

Research Article

The Concept of Safe Zakat Management According to the Provisions of the Prevailing Laws and Regulations in Indonesia

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Poverty remains an inherent reality in the lives of Indonesian people, largely due to the prolonged economic downturn faced by the nation. This issue is prevalent in developing countries, including Indonesia, affecting a significant portion of its population. To address this challenge, Allah Almighty has established zakat, infak, and alms, encouraging financially capable Muslims to show compassion for the poor and fostering a harmonious relationship between the two. The purpose of this study is to explore the concept of safe zakat management, ensuring compliance with prevailing laws and regulations in Indonesia. The article adopts the normative juridical method with a normative sociological approach, relying on secondary data sources and employing analytical descriptive methods for analysis. To tackle poverty effectively, cooperation with both government and private institutions, known for their proficient financial management, is crucial. This collaboration serves as an effort to overcome these social problems. In managing zakat, there are specific rules that govern both positive law and Islamic law. It is essential for this management to align with applicable regulations and the provisions of Islamic law. Through such efforts, the public can gain a comprehensive understanding of how to manage zakat safely and in accordance with the relevant regulations, ensuring it is halal (permissible) in line with Islamic principles.

Keywords: zakat management, zakat, safe

1. INTRODUCTION

Although zakat is crucial for reducing poverty and boosting the economy, it has not always been raised in an efficient manner[1]–[3]. As essential part of Islamic law, Zakat must be managed institutionally in accordance with sharia. The management includes planning, implementing, and coordinating activities in the collection, distribution, and utilization of zakat[3]. Considering that zakat is so important and an obligation for Muslims, to perfect Islamic law, the government pays attention by establishing Law

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Number 38 of 1999 concerning Zakat Management (UUPZ). This law is a form of government concern in dealing with the work of the amil zakat institution in Indonesia in alleviating poverty. Along with the emergence of the UUPZ, automatically the legality of amyl zakat institutions in Indonesia is already very strong. This also encouraged the establishment of new amil zakat institutions in Indonesia.

So that in 2011 the government issued Law Number 23 of 2011 concerning the collection, distribution, utilization, and reporting of zakat. The law was made in order to improve the usability and results for the management of Zakat funds. To implement the law, the implementing rules are used, namely Government Regulation Number 14 of 2014 concerning the Implementation of Law Number 23 of 2011 concerning Zakat Management.[4]

Zakat management is an activity of planning, implementing, and coordinating the collection, distribution, and utilization of zakat[5]. The purpose of zakat management activities is to improve the effectiveness, and efficiency of services in zakat management, and increase the benefits of zakat to realize community welfare and poverty reduction. Poverty is a problem faced by all nations, including Indonesia.[6] Various policies have been made by the government to overcome this both sectoral, monetary, fiscal, and other policies, but these policies have not been fully able to overcome problems that occur on the ground.

BPS data shows that the number of poor people as of March 2022 is 26.16 million people. The Quran mentions that the problem of poverty is a sign that poverty is a very complex life problem. [7] Therefore, efforts to eradicate it must adopt macro (comprehensive) and *holistic* approaches that not only demand the participation and active role of the poor but also involve the active role of the government and society in general.

Zakat is one of the important instruments in efforts to alleviate poverty. [8] It can be effective to reduce existing poverty if it combines with empowerment program such as economy, education, health, environment.[9] The more zakat collected and the more targeted it will be in its distribution, the more able it will be to reduce existing poverty.[9] Therefore, zakat has a crucial role in economic growth and development. The community in the implementation of zakat management is often carried out independently, which is carried out in mosques.

2. METOD

The normative juridical approach is carried out by examining library materials which are secondary data. The method of approaching legal principles will be one of the ways in normative juridical research. Research specifications use descriptive analytics, which the researcher in analyzing, and wants to provide an overview or exposure to the subject and object of research as the results of the research he conducted. [10] After the data is collected properly, the secondary data and primary data will then be analyzed using qualitative analysis methods. Qualitative analysis methods are research procedures that produce descriptive data of analysis, that is, what is stated by the research objectives concerned in writing or orally, and real behavior.[11]

3. DISCUSSION

3.1. The Concept of Safe Zakat Fitrah Management according to the provisions of laws and regulations

As stated at the beginning, zakat management activities include planning, implementing, and coordinating the collection, distribution, and utilization of zakat. The institution that has the authority to manage zakat based on the mandate of Law Number 23 of 2011 concerning Zakat Management nationally at the Provincial, Regency / City level is the National Amil Zakat Agency (BAZNAS).[12] Baznas in carrying out duties then carries out functions to:

1. Planning for the collection, distribution, and utilization of zakat.
2. Implementation of the collection, distribution, and utilization of zakat.
3. Control of the collection, distribution, and utilization of zakat; and
4. Reporting and accountability for the implementation of zakat management.

Provincial Baznas was formed by the Minister on the proposal of the governor after receiving baznas consideration. Provincial Baznas is accountable to Baznas and provincial governments. Meanwhile, the Regency/City Baznas is formed by the Director General who has duties and functions in the field of zakat in the ministry that organizes government affairs in the field of religion on the proposal of the Regent/ Mayor after receiving baznas consideration. District/city baznas are responsible to the Provincial Baznas and the district/city local government and all of them carry out their

duties and functions at the local level in accordance with baznas policy. Baznas at the national, provincial, and regency/city levels can form Zakat Management Units (UPZ) at government agencies, state-owned enterprises, regional-owned enterprises, private companies, and representatives of the Republic of Indonesia abroad as well as at the sub-district, or other names level, and other places.[13]

To assist Baznas in the implementation of the collection, distribution, and utilization of zakat, the community can form the Amil Zakat Institution (LAZ). LAZ is obliged to report on the implementation of the collection, distribution, and utilization of audited zakat to Baznas on a regular basis.[1] The establishment of the LAZ must obtain the permission of the Minister, or an official appointed by the Minister. Permission is only granted if it meets the requirements of at least the requirements as generally specified in Article 19 of Law Number 23 of 2011 concerning Zakat Management. And it is regulated more technically in Government Regulations:

Zakat management activities can be known as stipulated in Law Number 23 of 2011 concerning Zakat Management Jo. Government Regulation of the Republic of Indonesia Number 14 of 2014 concerning the Implementation of Law Number 23 of 2011 concerning Zakat Management Jo. Minister of Religious Affairs Regulation Number 52 of 2014 concerning Terms and Procedures for Calculating Zakat Mal and Zakat Fitrah and Utilizing Zakat for Productive Business. [14]

Operationally and functionally zakat management can be explained in detail, including related to planning, implementing, controlling, and supervising:[15]

1. Zakat Activity Planning

In zakat management, the initial process needs to be planned. Conceptually, planning is the thought process of determining the goals and objectives to be achieved, the actions that must be implemented, the form of organization that is fixed to achieve them, and the people responsible for the activities to be carried out by the Agency or LAZ.[2] In other words planning concerns making decisions about what to do, how to do, when to do and who will do in an organized manner.

1. Implementation of zakat activities

Zakat management requires zakat managers who are professional, have competence and commitment in accordance with the activities carried out. relating to the criteria for implementing zakat and the criteria for leaders of Amil Zakat Agencies /Institutions. [15] Determination of criteria for the implementation of zakat:[13]

1. Muslim. Zakat is a very important affair in Islam and belongs to the pillars of Islam therefore this matter must be taken care of by a Muslim.
2. Mukallaf is a mature Muslim who is sensible in mind and is ready to accept the responsibility of taking care of the affairs of the people.
3. Have a trustworthy or honest nature. This trait is very important because it relates to the beliefs of the people.
4. Understand and understand the laws of zakat which causes him to be able to socialize everything related to zakat to the community.
5. Could carry out tasks to the best of their ability. Amil zakat's sincerity in carrying out his duties. A good amil zakat is amil zakat that is full-time in carrying out its duties, not perfunctory, and not part-time.
6. Excavation of Zakat Sources

In extracting the source of zakat, Amil must be good at socializing zakat, both through mass media, print media, and electronic media in the community with the aim that the public will grow their awareness of the importance of zakat worship.[16] In exploring the sources of zakat there are strategies including.

1. Establishment of zakat collection units. This is done to make it easier for zakat managers to reach and make it easier for muzakki to pay their zakat, so each Amil Zakat Agency opens zakat collection units in various places according to their level.[17]
2. Opening of the zakat reception counter. In addition to opening zakat collection units, in various places, zakat management institutions can make counters or counters.[18]
3. Opening a bank account. what needs to be noted here is that opening an account must be separated between each account, so that it will make it easier for muzakki in sending zakat.[19]
4. Zakat supervision

Conceptionally and operational supervision is a Systematic effort[20], to establish performance on planning to design an information feedback system, to compare actual performance with predetermined standards to establish whether a deviation occurred and measure the significance of such deviations in order to take the necessary remedial

measures to ensure that all resources of the Agency or LAZ have been used as effectively and efficiently as possible in order to achieve the objectives of the Agency or LAZ. [21] Managerially, zakat supervision is to measure and improve the performance of amil zakat to ensure that the Institution or Agency of Amil Zakat at all levels and all that has been designed to achieve it has been implemented.[22]

Meanwhile, zakat management activities can be known as stipulated in Law Number 23 of 2011 concerning Zakat Management Jo. Government Regulation of the Republic of Indonesia Number 14 of 2014 concerning the Implementation of Law Number 23 of 2011 concerning Zakat Management Jo. Minister of Religious Affairs Regulation Number 52 of 2014 concerning Terms and Procedures for Calculating Zakat Mal and Zakat Fitrah and Utilizing Zakat for Productive Business.

1. Zakat Collection

To collect zakat, Muzaki made his own calculation of his zakat obligations. [23] If Muzaki cannot calculate his own zakat obligations, then Muzaki can ask Baznas for help. Zakat paid by Muzaki to BAZNAS or LAZ is deducted from taxable income. After that, Baznas or LAZ is obliged to provide proof of zakat deposit to each Muzaki. Proof of zakat deposit as referred to will be used as a deduction for taxable income. The collection of zakat through Baznas in each level can be done directly to the means that have been provided by Baznas and / or by means of forming a UPZ. Baznas can form a UPZ on State Institutions; Ministries / Non-Ministerial Government Agencies; State-Owned Enterprises; National And Foreign Private Companies; Representative of the Republic of Indonesia Abroad; Offices of Representatives of Foreign States/Foreign Institutions; and State Mosques.

Provincial Baznas is authorized to collect zakat by forming a UPZ at the Vertical Agency Office; Office of the Regional Apparatus Work Unit / Provincial Regional Institutions; Provincially Owned Enterprises; Provincial Scale Private Enterprises; College; and the Grand Mosque. Baznas is authorized to collect zakat by forming a UPZ at the Office of the Regional Government Work Unit / District / City Regional Institutions; District/City Level Vertical Agency Office; Regency/City Owned Enterprises; District/City Scale Private Enterprises; Mosque, Mushalla, Langgar, Surau Or Other Names; Schools/Madrasahs And Other Educational Institutions; Subdistrict Or Other Name; And Villages/Villages Or Other Names.

1. Zakat Distribution

The collected zakat must be distributed to Mustahik in accordance with Islamic law and is carried out based on a priority scale by considering the principles of equality, justice, and territoriality. [24] The distribution of zakat is carried out in the fields of:

1. Education, provided in the direct and indirect forms and aimed at meeting the needs of short-term mustahik Education.
2. Health, administered in the form of curative and rehabilitative treatment.
3. Humanitarian, provided in the form of handling victims of natural disasters, victims of accidents, victims of persecution, and victims of other humanitarian tragedies.
4. Proselytizing & advocacy, given to speakers, construction of houses of worship for Muslims, and other assistance that helps with proselytizing and advocacy activities. The provision assistance to establish houses of worship of Muslims will only be provided in poor majority-populated areas that do not yet have proper means of worship or in muslim minority areas.

Mustahik there are eight *asnaf* as found in the Quran surah At-Taubah Verse 60. The Mustahiks who are entitled to get or receive zakat are as follows: [16]

1. *Fakir*, is a person who has no property and no job.
2. *Poor*, are people who have harta, but cannot suffice daily life according to standard (substandard) measures.
3. *Amil*, a person who works to manage zakat, either has another job or just manages it;
4. *Muallaf*, is a person who is softened in his heart, or a person who has just converted to Islam. They were still considered nasealaf for a period of two years.
5. *Riqab*, were those slaves who did not have the freedom to live freely but under the rule of others (masters). Then he was entitled to the property of zakat to free himself from the shackles of slavery.
6. *Gharimin*, are those who have debts for certain causes and are considered unable to pay them, for example, in debt because they have been ill for too long, so that they cannot try, even seek treatment, thus leaving debts.
7. *Sabilillah*, is a person who struggles to uphold the religion of God, through various containers, whether educational, such as Madrasah or Pesantren which is essential for the purposes of establishing the religion of God.

8. *Ibn Sabil*, are those who travel to proselytize the religion of Allah or for the establishment of the laws and sharia of Allah.

9. Utilization of Zakat

Zakat utilization is a form of optimal use of zakat without reducing its value and usefulness in the form of productive business so that it is effective in achieving general benefits. [25] Zakat can be used for productive business in the context of handling the poor and improving the quality of the people. The utilization of zakat for productive business as referred to is carried out if the basic needs of Mustahik have been met; comply with sharia provisions; generate economic added value for mustahik; and Mustahik is domiciled in the working area of the zakat management institution. The utilization of zakat for productive business can be carried out at least meet the conditions: the beneficiaries are individuals or groups that meet the mustahik criteria; and received assistance from amil zakat who was in the mustahik domicile area.

Utilization of zakat as contained in the Decree of the Chairman of the National Amil Zakat Agency Number 64 of 2019 concerning Guidelines for the Implementation of Zakat Distribution and Utilization within the National Amil Zakat Agency, performed on the fields of:[26]

1. Economy, in the form of assistance aimed at alleviating poverty, improving work ethic, and productive capacity, entrepreneurship, and improving mustahik welfare, and includes providing access to power, access to capital, and market access, in the form of regional-based mustahik community empowerment and local economic potential.
2. Education is given in the form of the construction of educational infrastructure that is used for integrated character and competency development programs, both at the level of basic education, secondary education, and higher education that provides great benefits for the People and the Nation. The development of sarana and educational infrastructure is devoted to areas with a poor majority population or Muslim minority.
3. Health, in the form of promotive and preventive health assistance in the form of assistance in the construction of health infrastructure. The construction of health facilities and infrastructure in the utilization of zakat is devoted to services to the poor.

4. Proselytizing and Advocacy, in the form of Muslim community development activities, public policy development and strategic studies as well as the defense of mustahik's rights and advocacy.
5. Zakat reporting,

As an institution mandated by the Law, Baznas is domiciled in the National Capital of the Republic of Indonesia and is a non-structural government institution that is independent and responsible to the President through the Minister. [24] Therefore, Baznas is obliged to submit reports on the implementation of the management of zakat, infak, alms, and other religious social funds to the Minister on a regular basis. Submission of reports on the implementation of Zakat Management, infak, alms, and other religious social funds to the Minister every 6 (six) months and the end of the year. In addition to the year-end report as referred to in paragraph (1) Baznas is also required to submit a report on the implementation of its duties in writing to the President through the Minister and the House of Representatives of the Republic of Indonesia at least 1 (one) time in 1 (one) year.

This also applies to baznas regencies/cities are required to submit reports on the implementation of Zakat Management, infak, alms, and other religious social funds to provincial Baznas and regents/mayors every 6 (six) months and at the end of the year. As well as provincial Baznas are obliged to submit reports on the implementation of Zakat Management, infak, alms, and other religious social funds to Baznas and the governor every 6 (six) months and the end of the year. In addition to Baznas, LAZ is required to submit reports on the implementation of Zakat Management, infak, alms, and other religious social funds to Baznas and local governments every 6 (six) months and the end of the year. LAZ representatives are required to submit reports on the implementation of Zakat Management, infak, alms, and other religious social funds to LAZ by submitting a copy to the local government and the head of the regional office of the provincial ministry of religious affairs and the head of the office of the ministry of religious affairs of the regency/city. Reports on the implementation of Zakat Management, infak, almsgiving, and other religious social funds must be audited by Shari'a and finances. Sharia audits are carried out by ministries that organize government affairs in the field of religion. The financial audit is carried out by a public accountant. The report contains accountability and performance of the implementation of Zakat Management, infak, almsgiving, and other religious social funds. [27]

3.2. Public Awareness in Fulfilling Zakat Fitrah.

There are factors that cause people's reluctance to pay zakat in BAZIS/LAZ, namely religiosity factors (people feel more Afdhal give zakat directly to mustahik who are still relatives), then followed by location factors (location/distance of BAZIS/LAZ which is quite far from residence), service factors (BAZIS/LAZ services provided have not been satisfactory), trust factors (lack of public trust in BAZIS/LAZ in distributing zakat to mustahik and information, namely the management of zakat funds is managed openly and transparently).[28]

Law No. 23 of 2011 in Chapter III regulates the collection, distribution, utilization of zakat, and reporting. Muzakki did his own counting of his obligatory zakat property. Even if Muzakki can't calculate it himself, then BAZNAS can help calculate the zakat obligations he has to pay. Article 22 of Law No. 23 of 2011 states that zakat paid through BAZNAS, or LAZ can reduce the obligation to pay taxes from taxable income.[29] For this reason, BAZNAS and LAZ were obliged to provide proof of zakat deposit to Muzakki. Proof of that deposit is used as a deduction for taxable income.

The collected zakat must be distributed to the mustahik in accordance with Islamic law, and its distribution is carried out based on a priority scale, taking into account the principles of equality, justice and territoriality (articles 25 and 26).[29] In order for the management of zakat infak, alms and other social funds managed by BAZNAS to be transparent and accountable, baznas districts/cities must report the implementation of their management to provincial baznas and local governments periodically, BAZNAS must submit reports on their activities to the minister periodically. BAZNAS' annual balance sheet report is announced through print or electronic media.

4. CONCLUSION

Safe zakat management according to the provisions of the laws and regulations begins with the collection of zakat, to determine the level of zakat that must be paid by Muzaki to make his own calculation of his zakat obligations. After collecting, the amil zakat committee carried out the distribution of zakat, this distribution was distributed to Mustahik in accordance with Islamic law and was carried out based on a priority scale by considering the principles of equality, justice, and territoriality. Then in terms of utilization of the collected zakat, it is necessary to make optimal use without reducing its value and usefulness in the form of productive efforts so that it is effective in achieving general benefit. Zakat can be used for productive business in the context of handling the poor

and improving the quality of the people. And finally reporting on the implementation of zakat management activities to baznas.

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