the degree of the human being as a leader on earth.

The principle of legal morality is to ensure that the essence of legal targets is an effort to realise the order of life for living beings who can use their intelligence for their welfare following the history of their creation in a just and civilised order

3.4. Principles of morality laws combating acts of criminal corruption in Indonesia

The principle of legal morality can be found in the considerations and goals and principles in a written law. The principles of moral law not be found in the provisions of an article that is specifically set on principle or purpose-made laws. The principle of legal morality can only be found in the preamble, although it is incomplete. Thus, three laws on combating acts of criminal corruption in Indonesia do not contain the principle of morality suit the needs. The principle of legal morality is essentially needed to understand the meaning of the direction, goals, and objectives of a law being made so that it can be seen the urgency of the law being made. By thus three laws to eradicate corruption in Indonesia can be said as a law that direction, goal, and purpose are not clear that the substance contains properties to be able to do the interpretation is open by enforcement law (interpretable). Laws that do not meet the principles of legal morality are laws that cannot guarantee fair legal certainty. The comparative principle of morality laws combating acts of criminal corruption in Indonesia.

The comparative principle of morality laws that confirms that any legislation does not quite have the foundation targeted as one of the typical principles of morality laws are needed. In a sequence corresponding year of manufacture,

⁵³ Syofyan Hadi., Kekuatan Mengikat Hukum Dalam Perspektif Mazhab Hukum Alam Dan Mazhab Positivisme Hukum, *Jurnal Ilmiah Hukum Legality*, Vol.25 No.1, 2018, page.86

Law No. 3 of 1971 has the principle of legal morality to realise prosperity by negating the principle of legal morality of intelligence, protection of human rights, the balance of life.⁵⁴ Law which thus has the character of a repressive ideology becomes a justification hegemony, law enforcement does not need to pay attention to human rights, rationality and the balance of life as the basic principles of a state of law. Tafsir of truth and justice that exist in the substance of the law becomes the authority and ruler of the country.

Law No. 31 of 1999 has the principle of morality, law of intelligence, welfare and balance of life but negates the protection of human rights. Such a law has the character of not making human rights the main issue in corruption. Human rights are only a means of justification for fulfilling the rights of perpetrators of corruption in the judicial process, imprisonment is not important to be maximised, but on the other hand, the return of state losses is the most important thing. Law No. 20 of 2001 has principles of morality, law, welfare, protection of human rights, and balance of life, but negates intelligence. Law, thus, has the character of an authoritarian because it ignores criticism as the substance of democratisation in the making and enforcement of the law. Criticism is not seen as an effort to straighten the process of making and enforcing laws to create fair legal certainty. Criticism is seen as an element to hinder and hinder the process of making and enforcing laws on corruption.

4. Conclusion

The essence of narrating the ontology of morality in corruption law from an Islamic value in Indonesia lies in understanding how Islamic moral values shape the legal approach to corruption. The findings highlight those Islamic principles, rooted in justice, honesty, and accountability, provide a moral foundation for the law's efforts to combat corruption, emphasizing the spiritual and ethical responsibility of individuals in positions of power. The purpose of this analysis is to demonstrate how these religious values reinforce legal structures, ensuring that corruption is seen not only as a legal violation but also as a profound moral breach that harms the welfare of society. In conclusion, integrating Islamic moral principles with corruption law strengthens the ethical underpinnings of legal frameworks, promoting both legal deterrence and moral accountability in governance.

54 Sulistiyono., Menggapai Mutiara Keadilan: Membangun Pengadilan Yang Independen Dengan Paradigma Moral. *Jurnal Ilmu Hukum*, Vol.8 No.2, 2005;

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