

## CHAPTER I INTRODUCTION

### A. Background of Research

Zakat plays a role in eliminating the poverty, because it transfers the funds from the rich to the poor. In this case, zakat need some elements of management, such as planning, organizing, actuating, and controlling. By using all of the elements, the process of zakat can be effectively done.

In the practice, there are still many problems that occur in terms of process of zakat such as: the zakat has not been professionally managed so that the collection and distribution of zakat becomes less effective, the society are less in understanding about current and contemporary zakat issues like zakat of income, and there are *muzakkī* who still less in trust against the 'āmil of zakat in collecting zakat.<sup>1</sup>

Therefore, with the spirit of zakat institution to perform the professional, trustworthy, and independent in the zakat management, the Indonesian government establishes Act Number 38 Year 1999 on the Zakat Management which has been changed by Act Number 23 Year 2011 on the Zakat Management (the so called Act of Zakat). Lembaga Amil Zakat (the so called LAZ) is a zakat institution which is formed by society and obliged to obtain permission from minister by meeting the requirements specified in the Act.<sup>2</sup>

In managing the zakat fund and other social funds such as *infâq* and alms, LAZ can cooperate with other institutions, especially financial institutions. Islamic bank is one of the financial institutions that can assist to receive the zakat. One of LAZ which cooperates with Islamic bank is Lembaga Amil Zakat Nasional Bangun Sejahtera Mitra Umat (the so called LAZNAS BSM).

Each zakat institution always strive to become a professional and trustworthy institution. It can be done if the management of zakat has been applied in line with the regulation of zakat in the form of Islamic law and Act of Zakat. Therefore, the author is interested to know the practice of zakat management in LAZNAS BSM in terms of both the laws. Especially for Islamic law, it is limited in terms of *Fiqh* Zakat by Yusuf Qardawi.

### B. Statement of Problem

Based on the background of research described above, the problems can be formulated as follows:

1. What are the principles and mechanism used in management of zakat at LAZNAS BSM?
2. How does LAZNAS BSM implement the management of zakat viewed from Act of Zakat and Islamic Law?

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<sup>1</sup>M. Daud, *Administrasi dan Manajemen Zakat*, Paper, (Palembang: Balai Diklat Keagamaan Palembang)

<sup>2</sup>Article 17 and 18 Act Number 23 Year 2011 on Management of *Zakat* State Gazette of The Republic of Indonesia Year 2011 Number 115

## CHAPTER II REVIEW OF RELATED LITERATURE

### A. Previous Research

For the consideration and the originality assure of this research, the researcher mentions some previous research as contained in table as follows;

No	Name/University/Year	Title	Formal Object	Material Object
1.	Mustaen, student of Sharia Faculty in State Islamic University (UIN) Maulana Malik Ibrahim Malang year 2010	<i>Pengelolaan Zakat Di Pusat Kajian Zakat Dan Wakaf (eL-Zawa) Universitas Islam Negeri (UIN) Maulana Malik Ibrahim Malang (Dalam Tinjauan UU Nomor 38 Tahun 1999 Tentang Pengelolaan Zakat)</i>	Zakat	Zakat management in eL-Zawa UIN Malang viewed from Act of Zakat
2.	Agus Rohmad Riyadi, student of Sharia Faculty in State Islamic University (UIN) Maulana Malik Ibrahim Malang year 2005	<i>Pengelolaan Zakat Sesudah Diberlakukannya Undang-Undang No.38 Tahun 1999 oleh BAZIS Masjid Agung Jami' Kota Malang</i>	Zakat	Zakat management in BAZIS Masjid Agung Jami' Kota Malang
3.	Beti Kurniati, student of Communication and Preaching Science Faculty in UIN Syarif Hidayatullah Jakarta year 2012	<i>Mekanisme Penghimpunan Dan Pendistribusian Dana Zakat Pada Lembaga 'āmil Zakat Nasional Bangun Sejahtera Mitra Umat Dalam Upaya Pemberdayaan Ekonomi Umat</i>	Zakat	Zakat mechanism in LAZNAS BSM Umat in the effort to economic empowerment
4.	Ariza Ekky Saputri, student of Sharia Faculty in State Islamic University (UIN) Maulana Malik Ibrahim Malang year 2015	<i>The Management of Zakat in Lembaga 'āmil Zakat Bangun Sejahtera Mitra Umat (LAZNAS BSM) in the Perspective of Act Number 23 Year 2011 and Islamic Law</i>	Zakat	Management of Zakat in LAZNAS BSM viewed from Act of Zakat and Islamic Law

### B. Theoretical Framework

#### 1. The Overview of Principles

The essential understanding of principles are: basis, main place to find the truth and as the foundation of thinking.<sup>3</sup> There are some principles that should be used as a reference for zakat management, among others:<sup>4</sup> 1) Islamic Law; 2)

<sup>3</sup>Chainur Arrasjid, *Dasar-Dasar Ilmu Hukum*, (Jakarta: Sinar Grafika, 2000), p. 35-36

<sup>4</sup>Article 2 Act Number 23 Year 2011 on Management of Zakat State Gazette of The Republic of Indonesia Year 2011 Number 115

Trustworthy; 3) Usefulness; 4) Justice; 5) Legal certainty; 6) Integrated; and 7) Accountability. In addition, there are two other principles, such as:<sup>5</sup> professional and transparent.

## 2. The Overview of Mechanism

Mechanism is the working of an organization (association and so on); for example: the mechanism of action.<sup>6</sup> Systematically, the mechanism of zakat is one form of wealth equalization models. This model contains three components, namely: collection, distribution, and 'āmil of zakat. These three components are interrelated with one another.<sup>7</sup>

## 3. The Overview of Zakat

### a. Definition

According to Yusuf Qardawi, the definitions of zakat are:<sup>8</sup>

- 1) Part of the wealth by specific requirements, which God requires to its owner (*muzakkī*), to be submitted for whom entitled to receive it (*mustahiq*) by specific requirements too.
- 2) *Al-'ibadah al-māliyah al-ijtima'iyah* which means worship in the field of wealth which has very important position in building up the society. Therefore, in the *al-Qur'ān* and *al-Hadīṣ*, many commands for paying zakat and also praise for the people who do it.

### b. Legal Basis

There are many verses explain about zakat, one of them is:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ

عَلِيمٌ ﴿١٣﴾

*“O beloved prophet! Realise the poor-due (zakat) out of their wealth to purify them and cleanse them therewith and pray well for them. No doubt your prayer is solace for their hearts. And Allah Hears. Knows.”*<sup>9</sup>

### c. Requirements of Wealth be The Source of Zakat

In general, the *al-Qur'ān* states that zakat was taken from each of the wealth we have, as stated in Surah at-Taubah verse 103 and al-Baqarah verse 267. Yusuf Qardawi stated that the definition of wealth (*al-māl*) is everything that desirable by human to keep and have it.<sup>10</sup> There are some requirements of wealth that could be source of zakat as follows:<sup>11</sup> 1) Full-owned; 2) Developed; 3)

<sup>5</sup>Umrotul Hasanah, *Manajemen Zakat Modern Instrumen Pemberdaya Ekonomi Umat*, (Malang: UIN Maliki Press, 2010), p. 71-72

<sup>6</sup>*Kamus Besar Bahasa Indonesia Online*, <http://kbbi.web.id/mekanisme>, accessed on 14 January 2015

<sup>7</sup>Sahri Muhammad, *Mekanisme Zakat dan Permodalan Masyarakat Miskin: Pengantar Untuk Rekonstruksi Kebijakan Pertumbuhan Ekonomi*, (Malang: Bahtera Press, 2006), p. 167

<sup>8</sup>Ghazi Inayah, *Teori Komprehensif Tentang Zakat dan Pajak*, (Yogyakarta: Tiara Wacana, 2003), p. 3

<sup>9</sup>QS. At-Taubah (9):103

<sup>10</sup>Yusuf Qardawi, *Fiqh Zakat*, (Beirut: Muassasah Risalah, 1991), p. 126

<sup>11</sup>Yusuf Qardawi, *Hukum Zakat*, translated by Salman Harun, etc., ed.12, (Bogor: Pustaka Litera AntarNusa, 2011), p. 128

Achieve the *niṣāb*; 4) More than usual needs; 5) Free from debt; 6) Passed one year.

#### **d. Sources of Zakat**

The types of wealth that become the source of zakat according to Yusuf Qardawi are as follows:<sup>12</sup> 1) Zakat of livestock; 2) Zakat of gold and silver; 3) Zakat of trading asset; 4) Zakat of agriculture; 5) Zakat of honey and animal production; 6) Zakat of minerals and marine products; 7) Zakat of investment of factory, building, and so on; 8) Zakat of profession; 9) Zakat of stocks and bonds.

#### **e. *Mustahiq* of zakat**

In surah at-Taubah verse 60 mentioned explicitly who are entitled to receive zakat, such as: 1) Indigent; 2) Poor; 3) *‘Āmil*; 4) Converts; 5) *Riqāb*; 6) *Gārimūn*; 7) *Sabīlillāh*; 8) *Ibnu sabīl*.

### **4. The Management of Zakat Theory**

#### **a. Planning**

Planning is an activity to make programs of activities agenda which is undertaken by organization. The programs which are launched by the Zakat Management Agency/Organization; can be grouped into four major groups:<sup>13</sup> a) Economic Program; b) Social Programs; c) Education Program; d) Preaching Program.

#### **b. Organizing**

Organizing is the way through by an institution to regulate the institution performance, including its members. In general, a LAZ has similar organizational structures, except a few which has more complicated structure. The structure consists at least three layers: upper layer consists of Advisory Council, middle layer consists of Board of Trustees and lower layer consists of Manager/Executive Agency and all divisions. Part of others adds more layers which consists of Foundation Board or the Board of Sympathetic Care.<sup>14</sup>

#### **c. Actuating**

The actuating of a management is the actualization of planning which is endorsed by the organization.<sup>15</sup>

##### **1) Actuating of Zakat Collection**

Zakat Collection is implemented by receiving or taking zakat funds from *muzakkī* based on notification of *muzakkī*.<sup>16</sup> There are three strategies that can be implemented in collecting zakat:<sup>17</sup> a) Establishment of zakat collection unit; b) Opening the zakat reception counter; c) Opening a bank account.

##### **2) Actuating of Zakat Distribution and Utilization**

In order the distributed zakat funds can be efficient and effective, so its utilization should be selective for consumptive or productive needs. Both

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<sup>12</sup>Qardawi, *Hukum Zakat*, p. 170

<sup>13</sup>Departemen Agama, *Pola Pembinaan Lembaga Amil Zakat*, (Jakarta: Direktorat Jenderal Bimbingan Masyarakat Islam dan Penyelenggaraan Haji Direktorat Pengembangan Zakat dan Wakaf, 2005), p. 20-28

<sup>14</sup>Hasanah, *Manajemen Zakat*, ... p. 161

<sup>15</sup>Sudirman, *Zakat dalam Pusaran*..., p. 86

<sup>16</sup>Fakhrudin, *Fiqh dan Manajemen* ..., p. 309

<sup>17</sup>Departemen Agama, *Manajemen Pengelolaan Zakat*, p. 33-34

consumptive and productive needs are divided into two, they are traditional consumptive and creative consumptive, while the form of productive divided into conventional productive and creative productive.

#### **d. Controlling**

Controlling is a process to assure the organization's goal and its management can be achieved.<sup>18</sup> There are two kinds of controlling in LAZ, such as: internal controls and external control.

### **5. Management of Zakat in Islam**

#### **a. Planning**

The writings of jurists mentioned that the Imam is required to send officers to collect zakat. It caused the Prophet Muhammad and the four caliphs after him assign the zakat collector, this is the famous condition.

#### **b. Organizing**

According to Yusuf Qardawi, means of zakat can be divided into two principal affairs. Each affair has some sections and parts, as follows:<sup>19</sup>

- 1) Zakat Collector Affairs, which oversees several sections: a) *Rikāz* and minerals sections; b) Grains or fruits section; c) Livestock section; d) Money and trade goods section;
- 2) Zakat Distributor Affairs, which oversees several sections: a) Indigent section; b) People who have low incomes section; c) Debtor section; d) Helping the emigrated people section; e) Islamic broadcasting organizations (institutions) section which is located in the infidel state.

#### **c. Actuating**

The actuating of zakat management in Islam can be seen from the duties of both zakat collectors and zakat distributors, as follows:<sup>20</sup>

- 1) Zakat collector affairs conduct the census of people who are obligated to zakat, knowing the kinds of their wealth, calculate the amount of wealth that must be subject to zakat, collect it from the people who are obligated to zakat and keep the wealth to be submitted to the zakat distribution affairs.
- 2) Zakat distributor affairs choose the best way to know the *mustahiq* of zakat, implement classification against them and stating their rights, count the number of their needs and living costs, and determine the healthy foundations in the distribution of zakat according to the amount of *mustahiq* zakat and social conditions.

#### **d. Controlling**

The implementation of zakat should be controlled by the government, carried out by the orderly zakat officers.<sup>21</sup> They may not to use the zakat at all for his interest or embezzle the zakat either a few or a lot. Because the wealth is owned by the public, a person should not to possess or take it unlawfully.

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<sup>18</sup>T. Hani Handoko, *Manajemen*, Second Edition, (Yogyakarta: EPFE, 1999), p. 359

<sup>19</sup>Qardawi, *Hukum Zakat*, p. 546-548

<sup>20</sup>Qardawi, *Hukum Zakat*, p. 546-547

<sup>21</sup>Qardawi, *Hukum Zakat*, p. 733

## **CHAPTER III RESEARCH METHOD**

### **A. Type of Research**

Type of research which used by researcher is juridical empiric.<sup>22</sup>

### **B. Approaches**

This research uses socio-juridical approach.<sup>23</sup>

### **C. Research Locus**

The location of this research is LAZNAS BSM office in Ruko Mega Grosir Cempaka Mas Blok M1 No.56 Jalan Letjend. Soeprapto, Jakarta Pusat.

### **D. Data Sources**

This research uses primary data and secondary data.<sup>24</sup>

### **E. Data Collecting Techniques**

The data collection techniques are: interview, observation, and documentation.<sup>25</sup>

### **F. Data Analysis Techniques**

The data analysis techniques are:<sup>26</sup> 1) Investigation of data; 2) Classification of data; 3) Verification; 4) Analysis; and 5) Conclusion.

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<sup>22</sup>Bambang Waluyo, *Penelitian Hukum dalam Praktek*, Cet.3, (Jakarta: Sinar Grafika, 2002), p. 15

<sup>23</sup>Nasution, *Metode Penelitian...*, p. 130

<sup>24</sup>Waluyo, *Penelitian Hukum...*, p. 16

<sup>25</sup>Nasution, *Metode Penelitian...*, p. 167-168

<sup>26</sup>Tim Penyusun, *Pedoman Penulisan...*, p. 48

## CHAPTER IV FINDINGS AND DISCUSSION

### A. The Principles and Mechanisms of Management of Zakat in LAZNAS BSM

#### 1. The Principles

The vision and mission of LAZNAS BSM has met the principles which are regulated in the Article 2 Act of Zakat, which reads: “*Pengelolaan zakat berasaskan: syariat Islam, amanah, kemanfaatan, keadilan, kepastian hukum, terintegrasi, dan akuntabilitas*”.

#### 2. The Mechanism

The mechanism in LAZNAS BSM can be divided into three functions:

##### a. Collection

Source of zakat in LAZNAS BSM are: from company, savings wealth, and profession. Each requirements of the zakat are in line with Islamic law, in terms of: *niṣāb* and amount of zakat. The components in the content of “Kalkulator Zakat” LAZNAS BSM is incomplete because there is no explanation of the concerned income. In addition, it can be added a component of “receivable” and “debt”.

##### b. Distribution

Before distribute the zakat, LAZNAS BSM analyze the request from society in which the needs, location and *mustahiq*. The target of zakat in LAZNAS BSM is in line with Islamic Law, such as: indigent, poor, *‘āmil*, *gārimūn*, convert, *sabīlillāh* and *ibnu sabīl*.

##### c. ‘*Āmil*

*Āmil* has 5 functions such as: management, zakat collection, *mustahiq* service, financial accounting, and computer information systems. LAZNAS BSM has implemented all functions well.

### B. Management of Zakat in LAZNAS BSM

#### 1. Act Number 23 Year 2011 on Management of Zakat Perspective

##### a. Planning

LAZNAS BSM has programs to utilize zakat, such as: Didik Umat, Simpati Umat, dan Mitra Umat. LAZNAS BSM has met the requirements to obtain the permission from the Minister of Religion Affairs which is regulated in Article 18 point (g) Act of Zakat.

##### b. Organizing

There are three findings based on the analysis of researcher, as follows:

- 1) There are three parties that must be present in every LAZ as described in the book of *Manajemen Zakat Modern Instrumen Pemberdaya Ekonomi Umat*, such as: Advisory Council, Board of Trustees, and Executing Agency. LAZNAS BSM has met all three with some development.
- 2) LAZNAS BSM is a foundation engaged in the social field by notarial deed of Agus Madjid SH Number 85 on 21 November 2001 and notarial deed of Syaifuddin Zuhri SH.MKn Number 01 on 4 January 2012. Therefore, LAZNAS BSM meets the Article 18 paragraph (2) point (a) Act of Zakat. It also met Article 18 paragraph (2) point f Act of Zakat.

- 3) LAZNAS BSM is a zakat institution which is formed as legal entity with the Decree of the Minister of Law and Human Rights Number AHU-1889.AH01.04 2012. It is in accordance with the requirements set out in Article 18 paragraph (2) point (b) Act of Zakat.
- 4) After all requirements had met, LAZNAS BSM received permission to establish LAZ with the Decree of the Minister of Religion Affairs Number 406 year 2002. It is in accordance with Article 18 paragraph (1) Act of Zakat.

**c. Actuating**

The actuating of the zakat management in LAZNAS BSM viewed from Act of Zakat can produces some findings:

- 1) LAZNAS BSM gives freedom for *muzakkī* to calculate his zakat, if he cannot calculate, *'āmil* of LAZNAS BSM can help him directly or through an automatic calculation tools available on the official website of LAZNAS BSM named "Kalkulator Zakat". So, LAZNAS BSM has implemented Article 21 Act of Zakat.
- 2) LAZNAS BSM provides zakat payment proof if only the *muzakkī* requests it. It is not in accordance with the Article 23 paragraph (1) Act of Zakat: Because the mandatory purposes of providing the zakat payment proof is as a proof of deduction from taxable income as stipulated in Article 23 paragraph (2) Act of Zakat.
- 3) The zakat target in LAZNAS BSM is the seven of eight *aṣṅāf*. One of *aṣṅāf*, named *riqāb* cannot be found nowadays. So, LAZNAS BSM is in line with the teachings of Islam and implements the contents of Article 25 Act of Zakat
- 4) In distributing zakat, LAZNAS BSM uses the priority scale and pay attention to the principles of equity, justice, and territorial. Thus, LAZNAS BSM has implemented the contents of Article 26 Act of Zakat.
- 5) LAZNAS BSM takes 12.5% of all collected zakat funds for *'āmil* rights which are included salary of *'āmil*, general administrative cost, collection and distribution costs, and depreciation costs. Therefore, LAZNAS BSM has implemented the financing in accordance with Article 32 Act of Zakat
- 6) Utilization of zakat in LAZNAS BSM is done to fulfill the consumptive needs and productive enterprises for *mustahiq* by implementing the three programs. LAZNAS BSM has fulfilled the contents of Article 27 Act of Zakat

**d. Controlling**

The practice of controlling in LAZNAS BSM viewed from Act of Zakat produce some findings as follow:

- 1) LAZNAS BSM always submits financial report audited by public accountant and utilization of zakat reports to the government and BAZNAS annually. It is in accordance with the contents of Article 19 Act of Zakat and Article 29 paragraph (3)
- 5) LAZNAS BSM has Sharia Council, one of them named Yusuf Siddik. Therefore, LAZNAS has met the requirements for the institution of zakat in particular on Article 18 paragraph (2) point d Act of Zakat.
- 6) The government controls the LAZNAS BSM through receiving the annual reports. However, the government does not provide coaching to the LAZNAS

BSM. Therefore, LAZNAS BSM implements partially the Article 34 paragraph (1) Act of Zakat in terms of controlling.

- 7) The society can control and coach the performance of LAZNAS BSM. It can be delivered directly or through printed and electronic media. Thus, LAZNAS BSM has implemented the contents of Article 35 Act of Zakat.

## **2. Islamic Law Perspective**

### **a. Planning**

The planning of zakat management in LAZNAS BSM viewed from Islamic produce some findings: *First*, In Islam, the *'āmil* is chosen directly by the government. However, in Indonesia nowadays, the appointment of *'āmil* by government is only conducted for BAZNAS. Whereas for society who want to be *'āmil* and establish LAZ, they have to get permission from the Ministry. LAZNAS BSM got the Decree of the Minister of Religion Affairs Number 406 year 2002.<sup>27</sup> So, the *'āmil* of LAZNAS BSM can run his duties as *'āmil*. This practice has appropriated with the certainty of Islamic law. *Second*, Generally, the requirements of *'āmil* in LAZNAS BSM are in accordance with the requirements stipulated by Islamic law. In fact, there are some additional requirements in order to realize the professional *'āmil*.

### **b. Organizing**

The organizing in LAZNAS BSM viewed from Islamic law has result in findings that organizational structure of LAZNAS BSM is more complex than the organizational structure created by Yusuf Qardawi because the additional board like Advisory Council and Board of Trustees. The task of both boards in Islam is conducted by the government. In addition, there is the addition of another division that is not directly related to the main task of *'āmil* like General and Human Resources Division and Finance Division. It is not found explicitly in the organizational structure created by Yusuf Qardawi.

### **c. Actuating**

The actuating of zakat management in LAZNAS BSM viewed from Islamic law has results of findings that the task of *'āmil* described by Yusuf Qardawi has been carried out by the *'āmil* of LAZNAS BSM. There is only a task which does not conducted by LAZNAS BSM. It is conducting census of the people that must be pay zakat.

### **d. Controlling**

The management of zakat in LAZNAS BSM is controlled by internal and external parties. Government is in the external category that controls the management of zakat through receiving the report made by the board of LAZNAS BSM.<sup>28</sup> Therefore, the controlling in LAZNAS BSM is in accordance with Islamic law because it controlled by the government by submitting annual reports in terms of zakat management.

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<sup>27</sup>“Legalitas”, <http://lazznasbsm.or.id/content/legalitas>, accessed on 23 February 2015

<sup>28</sup>Abdy Irawan, *interview*, (Jakarta, 10 February 2015)

## **CHAPTER V CLOSING**

### **A. Conclusion**

Based on deeply analysis of the zakat management in LAZNAS BSM viewed from Act of Zakat and Islamic law, it could be concluded as follows:

1. There are several principles in the management of zakat in LAZNAS BSM, such as: Islamic law, trustworthy, usefulness, justice, legal certainty, integrated, and accountability. It is in line with the principles in Article 2 Act of Zakat. While mechanism of zakat management in LAZNAS BSM consists of three functions: collection, distribution, and '*āmil*' of zakat.
2. Management of Zakat in LAZNAS BSM viewed from Act of Zakat and Islamic Law has result that the majority of planning, organizing, actuating and controlling aspects is in line with the Act of Zakat and Islamic Law.

### **B. Suggestions**

After doing research in the field, the researcher can provide advice as follows:

1. LAZNAS BSM has been managed the zakat well and based on professionalism and good mechanism. It must be kept and also always developed every time.
2. The government is expected to provide guidance for LAZNAS BSM and other LAZ. In addition, '*āmil*' of zakat should do census the society who are required to pay zakat. This method can also be set in the Act of Zakat, so that its implementation is legal and well-regulated.