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CONFISCATED STATE ASSETS FOR DISASTER RELIEF IN INDONESIA: A LEGAL-DOCTRINAL MAQĀṢID AL-SHARĪʿAH ANALYSIS

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ABSTRACT

Indonesia experiences recurrent natural disasters requiring rapid, equitable, and accountable relief. At the same time, the state controls confiscated and forfeited assets originating from criminal conduct—particularly economic crimes—which are legally transformed into state property and governed through administrative asset management frameworks. Although asset recovery is commonly framed as a mechanism to restore public losses and strengthen deterrence, the potential of confiscated state assets to support disaster relief remains underexplored, especially from the perspective of Islamic legal doctrine. This study addresses this gap by examining the legal feasibility and shariah legitimacy of allocating confiscated state assets for disaster victims in Indonesia. The study employs a qualitative legal-doctrinal analysis by systematically interpreting and mapping the normative structure of key Indonesian regulations on confiscated asset management and disaster governance. The findings are then assessed through a *Maqāṣid al-Sharīʿah*-based normative framework, emphasizing *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-māl* (protection of public wealth), supported by classical Islamic legal doctrines on public property (*al-māl al-ʿāmm*), *maslaḥah*, and governance ethics. The analysis demonstrates that once confiscated assets are lawfully transferred into state ownership, they may be conceptually treated as public wealth eligible for humanitarian redistribution, if distribution mechanisms comply with shariah parameters and governance safeguards, including transparency, accountability, and the prevention of moral hazard and institutional abuse. This study contributes an integrated legal–*maqāṣid* model for disaster-oriented redistribution of confiscated assets, offering policy implications to harmonize asset recovery objectives with humanitarian urgency while maintaining shariah legitimacy and public trust.

Keyword: *Confiscated state assets, Disaster relief governance, Legal-doctrinal analysis, Maqāṣid al-Sharīʿah, Islamic public finance*

INTRODUCTION

Indonesia is well-known as one of the most disaster-prone countries in the world because of its geographic location on the Pacific Ring of Fire and important tectonic convergence zones. The country faces earthquakes, tsunamis, volcanic eruptions, floods, landslides and hydrometeorological disasters with significant humanitarian and economic impacts on the country annually. Although the framework of disaster governance has been developed more comprehensively in Indonesia, recent studies show that structural and institutional gaps still exist in effective disaster responses, especially in terms of financial, coordination, and equitable distribution of disaster assistance (Arifin et al., 2021; Kadir et al., 2024; Rahmawan et al., 2024). The growing intensity and frequency of disasters have thus put more pressure on the financial capacity of the state, and on the shortcomings of the prevalent disaster financing system in Indonesia, which is predominantly based on the budget.

The existing financing mechanism for the disaster in Indonesia is in the form of the state budget, regional government budget, and foreign aid for disaster. But this has been proven to be inadequate in the case of a large-scale or simultaneous disaster in several regions. The disaster financing gap is an issue that is always present in Indonesia because it has an imbalance between what is available in public funds compared to the scale of disaster losses and the need to recover from the disaster (Marlina et al., 2024). The government has enacted several risk financing measures such as disaster pooling funds and insurance programmes for State property, but these are not widely used or effective. This structural gap calls for research into more feasible but also legally viable options for disaster relief funding that can enable swift, fair, and transparent humanitarian response.

At the same time, the Indonesian state collects an increasing amount of assets seized and forfeited from criminal activities, including corruption, money laundering, narcotics trafficking and other economic crimes. The final judicial judgement of assets is followed by the transfer of assets into the state ownership and then classification of assets as State Property under the State Treasury Law and State Asset Management Regulations. The confiscated assets are normally dealt with by administrative procedures including valuation, utilization, auction, or incorporation into the state revenue systems (Hufron & Fikri, 2024; Karim, 2022). Although confiscated state assets may have considerable economic value, their humanitarian applications are limited to institutional or fiscal purposes, and their humanitarian applications, specifically in disaster relief, have not been widely studied or discussed in policy.

From the perspective of criminal law and asset recovery, confiscation serves multiple objectives, including restoring state financial losses, dismantling criminal economic networks, and strengthening deterrence against illicit enrichment. The United Nations Convention Against Corruption (UNCAC) 2003 requires state parties to have in place effective mechanisms for tracing, freezing, confiscation and recovery of criminal proceeds internationally. Other practices, as evidenced by comparative legal scholarship, show that non-conviction-based asset forfeiture (NCBAF) is increasingly used as an effective tool to recover illicit funds, when a criminal conviction is difficult or impossible to achieve (Hendry & King, 2015; Olujobi, 2021; Simonato, 2017). However, Indonesia still has a lack of a comprehensive Asset Forfeiture Law, thereby limiting the use of the assets to the broader society despite the deliberation of the Draft Asset Forfeiture Law that was introduced in 2023 (Sakinah & Sumardiana, 2025).

Beyond positive legal considerations, the allocation of confiscated state assets for humanitarian purposes raises important normative questions within Islamic legal thought. Indonesia is the world's biggest Muslim-majority nation and has a plural legal system where Islamic law has often been the subject of public policy debate and public policy ethics. Islamic jurisprudence uses the concept of *Maqāṣid al-Sharīʾah* as the overarching normative principle to determine whether the application of laws and state policies promote collective welfare (*maslaḥah*). The classical *maqasid* theory mentions the 5 fundamental aims of Islamic law: protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-ʾaql*), lineage (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*) (Al-Raysuni, 2005; Auda, 2008).

Of these goals, *ḥifẓ al-nafs* and *ḥifẓ al-māl* are significant in terms of the administration of state property seized in times of disaster. *Ḥifẓ al-nafs* is the command to protect human life and fulfil the essential humanitarian needs, while *Ḥifẓ al-māl* is the command to manage public wealth responsibly, equitably, and for the benefit of the community (Mohammed & Taib, 2015; Nuryanto & Jaelani, 2024). In recent years, the concept of *Maqāṣid al-Sharīʾah* has been adopted by scholars of the modern era to governance, Islamic finance, public policy, and social welfare issues. For instance, Dusuki & Abdullah (2007) say that the doctrine of *maslaḥah* calls for a more inclusive consideration of the general interests of society over the interests of institutional groups. As in the latter, so in the former, Asutay & Yilmaz (2024) stress the need to be methodologically disciplined and to sustain coherent legal principles in *maqasid*-based policy reasoning instead of self-imposed policy preferences.

Literature review of Islamic social finance also gives valuable inputs to understand the linkage between Islamic ethical values with disaster management. The previous studies have shown that zakat, waqf, and other Islamic social finance institutions have great potentials in supporting disaster relief, recovery, and disaster resilience in Muslim majority societies (Ascarya et al., 2018; Saeed & Aftab, 2021; Sulistyowati, 2019). Additionally, the quality of governance, accountability, and institutional coordination are important factors to ensure the effectiveness of Islamic humanitarian finance as noted by (Widiastuti et al., 2022). However, the current scholarship is still restricted to voluntary philanthropic tools and has not yet considered whether the confiscated wealth of the state resulting from the commission of illegal acts can be normatively considered public wealth (*al-māl al-āmm*) that can be used for redemption of human needs and interests within a *Maqāṣid al-Sharīʾah* framework.

This reveals a significant gap in the existing literature. Research on asset recovery is mainly related to deterrence, criminal procedure, and anti-corruption enforcement (Hendry & King, 2015; Olujobi, 2021; Simonato, 2017), while research on disaster financing is mostly around traditional budgetary processes and Islamic philanthropic instruments (Marlina et al., 2024; Saeed & Aftab, 2021; Sulistyowati, 2019). Concurrently, the current research on *maqasid* has failed to comprehensively consider the legal and ethical aspects of the redirection of ‘confiscated' criminal assets to humanitarian causes in the context of state governance. However, the nexus of confiscation of state assets, disaster relief governance and *Maqāṣid al-Sharīʾah* has been poorly studied.

This study addresses that gap by examining the legal feasibility and shariah legitimacy of allocating confiscated state assets for disaster relief in Indonesia. The methodology used in this study is a qualitative legal-doctrinal approach with normative analysis of positive laws in Indonesia and evaluative approach in the framework of *Maqāṣid al-Sharīʾah* that is centred on the priority of *ḥifẓ al-nafs, ḥifẓ al-māl, maslaḥah*, and Islamic governance ethics. The study further suggests a legal–*maqāṣid* approach to the humanitarian redistribution of the assets of the State, an approach that attempts to balance the goals of asset recovery with the imperatives of disaster governance in a transparent, accountable, and trustworthy way.

This article makes three main contributions to the literature. First, it contributes to the development of the first integrated legal–*maqāṣid* approach that addresses the humanitarian use of seized state assets in disaster situations. Second, it broadens the scope of the current public finance debate in Islam, by introducing the concept of *al-māl al-ʾāam* for assets that have been purged by the law in an Islamic manner. Third, it offers practical policy suggestions for the legislative reforms of Indonesia to meet the objectives of humanitarian and *maqasid*-oriented governance and harmonize the asset recovery mechanism.

METHOD

This study uses the qualitative legal-doctrinal method to discuss the legal feasibility and shariah legitimacy in allocating confiscated state assets in disaster relief in Indonesia. Legal-doctrinal research is well known in legal and Islamic governance research as an adequate way to examine the structure, coherence and implications of legal rules in Islamic jurisprudence (Auda, 2008; Laldin & Furqani, 2013).

The analytical approach of this study is based on the systems-based approach to *Maqāṣid al-Sharīʿah* of Auda (2008)which highlights the integration of classical Islamic legal principles with contemporary institutional realities. The study here aims to integrate the positive analysis of the law concerning the confiscation of assets in Indonesia with the normative analysis based on *maqasid*, which emphasizes public welfare, life protection, and ethics in governance. It is a holistic structure that allows for the study to connect statutory legality with Islamic normative reasoning.

The study is based on three types of sources used: primary legal sources, secondary legal sources, and classical legal jurisprudential sources. The main legal documents include Indonesian laws and regulations related to the governance of disaster, state finance, anti-corruption, and confiscated asset management. These are among the laws that have been adopted in this regard, such as Law Number 24 of 2007 on Disaster Management, Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 on the Eradication of Corruption Crimes, Law Number 8 of 2010 on the Prevention and Eradication of Money Laundering, and the Government Regulations Number 27 of 2014 and Number 28 of 2020 concerning the Management of State Property. In addition, the study analyses Government Regulation Number 22 of 2008 regarding Disaster Relief Financing, Minister of Finance Regulation Number 145/PMK.06/2021 regarding the Management of Confiscated State Assets and the Draft Asset Forfeiture Law related to Criminal Offenses (RUU PATP 2023).

In the international arena, the study is based on the United Nations Convention Against Corruption (UNCAC) 2003 and Sendai Framework for Disaster Risk Reduction 2015-2030. These are international instruments that offer a broader normative framework to understand the link between asset recovery, public welfare, and disaster governance.

Secondary legal materials are journal articles, books and comparative legal studies that come from peer-reviewed journals, books and Sinta-indexed Indonesian journals, which are primarily from Scopus-indexed journals. The literature review focuses on three major themes: confiscated asset management and non-conviction-based asset forfeiture, disaster governance and disaster financing, and *Maqāṣid al-Sharīʿah* in Islamic governance and finance. Classical Islamic materials related to Islamic governance ethics, *Maslaḥah, al-māl al-ʾāmm*, and the *Maqāṣid* of the *Shariʾah* are also included. Foundational doctrinal perspectives from *al-Shāṭibī, Ibn ʿĀshūr,* and *al-Ghazālī* are analysed through the interpretive works of Al-Raysuni (2005) and Auda (2008).

The data collection process involved a systematic document analysis of relevant statutory instruments, government policies, ministerial decrees, and academic experiences in the field of confiscated asset management and disaster governance. The materials used in the legal sources were sourced from the official database of legislative materials and government publications from Indonesia, and the materials from academic were retrieved using keywords including "confiscated assets," "asset forfeiture," "disaster financing," "*maqasid al-shariah*," "*hifz al-nafs*," "*hifz al-mal*," and "Islamic social finance." The literature search was mainly conducted with publications from 2007 to 2025, but the seminal legal literature was included regardless of the date.

This analysis is sequential but linked into two stages. This is followed by a first phase of normative mapping of the Indonesian positive law concerning confiscation of assets, classification of state property, and disaster relief financing. This stage examines the legal mechanisms of the conversion of criminally acquired property into state property; the administrative system used for confiscated state property and the statutory procedures for disaster relief funds. The analysis also explores whether there are any explicit provisions in the Indonesian laws that authorize, bar or omit provisions on the allocation of the government's assets for humanitarian purposes. Statutory interpretation is done based on lex specialist *derogate legi generalis and lex posterior derogate priori.*

The second phase utilizes a framework of evaluating the normative legitimacy of the reallocation of confiscated assets for disaster relief based on the concept of *Maqāṣid al-Sharīʾah*. The principles of *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-māl* (protection of wealth/public property) are used as the main parameters in the analysis. The doctrine of *Maslahah* is also used to consider the proposed mechanism of redistribution in relation to real and necessary public welfare goals in the context of Islamic governance ethics (Asutay & Yilmaz, 2024; Dusuki & Abdullah, 2007; Mohammed & Taib, 2015). In addition, the *maqasid* analysis is complemented by elements of governance principles such as transparency, accountability, prevention of institutional abuse, and the equitable distribution of governance which is found in the literature of Islamic governance and public sector accountability scholarship (Peters, 2018; Pribadi et al., 2024; Sofyani et al., 2020).

The validity of the study is strengthened through source triangulation, interpretive consistency, and interdisciplinary integration. The results of statutory law in Indonesia are cross-referenced with international legal standards, comparative legal scholarship and Islamic jurisprudential doctrine. All evaluations based on the principle of *maqasid* are based on the authoritative classical and contemporary literature where methodological concerns raised by Asutay & Yilmaz (2024)are addressed to reduce subjective interpretation. This study is a legal-doctrinal study where only public legal documents and literature are used, without any human subjects being involved, it is not necessary to obtain institutional ethical approval. However, the study remains limited to normative legal analysis within the Indonesian context and does not empirically evaluate the practical implementation of the proposed redistribution model.

RESULTS

Normative Structure of Confiscated Asset Governance in Indonesia

The results showed that the Indonesian positive law included a formal legal procedure that can be used to confiscate and transfer the proceeds of crime into state ownership. Confiscation is an extra punishment provided by the court in a final judgment in accordance with Law Number 31 of 1999, regarding the Eradication of Corruption Crimes. There are also provisions regarding confiscation in Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering (Hufron & Fikri, 2024; Sakinah & Sumardiana, 2025).

After confiscation ownership is officially transferred to the state in accordance with Law No. 1 of 2004 concerning the State Treasury and records it as State Property (BMN). The subsequent management of the confiscated BMN is governed by Government Regulation Number 27 of 2014 and Government Regulation Number 28 of 2020 on the Management of State Property and Minister of Finance Regulation Number 145/PMK.06/2021 on the Management of Confiscated State Assets. These regulations provide for guidelines relating to inventory, valuation, storage, use, transfer, auction and disposal procedures relating to confiscated assets.

The results also indicate that, in the field of utilization of confiscated State Property, current Indonesian regulations have not specified BMN utilization for disaster relief activities. There is no specific provision that is explicit to either authorize or prohibit the humanitarian redistribution of assets that have been seized. Presently, however, the State Property rules are grounded mainly in the concepts of usefulness, accountability and safeguarding state assets (Danil & Kurniawan, 2017; Karim, 2022)(.

The analysis also shows the current legislative developments in Draft Asset Forfeiture Law related to Criminal Offenses (RUU PATP 2023). The draft law also establishes a non-conviction-based asset forfeiture process which allows in rem forfeiture under certain circumstances. The mechanism would give the state asset regime a much wider range of assets that could be confiscated (Olujobi, 2021; Sakinah & Sumardiana, 2025).

Disaster Relief Financing Framework

The results show that the disaster governance in Indonesia has acknowledged disaster relief as a state function, which is funded by various sources of funding. The law number 24 of 2007 on Disaster Management provides for citizens rights to protection from disasters and humanitarian assistance, and Government Regulation number 22 of 2008 concerning Disaster Relief Financing is clear that disaster relief funds can be derived from the state budget, regional budgets and other legitimate sources.

This formulation is important not just for its legal implications but because it does not only restrict disaster financing to the traditional budgetary processes. The results thus show that there is an open normative structure in Indonesia's disaster financing regulations related to the possible financing alternatives (Kadir et al., 2024; Rahmawan et al., 2024).

Additionally, the analysis detects structural constraints of the current disaster finance system in Indonesia. Current mechanisms are still heavily relying on state budget allocations and emergency fiscal adjustments. According to Marlina et al. (2024), the recurrent financing gaps are related to the growing disaster frequency and severity in Indonesia. The results suggest that the current disaster financing mechanism is prone to insufficiency of resources in large-scale disaster, which is still a problem to be addressed.

Classification of Confiscated Assets as Public Wealth

When assets are transferred from the private to the public domain through a lawful process, the *Maqāṣid al-Sharīʾah* evaluation reveals that it is normatively considered as *al-māl al-ʾāmm*. Under classical Islamic law, there are two types of wealth, the private and the collective public wealth, which is managed by the state for the people. The results show that after a lawful confiscation process, the source of the property is no longer recognized as private property and can thus be reallocated as public property (Al-Raysuni, 2005; Auda, 2008).

The study also shows that the Islamic legal principles on unlawful wealth mandate that the assets must be returned to its owners or the assets should be transferred to a public good if it is not possible to return it to its owners (Mohammed & Taib, 2015; Nuryanto & Jaelani, 2024). Consequently, confiscated assets that have become BMN may legitimately be treated as public wealth eligible for redistribution in humanitarian contexts.

***Maqāṣid al-Sharīʿah* Parameters for Disaster Relief Allocation**

The results conclude that there are three main *maqasid* parameters which are significant in relation to the distribution of the assets seized for the purpose of disaster relief.

The first is that the concept *of ḥifẓ al-nafs* (protection of life) sets that disaster relief is a core duty in Islamic governance ethics. Humanitarian protection falls under the primary necessities (*ḍarūriyyāt*) of life in disaster situations as it directly affects human lives, safety and dignity (Ghazali et al., 2023; Jamaa, 2011).

Secondly, the principle of *ḥifẓ al-māl* (protection of public wealth/wealth as a community) dictates that public wealth be handled responsibly, productively and for the benefit of the community. The results suggest that allocation through the confiscation of assets is possible in line with that principle, if it is done transparently, equitably and solely for public purposes (Asutay & Yilmaz, 2024; Mohammed & Taib, 2015).

Third, the theory of the *maslaḥah* (public interest) is used to argue for the redistribution where such a redistribution makes an actual benefit for the public that is both collective and necessary. The results confirm the disaster relief possessed these features as it directly relates to humanitarian protection and social welfare programmes, and to overcome the structural gaps in disaster financing (Dusuki & Abdullah, 2007; Laldin & Furqani, 2013).

Governance Safeguards for Redistribution Mechanisms

The results also uncover some governance protections that must be in place to make confiscated asset redistribution legitimate, besides normative permissibility.

The first type of protection is transparency (*shaffāfiyyah*) which means transparency in the field of origin, value, allocation, and distribution of assets seized. The second is accountability (*masʾūliyyah*), which is realized by the institutional system through the audit and public reporting system, and the oversight mechanism of Parliament (Pribadi et al., 2024;

Sofyani et al., 2020).

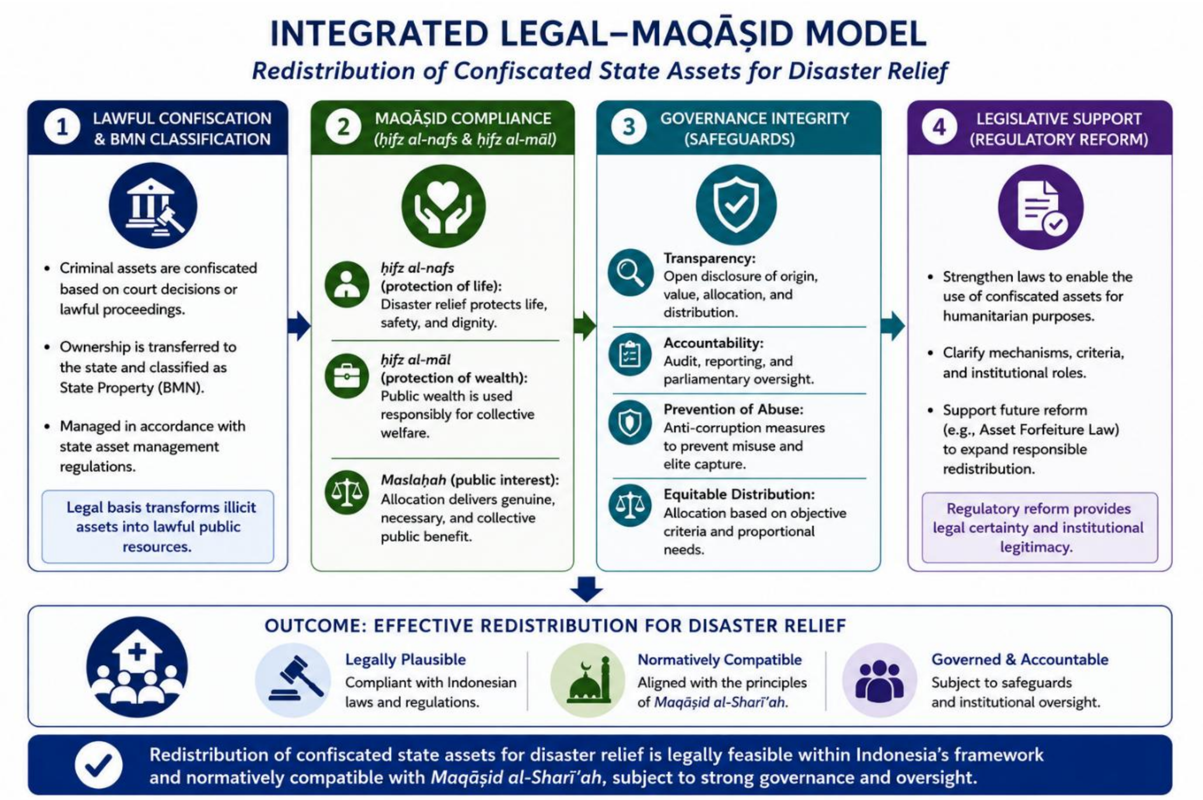
The third protection is by abiding with the principle of *sadd al-dharāʾiʿ* which is the prevention of institutional abuse. The results suggest anti-corruption measures must be in place to minimize elite capture, political abuse and administrative abuse in the redistribution mechanisms using emergency funds (Peters, 2018; Yulianti & Rahmayati, 2024).

The fourth protection is related to equitable distribution (*ʾadl*). Based on these results, allocation mechanisms should focus on objective humanitarian criteria and on a proportional allocation based on the severity of the disaster and the needs of the victims, as confirmed by the above results of the survey.

Integrated Legal–*Maqāṣid* Model

Summarizing the above, the study proposes an integrated model, which is based on legal–*maqāṣid,* for the redistribution of confiscated state assets in disaster situations. The model consists of four interconnected components: lawful confiscation and State Property classification, *maqasid* compliance through *ḥifẓ al-nafs* and *ḥifẓ al-māl,* governance integrity through transparency and accountability safeguards, and legislative support through future regulatory reform. Figure 1 illustrates the relationship between each of the four components of the model: legal legitimacy, *maqasid*-based humanitarian objectives, governance safeguards, and regulatory support in shaping the normative framework for disaster-based redistribution of the confiscated state assets.

Figure 1. Integrated Legal-*Maqasid Model*



This finding thus suggests that there is a legal possibility for the re-distribution of assets that have been seized by the state in the context of disaster relief, as well as a degree of normatively compatibility with the principles of *Maqāṣid al-Sharīʿah*, if this is achieved with the proper governance protections and institutional oversight.

DISCUSSION

Expanding Asset Recovery Beyond Retributive Functions

The results of this research show that seized state property can be used for more than punishment and to recover lost funds. Within the Indonesian context, the present asset recovery systems have a focus on deterrence, recovery of the state's financial losses, and enforcement of the criminal law (Hendry & King, 2015; Hufron & Fikri, 2024). The results, however, indicate that the assets once they're legally converted to State Property have more normative potential as public resources available to support humanitarian governance, especially in a disaster setting.

The finding helps to advance and build the theoretical arguments of asset recovery discourse, by expanding the function of confiscation from a retributive to a welfare-oriented governance framework. The asset confiscation in Indonesia is mostly carried out by administrative processes related to the valuation, storage, auction, and fiscal integration of assets. This approach is a limited view of confiscation as final punishment, and not as a policy tool to redistribute. The present results indicate that the assets seized can be seen as a strategic social resource that can be directly used for achieving public welfare goals.

This interpretation is consistent with the current jurisprudence of comparative asset forfeiture scholarship in the international arena. This interpretation is in keeping with the general trend in comparative asset forfeiture scholarship in the international arena. In the modern era, the recuperative and social element of recovered criminal assets is increasingly acknowledged in the confiscation regimes of Olujobi (2021) and Simonato (2017). However, in the current study, the discussion is taken forward by incorporating the concept of confiscated asset governance into the context of the *Maqāṣid al-Sharīʾah* approach. By doing so, the study situates asset recovery within the framework of criminal justice discourse and Islamic governance ethics around social welfare, humanitarian protection and collective responsibility.

Reconstructing Confiscated Assets as *al-Māl al-ʿĀmm*

One of the main theoretical contributions of this study is in reconstructing the public wealth, *al-māl al-ʿāmm*, based on the Islamic legal tradition of the modern era. Previously, studies on Islamic banking, Zakat, waqf, ethical investment and Islamic social finance have been the major concerns of *maqasid* scholars (Asutay & Yilmaz, 2024; Mohammed & Taib, 2015). Little research and discussion have been given to the legal and ethical implications of the transfer of assets seized by the criminal and put in the hands of the state.

The results show the possibility of re-positioning the confiscated assets in the category of public wealth based on a coherent doctrinal perspective, the concept of juridical purification (*taṭhīr*). Islamic law recognises that money that is acquired illegally is no longer allowed to be considered as private property after it has been lawfully confiscated by a court of law and can be channelled back into collective welfare. This change is notable, for it establishes a normatively binding link between anti-corruption enforcement and Islamic public finance principles.

Moreover, the results enrich the current knowledge of the concept of *ḥifẓ al-māl* (protection of wealth). Previous interpretations have focused on property rights preservation and protection. The present results, however, suggest a distributive aspect to *ḥifẓ al-māl* in which public funds must be used wisely and justly for the benefit of the people. In this context, the holding of seized public property in non-working administrative units, while the victims of the disaster experience humanism vulnerability, can contradict the overall approach of welfare embedded in the concept of *Maqāṣid al-Sharīʾah.*

The concept of protecting the wealth is therefore broadened by the study and the development of the idea that protection of the wealth is not restricted to accumulation of assets in an institutional framework. Rather, the responsibility of public wealth must also encompass the social role, equitable redistribution, and humanitarian response.

Humanitarian Necessity and the Centrality of *Ḥifẓ al-Nafs*

The results also further strengthen the importance of *ḥifẓ al-nafs* (protection of life) in disaster governance. The main argument of classical *maqasid* theory is that the protection of life is one of the highest categories in the hierarchy of necessities (*ḍarūriyyāt*), especially when it comes to jeopardizing the life, safety and dignity of humans (Ghazali et al., 2023; Jamaa, 2011). Redistribution of seized assets to address disasters thus cannot be simply considered an optional administrative policy but can be considered a part of the moral duty of the state in the framework of Islamic governance philosophy.

This paradigm offers a far wider normative reach to the sphere of disaster governance. Disaster management is usually perceived as a fiscal, logistics, or even a technological problem from a conventional public administration perspective. The findings contrast with this, however, by placing disaster response in a moral and legal context, the State assumes the role of trustee, that is, one who is accountable for the mobilization of available public resources for the protection of human welfare.

The results also illustrate the validity of the principle of *al-ḍarūrah* (necessity). The disaster financing system in Indonesia is still quite dependent on allocation of state budget and emergency fiscal adjustments which are sensitive to structural limitations during large-scale disasters. As financing options become exhausted, the challenge to reject the use of confiscated public property becomes greater. In this context, humanitarian need may warrant innovative funding approaches, if they are based on legitimate funding processes and on responsible governing structures.

Importantly, this finding adds to the ongoing debates about Islamic governance today and the potential for *maqasid* to work in state fiscal systems besides voluntary philanthropic institutions like the waqf and the zakat.

***Maslaḥah* and Policy Innovation in Disaster Governance**

The doctrine of *maslaḥah* (public interest) is crucial in justifying the proposed redistribution mechanism. The results show that disaster-oriented redistribution meets the classical criteria of *maslaḥah* as an action that is truly useful, collectively beneficial, and required. Redistribution not only brings protection of life and reduction of suffering, and consequently social stability, but also mitigates structural financing gaps in the disaster governance system in Indonesia.

The results also address current methodological controversies about *maqasid* reasoning. Recent research cautions against the indiscriminate use of *maqasid* without legal boundaries or a logical basis for jurisprudence (Asutay & Yilmaz, 2024). The present study, however, does not understand *maslaḥah* to be unlimited permission for state action. Rather, normative legitimacy is dependent on a series of conditions that are cumulative: legal confiscation mechanisms, proven public ownership, humanitarian necessity, and protective mechanisms of governance.

Theoretically, this disciplined application of *maslaḥah* is significant because it keeps *maqasid* reasoning from turning into an instrument or politically driven rationale. The study's incorporation of redistribution into the legal and doctrinal framework lends the integrated legal–*maqāṣid* model presented in Figure 1 more methodological credibility. The model thus does not only represent an ethical statement but a normative blueprint that establishes a linkage between positive law, Islamic legal doctrine, and accountability of governance.

Governance Integrity as a Requirement of *Shariah* Legitimacy

The other key implication that is coming to light from the findings is that good governance is an integral part of the legitimacy of shariah. Redistribution of confiscated assets takes place in institutional settings where corruption risk is increased, emergency procurement abuse is possible, political capture is a risk, and administrative opacity is present (Peters, 2018). Therefore, there must be governance safeguards along with normative permissibility.

The results reveal that transparency (*shaffāfiyyah*), accountability (*masʾūliyyah*), prevention of abuse (*sadd al-dharāʾiʿ*), and equitable distribution (*ʿadl*) are all Islamic moral values and essential parts of the governance system. In this regard, the ethics of governance of Islamic state approach are quite similar to the principles of public administration in modern times, which are auditability, institutional checks, anti-corruption measures, and public accountability (Pribadi et al., 2024; Sofyani et al., 2020).

For disaster governance, the doctrine of *sadd al-dharāʾiʿ* is especially significant as it places a responsibility on everyone to block paths to institutional harm. When used in the context of confiscated asset redistribution, this doctrine has been used to build anti-corruption mechanisms, digital traceability systems, independent monitoring and better public oversight. If there is no safeguard, then redistribution mechanisms could risk factors like public trust and *maqasid* goals.

The results thus encourage us to conclude that legitimacy is more than just formally legal or doctrinally allowed, it is also credibly institutional. Public trust is found to be a vital factor in governance effectiveness and shariah compliance, especially in the case of assets acquired through corruption and financial crime, and its redistribution.

Implications for Indonesian Legal Reform and Islamic Governance

The results have important implications for the legal reform in Indonesia. There is a normative gap in the existing regulatory system, as there is no specific regulation regarding the humanitarian use of seized State Propery. This flexibility is an advantage for interpretation but is also a disadvantage from an institutional perspective, as it could make state agencies hesitant to implement.

Hence, the study proposes the need for legislative clarity to make the proposed model of redistribution work. A first step toward reform could be amendment of Government Regulation Number 22 of 2008 on Disaster Relief Financing which should clearly recognize confiscated State Property as a legal source of disaster financing. An alternative is to include humanitarian redistributive measures in the Draft Asset Forfeiture Law on Criminal Offenses (RUU PATP).

These changes would improve legal reliability and help incorporate anti-corruption policy into disaster governance goals. More generally, they would highlight the social legitimacy of asset recovery, by showing that tangible humanitarian benefits could result from the confiscation of public assets.

This study is also relevant for broader discussions on Islamic public finance and humanitarian governance. Islamic social finance literature has mostly been concentrated on mechanisms of voluntary redistributive, like Zakat and Waqf (Saeed & Aftab, 2021; Sulistyowati, 2019; Widiastuti et al., 2022). This study builds on this continuum by showing how state-administered confiscated assets can also serve as a *maqasid*-oriented humanitarian tool if administered in a legally and ethically sound manner.

Finally, the integrated legal–*maqāṣid* model suggested in this study connects three previously disjointed fields: asset recovery law, disaster governance and Islamic governance ethics. In so doing, the study provides a novel conceptual lens for the analysis of how disbursable public funds can be used to serve not only the goals of criminal justice, but also the goals of humanitarian resilience, social welfare and public trust in state governance institutions.

CONCLUSION

This study demonstrates that the redistribution of confiscated state assets for disaster relief in Indonesia is both legally plausible within the framework of Indonesian positive law and normatively compatible with the principles of *Maqāṣid al-Sharīʿah*. The results indicate that criminal assets that are confiscated legally and assigned to the state can be considered as public assets (*al-māl al-ʾāmm*) for legitimate use in response to humanitarian needs. Indonesian regulations governing disaster financing do not explicitly prohibit the use of confiscated assets for disaster relief, while the open-ended recognition of "other legitimate sources" within disaster financing regulations creates interpretive space for such allocation. On the normative level, the principles of *ḥifẓ al-nafs, ḥifẓ al-māl* and *maslaḥah* all contribute to the redistribution mechanisms that are in place to safeguard life, preserve public well-being, and to remedy structural issues in disaster financing.

The study also shows that shariah legitimacy is not just based on the permissibility of the norms, but also on the integrity of governance. The mechanisms of redistribution of wealth which involve the appropriation of assets must therefore be based on the principles of transparency (*shaffāfiyyah*), accountability (*masʾūliyyah*), prevention of institutional misuse (*sadd al-dharāʾiʿ*), and fairness (*ʾadl*). These protections are critical to avoid corruption, elite capture and administrative misuse, especially in emergency disaster situations where the authority is lessened and decisions need to be made rapidly. Therefore, the study suggests an integrated legal–*maqāṣid* model which is based on a combination of lawful confiscation, *maqasid* compliance, governance safeguards, and legislative support as interwoven pillars for the humanitarian redistribution of public assets.

The findings contribute theoretically by bridging asset recovery law, disaster governance, and Islamic governance ethics within a unified analytical framework. The concept of confiscated state assets as a tool for public welfare and humanitarian resilience is also introduced into the existing framework of contemporary *maqasid* scholarship, which tends to focus on Islamic finance and philanthropy. The study emphasizes on the policy level the need for the reform of existing disaster financing laws to explicitly address legal issues concerning the humanitarian application of confiscated State Property, either by amendment of existing disaster financing law or by inclusion into new asset forfeiture legislation. Further research is needed to explore the institutional feasibility, governance capacity, and comparative implementation of confiscated asset redistribution models in other jurisdictions that are vulnerable to natural disasters and Muslim-majority societies.

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