

## CHAPTER II

### REVIEW OF RELATED LITERATURE

#### A. Previous Research

There are several previous researches that used in this research as consideration and comparison, as follows:

##### 1. Research by Mustaen

The research conducted by Mustaen student of Sharia Faculty in State Islamic University (UIN) Maulana Malik Ibrahim Malang year 2010 entitled: *“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)”*.

The results of this research concluded that eL-Zawa UIN Maliki Malang basically has 4 system of zakat management is the system of planning, organizing, actuating, and controlling. However, in the implementation of these systems is not maximized. It also in the management which is not meet the standards regulated in the Act of Zakat. This is evidenced by the lack of organizational structure of eL-Zawa and monitoring system is weak because there is no council that specifically supervising the management of zakat in eL-Zawa UIN Maliki Malang.<sup>1</sup>

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<sup>1</sup>Mustaen, *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)*, Thesis, (Malang: Al-Ahwal al-Syakhshiyah, Sharia Faculty, UIN Malang, 2010)

The differences between research conducted by Mustaen and research conducted by the researcher are in terms of institutions and review. Mustaen examines management of zakat in eL-Zawa UIN Maliki Malang in terms of Act of Zakat. Whereas the researcher examines management of zakat in LAZNAS BSM in terms of the Act of Zakat and Islamic Law which is limited by the *Fiqh* Zakat according to Yusuf Qardawi.

## **2. Research by Agus Rohmad Riyadi**

Research by Agus Rohmad Riyadi, students of Sharia Faculty in State Islamic University (UIN) Maulana Malik Ibrahim Malang Maulana Malik Ibrahim Malang year 2005 entitled: *“Pengelolaan Zakat Sesudah Diberlakukannya Undang-Undang No.38 Tahun 1999 oleh BAZIS Masjid Agung Jami’ Kota Malang”*.

The results of this research are:

- a. Implementation of zakat management after Act Number 38 Year 1999 on Management of Zakat in BAZIS Jami’ Great Mosque of Malang not 100% followed, the problem is caused by some of them still have differences understanding about the Act, while according to them, the content of Act is not fully in accordance with the Sharia.
- b. The enactment of Act Number 38 Year 1999 has an impact on increasing the existence of BAZIS and gets its own place in the people’s hearts who believe.

- c. Benchmark for successful management of zakat after the enactment of Act Number 38 Year 1999 for BAZIS is when carry out the mandate and responsibilities.<sup>2</sup>

The difference between researches conducted by Agus research by the researcher is in terms of institutions and review. Agus examines management of zakat in BAZIS Jami' Great Mosque of Malang viewed from Act of Zakat. While the researcher examines management of zakat in LAZNAS BSM viewed from Act of Zakat and Islamic Law limited by the *Fiqh* Zakat according to Yusuf Qardawi.

### 3. Research by Beti Kurniati

Research conducted by Beti Kurniati student of Communication and Preaching Science Faculty in UIN Syarif Hidayatullah Jakarta, year 2012 entitled: "*Mekanisme Penghimpunan Dan Pendistribusian Dana Zakat Pada Lembaga 'āmil Zakat Nasional Bangun Sejahtera Mitra Umat Dalam Upaya Pemberdayaan Ekonomi Umat.*"

The results of this research concluded that LAZNAS BSM Umat perform zakat fund raising through banking such as, corporate social funds of Bank Syariah Mandiri, employees, and provide good offer to customers of Bank Syariah Mandiri to distribute zakat through BSM LAZNAS Umat.

Therefore, LAZNAS BSM Umat does not perform a lot of fund raising activities outside. While the distribution of zakat, LAZNAS BSM Umat perform it

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<sup>2</sup>Agus Rohmad Riyadi, *Pengelolaan Zakat Sesudah Diberlakukannya Undang-Undang No.38 Tahun 1999 oleh BAZIS Masjid Agung Jami' Kota Malang*, Thesis, (Malang: Al-Ahwal al-Syakhshiyah, Sharia Faculty, UIN Malang, 2005)

through three main programs: “BSM Mitra Umat”, which main focus is economic empowerment among its activities Oyster Mushroom Cultivation located in Bogor Region. “BSM Simpati Umat”, this program is an emergency and charity (momentary). “BSM Didik Umat” is a program that focuses on education as providing scholarships to students. Thus, while the collection of zakat in LAZNAS BSM Umat is enough from the internal (banking) but it can be professional enough in distributing, and has a wide range of distribution so that the benefits of zakat can be felt by people who deserve it.<sup>3</sup>

The difference between research conducted by Beti and research conducted by the researcher is in terms of review and influence. Beti has research the mechanism of zakat management in LAZNAS BSM Umat in an effort to empower people, while the researcher research management of zakat in BSM in terms of the Law of Zakat and Islamic Law in this research is limited by the *Fiqh Zakat* by Yusuf Qardawi.

**Table 2.1 The Similarities and Differences of Previous Research**

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</i>	Zakat	Zakat management in eL-Zawa UIN Malang viewed from Act of Zakat

<sup>3</sup>Beti Kurniati, *Mekanisme Penghimpunan Dan Pendistribusian Dana Zakat Pada Lembaga Amil Zakat Nasional Bangun Sejahtera Mitra Umat Dalam Upaya Pemberdayaan Ekonomi Umat*, Thesis, (Jakarta: Communication and Preaching Science Faculty, UIN Syarif Hidayatullah Jakarta, 2012)

		<i>Pengelolaan Zakat)</i>		
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

In Indonesian Dictionary can be found three definitions of principles as follows:

- a. Basis, foundation, guidelines; for example: a good stone for home base.
- b. A truth that the subject or think basis (opinion) and so on; for example, contrary to the principles of criminal law; on the principle that agrees with your proposal.
- c. Ideals on which the basis (state association) and so on; for example, discussing the principles and objectives.

From the three understandings, we can look that the essential understanding of those principles are: basis, main place to find the truth and as the foundation of thinking.<sup>4</sup>

Principle is one important factor in a human activity. Similarly, in zakat management, there are some principles that should be used as a reference, among others:<sup>5</sup> 1) Islamic Law; 2) Trustworthy; 3) Usefulness; 4) Justice; 5) Legal certainty; 6) Integrated; and 7) Accountability. These principles are the basis for making the vision and mission of zakat organization.

In addition to the principles above, there are some principles that can be used as benchmarks in assessing management performance in the organization of zakat which is as follows:<sup>6</sup>

1) Trustworthy

Trustworthy is an absolute requirement that must be possessed by each *'āmil* of zakat. It caused after handing the zakat, *muzakkī* does not want to take the money again. This condition requires the *'āmil* of zakat to have character of trustworthy. Without it, all built systems can be dissolved as the devastation of nation's economy which is more due to the moral hazard of economic actors. Moreover, the fund which is managed by zakat management organization is voluntary and essentially owned by *mustahiq*.

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<sup>4</sup>Chainur Arrasjid, *Dasar-Dasar Ilmu Hukum*, (Jakarta: Sinar Grafika, 2000), p. 35-36

<sup>5</sup>Article 2 Act Number 23 Year 2011 on Management of Zakat State Gazette of The Republic of Indonesia Year 2011 Number 115

<sup>6</sup>Umrotul Hasanah, *Manajemen Zakat Modern Instrumen Pemberdaya Ekonomi Umat*, (Malang: UIN Maliki Press, 2010), p. 71-72

## 2) Professional

Trustworthy needs to be balanced with the professionalism of managers. The zakat management organizations need to be a professional institution, not just a traditional management institution managed by the managers who are not paid in part time. Nowadays, the paradigm of zakat management organization must be changed into a professional institution by several ways: the managers must continue to improve their knowledge and skills, work in full time and paid appropriately, so that all potential to manage zakat funds can be disorged well. The professional *'āmil* of zakat does not look for additional income which can disturb his work. Only with high professionalism, management of zakat funds provides optimum, effective, and efficient benefits.

## 3) Transparent

With transparency in management of zakat, then it created a good control system. Because it does not only involve internal party of organization, but also involve external parties such as *muzakkī* and society at large. Transparency can minimize suspicion and distrust of society.

## 2. The Overview of Mechanism

The word mechanism is derived from the Greek language; "*mechane*" means instruments, load lifting machines, devices, and equipment to makes something. It also come from word "*mechos*" means tool and how to run something. Mechanism can be interpreted in four understandings. First, mechanism is a view that the interaction of parts with other parts in a whole or a system accidentally makes

activities or functions in accordance with the objectives. Second, mechanism is the theory that all the symptoms can be explained by the principles used to explain the machines without intelligence assistance as a cause or work principle. Third, mechanism is the theory that all natural phenomena are physical and can be explained in terms of material changes or moved material. Fourth, mechanism is an effort to provide a mechanical explanation by the local motion of the parts intrinsically unable to change for the internal structure of natural objects and the whole of nature.<sup>7</sup>

In Indonesian Dictionary, we can find three terms of mechanism, as follows:<sup>8</sup>

- a. Using of machine; machine tools; work of machine
- b. Working of an organization (association and so on); for example, the mechanism of action
- c. Working each other likes a machine (if one moves, the others joined to move); for example renewal every field means development mechanism increase.

Systematically, the mechanism of zakat is one form of wealth equalization models. This model contains three components, namely: collection, distribution, and *'amil* of zakat. These three components are interrelated with one another.<sup>9</sup>

<sup>7</sup>Lorens Bagus, *Kamus Filsafat*, (Jakarta: Gramedia, 1996), p. 612-613

<sup>8</sup>*Kamus Besar Bahasa Indonesia Online*, <http://kbbi.web.id/mekanisme>, accessed on 14 January 2015

<sup>9</sup>Sahri Muhammad, *Mekanisme Zakat dan Permodalan Masyarakat Miskin: Pengantar Untuk Rekonstruksi Kebijakan Pertumbuhan Ekonomi*, (Malang: Bahtera Press, 2006), p. 167

### **a. Sub System of Zakat Collection**

The collection and calculation of zakat is correctly requires the knowledge, such as:

#### **1) Balance of household wealth**

This balance requires the calculation per year: a) living cost; b) income; c) current assets; d) fixed assets, such as buildings, houses, and other equipment; e) debt; and f) credit.

#### **2) Balance of the company's assets**

This balance requires the calculation per year: a) company cost, direct, indirect, wages, and salaries; b) production, sales price, and gross income; c) current assets; d) fixed assets, such as reduction of buildings and equipment; e) debt; f) credit; and g) company profits.

Thus, to calculate the amount of zakat correctly, Muslims is required to know the basics of sharia accounting economy although the simplest. As an example about the definition of the living cost or the company cost, the current economic progress requires more in-depth knowledge. For example, we can ask the question what are the components of living cost? Maybe we can classify into: a) basic needs, such as food, clothing, housing, and health, and b) non-basic needs, such as jewelry, vehicles, entertainment, and others. So, to make a correct calculation of zakat, it

seems Muslims ought to “feel obliged” to learn and have knowledge of economics, especially about accounting.<sup>10</sup>

To calculate zakat, the *muzakkī* need to know some of the components that are presented in the table below:

**Table 2.2 The Components Required in Calculating Zakat of Wealth**

Kinds of Zakat	Living cost	Income	Current Asset	Fixed Asset	Debt	Credit	Full owned
<i>Fiṭrah</i>	✓	-	✓	-	✓	✓	✓(1)
Money: Gold	✓	✓	✓	-	✓	✓	✓(2)
Livestock	✓	Production	✓	✓	✓	✓	✓(3)
Trade	✓	Sale	✓	✓	✓	✓	✓(4)
Wealth	✓	✓	✓	✓	✓	✓	✓(5)

The amount of zakat information:

- (1) 1 *ṣā'* = it is about 2,5 kg of staple food per person;
- (2) 2.5% x full ownership;
- (3) between 1% - 2.5% x full ownership;
- (4) 2.5% from full ownership

<sup>10</sup>Muhammad, *Mekanisme Zakat...*, p. 168-169

- (5) The wealth which has issued the zakat in the annual book cannot be issued the zakat again

**Table 2.3 The Components Required in Calculating Zakat of Income**

Kind of Zakat	Cost	Current Asset	Fixed Asset	Debt	Credit	Full owned	Net Income
Agriculture	✓	✓	✓	✓	✓	✓	✓(1)
Industry	✓	✓	✓	✓	✓	✓	✓(2)
Profession	✓	✓	✓	✓	✓	✓	Income 3)
Discovery	-	-	-	-	-	✓	✓(4)

The amount of zakat information:

- (1) Rain fed 10%, irrigated 5% from the net income (profit)
- (2) figured of agriculture , 2.5% - 5% from the net income (profit)
- (3) 2.5% from the net income, can be paid in every harvest (per month) or per year
- (4) 20% from the discovery goods.<sup>11</sup>

**b. Sub System of Distribution: 8 *aṣnāf***

The target of zakat is determined in Surah At-Taubah verse 60, which consists of 8 groups (*aṣnāf*): 1) indigent; 2) poor; 3) *‘āmil*; 4) converts; 5) *riqāb*; 6) *gārimūn*; 7) *sabīlillāh*; and 8) *ibnu sabīl*.

<sup>11</sup>Muhammad, *Mekanisme Zakat...*, p. 169-170

The poor are the first people to be given the right to receive zakat. This condition shows that the first target of zakat is to ward off or eliminate poverty and destitution in society. In addition, the purpose of zakat is making the households of poor become wealthy. For the poor who are able to strive, the zakat target as defined in the *al-Ḥadīṣ* of the Prophet Muhammad, which means: “The best food is the food result of his labors”.

The above *al-Ḥadīṣ* contains doctrinal of work ethic principle that for those who are able to work, then the zakat fund is become a “stimulant” for the concerned in order to work hardly and seriously to get the results. He eats the result of his own sweat and so far may not devour the zakat funds received. With this principle, Islamic Bank uses a concept known as the compensation of “*qard al-hasan*”.<sup>12</sup>

### c. Sub System of ‘*āmil* of Zakat

The functional organization for the collection and distribution of zakat has a widely coverage. Therefore, the poverty tackling professionally requires strong organization. The different of organization internal strength also has the different functional areas. Zakat institution has five functional areas:<sup>13</sup>

#### 1) Management Function

The description of management functions is located in sub section The Management of Zakat Theory.

<sup>12</sup>Muhammad, *Mekanisme Zakat...*, p. 170-171

<sup>13</sup>Muhammad, *Mekanisme Zakat...*, p. 173-179

## 2) Zakat Collection Function

There are five functions related to the zakat collecting function:

### a) Process

The process of collecting zakat concerned with the design, choice of technology, process flow, location of facility, process control, and transportation.

### b) Capacity

The capacity of zakat collection is related to the optimal output level, forecasting and planning of facilities for the collection of zakat and scheduling.

### c) Inventories

Inventories related to the handling of zakat collection and distribution, the number of *muzakkī* and how many requests which are ordered by *mustahiq*. The sooner of zakat funds channeled is better.

### d) Labor

The readiness of labor is the most decisive keywords in the collection and distribution of zakat funds. This labor requires a variety of skills quality: skilled labor, unskilled, officer, and managerial. To increase the volume of the collection and distribution of zakat is related to job design, work measurement, job enrichment, work standards, and motivational techniques.

### e) Quality of Service

Quality of service related to quality control, quality testing, quality assurance, and control the cost of collection and distribution of zakat from *muzakkī* to *mustahiq*.

### 3) *Mustahiq* Service Functions

There are five activities related to *mustahiq* service functions:

#### a) Analyst of *Mustahiq*

Analyst of *mustahiq* is related to the survey of *mustahiq* itself, *mustahiq* information, service position, *mustahiq* profile, and *mustahiq* segmentation both horizontally and vertically.

#### b) Inventory of Zakat Funds

Inventory of zakat funds related to the evaluation of *muzakkī*, zakat fund network, the best *muzakkī*, the statement of zakat fund distribution with *muzakkī*, and get a bigger inventory of zakat.

#### c) Selling and Planning the Product

Selling a variety of products that will be offered to *muzakkī* and *mustahiq* related to product selection, advertising, promotion, publicity, collection and distribution directly, lighting labor and zakat collectors, the relationships with customer and agents of zakat collector and distribution. Some LAGZIS in Malang set the core activities of '*āmil*' is to improve the quality of human resources, while the others set the core activities of '*āmil*' is to increase small business capital. It is better if each '*āmil*' zakat provide products focused on specific services and managed professionally.

d) Distribution

Zakat distribution deals with the inventory, distribution channels, distribution coverage, the location of *mustahiq*, distribution area, the level of inventory zakat fund, location of *'āmil*, delivery, and agency.

e) Research of Zakat Collection and Distribution

Research of zakat collection and distribution related to data collection, noting the critical incident, poverty maps, and systematically analyzes, ready to learn from the field.

4) Financial Accounting Function

With a basic of accounting science, all records of *mu'āmalah* transaction will be stored in the correct form of writing. Remembering the paperwork in *mu'āmalah* transaction is one of the *al-Qur'ān* teachings, so the science that deals with the records is necessary. The accounting science has developed in such a way, not just a job of “writing”, but has developed into a tool for giving us the ability to develop *mu'āmalah* activity itself. With certain measurements, accounting jobs will help us to evaluate ourselves in order to our business moving forward. Similarly with LAZ, accounting science is required to read the development of zakat collection results and needs of *mustahiq* in tackling his poverty.

5) Computer Information Systems Function

Information binds all zakat management functions into one. The purpose of computer information is to repair the organizations achievement by improving the quality of managerial decisions. The data become the information if it is filtered,

analyzed and organized according to the objectives and problems. Internal and external environments are increasingly complex requires LAZ or BAZ which has a strong information management.

### 3. The Overview of Zakat

#### a. Definition

Literally, the word zakat has several meanings: *al-barakah* (blessing), *an-namā'* (growth and development), *aṭ-ṭaharah* (chastity), and *aṣ-ṣalah* (clean).<sup>14</sup>

According to Yusuf Qardawi, the definitions of zakat are:<sup>15</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.

The definition of zakat according to the Act Number 23 Year 2011 on Management of Zakat is "*harta yang wajib dikeluarkan oleh seorang muslim atau*

<sup>14</sup>*Majma Lughah al-'Arabiyyah, al-Mu'jam al-Wasith*, (Mesir: Daar el-Ma'arif, 1972), p. 396

<sup>15</sup>Ghazi Inayah, *Teori Komprehensif Tentang Zakat dan Pajak*, (Yogyakarta: Tiara Wacana, 2003), p.

*badan usaha untuk diberikan kepada yang berhak menerimanya sesuai dengan syariat Islam.*”<sup>16</sup>

Zakat in Islam is divided into two; zakat *fiṭrah* and zakat. Zakat *fiṭrah* is a personal zakat which obligatory issued by Muslim towards *‘īd al-fīṭrī* during Ramadan. The amount of this zakat is equivalent to 2.5 kilograms of staple foods in the region concerned. While zakat *māl* is a wealth zakat that must be issued within a period of one year and meets *niṣāb* include the results of commerce, agriculture, mining, marine products, livestock, wealth findings, gold and silver, and the salary of work (profession). Each type has its own calculations.<sup>17</sup>

#### **b. Legal Basis**

The theorem about obligatory of zakat and everything related to zakat existed in *al-Qur’ān* and *al-Ḥadīṣ*. The following is the legal basis of zakat concerned:

##### 1) *Al-Qur’ān*

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

<sup>16</sup>Article 1 point (2) Act Number 23 Year 2011 on Management of Zakat State Gazette of The Republic of Indonesia Year 2011 Number 115

<sup>17</sup>Abdul Al-Hamid Mahmud Al-Ba’ly, *Ekonomi Zakat: Sebuah Kajian Moneter dan Keuangan Syariah*, (Jakarta: PT. Raja Grafindo Persada, 2006), p. 3

*“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>18</sup>

## 2) *Al-Ḥadīṣ*

عن ابن عباس رضي الله عنهما ان النبي صلى الله عليه وسلم بعث معاذا رضي الله عنه الى اليمن فقال ادعهم الى شهادته ان لا اله الا الله واني رسول الله فان هم اطاعوا لذلك فاعلمهم ان الله قد افترض عليهم خمس صلوات في كل يوم و ليلة فان هم اطاعوا فاعلمهم ان الله قد افترض عليهم صدقة في اموالهم تؤخذ من اغنياءهم وترد فقراءهم (متفق عليه واللفظ للبخاري)

*“History of Ibn Abbas radiyallāhu ‘anhumā that the Prophet sent Mu’az to Yemen, he said: “Invite them towards creed, that there is no god but Allah, and that I was a messenger of God. If only they were willing to comply by it, and then explain to them that require on them to doing prayers five times a day and night. If only comply by it, then explain to them that God requires zakat on their wealth. It was taken from their wealthy people channeled to poor people among them.” (Muttafaq ‘alaih, this is the word of Bukhari).”*<sup>19</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>20</sup> There are some requirements of wealth that could be source of zakat as follows:

<sup>18</sup>QS. At-Taubah (9):103

<sup>19</sup>Fakhrudin, *Fiqh dan Manajemen Zakat di Indonesia*, (Malang: UIN-Malang Press, 2008), p. 84

<sup>20</sup>Yusuf Qardawi, *Fiqh Zakat*, (Beirut: Muassasah Risalah, 1991), p. 126

1) Full-owned

The wealth is controlled and can be used by the owner, there is no rights of others in it and can be enjoyed usefulness.<sup>21</sup>

2) Developed

The wealth can be developed intentional or be potentially to developed. Definition of “growing” according to recent language is the characteristic of wealth which provides some profit, revenue or income, as well as increased and produces the production.<sup>22</sup>

3) Achieve the *niṣāb*

Islam does not require any zakat on how much wealth is growing, although very small, but it gives a provision itself, namely certain amount in the science of *fiqh* called *niṣāb*.<sup>23</sup> However, there are some scholars who do not require *niṣāb* on the result that grows from the ground.<sup>24</sup>

4) More than usual needs

Among scholars of *fiqh*, they add provision of *niṣāb* on the growing wealth with the excess wealth from usual needs of its owner, for example Hanafi scholars in their books.<sup>25</sup>

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<sup>21</sup>Yusuf Qardawi, *Hukum Zakat*, translated by Salman Harun, etc., ed.12, (Bogor: Pustaka Litera AntarNusa, 2011), p. 128

<sup>22</sup>Qardawi, *Hukum Zakat*, p. 138

<sup>23</sup>Qardawi, *Hukum Zakat*, p. 149

<sup>24</sup>Qardawi, *Hukum Zakat*, p. 150

<sup>25</sup>Qardawi, *Hukum Zakat*, p. 150

5) Free from debt

Scholarly had notion that a debt is barrier of zakat compulsory, or at least reduce the obligatory need, in the case of stored wealth such as money and goods trade. While for the wealth that looked like livestock and agricultural products, some of *fiqh* scholars argue that the debt does not preclude the wealth to be obligatory of zakat.<sup>26</sup>

6) Passed one year

Ownership in the hands of the owner has passed its time twelve months of *Qamariyah*. This requirement is only for cattle, money and goods trade, which can be incorporated into the term “zakat of capital”. But crops, fruits, honey, metal, treasure, and other similar are not required one year, and all of it can be incorporated into the term “zakat of income”.<sup>27</sup>

**d. Sources of Zakat**

The types of wealth that become the source of zakat according to Yusuf Qardawi are as follows:

1) Zakat of livestock

The terms of livestock that must be issued zakat are as follows:<sup>28</sup>

- a) Reach the *niṣāb*. The minimum number of camel which can affect by zakat is five camels, whereas for goats is forty. For the cows, there is a difference opinion between five until thirty cows or fifty cows.

<sup>26</sup>Qardawi, *Hukum Zakat*, p.157

<sup>27</sup>Qardawi, *Hukum Zakat*, p. 161

<sup>28</sup>Qardawi, *Hukum Zakat*, p. 170

- b) It has been owned for one year
- c) It is grazed
- d) Not employed

The amount of zakat which issued from the minimum number is one livestock animal and applied the multiples.

2) Zakat of gold and silver

The terms of gold, silver and money that must be issued zakat are as follows:<sup>29</sup>

- a) Reach the *niṣāb* which for gold is 85 grams or 20 dinars, while the silver 595 grams or 200 dirhams. The *niṣāb* of money follows the *niṣāb* of gold.
- b) It has been owned for one year
- c) Free from debt
- d) More than staples

The amount of zakat issued is 2.5%.

3) Zakat of trading asset

The terms of trading asset that must be issued zakat is as follows:<sup>30</sup>

- a) The trade contains two elements: actions and intentions. The action is the act of buying and selling, while the intention is intent to make a profit.
- b) Reach *niṣāb* about 85 grams of gold
- c) It has been owned for one year

<sup>29</sup>Qardawi, *Hukum Zakat*, p. 270-272

<sup>30</sup>Qardawi, *Hukum Zakat*, p. 312-314

- d) Free from debt
- e) More than staples

The amount of zakat issued is 2.5%.

#### 4) Zakat of agriculture

Yusuf Qardawi follow the opinion of Abu Hanifa on the types of plants that must be issued the zakat is all types of plants that grow on the ground.<sup>31</sup> While the *niṣāb* measure of this zakat are five loads of camels (*wasāq*) as saying of the Prophet Muhammad: "Less than five *wasāq* is not obligatory to zakat."<sup>32</sup> The amount of zakat issued in plants is as Bukhari narrated from Ibn Umar from the Prophet: "The irrigated by rain or springs, or swamp, the zakat is tenth, and the irrigated by the help of animals, the zakat is twentieth".<sup>33</sup> The zakat is issued every harvest.

#### 5) Zakat of honey and animal production

Honey shall be issued the zakat about tenth based on the *al-Ḥadīṣ* of Amr ibn Syu'aib; from his father from his grandfather from the Prophet: "Verily Rasūlullāh take zakat of honey for a tenth".<sup>34</sup> While its *niṣāb* equal to the price of five *wasāq* (653 kg).<sup>35</sup>

#### 6) Zakat of minerals and marine products

The discovery of hidden treasure kept by formerly people in the soil such as gold, silver, copper, and other valuable purse must be issued the zakat by 20%. There

<sup>31</sup>Qardawi, *Hukum Zakat*, p. 337

<sup>32</sup>Qardawi, *Hukum Zakat*, p. 342

<sup>33</sup>Qardawi, *Hukum Zakat*, p. 355

<sup>34</sup>Qardawi, *Hukum Zakat*, p. 397

<sup>35</sup>Qardawi, *Hukum Zakat*, p. 404

is no *niṣāb* and does not pass the *ḥaul*.<sup>36</sup> For zakat of mining products, then it is looked from the business level. If it is obtained without difficulty then the zakat is 1/5 part. Conversely, if it is obtained hardly, then the zakat is 1/40 part.<sup>37</sup> Its *niṣāb* like zakat of plant and does not apply the *ḥaul*.<sup>38</sup>

While the marine resources such as pearls, *marjan*, amber and others subject to zakat by 20% or 2.5% depending on the workload and the resulting number.<sup>39</sup> Similarly, fishes are subjected to zakat by 20% if it reaches the *niṣāb* in 200 dirhams.<sup>40</sup>

7) Zakat of investment of factory, building, and so on

The amount of zakat which is imposed on income of buildings and factory is in analogy with agricultural income, by 10% or 5%.<sup>41</sup>

8) Zakat of profession

Yusuf Qardawi opines that *niṣāb* of salary is based on *niṣāb* of money in the amount of 85 grams of gold because many people obtain the salary in the form of money.<sup>42</sup> The amount of zakat of income earned from work is like the income of employees and professional groups that they get from their work, so the amount of zakat is 1/40.<sup>43</sup>

<sup>36</sup>Qardawi, *Hukum Zakat*, p. 401-402

<sup>37</sup>Qardawi, *Hukum Zakat*, p. 423

<sup>38</sup>Qardawi, *Hukum Zakat*, p. 424

<sup>39</sup>Qardawi, *Hukum Zakat*, p. 431

<sup>40</sup>Qardawi, *Hukum Zakat*, p. 432

<sup>41</sup>Qardawi, *Hukum Zakat*, p. 453

<sup>42</sup>Qardawi, *Hukum Zakat*, p. 482

<sup>43</sup>Qardawi, *Hukum Zakat*, p. 488

There are two ways to issue the zakat of profession, as follow:<sup>44</sup>

- a) The income which reach the *niṣāb* shall be issued the zakat, as said by Zuhri and Auza'i, either when the income is received, especially for those who do not have other wealth which must be issued the zakat or by making the expenditure of zakat until the limit of one year at the same with the other wealth if they do not worry to spending it. However, if they worry to spend it then they should immediately issue the zakat. Although they spend the income, then the zakat still become their responsibility.
  - b) The income which does not reach *niṣāb*, the zakat collected by the opinion of Makhul. He says that if the wealth has met the time of zakat, so it must be issued the zakat. While the wealth for on their own earnings and dependents are not taken the zakat. If they have no other wealth, they must issue their zakat at a certain time, while the income which does not reach the *niṣāb*, it is not obligatory to issuing the zakat until it reaches the *niṣāb* along with other wealth that should be issued the zakat at that time and the arrival period begins from the moment.
- 9) Zakat of stocks and bonds

The trading company whose capital is in the form of goods for trade and the material does not fixed; it collected the zakat from its stocks, in accordance with the prevailing price in the market, added with the profits, while the amount of zakat is 2.5% after issuing the value of the equipment included in the stocks.<sup>45</sup> Zakat is also

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<sup>44</sup>Qardawi, *Hukum Zakat*, p. 485

<sup>45</sup>Qardawi, *Hukum Zakat*, p. 494

subject to the bond because it is receivables which still possible to be returned and has been owned for one year.<sup>46</sup>

**e. *Mustahiq* of zakat**

In surah at-Taubah verse 60 mentioned explicitly who are entitled to receive zakat:

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمَلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبِهِمْ وَفِي الرِّقَابِ وَالْغَرَمِينَ  
 وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴿٦٠﴾

*“The poor-due (Zakat) is only for those who are poor and needy and those who collect it, and for those whose hearts are to be conciliated for Islam, and for the freeing of slaves, and for debtors, and for spending in the way of Allah and for the traveller. This has been ordained by Allah. And Allah is knowing, Wise.”<sup>47</sup>*

From the above verse, it can be known that people who are entitled to receive zakat (*mustahiq*) divided into eight categories (*aṣṅāf*). Yusuf Qardawi defines *mustahiq* of zakat such as follows:

1) Indigent and Poor

<sup>46</sup>Qardawi, *Hukum Zakat*, p. 495

<sup>47</sup>QS. At-Taubah (9): 60

Yusuf Qardawi combines these two categories into one chapter of discussion, but still divides it into two kinds:<sup>48</sup>

- a) The poor who are able to work and earn a living, he can also fulfill himself as artisans, merchants, and farmers. But they straitened the carpentry tools or capital to trade, or lack of agricultural equipment and irrigation. Then they must be given something for getting living which is sufficient throughout life, so that they do not need zakat again to buy the needs for holding his efforts, either individually or together.
- b) The poor who are unable to earn a living, like lame, blind, elderly, widows, children, and so on. They may be given zakat at sufficiently. For example, given a fixed salary per year, even either also given monthly if he is worried to doing wasteful or spend money in unimportant requirement.

2) *‘Āmil*

*‘Āmil* are those who carry out the activities of zakat affairs, such as: collector treasurer, guards, recorder, counters, and divider to the *mustahiq*. God provides a salary for them taken from zakat funds as a reward and not taken from others.<sup>49</sup>

Yusuf Qardawi states that a person who is appointed as *‘āmil* of zakat must meet the following requirements:<sup>50</sup>

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<sup>48</sup>Qardawi, *Hukum Zakat*, p. 536

<sup>49</sup>Qardawi, *Hukum Zakat*, p. 545

<sup>50</sup>Qardawi, *Hukum Zakat*, p. 586

- a) Muslim. Zakat is one of the major affairs of the Muslims. Therefore Islam is being a requirement for their entire affair. In exception, a duty that is not related to collecting and distributing of zakat, for example warehouse keeper and driver.
  - b) *Mukallaf* is an adult who have a healthy mind.
  - c) Have a trustworthy and honest characteristic because he must keep the wealth of Muslim. The *'amil* of zakat is forbidden from godless and untrustworthy person who unjust to the property owner and arbitrary to poor rights, because he follows his own lust for profit.
  - d) Understand the laws of zakat, if he burdened general affair. Whereas, if the job involves a certain part of the implementation affairs, so it is not required to have a knowledge of zakat except concerning their duties.
  - e) Has the ability to perform tasks well
- 3) Converts

Converts are those who expected their heart inclination or belief can grow about Islam or obstructed their evil intentions on Muslims or expectations of their protection and helping the Muslims from the enemy.<sup>51</sup>

4) *Riqāb*

*Riqāb* is the plural of *Raqabah*. This term in the *al-Qur'ān* means males slave and females slave. Zakat must be used to liberate the slave and eliminate all

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<sup>51</sup>Qardawi, *Hukum Zakat*, p. 563

forms of slavery.<sup>52</sup> Currently, the slavery does not longer exist, so the zakat can be given to Muslim prisoners who are held by the infidel enemy.<sup>53</sup>

#### 5) *Gārimūn*

*Gārimūn* is the plural of *gārim* which means that the person who owes money. According to Imam Malik, Syafi'ī and Ahmad, the person who owes money is divided into two groups:

- a) For the benefit of himself, like to make a living, buying clothes, perform marriages, treat the sick, and so forth. Those who meet disasters and calamities also belong to this group.<sup>54</sup>
- b) For the benefit of society, such as reconciling the dispute of two groups.<sup>55</sup>

In addition, Yusuf Qardawi also added that lend by a good way (*qard al-hasan*) is part of the zakat target, he uses *qiyās* and the result is borrower same with debtor.<sup>56</sup>

#### 6) *Sabīlillāh*

Literally, *sabīlillāh* defined as conveying path at the pleasure of Allah, both creed and deed.<sup>57</sup> The scholars of the four schools define *sabīlillāh* with Islamic jihad and war which implement by the name of God and its aim is change the human from

<sup>52</sup>Qardawi, *Hukum Zakat*, p. 587

<sup>53</sup>Qardawi, *Hukum Zakat*, p. 592

<sup>54</sup>Qardawi, *Hukum Zakat*, p. 594-595

<sup>55</sup>Qardawi, *Hukum Zakat*, p. 604

<sup>56</sup>Qardawi, *Hukum Zakat*, p. 608

<sup>57</sup>Qardawi, *Hukum Zakat*, p. 610

worshipping against fellow human beings to the God only; removing human from the narrowness life to the spaciousness and from the mayhem to the justice of Islam.<sup>58</sup>

Nowadays, kinds of jihad are not only limited to the strength of the army, but extends into other forms, such as:<sup>59</sup>

- a) Establish a representative Islamic activity center
- b) Establish a good newspaper printing office
- c) Spread some good Islamic books
- d) Hire strong, trustworthy and sincere people to conduct the activities above
- e) Help the preachers who call on the true Islamic teachings
- 7) *Ibnu Sabīl*

According majority of scholars, *Ibnu sabīl* is an allusion to the traveler those who pass from one area to another.<sup>60</sup> Yusuf Qardawi expands the meaning of *Ibnu sabīl* with some of the following categories:<sup>61</sup>

- a) The rich who break from his wealth
- b) People who are expelled and asking the asylum
- c) People who have wealth, but unable to get it, although in his country
- d) Traveler in beneficial thing
- e) Homeless
- f) Abandonment child

<sup>58</sup>Qardawi, *Hukum Zakat*, p. 635

<sup>59</sup>Qardawi, *Hukum Zakat*, p. 643-644

<sup>60</sup>Qardawi, *Hukum Zakat*, p. 645

<sup>61</sup>Qardawi, *Hukum Zakat*, p. 661-663

#### 4. The Management of Zakat Theory

The word “management” is derived from the word “manage”, which means “control” and “succeed”.<sup>62</sup> It can be concluded that the essence of management is control to achieve the desired success.<sup>63</sup> According to Sukarna, the word “management” in dictionary has some definitions: to direct and control, to treat with care, to carry on business or affairs, and to achieve one’s purpose.<sup>64</sup>

Terminologically, as quoted by Abu Sinn, James Stonner defines management as a process of planning, organizing, leadership, coordination, and controlling or efforts of organization’s members and other organizational sources to achieve organizational goals which has been set.<sup>65</sup> From this definition, it can be concluded that management is a process that includes planning, organizing, actuating, and controlling.

By implementing the management, humans are able to practice the effective and efficient ways in executing a work. Similarly, in the field of zakat, management can be used to plan, collect, utilize and develop the acquisition of zakat funds effectively and efficiently.<sup>66</sup> According to the Act Number 23 Year 2011,

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<sup>62</sup>A.S Hornby, *Oxford Advanced Dictionary of Current English* (Oxford: Oxford University Press, 1987), p. 517

<sup>63</sup>Sudirman, *Zakat dalam Pusaran Arus Modernitas*, (Malang: UIN Malang Press, 2007), p. 71

<sup>64</sup>Sukarna, *Dasar-Dasar Ilmu Manajemen*, (Bandung: Mandar Maju, 1992), p. 1

<sup>65</sup>Ahmad Abraham Abu Sinn, *Manajemen Syariah, Sebuah Kajian Historis dan Kontemporer*, (Jakarta: Rajagrafindo Persada, 1996), p. 28

<sup>66</sup>Hasanah, *Manajemen Zakat...*, p. 62

Management of zakat is a planning, actuating, and coordination activity in the collection, distribution and utilization of zakat.<sup>67</sup>

**a. Planning**

In management of zakat, there are two kinds of planning, as follows:

1) Institutional Strategic Planning

Planning is an activity to make programs of activities agenda which is undertaken by organization. In planning, there are several aspects that must be considered, among others: the results to be achieved, the parties, time and priorities, and funds (capital).<sup>68</sup>

In the book of *Manajemen Pengelolaan Zakat* published by the Ministry of Religious Affairs defines planning as a series of programs which is structured to be implemented by an organization within a certain time which are divided into three kinds: short term planning with the allocation of time maximum 1 year, medium term planning with the allocation of time between 2 to 3 years, and long term planning with the allocation of time between 3 to 5 years. However, a planned program often faced with a variety of conditions that makes it cannot be implemented according to a specified time. So, it is required the application of strategic planning which is

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<sup>67</sup>Article 1 point (1) Act Number 23 Year 2011 on Management of Zakat State Gazette of The Republic of Indonesia Year 2011 Number 115

<sup>68</sup>Didin Hafidhuddin dan Hendri Tanjung, *Manajemen Syariah dalam Praktek*, (Jakarta: Gema Insani Press, 2003), p. 78

calculates strengths, weaknesses, opportunities and threats aspects of the organization.<sup>69</sup>

In the arranging of zakat institutional strategic planning needed four main elements:<sup>70</sup>

- a) Clear goals
  - b) The facts which is happens now
  - c) Time estimation
  - d) The series of specific actions and activities related to the achievement of objectives.
- 2) Institutional Purpose Planning

In management of zakat, there are four objectives to be achieved:<sup>71</sup>

- a) Facilitate *muzakkī* to fulfill the obligation of zakat
- b) Distribute the collected zakat to *mustahiq* who deserve it
- c) Manage zakat can be professionalize the zakat organization itself
- d) Creation of social welfare.

Zakat Management Organization in general must have both vision and mission of the organization. Vision is way of forward sight or image of future where an organization must be taken in order to be consistent and still exist, anticipatory,

<sup>69</sup>Departemen Agama, *Manajemen Pengelolaan Zakat*, (Jakarta: Direktorat Pengembangan Zakat dan Wakaf, 2005), p. 15

<sup>70</sup>Departemen Agama, *Pedoman Zakat Seri 8*, (Jakarta: Proyek Peningkatan Sarana Keagamaan Islam, Zakat, dan Wakaf, 1997), p. 378

<sup>71</sup>Eri Sudewo, *Manajemen Zakat*, (Jakarta: Institut Manajemen Zakat, 2004), p. 99

innovative, productive, and contains goals to be realized.<sup>72</sup> According to Ministry of Religious Affairs, there are five criteria in the vision arranging:

- a) The vision statement should be clear, concise, compact and easy to remember
- b) Reflects something to be achieved and future oriented
- c) Able to ensure continuity of leadership and can bridge the current and future condition
- d) Able to make commitment grow and actuate people
- e) Easy communicated and understood by the board and the society

Mission is an activity that must be performed by an organizational unit to realize the determined vision. There are three criteria that must be considered in formulating a mission:

- a) The mission statement should be simple, clear, unambiguous and in line with the vision
- b) Describe the function or work that can be done within a certain period
- c) Allow for changes or adjustments to the development or change of vision.<sup>73</sup>

From both vision and mission, it will be born superior programs as zakat management implementation. The programs which are launched by the Zakat Management Agency/Organization; can be grouped into four major groups:<sup>74</sup>

<sup>72</sup>Fakhruddin, *Fiqh dan Manajemen Zakat...*, p. 277

<sup>73</sup>Departemen Agama, *Manajemen Pengelolaan Zakat*, p. 16

<sup>74</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

a) Economic Program

This program can provide solutions for various problems faced by people in the field of economics, among others:

- (1) The development of potential agribusiness including people's industry based local force
- (2) The development of Financial Institutions by Islamic economics basis
- (3) Empowerment of micro finance and tangible trade in the form of rice industry, drinking water, livestock, agriculture, and plant
- (4) Economic empowerment for the poor by emphasizing of fishing skill
- (5) Economic empowerment through small business with assistance and guidance programs
- (6) Package of training sewing, mechanics and business management
- (7) People economic empowerment through entrepreneurship training programs and the distribution of business funds for merchants and entrepreneurs
- (8) Develop the investment funds for consumer project and capital assistance to escape from *riqāb* and *gārimūn*
- (9) People economic empowerment through capital participation, industrial centers, and revolving funds

b) Social Program

Zakat Management Institutions is required to deal with the social problems that occur in the society, among others:

- (1) Humanity rescue through medical assistance for refugee, groceries and worth clothing
  - (2) Provide a social services fund
  - (3) The action of social and health services in the minus areas
  - (4) Emergency aid for disaster and damage areas by sending medical teams and medicines
  - (5) Street children construction through shelters and implementation of massive circumcision for the poor
  - (6) The creation of environmental students
- c) Education Program

Education is the way to achieve better tomorrow. Among the educational programs that can be implemented are:

- (1) Develop the *mustahiq* potential from education side to accelerate the improvement of human resources quality
- (2) Provide scholarship assistance and rehabilitation of schools and provide alternative education for refugees
- (3) Care of basic education (Smart Packages) and the foster parents
- (4) Provide information media as education tools
- (5) Manage a library and distribute religious books
- (6) Compensation for orphans, poor scholarship and street children
- (7) Management training and appropriate technology

d) Preaching Program

The activities which are related to the preaching program, as follows:

- (1) Food assistance to people *muallaf*
- (2) Mental construction and rehabilitation of worship places
- (3) *Sakinah* family club program
- (4) Training and courses for the preachers
- (5) Sending preachers to remote areas and transmigration
- (6) Religious meeting (*majlis ta'lim*) construction

**b. Organizing**

Organizing is the way through by an institution to regulate the institution performance, including its members. Organizing cannot be separated from the coordination that often defined as a union of attitudes effort and actions within an organization to achieve the goal. According to Eri Sudewo, there are three factors that are closely related to the coordination:<sup>75</sup>

1) Leader

In every organization, a party who act as a determinant is a leader. Everything related to the organization must engage the leader who does not impose his will on his members. Therefore, the leader election must be fair and override the interests of the group. If not, it will face more complex problem that the organization will often hampered.

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<sup>75</sup> Eri Sudewo, *Manajemen Zakat*, p. 106-107

## 2) Quality of Members

In addition to the leader, an organization needs qualified human resources. Diverse potential from the members of these institutions will produce a large force when coordinated well.

## 3) System

A good system will make an organization has longer survival. These systems include organizational structure, division of labor, bureaucratic mechanisms, communication systems, and budget transparency. If all the system goes well, the institutions will easily succeed.

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>76</sup>

Advisory Council plays role to run considerations functions, issued a fatwa and recommendations to the Board of Trustees and the Executive Agency about the development of law and the concept of zakat management, and determine the general policy line on the program that will run by Executive Agency. Board of Trustees plays role and function to control the operation of undertaken activities. Based on the established policy lines, the Executive Agency appoints a public accountant. He also

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<sup>76</sup>Hasanah, *Manajemen Zakat*,... p. 161

functions to run the policies in collection, distribution, and utilization of zakat program and submit the accountability reports.<sup>77</sup>

### c. Actuating

The actuating of a management is the actualization of planning which is endorsed by the organization.<sup>78</sup> The actuating in zakat management is divided into two:

#### 1) Actuating of Zakat Collection

Zakat Collection is implemented by receiving or taking zakat funds from *muzakkī* based on notification of *muzakkī*.<sup>79</sup> There are three strategies that can be implemented in collecting zakat:<sup>80</sup>

- a) Establishment of zakat collection unit. This strategy used to facilitate the zakat management institution in reaching *muzakkī* to pay his zakat.
- b) Opening the zakat reception counter. Zakat management institutions can open zakat payment counters at the office or agency secretariat concerned. The counter must be made representative and equipped with supporting facilities and served by recipient staff who ready at any time that agree with service hours.
- c) Opening a bank account. Let separated between each account so it can be facilitate the *muzakkī* in delivery zakat.

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

<sup>77</sup>Hasanah, *Manajemen Zakat*,... p. 162

<sup>78</sup>Sudirman, *Zakat dalam Pusaran*..., p. 86

<sup>79</sup>Fakhruddin, *Fiqh dan Manajemen* ..., p. 309

<sup>80</sup>Departemen Agama, *Manajemen Pengelolaan Zakat*, p. 33-34

In zakat distribution to the *mustahiq*, there are two important things to seek: first, empowerment to independence *mustahiq* in order to free from poverty, not letting them in poverty until becomes commodity and familiar. In addition, the distribution of zakat also be selective in order to avoid duplication or accumulation in the assistance to the similar *mustahiq*. This strategy can be done with a good and measurable program, and strict control.<sup>81</sup>

The concept of people empowerment is in the form of utilization of Zakat funds maximally to achieve benefits for people. Utilization of zakat funds directed to the goal of empowerment through various programs that have a positive impact (beneficiaries) for people, especially Muslims who are less fortunate (*aṣnāf*). With this empowerment, it is expected to create understanding, awareness, attitudes, and life behavior of individuals and groups toward independence. Thus, empowerment is an effort to strengthen the social and economic position with the aim of strengthening the ability of the people through a grant that is generally in the form of credit to productive enterprises so the *mustahiq* able to increase its income and also pay obligations (zakat) from the results on loans borrowed.<sup>82</sup>

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

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<sup>81</sup>Fakhruddin, *Fiqh dan Manajemen Zakat...*, p. 313

<sup>82</sup>Hasanah, *Manajemen Zakat...*, p. 198-199

consumptive and creative consumptive, while the form of productive divided into conventional productive and creative productive.

a) Traditional Consumptive

Zakat is distributed to *mustahiq* directly for daily consumption needs, such as the distribution of zakat *fitriah* in the form of rice and money to the poor or to produce food for the victims of disaster.

b) Creative Consumptive

Zakat which is in the form of consumer goods such as school supplies and scholarships for students, assistance of worship places such as sarong and prayer clothes, and so forth.

c) Conventional Productive

Zakat is given in the form of productive goods which are used by *mustahiq* to create a business, such as assistance of giving a cow for livestock, sewing machines for tailors, and so forth.

d) Creative Productive

Zakat which is in the form of revolving capital, both for social projects capital, such as building schools, health facilities, or places of worship, and for trade capital to support and develop small business merchants.<sup>83</sup>

**d. Controlling**

Controlling is a process to assure the organization's goal and its management can be achieved.<sup>84</sup> Controlling in zakat institution at least has two substances. First,

<sup>83</sup>Departemen Agama, *Manajemen Pengelolaan Zakat*, p. 35-36

functionally, supervision against *'āmil* has been fused inside himself. This controlling will make *'āmil* feels free to work and be creative because besides work, *'āmil* also perform worship.

Second, formally, zakat institution has Sharia Council that is structurally under the head of the zakat institution. Sharia Council consisting of experts skilled in his field served to validate program created by zakat institution. If at the next time, it found deviation and irregularities in the application of activities program, this council has the right to control and if necessary, to stop the program.<sup>85</sup> The Sharia Council controls three aspects: normative side or developed values, management of sharia, and Islamic economics.<sup>86</sup> The controlling can be done at the beginning, middle and the end of activity.<sup>87</sup>

Here are two kinds of controlling in LAZ, as follows:

1) Internal Controls

For LAZ which is an institution established and maintained by Islamic organizations, foundations, LSM or companies, required to establish supervisory commission in the management of LAZ. He has duty to control internally the performance of institutions and the zakat management system. In addition, it also expected the role of controlling performed by institutions that form the LAZ concerned.

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<sup>84</sup>T. Hani Handoko, *Manajemen*, Second Edition, (Yogyakarta: EPFE, 1999), p. 359

<sup>85</sup>Eri Sudewo, *Manajemen Zakat*, p. 141

<sup>86</sup>Eri Sudewo, *Manajemen Zakat*, p. 142

<sup>87</sup>Departemen Agama, *Manajemen Pengelolaan Zakat*, p. 39

## 2) External Controlling

External controlling carried out by several institutions and society:

### a) Legislative

The central LAZ is required to submit an annual execution report to the Parliament of Republic of Indonesia.

### b) Government

The central LAZ is required to submit execution report periodically to the President of Republic of Indonesia through the Minister of Religious Affairs.

### c) Society

The role of society in the controlling of LAZ can be submitted directly or by mail to: institution concerned, competent government official, legislative and or delivered through mass media.

## 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.

Among the *al-Hadīs* of the Prophet is the *al-Hadīs* of Abu Hurairah that found in Ṣaḥīḥ Bukhari Muslim who said the Prophet had sent Umar Ibn al-Lutbiah as officers of zakat collector. There are so many *al-Hadīs* in this matter. Among the residents there are people who have wealth but do not know their obligations. There

are also who know the obligation but they miserly, therefore it is obliged the existence of zakat collectors.

Let Imam or his deputy send *'āmil* to take the zakat of crops and fruits which is not required a *haul* at the time of issuing the zakat. Let *'āmil* zakat know, so that he can contact them at harvest time. As for livestock and other assets required within *haul*, let the officer determine what month he had to visit them, and a month which is considered good is Muharram, both summer and winter, because it is the beginning of the month that is prescribed by Islam.<sup>88</sup>

Prophet advises to the almsgiving collectors that they should apply manners and refined in speech. He chooses the chosen friends to manage the position. For collecting zakat of fruits, he sends his friends who are experts in assessing the fruits. The assessing means to make estimates closer to reality. Ibn Abd al-Bar said: “The assessment is useful to prevent fraud from wealth owners.”

Thus, the owner is obliged to explain, if the crops less than the assessment. In addition, it is useful also to record the rights of the poor and the demand for almsgiving according to assessment.

In terms of the fruits assessment, mentioned that the Prophet raised some expert appraiser. He said to them:

حَقَّقُوا الْخَرْصَ فَإِنَّ فِي الْمَالِ الْوَصِيَّةَ وَالْعَرِيَّةَ وَالْوِاطِئَةَ وَالنَّائِبَةَ

<sup>88</sup>Qardawi, *Hukum Zakat*, p. 545-546

“Reduce the assessment, because included in the property are *waṣiyah*, *‘uryah*, *waṭiah* and *naibah*. *Waṣiyah* is something would by its owner after death. *‘Uryah* is something presented for the good relationship of a life time. *Waṭiah* is the time shrinkage the moveable objects from one place to another. *Naibah* is the shrinkage due to the damage.”<sup>89</sup>

## b. Organizing

As mentioned earlier, in the Prophet period until the caliph after him, the *‘āmil zakat* run his duties in line with the command of imam.<sup>90</sup> Nowadays, according to Yusuf Qardawi, means of zakat can be divided into two principal affairs. Each affair has some sections and parts, as follows:<sup>91</sup>

- 1) Zakat Collector Affairs, which oversees several sections:
  - a) *Rikāz* and minerals sections, the obligation of zakat is fifth (20%)
  - b) Grains or fruits section, the obligation of zakat is one tenth or one twenty (10% or 5%)
  - c) Livestock section, such as camels, goats, and cows, the amount of zakat is in specific provision
  - d) Money and trade goods section, the obligation of zakat is one forty (2.5%)
- 2) Zakat Distributor Affairs, which oversees several sections:
  - a) Indigent section who able to work, including the elderly, widows, orphans and the victim of disaster in their working time and those who are weak, such as the sick people, the blind people, the lame people and disabled people, weak mind

<sup>89</sup>Qardawi, *Hukum Zakat*, p. 560-561

<sup>90</sup>Qardawi, *Hukum Zakat*, p. 545

<sup>91</sup>Qardawi, *Hukum Zakat*, p. 546-548

people, either lunatics, idiots and so on, by requirement they can prove that have not the wealth, either inheritance or other assets.

- b) People who have low incomes section. They can make a living but their effort is not sufficient because of small wages, many dependents, expensive price or other causes. The majority of Islamic jurists call them the poor man.
- c) Debtor section. This section covers the victim of natural disasters and the debtor who is not in the unlawful matter. For examples a debtor due to reconcile the factions and a variety of goodness that help the society.
- d) Helping the emigrated people section. It also helps the expelled people, the political asylum who escape from infidel or oppressors state. Likewise, the students who sent abroad for the interests of Islam. They include *Ibnu sabīl*.
- e) Islamic broadcasting organizations (institutions) section which is located in the infidel state. It broadcasts Islamic preaching and the message of Islam to the world. This section also restores the Islamic law in their country and liberates the state of Islam from the infidels and infidelity law. This section includes *Sabīlillāh*.

In addition, each head of zakat affairs had to check the correctness of someone who is regarded as *mustahiq* which will be given to him the zakat.

### 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>92</sup>

#### 1) Zakat Collectors Affairs

The duties of zakat collectors affairs resembles the duties of the tax collectors, such as conducting the census of people who are obligated to zakat, knowing the kinds of their wealth, and calculating the amount of wealth that must be subject to zakat. And then, they collect it from the people who are obligated to zakat. Afterwards, they keep and maintain the wealth to be submitted to the zakat distribution affairs. In each place and area need some branches of zakat taker affairs.

#### 2) Zakat Distributors Affairs

The duties of these affairs are closer to the duties of the Ministry of Social Affairs. They have some duties: choosing the best way to know the *mustahiq* of zakat, implementing classification against them and stating their rights, counting the number of their needs and living costs, and determining the healthy foundations in the distribution of zakat according to the amount of *mustahiq* zakat and social conditions.

These affairs also implement the restrictions of zakat wealth which is given to each section according to the zakat budget under the *ijtihad* of government and the decision of the conference expert based on the implementation of smooth census. It also in line with the local interests which is taken the zakat from *muzakkī* and pays

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<sup>92</sup>Qardawi, *Hukum Zakat*, p. 546-547

attention to the interests of Islam, such as the international preaching mission and the special interests of Muslims among mankind.

The scholars have notion about the amount of zakat which can be accepted by *'āmil* as wages. They state that the *'āmil* can receive zakat in line with their rights, based on the *al-Qur'ān* texts. The acceptable opinion is given by Syafi'i, because it is considered as relevant opinion with the maintenance of the poor and other *mustahiq's* interests. This opinion is in line with the range of *al-Hadīṣ* about taxes which is applied economically in the financing of tax collector.<sup>93</sup>

#### **d. Controlling**

The implementation of zakat should be controlled by the government, carried out by the orderly zakat officers. They collect the zakat from people who are obligated to pay zakat and give it to the people who have rights to receive.<sup>94</sup> Therefore, if the *'āmil* is an honest employee from the government, he tries to collect and save the zakat according to the command. He 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.

There are many *al-Hadīṣ* that make people afraid with various threats and the painful punishment for anyone who wants to possess the wealth of public.

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<sup>93</sup>Qardawi, *Hukum Zakat*, p. 556

<sup>94</sup>Qardawi, *Hukum Zakat*, p. 733

*Al-Hadīṣ* from Adi bin Umairah, he said:

سمعت رسول الله صلى الله عليه وسلم يقول: من استعملناه منكم على عملٍ فكتمنا مخيطاً (ابرة خيط)

فما فوقه كان غلولاً (خيانة) يأتي به يوم القيامة فقام إليه رجلٌ أسودٌ من الأنصار، كأنني أنظر إليه فقال:

يا رسول الله – إقبل عني عملك. قال: و مالك؟ قال: سمعتك تقول كذا وكذا. قال: و أنا أقول الآن:

من استعملناه منكم على عملٍ فليجئ بقليله وكثيره فما أوتي منه أخذ. وما نهي عنه انتهى. رواه مسلم

و أبو داود و غيرهما

*“I heard the Prophet said that whomever among you, we appoint become an ‘āmil of zakat and then he embezzles a needle or more, on the doomsday he will come as a traitor.” Afterwards a dark person from Anṣar stand up, it seems I’ve seen him. He said: “O Messenger of Allah, explain to me what the job that you mean is.” The Prophet said: “What happened to you?” He said: “I heard you say like that.” Then the Prophet said: “Let me tell you now. Whomever among you I appoint becomes a job executor, he should report the results of his work, both he gained a few or a lot. Then he takes what I gave and he does take what I forbid.”<sup>95</sup>*

<sup>95</sup>Qardawi, *Hukum Zakat*, p. 557