

Maqāsidi's Interpretation on the Verses Supporting the Fatwa on the Confiscation of Corruptors' Assets: A Study of the Decision of the Ijtima' Ulama of the MUI Fatwa Commission

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Abstract: This article discusses maqāsidi's interpretation of the *ahkam* verses used in the decision of the IV 2012 Ijtima' Ulama of the Indonesian MUI Fatwa Commission regarding the confiscation of assets of perpetrators of criminal acts of corruption, where the results of this ijtimā were then discussed again in the decision of the Ijtima' Ulama of the Fatwa Commission Throughout Indonesia VIII, Number 12/Ijtima' Ulama/VIII/2024 concerning review of the draft law regarding confiscation of assets related to criminal acts. This research mainly analyzes the verses used and their relevance to eradicating corruption. To analyze the verses used as the basis for the Fatwa Commission's Ulama Ijtima Decision, researchers used the maqāsidi interpretation. The method used in this article is qualitative, in the form of a descriptive analysis of the results of the decision of the IV and VIII Ijtima' Ulama of the Indonesian Fatwa Commission regarding the confiscation of assets of perpetrators of criminal acts of corruption and the review of the draft law regarding the confiscation of assets related to criminal acts. In contrast, secondary data associated with this research is written. The results of this research show the relevance of the verses about eradicating criminal acts of corruption. As for the maqāsidi interpretation approach, the use of verses in decisions can be seen from several aspects, namely: first, the text and law depend on the objective, and the MUI decision uses the appropriate verse for the theme to be decided. Second, the text and law depend on the purpose; the MUI uses fiqhiyah rules to strengthen the interpretation of verses and decision arguments. Third, genuinely bringing benefits and preventing damage (Jalbu al-Mashalih wa Dar'u al-Mafasid), MUI is very concerned about efforts to get benefits and to avoid damage. The recommendations in the decisions given prove this. Fourth, considering the legal impacts (I'tibar al-Maalat), the MUI also pays attention to the legal effects that will arise. Therefore, the MUI provides recommendations in the form of mitigation notes for the legal consequences that will occur.

Keywords: *Decision MUI, confiscation of assets, maqāsidi-interpretation*

Introduction

In 2024, the Indonesian Ulema Council (MUI), as the leading religious authority in Indonesia, issued a decree of the Ijtima' Ulama of the Fatwa Commission in Indonesia VIII, Number 12/Ijtima' Ulama/VIII/2024 concerning the review of the draft law on the confiscation of assets related to criminal acts, this decision affirms the results of the decision of the Ijtima' Ulama of the IV Indonesian MUI Fatwa Commission in 2012 regarding the confiscation of assets of perpetrators of corruption crimes. This decision is based on several verses of the Quran, including: QS. Al-Baqarah verse 188, QS. Ali Imran verse 161, QS. An-Nisa verse 29.¹

Corruption is a form of criminal act that includes extraordinary crimes. It undermines democracy and the rule of law, causes human rights violations, distorts markets, erodes the quality of

¹ MUI Drafting Team, "Indonesian Fatwa Scholars Consensus Association of Ijtima' Ulama Results of the Indonesian Fatwa Commission IV Year 2012" (Jakarta, 2012).

life, and allows for organizing.² Likewise, corruption in Indonesia is very worrying and has implications for all aspects of the nation's life. If this condition cannot be overcome, it will destroy this country. Therefore, serious legal measures are needed to eradicate corruption.

The existing punishments are considered insufficient to provide a deterrent effect. Corruption eradication regulations in Indonesia still focus on perpetrators rather than assets, so they are ineffective in suppressing corruption crimes.³ The eradication of corruption punishes the perpetrators and requires efforts to cut the flow of funds from corruption by seizing property or assets resulting from corruption crimes.⁴ According to Teuku Syaraf and Mahdi Syahbandir, confiscating individual property for corruption crimes is the most essential thing in handling corruption cases, because it is a means of recovering state losses. Efforts to return corrupt assets have been contained in Law Number 31 of 1999, namely in the provisions of Article 18. However, there are several obstacles to the implementation of absolute asset confiscation. For example, the perpetrator moved assets abroad after being detained by the court.⁵ Therefore, a new law is needed to address this problem.

According to Wahyu Laksana Mahdi et al, an unexplained wealth mechanism is needed in asset confiscation so that asset confiscation as a punishment for corruption can run optimally. The mechanism of unexplained wealth is in the form of: First, the renewal of legal products, namely the Draft Law on Asset Forfeiture of Criminal Crimes, especially corruption; Second, law enforcement officials are guided by the regulations that have been designed in the Asset Forfeiture Bill; Third, the proof mechanism uses reverse proof.⁶

As an effort to maximize the return of state finances corrupted by corruptors, this has also been mandated in the provisions of Chapter V of UNCAC 2003 concerning Asset Recovery which has been ratified by Law Number 7 of 2006 concerning the Ratification of the United Nations Convention Against Corruption, 2003 (United Nations Convention Against Corruption 2003) has regulated several basic principles related to asset confiscation that States Parties can adopt to the UNCAC, which is an international juridical foundation in handling corruption crimes that can also be applied in money laundering crimes. Indonesia, as one of the countries that has ratified the UNCAC, should use the provisions in the UNCAC as one of the foundations in the content of the Asset Forfeiture Law.

The MUI as a leading religious authority in Indonesia responds to the problem of corruption by providing recommendations in the form of urging Lawmakers (Government and DPR) to first, immediately pass the Bill on Asset Forfeiture Related to Criminal Acts into Law; second, encourage the Lawmakers to stipulate that the assets of the perpetrators of corruption crimes are assets of corruption crimes and other assets that are legally owned by them in the event of a difference in value and/or price due to a decrease in the value of the assets illegally owned at the time of sale; third, urging Law Enforcement to close all access related to the suspect's/suspect's assets since he was designated as a suspect with various facilities owned by the suspect.

² Dimitris Ziouvas, "International Asset Recovery and the United Nations Convention Against Corruption," in *The Palgrave Handbook of Criminal and Terrorism Financing Law*, ed. Colin King, Clive Walker, and Jimmy Gurulé (Cham: Springer International Publishing, 2018), 591–620, https://doi.org/10.1007/978-3-319-64498-1_25.

³ Wahyu Laksana Mahdi, Meza Rahmada Garini, and Carissa Iবাদanti Azzahra, "Unexplained Wealth Application Scheme: Reformulation of Asset Forfeiture in Corruption Crimes in Indonesia," *Al-Jinayah Journal of Islamic Criminal Law* 8, no. 1 (June 17, 2022): 85–101, <https://doi.org/10.15642/aj.2022.8.1.85-101>.

⁴ Aliyih Prakarsa and Rena Yulia, "Asset Recovery Model as an Alternative to Recovering State Losses in Corruption Cases," *PRIORIS 6 Legal Journal*, no. 1 (June 15, 2017), <https://doi.org/10.25105/prio.v6i1.1834>.

⁵ Teuku Syaraf and Mahdi Syahbandir, "Confiscation of Corruption Asset in The Indonesian Legal System: A Study of Criminal Law in Aceh," *Samarah: Journal of Family Law and Islamic Law* Volume 8, no. 2 (July 2024): 665–86, <https://doi.org/10.22373/sjhk.v8i2.20045>.

⁶ Mahdi, Garini, and Azzahra, "Scheme for the Application of Unexplained Wealth."

The MUI's decision is a step forward for legal policy in Indonesia. So far, the MUI fatwa has been considered only a spreader of conservatism and an obstacle to Democracy and the Increase of Conservatism in Indonesian Islam.⁷ Creating anti-pluralism and, according to Piers Gillespie, causing controversy.⁸ The MUI has played a significant role in developing contemporary Islamic law in Indonesia.⁹

This study will further analyze the results of the MUI decision by the Ijtima Ulama of the IV Indonesian MUI Fatwa Commission in 2012 and the Ijtima' Ulama of the Indonesian Fatwa Commission VIII, Number 12/Ijtima' Ulama/VIII/2024 concerning the confiscation of assets of perpetrators of corruption crimes. Using the Maqasidi interpretation approach, the qualitative method describes the verses and interpretations in the decision.

By applying the Maqasidi interpretation approach, this study aims to deepen and explore a new understanding of the verses of the Quran that explain its relevance to the eradication of corruption and its implications for confiscating the assets of corrupt perpetrators. This study is expected to provide a more comprehensive view of how the interpretation of maqasidi can be an effective tool for understanding and responding to contemporary issues in Islamic law and morality.

Discussion

Decision of the MUI Ijtima' Ulama of the Fatwa Commission in Indonesia VIII, Number 12/Ijtima' Ulama/VIII/2024: History and Implications

The rapid increase in corruption in Indonesia is something concerning. According to a report by the Corruption Eradication Commission (KPK), they have handled 1,512 corruption cases from 2004 to 2023.¹⁰ Such a large case shows that corrupt perpetrators are unafraid to commit corruption crimes. This also indicates that the enforcement of corruption crimes has not been effective. The current punishment is not enough to provide a deterrent effect; it only focuses on the perpetrator, not the asset, so it has not been effective in suppressing corruption crimes.¹¹

In a copy of its decision, the MUI explained that corruption is an organized crime, which is a criminal act that involves a group of people who have expertise in carrying out criminal acts. Various instruments of criminal acts also support this crime, so that they can collect the proceeds of criminal acts in huge numbers. Efforts to paralyze this form of crime will only be practical if the perpetrators of criminal acts are found and punished, and the state confiscates the proceeds and instruments of the crime.¹² According to Teuku Syaraf and Mahdi Syahbandir, confiscating individual property for corruption crimes is crucial in handling corruption cases because it recovers state losses.¹³ However,

⁷ Syafiq Hasyim, "Fatwas and Democracy: Majelis Ulama Indonesia (MUI, Indonesian Ulama Council) and Rising Conservatism in Indonesian Islam," *TRaNS: Trans -Regional and -National Studies of Southeast Asia* 8, no. 1 (May 2020): 21–35, <https://doi.org/10.1017/trn.2019.13>.

⁸ P. Gillespie, "Current Issues in Indonesian Islam: Analysing the 2005 Council of Indonesian Ulama Fatwa No. 7 Opposing Pluralism, Liberalism and Secularism," *Journal of Islamic Studies* 18, no. 2 (February 9, 2007): 202–40, <https://doi.org/10.1093/jis/etm001>.

⁹ La Jamaa, "Fatwas of the Indonesian Council of Ulama and Its Contributions to the Development of Contemporary Islamic Law in Indonesia," *Indonesian Journal of Islam and Muslim Societies* 8, no. 1 (July 2, 2018): 29, <https://doi.org/10.18326/ijims.v8i1.29-56>.

¹⁰ Cindy Mutia Annur, "KPK Handles 1,500 Corruption Cases in Two Decades," katadata.co.id, 2024, <https://databoks.katadata.co.id/datapublish/2024/03/06/kpk-tangani-1500-kasus-korupsi-dalam-dua-dekade>.

¹¹ Mahdi, Garini, and Azzahra, "Scheme for the Application of Unexplained Wealth."

¹² MUI Drafting Team, *Indonesian Fatwa Ulama Consensus Ijtima' Ulama Results Association of the Indonesian Fatwa Commission VIII Year 2024* (Jakarta: MUI Fatwa Commission Secretariat, 2024).

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several obstacles exist in implementing asset confiscation. One is the convict's inability to pay the penalty of substitute money, which is normatively possible in Article 18 paragraph (3) of Law Number 31 of 1999 concerning the Eradication of Corruption.

In reality, there are still hidden assets belonging to convicts that have not been confiscated by law enforcement. Likewise, the election to serve a subsidiary penalty in exchange for the money taken is a form of injustice.¹⁴ Therefore, a mechanism is needed so that the confiscation of these assets can run properly. According to Wahyu Laksana Mahdi et al, it is necessary to update the legal product, namely the Draft Law on Asset Forfeiture of Criminal Crimes, especially corruption.¹⁵ MUI explained that the Bill on Asset Forfeiture Related to Criminal Acts must be prioritized for discussion and approval into law by the procedures and mechanisms for forming a law. If the Asset Forfeiture Bill becomes law, it is believed to have an impact on reducing non-criminal economic activities, especially corruption and money laundering crimes.¹⁶ Therefore, in the Ijtima' Ulama of the IV Indonesian MUI Fatwa Commission in 2012, the MUI produced a decision that recommended:

1. Law enforcement is asked to act decisively and measurably in confiscating the assets of perpetrators of corruption crimes.
2. Law enforcers who abuse their authority in confiscating assets resulting from corruption must be subject to strict sanctions.
3. Scholars should actively participate in preventing corruption crimes by socializing the threat of worldly and ukhrawi punishment for perpetrators of corruption crimes.

The result of this decision is based on the arguments of the Qur'an in Surah al-Baqarah: QS. Al-Baqarah verse 188, QS. Ali Imran verse 161, QS. An-Nisa verse 29. In addition, several hadiths of the Prophet Muhammad Saw, Atsar, and fiqh rules resulting from classical scholars' thought are also used. The results of this recommendation were signed on July 11, 2012, in Cipasung, West Java, by Prof.Dr. Huzaimah T. Yanggo, MA as chairman and Dr.H. M.Asrorun Ni'am Sholeh, MA as secretary.¹⁷

Then, at the Ijtima' Ulama of the Fatwa Commission in Indonesia VIII, in Bangka Belitung, the MUI again produced Decree Number 12/Ijtima' Ulama/VIII/2024, regarding the review of the draft law on asset confiscation related to criminal acts. The decision recommends:

1. Urge the Lawmakers (Government and the House of Representatives) to immediately ratify the Bill on the Confiscation of Assets Related to Criminal Acts into Law by the mechanism and procedures for the formation of laws and regulations to realize a just and prosperous country by the ideals enshrined in the Preamble to the 1945 Constitution of the Republic of Indonesia;
2. Urge the Lawmakers to stipulate that the assets in question are assets resulting from corruption crimes and other assets that are legally owned by them in the event of a difference in value and/or price due to a decrease in the value of the assets held illegally at the time of sale;
3. Urge Law Enforcement to close all access to suspect/suspect assets since they have been designated as suspects with various facilities owned by suspects.

This decision responds to the dynamics of the nation's problems. Overall, the MUI's decision is an effort to integrate Islamic teachings into the social and legal dynamics. Asset confiscation is a

¹⁴ Ade Mahmud, "Problematics Of Asset Recovery In Restoring State Loss Due To Corruption," 11, no. 3 (n.d.).

¹⁵ Mahdi, Garini, and Azzahra, "Scheme for the Application of Unexplained Wealth."

¹⁶ MUI Compilation Team, "Consensus of Indonesian Fatwa Scholars Association of Ijtima' Ulama Results of the Fatwa Commission in Indonesia IV Year 2012."

¹⁷ MUI Drafting Team.

mechanism for creating Sharia goals in protecting property and human souls.¹⁸ Ijtima' Ulama of the IV Indonesian MUI Fatwa Commission in 2012 uses several verses of the Quran as references, in addition to the use of the Prophet's hadith, atsar, and fiqh rules. The verses used as a basis for reference provide a moral basis to support efforts to confiscate assets by law enforcement in eradicating corruption. The verses are:

QS. Al-Baqarah verse 188,

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنتُمْ تَعْلَمُونَ

Meaning: "Do not eat the wealth among you in a wrong way, and (do not) bring it to the judges with the intention that you may eat some of the wealth of others in the way of sin, even though you know."

QS. Ali Imran verse 161

وَمَا كَانَ لِنَبِيٍّ أَنْ يَغُلَّ وَمَنْ يَغُلَّ يَأْتِ بِمَا غَلَّ يَوْمَ الْقِيَمَةِ ۖ ثُمَّ تُوَفَّى كُلُّ نَفْسٍ مَّا كَسَبَتْ وَهُمْ لَا يُظْلَمُونَ

It means: "It is not worthy for a prophet to misappropriate (spoils of war). Whoever perverts, he will surely come with what he has misled on the Day of Resurrection. Then, everyone will be rewarded perfectly according to their actions, and they will not be wronged."

QS. An-Nisa verse 29

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ ۖ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۚ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

"O the believers, do not unlawfully eat your neighbor's property, except in the form of a business based on mutual will among you. Do not kill yourselves. Indeed, Allah is Most Merciful to you."

These verses explain the prohibition of eating property incorrectly, such as stealing or gambling, and the ban on ghulul. Az-Zuhaili explained that the word *Al-Batil* in QS. An-Nisa verse 29 means haram, such as taking other people's property by force, stealing, or eating the property produced in an unlawful way, such as usury, gambling, and so on.¹⁹

As for the meaning of Ghulul in QS, Ali Imran verse 161 comes from the word ghalla-yaghullu, which means khana fi al-magham wa ghairih. This is because this word was originally a term for a person who betrays in dividing the property of ghanimah (spoils of war).²⁰ According to Az-Zuhaili, this verse descended on the battle of Badr, which is when hypocrites accused the Prophet (saw) of taking qathifah/red blanket, which is one of the results of ghanimah (spoils of war) of the word ghulul in this verse, so the meaning of ghulul is *yakhunu fi al-ghanimah*/betrayal in the distribution of

¹⁸ The Drafting Team of the MUI, the *Indonesian Fatwa Scholars Consensus of the Ijtima' Ulama Results Association of the Fatwa Commission in Indonesia VIII in 2024*.

¹⁹ Wahbah Mustafa al-Zuhayli, *At-Interpretation al-Munir*, vol. 10, 15 vols. (Beirut: Dar al-Fikr, 2009).

²⁰ Busman Edyar, Ilda Hayati, and Kevin Saputra, "Corruption in the Study of Ahkam Verses and National Positive Law," *AL QUDS : Journal of Quran and Hadith Studies* 7, no. 3 (January 6, 2024): 641, <https://doi.org/10.29240/alquds.v7i3.8477>.

gahanimah (spoils of war).²¹ The word *ghulul* can be interpreted as corruption because *ghulul* behavior is a form of embezzlement of public property; this activity can only be carried out by state officials. The power or authority officials possess is used for personal interests or to enrich themselves or groups.²²

The verses used in this MUI decision are very much in line with the theme discussed. In the Qur'an itself, several derivations deal with corrupt practices, such as *ghulul* (cheating), *sirqa* (theft), treason, *risywah* (bribery), and even *hirabah* (destroying order).²³ According to Samsul Bahri, the prohibition of corruption in the Qur'an is contained in the prohibition of applying facades, which means damage, or *ifsad* behavior that has a destructive impact.²⁴

The appropriateness of the verses used in the MUI decision shows the integration between the verses of the Qur'an and the scholars' *ijtihad*. This decision's result is normative and indicates the MUI's efforts to formulate a comprehensive and contextual Islamic view on specific conflicts. A fatwa is an explanation of Sharia law and various problems that occur in society.²⁵

Maqasidi's interpretation of the verse in the decision of the Ijtima' Ulama of the MUI Fatwa Commission

Maqashidi's interpretation is part of the interpretation *bi al-ra'y*, which seeks to find the basis of logic and methods in Islamic sources and tries to place logic and reason as the basis of interpretation. From a methodological perspective, the Maqasidi interpretation is built on two traces of the interpretation tradition: the *naqli* and *aqli* methods. And in its validation, *tafsir maqasidi* transforms into a broad creativity in using *the naqli* and *'aqli* methods with an emphasis on rational and empirical studies with special reference to *masalih mursalah*.²⁶ This interpretation aims to find the purposes of Sharia in a legal verse.

According to Abdullah Saeed, as quoted by Barsihanor et al, legal verses have diverse and polarized values at several levels. This is closely related to the universality and specificity of the meaning of the Qur'anic texts that apply in a broad context. This hierarchy of values is built on the ethical and moral principles of the Qur'an or Hadith, which are often mentioned repeatedly. The existence of this hierarchy of values is crucial, according to Saeed, because failure to recognize it can result in interpretations that contradict the essential universal values of the Qur'an. Therefore, the Maqasidi interpretation is the right approach to bringing out the values rather than the purpose of the Sharia contained in the law verses.²⁷

According to Tri Wahyu Hidayati, the interpretation of *maqasidi* is an approach to interpreting legal verses that are always relevant to every era. Maqashid Syariah is the starting point in this interpretation approach, in addition to the way maqashidi interpretation works, which emphasizes three pillars, namely historical awareness (*al-wa'yu al-tarikh*), theoretical awareness (*al-wa'yu al-naẓhari*),

²¹ al-Zuhayli, *At-Interpretation al-Munir*.

²² Muhammadiyah (Organization), ed., *Fikih Anticorruption: Perspective of Muhammadiyah Ulama*, Cet. 2 (Jakarta: Kemitraan, 2006).

²³ Edyar, Hayati, and Saputra, "Corruption in the Study of Ahkam Verses and National Positive Law."

²⁴ Samsul Bahri, "Insight Al Quran on The Eradication Of Corruption," *Ar Raniry: International Journal of Islamic Studies* 4, no. 2 (January 1, 2018): 337, <https://doi.org/10.20859/jar.v4i2.144>.

²⁵ Ahmad Mukhlisin, Aan Suhendri, and Muhammad Dimiyati, "The Method of Determining Law in Fatwa," *Al-Istinbath: Journal of Islamic Law* 3, no. 2 (December 29, 2018): 167, <https://doi.org/10.29240/jhi.v3i2.444>.

²⁶ Kusmana Kusmana, "Epistemology of Maqasidi Interpretation," *MUTAWATIR* 6, no. 2 (February 7, 2018): 206–31, <https://doi.org/10.15642/mutawatir.2016.6.2.206-231>.

²⁷ Barsihannor et al., "Abdullah Saeed's Construction of the Hierarchy of Values in the Qur'an: A Philosophical Hermeneutic Perspective," *Journal of Islamic Thought and Civilization* 13, no. 1 (May 26, 2023), <https://doi.org/10.32350/jitc.131.09>.

and praxic awareness (*al-wa'yu al-'amali*).²⁸ In line with this opinion, Farida Zomorod explained that the maqashidi interpretation is not much different from the interpretation of previous scholars. This interpretation focuses on the maqasid of Sharia and how to find them in the verses of the Quran.²⁹ In practice, this interpretation approach can use several steps: contextualization, decontextualization, and recontextualization.³⁰ Wijaya and Muzammil explained that the maqasidi interpretation approach can be a moderate alternative between textual and liberal-substantialist interpretation. In its application, this interpretation approach uses three frameworks of thought in understanding God's intentions in the Qur'an, texts, moral ideals, and substantial spirituality.³¹ According to M. Ainur Rifqi and A. Halil Thahir, the steps of maqasidi interpretation include: first, the text and the law depend on its purpose (*al-Nuṣuṣ wa al-Ahkām bi Maqashidiha*); second, gathering between *Kulliyāt al-'Ammah* and Special Proposals; third, Bringing Benefits and Preventing Harm Completely (*Jalbu al-Mashalih wa Dar'u al-Mafasid*); and fourth, considering the legal impact (*I'tibar al-Maalat*).³²

Text and Law Depending on the Purpose

The verses of the law should be sought for their purpose and purpose, not only stopping at the *zahir* of the text and the words, but also their redaction. The purpose of this is to seek the benefit of the servant contained in a verse. Interpreters must not neglect that purpose when establishing a law and examining the text.³³ In this case, the verse used in the decision of the Ijtima' Ulama of the MUI Fatwa Commission is QS. Al-Baqarah verse 188, QS. Ali Imran verse 161, QS. An-Nisa verse 29.³⁴ The verse explains the prohibition of eating other people's property in the wrong way. The scholars generally explain that the word *batil* means *haram*, so everything that is forbidden in Islam should not be done, such as stealing, robbing other people's property, and so on. This prohibition is given to protect the property of others/*hifẓ al-mal*. If it is associated with corruption, then the essence of corruption is theft. Sheikh Hussein Alatas emphasized that the essence of corruption is theft through fraud in a situation that betrays trust.³⁵ Therefore, the verse used has the same purpose as the theme.

Forms of crime in the economic sector have developed with the existence of organized *crime*. In addition to involving a group of people with expertise in criminal acts, this form of crime is also supported by various instruments of criminal acts, so that they can collect the proceeds of criminal acts in large numbers.³⁶ Corruption is an *extraordinary crime because of its significant impact*. From the perspective of state goals, corruption can reduce the community's rights and the state's right to realize common welfare. Therefore, the purpose of Sharia in this case is to maintain the economic benefits and welfare of the community.

²⁸ Tri Wahyu Hidayati, "Interpretation Maqashidi as an Alternative Approach in Interpreting the Qur'an," *Journal of Islamic Studies and Humanities* 5, no. 2 (2020), <https://doi.org/10.18326/mlt.v5i2.3771>.

²⁹ Faridah Zomorod, "The Fundamentals (Usul) of Maqasidi Interpretation: An Investigation of the Concept and Its Applications in the Views of Early and Modern-Day Scholars," *Journal of Contemporary Maqasid Studies* 2, no. 1 (January 15, 2023): 1–34, <https://doi.org/10.52100/jcms.v2i1.94>.

³⁰ Hidayati, "Tafsir Maqashidi as an Alternative Approach in Interpreting the Qur'an."

³¹ Aksin Wijaya and Shofiyyullah Muzammil, "Maqāṣidi Interpretation: Uncovering and Presenting Maqāṣid Ilāhī-Qur'ānī into Contemporary Context," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 2 (December 31, 2021): 449–78, <https://doi.org/10.14421/ajis.2021.592.449-478>.

³² M. Ainur Rifqi and A. Halil Thahir, "Maqasidi Interpretation: Building a Mashlahah-Based Interpretation Paradigm," *Millah* 18, no. 2 (February 16, 2019): 335–56, <https://doi.org/10.20885/millah.vol18.iss2.art7>.

³³ Rifqi and Thahir.

³⁴ MUI Compilation Team, "Consensus of Indonesian Fatwa Scholars Association of Ijtima' Ulama Results of the Fatwa Commission in Indonesia IV Year 2012."

³⁵ Syeh Husein Alatas, *The Sociology of Corruption: An Exploration with Contemporary Data* (Jakarta: LP3ES, 1981).

³⁶ The Drafting Team of the MUI, the *Indonesian Fatwa Scholars Consensus of the Ijtima' Ulama Results Association of the Fatwa Commission in Indonesia VIII in 2024*.

Gathering between *Kulliyât al-'Ammah* and Special Proposals

Kulliyat al-'ammah, in this decision, protects the economic benefits of a person or nation.³⁷ So that perpetrators of corruption crimes are given a deterrent effect. In this case, the decision of the Ijtima' MUI uses the rules of fiqh: First, Something that is haram to take it is haram to give it; Second, a person's silence when he needs to explain is considered an explanation; third, the proof is the responsibility of the prosecutor (the prosecutor) while the oath is the responsibility of the person charged; and fourth, the proof is the responsibility of the prosecutor (the prosecutor) while the oath is the responsibility of the person accused.³⁸

Bringing Benefits and Preventing Damage Completely (Jalbu al-Mashalih wa Dar'u al-Mafasid)

Scholars agree that the general purpose of Sharia is to bring mashlahati and prevent damage in this world and the hereafter.³⁹ About this decision, the MUI sees that there are often problems in the law enforcement process that are unbalanced between allegations, demands, and legal verdicts for a person charged with a criminal act of corruption. A person suspected of committing a criminal act of corruption, but the evidence only proves that a small number of those accused are still alive and enjoying the results of corruption. This fact then gives birth to permissiveness on the one hand, and apathy on the other hand, towards the pattern of law enforcement and the fight against corruption. Thus, the principles of *zawajir* and *mawani* when imposing punishment are not realized. The increasing number of cases shows the absence of a deterrent effect in cracking down on corruption.⁴⁰

To prevent greater damage, it is considered necessary to confiscate the assets of perpetrators of corruption crimes. This needs to be pursued so that it can be formulated in the Law. Therefore, the Bill on Asset Forfeiture Related to Criminal Acts must be prioritized for discussion and approval into law by the procedures and mechanisms for forming a law. If the Asset Forfeiture Bill becomes law, it is believed to have an impact on reducing non-criminal economic activities, especially corruption and money laundering crimes. The⁴¹ The redaction in the decision of the Ijtima' Ulama of the MUI Fatwa Commission shows that the decision is very concerned about the community's benefit. The push for the asset forfeiture bill to be a priority indicates that the MUI wants damages in the form of corruption to be reduced or eliminated.

This benefit is not only reserved for Muslims but also for the benefit of the Indonesian nation. This is denied by Zakaria Syafei, who explained that the MUI is only focused on Muslims, who can create several obstacles in the context of modern and religiously plural Indonesia.⁴²

Considering the Legal Impact (*I'tibar al-Maalat*).

A legal decision must consider the consequences of a law, predict the consequences of the law and its fatwas, and not assume that its task is only to establish the law.⁴³ About this decision, the MUI noted that asset confiscation must meet the aspects of justice and benefits. The confiscation of assets must be based on fairness, benefit, and prudence. Suppose there is a reduction in the value of the

³⁷ Rifqi and Thahir, "Maqashidi interpretation."

³⁸ MUI Compilation Team, "Consensus of Indonesian Fatwa Scholars Association of Ijtima' Ulama Results of the Fatwa Commission in Indonesia IV Year 2012."

³⁹ Rifqi and Thahir, "Maqashidi interpretation."

⁴⁰ The Drafting Team of the MUI, the *Indonesian Fatwa Scholars Consensus of the Ijtima' Ulama Results Association of the Fatwa Commission in Indonesia VIII in 2024*.

⁴¹ MUI Drafting Team.

⁴² Zakaria Syafei, "Tracing Maqasid Al-Shari'ah In The Fatwas Of Indonesian Council Of Ulama (MUI)," *Journal Of Indonesian Islam* 11, no. 1 (July 9, 2017): 99, <https://doi.org/10.15642/JIIS.2017.11.1.99-124>.

⁴³ Rifqi and Thahir, "Maqashidi interpretation."

confiscated assets from the value of the state losses that have been decided in court. In that case, the confiscation of the assets includes assets that are illegally owned (due to corruption and other criminal acts that they have committed) and other assets that they legally own. This is to realize the values of justice, benefit, and prudence. The state and society are harmed by the efforts made by the perpetrators of criminal acts, such as eliminating assets, transferring the status of asset ownership, and so on.⁴⁴

As a mitigation measure against attempts to eliminate or obscure assets, the MUI provides a note: In the context of anticipatory actions against the efforts of criminal offenders to eliminate assets, transfer asset ownership, and so on, the state must take action to close all access related to suspect/suspect assets since they are designated as suspects with various facilities owned by the suspect. This shows that when making the MUI decision, it is essential to consider the legal impact that will arise later.

Conclusion

Based on the above analysis, this study found that the verses used in the decision of the Ijtima' Ulama of the IV Indonesian MUI Fatwa Commission in 2012 and the decision of the Ijtima' Ulama of the VIII Indonesian Fatwa Commission in 2024 regarding the review of the draft law on asset confiscation related to criminal acts were by the theme used. The decision prioritizes benefits rather than Sharia goals to create the welfare and benefit of the Indonesian people.

The interpretation of maqasidi in the verses used can be seen in several aspects, namely: *first*, the text and the law depend on the purpose, the decision of the MUI to use the right verse with the theme to be decided; *second*, the text and the law depend on the purpose, MUI uses the principles of fiqhiyah in strengthening the interpretation of verses and decision arguments; *third*, Bringing Benefits and Preventing Damage Completely (*Jalbu al-Mashalih wa Dar'u al-Mafasid*), MUI pays close attention to efforts to bring benefits and prevent damage. The recommendations in the decisions given evidence this; *fourth*, considering the legal impact (*I'tibar al-Maalat*), the MUI also pays attention to the legal implications that will arise. Therefore, the MUI provides recommendations in the form of a note of mitigation from the legal consequences that will occur. This decision shows that MUI pays close attention to the values of the Sharia objectives of the verses used, resulting in decisions that aim to benefit the nation.

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⁴⁴ The Drafting Team of the MUI, the *Indonesian Fatwa Scholars Consensus of the Ijtima' Ulama Results Association of the Fatwa Commission in Indonesia VIII in 2024*.

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