

## UPHOLDING THE PROPHETIC ETHICS OF STATE ADMINISTRATORS, STRIVING TO REALISE A WELFARE STATE

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### **Abstrak**

*Penelitian ini bertujuan untuk meneliti tentang urgensi etika profetik penyelenggara negara dalam ikhtiar mewujudkan negara kesejahteraan. Yang hasilnya selain mengetahui urgensi tersebut, juga merumuskan format penegakan etik penyelenggara negara. Penelitian ini merupakan penelitian yang bersifat preskriptif kualitatif dan apabila dilihat dari tujuannya termasuk penelitian hukum normatif. Jenis data yang digunakan adalah data sekunder yang dalam penelitian hukum disebut bahan hukum. Teknik pengumpulan bahan hukum yang dipergunakan yaitu melalui penelitian kepustakaan. Metode analisa yang digunakan dalam penelitian ini adalah Metode Preskriptif.*

*Persoalan yang diteliti dalam penelitian ini adalah pentingnya penyelenggara negara memastikan etifa profetik dalam menyelenggarakan negara. Etika profetik menghendaki setiap tindakan negara diniatkan sebagai bentuk kepatuhan terhadap Tuhan – transcendental. Karenanya, setiap tindakan pemerintahan harus dimaksudkan untuk memenuhi nilai-nilai humanisasi dan liberasi. Dengan begitu, ihtiar mewujudkan negara kesejahteraan dapat diwujudkan. Karenanya, diperlukan mekanisme penegakan etik yang berkepastian hukum dengan mengutamakan transparansi. Agar ada kepastian hukum bagi pencari keadilan, dan penegakan etik dapat dipertanggungjawabkan serta diawasi langsung oleh publik.*

**Kata Kunci:** *Penegakan Etik, Etika Profetik, Negara Kesejahteraan*

### **Abstract**

*This study aims to examine the urgency of prophetic ethics for state administrators in their efforts to realise a welfare state. The results will not only reveal the urgency of this issue, but also formulate a format for enforcing ethics among state administrators. This research is prescriptive qualitative research and, in terms of its objectives, can be classified as normative legal research. The type of data used is secondary data, which in legal research is referred to as legal material. The technique used to collect legal material is through literature research. The analysis method used in this research is the Prescriptive Method.*

*The issue examined in this study is the importance of state administrators ensuring prophetic ethics in governing the state. Prophetic ethics require that every action of the state be intended as a form of obedience to God – transcendental. Therefore, every action of the government must be intended to fulfil the values of humanisation and liberation. In this way, efforts to realise a welfare state can be achieved. Therefore, a mechanism for enforcing ethics with legal certainty is needed, with an emphasis on transparency. This is so that there is legal certainty for those seeking justice, and the enforcement of ethics can be accounted for and directly monitored by the public.*

**Keyword:** *Enforcement of Ethics, Prophetic Ethics, Welfare State*

## 1. INTRODUCTION

The welfare state is the ideal of the nation's founders as enshrined in the fifth principle of Pancasila, social justice for all Indonesian people. Jimly Asshiddiqie, put forward the concept of the welfare state for the Indonesian state is found in the Preamble to the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), paragraph four, which reads: "Furthermore, to form an Indonesian state government that protects the entire Indonesian nation and all of Indonesia's bloodshed and to promote general welfare, to educate the nation's life, ...".<sup>1</sup> By adopting the concept of a welfare state, the state is expected to expand its responsibilities to social, economic, cultural and all aspects directly related to the welfare of the people to ensure the fulfilment of the ideal of social justice for all Indonesian people.

In the context of national life and statehood, promoting public welfare is a constitutional mandate and the ideal of Indonesian statehood. In reality, this noble ideal has not yet been fully realised. There are still many citizens who do not enjoy welfare, and the state appears indifferent. Recently, not only have they been absent, but the behaviour of the state elite has often lacked a sense of crisis. Amidst economic constraints, increasingly difficult employment opportunities, and various other difficulties, some state officials have exhibited unethical behaviour.

One of the challenges in realising a welfare state is not only behaviour that violates the law, but also violations of ethical rules. The problem is that violations of the law can be punished through formal law enforcement mechanisms. Conversely, violations of ethics that are clearly evident are difficult to enforce. This is because there are no mechanisms for enforcing ethics among state officials that are equivalent to the mechanisms for enforcing the law. Until now, ethical violations have been resolved internally within institutions and handled privately, without the results of such ethical proceedings being made public. This has resulted in a lack of deterrent effect for state officials.

Indonesia, as a nation that adheres to the concept of a religious state,<sup>2</sup> as stated in the third paragraph of the Preamble to the 1945 Constitution, which states "By the grace of

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<sup>1</sup>Jimly Asshiddiqie, *Konstitusi Bernegara, Praksis Kenegaraan Bermartabat dan Demokratis*, (Malang: Setara Press, 2016), hlm. 300

<sup>2</sup>A religious state is not a theocratic state. There is a clear fundamental difference between a religious state and a theocratic state. A religious state is a state that actualises religious values, thereby recognising several religions in religious practice and state life. The characteristic of this state is that, even though it actualises religious values, it still adheres to the concept of nationalism. It does not have a religious ideology. A

Almighty God ...", as well as in the first principle of Pancasila, "Belief in One God", should implement state administration by actualising prophetic ethical values, as practised by the Prophets. In Islam, prophetic ethics can be referred to, among others, in Q.S. Al-Ahzab verse 21, which states:

لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِّمَن كَانَ يَرْجُوا اللَّهَ وَالْيَوْمَ الْآخِرَ وَذَكَرَ اللَّهَ كَثِيرًا<sup>ق</sup>

Which means, "Indeed, in the Messenger of Allah there is a good example for you, (that is) for those who hope for (the mercy of) Allah and (the coming of) the Day of Judgement and who remember Allah often (Q.S. Al-Ahzab verse 21)". This verse conveys the message of taking the Messenger of Allah as an example. In his daily life, the Messenger of Allah, Muhammad SAW, practised prophetic ethical values both as a Prophet and as Head of State during the Hijrah in Madinah.

As stated in the author's initial thesis in the previous paragraph above, one of the obstacles to realising a welfare state in Indonesia, apart from violations of legal regulations, is the violation of ethical regulations. Therefore, this study aims to discuss the urgency of prophetic ethics for state administrators in relation to efforts to realise a welfare state. This study is a normative juridical study with a conceptual approach and a regulatory approach with qualitative prescriptive analysis.

## **2. PROBLEM FORMULATION**

This study focuses on the urgency of prophetic ethics for state administrators in Indonesia in realising a welfare state. In relation to this, the study seeks to answer the initial thesis that one of the obstacles to realising a welfare state is the violation of ethical norms. In addition, this study also aims to offer a concept for enforcing ethical norms for state administrators.

## **3. METHODOLOGY**

This research is normative legal research, namely research on legal principles. This type of research is referred to as "dogmatic study" or doctrinal research. Thus, this research focuses on bibliographic data to answer the initial thesis that one of the obstacles to realising a welfare state is the violation of ethical norms. In addition, this study also aims to offer a concept of

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religious state, on the other hand, is a state with a religious ideology. In this type of state, usually only one religion is practised. Thus, it clearly declares one religion as the state ideology.

ethical norm enforcement for state administrators. Because this study seeks to offer a concept of ethical norm enforcement for state administrators, it uses a conceptual approach and a regulatory approach with qualitative prescriptive analysis.

#### **4. DISCUSSION AND RESULTS**

##### **a. The Concept of the Welfare State: From the Islamic Paradigm to the Constitutionality of the Indonesian Welfare State**

According to Bessant, Watts, Dalton and Smith, as quoted by Agus Riwanto, the basic idea of the welfare state originated in the 18th century when Jeremy Bentham promoted the idea that the government had a responsibility to ensure the greatest happiness (or welfare) of the greatest number of its citizens. Bentham used the term 'utility' to explain the concept of happiness or welfare.<sup>3</sup>

Based on the principle of utilitarianism that he developed, Bentham argued that anything that could bring extra happiness was good. Conversely, anything that caused pain was bad. According to him, government actions should always be directed towards increasing the happiness of as many people as possible. Bentham's ideas on legal reform, the role of the constitution, and social research for the development of social policy led him to be known as the "father of welfare states".<sup>4</sup>

The definition of a welfare state is very broad and diverse. On the one hand, the definition of a welfare state is the involvement of the state in providing full employment for its people. Employment is a source of income for the people; if the state can provide full employment, poverty will be reduced and the people will prosper. Etymologically, the term welfare state can be interpreted as a state that provides extensive social security benefits, such as state health services, pensions or old age benefits, sickness and unemployment benefits, and so on.<sup>5</sup>

Poli defines the welfare state as a democratic state that constitutionally guarantees not only basic rights and individual freedoms and economic freedom in a state governed

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<sup>3</sup>Agus Riwanto, *Politik Hukum Negara Kesejahteraan Indonesia Pasca Reformasi*, (Sukoharjo: Oase Pustaka, 2018), hlm. 10

<sup>4</sup>*Ibid*

<sup>5</sup>Ariza Fuadi dan Purbaya Budi Santosa, *Ekonomi Islam dan Negara Kesejahteraan (Welfare State)*, JDEB (Jurnal Dinamika Ekonomi dan Bisnis), Volume 12, Nomor 1, Maret 2015, hlm. 5-6

by the rule of law, but also takes legal, financial and material measures to harmonise social differences and – within certain limits – tensions within society.<sup>6</sup>

The meaning of welfare refers to Spicker, Midgley, Tracy and Livermore, and Thompson, there are at least four definitions of welfare, namely (i) As a condition of well-being. This definition usually refers to the term social welfare as a condition in which material and non-material needs are fulfilled. Midgley defines social welfare as "...a condition or state of human well-being." A state of well-being occurs when human life is safe and happy because basic needs for nutrition, health, education, shelter and income are met, and when humans are protected from the major risks that threaten their lives. (ii) As social services. In the United Kingdom, Australia and New Zealand, social services generally cover five areas, namely social security, health services, education, housing and personal social services; As social benefits. In the United States, social assistance is provided to the poor, with most welfare recipients being poor, disabled, and unemployed people; and as a planned process or effort carried out by individuals, social institutions, communities, and government agencies to improve the quality of life through the provision of social services and social assistance.<sup>7</sup>

The presence of the state is crucial in determining whether or not a welfare state can be achieved. The role of the state in social policy and services is more regulatory in nature. The state intervenes in income distribution by influencing the market or redistributing the effects caused by the market. In addition, the provision of services and their regulation are controlled by law to influence how income and services are distributed.<sup>8</sup>

This is in line with the basic idea of the welfare state concept, which stems from the state's efforts to manage all potential resources to achieve the state's goal of maximising the welfare of the people. This national vision is translated into state policies that favour the welfare of the people. Issues such as poverty, employment, health, equitable land ownership and various other basic public needs are addressed by the state, which seeks solutions to resolve them.

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<sup>6</sup>Marsudi Dedi Putra, *Negara Kesejahteraan (Welfare State) dalam Perspektif Pancasila*, Jurnal Likhitaprajna, Volume 23, Nomor 2, September 2021, hlm. 143 – 144

<sup>7</sup>Marsudi Dedi Putra, *Negara Kesejahteraan (Welfare State) dalam Perspektif Pancasila*, Jurnal Likhitaprajna, Volume 23, Nomor 2, September 2021, hlm. 143 – 144

<sup>8</sup>Ambar Teguh Sulistiyani, *Kesejahteraan dan Kebijakan Sosial*, dalam Erwan Agus Purwanto dan wahyu Kumorotomo (editor), *Birokrasi Publik dalam Sistem Politik Semi-Parlementer*, (Yogyakarta: Gava Media, 2005), hlm. 132

Apart from the Western world, Islam also recognises the concept of a welfare state. This can be seen from the role of the Prophet in bringing the mission of Islam as a blessing for the whole world. As mentioned in Q.S. Surat Al-Anbiya verse (107), which states:

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

Which means, "We have not sent you (Prophet Muhammad) except as a mercy to all the worlds. (Q.S. Al-Anbiya verse 107)" This verse emphasises that the mission of prophethood is to be a mercy to all the worlds, without discrimination against any religion, group, race, or tribe; all must receive mercy from the Islamic vision. Mercy can be understood as compassion, kindness, grace, generosity, all of which lead to service and the fulfilment of basic needs, not only physical but also spiritual through religious values. This conveys a profound message about the value of welfare in Islam. This was practised by the Prophet during the Hijrah in Medina and as the leader of the ummah, who sheltered, protected and ensured the fulfilment of basic needs not only for Muslims but also for Jews and others who agreed to the Medina Charter.

The existence of regulations regarding the concept of the welfare state in Islam does not mean that there is similarity between Western welfare state values and Islam. The fundamental difference between the two lies in the fact that the regulation of the welfare state concept in Islam not only fulfils basic physical needs, but also basic spiritual needs through religious values. In Islam, no one can escape the spirit of divinity. This is because spiritual needs are as important as other basic human needs. Therefore, even though every human being has freedom, actions in response to every activity must be based on divine values sourced from the Qur'an, Hadith and other sources of Islamic law.

M. Umer Chapra, as quoted by Ahmad Dahlan and Santosa Irfaan, states that the foundations of social welfare include at least six things, namely (i) Eradicating poverty and creating full employment with high growth rates; (ii) Real monetary stability; (iii) Law enforcement and peace; (iv) Provision of social security and economic justice; (v) Social security and fair distribution of income and wealth; and (vi) International relations and national defence (national justice).<sup>9</sup> Monzer Kahf then developed these six points as a

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<sup>9</sup>Ahmad Dahlan dan Santosa Irfaan, *Menggagas Negara Kesejahteraan*, Jurnal el-JIZYA, Volume 2, Nomor 1, Januari – Juni 2014

close relationship between Islam and the welfare state, namely that Islam as mercy and an emphasis on the good life is synonymous with welfare.<sup>10</sup>

In addition to the Western and Islamic worlds, Indonesia also embraces the concept of a welfare state, which is enshrined in the Indonesian constitution. Since the enactment of the 1945 Constitution, specifically in paragraph IV, one of the functions of the government to achieve the objectives of the state has been emphasised, namely: 'to protect the entire Indonesian nation and all of Indonesia's bloodshed and to promote general welfare, educate the nation and participate in implementing world order based on independence, eternal peace and social justice'. As the main idea of the founding fathers, the Preamble to the 1945 Constitution provides an overview of the Indonesian people's ideal of living in a state with the main foundation of the Indonesian state (state fundamental norm) that desires a welfare state. This clearly sends a message to state administrators to strive to realise the welfare of citizens. Thus, Indonesia does not only make the welfare state a mere discourse, but explicitly regulates it in the constitution. Not only in the preamble to the 1945 Constitution, further provisions to affirm the Indonesian welfare state are regulated in the main body of the 1945 Constitution, namely Article 23 paragraph (1), Article 27 paragraph (2), Article 28C, Article 31, Article 33 and Article 34 of the 1945 Constitution. Considering all these articles, there is a desire on the part of the state to ensure that the management of state resources is for the welfare of the people. It also ensures the presence of state administrators in all aspects to ensure that basic needs are met.

The Constitution clearly calls for the realisation of a welfare state in Indonesia, where the state grants broad social and economic rights to every citizen. Thus, in Indonesia, the state is not a minimal state or a necessary evil, nor is it merely an enabling state that only modifies the market while continuing to worship individualism. Based on the Indonesian Constitution, the state is a development agent that not only promotes equality of opportunity, but also actively strives to uphold social justice (equality of outcome). The state is clearly mandated to place the interests of society above the interests of individuals.<sup>11</sup>

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<sup>10</sup>*Ibid*

<sup>11</sup>Elviandri, Khuzdaifah Dimiyati, dan Absori, *Quo Vadis Negara Kesejahteraan: Meneguhkan Ideologi Welfare State Negara Hukum Kesejahteraan Indonesia*, Jurnal Mimbar Hukum, Volume 31, Nomor 2, Juni 2019, hlm. 261

**b. What is Prophetic Ethics?**

"Prophetic Ethics" consists of two words, namely "ethics" and "prophetic". Both have different meanings. To understand what is meant by prophetic ethics, we must first define the words ethics and prophetic.

Ethics is the study of human obligations and the examination of good and evil. Ethics is a discourse on the predicates of "right" and "wrong" values, in the sense of "moral" and "immoral". Ethics as a subject specifically discusses the characteristics that cause people to be called moral or wise. These qualities and attributes are called virtues, which are opposed to vices, meaning that people who possess evil characteristics are said to be immoral.<sup>12</sup>

As with many terms related to scientific contexts, the term "ethics" also originates from ancient Greek. The Greek word *ethos* in its singular form has many meanings: habitual dwelling place; pasture; enclosure, habitat; custom, tradition; morals, character; feelings, attitudes, ways of thinking. In its plural form (*ta etha*), it means customs. It is this last meaning that forms the basis for the term "ethics", which was used by the great Greek philosopher Aristotle to refer to moral philosophy. If we limit ourselves to the origin of this word, then "ethics" means the science of what is commonly done or the science of customs. In the modern sense, it can also be said that ethics discusses the "social conventions" found in society.<sup>13</sup>

Jimly Asshiddiqie states that, broadly speaking, ethics is a branch of philosophy that discusses right and good behaviour in human life. Ethical philosophy does not only focus on right and wrong as in legal philosophy, but also on good and bad. Its main objective is the good life, not merely a life that is always right and never wrong. However, in practice, both concern the substance that is the essence of ethical issues, namely right and wrong, as well as the good and bad of human behaviour in communal life.<sup>14</sup>

Simply put, ethics is a rational description of the nature and basis of right actions and decisions, as well as the principles that determine whether those actions and decisions are morally commanded or prohibited. Ethical research always places special emphasis on

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<sup>12</sup>Munawir Haris, *Diskursus Etika Religius, Perspektif Nucholish Madjid & Frans Magnis-Suseno*, (Yogyakarta: Pustaka Pelajar, 2019), hlm. 75

<sup>13</sup>K. Bertens, *Etika*, (Yogyakarta: Kanisius, 2013), hlm. 3 – 4

<sup>14</sup>Jimly Asshiddiqie, *Peradilan Etik dan Etika Konstitusi, Perspektif Baru tentang 'Rule of Law and Rule of Ethics' & Constitutional Law and Constitutional Ethics*, (Jakarta: Sinar Grafika, 2017), hlm. 42

the definition of ethical concepts, the justification or assessment of moral decisions, and the distinction between good and bad actions or decisions.<sup>15</sup>

In general, experts describe ethical philosophy in four branches, namely:

- 1) Descriptive ethics: ethics concerning correct and good behaviour as people think it should be;
- 2) Normative ethics or prescriptive ethics: ethics concerning behaviour that is considered to be what should be done;
- 3) Applied ethics: ethics concerning moral knowledge and how that knowledge is realised in practice;
- 4) Meta ethics: ethics that discusses what is meant by right and good itself.<sup>16</sup>

It can be said that descriptive ethics is essentially related to various fields of study, namely religious ethics, value theories, economic philosophy, political philosophy, legal philosophy, deontic logic, action theory, practical reasoning, morality, visual ethics, ethics of belief. Meanwhile, prescriptive or normative ethics concerns what people should believe to be right and wrong, or good and bad.<sup>17</sup>

After discussing ethics, the next topic to be discussed is prophetic. This discussion is to facilitate understanding of what prophetic ethics is. Rohidin explains that the word "prophetic" is a loanword from the English adjective "prophetic", which means "referring to or relating to a prophet or a prophecy (prediction)". It is a word that etymologically originates from Old French in the 15th century AD, "Prophetique", and Greek, "Prophetikos". It is an adjective derived from the word "Prophetes", used by the Jews to refer to a prophet, "Soothsayer, inspired prophet", which at the end of the 12th century AD meant "one who speaks for God, an inspired priest". In the late 14th century AD, it became synonymous in English with the prophets and the Old Testament "the prophetic books of the Old Testament". It should therefore be emphasised that the word prophetic has been used since its inception in the Jewish prophetic tradition at the end of the 12th century AD and then by non-Jews (Christians) in subsequent centuries in close connection with prophets and prophecy, in the context of becoming the basis for dialogue and academic activity – interpreting to teach belief and law in the name of God.<sup>18</sup>

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<sup>15</sup>Samsudin, *Kode Etik dan Pedoman Perilaku Hakim, Studi Komparatif Kitab Adabu al-Qadi dengan Kode Etik Hakim di Indonesia*, (Yogyakarta: Satri Nulis, 2024), hlm. 38

<sup>16</sup>Jimly Asshiddiqie, *Menggagas Peradilan Etik di Indonesia*, dalam Hermansyah, et.al, (editor), *Menggagas Peradilan Etik di Indonesia*, (Jakarta: Komisi Yudisial, 2014), hlm. 29

<sup>17</sup>*Op cit*

<sup>18</sup>Rohidin dalam M. Syamdusin, et. Al, *Pengembangan Hukum Profetik*, (Yogyakarta: FH UII Press, 2025), hlm. 83 – 84

According to the Oxford Dictionary, as quoted by Heddy Shri Ahimsa-Putra, 'prophetic' is (1) pertaining or proper to a prophet or prophecy; having the character or function of a prophet; (2) characterised by, containing, or of the nature of prophecy, predictive. Thus, prophetic means having the nature or characteristics of a prophet or being predictive, forecasting.<sup>19</sup>

According to the Great Dictionary of the Indonesian Language, the term 'prophetic' is defined as 'prophecy'. The word prophecy itself comes from the Arabic word 'nubuwah' as mentioned in Q.S. al-Imran (79), which states:

مَا كَانَ لِبَشَرٍ أَنْ يُؤْتِيَهُ اللَّهُ الْكِتَابَ وَالْحُكْمَ وَالنُّبُوَّةَ ثُمَّ يَقُولَ لِلنَّاسِ كُونُوا عِبَادًا لِي مِنْ دُونِ اللَّهِ وَلَكِنْ كُونُوا رَبَّانِيِّنَ بِمَا كُنْتُمْ تُعَلِّمُونَ الْكِتَابَ وَبِمَا كُنْتُمْ تَدْرُسُونَ

Yang berarti “Tidak wajar bagi seseorang manusia yang Allah berikan kepadanya Al Kitab, Hikmah dan Kenabian, lalu Dia berkata kepada manusia: “Hendaklah kamu menjadi penyembah-penyembahku bukan penyembah Allah”. Akan tetapi (dia berkata): “Hendaklah kami menjadi penyembah orang-orang rabbani, karena kami selalu mengajarkan Al kitab dan disebabkan kamu tetap mempelajarinya (Q.S. al-Imran ayat 79)”.<sup>20</sup>

The term prophet comes from the word 'naba', which means news, tidings, story, and tale. In Arabic vocabulary itself, according to Ibn Manzur, the word prophet is attributed to the root words al-nubuwah, al-nabawat, and al-nabi, meaning: high ground, road. The plural form, al-anbiya, means: a path that serves as a guide for someone who is honoured for their abilities. This is in line with the opinions of Imam Warasy and Imam Nafi', who stated that prophethood comes from the Arabic word nabi' and then forms the word nubuwah, which means prophethood. In the Qur'an, the word nabi and its derivatives (such as an-nabiyyun, al-anbiya, an-nubuwwah) are mentioned 65 times.<sup>21</sup>

Quoting M. Syamsudin, the term "prophetic" was first introduced by Muhammad Iqbal (1966) and Roger Garaduy (1982). Muhammad Iqbal introduced the term Prophetic Ethics, which was inspired by the mi'raj of the Prophet Muhammad. Muhammad Iqbal

<sup>19</sup>Heddy Shri Ahimsa-Putra, *Paradigma Profetik Islam, Epistemologi, Etos, dan Model*, (Yogyakarta: Gadjah Mada University Press, 2016), hlm. 2

<sup>20</sup>For further explanation, see M. Syamsudin (Penyunting), *Ilmu Hukum Profetik, Gagasan Awal, Landasan Kefilsafatan dan Kemungkinan Pengembangannya di Era Pstmodern*, (Yogyakarta: FH UII Press, 2013), hlm. 14

<sup>21</sup>Kelik Wardiono, *Paradigma Profetik, Pembaruan Basis Epistemologi Ilmu Hukum*, (Yogyakarta: Genta Publishing, 2016) hlm. 82

introduced the term Prophetic Ethics, which was inspired by the mi'raj of the Prophet Muhammad. According to Iqbal, if the Prophet Muhammad (peace be upon him) had been a mystic or Sufi, he would not have wanted to return to earth, because he felt comfortable, peaceful and happy at His side. However, in reality, the prophet returned to earth to bring about social change and alter the course of history and civilisation. He initiated a socio-cultural transformation based on his prophetic ideals (prophethood). In other words, his religious experience became the basis for his involvement in historical activities. The Sunnah (behaviour) of the Prophet was different from that of a mystic who was satisfied with his own achievements. Iqbal referred to the Prophet's Sunnah as Prophetic Ethics.<sup>22</sup>

Referring to the explanation above, we can conclude that prophetic ethics are guidelines for conduct that contain prophetic values. As exemplified by the Prophets and Messengers, in addition to legal rules, there are ethical rules that can serve as a compass in guiding the journey of statehood. In Islam, adhering to the values exemplified by the Prophet is mentioned in Q.S. Al-Ahzab verse (21), which states:

لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِّمَن كَانَ يَرْجُوا اللَّهَ وَالْيَوْمَ الْآخِرَ وَذَكَرَ اللَّهَ كَثِيرًا

Which means, "Indeed, in the Messenger of Allah there is a good example for you, (that is) for those who hope for (the mercy of) Allah and (the coming of) the Day of Judgement and who remember Allah often (Q.S. Al-Ahzab verse (21))." This verse conveys the message that there are ethical standards that can be learned from the example set by the Messenger of Allah. These ethical guidelines are understood as prophetic ethics.

Prophetic ethics as a value contains at least three basic values, namely humanisation, liberation and transcendence. Prophetic ethics requires every act of public service carried out by state administrators to be a form of obedience to religious teachings (transcendence). Because it is based on obedience to God (transcendence), the actions of state administrators are aimed at the process of humanising humanity (humanisation),<sup>23</sup>

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<sup>22</sup>M. Syamdusin, *Pidato Pengukuhan Guru Besar – Berhukum Profetik di Tengah Kalatidha*, (Yogyakarta, Universitas Islam Indonesia, 2022), hlm. 7

<sup>23</sup>Humanising humanity by upholding dignity, virtue, and human values. It can also be understood as the process of empowering people through knowledge (access to the widest possible quality education) and experience, as well as the comprehensive development of human potential, whether intellectual, emotional, or spiritual.

and the liberation of humans from all forms of oppression against human potential (liberation),<sup>24</sup> through policies that prioritise the greatest possible welfare of the people.

### **c. The Urgency of Prophetic Ethics in Realising a Welfare State**

Bernard L. Tanya begins his book *Law Enforcement in the Light of Ethics* by asking a fundamental yet highly philosophical question: "Why is ethics necessary?" This question seems to have the same spirit and value, prompting researchers to raise the theme of ethical enforcement. In his book, Bernard explains that ethics is an existential part of humanity. It is even exclusive to humans. A cat will immediately devour the food in front of it, without questioning whose food it is and whether it is allowed to eat it. But humans? It is not like that. They will ask first: is it permissible and appropriate to eat it?<sup>25</sup>

Indonesia, as a nation that upholds Pancasila as the philosophical foundation of the state, naturally values ethics as the main guideline for the running of government. Pancasila is the source of ethics for the Indonesian people. For example, the First Principle – Belief in One God – is based on the ethical principle that the Indonesian people are a religious nation. Prophetic ethical values must be the guideline for the Indonesian people.

Prophetic ethics, which Fahrudin Faiz refers to as religious ethics based on Al-Ghazali's moral philosophy, explains that prophetic ethics differs from other ethics that involve oneself, namely the ethical behaviour of individuals or communities. In subsequent developments, when religion emerged, a new genre called religious ethics appeared.<sup>26</sup> While other ethics are based on human reason and power—that is, using reason and logic to determine which actions are good or bad—religious ethics are based on revelation, which comes from the authority of God.<sup>27</sup>

Aristotle's perspective, for example, is that the purpose of being a good person is to remain a good person (being qua being). But in religious ethics, this is not the way of thinking. When religious people are asked why they should be good people, their

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<sup>24</sup>The liberation of humans from all forms of oppression and injustice, with the aim of creating free and prosperous individuals. Human freedom to determine one's own path in life is one indicator of a welfare state. The state is present to ensure that fundamental needs are met through regulatory policies, while citizens are free to access all these potentials, thereby realising a welfare state.

<sup>25</sup>Bernard L. Tanya, *Penegakan Hukum Dalam Terang Etika*, (Yogyakarta: Genta Publishing, 2011), hlm. 1

<sup>26</sup>By the author referred to as prophetic ethics

<sup>27</sup>Fahrudin Faiz, *Filsafat Moral, Dari Al-Ghazali, Pakubawana IV, Lawrence Kohlberg, hingga Hans Jonas*, (Bandung: Mizan, 2024), hlm. 129

orientation is vertical, namely divinity.<sup>28</sup> As can be seen in the prophetic vision brought by the Prophet Muhammad SAW, in HR. al-Baihaqi, which means "Verily, I was sent to perfect noble character" (HR. al-Baihaqi).<sup>29</sup>

So ethics is always a conscious, deliberate, and calculated action in context and situation. When moral awareness surfaces, ethics will formulate it explicitly, discuss it consciously, and then organise that moral awareness in an orderly and rational/logical manner.<sup>30</sup> In its development, ethics is not only inherent in each individual citizen. There is also good governance ethics inherent in state administrators as individuals and as a subsystem of government.

The ethics of government officials are very important in realising good governance. The public sector in Indonesia is also the most complex sector. It is not only government performance that is an issue, but also law enforcement officials who are not serious in carrying out their duties, which will lead to various actions that deviate from the ethics of government officials. The logic is that all public officials should always defend the public interest, but in reality, only some of them do so. Government officials who implement public policies are expected to act in accordance with ethical principles, including fairness, integrity, accountability, and transparency. However, in practice, ethical issues often arise at various levels of government, both central and regional. These issues not only affect public trust in the government but also the quality of public services provided.<sup>31</sup>

In practice, violations committed by state officials are not merely legal violations. The law often lags behind social dynamics, so that many actions by state officials who lack a sense of crisis cannot be addressed by the law. The public's sense of justice is disturbed by the actions of state officials, but these actions do not qualify as violations of the law. Many examples of this encourage civil disobedience. This is where the urgency of prophetic ethics becomes a compass for state officials in their actions and in filling legal vacuums.

Ethics is a fundamental issue in the life of a nation and state. However, ethics must be reinforced with a strong enforcement system. No matter how strong social ethics are, if they are not supported by a clean and strong system, it is inevitable that a weak system will allow everyone to exploit the system to act corruptly. This is why ethics are important as a

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<sup>28</sup>*Ibid*, hlm. 141

<sup>29</sup>*Ibid*, hlm. 136

<sup>30</sup>Bernard L. Tanya, *op cit*, hlm. 3

<sup>31</sup>Fitri Haryani, et.al., *Analisis Permasalahan Etika Pejabat Pemerintahan Dari Perspektif Administrasi Publik*, Volume 2, Nomor 4, November 2024, hlm. 259

moral foundation in building a clean government system. Plato, for example, not only emphasised the importance of ethics as the basis for moral legitimacy in a state government, but also that ethics must be reinforced by the system. Even more philosophically, Plato said that the issue of ethics does not only lie in the rules of right and wrong, but also in the standards of suitability and appropriateness of a person being given public trust. This means that whether someone is competent or not is largely determined by their social attitudes and behaviour, which should consistently demonstrate honesty, fairness, and responsibility. Referring to Plato's opinion, not all members of society, especially the elite in a country, should be given certain positions.<sup>32</sup>

Building a good system is a very difficult task, because there are always shortcomings in any system that is created. However, a bad system can be saved through the ethics of state administrators. In this regard, prophetic ethics play an important role. Every administrator in carrying out state functions should not merely perform their duties out of obligation, but as a form of obedience to God (transcendental). Because every action contains religious values, it is intended to fulfil the values of humanisation and liberation. This is in line with the principle of the welfare state, which requires the presence of the state in all aspects of national and state life to ensure that the basic needs of citizens are met.

#### **d. Problems in Enforcing Ethics for State Administrators**

The ethics of state administrators are an important pillar in upholding integrity, accountability, and public trust in state institutions. In the Indonesian constitutional system, the existence of ethics for state administrators has been recognised in various forms, whether contained in laws, institutional regulations, or the internal codes of ethics of each institution. However, the current ethical regulations are still partial, sectoral, and weak in terms of enforcement of sanctions, thus failing to respond to the increasingly high moral demands of society amid rampant ethical violations by public officials. The inability of ethical regulations to ensure ethical behaviour by state administrators has contributed

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<sup>32</sup>Muhammad, *Peradilan Etika Pemilu, Penguatan Akuntabilitas Penyelenggaraan Pemilu*, (Jakarta: Sekretariat DKPP, 2019), hlm. 5

significantly to the erosion of public trust in state institutions and the government as a whole.<sup>33</sup>

Ethical standards in Indonesia have been scattered across various state institutions, each regulated internally. This has resulted in the absence of uniform national ethical standards and double standards in the regulation of ethical norms. This is a fundamental weakness in the enforcement of ethics by state administrators, as the absence of uniform standards has led to fragmentation in the regulation and enforcement of the code of ethics for state administrators. Ultimately, it is highly likely that there will be differences in ethical standards between one state institution and another. For example, ethical violations by politicians in the House of Representatives are only given light sanctions in the form of reprimands, while the same ethical violations by election administrators or judges are very likely to receive severe sanctions from the DKPP or KY. This lack of uniformity leads to unfairness in the enforcement of ethics.

Ethics enforcement agencies that have existed to date are often not independent and tend to be subordinate to the powers they oversee. For example, the House of Representatives' Ethics Council (MKD), which is tasked with handling ethical violations by members of the House, is often caught up in the tug-of-war between the internal political interests of parties and factions. Many ethical cases are resolved through compromise, or even closed without adequate transparency. Similar situations occur in institutions such as the Judges' Ethics Council and the Election Organizers Ethics Council (DKPP), which are often criticised for their inconsistent decisions and lack of firm sanctions. The weak position of these ethical institutions means that there is no deterrent effect for state officials who commit ethical violations. In addition to structural and institutional weaknesses, another weakness in the regulation of ethics for state officials is the lack of strengthened sanctions and effective mechanisms for enforcing ethical laws. Many ethical violations are not subject to severe sanctions, only written warnings or reprimands, without any firm administrative or political consequences. Even in cases that attract public attention, such as conflicts of interest, the use of state facilities for personal gain, or statements that demean public dignity, officials only receive 'social punishment' without legal consequences. This reflects that the current ethical regulations are more symbolic in nature.<sup>34</sup>

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<sup>33</sup>Tegar Prayoga Purwanto, et.al., *Mendorong Pembentukan Undang-Undang Etika Penyelenggara Negara Sebagai Instrumen Konstitusional Dalam Mengatasi Krisis Kepercayaan Publik*, Jurnal Kewarganegaraan, Volume 9, Nomor 1, Juni 2025, hlm. 69

<sup>34</sup>Anmunanda, N. N., & Is, M. S. *Menggugat Ambang Batas Pencalonan Presiden Dan Wakil Presiden Sebagai Pemenuhan Hak Konstitusi Warga Negara*. Jurnal ELQONUN, Volume 2, Nomor 1, 2024, hlm. 70

In addition to regulations that are set internally by each state institution, resulting in fragmented regulation and enforcement of the code of ethics. Another issue in ethical enforcement is that it is carried out behind closed doors by several ethical enforcement agencies within each state institution. An enforcement model with 100% opacity results in very limited public access to directly monitor the enforcement of ethics by administrators. This undermines the public's sense of moral justice.

Transparency throughout the entire process is crucial in building public trust. When the public knows that the legal profession is serious about upholding ethics and is open to scrutiny, the level of trust in legal institutions will increase. Procedural justice at every stage of the investigation is also an important indicator of the integrity of the ethical system. A non-discriminatory process that allows for defence and ends with a fair decision is a reflection of true professionalism. However, the effectiveness of ethical enforcement is not without challenges. Internally, the independence of ethical enforcement institutions is sometimes still weak. There is a risk of conflicts of interest, especially if the ethics council comes from the same environment as the violator. External factors such as political pressure, intervention by those in power, and a lack of public support can also interfere with the monitoring and enforcement process. Not to mention the weak coordination between institutions, which causes overlap or gaps in the handling of violations.<sup>35</sup>

This differs from the formal mechanism for enforcing the code of ethics of the Election Organizers (KPU and Bawaslu) in the DKPP and the enforcement of ethics for Constitutional Court Judges by the Constitutional Court Honorary Council (MKMK). At the DKPP and MKMK, the model of ethical enforcement is carried out openly, so that the public can directly monitor the enforcement of ethics and ensure public oversight of the process. This approach better guarantees the fulfilment of the public's sense of moral justice. With the fulfilment of the public's sense of moral justice, public trust in the performance of state institutions is higher. State institutions that have gained public legitimacy work with the principle of complete public service. That is the way to realise a welfare state.

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<sup>35</sup>Sabrina Putri Amelia, *Tinjauan Kritis Terhadap Efektivitas Penegakan Etika dan Tanggung Jawab Profesi Hukum*, Volume 3, Nomor 3, Juni 2025, hlm. 535

#### **e. Proposal for a Concept of Prophetic Ethics Characteristics and a Model for Enforcing the Code of Ethics**

Ethics is a fundamental issue in the life of a nation and state. However, ethics must be reinforced with a strong enforcement system. No matter how strong social ethics are, if they are not supported by a clean and strong system, it is inevitable that a weak system will allow everyone to exploit the system to act corruptly.<sup>36</sup> Furthermore, as a value, ethics requires ethical enforcement mechanisms to guarantee the upholding of ethical values. Moreover, in a democratic system, ethical violations often occur and there are no channels for resolution, unlike violations of the law. In fact, state administrators often commit violations that cannot be prosecuted legally because these violations are not legal violations but are classified as ethical violations. As a Pancasila state, ethical violations can be considered as violations of Pancasila as the source of national ethics. Thus, it is an ethical imperative to have a good ethical enforcement system to ensure the upholding of ethics by state administrators.

Before conceptualising an ethical enforcement model, it is important to first formulate ethical values as guidelines for enforcement using the prophetic law paradigm. According to the author, the characteristics of prophetic ethics are the integration of humanisation, liberation and transcendence, which results in prophetic ethics for a welfare state that not only realises a just and prosperous state, but also a civilised and meaningful one. The characteristics of prophetic ethics, according to the author, are as follows:

- 1) Ethical Humanism. In prophetic ethics, humanism is not understood as secular humanism, which places humans as the central object, but rather as theocentric humanism, which views humans as noble beings and caliphs on earth. Therefore, ethical humanism consists of several principles, namely:
  - a) Upholding the dignity of human beings as equals (*al-karamah*). Human beings inherently possess inherent dignity (*karamah insaniyah*) as creatures of God, which is equal regardless of social status, economic gap, or even religious beliefs. Therefore, in a welfare state, every action taken by the government must be intended to respect and protect this human equality. As the Qur'an guarantees human dignity and equality, as stipulated in Q.S. Al-Hujurat verse (13) and Q.S. Al-Isra verse (70), which states:

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<sup>36</sup>*Ibid*

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ  
أَتْقَىٰكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Meaning: "O mankind, indeed We have created you from a male and a female and made you into nations and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous. Indeed, Allah is All-Knowing and All-Aware (Q.S. A;-Hujurat verse (13)". Contextually, this verse becomes the principle of Islamic egalitarianism, whereby there are no caste or social status differences in Islam. Everyone has the same position and human dignity is obtained through piety in the sight of Allah SWT.

﴿وَإِذْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبُرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَىٰ كَثِيرٍ  
مِّمَّنْ خَلَقْنَا تَفْضِيلًا﴾

Meaning: "Indeed, We have honoured the children of Adam and carried them on land and sea. We have provided them with good things and favoured them above many of those We have created with perfect excellence (Q.S. Al-Isra verse (70)". This verse can be understood as the establishment of the noble position of human beings regardless of differences between them.

- b) Prioritising the principle of compassion (*ar-rahmah*). The main vision of prophethood is compassion for the entire universe and all of God's creatures without exception (*rahmatan lil'alamin*). This concept goes beyond mere sympathy to empathy, which is demonstrated through government policy. In the context of the welfare state, the state acts as a protector of vulnerable groups such as children, people with disabilities, the poor, the elderly and other vulnerable groups. As mentioned in Q.S. Al-Anbiya verse (107), which states:

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

Meaning: "We have not sent you (Prophet Muhammad) except as a mercy to all creation (Q.S. Al-Anbiya verse (107)". From this verse, we can understand the prophetic vision of the Prophet Muhammad SAW, which is one of the prophetic ethical standards, is to bring compassion and be a mercy to all creation, not only for Muslims, but for all humanity and the universe.

- c) Promoting collective solidarity in kindness and mutual assistance (*al-birr and at-ta'awun*). Solidarity in kindness and mutual assistance is promoted by prophetic ethics as the foundation of social life, or in other words, rejecting individualism that lacks social sensitivity. Its relationship with the welfare state is that the state promotes a philanthropic system, a cooperative-based economy, and facilitates access to business capital, all of which are well institutionalised. As a form, the state promotes collective solidarity in the economic field, as a form of the movement for kindness and mutual assistance. For example, it is mentioned in Q.S. Al-Baqarah verse (148) which states:

وَلِكُلِّ وَّجْهَةٌ هُوَ مُوَلِّئُهَا فَاسْتَثْبِقُوا الْخَيْرَاتِ أَيْنَ مَا تَكُونُوا يَأْتِ بِكُمْ اللَّهُ جَمِيعًا إِنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ

Meaning: “For every community there is a direction towards which they face. So, compete with one another in good deeds. Wherever you may be, Allah will surely gather you all together. Indeed, Allah is All-Powerful over all things (Q.S. Al-Baqarah verse (148)”. Through this verse, it can be understood that in order to compete in doing good deeds and kindness, collective awareness is necessary.

- 2) Ethical Liberation. In prophetic ethics, liberation is the prophet's primary mission – to free humanity from all forms of oppression, ignorance and bondage. Therefore, ethical liberation consists of several principles, namely:
- a) Structural Liberation – Dismantling Injustice. Prophetic ethics reject all forms of injustice (*zhulm*), structured injustices such as structural poverty, resulting from government policies that impoverish the people. In relation to the welfare state, the state has an obligation to carry out structural restoration through the fight against corruption, the elimination of economic monopolies, the enforcement of fair laws, and the use of natural resources for the welfare of the majority of the people. The argument is based on Q.S. Hud verse (18) and Q.S. Al-Asyura verse (42), which states:

وَمَنْ أَظْلَمُ مِمَّنِ افْتَرَىٰ عَلَى اللَّهِ كَذِبًا أُولَٰئِكَ يُعْرَضُونَ عَلَىٰ رَبِّهِمْ وَيَقُولُ الْأَشْهَادُ هَٰؤُلَاءِ الَّذِينَ كَذَبُوا عَلَىٰ رَبِّهِمْ ۗ أَلَا لَعْنَةُ اللَّهِ عَلَى الظَّالِمِينَ

Meaning: "Who is more unjust than those who invent lies about Allah? They will be brought before their Lord, and the witnesses will say, 'These are the ones who lied about their Lord.' Know that the curse of Allah is upon the unjust (Q.S. Hudud verse (18))."

إِنَّمَا السَّبِيلُ عَلَى الَّذِينَ يَظْلِمُونَ النَّاسَ وَيَبْغُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ أُولَٰئِكَ لَهُمْ عَذَابٌ أَلِيمٌ

Meaning: "Indeed, the reason (for blame) lies only with those who oppress mankind and transgress without right upon the earth. They will have a painful punishment. Q.S. Al-Asyura verse (42)"

In the two verses above, Allah gives a message to Muslims to be fair, defend the oppressed, and resist oppression in the right way. Therefore, Islam not only prioritises the results of actions against oppression, but also ensures that the methods used are correct. In these two verses, Allah also guarantees punishment for every oppressive behaviour.

- b) Intellectual Liberation – Fighting Ignorance. This is based on the spirit of iqra as the first revelation received by the Prophet Muhammad SAW, which essentially means that the first and foremost vision of prophethood is the liberation of humans from blind dogma and ignorance. In relation to the welfare state, there must be a guarantee from the state regarding access to free, quality, equitable and comprehensive education for all citizens. Free, quality education does not only produce workers (like robots), but also shapes people with critical and creative characters, and above all, noble morals as exemplified by the Prophet (prophetic ethics). For example, it is mentioned in Q.S. Al-Anfal verse (22) which states:

إِنَّ شَرَّ الدَّوَابِّ عِنْدَ اللَّهِ الصُّمُّ الْبُكْمُ الَّذِينَ لَا يَعْقِلُونَ

Meaning: "Indeed, the worst creatures that move upon the earth in the sight of Allah are those who are deaf and dumb (unwilling to hear and unwilling to speak the truth), namely those who do not understand (Q.S. Al-Anfal verse (2))." This verse emphasises the wickedness of the ignorant. Therefore, combating ignorance is something that must be done in the prophetic vision of the Prophet.

- c) Economic Liberation – Combating Poverty and Economic Underdevelopment. Prophetic ethics views poverty as an enemy that must be conquered, as learned from the story of the Prophet who was sent as an orphan and not only spread Sharia law, but also built a strong economic civilisation for his people. Therefore, in a welfare state, it is the active duty of the state to create decent jobs, ensure fair wages, promote an economic system that advances micro, small and medium enterprises, and ensure the availability of inclusive economic infrastructure. For example, it is mentioned in Q.S. Al-Mudatsir verses (42–44), which state:

مَا سَأَلَكُمْ فِي سَقَرَ (٤٢) قَالُوا لَمْ نَكُ مِنَ الْمُصَلِّينَ (٤٣) وَلَمْ نَكُ نُطْعِمِ الْمِسْكِينَ (٤٤)

Meaning: "What caused you to enter Saqar (Hell)? (42) They replied, "We were not among those who prayed" (43) and we did not feed the poor (44). (Q.S. Al-Mudatsir verses (42 – 44)". This verse delivers a clear message about the punishment for those who lack social awareness. Hell is a threat to those who do not care about the poor and deliberately create structural poverty by allowing them to remain in hardship.

- 3) Ethical Transcendence. Prophetic ethics in this section provides guidance for individuals, society and the government that the ultimate goal of humanity transcends worldly matters. Therefore, ethical transcendence consists of several principles, namely:
- a) Beyond Material Well-Being. In prophetic ethics, prosperity (falah) is not only about economic abundance, but also inner peace (as-sakinah), spiritual maturity (al-qana'ah), under the umbrella of a meaningful life. In the context of the welfare state, policies should not only focus on statistics, but also on happiness, mental health, social cohesion, and equal opportunities for spiritual development for all religious adherents. As mentioned in Q.S. Ar-Radh verses (28) and (29), which state:

الَّذِينَ آمَنُوا وَتَطْمَئِنُّ قُلُوبُهُمْ بِذِكْرِ اللَّهِ ۗ أَلَا بِذِكْرِ اللَّهِ تَطْمَئِنُّ الْقُلُوبُ (٢٨) الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ طُوبَىٰ لَهُمْ وَحُسْنُ مَآبٍ (٢٩)

Meaning: "(That is) those who believe and whose hearts find peace in remembering Allah. Remember, it is only by remembering Allah that hearts will always find peace (28). Those who believe and do righteous deeds, for them is happiness and a good place of return (29), Q.S. Ar-Radh (28) and (29)". This verse conveys the message that the result of piety in remembering Allah is peace of heart. Therefore, for Muslims, wealth is not only material abundance, but also peace of mind through spiritual maturity.

- b) The Worldly – Ultimate Balance. In prophetic ethics, it is believed that no worldly action will escape judgement in the hereafter. Therefore, there is always a spiritual dimension to every worldly behaviour. In a welfare state, involving the hereafter in every act of government in this world encourages honesty (amanah) among all state administrators. This is because state administrators not only face formalistic governmental controls such as state financial audits that can be circumvented, but also face a "divine audit" in the hereafter. Misalnya disebutkan dalam Q.S. Az-Zalzalah ayat (7) dan (8), serta Q.S. Al-Isra ayat (7), yang menyebutkan:

فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ (٧) وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ (٨)

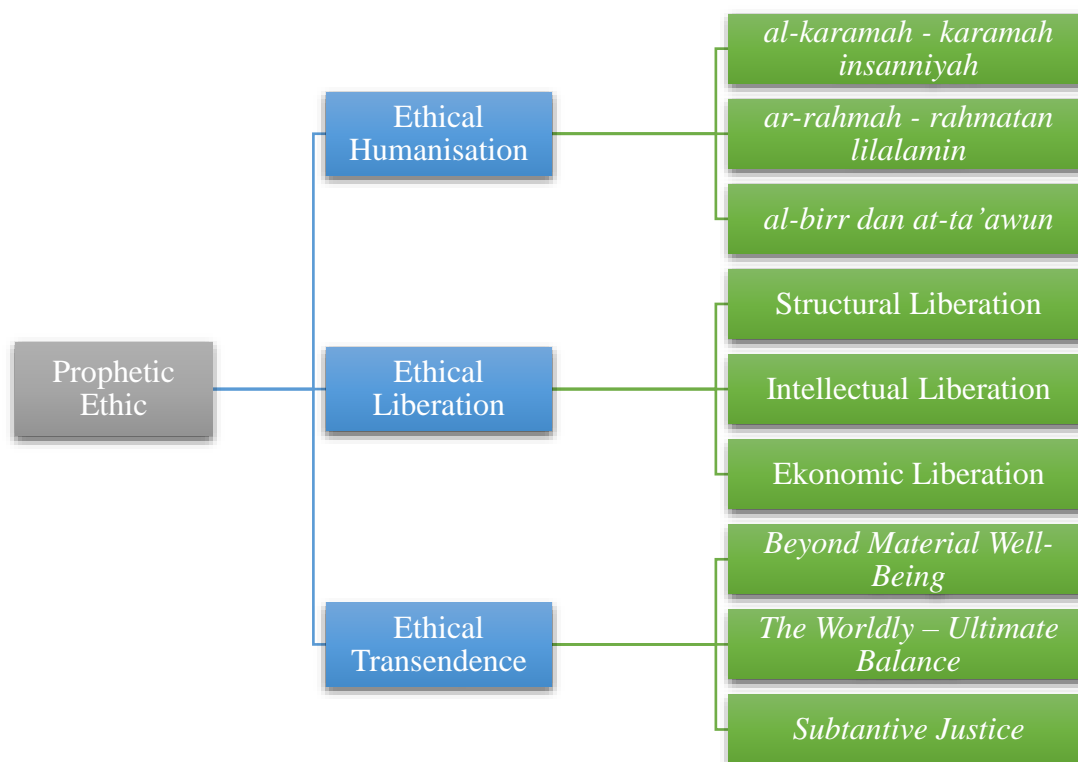
Meaning: "Whoever does an atom's weight of good will see its reward (7) Whoever does an atom's weight of evil will see its punishment (8). Q.S. Az-Zalzalah verses (7) and (8)". This verse clearly conveys a spiritual message about the reward for every action in this world. All good and bad deeds will receive their reward. Therefore, in Islam, there is no good deed that is not considered worship, and no bad deed that is not considered sin.

- c) Substantive Justice. In prophetic ethics, justice (al'adl) is substantive justice, which favours justice for the vulnerable and oppressed (mustad'afin) over individual or group interests. In a welfare state, the law and government actions must not use a formalistic legalistic lens. The state must take affirmative action towards disadvantaged groups to reduce the social and economic gaps they experience. For example, it is mentioned in Q.S. An-Nisa verse (75), which states:

وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانَ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ وَلِيًّا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ نَصِيرًا

Meaning: “Why do you not fight in the cause of Allah and (defend) the weak among men, women, and children who pray, ‘Our Lord, bring us out of this land (Mecca) whose people are oppressors. Grant us protection from You and grant us help from You. (Q.S. An-Nisa verse (75))”. The message of this verse indicates the obligation to defend the oppressed, not only in economic matters but also from various forms of discrimination and persecution, whether as a result of individual actions or government policies.

**Chart 1:** Prophetic Ethical Values



State officials are highly likely to commit violations, both legal and ethical. However, the model for enforcing such violations has so far only been aimed at legal violations, regulated from formal to material mechanisms. For ethics, there are no such regulations. In Indonesia, there are indeed several state institutions that regulate the enforcement of ethical violations by state officials. For example, the Election Organizers Honorary Council (DKPP) adjudicates ethical code violations committed by election

organizers, while the Constitutional Court Honorary Council (MKMK) adjudicates ethical violations by Constitutional Court judges and the Judicial Commission (KY) adjudicates ethical violations committed by judges. There are also various models of internal ethical enforcement within other state institutions.

The author observes that, so far, only the ethical enforcement models implemented by the DKPP and MKMK are worthy of emulation. The DKPP and MKMK have established rules and mechanisms for enforcing the code of ethics, providing guidance to all parties involved, including the accused, the complainant, and the Ethics Council, in the enforcement of ethics. With this model, those seeking justice have certainty regarding the methods of ethical enforcement. In addition to these formal mechanisms, the DKPP and MKMK enforce ethics openly so that the public can see the extent to which state administrators enforce ethics and can directly monitor the enforcement process. Meanwhile, other institutions that have internal mechanisms not only lack standard ethical enforcement mechanisms but also conduct enforcement behind closed doors. This has resulted in double standards in ethical enforcement in Indonesia.

Ethical enforcement reform through the reformulation of ethical institutions within state agencies aims to strengthen the dignity, honour and nobility of state officials who carry out the mandate of the people. Externally, this will certainly strengthen public confidence in the performance of state institutions. Several countries have established ethical tribunals with broad powers equivalent to those of legal courts.<sup>37</sup>

Learning from this, the author would like to propose several models for enforcing the code of ethics, as an effort to uphold the code of ethics for state administrators in Indonesia in order to realise a welfare state, as follows:

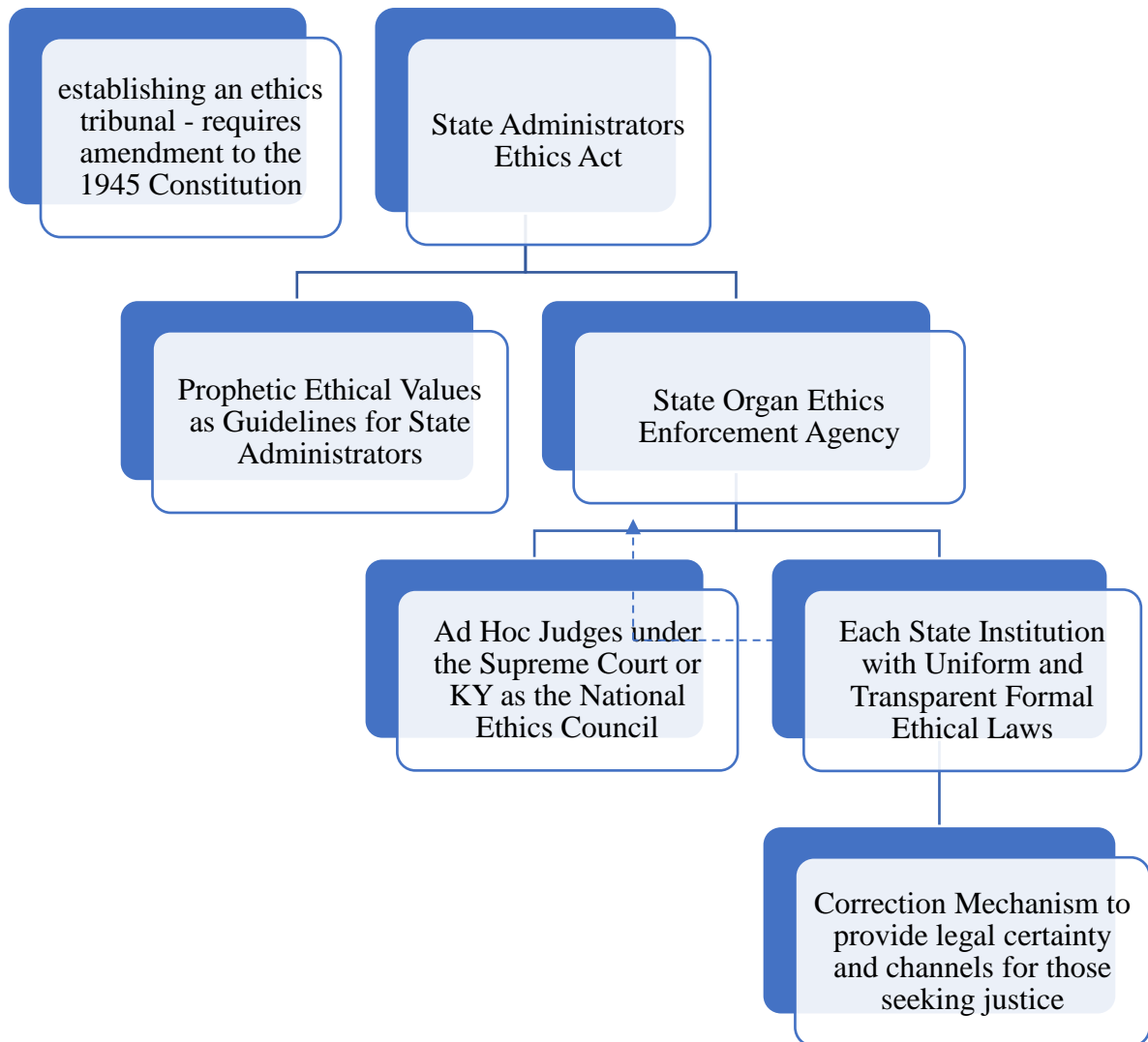
- 1) Drafting, discussing and ratifying the State Administrators' Code of Ethics as a guideline for administrators, thereby avoiding double standards or fragmentation of ethical norms for state administrators, so that there is a uniform ethical standard for state administrators, in addition to ethical values that are alive within the Indonesian nation. The concept of this code of ethics for state administrators must be based on prophetic ethics.

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<sup>37</sup>Mukhtar dan Tanto Lailam, *Problem Etika Penyelenggara Negara dan Gagasan Peradilan Etik yang Independen dan Imparsial*, Jurnal Masalah-Masalah Hukum, Jilid 50, Nomor 3, Juli 2021, hlm. 272

- 2) Concentrate the enforcement of ethics for state officials in a single ethical court. Therefore, establishing an ethical court is a necessity. To achieve this, amending the 1945 Constitution is imperative.
- 3) If the amendment process is a complex political process, then it is sufficient to pass a Law on State Administrator Ethics, which, in addition to regulating prophetic ethical standards as guidelines for state administrators, also regulates the institutional enforcement of state administrator ethics in the following format:
  - a) Proposal I – Placing the authority to adjudicate ethical violations under the Supreme Court, which appoints ad hoc ethics judges as adjudicators, or establishing the Judicial Commission as the State Administrative Ethics Council;
  - b) Proposal II – If the political process of amending the 1945 Constitution or the Law on Ethical Adjudication proves to be complicated, then every existing internal ethics enforcement institution within state institutions should establish a formal mechanism for uniform ethics enforcement for all state institutions, prioritising the principle of transparency, so that the ethics enforcement process is accountable and provides certainty for those seeking justice, and can be directly monitored by the public. Then, for those seeking justice who feel that ethical decisions on ethical violations do not reflect moral justice or are unfair to the subjects who receive ethical sanctions, they can pursue a correction process against ethical decisions to the Ethics Court, which is centralised under the Supreme Court or the Judicial Commission, which serves as the State Administrators' Ethics Council. This correction process needs to be considered in order to provide legal certainty and a channel for those seeking justice in state administrator ethical disputes.

**Chart 2:** Proposed Conceptual Model for Institutional Enforcement of the Code of Ethics



## 5. CONCLUSION

System design in state administration always leaves room for improvement. These shortcomings can only be remedied through ethics. This is where prophetic ethics play an important role. Prophetic ethics require state administrators to carry out their governmental functions with the intention of obeying God – the transcendental. With this obedience to God, governmental actions are aimed at fulfilling the values of humanisation and liberation. In this way, efforts to realise a welfare state can be achieved. To this end, it is necessary to enforce the ethics of state administrators with formal mechanisms that are carried out transparently. This is so that the enforcement of ethics can be accounted for and directly monitored by the public.

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