

Voluntary System: The Legal Problems of Zakat Management For The Fulfillment of Socio-Economic Justice

by turnitin turnitin

Submission date: 07-Dec-2023 07:00AM (UTC+0700)

Submission ID: 2250579034

File name: downloaded_file-1.pdf (377.74K)

Word count: 6919

Character count: 38072



FAKULTAS HUKUM UNIVERSITAS AIRLANGGA

Volume 38 No 3, September 2023

DOI: 10.20473/ydk.v38i3.43885

Fakultas Hukum Universitas Airlangga, Jalan Dharmawangsa Dalam Selatan
Surabaya, 60286 Indonesia, +6231-5023151/5023252

Fax +6231-5020454, E-mail: yuridika@fh.unair.ac.id

Yuridika (ISSN: 0215-840X / e-ISSN: 2528-3103)

by <http://e-journal.unair.ac.id/index.php/YDK/index> under a Creative
Commons Attribution 4.0 International license.

Article history: Submitted 4 March 2023; Accepted 18 June 2023; Available Online 7 September 2023.

Voluntary System: The Legal Problems of Zakat Management For The Fulfillment of Socio-Economic Justice

Zainuddin, Aan Aswari and Salle

zainuddin.zainuddin@umi.ac.id

Universitas Muslim Indonesia, Indonesia

Abstract

Zakat is primarily an economic instrument used to achieve socio-economic justice. This goal can be accomplished if management is done properly and correctly. The purpose of this article is to analyze the legal policy of zakat management with the model of the voluntary system and its implications the realization of social and economic justice in the community. This research is normative legal research with primary legal sources in the form of laws and regulations related to zakat management legal policies, which are then analyzed descriptively and qualitatively. According to the findings of the study, the legal policy of zakat management with a voluntary system model is based on the principle of community volunteerism in zakat payment. This voluntary system model is heavily reliant on public legal awareness regarding zakat payment. The use of the voluntary system model has consequences for the community's non-optimal fulfillment of social and economic justice, which is caused by a lack of state involvement through legal policies. The state's role is required to enforce the zakat law by compelling zakat obligors to fulfill their obligations. On the other hand, the potential for zakat remains enormous, and it must be managed optimally.

Keywords: Legal Problem; Voluntary System; Zakat Management; Social Economy Justice.

10

Introduction

Zakat is one of the five pillars of Islam. All Muslims who satisfy the criteria are obligated to pay zakat. In addition to carrying out the commands of Allah SWT, the zakat law also aims to help Muslims (*mustahik*) meet their daily needs. Therefore, Islamic law gives great attention and a high position to the worship of zakat. The high position of zakat in the perspective of the Qur'an and hadith can be seen from three things: (1) Zakat is the third pillar supporting the building of Islam, after the creed and prayer. (2) The obligation of zakat in Islam is known with certainty from

clear and unequivocal information in the Qur'an and hadith. (3) A serious threat to zakat dissenters in this world and the next.¹

In Indonesia, the legal policy of Zakat management is based on Law No. 23 of 2011 concerning Zakat Management. In the Zakat Management Act, which is carried out by the National Amil Zakat Agency (BAZNAS), BAZNAS is a legal entity that plays a role in managing zakat and is formed by the government domiciled in the Regency or City and Province. The zakat payment segment at BAZNAS is for civil servants (PNS) within the Regency or City, officials, and bureaucrats. BAZNAS also receives zakat payments from the general public. LAZ is an institution that plays a role in managing zakat, which is formed by the thoughts of the community or its legal entity, which is inaugurated by the government. The existence of a legal entity or zakat institution is expected to be able to implement zakat management by the provisions of the legislation, which is formed based on the sub-district, district, or city area, up to the provincial level.

The purposes of formal zakat management are to: (1) increase the effectiveness and efficiency of zakat management services, and (2) increase the benefits of zakat in order to achieve community welfare and poverty reduction. Examining this objective reveals that the immense potential of zakat necessitates institutional efforts so that zakat services are effective (on target) and can support programs for providing social protection insurance and enhancing the welfare of the people. Law Number 23 of 2011 concerning Zakat Management defines the scope of zakat management as the planning, implementation, and coordination of activities related to the collection, distribution, and use of zakat.²

This study aims to investigate the policy of the zakat administration through the voluntary system and its implications for the realization of socio-economic justice in the community. There is a tendency that the existing zakat potentials

¹ Jamaluddin and Salma, 'Perspektif Hukum Islam Terhadap Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Zakat' (2021) 5 Jurnal Pendidikan Islam: Pendekatan Interdisipliner.[44].

² Zainuddin and Sahban, 'Reinterpretasi Riqab Sebagai Korban Eksploitasi Seksual Dalam Hukum Zakat' (2021) 50 Masalah-Masalah Hukum.[17].

are not maximized due to the voluntary system adopted in zakat management. Nevertheless, various studies have been conducted on the zakat management system, such as research on zakat management models in various Muslim countries by Amiruddin Kuba.³

According to the results of the study, there are three models of zakat administration in Muslim countries: In the first circumstance, zakat is required by the state, whereas in the second circumstance, the state does not require zakat from its citizens and instead focuses on individual awareness; in other words, zakat is a religious obligation and is not required by the state. The third circumstance is the zakat management model, wherein the private sector (civil society) can also manage zakat together in addition to the state. Indonesia is an example of a country that applies this third model.

In research conducted by Muhammad Ramli,⁴ the current condition of the Zakat administration in Indonesia can be classified as a partial model or voluntary system. While the government has established legal frameworks and formal regulations pertaining to zakat, it has not enforced zakat as a mandatory requirement for citizens. The effective administration of future zakat necessitates the implementation of a complete approach. Meanwhile, in the research conducted by Budi Rahmat Hakim,⁵ In conventional countries that generally adhere to a voluntary system, charity laws limit themselves to protecting the interests of donors by appointing regulators to supervise, control, and prevent abuse, but leave other matters related to parties according to their respective interests.

Based on a review of previous research findings, it appears that no one has studied the problem of zakat management using the voluntary system model and its implications for achieving social and economic justice in the community. One of the issues investigated in this study is zakat management, which is carried out

³ Amiruddin K, 'Model – Model Pengelolaan Zakat Di Dunia Muslim' (2014) 04 eL-Qist.[837].

⁴ Muhammad Ramli, 'Politik Hukum Pengelolaan Zakat Di Indonesia' (2021) 6 Jurnal Lex Renaissance 40.[360].

⁵ Budi Rahmat Hakim, 'Analisis Terhadap Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Zakat (Perspektif Hukum Islam)' (2016) 15 Syariah Jurnal Hukum dan Pemikiran.[155].

using a voluntary system model in which people are given the freedom to pay their zakat. Meanwhile, the instructions ⁴²in the Qur'an and the Prophet's Hadith employ a regulatory system in which the state plays a significant role in the management of zakat, one of which is coercion to the obligatory zakat. On that basis, there is a potential problem that the management of zakat on the voluntary system model does not have positive implications for the fulfillment of socio-economic justice in the community. Therefore, the problems in this study are divided into two parts: first, how is the legal problem of zakat management using the voluntary system model? And second, what are the implications of zakat management with a voluntary system on the fulfillment of social and economic justice in the community?.

Zakat: An Islamic Pilantrophie

The etymology of the term “zakat” can be traced back to the Arabic phrase “zakah”, which encompasses a range of connotations including purification, growth, righteousness, blessing, and praise”.⁶ In the linguistic domain, the term “zakat” pertains to the phenomenon of expansion and advancement. Zakat, in accordance with the principles of syar'i, is a theological concept that involves the just redistribution of wealth as prescribed by a supernatural authority. It specifically aims to benefit individuals or organizations considered deserving. Aligned with the overarching goal of reducing poverty, zakat aims to eliminate greed within the Muslim populace and promote conduct that is oriented towards the advancement of society.⁷

Zakat is an inventive system that is unprecedented in human history. A system that neither divine religions nor human laws have ever employed. Zakat encompasses the financial, economic, social, political, and moral systems simultaneously. Because it is a prescribed property tax, Zakat is a financial and economic system. As a social

⁶ Shair Ali Khan, 'The Term "Zakat" in the Quran and The Semantic Effects of Its Translational Variation Example From English Translations of Quran' (2016) 5 *Journal of Education and Social Sciences*. [173]. <https://www.jesoc.com/wp-content/uploads/2016/11/JESOC5_1.pdf>.

⁷ Wahid Damilola Olanipekun, Aminu Nassir Brimah and Haruna Baba Sanusi, 'The Role of Zakat as a Poverty Alleviation Strategy and a Tool for Sustainable Development : Insights from the Perspectives of the Holy Prophet (PBUH)' (2015) 5 *Arabian Journal of Business and Management Review*. [8].

system because it attempts to protect society from its many flaws. As a political system because the state originally managed the accumulation and distribution of resources. As a moral system because it aims to purify the souls of the miserly wealthy as well as the envious and envious souls of the poor, and most importantly as a religious system because its fulfillment is one of the highest pillars of faith and worship in drawing closer to Allah.⁸

Zakat demonstrates Islam's dedication to social equity. Zakat is a system designed to curb the avarice of the wealthy and promote a more equitable distribution of wealth in society. The Quran promotes a minimum standard of existence for all individuals. Islam requires zakat not to eradicate one's wealth, but to eliminate the suffering experienced by others due to a lack of necessities for a decent life and a standard of living below the minimum. Therefore, society is not obligated to reduce everyone to the same standard of living, but rather to provide everyone with a minimum standard of living.⁹

In Islam, eight groups are eligible to receive zakat, which is broadly classified into two main groups: first, the group of recipients of zakat based on needs, including the needy, poor, slaves, debtors, and travellers; and second, the group of recipients of zakat based on wealth. This group is eligible for zakat in order to meet their needs as impoverished and needy individuals, to free themselves from slavery and debt, or to travel when forced to do so by circumstances. Second, the categories eligible for zakat, such as Amil, converts, and fisabilillah, are not based on their needs. Amil is required to facilitate the administration and distribution of zakat payments. Converts are required to encourage more individuals to convert to Islam and to provide financial support to those who are new to Islam. While fisabilillah is required to uphold Islam and propagate da'wah, it is not essential.¹⁰

⁸ Norvadewi, 'Optimalisasi Peran Zakat Dalam Mengentaskan Kemiskinan Di Indonesia' (2012) 10 *Mazahib: Jurnal Pemikiran Hukum Islam*. [66].

⁹ Zainuddin and Salle, 'Distribution of Zakat for Correctional Inmates as Aznaf Riqab at BAZNAS of Barru District' (2023) 08 *Diponegoro Law Review*. [1].

¹⁰ Zainuddin, 'Analisis Yuridis Pemenuhan Hak Sosial Ekonomi Masyarakat Miskin Melalui Zakat Dalam Perspektif Keadilan' (2018) 11 *Arena Hukum*. [558].

The nature and function of zakat, according to Kayed and Hassan, cannot be linked or interpreted in terms of welfare. Zakat is an effective instrument for empowerment, and zakat funds must be used to achieve the ultimate goal of achieving socio-economic justice.¹¹

In Islam, there are two primary distribution systems: one based on commercial distribution and the market mechanism, and another based on the social justice aspect of society. The initial distribution system, which is commercial in character, is governed by an economic process. The second system has a social dimension, as it was designed by Islam to guarantee a balanced income distribution in society. Islam provides distribution in the form of waqf, zakat, infaq and alms, in addition to inheritance, for those who are incapable of participating in the economic process because they are orphans, elderly or have physical disabilities.¹²

Zakat plays a crucial function in poverty alleviation and economic growth. In contrast to other sources of financing for development, zakat has no consequences other than pleasure and the hope of receiving recompense from Allah. Nonetheless, this does not imply that the zakat mechanism lacks a control system. The strategic value of zakat is demonstrated by the following: Initially, zakat is a religious command. It reflects a person's faith. Second, the sources of zakat revenue will never cease. This means that those who pay zakat will never run out of funds, and those who have paid annually or at other intervals will continue to do so. Third, zakat can empirically eliminate social inequality and create asset redistribution and equitable development on the other hand.¹³

Zakat, as part of Islamic wealth distribution, is based on respect for individual rights. The goal is to meet their needs and desires while adhering to humanitarian principles. According to economic theory, wealth is distributed in two ways: first

¹¹ Razem M Kayed and M Kabir Hassan, 'Islamic Entrepreneurship' (2012) 49 Choice Review 45 online.[49].

¹² Abdiansyah Linge, 'Filantropi Islam Sebagai Instrumen Keadilan Ekonomi' (2015) 1 Jurnal Pe 52 ktif Ekonomi Darussalam.[154].

¹³ Mila Sartika, 'Pengaruh Pendayagunaan Zakat Produktif Terhadap Pemberdayaan Mustahiq Pada LAZ Yayasan Solo Peduli Surakarta' (2008) II La_Riba.[75].

through ownership, and second through work. Islam, on the other hand, recognizes a third division, namely the distribution of food to the poor and needy. Islamic law emphasizes this distribution because zakat is required by Islam.¹⁴ The payment of zakat contains several philosophies, including helping to clear the payer's mind and refraining from misery and selfishness; creating a spirit of love and unity among Muslims; as proof of love for Allah SWT by following his orders; and creating a strong society of reciprocity.¹⁵

The primary objective of zakat, which is the right of the poor, is to accomplish socio-economic justice. Zakat is the simple transfer of a specified proportion of the rich's fortune to the poor. The right of the impoverished is essential in zakat because God has confirmed that the poor have rights in their wealth and income. Consequently, the purpose of zakat is not only to support the impoverished in a consumptive manner but also to alleviate poverty. Consequently, zakat is an endeavor to help the poor overcome hardships and poverty.¹⁶

Despite being the third pillar of Islam, zakat is an essential institution in the socio-economic framework of Islam that is underutilized for poverty alleviation in many poor Muslim countries. The primary objective of zakat is socio-economic justice. As a divine instrument, zakat funds can effectively reduce poverty and are used as money (investment) and not just as money spent (consumption) for the greater good of society.¹⁷ Therefore, zakat, only as a religious institution, cannot be a tool for changing society (a social engineering tool) if it is not able to realize socio-economic justice for the people.¹⁸

¹⁴ Wan Khairuldin Wan Mohd Khairul Firdaus and Mohammad Mahadi, 'The Philosophy and Elasticity of Zakah Distribution in Islam' (2013) 1 International Journal of Education and Research. [1]. <<https://core.ac.uk/download/pdf/222964134.pdf>>.

¹⁵ Fadell Hayeeharasah, Sakda Sehvises and Hasem Ropha, 'The Timeline of Zakah' [2013] Procedia 47 Social and Behavioral Sciences.

¹⁶ Mansur Efendi, 'Pengelolaan Zakat Produktif Berwawasan Kewirausahaan Sosial Dalam Mengentaskan Kemiskinan Di Indonesia' (2017) 2 Ilmu Syari'ah Dan Hukum. [2527].

¹⁷ Nazamul Hoque, Mohammad Aktaruzzaman Khan and Kazi Deen Mohammad, 'Poverty Alleviation by Zakah in a Transitional Economy: A Small Business Entrepreneurial Framework' (2015) 5 Journal of Global Entrepreneurship Research. [1].

¹⁸ Zainuddin, (n 10).

Socio-economic justice as the value content contained in zakat has one important principle, where humans with different potentials and abilities need a social network through a mechanism to help each other. Humans have the same opportunity to have a decent life as other humans, even though in reality there are differences in potential. Because of this difference in social and economic potential, Islam designates zakat as one of its pillars with the potential and transformative power to actualize socioeconomic justice. That is, zakat is a sub-system of socioeconomic justice upheld by the Qur'an, both from the perspective of God's justice and from the perspective of human social justice.¹⁹

The first group is the consumptive group, signifying that the zakat given to this group is intended to meet their daily requirements through consumption. As for the second group, zakat can be used for productive activities because it is possible that this group consists of individuals who are financially secure.

Legal Problem on Zakat Management with Voluntary System Model

In Indonesia, zakat management is regulated by Law Number 23 of 2011 concerning Zakat Management. The management and administration of zakat are carried out by the National Amil Zakat Agency (BAZNAS). The government gives authority to BAZNAS to coordinate zakat at the national level. In addition to BAZNAS, the law recognizes non-governmental zakat institutions as Amil Zakat Institutions (non-government institutions for zakat collection) based on permission from the Ministry of Religion, such as Dompot Dhuafa Jakarta, Nahdlatul Ulama Zakat Institution (LAZISNU), Muhammadiyah Zakat Institution (LAZISMU), Zakat House, etc.²⁰ However, Law Number 23 of 2011 concerning Zakat Management is classified as a partial model because zakat payments are not legally required.²¹

¹⁹ Muhammad and Abubakar, *Manajemen Organisasi Zakat: Perspektif Pemberdayaan Umat Dan Strategi Pengembangan Organisasi Pengelola Zakat* (Madani 2011).

²⁰ Sudirman Sudirman, 'Government Policy on Zakat and Tax in Indonesia' (2015) XV Ahkam.[390].

²¹ Andriani Andriani and Mairijani Mairijani, 'Strengthening Corporate Zakat Policy in Indonesia' (2019) 12 Iqtishadia.[58].

The zakat payment system, with a voluntary system model, gives the authority to manage zakat to the government or civil society, with no legal sanctions for those who do not fulfill their obligations.²² Therefore, in terms of the implementation of zakat worship in Indonesia, the state does not impose coercion due to the implementation of voluntary zakat. The obedience of Indonesian citizens who embrace Islam to pay zakat is left to the awareness of each party. There is no coercion from the state on citizens who embrace Islam to pay zakat, and there are no sanctions for negligence in paying zakat because of the normative nature of zakat itself.

In general, not much is known about the early history of zakat practice in Indonesia. However, in the early period of Islam in Indonesia, there was no evidence of state involvement in collecting zakat. More zakat payments are left to individual Muslims voluntarily. Two local socio-religious institutions play an important role in zakat management, namely mosques and Islamic boarding schools.²³ Since the issuance of Law Number 38 of 1999 concerning the Management of Zakat until the issuance of Law Number 23 of 2011 concerning the Management of Zakat, there has been no article that regulates sanctions for muzakki who do not pay tithe. Although the law states that zakat is obligatory for muzakki.²⁴

Regulation is one of the most significant factors influencing the growth of zakat in Indonesia. According to existing regulations, zakat remains a voluntary personal obligation (voluntary system). This may be one of the reasons for the substantial gap between the prospective and actual zakat collection in the field.²⁵

In the initial formulation of the Ministry of Religion (Ministry of Religion), zakat collection is mandatory and coercive, which is carried out through Article 12 paragraph 1 of Law Number 38 of 1999 concerning Zakat Management: "Zakat

²² Nurul Huda and Tjiptohadi Sawarjuwono, 'Akuntabilitas Pengelolaan Zakat Melalui Pendekatan Modifikasi Action Research' (2013) 4 Jurnal Akuntansi Multiparadigma.[330].

²³ Mushlih Candrakusuma, 'Manajemen Pengelolaan Zakat Dalam Peundang-Undangan' (Institut Agama Islam Negeri (IAIN) Ponorogo 2017).[6].

²⁴ Fitri Faa'izah, 'Sanksi Pidana Bagi Muzakki Yang Tidak Menunaikan Zakat (Studi Terhadap Hukum Islam, Qanun Aceh Dan Hukum Positif Indonesia: Upaya Positivisasi Hukum Islam)' (2019) 15 Jurnal Al-Risalah.[33]. <<https://jurnal.stairakha-amuntai.ac.id/index.php/alris/article/view/51>>.

²⁵ Huda and Sawarjuwono (n 22).

collection is carried out by zakat amil bodies by receiving or taking from muzakki”, which is considered to be under Q.S. At-Taubah/9: 103. In the legislative process in parliament, this article was later amended by adding an addition at the end of the article with the sentence”... at the request of the muzakki”. This article is contradictory to Article 2, which remains unchanged until ⁹ the enactment of Law Number 38 of 1999 concerning Zakat Management, namely “every citizen of the Republic of Indonesia who is Muslim and capable or an entity owned by a Muslim is obliged to pay zakat”.

Zakat management under the voluntary system model is essentially suboptimal.²⁶ As a result, if we want to keep zakat as a voluntary system, it should be governed by private law. Whether we realize it or not, the voluntary system mandated by Law No. 23 of 2011 has had an impact on the Zakat Management Organization’s (OPZ) communication pattern in compiling its published material. Amil zakat agencies and institutions that should be able to “force” the muzakki are forced to appear with persuasive language, and no coercion is allowed.²⁷

In the voluntary system, zakat is not required by state law, so the internal and external conditions of zakat fund management have a direct impact on the performance of zakat management nationally, both in terms of collection, distribution, and utilization activities as well as zakat management reporting activities.²⁸ Because of its “voluntary” nature, the obligation to pay zakat is given to individuals without coercion, so zakat is very dependent on awareness and understanding of zakat institutions. ⁴ The government does not have the authority to force individuals to pay zakat. The payment of zakat funds is very dependent on each Muslim.²⁹

²⁷ Eri Yanti Nasution, Mohd Adib Ismail and Hairunnizam Wahid, ‘Faktor Penentu Membayar Zakat Di Badan Amil Zakat Nasional (BAZNAS) Dalam Kalangan Pembayar Zakat Di Kota Medan, Indonesia’ (2017) 25 *Jurnal Syariah*. [1].

²⁶ Sholikul Isnaini, Muh Nashirudin and Fairuz S ³¹q, ‘Implementasi Strategi Funneling Untuk Iklan Lembaga Amil Zakat Di Facebook’ (2022) 4 *Management of Zakat and Waqf Journal* (MAZAW) ¹². [1]. <<http://jurnalfebi.uinsby.ac.id/index.php/MAZAWA/article/view/881>>.

²⁸ Pusat Kajian Strategis-Badan Amil Zakat Nasional, *Outlook Zakat Indonesia 2022* (Jakarta, Pusat Kajian Strategis Badan Amil Zakat 2022). [131-132].

²⁹ Nugroho Hardiyanto and others, ‘Systemic Approach ⁴⁸ to Solve Problem of Managing Zakat in Contemporary Muslim Society in Indonesia’ (2018) 7 *International Journal of Engineering and Technology (UAE)*. [261].

Some of the weaknesses identified ¹⁰ in the zakat management system in Indonesia using the Voluntary System model include: First, the issue of institutions. Currently, there is no clarity on whose function is as a regulator, who is a supervisor, and who is an operator. Second, there is no national strategic planning for both collection and utilization. Third, regarding the reporting mechanism, until now there has been no clear reporting mechanism for zakat amil institutions/agencies. Fourth, the problem of the relationship between zakat and taxes. In the Zakat Management Act, it has been regulated that zakat is a deduction from taxable income (PPKP), but in practice, it has not gone well. Fifth, regarding sanctions. The Zakat Management Act, has regulated sanctions for zakat managers, even though sanctions should also be given to *muzakki*. The goal is to remind *muzakki* of the delayed obligations.³⁰

According to conventional Islamic law, the government ⁴¹ plays a crucial role ¹⁵ in the implementation of zakat in Muslim countries. ⁴ Government is responsible for the collection and distribution of zakat. Additionally, the government has the authority to compel every Muslim to pay zakat. This is the position held by all traditional Islamic legal institutions. This is in accordance with the practice of the Prophet Muhammad, who collected and disseminated zakat during his lifetime and appointed zakat collectors and distributors to fulfil this sacred obligation.³¹

However, when referring to sharia law, zakat is different from conventional charity because it does not depend on the volunteerism of the donor but is based on obligation and coercion, such as sanctions for negligent *muzakki*. On that basis, zakat must migrate to public law. If so, then zakat is imperative, which is no longer only based on awareness of faith and piety but also based on coercion and punishment.³²

³⁰ ⁴⁶ Irুদ্ধin K (n 3).

³¹ Saidurrahman, 'The Politics of Zakat Management in Indonesia: The Tension Between BAZ and LAZ' (2013) 07 *Journal of Indonesian Islam*. [366].

³² Hakim (n 5).

Implications of the Voluntary System in Zakat Management on The Fulfillment of Socio-Economic Justice

Muslims use zakat as their primary economic instrument to enforce socioeconomic justice. Zakat has been identified as a central component of Islamic economic philosophy that facilitates the establishment of social justice, which includes economic justice and the maintenance of social cohesion, and bridges the gap between the rich and the impoverished. In a capitalist economy, wealth accumulates in the hands of a select few, while the plight of the poor continually deteriorates. These social inequalities are one of the purposes of zakat.³³

Based on existing data, in 2020, the potential amount of zakat in Indonesia reached Rp. 327.6 trillion. The magnitude of this potential is followed by the growth of the Zakat collection every year. According to National Zakat Statistics data (2019), zakat collection increased by 122 percent over the last three years (2015-2018), or approximately Rp. 4.5 trillion. Meanwhile, the realization of the collection only reached 12 trillion rupiahs.³⁴

Meanwhile, according to data from the Central Statistics Agency (BPS), in September 2021, the average poor household in Indonesia was 26,503,650, with the number of poor people in urban areas as high as 11,860,000 and as many as 14,640,000 in rural areas.³⁵ That is if the potential of zakat can be maximized to help reduce various human problems such as poverty and economic inequality, socio-economic justice for the poor can certainly be realized.

The main task of zakat management institutions is not only to explore this potential, but it is also important to realize this potential in its collection and distribution efficiently and appropriately. As the main institution for the welfare of the people, all of these efforts are aimed at the welfare of the *mustahik*, suppressing poverty, and reducing inequality in society.

³³ Zainuddin, 'Pemaknaan Ulang Ar Riqab Dalam Upaya Optimalisasi Fungsi Zakat Bagi Kesejahteraan Umat' (2018) 25 *Jurnal Hukum Ius Quia Iustum*. [601].

³⁴ Pusat Kajian Strategis-Badan Amil Zakat Nasional (n 28).

³⁵ Badan Pusat Statistik, *Statistik Indonesia 2022* (Badan Pusat Statistik 2022). [12].

²⁹ Based on the data from the Center for Strategic Studies-National Amil Zakat Agency and the Central Statistics Agency above, if zakat funds are not managed optimally, then zakat funds will only become potential. Zakat management requires optimal community involvement in this case. Therefore, poverty alleviation with zakat instruments is still considered an issue and the responsibility of the government only. For the general public, the payment of zakat is limited to obligations and demands for awareness to fulfill them. The community cannot be blamed when they pay their zakat directly. This is because Indonesia is still implementing a voluntary system ³⁶ that does not require *muzakki* to pay zakat.

The effect of zakat on the economy can increase the purchasing power and capacity of mustahik while also encouraging investment by minimizing the accumulation of unproductive capital. As a consequence, zakat has an effect on employment and corporate tax revenues. BAZNAS and LAZ distribute zakat as consumptive assistance and productive assistance in the context of zakat management, particularly in Indonesia. It is expected that consumption subsidies will increase total consumption. In the meantime, productive assistance is anticipated to increase the community's production capacity. Therefore, zakat will have a positive impact on economic development by reducing destitution.

As a privilege for the impoverished, the primary purpose of zakat is to advance socioeconomic justice. The zakat is a straightforward transfer of a specified portion of the wealthy's possessions to the poor. God has affirmed that the impoverished have a right to one's possessions and earnings, making the right of the poor a crucial element of zakat. Consequently, the purpose of zakat is not only to aid the impoverished in the short term but also to reduce poverty in the long run. Therefore, Zakat is an endeavor to aid the destitute in overcoming obstacles and poverty.

Muhammad Daud Ali wrote that the purpose of zakat is ¹³ to raise the status of the poor, help solve the problem of *gharimin*, *ibn sabil*, and other mustahik, foster brotherhood among Muslims and humans in general, eliminate the miserly nature of property owners, remove envy and jealousy (social jealousy) from the hearts of the poor, and ³⁵ bridge the social gap between the rich and the poor. One

should develop a sense of social responsibility, particularly for those with property; They teach people to be disciplined in fulfilling their obligations and surrendering the rights of others as a means of achieving social justice through the equitable distribution of income.³⁶

To alleviate poverty and realize the fulfillment of socio-economic justice through zakat instruments, the voluntary system that has been used so far needs to be changed into an obligatory system. The consequence of this system is the establishment of a state institution called Baitul Mal (treasury house). The first function of an Islamic state is to guarantee the fulfillment of a minimum level of living (guarantee of minimum level of living). A state institution called Baitul Mal has to carry out the functions of the state. With the fulfillment of the minimum necessities of life, the Islamic community is expected to carry out all its obligations as servants of Allah SWT freely, without any obstacles beyond its capabilities.

Zakat is an excellent tool for improving consumption, production, and distribution patterns to benefit people. Because the greatest evil of capitalism is most people's control and ownership of production resources, it has implications for their neglect of their economically disadvantaged brothers. As a result, zakat aims to boost outcomes. This is done to meet the increased demand for goods.³⁷

When referring to Article 684 of the Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2008 concerning the Compilation of Sharia Economic Law, then the system adopted is an obligatory system, where violators of the provisions of zakat will be subject to sanctions such as fines with an amount that does not exceed the amount of zakat that is mandatory issued to those who do not pay zakat; fines are based on court decisions; *muzakki* who avoid paying zakat, are subject to sanctions in the form of fines not exceeding (20%) of the amount of zakat

³⁶ Miftahur Rahman and Masrizal Masrizal, 'Peran Zakat Dalam Mengentaskan Kemiskinan Di Indonesia' (2019) XIX Hukum Islam.[130].

³⁷ Dyah Suryani and Laitul Fitriani, 'Fungsi Zakat Dalam Mengatasi Kemiskinan' (2022) 10 Al-Iqtishad: Journal of Islamic Economics.[43].

that must be paid; Zakat that must be paid plus the fine can be taken by force by the bailiff to be handed over to the district/municipality *amil* zakat agency.

Unlike the voluntary system, the obligatory system gives the state a dominant and significant role in the administration of zakat, which has numerous theoretical justifications. First, to effectively implement zakat in social life, a coercive and controlling force is required. The state possesses coercive and regulatory authority. Second, the state possesses the necessary systems and resources to manage zakat efficiently and effectively. In addition, government systems and resources are distributed throughout the nation to ensure that zakat is administered equitably. Thirdly, the state can provide legal certainty and ensure tax and zakat compliance. Ultimately, this will strengthen the zakat institution.³⁸

Zakat has not become an obligatory system. Zakat, which is only positioned as a voluntary obligation by the state (voluntary system), has a bad impact on the management of national zakat. Among the impacts of not implementing the obligation to pay zakat for those who have been obliged to pay zakat (obligatory system) is the low awareness of community zakat, which in this case is *muzakki*. Even though they already know zakat *fiqh*, *muzakki* tend not to want to pay zakat because there is no sanction (punishment) that is accepted if they do not pay zakat.³⁹ There is no coercive authority requiring the parties to pay Zakat. This could be a flaw in the existing zakat regulations, causing the contribution to the state or region to fall short of the mark. Even though the potential for zakat is enormous, better policies for its implementation are required.⁴⁰

The fulfillment of socio-economic justice in the community can be realized if the zakat management is not based on a voluntary system. This is because zakat is

³⁸ Yusuf Wibisono, 'State Authority and Public Trust in National Zakāt Management: Historical Lessons, Fiqh Discourse, and International Comparison' (2021) 3 *AFEBI Islamic Finance and Economic Review*. [1].

³⁹ Faridatun Najiyah, Ulfatul Khasanah and Fitria Asas, 'Manajemen Zakat Di Indonesia (Tantangan Dan Solusi)' (2022) 2 *Insight Management Journal*. [45].

⁴⁰ Dahlawi Dahlawi, Herizal Herizal and Saddam Rasjuni, 'Realisasi Zakat Sebagai Sumber Pendapatan Asli Daerah Di Propinsi Aceh' (2021) 18 *NUANSA: Jurnal Penelitian Ilmu Sosial dan Keagamaan Islam*. [86].

not only the rich's generosity to the poor but also the rich's an obligation. After all, the rich's wealth includes the poor's rights. Therefore, the state plays an important role in forcing zakat payers to carry out their obligations to save the rights of the poor who are still in the hands of the rich, one of which is by using the obligatory system model.

The obligation of every Muslim to pay zakat is basically to implement socio-economic justice. Meanwhile, socio-economic justice in Islam is the purity and reality of religious teachings. People who reject this principle of justice are considered religious liars (Surah Al-Ma'un [107]: 1-7). Thus, socio-economic justice in Islam is a definite and important right and obligation because it is a right and obligation that has been determined by Allah SWT. It is a sacred right that must be exercised by all Muslim communities.⁴¹

Conclusion

The voluntary system model of zakat administration in Indonesia is founded on the principle of zakat payment by community volunteers. This voluntary system model is heavily reliant on the community's legal awareness in carrying out their zakat obligations. This voluntary system model has long been practiced for generations since the arrival of Islam in the country until the issuance of Law No. 23 of 2011 concerning the Management of Zakat. In this case, the state is passive because it does not have the authority to collect zakat from the community but only receives zakat. Meanwhile, referring to Q.S. *Al-Taubah*/9: 103 as a legal policy from Allah SWT requires the taking of zakat from zakat payers and not only receiving zakat. Similarly, the legal policy carried out by the Prophet Muhammad and continued by the Caliphs to forcefully collect zakat from the rich because it violates the rights of the poor. The implication that arises from the voluntary system model in the context of fulfilling the socio-economic justice of the community is that the implementation is not optimal due to the minimal involvement of the state through legal policies to

⁴¹ Havis Aravik, 'Esensi Zakat Sebagai Instrumen Finansial Islami Dalam Pandangan Muhammad Nejatullah Siddiqi' (2017) 2 *Economica Sharia*. [101].

force zakat payers to carry out their obligations. Meanwhile, the potential for zakat is still too large to be managed properly. In essence, the state has the responsibility for the welfare of its people, ¹⁸ as mandated by the 1945 Constitution of the Republic of Indonesia.

Bibliography

- Amiruddin K, 'Model – Model Pengelolaan Zakat Di Dunia Muslim' (2014) 04 eL-Qist.
- Andriani A and Mairijani M, 'Strengthening Corporate Zakat Policy in Indonesia' (2019) 12 Iqtishadia.
- Aravik H, 'Esensi Zakat Sebagai Instrumen Finansial Islami Dalam Pandangan Muhammad Nejatullah Siddiqi' (2017) 2 *Economica Sharia*.
- Badan Pusat Statistik, *Statistik Indonesia 2022* (Badan Pusat Statistik 2022).
- Candrakusuma M, 'Manajemen Pengelolaan Zakat Dalam Peundang-Undangan' (Institut Agama Islam Negeri (IAIN) Ponorogo 2017).
- Dahlawi D, Herizal H and Rasanjani S, 'Realisasi Zakat Sebagai Sumber Pendapatan Asli Daerah Di Propinsi Aceh' (2021) 18 NUANSA: Jurnal Penelitian Ilmu Sosial dan Keagamaan Islam.
- Efendi M, 'Pengelolaan Zakat Produktif Berwawasan Kewirausahaan Sosial Dalam Mengentaskan Kemiskinan Di Indonesia' (2017) 2 *Ilmu Syari'Ah Dan Hukum*.
- Faa'izah F, 'Sanksi Pidana Bagi Muzakki Yang Tidak Menunaikan Zakat (Studi Terhadap Hukum Islam, Qanun Aceh Dan Hukum Positif Indonesia: Upaya Positivisasi Hukum Islam)' (2019) 15 *Jurnal Al-Risalah* 33 <<https://jurnal.stairakha-amuntai.ac.id/index.php/alris/article/view/51>>.
- Hakim BR, 'Analisis Terhadap Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Zakat (Perspektif Hukum Islam)' (2016) 15 *Syariah Jurnal Hukum dan Pemikiran*.
- Hardiyanto N and others, 'Systemic Approach to Solve Problem of Managing Zakat in Contemporary Muslim Society in Indonesia' (2018) 7 *International Journal of Engineering and Technology(UAE)*.
- Hayeeharasah F, Sehvises S and Ropha H, 'The Timeline of Zakah' [2013] *Procedia*

- Social and Behavioral Sciences.

Hoque N, Khan MA and Mohammad KD, 'Poverty Alleviation by Zakah in a Transitional Economy: A Small Business Entrepreneurial Framework' (2015) 5 Journal of Global Entrepreneurship Research.

Huda N and Sawarjuwono T, 'Akuntabilitas Pengelolaan Zakat Melalui Pendekatan Modifikasi Action Research' (2013) 4 Jurnal Akuntansi Multiparadigma.

Isnaini S, Nashirudin M and Sabiq F, 'Implementasi Strategi Funneling Untuk Iklan Lembaga Amil Zakat Di Facebook' (2022) 4 Management of Zakat and Waqf Journal (MAZAWA) 1 <<http://jurnalfebi.uinsby.ac.id/index.php/MAZAWA/article/view/881>>.

Jamaluddin and Salma, 'Perspektif Hukum Islam Terhadap Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Zakat' (2021) 5 Jurnal Pendidikan Islam: Pendekatan Interdisipliner.

Kayed RM and Hassan MK, 'Islamic Entrepreneurship' (2012) 49 Choice Reviews Online.

Khan SA, 'The Term "Zakat" in the Quran and The Semantic Effects of Its Translational Variation Example From English Translations of Quran' (2016) 5 Journal of Education and Social Sciences 173 <https://www.jesoc.com/wp-content/uploads/2016/11/JESOC5_1.pdf>.

Linge A, 'Filantropi Islam Sebagai Instrumen Keadilan Ekonomi' (2015) 1 Jurnal Perspektif Ekonomi Darussalam.

Muhammad and Abubakar, *Manajemen Organisasi Zakat: Perspektif Pemberdayaan Umat Dan Strategi Pengembangan Organisasi Pengelola Zakat* (Madani 2011).

Najiyah F, Khasanah U and Asas F, 'Manajemen Zakat Di Indonesia (Tantangan Dan Solusi)' (2022) 2 Insight Management Journal.

Nasution EY, Ismail MA and Wahid H, 'Faktor Penentu Membayar Zakat Di Badan Amil Zakat Nasional (BAZNAS) Dalam Kalangan Pembayar Zakat Di Kota Medan, Indonesia' (2017) 25 Jurnal Syariah.

Norvadewi, 'Optimalisasi Peran Zakat Dalam Mengentaskan Kemiskinan Di Indonesia' (2012) 10 Mazahib: Jurnal Pemikiran Hukum Islam.

Olanipekun WD, Brimah AN and Sanusi HB, 'The Role of Zakat as a Poverty Alleviation Strategy and a Tool for Sustainable Development : Insights from

the Perspectives of the Holy Prophet (PBUH)' (2015) 5 Arabian Journal of Business and Management Review.

Pusat Kajian Strategis-Badan Amil Zakat Nasional, *Outlook Zakat Indonesia 2022* (Nasional, Pusat Kajian Strategis Badan Amil Zakat 2022).

Rahman M and Masrizal M, 'Peran Zakat Dalam Mengentaskan Kemiskinan Di Indonesia' (2019) XIX Hukum Islam.

Ramli M, 'Politik Hukum Pengelolaan Zakat Di Indonesia' (2021) 6 Jurnal Lex Renaissance.

Saidurrahman, 'The Politics of Zakat Management in Indonesia: The Tension Between BAZ and LAZ' (2013) 07 Journal of Indonesian Islam.

Sartika M, 'Pengaruh Pendayagunaan Zakat Produktif Terhadap Pemberdayaan Mustahiq Pada LAZ Yayasan Solo Peduli Surakarta' (2008) II La_Riba.

Sudirman S, 'Government Policy on Zakat and Tax in Indonesia' (2015) XV Ahkam.

Suryani D and Fitriani L, 'Fungsi Zakat Dalam Mengatasi Kemiskinan' (2022) 10 Al-Iqtishad: Journal of Islamic Economics.

Wan Mohd Khairul Firdaus WK and Mahadi M, 'The Philosophy and Elasticity of Zakah Distribution in Islam' (2013) 1 International Journal of Education and Research 1 <<https://core.ac.uk/download/pdf/222964134.pdf>>.

Wibisono Y, 'State Authority and Public Trust in National Zakāh Management: Historical Lessons, Fiqh Discourse, and International Comparison' (2021) 3 AFEBI Islamic Finance and Economic Review.

Zainuddin, 'Analisis Yuridis Pemenuhan Hak Sosial Ekonomi Masyarakat Miskin Melalui Zakat Dalam Perspektif Keadilan' (2018) 11 Arena Hukum.

Zainuddin and Sahban, 'Reinterpretasi Riqab Sebagai Korban Eksploitasi Seksual Dalam Hukum Zakat' (2021) 50 Masalah-Masalah Hukum.

Zainuddin and Salle, 'Distribution of Zakat for Correctional Inmates as Aznaf Riqab at BAZNAS of Barru District' (2023) 08 Diponegoro Law Review.

Zainuddin, 'Pemaknaan Ulang Ar Riqab Dalam Upaya Optimalisasi Fungsi Zakat Bagi Kesejahteraan Umat' (2018) 25 Jurnal Hukum Ius Quia Iustum.

HOW TO CITE: Zainuddin, Aan Aswari, and Salle, 'Voluntary System: The Legal Problems of Zakat Management For The Fulfillment of Socio-Economic Justice' (2023) 38 Yuridika.

--This page is intentionally left blank--

Voluntary System: The Legal Problems of Zakat Management For The Fulfillment of Socio-Economic Justice

ORIGINALITY REPORT

12%

SIMILARITY INDEX

8%

INTERNET SOURCES

9%

PUBLICATIONS

5%

STUDENT PAPERS

PRIMARY SOURCES

1	Submitted to Universitas Brawijaya Student Paper	1 %
2	cyberleninka.org Internet Source	<1 %
3	Submitted to Asia e University Student Paper	<1 %
4	Nugroho Hardiyanto, Nur Choirul Afif, Muhammad Bayu Aji Sumantri, Mohd Haizam Mohd Saudi. "Systemic Approach to Solve Problem of Managing Zakat in Contemporary Muslim Society in Indonesia", International Journal of Engineering & Technology, 2018 Publication	<1 %
5	www.ijazbaznas.com Internet Source	<1 %
6	Submitted to Sriwijaya University Student Paper	<1 %
7	media.neliti.com Internet Source	<1 %

8

Ahmad Kudhori, Dian Kusumaningrum, Hedi Pandowo. "Amil Zakat Institute Compliance as A Form of Accountability from Accounting Aspects (Study in Madiun City)", Jurnal AKSI (Akuntansi dan Sistem Informasi), 2020

Publication

<1 %

9

Rini Lestari, Nurleli ., Radhitya Pradifta. "Islamic Philanthropy Institutions and the Welfare of the People", KnE Social Sciences, 2023

Publication

<1 %

10

"Islamic Wealth and the SDGs", Springer Science and Business Media LLC, 2021

Publication

<1 %

11

Submitted to University of Birmingham

Student Paper

<1 %

12

journals.plos.org

Internet Source

<1 %

13

Abdullah Abdullah, Akhmad Syahri, Muhammad Luthfi Abdullah. "Four Strategies Of Murshid Tariqat In Optimizing Muzakiy Behavior In West Nusa Tenggara", INFERENSI: Jurnal Penelitian Sosial Keagamaan, 2021

Publication

<1 %

14

Rijalus Sholihin. "The Zakat Maal Management In The National Zakat Agency,

<1 %

Palembang City", AL-FALAH : Journal of
Islamic Economics, 2020

Publication

15

Vika Annisa Qurrata, Dewi Aisyah Febriyani Putri, Solikhatul Azizah, Bagus Shandy Narmaditya. "Analysis strategy of fundraising and distribution of ZIS funds at Indonesian BAZNAS", Walter de Gruyter GmbH, 2022

Publication

<1 %

16

erep.unisza.edu.my

Internet Source

<1 %

17

jurnal.iainkediri.ac.id

Internet Source

<1 %

18

www.iiste.org

Internet Source

<1 %

19

Submitted to Universitas Negeri Jakarta

Student Paper

<1 %

20

onlinelibrary.wiley.com

Internet Source

<1 %

21

Submitted to Charles Sturt University

Student Paper

<1 %

22

Dyah Ochterina Susanti, A'an Efendi, Nuzulia Kumala Sari. "Legal Protection for Soybean Farmers in Cooperation Based on the Muzara'ah Akad with the Murabahah System", SASI, 2022

<1 %

23

Tika Widiastuti, Ilmiawan Auwalin, Lina Nugraha Rani, Muhammad Ubaidillah Al Mustofa. " A mediating effect of business growth on zakat empowerment program and welfare ", Cogent Business & Management, 2021

Publication

<1 %

24

Muhammad Rasyad Al Fajar, Miftahul Jannah. "Implementasi Undang-Undang Zakat No. 23 Tahun 2011 Tentang Pengelolaan Zakat (Studi Kasus LAZISMU Kota Bima)", J-ESA (Jurnal Ekonomi Syariah), 2021

Publication

<1 %

25

Submitted to Universitas Pancasila

Student Paper

<1 %

26

Muhammad Maulana, Faturrahman Faturrahman, Sirajuddin Sirajuddin. "PRODUCTIVE ZAKAT TOWARDS ECONOMIC ARMALAH IMPROVEMENT OF MAKASSAR CITY COMMUNITY IN YATIM MANDIRI MAKASSAR", Profetika: Jurnal Studi Islam, 2023

Publication

<1 %

27

ukmsarjana.ukm.my

Internet Source

<1 %

28

Submitted to IAIN Kudus

Student Paper

<1 %

29

Muhammad Lutfi Hidayatulloh, Ade Nur Rohim, Sahlan Hasbi. "The Efficiency and Effectiveness of The Distribution of Zakat Funds in Yogyakarta 's Baznas", ISLAMICONOMIC: Jurnal Ekonomi Islam, 2022

Publication

<1 %

30

e-journal.ikhac.ac.id

Internet Source

<1 %

31

repository.unmuhjember.ac.id

Internet Source

<1 %

32

smartlib.umri.ac.id

Internet Source

<1 %

33

Farkhah Farkhah. "Analysis of strategies zakat, infaq, and alms collection at BAZNAS Semarang Regency", Indonesian Journal of Islamic Economics Research, 2020

Publication

<1 %

34

Nurma Hasanah, Imsar Imsar, Suwandi Suwandi. "The Effectiveness of the Zakat, Infaq and Alms (ZIS) Fund Distribution Program in the Form of Scholarships for Underprivileged Muslim Students by the Amil Zakat Agency National (BAZNAS) Langkat Regency in 2020", Al-Kharaj : Jurnal Ekonomi, Keuangan & Bisnis Syariah, 2021

<1 %

35

pubhtml5.com

Internet Source

<1 %

36

publikasiilmiah.unwahas.ac.id

Internet Source

<1 %

37

Eri Bukhari. "Pengaruh Dana Desa dalam Mengentaskan Kemiskinan Penduduk Desa", Jurnal Kajian Ilmiah, 2021

Publication

<1 %

38

Evi Aninatin Nimatul Choiriyah, Abdul Kafi, Irma Faikhotul Hikmah, Imam Wahyudi Indrawan. "ZAKAT AND POVERTY ALLEVIATION IN INDONESIA: A PANEL ANALYSIS AT PROVINCIAL LEVEL", Journal of Islamic Monetary Economics and Finance, 2020

Publication

<1 %

39

journal.iain-manado.ac.id

Internet Source

<1 %

40

mail.jurnal.iain-bone.ac.id

Internet Source

<1 %

41

socialspacejournal.eu

Internet Source

<1 %

42

www.ajhssr.com

Internet Source

<1 %

www.openjournal.unpam.ac.id

43

Internet Source

<1 %

44

Ahmad - Roziq, Eka Desy Suryaningsih, Nur - Hisyamuddin. "VARIABLES DETERMINING MUZAKI LOYALTY IN PAYING ZAKAT, INFAQ AND SHODAQOH AT ZAKAT INSTITUTIONS IN INDONESIA", INFERENSI: Jurnal Penelitian Sosial Keagamaan, 2020

Publication

<1 %

45

Fitra Rizal, Haniatul Mukaromah. "Filantropi Islam Solusi Atas Masalah Kemiskinan Akibat Pandemi Covid-19", AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam, 2020

Publication

<1 %

46

Submitted to Monash University

Student Paper

<1 %

47

eprintslib.ummgl.ac.id

Internet Source

<1 %

48

jurnal.umsu.ac.id

Internet Source

<1 %

49

ejournal.iainponorogo.ac.id

Internet Source

<1 %

50

jurnal.stie-aas.ac.id

Internet Source

<1 %

51

ejournal.iainbengkulu.ac.id

Internet Source

<1 %

Exclude quotes On

Exclude matches Off

Exclude bibliography On