

Gratification and Conflicts of Interest in Islamic Criminal Law

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Article history: Received: December 28, 2025; Revised: May 26, 2026; Accepted: May 29, 2026; Published: July 31, 2026



Keywords:

Gratification;
Islamic Criminal Law;
Conflict of Interest;
Public Integrity;
Governance.

How to Cite:

Dalle, J., Imarah, N. U., Palinrungi, I., & Ramli, A. R. (2026). Gratification and Conflicts of Interest in Islamic Criminal Law. *Parewa Saraq: Journal of Islamic Law and Fatwa Review*, 5(2): : 154-165.
<https://doi.org/10.64016/parewasaraq.v5i2.66>

Abstract: Although gratification has been extensively examined within anti-corruption and administrative law scholarship, limited attention has been given to its conceptualization as a conflict-of-interest offence within the framework of Islamic criminal law. This study addresses this gap by examining how gratification received by public officials can be reinterpreted through the doctrines of *risywah*, *ghulūl*, and *khiyānah*, while assessing its implications for ethical governance and public accountability. Employing normative legal research with conceptual and doctrinal approaches, the study analyses classical Islamic legal sources, contemporary legislation, fatwas, and relevant scholarly literature using qualitative content analysis. The findings demonstrate that gratification connected to public office constitutes an illicit benefit that transcends cultural expressions of courtesy because it creates institutional conflicts of interest and compromises impartial decision-making. From the perspective of Islamic criminal law, such practices fulfil the substantive characteristics of *risywah* and represent a breach of public trust (*amānah*), thereby violating the objectives of *maqāṣid al-sharī'ah*, particularly the protection of wealth, justice, and public welfare. The study proposes an integrated Islamic governance framework that combines criminal law principles, ethical accountability, and institutional oversight to strengthen anti-corruption strategies. This framework extends existing scholarship by positioning conflict of interest as a central normative category in contemporary Islamic criminal law discourse on public integrity.



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Introduction

Gratification and gift-giving are often debated in ethical and legal contexts, particularly from the perspective of Islamic law. In many cultures, gift-giving is a socially acceptable practice. However, Islam sets limits to ensure that such gifts do not violate the principles of justice and maintain integrity. Gratuities, which are often interpreted as gifts in the hope of a certain reward or benefit, can give rise to conflicts of interest and raise ethical issues if not managed wisely.

The Corruption Eradication Commission (KPK) noted that until March 2026 there were 32 gratuity reports related to the momentum of Eid al-Fitr with a total value of IDR 13.6 million. Of these, 14 reports are still in the process of being reviewed and validated, while 12 other reports have been distributed as social assistance. The data shows that the practice of

gratuity related to the culture of giving during the holiday momentum continues to occur in the community and the government bureaucratic environment (Irfan Kamil, 2026).

The practice of gratuity in people's lives is often seen as a form of respect, retribution, or gratitude to certain parties. However, in the context of public service, the practice can develop into a conflict of interest that affects the objectivity of public officials in exercising their authority. Gratification not only has an impact on the destruction of the integrity of state apparatus, but also has the potential to reduce public trust in government institutions and open up space for abuse of power in public services (Ervin et al., 2024).

The phenomenon of gratification in Indonesia shows the existence of social contradictions in society. On the one hand, the public denounces corrupt practices as acts that are detrimental to the state and contrary to moral values. However, on the other hand, the practice of giving gifts to public officials or officials is still considered something natural and part of social culture. This condition shows that there is still a strong permissive culture towards gratuities which can ultimately strengthen corrupt practices in the life of the bureaucracy and public services (Irvan Sebastian Iskandar, 2023).

Dalam perspektif sosiologis, gratifikasi tidak dapat dipahami semata-mata sebagai persoalan hukum individual, tetapi juga sebagai gejala sosial yang berkaitan dengan budaya permisif terhadap penyalahgunaan kekuasaan. Praktik pemberian hadiah kepada pejabat publik yang terus dinormalisasi berpotensi melemahkan kesadaran hukum masyarakat, merusak integritas pelayanan publik, serta membentuk pola relasi sosial yang tidak sehat dalam birokrasi pemerintahan (Dalle et al., 2025).

This research seeks to explore Islamic jurisprudence's view of gratuities and gifts, with a focus on efforts to maintain integrity and prevent conflicts of interest. In Islamic law, integrity is an important foundation that governs social and economic interactions, and honesty and commitment to ethics are important elements in building a just society. The practice of gratification and gift-giving has both positive and negative potential for integrity, depending on the context and intent behind the giving. Thus, an understanding of the principles of Islamic law that govern these practices is essential to protect integrity and avoid conflicts of interest.

Several previous studies have discussed gratuity in a variety of perspectives. Abdul Karim et al.'s research examines the concept of gratuity from the perspective of Islamic law and distinguishes between positive and negative gratuities related to gifts, grants, and risywah (Abdul Karim, Fazzan, 2016). Irvan Sebastian Iskandar's research discusses the conception of gratuity as a form of corruption that is normalized in public services due to permissive social culture (Irvan Sebastian Iskandar, 2023). Andi Ervin Novara Jaya et al.'s research highlights gratuity from an ethical and legal perspective as a practice that can damage integrity and give rise to conflicts of interest in public services (Ervin et al., 2024). Meanwhile, Alwis and M. Nasir's research analyzed the practice of gratification through the saddu al-zarī'ah approach as a preventive effort against damage and abuse of authority (Alwis

& Nasir, 2020). The research on gratuity from the perspective of *maqāṣid al-sharī'ah* emphasizes that gratuities have the potential to damage property protection, justice, and public welfare (Ali Imran MR., 2025). However, research that specifically integrates gratuities, conflicts of interest of public officials, government integrity, and *maqāṣid al-sharī'ah* in the perspective of Islamic criminal law is still relatively limited. Therefore, this research is present to fill the gap in the study in the context of contemporary Islamic law.

Although various studies have discussed gratuity from the perspective of Islamic law, ethics, and positive law, studies that specifically integrate the conflict of interest of public officials, government integrity, and *maqāṣid al-sharī'ah* in the perspective of Islamic criminal law are still relatively limited. In fact, the practice of gratuities is not only related to violations of the law, but also concerns moral issues, abuse of authority, and governance. Therefore, this research is present to analyze gratuity as a legal and ethical issue of public in the perspective of contemporary Islamic law.

Based on this description, this research focuses on two main issues, namely how the perspective of Islamic criminal law on the practice of gratuities involving public officials and how gratuities can give rise to conflicts of interest that have an impact on integrity and governance. This research aims to analyze the practice of gratuity not only as a violation of the law, but also as a moral and social issue in the perspective of contemporary Islamic law.

Research Methods

This study uses the library research method with a normative-descriptive approach. This approach is used to analyze the practice of gratuities and conflicts of interest of public officials in the perspective of Islamic criminal law through the study of Islamic legal norms, laws and regulations, fatwas, and relevant scientific literature.

The data sources in this study consist of primary and secondary legal materials. Primary legal materials include the Qur'an, hadith, fatwa of the Indonesian Ulema Council (MUI), as well as laws and regulations related to corruption and gratuities. The secondary legal materials are obtained from books, scientific journals, academic articles, and official reports of related institutions such as the Corruption Eradication Commission (KPK). The selection of sources is carried out based on the relevance of the theme, academic credibility, and its relationship to discussions about gratuities, conflicts of interest, the integrity of public officials, and contemporary Islamic criminal law.

This study uses statute approach, conceptual approach, and Islamic legal approach to analyze the practice of gratuity both from the perspective of positive law and Islamic law. Data analysis is carried out qualitatively through content analysis techniques by examining legal concepts, the principles of trust, justice, *maqāṣid al-sharī'ah*, and the relationship between gratuity and abuse of authority in public services. This approach is used to understand gratuities not only as a violation of the law, but also as a moral, social, and governance issue in the perspective of Islamic law.

Result and Discussion

Gratuities

According to the Explanation of Article 12 B of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, which has been amended by Law Number 20 of 2001, "gratuity" is broadly defined as any form of giving. This includes giving in the form of money, goods, discounts, commissions, interest-free loans, travel tickets, accommodation facilities, tourist trips, free medical treatment, and other facilities. This gratuity can be accepted both domestically and abroad, and can be done with or without electronic means (Indraguna & Hasibuan, 2020).

The formulation of the article regarding gratuities that are considered bribes in Article 12B of the Corruption Law has several elements that distinguish it from the definition of gratuities in general. These elements include gratuities given to civil servants or state administrators; related to his position; and contrary to his obligations or duties. Thus, only gratuities that meet these criteria can be subject to Article 12B of the Corruption Law. However, the issue of receiving gratuities is still complex, especially when civil servants or state officials receive gratuities that are considered part of society's customs (Farida & Jurdi, 2016).

This definition shows that gratuity is not always understood as an act that is automatically prohibited. However, in practice, gratuities can turn into acts that are contrary to the law and ethics when it is related to certain positions, public services, or interests that have the potential to cause conflicts of interest.

Prizes

Gift is *a mashdar* from the root هـ-د-ي which means to come forward to give instructions and send hospitality. Prizes have been adapted into Indonesian, namely prizes that are interpreted as: a) Gifts (mementos, awards and respects), b) Rewards about winning in the race, and c) Eye marks about farewell.

In terminology, a gift is often interpreted as something given to another person out of respect or glorification. While al-Jurjani said that a gift is something that is obtained without any condition of return. (Abdul Gaffar, 2013) According to Erwandi Tarmidzi, a gift is something that is given to another person without expecting anything in return, with the aim of strengthening relationships or as a form of respect, and the recipient of the gift is not someone who is in economic difficulty (Tarmidzi, 2012).

One of the gifts used in the Qur'an is related to the desire of Queen Balqis to send gifts to the Prophet Solomon (as). namely QS. al-Naml: 27/35:

And the Messenger of Allah (peace and blessings of Allaah be upon him) said:

Translation:

"And indeed, I will send messengers to them with (bringing) gifts, and (I) will wait for what the messengers will bring back" (QS. al-Naml : 35)

The verse shows that gift-giving is basically a permissible practice in Islam as long as it does not aim to influence decisions, obtain certain benefits, or cause injustice. Therefore, the context, purpose, and relationship between the giver and the receiver are important factors in determining the legal status of a gift in the perspective of Islamic law.

Principles of Integrity in Islam

Integrity in language refers to honesty, sincerity of heart, and self-integrity. In this context, integrity is based on honesty and responsibility (*amanah*), as well as sincerity in living these attitudes, which includes the integrity of personality. A person who has integrity will show harmony between his words and deeds, between his actions and his conscience, and between actions in private and public spaces. This integrity is important, as the term integrity comes from the Latin word *integer*, which means whole and complete (Kamil, 2019).

- a. Honesty (*Shidq*): Islam emphasizes honesty as an important part of a Muslim's character. In various verses, the Qur'an reminds the ummah to speak and act honestly, as in QS. Al-Ahzab:33/70 which emphasizes speaking the truth as a form of piety: Believe in God, and say, "Fear God."

Translation:

"O you who have believed, fear Allah and speak the truth (Al-Ahzab: 70)

This verse affirms that honesty is the main foundation of integrity in Islam. In the context of public service, the principle of *shidq* requires officials to be transparent and not abuse their positions for personal interests, including through the practice of gratuities that can affect objectivity in decision-making.

- b. A trust is something that is entrusted to someone else to be guarded and returned when the time comes or when requested by the owner. Trust is the opposite of treason and is only given to those who are considered capable of maintaining and maintaining the trust properly. By having a trustworthy nature, a person can more easily convince others of the various forms of trust entrusted to him, be it children, positions, or property, for the benefit of life (Amiruddin, 2021).

A Muslim is expected to maintain and carry out the mandate in accordance with the provisions of religion, as explained in the Qur'an. Al-Nisa: 4/58 , which commands to convey the mandate to the righteous, namely:

The Messenger of Allah (peace and blessings of Allaah be upon him) said: "O Messenger of Allaah (peace and blessings of Allaah be upon him) and I am the Messenger of Allaah (peace and blessings of Allaah be upon him).

Translation:

"Allah tells you to convey the mandate to the owner. When you establish the law among men, you shall establish it justly. Indeed, Allah has given you the best teaching. Indeed, Allah is All-Hearing and All-Seeing." (Al-Nisa : 58)

From an Islamic perspective, corruption and gratuity are contrary to the principles of trust, justice, and transparency that are the main foundations in the administration of power. Islam views abuse of office as a form of betrayal of public trust that can damage the social order and cause injustice in society (Jumarni et al., 2024).

- c. Justice ('Adl): Islam obliges justice in all situations, without partiality or discrimination, as stated in Surah Al-Nisa (4:135). Justice in Islam means giving everyone rights without being affected by relationships, position, or potential personal benefits.

O Allah, the Messenger of Allah (peace and blessings of Allaah be upon him) said, "O Messenger of Allah, I am the Messenger of Allah (peace and blessings of Allaah be upon him)."

Translation:

"O you who believe, be the enforcers of justice and witnesses for the sake of Allah,.."
(Al-Nisa : 135)

This verse shows that the principle of justice in Islam requires public officials to make decisions objectively without being influenced by personal interests or certain relationships. In the context of gratuities, justice can be disturbed when certain gifts affect independence and professionalism in public service.

- d. Sincerity (*Sincerity*): Integrity in Islam also includes sincerity, which is carrying out duties or responsibilities solely to seek the pleasure of Allah swt. Any professional action, including in office, is expected to be carried out with sincere intentions, free from personal interests or material gains.

The principle of sincerity encourages public officials to carry out their duties as a form of devotion and moral responsibility, not as a means of obtaining personal gain. Therefore, the practice of gratuity based on material interests is contrary to the value of sincerity and service ethics in Islam.

- e. Stay Away from Hypocrisy: Islam condemns hypocrisy or inconsistent attitudes between words and deeds. A Muslim is required to behave honestly and consistently, without betraying the trust that has been given. Hypocrisy in the context of public service can be reflected in the mismatch between moral commitment and the practice of holding office. Therefore, public officials are required to maintain consistency between speech, responsibility, and actions so as not to abuse authority for personal interests.

Conflict of Interest

Conflict of interest is defined as a situation in which a State Administrator, who acquires power and authority under the law, has or is suspected to have a personal interest in every exercise of his authority, so that it can affect the quality and performance that should be carried out. Situations where the State Administrator receives gratuities or gifts related to certain decisions or positions is one common example that can trigger a conflict of interest.

Some forms of conflict of interest that can arise from the provision of gratuities include:

- a. The receipt of gratuities can bring *vested interest* and mutual obligations for a gift so that the independence of the State Administrator can be disturbed (Corruption Eradication Commission, 2019).

Islam teaches that an official or leader should avoid personal gain that can obscure judgment and harm the public interest. The Qur'an reminds us not to use one's position or position for personal gain, as stated in Surah Al-Baqarah: 2/188:

And if you do not know what you are doing, then you will not be able to do anything about it, and you will not be able to do anything about it.

Translation:

"Do not eat the wealth among you in a wrong way, and (do not) bring it to the judges with the intention that you may eat some of the wealth of others in the way of sin, when you know it." (Al-Baqarah : 188)

The verse emphasizes that Islam prohibits any form of acquisition of property that is carried out illegally or through abuse of power. In the context of gratuities, gifts related to positions have the potential to shift the objectivity of public officials and encourage injustice in service and policy-making.

- b. The receipt of gratuities can affect the objectivity and professional judgment of State Administrators (Corruption Eradication Commission, 2019) and the obligation to avoid *Risywah* (Bribery). Islam prohibits bribery or *risywah*, which is the most obvious form of conflict of interest. In the hadith, the Prophet Muhammad (PBUH) condemned bribery, which can undermine justice and objectivity in law enforcement and decision-making.

It was narrated that 'Abd Allah ibn 'Amr said: The Messenger of Allah (peace and blessings of Allaah be upon him) said:

Meaning:

"Allah swt curses those who give bribes and curses those who receive bribes which often happens in legal matters." (HR. Ibn Majah) (Al-Qazwīnī, n.d.).

This hadith shows that Islam not only prohibits bribery in the form of overt transactions, but also all forms of giving that have the potential to affect the objectivity of public officials. In the contemporary context, gratuities given because of positions have a substantive proximity to *risywah* because they can both affect independence and fairness in decision-making.

In the practice of Islamic law, gratuities given to officials or rulers because of their position and authority have a substantive proximity to *risywah* (bribes). The gift is prohibited because it has the potential to influence decisions, undermine justice, and cause abuse of power. This kind of practice not only hurts the mandate of the office, but also has the potential to weaken professionalism in public policy-making (Arif Budiono, 2021).

- c. Gratification leads to Injustice: In Islam, a gift received by an official or public official is considered problematic if it has the potential to lead to injustice or undermine

integrity. If a gift is given with the intention of influencing a decision, then this is categorized as a prohibited gratuity.

So great is the effect that will be received by the person who embezzles the wealth of the people, that the Prophet (peace and blessings of Allaah be upon him) has warned his companion that he will not be able *to intercede* (help) to the perpetrator even if he is a friend of the Prophet (peace be upon him). The Prophet (peace and blessings of Allaah be upon him) said:

Qays ibn Abi Hazim narrated from 'Uday ibn 'Umayrah al-Kindi that he said: I heard the Messenger of Allah (may Allah's peace and blessings be upon him) say: "Whoever of you we used for a job, and we sewed it and sewn it up, it was a slave that he would bring on the Day of Resurrection."

It means:

"Whoever We entrust to a job, and then he hides (darkens) a pin and what is greater than that, he will surely bear it later in the Hereafter." (HR. Muslim). (An-Naisyabūrī, 1955)

The hadith shows that the abuse of office for personal gain is seen as a form of *ghulul* that is prohibited in Islam. This prohibition is not only related to the protection of public property, but also to maintain the integrity of officials and public trust in the administration of government.

The consequences of *the sin of ghulul* will not only befall the perpetrator, but will also have an impact on the destruction of the ummah as a whole (Tarmidzi, 2012). Islam encourages every individual to always uphold justice, even if it may be against personal or close interests, as emphasized in Surah Al-Ma'idah (5:8). This affirmation prevents bias in decisions and maintains honesty in carrying out tasks.

The Messenger of Allah (peace and blessings of Allaah be upon him) said: "O Messenger of Allaah (peace and blessings of Allaah be upon him) and I am the Messenger of Allaah (peace and blessings of Allaah be upon him) and I am the Messenger of Allaah (peace and blessings of Allaah be upon him).

Translation:

"O you who have believed, be the enforcers (of the truth) for the sake of Allah (and) the witnesses (who act) justly. Do not let your hatred of a people drive you to act unjustly. Be fair because it is closer to piety. Fear Allah. Indeed, Allah is Thorough in what you do." (Al-Maidah:8).

In the perspective of *maqāṣid al-sharī'ah*, the prohibition of gratuities is closely related to efforts to preserve property (*ḥifẓ al-māl*), prevent social damage, and protect the public interest from the practice of abuse of authority. The practice of gratuities related to positions can threaten the public welfare, weaken public trust in government institutions, and encourage social injustice. Therefore, the prevention of gratuities is not only understood as a legal obligation, but also part of the protection of integrity and fair governance (Muhammad Ilham, 2023).

It is not enough to prevent gratuities through law enforcement alone, but also requires the development of an anti-corruption culture through education, strengthening legal awareness, and internalizing the value of trust in social and bureaucratic life. Thus, efforts to prevent gratuities must be carried out structurally and culturally in order to build integrity in public services (Jumarni et al., 2024).

- d. The receipt of gratuities can be used in such a way as to obscure the occurrence of corruption crimes. (Corruption Eradication Commission, 2019) Islam encourages officials to always act openly and accountably. This includes reporting unclear sources of income or gifts that may potentially conflict with his or her professional obligations.

In society, there is a common custom of giving gifts or forms of appreciation to officers for the services provided, both in the form of goods and money. However, this habit can have negative impacts and risks leading to corrupt behavior in the future. To prevent this potential corruption, the law provides strict rules. Therefore, regardless of the value of the gratuity received by the State Administrator or Civil Servant, if the gift is suspected to be related to the position or authority possessed, then it should be immediately reported to the KPK so that it can be further analyzed (Corruption Eradication Commission, 2019).

The habit of giving gifts to public officials or officials that continues to form a permissive culture towards gratuities. In the long term, these conditions have the potential to normalize deviations and weaken public sensitivity to the practice of abuse of power in the bureaucracy and public services (Dalle et al., 2025).

Allowed and not Allowed Gratuities

- a. Gratuities that are not allowed

This is a gratuity received by a Civil Servant or State Administrator that is related to his position and is contrary to his duties or obligations. This type of gratuity is regulated in Article 12B of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, which was later amended through Law Number 20 of 2001.

- b. Gratuities that are allowed

This is a gratuity received by a Civil Servant or State Administrator that is not related to the position or does not conflict with his duties or obligations, also regulated in Article 12B of the same law. In the context of carrying out official or official duties, Civil Servants or State Administrators often receive gratuities. Therefore, gratuities that are not considered bribes are divided into two subcategories: gratuities related to official and those not related to official activities.

Gratuities That Are Not Considered Bribes in Official Activities include receipts from other parties such as:

- 1) Souvenirs received at official official events, such as meetings, seminars, or trainings.
- 2) Compensation provided related to official activities, such as honorarium, transportation costs, accommodation, and other costs in accordance with the Standard Fees in the agency concerned, as long as there is no double financing, conflict

of interest, or violation of internal rules. If the receipt of the facility exceeds the applicable cost standard, it must be reported to the KPK (Corruption Eradication Commission, 2019).

Meanwhile, according to the MUI, gifts to officials: *first*, If the gift was given before the official held office, then such a gift is halal (not haram), as well as receiving it; *Second*, if the gift was never given before the official held office, then in this case there are three possibilities:

First, if there is no or no affair between the giver and the official, then giving and receiving the gift is not haram;

Second, if there is an affair (matter) between the giver and the office, then for the office it is unlawful to accept the gift; whereas for the giver, it is haram to give it when the gift in question is intended to approve something that is void (not his right);

Third, if there is an affair between the giver and the official, both before and after the gift is given and the giving is not intended for something void, then it is halal (not haram) for the giver to give the gift, but for the official it is haram to receive it (MUI, 2000).

The MUI fatwa shows that the practice of gratuity is not only seen as an administrative violation or positive law, but also as a moral and religious issue. The presence of the fatwa serves as an ethical instrument to strengthen public awareness and public officials in maintaining trust and avoiding conflicts of interest.

Gratification cannot be seen simply as a culture of giving or a form of social respect, because under certain conditions the practice can develop into an instrument of abuse of power that is contrary to the principles of trust, justice, and integrity in Islamic law and positive law in Indonesia. Therefore, it is necessary to strengthen ethical awareness, institutional supervision, and internalize Islamic values in the administration of government to prevent conflicts of interest in public services (Abdul Karim, Fazzan, 2016).

Conclusion

Gratification in the review of Islamic law raises complex dimensions related to integrity and conflicts of interest. Islam emphasizes the importance of maintaining integrity through the principles of honesty, trust, and justice in every action, both in the private and public spheres. Gratification practices that are not in accordance with these principles, such as bribery and abuse of office, can lead to conflicts of interest that undermine objectivity and harm the public interest. Islamic law expressly prohibits any form of gratuity that has the potential to degrade the integrity of public officials and create injustice. Therefore, it is important to distinguish between permissible and prohibited gratuities, taking into account the context and purpose of the gift or facility. The implementation of Islamic principles in the prevention of gratuities is expected to reduce corrupt practices and increase public trust in state institutions.

Thus, Islamic law's approach to gratuity is not only oriented towards the prohibition of acts, but also on the development of integrity, social justice, and clean governance. This research shows that strengthening the values of trust, transparency, and maqāṣid al-sharī'ah has an important role in preventing conflicts of interest and abuse of power in public services. This research is expected to be an academic contribution to the development of the study of contemporary Islamic criminal law, especially related to strengthening public ethics and preventing conflicts of interest in governance.

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