



CONTEXTUALIZATION OF LIMIT THEORY IN PUNISHMENT FOR PERPETRATOR CORRUPTION IN INDONESIA

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ABSTRACT

The enforcement of punishment for corruption offenders in Indonesia continues to face various challenges. Therefore, this study offers Muhammad Shahrur's theory of limits as an alternative perspective for addressing these issues. This research aims to explain the relevance of the theory of limits in the enforcement of punishment for corruptors in Indonesia. The method employed is descriptive normative research with a hermeneutic approach to Muhammad Shahrur's thought. The findings indicate that, according to Shahrur, Qur'anic verses concerning punishment provide both maximum (*had al-a'la*) and minimum (*had al-adna*) limits. The maximum punishment may take the form of severe sanctions, such as the death penalty, while the minimum punishment is adjusted to the legal provisions of a particular country or may even involve forgiveness. In the Indonesian context, legal regulations already stipulate severe sanctions for corruption offenders, including imprisonment, fines, and the death penalty under certain conditions. This framework is consistent with Shahrur's theory of limits; however, its implementation requires a moral approach to ensure that punishment is enforced fairly and effectively.

ABSTRAK

Penegakan hukuman bagi pelaku korupsi di Indonesia masih menghadapi berbagai persoalan. Oleh karena itu, kajian ini menawarkan perspektif teori limit Muhammad Shahrur sebagai alternatif solusi. Penelitian ini bertujuan menjelaskan relevansi teori limit dalam penegakan hukuman bagi koruptor di Indonesia. Metode yang digunakan adalah penelitian normatif deskriptif dengan pendekatan hermeneutik terhadap pemikiran Muhammad Shahrur. Hasil kajian menunjukkan bahwa menurut Shahrur, ayat-ayat Al-Qur'an tentang hukuman memberikan batas maksimal (*had al-a'la*) dan batas minimal (*had al-adna*). Hukuman maksimal dapat berupa sanksi berat seperti hukuman mati, sedangkan hukuman minimal disesuaikan dengan hukum yang berlaku di suatu negara atau bahkan pemaafan. Dalam konteks Indonesia, aturan hukum telah memuat sanksi berat bagi koruptor, termasuk pidana penjara, denda, dan hukuman mati dalam kondisi tertentu. Konsep ini sejalan dengan teori limit Shahrur, namun penegakannya perlu disertai pendekatan moral agar hukuman dapat diterapkan secara adil dan efektif.

Keywords: *koruptor, teori limit, had al-a'la, had al-adna.*

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Introduction

Corruption is a social disease that is not only committed by large-scale “big fish” corruptors, but also by small-scale “petty” corruptors. Corrupt practices have even come to resemble a system that, unconsciously, becomes a perceived necessity. As an example, Hartiningsih notes that in practical reality, bribing government officials accelerates administrative processes related to business operations. Without bribes, administrative procedures take a long time, and such delays result in economic losses. This is why corruption is often seen as a creator of efficiency (Hartiningsih 2011, p. 140). Even President Prabowo, at the World Government Summit 2025, stated that corruption in Indonesia has reached a very alarming level. This statement is consistent with the numerous cases that have caused state losses amounting to trillions of rupiah across various sectors, such as the Jiwaseraya, Asabri, Duta Palma, and tin mining cases. The most recent mega-corruption case uncovered by law enforcement is corruption within Pertamina during the period 2018–2023, with potential state losses reaching IDR 193.7 trillion in 2023 alone (ICW, *Catatan Akhir Tahun ICW 2024: Melawan Gelap Tahun Politik*).

From the perspective of Indonesian law, corruption is understood as an unlawful act committed by an individual or a legal entity to enrich oneself or another party, which directly causes losses to the state or the national economy, or is suspected of causing such losses (Law No. 31 of 1999). With regard to punishment for corruption in Indonesia, normatively, the provisions of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption Crimes still appear to face problems in implementation. For example, minor corruption cases are processed more quickly, while major corruption cases take much longer to resolve. In some cases, even law enforcement officials have been involved in bribery scandals due to receiving gratuities from litigants or suspects in corruption cases.

Numerous studies on punishment for corruptors have been conducted and can be broadly mapped into two categories. First are normative legal studies on punishment for corruptors, particularly from the perspective of the death penalty (Fadilah and Sutrisno 2022; Fahrian Fadilah and Sutrisno 2022; Fatkhurrozi and Roudlotul Jannah 2023; Maswandi 2016; Munawar 2025; Ulinuha 2018). Second are sociological studies on the practice of corruption in Indonesia and efforts to prevent it (Hamzah 1985; Hartiningsih 2011; Mulyadi 2017). This study offers a novelty by contextualizing Muhammad Shahrur’s limit theory in relation to punishment for corruptors in Indonesia.

Therefore, the purpose of this study is to describe Muhammad Shahrur’s limit theory, to contextualize Shahrur’s limit theory on punishment for corruptors by relating it to Qur’anic verses associated with elements of corruption using the concepts of *ḥadd al-a’lā* and *ḥadd al-adnā*, and to contextualize Shahrur’s limit theory in relation to punishment for corruptors within Indonesia’s positive law.

Theoretical Studies

The Concept of Corruption

Before explaining punishment for corruptors, it is important to first understand the meaning of corruption and to then relate that meaning to the most relevant legal verses concerning corruption, after which the concept of punishment for corruptors can be constructed.

The term “corruption” originates from the Latin *corruptive* or *corruptus*, later appearing in English and French as *corruption*, in Dutch as *korruptie*, and subsequently in Indonesian as korupsi (Hamzah 1985, p. 4; 2007, p. 2). Literally, corruption means decay, depravity, moral degradation, dishonesty, bribery, immorality, deviation from purity, and defamatory or

slandorous speech (Hamzah 2007, p. 5). In Malaysian legal terminology, corruption is referred to as *resuah*, which derives from the Arabic word *risywah* and has the same meaning as corruption (Hamzah 2007, p. 6).

From the perspective of Indonesian law, corruption is understood as acts related to governmental interests, whether in the form of abuse or embezzlement. According to Munawar Fuad Noeh (2005, pp. 20–23), corruption is a form of fraud, abuse of authority, and extortion in various forms. Corruption includes acts of deception (*ghashy*) and bribery. Furthermore, Noeh explains that, in general, corruption in Islamic law is a criminal act that is fundamentally contrary to religious morality and ethics. Corruption is even considered an act of betrayal of religion (*min al-khā'inīn*). The offense of betraying trust (*amanah*) refers to acts of neglect, abuse, and deviation from duties, authority, and trust. Therefore, in Islamic law, there is no explicit term that precisely corresponds to the modern concept of corruption.

From the definitions above, corruption appears to contain several elements of criminal acts, which may be interpreted as deception (*ghashy*), bribery (*risywah*), betrayal of trust (*khiyānah*), and spreading corruption on earth (*wa yas'auna fī al-arḍi fasādan*). All of these acts share a common thread: unlawfully taking property or benefits. Such acts are prohibited, as stated in Qur'an, Surah al-Baqarah (2):188: "And do not consume one another's wealth unjustly, nor offer it to judges so that you may consume a portion of others' wealth sinfully, while you know."

Munir Mulkhan even regards the behavior of corruptors as reflecting disbelief in God, as it demonstrates a lack of faith that God sees the evil intentions behind corrupt acts and the destructive impact of such actions on the lives of believers—an impact he considers even more severe than that caused by those who openly deny God. In the Indonesian context, Mulkhan argues that *jihad bi al-nafs*, such as the eradication of corruption, should be considered greater than *jihad* in the sense of armed struggle (*qitāl*). The greatest enemies of Islamic movements, he suggests, often emerge from within the community itself, from those who are indifferent to the quality of communal life destroyed by corrupt practices and unjust governance. According to Mulkhan, *jihad* against corruption is as important as resistance to secularism and should therefore be regarded as one of the greatest challenges facing religious movements in this century (Mulkhan 2007, p. 214).

A similar view is expressed by Masdar Hilmy, who states that fighting corruption constitutes *jihad fī sabillillāh*. Thus, the saying "*i'sy karīman aw mut shahīdan*" implies that the struggle against corruption is a noble endeavor, and death resulting from such a struggle is considered martyrdom (*shahādah*) (Hilmy 2008, p. 133).

Research Methodology

This study is qualitative research employing a descriptive-normative approach to describe Muhammad Shahrur's limit theory and its contextualization in the punishment of corruptors in Indonesia. The normative approach is chosen because one of the main objectives is to understand Islamic law (*sharī'ah*) in a way that reflects highly valued humanitarian principles. This approach does not merely emphasize formal compliance with religious rules, but also highlights the importance of understanding *maqāsid al-sharī'ah*, namely the objectives underlying law and morality in Islamic teachings, which Shahrur seeks to interpret through his interdisciplinary expertise. Subsequently, the author contextualizes Shahrur's limit theory in relation to the conditions of law enforcement against corruption in Indonesia.

Results and Discussion

Biography of Muhammad Shahrur

Before explaining Shahrur's limit theory (*nazariyyat al-ḥudūd*), it is necessary to outline his biography, intellectual genealogy, and epistemological foundations that underlie the theory. Shahrur was born in Syria on March 11, 1938. At the age of 19, he went to Moscow to study engineering. In 1964, he returned to Syria, but in 1968 he left again to pursue his master's and doctoral studies in soil mechanics and foundation engineering at University College Dublin, Ireland. Within four years, he completed his doctorate and returned to Syria in 1972. Upon his

return, he joined Damascus University and became a partner in a civil engineering firm (John J. Donohue 2007; Kurzman, in Rumadi 2006, p. 1).

With regard to his technocratic expertise, Shahrur authored the trilogy *Handasat al-Asāsāt* (Foundation Engineering) and *Handasat al-Turabāt* (Soil Mechanics). In addition to being a technocrat, Shahrur also showed great interest in other disciplines such as philosophy and linguistics. His encounter with Ja'far Dik Albab, a colleague at Damascus University, had a profound influence on the development of his magnum opus, *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āshirah*, published in 1992. A few years later, in 1994, he published his second work, *Dirāsāt al-Islāmiyyah al-Mu'āshirah fī al-Dawlah wa al-Mujtama'*, which addresses political themes related to the state and society, still employing the perspective developed in *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āshirah*. Two years later, in 1996, Shahrur published *Al-Islām wa al-Īmān: Manzūmat al-Qiyam*, which deconstructs the concepts of the pillars of faith (*īmān*) and Islam. In 2000, he published another work entitled *Naḥwa Uṣūl Jadīdah li Fiqh al-Islāmī* (Firdaus 2004, p. 5; Rumadi 2006, p. 228).

His background in engineering significantly influenced his approach to Qur'anic interpretation, as reflected in *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āshirah*. This influence is evident in his analogy regarding the absence of synonyms (*murādif*) in the Qur'an, his conceptualization of the Qur'an as ROM (*Read Only Memory*) and *Umm al-Kitāb* as RAM (*Random Access Memory*), and ultimately in the development of his limit theory.

The Theory of Limit

Before explaining Shahrur's limit theory, it is first necessary to clarify Shahrur's epistemological foundations that gave rise to this theory, particularly his conception of the Qur'an and the *Umm al-Kitāb*. Furthermore, the *Umm al-Kitāb*, which contains *muḥkam* (clear and definitive) legal verses, provides guidance for resolving contemporary human problems and related issues.

In writing *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āshirah*, Shahrur was strongly influenced by the linguistic method of Imam al-Jurjani, which emphasizes language structure and the manifestation of the transmission function (*bayān wa wazīfat al-iblāgh*), an area of grammatical study. He employed the relationship between the simple characteristics of linguistic units and their transmission functions. This led to the view that each word possesses its own distinct meaning. For al-Jurjani, language is both a "convention" (*tawādu'*) and intuition (*ilhām*), so language does not merely serve an identificatory function (*tasmiyah*), but also a communicative one (*iblāgh*). From this, al-Jurjani concluded that the meaning of a simple word cannot be attached to the meaning of another simple word, and likewise, declarative sentences (*al-khabar*) are influenced by different entities (Albab 2008, p. 28; Syamsuddin 2008, p. 26). Using al-Jurjani's linguistic concept, Shahrur understood each word in the Qur'an as having a distinct meaning; therefore, according to him, there are no true synonyms (*mutarādif*) in the Qur'an.

According to Shahrur, in addition to the terms *al-Qur'an* and *al-Kitāb*, there are also other terms such as *al-Furqān* and *al-Dhikr*, each of which has its own distinct meaning. *Al-Dhikr* refers to the linguistic form of *al-Kitāb* as a whole, as stated in Qur'an, Surah al-Ḥijr (15):9: "Indeed, We have sent down the Reminder, and indeed We will surely preserve it," where the word *al-dhikr* is preceded by the definite article *alif-lām ma'rifah* (Shahrur 1990, pp. 61–62). *Al-Kitāb* derives from the root *ka-ta-ba*, which in Arabic means to gather one thing with another in order to gain benefit or to form a complete theme (Shahrur 1990, p. 51).

Based on this concept, Shahrur classifies *al-Kitāb* into three parts: *al-Qur'an wa Sab' al-Matsānī*, *Umm al-Kitāb*, and *Tafṣīl al-Kitāb*. *Al-Qur'an wa Sab' al-Matsānī* is the part of *al-Kitāb* related to *mutashābihāt* (ambiguous) verses. The Qur'an itself has absolute form and existence and lies beyond human reach; therefore, understanding it requires scientific and objective inquiry. The Qur'an contains laws that distinguish between truth and falsehood (*inna al-Qur'āna farraqa bayna al-ḥaqq wa al-bāṭil*). Its entire content consists of scientific proofs that constitute the miraculous nature (*mu'jizah*) of the Qur'an (Rumadi 2006, p. 231; Shahrur 1990, p. 77).

According to Shahrur, the Qur'an has two dimensions: the changing dimension (*al-juz' al-mutaghayyir min al-Qur'an*) and the unchanging dimension (*al-juz' al-thābit*). The changing dimension relates to particular matters such as gender, skin color, and conscious human actions (*al-af'āl al-insānī al-wā'ī*), which are referred to as "*fī kitābin mubīn*." The unchanging dimension contains God's decrees written in the *Lawḥ al-Mahfūz*, as stated in Qur'an, Surah al-Burūj (85):21–22: "*Rather, it is a glorious Qur'an, in a preserved tablet.*" This dimension relates to concepts such as heaven, the universe, hell, and others.

Sab' al-Matsānī refers to *mutashābihāt* verses related to the openings of Qur'anic chapters, such as *alif-lām-mīm*, *ṣād*, *kāf-hā-yā-'ayn-ṣād*, *hā-mīm*, and *yā-sīn*, which are then referred to as the *Kitāb al-Nubuwwah*. Meanwhile, *Umm al-Kitāb* refers to verses related to legal themes, acts of worship, social transactions (*mu'āmalāt*), teachings not included in the category of *sharī'ah*, and laws that are conditional in nature. *Umm al-Kitāb* is also called the *muḥkamāt* verses or the *Kitāb al-Risālah*, which is subjective (*al-dhātī*).

Nubuwwah represents the scientific dimension of *al-Kitāb*, such as cosmology, anthropology, and historical interpretation, which God conveys through *al-Qur'an*, *Sab' al-Matsānī*, and *Tafṣīl al-Kitāb*. Shahrur technically refers to the Qur'an as ROM (*Read Only Memory*), which is *mutashābih*, objective, and unchangeable. Meanwhile, *Risālah* is the legal dimension of *al-Kitāb*, consisting of legal verses that provide guidance for solving contemporary problems. This concept is also called *Umm al-Kitāb*, which Shahrur technically likens to RAM (*Random Access Memory*): *muḥkam*, changeable, and subjective.

Based on these concepts, Shahrur formulates his limit theory with regard to *muḥkam* verses, particularly legal issues that are changeable and subjective. Shahrur's limit theory is based on the *principles* of *istiqāmah* and *ḥanīfiyyah*. Although they have different meanings, both serve as supports for understanding legal verses in accordance with the development of the times. *Istiqāmah* functions to control fixed boundaries, while *ḥanīfiyyah* is understood as deviation from the straight path, representing a cultural quality that can change (Rumadi 2006, pp. 235–236).

Furthermore, the limits of *ḥadd al-adnā* (minimum limit) and *ḥadd al-a'lā* (maximum limit) are *influenced* by Isaac Newton's mathematical analysis model (*taḥlīl al-riyāqī*), which considers horizontal and vertical ordinates. The horizontal line symbolizes objective conditions, while the vertical line depicts laws that continually change while taking into account God's limits (*ḥudūd Allāh*).

Shahrur's theory is divided into six categories (Shahrur 1990, pp. 453–479): *First*, situations that only have a minimum limit (*ḥālat ḥadd al-adnā*), such as the prohibition of *marrying* certain women in the verse "*wa lā tankihū mā nakaḥa ābā'ukum min al-nisā' illā mā qad salaf.*" *Second*, situations that only have a maximum limit (*ḥālat ḥadd al-a'lā*), such as verses concerning theft and killing (*qitāl*). *Third*, situations that simultaneously have both minimum and maximum limits (*ḥālat ḥadd al-adnā wa ḥadd al-a'lā ma'an*), such as inheritance. *Fourth*, situations where the minimum and maximum limits coincide at a single point (*ḥālat ḥadd al-adnā wa ḥadd al-a'lā ma'an ma'a nuqṭatin wāhidah*), such as the punishment of one hundred lashes for adultery. *Fifth*, situations where the maximum limit approaches a point but does not reach it (*ḥālat ḥadd al-a'lā bi khaṭṭin muqārib li mustaqīm*), such as interactions between men and women without physical contact or acts approaching adultery. *Sixth*, situations where the maximum limit is positive while the minimum limit is negative (*ḥālat ḥadd al-a'lā mujib wa ḥadd al-adnā sālib*), such as usury (*ribā*) as the maximum limit, while the minimum limit is the permissibility of zakat.

From these concepts, the discussion then traces forms of crimes that approach the concept of corruption and their punishments in the Qur'an. First, the Qur'an explains the crime of taking another person's property without permission, commonly referred to as *sirqaḥ* (theft), in Qur'an, Surah al-Mā'idah (5):38: "*As for the male thief and the female thief, cut off their hands.*" When linked to this verse, corruption that falls under this concept appears to be limited to minor corruption, involving the taking of money or goods of relatively small value and more personal in nature, such as acts committed within private institutions that do not disrupt the social order.

In Shahrur's theory, theft falls under the category of *ḥālat ḥadd al-a'lā*. This means that the Qur'anic punishment of cutting off the hand represents the highest punishment or the maximum limit (*ḥadd al-a'lā*). Punishment for theft may not exceed "*fa-qṭa'ū aydiyahumā*," but it may be less than that maximum limit. The provision *fa-qṭa'ū aydiyahumā* represents *istiqāmah*, while *ḥanīfiyyah* refers to alternative punishments that deviate from, and do not reach, the maximum limit. This includes punishments for corruptors in accordance with state policy, such as *'uqūbah ta'zīr* adjusted to the severity of the corruption, or even the return of the stolen property (Shahrur 1990, pp. 334–335).

This aligns with Ibn Rushd's explanation that punishment for theft must consider: (1) the characteristics of the thief, (2) the nature of the stolen property, and (3) the act of theft itself. According to scholarly consensus, the punishment for theft is hand amputation because it constitutes a criminal act, although some jurists limit it to the fingers. If amputation is not imposed, the thief must return the stolen property and pay a fine (Ibn Rushd, n.d., p. 337).

Furthermore, Ibn Rushd explains that the punishment for theft may be applied when: (1) the thief meets the required conditions; (2) the thief is *mukallaf* (legally responsible, physically and mentally sound, of age, and subject to religious obligation); (3) whether free or enslaved; (4) male or female; and (5) Muslim or *dhimmi*. As for the stolen property, it may be small or large according to Hasan al-Basri, while the majority of scholars require that it reach the *niṣāb* threshold (Ibn Rushd, n.d., pp. 334–335).

انما أهلك من كان قبلكم أنه اذا سرق فيهم الشريف تركوه، واذا سرق فيهم الضعيف قطعوه، والذي نفسي بيده لو كانت فاطمة بنت محمد سرقت لقطعتها. (أخرجه البخاري و

مسلم) (Rusyd n.d., hal. 334)

"Indeed, those who came before you were destroyed because when a noble among them stole, they let him go, but when a weak person among them stole, they cut off his hand. By the One in Whose hand is my soul, if Fatimah bint Muhammad were to steal, I would surely cut off her hand."

Nevertheless, when corruption committed by a person involves elements of fraud, breach of trust, bribery, and even results in damage to the social order, such acts fall under the concept of "*wa yas'auna fi al-ardhi fasādan*" as mentioned in Qur'an, Surah al-Mā'idah (5):33: "*Innamā jazā'u alladhīna yuḥāribūna Allāha wa Rasūlahu wa yas'auna fi al-ardhi fasādan an yuqattalū aw yuṣallabū aw tuqattā'a aydihim wa arjuluhum min khilāfin aw yunfaw mina al-ard.*"

This means that when the level of corruption reaches the stage of causing harm to the state and results in the destruction of the state system (*fasādun fi al-ard*), then the punishment for such corruption is at the maximum level (*ḥadd al-a'lā*), with punishments that may be chosen, such as execution, crucifixion, the cutting off of hands and feet, or exile from the land in which one resides. The type of punishment is adjusted according to the degree of corruption committed. However, when a person commits corruption and then repents, indeed Allah is Most Forgiving, Most Merciful (Shahrur 1990, p. 456). This is in accordance with Qur'an, Surah al-Mā'idah (5):34: "*Illā alladhīna tābū min qabli an taqdirū 'alayhim fa'lamū anna Allāha Ghafūrun Raḥīm.*" In addition, Shahrur also emphasizes caution in taking a person's life, as stated in Qur'an, Surah al-Isrā' (17):33: "*Wa lā taqtulū al-nafsa allatī ḥarrama Allāhu illā bil-ḥaqq ...*"

From the above concepts, in the author's view, resolving the problem of corruption in Indonesia must consider two aspects: the moral aspect and the criminal law aspect. From the moral aspect, what must be done is repentance and the return of all proceeds of corruption. From the criminal aspect, corruptors must also be given punishment in accordance with the level of their actions, either at the maximum limit or below the maximum, so that the damage caused by corruption does not occur again.

Contextualization of the Limit Theory on Punishment for Corruptors in Indonesian Law

Within the Indonesian legal system, corruption is classified as an *extraordinary crime* that demands the strict application of criminal sanctions. Punishment for corruption is regulated under Law Number 31 of 1999 in conjunction with Law Number 20 of 2001

concerning the Eradication of Corruption Crimes. In the considerations of the Corruption Law, corruption is understood in a broader sense, namely as an act that “not only causes losses to state finances, but also constitutes a violation of the social and economic rights of society at large; therefore, corruption must be categorized as a crime whose eradication must be carried out in an extraordinary manner.”

Punishment for corruption offenses in Indonesia is governed by the Law on the Eradication of Corruption Crimes. This law contains relatively severe criminal sanctions, including long-term imprisonment, criminal fines, and additional penalties in the form of asset confiscation and the revocation of certain rights. Nevertheless, in practice, the sentencing of corruptors often draws criticism for being perceived as failing to reflect the public’s sense of justice.

Sanctions for corruption offenses in Indonesia are stipulated in Articles 5, 6, 7, 8, 9, 10, 11, 12a, 12b, and 12c of the Corruption Law. These provisions explain the penalties imposed on offenders, ranging from imprisonment to fines. As for the death penalty, it is provided for under Article 2 paragraph (2) of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 on the Eradication of Corruption Crimes. The death penalty may be imposed on corruptors in “certain circumstances,” namely when the state is in a state of emergency, during a national natural disaster, in cases of repeated corruption, or during an economic or monetary crisis; however, its application is extremely strict, and to date there has never been an execution of a corruptor.

In its implementation, criminal punishment represents the most repressive use of state power against individuals. Therefore, such authority must be strictly limited to prevent abuse. Criminal sentencing is based on the assumption that punishment may only be imposed if it fulfills the principles of legality, proportionality, humanity, and rational sentencing objectives (Arief 1996:16).

Within the framework of modern criminal law, limit theory appears to function as a counterbalance between absolute theories, which emphasize retribution, and relative theories, which are oriented toward prevention. Accordingly, the *ḥadd al-a’lā* limit theory places punishment as a last resort (*ultimum remedium*) that must be applied cautiously and in a measured manner. In Shahrur’s conception of limit theory, the absolute theory may be understood as the maximum limit (*ḥadd al-a’lā*), due to its *istiqāmah* (constancy) derived from the *Umm al-Kitāb*. Meanwhile, the relative theory may be equated with *ḥadd al-adnā* (the minimum limit), due to its *ḥanīfiyyah* (flexibility) derived from the *Umm al-Kitāb*.

The severity or leniency of punishment within the context of limit theory does not lie solely in the nature of the offense itself, but rather in the consistent application of the principle of proportionality and the objectives of punishment. The contextualization of limit theory in sentencing corruptors requires a balance between the firmness of the state and the limitation of power. The status of corruption as an *extraordinary crime* cannot be used as justification for disregarding the principles of legality and humanity. On the contrary, limit theory encourages the imposition of sanctions that are firm yet rational. In this regard, effective punishment of corruptors is not measured solely by the length of imprisonment, but also by the ability of the punishment to achieve sentencing objectives, particularly the recovery of state losses and the prevention of similar crimes.

Therefore, additional penalties in the form of asset confiscation and the revocation of political rights constitute instruments that are in line with limit theory and the needs of corruption eradication. Thus, limit theory becomes one of the concepts that can be applied to combat corruption practices, while also ensuring that punishment is carried out in a just, rational manner and in accordance with the principles of a rule-of-law state.

Conclusion

According to Shahrur’s interpretation of the verses related to punishment for behavior assumed to be close to acts of “corruption,” punishment may be imposed up to the maximum limit, but it may also be less than the maximum depending on the degree of corruption. Punishment at the maximum limit may include the cutting of the hand, execution, crucifixion,

the cutting of hands and feet, or exile from one's place of residence, depending on the severity of the corrupt behavior and the consequences it causes. These provisions represent the maximum limit (*hadd al-a'lā*) and may not be exceeded, due to their *istiqāmah* (constancy) as derived from the *Umm al-Kitāb*. Meanwhile, the minimum limit is determined in accordance with the laws or regulations applicable in a particular country, or the offender may even be granted pardon; this provision applies in accordance with the *hanīfiyyah* (flexibility) of the *Umm al-Kitāb*.

References

- Albab, Ja'far Dikk. 2008. *Metoda Linguistik Buku Al-Kitab Wa Al-Qur'an*. Yogyakarta: eLSAQ Press.
- Arief, Barda Nawawi. 1996. *Bunga Rampai Kebijakan Pidana*. Bandung: PT. Citra Aditya Bakti.
- Donohue, John J., and John L. Esposito. 2007. "Esposito, Islam in Transition: Muslim Perspective, Oxford: Oxford University Press,," *Oxford University Press* 352–53.
- Fadilah, Fahrian, and Sutrisno. 2022. "Kajian Paradigma Pro Dan Kontra Penjatuhan Hukuman Mati Bagi Koruptor Di Indonesia Paradigm Study of the Pros and Cons of Imposing the Death Penalty for Corruptors in Indonesia." *Jurnal Kolaboratif Sains*.
- Fahrian Fadilah, and Sutrisno. 2022. "Kajian Paradigma Pro Dan Kontra Penjatuhan Hukuman Mati Bagi Koruptor Di Indonesia." *Jurnal Kolaboratif Sains*. doi:10.56338/jks.v5i11.3011.
- Fatkhurrozi, M. Arif, and Roudlotul Jannah. 2023. "Hukuman Mati Bagi Koruptor Perspektif Fikih Peradilan Islam." *J-CEKI : Jurnal Cendekia Ilmiah*. doi:10.56799/jceki.v3i1.2625.
- Firdaus, M. 2004. *M. Firdaus Dialektika Kosmos Dan Manusia: Dasar-Dasar Epistimology Qur'ani*. Bandung: Penerbit Yayasan Nuansa Cendekian.
- Hamzah, Andi. 1985. *Korupsi: Dalam Pengelolaan Proyek Pembangunan*. Jakarta: Akademika Pressindo.
- Hamzah, Andi. 2007. *Pemberantasan Korupsi Melalui Hukum Pidana Nasional Dan Internasional*. Jakarta: Rajawali.
- Hartiningsih, Maria. 2011. *Korupsi Yang Memiskinkan Jakarta*. Jakarta: Gramedia.
- Hilmy, Masdar. 2008. *Islam Propetik Ubstansi Nilai-Nilai Agama Dalam Ruang Publik*. Yogyakarta: Kanisius.
- Maswandi. 2016. "Penerapan Hukuman Mati Bagi Koruptor Dalam Perspektif Islam Di Indonesia." *Mercatoria*.
- Mulkhan, Abdul Munir. 2007. *Manusia Al-Qur'an: Jalan Ketiga Religiusitas Di Indonesia*. Kanisius.
- Mulyadi, D. 2017. "Pencegahan Korupsi Politik."
- Munawar, Said. 2025. "Ratio Legis Konsep Pidanaan Hukuman Mati Terhadap Koruptor Dalam Sistem Hukum Pidana Di Indonesia." *Law, Development and Justice Review*. doi:10.14710/ldjr.8.2025.1-19.
- Noeh, Munawar Fuad. 2005. *Kiai Di Republik Maling*. Jakarta: Penerbit Republika.
- Rumadi. 2006. *Renungan Santri: Dari Jihad Hingga Kritik Wacana Agama*. Jakarta: Erlangga.
- Rusyd, Ibnu. n.d. *Bidayah Al Mujtahid Wa Nihayah Al Muqtashid*. Beirut: Dar al-Fikr.
- Shahrur, Muhammad. 1990. *Al-Kitab Wa Al-Qur'an Qira'ah Muashirah*. Damsyik: Al Ahaly li al-Thiba'ah wa al-Nasyr wa al-Tauzi'.
- Syamsuddin, Sahiron. 2008. *Al-Kitab Wa Al-Qur'an Qira'ah Mu'ashirah Oleh Sahiron Syamsuddin, Prinsip Dan Dasar Hermeneutika Al-Qur'an*. Yogyakarta: eLSAQ Press.
- Ulinuha, Muhammad. 2018. "Hukuman Mati Bagi Koruptor Dalam Perspektif Al-Qura." *Al-Mizan : Jurnal Hukum Dan Ekonomi Islam*.
- Undang-undang Nomor 31 Tahun 1999 jo. Undang- undang Nomor 20 Tahun 2001 tentang Pemberantasan Tindak Pidana Korupsi. n.d.