



Whistleblowers as Anti-Fraud in Banking Crimes from a Maslahah Perspective

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Abstract

This research aims to examine the important role of whistleblowers in exposing banking crimes from the perspective of maslahah in Islamic law. This study uses a qualitative-normative approach with a literature study method on positive legal regulations and literature related to maslahah theory developed by maqāṣid scholars. Legal sources consist of primary legal materials such as the Corruption Crime Law, the Financial Services Authority, and the Protection of Witnesses and Victims; as well as secondary legal materials in the form of books, journals, and scientific articles. Because this research is normative, the main focus is on the study of positive legal norms and not on empirical data from the field. The analysis was carried out qualitatively through grouping and drawing deductive conclusions. The results of the study show that whistleblowers have a strategic role in detecting and exposing fraudulent practices because of their direct access to internal information that is not known to the public. The fraud in question includes various forms of legal and ethical violations that occur in the banking sector and can harm customers, financial institutions, and economic stability at large. From the perspective of maslahah, the existence of whistleblowers reflects efforts to protect the public interest, especially in maintaining honesty, justice, and property in the muamalah system. This study recommends the need to strengthen legal protection mechanisms for whistleblowers to ensure a sense of security and avoid potential threats, intimidation, or other retaliatory actions. In addition, the study emphasizes the importance of building a reporting system that is not only technically and institutionally secure, but also benefit-oriented, i.e. encouraging public participation in oversight and increasing the effectiveness of law enforcement and transparent governance.

Keywords: Banking crimes, Fraud prevention, Maslahah, Whistleblower

Abstrak

Penelitian ini bertujuan untuk mengkaji peran penting whistleblower dalam mengungkap kejahatan perbankan dari perspektif maslahah dalam hukum Islam. Penelitian ini menggunakan pendekatan kualitatif-normatif dengan metode studi kepustakaan terhadap peraturan hukum positif serta literatur yang berkaitan dengan teori maslahah yang dikembangkan oleh para ulama maqāṣid. Sumber hukum dalam penelitian ini terdiri atas



bahan hukum primer seperti Undang-Undang Tindak Pidana Korupsi, Otoritas Jasa Keuangan (OJK), dan Undang-Undang Perlindungan Saksi dan Korban; serta bahan hukum sekunder berupa buku, jurnal, dan artikel ilmiah. Karena penelitian ini bersifat normatif, fokus utamanya terletak pada kajian norma hukum positif dan bukan pada data empiris dari lapangan. Analisis dilakukan secara kualitatif melalui pengelompokan dan penarikan kesimpulan secara deduktif. Hasil penelitian menunjukkan bahwa whistleblower memiliki peran strategis dalam mendeteksi dan mengungkap praktik kecurangan karena memiliki akses langsung terhadap informasi internal yang tidak diketahui oleh publik. Kecurangan yang dimaksud mencakup berbagai bentuk pelanggaran hukum dan etika yang terjadi di sektor perbankan dan dapat merugikan nasabah, lembaga keuangan, serta stabilitas ekonomi secara umum. Perspektif maslahah, keberadaan whistleblower mencerminkan upaya untuk melindungi kepentingan umum, khususnya dalam menjaga kejujuran, keadilan, dan harta dalam sistem muamalah. Penelitian ini merekomendasikan perlunya penguatan mekanisme perlindungan hukum bagi whistleblower untuk menjamin rasa aman dan menghindari potensi ancaman, intimidasi, atau tindakan balasan lainnya. Selain itu, penelitian ini menekankan pentingnya pembangunan sistem pelaporan yang tidak hanya aman secara teknis dan kelembagaan, tetapi juga berorientasi pada kemaslahatan, yaitu mendorong partisipasi publik dalam pengawasan serta meningkatkan efektivitas penegakan hukum dan tata kelola pemerintahan yang transparan..

Kata Kunci: Kejahanan perbankan, Pencegahan kecurangan, Maslahah, Whistleblower

Introduction

The phenomenon of banking crime continues to escalate both in terms of frequency, complexity, and impact on economic stability and public trust.¹ In the midst of the advancement of the digital banking system and the development of financial technology, various forms of banking crimes have emerged such as abuse of authority, falsification of credit documents, manipulation of financial statements, and fraud schemes that are increasingly complicated and difficult to detect.² Based on the 2024 Fraud Survey conducted by the Association of Certified Fraud Examiners (ACFE) Indonesia, it was found that the banking sector occupies the second highest position as an institution that is harmed by *fraud*. The survey also revealed that *fraud* that occurred in banks mostly involved bank employees and officials.³ This data shows that the bank's governance system and supervisory functions are still weak, thus opening up opportunities for insiders to act fraudulently.⁴

Cases such as the Danske Bank Money Laundering Scandal in Europe and the Wells Fargo Fake Accounts Scandal in the United States show that whistleblowers are often victims

¹ Nur Fadhilah Mappaselleng and Andar Siddik, "Criminological Analysis of Banking Crimes in Makassar City," *Alauddin Law Development Journal* 6, no. 2 (2024): 384–393.

² Pesman Laia and Hudi Yusuf, "Regulasi Tindak Pidana Ekonomi Dalam Kasus Perbankan Penyalahgunaan Wewenang," *Jurnal Kajian Hukum Dan Kebijakan Publik* | E-ISSN: 3031-8882 2, no. 1 (2024): 431–435.

³ "Fraud Indonesia Survey 2024, ACFE (Association of Certified Fraud Examiners) Chapter Indonesia in collaboration - Penelusuran Google," diakses 17 Juli 2025.

⁴ Dayah Abdi Kulmie and Mohamed Salad Ibrahim, "Bank Corporate Governance: Shield against Fraud," *Journal of Ecohumanism* 3, no. 3 (2024): 1917–1932.

of pressure, job loss, and even social isolation for exposing internal fraudulent practices.⁵ This condition has a deterrent effect for other employees to report irregularities, so that the culture of silence (code of silence) is still strong in the international banking world. In addition to protection issues, cross-jurisdictional challenges are also a major obstacle. Many banking crimes are transnational, such as money laundering, tax evasion, and manipulation of transactions between countries.⁶ However, coordination between financial and legal authorities in various countries is still weak, so whistleblower reports are often not followed up due to limited authority or differences in the legal system. This has caused many major cases, such as the Panama Papers and LuxLeaks, to only come to light after going through international media channels, rather than from official reporting mechanisms at financial institutions.

The main challenge for the banking sector today is not only in the aspect of supervision, but also in efforts to detect fraud that is increasingly structured and hidden.⁷ The latent and conspiratorial nature of *fraud* crimes makes it difficult for external and internal supervisory institutions to dismantle criminal networks, especially when the main actors are in strategic positions within the financial institution itself.⁸ Supervisory bodies such as the Financial Services Authority (OJK), Bank Indonesia (BI), and law enforcement officials are often faced with limited initial data and slow internal reporting from banking institutions.⁹ Crimes that are covert in nature and involve internal members of the bank require detection instruments that not only rely on formal surveillance systems such as audits but also require the support of individuals who know firsthand about the act. This is where the role of *whistleblowers* becomes very important.¹⁰ *Whistleblowers* are individuals who voluntarily report acts of *fraud*, corruption, or other violations of the law from within the system itself.¹¹ In the context of banking, *whistleblowers* play the role of internal agents who are able to open the wall of silence and pseudo-loyalty to colleagues and superiors involved in criminal acts.

In the perspective of Islamic law, the courage to report a crime cannot be categorized as an act of treason, but rather a manifestation of moral and social responsibility based on religious commandments. The actions of a whistleblower can be interpreted as a

⁵ Tibor Rácz, "How Does Whistleblowing and Leaking Affect Anti-Money Laundering Policy Changes in the European Union" (PhD Thesis, Doctoral dissertation, Central European University, 2019), http://www.etd.ceu.edu/2019/racz_tibor.pdf.

⁶ Richard Gordon and Andrew P. Morriss, "Moving Money: International Financial Flows, Taxes, and Money Laundering," *Hastings Int'l & Comp. L. Rev.* 37 (2014): 1.

⁷ Oluwabusayo Adijat Bello and Komolafe Olufemi, "Artificial Intelligence in Fraud Prevention: Exploring Techniques and Applications Challenges and Opportunities," *Computer Science & IT Research Journal* 5, no. 6 (2024): 1505-1520.

⁸ Waleed Hilal et al., "Financial Fraud: A Review of Anomaly Detection Techniques and Recent Advances," *Expert Systems with Applications* 193 (2022): 116429.

⁹ Marieta Wuarmanuk and Iis Solihat, "Financial Statement Fraud Detection and Efforts Handling it at the People's Economic Bank," *Proceeding of International Students Conference of Economics and Business Excellence* 1 (2024): 105-108, https://conference.ut.ac.id/index.php/proceeding_iscebe/article/view/4539.

¹⁰ Myron Glazer and Penina Migdal Glazer, "The Whistleblowers: Exposing Corruption in Government and Industry," (No Title), 1989, <https://cir.nii.ac.jp/crid/1130000797229074944>.

¹¹ Ratna Marta Dhewi, "Navigating the Whistleblowing and Fraud Prevention Literature: A Scopus-Based Bibliometric Exploration," *JIA (Jurnal Ilmiah Akuntansi)* 8, no. 2 (2023): 418-437.

manifestation of the principle of *amar ma'ruf nahi munkar*, which is to call for goodness and prevent evil, which is one of the important pillars in Islamic teachings.¹² In the context of banking crimes, reporting criminal acts such as fraud or financial manipulation has a very significant dimension of benefit (*maslahah 'ammah*).¹³ Because it is closely related to efforts to maintain financial system stability, protect the interests of the public, and strengthen the integrity and public trust in financial institutions.

Research on the role of whistleblowers in exposing banking crimes has been of concern to a number of academics in the fields of law and economics. For example, a study conducted by Koeswayo et. al., highlights the urgency of legal protection for whistleblowers in fraud cases in the financial sector. They found that the lack of legal protection guarantees led to low public participation in reporting corruption and fraud in the banking sector.¹⁴ Meanwhile, research by Ansori, examined the effectiveness of whistleblowing mechanisms in Indonesian banking institutions, and concluded that without an anonymous and secure reporting system, the role of whistleblowers cannot function optimally in preventing and exposing fraud. In the context of Islamic law, studies related to whistleblowers are still limited, but there is a normative approach that discusses the role of individuals in safeguarding the public interest (*maslahah 'ammah*).¹⁵ One of the important references in this regard is research by Aziz which relates the values of *maqāṣid al-shari'ah* to transparent governance, where the concept of *amar ma'ruf nahi munkar* can be paralleled with the practice of whistleblowing.¹⁶ He emphasized that the involvement of individuals in dismantling injustice and deviance is a form of moral and social responsibility in maintaining the five basic principles of *maqāṣid*, religion, soul, intellect, heredity, and property.

In terms of Islamic law, a study conducted by Asmawi, tries to examine the disclosure of violations in corruption through the *maqāṣid al-shari'ah* approach. In his research, he showed that the involvement of the community in dismantling crime is part of efforts to protect the public interest (*maslahah*), especially in protecting public property from misappropriation.¹⁷ However, the focus of his research is more directed at corruption in general and has not specifically explained the practice of whistleblowing in the banking sector. Meanwhile, in Islamic financial literature, Jasser Auda have emphasized the

¹² Fatahillah Ruslan et al., "Pengaruh Whistleblowing System Dan Moral Reasoning Dalam Pengungkapan Fraud Keuangan Dengan Pemahaman Amar Ma'Ruf Nahi Mungkar Sebagai Variabel Moderasi," *ISAFIR: Islamic Accounting and Finance Review* 3, no. 1 (2022): 21–39.

¹³ Nur Hazirah Zainudin and Wan Mohd Zulhafiz Wan Zahari, "Whistleblowing: A Western and Shari'ah Perspective," *IIUMLJ* 26 (2018): 99.

¹⁴ Poppy Sofia Koeswayo et al., "Investigating the Relationship between Public Governance and the Corruption Perception Index," *Cogent Social Sciences* 10, no. 1 (2024), <https://doi.org/10.1080/23311886.2024.2342513>.

¹⁵ Ansori Ansori, "Strengthening Whistleblower Protection through Legal Reform and Islamic Ethics in Combating Corruption in Public Institutions," *Journal of Islamic Economics Lariba* 11, no. 1 (2025), <https://journal.uii.ac.id/JIELariba/article/view/39879>.

¹⁶ Norazita Marina Abdul Aziz and Fadzila Azni Ahmad, "The Islamic Ethics and Morality in Aligning Integrity Function for the Conceptualisation of Islamic Accounting Concepts," *Editorial Board* 172 (2019), https://www.academia.edu/download/61479107/Epro2019_IDMAC20191210-77450-1dt8ads.pdf#page=180.

¹⁷ Qosim Arsadani Asmawi and Siti Hanna, *Theory of Maslahah (Public Interest) and Its Relevance to Indonesian Corruption Eradication Law*, 2020, <https://repository.uinjkt.ac.id/dspace/handle/123456789/70356>.

importance of transparency and accountability as part of maqāṣid governance. Although they do not explicitly discuss whistleblowers, their ideas about the importance of the role of the individual in maintaining trust and avoiding ghuluw (deviation) can be a strong normative basis for the development of the concept of whistleblower in Islamic law.

Based on the previous research above, this study has unique characteristics that distinguish it from previous studies. Most previous research has focused on the technical and legalistic aspects of whistleblowing in the prevention of banking crimes, both from the perspective of risk management and the legal protection of witnesses. Studies focus on the legal protection framework for whistleblowers in the Indonesian legal system, but have not touched on the ethical substance and spiritual values underlying the reporting act. Meanwhile, some other studies are still conceptual and have not positioned whistleblowers as part of the instruments of protecting the public interest in the banking system. In other words, whistleblowers have not been positioned as the main actors in maintaining the stability of the economic system from an Islamic perspective. This research appears to distinguish itself by combining a juridical-normative approach and Islamic ethics based on *maslahah* theory. In this case, the role of the whistleblower is not only seen as a legal tool, but also as a tangible manifestation of moral trust and responsibility rooted in religious values.

This research uses a type of normative legal research, which is research that focuses on the study of applicable legal norms, both in the form of relevant laws and regulations, doctrines, and legal principles.¹⁸ This approach is used to examine in depth the position and effectiveness of the whistleblowing mechanism in the Indonesian legal system, especially in the context of preventing banking crimes, and analyzed through the perspective of *maslahah*. The research approach used is the statute approach, the statutory approach is used to examine the regulations that regulate whistleblowers of banking criminal law in Indonesia. A conceptual approach is used to examine the concept of whistleblower within the framework of Islamic law, including through *maslahah* theory.¹⁹ Meanwhile, a comparative approach is used to examine whistleblower protection systems in several other countries as evaluative material for national regulations.

The sources of legal materials used in this study are divided into three, namely, primary legal materials, including relevant laws and regulations such as Law No. 31 of 1999 jo. Law No. 20 of 2001 concerning the Eradication of Corruption Crimes, Law No. 21 of 2011 concerning the Financial Services Authority, and Law No. 13 of 2006 concerning the Protection of Witnesses and Victims. Secondary legal materials, in the form of legal literature, national and international scientific journals, expert opinions, and the results of previous research related to whistleblowers, banking crimes, and Islamic legal principles. Furthermore, the legal materials obtained are analyzed using a qualitative analysis method, namely by grouping, interpreting, and constructing legal arguments based on deductive

¹⁸ John W. Creswell dan Cheryl N. Poth, *Qualitative inquiry and research design: Choosing among five approaches* (Sage publications, 2016).

¹⁹ Elmar Hashimov, "Qualitative Data Analysis: A Methods Sourcebook and The Coding Manual for Qualitative Researchers: Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña. Thousand Oaks, CA: SAGE, 2014. 381 Pp. Johnny Saldaña. Thousand Oaks, CA: SAGE, 2013. 303 Pp.," *Technical Communication Quarterly* 24, no. 1 (2015): 109–112, <https://doi.org/10.1080/10572252.2015.975966>.

logic.²⁰ Legal reasoning is carried out to formulate prescriptive conclusions, namely in the form of the formulation of norms or recommendations for improvement to the current positive legal weaknesses, as well as the idea of strengthening the whistleblowing system based on the principles of justice and benefit.

The Role of Whistleblowers in Anti-Fraud Systems

A *whistleblower* is an individual who is aware of a violation of the law, ethics, or organizational policy, and consciously decides to report the act to the authorities. In the context of banking, the role of *whistleblowers* is very significant in exposing banking crimes committed in a closed and organized manner. The existence of a *whistleblower* is an important entry point in the investigation because the violations committed generally involve internal individuals who understand the operational details of the institution. The strategic function of the *whistleblower* lies in his position in the system, so that he has direct access to information and primary evidence related to *fraudulent* acts.²¹ Compared to formal internal oversight systems that rely on audits and documentation, *whistleblowers* have a field perspective and can catch fraud symptoms early on, even before they are administratively recorded.

The success of whistleblower reporting systems has been proven in many international cases. In the United States, the disclosure of the Enron, WorldCom, and Lehman Brothers scandals cannot be separated from the contributions of individuals who reported irregularities within the company.²² The American government even provides financial rewards to *whistleblowers* through the Dodd-Frank Act and the False Claims Act as a form of strengthening protections and incentives.²³ In Indonesia, the internal reporting mechanism (*whistleblowing system*) has begun to be adopted by several state institutions and state-owned banks. The Financial Services Authority (OJK) itself has issued guidelines for the implementation of *the whistleblowing system* in the financial services sector.²⁴ However, the

²⁰ Matthew B. Miles, "Qualitative data analysis: An expanded sourcebook," *Thousand Oaks*, 1994.

²¹ Marcia P. Miceli et al., *Whistle-Blowing in Organizations* (Psychology Press, 2008), <https://www.taylorfrancis.com/books/mono/10.4324/9780203809495/whistle-blowing-organizations-marcia-miceli-janet-pollex-near-terry-dworkin>.

²² Wim Vandekerckhove and Arron Phillips, "Whistleblowing as a Protracted Process: A Study of UK Whistleblower Journeys," *Journal of Business Ethics* 159, no. 1 (2019): 201-19, <https://doi.org/10.1007/s10551-017-3727-8>.

²³ Stephen M. Kohn, *the new whistleblower's handbook: A step-by-step guide to doing what's right and protecting yourself* (Rowman & Littlefield, 2017).

²⁴ "Salinan Peraturan Otoritas Jasa Keuangan Republik Indonesia Nomor 12 Tahun 2024 - Penelusuran Google," accessed October 6, 2025, https://www.google.com/search?q=SALINAN+PERATURAN+OTORITAS+JASA+KEUANGAN+REPUBLIK+INDONESIA+NOMOR+12+TAHUN+2024&sca_esv=6d56a4b81d83c992&rlz=1C1GC EA_enID922ID922&sxsrf=AE3TifNdqkwLrqZlhwoDX9io_vN1TKNvw%3A1759738639709&ei=D3vjaIr5KqKy4-EP8OjQmQo&ved=0ahUKEwjKvJGkkY-QAxUi2TgGHXA0NKMQ4dUDCBA&uact=5&oq=SALINAN+PERATURAN+OTORITAS+JASA+KEUANGAN+REPUBLIK+INDONESIA+NOMOR+12+TAHUN+2024&gs_lp=Egxnd3Mtd2l6LXNlcnAiT1NBTElOQU4gUEVSQVRVUkFOIE9UT1JJVEFTIEpBU0EgS0VVQU5HQU4gUkVQVUJMSUsgSU5ET05FU0IBIE5PTU9SIDEyIFRBSFVOIDIwMjRIqxFQ2whY2whwAXgAkAEAmAFWoAFWqgEBMbgBA8gBAPgBAfgBApgCAaACEKgCFMICBxAjGCcY6gLCAhAQABgDGLQCGOoCGI8B2AEBmAMQ8QWoT5w6sZWMOroGBggBEAEYCpIHATGgB4MBsgcAuAcAwgcDMy0xyAcO&client=gws-wiz-serp

implementation is not even and symbolic without a concrete guarantee of protection for whistleblowers.

One of the main obstacles in strengthening the role of *whistleblowers* in Indonesia is the weak legal protection.²⁵ Although there is Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, as well as several other regulations from the KPK, there is no regulation that specifically and comprehensively regulates the legal position of *whistleblowers* in the banking sector. This legal uncertainty makes many individuals hesitant to report any violations they are aware of. In the context of Islamic law, the role of *whistleblowers* can be seen as a form of *amar ma'ruf nahi munkar*, which is to encourage goodness and prevent evil. Reporting crimes, especially those related to betrayal of public trust such as customer funds, is a form of social worship and high moral responsibility. Through the perspective of maslahah, the act of *whistleblowing* brings great benefits to the wider community because it prevents greater losses. This includes efforts to protect property (*hifz al-mal*), maintain justice (*hifz al-din*), and maintain social stability. Therefore, the legal system and organizational culture must support, not punish, the act of reporting.

Banks and financial institutions need to design reporting systems that ensure the safety and confidentiality of whistleblowers, including providing encrypted digital channels, independent verification teams, and advanced monitoring systems to ensure reports are taken seriously. Transparency in handling reports will also increase the trust of whistleblowers. In practice, *whistleblowers* are not only whistleblowers, but can be expert informants for audit agencies or law enforcement officials in describing complex *fraud* schemes. This requires regulatory support so that the whistleblower can be included in the legal process without experiencing legal repercussions that are detrimental to him.

Protection against *whistleblowers* must include legal, social, and economic aspects. In addition to protecting identity and safety, the state also needs to provide appropriate compensation to *whistleblowers* who are proven to have contributed to saving public finances or preventing major losses in the banking sector. Strengthening the *whistleblower system* institutionally must also involve external supervisory institutions such as the OJK, BI, and KPK, so that reports do not stop at the internal level that is vulnerable to conflicts of interest. Inter-agency integration and the development of a national digital reporting system are a long-term solution. The role of *whistleblowers* in the banking sector is a very important form of internal security, especially in a complex and closed work climate. When the legal system and organizational culture are supportive, *whistleblowers* can be the first guardian against a potential financial crisis that damages the nation's economic joints. Thus, the role of *whistleblowers* in the anti-fraud system must continue to be strengthened through a combination of regulatory, institutional, and cultural approaches. Only with proper protection and reward, *whistleblowers* can carry out their strategic functions to the maximum in eradicating banking crimes.²⁶

²⁵ Robert G. Vaughn, "The Successes and Failures of Whistleblower Laws," in *The Successes and Failures of Whistleblower Laws* (Edward Elgar Publishing, 2012), <https://www.elgaronline.com/downloadpdf/monobook/9781849808378.pdf>.

²⁶ Muhammad Zakiy and Julia Noermawati Eka Satyarini, "Becoming a Whistleblower and the Role of a Leader: Desires and Barriers," *International Journal of Ethics and Systems*, Emerald Publishing Limited, 2025, <https://www.emerald.com/insight/content/doi/10.1108/IJES-06-2024-0173/full.html>.

Maslahah's Perspective on Whistleblowers

In the treasures of Islamic law, the principle of *maslahah* is an important foundation in establishing a law on an event that is not explicitly regulated in the Qur'an or hadith. *Maslahah* is defined as everything that brings benefits and prevents damage to mankind in the life of this world and the hereafter. Therefore, *whistleblower's* actions in dismantling banking crimes can be assessed through the perspective of *maslahah*.²⁷ In principle, *whistleblowing* aims to prevent major damage, namely the loss of public trust, the financial loss of the community, and the destruction of the economic system due to systematic financial crimes. This action is in line with *maqashid al-shari'ah* which prioritizes the protection of five main points: religion, soul, intellect, heredity, and property. Whistleblowers, in their function, contribute directly to the protection of assets, namely by exposing the practice of embezzlement, bank corruption, credit manipulation, and various other forms of *fraud* that harm the wider community. Reporting banking crime means protecting the assets of the people from destruction and abuse that damage the social order.

In addition, reporting against criminals is a form of actualization of maintaining religion, because a fair and clean financial system is part of the implementation of justice values that are at the core of Islamic teachings. Not allowing tyranny and perverseness is a moral and spiritual obligation that is recommended in Islam.²⁸ In this context, *whistleblower's* actions can be considered a form of *amar ma'ruf nahi munkar* that is not only individual, but also has a broad social impact.²⁹ Therefore, the protection and support of *whistleblowers* is not only a state affair, but also part of the collective responsibility of the people.

Maslahah born from the actions of whistleblowers is *maslahah 'ammah* (public good), not just for individual interests. Therefore, if such actions bring great benefits to society and prevent systemic damage, then Islamic law strongly supports it. In fiqh, *maslahah* is divided into three levels: *maslahah daruriyyah* (primary), *hajiyyah* (secondary), and *tahsiniyyah* (complementary). *Whistleblowing* in banking *fraud cases* is included in the category of *maslahah daruriyyah*, because it concerns efforts to maintain economic stability and public trust. If a person witnesses a crime and does not report it, then he or she is allowing the damage to continue. In jinyah fiqh, the silence towards gross violations can be considered as a form of neglect of *mafsadah* (damage) which is contrary to Islamic principles in maintaining trust and preventing tyranny.

Classical scholars such as al-Ghazali, al-Shatibi, and Ibn Qayyim al-Jawziyyah have recognized that law must continue to adapt to the changing times through a relevant *maslahah* approach.³⁰ Therefore, the *whistleblowing* system, although not part of classical Islamic law, can be legalized as a legitimate legal instrument if it brings benefits and does not contradict the *nash*. In practice, positive law in Indonesia can be synergized with Islamic

²⁷ Mohammad Hashim Kamali, "Methodological Issues in Islamic Jurisprudence," *Arab LQ* 11 (1996): 3.

²⁸ Muhtar Holland and Khurshid Ahmad, *Public Duties in Islam: The Institution of the Hisba*, vol. 3 (Islamic Foundation, 1982).30

²⁹ Shoaib Ul-Haq et al., "Can Religion Motivate People to Blow the Whistle?," *Archive for the Psychology of Religion* 47, no. 1 (2025): 54–78, <https://doi.org/10.1177/00846724241241341>.

³⁰ Nadirsyah Hosen, *Shari'a & constitutional reform in Indonesia* (Institute of Southeast Asian Studies, 2007). 50

values through a contemporary *fiqh* approach. The role of the state as the guardian of *al-amr* is to ensure social justice and protection for those who seek the truth, including *whistleblowers*. The benefit lies not only in the final outcome of the case reveal, but also in the process, which is to form a healthy organizational culture, build collective awareness, and instill the courage to fight falsehoods. These values are in line with Islamic teachings in forming a trustworthy, just, and responsible society. In this case, an educational and religious approach is needed in socializing the importance of reporting as part of social worship.

From the side of *maqashid al-shari'ah*, if reporting fraud is not carried out, there will be great damage to the social and economic life of the people. Therefore, the act of reporting is a collective obligation (*fardhu kifayah*) in order to maintain a fair system.³¹ In the face of the dilemma between loyalty to institutions and responsibility to society, the *maslahah* approach provides moral and legal legitimacy for *whistleblowers* to act. Islam does not tolerate falsehood even if it is done by people in one group.³² The *maslahah* approach provides a strong theological and legal basis to support *whistleblowers* as protectors of the financial system from moral and economic damage. Their actions are in line with Islam's mission in maintaining justice, honesty, and the welfare of the ummah.

Case Studies and Comparisons of Other Countries

To understand the effectiveness of the whistleblowing system in the context of the eradication of banking crimes, it is important to look at case studies both domestically and internationally. This study will show how the existence of *whistleblowers* is able to unveil complex financial crimes and how other countries regulate and protect *whistleblowers* as an important component of the *anti-fraud system*. One of the major case studies in Indonesia is the Century Bank case that emerged in 2008. This case includes allegations of manipulation of fund flows, the distribution of non-performing loans, and intervention with financial supervisory authorities. Despite an audit from the Audit Board (BPK) and the intervention of the House of Representatives (DPR), the initial investigation process was very slow and many parties suspected the concealment of internal information. The existence of individuals who leaked information to the media and authorities helped speed up the disclosure of this scandal. The cases of Jiwasraya and Asabri also show how important internal information is in dismantling fraudulent investment schemes that cause state losses of up to trillions of rupiah. In both cases, information from insiders became the beginning of the investigation followed by a forensic audit by the BPK and the KPK. Unfortunately, most of the whistleblowers in these cases are not legally protected and even face backlash.

At the international level, the Enron scandal shows that the success of the whistleblower system is a tangible form of efforts to maintain and expand the public interest in the economic and corporate governance sectors.³³ Sherron Watkins' actions as an internal

³¹ Hamdy Abdullah et al., "Whistleblowing Likelihood Scale in the Lights of Kohlberg and Maqasid Shariah," *International Journal of Islamic and Middle Eastern Finance and Management* 17, no. 5 (2024): 974–90, <https://doi.org/10.1108/imefm-12-2023-0462>.

³² Dina El-Bassiouny et al., "To Blow or Not to Blow the Whistle? An Islamic Framework," *Journal of Business Ethics* 187, no. 2 (2023): 385–404, <https://doi.org/10.1007/s10551-022-05274-z>.

³³ Richard House et al., "Teaching Enron: The Rhetoric and Ethics of Whistle-Blowing," *IEEE Transactions on Professional Communication* 47, no. 4 (2004): 244–255.

whistleblower brought great benefits (*maslahah 'ammah*) because they helped expose the practice of manipulating financial statements that not only harmed the company and its shareholders, but also threatened market stability and public confidence in the national financial system. With these actions, corrective mechanisms are created that prevent wider damage and foster a culture of integrity in the corporate environment. Furthermore, the passage of the Sarbanes-Oxley Act in 2002 and the Dodd-Frank Act in 2010 strengthened the dimension of *maslahah* through policies that provide legal protection, confidentiality guarantees, and incentives for whistleblowers.³⁴ These regulations not only protect individuals from retaliation, but also strengthen the company's internal control system to be more transparent and accountable.

This fosters a sense of security for employees who want to report irregularities without fear of losing their jobs or reputation. Socially, the whistleblower system creates a widespread positive effect because it fosters public trust in financial institutions and governments. From the point of view of *maslahah*, this policy functions as a preventive mechanism against fraud and abuse of power, thereby strengthening the foundation of economic justice. Thus, the success of the whistleblower system not only serves as a legal tool, but also as a means to realize social balance, business ethics, and protection of the public interest within the framework of the broader welfare.

Whistleblower protection as implemented in the UK and Australia reflects a high form of public benefit (*maslahah 'ammah*), as it directly contributes to the creation of justice, transparency, and accountability in governance and the corporate sector. Regulations such as the Public Interest Disclosure Act (PIDA) in the UK and the Whistleblower Protection Act in Australia serve as instruments to prevent damages that can arise from abuse of power, corruption, or financial misappropriation.³⁵ Protection of whistleblowers, including legal guarantees, personal security, and career recovery, is a tangible form of efforts to safeguard social welfare by fostering the courage of the public to report violations without fear of personal risk. On the other hand, the condition in Indonesia that is still weak in providing comprehensive protection for whistleblowers shows that there are shortcomings in realizing the *maslahah*. The absence of comprehensive regulations has the potential to hamper efforts to prevent financial crimes, because whistleblowers are faced with the threat of retaliation and job loss. This situation creates social *mafsadah* in the form of a culture of fear of reporting, weak accountability, and public distrust of legal institutions. Therefore, the establishment of a strong whistleblower protection system in Indonesia is an urgent need in order to realize *maslahah 'ammah*, namely maintaining justice, strengthening the rule of law, and protecting the interests of the wider community from fraudulent practices that *harm* the state.

This comparison shows that the effectiveness of the *whistleblowing* system is highly dependent on three main factors, namely a strong legal framework, a reliable and secure reporting system, and an organizational culture that upholds transparency and ethics.³⁶

³⁴ Alisa G. Brink et al., "The Public Company Whistleblowing Environment: Perceptions of a Wrongful Act and Monetary Attitude," *Accounting and the Public Interest* 17, no. 1 (2017): 1-30.

³⁵ Peter Yeoh, "Whistleblowing: Motivations, Corporate Self-Regulation, and the Law," *International Journal of Law and Management* 56, no. 6 (2014): 459-474.

³⁶ Shpresa Kaçiku Baljija and Kyoung-sun Min, "Evaluating the Effectiveness of Whistleblower Protection: A New Index," *Data & Policy* 5 (2023): 28.

From an institutional point of view, many developed countries integrate *whistleblowing* systems with financial supervisory agencies and financial intelligence units. This allows reporting to be followed up quickly with forensic audits and in-depth financial risk analysis.³⁷ In addition to protection, some countries also provide incentives as a form of appreciation for *the courage of whistleblowers*.³⁸ These schemes have proven effective in increasing whistleblower participation, especially in major cases involving state money or public funds. Indonesia can learn from these approaches to establish a national *whistleblower* system in the banking sector that is integrated with the OJK, KPK, PPATK, and BI. Inter-agency collaboration must be built to strengthen the *anti-fraud ecosystem*.

In the Islamic context, insights from other countries can be contextualized as part of the development of contemporary fiqh, where the principles of justice, transparency, and the protection of truth are embraced as universal values consistent with the framework of *maqāṣid al-shari‘ah*. These principles are not only normatively embedded in Islamic teachings but also hold significant practical implications for establishing a sound social and economic order. By developing a reporting system grounded in Islamic values and supported by modern legal instruments, Indonesia has the potential to build a clean, accountable, and socially beneficial banking system that aligns moral imperatives with institutional integrity. In this respect, the act of reporting financial crimes represents an effort to realize *maslahah ‘ammah* (the public good), as it contributes to safeguarding communal wealth, maintaining public trust, and preventing systemic harm that may affect society at large.

Case studies and comparative experiences from other jurisdictions underscore that strengthening the whistleblower system is not merely an institutional requirement for bureaucratic reform and law enforcement, but also a moral and social necessity in promoting financial governance that is just, transparent, and oriented toward *maslahah*. Within this framework, *maslahah* analysis serves as a crucial normative foundation, demonstrating that an effective reporting mechanism is not only an instrumental tool of accountability but also an ethical endeavor to uphold social order in harmony with the higher objectives of *shari‘ah*.

Conclusion

Based on the results of the analysis through the *maslahah* approach, this study found that the existence of whistleblowers in the banking system has a strategic role in maintaining the public interest (*maslahah ‘ammah*), especially in protecting economic stability and preventing financial fraud. Reporting by whistleblowers brings great benefits to the wider community because it is a means of early detection of irregularities that are not reached by formal oversight mechanisms. The principle of *maslahah* emphasizes that this action has a positive value because it aims to protect property, uphold justice, and strengthen a social system based on honesty and public responsibility. This study recommends the need for the establishment of integrated regulations that ensure the safety and rights of whistleblowers, the establishment of independent institutions that function as supervisors for reporting violations, and the strengthening of a culture of ethics and transparency in the banking

³⁷ Bettina Berendt and Stefan Schiffner, "Whistleblower Protection in the Digital Age-Why," *International Review of Information Ethics* 31 (2022), <https://lirias.kuleuven.be/retrieve/700400>.

³⁸ Jordan Tutton and Vivienne Brand, "Corporate Whistleblowers and Financial Incentives," *The University of New South Wales Law Journal* 47, no. 4 (2024): 1219–1254.

sector. The integration of the principle of *maslahah* in Islamic law with national policies can be a moral and juridical basis to strengthen fair financial governance and integrity. The limitations of this research lie in the scope of the study which is still conceptual and normative, so it has not touched on the empirical aspects related to the effectiveness of the implementation of the whistleblower system in the field. The next research is expected to examine more deeply the practice of reporting violations in the banking sector with an empirical approach to strengthen understanding of the application of the *maslahah* principle in the context of positive Indonesian law.

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