
Legal Construction of Trading in Influence in Corruption Crimes: A Positive and Islamic Law Perspective

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ABSTRACT: Trading in influence is a corruption practice involving the abuse of position or relationships to influence officials for personal or group gain. While recognized under the United Nations Convention against Corruption (UNCAC) Article 18, Indonesian positive law does not explicitly regulate this act. This study aims to (1) identify gaps in Indonesian law regarding influence peddling, (2) examine the potential for its inclusion as a corruption crime, and (3) explore the relevance of Islamic law as a normative foundation. Using normative legal methods with a doctrinal approach, the research analyzes legislation, international conventions, expert opinions, and Islamic legal sources such as the Qur'an, Hadith, and jurisprudence. Findings show a normative gap in Indonesian law, while Islamic law strongly prohibits abuse of influence through bribery and *istighlal al-jah*. Influence trading contradicts principles of justice, honesty, and trustworthiness, as well as the objectives of *maqasid sharia*, since it disrupts the economic order and harms society. Although Indonesia ratified UNCAC, national law still lacks provisions to prosecute such acts. Therefore, trading in influence should be firmly formulated in future legal reforms (*ius constituendum*) to enhance anti-corruption efforts and ensure justice in line with Islamic values.

Keywords: Corruption, Trading in Influence, Positive Law, Islamic Law.



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INTRODUCTION

Corruption practices in Indonesia are now not only limited to bribery or misuse of funds, but have developed into more complex ones, such as trading in influence, where perpetrators take advantage of proximity or strategic positions to influence the decisions of public officials for personal gain. Therefore, it is difficult to deny that law enforcement is increasingly having difficulty processing several violations that can be classified as criminal acts, for example, trading in influence. ([Rumaday, 2021](#)) Corruption is also an extraordinary crime (extra ordinary crime) which, seen from its complexity and the negative effects it causes, causes great damage to the country, resulting in social disasters, such as increasing poverty in society and the destruction of

the national economy. The problem of corruption has shifted from being just a national problem in each country to a transnational problem ([Dhumillah, D. S. R., & Oktavianto, 2025](#)) (transnational crime). In addition, the International Law Commission is also discussing the possibility of including corruption and drug crimes in the jurisdiction of the International Court. ([Fajriah, A. L., Adnyani, N. K. S., & Hartono, 2021](#)). The modus operandi of corruption is increasingly diverse. No longer relying on smaller bribes or ordinary gratification, but on the use of power or position for personal gain. ([Fadhil, M., Rachman, T., & Yunus, 2022](#)). The absence of specific provisions regarding trading in influence in Indonesia's Corruption Law raises serious problems in law enforcement. When the practice of abuse of influence cannot be prosecuted due to a lack of norms, this can weaken the effectiveness of the overall corruption eradication system. The main problem to be answered in this study is: what is the appropriate legal construction to accommodate trading in influence as a form of corruption in Indonesian positive law? Furthermore, this study also asks: how can Islamic legal principles provide a normative basis for formulating regulations regarding trading in influence?. So far, perpetrators of influence trading carried out by state administrators or civil servants can be charged with bribery, although many legal experts oppose this. However, corruption carried out by politicians who are not civil servants or state administrators cannot be processed legally ([Fad, 2020](#)). Because the Corruption Eradication Law barely regulates it, even though this should be the government's top priority in combating corruption in the political sector ([Pratama, 2020](#)). The regulation on trading in influence is actually intended to provide benefits to law enforcers so that parties in the circle of power do not exploit the authority of officials only on the basis of their closeness or influence over the public officials ([Bulu, N. A., & Mustajab, 2022](#)). Trading in influence has not been regulated in the Law on the Eradication of Criminal Acts of Corruption in Indonesia.

METHOD

Type study used in study This namely study law normative. Study Law normative is study law Which to study law written from various aspect. ([Rijadi, 2022](#)) Approach problem Which used on research following is approach legislation (statute approach), is approach Which done with method to examine rule Constitution Which relate to issue or problem law Which overcome ([Muhaimin, 2020](#)).

RESULT AND DISCUSSION

Trading in influence is a form of non-traditional corruption that has not been explicitly addressed in Indonesia's positive legal system, particularly in Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Corruption. This practice is classified as a criminal act of corruption under Article 18 of the United Nations Convention Against Corruption (UNCAC), which Indonesia ratified through Law No. 7 of 2006. The absence of explicit positive norms regarding trading in influence creates a legal vacuum that seriously impacts the effectiveness of corruption eradication, particularly in the political and informal bureaucratic spheres.

This paper makes a significant contribution to the study of anti-corruption law by utilizing an interdisciplinary approach that combines doctrinal legal analysis with moral values in Islamic jurisprudence. Thus, this paper not only examines trading in influence from a formal-legal perspective but also assesses the practice as a violation of the principles of justice, honesty, and public integrity.

Trading In Influence Positive Legal Perspective

Trading in influence is regulated in Article 18 letters (a) and (b) of the UNCAC. The provisions read: Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: ([Ahmad Syahird, 2023](#)).

"The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuses his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person."

The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuses his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.

Each State Party may consider adopting such legislative and other measures as it deems necessary to establish criminal offences, when committed intentionally: ([Joice Viladelfia, 2021](#)).

Promise, offer or grant to any public official or other person, directly or indirectly, an undue benefit so that the public official or person abuses his or her real or perceived influence with the intention of obtaining from the public official an undue benefit for the benefit of the actual instigator of the action or for any other person;

The request or acceptance by a public official or any other person, directly or indirectly, of an improper benefit for himself or herself or for another person in order that the public official or person abuse his or her actual or perceived influence with the intention of obtaining from the public official an improper benefit.

Basically, ([Sulaeman, M. M., Herdiansyah, O., Ansori, S., & Satory, 2023](#)). The UNCAC was established because corruption has created serious problems and threats to the stability and security of global society. Corruption not only undermines democracy, ethics, and the principles of justice, but also hinders development and the effective enforcement of the law. For example, major corruption cases such as the Oil-for-Food Program scandal in Iraq, which involved the misuse of international aid funds, or systemic corruption within government institutions in several developing countries that led to the failure of humanitarian aid distribution, have demonstrated the widespread and dangerous impact of corruption. These situations triggered the birth of the United Nations Convention Against Corruption (UNCAC) as a comprehensive

international legal framework to prevent and eradicate corruption globally. (Faisar Ananda Arfa Lingga, n.d.). This condition is influenced by the nature of corruption, which is closely related to other types of crime, especially organized crime and economic crime, including money laundering. Corruption usually involves a large amount of assets that can constitute a significant part of the country's resources, and threatens the political stability and long-term progress of the country. ([Joice Viladelfia, 2021](#))

Trading In Influence Islamic Law Perspective

Within the Islamic legal literature, the practice of trading in influence has not received explicit and systematic attention, as has other muamalah transactions. Some jurists have indeed discussed the prohibition of consuming other people's wealth unlawfully (Quran, Al-Baqarah, 188), but have not directly addressed crimes such as trading in influence. According to Abd al-Rahman al-Jaziri in his Kitab al-Fiqh 'ala al-Mazahib al-Arba'ah, the act of taking advantage of a position for personal gain without due justification is seen as a form of abuse of trust. However, the term and concept of trading in influence have not been specifically codified in classical literature. This indicates that the issue still requires further elaboration and contextualization within the framework of contemporary Islamic law. In the treasury of Islamic law, Trading in Influence has not received an adequate portion of discussion, when the fuqaha' talk about the crime of consuming human property unjustly (akl amwal al-nas bi al-batil). ([Hamdani, 2018](#)) as is forbidden in the Koran, but when referring to the original word Trading in Influence, it can mean damaging (in the form of cheating) or bribing. ([Hikmah, 2022](#)).

The act (similar to) Trading in Influence in Islam is an act of violating Islamic Sharia law which aims to create benefits for humanity with what is called maqashid sharia'ah. ([Taufiq, 2020](#)). From the perspective of the broader context of Islamic teachings, the practice of Trading in Influence is an action that is contrary to the principles of justice, accountability, and responsibility ([Fajriah, A. L., Adnyani, N. K. S., & Hartono, 2021](#)). Corruption and all its negative impacts cause various distortions to the life of the State and society which can be categorized as acts of damage on earth (fasad) which are highly condemned by Allah SWT.

Islamic Criminal Law Regulation places corruption in the category of Jarimah takzir, takzir is a legal sanction imposed on a person who commits a jarimah or criminal act who commits violations related to the rights of Allah SWT or human rights. and these violations are not explicitly determined in the form of sanctions in the texts of the Qur'an and hadith, therefore because it is not explicitly determined, takzir becomes the competence of the judge or local ruler. Takzir legal sanctions can be in the form of imprisonment, fines, being included in the list of disgraced people, dismissal, and even the death penalty ([Habeahan, G. V., & Manullang, 2024](#)).

Islam views corruption as the same as Trading in Influence as a vile act. The act of Trading in Influence in the context of the Islamic religion is the same as façade, namely an act that destroys the order of life in which the perpetrator is categorized as committing Jinayaat al Kubra (major sin) ([Hiariej, 2019](#)). Trading in Influence in Islam is an act of violating Islamic Sharia law which aims to bring about the benefit of humanity with what is called maqasid sharia'ah. Among the

benefits to be aimed at is the preservation of assets (hildzul maal) from various forms of violations and misappropriation. ([Azhar, 2022](#)).

Islam regulates and assesses wealth from its acquisition to its spending. Islam provides guidance so that wealth is obtained in a moral manner and in accordance with Islamic law, namely by not cheating, not taking usury, not betraying, not seizing other people's property, not stealing, not cheating in measurements and weights, not Trading in Influence and so on ([Hikmah, 2022](#)).

Wealth obtained through corruption is haram in Islam and falls under the category of mal haram (unlawful wealth), which can hinder the answering of prayers and the acceptance of worship. This is confirmed in a valid hadith narrated by Imam Muslim, in which the Prophet Muhammad (peace be upon him) said: "Indeed, Allah is Good and accepts only what is good. Allah commands the believers as He commanded the messengers... Then the Prophet mentioned a man who had traveled for a long time, his hair disheveled and dusty, stretching his hands toward heaven and saying, 'O my Lord, O my Lord,' yet his food was haram, his drink was haram, his clothing was haram, and he was fed with haram. So how can his prayer be answered?" ([Narrated by Muslim no. 1015](#)).

Imam al-Ghazali, in *Ihya' Ulum al-Din*, also emphasized that one of the conditions for answered prayer is a clean source of livelihood. Therefore, corruption not only violates the principles of justice and honesty, but also has spiritual consequences by hindering a servant's relationship with his God. And indeed Allah commands those who believe in what Allah commanded the apostles. Allah said, "O apostles, eat of what is good and do good deeds. Indeed, I am All-Knowing of what you do." He (Allah) also said: "O you who believe, eat the good things that We have provided for you." ([Susilo, Rikky Adhi., Sugiri, Bambang., n.d.](#)); ([Taufiq, 2020](#)).

In one of the histories of Islamic civilization, there is an example of the rejection of the practice of abuse of power. When Caliph 'Umar Ibn Abdul 'Aziz (63 102 H) ordered his daughter to return a gold necklace to the state even though the necklace was a gift from the state treasury supervisor (bayt al mal) because of his services during his term as caliph. ([Sinta Dewi, 2020](#)) ; ([Putera, I. D. G. K., & Hariyanto, 2023](#)).

Rasulullah SAW cursed bribe givers and bribe takers." He also said from Abu Dawud, "Whoever we employ to do a certain task and we have given a certain salary then what he takes apart from that salary is ghulul (corruption)" (HR. Abu Dawud, al Hakim Baihaqi and Ibn Huzaimah) ([Sitorus, T., Rusmiati, E., & Sulistyani, 2025](#)).

While utilizing the wealth from Trading in Influence whether it is done for personal interests, family and social assistance, especially to build places of worship, remains haram. The same is true for people who utilize the results of a business that is prohibited by Islam such as gambling, robbing, cheating and other illegal jobs. Because in principle, wealth obtained from corruption, gambling, cheating, robbing and running away, etc., is not a legitimate property right so that it is not entitled to utilize the wealth even for good ([Halimah, L. N., & Darmadi, 2024](#)).

Research by [Fadillah \(2022\)](#) adopting descriptive-analytic methods indicates that trading in influence may be equated, under Islamic criminal law, with khiyānah (betrayal of trust), ghulūl

(unlawful enrichment), and risywah (bribery). These offences are punishable at the discretion of the ruler or judge (ta'zīr), regardless of whether the actor is a public official or private individual. (Saifuddin, M. T. S. T., Latif, M., & Muhammad, 2023). emphasize that such behavior undermines the maqāṣid al-sharī'ah, which prioritizes public welfare and social equity. Influencing decision-makers to favor personal interest damages societal trust and institutional integrity both core to Islamic governance principles. Rinaldo & Pradikta's normative study (2021) argues for integrating Fiqh Siyasah insights into positive law. They propose legal drafting that reflects Islamic ethical standards alongside international norms like UNCAC Article 18, enabling coherent jurisprudential support for criminalizing influence peddling.

Trading in Influence in the UNCAC and Positive Law

Article 18 of the United Nations Convention Against Corruption (UNCAC) explicitly defines trading in influence as a form of corruption. This article stipulates that states parties are obligated to consider criminalizing the actions of individuals who abuse their actual or perceived influence over public officials to obtain illicit benefits. The UNCAC emphasizes that corruption is not limited to acts committed directly by public officials but also encompasses third parties who exploit access and power relations in the decision-making process. In the context of positive international law, trading in influence violates the principles of transparency, accountability, and integrity in state administration. Indonesia has ratified the UNCAC through Law Number 7 of 2006, but to date has not comprehensively harmonized the entire substance of the UNCAC into national legislation, particularly regarding Article 18.

Trading in Influence in Islamic Law

From an Islamic legal perspective, the practice of trading in influence is not explicitly defined as a separate term, but its basic values and principles have long been discussed under the themes of risywah (bribery), khiyanah (treason), and ghasab (unlawful deprivation of another's rights). Trading in influence is considered contrary to the main principles of Islamic law, including: Justice (al-'adl): Granting a position or benefit to those who do not deserve it is a form of injustice. Trust: Abuse of power or position for personal gain is a violation of the public trust. Maqāṣid al-Sharī'ah: This practice can undermine the protection of property and disrupt the welfare of God, as it creates structural inequality and distrust in institutions. Scholars such as Imam al-Ghazali and Ibn Taymiyyah generally reject any form of abuse of power that causes public harm. Therefore, although the term "trading in influence" is not found in classical literature, its essence is categorized as a forbidden and reprehensible act.

Legal Loopholes in Indonesian Corruption Law

To date, Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes has not specifically regulated trading in influence. These laws

focus more on conventional forms of corruption such as bribery, embezzlement, and gratuities committed by or against state officials. The absence of legal norms governing trading in influence has two main impacts: Difficulties of proof: Subjective elements such as motive, intent, and informal influence are difficult to prove due to the lack of explicit legal definitions and formulations. Immunity for non-official actors: Parties who are not state officials but play a central role in influencing decisions cannot be prosecuted. This situation creates a legal gap that hinders the effectiveness of corruption eradication and contradicts Indonesia's international commitments following the ratification of the UNCAC.

Review of Usul Fiqh

Syamsul Anwar said that in Usul Fikih, there are levels of Islamic legal norms. The most basic level, which covers the norms below it, is called basic values (al-qiyam al-asasiyah)(Anwar, n.d.). These basic values are values that are principled and universal. There are several basic values of Islamic law that we can put forward in reviewing the issue of trading in influence.

Value of justice

The value of justice can be taken as its basis from, such as, QS An-Nisa: 135 and QS Al-Maidah: 3. According to Islamic law, justice must be reflected in personal life and in society. Unjust acts are considered as oppressive acts and are strictly prohibited by religion. The prohibition of being oppressive is included in QS Al-Baqarah: 188. If we look at it in detail, trading in influence contains elements of injustice and tyranny.

Trust value

Amanah can be interpreted as behavior that places something according its intended purpose and can be accounted for. Imam Al-Ghazzali emphasized that amanah is not only in property but also in position and power. ([Al-Ghazzali, 1996](#)).

The value of honesty

Among other basic and universal values is honesty. It is undeniable that all religions and even all individuals want honest behavior. In Islam, the Prophet said that honest behavior will lead someone to goodness, where this goodness will lead the person to heaven. Conversely, lying will lead someone to badness, where this badness will lead him to hell. In his saying, the Prophet emphasized to hold fast to an honest attitude and avoid lying. ([Muslim, 2000](#)).

Jasser Auda's review of maqashid sharia

In simple terms, maqashid sharia can be interpreted as the goals of Islamic law. Muhammad at-Thahir ibn Asyur defined maqashid sharia as "the meanings and wisdoms that are the focus of sharia in all or most of its laws." ([Muhammad At-Thahir ibn Asyur, 2004](#)). On the other hand, Jasser Auda defines maqashid sharia as "the goals and objectives that sharia seeks to achieve in order to uphold justice, welfare, and human dignity for all people." ([Auda, 2008](#)). If we look closely, both of them view that sharia (Islamic law) is present with goals that they wish to achieve, namely personal and public welfare, both individual and collective. ([Savitri, N. A. A. K. H., Cahyani, E. A., & Arimby, 2025](#))

In general, maqashid sharia is divided into five types: (Asyur, n.d.)

Hifz ad-din (maintain religion)

Hifz an-nafs (protect the soul)

Hifz an-nasl (protecting offspring)

The path of knowledge (keep your wits about you)

Hifz al-mal (guarding property).

Jasser Auda, in *Maqasid Al-Shariah as Philosophy of Islamic Law*, proposes a new approach to maqasid shariah that focuses not only on the five classical objectives as mentioned above (ḥifẓ al-dīn, al-nafs, al-'aql, al-māl, and al-nasl), but also on contextual, systemic, and multidimensional dimensions, including social justice, freedom, transparency, and anti-corruption. ([Auda, 2008](#)) ([Habeahan, G. V., & Manullang, 2024](#)). According to him, maqashid sharia should not be understood rigidly and textually, but should be seen as a dynamic ethical and normative framework to answer the challenges of the times, including the phenomenon of corruption in the form of trading in influence ([Saifuddin, M. T. S. T., Latif, M., & Muhammad, 2023](#)). Unfair From the explanation of maqashid sharia, especially that mentioned by Jasser Auda, maqashid sharia aims to maintain justice. This has also been emphasized by his predecessor, Imam Al-Ghazzali, that justice is the essence of maqashid sharia ([Al-Ghazzali, 1993](#)). This was reaffirmed by Jasser Auda that he placed justice as a central goal in the entire sharia system. From the practice of trading in influence, justice is not found. This practice disrupts the distribution of justice in society. The reason is that the results or decisions taken are based on influence, not on ability or achievement. This practice creates a system where a person's rights and access are not based on competence or proper procedures, but rather on the influence of power.

Disruption of social stability

As is known, the maqashid sharia aims to achieve welfare and keep away from harm. However, trading in influence causes social inequality. Corruption practices cause poverty and terrible social inequality because many people do not get the rights that should be theirs. Therefore, this

social inequality triggers dissatisfaction which causes social stability to be threatened. ([Atmasasmita, 2004](#)) ;([Fadillah, 2024](#)).

In terms of safeguarding property (hifz al-mal)([Rinaldo, M. E., & Pradikta, 2021](#)), maqashid sharia aims to safeguard the rights of various parties in everything that belongs to them so that good social stability is created. Likewise, it also aims to avoid taking the rights of others in an inappropriate way that has an impact on damaging social stability. Because trading in influence actually poses a threat to social stability, it is not in accordance with the objectives of this maqashid sharia ([Saifuddin, M. T. S. T., Latif, M., & Muhammad, 2023](#)).

The breakdown of the economic system

Among the forms of economic system levels emphasized by Islam is the existence of distributive justice. Distributive justice provides proportional assessments such as in terms of needs, abilities, or achievements. So that with it the rights are distributed evenly to their owners. Among the forms of emphasis on the importance of distributive justice is depicted in QS Al-Hasyr [59]: 7. In this verse Allah emphasizes that wealth or property should not circulate among the rich (trans. or can be said among the powerful) only, but must be distributed to those who are entitled to receive it. In another example, the existence of the sharia of zakat, infak and sedekah is also a real form of Islam ordering the existence of this distributive justice.

When viewed in practice, the practice of trading in influence results in wealth being transferred solely to individuals with positions of power or access, even though they have no legal or moral right to receive it.

Violation of trust and transparency

Jasser Auda stated that maqashid-based governance must ensure transparency, accountability and fulfillment of trust. According to him, trust and transparency are the main values in the Islamic governance system. In this case, the practice of trading in influence is contrary to both values. Because trading in influence closes the public decision mechanism from trust and transparency.

Integration with systems theory

Jasser Auda developed maqashid sharia using system theory. He rejected the linear approach in Islamic law. He argued that every problem must be seen in the context of networks, complexity, and social interaction. If viewed from this, then the practice of trading in influence is not only an individual violation, it is even a violation of the entire legal and moral system. How could it not be? The practice brings negative effects not only to one individual or to one case, but also to other things such as weakening public trust, destroying the integrity of the bureaucratic system, and also the loss of meritocracy.

Weakening public trust

Jasser Auda emphasized that trust is a core element in maqashid. When trust is lost, the mandate is also lost. If it is associated with institutions or countries, if institutions or countries are no longer trusted by their people, this means that the mandate has been lost. When society sees that policies can be "bought" or influenced by unofficial actors and illegitimate channels, as occurs in trading in influence, it causes the public's sense of justice to erode, apathy and cynicism increase, so that public participation will also decrease. This also has an impact on the damage to the legitimacy of public institutions. [\(Rose-Ackerman & Palifka, n.d.\)](#)

The destruction of the integrity of the bureaucratic system

Trading in influence destroys the code of ethics in bureaucracy. This is because in the practice of trading in influence, positions and decisions are no longer based on administrative provisions and eligibility, but on informal relations. Likewise, a manipulative culture has grown where officials tend to play it safe by following influential actors rather than following professional values. In addition, the practice of trading in influence makes bureaucratic rules "slaves" of access to power because there are certain informal actors who control the formal bureaucratic system [\(Pyman, n.d.\)](#).

The loss of meritocracy

Meritocracy can be defined as a system that places individuals in certain positions based on objective abilities, qualifications, and achievements, rather than on personal connections, social status, or political influence. In a meritocratic system, the integrity of the selection and promotion process is maintained so that the most deserving individuals obtain positions or opportunities. However, the practice of influence peddling directly contradicts this principle, as certain positions, titles, or benefits are obtained not through competence or performance, but through the exchange of influence or relationships with powerful parties. For example, when someone pays or gives a reward to an official to recommend him or her in a public office selection process, individuals who are actually more deserving and competent are marginalized. This undermines the fairness of the selection system and creates public distrust in the institutions that are supposed to uphold meritocracy. The subsequent impact is that policies become weak and public trust continues to erode [\(Grindle, n.d.\)](#).

Future Suggestions Regarding the Reconstruction of Trading In Influence of Corruption Crimes

There is a significant positive correlation between influence peddling and corruption. The fundamental nature of influence peddling—the abuse of power based on personal or official influence over public decision-makers—inherently creates a legal loophole with significant potential for abuse by both political and non-political actors. In the Indonesian context, this gap

is even more apparent due to the lack of explicit provisions regarding influence peddling in the Corruption Eradication Law.

To strengthen the normative argument for the need for regulation, a comparative analysis with jurisdictions that have codified this crime is highly relevant. For example, in the French legal system, influence peddling is a long-established offense under Articles 432-11 and 433-1 of the Code Penal, which criminalize the giving or receiving of benefits based on influence over public officials. Similarly, Italy, through Article 346-bis of the Codice Penale, recognizes influence peddling as a form of criminalization of illegitimate interactions mediated by influence over public officials.

The formulation of trading in influence in Indonesian criminal law that needs to be considered is an explanation of the qualifications of those who are considered to have influence that can influence public officials or state administrators or individuals to do or not do something based on the authority they have and how criminal liability will be in the future for those who are considered to have carried out trading in influence, either in active or passive forms. The relevance between trading in influence and criminal acts of corruption, as follows:

Trading Influence(Influence Trading) is a practice in which a person with power, position, or access to decision makers uses his or her influence to gain certain benefits. Typically, these benefits can be material (money, goods) or non-material (political advantage, position).

Corruption(Corruption) is an unlawful act to enrich oneself or others by abusing authority, which can harm state finances or the state economy. Based on Article 2 and Article 3 of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, criminal acts of corruption include various forms of abuse of power, bribery, embezzlement, and conflicts of interest.

There is a similar relationship between Trading In Influence and Corruption, because both are related to the trade in influence with the power that exists in corruption, which in practice trading in influence includes policy holders and because of their power can commit corruption, and not only by power holders but private parties or individuals outside of individuals can also trade in influence because of their closeness or other influences.([Susilo, Rikky Adhi., Sugiri, Bambang., n.d.](#))

As in the case that occurred in 2016, CV Semesta submitted a request to purchase 3 thousand tons of imported sugar to the West Sumatra Regional Division of Perum Bulog on July 21, 2016. Later, Irman stated that he would help Xaveriandy Susanto and Memi to obtain the imported sugar, as long as there was a fee of Rp 300 per kilogram. Irman then contacted the President Director of Perum Bulog Djarot Kusumayakti who fulfilled the request. CV Semesta finally obtained sugar from Bulog at a cheaper price, Rp 11,500-11,600. On September 16, 2016, Xaveriandy and Memi met Irman and handed over Rp 100 million as a gift([“Demi Fee, Irman Gusman Disebut Manfaatkan Pengaruhnya Terhadap Dirut Bulog,” 2016](#)).

After this handover the next day, the KPK investigation team conducted a sting operation. Irman Gusman was arrested by KPK investigators on September 17, 2016 because he was

suspected of receiving Rp 100 million from the President Director of CV Semesta Berjaya, Xaveriandy Sutanto. The KPK suspected that the money was a gift from Xaveriandy because, thanks to the influence of the senator from the West Sumatra electoral district, Semesta Berjaya managed to get an increase in sugar quota from Bulog ([Atriana, 2016](#)).

Sutanto was sentenced to 3 years in prison. Meanwhile, his wife, Memi, was sentenced to 2 years and 6 months in prison. Each was also fined Rp 50 million with a subsidiary of 3 months in prison. Meanwhile, Irman was sentenced to 4 years and 6 months in prison with a fine of Rp 200 million with a subsidiary of 3 months in prison. The panel of judges at the Corruption Court stated that Irman was proven guilty of accepting bribes from the owner of CV Semesta Berjaya. In addition to imposing a criminal sentence, the judge granted the prosecutor's demand that Irman's political rights be revoked for three years after he served the main sentence.

Trading in influence in line with the meaning of a criminal act of corruption, one of which is the abuse of power or in this case the influence of his position of power. In accordance with the regulation of criminal acts of corruption in Article 3 of the Corruption Eradication Law which reads, "Any person who, with the aim of benefiting himself or another person or a corporation, abuses the authority, opportunity or means available to him because of a position or position that can harm state finances or the state economy, shall be punished with life imprisonment or imprisonment for a minimum of 1 (one) year and a maximum of 20 (twenty) years and or a fine of at least Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah)."

Steps that need to be taken by the government to incorporate UNCAC into the national legal system are as follows: First, the government needs to review existing laws and regulations to ensure that all norms in UNCAC are adopted effectively ([Sidauruk, K. P., & Rusdiana, E, 2024](#)). Second, law enforcers, especially the Corruption Eradication Commission (KPK), must strengthen their authority and resources, the strengthening that can be provided includes increasing the budget, training for employees and information technology support to facilitate supervision and law enforcement. Third, the government needs to formulate anti-corruption policies comprehensively and integrated with all government sectors ([Saputra, A., & Mahyani, 2017](#)).

The addition of Articles in the Corruption Eradication Law, in order to close legal loopholes and increase the effectiveness of eradicating corruption, especially new modes involving trading in influence. The following are additional Articles explicitly related to trading in influence:

Chapter....

"Trading in influence is the act of promising, offering or giving benefits to public officials or other parties, directly or indirectly, to abuse their influence in order to obtain benefits or advantages."

Chapter.....

"Any person who is proven to have carried out influence trading as explained in article.... Will be subject to a maximum criminal sanction of 15 years and/or a maximum fine of 1,000,000,000.00 (one billion rupiah)"

Therefore, with the existence of clear legal construction and adequate regulations, it is hoped that law enforcement against perpetrators of trading in influence can be carried out with binding legal certainty and does not cause doubt in the judicial process.

"Trading in influence" refers to the corrupt practice of using one's social, political, or familial networks to improperly influence decision-making for personal gain. Although identified in UNCAC Article 18, this offence remains largely unregulated in Indonesian anti-corruption law, often resulting in its treatment as bribery under generic statutes. This article examines the doctrinal void in positive law, explores Islamic legal principles, and proposes policy pathways to close this gap. Indonesia ratified UNCAC in 2006, but has not integrated specific trading-in-influence offences into local legislation. Consequently, perpetrators are charged if at all under generic bribery provisions (Law No. 31/1999 jo. 20/2001 on Corruption Eradication) and participation clauses (KUHP Art. 55). This causes legal uncertainty, especially in "pure" influence schemes that do not involve monetary exchange to officials. Scholarly consensus ([Iyas, A., & Puspitosari, 2022](#)), holds that bribery requires an officially vested authority, while trading in influence can be executed by private individuals or non-designated brokers. Its sui generis nature merits standalone criminalization: "Trading in Influence is a delictum sui generis". This aligns with UNCAC's structure, which sees influence trading as distinct from bribery and commission. Multiple normative studies assert an urgent need for statutory reform to adopt UNCAC's Article 18 framework, defining clear subject, object, and conduct elements. ([Dewa Gede A. K. P., & Hariyanto, 2023](#)). argue this will enhance legal certainty, judicial capacity, and public trust. In classical Islamic governance thought, "trading in influence" is viewed as fasād a societal corruption forbidden by syariah and political jurisprudence. Influential individuals, whether state officials or not, who manipulate governance violate maqāṣid ash-sharī'ah (objectives of the Sharia), including justice ('adl) and prevention of harm (darār) ([Pratama, 2020](#)). They also breach the concept of istislāḥ, i.e., public welfare. ([Saifuddin, M. T. S. T., Latif, M., & Muhammad, 2023](#)). emphasize that prevention of fasād is a priority under maqāṣid. Despite existing moral prohibitions, lack of functional legal incorporation leaves an enforcement gap. They advocate for legal reform that integrates maqāṣid-aligned principles into positive criminal law ([Matdung, C., Hasibuan, F. Y., & Mulyadi, 2024](#)).

Three dominant models identified in Indonesian practice are: Vertical: a "broker" often an official's associate uses official channels to influence decisions. Vertical with broker: a two tier system, where an intermediary connects a private actor to decision makers Horizontal: direct improper influence by individuals with societal leverage, typically peers of the decision-maker. These patterns demonstrate how influence peddling can occur without formal bribery or use of public office ([Mahmud, A., Ravena, D., Zakaria, C. A. F., Citra, D., & Ismi, 2024](#)).

Policy Recommendations: 1. Introduce explicit trading-in-influence offences in the Corruption Eradication Act, matching UNCAC definitions ([Sitorus, T., Rusmiati, E., & Sulistyani, 2025](#)). 2. Define offence elements clearly, including roles of broker, influencer, and target, along with forms of influence. 3. Incorporate maqāṣid-based values into legal drafting, as a moral and societal guide beyond strict legal formalism ([Iyas, A., & Puspitosari, 2022](#)). 4. Expand enforcement training to help agencies identify complex modus operandi. 5. Promote

comparative jurisprudence, learning from Spain's statutory approach. 6. Raise public awareness to reduce demand for corruption and bolster societal taboo around influence peddling ([Mufty, 2025](#)).

This analysis rooted in normative legal methodology reveals a critical deficiency in both positive law and enforcement capacity to address trading in influence in Indonesia. Bridging theoretical perspectives and comparative models, it becomes clear that structured legal reform is overdue ([Mamesah, 2024](#)). Explicit criminalization, informed by both UNCAC standards and Islamic moral frameworks, would strengthen legal coherence, regulatory clarity, and anti-corruption effectiveness. Aligning legal form with ethical substance enables Indonesia to combat modern corruption holistically protecting democratic integrity and public welfare.

From the standpoint of Islamic law, trading in influence constitutes a clear manifestation of *fasād fil-arḍ* (corruption on earth), which is morally and legally incompatible with the core principles of the Sharia. The act of using social, political, or personal connections to obtain unjust benefits blatantly violates the values of justice (*‘adl*) and trustworthiness (*amānah*), both of which are fundamental to Islamic ethics. In my view, although the term trading in influence may not be explicitly found in classical Islamic jurisprudence, its essence is already encapsulated within established prohibitions such as *risywah* (bribery), *ghulūl* (embezzlement of public assets), and *khiyānah* (betrayal of trust). This indicates that Islamic legal tradition has sufficient normative foundations to classify such practices as ethically and legally forbidden (*ḥarām*). What I find particularly compelling is the relevance of the *maqāṣid al-sharī‘ah* (the higher objectives of Islamic law) in framing this issue. Practices of influence peddling clearly endanger goals such as *ḥifẓ al-māl* (protection of wealth), *ḥifẓ al-dīn* (preservation of moral order), and *ḥifẓ al-‘irdh* (safeguarding public dignity). These actions undermine social equity, institutional integrity, and public trust—values central to Islamic governance.

CONCLUSION

Trading in influence is explicitly regulated in Article 18 (a) and (b) of the United Nations Convention Against Corruption (UNCAC), which requires participating countries to criminalize the act of soliciting or receiving benefits in exchange for the abuse of influence over public authorities. This provision has important implications for the Indonesian legal system, especially since the practice of trading in influence is not specifically regulated in the Corruption Law. By ratifying the UNCAC, Indonesia has a legal obligation to adjust its national regulations to accommodate non-traditional forms of corruption such as trading in influence. In addition to contradicting Islamic legal principles such as justice (*al-‘adl*), honesty (*al-shidq*), and trustworthiness, trading in influence also undermines the integrity of the legal system and governance. Therefore, further regulation in national law is urgent so that Indonesia not only formally complies with international conventions, but also substantively in preventing corruption based on values and law. In addition, trading in influence is not in accordance with and clearly contradicts the *maqashid sharia* because in its implementation, wealth is only transferred to individuals who have influence even though they do not actually have the right to obtain it. This

causes wealth ("all rights" in its broader meaning) which should be distributed evenly and received by those entitled, to not happen. Wealth accumulates in people who only have influence. This causes the economic system to be damaged. From an Islamic legal perspective, the concept of influence peddling not only contradicts the principles of justice (al-'adl), trustworthiness (al-amānah), and honesty (ṣidq), but also undermines the maqāṣid al-shari'ah (the objectives of Islamic law), which aim to safeguard religion, life, intellect, posterity, and property. The abuse of influence to obtain illegitimate gain violates the principle of ta'zir (punishment for unspecified offenses) and reflects a violation of Islamic social ethics, which prohibit the practices of rishwa (bribery), ghulul (misappropriation), and khiyānah (treason). As a concrete step, a model article that could be adopted includes the following elements: Giving or receiving benefits; To influence the actions of public officials or decisions of state institutions; Through informal intervention or power relations; Contrary to applicable legal authority or procedures. This draft article not only bridges the normative gap in national law, but also strengthens the thrust of Indonesia's criminal policy in combating hidden forms of corruption that have so far escaped legal prosecution.

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