

Confiscated Asset Management According to The Islamic Perspective



Ahmad Dahlan Salleh¹ 

*Correspondence:

Email:

dahlan@ukm.edu.my

Authors Affiliation:

¹Universitas Kebangsaan
Malaysia, *Malaysia*

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Abstract

This article discusses the concept of confiscated assets, provides a brief history of penalties, and examines the asset management methods that have been confiscated according to the Islamic perspective. The paper aims to describe the issue of confiscated assets, which remains a topic of dispute among scholars, as well as provide evidence and comprehensive opinions on the matter. This study appears to effectively address community concerns related to contemporary issues where the law is not clearly explained. The research method employed in this study is a descriptive and qualitative literature review. The results of this research are concluded through an analysis using an inductive approach. This paper concludes that confiscated assets should be made known to the public through legislation permissible in Islam.

Artikel ini membahas konsep aset yang disita, cerita singkat tentang hukuman, dan metode pengelolaan aset yang telah disita menurut perspektif Islam. Makalah ini berupaya untuk menggambarkan masalah aset yang disita yang menjadi sengketa antara para ulama serta dasar bukti dan pendapat yang paling komprehensif. Tampaknya mampu menggambarkan isu-isu masyarakat terkait dengan isu-isu kontemporer yang hukumannya tidak dijelaskan secara rinci. Metode penelitian yang digunakan adalah studi literatur deskriptif-kualitatif. Hasil penelitian ini disimpulkan melalui analisis menggunakan pendekatan induktif. Makalah ini menemukan bahwa aset yang disita seharusnya diberi pengungkapan baru kepada publik mengenai legislasi aset yang disita yang diperbolehkan dalam Islam.

INTRODUCTION

In the origin of the Arabic word, confiscation means the seizure or taking of something by force or violence openly or blatantly. It also refers to the acquisition of power and the dismissal of rights (Majma' al-Lughah al-Arabiyyah, Alphabet Sad, p. 361; Al-Fairuz al-Abadi, vol. 2, p. 67; Ibn Manzur, vol.4, p. 494). In Islamic jurisprudence, the term confiscation means the mastery or impoundment of a certain asset by the state without compensation or reparation or the extermination or possession of it for another purpose with reasons allowed by Islamic



jurisprudence to serve the public interest. Islamic jurisprudence scholars believe that confiscation is an effort to dismantle ownership authority on an asset openly or forcefully. In other words, confiscation does not occur except through two actions: taking and dismantling, which are part of a transfer process (Al-Zuhaili, p. 9, Al-Awwa, p. 275).

Confiscated assets may be categorized as taken or forfeited or impounded and damaged assets, such as killing livestock, burning clothes, cutting fruit trees, breaking bottles, spoiling food, impairing currency, and others. This confiscation is enforced by government agencies, such as the Ministry of Home Affairs or Security Agencies, without compensating assets' owners. The methods of confiscation include seizing smuggled property, drugs, and others or confiscating some of the assets and then selling them to others.

METHOD

The research method used in this study is a descriptive-qualitative literature review. The primary data sources include fiqh books, tafsir (exegesis), relevant legal rules, and other relevant literature. The secondary data consists of journals from both print and electronic media. The study will begin by defining confiscated asset management, followed by an examination of the punishment of confiscation. The results of this research will be analyzed using an inductive approach and then summarized.

RESULT AND DISCUSSION

The Objective of Implementation of Confiscation Punishment

Confiscatory punishment aims to prevent harm and protect human beings. The public interest that is considered is a genuine interest based on the benefit of safeguarding five things that are not only reasonable and accepted by Islamic law but also easily understood by the general public. Abd al-Qadir Awdah said:

"An act is considered a crime when doing it or abandoning it may cause harm to the system or faith of society, as well as to life, property, dignity, individual feelings, or other societal values that need to be protected and cannot be neglected." (Abd al-Qadir Awdah, vol. 1, p. 68).

A Brief History of Confiscation Punishment in Islam

From a historical perspective, asset confiscation has been occurring since the time of The Messenger of Allah (PBUH), then during the era of the Khulafa' al-

Rashidin (Rightly Guided Caliphs) and generations of the Umayyad, Abbasid, and Ottoman dynasties, continuing into the present era in both Islamic and non-Islamic countries. During the time of The Prophet (PBUH), he ordered Abdullah bin Umar to destroy vessels of liquor that had been brought from Syria and break the vessels that were present in all markets. Confiscation also occurred on the prizes obtained by the Amil during the collection of zakat (alms). This story is explained in the Hadith utterance of the Prophet Muhammad by Ibn al-Lutaibah, as well as the return of war booty taken by one of the soldiers before it was distributed. During the time of the Khulafa' al Rashidin (Rightly Guided Caliphs), Sayyiduna (Our master) 'Umar bin al-Khattab confiscated assets from his chiefs and workers that exceeded the limits, as happened to Abu Hurairah, Khalid bin al-Walid, Amru bin al-Ash, and Saad bin Abi Waqas based on the principle question: "How did you acquire the property?" During the Umayyad dynasty, some Caliphs like Muawiyah bin Abi Sufian confiscated assets from his workers, as well as a portion of their inheritance, as was applied to Ziyad upon his death with a value of 600,000 Dinar (the principal currency unit). During the era of Abdul Malik bin Marwan, he ordered al-Dohak bin Abdul Rahman to confiscate the assets of his own writer, Abdul Aziz, who was in Egypt. Meanwhile, Sayyiduna (Our master) 'Umar bin Abdul Aziz was also notorious for restoring all mistreated assets and fulfilling owners' rights immediately after becoming Caliph. Every day, people were shouting, "Where is the man who has debt? Where are the married people? Where are the paupers? Where are the orphans?" until everything is sufficient. Some even shout, "Let it be known that whoever is mistreated should make a report, even if they are not among the Muslim ahl zimmah (non-Muslim citizens living in Islamic state)."

'Umar bin Abdul Aziz confiscated his wife's ornaments and placed them in the Baitulmal (State Treasury). He also forbade his nobility from receiving gifts. Al-Hajjaj bin Yusuf al-Thaqafi confiscated the assets of al-Mahlab bin Abi Safrah. During the era of Khalifah (Caliph) Yazid bin Abdul Malik, he had to confiscate the assets of the newly appointed nobility in Madinah al-Munawwarah, totaling 40,000 dirhams (monetary unit), from the previous nobility, Abdul Rahman bin al-Dohak. There were occasional cases of confiscated assets under the peace flag during this era. For instance, the confiscation of Yusuf bin Umar Khalid al-Kisri's assets and those of his companion, amounting to a total value of 900,000 dirhams (monetary unit). Similar conditions occurred during the Abbasiyyah (Abbasid) era. During that time, Khalifah (Caliph) al-Mutawakkal reconciled with Muhammad bin Ahmad bin Abi Daud and his father for a fee of 1 million dinars (principal currency unit). The same fate befell Khalid bin Barmak, as his assets worth 300,000 dirhams (monetary unit) were seized by Abu Jaafar al-Mansur. In the Uthmaniyyah (Ottoman) era,

asset confiscation occurred on a large scale, particularly during and after the First World War. All farmers' properties were confiscated to accommodate the Uthmaniyyah (Ottoman) armies (Abu Ubaid, p. 302. al-Tobari, vol. 7, p. 151). Nowadays, most confiscation cases are related to customs departments in Arab countries and Islamic countries.

The Views of Scholars On the *Ta'zir* (discretionary) Punishment On Asset

The *ta'zir* (discretionary) punishment should not be imposed on the offender by taking his asset according to *rajih* opinion (preferable opinion) among the *Imams* (prominent Muslim scholars in Islamic schools) (Al- Kasani, vol. 7, p. 63; Fath al-Qadir, vol.4, p. 212; Ibn Abidin, vol. 3, p. 195; Al-Syirbini, vol. 4, p. 191; Ibn Qudamah vol. 8, p. 324), as its contain the element of authority grant to seize human asset by force, then used for it. Ibn Tamiyyah and his student, Ibn Al-Qayyim determined that *ta'zir* (discretionary) punishment in the form of penalty is allowed in certain places in the famous view of Imam Malik, view of Ahmad's group and one of the two opinions of Imam Shafi'i. For example, in the *Sunnah* (tradition) of *Rasulullah* (The Messenger of Allah) (PBUH), he ordered breaking the vessels of liquor, imposing penalties on thieves who stole lots of fruits, taking half of assets that belonged to someone that refuse to issue *zakat* (alms) as an obligation by Allah. Besides, *Khalifah* 'Umar and 'Ali burned some liquor-selling places. Those who agree that punishment in the form of an asset has been repealed totally indeed they, have made mistake in taking opinion and *dalil* (proof) of *imam* (scholar) (Ibn Tamiyyah, p. 49; Ibn Qayyim, p. 266; Amir, p. 32).

The Meaning of *Ta'zir* (Discretionary) Punishment by Taking Asset

Abu Yusuf narrated that a government is undoubtedly allowed to impose *ta'zir* (discretionary) punishment by confiscating an asset. According to some prominent Muslim schoolars, the meaning of *ta'zir* (discretionary) punishment in the form of asset confiscation is to take something from the criminal's assets for a specific period to prevent them from repeating the crime. Then, the judge must return the asset back to the owner instead of keeping it for themselves or for the *Baitulmal* (State Treasury), as that could lead to tyranny since a Muslim is not allowed to take another person's assets without the permission of Shar'i (Islamic law). According to Ibn 'Abidin's view, the ruler can seize the criminal's assets and freeze them until the criminal repents, and they must be returned after that. However, if there is no hope that the criminal will repent, government could use the assets for

the public interest. Confiscated assets by the government should not be taken by anyone wealthy, except for government treasury employees, under the condition that they must be brought into the government treasury (Ibn Abidin, vol. 3, p. 195 and onwards). Our master, Sayyidina 'Umar r.a, once seized food from a beggar who had more than they needed. He also seized assets that were acquired from unauthorized business dealings in accordance with *syara'* (Islamic jurisprudence). Not all asset confiscations are allowed by *syara'* (Islamic jurisprudence), some are allowed, and some are forbidden. Thus, all Islamic scholars have different views, which can be divided into two groups:

First Group:

They stated that confiscation punishment is prescribed in Islam based on the sources from al-Quran, *Hadith* (utterance of Prophet Muhammad), and *ijma' ulama'* (consensus among scholars):

Firstly, Al-Quran:

There are also those 'hypocrites' who set up a mosque 'only' to cause harm, promote disbelief, divide the believers, and as a base for those who had previously fought against Allah and His Messenger.¹ They will definitely swear, "We intended nothing but good," but Allah bears witness that they are surely liars. Do not 'O Prophet' ever pray in it. Certainly, a mosque founded on righteousness from the first day is more worthy of your prayers. In it are men who love to be purified.¹ And Allah loves those who purify themselves. Which is better: those who laid the foundation of their building on the fear and pleasure of Allah, or those who did so on the edge of a crumbling cliff that tumbled down with them into the Fire of Hell? And Allah does not guide the wrongdoing people. The building which they erected will never cease to fuel hypocrisy in their hearts until their hearts are torn apart. And Allah is All-Knowing, All-Wise. (Al-Tawbah, 11:107-110).

Prophet Ibrahim (Upon him be peace) broke the statues of gods in his time, as described in the Quran. Allah (The Most Glorified, The Most High) said: " So he smashed them into pieces, except the biggest of them, so they might turn to it (for answers)." (Al-Anbiya', 21:58). Prophet Musa also burned the cow of Saamiri. He said again: "Musa said, "Go away then! And for (the rest of your) life, you will surely be crying, 'Do not touch (me)!' Then, you will certainly have a fate that you cannot escape. Now look at your god to which you have been devoted: we will burn it up, then scatter it in the sea completely." (Toha, 20:97).

The verses above give the impression that destroying places of immorality, statues of gods, and musical instruments that are not allowed by *syara'* (Islamic jurisprudence) should be punished by seizing and confiscating the assets as a form of punishment, either through assets or *ta'zir* (discretionary) penalties.

Secondly, Proof from *Hadith* (utterance) of Prophet Muhammad (PBUH), among it:

From Anas (may Allah be pleased with him), he said, "The Prophet (peace be upon him) prohibited men from wearing saffron-dyed clothes." Additionally, Abdullah bin 'Amr bin al-'As (may Allah be pleased with him) said, "The Prophet (peace be upon him) saw me dressed in two saffron-colored garments and asked, 'Has your mother commanded you to wear these?' I asked him, 'Should I wash them out?' He replied, 'You had better set them on fire.'" Another narration states that the Messenger of Allah (peace be upon him) said, "These are garments of the disbelievers, so do not wear them." It is narrated in Sahih Muslim (a collection of hadith compiled by Imam Muslim) that the Prophet (peace be upon him) removed a gold ring from a companion's hand and discarded it.

Thirdly, *Ijma' ulama'* (consensus of the Muslim scholars):

The companions of the Prophet Muhammad (PBUH) implemented confiscation as a punishment during their time, as mentioned by Ibn Taimiyyah and Ibn Qayyim. Specifically, Sayyidina Umar (may Allah be pleased with him) burned a liquor marketplace, and Sayyidina Ali (may Allah bless his face) also burned a village involved in the sale of liquor, among others. Fourthly, Rational Sense

Confiscation punishments and penalties related to the assets are supposed to reject harm, protect the public interest, and prevent crimes. All of this is aligned with the *maqashid al-Shariah* (objectives of Sharia) and Islamic legal proceedings. Second group:

They reject the execution of the confiscation punishment based on the sources of the al-Quran, Hadith (utterance) of the Prophet (PBUH), the consensus of Muslim scholars (*ijma' ulama'*), and rational sense.

Firstly, Quranic Argumentation (*dalil*).

The verses generally forbid taking someone else's assets without a valid reason, according to *syara'* (Islamic jurisprudence). For example, Allah SWT (The Most Glorified, The Most High) said: "O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is ever Merciful." (Al-Nisa', 4:29). He also said: "And do not consume one another's wealth unjustly or send it [in

bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful]."Seizing or confiscating assets as a way of punishment is not allowed by *syara'* (Islamic jurisprudence) and is regarded as consuming others' assets with no right and is tyrannical. Therefore, it is forbidden in Islam.

Secondly: *Hadith Argumentation (dalil):*

Verily, your blood, property, and honor are as sacred and inviolable as the sanctity of this day, this month, and this town of yours. It is not allowed to seize Muslim rights except with his willingness in his heart. He who wrongly took a span of earth will be made to wear around his neck seven earths on the Day of Resurrection.

Form of *Dalil* (Proof) Argument:

Whatever is found or stated in hadiths (utterances) of the Prophet (PBUH) that allow for the seizure and confiscation of an asset is only applicable in certain cases and should not be generalized, as the reasons for such actions are limited. According to Qiyas (the deductive analogy), the *illah* (reasoning) must exist not only in the text but also in the place where it is being applied. Therefore, conditions that differ from Qiyas cannot be compared.

Thirdly, *Ijma' ulama'* (Consensus of Muslim scholars):

All scholars agreed that the punishment of ta'zir (discretionary) by seizing an asset is prohibited. Therefore, destroying something will not result in a fine unless it is of equal value or similar. Though the claim of *ijma'* (consensus) by this group does not exist based on many *dalail* (proofs or argumentation) that allow it, as explained by al-Imam al-Syatibi (Al-Syatibi, vol. 2, p. 123).

Fourthly, Rational Sense

They claimed that the punishment of confiscation at the beginning of Islam is prescribed, but it has been abrogated or repealed.

Opposition:

Nevertheless, the *ijma'* (consensus) claimed by this group does not exist, as some groups hold contrary opinions, especially to the first group, as stated by al-Syatibi in his book "al-Iktisham." The allegation that this punishment has been repealed is untrue, as there is no date for the abrogation of the punishment. Furthermore, this punishment is based on the *mashlahat* (public interest).

Preference:

The view chosen here is the view that accepts that confiscation punishment or asset seizure is allowed at the discretion of the government. It is not obligatory to implement but should be based on the general principles of *syara'* (Islamic jurisprudence) and public interest, as well as crime prevention. The terms of confiscation are necessary as determined by *syara'* (Islamic jurisprudence), which will be explained later. This preference highlights the weakness of the argument submitted by the second group. The first argument is rejected by providing evidence that allows the confiscation of assets in cases that occur without implying that the evidence is repealed.

On the contrary, we can compile and combine the evidence. The law in the evidence is maintained for ordinary situations, such as illegally confiscating other assets without rights. Meanwhile, the allegation that the punishment has been repealed is incorrect, as it contradicts the evidence that allows it, and there is no known date of abrogation (Salleh, p.178).

Confiscation Method That Allowed by Islamic Law

Confiscation is based on the supervision of *mashlahah* (public interest), and the conditions for it, according to Imam Ghazali, are fivefold. Firstly, it should be based on real features rather than assumptions. Secondly, it should provide greater benefits. Thirdly, it should be determined case-by-case, except in extreme circumstances or cases of superiority. Fourthly, it should be in accordance with the guidelines of *syara'* (Islamic jurisprudence). Finally, it should be carried out by a fair ruler. Therefore, not all confiscation is allowed by *syara'* (Islamic jurisprudence) but is limited to the concepts or guidelines as follows:

First: A fair Imam (Scholar), Hakim (Judge), or ruler. Punishment must be implemented on all citizens without exception. Don't disgrace other parties for others' interest. No pardons should be given to anyone from the government side, government families, groups supporting the government, the rich, or corrupt persons.

Second: Confiscation can only be done on assets that are crime-related or their replacements. Hence, the punishment is determined and explained by al-Syatibi: On *za'faran* (saffron) that is deceitful or fraudulent, if it is found in the hands of a deceitful person, it should be forfeited and given as charity to people experiencing poverty, whether it is a large or small amount.

Third: The act that leads to the confiscation punishment is hazardous to the *syarak* (Islamic jurisprudence) and should be punished by law, such as a Muslim selling liquor, pork, or engaging in fraudulent acts such as illegal drug business targeting

specific individuals. If the punishment is related to the aftermath only, acts that are not subjected to hudud (prohibition) or ta'zir (discretionary), as determined by the ruler, such as acts related to the heart like envy or acts that are dubious, should not have their assets confiscated. This is because acts of the heart do not harm others, and dubious acts are avoided from punishment according to Islamic criminal law.

Fourth: The acts that impose confiscation punishment cause general harm or are more extreme than the public interest agreed upon by the majority. If the harm is specific, such as unauthorized use causing harm to a neighbor, confiscation cannot be applied.

Fifth: Confiscation should have a deeper impact on criminals compared to other punishments. Therefore, syara' (Islamic jurisprudence) does not allow the confiscation of the assets of those who monopolize certain goods. Instead, the assets should be confiscated and sold in the market, and the profit should be returned to the group that monopolized the goods. This is because the public interest can be achieved without confiscation, allowing consumers to acquire goods such as food or other products. It is also not permissible to confiscate assets smuggled from Muslim countries because Islamic countries are united. However, if it is to preserve national interest or control national trade, other penalties besides confiscation, such as detention, whipping, threats, and others, may be imposed. Smuggled assets, such as manufacturing equipment from foreign countries, should be sold, and the value of the goods should be reimbursed. However, if the smuggled asset poses a danger, such as weapons or drugs, confiscation is allowed as a preventive measure. Confiscated weapons may be given to the army or security forces for their use and should never be given to certain individuals.

Confiscation punishment can be categorized into two ways: (i) Original punishment or basic punishment for the committed crime, such as destroying drugs, deceitful saffron, or counterfeit milk. (ii) Completion or enhanced punishment as a ta'zir (discretionary) punishment. Ta'zir punishment should be submitted to the government for implementation in order to prevent criminals.

Sixth: The confiscated assets belong to the criminal and are not owned by others. If the asset is the property of others, such as stolen assets, confiscation punishment should not be imposed. The same applies to pawned assets, as they are meant to protect the owner of the collateral (Amir Abd Aziz, p.435).

Asset Confiscation Management

Confiscated assets will be managed as below:

First: Disposal

Disposal of confiscated assets can be managed in several ways. Firstly, disposal can be beneficial to human health. This includes disposing of drugs, poisonous goods, harmful chemicals, spoiled food, and beverages, as well as killing harmful or poisonous animals like wild dogs, eagles, snakes, or rats.

Secondly, disposal can be used to prevent tyranny or immorality. This involves demolishing houses or places that practice cruelty and tyranny, destroying crops, and killing livestock if it is determined to be the only way to prevent their harmful activities. It also includes retaliating against criminals who attack security forces and using force to defend against their attacks. In addition, it may involve destroying the assets of infidels, such as burning or destroying their property, cutting down their trees, and killing their horses or camels during times of war. Furthermore, during the war, tearing the enemy's clothes may be done to weaken them, and children who participate in supporting the enemy may be killed.

Thirdly, disposal can target equipment that promotes immorality and poses harm to religion and society. This includes demolishing immoral places, idolatry sites, and locations where deviant teachings are propagated. It may also involve burning books that contain blasphemous or deviant teachings.

Lastly, there may be a need to demolish or destroy goods and places that violate Islamic law and pose a danger. For example, stores or warehouses used for storing liquor may be demolished or burned, liquor vessels may be broken, milk that has been adulterated may be poured out, and tools that do not comply with the determined measurement scales, such as weight measurement, scales, gauges, and others, may be destroyed.

Overall, confiscated assets are disposed of through various methods, depending on the specific objectives and circumstances.

Second: Disengagement of Ownership

Possessing assets to others, such as to the poor, like possessing the asset of fugitive assets in the forbidden land of Makkah to those who live there, giving deceived food and drink to the poor if it does not bring harm to health, breaking liquor from a Muslim if bought from *Nasrani* (Christian) seller, giving charity to the needy and giving charity from the fake *zakfaran* (saffron) to the poor.

Third: Exchange of Ownership

Confiscate the assets of apostasy groups and place them in Baitulmal (House of Treasury). Seize the prizes, bribes, and ill-gotten money from scammers who act as mediators between employees or officers and return them to the rightful owners instead of treating them as punishment. Confiscate stolen assets or those obtained through robbery when the owner is unknown. Seize some assets from those who refuse to pay zakat (alms). Confiscate assets that belong to the government if a specific group is controlling them without proper authority.

Fourth: Return of Ownership to The Original Owner

Returning the asset to its original owner is a process that occurs after the asset has been detained due to legal cases. Once the court has made a decision to release the asset, it can be returned to its rightful owner. In the case of a monopolist's asset or smuggled goods, the asset is sold in the market, and the proceeds are used to settle any customs fees. Ibn Taimiyyah, in his work, categorizes punishments into three divisions: disposal, alteration, and possession (Ibn Taimiyyah, p.52).

Firstly: The act of demolishing immoral places, objects, or features. For example, this includes destroying idolized equipment by breaking and burning it, as well as destroying immersive instruments. This view is held by the majority of fuqaha' (Islamic jurisprudence scholars). Additionally, it involves breaking and damaging liquor vessels and burning stores that sell liquor, in accordance with the well-known views of schools such as Ahmad and Malik, as well as the actions of 'Umar, who burned liquor shops, and 'Ali, who burned a village that sold liquor. This is because the place of sale is considered the same as the vessels themselves. Similarly, 'Umar poured out milk that was mixed with water. Some fuqaha' (Islamic jurisprudence scholars) have issued a fatwa (a legal decision) regarding the same punishment mentioned above. Likewise, fraudulent objects in carpentry, such as fraudulent woven fabrics, should be destroyed.

Secondly: Alteration: Punishment related to assets and sometimes limited to altering something. For example, Prophet Muhammad (PBUH) prohibits damaging currency that has been used among Muslims, such as the dirham (monetary unit) and dinar (principal currency unit), except when there is something prohibited about it. Thus, it can be broken or torn apart. It is similar to the act of Prophet Muhammad (PBUH) toward idols in his house and the curtain that has an image of idols. He ordered to cut off the heads of the idols, then transformed them into something like a tree, and he ordered to cut the curtain and alter it into two pillows (to be used, not idolized). Thus, fuqaha (Islamic jurisprudence scholars) agree that every object or painting that is forbidden can be destroyed, such as destroying

instruments that bring excitement and altering drawings and carved pictures. However, scholars have different opinions on the consent of destroying the storage place of forbidden instruments due to the permission to destroy the instruments themselves. Ibn Taimiyyah's opinion is, "It is allowed based on the Qur'an, Sunnah (Prophet's tradition), and Ijma' (consensus) of previous scholars. This is also the strongest view of Imam Malik, Imam Ahmad, and others.

Thirdly, ownership is like a hadith (utterance) narrated by Abu Dawud and others by Prophet Muhammad (PBUH) about a person who stole dried dates before placing them in storage. The thief was charged with a few lashes and penalties with payment in double *amount*. In another hadith (utterance) of Prophet Muhammad (PBUH) about a thief who stole livestock before it enters the cage, the thief was charged with a few lashes and penalties with payment in double amount. Likewise, the penalty imposed by Sayyidina (Our master) 'Umar on the person who hides the lost camel has been charged with a double penalty. This is the opinion of some groups of scholars like Imam Ahmad and others. Sayyidina 'Umar doubled the loss in the case of a Bedouin camel taken by hungry slaves. The owner was given double the price, and the person was released from the law of hadd (prohibition), which caused hand cutting. 'Uthman imposed doubled *diyat* (injunction) penalties on Muslims who deliberately murdered non-Muslim citizens of the Islamic state (dhimmi). The killer was charged with the complete *diyat* (injunction), while the *diyat* (injunction) for dhimmi is only half compared to a Muslim. This view is held by Imam Ahmad and Imam Hanbal. Maliki scholars allow punishment on assets if the crime is related to the asset itself or its replacement. For example, fake saffron can be taken and divided among the poor. If a Muslim *bought* liquor from a Christian, it is then allowed to break the vessels, and the cost can be used for charity as a lesson to the Christian if the payment is

s t i l l i n p r o g r e s s .

CONCLUSION

Based on the above explanations, we can conclude that ta'zir (discretionary) punishment with the method of confiscation or asset seizure is allowed by Islamic jurisprudence based on the terms that have been decided. The management of confiscated assets can be done in various ways, as discussed by scholars, such as disposal, alteration, or ownership. This clearly demonstrates the stability and effectiveness of Islamic jurisprudence in managing assets, which guarantees society's overall welfare and benefit.

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