

An Islamic Law Review of the Practice of Selling Confiscated Items at Pondok Pesantren Riyadhul Amien Danau Lamo

Silvina Dwi Ruswadi¹, Nilfatri², Reza Okva Marwendi³, Alisyah pitri⁴

¹Institut Islam Al-Mujaddid Sabak (IIMS) Tanjung Jabung Timur, Indonesia

²Institut Islam Al-Mujaddid Sabak (IIMS) Tanjung Jabung Timur, Indonesia

³Institut Islam Al-Mujaddid Sabak (IIMS) Tanjung Jabung Timur, Indonesia

⁴Institut Islam Al-Mujaddid Sabak (IIMS) Tanjung Jabung Timur, Indonesia

⁵Institut Islam Al-Mujaddid Sabak (IIMS) Tanjung Jabung Timur, Indonesia

*Correspondent Author: ociksilvina@gmail.com

Article Info:

Article history: Accepted, 10/09/2025, | Revision, 20/10/2025, | Published, 01/11/2025, | Vol (2), Issue (2), (Nov. 2025)
e-ISSN 3063 – 8933 | doi: <https://doi.org/10.61233/zijis.v2i2.45>

Abstract:

This study examines the practice of confiscating and subsequently selling abandoned personal items at Pondok Pesantren Riyadhul Amien Danau Lamo from the perspective of Islamic law, focusing on the legitimacy of ownership transfer and conformity with muamalah principles. The research responds to an institutional practice in which items left unattended by santri are collected by cleanliness officers, announced, cleaned, and later sold to support the pesantren's cleaning needs. Employing a qualitative case study approach, data were gathered through direct observation, in-depth interviews with administrators and students, and review of internal documentation, then analyzed via data reduction, thematic presentation, and verification. Findings indicate that confiscation and resale are conducted openly, including prior announcement, and that proceeds are allocated to communal cleaning supplies rather than private gain. From an Islamic legal standpoint, the practice may be considered permissible provided it meets the criteria of transparency, adequate announcement, and utilization for the common good (maslahah). The study contributes to extending the application of the concept of al-milkiyyah (ownership) beyond state and financial contexts into Islamic educational institutions, and offers a basis for pesantren to develop written, accountable, and sharia-compliant regulations regarding confiscated property.

Keywords:

confiscated goods; sale practices; Islamic law; al-milkiyyah; pesantren management.



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INTRODUCTION

Buying and selling activities are an important foundation in the global economic system, including in Muslim societies that uphold the principles of muamalah to ensure fairness and halal transactions. In this context, Islam allows sale and purchase contracts (mu'awadhah) as long as they fulfill conditions such as clear ownership, objects that do not contain gharar, and voluntary agreements between the parties to the transaction (Umam, 2025). However, the practice of buying and selling involving confiscated goods in religious institutions such as Islamic boarding schools has not been widely studied, even though this phenomenon has important implications for aspects of Islamic law and institutional governance. This lack of studies raises the question of how confiscation is conducted in non-governmental institutions and whether the practice is in accordance with the principles of fiqh of ownership and the value of sharia justice.

In Islamic ownership theory (*al-milkiyyah*), as explained by Gojali (2023), three main categories are known: private ownership (*fardiyyah*), public (*'ammah*), and state (*daulah*). This understanding is key in assessing the legal status of confiscated goods in pesantren whether it automatically transfers to the property of the institution or remains the property of individuals (*santri*). Contemporary muamalah studies (Syahrin & Juliana, 2025) emphasize the importance of applying Islamic law that is adaptive to social and institutional dynamics. In the context of pesantren, this study examines how the confiscation and sale of goods are carried out and how they are in accordance with sharia principles and the internal authority structure of these Islamic educational institutions.

The main objective of this research is to describe the practice of confiscation and sale of confiscated goods at the Riyadhul Amien Lake Lamo Islamic Boarding School and analyze it in the perspective of Islamic law based on the theory of ownership and muamalah principles. Methodologically, this research uses an empirical qualitative approach with the subjects of teachers and students, as well as objects in the form of confiscation practices and buying and selling goods that occur institutionally. The findings are expected to provide a new understanding of the dynamics of Islamic ethics-based economic practices in the pesantren environment.

Academically, this research enriches the muamalah fiqh literature by introducing the context of Islamic boarding schools as a new arena that has not been studied much so far. Previous studies such as Salleh (2024) and Review of Islamic Law Against Execution of Collateral Auctions (2021) focused more on foreclosures in financial institutions, while this research shifts attention to educational institutions. Thus, this study bridges Islamic property theory and socio-religious practice, while emphasizing pesantren as empirical laboratories for the application of Islamic law in daily life.

Theoretically, this research confirms the relationship between *al-milkiyyah* and the institutional legitimacy of confiscation of goods in a sharia perspective. Ownership in Islam is not only a right, but also a trust that demands ethical responsibility (Efendi, 2022; Hamdani, 2020). By integrating the theories of ownership and management of confiscated assets, this study offers a conceptual framework to assess the legitimacy of confiscation in pesantren based on aspects of ownership, announcement, and use of sales proceeds. This approach forms the basis for the next stage of analysis to assess the extent to which the practice complies with the principles of justice and benefit in Islamic law.

METHOD

This research uses a qualitative research strategy with a case study approach because what it wants to reveal is the concrete practice of confiscating and buying and selling confiscated goods in one pesantren institution and the meaning of Islamic law attached to this practice (contextual single case) according to the characteristics of qualitative research in a natural setting (Patton in Hasan et al., 2022). This technique allows in-depth analysis of the internal dynamics of administrators and *santri* related to the process of confiscating, managing, announcing, and selling confiscated goods as a socio-religious phenomenon, not just a statistical generalization.

The data sources in this study are divided into primary data and secondary data. Primary data was obtained directly from the field through observation, in-depth interviews, and internal pesantren documentation (regulations, sales records, announcements). Secondary data came from scientific literature (journals, books, DSN-MUI fatwas, fiqh books) relevant to buying and selling, ownership in Islam, and muamalah. In collecting primary data, the instruments used include semi-structured interview guides, field observation checklists, and documentation forms. Triangulation techniques were used to strengthen the validity of the data (observations, interviews, documents), as is standard practice in qualitative research (Waruwu, 2024). Sharia and fiqh literacy were used as a comparative basis for analysis. Primary data inclusion criteria are informants who have direct knowledge of the practice of confiscating or selling confiscated goods (cleaning administrators, old students, pesantren administrators), as well as relevant internal documents (announcement minutes, sales records). Data that did not mention the origin of the goods, the announcement mechanism, or lacked institutional authentication were eliminated from the analysis. For secondary literature, inclusion criteria included open-access articles within the last five years that addressed Islamic concepts of ownership, muamalah, and confiscated asset management; non-peer-reviewed or not openly available literature was excluded. The unit of analysis on field data was individual informants and institutional documents (regulations, records) at Pondok Pesantren Riyadhul Amien.

The data analysis technique used thematic analysis with the steps of data reduction, data presentation, and conclusion drawing/verification (Miles, Huberman & Saldaña in Waruwu, 2024). Each interview transcript and observation result was inductively coded to find key themes related to the legitimacy of foreclosure, ownership, sales mechanisms, and Sharia perceptions as recommended in recent qualitative research trends (Abidin et al., 2023). The thematic results were then cross-checked with documentary data and secondary literature for consistency verification and contextualization against Islamic ownership theory and institutional muamalah.

RESULTS AND DISCUSSION

Results

This research produces several empirical findings obtained through the process of observation, in-depth interviews, and documentation of the administrators and students of Pondok Pesantren Riyadhul Amien Danau Lamo. Based on the results of the reduction and thematic analysis, four main themes were obtained that describe the practice of buying and selling confiscated goods in pesantren: (1) confiscation mechanism and categorization of goods; (2) sales process and price determination; (3) management of sales proceeds; and (4) perceptions of justice and compliance with sharia norms in the practice. Each of these themes is described in detail based on field data.

1. Seizure Mechanism and Categorization of Goods

Data from interviews with cleaning administrators show that confiscation is carried out on items abandoned by students, especially clothes found in the clothesline area, bathroom, or public places without the owner's acknowledgment. The confiscation process is carried out routinely every day by the cleaning staff as part of their work program to maintain the order and cleanliness of the

pesantren environment. Items that have a sign of ownership, such as a written name, are returned to the owner with a light punishment in the form of a reprimand or additional tasks. Meanwhile, items that have no sign of ownership and are not recognized by anyone after being publicly announced for several days are then categorized as "pesantren confiscated items". The observation results show that the majority of confiscated items are in the form of clothes (skirts, shirts, pants, and headscarves) that are in a usable condition after being re-washed by the administrators. This mechanism was explained consistently by all informants, both administrators and santri, who emphasized that the confiscation was carried out to discipline santri so that they would not abandon their belongings.

2. Sales Process and Pricing

The results showed that after the confiscation and cleaning process, confiscated items were resold to other students in need through an open system in the pesantren environment. Sales are usually carried out by the management gathering students in the hall or courtyard of the pesantren, bringing goods that are ready to be sold, then students can choose and buy according to their needs. The price of goods is determined based on the physical condition of each item, with a price range between IDR 2,000 to IDR 5,000 per piece. Documentation data shows that there is no formal bargaining system because the price has been agreed upon by the management. Transactions are conducted in cash, simply, and not recorded individually, but the total sales results of each period are recorded in the financial book of the cleaning section. In a methodological context, this pattern indicates the existence of an internal microeconomic system that is managed informally but consistently, similar to the social-based buying and selling mechanism described in Akhtar's (2021) research on community-based trading practices in Islamic educational institutions.

3. Sales Proceeds Management and Internal Accountability

Field findings show that all proceeds from the sale of confiscated goods are used to support the pesantren's cleaning operations, such as the purchase of brooms, floor mops, floor cleaners, and facility maintenance needs. According to the administrators, no personal profit is taken, and all proceeds are put into the pesantren's janitorial treasury. This financial management process is collective and carried out under the supervision of the main board of the santri organization. Internal documentation data shows the existence of an expense list that records the purchase of cleaning supplies every month. This finding indicates functional transparency, although there are no formal written rules regarding the mechanism for confiscating and selling goods. The results of this observation are in line with the findings of a study by Saad et al. (2022), who emphasized the importance of social accountability in the management of funds for community-based religious institutions in Malaysia.

4. Perceptions of Fairness, Ownership, and Sharia Compliance

Based on the results of in-depth interviews, most santri understand and accept the practice of confiscating and buying and selling confiscated goods as a form of discipline, not as a detrimental action. Most respondents stated that the confiscated items had indeed been abandoned by their owners, so no one felt harmed. However, there are also some cases where santri realize that their

goods have been confiscated but choose not to admit it for fear of being sanctioned. In cases like this, santri sometimes buy back their belongings that have been sold, as recognized by several informants. This finding shows that there is moral ambiguity regarding the status of ownership after confiscation. This pattern can be related to the study of Hamid et al. (2023) which shows that perceptions of fairness in Islamic transactions are often influenced by social context factors and institutional authority.

5. Management's Understanding of Sharia Principles in Buying and Selling

Interviews with cleaning administrators showed that they viewed the practice of selling confiscated items as legitimate because it was carried out based on internal pesantren regulations that had been announced to the students. The administrators argue that items that have been abandoned and not recognized by the owner after the announcement become the property of the pesantren, and therefore may be sold. They also emphasized that this practice was carried out not for profit but for mutual benefit. This data is in line with the principle of *istihsan* (legal preference for benefit) as explained in Yusof's research (2020), where the flexibility of Islamic law can be applied in certain social contexts as long as it does not conflict with *maqasid al-shariah*.

6. Visual Documentation and Field Observation

Documentary evidence in the form of photographs of confiscated clothes in the clothesline area, collected clothes, and sales activities in the pesantren environment supported the validity of the interview data. Field observations showed that the main confiscation locations were the students' clothesline area and around the bathrooms, with the frequency of confiscation increasing during the rainy season. Documentation also shows the direct involvement of cleaning administrators in the process of washing and selling goods. This pattern of activity shows an organized and consistent work system, although it is not regulated in writing. This practice illustrates a form of internal governance based on social norms as also found in studies of other Islamic educational institutions in Indonesia (Fahmi et al., 2023).

Overall, the results show that the practice of buying and selling confiscated goods at Pondok Pesantren Riyadhul Amien Danau Lamo is carried out based on internal norms and is socially accepted by the santri community. The confiscation process is carried out with the aim of discipline and cleanliness, the sale is carried out openly, the proceeds are used for the common good, and the practice is based on a simple understanding of the legitimacy of sharia. This finding is consistent with contemporary literature on institutional economic behavior in Islamic educational institutions that emphasizes the values of justice, benefit, and social responsibility (Ismail & Musa, 2024; Hasan et al., 2021; Al-Qaradawi, 2020; Harun et al., 2022; Rofiq, 2023; Kamaruddin, 2024).

Discussion

The results show that the practice of buying and selling confiscated goods at Riyadhul Amien Islamic Boarding School goes through the mechanism of confiscating abandoned goods without a confessed owner, followed by an open sale, and transferring the proceeds to the cleaning treasury.

This main finding directly answers the formulation of the research problem regarding "how is the practice of buying and selling confiscated goods" and "how is the assessment of Islamic law on this practice." This practice reflects that pesantren institutions take abandoned assets as institutional property based on internal announcements, then sell them for the common good.

Within the framework of Islamic ownership theory (*al-milkiyyah*), this practice can be interpreted as a process of transferring ownership from individuals to institutions under formal conditions (announcement and disclosure). The concept of ownership in *muamalah* emphasizes that ownership is legitimized through a process of legal and ethical aspects (Fajrillah, Asmuni & Anggraini, 2024). If the original owner does not claim and the goods have been announced, institutions can acquire rights within the framework of social or public ownership (*al-'ammah*), provided that the use of the transfer does not harm any party. However, in classical and contemporary *fiqh* literature, confiscation is generally discussed in terms of state or public law violations, not internal educational institutions (Azizollahi, 2025). Thus, the implementation of confiscation in pesantren requires justification that the practice does not contradict the principles of justice, does not contain elements of coercion that cross the line, and that the administrators have normative legitimacy.

When compared to previous studies, this finding has both similarities and differences. The study of confiscated asset management according to Islamic law by Salleh (2024) mentioned that institutions can utilize confiscated goods after the announcement period and certainty of ownership, provided that the results are used for the public good. The findings in this pesantren are consistent in the aspect of using the proceeds for the common good (cleanliness). However, different from research on confiscation in the context of the state or financial institutions (Mahmud et al., 2022), this study shows that confiscation of religious institutions is more internal and voluntary through announcement. This difference underscores that the institutional context of pesantren demands a different measure of legitimacy than confiscated assets in a public or criminal context.

The scientific contribution of this article is to expand the space for empirical *muamalah* studies to the realm of pesantren institutions, which have been less explored so far, and at the same time strengthen the theoretical interpretation of *al-milkiyyah* with a non-state institutional confiscation model. By placing pesantren institutions as subjects of study that have internal authority, this research advances the discourse that *fiqh* of ownership must be able to answer the concrete practices of contemporary Islamic educational institutions. Practically, the findings provide guidance that pesantren confiscation rules must be drawn up in writing and transparently to fulfill the requirements of legitimacy and justice from a sharia perspective.

This research has limitations that need to be recognized. Because it relies on a qualitative approach and a single case study, the findings cannot be generalized to all pesantren in Indonesia. Variations in internal norms, the size of the institution, and the social characteristics of santri may lead to different practices. In addition, the limitations of written documentation and the potential bias of informants' confessions, especially in acknowledging ownership, may affect the validity of the data. The research implementation time is also limited so that long-term observation of the development of practices has not been carried out.

As a practical implication and recommendation for further research, other pesantrens should develop written regulations regarding the confiscation of abandoned goods, establish an announcement and claim mechanism for a certain period of time, and ensure accountability for the use of sales proceeds. For Islamic education practitioners, this model can be used as an adaptive guideline as long as it is contextualized according to the conditions of each pesantren. Future research can be conducted with a comparative approach between different pesantren, or test the perceptions of santri guardians and the psychological implications of confiscation practices through quantitative methods to strengthen generalization. In the realm of theory, this study opens up opportunities for further integration between Islamic ownership theory and examination of the legitimacy of confiscation in non-state institutions within the framework of contemporary muamalah.

CONCLUSION

This study concludes that the practice of buying and selling confiscated goods at the Riyadhul Amien Lake Lamo Islamic Boarding School is a form of institutional muamalah activity that develops from the need to maintain order and cleanliness in the pesantren environment. Based on the results of qualitative research, the confiscation mechanism is carried out on abandoned goods without a recognized owner, with a prior announcement process before the goods are considered to belong to the institution. The confiscated items are then resold to the students at affordable prices, and the proceeds are used entirely for the benefit of pesantren hygiene. This practice runs socio-legally within the framework of internal norms and is accepted by the pesantren community without causing significant conflict. In Islamic law, the practice can be categorized as legal if it meets the requirements of transparency, announcement, and the use of proceeds for mutual benefit, so it does not conflict with the principles of justice and benefit in muamalah.

The theoretical contribution of this study lies in expanding the understanding of the concept of ownership (*al-milkiyyah*) in the context of non-state institutions, especially Islamic educational institutions. This study shows that the concept of ownership in *fiqh* is not static, but can be operationalized through social mechanisms that are adaptive to the organizational structure of pesantren. Practically, this research provides a basis for pesantren and other religious educational institutions to formulate a transparent, fair, and Sharia-based confiscated goods management system. In addition, this research also contributes to enriching the empirical literature of Islamic law in the field of muamalah, especially in the context of socio-religious institutions.

As an implication, this study suggests that each pesantren should have written regulations that explain the confiscation procedures, claim mechanisms, and management of the proceeds from the sale of confiscated goods to strengthen legal legitimacy and accountability. Further research can be directed at comparisons between pesantren with different characteristics and management systems, or at integrative analysis between Islamic legal norms and modern institutional policies to deepen the study of muamalah practices in the Islamic education environment.

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