

**ZAKAT AND TAX REGULATION IN THE PERSPECTIVE OF  
*MASLAHAH MURSALAH*  
(COMPARATIVE STUDY OF INDONESIA AND MALAYSIA)**

**THESIS**

**BY :**

**AZIZATUL AWALIN**

**NIM 19220086**



**SHARIA ECONOMIC LAW STUDY PROGRAM  
FACULTY OF SHARIA  
STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM  
MALANG**

**2023**

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MALANG**

**2023**

## STATEMENT OF THE AUTHENTICITY

*In The Name of Allah,*

With consciousness and responsibility toward the development of science, the writer declares that this is entitled:

### ZAKAT AND TAX REGULATION IN THE PERSPECTIVE OF MASLAHAH MURSALAH (COMPARATIVE STUDY OF INDONESIA AND MALAYSIA)

Is truly writer's original work which can be legally justified. If this thesis is proven result of duplication or plagiarism from another scientific work, it as precondition of degree will be stated legally invalid.

Malang, September 4<sup>th</sup>, 2023

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**ZAKAT AND TAX REGULATION IN THE PERSPECTIVE OF  
MASLAHAH MURSALAH  
(COMPARATIVE STUDY OF INDONESIA AND MALAYSIA)**

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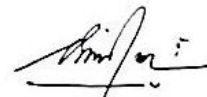
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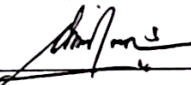
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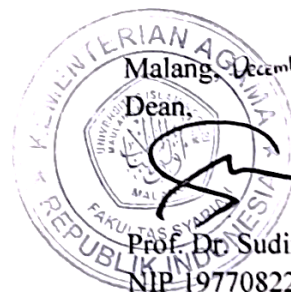
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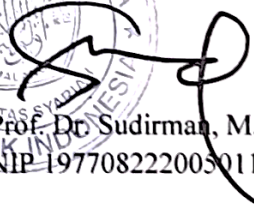
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## MOTTO

الْمُؤْمِنُ مَنْ أَمِنَهُ النَّاسُ عَلَى أَمْوَالِهِمْ وَأَنْفُسِهِمْ وَالْمُهَاجِرُ مَنْ هَجَرَ الْخَطَايَا وَالذُّنُوبَ

*“Seorang mukmin adalah orang yang membuat orang lain merasa aman atas harta dan jiwa mereka. Dan seorang yang berhijrah adalah orang yang meninggalkan kesalahan dan perbuatan dosa.”<sup>1</sup>*

*“Don't be afraid to fail, be afraid not to try”*

---

<sup>1</sup> HR. Ibnu Majah 3924

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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6. Staff and employees of the Syariah Faculty of the State Islamic University of Maulana Malik Ibrahim Malang, the author express their gratitude for their participation in the completion of this thesis.
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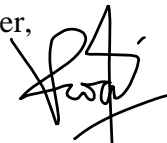
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With the completion of this thesis report, the hope that knowledge which writer have gained during studies can provide the benefits of life in the world and the hereafter. As a human who has never escaped fault, the writer is very hopeful for the forgiveness, criticism and suggestions from all parties for future improvement efforts.

Malang, September 4<sup>th</sup> 2023

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## PEDOMAN TRANSLITERASI

Dalam penulisan karya ilmiah, penggunaan istilah asing kerap tidak terhindarkan. Secara umum sesuai Pedoman Umum Ejaan Bahasa Indonesia kata asing ditulis (dicetak) miring. Dalam konteks Bahasa Arab, terdapat pedoman transliterasi khusus yang berlaku internasional. Berikut ini disajikan tabel pedoman transliterasi sebagai acuan penulisan karya ilmiah.

### A. KONSONAN

Daftar huruf bahasa Arab dan transliterasinya ke dalam huruf Latin dapat dilihat padahalaman berikut:

Arab	Indonesia	Arab	Indonesia
ا	`	ط	ṭ
ب	b	ظ	ẓ
ت	t	ع	‘
ث	th	غ	gh
ج	j	ف	f
ح	h	ق	q
خ	kh	ك	k
د	d	ل	l

ذ	dh	م	m
ر	r	ن	n
ز	z	و	w
س	s	هـ	h
ش	sh	ء	'
ص	ṣ	ي	y
ض	ḍ		

Hamzah (ء) yang terletak di awal kata mengikuti vokalnya tanpa diberi tanda apa pun. Jika hamzah (ء) terletak di tengah atau di akhir, maka ditulis dengan tanda (').

## B. VOKAL

Vokal bahasa Arab, seperti vokal bahasa Indonesia, terdiri atas vokal tunggal atau monoftong dan vokal rangkap atau diftong.

Vokal tunggal bahasa Arab yang lambangnya berupa tanda atau harakat, transliterasinya sebagai berikut:

Huruf Arab	Nama	Huruf Latin	Nama
------------	------	-------------	------

اَ	Fathah	A	A
اِ	Kasrah	I	I
اُ	Dammah	U	U

Vokal rangkap bahasa Arab yang lambangnya berupa gabungan antara harakat dan huruf, transliterasinya berupa gabungan huruf, yaitu:

Tanda	Nama	Huruf Latin	Nama
أَيَّ	Fathah dan ya	Ai	A dan I
أَوْ	Fathah dan wau	Au	A dan U

Contoh:

كَيْفَ : *kaifa*

هَوَّلَ : *hau-la*

### C. MADDAH

Maddah atau vokal panjang yang lambangnya berupa harkat dan huruf, transliterasinya berupa huruf dan tanda, yaitu:

Harkat dan Huruf	Nama	Huruf dan Tanda	Nama
------------------	------	-----------------	------

تَا يَ	Fathah dan alif atau ya	ā	a dan garis di atas
يِ	Kasrah dan ya	ī	i dan garis di atas
وُ	Ḍammah dan wau	ū	u dan garis di atas

Contoh:

مَاتَ : *māta*

رَمَى : *ramā*

قِيلَ : *qīla*

يَمُوتُ : *yamūtu*

#### D. TA MARBŪṬAH

Transliterasi untuk *ta marbūṭah* ada dua, yaitu: *ta marbūṭah* yang hidup atau mendapat harkat *fathah*, *kasrah*, dan *ḍammah*, transliterasinya adalah [t]. Sedangkan *ta marbūṭah* yang mati atau mendapat harkat sukun, transliterasinya adalah [h].

Kalau pada kata yang berakhir dengan *ta marbūṭah* diikuti oleh kata yang menggunakan kata sandang *al-* serta bacaan kedua kata itu terpisah, maka *ta marbūṭah* itu ditransliterasikan dengan ha (h). Contoh:

رَوْضَةُ الْأَطْفَالِ : *raudah al-aṭfāl*

الْمَدِينَةُ الْفَاضِلَةُ : *al-madīnah al-fāḍilah*

الْحِكْمَةُ : *al-ḥikmah*

## E. SYADDAH (TASYDID)

Syaddah atau tasydīd yang dalam sistem tulisan Arab dilambangkan dengan sebuah tanda *tasydīd* (◌̣) dalam transliterasi ini dilambangkan dengan perulangan huruf (konsonan ganda) yang diberi tanda syaddah. Contoh:

رَبَّنَا : *rabbānā*

نَجَّيْنَا : *najjainā*

الْحَقُّ : *al-ḥaqq*

الْحَجُّ : *al-ḥajj*

نُعِمُّ : *nu'ima*

عَدُّو : *'aduwwu*

Jika huruf *ع* ber- *tasydīd* di akhir sebuah kata dan didahului oleh huruf berharakat kasrah (◌ِ) maka ia ditransliterasi seperti huruf maddah (ī). Contoh:

عَلِيٍّ : *'Alī* (bukan *'Aliyy* atau *'Aly*)

عَرَبِيٍّ : *'Arabī* (bukan *'Arabiyy* atau *'Araby*)

## F. KATA SANDANG

Kata sandang dalam sistem tulisan Arab dilambangkan dengan huruf *ال* (alif lam ma'arifah). Dalam pedoman transliterasi ini, kata sandang ditransliterasi seperti biasa, *al-*, baik ketika ia diikuti oleh huruf syamsiah maupun huruf qamariah. Kata

sandang tidak mengikuti bunyi huruf langsung yang mengikutinya. Kata sandang ditulis terpisah dari kata yang mengikutinya dan dihubungkan dengan garis mendatar (-). Contohnya:

الشَّمْسُ : *al-syamsu* (bukan *asy-syamsu*)

الزَّلْزَلَةُ : *al-zalzalāh* (bukan *az-zalzalāh*)

الْفَلْسَفَةُ : *al-falsafah*

الْبِلَادُ : *al-bilādu*

## G. HAMZAH

Aturan transliterasi huruf hamzah menjadi apostrof (') hanya berlaku bagi hamzah yang terletak di tengah dan akhir kata. Namun, bila hamzah terletak di awal kata, ia tidak dilambangkan, karena dalam tulisan Arab ia berupa alif. Contohnya:

تَأْمُرُونَ : *ta'murūna*

النَّوْءُ : *al-nau'*

شَيْءٌ : *syai'un*

أُمِرْتُ : *umirtu*

## H. PENULISAN KATA ARAB YANG LAZIM DIGUNAKAN DALAM BAHASA INDONESIA

Kata, istilah atau kalimat Arab yang ditransliterasi adalah kata, istilah atau kalimat yang belum dibakukan dalam bahasa Indonesia. Kata, istilah atau kalimat



yang sudah lazim dan menjadi bagian dari pembendaharaan bahasa Indonesia, atau sudah sering ditulis dalam tulisan bahasa Indonesia, tidak lagi ditulis menurut cara transliterasi di atas. Misalnya kata Alquran (dari *al-Qur'ān*), sunnah, hadis, khusus dan umum. Namun, bila kata-kata tersebut menjadi bagian dari satu rangkaian teks Arab, maka mereka harus ditransliterasi secara utuh. Contoh:

*Fī zilāl al-Qur'ān*

*Al-Sunnah qabl al-tadwīn*

*Al-'Ibārāt Fī 'Umūm al-Lafz lā bi khuṣūṣ al-sabab*

## **I. LAFZ AL-JALĀLAH (الله)**

Kata “Allah” yang didahului partikel seperti huruf *jarr* dan huruf lainnya atau berkedudukan sebagai *muḍāf ilaih* (frasa nominal), ditransliterasi tanpa huruf hamzah. Contoh:

دِينُ اللَّهِ : *dīnullāh*

Adapun *ta marbūṭah* di akhir kata yang disandarkan kepada *lafz al jalālah*, ditransliterasi dengan huruf [t]. Contoh:

هُم فِي رَحْمَةِ اللَّهِ : *hum fī raḥmatillāh*

## **J. HURUF KAPITAL**

Walau sistem tulisan Arab tidak mengenal huruf kapital (*All Caps*), dalam transliterasinya hurufhuruf tersebut dikenai ketentuan tentang penggunaan huruf

kapital berdasarkan pedoman ejaan Bahasa Indonesia yang berlaku (EYD). Huruf kapital, misalnya, digunakan untuk menuliskan huruf awal nama diri (orang, tempat, bulan) dan huruf pertama pada permulaan kalimat. Bila nama diri didahului oleh kata sandang (al-), maka yang ditulis dengan huruf kapital tetap huruf awal nama diri tersebut, bukan huruf awal kata sandangnya. Jika terletak pada awal kalimat, maka huruf A dari kata sandang tersebut menggunakan huruf kapital (Al-). Ketentuan yang sama juga berlaku untuk huruf awal dari judul referensi yang didahului oleh kata sandang al-, baik ketika ia ditulis dalam teks maupun dalam catatan rujukan (CK, DP, CDK, dan DR). Contoh:

*Wa mā Muḥammadun illā rasūl*

*Inna awwala baitin wuḍi ‘a linnāsi lallaẓī bi Bakkata mubārakan*

*Syahru Ramaḍān al-laẓī unzila fīh al-Qur’ān*

Naṣīr al-Dīn al-Ṭūs

Abū Naṣr al-Farābī

Al-Gazālī

Al-Munqiz min al-Ḍalāl

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## ABSTRAK

Azizatul Awal, 19220086, **Pengaturan Zakat dan Pajak dalam Perspektif Masalah Mursalah (Studi Perbandingan Indonesia dan Malaysia)**, Skripsi, Jurusan Hukum Ekonomi Syariah, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Pembimbing: Dr. Fakhruddin, M.HI.

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**Kata Kunci :** Zakat, Pajak, Masalah Mursalah, Indonesia, Malaysia

Zakat dan pajak merupakan dua hal yang wajib dibayarkan oleh warga negara yang beragama Islam. Hal ini mengakibatkan adanya beban pembayaran ganda. Pemerintah di Indonesia dan Malaysia kemudian mengatur kebijakan melalui pengaturan zakat dan pajak. Karena pengaturan mengenai Zakat dan Pajak ini belum ada pada masa Rasulullah, maka penulis melakukan analisis mengenai pengaturan ini dalam perspektif masalah mursalah.

Dalam penelitian ini terdapat dua rumusan masalah, yaitu: 1) Bagaimana pengaturan zakat dan pajak di Indonesia dan Malaysia?; dan 2) Bagaimana pengaturan zakat dan pajak di Indonesia dan Malaysia dalam perspektif masalah mursalah?

Penelitian ini adalah penelitian yuridis normatif atau *library research*, penelitian yang berfokus mengkaji kaidah atau norma yang berlaku. Penelitian ini menggunakan *comparative law approach* sebagai sebuah pendekatan. Bahan hukum primer yang digunakan dalam penulisan penelitian ini berupa undang-undang. Studi dokumen sebagai teknik pengumpulan bahan hukum. Metode analisis penelitian hukum normatif meliputi 3 langkah, diantaranya: identifikasi fakta hukum; pemeriksaan atau penemuan hukum yang memiliki keterkaitan dengan fakta hukum; dan penerapan hukum (peraturan) terhadap fakta hukum.

Berdasarkan pada penelitian dapat dikemukakan bahwa Indonesia dan Malaysia memiliki persamaan juga perbedaan dalam pengaturan zakat dan pajak. Kedua negara sama-sama menerapkan pengurangan pajak atas pembayaran zakat dengan ketentuan yang berlaku di masing-masing negara. Pengaturan mengenai zakat dan pajak di Indonesia ada di dalam UU No. 23 Tahun 2011 tentang Pengelolaan Zakat dan pada UU Nomor 36 Tahun 2008 tentang Pajak Penghasilan, dimana pajak penghasilan bruto dapat dikurangi dari pembayaran zakat. Di Malaysia, diberlakukannya zakat dalam undang-undang pajak didasarkan pada Pasal 6A ayat 3 Undang-Undang Pajak Penghasilan Tahun 1967, dimana pembayaran zakat di Malaysia dapat mengurangi beban pajak hingga 100%. Sedangkan, apabila dilihat dari kemaslahatan, pengaturan zakat dan pajak di Indonesia dan Malaysia bisa dinyatakan telah sesuai dengan prinsip-prinsip yang telah disepakati Ulama Malikiyyah dan Hanabillah.

## ABSTRAK

Azizatul Awal, 19220086, “**Zakat And Tax Regulation In The Perspective Of Maslahah Mursalah (Comparative Study Of Indonesia And Malaysia)**”, Thesis, Department of Sharia Economic Law, Faculty of Sharia, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Advisor: Dr. Fakhruddin, M.HI.

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**Keywords** : Zakat, Tax, Maslahah Mursalah, Indonesia, Malaysia

Zakat and taxes are two things that must be paid by citizens who are Muslim. This results in a double payment burden. The governments in Indonesia and Malaysia then manage policies through the regulation of zakat and taxes. Because the regulation regarding zakat and tax did not exist during the Messenger of Allah, the author analyzes this regulation in the perspective of maslahah mursalah.

In this study there are two formulations of problems, namely: 1) How is the regulation of zakat and taxes in Indonesia and Malaysia?; and 2) How is the regulation of zakat and taxes in Indonesia and Malaysia in the perspective of maslahah mursalah?

This research is a normative juridical research or library research, which is research that has a focus on examining several applicable rules or norms. This research uses comparative law approach as an approach. The primary legal material used in writing this research is in the form of law. The technique of collecting legal materials used is the study of documents. The method of analysis of normative legal research includes 3 steps, including: identification of legal facts; legal examination or discovery that has a connection with legal facts; and application of law (regulation) to legal facts.

Based on research, it can be argued that Indonesia and Malaysia have equation and differences in zakat and tax arrangements. Both countries apply tax deductions on zakat payments with the provisions applicable in each country. Regulations regarding zakat and taxes in Indonesia are in Law No. 23 of 2011 about Zakat Management and in Law Number 36 of 2008 about Income Tax, where gross income tax can be deducted from zakat payments. In Malaysia, the enactment of zakat in the tax law is based on Article 6A paragraph 3 of the Income Tax Act 1967, whereby the payment of zakat in Malaysia can reduce the tax burden by up to 100%. Meanwhile, when viewed from the principles of benefit, zakat and tax arrangements in Indonesia and Malaysia can be declared to be in accordance with the principles that have been agreed upon by the Ulama Malikiyyah and Hanabillah.

## ملخص البحث

عزيزة الأولين ، ١٩٢٢٠٠٨٦ ، الزكاة والتنظيم الضريبي في منظور مصلح مرسل (دراسة مقارنة لإندونيسيا وماليزيا) ، أطروحة ، قسم الشريعة والقانون الاقتصادي ، كلية الشريعة ، مولانا جامعة مالك إبراهيم الإسلامية الحكومية مالانج ، المشرف: د. فخر الدين ، الماجستير .

**الكلمات الأساسية :** الزكاة، الضريبة، المصلحة المرسله، إندونيسيا، وماليزيا

الزكاة والضرائب شيئان يجب أن يدفعهما المواطنون المسلمون. وهذا يؤدي إلى عبء المدفوعات المزدوجة. ثم تنظم الحكومات في إندونيسيا وماليزيا السياسات من خلال ترتيبات الزكاة والضرائب. ولأن هذا التنظيم المتعلق بالزكاة والضريبة لم يكن موجودا في زمن رسول الله، يحلل المؤلف هذا الترتيب من منظور المصلحة المرسله.

في هذه الدراسة هناك صيغتان للماسالا ، وهما: (1) كيف يتم تنظيم الزكاة والضرائب في إندونيسيا وماليزيا؟ و (2) كيف يتم تنظيم الزكاة والضرائب في إندونيسيا وماليزيا من منظور مصلحة؟ هذا البحث هو بحث قانوني معياري أو بحث مكتبي ، وهو بحث يركز على فحص العديد من القواعد أو المعايير القابلة للتطبيق. تستخدم هذه الدراسة منهج القانون المقارن كمنهج. المواد القانونية الأساسية المستخدمة في كتابة هذا البحث هي في شكل قانون. تقنية جمع المواد القانونية المستخدمة هي دراسة الوثائق. تتضمن طريقة تحليل البحث القانوني المعياري 3 خطوات ، بما في ذلك: تحديد الحقائق القانونية. الفحص القانوني أو الاكتشاف الذي له صلة بالوقائع القانونية ؛ وتطبيق القوانين (اللوائح) على الوقائع القانونية.

بناء على البحث ، يمكن القول أن إندونيسيا وماليزيا لديهما معادلة واختلافات في ترتيبات الزكاة والضرائب. يطبق كلا البلدين خصومات ضريبية على مدفوعات الزكاة مع الأحكام المطبقة في كل بلد. اللوائح المتعلقة بالزكاة والضرائب في إندونيسيا موجودة في القانون رقم 23 لعام 2011 بشأن إدارة الزكاة وفي القانون رقم 36 لعام 2008 بشأن ضريبة الدخل ، حيث يمكن خصم ضريبة الدخل الإجمالية من مدفوعات الزكاة. في ماليزيا ، يستند سن الزكاة في قانون الضرائب إلى المادة 6 أ الفقرة 3 من قانون ضريبة الدخل لعام 1967 ، حيث يمكن أن يؤدي دفع الزكاة في ماليزيا إلى تقليل العبء الضريبي بنسبة تصل إلى 100٪. وفي الوقت نفسه ، عند النظر إليها من مبادئ المنفعة ، يمكن إعلان ترتيبات الزكاة والضرائب في إندونيسيا وماليزيا وفقا للمبادئ التي اتفق عليها العلماء المالكية والحنابلة.



## BAB I

### INTRODUCTION

#### A. Research Background

The five pillars of Islam are the basic norms of Islamic practice. They are accepted by all Muslims globally without looking at ethnic, regional, and sectarian differences that must be raised by all Muslims. One of the very important pillars is to perform prayers and zakat. With this, of course, it can be concluded that the Islamic of a Muslim will not be perfect, except by performing prayers and zakat. Zakat itself in community development has its position that is considered very important. In this case, if zakat management can be done well, it can certainly improve the welfare of the people somewhere.

The orders to pay zakat are widely explained in the Quran and hadith. One of the Qur'an verses that confirms Muslims to carry out orders in performing zakat is found in Q.S. al-Baqarah verse 43, namely:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ

That means: “ *And be steadfast in prayer; practice regular charity; and bow down your heads with those who bow down (in worship).*”<sup>2</sup>

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<sup>2</sup> Al-Qur'an Kemenag in Word

The verse is intended for Bani Israel who can show an obligation in carrying out the prayers and zakat that has been taught for a long time.

The zakat payment in Islam began to be effective in its implementation after the government in Medina was formed. People who believe are recommended to pay in the amount that has been determined from their assets in the form of zakat. Inhabit the zakat that is charged, namely zakat on wealth in the form of gold, silver, merchandise, certain cattle, mining goods, treasure, and harvest.<sup>3</sup>

It is said that in history, the Prophet Muhammad was recorded to form Baitul Maal which has the function of carrying out the collection of zakat as well as distributing zakat. In its implementation, there is a snack that is responsible as an employee in this institution. Zakat collection for people who have reached the minimum limit is carried out obligatorily.<sup>4</sup>

The existence of zakat in addition to being a form of worship for Muslims also has goals and benefits in social life. Zakat has the main purpose to help the poor and poor in need. In addition, zakat also aims to reduce social inequality and maintain social stability. In this case, zakat can be said to be an effort of social solidarity that exists in Islam. This condition makes a demand for Muslims to be able to care for each other in need.

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<sup>3</sup> Amirudin K, *Model-model Pengelolaan Zakat di Dunia Muslim*, (Surabaya: UIN Sunan Ampel, t.t), 3-4, [http://repo.iaintulungagung.ac.id/11669/5/BAB% 2011.pdf](http://repo.iaintulungagung.ac.id/11669/5/BAB%2011.pdf)

<sup>4</sup> Anonim, *Pengelolaan Zakat Di Masa Nabi, Sahabat, Dan Tabi'in*, Repository IAIN Tulungagung, 17.

Regarding social stability, Islam also has clear and firm rules to be implemented in various interests including the interests of government. These regulations can be used to manage the country fairly and wisely if they can be implemented properly. The purpose of the regulation is to achieve the welfare of the people. Among the regulations that can be used to achieve social stability and also the welfare of the people is the allowed government to get sources of funds taken from zakat and taxes to manage the country.<sup>5</sup>

Zakat and tax are two things that have different bases. Zakat is one of the responsibilities that must be fulfilled by Muslims who have met the requirements in religion. Meanwhile, tax is one of the responsibilities that must be fulfilled by taxpayers in citizenship.

According to the term, zakat is a name used to refer to a certain property that must be given to certain groups and also with certain conditions. With the issuance of zakat by someone, then that person can be said to have given rights to people in need.<sup>6</sup> Meanwhile, tax is a contribution to the state owed by each taxpayer based on the law without any direct remuneration. Taxes themselves function to finance public expenditures related to the state's duty in organizing government and also the welfare of the people.<sup>7</sup> Based on Article 1 of Law No. 6 of 1983 Jo. Law No. 9 of 1994 Jo. Law No. 16 of 2000

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<sup>5</sup> Eko Suprayitno, Radiah Abdul Kader, Azhar Harun, *Zakat Sebagai Pengurang pajak dan Pengaruhnya Terhadap Penerimaan Pajak di Semenanjung Malaysia*, INFERENSI: Jurnal Penelitian Sosial Keagamaan (2013), 2 .

<sup>6</sup> Tim Pembukuan Ma'had Al-Jamiah Al-Aly, *Syarah Fathul Qarib*, (Malang: UIN Maulana Malik Ibrahim Malang, 2020), 735.

<sup>7</sup> Siti Soetami, *Pengantar Tata Hukum Indonesia*, (Cetakan ketiga, Bandung:PT. Refika Aditama, 2001), 125.

Jo. Law No. 28 of 2007 Jo. Law 16 of 2009 concerning General Provisions and Procedures for Taxation, Tax is a mandatory contribution to the state owed by an individual or entity that is coercive under the law, with no direct remuneration and used for state purposes for the greatest prosperity of the people. Tax is a mandatory contribution to the state owed by an individual or entity that is coercive under the law, with no direct remuneration and used for state purposes for the greatest prosperity of the people.<sup>8</sup>

Zakat and taxes are two different things. Zakat is one of the responsibilities that must be raised in religion which relates to individual beliefs; And taxes, which are a state issue, do not have a basic relationship of rules that are the responsibility of the state. Zakat which is mandatory for Muslims and taxes that are mandatory for taxpayers make Muslim citizens ultimately have two obligations to be paid.

The relationship between zakat and taxes for Muslim citizens leads to a situation where they have the burden of double payment. This is because there is a similarity or relationship between the objects of zakat and taxes. One example of the relationship between the object of zakat and tax, namely, the existence of a piece of rice field land that is the object of tax which then the results of the rice field also become the object of zakat.

Regarding the absence of a basic relationship between the rules that are the responsibility of the state for zakat and taxes, this is because each citizen has different beliefs. Meanwhile, the state does not distinguish citizens from

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<sup>8</sup> Undang-Undang 16 Tahun 2009 tentang Ketentuan Umum dan Tata Cara Perpajakan

one another based on the religion adhered to. Thus, the state has no responsibility in terms of withdrawing zakat. However, the state still has policies to protect the existence of ongoing zakat activities, including protection of zakat management.

In Indonesia, regulations regarding zakat and taxes in Indonesia have existed since 1999. This began with the issuance of Law of the Republic of Indonesia Number 38 of 1999 concerning Zakat Management. This law was later affirmed by the latest Zakat Law, namely Law Number 23 of 2011 concerning Zakat Management. Article 14 paragraph (3) of Law Number 38 of 1999 is the background of the renewal of the Law on the management of zakat. Article 14 paragraph (3) explains that the deduction of zakat from taxable residual profit/income is intended so that taxpayers are not exposed to double burden. The double burden in question is the obligation to pay zakat and also taxes.<sup>9</sup>

This change in zakat and tax management that can be managed through one door is a good action in the transformation of positive law and Islamic law in Indonesia. Because, in the end, there are interrelated rules in positive law and Islamic law that can be used as a basis for carrying out obligations side by side with *outputs* that are useful for easing the double burden of citizens. Therefore, it is expected that there will be support from every party related to this policy.

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<sup>9</sup> Masnun Tahir, *Integrasi Zakat dan Pajak di Indonesia dalam Tinjauan Hukum Positif dan Hukum Islam*, Al-'Adalah (Lampung: UIN Raden Intan, 2015), 517.

Rules related to the policy of deducting zakat from taxable residual profit / income in accordance with Article 14 paragraph (3), namely Law Number 36 of 2008 concerning Income Tax which is the fourth amendment to Law Number 7 of 1983 concerning Income Tax. Both in Law Number 23 of 2011 concerning Zakat Management and in Law Number 36 of 2008 concerning Income Tax, it is stated that zakat on income previously paid by taxpayers who are also *muzakki* to bodies or institutions authorized by the government such as the National Amil Zakat Agency (BAZNAS) or the Amil Zakat Institute (LAZ) can be deducted from taxable income.

Regulations regarding zakat and taxes are in fact also implemented by several Islamic countries in the world such as Malaysia. The Malaysian government in terms of zakat and tax management is already trying to integrate zakat and income tax by providing tax deductions on zakat that has been paid by Muslims. The amount of zakat paid will be taken from the tax that should be paid. Conditionally, zakat is paid in the same estimated year and accompanied by evidence or receipts received from the State Islamic Department / Council in Malaysia.<sup>10</sup>

In Malaysia, this zakat and tax arrangement eliminates the *double tax* system for its citizens. Because zakat payments in Malaysia can reduce tax payments even up to 100%. This means that the personal zakat of Muslims in Malaysia can entirely be used to deduct the responsibility of paying taxes.

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<sup>10</sup> Eko Suprayitno, Radiah Abdul Kader, Azhar Harun, *Zakat Sebagai Pengurang pajak dan Pengaruhnya Terhadap Penerimaan Pajak di Semenanjung Malaysia*, (INFERENSI: Jurnal Penelitian Sosial Keagamaan, 2013), 5.

Meanwhile, in Indonesia not all types of zakat can be used as an object of tax payment deduction. This is then expected to be used as a reference by the Indonesian government to be able to update existing regulations. Because, reducing the burden of payments that are getting higher in value, of course, can relieve citizens to be more prosperous. The application of zakat that can be used as a tax credit in Malaysia in fact also makes an increase in zakat and tax receipts. Thus, it is expected that the Indonesian government will reconsider the improvement of existing regulations to reach the possibility of increasing zakat and tax receipts in Indonesia as has happened in Malaysia.

Research related to zakat has been carried out by many people. Related research that attracts researchers in writing is research on zakat which is used as a tax deduction. One of the previous studies conducted by the author is a study by Eko Suprayitno in 2013 which examined zakat as a tax deduction and also how it affects tax revenue in Peninsular Malaysia. Eko explained in his research that zakat in Malaysia increased sharply along with the implementation of the tax-deductible zakat system.<sup>11</sup>

The current regulations regarding zakat and taxes were never known in the time of the Prophet or the time of the Companions. Zakat and taxes that are carried out in one rule will of course be considered better if their application is based on and in accordance with the principles of *maslahah mursalah*.

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<sup>11</sup> Eko Suprayitno, Radiah Abdul Kader, Azhar Harun, *Zakat Sebagai Pengurang pajak dan Pengaruhnya Terhadap Penerimaan Pajak di Semenanjung Malaysia*, (INFERENSI: Jurnal Penelitian Sosial Keagamaan, 2013)

*Maslahah mursalah* is a benefit that has no basic proposition but also has no cancellation if there is an event that has no provisions of sharia and there is also no *illat* that comes out of sharia 'which determines how clear the law of the incident is, then something is found in accordance with the law of sharia, which is a provision based on the prevention of harm or to declare a benefit, then the event is called *maslahah mursalah*. *Maslahah mursalah* has a purpose for benefit and avoids harm and maintains its benefits. In this case, the regulation of zakat and taxes is expected to be able to provide *mursalah* benefits for Muslim citizens in each country.

Based on the background that the author has described above, the author is interested in conducting research related to how the suitability of zakat and tax regulation in the perspective of *maslahah mursalah* with the title, "***Zakat and Tax Regulation in the Perspective of Maslahah Mursalah (Comparative Study of Indonesia and Malaysia)***".

## **B. Statement of Problem**

From the description that has been explained in the background above, the author formulates the problem as follows:

1. How are zakat and tax regulations in Indonesia and Malaysia?
2. How are the zakat and tax regulations in Indonesia and Malaysia in the *maslahah mursalah* perspective?



### **C. Objective of Research**

Based on the formulation of the problem above, the goal that will be achieved in this study is as follows :

1. Know the zakat and tax arrangements in Indonesia and Malaysia
2. Know the zakat and tax regulation in Indonesia and Malaysia in the *masalah mursalah* perspective

### **D. Benefit of Research**

Every research must have benefits, as well as the results of this research that are expected to provide benefits in science for readers. The benefits of this study are reviewed in the two aspects that are related to theoretical benefits and practical benefits. The benefits of this research, are:

1. Theoretical benefits

This research is expected to increase insight and knowledge for writers and any party who read and study the results of research on zakat and tax arrangements in the perspective of *masalah mursalah* in Indonesia and Malaysia.

2. Practical benefits

This research is expected to contribute thinking and knowledge to every academic who analyzes the zakat and tax regulation in Indonesia and Malaysia in a *masalah mursalah* perspective. So that it can be used to contribute positive contributions in practice also arrangements for zakat and taxes well, correctly, and according to law.

## E. Operational Definition

### 1. Zakat

Zakat as according to a name used to mention a certain property that must be given to certain groups with certain conditions as well.<sup>12</sup>

It is mandatory to remove zakat located in five things, namely against livestock, valuables, plants, fruits, and merchandise. Of these five things, there are eight assets that must be removed by their zakat, namely camels, cows, goats, gold, silver, plants, dates, and wine. All these assets are required to be given to eight groups who have the right to receive zakat.<sup>13</sup>

### 2. Tax

Prof. Dr. Rochmat Soemitro, S.H. argue that tax is dues by the people intended as state cash where this is based on the law (which can be forced) by the absence of yields (contra-achievement) which can be shown and used as paying general expenses.<sup>14</sup>

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<sup>12</sup> Tim Pembukuan Ma'had Al-Jamiah Al-Aly, *Syarah Fathul Qarib*, (Malang: UIN Maulana Malik Ibrahim Malang, 2020), 735.

<sup>13</sup> Tim Pembukuan Ma'had Al-Jamiah Al-Aly, *Syarah Fathul Qarib*, (Malang: Ma'had Al-Jami'ah Al-Aly UIN Maulana Malik Ibrahim Malang, 2020), 736.

<sup>14</sup> Melissa Ariffin dan Tunjung Herning Sitabuana, *Sistem Perpajakan di Indonesia*, Seri Seminar Nasional Ke-IV Universitas Tarumanegara Tahun 2022 (SERINA 4 UNTAR 2022), Pemberdayaan Dan Perlindungan Konsumen Di Era Ekonomi Digital Jakarta 20 April 2022, <https://journal.untar.ac.id/index.php/PSERINA/article/view/19631/12100>

### 3. *Maslahah Mursalah*

*Maslahah mursalah* is a substance that a law not yet clear in law and also no proposition explains that the masat is whether it is true or not. The purpose of *maslahah mursalah* is to benefit and avoid deliberation and maintain their use.<sup>15</sup>

## F. Methode of Research

### 1. Type of Research

The type of research used in this research is in the form of normative juridical research or library research, namely research that focus on examining some applicable rules or norms.<sup>16</sup> This study was also implemented to research a phenomenon that basically has a fulcrum of deep hatching with library materials and research results regarding topics or problems. The normative legal research method is also defined as a research method based on laws and regulations, both in terms of the legislative hierarchy (vertical) and in terms of the harmonious relationship of legislation (horizontal).<sup>17</sup>

This research will analyze the regulation of zakat and tax in Indonesia and Malaysia based on Law Number 36 of 2008 about Income Tax; Government Regulations (Peraturan Pemerintah/ PP) Number 60 of

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<sup>15</sup> Rachmat Syafe'i, *Ilmu Ushul Fiqh* (Bandung: Penerbit Pustaka Setia, 2007) , 92.

<sup>16</sup> Jhonny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, (Malang: Bayumedia, 2007), 26.

<sup>17</sup> Muhaimin, *Metode Penelitian Hukum* (Nusa Tenggara Barat: Penerbit Mataram University Press, 2020), 30.

2010 about zakat or religious donations that are mandatory that can be deducted from gross income; and Laws of Malaysia Act 53 Income Tax Act 1967 Pasal 6A (1) dan (3) about Tax Rebate.

## **2. Research Approach**

This study uses legal comparisons (comparative law approach) as an approach. This approach is a method that compares between the system and the legal implementation in the context of legal cross-cutaneous issues (cross-cutting issues).<sup>18</sup>

In this research using comparative approach with specification in Income tax and the object of zakat in Indonesia and Malaysia.

## **3. Law Material**

The type of research used is normative juridical so the legal material used is secondary data. The secondary data is the data obtained through the information that has previously been written in the form of a document that is called a legal material, namely:

### **a. Primary law materials**

Primary legal materials are legal material that is binding. Primary legal materials include norms or basic rules, basic regulations, laws and regulations, customary law, jurisdictions, lactic, and also legal materials that

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<sup>18</sup> Muhammad Siddiq Armia, *Penentuan Metode dan Pendekatan Penelitian Hukum*, (Fakultas Syariah dan Hukum UIN Ar-Raniry Banda Aceh: Lembaga Kajian Konstitusi Indonesia (LKKI), 2022), 12.

have existed since the colonial era.<sup>19</sup> The primary legal materials used in writing this study are in the form of Islamic laws and laws.

The main legal materials used in this study include:

1. Law Number 23 of 2011 about Zakat Management;
2. Law Number 36 of 2008 about Income Tax; and
3. Laws of Malaysia Act 53 Income Tax Act 1967 Pasal 6A (1) dan (3) about Tax Rebate.

b. Secondary law materials

The form of explanations or interpretations that support primary data sources in obtaining a complete understanding and understanding. Among them are books, official documents, a thesis, journals, journals, articles, and results of studies that have a discussion of relevant problems with zakat as well as taxes as a supporting or complementary.

c. Tertiary Law Materials

That is in the form of data obtained in the form of guidance materials and complements to primary and secondary data sources. Among the tertiary data are dictionaries and encyclopedias.

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<sup>19</sup> Armia, *Penentuan Metode dan Pendekatan Penelitian Hukum*, (Fakultas Syariah dan Hukum UIN Ar-Raniry Banda Aceh: Lembaga Kajian Konstitusi Indonesia (LKKI), 2022), 12.

#### **4. Law Material Collection**

This type of research is a normative legal research so researchers choose to use document studies. The study of documents themselves is the first step of any legal research. Document studies for legal research include studies of legal materials consisting of primary legal materials, secondary legal materials, and tertiary legal materials.<sup>20</sup>

#### **5. Analysis of Law**

Data processing and analysis basically depend on the type of data used. For normative legal research that only recognizes secondary data consisting of primary legal material, secondary legal material, and tertiary legal material, in processing and analyzing legal material it cannot withdraw from various interpretations known in legal science.

The method of analysis of normative legal research includes 3 steps, including:<sup>21</sup>

- a. Identify legal facts as a first step that can be actions, events, or circumstances.
- b. Legal examination or discovery that has a connection with legal facts, conducting an examination or discovery of laws and regulations to

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<sup>20</sup> Amiruddin dan Zainal Asikin, *Pengantar Metode Penelitian Hukum*, ( Jakarta: PT Raja Grafindo Persada, 2004), 68.

<sup>21</sup> Muhaimin, *Metode Penelitian Hukum*, (Mataram: Mataram University Press, 2020), 70-71.

find legal concepts, indicators of behavior, or actions that are prohibited, permitted, and ordered.

c. Application of law (regulation) to legal facts.

## **G. Previous Research**

In this study, the author found several research sources that had previously discussed topics relevant to this study. Each study has different results according to the objectives and analysis of each researcher, including:

The first previous research was a study conducted by Ro'yun Niswati Ahada and Tutik Hamidah entitled *Zakat dan Pajak: Perbandingan Malaysia dan Indonesia*. In this study, the author discusses the zakat and tax implementation system by analyzing the comparison between Malaysia and Indonesia. In his research, a literature study method with a qualitative type of approach was used. This study concluded that zakat management in Malaysia has categories in three forms. In Malaysia, there are claims that zakat is considered to be a deduction from tax obligations. While, in Indonesia itself, zakat management is carried out by Badan Amil Zakat Nasional (BAZNAS) and Lembaga Amil Zakat (LAZ), where each of these institutions is compiled by the government. In the system of linkage between tax and zakat in Indonesia, there is a regulation that states the withholding of zakat and tax if zakat is

deposited by *muzaki* through Badan Amil Zakat Nasional (BAZNAS) or Lembaga Amil Zakat (LAZ) by including proof of tax deposit.<sup>22</sup>

The second research is research by Ledy Famulia, research with the title *Analisis Perbandingan Hubungan Zakat dan Pajak di Indonesia, Malaysia, dan Brunei Darussalam*. This research has a study in the form of relationships and models of zakat and tax management that apply in three different countries, namely Indonesia, Malaysia, and Brunei Darussalam. The approach used is a normative juridical approach with comparative analysis. In the discussion, the author describes the results of the studies that have been conducted. Researchers have concluded that there are many similarities in the management of zakat and taxes in Indonesia, Malaysia, and Brunei Darussalam. However, there are also some differences. One of these differences is that in Indonesia, zakat is used as a deduction of taxable income, while in Malaysia a zakat policy is applied as a tax deduction, and there is a difference in Brunei Darussalam where zakat and tax are not related to each other. The different models of zakat and tax management in three countries, namely Indonesia, Malaysia, and Brunei Darussalam, turned out to have a significant influence on increasing zakat and tax acquisition at once.<sup>23</sup>

The third related research was written by Iskandar in an article with the title *Zakat Sebagai Pengurang Kewajiban Pembayaran Pajak: Adilkah bagi*

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<sup>22</sup> Ro'yun Niswati Ahada, *Zakat dan Pajak: Perbandingan Malaysia dan Indonesia*, El-Jizya: Jurnal Ekonomi Islam, (2021) <https://ejournal.uinsaizu.ac.id/index.php/eljizya/article/view/4905/2561>

<sup>23</sup> Ledy Famulia, *Analisis Perbandingan Hubungan Zakat dan Pajak di Indonesia, Malaysia, dan Brunei Darussalam*, Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum, (2020) <https://asy-syirah.uin-suka.com/index.php/AS/article/view/417>



*umat Islam?* In this article, the author aims to analyze the justice side of Muslims who pay zakat but these payments can only reduce the obligation to pay taxes from taxpayers. The research method used by the author is a normative juridical research method which is also called the doctrinal legal research method and the use of descriptive research methods through studies conducted in libraries. As a comparison material related to the title of the study, the author of the article chose Saudi Arabia, Malaysia, Brunei Darussalam, and Pakistan in the implementation of the obligation to pay zakat in these countries that have different rules from Indonesia. The article also mentions the hope of the public for the government to be able to issue new regulations. The regulation in question is a regulation that regulates the payment of zakat which can reduce the obligation to pay taxes. This is so that the community becomes motivated to issue zakat on property that must be given zakat.<sup>24</sup>

The fourth study conducted by Athohillah Islamy and Afina Aninnas with the title “Zakat and Tax Relations in Muslim Southeast Asian Countries (Comparative Study Of Zakat and Tax Arrangements in Indonesia, Malaysia, and Brunei Darussalam)”, has a discussion about comparative studies of the relationship between zakat and taxes that apply in Southeast Asia with Muslim-majority countries. His research is normative research, using empirical legal analysis, and with an appellate approach. The results showed that there were differences in the relationship and function of the method of withholding zakat

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<sup>24</sup> Iskandar, *Zakat Sebagai Pengurang Kewajiban Pembayaran Pajak: Adilkah bagi umat Islam?*, (Ius Civile, Refleksi Penegakan Hukum dan Keadilan, Aceh, 2019), <http://jurnal.utu.ac.id/jcivile/article/view/1434/1101>

and taxes in Indonesia, Malaysia, and Brunei Darussalam. In Indonesia, zakat payments can reduce tax payments by taxpayers. In Malaysia, zakat payments can reduce the dependents of individual taxpayers even up to 100%. While in Brunei Darussalam, there is no relationship between zakat and taxes.<sup>25</sup>

Fifth, related research by Eha Nugraha, Veranda Aga Refmasari, and Alif Ilham Akbar. Research with the title "A Critical Review of Zakat as Tax Deduction: An Indonesia-Malaysia Comparative Study". This research critically discusses income tax and zakat regulations in Indonesia and Malaysia. The purpose of the author is to compare the treatment of zakat on income tax payable WPOP in Indonesia and Malaysia. The research method used by the author is Design Research which adopts the development model of Plomp and Nieveen with adjustments through document studies, literacy studies, and interviews with zakat and taxation practitioners. The results of the discussion show that Indonesia has not applied zakat as a tax deduction as what has been applied in Malaysia. Indonesia also does not have a national standard regarding the calculation of zakat. The theoretical implications based on the results of the discussion show that there is no significant decrease in personal income tax payable because zakat is recognized as a "cost" and not as a "tax deduction", so the tax burden borne by WPOP is still said to be high.<sup>26</sup>

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<sup>25</sup> Athoillah Islamy dan Afina Aninnas, *Zakat and Tax Relations in Muslim Southeast Asian Countries (Comparative Study Of Zakat and Tax Arrangements in Indonesia, Malaysia and Brunei Darussalam)*, (Li Falah: Jurnal Studi Ekonomi Dan Bisnis Islam, 2020), <https://ejournal.iainkendari.ac.id/index.php/lifalah/article/view/2296>

<sup>26</sup> Eha Nugraha, Veranda Aga Refmasari, Alif IlhamAkbar, *A Critical Review of Zakat as Tax Deduction: An Indonesia-Malaysia Comparative Study*, (Ventura: Journal of Economics, Business, & Accountancy, 2020), <https://www.scribd.com/document/538774428/A-Critical-Review-of-Zakat-as-Tax-Deduction-an-Indonesia-Malaysia-Comparative-Study>

Sixth, there is a study entitled *Praktek Zakat Pengurang Pajak di Indonesia dan Singapura* by Dewi Soimah. This study analyzes how the management system differs between Indonesia and Singapore by describing how the implementation of tax-deducting zakat in the two countries is formed. The research conducted in writing the thesis by this author is descriptive research that explains how the practice of calculating zakat as a tax deduction in Indonesia and Singapore. With a normative approach and using data collection methods in the form of interviews and literature studies from various media, the author completed this research. The results of what the author has researched state that the practice of zakat management in Indonesia and Singapore is different. The practice of zakat as a tax deduction in Indonesia is still only limited to discussions that have not been clearly seen in practice. Many people do not know about the existence of zakat which can reduce income tax. Unlike Singapore, which has a minority Muslim population, public awareness of paying zakat to institutions is very high. In addition, the Singapore government also provides strong support, so that zakat that applies in Singapore can grow very rapidly.<sup>27</sup>

**Tabel 1.**  
**Previous Research**

<b>NO</b>	<b>Research (author, publisher, year)</b>	<b>Title</b>	<b>Conclution</b>	<b>Difference</b>
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<sup>27</sup> Dewi Soimah, *Praktek Zakat Pengurang Pajak di Indonesia dan Singapura*, (Tesis UIN Syarif Hidayatullah Jakarta: Fakultas Ekonomi dan Bisnis, 2016), <http://repository.uinjkt.ac.id/dspace/handle/123456789/35488>

1	Ro'yun Niswati Ahada dan Tutik Hamidah, Jurnal El-Jizya, 2021	<i>Zakat dan Pajak: Perbandingan Malaysia dan Indonesia</i>	This study concluded that zakat management in Malaysia has categories in three forms. While in Indonesia itself, zakat management is carried out by the National Amil Zakat Agency and the Amil Zakat Institute, each of which is compiled by the government.	Researchers examined the relationship and model of zakat and tax management in three countries, namely Indonesia, Malaysia, and Brunei Darussalam.
2	Ledy Famulia, Jurnal Asy-Syir'ah, 2020	<i>Analisis Perbandingan Hubungan Zakat dan Pajak di Indonesia, Malaysia, dan Brunei Darussalam</i>	Researchers concluded that there are many similarities in zakat and tax management in Indonesia, Malaysia, and Brunei Darussalam. Some of the differences found include such as, in Indonesia zakat is used as a deduction of taxable income, while in Malaysia a zakat policy is applied as a tax deduction, and there are differences in Brunei Darussalam, where zakat and taxes have no relationship between one another.	Researchers examined the relationship and model of zakat and tax management in three countries, namely Indonesia, Malaysia, and Brunei Darussalam.

3	Iskandar, Jurnal Ius Civile Aceh, 2019	<i>Zakat Sebagai Pengurang Kewajiban Pembayaran Pajak: Adilkah bagi umat Islam?</i>	The author mentions in his conclusion that there will be expectations from the public for the government to issue new regulations regulating zakat payments that can reduce the obligation to pay taxes. This is intended so that the community becomes motivated to issue zakat on property that must be given zakat.	The author analyzes the justice side of Muslims who pay zakat can only reduce the obligation to pay taxes from taxpayers.
4	Athohillah Islamy dan Afina Aninnas, Jurnal Li Falah, 2019	Zakat and Tax Relations in Muslim Southeast Asian Countries (Comparative Study Of Zakat and Tax Arrangements in Indonesia, Malaysia and Brunei Darussalam)	The results showed that there were differences in the relationship and function in the method of withholding zakat and taxes in Indonesia, Malaysia and Brunei Darussalam. In Indonesia, zakat payments can reduce tax payments by taxpayers. While Malaysia, zakat payments can reduce the dependents of individual taxpayers even up to 100%. While in	The study used empirical legal analysis, and with an appellate approach.

			Brunei Darussalam, there is no relationship between zakat and taxes.	
5	Eha Nugraha, Veranda Aga Refmasari, dan Alif Ilham Akbar, Jurnal Ventura, 2020	A Critical Review of Zakat as Tax Deduction: An Indonesia-Malaysia Comparative Study	The results of the discussion show that Indonesia has not applied zakat as a tax deduction as what has been applied in Malaysia. Indonesia also does not have a national standard regarding the calculation of zakat.	The study compared the treatment of zakat on income tax payable by WPOP in Indonesia and Malaysia using the design research research method that adopts the development model of Plomp and Nieveen (Plomp & Nieveen, 2007) and accompanied by adjustments through document studies, literacy studies, and interviews with zakat and taxation practitioners.
6	Dewi Soimah, Thesis UIN Syarif	<i>Praktek Zakat Pengurang Pajak di Indonesia dan Singapura</i>	The results of what the author has researched state that the practice of	The author analyzes the differences in

	Hidayatullah Jakarta, 2016		<p>zakat management in Indonesia and Singapore is different. The practice of zakat as a tax deduction in Indonesia is still only limited to discussions that have not been clearly seen in practice. Many people do not know about the existence of zakat which can reduce income tax. Unlike Singapore, where the Muslim population is a minority, the awareness of the people in paying zakat to institutions is very high. In addition, the Singapore government also provides strong support, so that zakat that applies in Singapore can grow very rapidly.</p>	<p>management systems between Indonesia and Singapore. It is a descriptive research with a normative approach and data collection method in the form of interviews and literature studies from various media.</p>
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## H. Structure of Discussion

The researcher outlined the discussion in this study in four chapters so that this research is well arranged and systematic, the preparation in it contains discussions per chapter as follows:

The first chapter will contain the background of the problem, problem formulation, research objectives, benefits of research, operational definitions, research methods, previous research, and writing systematics.

The second chapter presents a literature review of the literature review. This chapter will describe about taxes, zakat, and also the *masalah mursalah*.

The third chapter is the chapter that is the core of the research conducted. Because in chapter three, researchers explain data analysis in the form of results from research. The results of the study then discuss or answer the questions listed in the problem formulation that has been determined.

The fourth chapter lays out conclusions and suggestions. The conclusions are not a summary of the research that has been done. However, it is in the form of a short answer to the established problem statement. In this case, it has the intention to confirm the findings or further recommendations of this thesis.



## BAB II

### LITERATURE REVIEW

#### A. Overview of Zakat

##### 1. Definition of Zakat

Zakat is a term for everything that a person issues as an obligation to Allah swt., which is then handed over to those who are entitled to receive it. It is called zakat because in the word there is hope for blessings, cleanliness of the soul, and developing wealth in every good. The origin of the word zakat itself is from the word *zaka'* which means growing, holy, and blessings.<sup>28</sup> Allah SWT., said:

حُذِّ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا

*“Of their goods, take alms, that so thou mightiest purify and sanctify them;”*<sup>29</sup>

(At-Taubah [9]:103)

Zakat according to the language has the meaning of developing, increasing. Sometimes, zakat can also be pronounced for a sacred meaning. Allah SWT., said,

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<sup>28</sup> Sayyid Sabiq, *Fiqih Sunnah*, Tahkik dan Takhrij: Muhammad Nasiruddin Al-Albani, (Jakarta: Cakrawala Publishing, 2008), 56.

<sup>29</sup> Al-Qur'an Kemenag in Word.

قَدْ أَفْلَحَ مَنْ زَكَّاهَا

*“Truly He succeeds that purifies it,”*<sup>30</sup>

(Q.S Asy-Syams [91]:9)

قَدْ أَفْلَحَ مَنْ تَزَكَّى

*“But those will prosper who purify themselves,”*<sup>31</sup>

(Q.S Al-A‘lā [87]:14)

Property spent in *syara'* is called zakat. Because zakat is done, it will increase the goods issued, and also keep the treasure away from disasters.

Zakat can purify from sin, develop merit, and develop the wealth of the person who spends his wealth for zakat. Zakat according to *syara'* is a mandatory right that exists in the property.<sup>32</sup>

*Ulama* has differing opinions on defining zakat. Maliki scholars have a definition that zakat is the issuing of a certain part of a certain property that has reached one *nisab* for the person entitled to receive it, provided that the property is perfect property, has reached haul (one year), and is not a mine.

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<sup>30</sup> Al-Qur'an Kemenag in Word.

<sup>31</sup> Al-Qur'an Kemenag in Word.

<sup>32</sup> Wahbah Az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, Jilid 3, ( Bekasi Barat: Gema Insani, 2011), 164-165.

*Ulama Mazhab Hanafi* defines zakat as the possession of a certain part of a certain property owned by a person based on the decrees of Allah. This definition is only for zakat harta because the definition of 'certain treasure' is intended as property that has reached *nisab*.

*Ulama Mazhab Syafi'i* defines zakat as something that is removed from a property or soul in some way. In this definition it is clear that the zakat they mean is zakat harta and zakat *fitriah*, because the inclusion of the words 'treasure' and 'soul' in this definition contains the meaning of zakat on assets and zakat *fitriah* (soul).

*Ulama Mazhab Hanbali* defines it as the obligatory right to certain property for a certain group of people at a certain time. This definition only includes zakat harta only, excluding zakat *fitriah*, because the expression 'certain property' contains the meaning that the property has reached one *nisab*, while one *nisab* is one of the mandatory conditions for zakat on assets.<sup>33</sup>

Yusuf al-Qardawiput forwards a definition: a certain amount of property that God requires to hand over to the rightful persons. According to him, zakat can also mean spending a certain amount of property itself. That is, the act of removing the obligatory right from the

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<sup>33</sup> Moh. Thoriquddin, *Pengelolaan Zakat Produktif Perspektif Maqasid al-Syari'ah Ibnu 'Asyur*, (Cet. I; Malang: UIN-Maliki Press, 2015), 29.

property is also called zakat, and a certain part that is issued from the property is also called zakat.<sup>34</sup>

The naming of zakat itself is also because the wealth will increase because zakat has been issued and in the end, it becomes more blessed with the prayer of the zakat recipient. With this, too, it can purify its property from the things that are Shubhat. By issuing zakat, an individual has granted rights to those who need it.<sup>35</sup>

Zakat is one of the third pillars of Islam. Zakat is also a pillar that is strongly emphasized after shahadatain and prayer. When a Muslim reneges on the obligation of zakat, he is declared an infidel and asked to repent. However, if they do not repent, the Muslims will be punished as an apostate and executed. As for those who believe in the obligation of zakat (believe that the zakat law is obligatory), but are reluctant to pay or fulfill the obligation because of filial piety and miserliness, then their zakat may be taken by force by the government.<sup>36</sup>

## **2. *Wisdom of Zakat***

Excess in sustenance is given by Allah SWT., to some people.

Allah obliges the rich to give the right of duty that has been set to the

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<sup>34</sup> Iin Mutmainnah, *Fikih Zakat*, (Sulawesi Selatan: Penerbit Dirah, 2020), 4.

<sup>35</sup> Tim Pembukuan Ma'had Al-Jamiah Al-Aly, *Syarah Fathul Qarib*, (Malang: Ma'had Al-Jami'ah Al-Aly UIN Maulana Malik Ibrahim Malang, 2020), 735.

<sup>36</sup> Radiah Abdul Kader, *Zakat sebagai Pengurang Pajak dan Pengaruhnya Terhadap Penerimaan Pajak di Semenanjung Malaysia*, *Inferensi: Jurnal Penelitian Sosial Keagamaan*, Vol. 7, No. 1, (2013): 3 <https://inferensi.iainsalatiga.ac.id/index.php/inferensi/article/download/201/160>

poor. This gift is not intended to be reluctant to give nor to expect to be reciprocated.

*The first wisdom of zakat is to guard and fortify property from the sight of people, reaching the hands of sinners and evildoers. From HR. ath-Thabrani, Abu Nu'aim in *al-Hityah*, also al-Khatib from Ibn Mas'ud (This hadith is also narrated by Abu Dawud in the form of a mursal from al-Hasan. This is hadith dhaif) Rasulullah saw., said,*

حَصِّنُوا أَمْوَالَكُمْ بِالزَّكَاةِ وَدَاوُوا مَرْضَاكُمْ بِالصَّدَقَةِ وَأَعِدُّوا لِلْبَلَاءِ الدُّعَاءَ

*“Take care of your wealth with zakat, treat Sick people with alms and prepare prayers for disaster.”<sup>37</sup>*

(HR Thabrani, Abu Nuaim, and Khatib)

*The second wisdom is to help the poor and those in need. Zakat can guide them to start jobs and activities if they are capable in this regard. Zakat can also help them to change their noble living conditions if they are weak. Zakat protects the people from infallibility and also protects the country from incompetence and weakness. A community has a responsibility to secure the poor and their needs.*

*Third, zakat can purify oneself from miserly and filial diseases, accustom believers to giving and being generous.*

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<sup>37</sup> Wahbah Az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, Jilid 3, ( Bekasi Barat: Gema Insani, 2011), 166.

*And fourth*, it requires believers to always be grateful for the blessings of property.

Zakat, when based on its eight principles, mentioned in Q.S. 9:60 clarifies its position and function in society. These positions and functions, namely:

- a. Social responsibility (in terms of poverty alleviation, fulfillment of minimum physical needs, provision of employment and social insurance (in case of natural disasters, etc).
- b. Economy, namely by diverting stored and unproductive assets into circulating and productive among the community.
- c. The establishment of the soul of the ummah through three principles, namely perfecting the independence of each individual (*fi riqob*), raising the spirit of doing good deeds that benefit the wider community, and maintaining and maintaining the creed (*fi sabilillah*).

According to Yusuf Qardawi in general, there are two purposes of zakat teachings they are for individual life and social life. The first objective includes purifying the soul from miserliness, developing the nature of acting or giving, developing morals such as morals to God, healing the heart from blind love of the world,

developing inner wealth, and cultivating sympathy and love for fellow human beings.<sup>38</sup>

### 3. *Zakat Law*

The law of zakat is obligatory (*fardhu*) on every Muslim who has fulfilled certain conditions. Zakat is included in the category of worship (such as prayer, hajj, and fasting) which has been regulated in detail and patently based on the Qur'an and as-Sunnah, as well as a social and humanitarian charity that can develop in accordance with the development of mankind.<sup>39</sup>

### 4. *Assets that Must Be Zakrat*

Zakat must be issued in five kinds of property, namely cattle, valuables, plants, fruits, and merchandise.<sup>40</sup>

- 1) Cattle (*Al-Mawasyi*), These include camels, cows, sheep, and those who resemble them, such as goats.

The mandatory requirements of cattle zakat are six conditions, namely Islam, independence, perfect ownership, achieving *nisab*, *haul*, and grazed.

- 2) Some valuable objects (*al-Atsman*), that is, in the form of gold and silver, both printed and gilded. The types of gold

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<sup>38</sup> Mutmainnah, *Fikih Zakat*, (Sulawesi Selatan: Penerbit Dirah, 2020), 16.

<sup>39</sup> Mutmainnah, *Fikih Zakat*, (Sulawesi Selatan: Penerbit Dirah, 2020), 8.

<sup>40</sup> Tim Pembukuan Ma'had Al-Jamiah Al-Aly, *Syarah Fathul Qarib*, (Malang: Ma'had Al-Jami'ah Al-Aly UIN Maulana Malik Ibrahim Malang, 2020), 736.

and silver that must be zakat are gold and silver bars, objects plated from gold and silver, and containers derived from gold and silver intended for use and use as jewelry.

- 3) Some plants (*al-Zuru'*), that is, against plants that are generally considered staple food and durable when stored. The requirements that must exist in zakat plants are plants grown by humans, are staple foods that can be stored, and have reached one perfect *nisab*, namely five *wasaq*.
- 4) Some fruits (*al-Tsiman*), There are two fruits that are mandatory to be zakrated, namely dates and grapes.
- 5) The mandatory requirements of fruit zakat are four things and some even say five conditions, namely Islam, independence, perfect ownership, and achieving *nisab*. While the other one is to look good (ripened).
- 6) Some merchandise (*'Urud at-Tijarah*), It means that exchanges are intended to seek profit and it is not required for certain assets.

The mandatory conditions of zakat harta are no different from the mandatory conditions of zakat valuables, namely Islam, independence, perfect ownership, achieving *nisab*, haul, and grazing.



## 7) *Eight Groups of Zakat Recipients*

The eight groups that have the right to receive zakat have been listed in Surah at-Tawbah verse 60, which is the word of Allah SWT., which reads:

﴿ إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمَلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَرَمِينَ

وَفِي سَبِيلِ اللَّهِ وَإِنَّ السَّبِيلَ فَرِيضَةٌ مِّنَ اللَّهِ ۗ وَاللَّهُ عَلِيمٌ حَكِيمٌ

*“Alms are for the poor; and the needy; and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah, and Allah is full of knowledge and wisdom”<sup>41</sup>*

At-Taubah [9]:60

Based on this verse, it can be seen that groups that have the right to receive zakat include:<sup>42</sup>

### 1) The poor;

Is a person who does not have property and work that can meet his needs. He also had no spouse, parents, and offspring who could

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<sup>41</sup> Al-Qur'an Kemenag in Word.

<sup>42</sup> Muthmainnah Mansyur, *Sistem Pengelolaan Zakat Di Lembaga Amil Zakat Infaq Dan Shadaqah Muhammadiyah Kota Parepare (Analisis Manajemen Syariah)*, (Undergraduated Thesis Institut Agama Islam Negeri (IAIN) Parepare, 2018), <http://repository.iainpare.ac.id/1803/1/14.2200.162.pdf>.

provide for him and provide for him. His food, clothing, and shelter were not sufficient.

2) The needy;

People who are able to work to cover their needs, but do not have enough clothing, food, and shelter.

3) Those employed to administer the (funds) / *Amil*;

That is the people who are in charge of collecting zakat. *Amil* was given zakat in exchange for his work wages.

4) Those whose hearts have been (recently) reconciled (to Truth) / *Muallaf*;

They are people who are weak in Islam. They are given zakat so that their Islam becomes strong.

5) Those in bondage;

It is the *mukatab* group who want to free themselves, that is, the slave who has been promised by his master will be released if he can pay a certain amount including the slave who has not been promised to free himself.

6) *Sabilillah* (in the cause of Allah);

A person who strives in the way of Allah SWT., in a broad sense as stipulated by the scholars of jurisprudence.

7) The wayfarer: (thus is it) ordained by Allah;

People who are cut off on the way, or travelers who make religiously recommended trips.

8) *Gharim* (people who have debts);

They are people who bear debts and are unable to pay them because they have fallen into poverty.

When some groups do not exist and there are only some other groups, zakat will only be given to existing groups. If all groups do not exist, then zakat is stored first until finally all or part of the group is found.<sup>43</sup>

8) ***Five Groups Who Are Not Eligible to Receive Zakat***

There are five groups who are not entitled to receive zakat, including:<sup>44</sup>

1) People who are rich or have income;

That is, people whose income is more than enough to meet the basic needs of their lives and the needs of the people they support. This adequacy is intended in terms of clothing, food, shelter, and other needs with normal size.

2) Slave;

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<sup>43</sup> Tim Pembukuan Ma'had Al-Jamiah Al-Aly, *Syarah Fathul Qarib*, (Malang: Ma'had Al-Jami'ah Al-Aly UIN Maulana Malik Ibrahim Malang, 2020), 796-797.

<sup>44</sup> Tim Pembukuan Ma'had Al-Jamiah Al-Aly, *Syarah Fathul Qarib*, (Malang: Ma'had Al-Jami'ah Al-Aly UIN Maulana Malik Ibrahim Malang, 2020), 812-815.

Zakat is not allowed to be given to a slave for the purpose of meeting his needs except *mukatab* slaves. This is because the livelihood of a slave is the responsibility of the master or owner.

3) Descendants of Bani Hashim and Bani Muttalib;

It is based on the Words of Rasulullah SAW., "*Alms is not halal for Muhammad SAW., nor his family*" (HR. Muslim No.1072).

4) Infidels;

This is because the proposition of distributing zakat is specifically only required for Muslims and is also intended for Muslims.

5) People who are covered by their livelihood.

A person should not give zakat to his wife, father, mother, grandparents, and upward line, as well as his children because they are all still under the person's bread.

## **B. Tax Overview**

In general, the country in which the income is obtained (the source country) has the right of first taxation on an income. Meanwhile, the country where a taxpayer resides or is domiciled (country of domicile) in the context of international taxes, worldwide and territorial tax systems are the main alternatives used by the country of domicile to tax income received from abroad.

In the *Kamus Besar Bahasa Indonesia (KBBI)* it is stated that the definition of tax is a mandatory levy which is usually in the form of money that must be paid by residents as a mandatory contribution to the state or government in connection with income, ownership, purchase price of goods, and so on.<sup>45</sup>

## a) Taxes in Indonesia

### 1. Tax Definition

Taxes viewed from an economic perspective can be understood as the transfer of resources from the private sector to the public sector. This understanding illustrates that the existence of taxes in two situations is changing. *First*, the reduced ability of individuals to master resources for the benefit of controlling goods and services. *Second*, increasing the state's ability to provide public goods and services which are the needs of the community.

Tax according to Prof. Dr. Rochmat Soemitro, SH in his book *Mardiasmo* is a people's contribution to the state treasury based on the law (which can be enforced) by not getting lead services (cons of achievement) that can be directly shown and which are used to pay general expenses. Then this understanding was corrected to the transfer of wealth from the people to the state

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<sup>45</sup> Badan Pengembangan dan Pembinaan Bahasa, *KBBI Daring*, Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia, [Pemutakhiran terakhir](#): April 2023.

treasury to finance routine expenditures and the surplus was used for public saving, as the main source of financing public investment.<sup>46</sup>

Law of the Republic of Indonesia Number 6 of 1983 concerning General Provisions and Procedures for Taxation as amended several times most recently by Law of the Republic of Indonesia Number 16 of 2009, the definition of tax based on Article 1 paragraph 1 is a mandatory contribution to the state owed by an individual or entity that is coercive based on the law, with no direct compensation and used for state purposes to the greatest extent prosperity of the people (Republik Indonesia, 2013).<sup>47</sup>

In this tax sense, there are several components, namely::

- 1) Tax is a mandatory contribution of citizens;
- 2) Taxes are coercive for every citizen;
- 3) By paying taxes, taxpayers will not get direct rewards;
- 4) Statutory taxes.

In Indonesia, taxes are applied with a self-assessment system, this means that taxpayers are required to calculate, pay, and report their taxes to *Direktorat Jendral Pajak (DJP)*. In the case of income tax imposed on business entities (*PPh Badan*), Indonesia

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<sup>46</sup> Adrian Sutedi, “*Hukum Pajak*”, (Jakarta: Sinar Grafika, 2022), 2.

<sup>47</sup> Agus Salim dan Haeruddin, *Dasar-Dasar Perpajakan (Berdasarkan UU & Peraturan Perpajakan Indonesia)*, (Sulawesi Tengah: Penerbit LPP-Mitra Edukasi, 2019), 11.

sets the tariff at 22%. Meanwhile, Indonesia has set the VAT rate at 11% since April 1, 2022. The two policies are a form of implementation of Law Number 7 of 2021 concerning Harmonization of Tax Regulations (*UU HPP*).

## 2. *Tax Function*

According to Siti Resmi (2017: 3) taxes have two functions, namely the budgetair function and the regularend function.<sup>48</sup>

- 1) Budgetair function (State Financial Resources)
- 2) Regularend function (Organizer)

## 3. *Types of Taxes*

The types of taxes collected by the government from the public or taxpayers are classified into three parts, namely based on the nature, collecting agency, and tax object and tax subject.<sup>49</sup>

- 1) Taxes by nature, are classified into two, namely:
  - a) *Indirect tax*, is a tax that is only given to taxpayers when they commit a certain event or deed. Thus, indirect taxes cannot be collected periodically, but can only be collected

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<sup>48</sup> Rita J. D. Atawarman, *Pengaruh Kesadaran Wajib Pajak, Sanksi Pajak Dan Kualitas Pelayanan Pajak Terhadap Kepatuhan Wajib Pajak Orang Pribadi*, Jurnal Akuntansi • Vol. 6 No. 1 (2020), 41 <https://ojs3.unpatti.ac.id/index.php/jak/article/view/2710/2284>

<sup>49</sup> Agus Salin dan Haeruddin, *Dasar-dasar Perpajakan*, (Sulawesi Tengah: LPP-Mitra Edukasi, 2019), 16-17 <https://docplayer.info/210298916-Dasar-dasar-perpajakan-berdasarkan-uu-peraturan-perpajakan-indonesia-dr-agus-salim-hr-s-e-m-m-haeruddin-s-e-m-m.html>

if certain events or actions have occurred that cause the obligation to pay taxes.

b) *Direct tax*, is a tax that is collected periodically to taxpayers based on the basis of a tax assessment letter made by the tax office.

2) Taxes based on the collecting agency are classified into two, namely:

a) *Regional (local) tax*, which is a tax levied by the local government and is limited only to the people of the region itself.

b) *State (central) tax*, which is a tax collected by the central government through related agencies, such as: *Dirjen Pajak, Dirjen Bea dan Cukai*, as well as tax inspection offices spread throughout Indonesia.

3) Taxes based on tax objects and tax subjects are classified into two types, namely:

a) *Objective tax*, is a tax that is taken based on its object.

b) *Subjective tax*, the tax taken is based on the subject.

## **b) Taxes in Malaysia**

### ***1. Tax System***

Malaysia has a territorial income system taxation. While the types of taxation differ according to the policies that exist in



each country. It was also mentioned that what distinguishes Malaysia from other ASEAN countries is the existence of Corporate-Group Taxation, which is when 70% of the company's losses go to related parties. Then Corporate residence status, Withholding tax where Malaysia uses single tier tax. Furthermore, Corporate Tax Returns, tax return collection is in the 7th month of the closing date. E-filing reporting can be done directly only for validation due to the advancement of the online system.<sup>50</sup>

## **2. Types of Taxes**

Malaysia does not recognize any taxes on wealth, taxes on land, State Taxes (Local Taxes), or Taxes on gifts.

Objects taxed in Malaysia include:

1. Corporate tax;
2. Individual income tax;
3. Sales tax;
4. Social security level;
5. The level of social security for the company; and
6. Social security rate for individuals.

## **3. Tax Institutions**

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<sup>50</sup> Anonim, *Seri Seminar Pajak ASEAN: Pengantar Sistem Perpajakan di Singapura, Malaysia, dan Filipina*, (Situs resmi Fakultas Ilmu Administrasi Universitas Indonesia, 2021), <https://fia.ui.ac.id/seri-seminar-pajak-asean-pengantar-sistem-perpajakan-di-singapura-malaysia-dan-filipina/>

In Malaysia, there are two institutions that have the authority to take care of tax matters. The two institutions are The Inland Revenue Board of Malaysia (IRBM) and The Royal Malaysian Customs Department under the Ministry of Finance of Malaysia.

The Inland Revenue Board of Malaysia (IRBM) is one of the main revenue-collecting institutions under the responsibility of the Ministry of Finance. The ministry is responsible for collecting and replaying direct taxes.

The Inland Revenue Board of Malaysia (IRBM) was established with the Inland Revenue Board of Malaysia Act 1995 with the aim to make it more autonomous, especially in terms of financial and personnel management, as well as to improve the quality and effectiveness of tax administration.

The Department of Internal Revenue of Malaysia was amended to the board on 1 March 1996. Previously, this department was known as *Jabatan Hasil Dalam Negeri Malaysia (JHDNM)* where it is now officially known as The Inland Revenue Board of Malaysia (IRBM). This agency has responsible for the overall administration of direct taxes under the following Acts :<sup>51</sup>

- 1) Income Tax Act 1967;

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<sup>51</sup> Lembaga Hasil Dalam Negeri Malaysia (HASiL), *Profil Lembaga Hasil Dalam Negeri Malaysia (HASiL)*, accessed on August 10th 2023, <https://www.hasil.gov.my/mengenai-hasil/profil-korporat/profil-lembaga-hasil-dalam-negeri-malaysia-lhdnm/>

- 2) Petroleum (Income Tax) Act 1967;
- 3) Real Property Gains Tax Act 1976;
- 4) Promotion of Investments Act 1986;
- 5) Stamp Act 1949; and
- 6) Labuan Business Activity Tax Act 1990.

The function of the board, are:

- 1) To act as an agent of the Government and to provide responsible services in managing, assessing, collecting and enforcing the payment of income tax, petroleum income tax, real property gains tax, land duty, stamp duty as well as any other tax that may have been agreed between the Government and the Board,
- 2) To advise the Government on matters relating to taxation matters and to liaise with relevant Ministries and statutory bodies on such matters,
- 3) To participate either within or outside Malaysia in matters related to or taxation,
- 4) To perform such other functions as those conferred upon the Board by other written laws; and
- 5) May act as a collection agent for lump sum on behalf of any body for the purpose of recovering loans due for repayment to that body under any written law.

#### 4. *Tax system*

Malaysia has a territorial tax system. The system establishes residents and non-residents who are taxed on their Malaysian source income. Foreign investors in Malaysia are subject to the following major taxes, are:

- 1) *Corporate tax*, for resident and non-resident companies, corporate income tax (CIT) is imposed on income incurred in Malaysia.
- 2) *Value-added tax*, Malaysia replaced its Goods and Services Tax (GST) with the Sales and Services Tax (SST) regime in 2018. The sales tax rate is ten percent, while the service tax rate is six percent. Some goods are also taxed at a reduced rate of five percent.
- 3) *Withholding tax*, the withholding tax only applies to non-resident companies or individuals who have sourced income from Malaysia.
- 4) *Individual Income Tax*, Malaysia uses both progressive and flat rates for personal income tax (PIT), depending on an individual's duration and type of work in the country. Since expats may fall into the tax category, it is important to understand the basic tax structure of Malaysia. The Income Tax Act 1967 provides for personal income tax in Malaysia,

while the government's annual budget can change rates and variables for individual taxation.

## C. Overview of *Maslahah Mursalah*

### 1. *The Definition of Maslahah Mursalah*

*Mashlahah mursalah* consists of two words, namely the word *mashlahah* and the word *mursalah*.

The word *maslahah* in terms of language has the meaning of benefit, which is something that provides benefits or uses. This word is taken from the word *shalaha* which means good. This word is used to denote people, things, or conditions that are considered good. In the Qur'an, the word *maslahah* is also often used in its various derivations, such as *salih* and *shalihah* and others.

While the word *mursalah* according to the language has the meaning of disconnected or detached. Thus, the problem of *mursalah* can be interpreted as a benefit that is released. What this means is that the benefit or benefit in question is not mentioned or expressed directly in the *nash*.

The word "*maslahat*" whose pronunciation has become one with Indonesian culture comes from Arabic (*mashlahah*) with the *jama'* of *mashalih* which etymologically means: benefit, *faedah*, good, or useful. *Mashlahah* is the *mashdar* form of *fi'il shalaha*, it is the opposite of the word *mafsadat* which means corruption and destruction.

While *mursalah* means the same as *mutlaqah*, which is detached. This means *mashlahat* or *kemashlahatan* has no particular proposition that justifies or cancels it.

While understanding in terms, *ulama ushul* provides various limits on the *maslahah mursalah*. Amir Syarifuddin collected a number of definitions from various proposed scholars as follows:<sup>52</sup>

- 1) Al- Ghazali in *Kitab al-Mustashfa*, formulated the definition of *maslahah mursalah* as follows:

من لم يشهد له من الشرع بالبطلان ولا بالاعتبار نص معين

“Anything (*maslahah*) for which there is no evidence for him from *shara'* in the form of a certain *nash* that cancels it and no one pays attention to it.”

- 2) Al- Syaukani in the book *Irshad al-Fuhul* gives a definition:

المناسب الذي لا يعلم ان الشارع الغاه او اعتبره

“*Maslahah yang tidak diketahui apakah Syari' menolaknya atau memperhitungkannya.*”

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<sup>52</sup> Mukhsin Nyak Umar, *Al-Maslahah Al-Mursalah: Kajian Atas Relevansinya dengan Pembaharuan Hukum Islam*, (Banda Aceh: Turats, 2017), 141-142.

3) Ibnu Qudamah dari ulama Hanbali memberi rumusan:

ما لم يشهد له ابطال ولا اعتبار

*“Maslahat for which there is no evidence of a particular clue that invalidates it nor is it paid attention to it.”*

4) Jalal al-Din 'Abd al-Rahman gives a broader formulation:

المصالح الملاءمة لمقاصد الشارع ولا يشهد لها الصل خاص بالاعتبار او بالالغاء

*“Maslahah is in harmony with the purpose of Shari'ah (Law Maker) and there is no particular indication proving its recognition or rejection”.*

From some of the definitions put forward by the scholars above, it can be seen that the substance of the *mursalah* problem, is as follows:

- 1) The existence of something that is considered beneficial and brings good to human life according to common sense. With the problem of *mursalah*, human life can become better and easier and avoid difficulties in living life.
- 2) The *maslahah* does not contradict the nash of sharia and is even in line with the purpose of *maqashid al-sharia*.

- 3) The problem is not spoken of by the *nash* of the *syara'*, neither from the Qur'an nor the *hadith* regarding its rejection or concern for it.

In another opinion, *maslahah mursalah* can also be translated as *maslahat* which has unclear laws in the *shari'a* and also there is no evidence that explains whether the *maslahat* is true or not. The majority of scholars are of the opinion that *al-Mashlahah al-Mursalah* can be used as an argument. However, there are conditions that must be met in the use of this rule.<sup>53</sup>

## 2. *The Term Maslahah Mursalah*

Some scholars use the term *al-Munasib al-Mursal* to refer to the problem of *mursalah*. In addition, there are also those who call the term *al-istishlah* and *al-istidlal al-mursal*. Each of these terms has its own purpose of mention. Every law that is targeted at the benefit can be viewed from three aspects, including:<sup>54</sup>

- 1) See the problems that exist in the case that is the focus of the problem. If the law is viewed from this model, then the term used is *al-maslahah al-mursalah*.

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<sup>53</sup> Misran, *Al-Mashlahah Mursalah (Suatu Metodologi Alternatif dalam Menyelesaikan Persoalan Hukum Kontemporer)*, Fakultas Syari'ah UIN Ar-Raniry, (2020), 5-6, <https://jurnal.arraniry.ac.id/index.php/Justisia/article/view/2641>

<sup>54</sup> Rachmat Syafi'e, *Ilmu Ushul Fiqh*, (Bandung: CV Pustaka Setia, 2018), 118.



- 2) Seeing the nature that is in accordance with the purpose of sharia 'where there is required to be a legal provision to create a benefit. If the law is viewed from this second model, then the term used is *al-munasib al-mursal*.
- 3) See the process of legal determination of a problem indicated by specific propositions. If the law is viewed from this third model, then the term used is *al-istishlah*.

### 3. *Criteria of Maslahah Mursalah*

The ulama ushul who stated the legality of the use of *maslahah mursalah* which is used as an *istinbath* method emphasized the necessity of fulfilling the requirements by which *maslahah mursalah* can be used. This means that the problem of anger cannot be used by the heart.

The reason for all this is that the scholars are very careful and keep the problem of wrath from being influenced by ego and a tendency towards pseudo-and sectarian benefits. The possibility of being trapped in lust desires alone is also very large if the use of *mursalah maslahah* is not based on certain requirements.

To be able to make *mashlahah mursalah* as a postulate in establishing law, *Malikiyyah* and *Hanabilah* scholars require three conditions, namely:<sup>55</sup>

- 1) *Maslahah* is in line with the will of *sharia* and belongs to the type of *maaslahat* that *nash* supports in general.
- 2) *Maslahah* is rational and certain, not merely an estimate so that the laws established through *al-mashlahah al-mursalah* actually produce benefits and avoid or reject *harm*.
- 3) *Maslahah* concerns the interests of the crowd, not the interests of individuals or certain small groups.

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<sup>55</sup> Misran, *Al-Mashlahah Mursalah (Suatu Metodologi Alternatif dalam Menyelesaikan Persoalan Hukum Kontemporer)*, Fakultas Syari'ah UIN Ar-Raniry, (2020), 5-6, <https://jurnal.ar-raniry.ac.id/index.php/Justisia/article/view/2641>

## **BAB III**

### **DISCUSSION AND RESULT OF RESEARCH**

#### **1. Zakat and Tax Regulations in Indonesia and Malaysia**

##### ***1. Zakat and Tax Regulations in Indonesia***

Zakat and taxes are two things that must be paid by citizens who are Muslim. However, since citizens are not distinguished by the religion adhered to, in this case, the state does not withdraw zakat. However, the state still protects zakat activities, especially for its management..

Tax and zakat are two different elements. Taxes are something regulated by the state; Meanwhile, zakat is a matter related to worship, not a matter that is a responsibility of the state, because worship is a thing only related to each individual.

Muslims who also have to carry out their responsibilities as citizens end up having the burden of double payment. This is because the objects of zakat and tax themselves can be the same or interrelated. For example, such as rice fields are taxed, and the results of these fields are subject to zakat. Because of the relationship between these two things, the government then sees the polarization or relationship that exists between zakat and taxes that is inevitable. Thus, it can be seen that within these two interconnected elements, there is a fiscal force capable of influencing state revenues.

Zakat and taxes in Indonesia are regulated under different laws. The law regulating zakat has existed since 1999 and is aimed at protecting the implementation of zakat that has been running in the community. The law is Law Number 38 of 1999 which has been revised with the promulgation of a new Zakat Management Law, namely Law Number 23 of 2011. Meanwhile, the implementation of taxes is regulated in a separate law. Namely in the Regulation of the Minister of Finance of the Republic of Indonesia Number 48 of 2023.

The renewal of Law Number 38 of 1999 concerning the management of zakat to Law Number 23 of 2011 is motivated by Article 14 paragraph (3) of Law Number 38 of 1999. In the article, it is explained that the deduction of zakat from taxable residual profit/income is intended so that taxpayers are not exposed to double burden. The double burden in question is the obligation to pay zakat and also taxes.<sup>56</sup>

This change in zakat and tax management that can be managed through one door is a good action in the transformation of positive law and Islamic law in Indonesia. Because, in the end, there are interrelated rules in positive law and Islamic law that can be used as a basis for carrying out obligations side by side with outputs that are

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<sup>56</sup> Masnun Tahir, *Integrasi Zakat dan Pajak di Indonesia dalam Tinjauan Hukum Positif dan Hukum Islam*, Al-'Adalah (Lampung: UIN Raden Intan, 2015), 517.

useful for easing the double burden of citizens. Therefore, it is expected that there will be support from every party related to this policy.

Ideally, every law that has been passed must have regulations that are derived from it. The derivative rules issued by the authorities following the main Law are intended for a detailed explanation containing further provisions on related matters. In this regard, Law Number 23 of 2011 concerning Zakat Management has a relationship with Government Regulation Number 14 of 2014 concerning the Implementation of Law Number 23 of 2011 concerning Zakat Management to implement the mandate of the zakat management law.

Other regulations that are also related to regulations regarding zakat and taxes in Indonesia include: Law Number 36 of 2008 concerning Income Tax; Government Regulation (PP) Number 60 Year 2010 about *Zakat atau Sumbangan Keagamaan yang Sifatnya Wajib yang dapat dikurangkan dari Penghasilan Bruto: Keputusan Direktur Jenderal Pajak Nomor KEP - 163/PJ/2003 about Perlakuan Zakat atas Penghasilan dalam Penghitungan Penghasilan Kena Pajak Pajak Penghasilan; Peraturan Direktur Jenderal Pajak Nomor PER-08/PJ/2021 tentang Badan/Lembaga yang Dibentuk atau Disahkan oleh Pemerintah yang Ditetapkan sebagai Penerima Zakat atau Sumbangan Keagamaan yang Sifatnya Wajib yang Dapat Dikurangkan dari Penghasilan Bruto; Peraturan Menteri Keuangan Nomor 254/PMK.03/2010; and so on.*

In Article 22 of Law Number 23 of 2011 concerning Zakat Management , it is explained that zakat paid by a muzaki to one of the institutions either *Badan Amil Zakat Nasional* (BAZNAS) or *Lembaga Amil Zakat* (LAZ) is deductible from taxable income. Based on the article, if a zakat has been paid by the muzaki and has been declared in accordance with existing and applicable regulations, then, it can be deducted from taxable income or the remaining taxable income.<sup>57</sup>

Article 23 Paragraphs (1) and (2) of Law Number 23 of 2011 concerning Zakat Management further explains that to be able to implement the provisions in Article 22, the implementation must be in accordance with the following provisions: 1) *Badan Amil Zakat Nasional* (BAZNAS) or *Lembaga Amil Zakat* (LAZ) it is mandatory to provide proof of zakat deposit to each muzaki; 2) Proof of zakat deposit as referred to in paragraph (1) shall be used as a deduction of taxable income.<sup>58</sup>

*Peraturan Direktur Jenderal Pajak Nomor PER-08/PJ/2021* has recorded and determined bodies or institutions that have been established or authorized by the government as official institutions that have the responsibility to receive zakat or other compulsory religious donations that can be deducted from gross income. All these institutions are attached according to each grouping starting from letter A to letter

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<sup>57</sup> Pasal 22 Undang-undang No. 23 Tahun 2011 tentang Pengelolaan Zakat.

<sup>58</sup> Pasal 23 Ayat (1) dan (2) Undang-undang No. 23 Tahun 2011 tentang Pengelolaan Zakat.

I. The grouping starts from BAZNAS, LAZIS, Christian Religious Donation Recipient and Management Institutions, Catholic Religious Donation Recipient and Management Institutions, Buddhist Religious Donation Receiving and Managing Institutions, to Hindu Religious Donation Receiving and Managing Institutions.<sup>59</sup>

Another regulation related to zakat and taxes in Indonesia is Law Number 36 of 2008 concerning Income Tax. This is related to Law Number 23 of 2011 concerning Zakat Management which states that zakat is paid by a muzaki to one of the institutions *Badan Amil Zakat Nasional* (BAZNAS) or *Lembaga Amil Zakat* (LAZ) is deductible from taxable income. Thus, this regulation relates to the income of every individual who has tax dependents. Therefore, here will be the regulation and management regarding zakat and related taxes will not be separated from the Income Tax Law. The article that mentions the existence of zakat that can be used as a deductible of *taxable income (tax deductible)* is located in Article 3 paragraph 1 letter a. Law Number 36 of 2008 concerning Income Tax is supported by Government Regulation (PP) Number 60 of 2010 concerning *Zakat atau Sumbangan Keagamaan yang Sifatnya Wajib yang dapat dikurangkan dari Penghasilan Bruto*. It is mentioned in Article 1 regarding the types of zakat or religious donations that can be deducted. Meanwhile, Article 2

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<sup>59</sup> Peraturan Direktur Jenderal Pajak Nomor PER-08/PJ/2021

states that zakat or religious donations referred to in paragraph (1) can be handed over in the form of money or equivalent to money.

Zakat that can be categorized as tax deduction, namely: 1) In accordance with Government Regulations (PP) Number 60 of 2010 is zakat which is mandatory for Muslims. In this case, it can be interpreted that the zakat in question is zakat fitrah; and 2) Article 22 of Law Number 23 of 2011, namely zakat paid by muzakki through BAZNAS or LAZ accompanied by proof of zakat deposit.

There are things that must be obeyed by taxpayers when deducting income zakat, namely:

- 1) Deduction of zakat from his/her income must attach a copy of the first statement or statement authorized by *Badan Amil Zakat Nasional (BAZNAS) or Lembaga Amil Zakat (LAZ)* that receives the appropriate zakat payment on the Annual Income Tax Return (SPT) for the tax year for which the zakat deduction on the income is made
- 2) If income is stated in the annual tax return, the zakat on the giver is not paid, the zakat can deduct zakat in the tax year in which the payer is made, as long as the taxpayer can prove his income and is stated by proof of the previous tax year's tax return (SPT).
- 3) The deduction of zakat from income under Article 1 will be made in the year in which the Taxpayer's Annual Return



(SPT) reports his income, depending on the year the income was collected or earned.

- 4) Zakat deposit letters that can be recognized as evidence include name, full address, Taxpayer Identification Number (NPWP), type of income paid to zakat, source or type of income, month or year of income, amount of income, and amount of zakat related to income.

The provisions of Article 3 of Government Regulation Number 60 of 2010 then its implementation is accompanied by *Peraturan Menteri Keuangan Nomor 254/PMK.03/2010 tentang Tata Cara Pembebanan Zakat atau Sumbangan Keagamaan yang Sifatnya Wajib yang dapat dikurangkan dari Penghasilan Bruto*.

Then it is further set as well *Keputusan Direktur Jenderal Pajak Nomor KEP - 163/PJ/2003 tentang Perlakuan Zakat atas Penghasilan dalam Penghitungan Penghasilan Kena Pajak Pajak Penghasilan*. In this Decree of the Director General of Taxes, further provisions are explained regarding zakat objects, tax objects, and calculations, all of which are related to other regulations. It is stated in Article 1 paragraph (3) that the amount of zakat that can be deducted from taxable income is 2.5% (two and a half percent) of the total income. The explanation in paragraph (3) shall still be based as referred to in paragraph (2).

## 2. *Zakat and Tax Regulations in Malaysia*

Malaysia mempunyai undang-undang zakat tersendiri disetiap negara bagian. Undang-undang yang berlaku dibentuk oleh Majelis Perundang dari masing-masing wilayah Negara bagian. Terkhusus untuk zakat pendapatan dikenai biaya yang wajib dibayarkan oleh orang yang beragama Islam dengan didasarkan pada fatwa Mufti dan diberitahukan melalui kabar Kerajaan No. (PNM-0020 Klt. 2; PUN (M) 351/27 tertanggal 22 Mei 2000). Oleh karena itu, pendapatan zakat di semua negara bagian diperlakukan dengan sama dan ditentukan oleh pemerintah pusat.<sup>60</sup>

Malaysia has its own zakat laws in each state. The applicable laws are formed by the Legislative Assembly of each territory of the State. Especially for zakat income is subject to a fee that must be paid by people of Muslim faith based on the Mufti's fatwa and notified through the Kingdom news No. (PNM-0020 Klt. 2; PUN (M) 351/27 dated 22 May 2000). Therefore, zakat income in all states is treated equally and determined by the central government.<sup>61</sup>

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<sup>60</sup> Ro'yun Niswati Ahada, *Zakat dan Pajak: Perbandingan Malaysia dan Indonesia*, (El-Jizya: Jurnal Ekonomi Islam, 2021), <https://ejournal.uinsaizu.ac.id/index.php/eljizya/article/view/4905/2561>

<sup>61</sup> Ro'yun Niswati Ahada, *Zakat dan Pajak: Perbandingan Malaysia dan Indonesia*, (El-Jizya: Jurnal Ekonomi Islam, 2021), <https://ejournal.uinsaizu.ac.id/index.php/eljizya/article/view/4905/2561>

The conduct of zakat in the tax Act in Malaysia is based on Article 6A paragraph 3, Income Tax Act 1967. Based on this provision, zakat payments will be deducted from the tax collected if proof of zakat payment is attached with a statement letter from *Jabatan Hasil Dalam Negeri Malaysia (JHDNM)* office. Non-profit income recipients show proof of payment to zakat institutions or committees that have been approved by the State. Individual zakat payments are earned as long as the amount of tax does not exceed the limit of tax paid. Zakat paid must not exceed the specified rate of 2.5%.

### **3. *Differences in Zakat and Tax Regulations in Indonesia and Malaysia***

Based on the explanation written by the author earlier, it can be concluded that there are several differences between the arrangement of zakat and tax in Indonesia with the regulation of zakat and tax in Malaysia. Starting from the institutions that regulate zakat and taxes in both countries to the regulatory system.

In Indonesia, the relevant institutions that participate in the management of zakat and taxes are mentioned in *Peraturan Direktur Jenderal Pajak Nomor PER-08/PJ/2021* and Law Number 23 of 2011. The institutions in question are *Badan Amil Zakat Nasional*, *Lembaga Amil Zakat*, and *Direktorat Jenderal Pajak*. Meanwhile, in Malaysia, related institutions that participate in the management of zakat and taxes are *Jawatan Kuasa Zakat dan Pejabat Lembaga Hasil Dalam Negeri*.

The main legal basis used in the implementation of regulations regarding zakat and tax in Indonesia is Law Number 23 of 2011 about Zakat Management and Law Number 36 of 2008 about Income Tax. Meanwhile, the legal basis used by Malaysia in the application of zakat and tax is the Laws of Malaysia Act 53 Income Tax Act 1967 Article 6A (1) and (3) concerning Tax Rebates.

The provisions of the existing zakat and tax arrangements in Indonesia can only reduce the tax burden from gross income, zakat paid to reduce the tax burden must also be paid to related institutions according to regulations, namely BAZNAS and LAZ to then be accompanied by proof of zakat deposit letter. Meanwhile, the applicable provisions regarding zakat and tax arrangements in Malaysia can reduce up to all tax liabilities provided that zakat must be paid to the zakat management agency in each state.

The object of zakat that is allowed to then become a tax deduction according to the provisions in each country is different. In Indonesia deductible zakat is compulsory zakat, whereas, in Malaysia, related zakat is zakat on income therefore the deduction can reach up to 100%.

The following is a table of the differences in zakat and tax regulations in Indonesia and Malaysia:

**Tabel 2.**  
**Differences between Zakat and Tax Regulations**  
**in Indonesia and Malaysia**

No	Review	Indonesia	Malaysia
1	Legal Basis	1) Law Number 23 of 2011 about Zakat Management; and 2) Law Number 36 of 2008 about Income Tax;	1) Laws of Malaysia Act 53 Income Tax Act 1967 Pasal 6A (1) dan (3) about Tax Rebate.
2	Conditions	1) Zakat can only deduct tax liabilities from gross income. 2) Zakat must be paid to BAZNAZ or LAZ which is then attached proof of payment to be submitted to the Director General of Taxes for withholding gross income tax dependents	1) Zakat can reduce up to all tax dependents. 2) Zakat must be paid to the zakat management agency in each state, namely at the Waqf, Zakat, and Hajj Departments, which then attach proof of payment to be submitted to the Domestic Product Agency (PLHDN) Officer for withholding tax dependents.
3	Related institutions	1) <i>Badan Amil Zakat Nasional</i> 2) <i>Lembaga Amil Zakat</i> 3) <i>Direktorat Jenderal Pajak</i>	1) <i>Jawatan Kuasa Zakat</i> 2) <i>Pejabat Lembaga Hasil Dalam Negeri</i>

## 2. Zakat and Tax Regulation in Indonesia and Malaysia in the Perspective of *Maslahah Mursalah*

Regulations have their own purposes in their formation, and one of their goals is to provide peace as well as realize a benefit for human life in general. Zakat and taxes that are carried out in one rule will of course be considered better if their application is based on and in accordance with the principles of *maslahah mursalah*. This is intended so that there are no elements that violate *sharia*. The existence of elements that do not violate *sharia* aims for the benefit of mankind.<sup>62</sup> This is important because the perpetrators who carry out this rule are all citizens who are Muslim. In addition, with conformity with the principles of *maslahah mursalah*, it is hoped that the regulation can make citizens who implement it get good as well as welfare.

The current arrangement of Zakat and taxes was never known in the time of the Prophet or the time of the Companions. In the past, there was only the application of "*Jizya*" or taxes charged to non-Muslims, while Muslims were applied to pay "*zakat*".

If there is an event that has no provisions in the *shari'a* and there is also no *illat* from the *sharia* that determines the law of a thing, then the provision is a provision based on the maintenance of harm and to declare a benefit, then the event can be called *maslahah mursalah*.

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<sup>62</sup> Ahmad Sadzali, *Pengantar Belajar Ushul Fikih*, (Yogyakarta: Pusat Studi Hukum Islam Fakultas Hukum UII, 2017), <https://law.uui.ac.id/wp-content/uploads/2018/02/Pengantar-Belajar-Ushul-Fikih-PSHI-FH-UUI.pdf>

Therefore, it is necessary to discuss further about how to regulate zakat and taxes in the perspective of *maslahah mursalah*. Has it fulfilled the principles of the *maslahah mursalah*?

### **1. The principle of Maslahah Mursalah**

The scholars have determined the substance that is the requirement for a thing to be established as *maslahah mursalah*. So that the problem of anger is not influenced by ego and tendency to false and sectarian benefits.

Earlier scholars such as al-Shathibi had previously given conditions for the use of *al-Mursalah*. These requirements were later confirmed by scholars who came later. Abd al-Wahhab Khallaf and Abu Zahrah also gave conditions for the use of *al-Maslahah al-Mursalah*. If the requirements of *al-Maslahah al-Mursalah* of these two great masters are combined, it can be concluded as follows:<sup>63</sup>

1. *Al-maslahah al-Mursalah* must not contradict the *Maqashid al-Sharia*, the *dalil kulli*, the spirit of Islamic teachings, and the postulates of *juz'i* which are *qath'i wurudl* and its *dalalah*.
2. The benefit must be convincing, meaning that there must be rational and in-depth discussion and research so that it can

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<sup>63</sup> Prof. H.A. Dzajuli, *Ilmu Fiqh: Penggalan, Perkembangan, dan Penerapan Hukum Islam*, (Jakarta: Kencana Prenadamedia Group, 2013), 87.

be believed to provide benefits or even be able to reject harm.

3. These benefits are general.
4. Its implementation does not cause unreasonable difficulties.

To be able to make *mashlahah mursalah* as a postulate in establishing law, Malikiyyah and Hanabilah scholars require three conditions, namely:<sup>64</sup>

1. *Maslahah* is in line with the will of sharia and belongs to the type of *maslahat* that *nash* supports in general.
2. *Maslahah* is rational and certain, not merely an estimate so that the laws established through *al-mashlahah al-mursalah* actually produce benefits and avoid or reject *harm*.
3. *Maslahah* concerns the interests of the crowd, not the interests of individuals or certain small groups

## **2. Analysis of the Conformity of Zakat and Tax Regulations in the perspective of Maslahah Mursalah**

The regulation of zakat and taxes in Indonesia and Malaysia is seen based on the principles of benefit:

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<sup>64</sup> Misran, *Al-Mashlahah Mursalah (Suatu Metodologi Alternatif dalam Menyelesaikan Persoalan Hukum Kontemporer)*, Fakultas Syari'ah UIN Ar-Raniry, (2020), 5-6, <https://jurnal.arraniry.ac.id/index.php/Justisia/article/view/2641>



One of the conditions for allowing gross income tax withholding in Indonesia is that taxpayers are required to include proof of zakat payment from BAZNAS / LAZ, so that this can minimize the discrepancy in zakat delivery procedures that may not be in accordance with sharia to zakat distribution institutions that are not legal. Thus, with this implementation, it can be said that the existing procedures are in line with the will of sharia and are included in the type of benefit supported by nash in general.

The application of rules in the form of tax deductions on zakat payments makes Muslim taxpayers do not have to incur double burdens. With the possibility of reducing double burden, this regulation can increase the enthusiasm of Muslim taxpayers in fulfilling their obligations. Thus, the existence of this regulation can be implemented or realized rationally with output that is beneficial to Muslim citizens.

Indonesia is a country where the majority of the population is Muslim. Likewise with Malaysia, where most of its citizens adhere to Islam. In fact, the existing constitution in Malaysia makes Islam the official religion in the country. So, it can be said that this zakat and tax rule will indirectly greatly affect many aspects and also affect the interests of many people.

**Table 3.**

**Conformity Analysis of Zakat and Tax Arrangements based on the principles of *maslahah mursalah***

<b>Principles of <i>maslahah mursalah</i></b>	<b>Compliance with Zakat and Tax Arrangements</b>	<b>Explanation</b>
<p>It is in line with the will of sharia and belongs to the type of benefit that nash supports in general</p>	<p>Based on the points described in the rules applicable in each country, all systems and arrangements that have been established flow are in accordance with <i>sharia</i>.</p>	<p>One of the conditions for allowing gross income tax withholding in Indonesia is that taxpayers are required to include proof of zakat payment from BAZNAS / LAZ, so that this can minimize the discrepancy in zakat delivery procedures that may not be in accordance with sharia to zakat distribution institutions that are not legal.</p>
<p>Be rational and definite (reasonable and realizable)</p>	<p>When viewed from the purpose of each rule that applies to both countries, it can be concluded that the rules regarding zakt and taxes can be realized and also rational. Because this rule can reduce the tax burden of a Muslim citizen who is obliged if the rule can be implemented properly.</p>	<p>The application of this rule in the form of tax deductions on zakat payments makes Muslim taxpayers do not have to incur double burdens.</p> <p>With the possibility of reducing double burden, this regulation can increase the enthusiasm of Muslim taxpayers in fulfilling their obligations.</p>

<p>Concerns the interests of the crowd</p>	<p>Regulations regarding zakat and taxes are of course related and have an impact on many people. Because the parties who carry out this rule are every citizen who is Muslim.</p>	<p>Indonesia is a country where the majority of the population is Muslim. Likewise with Malaysia, where most of its citizens adhere to Islam. In fact, the existing constitution in Malaysia makes Islam the official religion in the country. So, it can be said that this zakat and tax rule will indirectly greatly affect many aspects and also affect the interests of many people.</p>
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## **BAB IV**

### **CLOSING**

#### **A. Conclusion**

The conclusions from the results of the comparison of two Indonesian and Malaysian regulations regarding zakat and tax regulation also the Conformity Analysis of Zakat and Tax Arrangements based on the principles of *maslahah* are as follows:

1. Indonesia and Malaysia have similarities and differences in regulating zakat and taxes. In both countries, there is a tax deduction from zakat payments with the terms and conditions that have been set in each country. Regulations regarding zakat and taxes in Indonesia are in Law No. 23 of 2011 concerning Zakat Management; and on Law No.36 of

2008 concerning Income Tax. In this case, the tax that can be deducted from zakat payments is only gross income tax. Meanwhile, in Malaysia the enactment of zakat in the tax law is based on Article 6A paragraph 3, Income Tax Act 1967. Where zakat payments in Malaysia can reduce the tax burden by up to 100%. The object of zakat in Indonesia related to this regulation is limited to zakat fitrah. Meanwhile, the object of zakat in Malaysia related to this regulation is income zakat.

2. Based on the analysis of the suitability of zakat and tax arrangements in Indonesia and Malaysia based on benefit, it can be said that these arrangements are in accordance with the principles that must be fulfilled if the implementation is carried out properly. The principles of *maslahah mursalah*, among them: the welfare is in line with the will of sharia and belongs to the type of benefit supported by *nash* in general; Benefit is rational and certain, not merely an estimate so that the law established through *Mashlahah Al Mursalah* actually produces benefits and avoids or rejects harm; And the good concerns the interests of the multitude, not the interests of individuals or small groups.

## **B. Suggestion**

- 1) What is discussed in this study should be a lesson for the community so that they can always carry out obligations in accordance with applicable rules so that the rules that have been set can be

implemented properly and the purpose of holding regulations, namely for the welfare and benefit of the people can be achieved.

- 2) Seeing the regulations in force in Malaysia where zakat payments can reduce the tax burden by up to 100%, it is necessary to hold further arrangements in Indonesia regarding this matter, so that Indonesian citizens who are Muslim are also free from double payment dependents.
- 3) In this study, the author has not conducted comprehensive research in data collection. This is due to the author's limitations in knowledge and literature. Therefore, it is recommended for further research to be able to further develop research based on other perspectives or rules that still have a correlation with this research.

## BIBLIOGRAPHY

### BOOKS

- Amiruddin, dan Zainal Asikin. *Pengantar Metode Penelitian Hukum*. Jakarta: PT Raja Grafindo Persada. 2004
- Az-Zuhaili, Wahbah. *Fiqh Islam Wa Adillatuhu*. Jilid 3. Bekasi Barat: Gema Insani. 2011
- Dzajuli, *Ilmu Fiqh: Penggalan, Perkembangan, dan Penerapan Hukum Islam*, Jakarta: Kencana Prenadamedia Group, 2013
- Ibrahim, Jhonny. *Teori dan Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia. 2007
- Mutmainnah, Iin. *Fikih Zakat*. Sulawesi Selatan: Penerbit Dirah. 2020
- Sabiq, Sayyid. *Fiqh Sunnah*. Tahkik dan Takhrij: Muhammad Nasiruddin Al-Albani. Jakarta: Cakrawala Publishing. 2008
- Salim, Agus, dan Haeruddin. *Dasar-Dasar Perpajakan (Berdasarkan UU & Peraturan Perpajakan Indonesia)*. Sulawesi Tengah: Penerbit LPP-Mitra Edukasi. 2019
- Soetami, Siti. *Pengantar Tata Hukum Indonesia*. Cetakan ketiga, Bandung:PT. Refika Aditama. 2001
- Sutedi, Adrian. *Hukum Pajak*. Jakarta: Sinar Grafika. 2022
- Syafe'i, Rachmat. *Ilmu Ushul Fiqh*. Bandung: Penerbit Pustaka Setia. 2007
- Tim Pembukuan Ma'had Al-Jamiah Al-Aly. *Syarah Fathul Qarib*. Malang: UIN Maulana Malik Ibrahim Malang. 2020
- Umar, Mukhsin Nyak. *Al-Maslahah Al-Muesalah: Kajian Atas Relevansinya dengan Pembaharuan Hukum Islam*. Banda Aceh: Turats. 2017

### JOURNALS

- Ahada, Ro'yun Niswati. *Zakat dan Pajak: Perbandingan Malaysia dan Indonesia*. El-Jizya: Jurnal Ekonomi Islam. 2021. <https://ejournal.uinsaizu.ac.id/index.php/eljizya/article/view/4905/2561>

- Anonim. *Pengelolaan Zakat di Masa Nabi, Sahabat, dan Tabi'in*. Repository IAIN Tulungagung
- Atawarman, Rita J. D. *Pengaruh Kesadaran Wajib Pajak, Sanksi Pajak Dan Kualitas Pelayanan Pajak Terhadap Kepatuhan Wajib Pajak Orang Pribadi*. Jurnal Akuntansi • Vol. 6 No. 1 .2020. 41 <https://ojs3.unpatti.ac.id/index.php/jak/article/view/2710/2284>
- Famulia, Ledy. *Analisis Perbandingan Hubungan Zakat dan Pajak di Indonesia, Malaysia, dan Brunei Darussalam*. Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum. 2020 <https://asy-syirah.uinsuka.com/index.php/AS/article/view/417>
- Iskandar. *Zakat Sebagai Pengurang Kewajiban Pembayaran Pajak: Adilkah bagi umat Islam?*. Ius Civile, Refleksi Penegakan Hukum dan Keadilan, Aceh. 2019. <http://jurnal.utu.ac.id/jcivile/article/view/1434/1101>
- Islamy, Athoillah, dan Afina Aninnas. *Zakat and Tax Relations in Muslim Southeast Asian Countries (Comparative Study Of Zakat and Tax Arrangements in Indonesia, Malaysia and Brunei Darussalam)*. Li Falah: Jurnal Studi Ekonomi Dan Bisnis Islam. 2020. <https://ejournal.iainkendari.ac.id/index.php/lifalah/article/view/2296>
- Kader, Radiah Abdul. *Zakat sebagai Pengurang Pajak dan Pengaruhnya Terhadap Penerimaan Pajak di Semenanjung Malaysia*. Inferensi: Jurnal Penelitian Sosial Keagamaan. Vol. 7, No. 1, (2013): 3 <https://inferensi.iainsalatiga.ac.id/index.php/inferensi/article/download/201/160>
- Mansyur, Muthmainnah. *Sistem Pengelolaan Zakat Di Lembaga Amil Zakat Infaq Dan Shadaqah Muhammadiyah Kota Parepare (Analisis Manajemen Syariah)*. Undergraduated Thesis Institut Agama Islam Negeri (IAIN) Parepare. 2018. <http://repository.iainpare.ac.id/1803/1/14.2200.162.pdf>
- Misran. *Al-Mashlahah Mursalah (Suatu Metodologi Alternatif dalam Menyelesaikan Persoalan Hukum Kontemporer)*. Fakultas Syari'ah UIN Ar-Raniry. 2020. <https://jurnal.arraniry.ac.id/index.php/Justisia/article/view/2641>

- Nugraha, Eha, dkk. *A Critical Review of Zakat as Tax Deduction: An Indonesia-Malaysia Comparative Study*. Ventura: Journal of Economics, Business, & Accountancy. 2020. <https://www.scribd.com/document/538774428/A-Critical-Review-of-Zakat-as-Tax-Deduction-an-Indonesia-Malaysia-Comparative-Study>
- Soimah, Dewi. *Praktek Zakat Pengurang Pajak di Indonesiadan Singapura*. Tesis UIN Syarif Hidayatullah Jakarta: Fakultas Ekonomi dan Bisnis. 2016. <http://repository.uinjkt.ac.id/dspace/handle/123456789/35488>
- Suprayitno, Eko, dkk. *Zakat Sebagai Pengurang pajak dan Pengaruhnya Terhadap Penerimaan Pajak di Semenanjung Malaysia*. INFERENSI: Jurnal Penelitian Sosial Keagamaan. 2013
- Tahir, Masnun. *Integrasi Zakat dan Pajak di Indonesia dalam Tinjauan HukumPositif dan Hukum Islam*. Lampung: Al-‘Adalah UIN Raden Intan. 2015
- Thoriquddin, Moh. *Pengelolaan Zakat Produktif Perspektif Maqasid al-Syari’ah Ibnu ‘Asyur*. Cet. I. Malang: UIN-Maliki Press. 2015

## **DICTIONARY**

Hadis Riwayat Ibnu Majah 3924

Al-Qur’an Kemenag in Word

Badan Pengembangan dan Pembinaan Bahasa. *KBBI Daring*. Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia. Pemutakhiran terakhir: April 2023

## **STATUTORY**

Undang-Undang 16 Tahun 2009 tentang Ketentuan Umum dan Tatacara Perpajakan

Pasal 22 Undang-undang No. 23 Tahun 2011 tentang Pengelolaan Zakat

Pasal 23 Ayat (1) dan (2) Undang-undang No. 23 Tahun 2011 tentang Pengelolaan Zakat

Peraturan Direktur Jenderal Pajak Nomor PER-08/PJ/2021



## WEBSITE/INTERNET

- Amirudin K. *Model-model Pengelolaan Zakat di Dunia Muslim*. Surabaya: UIN Sunan Ampel, [http://repo.iaintulungagung.ac.id/11669/5/BAB% 2011.pdf](http://repo.iaintulungagung.ac.id/11669/5/BAB%2011.pdf)
- Anonim. *Seri Seminar Pajak ASEAN: Pengantar Sistem Perpajakan di Singapura, Malaysia, dan Filipina*. Situs resmi Fakultas Ilmu Administrasi Universitas Indonesia. 2021. <https://fia.ui.ac.id/seri-seminar-pajak-asean-pengantar-sistem-perpajakan-di-singapura-malaysia-dan-filipina/>
- Ariffin, Melissa, dan Tunjung Harning Sitabuana. *Sistem Perpajakan di Indonesia*. Seri Seminar Nasional Ke-IV Universitas Tarumanegara Tahun 2022 (SERINA 4 UNTAR 2022). Pemberdayaan Dan Perlindungan Konsumen Di Era Ekonomi Digital Jakarta 20 April 2022. <https://journal.untar.ac.id/index.php/PSERINA/article/view/19631/12100>
- Armia, Muhammad Siddiq. *Penentuan Metode dan Pendekatan Penelitian Hukum*. Fakultas Syariah dan Hukum UIN Ar-Raniry Banda Aceh: Lembaga Kajian Konstitusi Indonesia (LKKI). 2022
- Lembaga Hasil Dalam Negeri Malaysia (HASiL). *Profil Lembaga Hasil Dalam Negeri Malaysia (HASiL)*. accessed on August 10th. 2023. <https://www.hasil.gov.my/mengenai-hasil/profil-korporat/profil-lembaga-hasil-dalam-negeri-malaysia-lhdnm/>
- Muhaimin. *Metode Penelitian Hukum*. Mataram: Mataram University Press. 2020
- Sadzali, Ahmad. *Pengantar Belajar Ushul Fikih*. Yogyakarta: Pusat Studi Hukum Islam Fakultas Hukum UII. 2017. <https://law.uii.ac.id/wpcontent/uploads/2018/02/Pengantar-Belajar-Usul-Fikih-PSHI-FH-UII.pdf>

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