

CHAPTER I

INTRODUCTION

A. Background of Research

As the perfect religion, Islam does not only regulate the relationship between God and His creatures, but also the relationship among the creatures. The relationship is realized in the form of worship. In Islam, one of the worship which contains both the relationship is paying zakat. In addition, this worship is the third pillar of the five pillars of Islam. Therefore, someone who considers himself as a Muslim is obligated to paying zakat.

Zakat has been set up in the *al-Qur'ān* and *al-Ḥadīṣ*. One verse that regulates the obligation of zakat is as follows:

حُذِّ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ عَلِيمٌ ﴿١٦﴾

“Realise the poor-due (zakat) out of their wealth to purify them and cleanse them therewith and pray good for them. No doubt. Your prayer is solace for their hearts. And Allah Hears Knows.”¹

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.

¹QS. At-Taubah (9): 103

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.²

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). In this act, there are two zakat institutions: Badan Amil Zakat Nasional (the so called BAZNAS) and Lembaga Amil Zakat (the so called LAZ). BAZNAS is a nonstructural institution authorized by the government to manage the zakat nationally and independently. It should responsible to the President through the Minister of Religion Affairs.³ Whereas 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.⁴

In managing the zakat fund and other social funds such as *infâq* and alms, LAZ can cooperate with other institutions, especially financial institutions. Islamic

²M. Daud, *Administrasi dan Manajemen Zakat*, Paper, (Palembang: Balai Diklat Keagamaan Palembang)

³Article 5 paragraph (3) and 6 Act Number 23 Year 2011 on Management of *Zakat* State Gazette of The Republic of Indonesia Year 2011 Number 115

⁴Article 17 and 18 Act Number 23 Year 2011 on Management of *Zakat* State Gazette of The Republic of Indonesia Year 2011 Number 115

bank is one of the financial institutions that can assist to receive the zakat. This can be seen in Act Number 21 Year 2008 on Islamic Banking, which reads: *“Bank Syariah dan UUS dapat menjalankan fungsi sosial dalam bentuk lembaga baitul mal, yaitu menerima dana yang berasal dari zakat, infak, sedekah, hibah, atau dana sosial lainnya dan menyalurkannya kepada organisasi pengelola zakat.”*⁵ By the existence of cooperation between LAZ and Islamic bank, the range of zakat collecting will be more widespread. It can ease employees and customers to pay zakat. Thus, the poverty will gradually decline if the distribution has been managed well.

One of LAZ which cooperates with Islamic bank is Lembaga Amil Zakat Nasional Bangun Sejahtera Mitra Umat (the so called LAZNAS BSM). LAZNAS BSM is in cooperation with Bank Syariah Mandiri and it is an official non-profit institution established in 2000 and confirmed by decree of the Minister of Religion Affairs on 17 September 2002. LAZNAS BSM has three special programs: BSM Didik Umat, BSM Mitra Umat dan BSM Simpati Umat.⁶ All of the programs are the implementation of zakat utilization, one of them is in the form of giving relief to the refugees of Sinabung who are struck by the eruption of Sinabung Mountain in Medan, North Sumatra.⁷

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

⁵Article 4 paragraph (2) Act Number 21 Year 2008 on Islamic Banking State Gazette of The Republic of Indonesia Year 2008 Number 94

⁶Read Profil Organisasi LAZ BSM, Jakarta, 2002

⁷“LAZNAS BSM Beri Bantuan”, Zakat Plus, First Edition, Rabiul Awal-Rabiul Akhir 1436 H, p. 22

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.

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?

C. Objectives of Research

Based on the statement of problem above, the objectives of research are:

1. To reveal the principles and the mechanism of management of zakat in LAZNAS BSM
2. To know the implementation of management of zakat in LAZNAS BSM viewed from Act of Zakat and Islamic Law

D. Significance of Research

The significances of this research are as follows:

1. Theoretical significance

- a. This research can contribute ideas for the science development, especially in sharia business law so that the reader can understand deeply the management of zakat in LAZNAS BSM viewed from Act of Zakat and Islamic Law.
- b. This research can be used as guidelines for the parties or other researcher who want to research in depth about management of zakat in LAZ.

2. Practical Benefits

a. For LAZNAS BSM:

This research can provide information and guidance to enhance the quality in managing the zakat.

b. For Society

This research can provide information about the facts on the field related to the management of zakat in LAZNAS BSM viewed from Act of Zakat and Islamic Law.

E. Operational Definitions

The operational definitions which are used by the researcher, as follow:

1. Management

Management is a process of planning, organizing, leadership, coordination, controlling and efforts of organization's members or other organizational sources to achieve the goals which set before.⁸ In this research, the management is

⁸Ahmad Abraham Abu Sinn, *Manajemen Syariah, Sebuah Kajian Historis dan Kontemporer*, (Jakarta: Rajagrafindo Persada, 1996), p. 28

divided into four processes, including planning, organizing, actuating, and controlling.

2. Zakat

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.⁹ In this research, zakat is referred to zakat *māl* or zakat of wealth.

3. Islamic law

Islamic law is a law or regulation of Islam regulates all aspects of Muslim life.¹⁰ Islamic law includes sharia (*al-Qur'ān* and *as-Sunnah*) as primary source and *fiqh* which is taken from sharia used as law basis.¹¹ In this research, Islamic law is limited in terms of *Fiqh Zakat* by Yusuf Qardawi.

F. Structure of Discussion

The structure of discussion consists of five chapters with several subjects and sub-topics related to the statement of problem, as follows:

Chapter I: Introduction

This chapter includes the background of research which describes the existence of idea and reason of researcher to choose this title. In addition, this chapter also explains the statement of problem, the objectives of

⁹Ghazi Inayah, *Teori Komprehensif Tentang Zakat dan Pajak*, (Yogyakarta: Tiara Wacana, 2003), p. 3

¹⁰“Syariat Islam”, http://id.wikipedia.org/wiki/Syariat_Islam, accessed on 14 January 2014

¹¹Lismanto in *Pembaharuan Hukum Islam Berbasis Tradisi: Upaya Meneguhkan Universalitas Islam dalam Bingkai Kearifan Lokal*

research, the significance of research, operational definitions, and structure of discussion.

Chapter II: Review of Related Literature

This chapter is divided into two sub chapters, the first is previous research and the second is theoretical framework which contains explanation of some theories which used by researcher, such as: the overview of principles, the overview of mechanism, the overview of zakat, the management of zakat theory, and the management of zakat in Islam.

Chapter III: Research Methodology

This chapter aims to assist researcher in the running of analysis codification and presentation of data in the chapter four and also describes how the research conducted. The division of this chapter such as: type of research, research approach, research locus, data sources, data collecting techniques, data analysis techniques, and data validation test.

Chapter IV: Findings and Discussion

The findings and discussion in this research include three sub chapters: the first is general conditions of research object which is chosen by the researcher, named LAZNAS BSM. The second is the findings which analyze the principles and mechanism of management of zakat in LAZNAS BSM. The last is the findings which analyze the management of zakat in LAZNAS BSM viewed from Act Number 23 Year 2011 on

Zakat Management and Islamic Law especially *Fiqh Zakat* by Yusuf Qardawi.

Chapter V: Closing

It contains the conclusions and suggestions from the results of this discussion.

