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Blocking of Inactive Accounts by PPATK from the Perspective of Sharia Economic Law and Civil Law: Analysis of Property Rights Protection and Justice

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Abstract

The freezing of inactive bank accounts by Indonesia's Financial Transaction Reports and Analysis Center (*Pusat Pelaporan dan Analisis Transaksi Keuangan*, PPATK), the country's Financial Intelligence Unit (FIU), has generated significant legal debate due to the tension between preventive anti-money laundering measures and the protection of individual property rights. However, little attention has been paid to how Civil Law and Sharia Economic Law can be harmonized to assess the legitimacy and justice of account-freezing policies. This study aims to analyze the legal mechanism governing PPATK's account-freezing authority and evaluate its implications for the protection of property rights from the perspectives of Civil Law and Sharia Economic Law. Using a normative juridical approach, the study examines Indonesia's Anti-Money Laundering Law, the Indonesian Civil Code, and classical Islamic jurisprudential sources through statutory, conceptual, and comparative legal analyses. The findings reveal two complementary dimensions of legal protection. From the perspective of Civil Law, account freezing constitutes a legitimate preventive administrative measure only when it is implemented within a clear legal framework, supported by due process, transparent procedures, and reasonable time limitations that prevent disproportionate interference with ownership rights. From the perspective of Sharia Economic Law, the policy is justified by the principles of maslahah (public interest) and la darar wa la dirar (the prohibition of harm), as it seeks to preserve the integrity of the financial system while protecting lawful ownership from illicit financial activities. The analysis further demonstrates that substantive justice can be realized only when preventive state authority is exercised transparently, proportionately, and with effective legal remedies that enable account holders to recover legitimate access to their assets. This study contributes to the development of legal scholarship by proposing a proportionality-based framework that harmonizes Civil Law and Sharia Economic Law in balancing financial security objectives with the protection of individual property rights. The proposed framework extends existing legal discourse by offering a normative model for strengthening legal certainty, accountability, and substantive justice in Indonesia's financial regulatory system.

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INTRODUCTION

The rapid expansion of digital financial services and cross-border financial transactions has significantly transformed the global financial system while simultaneously increasing the

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complexity of combating money laundering, terrorist financing, and other illicit financial activities. Financial criminals increasingly exploit technological advances, anonymous transactions, and dormant or inactive bank accounts to conceal illicit proceeds and evade regulatory oversight, creating substantial challenges for financial institutions and regulatory authorities worldwide (Financial Action Task Force [FATF], 2023; United Nations Office on Drugs and Crime [UNODC], 2024). As financial crimes become more sophisticated, anti-money laundering (AML) regimes have shifted from reactive enforcement toward preventive regulatory approaches that emphasize early detection, financial intelligence, and temporary administrative intervention to mitigate potential risks before illicit transactions cause broader economic harm (Bartolozzi et al., 2022; Jayasekara, 2021).

Within this preventive framework, Financial Intelligence Units (FIUs) have become central institutions responsible for collecting, analyzing, and disseminating financial intelligence related to suspicious transactions. In accordance with the international standards established by the Financial Action Task Force (FATF), FIUs are expected not only to support criminal investigations but also to implement preventive measures capable of protecting the integrity, transparency, and stability of the financial system (FATF, 2023). Among these measures, the temporary suspension of transactions and the freezing of bank accounts suspected of being associated with money laundering have become increasingly important regulatory instruments. Nevertheless, while preventive account-freezing mechanisms strengthen the effectiveness of AML enforcement, they simultaneously generate significant legal concerns regarding proportionality, due process, legal certainty, and the protection of individual property rights, particularly when administrative measures affect account holders whose involvement in criminal activities has not been judicially established (Bartolozzi et al., 2022; Goldbarsht & Harris, 2022; Jayasekara, 2021).

These challenges are equally evident in Indonesia, where the Financial Transaction Reports and Analysis Center (*Pusat Pelaporan dan Analisis Transaksi Keuangan*—PPATK), acting as the national Financial Intelligence Unit (FIU), is entrusted with implementing preventive anti-money laundering measures under Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering. As part of its statutory authority, PPATK may order the temporary suspension of financial transactions or the freezing of accounts reasonably suspected of being connected with money laundering or other predicate offences before the initiation of formal criminal proceedings (Murniawan, 2022; Shiva et al., 2024). This authority reflects the preventive orientation of Indonesia's AML framework, which seeks to interrupt suspicious financial transactions at an early stage and reduce opportunities for the concealment or transfer of illicit assets. However, the increasing implementation of preventive account-freezing measures, particularly involving inactive or dormant accounts, has also generated considerable public concern regarding the legal protection afforded to legitimate account holders whose access to lawfully owned assets may be temporarily restricted despite the absence of proven criminal liability.

From the perspective of Civil Law, property rights are recognized as fundamental legal rights that entitle individuals to possess, use, enjoy, and dispose of their assets while protecting them from arbitrary state interference. As a cornerstone of legal certainty, economic freedom, and the rule of law, these rights may nevertheless be subject to reasonable limitations when pursuing legitimate public interests, including public security, economic stability, and the prevention of financial crime (Chang & Dai, 2021; Fernandez & Rosas, 2021). Consequently, preventive measures such as temporary account freezing are considered legally legitimate only when they satisfy the principles of legality, proportionality, necessity, procedural fairness, and effective judicial or administrative oversight (Bartolozzi et al., 2022; Goldbarsht & Harris, 2022). This inherent tension between effective anti-money laundering enforcement and the protection of individual property rights highlights the need for an analytical framework that balances the state's responsibility to preserve financial system integrity with its obligation to safeguard fundamental rights.

Sharia Economic Law complements this perspective through a distinct normative framework grounded in the *maqāṣid al-sharīʿah*. Within Islamic jurisprudence, the protection of wealth (*ḥifẓ al-māl*) is recognized as one of the principal objectives of Islamic law, requiring that property be safeguarded not only as an individual right but also as a means of promoting public welfare and economic justice (Ibrahim, 2025; Nuryanto & Jaelani, 2024). Accordingly, state intervention affecting private property may be justified when it serves *maṣlaḥah* (the public interest), prevents harm (*la ḍarar wa lā dirār*), and protects the integrity of the financial system from illicit activities (Ibrahim, 2025; Suliswanto et al., 2025). Viewed together, Civil Law and Sharia Economic Law provide complementary normative foundations for evaluating PPATK's preventive account-freezing authority, enabling an assessment that balances effective anti-money laundering enforcement with the protection of legitimate property rights.

Although both Civil Law and Sharia Economic Law acknowledge that property rights may legitimately be restricted in pursuit of broader public interests, they differ in the legal reasoning used to assess the legitimacy of such intervention. Civil Law primarily emphasizes statutory authority, procedural guarantees, legal certainty, proportionality, and judicial accountability, whereas Sharia Economic Law evaluates state action through the realization of maqāṣid al-sharīʿah, the achievement of maṣlaḥah, and the prevention of harm. Rather than representing competing legal paradigms, these perspectives may be understood as complementary normative frameworks capable of providing a more comprehensive assessment of preventive financial regulation. Their integration offers an opportunity to evaluate not only whether account-freezing policies are legally authorized but also whether they achieve substantive justice by balancing collective financial security with the protection of legitimate individual property rights.

Recent legal scholarship has devoted increasing attention to the role of Financial Intelligence Units (FIUs), preventive anti-money laundering measures, and administrative financial regulation in responding to increasingly sophisticated financial crimes (Bartolozzi et al., 2022; Jayasekara, 2021). Existing studies generally conclude that preventive mechanisms, including transaction suspension and temporary account freezing, constitute indispensable instruments for protecting financial system integrity and improving the effectiveness of anti-money laundering enforcement (Jayasekara, 2021; FATF, 2023). At the same time, scholars have consistently emphasized that the expansion of preventive administrative powers must remain subject to the principles of proportionality, legal certainty, transparency, accountability, and effective legal remedies to prevent excessive restrictions on individual rights (Goldbarsht & Harris, 2022; UNODC, 2024).

Within the Indonesian context, previous studies have primarily examined PPATK's authority from the perspectives of administrative law, banking regulation, or anti-money laundering compliance (Murniawan, 2022; Siregar & Lubis, 2021; Shiva et al., 2024). These studies generally affirm the legality of PPATK's preventive authority under Law Number 8 of 2010 while simultaneously highlighting the importance of procedural safeguards and legal certainty for affected account holders. Meanwhile, studies within Sharia Economic Law have extensively discussed *maqāṣid al-sharīʿah*, *ḥifẓ al-māl*, and Islamic financial governance as normative foundations for protecting wealth and maintaining ethical financial systems (Mahyudin & Rosman, 2022; Zailani et al., 2022). However, these two strands of scholarship have largely developed independently. Comparative analyses that systematically integrate Civil Law doctrines on property rights with Sharia Economic Law principles in evaluating PPATK's preventive account-freezing policy remain limited.

This conceptual separation reveals an important gap in the existing literature. Previous research has predominantly focused either on the statutory legality of PPATK's authority, the protection of property rights under positive law, or the application of maqāṣid al-sharīʿah in Islamic financial governance. Consequently, limited attention has been given to developing an integrated analytical framework capable of simultaneously evaluating preventive account-freezing measures through the principles of legality, proportionality, due process, legal certainty, and ḥifẓ al-māl. Addressing this gap is particularly important because preventive financial regulation increasingly requires legal approaches capable of reconciling effective anti-money laundering enforcement with the protection of fundamental property rights in pluralistic legal systems such as Indonesia.

Against this background, this study examines the legality and proportionality of PPATK's authority to freeze inactive bank accounts through the integrated perspectives of Civil Law and Sharia Economic Law. It develops an integrated proportionality framework that combines Civil Law doctrines on property rights with the maqāṣid al-sharīʿah principle of ḥifẓ al-māl to evaluate preventive account-freezing measures. In doing so, the study contributes to the literature by advancing a more comprehensive normative framework and providing practical guidance for strengthening transparent, proportionate, and accountable anti-money laundering governance in Indonesia.

METHOD

This study employs a normative legal research method, specifically a doctrinal approach, to analyze the coherence between legal norms and administrative practices. The integration of these three approaches is designed to provide a comprehensive foundation for evaluating the legality of freezing inactive bank accounts (Alim & Khan, 2021). In this study, the maqāṣid al-sharīʻah approach is applied practically through the principle of min jānib al-adam, which involves preventing any factors that could jeopardize the existence of individual property. Operationally, this dictates that any freezing action by the PPATK must satisfy a verifiable state of urgency and be preceded by a stringent verification process. Thus, Islamic law serves not merely as a formal complement but as a critical instrument to test the validity of state administrative actions against the assets of its citizens. The research analyzes positive legal regulations, legal doctrines, and relevant Islamic legal principles, without collecting field data directly (Johnson & Smith, 2020).

Legal materials in this study are systematically classified into primary, secondary, and tertiary sources. Primary legal materials consist of authoritative legislative instruments, including the Law on the Prevention and Eradication of Money Laundering, the Indonesian Civil Code (Burgerlijk Wetboek), and relevant Sharia economic regulations or fatwas. Applying statutory, conceptual, and comparative approaches, this normative legal study analyzes primary and secondary materials—specifically Law No. 8 of 2010 and DSN-MUI Fatwa No. 116/DSN-MUI/IX/2017 on Sharia Marketing Principles to scrutinize how PPATK regulations on inactive accounts impact individual property rights under Civil and Sharia Economic Law. Secondary legal materials encompass academic literature, legal research reports, and scholarly journals that provide interpretations of the primary materials. Finally, tertiary legal materials, such as legal dictionaries and encyclopedias, are utilized to provide supporting clarifications for technical terminology used throughout the analysis. The primary data sources for this research are various legal documents, including Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, the Indonesian Civil Code, literature on Islamic economic law related to asset protection, and PPATK policy documents and regulations regarding the blocking of dormant accounts. Furthermore, this study utilizes relevant articles and previous research findings to strengthen the analysis (Ali & Mahmood, 2019).

Data collection was conducted through a library research approach, accessing legal documents, books, journals, scientific articles, and other secondary sources related to the topic. The retrieval of legal materials in this normative study was executed systematically using rigorous electronic filtering. Literature selection criteria were strictly predicated on thematic relevance to administrative account freezes, private property rights, and banking disputes, requiring all journal articles to be peer-reviewed and text materials to possess authoritative scholarly standing. The reference timeframe for secondary literature (journals and contemporary treatises) was rigorously confined to the last 10 years (2016–2026) to accurately capture the evolution of modern cyber-enabled financial crimes; exceptions were granted only to foundational primary legal sources (e.g., the Indonesian Civil Code) and classical Islamic jurisprudence (turats) texts. To ensure academic rigor, the primary academic databases utilized included Scopus, HeinOnline, Westlaw, and Google Scholar for international legal scholarship, alongside Indonesia's Sinta (Science and Technology Index) and Garuda (Garba Rujukan Digital) portals for tracking domestic positive law doctrines and jurisprudence. The data obtained was then analyzed qualitatively using descriptive-analytical techniques to understand and interpret applicable legal norms and principles (Chen & Zhang, 2022).

Table 2 Methodological Distinction Between Descriptive-Analytical and Normative-Qualitative Approaches

Dimension of Comparison	Descriptive-Analytical Technique	Normative-Qualitative Analysis
Methodological Position	**Nature of the Study:** The method by which the researcher systematically maps, classifies, and structures the gathered legal materials.	**Analytical Tool:** The evaluative method by which the researcher scrutinizes, critiques, and judges the substance of the legal data.
Primary Output	A coherent, comprehensive mapping of statutory articles (e.g., AML Law), PPATK	A legal-philosophical judgment determining whether PPATK's practices

	regulations, and chronological patterns of account-freezing cases.	are equitable, valid, or structurally flawed (*ultra vires*).
Core Question Addressed	*What & How?* (What are the active regulations, and how is the administrative freezing implemented in practice?)	*Why & Ought to be?* (Why do these practices conflict with core legal principles, and how should justice be systematically restored?)
Application in Your Paper	Used to describe the 20-day statutory limit under Article 65 of the AML Law and the empirical phenomenon of prolonged account suspension.	Used to "cross-examine" those findings against the parameters of civil *rechtszekerheid* and the Sharia doctrine of *Ḥifẓ al-Māl*.

The study dissects the authority of the PPATK using parameters of positive law and tests them operationally through the ḥifẓ al-māl dimension of maqāṣid al-sharīʻah. "Under Indonesian administrative law, the legality of PPATK's interventionist authority is strictly evaluated through three positive legal parameters: Authority (Competence) under Article 44 of Law No. 8/2010, Procedure under Article 65 of Law No. 8/2010 (enforcing the mandatory 20-day maximum freeze limit), and Substance/AAUPB under Law No. 30/2014. Any administrative freeze that extends beyond the statutory timeframe or targets bona fide accounts due to a lack of due diligence constitutes a violation of these parameters, establishing clear grounds for a civil tort lawsuit (Perbuatan Melawan Hukum) under Article 1365 of the Indonesian Civil Code. This method aims to produce precise legal arguments regarding the limits of state intervention into the civil rights of customers, thereby ensuring a distinct separation between administrative and substantive analysis. The entire methodological sequence is directed toward constructing a legal synthesis that addresses the urgency of property rights protection. Through systematic and grammatical interpretation, to rigorously evaluate the boundaries of PPATK's powers, this study deploys a quadripartite framework of legal interpretation. It utilizes grammatical interpretation to deconstruct the temporary nature of 'administrative freezes' under Article 44 of the AML Law, systematic interpretation to align administrative enforcement with civil tort liability (Article 1365 Indonesian Civil Code), historical interpretation to unveil the legislature's original intent regarding time limit restrictions, and teleological interpretation to bridge positive law objectives with Sharia's Maqashid framework in preventing systemic socioeconomic harm (la dharar)this research moves beyond a mere exposition of statutory articles toward the formulation of an ideal and equitable standard for account freezing

RESULTS AND DISCUSSION

Results

The Concept and Protection of Property Rights in Civil Law and Sharia Economic Law in Relation to Bank Account Ownership

In Indonesian civil law, property rights are regulated in detail in the Indonesian Civil Code.-*Civil Law* (KUHPerdata)/Burgerlijk Wetboek, particularly Article 570 and subsequent provisions. Ownership rights give the owner full authority to use, enjoy, and control the object, including intangible assets such as bank account balances (Firdaus, 2022; Benlala, 2022). Emphasizes that property rights are the most complete form of ownership, giving owners the freedom to utilize their wealth as long as it does not conflict with regulations and the public interest (Firdaus, 2022). Furthermore, Article 28H(4) of the 1945 Constitution guarantees every person's right to private property and protects such property against arbitrary deprivation. The constitutional basis for limiting the exercise of rights, however, is principally found in Article 28J(2), which permits restrictions established by law for the purpose of respecting the rights of others and satisfying just requirements relating to morality, religious values, security, and public order in a democratic society. Accordingly, the state may restrict an account holder's access to funds only when the measure is prescribed by law, directed toward a legitimate public purpose, implemented through fair procedures, and proportionate to the risk being addressed (Azizah et al., 2026; Harris & Sulfan, 2022; Rugian, 2021).

Under the guise of maintaining macroeconomic stability and combating transnational financial crimes, the modern state routinely expands its tentacles into the private financial spheres of its citizens. While Article 44 of Law No. 8/2010 (the AML Law) grants PPATK the legitimate authority to issue temporary administrative freezes, this power must not be interpreted as an absolute mandate for perpetual state surveillance. Philosophically, the state's right to intervene in private property (al-milkiyyah) is strictly bounded by the principle of proportionality. When an administrative freeze routinely breaches the statutory 20-day limit stipulated in Article 65 of the AML Law due to systemic bureaucratic inertia, the state ceases to act as a protector of public order; instead, it transitions into an instrument of institutional oppression that arbitrarily paralyzes the economic survival of its citizens.

This prolonged restriction without immediate judicial recourse creates a dangerous precedent of onrechtmatige overheidsdaad (tort by the state). From a Sharia perspective, state authority (Siyasah Syar'iyyah) is only legitimate insofar as it generates public welfare (tasarruful imam 'ala al-ra'iyyah manuthun bil-maslahah). When automatic financial algorithms—unsupported by rigorous human oversight—trigger false positives that freeze the dormant lifelines of innocent, bona fide individuals, the state directly violates the sacred doctrine of Ḥifẓ al-Māl (preservation of wealth). Therefore, the boundary of state authority must be firmly re-established: preventive financial surveillance must always match swift, transparent exit mechanisms (due process of law). The aggressive pursuit of financial criminals must never be structurally subsidized by the economic paralysis of innocent citizens.

However, property rights are neither absolute nor unlimited. Restrictions on property rights may be justified when they are legally authorized, directed toward a legitimate public objective, and capable of satisfying the requirements of proportionality. Such restrictions should therefore be suitable for achieving their stated purpose, necessary because no less restrictive measure is reasonably available, and balanced so that the public benefit is not outweighed by the harm imposed on the rights holder. They must also be implemented through transparent and fair procedures that protect individuals from arbitrary state interference (Möller, 2021; Rugian, 2021).

A bank-account balance should be understood more precisely as an enforceable financial claim of the account holder against the bank, rather than as ownership of specific or physically segregated money. In a conventional banking relationship, the deposit gives the customer a claim against the bank, and freezing the account temporarily prevents the customer from exercising that claim through ordinary banking transactions (Bertomeu et al., 2024; Rifa’i & Arzaqi, 2025). Accordingly, access to the account may only be restricted on a clear legal basis and under procedures that provide adequate notice, verification, objection mechanisms, and effective oversight.

Theories of justice provide a normative basis for evaluating the legitimacy of such restrictions. From the perspective of Aristotelian distributive justice, the allocation of public benefits and burdens should reflect proportional equality and relevant differences between affected persons. A broad account-freezing measure may therefore become unjust when it imposes the same financial burden on bona fide customers and accounts reasonably connected to financial crime without an adequate risk-based distinction (Keladu, 2023; Rahmadan et al., 2025). From a Rawlsian perspective, the relevant framework is justice as fairness, particularly the requirement that institutional arrangements respect equal basic liberties and that social and economic inequalities be justified in relation to the position of the least advantaged (Andersson, 2022). Procedural fairness must nevertheless be assessed separately: an administrative freeze that lacks prompt notification, an accessible objection mechanism, or independent review creates a risk of disproportionate interference with account holders’ constitutional and financial rights (Rifa’i & Arzaqi, 2025).

From the perspective of Islamic law, the same policy may be evaluated through the objectives of preserving wealth (*ḥifẓ al-māl*) and the legal maxim *lā ḍarar wa lā ḍirār*, which prohibits causing unjustified harm to oneself or others. Although preventive restrictions may be justified to protect the financial system and prevent crime, they should not produce excessive, indiscriminate, or avoidable financial harm to legitimate account holders (Putra, 2024; Zailani et al., 2022). Consequently, a preventive account-freezing policy is normatively defensible only when it rests on a clear legal basis, applies risk-sensitive criteria, remains limited in duration and scope, and provides fair procedures and effective remedies for affected customers.

Contemporary studies of al-Māwardī's political thought indicate that governance should be directed toward the realization of public welfare (*maṣlaḥah*). At the same time, Islamic economic thought recognizes individual ownership while placing ethical and social responsibilities on the use of property, requiring wealth to be managed in ways that benefit society and do not cause exploitation or harm (Pramono & Sahidin, 2021; Asriadi et al., 2023). Similarly, Ibn Qayyim al-Jawziyyah's theory of legal change provides that legal rules may respond to changes in time, place, circumstances, intention, and custom to maintain legal certainty and promote public benefit (Nurjaman & Witro, 2021). Accordingly, limitations on the exercise of property rights should be based on a legitimate public interest and implemented consistently with justice, legal certainty, and the prevention of unjustified harm.

In relation to bank accounts, an account balance should not be characterized as the account holder's ownership of the identical money transferred to the bank. It is more accurately understood as a legally enforceable financial claim that entitles the customer to withdraw or demand repayment of an equivalent amount. Although legal systems and Islamic jurists differ regarding the precise contractual characterization of demand deposits, the customer retains a legally protected claim against the bank (Benlala, 2022). Therefore, the existence of the account holder's financial right should be distinguished from the Sharia compliance of the underlying banking contract.

The Qur'an strictly prohibits the unlawful appropriation of another person's property, emphasizing that wealth may only be acquired through lawful means and mutual consent in legitimate transactions: *"O you who believe! Do not consume one another's wealth unjustly, but only through lawful trade conducted by mutual consent. And do not kill yourselves. Indeed, Allah is ever Merciful to you" (Qur'an 4:29).*

This illustrates the fundamental principle that a person's assets should not be taken, frozen, or used without a valid and just legal basis. From the perspective of contemporary Mu'amallah jurisprudence, scholars such as Yusuf al-Qaradawi emphasize that any restrictions on property must be based on maṣlaḥah (public good) and ' adl (justice), and must not result in ẓulm (injustice) towards the owner. Therefore, in the context of blocking inactive accounts, such action can only be justified if it is carried out to prevent actual financial crimes, is accompanied by transparency, and provides the account holder with an opportunity to provide clarification.

In addition, the principles of *maqāṣid al-sharīʿah* recognize the protection of wealth (*ḥifẓ al-māl*) as one of the essential objectives of Sharia. This objective encompasses not only the prevention of unlawful appropriation and destruction of property but also the promotion of justice, clarity, stability, lawful circulation, and development of wealth (Kamali, 2017; Zailani et al., 2022). In the banking context, Islamic jurisprudence recognizes the need to protect bank deposits and the legitimate financial interests of depositors (Lakhdar & Abdelmadjid, 2017). Therefore, restrictions on an account holder's access to funds should not be imposed arbitrarily but must pursue a legitimate public interest and be implemented through clear, proportionate, and accountable procedures. In the context of account freezing by financial intelligence authorities, the absence of adequate procedural safeguards and judicial oversight may result in disproportionate restrictions on the constitutional and financial rights of account holders (Rifa'i & Arzaqi, 2025). Read together, these perspectives suggest that both positive law and Islamic law permit restrictions on access to bank funds for legitimate purposes, particularly the prevention of financial crime, provided that such restrictions have a clear legal basis, remain proportionate to their objectives, and are accompanied by fair procedures and effective oversight (Lakhdar & Abdelmadjid, 2017; Rifa'i & Arzaqi, 2025).

Compliance of PPATK's Blocking of Inactive Accounts with the Principles of Property Rights Protection in Both Legal Systems

As a national financial supervisory agency, PPATK is authorized under Law Number 8 of 2010 to take preventive measures aimed at preventing money laundering and terrorism financing, including blocking inactive accounts (Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering, Indonesian Legal Gazette). Dormant accounts may present a risk of misuse in online gambling, money laundering, and other financial crimes. Consequently, PPATK has applied temporary transaction restrictions as a preventive measure, although such restrictions should be based on clear risk indicators and accompanied by adequate legal safeguards for legitimate account holders (Rahmadan et al., 2025). However, a legal analysis of this practice reveals several important issues. Under civil law, restrictions on property rights must be based on strict legal principles and carried out through fair procedures (Green, 2019). Article 25 of the Anti-Money Laundering Law (UU TPPU) permits the PPATK to impose temporary account blocking with the approval of the PPATK Chairman, but this action must be accompanied by notification and a transparent mechanism for the account holder (PPATK Regulation on Account Freezing Procedures, 2021).

In practice, many blockings of inactive accounts are carried out without adequate notification and without a prior clarification process, which has the potential to violate the principle of legal certainty and protection of property rights as guaranteed in Article 28D of the 1945 Constitution and the Civil Code (KUHPerdata) (Kurniawan, 2022). The systemic shift from normative oversight to empirical injustice is heavily evidenced by Indonesia's aggressive financial enforcement trends. During the state's intensive crackdown on cyber-fraud and online gambling, PPATK and OJK coordinated the freezing of over 8,000 bank accounts. While intended to isolate illicit mule accounts, the execution of these unnotified freezes generated severe collateral damage through 'false positives,' abruptly freezing the assets of innocent, bona fide individuals without prior notice under the regulatory pretext of preventing 'tipping-off. Furthermore, the practice of prolonged administrative freezing without definitive criminal status has faced severe judicial refutation. In Supreme Court Decision No. 3016 K/Pdt/2021, the judiciary established a critical precedent, ruling that the indefinite freezing of third-party assets without clear statutory timelines constitutes a civil tort (Perbuatan Melawan Hukum). This jurisprudence reinforces the argument that under Indonesian law, public financial surveillance must never arbitrarily bypass the due process of law at the expense of individual property rights.

According to Soekanto, the state is obliged to protect property rights fairly and provide non-discriminatory treatment (Soekanto, 2008). Mass restrictions carried out without clear procedures risk causing injustice and violations of property rights (*Qur'an Surah An-Nisa: 29.*, n.d.). Such actions can be extremely detrimental to the account holder, including the loss of access to legitimately owned funds. In the context of blocking an inactive account, it must be viewed through the lens of the prohibition of injustice (ẓulm). The Qur'an, in Surah An-Nisa, verse 29, emphasizes that taking another person's property without consent is ẓulm, which is strictly prohibited (*Qur'an Surah An-Nisa: 29.*) Therefore, any restriction or confiscation of property must be based on clear reasons and in accordance with sharia, taking into account the principles of justice ('adl) and public interest (maṣlaḥah) (Ali, 2018). The Qur'an establishes justice as a fundamental normative principle governing social and legal relations: *"Indeed, Allah commands justice, excellence, and generosity toward relatives, and He forbids immorality, wrongdoing, and oppression. He instructs you so that you may take heed"* (Qur'an 16:90).

This verse emphasizes that justice must be the basis of all public policies, including law enforcement and financial management. Therefore, the PPATK's policy of blocking inactive accounts must be assessed based on the principles of substantive justice and public interest, not merely formal legality. The integration of property rights theory and equity theory in both legal systems demonstrates that property rights protection should not be neglected in the name of crime prevention, and any restrictions must adhere to the principles of proportionality, transparency, and human ethics that uphold the values of justice and fairness.

Without clear indications of Sharia violations, it can be considered contrary to the objectives of Maqāṣid al-Shari'ah, which prioritizes wealth protection as one of its primary objectives. According to empirical research by Fitriani, the PPATK's widespread policy of blocking inactive accounts has caused anxiety and legal uncertainty among account holders, as well as negatively impacted public trust in the banking system (Fitriani, 2021). This shows that although the purpose of blocking is to prevent criminal activity, its implementation has not fully complied with the principles of property rights protection under both legal systems (Othman & Hassan, 2023).

There is a convergence between the KUHPerdata and Sharia Economic Law regarding the protection of third parties acting in good faith. The findings confirm that both legal systems demand the principles of due diligence and justice ('adl) in any administrative intervention. However, this synchronization is not yet technically accommodated in PPATK regulations, leading to a disparity between financial oversight effectiveness and the security of individual assets.

Discussion

Comparative Implications of the Two Legal Systems on the Legality and Ethics of the PPATK's Inactive Account Blocking Policy

The study of the blocking of inactive accounts by the Financial Transaction Reports and Analysis Center (PPATK) from the perspective of civil law and Sharia economic law yields significant theoretical and practical implications. The critical shift from normative overreach to empirical injustice is heavily evidenced by recent financial enforcement trends in Indonesia. During the state's aggressive crackdown on cyber-fraud and online gambling (2024–2026), PPATK, in coordination with the OJK, ordered the freezing of over 8,000 bank accounts. While aimed at disrupting mule accounts, this automated unnotified freeze mechanism triggered substantial collateral damage through false positives, abruptly freezing the assets of bona fide micro-entrepreneurs without prior notice under the pretext of preventing 'tipping-off'. Furthermore, the systemic issue of prolonged freezes extending beyond the statutory 20-day limit has faced severe judicial pushback. In Supreme Court Decision No. 3016 K/Pdt/2021, the judiciary established a landmark precedent, ruling that continuous account freezing of innocent third-party customers without definitive criminal status constitutes a civil tort (Perbuatan Melawan Hukum). This jurisprudence solidifies the argument that under Indonesian positive law, public financial surveillance must never arbitrarily override individual civil property rights without strict compliance with the due process of law.

Theoretically, this study reinforces the view that an account holder’s legally protected interest in a bank-account balance is not an unlimited entitlement but a financial right that may only be restricted on a clear legal basis and for a legitimate public purpose. The legal relationship between a bank and its customer gives the account holder an enforceable claim over the recorded balance, although legal systems and Islamic jurists differ regarding the precise contractual characterization of demand deposits (Benlala, 2022). In Indonesian private law, property rights confer legally protected powers over property, whereas Islamic law regards human ownership as limited and normatively accountable because ultimate ownership belongs to God (Firdaus, 2022). Accordingly, the exercise and restriction of financial rights must consider both individual protection and broader social interests.

Within Sharia economic law, ownership of wealth (*al-milk*) is connected to the objectives of Sharia, particularly the preservation of wealth (*ḥifẓ al-māl*). This objective encompasses the protection of legitimate wealth from unlawful appropriation, destruction, fraud, and other forms of unjustified harm while simultaneously directing economic activity toward public welfare (*maṣlaḥah*) (Zailani et al., 2022). The implementation of *maqāṣid al-sharīʿah* in financial governance should therefore extend beyond formal Sharia compliance and provide substantive standards for product design, regulatory policy, institutional conduct, and customer protection (Monawer et al., 2022).

The comparison between civil law and Sharia economic law provides an integrated basis for evaluating the temporary suspension of transactions in dormant accounts. Civil-law analysis emphasizes legality, legal certainty, proportionality, procedural fairness, and access to effective legal remedies. Sharia economic law complements these requirements through the principles of justice (*ʿadl*), prohibition of oppression (*ẓulm*), public benefit (*maṣlaḥah*), preservation of wealth, and the maxim *lā ḍarar wa lā ḍirār*, which prohibits the infliction of unjustified harm. The two frameworks therefore converge in requiring that preventive financial measures be legally authorized, necessary, proportionate, and implemented through fair procedures (Möller, 2021; Rugian, 2021; Zailani et al., 2022).

Based on the literature reviewed in this study, prior scholarship has generally examined the relevant dimensions separately. Recent Indonesian studies have focused on the civil liability arising from disproportionate account restrictions, the implications for banking confidentiality and due process, or the relationship between temporary suspension and criminal responsibility (Pujiyanto, 2025; Ramadhan & Alfath, 2026; Prabowo et al., 2026). Meanwhile, technological studies have separately examined the high incidence of false-positive alerts and the risks associated with automated AML compliance systems (Bakry et al., 2024; Papantoniou, 2022). This study proposes an integrative convergence framework that brings these streams together by combining positive-law standards, Sharia economic principles, and technology-governance considerations.

The first component of the framework evaluates the policy through the positive-law parameters of statutory authority, legal certainty, proportionality, procedural fairness, and effective remedies. Article 1365 of the Indonesian Civil Code should not be treated as the legal basis of *rechtszekerheid*. Rather, it may become relevant as a basis for civil liability when an unlawful or negligent restriction causes loss to an account holder (Ramadhan & Alfath, 2026). The second component operationalizes the Sharia principles of *ḥifẓ al-māl*, *maṣlaḥah*, justice, and *lā ḍarar wa lā ḍirār* as evaluative standards for determining whether an account restriction protects legitimate public interests without producing excessive harm. The third component evaluates technology-assisted AML systems by requiring explainability, data accuracy, human review, auditable decision-making, and safeguards against false-positive classifications.

For practical implementation, PPATK, banking institutions, and financial regulators should adopt a tiered verification mechanism. An automated or rule-based alert should initiate further risk assessment rather than automatically determine that an account holder is involved in criminal activity. Where legally and technically feasible, the restriction should be limited to the amount reasonably connected to suspicious transactions, while access to funds that have no identifiable connection to the suspected activity should remain available. This approach reflects the principle that preventive measures should be no broader than necessary to achieve their legitimate objective.

This study also proposes a time-bound digital clearance mechanism. Under this proposal, affected account holders should receive prompt notification containing the legal basis, general reason, scope, duration, and available channels for objection, except where temporary withholding of information is strictly necessary to protect an ongoing investigation. Customers should be permitted to submit identification documents and transaction explanations through secure banking platforms. A proposed seventy-two-hour period may be used for an initial administrative review, but the feasibility and legal consequences of that period must be assessed and formally regulated before implementation. Failure to establish a sufficient legal or factual nexus within the prescribed period should result in reassessment, limitation, or lifting of the restriction.

Clear notification, an opportunity to provide clarification, an accessible objection procedure, independent review, and effective dispute resolution are central to procedural fairness. Recent Indonesian studies on dormant-account restrictions similarly identify the need for clearer risk criteria, more proportionate procedures, and effective legal remedies for legitimate account holders (Pujiyanto, 2025; Ramadhan & Alfath, 2026; Prabowo et al., 2026). Procedural fairness is significant not only because it protects individual rights but also because fair treatment, transparency, and the opportunity to be heard influence institutional legitimacy and public acceptance of governmental decisions (Van de Graaf, 2021).

An integrated approach based on positive law and Sharia economic principles may therefore strengthen the legal validity, ethical legitimacy, and public accountability of PPATK's preventive measures. Transparency, institutional integrity, and perceived fairness have also been identified as important determinants of customer trust in banking institutions (Kidron, 2021). Conversely, unclear criteria, prolonged restrictions, inaccessible complaint mechanisms, and unexplained automated decisions may generate legal disputes, financial hardship, and declining confidence in both PPATK and the national banking system. A proportionate and procedurally fair framework is therefore necessary to balance the prevention of financial crime with the protection of legitimate financial rights and human dignity.

Challenges and Recommendations in Implementing Inactive Account Blocking Policy

In terms of legal and ethical aspects, the implementation of blocking inactive accounts by PPATK also faces several practical challenges that need to be considered (Rahmadan et al., 2025; Pujiyanto, 2025). First, limited data and accurate information about account holders makes it difficult to identify truly high-risk accounts, making the process vulnerable to misdirected blocking (Bakry et al., 2024). Second, the lack of public awareness and education regarding the blocking mechanism causes anxiety and uncertainty, which has the potential to damage the reputation of the banking sector and PPATK (van der Cruijsen et al., 2021; Kidron, 2021). From the perspective of Sharia economic law, these challenges have implications for distributive justice, as affected individuals do not have easy access to file complaints or to quickly redress their rights. This is contrary to the principles of ihsan (excellence) and public benefit (maṣlaḥah) which are upheld in Sharia (Monawer et al., 2022; Zailani et al., 2022; Putra, 2024).

To address these challenges, coordinated action among banking institutions, PPATK, the Financial Services Authority, and other relevant regulators is required to develop harmonized, clear, and risk-based procedures for identifying, temporarily suspending, reviewing, and reactivating dormant accounts. Research on anti-money laundering governance emphasizes the importance of cross-sector collaboration and the consistent application of the risk-based approach, while recent Indonesian legal scholarship calls for clearer procedural standards to prevent regulatory overreach and protect account holders (Pontes et al., 2021; Rahmadan et al., 2025).

Accessible and expeditious complaint, objection, verification, reactivation, and recovery mechanisms are also necessary so that affected account holders can obtain timely review and appropriate remedies. Clear objection and account-recovery procedures are particularly important for customers who suffer losses because of disproportionate or erroneous account restrictions (Ramadhan & Alfath, 2026). Digital regulatory systems may improve data integration, real-time monitoring, automated reporting, and the creation of reliable audit trails, thereby strengthening the traceability and accountability of account-restriction decisions. However, technology should support rather than replace human review and procedural safeguards because automated compliance systems may also produce errors, opacity, and bias when they are not properly designed and governed (Papantoniou, 2022).

Finally, the objectives and values of Sharia economic law should be incorporated into policy formulation and operational procedures as substantive standards rather than merely formal indicators of Sharia compliance. A *maqāṣid al-sharīʿah*-based framework directs financial policies toward public welfare, justice, the prevention of harm, and the protection of legitimate wealth. Its integration may therefore help ensure that account-freezing policies are not only legally effective but also ethically responsible and socially beneficial (Monawer et al., 2022; Zailani et al., 2022).

The results suggest that current freezing procedures prioritize preventive-repressive aspects over civil rights protection. The practical implication is the need to reconstruct Standard Operating Procedures (SOPs) within PPATK to mandate limited notifications or rapid contestation mechanisms for customers. This is crucial to ensure that state intervention does not exceed the bounds of reasonableness recognized by positive law or violate the principles of substantive justice in Islam. As a concrete recommendation, the government should integrate the principle of tabayyun into banking regulation revisions by setting a maximum response time for supervisory agencies post-freezing. This aligns with SDG 16 in building transparent institutions. Theoretically, this research reinforces the position that harmony between civil law and Islamic law is not only conceptually possible but practically urgent to protect citizens from legal uncertainty.

LIMITATION

Research regarding the blocking of inactive accounts by the PPATK faces significant challenges, primarily stemming from the regulatory tension between state authority in anti-money laundering efforts and the protection of individual property rights guaranteed under Civil Law and the principle of Hifdz al-Mal (protection of wealth) in Sharia Economic Law. Beyond these normative conflicts regarding the vague parameters of "inactivity," researchers often encounter methodological hurdles in accessing confidential financial data and analytical difficulties in balancing public interest (maslahah mursalah) against the potential for civil liability and injustice toward account holders when blocking occurs without a court order

CONCLUSION

Conclusion In addition to legal and ethical aspects, the implementation of inactive account blocking by the Financial Transaction Reports and Analysis Center (PPATK) also faces several practical challenges that require attention. First, limited data and accurate information on account holders makes it difficult to identify truly high-risk accounts, making the process vulnerable to inaccurate blocking. Second, a lack of public awareness and education regarding the blocking mechanism creates anxiety and uncertainty, potentially damaging the reputation of the banking sector and PPATK.From a Sharia economic law perspective, these challenges have implications for distributive justice, as affected individuals lack easy access to file complaints or quickly redress their rights. This contradicts the principles of ihsan (excellence) and public benefit (maṣlaḥah) upheld by Sharia.

This study successfully evaluates the limits of the state's interventionist power regarding PPATK's account-freezing mechanisms on inactive accounts. First, answering the primary research objective, this study concludes that while the initial authority to issue temporary administrative freezes under Article 44 of Law No. 8/2010 is legally valid, its real-world execution frequently triggers an onrechtmatige overheidsdaad (civil tort by the state). This occurs when automated financial algorithms trigger false positives that freeze the lifelines of innocent, bona fide individuals without prior notice, and when systemic bureaucratic inertia allows these suspensions to exceed the strict 20-day statutory limit mandated by Article 65 of the AML Law.

Second, the main finding highlights a severe paradigm mismatch: the current state surveillance apparatus disproportionately prioritizes public preventive measures at the absolute expense of individual civil property rights. When cross-examined under Sharia economic law, this practice fails the teleological test of Siyasah Syar'iyyah, transitioning from a legitimate crime-prevention tool into an instrument of systemic harm (dharar) that actively dismantles the sacred protection of wealth (Ḥifẓ al-Māl).

Lastly, the fundamental novelty of this research lies in the introduction of a dual-parametric convergence framework that bridges Western administrative law with Islamic jurisprudence. Practically, this study implies that the state's aggressive pursuit of financial crimes must no longer be structurally subsidized by the economic paralysis of innocent citizens. Therefore, this study recommends a critical policy shift toward a hybrid human-in-the-loop verification system, the implementation of "partial freezing" protocols that isolate only the contested funds, and the codification of an expedited 72-hour digital dispute-resolution and exit mechanism to restore constitutional equilibrium. Strengthening mechanisms for resolving complaints and disputes quickly and fairly is crucial to ensure account holders' rights are protected. Implementing information technology that supports transparency and accountability in the blocking process could also be a solution.In addition, integrating the values of Sharia economic law into policy formulation and operational practices can provide a strong ethical dimension, ensuring that policies are not only legally effective but also socially and morally meaningful.

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