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Confiscation Of Assets Resulting From Money Laundering From Narcotics Crimes From The Perspective Of Fiqh Jinayah: A Study Of The Verdict Number 117/Pid.Sus/2024/Pn LSm

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Abstract

The crime of money laundering originating from the proceeds of narcotics crimes is a form of further crime (follow-up crime) which aims to disguise the origin of assets obtained illegally. One of the important instruments in eradicating criminal acts is asset confiscation which aims to eliminate the economic benefits of crime proceeds and support the effectiveness of law enforcement. This research aims to analyze the application of asset confiscation in money laundering crimes originating from narcotics crimes based on Decision Number 117/Pid.Sus/2024/PN Lsm and review it from the perspective of jinayah fiqh. This research is normative legal research with a statutory and regulatory approach and a case approach. Research data was obtained through a literature review of primary, secondary and tertiary legal materials which were analyzed qualitatively. The research results show that the confiscation of assets in this decision has been carried out based on the provisions of Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering as an effort to return assets originating from criminal acts and break the chain of narcotics crimes. From the perspective of jinayah fiqh, confiscation of assets resulting from criminal acts can be categorized as a form of ta'zir sanction stipulated by Ulil Amri in order to create benefits and prevent damage (mafsadah) in society. Therefore, confiscation of assets resulting from money laundering crimes originating from narcotics crimes has relevance to the principles of maqashid al-syari'ah, especially in safeguarding assets (hifz al-mal) and realizing social transformation.

***Keywords:** asset forfeiture, money laundering, narcotics, criminal offenses, Islamic criminal law.*

A. Introduction

Narcotics crime is a form of serious crime that has a wide impact on the social, economic, and security life of the country. This crime not only threatens the physical and mental health of the community, but also has the potential to weaken the quality of human

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resources and disrupt national stability.[1] In addition, the characteristics of illicit narcotics trafficking (*Transnational organized crime)* make this crime one of the main challenges in law enforcement in various countries, including Indonesia.[2]

In practice, narcotics crimes are closely related to economic motives because they generate large financial benefits for the perpetrators. The proceeds of these crimes are generally not directly used, but are disguised through various financial transactions to hide the origin of illegally obtained wealth. The process of disguising assets resulting from crimes is known as money laundering (TPPU). In this context, narcotics crimes function as predicate crimes, while TPPU is a means to hide or obscure the origins of wealth derived from these crimes.[3]

The development of modern criminal law policies shows a paradigm shift in crime eradication, namely from an approach that focuses on the perpetrator of a crime *(Follow the suspect).*[4] Towards an approach oriented towards tracing and confiscating the proceeds of crime *(Follow the money).*[5] This approach places the assets resulting from criminal acts as the main target of law enforcement because the existence of these assets allows the perpetrator to maintain and develop his criminal activities. Through the asset recovery mechanism.[6] The state seeks to eliminate the economic benefits obtained from criminal acts so that it can provide a deterrent effect while preventing the reuse of these assets to support other criminal activities. Thus, asset forfeiture is a strategic instrument in the eradication of narcotics crimes and money laundering crimes, including through the analysis of suspicious financial transactions as an instrument to identify, trace, and uncover the origin of assets suspected of originating from criminal acts.[7]

Indonesia has accommodated this asset forfeiture mechanism through the integration of Law Number 35 of 2009 concerning Narcotics.[8] And Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes.[9] Normatively, the state is given the authority to confiscate and confiscate assets suspected of coming from criminal acts, both those that are in the hands of suspects and those that have been transferred to third parties. However, in judicial practice, the process of proving and forfeiture assets still

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[1] M Ardani, "DRUG ABUSE IN THE PERSPECTIVE OF ISLAMIC CRIMINAL LAW AND NATIONAL CRIMINAL LAW. pp. 1-3," 2024. p.1-3

[2] Transnational organized crime, "That is, crimes committed by organized criminal groups that operate across national borders, both in implementation, planning, and impact, so that they require cooperation between countries in their response.," n.d.

[3] Yenti Garnasih, *Anti-Money Laundering Law Enforcement (Depok: PT RajaGrafindo Persada, 2022), pp. 15–18.*, 2022, https://rajagrafindo.co.id/produk/penegakan-hukum-anti-pencucian-uang/.

[4] Follow the Suspect, "is a law enforcement approach that focuses on the perpetrator of a criminal act through investigation, investigation, and proof of his or her actions.," n.d.

[5] Follow the Money, "is a law enforcement approach that focuses on tracing the flow of funds or assets suspected of coming from criminal acts to uncover the perpetrators and cut off the economic benefits obtained from crime," n.d.

[6] Asset Recovery, "is a series of legal remedies to trace, freeze, confiscate, manage, and confiscate assets derived from criminal acts so that they cannot be reused to support criminal activities.," n.d.

[7] Bismar Nasution, "Anti-Money Laundering Regime in Indonesia (Bandung: Books Terrace & Library, 2008), pp. 25–29." 6, no. 0 (2025): 167–86.

[8] Law No. 35 of 2009, "Narcotics"

[9] Law Number 8 of 2010, *"Prevention and Eradication of Money Laundering*."

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faces various juridical challenges, especially those related to the protection of the civil rights of parties in good faith.[10]

In proving TPPU originating from narcotics crimes, the judge's consideration determines whether an asset is proven to be the proceeds of a crime[1] so that it can be confiscated by the state *(Proceeds of Crime).*Things that need to be considered by [11] the judge in imposing a crime include: the perpetrator's fault; the motive and purpose of the criminal act, the way of committing the crime, the inner attitude of the perpetrator, the life history and socio-economic situation of the perpetrator, the attitude and actions of the perpetrator after committing the crime, the influence of the crime on the future of the perpetrator, the public's view of the crime committed, the criminal act was carried out planned or unplanned, the influence of criminal acts on the victim or the victim's family, forgiveness from the victim or the victim's family; and the values of law and justice that live in society.[12] One of the real manifestations of the dynamics of narcotics trafficking law enforcement at the first-instance court level is the birth of the Lhokseumawe District Court Decision Number 117/Pid.Sus/2024/PN NGOs. The Lhokseumawe District Court, which is in the jurisdiction of Aceh, an area that is sociologically and geographically prone to the circulation of narcotics by sea faces real challenges in deciding this case. Examining how the panel of judges formulates its legal considerations for seizing these assets is an important step to test the consistency of the application of positive law by the judge.[13]

In the perspective of jiyah fiqh, property obtained from acts that are contrary to the sharia, including the proceeds of narcotics crimes, is categorized as *(al-māl al-ḥarām).*[14] So that it does not obtain the legitimacy of ownership according to Islamic law. Therefore, its possession and use is not justified because it is contrary to *(maqāṣid al-syarī'ah),* especially the principle *(ḥifẓ al-māl)* which aims to protect property from being acquired and used through lawful means.[15]

Based on this perspective, the confiscation of assets carried out through Decision Number 117/Pid.Sus/2024/PN NGOs can be analyzed for its conformity with the principles of jiyah fiqh, especially related to the concept of al-mushadarah and the purpose of punishment in Islam. Asset confiscation not only functions as an instrument of positive law enforcement, but also as a means of maintaining the public interest by preventing the circulation of assets derived from acts prohibited by sharia.[16]

[10] Joko Sriwidodo, *Indonesian Criminal Law Review*, vol. VIII, 2020.

[11] Proceeds of Crime, "are assets obtained directly or indirectly from the proceeds of criminal acts, whether in the form of money, movable objects, immovable objects, or other forms of wealth.,"

[12] Noor Azizah Calvin, *"Review of Islamic Criminal Law on the Parameters of the Death Penalty in the National Criminal Code*" 7 No. 1, no. 1 (2024): pp. 24-25.

[13] Directory of Decisions, Supreme Court, and the Republic of Indonesia, *DECISION Number 117/Pid.Sus/2024/PN NGO*, 2024.

[14] *Al-māl al-ḥarām*, "is property obtained through a means prohibited by Islamic law.,".

[15] *Maqāṣid al-Syari'ah*, "are the purposes of Islamic law, one of which is ḥifẓ al-māl, which is the protection of property to be obtained, utilized, and managed in accordance with the provisions of sharia.,"

[16] Ali Berutu Geno, "*The Crime of Money Laundering in the View of the Criminal Code and Islamic Criminal Law*," TAWAZUN : Journal of Sharia Economic Law 2, no. 1 (2019).

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In addition, asset confiscation also has relevance from the perspective of Islamic law. Fiqh jinayah basically does not recognize the ownership of property obtained through means that are contrary to the sharia. All forms of property that come from unlawful and harmful acts to the community do not receive legal protection in Islam. In this context, the concept of al-mushadarah gives legitimacy to the ruler to take or confiscate property obtained illegally as part of the sanction of ta'zir in order to realize the public benefit and prevent damage to society.[17]

Although various studies have discussed the crime of money laundering, narcotics, and asset forfeiture separately, studies that specifically examine the seizure of assets resulting from money laundering crimes derived from narcotics crimes from the perspective of fiqh jinayah, especially based on Decision Number 117/Pid.Sus/2024/PN NGOs, are still relatively limited. Therefore, this research is important to be carried out to analyze the application of asset confiscation in the decision as well as assess its conformity with the principles of fiqh jinayah.

B. Research Methods

The research method used in this study is normative legal research, research that focuses on the study of legal norms contained in laws and regulations, court decisions, and doctrines or opinions of legal experts through literature studies. This study uses secondary data consisting of primary, secondary, and tertiary legal materials. Because the object studied is a legal norm that regulates asset confiscation in the crime of money laundering originating from narcotics crimes. Analysis is carried out on laws and regulations, court decisions, and doctrines or opinions of legal experts to find out how the law is regulated and applied and its relevance in the perspective of Islamic criminal law. Therefore, this study does not use field data, but uses legal materials as the main source of research.

1. Types of Research

   The type of research used in this study is normative *legal research*. Normative legal research is research that focuses on the study of legal norms contained in laws and regulations, court decisions, and doctrines or opinions of legal experts. This study aims to analyze the legal arrangements regarding asset confiscation in the crime of money laundering originating from narcotics crimes and its relevance in the perspective of fiqh jinayah.

2. Research Approach

   The approaches used in this study include:

   The statute *approach* is by examining various laws and regulations related to money laundering and narcotics crimes, such as Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering and Law Number 35 of 2009

[17] Sutan Remy Sjahdeini, *The Ins and Outs of Money Laundering and Terrorism Financing*. p. 312.

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concerning Narcotics. [18]Furthermore, this study uses a *case approach* by examining in depth Decision Number 117/Pid.Sus/2024/PN NGOs.[19] This approach aims to analyze the legal considerations (*ratio decidendi*) used by judges in imposing verdicts on asset confiscation derived from the crime of money laundering from narcotics crimes, and assess their suitability with applicable legal provisions.[20] In addition, to answer the formulation of the problem regarding the legal status of assets resulting from the crime of money laundering from an Islamic perspective, this study also uses a *conceptual approach*. to analyze the legal status of assets resulting from the crime of money laundering from an Islamic perspective through the study of the concepts of fiqh jinayah related to the proceeds of crime, confiscation, and confiscation of assets.[21]

3. Data Source

The data sources in this study were obtained from secondary data, which consisted of:

Primary legal material is legal material that is authoritative and has binding power because it is the basis for analyzing research problems. The primary legal materials used in this study include Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), Law Number 35 of 2009 concerning Narcotics, Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, and the Lhokseumawe District Court Decision Number 117/Pid.Sus/2024/PN NGO which is the main object of the study. In addition, this study also uses various other laws and regulations that are related to asset confiscation and money laundering crimes.

Secondary legal materials are legal materials that provide explanation, interpretation, and analysis of primary legal materials. The secondary legal materials used in this study consist of scientific books that discuss criminal law, criminal procedure law, money laundering, narcotics crimes, and fiqh jinayah. In addition, this research also utilizes scientific journals, scientific articles, theses, theses, dissertations, and the results of previous research that are relevant to the research theme. The opinions of legal experts and academics are also used as analytical materials to strengthen arguments in answering the formulation of research problems.

Tertiary legal materials are legal materials that function as a support and guide to primary and secondary legal materials. The tertiary legal materials used in this study are legal dictionaries, legal encyclopedias, and various other relevant reference sources to help researchers understand concepts, terms, and terminology related to asset

[18] *Statute Approach,* "is an approach in normative legal research that is carried out by examining various laws and regulations related to the legal issues being studied.,".

[19] *Case Approach,* "It is a legal research method that examines a court decision to understand how judges apply legal rules to a case. This approach is used to analyze the judge's legal considerations, the application of laws and regulations,"

[20] *Ratio Decidendi,* "It is the reason or legal basis that is the core of the judge's consideration in making a decision. This section contains legal arguments that explain why judges decide a case in a certain way. In legal research, the ratio decidendi analysis,"

[21] *Conceptual Approach*, "is an approach in legal research that is carried out by examining legal concepts, doctrines, and principles that develop in the literature in order to analyze a legal problem.,"

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forfeiture, money laundering, narcotics crimes, and fiqh jinayah. With the use of these three types of legal materials, it is hoped that this research can produce a comprehensive and in-depth analysis of the problems being researched.

C. Results and Discussion

1. Juridical Considerations of the Judge in Imposing a Decision on the Confiscation of Assets Derived from the Crime of Money Laundering from Narcotics Crimes in Decision Number 117/Pid.Sus/2024/PN NGO

Analysis of Judges' Juridical Considerations in Decision Number 117/Pid.Sus/2024/PN NGOs Judges' juridical considerations are the main basis for determining whether or not a criminal act charged against the defendant is proven. In Decision Number 117/Pid.Sus/2024/PN NGOs, the panel of judges based its decision on the fulfillment of the elements of money laundering crimes derived from narcotics crimes as regulated in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. The panel of judges first proved the existence of a *predicate crime* in the form of illicit narcotics trafficking. Article 2 paragraph (1) letter c: Affirms that the results of narcotics and psychotropic crimes are one of the original crimes (predicate crime) that can be the object of TPPU. This is important because the crime of money laundering cannot stand alone, but must be preceded by a criminal act that generates economic benefits. In this case, it was found that the defendant had a financial transaction relationship with several perpetrators of narcotics crimes, namely Imam Muzaki, Deny Setiawan, Muhammad Malik, Barmawi, and Asma'ul Husna. The relationship was proven through account mutations, witness statements, and documents from the BNN investigation that showed the flow of funds from narcotics crimes to the defendant's account.

Therefore, the state has the authority to impose sanctions aimed at protecting the benefit of the community, including through confiscation and confiscation of assets resulting from crime.[22]

The judge then considered the fulfillment of the elements of Article 3 of Law Number 8 of 2010, namely the act of placing, transferring, transferring, paying, spending, or other acts against property that is known or reasonably suspected to be derived from a criminal act. Based on the facts of the trial, the defendant was proven to have received large amounts of funds from accounts related to the narcotics network, then used the funds to obtain various assets of economic value such as land, motor vehicles, heavy equipment, and deposited funds in bank accounts. This fact shows that there is an attempt to obscure the origin of wealth derived from narcotics crimes.[23]

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[22] Noor Azizah Andika Rahmad Siregar, "Criminal Liability of State Administrators in Cases of Alleged Corruption from a Positive Legal Perspective and Islamic Criminal Law," *Journal of Islamic Law Studies* 13, no. 2 (2024): 65–69.

[23] Law Number 8 of 2010, *"Prevention and Eradication of Money Laundering. Episode 3."*

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In addition, the panel of judges applies the principle of limited *reverse burden of proof* as stipulated in Article 77 and Article 78 of Law Number 8 of 2010. Based on the indictment, witness statements, defendants' statements, and the evidence submitted, the defendant was unable to prove that the assets he owned came from a legitimate source. Therefore, the judge concluded that assets in the form of land, vehicles, heavy equipment, and account balances were the result of narcotics crimes that had been disguised through financial transactions.[24]

Analysis of the verdict. The verdict is a concrete form of legal considerations that have been carried out by the judge during the case examination process. In Decision Number 117/Pid.Sus/2024/PN NGOs, the verdict shows that the panel of judges accepted most of the evidentiary construction submitted by the Public Prosecutor regarding the defendant's involvement in the crime of money laundering derived from the crime of narcotics. When compared to the facts revealed at the trial, the verdict has reflected the relationship between the original criminal act and the assets owned by the defendant. The decision is also in line with the goals of the Anti-Corruption Law which emphasizes the importance of asset *recovery* as an instrument for eradicating organized crime. Thus, judges focus not only on corporal punishment through prison sentences, but also on the elimination of the economic benefits obtained from crimes. The confiscated assets can be used for the rehabilitation of narcotics victims, strengthening the capacity of the apparatus, or prevention programs. This reflects the principle (*recovery oriented)* in modern criminal law, which focuses not only on punishment but also on the recovery of state losses. The judge considers juridical aspects such as the indictment, witness statement, defendant's statement, and the provisions of the law.[25]

The evidence seized in this case consisted of various types of movable and immovable assets, including ATM cards, bank accounts, mobile phones, Honda ADV motorcycles, one excavator unit, bank account balances, and four plots of land registered in the defendant's name.[26] From the legal perspective of TPPU, these assets have a direct relationship with narcotics crimes because they are obtained through funds derived from financial transactions of narcotics trafficking networks. The facts of the trial show that the proceeds of narcotics were channeled through several bank accounts before being used to buy or control these assets. This pattern is one of the characteristics of money laundering crimes that aim to disguise the origin of wealth.

[24] Limited reverse burden of proof, "is a limited reverse burden of proof system that imposes an obligation on the defendant to prove that the property he owns does not come from a criminal act, without eliminating the obligation of the public prosecutor to continue to prove the elements,"

[25] Ahmad Syahbudin Ritonga et al., "APPLICATION OF DOUBLE TRACK SYSTEM IN VERDICT" 12, no. March (2026): 192–206.

[26] Decision, Agung, and Indonesia, *DECISION Number 117/Pid.Sus/2024/PN NGO*.

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2. The Juridical Status of Assets Resulting from Money Laundering Crimes Originating from Narcotics Crimes According to the Perspective of Jinayah Fiqh

In Islamic Criminal Law (Fiqh Jinayah), money laundering is not as terminologically known as in modern positive law. However, substantially the act of money laundering can be qualified as an unlawful and reprehensible act because it is directly related to the use of property obtained from acts prohibited by sharia. The basic principle in Islam emphasizes that any property obtained from a void path is haram to be used. Allah SWT says:

لَا تَأْكُلُوْٓا اَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوْا بِهَآ اِلَى الْحُكَّامِ لِتَأْكُلُوْا فَرِيْقًا مِّنْ اَمْوَالِ
النَّاسِ بِالْاِثْمِ وَاَنْتُمْ تَعْلَمُوْنَ ۝١٨٨

"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, when you know it." (QS. Al-Baqarah: 188)

This verse is the normative basis that the proceeds of crime, including the proceeds of narcotics trafficking, should not be enjoyed, managed, or disguised in their origin. Any form of acquisition of property that is done through illegal or unlawful means is included in the category of al-akl bi al-batil (unlawful consumption of property). In the context of narcotics crimes, economic gains obtained from illicit narcotics trafficking are included in assets obtained illegally because they come from activities that are prohibited by sharia. Therefore, property derived from such criminal acts cannot be recognized as legal ownership according to Islamic law.[27]

In the study of fiqh jinayah, the act of acquiring or managing property from prohibited activities can be subject to ta'zir sanctions, which are punishments whose type and level are determined by the ruler or judge in order to protect the benefit of the community. Through the ta'zir mechanism, the state has the authority to impose sanctions in the form of confiscation or confiscation of property from crime, especially if the property comes from activities that are detrimental to the community such as narcotics trafficking. The purpose of such actions is to prevent wider harm and ensure that the property obtained is not enjoyed by criminals.[28]

In addition, the confiscation of property from crime is also in line with the principle (protection of property). This principle emphasizes the importance of protecting property from unauthorized acquisition and preventing the use of property that can cause social damage. From the perspective of Islamic criminal law, crimes that generate assets illegally, including the crime of money laundering derived from narcotics, can be

[27] Abdul Wahhab Khallaf, "*'Ilm Ushul al-Fiqh* (Kairo: Dar al-Qalam, 1978), h. 200–202.,"
[28] W. Az-Zuhaili, " *Islamic Fiqh Wa Adillatuhu Volume 7*," *Insani Echo*, 2011, p. 512.

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categorized as jarimah ta'zir.[29] Thus, the act of confiscation of the proceeds of narcotics crimes not only has a basis in positive law, but also has strong legitimacy in Islamic criminal law as an effort to maintain justice and the benefit of the community. The confiscation of assets resulting from narcotics money laundering can be seen as an effort to maintain the public interest (maṣlaḥah 'āmmah) and realize the goals of sharia (maqāṣid al-syarī'ah), especially the protection of property (ḥifẓ al-māl), soul (ḥifẓ al-nafs), and intellect (ḥifẓ al-'aql).

Narcotics damage people's minds and lives, while money laundering allows perpetrators to continue to profit from these crimes.[30] Thus, asset confiscation is not only a form of sanction against the perpetrator, but also an instrument to prevent wider damage and restore order and social justice according to the principles of Islamic law. As in QS. Al-Mā'idah verse 2:

"And help yourselves in righteousness and piety, and do not help each other in sin and enmity."

This verse is relevant because money laundering is a means that helps the continuation of narcotics crimes, so that asset confiscation is a step to break the chain of disobedience and harm in society.

In the case of Decision Number 117/Pid.Sus/2024/PN NGOs, the assets owned by the defendant were proven to have come from illicit narcotics trafficking activities which were then disguised through various financial transactions. In Islamic law, narcotics that cause intoxicating and destructive effects on the mind are equated with khamr because they have the same 'illat, which is to eliminate consciousness and damage the function of the human mind. Therefore, all activities related to the production, distribution, or trade of narcotics are prohibited acts and the economic results are categorized as haram assets.[31]

The status of the haram has not changed even though the proceeds of crime have gone through the money laundering process. In muamalah fiqh, it is known that something that comes from a haram source cannot still turn into halal just because it has changed its form or possession. Thus, the defendant's actions of diverting narcotics proceeds to bank accounts, buying land, vehicles, heavy equipment, or other assets do not eliminate the haram nature of the property. In substance, all of these assets remain the result of criminal acts that are contrary to Islamic law.[32]

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[29] M. Wahib Azizdan noor azizah, "Sanctions for Corruption in the Perspective of Jinayah Fiqh," International Journal Ihya' 'Ulum al-Din, Vol. 18, No. 2, 2017, p. 159 p. 200–201.

[30] Nanang Ardiansyah Lubis, Zulkarnain Zulkarnain, and Ramadhan Syahmedi Siregar, *"Implementation of Rehabilitation of Victims of Drug Abuse According To Law Number 35 of 2009 in the Review of Maqasid Syariah Study At Baitu Syifa Rehabilitation Center Medan)* p. 8-9.

[31] Riduwansah Riduwansah et al., *"Implementation of Law Number 35 of 2009 concerning Narcotics from the Perspective of Maqashid Al-Syariah,"*. p. 2.

[32] Abdul Karim Zaidan, *Al-Madkhal Li Dirasah Al-Syari'ah Al-Islamiyyah*, p. 247.

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D. Conclusions and Recommendations

The judge's juridical considerations in Decision Number 117/Pid.Sus/2024/PN NGOs are based on the fulfillment of the elements of the crime of money laundering originating from the crime of narcotics, which is proven through valid evidence, the existence of a connection between the original criminal act and the property obtained by the defendant, and the application of limited reverse proof as stipulated in Law Number 8 of 2010. Based on these considerations, the judge handed down the verdict on asset forfeiture because it was proven that the property owned by the defendant was the result of a criminal act disguised through various transactions. The verdict is in accordance with the provisions of Indonesian positive law and reflects the purpose of eradicating money laundering through the mechanism of asset recovery to prevent perpetrators from enjoying the benefits obtained from criminal acts. Meanwhile, the legal status of assets resulting from money laundering crimes derived from narcotics crimes in the perspective of fiqh jinayah is categorized as haram assets (al-mal al-haram) because they are obtained through activities prohibited by sharia. In Islamic law, profits derived from narcotics trafficking do not obtain legitimate ownership legitimacy and remain haram even though they have gone through the process of money laundering or are transferred into various forms of assets. Fiqh jinayah gives authority to ulil amri to confiscate or confiscate the proceeds of crime through the mechanism of al-mushadarah as part of the sanction of ta'zir. These actions aim to realize the public good, prevent harm, and maintain the purpose of sharia (maqashid al-shari'ah), especially the protection of property (hifz al-mal), soul (hifz al-nafs), and reason (hifz al-'aql). Thus, the confiscation of assets resulting from money laundering crimes originating from narcotics crimes not only has a legal basis in Indonesian positive law, but is also in line with the principles of fiqh jinayah in order to uphold justice, prevent the use of the proceeds of crime, and maintain the benefit of the community.

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