



Asset Confiscation in Gold Pawn Corruption Cases : An Analysis from Islamic Law and Positive Law Perspectives

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Abstract

Corruption cases involving gold pawn (*rahn*) transactions within Islamic financial institutions highlight critical challenges related to sharia governance, fiduciary responsibility, and asset protection. Despite being founded on ethical and religious principles, sharia-compliant financial products remain vulnerable to financial crimes, particularly in high-value, asset-based transactions. This study examines asset confiscation mechanisms in a gold pawn corruption case in Pamekasan, Indonesia, analyzed through the perspectives of Islamic law and positive law. Employing a qualitative case study approach, this research utilizes statutory regulations, court-related legal documents, institutional reports, and secondary data from verified media and academic literature. The findings demonstrate that asset confiscation serves a dual function: as a legal instrument for state loss recovery under Indonesian anti-corruption law and as a normative mechanism aligned with Islamic legal principles such as *amanah* (trust), *hifz al-mal* (protection of property), justice, and public interest (*maslahah*). This study contributes to the literature by integrating Islamic jurisprudence with contemporary asset recovery discourse, emphasizing that asset confiscation is not merely a procedural legal act but a necessary governance mechanism to strengthen accountability and integrity within Islamic financial institutions. The research underscores the importance of harmonizing Islamic law and modern legal systems to restore public trust and enhance anti-corruption frameworks in sharia-compliant finance.

Keywords : *Asset confiscation; Corruption; Gold pawn; Islamic law; Sharia governance.*

Abstrak

Kasus korupsi yang melibatkan transaksi gadai emas (*rahn*) dalam lembaga keuangan syariah menyoroti tantangan krusial terkait tata kelola syariah, tanggung jawab fidusia, dan perlindungan aset. Meskipun berlandaskan prinsip etika dan nilai-nilai keagamaan, produk keuangan berbasis syariah tetap rentan terhadap kejahatan keuangan, khususnya pada transaksi berbasis aset bernilai tinggi. Penelitian ini mengkaji mekanisme penyitaan aset dalam kasus korupsi gadai emas di Pamekasan, Indonesia, dengan dianalisis melalui perspektif hukum Islam dan hukum positif. Menggunakan pendekatan studi kasus kualitatif,

penelitian ini memanfaatkan peraturan perundang-undangan, dokumen hukum terkait proses peradilan, laporan kelembagaan, serta data sekunder yang bersumber dari media terverifikasi dan literatur akademik. Hasil penelitian menunjukkan bahwa penyitaan aset memiliki fungsi ganda, yaitu sebagai instrumen hukum untuk pemulihan kerugian negara berdasarkan undang-undang pemberantasan korupsi di Indonesia, sekaligus sebagai mekanisme normatif yang sejalan dengan prinsip-prinsip hukum Islam seperti *amanah* (kepercayaan), *hifz al-māl* (perlindungan harta), keadilan, dan kepentingan umum (*maslahah*). Penelitian ini berkontribusi pada pengembangan literatur dengan mengintegrasikan kajian fiqh muamalah dan diskursus kontemporer mengenai pemulihan aset, serta menegaskan bahwa penyitaan aset bukan sekadar tindakan hukum prosedural, melainkan mekanisme tata kelola yang esensial untuk memperkuat akuntabilitas dan integritas dalam lembaga keuangan syariah. Penelitian ini juga menekankan pentingnya harmonisasi antara hukum Islam dan sistem hukum modern guna memulihkan kepercayaan publik dan memperkuat kerangka anti-korupsi dalam keuangan syariah.

Kata kunci : Penyitaan aset; Korupsi; Gadai emas; Hukum Islam; Tata kelola syariah.

INTRODUCTION

The global expansion of Islamic finance has been accompanied by increasing concerns regarding governance quality, financial crime, and asset misappropriation within sharia-compliant institutions. Although Islamic financial systems are founded on ethical principles such as trust (*amanah*), justice, and transparency, empirical evidence indicates that these institutions are not immune to corruption risks. High-value, asset-based financial products-including gold pawn (*rahn*) schemes-are particularly vulnerable to abuse of authority, fraud, and fiduciary misconduct. Gold pawn products have experienced significant growth in several Muslim-majority countries, including Indonesia, where Islamic pawn financing has become a popular liquidity instrument. According to national financial authority reports, the outstanding value of Islamic gold pawn products has increased steadily over the past decade, reflecting rising public demand. However, this growth has also exposed weaknesses in internal control systems, sharia governance frameworks, and accountability mechanisms, increasing the risk of financial crimes within Islamic financial institutions.¹

One manifestation of such governance failure is corruption involving the misuse of collateral assets in gold pawn transactions. Unlike conventional financial crimes,

¹ Antaranews.Com, “Kejari Pamekasan Sita Aset Tersangka Korupsi Gadai Emas,” Antara News, August 28, 2025, <https://www.antaranews.com/Berita/5071689/Kejari-Pamekasan-Sita-Aset-Tersangka-Korupsi-Gadai-Emas>.

corruption in sharia-compliant products involves not only legal violations but also ethical and religious breaches. The misuse of pawned assets constitutes a violation of trust (*khiyanah*) and contradicts the fundamental objectives of Islamic commercial law (*fiqh muamalah*), which emphasize asset protection and fairness.² Existing studies on corruption and asset confiscation largely focus on positive law perspectives, emphasizing procedural mechanisms, prosecutorial authority, and state loss recovery. However, limited scholarly attention has been given to how Islamic law conceptualizes asset recovery in corruption cases involving sharia-based financial products. In particular, there is a lack of integrative analysis examining how Islamic legal principles such as *hifz al-mal*, *amanah*, and *maqashid al-sharia* intersect with modern asset confiscation frameworks.

This study seeks to address this gap by analyzing asset confiscation in a gold pawn corruption case in Pamekasan, Indonesia, through the combined lenses of Islamic law and positive law. The research focuses on two main objectives : (1) examining the legal mechanisms of asset confiscation employed in corruption cases involving gold pawn transactions, and (2) analyzing the legal and social implications of asset confiscation from both positive law and Islamic law perspectives. By doing so, this study contributes to the broader discourse on Islamic financial governance, anti-corruption law, and asset recovery mechanisms in sharia-compliant institutions.

Although extensive scholarship has examined corruption and asset confiscation from a positive law perspective, existing studies largely overlook corruption risks within sharia-compliant financial products and rarely integrate Islamic legal principles into asset recovery analysis. In particular, there is a notable lack of empirical research that examines how Islamic concepts such as *amanah*, *hifz al-māl*, and *maqāṣid al-sharī'ah* intersect with modern asset confiscation mechanisms in corruption cases involving asset-based Islamic finance instruments, such as gold pawn (*rahn*) schemes.

This study offers a novel contribution by integrating Islamic jurisprudential principles with positive law analysis to conceptualize asset confiscation not merely as a procedural legal tool, but as a governance mechanism that addresses both legal accountability and ethical breaches within sharia-compliant financial institutions. By

² Nadia Saphira Et Al., "Pendekatan Maqashid Syariah Dalam Kegiatan Sosial Dan Ekonomi Pada Perspektif Praktik Fiqh Muamalah Kontemporer," *Media Riset Bisnis Manajemen Akuntansi* 1, No. 2 (2025): 1–11, <https://doi.org/10.71312/Mrbima.V1i1.376>.

employing an empirical case study of gold pawn corruption, this research provides original insights into how asset confiscation functions simultaneously as a legal recovery instrument and a normative enforcement of trust, justice, and asset protection in Islamic finance.

Several empirical studies published in accredited Indonesian journals have examined gold pawn (*rahn*) products within Islamic financial institutions, particularly focusing on contractual compliance, operational risk, and sharia governance. Research on Islamic pawn financing highlights that gold pawn products inherently carry high operational and fiduciary risks due to their asset-based nature and complex administrative processes ^{3,4}. Other studies emphasize that weaknesses in internal control systems and sharia governance frameworks increase the likelihood of misuse of collateral assets and ethical violations in Islamic pawn transactions ^{5,6}.

Existing literature on *rahn* implementation primarily adopts a normative fiqh perspective, discussing contract validity, compliance with DSN-MUI fatwas, and ethical obligations of Islamic financial institutions ^{7,8}. While these studies contribute to understanding sharia compliance in gold pawn practices, they rarely address the intersection between sharia governance failure and criminal liability arising from corruption or asset misappropriation. As a result, corruption involving gold pawn collateral is often treated as an isolated legal issue rather than a systemic governance problem within Islamic financial institutions.

Moreover, studies on asset confiscation and corruption within Indonesian legal scholarship predominantly focus on procedural legality, prosecutorial authority, and state asset recovery under positive law frameworks. However, these studies generally do not engage with Islamic legal principles or analyze how corruption in sharia-compliant financial products constitutes both a legal offense and a violation of Islamic

³ Ahammi and Rolianah, "Analisis Risiko Dan Tindakan Preventif Dalam Gadai Emas Di Bank Mitra Syariah Ihyani."

⁴ Nurul Setianingrum et al., "Pawn Financing Risk Management in Baitul Maal Wat Tamwil NU East Java, Indonesia Nurul"; Ahammi and Rolianah, "Analisis Risiko Dan Tindakan Preventif Dalam Gadai Emas Di Bank Mitra Syariah Ihyani."

⁵ Awaliah, "Tinjauan Hukum Islam Terhadap Praktik Rahn (Gadai) Di Lembaga Keuangan Syariah."

⁶ Riani, "Analisa Akad Rahn Dan Penerapannya Pada Produk Gadai Emas Di Bank Syariah Mandiri."

⁷ Irawan et al., "Kajian Fikih Terhadap Praktek Gadai Emas Di Pegadaian Syariah Sumbawa Perspektif Hukum Islam."

⁸ Kamilah, Pratikto, and ZH, "Feasibility Analysis of Gold Pawn Financing under Sharia-Based Good Corporate Governance: Evidence from Bank Syariah Indonesia."

ethical norms such as *amanah* and *hifz al-māl* ⁹. Consequently, there remains a significant gap in the literature concerning integrative analyses that connect Islamic jurisprudence, sharia governance failures, and modern asset confiscation mechanisms in corruption cases involving gold pawn (*rahn*) schemes.

Accordingly, this study positions asset confiscation not merely as a procedural instrument of criminal law but as an accountability mechanism that simultaneously addresses legal responsibility and ethical breaches within Islamic financial governance. By bridging empirical legal analysis with Islamic jurisprudential principles, this research fills an important gap in the literature and offers a novel contribution to the discourse on corruption prevention and asset recovery in sharia-compliant financial institutions.

LITERATURE REVIEW

The concept of *rahn* (Islamic pawn) in *fiqh muamalah* provides a fundamental framework for understanding gold pawn practices in Islamic financial institutions. *Rahn* refers to the pledging of a valuable asset as collateral for a debt, allowing the creditor to retain the asset until the obligation is fulfilled. Its essential elements include the pledgor (*rahin*), pledgee (*murtahin*), collateral (*marhun*), debt value (*marhun bih*), and the binding contract (*akad*). The pledged asset must be clearly defined, valuable, transferable, and free from dispute. In Indonesia, gold is commonly used as *marhun* due to its value stability and high liquidity. Sharia principles require the *murtahin* to manage the collateral in an *amanah* manner and prohibit its use without the owner's consent to avoid *riba* and *gharar*. Breaches of this trust contradict sharia values and create opportunities for misconduct.¹⁰

From the perspective of positive law, asset confiscation is a coercive legal measure regulated under the Indonesian Criminal Procedure Code as part of the investigative process to secure evidence or assets suspected to originate from criminal acts. This authority is reinforced by anti-corruption legislation, which empowers prosecutors to confiscate assets to prevent their concealment or transfer. In corruption

⁹ Barri, "Gadai Emas Pada Lembaga Keuangan Syariah," 2020.

¹⁰ Feri Irawan, et al. "Kajian Fikih terhadap Praktek Gadai Emas di Pegadaian Syariah Sumbawa Perspektif Hukum Islam." *Tasyri': Journal of Islamic Law* 4.2 (2025): 737-758.

cases, confiscation also functions as a strategic mechanism for state asset recovery and must be conducted with judicial authorization and proper legal documentation.¹¹

Corruption within Islamic financial institutions demonstrates that systems grounded in justice and trust remain vulnerable to misconduct, particularly when internal supervision and audit mechanisms are weak. Gold pawn products carry heightened risk due to the high value of collateral and administrative complexity, creating opportunities for manipulation, misuse, and embezzlement. This underscores the importance of strengthening sharia governance, including internal audits and sharia compliance oversight.¹² The prosecution service plays a critical role in addressing corruption involving sharia-based financial transactions when institutional oversight fails. Through investigation, prosecution, and asset confiscation, prosecutors seek to recover state losses and uphold legal accountability.¹³ Beyond its juridical function, asset confiscation also serves a social purpose by reinforcing transparency and restoring public trust. Consequently, gold pawn practices exist at the intersection of Islamic law and positive law, where non-compliance with either framework may lead to financial misconduct and public harm, making asset confiscation a key instrument for restoring justice and confidence in sharia-compliant financial institutions.¹⁴

Rahn and Fiduciary Responsibility in Islamic Finance

In Islamic jurisprudence, *rahn* refers to a collateralized transaction in which an asset is pledged as security for a debt. Classical and contemporary jurists emphasize that *rahn* is grounded in trust (*amanah*) and fiduciary responsibility, requiring the custodian (*murtahin*) to safeguard the pledged asset without misuse. Any unauthorized use or misappropriation of collateral constitutes a breach of trust and may trigger legal and moral liability. Contemporary Islamic finance scholars argue that *rahn* transactions carry inherent governance risks, particularly when internal controls are weak. Abuse of trust in collateral management not only violates contractual obligations but also undermines the ethical foundation of Islamic finance. Therefore, corruption involving

¹¹ Jacqueline Anastasia. "Peran Kejaksaan Dalam Pemulihan Keuangan Negara Melalui Badan Pemulihan Aset." *Wijaya Putra Law Review* 4.2 (2025): 318-339.

¹² Maryani and Syahrin, "Perlindungan Hukum Terhadap Para Pihak Dalam Perjanjian Gadai Emas, Kajian Analitik Hukum Positif Indonesia Dan Hukum Ekonomi"

¹³ Armen and Hermawan, "Implementasi Gadai Emas Di Bank Syariah Indonesia Dalam Perspektif Hukum Islam: Studi Kasus Di BSI Kantor Cabang Pembantu Kuningan."

¹⁴ Barri, "Gadai Emas Pada Lembaga Keuangan Syariah," 2019.

rahn transactions should be viewed as both a criminal offense and a violation of Islamic ethical norms.

Asset Confiscation and Anti-Corruption Law

Asset confiscation is a central component of modern anti-corruption frameworks. International instruments, such as the United Nations Convention against Corruption (UNCAC), emphasize asset recovery as a critical strategy for combating corruption and restoring public resources. Scholars such as Rose-Ackerman highlight that confiscation mechanisms enhance deterrence by removing the economic incentives of corruption.¹⁵ In Indonesian positive law, asset confiscation is regulated under the Criminal Procedure Code and anti-corruption statutes, granting law enforcement authorities the power to seize assets linked to criminal activities. The primary objectives are to secure evidence, prevent asset dissipation, and facilitate state loss recovery.¹⁶

Sharia Governance and Accountability

Sharia governance frameworks, as articulated by institutions such as the Islamic Financial Services Board (IFSB), emphasize accountability, transparency, and effective oversight as essential components of Islamic financial institutions. Argues that weak sharia governance increases the likelihood of ethical violations and financial misconduct.¹⁷ In this context, asset confiscation can be understood as a corrective governance mechanism that restores accountability when internal controls fail. From an Islamic law perspective, confiscation aligns with the objectives of *maqashid al-sharia*, particularly *hifz al-mal* (protection of wealth) and the promotion of public interest (*maslahah*).¹⁸

RESEARCH METHODS

This study adopts a qualitative case study approach to examine asset confiscation in a gold pawn corruption case in Pamekasan, Indonesia. The case was selected due to its relevance in illustrating governance failure within a sharia-compliant financial product and its implications for Islamic financial accountability.¹⁹ Primary

¹⁵ Ode Alfachriy Ridla Ramadan et al., “Penyelesaian Masalah Gadai Syariah (Rahn) Pada Pegadaian Syariah.”

¹⁶ Muhammad Daffa Alfie Yamarizky, “Penyelesaian Wanprestasi Dalam Konteks Perjanjian Gadai Emas Antara Nasabah Dengan Bank Syariah Indonesia (Studi Kasus Di Bank Syariah Indonesia Kantor Cabang Sepanjang).”

¹⁷ Maysura et al., “Legal Safeguards for Consumer Collateral Protection at Pawnshops in Indonesia.”

¹⁸ Cahyani Rizkika Utami, “Kajian Yuridis Terhadap Hak Cipta Produk Investasi Emas Di Pegadaian.”

¹⁹ Hendrik Poltak And Robert Rianto Widjaja, “Pendekatan Metode Studi Kasus Dalam Riset Kualitatif,” *Local Engineering* 2, No. 1 (2024): 31–34, <https://doi.org/10.59810/Lejlacc.V2i1.89>.

legal sources include statutory regulations related to asset confiscation and anti-corruption law, while secondary data consist of court-related documents, institutional reports, academic literature, and verified media publications. Media sources are treated as secondary data and used to contextualize factual developments.²⁰

Data validity was ensured through source triangulation by cross-referencing legal documents, regulatory frameworks, and scholarly analyses. The analytical framework integrates public accountability theory with *fiqh muamalah* principles, operationalized to assess legal mechanisms and normative Islamic implications of asset confiscation..

RESEARCH RESULTS

Characteristics of the Gold Pawn Corruption Case

The empirical findings indicate that the corruption case involved the misuse of gold pawn (*rahn*) transactions within a sharia-compliant financial institution operating in Pamekasan. The perpetrator exploited weaknesses in internal control mechanisms, particularly in collateral custody, asset valuation, and administrative documentation. As a result, several pawned gold assets could not be returned to customers, leading to reported financial losses and legal action. The case demonstrates that gold pawn products, due to their high liquidity and asset-based nature, present elevated corruption risks when governance mechanisms are inadequate. The findings reveal that the abuse occurred not through contractual ambiguity but through intentional misappropriation and concealment of collateral assets.²¹

Asset Confiscation Procedures Implemented by Law Enforcement

The results show that law enforcement authorities implemented asset confiscation following procedural requirements stipulated under Indonesian criminal procedure law and anti-corruption statutes. Four parcels of land and buildings were confiscated after investigators established a link between the assets and the proceeds of corruption.²²

²⁰ Nur Wulan Intan Palupi Et Al., “Konsep Dan Praktik Metode Kualitatif Untuk Penelitian Sosial,” *Risoma: Jurnal Riset Sosial Humaniora Dan Pendidikan* 3, No. 4 (2025): 188–98, <https://doi.org/10.62383/Risoma.V3i4.860>.

²¹ M. Sohobi, “Penyelesaian Sengketa Gadai Syariah Atas Jaminan Barang Gadai Syariah.”

²² Asy and Muarrofah, “Ngejha Jurnal Pengabdian Masyarakat Implementasi Gadai Emas Dengan Sistem Syariah.”

The confiscation process involved judicial authorization, issuance of formal seizure warrants, and documentation through official records. Local administrative officials were present during the execution of confiscation to ensure procedural transparency and prevent legal disputes. These findings confirm that confiscation was conducted as a legally sanctioned measure aimed at securing assets for potential state loss recovery.²³

Legal Objectives of Asset Confiscation

Empirical evidence indicates that asset confiscation served three primary legal objectives. First, it functioned as an evidentiary safeguard to prevent the dissipation or concealment of illicit assets. Second, it aimed to secure potential compensation for state losses resulting from corruption. Third, confiscation strengthened prosecutorial capacity by ensuring the availability of tangible assets for judicial proceedings. These objectives align with international asset recovery principles that emphasize early seizure to maximize recovery outcomes and deter further financial misconduct.²⁴

DISCUSSIONS

This section analyzes the empirical findings through positive law theory, Islamic legal principles, and international scholarly discourse, addressing the study's research objectives.

Asset Confiscation as a Mechanism of Public Accountability

From a positive law perspective, asset confiscation plays a critical role in enhancing public accountability by depriving offenders of illicit gains and reinforcing the principle that corruption does not yield economic benefit. According to UNODC guidelines, confiscation is essential to breaking the cycle of corruption by eliminating financial incentives and restoring public assets.²⁵ The findings of this study corroborate Rose-Ackerman's argument that asset recovery mechanisms strengthen governance by signaling state commitment to accountability and transparency. In the Pamekasan case,

²³ Yasmirah Mandasari Saragih, "Problematika Gratifikasi Dalam Sistem Pembuktian Tindak Pidana Korupsi (Analisis Undang-Undang Nomor 31 Tahun 1999 Jo Undang-Undang Nomor 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi: Yasmirah Mandasari Saragih, S.H., M.H.," *Jurnal Hukum Responsif* 5, No. 5 (2017): 76–86.

²⁴ Anisa Wahyu Ramadhani, "Pengembalian Aset Perkara Kasus Tindak Pidana Pencucian Uang Dan Penyelesaian Oleh Kejaksaan Tinggi Daerah Istimewa Yogyakarta" (Thesis, Universitas Islam Indonesia, 2023), <https://Dspace.Uii.Ac.Id/Handle/123456789/47680>.

²⁵ Wibowo, Inggit Kusumaningrum Aulia Sukanto, Erika Silvi Setiawati, and Labibah, "Strategi Pegadaian Dalam Mengelola Risiko Gadai Emas Studi Kasus Komparasi Antara Pegadaian Syariah Dan Konvensional."

confiscation reinforced prosecutorial authority and demonstrated institutional resolve to address corruption within sharia-compliant financial products.²⁶ Analytical closing statement : Asset confiscation in this case functioned not merely as a procedural step but as a structural accountability mechanism that aligns national anti-corruption law with global governance standards.

Breach of Amanah and Fiduciary Liability in Rahn Transactions

From an Islamic law perspective, the corruption identified in this case constitutes a breach of *amanah* (trust) inherent in *rahn* transactions. Islamic jurisprudence emphasizes that custodians of collateral bear strict fiduciary responsibility and are prohibited from exploiting pledged assets for personal benefit (AAOIFI Sharia Standards).²⁷ The empirical findings demonstrate that the misuse of pawned assets violated the ethical and legal foundations of Islamic commercial law. Scholars such as Obaidullah and Ayub assert that such misconduct transforms a contractual arrangement into a matter of legal liability (*dhaman*), justifying state intervention to restore justice and protect public wealth.²⁸ Analytical closing statement : Asset confiscation, therefore, represents an Islamic legal response to fiduciary abuse, reinforcing the normative obligation of trust within sharia-compliant financial practices.

Asset Confiscation and the Objective of Hifz al-Mal

Within the framework of *maqashid al-sharia*, the protection of wealth (*hifz al-mal*) is a fundamental objective. Corruption undermines this objective by enabling unlawful enrichment and disrupting equitable wealth distribution.²⁹ The confiscation of assets in this case aligns with *hifz al-mal* by preventing the continued enjoyment of unlawfully acquired property and restoring resources to their rightful public ownership. This approach is consistent with contemporary Islamic legal discourse that views state intervention as legitimate when individual actions threaten collective economic welfare.

²⁶ Salman Hikam And Karimatul Khasanah, "Prinsip Masalah Dalam Penyelenggaraan Bidang Jaminan Produk Halal," *El Hisbah: Journal Of Islamic Economic Law* 3, No. 2 (2023): 145–60, <https://doi.org/10.28918/Elhisbah.V3i2.1135>.

²⁷ Hartono, "Urgensi Integrasi Pengaturan Gadai Emas Berdasarkan Fatwa DSN-MUI Ke Dalam Peraturan OJK."

²⁸ Yunita Rohmah Awalina Sanata, "Urgensi Sadd Adz-Dzari'ah Dalam Mengatasi Masalah Perekonomian Indonesia," *Cakrawala Repositori Immi* 6, No. 3 (2023): 656–65, <https://doi.org/10.52851/Cakrawala.V6i3.390>.

²⁹ Kezia Melisa And I. Putu Rasmadi Arsha Putra, "Pengaturan Hukum Pidana Perampasan Aset Dalam Upaya Pemberantasan Korupsi Di Indonesia," *Kertha Wicara: Journal Ilmu Hukum* 15, No. 3 (2025): 148–68.

³⁰ Within the framework of *maqāṣid al-sharī'ah*, asset confiscation aligns with the objective of *hifz al-māl* (protection of wealth) by preventing unlawful enrichment and restoring public assets. Contemporary Islamic governance literature recognizes state intervention as necessary when private misconduct threatens collective economic welfare.³¹ Analytical closing statement : Through the lens of *maqashid al-sharia*, asset confiscation serves as a preventive and corrective instrument safeguarding public wealth against systemic abuse.

Implications for Sharia Financial Governance

The findings reveal structural vulnerabilities in sharia governance frameworks, particularly in internal supervision, sharia compliance auditing, and risk management for asset-based products. International governance frameworks, such as those proposed by the Islamic Financial Services Board (IFSB), emphasize the necessity of integrating legal enforcement mechanisms with internal sharia governance structures.³² The Pamekasan case illustrates that when internal governance fails, external legal intervention becomes necessary to preserve the integrity of Islamic financial systems. Asset confiscation thus functions as an ex-post governance mechanism reinforcing accountability and institutional discipline.³³ The findings reveal vulnerabilities in sharia governance, particularly in internal supervision and risk management of asset-based products. International frameworks such as those issued by the Islamic Financial Services Board (IFSB) emphasize the integration of legal enforcement with internal sharia governance. When internal controls fail, confiscation operates as an ex-post governance mechanism to restore institutional discipline.³⁴ Analytical closing statement : Effective sharia governance requires not only internal ethical compliance but also robust legal enforcement to address corruption risks in Islamic financial institutions.

³⁰ Antaranews.Com, “Kejari Pamekasan Sita Aset Tersangka Korupsi Gadai Emas.”, Antara News, August 28, 2025, <https://www.antaranews.com/Berita/5071689/Kejari-Pamekasan-Sita-Aset-Tersangka-Korupsi-Gadai-Emas>.

³¹ Akbar and Badry, “Global Research Trends In Asset Recovery And Anti-Corruption Law: A Bibliometric Analysis.”

³² Yogi Yasa Wedha Et Al., “Analisis Hukum Penyitaan Aset Korupsi Dalam Perspektif Keadilan Dan Pemulihan Keuangan Negara: Analysis Of Legal Confiscation Of Corruption Assets From The Perspective Of Justice And State Financial Recovery,” *Litigasi* 26, No. 1 (2025): 477–504, <https://doi.org/10.23969/Litigasi.V26i1.21484>.

³³ “Kejari Pamekasan Sita Empat Bidang Tanah Tersangka Korupsi Gadai Emas,” August 28, 2025, https://seru.co.id/206616-Kejari-Pamekasan-Sita-Empat-Bidang-Tanah-Tersangka-Korupsi-Gadai-Emas?utm_source=Chatgpt.Com.

³⁴ Sudarmanto et al., “Maqashid Sharia as a Framework for Innovation in Corruption Prevention.”

Legal and Social Implications

Beyond legal enforcement, asset confiscation carries significant social implications. Public awareness of confiscation actions contributes to restoring trust in both financial institutions and law enforcement agencies. Transparency in asset recovery processes enhances public perception of justice and discourages future misconduct.³⁵ From an Islamic ethical standpoint, restoring public assets reinforces social justice (*'adl*) and collective welfare (*maslahah*), core values in Islamic legal thought.³⁶ Beyond legal recovery, asset confiscation contributes to restoring public trust by demonstrating transparency and justice. From an Islamic ethical perspective, restoring public assets advances *'adl* (justice) and *maṣlaḥah* (public welfare), reinforcing the legitimacy of both legal and religious norms.³⁷ Analytical closing statement : The combined legal and social impact of asset confiscation underscores its role as a multidimensional instrument advancing justice, governance integrity, and public trust.

CONCLUSSIONS

This study affirms that asset confiscation carried out by the Pamekasan District Prosecutor's Office in the gold pawn corruption case constitutes an effective strategy for strengthening law enforcement against public financial crimes. This measure functions not only as a mechanism for recovering state losses but also reflects the commitment of law enforcement institutions to the principles of public accountability and transparency. Through asset confiscation, the prosecution service plays an active role in ensuring that the proceeds of corruption are returned to the state while simultaneously creating a deterrent effect for similar offenses. Despite demonstrating the positive impact of asset confiscation on social justice and public trust, this study is subject to limitations in terms of scope and empirical data. The analysis focuses on a single case in the Pamekasan region and therefore does not fully represent national conditions. Accordingly, further comparative and quantitative research is required to assess the effectiveness of asset confiscation across different legal contexts and regions. Such approaches are expected

³⁵ Risky Ramadhani Fiodita, "Pandangan Hukum Islam Terhadap Penyitaan Barang Yang Sudah Diberikan (Studi Kasus Afiliator Tranding Indra Kenz Dan Doni Salmanan)" (Skripsi, Uin Prof. K.H. Saifuddin Zuhri Purwokerto, 2023), 46-49, <https://Repository.Uinsaizu.Ac.Id/19121/>.

³⁶ Krisdianto Krisdianto, "Implikasi Hukum Penyitaan Aset Hasil Tindak Pidana Korupsi Yang Hak Kepemilikannya Telah Dialihkan Pada Pihak Ketiga," In *Katalogis*, Vol. 3, No. 12 (Journal:Earticle, Tadulako University, 2015), 1-13, <https://www.Neliti.Com/Publications/150549/>.

³⁷ Khusni and Fayazida, "Rethinking Anti-Corruption in Public Finance: Integrating Hisbah and Maqasid Sharia into Indonesia's Budgeting System."

to enrich understanding of the prosecutorial contribution to establishing a clean, transparent, and equitable system of state financial governance.

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