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Regulation of Illicitly Acquired Assets in Islamic Economic Law for Achieving Welfare

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Abstract

Purpose – *Wealth is an essential and fundamental aspect of human life. It not only plays an important role in sustaining life, but also serves as a means to achieve prosperity and happiness, both in this world and in the hereafter. Although the Qur'an explicitly prohibits the acquisition of wealth through unlawful means, violations of this provision still occur frequently. In fact, seeking halal livelihood is an obligation for every Muslim. Therefore, it is important to conduct in-depth research on sources of income that are haram, so that they can be avoided, while also examining the perspective of Islamic economics in managing haram wealth for those who are already involved and wish to purify it.*

Method – *This study uses a normative-descriptive method with a sociological-legal approach. Data collection was conducted through literature study by examining various relevant sources, such as fiqh books, scientific journals, fatwas from scholars, and previous research results.*

Result – *The results of the research show in Islamic jurisprudence, unlawful wealth refers to assets acquired through forbidden means, such as gambling, oppression, usury, theft, corruption, or the sale of prohibited goods, as explicitly forbidden by the Quran and Hadith. The management of illicit wealth in the context of Islamic economics must be based on the principles of justice, purification, and divine trust (istikhlāf). Scholars such as al-Ghazālī, Ibn Qudāmah, Wahbah al-Zuḥaylī, and Yūsuf al-Qaraḍāwī agree that wealth obtained unlawfully must be returned to its rightful owner. If the owner is unknown, then the wealth must be allocated for the public good. Therefore, individuals, groups, and governments are obliged to manage unlawful wealth in a manner that brings public benefit and is in accordance with divine justice.*

Keywords : Illicit ; Wealth Management; Economics Law; *Istikhlāf* Principle.

Implication – *As a practical implication these Islamic legal principles is that Muslims are strictly obligated to cleanse their finances of unlawfully acquired wealth, primarily by returning it to its rightful owner or, failing that, by dedicating it to public good, preferably, the government should establish an institution to facilitate this.*

INTRODUCTION

Wealth holds a central role in human life. It does not merely function as a means of fulfilling material needs, but also serves as an instrument to achieve well-being, avoid hardship, and attain happiness in both this world and the hereafter. Consequently, wealth constitutes a fundamental aspect that must be preserved. Islam, as a comprehensive religion, provides clear guidance regarding the management, preservation, and distribution of wealth. The concept of wealth in Islam is always closely associated with ethical principles and the stipulations of the Sharia. Since human beings cannot detach themselves from the need for wealth, social inequalities and life difficulties often arise due to disparities in ownership and access to wealth (Wijayanti et al. 2024).

The Qur'an mentions the term *al-māl* (wealth) no fewer than 86 times. This frequency indicates the considerable attention given to matters of wealth and underscores its integral role in human life, particularly from the perspective of Islamic teachings (Asnah et al. 2023). Moreover, wealth is regarded as a means of trial for humankind (Batubara et al. 2023). Every individual is tested not only with the wealth they possess but also with the wealth placed under their authority. On this basis, Allah SWT prohibits His servants from acquiring wealth through unjust means or by causing harm to others, as affirmed in the Qur'an, Surah al-Nisā' [4:29]:

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْا لَا تَأْكُلُوْٓا اَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ اِلَّآ اَنْ تَكُوْنَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ ۗ ...

"O you who believe! Do not consume one another's wealth unjustly, but only [in lawful] business by mutual consent."

Although the Qur'an, as the primary source of Islamic teachings, explicitly prohibits the acquisition of wealth through unjust means, and numerous hadiths emphasize the obligation for every Muslim to earn a livelihood from lawful sources (Al-Ghazali 2013), in practice many people still violate these principles.

At least two major factors contribute to this phenomenon. First, a consumptive and materialistic lifestyle (Yuniarti and Wahab 2023) which drives individuals into practices such as corruption, abuse of power, bribery, and various other forms of misconduct. Second, a lack of knowledge regarding the legal status of certain types of work—whether permissible or prohibited—which leads some individuals to engage in unlawful activities such as the sale of alcoholic beverages, trade in counterfeit goods (Ar-Rusd and Arifin 2024), online gambling in its various forms, problematic online lending practices (Thoha, 2022), as well as claw machine games and similar activities that are widely popular in society.

This reality indicates that a significant portion of Muslims still lack a clear understanding of the types of occupations permitted and prohibited under Sharia. On the other hand, the awareness among some that a portion of their income contains unlawful elements often raises questions regarding how such wealth should be purified or disposed of, as it cannot simply be abandoned or destroyed without use. Therefore, an in-depth study is required both on the types of occupations deemed unlawful so that society may avoid them, and on the Sharia guidelines for managing and redistributing illicit wealth, ensuring that it is not diverted to prohibited sectors

METHOD

This study uses a normative-descriptive method with a legal-sociological approach. The normative-descriptive method aims to find coherence between applicable legal norms and the underlying legal principles, as well as examining the extent to which a legal provision in the form of a command or prohibition is in harmony with these legal principles, and how individual actions reflect compliance with applicable legal norms (Rina Rahma Ornella Angelia, Rahmi Erwin, & Andi Desmon, 2024).

Meanwhile, the juridical-sociological approach is intended to examine the relationship between legal and non-legal aspects in the context of the functioning of law in society (Retna Susanti, 2021). Thus, this approach allows researchers to understand how Sharia norms are implemented and responded to by society in socio-economic life.

In this study, the normative-descriptive method was applied to examine the principles of sharia economics related to the management of wealth obtained through unlawful means, while also describing the manifestations and implementation of these principles in contemporary economic practices. The juridical-sociological approach was used to examine the relationship between Sharia norms and social reality, thereby providing a comprehensive picture of the ideal and contextual application of Islamic law in modern society.

Data collection was conducted through a literature review by searching various relevant sources, such as fiqh books, scientific journals, fatwas from scholars, and previous research results. The literature obtained from these various sources was then critically and thoroughly analyzed to produce argumentative and systematic findings. Data analysis was conducted using the mashlahah approach to determine the relevance of the scholars' opinions regarding the management and utilization of haram assets in the perspective of Islamic economic law.

RESULT

Types of Occupations and Sources of Unlawful Income in Islamic Perspective

In Arabic, wealth is called al-māl, which etymologically means inclined, inclined, or slanted. This term is used to describe the human tendency towards wealth because of its natural nature of always wanting to possess and love it (Mugni Muhit & Jajang Herawan, 2022). Terminologically, al-māl is understood as everything that humans enjoy and preserve, whether in the form of tangible objects or benefits that have economic value (Yudhi Yanuar Fiqri, 2023). From the perspective of Islamic law, wealth is defined as everything that has value, can be owned, controlled, and utilized legally according to the provisions of Islamic law, whether in the form of objects or the benefits attached to them (Siti Hadija & Nandang Ihwanudin, 2021).

As explained in the introduction, this study aims to identify the types of occupations prohibited in Islam, particularly within the context of technological advancements and contemporary socio-economic dynamics. Several forms of muʿāmalah (economic transactions) may result in the acquisition of unlawful wealth, among which are:

1. Wealth Acquired through Gambling

Islam permits various forms of games and entertainment as long as they do not cause harm or bring about negative consequences. However, it strictly prohibits all forms of activities involving shubuhāt (dubious elements), particularly gambling (Tamaruddin 2024). Gambling, known in Arabic as al-maysir or al-qimār, was prohibited gradually until it was ultimately subjected to an absolute prohibition, as stated in Surah al-Māʾidah [5:90] (Ramadhan, Al-Birri, and Febriansyah 2024).

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْٓا اِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْاَنْصَابُ وَالْاَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطٰنِ......

"O you who believe! Intoxicants, gambling, sacrificing on stone alters (to other than Allah), and divination by arrows are but defilement from the work of Satan, so avoid it that you may prosper." (Q.S Al-Maidah [5: 90])

In the contemporary context, online gambling has emerged as the most widespread form of gambling, easily accessible through digital technologies and attracting a broad demographic, including youth and even children under the age of ten. Its destructive impact extends beyond financial loss, bankruptcy, and family breakdown to moral and social degradation. Data from the Indonesian Financial Transaction Reports and Analysis Center (PPATK) recorded approximately four million Indonesians engaged in online gambling, with a circulation of funds reaching IDR 327 trillion in 2023—demonstrating its massive and detrimental impact (Yusup, Fadilah, and Subarkah 2024). The most common types of online gambling, particularly among adolescents, include slot machines, poker, roulette, football betting parlays, and lottery games (Riansyah, Nuraida, and Assoburu 2024).

One economic activity that is often mistakenly considered permissible by some segments of society in relation to online gambling is the buying and selling of gambling chips, which are widely traded at mobile credit counters. In reality, such a practice is unequivocally prohibited (Yunida, 2022). Likewise, the provision of top-up services to facilitate online gambling is also impermissible, as derived from the Islamic legal maxim *al-wasaailu al-umuur kalmaqaashid.*

In addition to online gambling, conventional forms of gambling also remain prevalent, such as cockfighting, goat or cattle fights, pigeon racing, dog fighting, as well as betting in card games, dominoes, racing, and other competitions. Even claw machine games, which are popular among children and adolescents, are categorized as gambling practices (Baihaqi and Akram 2023).

2. Wealth Obtained Through Oppression of Others

Apart from gambling, another form of illicit wealth arises from practices of injustice and oppression against fellow human beings. At least three major forms can be identified:

a. Illegal Online Loans (Pinjol)

Providing online loans (pinjol), particularly those not supervised by the Financial Services Authority (OJK), is classified as a prohibited activity (Imanuddin et al. 2023) Based on the fiqh maxim al-aṣlu fī al-ashyā' al-ibāḥah ḥattā yadullu dalīlun ʿalā al-taḥrīm (the original ruling on worldly matters is permissibility unless there is evidence of prohibition), online lending is in principle permissible and valid. However, when fraud, abuse, or similar violations occur in practice, the ruling becomes unlawful (Thoha 2022).

In reality, many pinjol operations engage in exploitative practices, even resorting to intimidation and acts of terror that, in extreme cases, have led to the loss of borrowers' lives (Abdullah and Fauzi 2024).

b. Trade in Imitation Goods

Imitation products are reproductions of certain brands or designs intended to resemble the original ones. In business practice, this activity is classified as a form of piracy and deception, both toward consumers and the legitimate brand owners. Islam strictly prohibits such practices, as emphasized in a hadith narrated by Imam Ahmad: "The property of a person is not lawful except with his consent" (Ar-Rusd and Arifin, 2024). Therefore, profits gained from the sale of imitation goods are deemed invalid under Islamic law and are categorized as unlawful wealth.

c. The Practice of Fasid Pawn

Pawn practices that do not conform to Islamic law are still commonly found in society, for example in Cilodang Village, Pelepat Subdistrict, where farmers pawn their farmland to certain parties (murtahin). In such practices, the murtahin takes control of the land and appropriates all harvests until the debt is fully repaid, while the rightful owner is deprived of the right to cultivate the land.

According to the jumhur fuqaha, this practice contradicts Islamic law because it harms the landowner, as pledged land is not to be exploited or used for profit by the pawnee (Syamsoni 2019). Furthermore, it contravenes the Islamic principle of ta'awun (mutual assistance), and such practices are categorized as acts of injustice toward others (Albahri, Pasiska, and Kurniati 2023). herefore, any gain acquired by the murtahin beyond the principal loan is considered unlawful wealth (harta haram). Given that this practice is still prevalent among farming communities, an appropriate approach is required to rectify their understanding of pawn regulations in Islam.

3. Harta yang Diperoleh melalui Praktik Riba

In Islam, riba refers to the imposition of additional charges stipulated in loan transactions. This practice is strictly prohibited and classified as one of the major sins. Both the Qur'an and Hadith provide explicit prohibitions concerning riba, as emphasized in Surah al-Baqarah [2:275–279] and Surah Ali 'Imran [3:130], which contain stern warnings against those who engage in it. Accordingly, Muslims are obliged to avoid riba in all forms of financial transactions (Alyaafi and Andhera 2023). In fact, according to Sayyid Sabiq in Fiqh al-Sunnah, the prohibition of riba is also found in all Abrahamic religions (Sabiq 1987).

Broadly speaking, riba is divided into two main categories: riba al-qardh (usury in loans) and riba al-buyu' (usury in sales transactions). Riba al-qardh occurs when an additional charge is stipulated on the principal of a loan from the outset of the contract, or when the lender receives a gift or additional benefit prior to repayment. In other words, any profit that is made a condition in a loan constitutes riba. Meanwhile, riba al-buyu‘ occurs when there is a violation of the rules governing the sale of ribawi commodities (such as gold, silver, and salt). First, if ribawi commodities of the same kind are exchanged, the transaction must be equal in quality and quantity, and conducted on the spot. Second, if the commodities exchanged differ in kind, the transaction must still be conducted immediately, even though profit is permissible (Pardiansyah 2022).

In contemporary practice, riba al-qardh can be found in various conventional financial products, such as bank loan and deposit interest, interest on vehicle financing through financial institutions, late-payment penalties on credit cards, and conventional insurance policies that invest premiums in interest-based instruments (Pardiansyah 2022), Other forms include fixed-interest loans (Alifah, Magdalena, and Sabila 2023), online lending both legal and illegal (Niskaromah 2024), conventional cooperatives operating on an interest system (Mukhlis 2021) and loan-sharking practices (Rukaya and Istiqamah 2021).

One of the main issues concerning riba today is the form of its transactions. Determining whether a modern financial transaction constitutes riba is not straightforward, as contemporary economic models differ significantly from those practiced in the time of the Prophet and his Companions. Consequently, some forms of riba practiced today remain a matter of scholarly disagreement..

4. Wealth Acquired from Trading Prohibited Goods

According to the teachings of the Prophet Muhammad (peace be upon him), anything that is prohibited for consumption or use is likewise unlawful to sell, and its proceeds are considered haram. As he stated:

إِنَّ اللّٰهَ إِذَا حَرَّمَ شَيْئًا حَرَّمَ ثَمَنَهُ

Indeed, when Allah prohibits something, He also prohibits its sale.” (Ahmad)

Goods that are forbidden to be traded include pork, carrion, idols, and intoxicating beverages (Azqia 2022). This ruling is reinforced in the hadith of the Prophet (peace be upon him):

إِنَّ اللّٰهَ حَرَّمَ بَيْعَ الخَمْرِ وَالمَيْتَةِ وَالخِنزِيرِ وَالأَصْنَامِ

“Indeed, Allah has prohibited the trade of wine, carrion, swine, and idols.” (Al-Bukhari)

Sayyid Sabiq concluded from several hadiths that anything forbidden for use is also forbidden to be traded, and the income derived from such trade is unlawful to be consumed (Sabiq 1987). This opinion is in line with the fiqh rule

مَا حَرُمَ اسْتِعْمَالُهُ حَرُمَ اتِّخَاذُهُ, which means that anything whose use is prohibited is also prohibited from being utilized or exploited.

In Indonesia, despite the majority Muslim population, the sale of alcoholic beverages remains relatively easy to find, including traditional liquor produced in certain regions (Adrian, Hasan, and Tira 2023). Similarly, the practice of trading carrion, particularly for use as fish feed, still occurs, especially among poultry and fish farmers, although not on a massive scale (Septiadi 2019). In addition, the trade of dogs can be found in several regions, despite the Prophet Muhammad's (peace be upon him) prohibition of selling dogs—although scholars differ in their opinions regarding the legal ruling on this matter (Saputri 2020).

In addition to the aforementioned sources, Islam also prohibits income derived from corruption (Gunawan 2019), theft as emphasized in Surah al-Māʾidah [5:38] (Luthfi et al. 2022), robbery, mugging, fraud as prohibited in Surah al-Nisāʾ [4:29], prostitution, and various other forms of transactions that contradict Islamic law.

5. Wealth Obtained from Pornography Content

Digital pornography, also known as cyberporn, is one of the most serious forms of cybercrime because it can damage the morals of young people who access it through websites. Beyond personal consumption, pornography has also become a commodity traded in the form of pornographic transactions. These transactions involve selling services or content that violate public decency, for example downloading pornographic videos from certain websites and reselling them in society. Thus, cyberporn is not only harmful to morality but also creates social problems, such as the rise of promiscuous behavior affecting not only adults but also children. Recognizing its dangers, Indonesia has established legal regulations through Law No. 44 of 2008 on Pornography and Law No. 11 of 2008 Article 27 Paragraph 1 on Information and Electronic Transactions (Firdausi, 2020).

The rise of digital technology has made this problem worse. Indonesia is among the countries experiencing an increase in cases of pornographic content sales, especially since the Covid-19 recovery period. Perpetrators use social media to market pornographic content because of its wide reach and easy access. The sale of pornographic content has become one of the most common criminal acts. However, the low level of legal awareness among the public makes these practices flourish, as many offenders act without fear of sanctions. Data from the Ministry of Communication and Information (Kemenkominfo) recorded around 1.57 million negative contents on the internet by October 2021, most of which were pornography. Many people exploit such content as a source of income, whether for personal use or resale.

Even more concerning, some married couples deliberately produce and sell their own pornographic videos (Arta, Dewi, and Widyantara, 2023).

If in the past pornographic crimes were carried out in conventional ways, today they are more advanced, using digital technology. Pornography crimes are often linked to online prostitution, which has become a public issue. Popular social media platforms such as Telegram, WhatsApp, Facebook, and Instagram are frequently misused to spread or trade pornographic content. New live-streaming apps like Bigo Live and Michat are also widely exploited for pornography-related crimes. One of the most common practices is Video Call Sex (VCS), where service providers promote themselves through social media with fixed rates. This method is seen as easier, more practical, and relatively safer from law enforcement, making it increasingly popular (Oktarisa, 2022).

Furthermore, surveys conducted in 2023 confirmed that pornography, in all its forms, strongly stimulates sexual desire. This is why Islam strictly prohibits all forms of pornography. However, many perpetrators continue to spread pornographic content for financial gain. One example is Mango Live, a live-streaming platform similar to online television. On this platform, women often expose their bodies in front of the camera, and viewers must purchase digital coins to access the show (Fianto & Syamsuri, 2023).

The forms of pornography in the digital era have become increasingly diverse and modern, particularly through the use of social media technologies and live streaming applications. Pornographic practices today are no longer limited to the distribution of videos or images on websites, but also include interactive services such as Video Call Sex (VCS), online prostitution, and live sensual performances on streaming platforms such as Bigo Live and Mango Live. Income generated from these practices is considered haram (forbidden) under Islamic law.

Islamic Guidelines on the Utilization of Haram Wealth

Muslim communities often experience confusion when dealing with the issue of illicit wealth. Common questions include: should such wealth be left unused? Is it permissible to use it for tax payments? Or should it rather be distributed in the form of charity in the way of Allah? Another recurring concern is how to separate wealth that has become mixed between lawful (ḥalāl) and unlawful (ḥarām) sources.

Al-Ghazali explains that the commingling of lawful and unlawful wealth can occur in two forms. First, within the same type of asset, such as money, oil, or agricultural produce in the form of grains. Second, across different types of assets, such as clothing or housing. If the amount of unlawful wealth is known with certainty, it must be immediately separated. However, if the exact amount cannot be determined, separation should be made based on the strongest possible estimation of the wealth's owner. The same ruling applies in cases involving doubtful wealth (*shubuhāt*) (Al-Ghazali 2013). Furthermore, Al-Ghazali emphasizes that repentance from illicit wealth will not be accepted by Allah unless the wealth is returned to its rightful owner, accompanied by a request for forgiveness (Al-Ghazali 2013).

Accordingly, any form of utilization of wealth obtained through unlawful means remains prohibited, even if allocated for seemingly good purposes such as charity or performing ḥajj. Such acts will not yield any reward in the sight of Allah (Sabiq 1987). This is consistent with the Prophet's saying that Allah, the Exalted, is Pure and accepts only what is pure.

وَلَا يَكْسِبُ عَبْدٌ مَالًا مِنْ حَرَامٍ فَيُنْفِقَ مِنْهُ فَيُبَارَكَ لَهُ فِيهِ وَلَا يَتَصَدَّقُ بِهِ فَيُقْبَلَ مِنْهُ وَلَا يَتْرُكُ خَلْفَ ظَهْرِهِ إِلَّا كَانَ زَادَهُ إِلَى النَّارِ إِنَّ اللَّهَ عَزَّ وَجَلَّ لَا يَمْحُو السَّيِّئَ بِالسَّيِّئِ وَلَكِنْ يَمْحُو السَّيِّئَ بِالْحَسَنِ إِنَّ الْخَبِيثَ لَا يَمْحُو الْخَبِيث

"No servant seeks wealth through unlawful means and then spends from it except that it will never bring him blessing (nor any true profit). Nor does he give charity from it except that it will not be accepted from him. And if he leaves it behind (as inheritance), it will only serve as a means of taking him closer to the Fire. Indeed, Allah, Mighty and Majestic, does not erase evil with another evil, but Allah erases evil with good. Truly, evil does not erase evil" (Musnad Ahmad)

In another narration, reported from Abū Hurayrah (ra), it is stated:

مَنْ كَسَبَ مَالًا حَرَامًا فَتَصَدَّقَ بِهِ لَمْ يَكُنْ لَهُ أَجْرٌ وَكَانَ إِصْرَهُ عَلَيْهِ

"Whoever earns unlawful wealth and then gives charity with it will receive no reward from it, while the sin and punishment remain upon him." (Sabiq 1987)

Performing the pilgrimage (ḥajj) with unlawful wealth—such as money obtained through corruption—when viewed from the perspective of spiritual and moral jurisprudence, clearly contaminates the act of worship, diminishes its reward, and may even nullify it altogether. For this reason, the Ḥanbalī jurists hold that performing ḥajj (or ʿumrah) with illicit wealth renders the pilgrimage invalid (Zahro 2018). They base their position on a narration reported by al-Ṭabarānī, in which the Prophet said: *"When a person sets out to perform ḥajj with wealth acquired unlawfully, and he proclaims the talbiyah, a caller from the heavens responds: 'Your pilgrimage is not accepted, nor will you attain felicity. Your provisions are unlawful, your expenses are unlawful; thus your ḥajj is sinful and devoid of reward.'"* (Zahro 2018)

Meanwhile, according to the majority of jurists (jumhūr al-fuqahā') from the Ḥanafī, Mālikī, and Shāfiʿī schools, performing ḥajj with wealth obtained unlawfully is still deemed valid so long as the pilgrimage is carried out in accordance with the prescribed conditions and pillars of the ritual (Zahro 2018). This view is reasonable, as the validity (ṣiḥḥah) of worship is judged solely on the fulfillment of its requirements and integrals.

In other words, if an act of worship is performed in full compliance with the sharīʿah regulations, it is legally valid from the standpoint of formal jurisprudence, regardless of whether or not the person receives reward from Allah. Nevertheless, the use of unlawful wealth for the performance of ḥajj, ʿumrah, sacrifice (qurbān), or any other form of worship that requires financial expenditure ought to be strictly avoided. In this regard, it is preferable to follow the opinion of the Ḥanbalī school and of Sayyid Sābiq, since reliance on the more permissive opinions may encourage those of weaker faith to deliberately acquire and utilize illicit wealth for religious rituals..

In the Indonesian context, the Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI) has also issued guidance through Fatwa No. 13 of 2011 on the Legal Status of Zakāt on Unlawful Wealth. The fatwa stipulates that wealth derived from unlawful activities—such as the trade of alcohol, narcotics, or fraudulent practices—must be allocated for public welfare purposes and not for personal benefit

Regarding the matter of lawful (ḥalāl), unlawful (ḥarām), and doubtful (shubuhāt) wealth, the Prophet also provided indirect guidance through several ḥadīths on how such wealth should (or should not) be spent. One of these reports is transmitted by Imām Aḥmad ibn Ḥanbal:

حَدَّثَنَا مُعَاوِيَةُ بْنُ عَمْرٍو حَدَّثَنَا أَبُو إِسْحَاقَ عَنْ زَائِدَةَ عَنْ عَاصِمِ بْنِ كُلَيْبٍ عَنْ أَبِيهِ أَنَّ رَجُلًا مِنْ الْأَنْصَارِ أَخْبَرَهُ قَالَ خَرَجْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي جِنَازَةٍ فَلَمَّا رَجَعْنَا لَقِيَنَا دَاعِي امْرَأَةٍ مِنْ قُرَيْشٍ فَقَالَ يَا رَسُولَ اللَّهِ إِنَّ فُلَانَةَ تَدْعُوكَ وَمَنْ مَعَكَ إِلَى طَعَامٍ فَانْصَرَفَ فَانْصَرَفْنَا مَعَهُ فَجَلَسْنَا مَجَالِسَ الْغِلْمَانِ مِنْ آبَائِهِمْ بَيْنَ أَيْدِيهِمْ ثُمَّ جِيءَ بِالطَّعَامِ فَوَضَعَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَدَهُ وَوَضَعَ الْقَوْمُ أَيْدِيَهُمْ فَفَطِنَ لَهُ الْقَوْمُ وَهُوَ يَلُوكُ لُقْمَتَهُ لَا يُجِيزُهَا فَرَفَعُوا أَيْدِيَهُمْ وَغَفَلُوا عَنَّا ثُمَّ ذَكَرُوا فَأَخَذُوا بِأَيْدِينَا فَجَعَلَ الرَّجُلُ يَضْرِبُ اللُّقْمَةَ بِيَدِهِ حَتَّى تَسْقُطَ ثُمَّ أَمْسَكُوا بِأَيْدِينَا يَنْظُرُونَ مَا يَصْنَعُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَلَفَظَهَا فَأَلْقَاهَا فَقَالَ أَجِدُ لَحْمَ شَاةٍ أُخِذَتْ بِغَيْرِ إِذْنِ أَهْلِهَا فَقَامَتْ الْمَرْأَةُ فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّهُ كَانَ فِي نَفْسِي أَنْ أَجْمَعَكَ وَمَنْ مَعَكَ عَلَى طَعَامٍ فَأَرْسَلْتُ إِلَى الْبَقِيعِ فَلَمْ أَجِدْ شَاةً تُبَاعُ وَكَانَ عَامِرُ بْنُ أَبِي وَقَّاصٍ ابْتَاعَ شَاةً أَمْسِ مِنْ الْبَقِيعِ فَأَرْسَلْتُ إِلَيْهِ أَنْ ابْتُغِيَ لِي شَاةٌ فِي الْبَقِيعِ فَلَمْ تُوجَدْ فَذُكِرَ لِي أَنَّكَ اشْتَرَيْتَ شَاةً فَأَرْسِلْ بِهَا إِلَيَّ فَلَمْ يَجِدْهُ الرَّسُولُ وَوَجَدَ أَهْلَهُ فَدَفَعُوهَا إِلَى رَسُولِي فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَطْعِمُوهَا الْأُسَارَى

Muʿāwiyah ibn ʿAmr narrated to us, Abū Isḥāq narrated to us from Zāʾidah, from ʿĀṣim ibn Kulayb, from his father, that a man from the Anṣār informed him, saying: "We went out with the Messenger of Allah following a funeral. On our way back, we encountered a female envoy from Quraysh who said: 'O Messenger of Allah, So-and-so invites you and those with you to a meal.' The Messenger of Allah then went, and we went with him.

We sat as children sit before their father. Then food was brought. The Messenger of Allah placed his hand (to eat), and so the people placed their hands as well. The people understood from his chewing of the food that he was not permitting it, so they withdrew their hands, while we were momentarily forgotten. Then they remembered and reached for our hands. Someone struck the food from his hand until it fell, and they restrained our hands. They observed what the Messenger of Allah was doing. He discarded and threw away (the meat), saying: 'I have found the meat of a sheep taken without the owner's permission.' The woman then stood up and said: 'O Messenger of Allah, my intention was to gather you and those with you for a meal. I went to Baqīʿ but found no sheep for sale. ʿĀmir ibn Abī Waqqāṣ had bought a sheep from Baqīʿ the day before, so I sent a messenger to him to procure a sheep for me, but none was available. Then I was told that you had purchased a sheep, so send one to me. But my envoy could not find it. His family then found it and gave it to the Messenger of Allah.' The Prophet then said: 'Give it to the prisoners.'" (Musnad Aḥmad)

According to Shaykh al-Aẓīm Ābādī, the Prophet's command that the food—whose status was unlawful or doubtful—be given to prisoners of war was due to their condition as destitute individuals in need (Abadi 2005). This indirectly indicates that wealth obtained unlawfully or of doubtful status should be directed toward those in need or allocated for public welfare.

Another narration also provides guidance regarding the disposal of unlawful wealth, namely the report concerning Abū Bakr (raḍiyallāhu ʿanhu) who engaged in a wager with the polytheists regarding the prediction of the Byzantine victory over Persia. When the Byzantines indeed triumphed, Abū Bakr brought the proceeds of the wager to the Prophet, who instructed him to give it in charity (Al-Ghazali 2013). owever, in the takhrīj of al-ʿIrāqī, doubts are raised about whether this instruction to give the wager in charity can be definitively traced back to the Prophet Muhammad. A similar narration is also cited by Ibn Kathīr in his Tafsīr when commenting on the opening verses of Sūrat al-Rūm. According to the remarks of the verifiers, the report is graded as ḥasan li-ghayrihi.

There is also a narration from Ibn Masʿūd, who once intended to purchase a female slave found in a certain region. However, he was unable to locate her rightful owner despite an extended search. After continued efforts failed to identify the owner, Ibn Masʿūd proceeded with the purchase by giving in charity the equivalent value of the slave to the poor of that region. A similar line of reasoning is also reported from al-Ḥasan, Muʿāwiyah, and Imām Aḥmad ibn Ḥanbal (Al-Ghazali 2013).

The principle that can be drawn is that wealth acquired through unlawful means—if its rightful owner is unknown or cannot be found despite maximal effort—should be directed toward acts of righteousness or given in charity. In this way, the rightful owner will, God willing, still receive reward with Allah (swt.), while the poor benefit from the charity. This is consistent with the saying of the Messenger of Allah:

مَا مِنْ مُسْلِمٍ يَغْرِسُ غَرْسًا أَوْ يَزْرَعُ زَرْعًا فَيَأْكُلُ مِنْهُ طَيْرٌ أَوْ إِنْسَانٌ أَوْ بَهِيمَةٌ إِلَّا كَانَ لَهُ بِهِ صَدَقَةٌ

"No Muslim plants a crop or sows a seed, and then a bird, a human, or an animal eats from it, except that it will be counted as charity for him." (Ṣaḥīḥ al-Bukhārī)

In the contemporary context, Yūsuf al-Qaraḍāwī has also issued a fatwa concerning the utilization of illicit wealth. According to him, such wealth is strictly prohibited for personal use, but it may be allocated for public benefit—for instance, to the poor and needy, orphanages, wayfarers (ibn al-sabīl), daʿwah organizations, or social institutions, including the construction of mosques and Islamic centers. He further emphasized that bank interest should not be left idle within the bank, as doing so would only benefit the financial institution. However, if the individual who possesses illicit wealth is himself poor and thus eligible to receive zakāt, then he may use it to meet his essential needs (Qardhawi 2017).

Nevertheless, al-Qaraḍāwī stresses that channeling illicit wealth to the poor or for public infrastructure cannot be considered charity in the sharʿī sense, since Allah does not accept charity derived from unlawful sources. This is supported by a ḥadīth of the Prophet Muhammad narrated by Imām Muslim (Qardhawi 2017).

Ibn Qudāmah, for his part, explains that if a person—such as a judge—receives bribes, gifts, or benefits in the form of money or property to which he is not entitled, the primary obligation is to return the wealth to its rightful owner. This is because it was obtained without any legitimate sharʿī justification. Such a case is comparable to property acquired through a void contract. Even so, Ibn Qudāmah also considers the possibility that unlawfully acquired wealth may be deposited into the Bayt al-Māl. His reasoning is that the Prophet Muhammad did not instruct Ibn al-Lutbiyyah to return the gifts he received while collecting zakāt to their original givers (Qudamah 2007).

A similar view is advanced by Imām al-Ghazālī (Al-Ghazali 2013) and Wahbah al-Zuḥaylī (Zuhaili 1985) Both scholars affirm that illicit wealth must be returned to its rightful owner if he is known, or to his heirs if he has passed away. Furthermore, if such wealth has been invested and has generated profit, then both the capital and its gains must be surrendered to the rightful owner.

If the owner remains unknown, the wealth should instead be distributed to the poor, used for public welfare, or directed toward the broader interests of the Muslim community.

Historical records show that during the time of the Prophet Muhammad, the practice of ribā was still widespread. After the conquest of Mecca, the Prophet Muhammad abolished all forms of ribā. However, the Banū ʿAmr ibn ʿAwf continued to demand interest-bearing repayments from the Banū al-Mughīrah, as such transactions had long been customary since the pre-Islamic era. Even after embracing Islam, they persisted in demanding repayment with interest. Feeling aggrieved, the Banū al-Mughīrah brought the matter before the governor of Mecca at the time, ʿAttāb ibn Usayd, saying: "Why should we be the ones most harmed by the abolition of ribā, while others were spared?" Meanwhile, the Banū ʿAmr defended themselves, claiming: "We had already entered into a mutual agreement for an interest-bearing loan." The case was then referred to the Prophet Muhammad, whereupon the revelation of Qur'ān [2:278–279] was received (Zuhaili 2009).

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوا اتَّقُوا اللّٰهَ وَذَرُوْا مَا بَقِيَ مِنَ الرِّبٰوٓا اِنْ كُنْتُمْ مُّؤْمِنِيْنَ فَاِنْ لَّمْ تَفْعَلُوْا فَأْذَنُوْا بِحَرْبٍ مِّنَ اللّٰهِ وَرَسُوْلِهٖۚ
وَاِنْ تُبْتُمْ فَلَكُمْ رُءُوْسُ اَمْوَالِكُمْۚ لَا تَظْلِمُوْنَ وَلَا تُظْلَمُوْنَ

"O you who believe! Be conscious of Allah and give up whatever remains due to you of ribā, if you are indeed believers. But if you do not, then be informed of a war from Allah and His Messenger. If you repent, however, you may have your principal. You will not wrong, nor will you be wronged." (Q.S Al-Baqarah [2:278) Following the revelation of this verse, they repented to Allah and abandoned the collection of the remaining ribā..

From this account, it becomes clear that debts involving ribā are not to be repaid to the lender beyond the principal sum; only the original loan must be returned. Moreover, if ribā has already been paid by the borrower, the lender is obliged to return the excess payment to its rightful owner. Thus, Qur'ān 2:278–279 may implicitly serve as a legal basis that wealth obtained through false or unlawful means (illicit wealth not rightfully owned) must be restored to its owner. This view aligns with the opinions of Imām al-Ghazālī, Ibn Qudāmah, and Wahbah al-Zuḥaylī.

This principle may also be applied to the management of wealth obtained through fraud, theft, invalid pawn (rahn fāsid), and other transactions involving injustice (ẓulm). When a person realizes their wrongdoing and intends to purify their wealth, the necessary step is to calculate the illicit assets acquired and return them to their rightful owner.

In the context of property ownership, Islam recognizes the concept of istikhlāf, which is a norm that affirms that everything owned by humans is essentially a trust from Allah. A Muslim believes that he is a creature of Allah who lives and works on His earth, with the power bestowed upon him by Allah, and through the means and facilities that also come from Allah. All human economic activities take place within the framework of the law of causality established by Allah. Therefore, when someone acquires wealth, it is not truly theirs to own, but rather a trust entrusted to them by Allah. Thus, Allah is the true owner of all wealth, while humans only act as caliphs and guardians of the trust entrusted to them (Nurhasanah, Arafah, & Ein Maria Olfa, 2023).

The basis of this concept of istikhlaf is QS. Al-Najm [53: 31] and QS. Al-Zumar [39: 62]:

وَلِلّٰهِ مَا فِى السَّمٰوٰتِ وَمَا فِى الْاَرْضِ

To Allah belongs whatever is in the heavens and whatever is on the earth. (QS. Al-Najm [53: 31])

اَللّٰهُ خَالِقُ كُلِّ شَيْءٍ وَّهُوَ عَلٰى كُلِّ شَيْءٍ وَّكِيْلٌ

Allah is the Creator of all things and He is the Sustainer of all things. (QS. Al-Zumar [39: 62])

Al-Qaradhawi puts forward the concept of istikhlāf as a theoretical basis for the state in establishing tax laws and in realizing the public interest. It is important to understand this concept of istikhlāf as the basis for managing wealth, namely that humans are only given the right to manage, not to possess absolutely. Therefore, all wealth obtained whether through lawful or unlawful means must be allocated and spent on sectors that are lawful and pleasing to Allah.

Based on ownership status, illicit assets can be classified into three categories, namely: (1) illicit assets owned by individuals, (2) illicit assets owned by groups or organizations, and (3) illicit assets in the hands of the government, such as proceeds from the sale of drugs, alcoholic beverages, or criminal acts of corruption.

Illicit assets owned by individuals or groups can be returned to their owners if their identity and whereabouts are known, particularly in cases involving fraud or embezzlement. However, if the owner is unknown, or if the assets have been mixed with other assets belonging to a large number of victims, then the assets are allocated for public interest as explained above.

Similarly, illicit wealth obtained from the sale of goods or activities that are prohibited—such as alcohol, drugs, usury, or prostitution—must be channeled for the public interest and benefit. As for illicit wealth that falls into the hands of the government, such as the proceeds of corruption, bribery, or illegal trade, it can be used by the state for the public good. Al-Ghazali (2013) stipulates that the party entrusted with such illicit wealth must fulfill three conditions, namely being faithful and pious, honest, and just.

This provision is in line with the fiqh rule تَصَرُّفُ الإِمَامِ عَلَى الرَّعِيَّةِ مَنُوطٌ بِالْمَصْلَحَةِ, which means “a leader's policies towards his people must depend on the public interest." This principle is also in line with the concept of istikhlāf in property ownership, which states that all property essentially belongs to Allah, and humans are only tasked with using it for purposes that are pleasing to Him.

CLOSING

In Islamic jurisprudence, unlawful wealth is a metaphor referring to assets acquired through forbidden means, rather than the object itself being inherently unlawful. Key sources of such wealth include gambling, oppression (like exploitative pawning practices where the pawnee benefits from the pawned asset), usury (riba), and the sale of prohibited goods (such as pork, carrion, idols, and intoxicants). These prohibitions are clearly established in the Quran and Hadith, emphasizing that if something is forbidden for consumption or use, its trade and any derived profits are also unlawful.

The management of illicit wealth in Islam must be guided by the principles of justice, purification, and divine trust (istikhlāf). Scholars such as al-Ghazālī, Ibn Qudāmah, Wahbah al-Zuḥaylī, and Yūsuf al-Qaraḍāwī unanimously emphasize that unlawful wealth must be returned to its rightful owner, or if the owner is unknown, allocated for public welfare and the benefit of the poor. Any use of illicit wealth for personal or ritual purposes, including charity or pilgrimage, is invalid and devoid of divine reward, as Allah only accepts what is pure. This ethical framework is reinforced by Qur'ānic injunctions and Prophetic traditions that underscore Allah's absolute ownership over all wealth and humanity's role as a trustee (khalīfah). Consequently, both individuals and governments are bound to manage wealth whether lawful or unlawfully acquired in ways that serve the public good and align with divine justice.

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