Research Article

Critique of Abdul Wahab Khallaf's Views on Corruption, Collusion, and Nepotism in the Perspective of Figh Siyasah

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Abstract.

This research examines Abdul Wahab Khallaf's views on corruption, collusion, and nepotism in the context of *dhoruroh* (emergency) and compares them with the basic principles of Islamic law. This research uses a qualitative method with a comparative study approach of *fiqh siyasah* and *qowaidhul fiqhiyyah*. The results show that corruption, collusion, and nepotism can be avoided through preventive, repressive, and investigative strategies. Khallaf's view that actions that are usually prohibited can be allowed in an emergency sparked debate among contemporary Islamic law scholars and academics. This research found that his view is incompatible with the basic principles of Islamic law on justice and integrity. Therefore, this study recommends more effective strategies to prevent corruption, collusion, and nepotism in leadership, such as a broader and more comprehensive application of the laws of *fiqh siyasah* and *qowaidhul fiqhiyyah*.

Keywords: figh siyasah, qowaidhul fighiyyah, corruption, collusion, nepotism

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1. Introduction

Previous studies have examined the concept of *dhoruroh* (emergency situations) in Islamic law. For instance, Mutiara Fahmi's research (2024) explored the application of *dhoruroh* in the complexities of life changes, but its focus was on theological aspects without employing a *fiqh siyasah* approach.[1] Another study by Musafir and Mohammad Dewa Ruci Septiano Mendieta (2024) examined the application of *fiqh siyasah* in addressing corruption crimes in Indonesia, emphasizing the limitations of Islamic law in responding to actions deemed as emergencies.[2]

Unlike these studies, this research discusses Abdul Wahab Khallaf's concept of dhoruroh and applies a comparative analysis of the figh siyasah perspective to the context of corruption, collusion, and nepotism in Indonesia. The main objective is to assess whether Abdul Wahab Khallaf's dhoruroh principle can serve as an ethical

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foundation for addressing corruption, collusion, and nepotism in Indonesia without compromising the principles of justice and integrity upheld in Islamic law. Thus, this research offers a new, more comprehensive approach to understanding the application of Islamic law to modern practices of corruption, collusion, and nepotism through a *fiqh siyasah* perspective.

Corruption crimes in Indonesia have become an increasingly complex and alarming issue. Corruption, collusion, and nepotism are commonly used terms to describe forms of legal violations that significantly harm the state and society. The rising number of corruption cases is concerning and threatens the nation's integrity.[3]

Corruption, collusion, and nepotism pose severe threats to a country's social, economic, and political order. In this context, the views of Abdul Wahab Khallaf, a prominent Islamic scholar and jurist, regarding these actions based on *dhoruroh* (emergency situations) become an intriguing subject of study. Abdul Wahab Khallaf argues that in emergency situations, actions that are usually prohibited may become permissible for the sake of public welfare. This perspective has sparked debates among academics and scholars, particularly in the context of contemporary Islamic law application.[4]

This research aims to critique Abdul Wahab Khallaf's views on corruption, collusion, and nepotism based on *dhoruroh* using a comparative approach of *fiqh siyasah* and *qawaid al-fiqhiyyah*. *Fiqh siyasah* provides a framework for understanding law and policy in the context of Islamic governance, while *qawaid al-fiqhiyyah* offers foundational principles for the application of Islamic law. By analyzing Abdul Wahab Khallaf's perspective from these two viewpoints, this study seeks to determine whether his theory of *dhoruroh* aligns with or diverges from the broader fundamental principles of Islamic law.

Abdul Wahab Khallaf has expressed that corruption, collusion, and nepotism constitute violations of Islamic law (syari'ah). However, he also posited that in emergency situations, prohibited actions may be allowed. This view aligns with the fourth principle of qawaid al-fiqhiyyah, al-dharar yuzal (harm must be eliminated), which suggests that harm should be eradicated in cases of emergency.[5]

This comparative approach is significant as it reveals the extent to which Abdul Wahab Khallaf's views align with the Islamic teachings on justice and integrity and their application in increasingly complex modern contexts. This critique also provides insights into how Islamic law can adapt to contemporary challenges without compromising its foundational ethical and moral principles. Consequently, this research contributes not

only to the development of Islamic legal theory but also offers practical solutions to tackle the pervasive issues of corruption, collusion, and nepotism in many Muslimmajority countries.

In the Islamic legal perspective, corruption, collusion, and nepotism are considered violations that may render individuals as traitors, deceivers, or bribe-takers, all of which are deemed unlawful (haram). A hadith of the Prophet Muhammad (peace be upon him) states that a servant entrusted with leadership who deceives the people will be forbidden from entering Paradise.

Corruption, collusion, and nepotism are distinct violations as defined in Islamic literature. Corruption refers to the misuse or embezzlement of public benefits for personal or others' gain. Collusion entails the abuse of position, authority, or office to fulfill the interests of a particular group. Nepotism indicates favoritism toward close relatives in appointments to positions in government or corporations.[6]

The principle of *al-dharar yuzal* has a universal implication, meaning it applies to various circumstances. However, if correlated with corruption, collusion, and nepotism in emergency situations, the question arises whether *al-dharar yuzal* is applicable for implementation.

In the context of leadership, preventing corruption, collusion, and nepotism is crucial to ensuring a clean government free from such practices. Thus, it is imperative to develop strategic and concrete efforts to prevent and deter these actions in leadership. What strategies are suitable for preventing corruption, collusion, and nepotism in this comparative study?

2. Methods

This research applies a qualitative method with a comparative literature study approach to analyze *fiqh siyasah* and *qowaidhul fiqhiyyah* in efforts to prevent corruption, collusion and nepotism in leadership. The research process involves identifying and collecting information from relevant primary and secondary sources.

Identification of Primary Sources. Islamic legal texts, such as the Qur'an, hadith literature, and works of jurisprudence by prominent scholars, were the primary references. These sources provide a basis for understanding *fiqh siyasah* and *qowaidhul fiqhiyyah* in its application to leadership, including in terms of preventing corruption, collusion and nepotism.

Identification of Secondary Sources. Scholarly articles, books, and dissertations that discuss *fiqh siyasah* and *qowaidhul fiqhiyyah* to critique Abdul Wahab Khallah's views regarding acts of corruption, collusion, and nepotism and power sharing in Islamic law were analyzed. These secondary sources offer a comprehensive analysis of modern discussions, legal views, and ethical considerations regarding the prevention of corruption, collusion, and nepotism in leadership.

This research method relies on a selection of primary and secondary sources to gather diverse viewpoints and insights. By examining primary sources, this research aims to explore the original texts and legal principles established by Islamic scholars throughout history. Secondary sources, on the other hand, provide a broader understanding of contemporary discussions, and interpretations regarding the prevention of corruption, collusion, and nepotism on the criticism of Abdul Wahab Khallaf's views within the framework of Islamic law from the perspective of *figh siyasah*, a comparative study of *gowaidhul fighiyyah*.

3. Results and Discussion

3.1. Abdul Wahab Khallaf's View on Corruption, Collusion, and Nepotism

In Islamic literature, the terms corruption, collusion and nepotism are synonymous with the term *risywah*, collusion with *taamur* or *tawathu* (in Qur'anic terms including *ta'awun'ala al-itsm wa al-'udwan*) and nepotism with *atsarat al-aqarab*. These three terms (KKN) are generally rooted in personal tendencies that cannot be controlled by a person, so that they can give birth to unofficial actions "not to say commendable" in violation of existing laws. As a logical consequence, it can lead to actions that harm others, harm the common interest and at the same time harm the institution or institution.[7]

According to Abdul Wahab Khallaf's view, the specific principles of cashing in on difficulties have 2 part characteristics, namely:

- 3.1.1. Difficulty that brings harm. The characteristics of all the rukhsahsah that Allah has enjoined are light in weight for the mukallaf because there is one of the reasons desired by this relief.
- 3.1.2. In times of emergency, things that are forbidden are permitted.[8]

Therefore, Abdul Wahab Khallaf's views when correlated with acts of corruption, collusion, and nepotism contain ambiguity with the application of Islamic law from the perspective of *fiqh siyasah* and *qowaidhul fiqhiyyah*. Islamic law states that corruption, collusion and nepotism are actions that are forbidden to do, as in QS. Al-Baqoroh (2): 118, namely:

Meaning: Do not eat of the wealth between you by false means, and do not bring it before the judges, that you may eat of the wealth of others by way of sin, when you know.

The above verse reveals that it is forbidden to eat wealth in a *haraam* manner, so this is also included in the acts of corruption, collusion and nepotism as a whole. As for the QS. An-Nisa (4): 29:

Meaning: O you who believe, do not eat your neighbor's wealth by false means.

Then in this verse it is clearly stated that every believer is prohibited from taking property from what does not belong to us, in other words this contains the implied meaning of corruption, collusion, and nepotism. So in the above argument has explained that acts of corruption, collusion, and nepotism are *haram*.

3.2. Corruption, Collusion, and Nepotism in the Study of Fiqh Siyasah

Figh Siyasah is a branch of Islamic knowledge that discusses the principles of governance and politics based on Shariah teachings. In this context, corruption, collusion, and nepotism (KKN) are major issues of concern, as all three are in direct opposition to the principles of justice, transparency, and trustworthiness in Islam. Corruption, often referred to in Arabic as ghulul (the abuse of power for personal gain), is strictly prohibited in Islam.[9] This is in accordance with the Qur'anic verse in Surah Al-Baqarah, verse 188, which states:

Meaning: Do not eat of the wealth between you by false means, and do not bring it before the judges, that you may eat of the wealth of others by way of sin, when you know.

Corruption undermines public trust in the government, destroys social order, and betrays the mandate entrusted to leaders. Not only corruption, but also collusion, which is a secret cooperation between certain parties to gain unlawful advantages, is a serious issue. In Islam, collusion is considered a form of *dharar* (harming others) and *ghishsh* (deception), both of which are clearly prohibited. Collusion involves violating the principle of justice (*al-'adl*), which is the foundation of Islamic law. Prioritizing the interests of certain groups over the common good is a betrayal of the principle of *syura* (consultation), which is taught in Islam.[10]

Furthermore, nepotism granting privileges to family members or relatives in public affairs also contradicts the teachings of Islam. The Prophet Muhammad (SAW) exemplified in his appointments that the main criteria for leadership should be competence and trustworthiness, not familial relationships. As the Prophet said in a hadith:

"If a matter is entrusted to those who are not qualified for it, then wait for its destruction." (Sahih Bukhari).

The practice of nepotism undermines the principle of meritocracy and creates injustice within society. In *fiqh siyasah* (Islamic political jurisprudence), corruption, collusion, and nepotism are viewed as social ills that must be eradicated in order to establish good governance in accordance with Islamic law. Both leaders and the people share a mutual responsibility to ensure that the values of justice and integrity remain upheld within the political system of Islam.

3.3. Critique of Abdul Wahab Khallaf's Views on Corruption, Collusion, and Nepotism in the Study of Figh Siyasah

In the modern era, the discourse on corruption, collusion, and nepotism (KKN) remains a highly relevant topic. These three issues often act as major obstacles to the achievement of justice and social welfare. In the context of Islam, the study of *figh siyasah* provides a profound perspective on these phenomena, including the views of scholars such as Abdul Wahab Khallaf.

However, aside from the critiques directed at his views, there is another interesting aspect to explore, namely the application of the *qawa'id fiqhiyyah* (juridical principles) that he presented. Abdul Wahab Khallaf also mentions that any action taken under *dhururah* (necessity or emergency situation) allows for the removal of harm. This aligns with the fourth *qawa'id fiqhiyyah*, which states الضَّرَر يُزَال (al-darar yuzāl), meaning

that in a state of necessity, harm can be removed. This principle provides flexibility within Islamic law, but it also invites further discussion regarding the boundaries of its application, especially in relation to issues like corruption, collusion, and nepotism (KKN).[11]

However, Abdul Wahab Khallaf also said that any action based on *dhoruroh* (emergency) then the harm is eliminated, and this is in accordance with the fourth *qowaidhul* fiqhiyyah namely "الضَّرَر يُزَال" which means if in an emergency then the harm may be eliminated.

Actually, if we look at the syarh of the fourth *qowaidhul fiqhiyyah* "الصَّرَر يُزَال" has a meaning of limitation in its actions, which means that this rule cannot be interpreted universally that anything that is forbidden if we are in an emergency is allowed, but there are specific limitations in doing so, in accordance with the next rule, "اتقدر بقدره which means "something that is allowed because of an emergency, measured according to the level of harm".[12]

In accordance with the *qowaidhul fiqhiyyah* literature, it shows that Abdul Wahab Khallaf's view cannot be universally concluded about the permissibility of corruption, collusion and nepotism in an emergency. Because the harm can be eliminated according to the level of the harm itself, if the harm results in the loss of the common good, then the harm cannot be eliminated.

If correlated with corruption, collusion, and nepotism in an emergency, then it is still haram. Because the impact of these actions results in loss and damage to both the general public and the nation and state. This is in line with the rule "بقدرها تقدر الضرورات" which means that there is a level or limit of harm. So the fourth qowaidhul fiqhiyyah "يُزَال الضَّرَر" which means that the harm can be eliminated in an emergency cannot be interpreted universally and the harm has its own limits or levels.[13]

In accordance with the first *qowaidhul fiqhiyyah*, namely "بمقاصدها الأمور" which means that everything depends on the intention. So every action must be seen from the intention of the action, if the action intends to help the individual himself in trouble but actually causes *mudharat* for more things, then the act of corruption, collusion, and nepotism will still be haram, even in an emergency.

The purpose of determining laws in Islam, including the strict prohibition of corruption, collusion and nepotism, is to maintain the ke-mashlahat-an (good and happiness) of human beings while avoiding mafsadat (unhappiness, misery and destruction in this world and in the hereafter). According to ushul figh experts, there are five main elements

(dharuri) that must be maintained and realized in order to uphold the objectives of Islamic law, namely maintaining religion, soul, mind, honor and property. So maintaining one of the five things is a primary interest for humans.[14]

Based on the objectives of the establishment of Islamic law, corruption, collusion and nepotism clearly violate the objectives in question because corruption, collusion and nepotism are acts of misappropriation and abuse of the mandate of the nation and state. As with collusion and nepotism, both violate ethics and religious norms.

Furthermore, basically the perpetrators of corruption, collusion and nepotism are a betrayal of religion. The offense of betrayal of the mandate is an act of neglect, abuse and misuse of duties, authority and trust. In Islam, the mandate is solely a religious moral message. It contains a measure of good and bad values and legal sanctions.[15]

The affirmation of the necessity to guard, maintain, and uphold the mandate is explained in the word of Allah SWT, QS. An-Nisaa (4): 58, namely:

Meaning: Indeed, Allah enjoins you to deliver the trust to those who are entitled to it, and when you set a law among men you should set it justly. Indeed, Allah is the best of those who instruct you. Indeed, Allah is All-Hearing, All-Seeing.

Corruption, collusion and nepotism in the perspective of *fiqh siyasah* are acts that violate the *Sharia*. *Fiqh siyasah* aims to realize the benefits of humanity with what is referred to as *maqashidussy shari'ah*. Among the benefits to be addressed is the preservation of property (*hifdzul mal*) from various forms of violation and misappropriation. *Fiqh siyasah* regulates and assesses property and its acquisition to its expenditure and provides demands that in obtaining property is done in moral ways and in accordance with the law, namely by not cheating, not eating usury, not betraying, not embezzling other people's property, not stealing and not cheating.[16]

Acts of corruption, collusion and nepotism have their *maslahah* and *mafsadat* sides. The *maslahat* side is that these acts can benefit the perpetrators, their families, parties and certain groups that enjoy the facilities or results. This is clearly a worldly good. However, the *mafsadat* side is even greater because corruption, collusion and nepotism means sacrificing the interests of many people. This is a form of injustice, a betrayal of the state that means wasting the people's trust.[17]

So far, corruption, collusion and nepotism have sacrificed the benefit of *ukhrawiyah*, a value that cannot be separated when doing every action according to Islamic teachings.

Of course, it is possible to separate materialistic life from hedonistic and glamorous attitudes, so that in certain dimensions, *ukhrawi* values have been forgotten.

4. Closing

Abdul Wahab Khallaf's views on corruption, collusion, and nepotism (KKN) from the perspective of *fiqh siyasah* demonstrate that these actions fundamentally contradict the principles of Islam, such as justice, trust *(amanah)*, and transparency. KKN is identified as behavior that violates *shariah* law, as emphasized in the Qur'an, which prohibits taking wealth unlawfully and abusing trust. However, Abdul Wahab Khallaf also acknowledges the principle of *qawa'id fiqhiyyah*, which states that in cases of necessity *(dhururah)*, certain violations may be permitted according to the extent of the harm *(mudarrah)*. Nevertheless, this exception cannot be used to justify KKN. In practice, KKN causes more harm *(mafsadah)* than benefit *(maslahah)*, sacrificing the public interest for personal or group gain. Therefore, within the framework of *fiqh siyasah*, KKN is seen as a betrayal of the *maqasid syariah* (objectives of Islamic law), which aims to preserve justice, trust, and the common welfare. As such, KKN remains forbidden *(haram)* without exception.

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