

An Educational Analysis of Rewards As Gratification for Employees: An Islamic Criminal Law Perspective

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ABSTRACT

Gratification is a form of action that has the potential to lead to criminal acts of corruption if it is carried out by civil servants or state administrators related to their positions and authorities. This study aims to determine the analysis of rewards as gratification for employees (study of Law Number 20 of 2001 Article 12b paragraph (1) in conjunction with Law Number 31 of 1999 concerning criminal acts of corruption) and to determine the perspective of Islamic criminal law in the analysis of rewards as gratification for employees. This research is a normative juridical legal research, namely research conducted by examining library materials (library research), where the data used is library data that is related to this research which refers to legal norms, principles, rules of statutory regulations. The results of the study show that in positive law, gratification is strictly regulated in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, where any gratification received by civil servants (ASN, employees based on the Criminal Code, recipients of state salaries/state facilities) or state administrators (executive, legislative, judicial officials) is considered a bribe if it is contrary to their obligations or duties and must be reported to the Corruption Eradication Commission. Meanwhile, in the perspective of Islamic criminal law, gratification that contains elements of ulterior motives or aims to influence employee decisions is categorized as risywah (bribery) or gholul (treason) which is forbidden and includes major sins. Although giving gifts is basically encouraged in Islam, it becomes prohibited if it is related to certain positions and interests. Thus, both positive law and Islamic criminal law equally prohibit gratification that has the potential to damage justice, trust, and the integrity of state apparatus.

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Introduction

Corruption is widely recognized as an extraordinary crime due to its systemic impact on governance, economic development, and social justice. Beyond causing financial losses to the state, corruption undermines public trust, weakens institutional integrity, and erodes ethical values within society. Corruption manifests in various forms, including bribery, abuse of authority, embezzlement, and gratification (Fateh, 2025). Among these forms, gratification represents a particularly complex issue because it often occurs within

everyday bureaucratic interactions and is frequently perceived as a normal expression of appreciation rather than a potential criminal offense (Ar-Rahimy, 2025).

In Indonesian law, gratification encompasses a broad range of benefits received by public officials, including money, goods, discounts, commissions, interest-free loans, travel facilities, accommodation, medical services, and other forms of benefits. Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, as amended by Law Number 20 of 2001, stipulates that any gratification received by a civil servant or state official shall be considered bribery when it is related to the recipient's position and contradicts his or her official duties (Undang-Undang Nomor 20 Tahun 2001). Consequently, gratification occupies a sensitive legal position because the distinction between a legitimate reward and an unlawful benefit is often unclear (Sukron, 2020).

The ambiguity surrounding rewards and gratification has become increasingly relevant in contemporary public administration. Rewards are generally intended to recognize achievement, dedication, or professional performance and are legally acceptable when granted transparently and in accordance with institutional regulations. Problems arise when benefits are provided by parties who possess interests related to the recipient's authority or decision-making power. Under such circumstances, a reward may function as a concealed form of gratification that potentially influences professional judgment and compromises public accountability (Pusat Edukasi Anti Korupsi, 2025).

Recent corruption cases in Indonesia demonstrate that gratification remains a significant challenge despite the existence of legal reporting mechanisms through the Corruption Eradication Commission (KPK). Several high-profile cases involving public officials have revealed that gratification frequently extends beyond the exchange of gifts and develops into systematic practices that threaten good governance (KPK, 2021). These cases highlight the importance of strengthening both legal enforcement and ethical awareness regarding the acceptance of rewards and benefits by public officials (Suryanti, 2021).

From the perspective of Islamic criminal law, practices resembling gratification have long been discussed through the concepts of *risywah* (bribery) and *ghulul* (misappropriation or breach of trust). Islamic teachings strongly prohibit any form of benefit intended to influence decisions, obtain unlawful advantages, or violate public trust. This prohibition is reflected in Qur'an Surah Al-Baqarah (2:188), which forbids the unlawful consumption of wealth and the manipulation of legal authority for personal gain. Likewise, a hadith narrated by Abu Hurairah states that the Prophet Muhammad (peace be upon him) cursed both the giver and the receiver of bribes. These sources emphasize the importance of justice, integrity, and accountability in social and governmental affairs (Laia, 2022).

Although numerous studies have examined gratification from the perspectives of positive law and Islamic law, limited attention has been given to the distinction between legitimate rewards and prohibited gratification, particularly within modern bureaucratic settings. This issue is significant not only from a legal perspective but also from an educational perspective, as understanding the ethical boundaries of rewards can contribute to anti-corruption awareness and integrity education among public servants and society. Therefore, this study aims to analyze rewards as a form of gratification under Indonesian positive law and Islamic criminal law, focusing on Law Number 20 of 2001 Article 12B Paragraph (1) in conjunction with Law Number 31 of 1999 concerning Corruption Crimes. The study is expected to contribute to the development of legal scholarship, anti-corruption education, and the promotion of ethical governance based on Islamic values.

Method

This study employed a normative juridical research approach using library research as

the primary method of data collection. Normative juridical research focuses on examining legal norms, principles, doctrines, and statutory regulations relevant to the research problem. The primary legal materials analyzed in this study consisted of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes and Law Number 20 of 2001 amending Law Number 31 of 1999, particularly Article 12B paragraph (1) regarding gratification. Secondary legal materials included books, journal articles, legal commentaries, and other scholarly works discussing gratification, corruption, rewards, and Islamic criminal law (Yuliana, 2019).

Data were collected through document analysis of legal sources and relevant literature. The collected data were then analyzed using a qualitative descriptive method through statutory, conceptual, and comparative approaches. The statutory approach was used to examine legal provisions governing gratification in Indonesian positive law, while the conceptual approach was employed to analyze the concepts of rewards and gratification from both legal and educational perspectives. The comparative approach was applied to compare the regulation of gratification under Indonesian positive law with the concepts of *risywah* (bribery) and *ghulul* (breach of trust) in Islamic criminal law. The analysis was conducted systematically to identify the legal position of rewards as gratification and to explore their educational implications in promoting integrity, ethical conduct, and anti-corruption awareness.

Results and Discussion

Educational Analysis of Rewards as Gratification for Employees (A Study of Article 12B Paragraph (1) of Law Number 20 of 2001 in Conjunction with Law Number 31 of 1999 on Corruption Crimes)

Rewards constitute an important component of employee compensation and motivation systems. In organizational management, rewards may take the form of intrinsic rewards, such as personal satisfaction and recognition, or extrinsic rewards, including salaries, bonuses, incentives, and promotions. Under normal circumstances, rewards are granted based on performance, achievement, loyalty, or contribution to organizational goals. However, when rewards are received by civil servants or public officials, legal and ethical considerations become particularly significant because their positions involve public trust and authority (Santoso, 2018).

Indonesian anti-corruption law recognizes the concept of gratification as a broad category of benefits received by public officials. According to Article 12B of Law Number 20 of 2001, gratification includes money, goods, discounts, commissions, interest-free loans, travel facilities, accommodation, medical services, and various other benefits received either domestically or internationally. Although not every reward constitutes gratification, legal concerns arise when a benefit is connected to an official position and has the potential to influence decision-making processes (Pusat Edukasi Anti Korupsi, 2025). In such circumstances, gratification may be classified as bribery and become subject to criminal sanctions.

The primary distinction between a legitimate reward and prohibited gratification lies in the purpose, source, and context of the benefit. Legitimate rewards are generally provided through official institutional mechanisms and are regulated by organizational policies or statutory provisions. Examples include performance allowances, achievement incentives, and other forms of compensation established under civil service regulations. Conversely, gratification occurs when benefits are provided by individuals or organizations that possess interests related to the recipient's authority, duties, or official

decisions. Such practices create conflicts of interest that may compromise objectivity, professional judgment, and public accountability.

The Corruption Eradication Law seeks to prevent such conflicts by requiring public officials to report suspicious gratification to the Corruption Eradication Commission (KPK) within thirty working days of receipt. Reporting serves as an important mechanism for ensuring transparency and preventing the misuse of public office for personal gain. Failure to report gratification may result in criminal liability, including imprisonment and substantial financial penalties. The law further applies a reverse burden of proof mechanism in certain cases, requiring recipients of gratification above a specified monetary threshold to demonstrate that the benefits received do not constitute bribery (Kesuma, 2025).

From an educational perspective, understanding the distinction between rewards and gratification is essential for fostering integrity, accountability, and anti-corruption awareness among public servants. Legal compliance alone is insufficient to prevent corrupt practices if ethical values are not internalized by individuals occupying positions of authority. Therefore, education concerning gratification should emphasize not only legal obligations but also the moral consequences of accepting benefits that may influence professional conduct. Such educational efforts contribute to the development of an ethical organizational culture and strengthen public trust in government institutions (Graycar & Jancsics, 2017).

The analysis demonstrates that rewards can be legally and ethically justified when granted transparently through authorized institutional mechanisms. However, rewards provided by third parties with vested interests in governmental decisions may constitute gratification and potentially lead to corrupt practices. Consequently, public officials must exercise caution in accepting any form of benefit and prioritize transparency, accountability, and adherence to legal and ethical standards in the performance of their duties.

Islamic Criminal Law Perspective on the Analysis of Rewards as Gratification for Employees

In principle, rewards are permissible in Islam as a means of expressing appreciation, strengthening social relationships, and encouraging positive behavior. However, as social and bureaucratic systems have evolved, rewards have sometimes been used as instruments to obtain personal benefits, secure privileges, or influence decision-making processes (Sukron, 2020). Within Islamic criminal law, several offenses (*jarā'im*) bear similarities to modern forms of corruption, including *ghulul* (misappropriation of public assets), *risywah* (bribery), *ghasab* (unlawful appropriation of property), *khiyanah* (breach of trust), and *sariqah* (theft). Among these offenses, *risywah* is the concept most closely related to gratification (Qudamah, n.d.). Linguistically, *risywah* refers to a reward, gift, commission, or bribe, while terminologically it denotes something given to obtain personal advantage, justify wrongdoing, or invalidate what is right. Islamic scholars generally agree that gifts received by public officials due to their positions rather than personal relationships may fall within the category of *risywah* and are therefore prohibited (Khairunisa & Rahman, 2025).

From the perspective of Islamic law, the integrity of public officials and employees constitutes a trust (*amanah*) that must be preserved. Any benefit received in connection with official duties that has the potential to influence decisions or create conflicts of interest is considered a violation of that trust and may contribute to social corruption (*fasād*). The prohibition of such practices is reflected in the Qur'an, particularly in Surah Al-Baqarah (2:188), which forbids the unlawful acquisition of wealth and the manipulation of authority for personal gain. This verse has been interpreted by classical and contemporary scholars

as a clear rejection of bribery, corruption, and all forms of unjust enrichment. The prohibition is further reinforced by a hadith narrated by Abu Hurairah, in which the Prophet Muhammad (peace be upon him) condemned both the giver and the receiver of bribes. These sources demonstrate that Islamic teachings seek not only to prohibit individual acts of corruption but also to establish a legal and moral order based on justice, accountability, and social responsibility .

Classical Islamic jurists also emphasized the distinction between legitimate gifts and prohibited bribes. In *Al-Mughni*, Ibn Qudamah explained that public officials should not accept gifts from individuals who did not customarily give them gifts before they assumed office, because such gifts are often intended to secure preferential treatment (Qudamah, n.d.). Consequently, gifts associated with official authority may be treated as *risywah* due to their potential to influence impartial decision-making. The distinction between a permissible gift and a prohibited bribe depends largely on two factors: compliance with Islamic legal principles and the intention underlying the gift. A gift given voluntarily, without prior agreement, excessive value, or expectation of reciprocal benefit, may be considered permissible. Conversely, a gift promised in advance or provided in connection with an official decision may be classified as *risywah* and become subject to legal sanctions (Haryono, n.d.).

Islamic criminal law generally prescribes *ta'zir* sanctions for acts involving bribery and unlawful gratification. The nature and severity of these sanctions are determined by legitimate authorities based on the circumstances of the offense and its impact on society. Some jurists maintain that both the giver and the receiver should be sanctioned, while others argue that an individual compelled to provide a gift in order to secure a legitimate right within a corrupt system may be exempt from punishment (Al-Thariqi, n.d.). This opinion is based on the legal maxim *al-dharuratu tubih al-mahzurat* (necessity permits what is ordinarily prohibited), provided that the principle of proportionality expressed in the maxim *al-dharuratu tuqaddaru bi qadariha* (necessity is limited to the extent required) is observed. Nevertheless, Islamic law consistently discourages gratification practices because they create opportunities for bribery, corruption, injustice, and abuse of power (Fateh, 2025).

From an educational perspective, the prohibition of gratification in Islamic criminal law serves as an important foundation for integrity education and anti-corruption awareness. Islamic teachings encourage individuals to acquire wealth through lawful means, maintain honesty in public service, and avoid any actions that may harm the rights of others (Andiko, 2016). Therefore, the regulation of gratification is not merely a legal matter but also a moral and educational effort aimed at cultivating ethical conduct, accountability, and social justice within both public institutions and society as a whole.

Conclusion

The analysis of rewards as gratification from the perspective of Islamic criminal law demonstrates that not all rewards received by employees can be considered lawful, particularly when they are associated with official positions, personal interests, or attempts to influence decision-making. Indonesian positive law classifies such gratification as a form of bribery when it conflicts with official duties, while Islamic criminal law categorizes it as *risywah* (bribery) or *ghulul* (breach of trust), both of which are prohibited. From an educational perspective, this study highlights the importance of strengthening integrity, ethical awareness, and anti-corruption values among employees and public officials. Understanding the legal and moral boundaries between legitimate rewards and prohibited gratification can serve as an educational foundation for fostering accountability, professionalism, and good governance in public institutions.

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