

## **The Transformation of Ghanimah as a Modern Fiscal Instrument: An Epistemological Analysis of Islamic Law**

**Agus Rojak Samsudin<sup>1\*</sup>, Yadi Janwari<sup>2</sup>, Muhammad Hasanuddin<sup>3</sup>**

<sup>1</sup>Institut Agama Islam Al-Zaytun Indonesia, Indonesia

<sup>2,3</sup>Universitas Islam Negeri Sunan Gunung Djati, Indonesia

Emails: ghost,rzk@gmail.com, yadijanwari@uinsgd.ac.id, muhammadhasanuddin@uinsgd.ac.id

---

### **Abstract**

This research departs from the historical reality that ghanimah is an Islamic fiscal instrument based on war booty, which is crucial for wealth redistribution and social stability. This research aims to explore the transformation of the ghanimah concept, historically an Islamic fiscal instrument based on war booty, into a modern fiscal instrument relevant to managing assets from extraordinary crimes such as corruption and money laundering. The research employs a qiyas (analogical reasoning) approach to compare the principles of ghanimah in classical Islamic law with modern asset confiscation mechanisms as outlined in the Asset Confiscation Bill in Indonesia. The data analysis involves a qualitative comparison between classical Islamic legal texts and contemporary legal frameworks, supported by a thematic analysis of the Asset Confiscation Bill. The findings reveal that ghanimah can be recontextualized into wealth redistribution policies supporting infrastructure development, public welfare, and economic stability. This research contributes to integrating Islamic values into national fiscal and legal policies, offering a fresh perspective on wealth redistribution in the modern context.

**Keywords:** ghanimah; wealth redistribution; qiyas; Islamic law; asset confiscation.

---

### **INTRODUCTION**

In the tradition of Islamic law, ghanimah is recognized as a significant financial instrument of the state, playing a pivotal role in supporting economic stability and fostering social justice. Literally, ghanimah refers to war booty lawfully obtained under Islamic law. However, the concept extends beyond the material outcomes of armed conflict. Historically, ghanimah has been an integral component of the Islamic economic system, focusing on wealth redistribution and fulfilling societal needs. Surah Al-Anfal (8:41) emphasizes this principle, stipulating that one-fifth of ghanimah be allocated to Allah, His Messenger, the Prophet's relatives, orphans, the poor, and wayfarers. This verse not only establishes the rules for distribution but also reflects principles of transparency, justice, and social responsibility in managing state wealth (Suhendar et al., 2024).

Historically, ghanimah has been effectively utilized as a state financial resource during various periods of Islamic governance. During the caliphate of Umar ibn al-Khattab, for instance, ghanimah was allocated for infrastructure development, military funding, and poverty alleviation (Syahputra & Hartanti Dewi, 2023). Imam Al-Mawardi, in *Al-Ahkam al-Sultaniyyah*, underscored the importance of equitable and transparent management of ghanimah to ensure its benefits were

distributed widely among society. Furthermore, he emphasized that ghanimah not only served as a rapid and flexible revenue source in emergency situations but also as an instrument for maintaining social balance and national stability. Thus, in the classical Islamic context, ghanimah functioned not only as the outcome of war but also as a wealth redistribution mechanism aligned with the principles of social justice (Saliyo, 2017).

In modern contexts, the relevance of ghanimah remains significant, even as the challenges faced by nations—including Indonesia—have shifted from conventional military conflicts to extraordinary crimes such as corruption, money laundering, narcotics trafficking, terrorism, human trafficking, child exploitation, and environmental crimes (Anshori, 2018). These crimes not only damage state finances but also systematically erode social order, public justice, and ecological balance (Islam & McGillivray, 2020). According to Yusuf Qardlawi (2023), the principles embedded in ghanimah can be adapted to address modern challenges, particularly in managing state assets and reducing socio-economic inequalities. He posits that ghanimah serves as a symbol of wealth redistribution that remains relevant to modern fiscal systems, broadening its application from war booty to combating societal harm caused by extraordinary crimes (Priyatno, 2018).

A critical question arises as to how the concept of ghanimah can be recontextualized to meet modern legal needs, particularly in managing assets derived from extraordinary crimes. In Indonesia, for example, challenges persist in confiscating and managing criminal assets (Cahyani & Salmah, 2024). Although anti-corruption laws have been implemented, their effectiveness remains limited. Many criminal proceeds remain under the control of perpetrators due to weaknesses in law enforcement and the exploitation of legal loopholes (Wibisana & Hasbullah, 2024). In response, the Indonesian government has drafted the Asset Confiscation Bill (Rancangan Undang-Undang Perampasan Aset or RUU PA) to create a more comprehensive and equitable legal framework. A key feature of this bill is the adoption of non-conviction-based confiscation mechanisms, which allow asset seizure based on administrative evidence without requiring a criminal conviction (Kolarov, 2021). This approach has been successfully implemented in countries such as the UK, Australia, and the United States, using civil law frameworks to confiscate criminal proceeds (Hafid, 2021; Priyatno, 2018).

Nonetheless, criticisms of the Asset Confiscation Bill cannot be overlooked. Some argue that such mechanisms could lead to abuse of authority if not accompanied by robust oversight systems (Lutfi & Putri, 2020). Others express concerns that non-conviction-based confiscation could violate principles of justice and human rights, particularly if decision-making processes lack transparency or rely on insufficient evidence (Ayuningsih & Nelson, 2022). Striking a balance between the effective seizure of criminal assets and the protection of individual rights remains imperative.

This research seeks to address two key questions: (1) How can the principles of ghanimah be recontextualized within modern fiscal policies? (2) How can the epistemological framework of Islamic law, particularly through qiyas (analogy), be utilized to connect the concept of ghanimah with modern asset confiscation mechanisms? By employing a doctrinal approach, this research analyzes classical Islamic literature, such as Al-Mawardi's *Al-Ahkam al-Sultaniyyah*, alongside

contemporary perspectives, such as Yusuf Al-Qaradawi's discussions on wealth redistribution in modern fiscal systems (Rahmat et al., 2023). The analysis leverages the principle of analogy (qiyas) in Islamic law to link the concept of ghanimah with Indonesia's modern legal mechanisms, including asset confiscation from criminal proceeds.

The article is structured to first explore the theories and concepts of war in classical Islamic law and their relevance to contemporary contexts. The discussion then focuses on the transformation of ghanimah into a modern fiscal instrument through the epistemological framework of Islamic law. Finally, the article critically analyzes relevant legal policies, including the Asset Confiscation Bill, to demonstrate how Islamic principles can offer holistic solutions to contemporary legal challenges. This research aims to contribute to academic discourse and legal practice, particularly in Indonesia, by providing insights into managing state assets derived from extraordinary crimes.

### **RESEARCH METHOD**

This research employs a normative-doctrinal approach, focusing on the analysis of the concept of ghanimah in Islamic law as a classical fiscal instrument and its relevance to modern fiscal policies. The research examines legal principles derived from classical Islamic literature, national legal documents, and international frameworks, such as the Draft Law on Asset Confiscation (RUU Perampasan Aset), to establish connections between Islamic legal concepts and contemporary asset redistribution practices.

The data utilized consists of primary sources, including the Qur'an, Hadith, classical texts such as *Al-Ahkam al-Sultaniyyah* by Al-Mawardi, and modern legal documents like the Draft Law on Asset Confiscation. Secondary data is sourced from academic literature, scholarly journals, and relevant research reports. Data collection is conducted through library research with an in-depth examination of these documents.

Data analysis is carried out using a descriptive-analytical approach. The descriptive approach explains the concept of ghanimah in Islamic law, while the analytical approach aims to link this concept to modern asset redistribution policies. A historical approach is used to understand the practice of ghanimah in Islamic history, while the qiyas (analogy) approach compares the principles of ghanimah with modern asset confiscation mechanisms.

This methodology provides a comprehensive analysis of the transformation of ghanimah into a modern fiscal policy that is relevant, adaptable, and aligned with contemporary legal needs, particularly in the context of wealth redistribution to achieve social justice and economic stability.

## RESULT AND DISCUSSION

### The Transformation of War Booty (Ghanimah) as a Fiscal Tool in Islam

#### Theories and Concepts of Conventional Warfare and Their Manifestations in Modern Contexts

##### 1) Conventional Warfare

Warfare, in its broadest sense, is understood as an organized and prolonged conflict conducted by nations or organized groups to achieve specific objectives, often involving the use of force. Carl von Clausewitz famously defined war as "an act of force to compel our enemy to do our will," emphasizing the political nature of war and the use of violence to achieve strategic goals (Gerald Hughes, 2020). Additionally, war is often perceived in international relations as an instrument of state policy and a phenomenon reflecting the social, political, and economic conditions of a given period (Islam & McGillivray, 2020).

Historically, war has been seen as a complex interplay of various forces, including hostility, chance, and reason, often referred to by Clausewitz as the "paradoxical trinity." This perspective highlights the emotional, calculative, and political dimensions that define the nature and execution of warfare (Kornberger & Engberg-Pedersen, 2021). Furthermore, modern legal frameworks such as the Geneva Conventions reflect efforts to regulate warfare, focusing on protecting combatants and civilians while emphasizing ethical conduct during conflict ("Navigating Modern Warfare Challenges: A Review Of The Evolution Of International Humanitarian Law In Cyberwarfare," 2024).

In Islamic tradition, warfare (jihad qital) is defined with more specificity and is seen as a last resort to defend religion, social justice, and the stability of the Muslim community (Rahmat et al., 2023). The Qur'an sets strict boundaries for warfare, as stated: "Fight in the way of Allah those who fight you but do not transgress. Indeed, Allah does not like transgressors" (QS. Al-Baqarah: 190). This verse underscores that warfare in Islam must be grounded in morality, with the primary goal of preserving justice and eliminating oppression (Mala, 2021).

Moreover, warfare in Islam is not merely a military tool but also has moral and spiritual objectives (Nuryansah, n.d.), ensuring that human life is respected and social order is maintained. Prophet Muhammad (PBUH) provided moral guidelines for conducting warfare, including prohibitions against killing children, women, and the elderly, as well as protecting non-combatants and property (Muhammadin & Wahab, 2018). These principles elevate warfare in Islam as a means of establishing peace and broader justice rather than a simple mechanism of conflict resolution. From these perspectives, war is not merely a means of resolving disputes but also reflects broader human conditions. In Islamic tradition, warfare is emphasized as a last resort that must adhere to high moral and ethical standards, thereby embodying a commitment to human values, justice, and social equity.

##### 2) The Evolution of Warfare in Modern Contexts

Warfare has undergone fundamental transformations, shifting from conventional physical conflicts to more complex multidimensional forms (Hoffman, 2018). This evolution is influenced not only by technological advancements but also by changes in political, economic,

and social paradigms. In the modern era, warfare is no longer limited to physical force and conventional weapons but has expanded into non-physical domains such as cyber warfare, economic manipulation, and information propaganda. These changes reflect new dynamics in international relations, requiring states to adapt to emerging threats and conflicts.

Cyber warfare has become a tangible manifestation of modern warfare (Finlay, 2018) (“Navigating Modern Warfare Challenges: A Review Of The Evolution Of International Humanitarian Law In Cyberwarfare,” 2024). Cyberattacks on critical national infrastructure, such as power grids, communication systems, and financial institutions, have demonstrated destructive potential comparable to physical warfare. For example, the 2017 WannaCry ransomware attack affected over 150 countries, causing billions of dollars in global losses (Prevezianou, 2021). Additionally, the manipulation of information through social media to influence public opinion and election outcomes, as seen in the 2020 United States presidential election (Ferrara et al., 2020) and Indonesia presidential election at 2023 (Belinda et al., n.d.), highlights that modern warfare extends beyond the battlefield to include digital domains (Coates, 2018; Hoskins & Shchelin, 2023).

Imperialism has also evolved from military domination to economic, social, and cultural dominance. Powerful nations use international trade policies and investments as tools to influence developing countries, creating unequal dependencies in which developing nations lose control over their natural resources (Collingwood, 2006; Khan et al., 2022). A notable example of economic imperialism is the exploitation of energy and mineral resources in Africa by multinational corporations based in developed countries (Coates, 2018). Furthermore, globalization, driven by mass media and digital platforms, has expanded cultural imperialism, eroding local identities in many developing nations (Curtis, 2016).

In the context of welfare states, poverty has become a primary adversary to combat. Poverty not only serves as a root cause of social instability but also exacerbates economic inequality, which affects national resilience. Currently, 8.5% of the global population—nearly 700 million people—live on less than \$2.15 per day, the threshold for extreme poverty in low-income countries. Three-quarters of those in extreme poverty reside in Sub-Saharan Africa or in fragile, conflict-affected nations (Zhang et al., 2022). Welfare-oriented nations must prioritize policies that support wealth redistribution, public service provision, and poverty alleviation, as these are foundational to national stability.

Corruption is another major threat in the context of welfare states. Corruption undermines public budgets and hinders people's access to basic services such as education, healthcare, and infrastructure. According to (Albu & Murphy, 2024), corruption can reduce the GDP potential of developing countries by up to 25%, exacerbating poverty and stalling economic growth. Beyond being a legal issue, corruption is also a moral problem that erodes public trust in government. Thus, combating corruption must be a top priority for countries committed to welfare principles (Anshori, 2018; Besong, 2017).

Severe crimes such as money laundering, terrorism, and human trafficking pose global challenges requiring serious attention (Foot, 2015; Lewis, 2018; Mugarura & Ssali, 2021).

These crimes not only impact national security but also have far-reaching consequences for economic stability and humanity. For instance, the 2021 NRA research revealed that, during 2016–2020, there were 336 final convictions for money laundering cases in Indonesia, with estimated proceeds from predicate crimes totaling Rp44.2 trillion. Of this amount, narcotics offenses contributed the largest share, amounting to Rp21.5 trillion (48.67%), followed by fraud at Rp14.2 trillion (32.08%), and corruption at Rp5.05 trillion (11.4%) (Utami, 2021).

The evolution of warfare in modern contexts demonstrates that threats to national stability no longer arise solely from armed conflict. Instead, various forms of crime and structural injustice now constitute significant challenges that must be addressed to safeguard global security, stability, and humanity. In the Islamic framework, these changes necessitate a reinterpretation of the concept of warfare to address modern challenges. Al-Mawardi, for instance, emphasized the importance of justice in warfare and the distribution of its outcomes for the benefit of society. This perspective remains relevant in addressing contemporary challenges, such as economic and social conflicts, where the redistribution of resources can serve as a crucial instrument for fostering social justice (Saliyo, 2017).

### **The Epistemology of Islamic Law: Ghanimah as an Analogy for Asset Confiscation**

Throughout human history, war booty has been a phenomenon closely linked to military activity. War booty refers to the acquisition of assets or property belonging to the losing party in a conflict (Muhammadin & Wahab, 2018). Generally, war booty has been an integral part of the spoils of war, serving both as a reward for victorious troops and as a resource to sustain the war effort or stabilize the winning nation. This phenomenon is not only material but also often carries symbolic, political, and moral significance (Muhammadin & Wahab, 2018).

In the context of conventional warfare, war booty has frequently been regarded as a component of power dynamics. Confiscated assets, including economic resources such as land, logistics, or even human captives (as slaves), have historically been used to strengthen the economic and military capacity of the victorious state (Al-Harafi, 2016; Qotadah & Ab Rahman, 2020). This pattern has been evident in various historical examples, from world wars to regional conflicts. For instance, during World War II, enemy assets such as logistics, infrastructure, and natural resources were often seized to support military operations or rebuild the economies of victorious nations (GERALD HUGHES, 2020).

However, war booty has also been criticized as a tool of exploitation and a reinforcement of injustice. Such practices often result in suffering for the defeated population, including land seizures, forced relocations, and the destruction of infrastructure. For these reasons, modern international law, such as the Geneva Conventions, seeks to regulate and limit the practice of war booty, aiming to protect civilians and ensure that warfare is conducted under humanitarian principles (Uwa & Dada, 2023).

#### **1) Classical Legal Foundations**

The term "ghanimah," in the context of Islamic legal tradition, refers to assets acquired through war. According to the Lisan al-Arab lexicon, the term "ghanimah" (غَنِيمَة) is derived from the root "ghanima" (غَنِمَ), which means "to gain" or "to acquire." It is also synonymous

with the term "anfal," as both refer to assets obtained from the enemies of Islam during lawful conflicts (Janwari & Muliawati, 2016). In *Al-Ahkam al-Sultaniyyah*, Imam Al-Mawardi defines ghanimah as assets obtained from enemies during a war that is lawful according to Islamic law. Ghanimah includes various types of property, such as captured goods (amwal), land (ardh), and prisoners of war (asra). Al-Mawardi highlights that ghanimah is not only of economic value but also holds social and political importance for the stability of the Muslim community (Saliyo, 2017).

Islam prescribes strict regulations for the distribution of ghanimah, as outlined in Surah Al-Anfal (8:41): "Know that whatever you acquire as war booty, one-fifth is for Allah, the Messenger, the relatives, orphans, the needy, and the traveler...". This verse emphasizes that the distribution of war booty must serve not only military interests but also broader societal welfare, including support for vulnerable groups such as orphans and the poor (Muhammadin & Wahab, 2018). The remaining four-fifths are distributed among the combatants who participated in the conflict, offering moral and material incentives for defending the nation and religion (Suhendar et al., 2024).

Further elaboration on this principle is found in *Al-Tafsir al-Munir* by Wahbah Az-Zuhaili, which explains that while one-fifth of ghanimah is allocated to designated groups as outlined in the Qur'an, the remaining portion historically belonged to the warriors. However, in modern military systems where soldiers receive fixed salaries, the entire ghanimah is allocated to the state (Widayati & Huda, 2022). Additionally, leaders (imams) are granted the authority to reward individual soldiers with additional incentives (nafl) as a form of recognition and motivation for their contributions, as exemplified by Prophet Muhammad (PBUH) during the Battle of Hunain.

The concept of ghanimah in Islam differs from general practices of war booty in two significant ways. First, ghanimah is viewed as a tool for equitable wealth redistribution rather than exploitative enrichment. It aims not only to benefit the state or individuals but also to foster social justice and collective solidarity within the community. Second, ghanimah is governed by high moral principles, including the prohibition of exploitation of non-combatants, the protection of women and children, and the restriction of property destruction (Syahputra & Hartanti Dewi, 2023). In Islamic tradition, ghanimah carries profound spiritual significance. War booty is considered a trust (amanah) from Allah that must be managed with justice and responsibility. Al-Mawardi emphasizes that the distribution of ghanimah must be transparent and accountable, focusing on public welfare, such as infrastructure development and the provision of social services (Saliyo, 2017). This demonstrates that ghanimah is not merely the result of war but also a means to achieve broader objectives, such as the welfare of the community and the stability of the state.

Beyond its spiritual and moral aspects, ghanimah has historically functioned as a significant fiscal instrument in Islamic governance. It complements other revenue sources such as zakat (alms), jizyah (taxes on non-Muslims), and kharaj (land tax). In *Al-Ahkam al-Sultaniyyah*, Al-Mawardi asserts that one-fifth of ghanimah is allocated to state interests,

including the welfare of the Muslim community, military reinforcement, and social development. The remaining portion is distributed among warriors, which not only serves as a moral incentive but also strengthens social solidarity (Rosele et al., 2016; Saliyo, 2017). Historically, the use of ghanimah as a fiscal instrument is particularly evident during the caliphate of Umar ibn al-Khattab. During his reign, ghanimah was utilized to fund public infrastructure projects such as roads, mosques, and other public facilities. Additionally, ghanimah was used to bolster national defense through the procurement of military equipment and logistics. Umar's transparent and accountable management of ghanimah illustrates its role not only as a source of state revenue but also as a tool for promoting social and economic justice in the Islamic state (Rahmat et al., 2023; Syahputra & Hartanti Dewi, 2023). Islamic scholars like Abu Yusuf, in his work *Kitab al-Kharaj*, also recognize ghanimah as a vital revenue source that supports the administration of the Islamic state. Abu Yusuf highlights the importance of just management and equitable distribution to ensure that ghanimah benefits society as a whole, establishing it as a strategic instrument in fiscal policy (Amani, 2023).

## 2) The Analogical Approach (Qiyas)

The qiyas approach holds a central position in the epistemology of Islamic law due to its ability to address emerging issues that are not explicitly addressed in the Qur'an and Hadith. In the context of ghanimah, qiyas facilitates the application of classical Islamic principles to contemporary challenges, such as managing assets derived from modern crimes. Qiyas operates by identifying the common legal cause ('illah) between two cases—the foundational case (ashl), which has an established legal ruling, and the new case (furu'), which lacks direct regulation. Thus, qiyas provides a legitimate framework for extending Islamic rulings to new contexts while remaining rooted in the overarching objectives of Sharia: justice, welfare, and societal stability (Hidayatullah, 2020; Jamal, 2024).

The application of qiyas involves four main components: Ashl (Foundational Case): Legal provisions in the Qur'an and Hadith regarding ghanimah; Far' (New Case): Asset confiscation in modern contexts, such as those derived from illegal activities like corruption and money laundering; 'Illah (Legal Cause): A shared Sharia objective, such as equitable wealth redistribution and the prevention of societal harm; Hukm (Legal Ruling): Extending the ruling of ashl to far' based on the similarity in 'illah. This structure renders qiyas highly relevant as it ensures continuity between classical Islamic jurisprudence and contemporary legal needs (Jamal, 2024).

The qiyas approach is particularly applicable when analyzing the relevance of ghanimah as a modern fiscal instrument and drawing parallels to the confiscation of assets acquired through modern crimes. The following key points highlight this analogy:

- a) Ashl (Foundational Case): Ghanimah, in the context of classical warfare, is regulated under Islamic law as war spoils acquired from enemies. Its purpose includes stabilizing the state's financial system, enhancing communal welfare, and fostering social justice through transparent distribution mechanisms (Saliyo, 2017). One-fifth of ghanimah is allocated to



societal causes, including orphans, the needy, and travelers, as stipulated in Surah Al-Anfal (8:41).

- b) 'Illah (Legal Cause): Illegally acquired wealth, such as that derived from corruption or organized crime, has a similarly damaging impact on society as wealth gained through warfare. Modern crimes like money laundering, terrorism, and human trafficking generate assets that exacerbate social and economic inequalities while undermining state stability (Cahyani & Salmah, 2024; Nugroho & Hasan, 2023).
- c) Far' (New Case): Confiscating assets derived from modern crimes can be viewed as an updated application of the concept of ghanimah. For instance, Indonesia's Draft Law on Asset Confiscation proposes measures for seizing assets obtained through extraordinary crimes like corruption. These assets could be redirected to public benefit, such as infrastructure development, public welfare, and economic stabilization (Hidayatullah, 2020; Maimun, 2022).

### 3) Qiyas Analysis

This approach is particularly relevant because, just as ghanimah is viewed in Islam as a trust (amanah) from Allah that must be managed equitably and responsibly (Rahmat et al., 2023), confiscated assets from modern crimes also require transparent management to serve public interests. The redistributive principles embedded in Sharia provide a robust foundation for this analogy, ensuring that seized assets are utilized for societal welfare. For example, the proceeds from asset confiscation could be directed toward building public facilities, funding social assistance programs, and strengthening public institutions (Saliyo, 2017).

Indonesia's Draft Law on Asset Confiscation explicitly provides a legal framework for these actions. Article 5 states that assets obtained unlawfully may be confiscated by the state for public benefit. Similarly, Article 7 permits asset confiscation even in cases where offenders have fled or passed away. These provisions reflect the state's commitment to preventing the misuse of illegal assets for societal harm (Nugroho & Hasan, 2023). By adopting this approach, extraordinary crimes such as corruption, terrorism, and human trafficking can be conceptualized as "enemies" in the modern era, analogous to enemies in classical warfare. Confiscated assets thus become a strategic tool for combating the adverse effects of these crimes, just as ghanimah historically served to reinforce the social and economic structure of the Islamic state.

## **Transforming Ghanimah into a Modern Fiscal Instrument**

### 1) Ghanimah and Wealth Redistribution

Historically, ghanimah has served as a pivotal instrument in the fiscal policies of classical Islamic governance. As outlined by Al-Mawardi (2017) in *Al-Ahkam al-Sultaniyyah*, ghanimah includes assets acquired through war, such as land, goods, and prisoners of war. These assets were not only viewed as sources of state revenue but also as tools for equitable wealth redistribution. Surah Al-Anfal (8:41) specifies that one-fifth of war spoils should be allocated to Allah, the Messenger, the Messenger's relatives, orphans, the poor, and travelers, while the remainder is distributed among soldiers who directly participated in the conflict (Suhendar et al., 2024).

The core principles of managing ghanimah emphasize social justice and transparency. During the caliphate of Umar ibn al-Khattab, the proceeds from ghanimah were allocated to public infrastructure projects, such as roads and mosques, and to provide assistance to impoverished communities. This practice exemplifies the redistributive nature of ghanimah, which seeks to reduce economic disparities and enhance the welfare of the broader community (Janwari & Muliawati, 2016; Saliyo, 2017; Syahputra & Hartanti Dewi, 2023).

Philosophically, ghanimah transcends mere economic functionality to serve as a means of fostering social solidarity. Its distribution mechanisms ensure that the spoils of war benefit the wider community rather than a privileged few. In this sense, ghanimah represents a trust that must be managed in accordance with Islamic principles to support the welfare of the Muslim community as a whole.

## **2) Integration into Modern Fiscal Policies**

In the context of modern fiscal policies, the concept of ghanimah can be recontextualized through redistributive frameworks akin to asset confiscation laws targeting extraordinary crimes, such as those outlined in Indonesia's Draft Law on Asset Confiscation. This reinterpretation is rooted in the principle that illegally acquired wealth harming public welfare must be reclaimed for societal benefit. For example, assets seized from corruption can be regarded as a modern form of ghanimah, redirected toward national welfare (Syahputra & Hartanti Dewi, 2023).

The parallels between ghanimah and modern asset confiscation lie in their shared goal of restoring social and economic justice. In Islam, the distribution of ghanimah aims to alleviate inequalities and provide support to the most vulnerable members of society. Similarly, modern asset confiscation policies seek to mitigate the harmful effects of corruption and other economic crimes on public welfare.

For instance, the historical allocation of ghanimah to fund public needs during early Islamic governance can serve as a model for modern policies. Confiscated assets can be used to develop infrastructure, improve education, and enhance healthcare services. By transforming the concept of ghanimah into a modern fiscal instrument, Islamic values can be integrated into national legal frameworks, offering a strong philosophical foundation for inclusive and equitable fiscal policies (Zatadini & Syamsuri, 2018).

## **CONCLUSION**

This research concludes that ghanimah, historically recognized as a fiscal instrument based on war spoils in Islam, holds significant potential for recontextualization within modern fiscal policies. As a source of state revenue during the early Islamic period, ghanimah functioned not only as a transparent and equitable instrument for wealth redistribution but also as a tool for fostering social solidarity and supporting public infrastructure development, as exemplified during the caliphate of Umar ibn al-Khattab.

Through the epistemological framework of Islamic law, particularly qiyas (analogical reasoning), ghanimah can be adapted into a mechanism for confiscating assets derived from

extraordinary crimes, such as corruption, money laundering, and human trafficking. The shared 'illah (legal cause) between ghanimah in classical warfare and modern asset confiscation lies in the objective of redistributing wealth to promote social justice and reduce economic inequality. Indonesia's Draft Law on Asset Confiscation, with its non-conviction based confiscation mechanism, underscores the relevance of this principle within contemporary legal frameworks.

## **BIBLIOGRAPHY**

- Albu, O. B., & Murphy, J. (2024). Measuring corruption perceptions in Tunisia: transparency international, the corruption perception index and the world bank. In *The Elgar Companion to the World Bank* (pp. 263–273). Edward Elgar Publishing.
- Al-Harafi, S. M. (2016). *Buku Pintar Sejarah & Peradaban Islam*. Pustaka Al-Kautsar.
- Amani, F. (2023). Islamic Economic Concepts Perspective of Imam Abu Yusuf and Imam Al-Ghazali: A Comparative Research. *Journal Of Economics, Finance And Management Studies*, 06(03). <https://doi.org/10.47191/jefms/v6-i3-12>
- Anshori, A. (2018). Patologi Penegakan Hukum Terhadap Tindak Pidana Korupsi. *Al-Jinayah: Jurnal Hukum Pidana Islam*, 3(2), 253–276. <https://doi.org/10.15642/aj.2017.3.2.253-276>
- Ayuningsih, I. R., & Nelson, F. M. (2022). Perampasan Aset Tanpa Pemidanaan dalam Perspektif Hukum Responsif. *Jurnal Ius Constituendum*, 7(2), 246. <https://doi.org/10.26623/jic.v7i2.5142>
- Belinda, F., Somantri, G. R., Runturambi, A. J. S., & Puspitasari, M. (n.d.). Manipulation of Information in the 2024 Election in Indonesia: Political Dynamics in the Post-Truth Era. *Migration Letters*, 21(3), 43–58.
- Besong, E. N. (2017). How corruption deteriorates poverty in Nigeria. *International Journal of Engineering and Information of Systems (IJEAIS)*, 1(9), 152–164.
- Cahyani, T. D., & Salmah, H. K. (2024). Legal Construction of Asset Recovery for Crime of Corruption in Indonesia. *KnE Social Sciences*. <https://doi.org/10.18502/kss.v8i21.14813>
- Coates, A. (2018). Just war. In *Political concepts*. Manchester University Press. <https://doi.org/10.7765/9781526137562.00021>
- COLLINGWOOD, V. (2006). Non-governmental organisations, power and legitimacy in international society. *Review of International Studies*, 32(3), 439–454. <https://doi.org/10.1017/S0260210506007108>
- Curtis, M. (2016). *New Colonialism: Britain's scramble for Africa's energy and mineral resources*.
- Finlay, C. J. (2018). Just war, cyber war, and the concept of violence. *Philosophy & Technology*, 31(3), 357–377.
- Foot, K. (2015). *Collaborating against human trafficking: Cross-sector challenges and practices*. Rowman & Littlefield.
- GERALD HUGHES, R. (2020). Carl von Clausewitz and his Philosophy of War: The Evolution of a Reputation, 1831–2021. *History*, 105(368), 773–805. <https://doi.org/10.1111/1468-229X.13085>
- Hafid, I. (2021). Perampasan Aset Tanpa Pemidanaan Dalam Perspektif Economic Analysis Of Law. *Jurnal Lex Renaissance*, 6(3). <https://doi.org/10.20885/JLR.vol6.iss3.art3>
- Hidayatullah, M. S. (2020). Formulasi Rechtsvinding Dengan Penalaran Analogis Dalam Epistemologi Hukum Islam (Telaah Metodologis Qiyas sebagai Ra'y terhadap Mashâdir al-

- Ahkâm asy-Syar'iyah). *JURIS (Jurnal Ilmiah Syariah)*, 19(2), 177. <https://doi.org/10.31958/juris.v19i2.2490>
- Hoffman, F. G. (2018). Examining complex forms of conflict. *Prism*, 7(4), 30–47.
- Hoskins, A., & Shchelin, P. (2023). The war feed: Digital war in plain sight. *American Behavioral Scientist*, 67(3), 449–463.
- Islam, Md. R., & McGillivray, M. (2020). Wealth inequality, governance and economic growth. *Economic Modelling*, 88, 1–13. <https://doi.org/10.1016/j.econmod.2019.06.017>
- Jamal, A. (2024). Ijtihad dan Qiyas Menurut Imam Syafi'i: Hubungan Qiyas dengan Berbagai Metode Ijtihad dalam Ushul Fiqh. *MAQASIDI: Jurnal Syariah Dan Hukum*, 1–10.
- Janwari, Y., & Muliawati, N. N. (2016). *Pemikiran Ekonomi Islam: Dari Masa Rasulullah Hingga Masa Kontemporer*.
- Khan, S. A. R., Ponce, P., Yu, Z., & Ponce, K. (2022). Investigating economic growth and natural resource dependence: An asymmetric approach in developed and developing economies. *Resources Policy*, 77, 102672. <https://doi.org/10.1016/j.resourpol.2022.102672>
- Kolarov, T. (2021). Challenges in settling non-conviction based civil confiscation of unexplained wealth. *Journal of Money Laundering Control*, 24(3), 483–490. <https://doi.org/10.1108/JMLC-07-2020-0076>
- Kornberger, M., & Engberg-Pedersen, A. (2021). Reading Clausewitz, reimagining the practice of strategy. *Strategic Organization*, 19(2), 338–350. <https://doi.org/10.1177/1476127019854963>
- Lewis, J. A. (2018). *Rethinking cybersecurity: strategy, mass effect, and states*. Rowman & Littlefield.
- Lutfi, K. R., & Putri, R. A. (2020). Optimalisasi Peran Bantuan Hukum Timbal Balik dalam Pengembalian Aset Hasil Tindak Pidana Korupsi. *Undang: Jurnal Hukum*, 3(1), 33–57. <https://doi.org/10.22437/ujh.3.1.33-57>
- Maimun, M. (2022). Konstruksi Qiyas Al-Gazali Dan Aplikasinya Dalam Istibat Hukum Islam Kontemporer. *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, 3(2), 109–128. <https://doi.org/10.24042/el-izdiwaj.v3i2.11383>
- Mala, F. (2021). Reinterpretasi Ma'na Qital Dengan Pendekatan Ma'na Cum Magza. *Taqaddumi: Journal of Quran and Hadith Studies*, 1(2), 62–79. <https://doi.org/10.12928/taqaddumi.v1i2.5548>
- Mugarura, N., & Ssali, E. (2021). Intricacies of anti-money laundering and cyber-crimes regulation in a fluid global system. *Journal of Money Laundering Control*, 24(1), 10–28.
- Muhammadin, F. M., & Wahab, T. K. (2018). Fiqh al-Jihād in Modern Warfare: Analyzing Prospects and Challenges with Reference to International Humanitarian Law. *IIUM Law Journal*, 26(2), 241. <https://doi.org/10.31436/iiumlj.v26i2.406>
- Navigating Modern Warfare Challenges: A Review Of The Evolution Of International Humanitarian Law In Cyberwarfare. (2024). *Journal of Southwest Jiaotong University*, 59(1). <https://doi.org/10.35741/issn.0258-2724.59.1.21>
- Nugroho, K., & Hasan, F. N. (2023). Analisis Sentimen Masyarakat Mengenai RUU Perampasan Aset Di Twitter Menggunakan Metode Naïve Bayes. *SMATIKA JURNAL*, 13(02), 273–283. <https://doi.org/10.32664/smatika.v13i02.899>
- Nuryansah, M. (n.d.). *Reformulasi Konsep Perang Dalam Islam*.

- PRIYATNO, D. (2018). Non Conviction Based (NCB) Asset Forfeiture for Recovering the Corruption Proceeds in Indonesia. *Journal of Advanced Research in Law and Economics*, 9(1), 219. [https://doi.org/10.14505//jarle.v9.1\(31\).27](https://doi.org/10.14505//jarle.v9.1(31).27)
- Qotadah, H. A., & Ab Rahman, N. N. (2020). The Viewpoints of Indonesian Islamic Scholars on A Fatwa Concerning Terrorism Issued by the Indonesian Ulema Council (MUI): An Analysis. *Jurnal Fiqh*, 17(1), 171–204.
- Rahmat, I., Kusuma, B. M. A., Cahyadi, A., & Handayani, A. (2023). Early Islam Compensation: Pattern from Umar's Caliphate and Learning for Human Resources Management. *International Journal of Economics, Management and Accounting*, 205–217.
- Rosele, M. I., Ariffin, M. F. M., Ramli, M. A., & Ismail, M. Z. (2016). Pendekatan ijtihad kontemporari dalam isu semasa di Malaysia. *Jurnal Islam Dan Masyarakat Kontemporari*, 13(2016), 53–66.
- Saliyo, S. (2017). Islam dan Kekuasaan dalam Perspektif Psikologi Politik. *INSANCITA*, 2(2).
- Suhendar, H., Janwari, Y., & Al-Hakim, S. (2024). *Instrumen Kebijakan Fiskal Dalam Islam: Ghanimah dan Fa'i*.
- Syahputra, A., & Hartanti Dewi. (2023). Distribution Of Land From Ghanimah In The Fatwa Of Saidina Umar Bin Khattab. *Jurnal Tabarru': Islamic Banking and Finance*, 6(1), 125–133. [https://doi.org/10.25299/jtb.2023.vol6\(1\).11679](https://doi.org/10.25299/jtb.2023.vol6(1).11679)
- Utami, S. (2021). Tindak Pidana Pencucian Uang Terhadap Uang Virtual Money Laundering on Virtual Money. *Al-Adl: Jurnal Hukum*, 13(1), 1–27.
- Uwa, O. G., & Dada, M. D.-. (2023). The Geneva Convention on Laws of War and the Sudan Armed Conflict. *International Journal of Social Service and Research*, 3(7), 1606–1623. <https://doi.org/10.46799/ijssr.v3i7.466>
- Wibisana, A. W., & Hasbullah, H. (2024). Key Factors to Increase the Role of the Prosecutor's Stolen Asset Recovery Agency in Indonesia: Opportunities and Challenges. *Beijing Law Review*, 15(01), 319–353. <https://doi.org/10.4236/blr.2024.151021>
- Widayati, R., & Huda, A. N. (2022). *Karakter Manusia dalam Penafsiran Surat Asy-Syams Studi Analisis (Tafsir Ilmi dengan Pendekatan Psikologi dan Sosiologi)*.
- Zatadini, N., & Syamsuri, S. (2018). Konsep Maqashid Syariah Menurut Al-Syatibi Dan Kontribusinya Dalam Kebijakan Fiskal. *AL-FALAH: Journal of Islamic Economics*, 3(2), 1. <https://doi.org/10.29240/alfalah.v3i2.587>
- Zhang, J., Zhao, W., Cheng, B., Li, A., Wang, Y., Yang, N., & Tian, Y. (2022). The Impact of Digital Economy on the Economic Growth and the Development Strategies in the post-COVID-19 Era: Evidence From Countries Along the “Belt and Road.” *Frontiers in Public Health*, 10. <https://doi.org/10.3389/fpubh.2022.856142>

---

**Copyright holders:**

**Agus Rojak Samsudin, Yadi Janwari, Muhammad Hasanuddin (2025)**

**First publication right:**

**AJEMB – American Journal of Economic and Management Business**

---