



From *Fiqh al-Ibadat* to *Muamalat*: Repositioning *Zakat* Management in Indonesia in the Perspective of *Maqāṣid Al-Sharī'ah*

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Abstract: *Zakat* is one of the pillars of Islam and is considered an instrument that can potentially contribute to the economic development of the Muslim community in Indonesia. However, the current system and management of *zakat* have not been able to minimize the gap between the potential *zakat* that exists and the actual *zakat* that can be collected. This paper aims to examine *zakat* in its position as *fiqh al-ibadat* (Islamic jurisprudence of worship) and the consequences of its limited application, if not non-existent. Therefore, the purpose of this paper is to complement existing literature by proposing a new solution to the problem of *zakat*. This empirical legal study employed the *maqāṣid al-sharī'ah* (objectives of Islamic law) approach. Data were collected by means of interview and literature review from relevant journal articles, books, and websites. The results of the study revealed that there is a need to reposition *zakat* from *fiqh al-ibadat* to *fiqh muamalat*. This will allow for more flexible *zakat* management that will have a maximum impact on the welfare of the Muslim community. Therefore, it can be argued that from the perspective of *maqāṣid al-sharī'ah*, *zakat* is not only an act of worship related to the purification of wealth, but more than that, *zakat* can also be an instrument to promote the welfare and economic development of society if it is managed effectively and properly. The change in meaning and paradigm is significant to ensure that the *maqāṣid al-sharī'ah* can be achieved effectively.

Keywords: *Zakat*, *fiqh al-ibadat*, *fiqh muamalat*, *maqāṣid al-sharī'ah*, the pillars of Islam

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Abstrak: Zakat merupakan rukun Islam sekaligus instrumen yang diharapkan mampu memberikan kontribusi bagi pengembangan ekonomi umat Islam di Indonesia. Namun sistem dan pengelolaan zakat belum mampu meminimalisir gap antara potensi zakat yang ada dengan realisasi zakat yang dapat dikumpulkan. Tulisan tersebut bertujuan untuk mengkaji zakat dalam posisinya sebagai fikih ibadah dan konsekuensinya masih jarang untuk tidak mengatakan belum ada. Oleh karena itu, tujuan tulisan ini adalah untuk melengkapi tulisan yang ada dengan mengajukan solusi baru terhadap permasalahan zakat tersebut. Kajian ini merupakan penelitian hukum empiris dengan menggunakan pendekatan *maqāṣid al-sharī'ah*. Data dikumpulkan melalui wawancara dan studi literatur dari website, artikel jurnal, dan buku. Oleh karena itu, harus dilakukan reposisi zakat dari fikih ibadah ke fikih muamalah sehingga memungkinkan pengelolaan zakat lebih fleksibel yang akan berdampak maksimal terhadap kesejahteraan umat Islam. Dengan demikian, maka dapat ditegaskan bahwa dalam pespektif *maqāṣid al-sharī'ah* bahwa zakat tidak hanya sebagai ibadah yang terakait dengan penyucian harta, akan tetapi lebih dari itu, zakat mampu menjadi instrument untuk mensejahterakan dan mengembangkan ekonomi masyarakat jika dikelola secara efektif dan manajemen yang baik. Perubahan makna dan paradigma ini penting untuk memastikan agar *maqāṣid al-sharī'ah* dapat tercapai dengan baik pula.

Kata Kunci: Zakat, fikih ibadah, fikih muamalah, *maqāṣid al-sharī'ah*, rukun Islam

Introduction

Zakat is one of the pillars of Islam, as well as an instrument expected to contribute to the development of the Muslim economy in Indonesia. A report by the Center for Strategic Studies of the National Zakat Management Agency (PUKAS BAZNAS) showed that the potential for *zakat* in Indonesia could reach 233.8 trillion; however, in reality, in 2019 it only gained 10 trillion or less than 5% of its potential. Such a great potential has not been able to provide a significant impact on the development and economic welfare of the Indonesian Muslim community. This is due, among others, to the paradigm that considers *zakat* to be only a matter of worship, not a matter of *muamalat* (transactions).¹

In *fiqh* (Islamic jurisprudence), *zakat* belongs to the category of fixed and rigid *fiqh al-ibadat* (Islamic jurisprudence of worship), which cannot be changed (*ghair qabil li al-niqas*). Therefore, making changes to the *zakat* system is inherently difficult. As one of the pillars of Islam, *zakat* has spiritual, individual,

¹ Asep Saifuddin Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of *Zakat*, *Waqf* and *Family Law*" *Studia Islamika* 26, No. 2 (2019). Mahdi Syahbandir, et.al., "State Authority for Management of *Zakat*, *Infaq*, and *Sadaqah* as Locally-Generated Revenue: A Case Study at *Baitul Mal* in Aceh," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, No. 2 (2022), p. 554-577. https://baznas.go.id/Press_Release/baca/BAZNAS, accessed on July 21, 2022.

social, and economic dimensions that can be quantified and also *maqāṣid al-sharī'ah* (objectives of Islamic law) that can fulfill the public interest.² From this concept, *zakat* needs to have dimensions to be developed and expanded further so that it is not only limited to the doctrine of *fiqh al-ibadat*, which tends to be rigid and unchanged. The positioning of *zakat* as part of *fiqh al-ibadat*, in fact, raises various problems, in terms of the management, distribution system, objects, and actors of *zakat*.

As an Islamic philanthropy, *zakat* has attracted the attention of various groups, not only from Muslims. Muslim scholars and intellectuals have published a large number of writings about *zakat*. Yusuf al-Qardhawi is one of the early researchers who conducted quite comprehensive research on *zakat*.³ In general, these studies can be categorized into four aspects. *Zakat* discussed in the aspect of management can be found in the writings of Bahri and Humaini,⁴ Purwanti,⁵ and Aminudin, et al.⁶ *Zakat* linked to taxes can be found in the writings of Zahroh and Harkaniri,⁷ Hidayatulloh,⁸ and Aprilia and Santoso.⁹ The impacts of *zakat* on the welfare of Muslims are written in the studies by Munanda, et al.,¹⁰ Nuriana,¹¹

² Kumara Adji Kusuma and Muhamad Nafik Hadi Ryandono, "Zakah Index: Islamic Economics' Welfare Measurement," *Indonesian Journal of Islam and Muslim Societies* 6, no.2 (2016), p. 274.

³ Yusuf al-Qardhawi, *Fiqh al-Zakah: Dirasah Muqaranah Ahkamuha wa Falsafatuha fi Dhawi al-Qur'an wa al-Sunnah*, (Beirut: Muassasah al-Risalah, 1991).

⁴ Efri Syamsul Bahri and Sabig Humaini, "Analisis Efektivitas Penyaluran *Zakat* pada Badan Amil *Zakat* Nasional," *Al Maal: Journal of Islamic Economics and Banking* 2, No. 1 (2020).

⁵ Dwi Purwanti, "Pengaruh *Zakat*, Infak, dan Sedekah terhadap Pertumbuhan Ekonomi Indonesia," *Jurnal Ilmiah Ekonomi Islam* 6, No. 1 (2020).

⁶ Muhammad Zumar Aminudin et al., "Pengelolaan ZiIS dalam Upaya Meningkatkan Kesejahteraan Masyarakat dan Penanggulangan Kemiskinan (Studi Deskriptif dan Preskriptif di BAZNAS Kabupaten/Kota di Eks-Karesidenan Surakarta)," *ZISWAF: Jurnal Zakat dan Wakaf* 6, No. 1 (2019).

⁷ Fatmawati Zahroh dan Harkaniri, "Perbandingan Hukum Pajak dan *Zakat* Menurut Syariah dan Negara", *Journal of Management and Accounting* 3, No. 1 (2020).

⁸ M. Haris Hidayatulloh, "Peran *Zakat* dan Pajak dalam Menyelesaikan Masalah Perekonomian Indonesia," *Al-Huquq: Journal of Indonesian Islamic Economic Law* 1, No. 2 (2019).

⁹ Indah Aprilia and Cahyo Budi Santoso, "Persepsi Perbandingan Pemunutan Pajak dan *Zakat* (Studi Kasus WPOP di KPP Pratama Batam)," *Measurement* 14 No. 1 (2020).

¹⁰ Eris Munanda, et al., "Pengaruh Penyaluran Dana *Zakat*, Infak dan Sedekah (ZIS) dan Pertumbuhan Ekonomi terhadap Tingkat Kemiskinan," *Al-Maal: Jurnal Akuntansi dan Keuangan Islam* 1, No. 1, (2020).

¹¹ Mutia Azizah Nuriana, "Pengaruh Pendayagunaan *Zakat* Produktif dan Pelatihan Usaha terhadap Pendapatan Mustahik," *Lisyabab: Jurnal Studi Islam dan Sosial* 1, No. 1 (2020).

and Hany and Islamiyati.¹² Public perceptions of *zakat* are researched by Muliati and Rasyid,¹³ Muddin,¹⁴ and Maulana and Kurniasih.¹⁵

However, this paper differs from previous research because it offers a change in the paradigm of Muslims, which has long been established in the mindsets, views, and even beliefs of Muslims that because *zakat* is one of the pillars of Islam, it is part of the field of *fiqh al-ibadat*. The study complements the shortcomings of existing studies that have been limited to research the *zakat* management, impact, perception, and correlation between *zakat* and taxation. This paper intends to show that the placement of *zakat* solely on *fiqh al-ibadat* has led to the following three issues: hindered accumulation, limited distribution patterns, and narrow scope of *zakat* as *fiqh al-ibadat*. These three issues are the important focus of discussion in this paper. From these, the search for new solutions to allow *zakat* to have a maximum impact in improving the welfare of the Muslim community can be found.

The study argues that the problems in *zakat fiqh* are caused by the placement of *zakat* in *fiqh al-ibadat*. As explained by Muslimc scholars and believed by Muslims, *fiqh al-ibadat* has several characteristics, namely: unreasonable (*ghair ma'qul al-ma'na*), *ijtihad* (independent reasoning) and *qiyas* (analogy) are not applicable, dogmatic, taken for granted (*munazzalah*), cannot be added, nor changed, nor reduced, and cannot be discussed (*ghair qabil li al-niqas*), as well as verses and hadiths are rigid, inflexible, and strict. Given these characteristics, it is justified that the impact of *zakat* on the welfare of Muslims is not optimal. Therefore, to overcome the aforementioned problems, *zakat* must be placed in *fiqh muamalat* (Islamic jurisprudence of transactions), whose characteristics differ from *fiqh al-ibadat*, namely: reasonable (*ma'qul al-ma'na*), *ijtihad* and *qiyas* are applicable, can be added, changed, or reduced, verses and hadiths are flexible and elastic, as well as open to discussion (*qabil li al-niqas*).

The selection of *zakat* as the object of this writing is motivated by the fact that even though Muslims in Indonesia are the majority and even the largest in the world, exceeding many Muslim countries, their level of welfare is still low. Muslim countries around the world are included in the third world countries, countries with low levels of welfare. This fact must be given serious attention so

¹² Ira Humaira Hany and Dina Islamiyati, "Pengaruh ZIS dan Faktor Makro Ekonomi terhadap Tingkat Kemiskinan di Indonesia", *Jurnal Ekonomi* 15, No. 1 (2020).

¹³ Muliati and St. Cheria Rasyid, "Persepsi Masyarakat terhadap Kesadaran Muzakki dalam Membayar *Zakat* di Kabupaten Pinrang," *DIKTUM: Jurnal Syariah dan Hukum* 17 No. 1 (2019).

¹⁴ Mursalim Muddin, et al., "Persepsi Publik terhadap Penggunaan *Zakat* Bagi Pembiayaan Infrastruktur Transportasi," *Jurnal HPJI Himpunan Pengembang Jalan Indonesia* 5, No. 1 (2019).

¹⁵ Aldi Maulana and Nina Kurniasih, "Hubungan antara Persepsi Keluarga Miskin Sebagai Mustahiq tentang Pelaksanaan Program *Zakat* Community Development Baznas Dengan Pemberdayaannya di Desa Padalarang Kabupaten Bandung Barat," *Jurnal Ilmu Kesejahteraan Sosial Humanitas* 2 No. 1 (2020).

that it does not create a continuous gap among Muslims. *Zakat* as a divine teaching should have a positive impact on the community; yet, it has not provided maximum effects for Muslims, especially in terms of improving their welfare.

This present study used the empirical method with the *maqāṣid al-sharī'ah* approach.¹⁶ Data collection techniques included interviews with Muslim scholars and *zakat* activists and document study. The documents consisted of books, journals, and laws related to *zakat*. Data also came from the official websites of BAZNAS, LAZ Dompot Dhuafa', Rumah *Zakat*, and Yayasan Dana Sosial al-Falah. The data collected were then analyzed for further examination.

Zakat* in the Perspective of *Maqāṣid al-Sharī'ah

Zakat carries two meanings. First, *al-zakah* means *al-shalah* (righteousness), which consists of four verb forms: *zaka*, *zakiya*, *zakka*, and *tazakka*. Second, *al-zakah* is a property tax or purification of property, which has one verb form: *zakka*. In general, *zakat* is a certain amount of property taken from capable Muslims (*muzakki*) to be given to those in need (*mustahiq*). It is called *zakat* because it is to glorify Allah by giving away the remaining wealth to the God who created the wealth. The wealth in *zakat* must come from a halal source. The implementation of *zakat* in Islamic law is obligatory (*fardh*) for all Muslims since it is the third pillar of Islam as a *khashah* (special) worship that is predetermined by Allah SWT in detail with certain levels and methods.¹⁷ *Zakat* is generally divided into two types, namely *zakat fitrah* (obligatory for Muslims to pay before *Eid al-Fitr* in the month of Ramadan) and *zakat mal* (*zakat* on wealth).¹⁸

From the many sources of literature that discuss *zakat*, the most frequently quoted verse of the Qur'an is Surah at-Taubah verse 103. In fact, the word *zakat* is mentioned in the Qur'an up to thirty times, and twenty-seven of them are stated together with the word *shalat* (prayer).¹⁹ In Islamic jurisprudence, the payment of *zakat* is obligatory at 2.5% of the accumulated wealth every year to be used for the poor and needy in order to achieve a balance between different categories and

¹⁶Munir Fuady, *Metode Riset Hukum: Pendekatan Teori dan Konsep*, Jakarta: Rajagrafindo Persada, 2018. Juhaya S. Praja, *Teori Hukum dan Aplikasinya*, Bandung: Pustaka Setia, 2020.

¹⁷ Elleriz Aisha Khasandy dan Rudy Badrudin, "The Influence of *Zakat* on Economic Growth and Welfare Society in Indonesia," *Integrated Journal of Business and Economics* 3, No. 1 (2019), p. 65.

¹⁸ Widi Nopiardo, "Perkembangan Fatwa MUI tentang Masalah *Zakat*," *Juris: Jurnal Ilmiah Syariah* 16, No. 1, (2017), p. 99.

¹⁹ Indah Purbasari, et al., "*Zakat* in Indonesian State Treasury Funds: Its Potential Obstacle and Abuse". In IOP Conference Series: Earth and Environmental Science 175, No. 1. 012200 (2018). p. 3.

classes of society.²⁰ In Surah at-Taubah verse 60, there are eight groups of people who are entitled to receive *zakat* (*mustahiq*): *al-fuqara* (the poor), *al-masakin* (the needy), *amil* (*zakat* administrators), *muallaf* (Muslim converts), *riqab* (i.e., slaves and captives), *gharimin* (the debt-ridden), *fiabilillah* (in the cause of God), and *ibnu sabil* (wayfarers). As for the types of wealth that can be distributed as *zakat*, the Qur'an divides them into three categories: (1) gold and silver, (2) crops, fruits, and livestock, and (3) treasure.²¹ In addition, the implementation of *zakat* cannot be separated from the presence of *amil zakat* who act as collectors, storers, guards, and recorders of *zakat* that comes from the *muzakki*.²²

The view of *zakat* encompasses two aspects: *fiqh al-ibadat* and *fiqh muamalat*. The concept of *fiqh al-ibadat* views *zakat* as a heavenly or spiritual concept that does not allow for any opportunity or room for change and development in its structure and implementation. On the other hand, *fiqh muamalat* views *zakat* in an administrative and institutional way and has a profane (worldly) capacity and can be changed both in its structure and implementation.²³ The practice of *zakat* as an act of worship is also considered as a traditional *zakat* practice as it is limited to a vertical relationship with Allah only (*hablu minallah*). In contrast, *zakat* as a *muamalat* activity broadens the field of worship to include relationships with other fellow humans, namely good behavior in serving humans. Hence, prospering others contributes to getting closer to Allah.²⁴ The emergence of *zakat muamalat* is motivated by the emergence of an economic perspective, that *zakat* is interpreted as the transfer of wealth from the rich to the poor and is derived from economic sources.²⁵

The implementation of *zakat* in Indonesia has been facing many obstacles. Some obstacles are caused by the rigidity of *zakat* implementation due to the fanatical attitude of a group in the reference (*madhhab*) of *zakat*. Differences in *madhhab* that are believed by some groups or individuals make it difficult to realize the goals of *zakat* with economic and social dimensions (*zakat muamalat*). Thus, such rigidity and fanaticism have led to the inefficiency of *zakat* by *zakat*

²⁰ Caturida Meiwanto Doktoralina, et al., "Role of Accounting *Zakat* as a Support Function in Supply Chain Management: A Resurrection of the Islamic Economy". *International Journal of Supply Chain Management* 7, No. 5 (2018), p. 337.

²¹ Elleriz Aisha Khasandy dan Rudy Badrudin, "The Influence of *Zakat*...", p. 67.

²² Siti Nurhasanah, "Akuntabilitas Laporan Keuangan Lembaga Amil *Zakat* dalam Memaksimalkan Potensi *Zakat*," *Akuntabilitas: Jurnal Ilmu Akuntansi* 11, No. 2, 2018, p. 335.

²³ Abdul Karim, "Dimensi Sosial dan Spiritual Ibadah *Zakat*," *ZISWAF: Jurnal Zakat dan Wakaf* 2, No. 1 (2015), p. 16.

²⁴ Abdul Karim, *Dimensi Sosial*..., p. 14.

²⁵ Amalia and Kasyful Mahalli, "Potensi dan Peranan *Zakat* dalam Mengentaskan Kemiskinan di Kota Medan," *Jurnal Ekonomi dan Keuangan* 1, No. 1 (2012), p. 72.

management bodies/*amil zakat*.²⁶ *Zakat* in Islam is regulated by *fiqh*, and *fiqh* in its principles is rigid and strict. In Sufism, humans are invited to know “The Unlimited”, while in *fiqh*, humans are burdened with *taklif* (burden of sharia law). In *zakat*, the *taklif* in question is the burden of the soul and property borne by a person. The rigidity of *zakat* mostly comes from *fiqh al-ibadat*, in which *zakat* only relies on people who want to purify their wealth, with only certain types of wealth that are subject to the obligation of *zakat* for Muslims.²⁷

In addition, according to Hanafi, there are several obstacles in the implementation of *zakat*. *First*, there is no consensus among Muslim scholars about the position of *zakat* in Islamic law. Some believe that *zakat* is a form of *ta’abbudī* (worship), while others believe that it is a form of *al-furudh al-ijtimaiyah* (social obligation). *Second*, *zakat* is still seen as a ceremonial action and is not considered to be related to the economy, let alone poverty alleviation. *Third*, many people believe that *zakat* is only a personal worship and has nothing to do with other people. *Fourth*, there are no sanctions for Muslim people who are able, yet do not pay *zakat*. *Fifth*, the *zakat* management bodies are not officially established by the government, and so, they do not seem to be authoritative and do not have the right to force people to pay *zakat*, making the collection of *zakat* funds is less optimal.²⁸ In addition, capable management and human resources as well as state policies are important issues in *zakat* management.²⁹

Personally, the functions of *zakat* include cleansing oneself from the stinginess, eliminating the miserliness of the wealthy, developing a sense of social responsibility, calming the feelings of the *mustahiq*, training oneself to donate and give, growing one’s wealth and purifying oneself from sin, as well as purifying the wealth of the *muzakki*.³⁰ The position, function, and role of *zakat* are not only seen as a ritual oriented towards personal obligation, but also as a tool to empower the economy and to free society from unemployment and unequal income

²⁶Muhammad Romi Setiadi and Yoyo Hambali, “Peran Amil *Zakat* dalam Mengoptimalkan *Zakat* Produktif: Studi Analisis Badan Amil *Zakat* Daerah (BAZDA) Kota Bekasi,” *Maslahah: Jurnal Hukum Islam dan Perbankan Syariah* 7, No. 1 (2016), p. 65.

²⁷ M. Nasrudin, “Silang Kuasa dalam Pengelolaan *Zakat* Era Kolonial Belanda,” *An-Nur: Jurnal Studi Islam*, (2015), p. 198.

²⁸ Nani Hanifah, “Implementasi *Zakat* Sebagai Instrumen Pengentasan Kemiskinan di Badan Amil *Zakat* Nasional (BAZNAS) Banyuwangi,” *Jurnal Studi Islam dan Muamalah* 4, No. 2 (2016), p. 105.

²⁹ Andi Bahri, “*Zakat* as Tax on the Perspective of Islamic Law,” *HUNafa: Jurnal Studia Islamika* 14, No. 2 (2017), p. 253. Mahdi Syahbandir, et. al., “State and Islamic Law: A Study of Legal Politics on *Zakat* as a Tax Deduction in Aceh,” *Ahkam: Jurnal Ilmu Syariah* 22, No. 1 (2022), p. 161-184.

³⁰ Ahmad Syafiq, “*Zakat* Ibadah Sosial untuk Meningkatkan Ketaqwaan dan Kesejahteraan Sosial,” *ZISWAF: Jurnal Zakat dan Wakaf* 2, No. 2 (2016), p. 388.

distribution.³¹ Therefore, in Indonesia, the effort to make *zakat* a part of the *muamalat* system is enforced through Law Number 23 of 2011 on *Zakat* Management. It is hoped that this can be the solution in addressing the problem of *zakat*, due to rigidity or fanaticism. The spirit of non-rigidity and willingness to accept contemporary *ijtihad*s based on general Islamic principles can be very important in driving the effectiveness of *zakat* management. This implementation is closely related to the innovation of Islamic jurisprudence, which previously did not consider wealth known as *zakat*.³²

The concept of *maqāṣid al-sharī'ah* consists of two words, *maqāṣid* and *shariah*. *Maqāṣid* is the plural of the word *maqshud*, which means demand, intention, or purpose.³³ The word *shariah* means a policy (wisdom) and the achievement of protection for everyone in the life of the world and the hereafter. Terminologically, the meaning of *maqāṣid al-sharī'ah* is *al-ma'aani allati shari'at laha al-ahkam*, the values that become the purpose of the determination of law.³⁴ As a basis for *ijtihad* in the process of determining law, it is not an exaggeration that the consideration of *maqāṣid al-sharī'ah* is essential for matters whose laws are not explicitly found in the *nash*.

According to Jaser Audah, the term *al-maqāṣid* is the plural form of the Arabic word *maqṣid*, which refers to a goal, target, desired thing, or ultimate purpose. This term can be equated with the English term "ends", the Greek term "telos", the French term "finalite", or the German term "zweck". In the science of sharia, *al-maqāṣid* can refer to several meanings such as *al-hadaf* (goal), *al-ghardh* (target), *al-mathlub* (desired thing) or *al-ghayah* (ultimate purpose) of Islamic law.³⁵

According to Al-Shatibi, *al-maqāṣid* can be divided into two important parts: the divine objectives (*qashdu al-shari'*) and the objectives of the *mukallaf* (accountable person) (*qashdu al-mukallaf*). Al-Shatibi argues that the objectives of sharia within *maqāṣid al-sharī'a* can be understood by examining two aspects. The first aspect is based on the purpose of God, the one who establishes the law. The second one is based on the purpose of humans who are bound by the law. The first perspective focuses on God's intention in setting the principles of sharia.

³¹ Nurnasrina, "Ekonomi Islam Sarana dalam Mewujudkan Ekonomi Masyarakat Madani," *Hukum Islam* 13, No. 2 (2013), p. 234.

³² Kostas Retsikas, "Reconceptualising *Zakat* in Indonesia: Worship, Philanthropy and Rights," *Indonesia and The Malay World* 42, No. 124 (2014), p. 345.

³³ Hans Wehr, "A Dictionary of Modern Written Arabic", J. Milton Cowan (ed.), (London: MacDonald & Evans LTD, 1980), p. 767.

³⁴ Ahmad al-Hajj al-Kurdi, *Al-Madkhal al-Fiqhi al-Qawaid al-Kulliyah*, (Damsyik: Dar al-Ma'arif, 1980), p. 186. Taufiqurohman Taufiqurohman and Nelli Fauziah, "The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law," *El-Ussrah: Jurnal Hukum Keluarga* 6, No. 1 (2023).

³⁵ Jaser Audah, *Al-Maqasid untuk Pemula*, Translation by Ali Abdelmon'im, Yogyakarta: SUKA Press, 2013, p. 6.

From this standpoint, God aims to make sharia understandable as well as enable humans to fulfill their obligations under sharia and help them grasp the wisdom (*hikmah*) underlying the sharia.

From Fiqh *al-Ibadat* to Fiqh *Muamalat*

The journey of *zakat* is as old as the history of Islam; yet, it has yet to provide a significant contribution to the progress of the Muslim community. The same is true of the state of *zakat* in Indonesia, whereby it has not been able to contribute significantly to the local Muslim community. The management of *zakat* seems to be fixated on the rules or *fiqh* of the early Islamic period. The position of *zakat* as one of the pillars of Islam has placed it as a *fiqh al-ibadat* that is difficult to alter according to the changing times. The rigid placement of *fiqh* of *zakat* on *fiqh al-ibadat* has caused the following three issues on the development of *zakat*: hindered accumulation, limited distribution patterns, and narrow space of *zakat* as *fiqh al-ibadat*.

a. Restricted Accumulation of Capital among Muslims

The positioning of *zakat* as a religious practice has limited the objects of *zakat*. Due to *fiqh al-ibadat*, *zakat* can only be taken from gold and silver, trade, agriculture, livestock, and mines.³⁶ However, if the objects of *zakat* are included in *fiqh muamalat*, the scope will be wider, which can include securities (shares and bonds), companies, and professions, among others.

The amount of *zakat* collected today in Indonesia is very small and even limited from time to time. When compared to the large number of Muslims, even the largest in the world, exceeding other Muslim countries, it is still far and not comparable to the amount of *zakat* that can be collected. The data in Table 1 reflect this issue:

Table 1. The Potential of Zakat in Indonesia

Agency	Year	Zakat Potential (Trillion)
CSRC	2005	19.3
Thoha Putra Center	2009	100
Wibisono	2010	106.6
PUSKAS BAZNAS	2020	233.8

Center for the Study of Religion and Culture (CSRC) of UIN Syarif Hidayatullah Jakarta showed that the potential of *zakat* and alms in Indonesia

³⁶ Abdurrahman al-Jaziri, *Al-Fiqh ala al-Madhahib al-Arba'ah*, (Beirut: Dar al-Kutub al-'Ilmiah, n.d.), p. 42.

could reach IDR. 19.3 trillion.³⁷ Further, Director of the Toha Putra Center Semarang, Hasan Toha Putra, estimates that the potential *zakat* of the Indonesian people each year reaches more than Rp. 100 trillion.³⁸ Individual research conducted by Wibisono reported a figure of IDR. 106.6 trillion for the *zakat* potential.³⁹ In addition, a study by PUSKAS BAZNAS in 2020 showed a very high achievement of *zakat* potential of IDR. 233.8 trillion.⁴⁰

However, the great potential of *zakat* is still only a note on paper and has yet to materialize. To illustrate, in 2004 BAZNAS only managed to collect around IDR. 3.9 billion, which increased to IDR. 900 billion in 2008. The latest data from BAZNAS in 2019 reported that the total *zakat* collected was around IDR. 10 trillion, consisting of individual *zakat* mal of IDR. 3,951.1 trillion, *zakat* of institutions/organizations of IDR. 306.7 billion, and *zakat* fitrah of IDR. 1,406.1 trillion. Despite the addition of *zakat* from institutions/organizations to boost *zakat* revenue, the effect seems minimal on overall *zakat* revenue. Therefore, the positioning of *zakat fiqh al-ibadat*, which is still rigid and only opens to limited space, has resulted in the restricted accumulation of *zakat* funds.

As *zakat* is not well accumulated, its existence does not provide a maximum impact or contribution to society. Data presented by Ridlo and Setyani have indicated that *zakat* offers a positive but not significant effect on economic growth.⁴¹ Likewise, M. Haris Hidayatulloh states that *zakat* has no effect on the macro economy of the Muslim community.⁴² Suprayitno also emphasizes that *zakat* has a significant and positive relationship with economic growth and consumption in the short term only.⁴³ These three statements from the researchers convey the message that if *zakat* can be accumulated properly, then it can be a positive force in developing the economic potential of the Muslim community.

Rigid orientation in *fiqh al-ibadat* has thus limited other potentials in *fiqh muamalat*, whereby *zakat* should be able to cover objects such as deposits, stocks, bonds, companies, professions, and so forth. This reality is happening in

³⁷ Irfan Abubakar and Chaider S. Bamualim, (editor), "Filantropi Islam dan Keadilan Sosial, Studi tentang Potensi, Tradisi, dan Pemanfaatan Filantropi Islam di Indonesia", (Jakarta: CSRC, UIN Syarif Hidayatullah, 2006), p. 3.

³⁸ Abdul Ghofur Anshori, *Hukum dan Pemberdayaan Zakat*, (Yogyakarta: Pilar Media, 2006), p. 92.

³⁹ Yusuf Wibisono, *Mengelola Zakat Indonesia, Diskursus Pengelolaan Zakat Nasional dari Rezim Undang-Undang Nomor 38 tahun 1999 ke Rezim Undang-Undang Nomor 23 tahun 2011*, Jakarta: Prenadamedia Group, 2015, p. 71.

⁴⁰ https://baznas.go.id/Press_Release/baca/BAZNAS, accessed on July 21, 2022.

⁴¹ Musalim Ridlo and Dwi Setyani, "Pengaruh *Zakat*, Inflasi dan Perkembangan Usaha Mikro Kecil Menengah terhadap Pertumbuhan Ekonomi tahun 2011-2018 (Studi Kasus Di Indonesia)," *Jurnal Ekombis* 6, No. 1 (2020), p. 81.

⁴² M. Haris Hidayatulloh, *Peran Zakat*, p. 21.

⁴³ Eko Suprayitno, "Pengaruh *Zakat* terhadap Variabel Makro Ekonomi Indonesia: Studi pada Perekonomian Indonesia Tahun 2000", Thesis, Universitas Gajahmada, 2014.

Indonesia, even though prominent Muslim figures in the world, such as Wahbah al-Zuhaili, state that *zakat* can be taken from securities and professions.⁴⁴ Furthermore, Yusuf al-Qardhawi adds that *zakat* can be taken from various kinds of wealth of Muslims, such as professions, companies, stocks, bonds, and others.⁴⁵ The fixation on *zakat* as *fiqh al-ibadat* has confined *zakat* in the paradigm of medieval *fiqh* and is less aware to increasingly rapid global changes.

b. Limited Distribution Patterns

The position of *zakat* in *fiqh al-ibadat* has also limited its distribution patterns. This limitation has caused three issues: the dominant consumptive pattern, the limited distribution time, and the textualized concepts of *mustahiq* and *muzakki*.

Firstly, the placement of *zakat* in the field of worship causes inflexible distribution pattern of *zakat*, and thus, most of *zakat* funds are used for consumptive rather than productive purposes. The following data presented by the *Zakat Management Agencies* have reflected this issue.

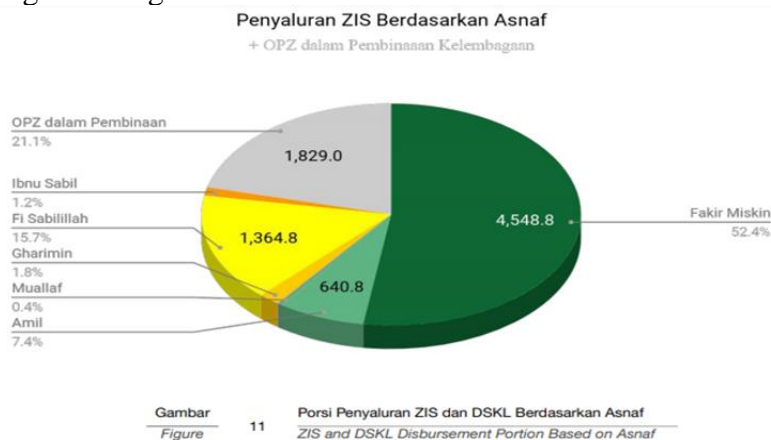


Figure 1. Distribution of *zakat*, *infaq*, and *shadaqah* based on *asnaf/mustahiq*

The same situation is also shown by several National *Zakat Management Institutions*, including Dompot Dhuafa' Republika, as shown in the following Figure 2.

⁴⁴ Wahbah al-Zuhaili, *Al-Fiqh al-Islamy wa Adillatuh* (Damas us: Dar al-Fikr, 2004). p. 1819.

⁴⁵ Yusuf al-Qardhawi, *Fiqh al-Zakah: Dirasah Muqaranah Ahkamuha wa Falsafatuha fi Dhawi al-Qur'an wa al-Sunnah* (Beirut: Muassasah al-Risalah, 1991), p. 491.

Laporan%20Audit%20Dompem%20Dhuafa%20Tahun%202018%20-%202017.pdf				
Tebar hewan kurban	36.013.057.680		27.197.835.567	<i>Tebar hewan kurban</i>
Wakaf	34.449.727.582		20.004.435.003	<i>Waqaf</i>
Solidaritas kemanusiaan	34.072.920.856		15.903.371.819	<i>Solidarity for humanity</i>
Jumlah penerimaan masyarakat	323.400.475.631		271.117.794.574	<i>Total direct public support</i>
Penerimaan - bagi hasil	1.263.415.152		1.104.375.448	<i>Income from - profit sharing</i>
Penerimaan lain-lain	573.025.978		1.253.214.269	<i>Other income</i>
JUMLAH PENERIMAAN	325.236.916.761		273.475.384.291	TOTAL INCOMING RESOURCES
PENYALURAN				RESOURCES EXPENDED
Penyaluran program		2p		<i>Program services</i>
Program pendidikan	42.357.986.147		42.475.087.771	<i>Education program</i>
Program kesehatan	42.276.003.394		39.843.865.176	<i>Health program</i>
Program sosial masyarakat	37.786.841.080		29.575.860.215	<i>Public society program</i>
Program ekonomi	56.310.086.007		56.567.196.410	<i>Economic program</i>
Program kemanusiaan	21.793.699.555		13.902.149.220	<i>Humanity program</i>
Program advokasi	4.064.228.638		3.073.204.415	<i>Advocacy program</i>
Program pengembangan jaringan	5.962.767.981		5.393.889.499	<i>The development of network program</i>
Jumlah penyaluran program	210.551.612.802		190.831.252.706	<i>Total program services</i>
Sosialisasi ziswaf	29.495.097.856	18	21.052.713.746	<i>Socialization of ziswaf</i>
Operasional kantor	36.711.676.917	19	31.052.059.000	<i>Operational office</i>
TOTAL PENYALURAN	276.758.387.575		242.936.025.452	TOTAL RESOURCES EXPENDED
SURPLUS	48.478.529.186		30.539.358.839	SURPLUS
SALDO DANA AWAL	288.780.326.333		258.240.967.494	BEGINNING FUND BALANCE
SALDO DANA AKHIR	337.258.855.519		288.780.326.333	ENDING FUND BALANCE

Figure 2. Distribution of *Zakat*

The distribution of *zakat*, both by BAZNAS and the Dompem Dhuafa, shows that consumptive distribution still dominates in *zakat* distribution, as described in the table that as high as 52.4% of *zakat* funds are for the poor and needy at BAZNAS, while 56,310,086,007 is used for economic programs at Dompem Dhuafa.

Secondly, the distribution of *zakat* is limited to certain fixed times. In Indonesia and many other Muslim countries, *zakat* fitrah must be paid on Eid al-Fitr and cannot be paid after that. However, if the *muamalah* approach is used, the times will be more widespread and longer. Imam Shafi'i, Imam Malik, and Imam Ahmad state that *zakat* fitrah must be paid before the Eid al-Fitr prayer. Therefore, *zakat* fitrah that is paid after the Eid al-Fitr prayer cannot be called *zakat*, but *shadaqah* (alms). However, the Hanafi school of thought views that *zakat* fitrah can be paid throughout the year because its obligation is included in the obligation of *muwassa'* (widespread).⁴⁶ With the long payment period of *zakat* fitrah, the opportunity to collect *zakat* fitrah will be maximized, and the recipients will also be wider and more evenly distributed.

⁴⁶ Sjechul Hadi Permono, *Formula Zakat Menuju Kesejahteraan Sosial*, Surabaya: Aulia, 2005, p. 315.

Thirdly, the concepts of *mustahiq* and *muzakki* described in the *fiqh* literature have not developed and cannot be contextualized. The textual understanding of *mustahiq* contained in Surah al-Taubah verse 60 has locked the possibility of a broader interpretation of the eight categories of *zakat* recipients (*ashnaf tsamaniyyah*). This has resulted in a limited number of *zakat* recipients and payers.

According to Rumah Zakat (2019), *zakat* recipients comprise only around six *ashnaf*/groups, namely: *al-fuqara*, *amil*, *fi sabilillah*, *muallaf*, *gharimin*, and *ibn sabil*. The needy (*al-masakin*) and *riqab* groups are not included, even though *al-masakin* can be included in the category of *fakir*. Likewise, at Yayasan Dana Sosial al-Falah (YDSF), *riqab* is not listed as part of the *mustahiq*.



Figure 3. Recipients of *Zakat* at YDSF

c. Narrow Meaning and Restricted Development of *Zakat*

The position of *zakat* in *fiqh al-ibadat* has also hindered the development of *fiqh muamalat*, which will ultimately result in limited *zakat* regulation and limited space for *ijtihad*. Firstly, the limited reach of *zakat* regulation is caused by the worship-oriented *fiqh*. Law Number 23 of 2011 on Zakat Management shows that *fiqh al-ibadat* is more dominant than *fiqh muamalat* from several aspects, i.e., the recipients (*mustahiq*), the sources (objects), and the sanctions for the payers (*muzakki*).

Table 2. Law 23/2011 on Zakat Management

No.	Chapter/Article	Description
1.	Chapter I/Article 1	<i>Mustahiq</i> is a person who is entitled to receive <i>zakat</i>
2.	Article 4 Paragraph 1	<i>Zakat</i> mal as referred to in paragraph (1) includes: gold, silver, and other precious metals; money and other securities; trade; agriculture, plantations, and forestry; animal husbandry and fisheries; mining;

		industry; income and services; and <i>rikaz</i> (treasure trove)
3.	Chapter IX Article 39	Any person who intentionally and unlawfully does not distribute <i>zakat</i> in accordance with the provisions of Article 25 shall be punished with imprisonment for a maximum of 5 (five) years and/or a fine of not more than Rp. 500,000,000.00 (five hundred million rupiah)

Chapter I Article 1 describes that the scope of *mustahiq* is limited to individuals only, and so institutions/agencies/institutions are not included as *mustahiq*. Likewise, Article 4 paragraph 1 mentions that the objects of *zakat* are limited, and they have yet to cover broader objects of *zakat*, such as corporate *zakat* and others. In Chapter IX, Article 39, only *zakat* administrators (*amil*) are subject to sanctions, and the payers (*muzakki*) have yet to be included. These three articles limit the scope for contextualizing *zakat fiqh*.

Secondly, the limited scope of *ijtihad* is also one of the causes of the stagnation of *fiqh muamalat*, which then affects *zakat fiqh* in various aspects. This happens due to several differences between *fiqh al-ibadat* and *fiqh muamalat*.

Table 3. Differences between *Fiqh al-Ibadat* and *Fiqh Muamalat*

Characteristics			
<i>Fiqh of Worship</i>		<i>Fiqh of Transactions</i>	
1.	unreasonable (<i>ghair ma'qul al-ma'na</i>)	1.	reasonable (<i>ma'qul al-ma'na</i>)
2.	<i>ijtihad</i> and <i>qiyas</i> do not apply	2.	<i>ijtihad</i> and <i>qiyas</i> apply
3.	dogmatic	3.	non-dogmatic
4.	immutable (taken for granted/ <i>munazzalah</i>)	4.	changeable (added, subtracted, or modified)
5.	undiscussable (<i>ghair qabil li al-niqas</i>)	5.	discussable (<i>qabil li al-niqas</i>)
6.	rigid and strict verses and hadith	6.	flexible verses and hadith

Table 3 shows that the nature and characteristics of *fiqh al-ibadat* are different from those of *fiqh muamalat*. *Fiqh* of worship is dogmatic and undiscussable, nor added, nor subtracted, nor changed. In addition, the verses and hadiths that discuss worship are rigid and strict; hence, *ijtihad* and *qiyas* are not required. On the other hand, *fiqh muamalat* is non-dogmatic and open to discussion. The meanings contained in *fiqh muamalat* are also rational. In addition, the verses and hadiths that discuss *fiqh muamalat* are very flexible, and so *ijtihad* and *qiyas* are applicable.

This study found that the placement of *zakat* in *fiqh al-ibadat* raises various problems. First, the restricted *zakat* accumulation causes the objects of *zakat* to be limited, the output is less than optimal, and it does not cover various types of wealth of Muslims that are required to pay *zakat*. The second problem escalates further issues, such as the dominance of the consumptive distribution pattern, the limited time for paying *zakat*, and the inflexible meanings of *muzakki* and *mustahiq*. The third problem is the delayed development of *fiqh muamalat*, which raises issues such as restricted *zakat* regulation and limited scope of *ijtihad*.

Therefore, the limitation in the development of *zakat* has led to less optimal actions in improving the welfare of Muslims (i.e., *mustahiq*). Due to various problems of the placement of *zakat* in *fiqh al-ibadat*, it is necessary to broaden the scope and coverage of *ijtihad*. This is highly possible, as suggested by Yusuf Qardhawi, because *zakat* is part of *maliyah ijtimaiyyah* or socio-economic worship that cannot be carried out between a person and his God alone, but must also involve other people, e.g., the *muzakki* and the *mustahiq*.

Respondent Sh is also of the opinion that *zakat* should be repositioned from *fiqh al-ibadat* to *fiqh muamalat*, since in its practice, *zakat* is related to other people (*mustahiq*) and to their development. Such a relationship inevitably also constitutes a *muamalah* practice that must be carried out by knowing the circumstances and situations of the persons, whether or not they are truly *mustahiq* of *zakat*. Moreover, from the broader division of *fiqh muamalat*, it includes *siyasah maliyah* (economic law), which in this case can include the way to manage *zakat* more effectively within the existing regulatory framework in Indonesia. In addition, discussing *zakat* in relation to *fiqh muamalat* will be more innovative and targeted by considering the reality of society regarding public awareness of *zakat*. To date, *zakat* payment has only relied on personal awareness to pay, without any government role through *siyasah* to enforce its implementation. However, it is important to note that the essence of worship in the payment of *zakat* should not be ignored. Therefore, it is better if the discussion of *zakat* is included in this dichotomy, between *fiqh al-ibadat* and *fiqh muamalat*. If possible, *zakat* in its application can be more flexible like *waqf* (endowment) with its various implementation so that *zakat* is more beneficial for the community. By conducting in-depth and appropriate interpretations through *ijtihad*, the essence of *zakat* will remain.⁴⁷

An interview with a *zakat* activist, Th, revealed that the repositioning of *zakat* can be implemented with several provisions, as follows:

1. It should not eliminate the essence of *zakat* worship, which has been explained in the provisions of the *fiqh al-ibadat*.
2. Being part of *fiqh muamalat* shall require innovation according to the circumstances of the times. For example, the meaning of wealth owned by

⁴⁷ Interview with Sh, Member of Nahdlatul Ulama' of Malang Branch, July 27, 2023

individuals in the past is not the same as that of people today, which is more varied. The standards that apply in the implementation of *zakat* should not be interpreted normatively based on the conditions of the past, but rather according to the context of what is considered wealth in an era, e.g., cryptocurrency, stocks, bonds, and so forth. If *ijtihad* is not carried out, then the implementation and meaning of *zakat* will be limited and will not be beneficial for the people or *mustahiq*.

3. *Zakat* falls into *fiqh muamalat*. If possible, it can be directed to the meaning of *fiqh muamalat* in general. This will contribute to *siyasah maliyah*, leading to the formation of regulations that encourage individuals to pay *zakat* and generate a force effect to individuals who do not want to pay *zakat* despite being in the category of *muzakki*. Such is the spirit that must be sought in this *fiqh muamalat*, as what Abu Bakar did against those who did not oblige to pay *zakat*.⁴⁸

On the other hand, Respondent Ch., a member of the Indonesian Ulema Council (MUI) in Malang City, has expressed a slightly different opinion. While he agrees with the development of *zakat*, he argues that *zakat* still falls under *fiqh al-ibadat* because it has its own rules regarding who is eligible to receive it. This is especially true for *zakat* fitrah, as the recipients are clearly defined. He describes that *zakat* is fundamentally a matter of worship. Developing *zakat* is acceptable, as its principle is to help others. It can be used for both productive and consumptive purposes, but it must always be within the clear guidelines of Islamic law. If *zakat* is shifted to *fiqh muamalat*, it will lose its value as an act of worship. If *zakat* is to be drawn into the realm of *fiqh muamalat*, it must be clear which transactions are permissible and which are prohibited. Furthermore, the Quran states “وفي اموالهم حق معلوم”. The word “*amwaal*” (wealth) is used in this verse, which is very general and does not specify the form of wealth. Therefore, it can be interpreted in various aspects of economics. Whether or not *zakat* can be drawn into the realm of *fiqh muamalat* is unclear, as there is no explicit evidence in the Qur’an. However, the next phrase in the verse, “*haqqun ma’lum*” (known right), clearly refers to *zakat*. *Zakat* itself has its own rules regarding who is eligible to receive it.⁴⁹

According to AZR, Khatib Syuriah Nahdlatul Ulama, Malang City, it is necessary to reposition the position of *zakat* from the concept of *fiqh* of worship to the concept of *fiqh* of *muamalah* so that *zakat* is truly a practice of worship that has a significant social impact on the existence of the eight existing *ashnaf* (*mustahiq zakat*). around us in particular and in Indonesia in general and this can be realized if *zakat* management is managed professionally. It goes on to say that logically, sekan worship is an individual matter which can be done or not

⁴⁸ Interview with Th, *Zakat* Expert and Activist, July 27, 2023

⁴⁹ Interview with Ch., Member of Majelis Ulama Indonesia, Malang City, August 10, 2023

depending on the individual's awareness in the sense that people will carry out zakat only based on individual awareness and if giving zakat to *mustahiq*, it may only be focused on one of the 8 *ashnaf*. which is explained in the Qur'an. This phenomenon can be concluded from the management of *zakat* pentashorrufan being handed over to individual *muzakky* who feel that this is a matter of worship and worship is a private matter of *muzakky*. In fact, if you take it further from the maqoshid aspect of sharia, every act of worship in Islamic law definitely has great philosophical value and wisdom, especially zakat definitely has great value and wisdom for the benefit of the ummah.⁵⁰

Meanwhile, IZ, the *mudhir* of Ma'had Al-Jami'ah Sunan Ampel Al-Aly UIN Maulana Malik Ibrahim Malang, explained that there are 2 problems in zakat, namely how to build self-awareness in giving zakat and managing zakat. In this first problem regarding zakat awareness, the function of religious leaders in massive socialization is very important, in addition to the role of zakat institutions, they also always socialize zakat so that it is embedded in the minds of Muslims that zakat is obligatory for people who can afford it. For this management problem, it is necessary to have a mechanism that can stimulate muzakki to pay zakat. This is based on the fact that zakat is a form of worship that is connected with many people (social) so it needs a good and professional management system. This task is a collaboration between management experts and scholars who are focused on zakat. So that it can provide breakthroughs that do not conflict with the Shari'a and can be useful for many people. For this reason, according to him, he strongly agrees with the repositioning of zakat management, which up to now has been handed over to the muzakky to manage his zakat, or handed over to amil who is less professional, to be more professional and the scope is not localized to the area where the muzakky lives but is more useful in many places, both regions. as well as national. Therefore, if you look at it from the perspective of the maqhasid, it will really be applicable and not in conflict with Sharia.⁵¹

Then, according to NM, Zakat is seen as worship because it is an obligation. There is worship called *badaniyyah* worship and there is *maliyyah* worship. Body worship is pure worship such as prayer, fasting, reading the Qur'an and so on and is called *mahdhah* worship. But if it is related to *maliyyah*, such as zakat and is related to property, then zakat must be developed. If we refer to *muamalah* fiqh, it means that we cannot do worship alone, such as praying, fasting, reading the Koran and other personal worship, but zakat cannot be like that. In zakat there are givers and there are recipients. This process is called *mua'malah*, because it involves other people.⁵²

⁵⁰Interview with AZR, Katib Syuriah Nahdlatul Ulama' Malang City, Maret 24, 2024.

⁵¹Interview with IZ, Mudirul Ma'had Al-Jami'ah Sunan Ampel Al-Aly, UIN Maulana Malik Ibrahim Malang, Maret 24, 2024

⁵²Intervier with NM, Lecture of UIN Maulana Malaik Ibrahim Malang, Maret 24, 2024.

Problems arising from the placement of *zakat* in *fiqh al-ibadat* are caused by the mindset of Muslims who are still apprehensive about expanding the scope of *ijtihad*. This is especially true given the history of Islamic thought, which once experienced a period of vacuum in *ijtihad* “*insidad bab al-ijtihad*” or the closing of the door of *ijtihad*. By using the *maqāṣid al-sharī’ah* approach, this vacuum of *ijtihad* will not occur, including in repositioning *zakat fiqh* because the studies conducted focus on the values of human welfare in every *taklif* revealed by Allah SWT. This is in line with the view of al-Syathibi that the purpose of sharia is to manifest human welfare in the world and in the hereafter. In other words, the laws contained in the two main sources of Islam, i.e., the Qur’an and hadith, are prescribed for the welfare of the God’s servants.⁵³

Hence, in relation to *zakat* management, efforts need to be made in a productive, active, and creative way in the perspective of *maqāṣid al-sharī’ah*. This policy is inevitable for the sake of the *maslahat* of the *ummah*, the welfare of the Muslims. To achieve the goals of *zakat*, social justice in poverty alleviation must be made, including by repositioning *zakat* from *fiqh al-ibadat* to *fiqh muamalat*.

This paper differs from previous research, which focused on *zakat* management, the impact of *zakat* on the economy of the Muslim community, public perception of *zakat*, and the correlation between *zakat* and taxation. This paper analyzes and maps out the complex problems that have caused a gap between the ideal potential of *zakat* and the existing reality of *zakat* accumulation and revenue. This study also provides a solution to these problems by offering an expansion of the space for *ijtihad* by reopening the space for more contextual interpretations in accordance with the conditions of the Muslim community today. One of the ways is to shift the paradigm of *fiqh al-ibadat* that exists in *zakat* to that of *fiqh muamalat* that places humans as the subject of *zakat*.

In view of the current conditions and problems, it is necessary to change the attitude and perspective of Muslims who have considered the placement of *zakat* in *fiqh al-ibadat* to be final. This change can imply a change in meaning as well as a change in paradigm among Muslims so that the goals of *maqāṣid al-sharī’ah* can be obtained properly. In addition, changes and improvements to regulations should also be made that open up the possibility of *zakat* being accumulated optimally, such as by applying sanctions to the *muzakki* who do not fulfill their obligations to pay *zakat*.

⁵³ Abu Ishaq Ibrahim ibn Musa al-Gharnati asy-Syathibi, *Al-Muwafaqat fi Ushul al-Ahkam*, Jilid, II, (N.p: Dar al-Fikr, n.d.), p. 2-3.

Conclusion

Many problems arise related to *zakat*, i.e., in terms of *zakat* accumulation and the effects it produces. *Zakat* has been less optimal primarily because *zakat* is still positioned as part of *fiqh al-ibadat*. This is a logical consequence of the rigid and inflexible nature of *fiqh al-ibadat*, as well as the impossibility for Muslims to expand the scope of *ijtihad*. The *maqāṣid al-sharī'ah* approach used in this study allows us to explore the fundamental problems of *zakat*. Previously, the approaches used by researchers investigating *zakat* from its management aspect have not been able to help accumulate *zakat* funds maximally. Further, from the *maqāṣid al-sharī'ah* perspective, *zakat* is not only an act of worship related to the purification of wealth, but it is also an instrument used to improve the welfare and develop the economy of society by managing it effectively and efficiently. To this end, it is highly significant to maximize the potential of *zakat* in Indonesia in its implementation.

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