

# Anatomy of Zakat Regulation for Community Welfare

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**Abstract**— The anatomy of zakat regulations in positive law is contained in statutory regulations such as the first, second, and fifth Pancasila precepts, the 1945 Constitution of the Republic of Indonesia. In Chapter XA on Human Rights, Article 28A states "everyone has the right to live in maintaining their lives, Article 29 concerning worship, Law No. 23/2011 concerning zakat management, and Government Regulation No. 14/2014. This type of research is normative with a statutory approach, conceptual approach, and historical approach. The rules of zakat according to Islam are mentioned in the Koran which instructs to pay zakat 32 times, even 82 times it is repeated using words that are synonymous with it. In the hadith narrated by Imam Bukhari Muslim, it is very popular regarding the command to give zakat. The concept of welfare for the community by maximizing the division of tasks with the National National Education Agency at all levels. In management, the prophet once gave an example of his operation, among others: the officer recorded the obligatory zakat, assessed and counted, looked for, took from muzakki, collected assets, and distributed to mustahik. At the time of the Caliph Abu Bakr, people who did not pay zakat were fought and were considered apostates, at the time of Umar removing zakat for Muallaf, wearing zakat on horses. at the time of Uthman began to be subject to zakat on livestock, crops, and commerce. at the time of Ali gave zakat to the poor and blind beggars of non-Muslims, so that their living expenses would be borne by bayt al-maal.

**Keywords**— *zakat regulations, Muzakki, Mustahik, Public welfare*

## I. INTRODUCTION

Indonesia is a constitutional state that guarantees the survival of all people and the rights of citizens for the creation of a just and prosperous society. The principles of law and welfare are constitutional mandates which are contained in the fourth paragraph of the 1945 Constitution of the Republic of Indonesia.

Efforts to promote welfare are contained in the state constitution Article 33 paragraph (3) states that the Earth, water, and natural resources contained therein are controlled by the state and used for the greatest welfare of the people...The importance of these regulations that the Indonesian government is involved in regulating the rights of others is reflected in two times the experience of arranging, collecting, managing, and distributing zakat, it can be proven from various legal institutions that regulate zakat, including Law No. 38 of 1999, then Law No. 23 of 2011 concerning Zakat Management.

In the Al-Qur'an, Allah has instructed Muslims to pay zakat when it meets the standards (nishab and Khaul), because zakat is an order which is obligatory for Muslims, so the process before giving zakat, such as working for a living, trying and seeking rizki becomes mandatory.

Rasulullah taught his companions two great principles, among others: first, work is the principle of trying, it is obligatory for every Muslim to walk on earth to seek the virtue of Allah because work is nobler than begging others, the basic principle that secondly, the original law that begging others is haram because begging is the same as throwing oneself into humiliation [1].

Likewise in the Al-Qur'an, 32 verses are explaining the command to tithe, Government Regulation No. 14 of 2014 concerning the Implementation of Law No. 23 of 2011 and Regional Regulations on Zakat which have begun to appear in every province and district/city.

## II. METHODS

This research is literature research.

## III. RESULTS AND DISCUSSION

Zakat regulations in positive law are contained in state ideology Pancasila, the first principle of the Almighty Godhead, the second principle of just and civilized humanity, and the fifth principle of social justice for all Indonesian people. Pancasila is the state ideology of the Republic of Indonesia, where every country in the world must have an ideology that is used as guidance in the life of the nation and state. Systemically, it was first delivered by Ir. Soekarno in front of the Investigating Agency for Preparatory Efforts for Indonesian Independence (BPUPKI) or Dokuritzu Zyumbi Tyoosakai on June 1, 1945

In June 1945, the Chuo Sangi-in (Central Advisory Council) trial was attended by 38 BPUPKI members to form a Small Committee of nine people, namely Moh. Hatta, Muh. Yamin, Soebarjo, Maramis, Kiai Abd. Kahar Moezakir, Abikoesno Tjokrosuejoso, KH Wahid Hasyim, Haji Agus Salim, chaired by Ir. Soekarno to formulate the preamble to the Constitution. The formula compiled by the nine committees is commonly called the Jakarta Charter with the formula: "Deity, with the obligation to carry out Islamic law for its adherents, according to the basis of fair and civilized humanity, Indonesian unity and society led by wisdom in representative deliberations. as well as realizing social justice for all Indonesian people.

1945 Constitution of the Republic of Indonesia. Article 28A states "everyone has the right to live and has the right to defend his life and life. Article 28B paragraph (2) everyone has the right to survive, grow and develop and have the right to protection from violence and discrimination. Article 29, paragraph one, the State is based on the Supreme Lordship.

Related author analysis the implementation of paying zakat is included in the practice of the first precepts, the benefits and objectives of zakat are included in the practice of the second precept, while the target and distribution are the practice of the fifth precept. Article 29 of the 1945 Constitution of the Republic of Indonesia concerning the independence of each resident to embrace their respective religions and to worship according to that religion and belief. Because zakat is a commandment from Allah which is mentioned a lot in the Al-Qur'an. Every commandment if it is carried out is worship, if it is abandoned, it will receive a sin. People who issue zakat apart from Allah's orders are also the mandate of the constitution and the implementation of the 1945 Constitution, especially Article 29 paragraph (1) as a form of practicing the first principle of one and only God.

The big idea in structuring zakat management as stipulated in Law No. 23 of 2011 and animating the whole article is integrated management. The word integrated is the principle that underlies zakat management activities in the Republic of Indonesia, whether it is carried out by BAZNAS at all levels and amil Zakat Institutions which have received legality according to statutory requirements. Broadly speaking, Law Number 23 of 2011 contains key ideas consisting of 11 chapters and 47 articles.

Articles 6 and 7 of Law Number 23 of 2011 serve as the legal basis which provides an open space for BAZNAS to carry out its coordination function. When LAZ becomes part of the system coordinated by BAZNAS, its position is legally strong, so that the principles of sharia guidance in the Al-Qur'an (at Taubah 103) can be fulfilled. BAZNAS and LAZ must work together in one big goal that optimizes the collection, distribution, and utilization of zakat to help improve the welfare of the people and the nation [2].

government Regulation No. 14 of 2014 concerning the implementation of Law No. 23 of 2011 contains general provisions regarding BAZNAS and LAZ listed in the first chapter, the position of duties and functions of BAZNAS in the second chapter, membership and procedures for the appointment of the third chapter, the procedures for electing the chairperson and deputy chairperson as well as procedures for dismissal and replacement between time, organization of work procedures In the fourth chapter, the organization and work procedures of the Baznas secretariat in the fifth chapter, regarding the scope and authority of the sixth chapter, while the organizational requirements of the licensing mechanism and the seventh chapter of Laz licensing formation, financing of National Education Agency and the use of amil rights in the eighth chapter, accountability reporting of BAZNAS and LAZ in the ninth chapter administrative sanctions in the tenth chapter, and the closing provisions of the eleventh chapter.

West Nusa Tenggara (NTB) Provincial Regulation No. 9 of 2015 concerning the Implementation of Management of Zakat, Infaq, and Alms. Some of the considerations of the

NTB Provincial Government to issue this Perda include: (1) That paying zakat is an obligation of Muslims who can comply with Islamic law and collecting zakat is a potential source of funds as an effort to reduce poverty, improve welfare, and empowerment, (2) That the management of zakat, infaq and alms needs to be continuously improved so that their implementation is more effective and efficient and can be developed by the community, (3) The majority of the people of the province of NTB are Muslims with a high religious spirit, (4) That based on the considerations as referred to in letter a, b, and c, it is necessary to establish Regional Regulations concerning the Implementation and Management of Zakat, Infaq and Alms.

Analysis of the author of the NTB Provincial Regulation Number 9 of 2015 concerning the administration and management of zakat, donations, and alms. In the second paragraph of collecting zakat, Article 5 paragraph (1) reads that the collection of zakat is carried out by receiving or taking it from muzakki, paragraph (2) zakat managers can cooperate with banks and other financial institutions in managing zakat. Article 5 paragraph 1 is passive because, to obtain zakat funds, amil only accepts no data and seeks, or takes it. The word takes here must be clear about the type of place and the number of muzakki.

According to the author of Article 5 paragraph (1), it is stated that the collection of zakat is carried out through the data collection stages of compulsory zakat assets, then submitted to BAZNAS or LAZ who are appointed according to their respective regions. Then paragraph (2) should say "Zakat managers can cooperate with all parties in terms of socializing zakat, collecting data, collecting and distributing it following the principles and provisions in force. The principles I mean are the principles of justice, balance, and equity. In the NTB Provincial Regulation, as well as the Governor's regulation, the author did not find any sanctions for amil or muzakki.

NTB Governor Regulation No. 15/2016 on Technical Guidelines for the Implementation and Management of Zakat, Infaq, and Alms, Governor regulation consists of eight Chapters, among others: Chapter I general provisions 1 article, Chapter II principles, and objectives of the administration and management of zakat, infaq and alms based on the principles of Islamic law, mandate, benefit, justice, legal certainty, integrated and accountability. Chapter III The administration and management of zakat, infaq and alms, Chapter IV Organizational structure of the Provincial BAZNAS 3 articles, chapter V of the Provincial Amil Zakat Institution 2 Articles (articles 16-17), Chapter VI External Control (articles 18-19), chapter VII Financing Article (20), chapter VIII Closing Provisions articles 21 and 22.

The arrangement of zakat according to Islam begins with the Al-Qur'an which was revealed 1441 years ago and then positive law starts after Indonesian Independence about 75 years ago, the arrangement of Islam includes the Al-Qur'an, Hadith, and the opinions of scholars. The Al-Qur'an explains the philosophy of Pancasila. As stated in QS Al-Baqarah verse 3 means: Those who acknowledge the existence of God (who believe) to the unseen, establish prayers, and spend some sustenance which we bestow upon them. This verse is the basis before formulating Pancasila, the first

precept is a statement of human monotheism to the Creator (Creator), especially Muslims.

In the Al-Qur'an, there are 32 words of zakat, even 82 times it is repeated with the words alms and infaq. This repetition implies that zakat has a very important position, function, and role. Of the 32 words of zakat contained in the Al-Qur'an, 29 of them are coupled with the word prayer. This gives a signal about the close relationship between zakat and prayer services. A prayer is a form of relationship with God (individual piety), while zakat is a form of relationship with God and fellow humans (individual and social piety).

Of all the verses that explain zakat, it has a moral message that Muslims must be able to give, share, help and make others happy. This is following the word of Allah, Surah Annisa 9 which means; do not leave the generation weak. This verse is the basis for Muslims to work hard to meet family needs in all aspects such as education, health, expertise, economy, and faith [3].

Based on this translation, humans have to work, trying to make a living for the needs of the family. Because of that Islam is prohibited from leaving the generation in a weak state, so work is obligatory to earn a living for the family and generation. One of the general objectives of developing Islamic law is to provide benefits to humans. In the economic and social context, people who pay zakat are people who are aware of their obligations, have excess assets, and pay attention to the social life of the surrounding community. The equalization efforts made by the government show fairness in economic distribution.

Legal basis for zakat detailed few verses of the Al-Qur'an explain the commands for zakat, donations, and alms among others: based on QS. Al-Baqarah verse 3 namely those who believe in the unseen, offer prayers and spend part of their rizki. Based on this verse, faith and Islam must be equal, balanced. After the balance occurs, it is continued by giving a portion of the sustenance to fellow humans. In Surah Al Baqarah verse 110, it is stated that the orders for prayer and zakat must be balanced.

In Surah Al-Baqarah 245. Whoever wants to give a loan to Allah, a good loan (spend his wealth in the way of Allah), then Allah will multiply the payment to him by a large number. Furthermore, Al-Baqarah 261 The parable of a person who spends his wealth in the way of Allah is similar to a seed that grows seven ears, on each one hundred seeds. Allah multiplies for whom He wills.

Meanwhile, the zakat regulation according to the Hadith is as narrated Imam Bukhari Muslims who are related to the most popular hadith zakat are: *Bunial Islamu ala khamsin syahadatu allailaahailallah waannah Muhammadarrasulullah waiqamisholah waaitaa izzakah walhajju washauaromadona* [2].

#### *Efforts to improve welfare according to ijma*

After the Prophet SAW. Died, the leadership of the government was held by Abu Bakr Shiddiq the first caliph. He is a religious leader as well as the head of state. During his two-year reign, he faced many domestic problems that came from apostates, false prophets, and zakat dissidents. At that time, a movement of a group of people who refused to pay zakat to Abu Bakr arose. The Caliph invited other

friends to agree to strengthen the implementation and application of zakat and take firm action to crush those who refuse to pay zakat by categorizing them as apostates [4]. Furthermore, during Umar's ten years, many of them expanded into Islamic territory covering the Arabian peninsula, parts of Roman territory (Syria, Palestine, and Egypt), as well as the entire territory of the Persian empire including Iraq. Due to the rapid expansion of the area, Umar immediately set up state administration by emulating Persia. The state administration is organized into eight provincial regions; Mecca, Medina, Syria, Jazirah, Basrah, Kufa, Palestine, and Egypt [5].

According to Caliph Umar, Baitul Mal was considered the treasure of the Muslims, while the Caliph and the amil had the role of mandate holders. Thus, the state is responsible for providing food for widows, orphans, and abandoned children, financing the burial of the poor, paying off the debts of the bankrupt.

Caliph Umar made a provision that the executive should not interfere in managing Baitul Mal assets. At the provincial level, officials who are responsible for the assets of the people do not depend on the Governor and they have full authority in carrying out their duties and are directly responsible to the central government. In distributing the assets of Baitul Mal, the caliph Umar established departments deemed necessary, such as (1) The Military Service Department functions to distribute aid funds to people involved in the war, the amount of assistance is determined by the number of dependents of the family, (2) the Department of Justice and the Executive, is responsibly responsible for the payment of salaries of judges and executive officers, the amount is determined by two things, that is, the amount of salary received must be sufficient for the family's needs to avoid bribery and the amount of salary given must be the same. This remains within the limits of reasonableness, (3) the Department of Islamic education and development, provides financial assistance for propagators and developers of Islamic teachings and their families such as teachers and preachers, (4) The social security department distributes assistance to the poor and those who suffer [5].

Some of the regulations set by the caliph Umar had a firm and courageous stance, he established laws based on reality including removing zakat for converts and wearing horse zakat, classifying state income into four, among others: (1) Zakat income and 'Ushr (ten percent of income) This income is distributed at the local level and if there is a surplus the residual income is deposited in the Baitul Mal and distributed among the eight ashnaf according to the provisions of the Al-Qur'an. (2) Khums income and alms. This income is distributed to the poor or to finance their welfare regardless of whether he is a Muslim or not. (3) Kharaj's income, Fai, Jizyah, 'ushr (trade tax), and land rent, this income is used to pay pension funds and grants and to cover administrative costs of military administration. (4) Other income is used for workers, caring for abandoned children, and other social funds.

Based on Umar's opinion that horses and camels were used as means of transportation at that time, for now, transportation business owners are subject to zakat according to the calculation of business zakat. At the time of Uthman, it was divided into two first zakat assets which looked like

livestock and crops, the second zakat which did not look like money and commercial goods. Whereas at the time Ali had met giving zakat to the poor and non-Muslim blind beggars, Ali stated that bayt al-maal should pay for their living expenses [6].

Ali's reign which lasted for six years was always marked by the instability of political life. During his reign, the Caliph Ali ibn Abi Talib imposed a tax on forest owners of 4000 dirhams and allowed ibn Abbas (the governor of Kuffah) to collect zakat on fresh vegetables used as cooking spices. A similar practice occurred during the Caliphate of Ali bin Abi Talib, during the reign of Umar Bin Abdul Aziz which lasted less than two years, but no poor people were found who needed assistance from zakat funds. Concepts and efforts to prosper born from the idea of liberalism that the state must be responsible for its people in overcoming poverty, advancing social welfare, and economic stability.

Indonesia is an adherent of the Welfare State. This is contained in the 1945 Constitution in the socio-economic field of Article 33 paragraph 3 and Article 34, whereas after amendment it is listed in Chapter XIV concerning the economy and social welfare where the contents are about the social economy. "As a social justice-oriented constitution, the 1945 Constitution of the Republic of Indonesia contains articles and even a special chapter on social welfare, Chapter XIV on the national economy and social welfare.

M. Syarif Chaudhry in the book *Islamic Economic System* said the characteristics of a prosperous country include: First, the provision of social security for all people against accidents, illness, unemployment, old age, and disabilities. Both social justice and income distribution are fair and equitable for all citizens by minimizing the gap between rich and poor. Third, the provision of education and health services is subsidized by the state. Fourth, the state is fully responsible for the availability of jobs for those who can work. Fifth, public ownership or public facilities so that it can be given to low-income groups at a subsidized price. All this responsibility is conveyed to the community through social services.

#### *Efforts to improve the welfare in Indonesia*

In the management of zakat, the Prophet gave examples and operational instructions, this can be seen from the concept of division of duties divided into several parts, among others (1) the officer records the obligatory zakat, (2) the officer assesses and calculates zakat, (3) the officer looks for, take zakat from muzakki. (4) officers collect and maintain assets, (5) officers distribute zakat to mustahik [7].

After the Prophet SAW. When he died, the leadership of the government was held by Abu Bakr, the first caliph of Islam. He is a religious leader as well as head of state. At that time there was a movement of a group of people who refused to pay zakat Caliph invited other companions to agree to strengthen the implementation and application of zakat and take firm action to crush those who refuse to pay zakat by categorizing them as apostates [4].

During the reign of Umar ibn al-Khattab, state income experienced a very significant increase. This requires special attention to manage it so that it can be utilized properly, effectively, and efficiently. After conducting deliberations with the leaders/leaders of friends, the caliph Umar ibn al

Khattab made the decision not to spend all the assets of the Baitul Mal at once, but to be issued in stages according to existing needs, some of which were even provided a reserve fund. Caliph Umar decided not to distribute Baitul Mal property, but to keep it as a reserve, both for emergency needs, payment of salaries for soldiers, and various other needs of the ummah.

According to Caliph Umar, Baitul Mal was considered the treasure of the Muslims, while the Caliph and the amil had the role of mandate holders. Thus, the state is responsible for providing food for widows, orphans, and neglected children, financing the burial of the poor, paying off the debts of those who are bankrupt, paying diat money for certain cases.

Thus, the caliph Umar ibn Khattab applied the principle of virtue in distributing Baitul Mal assets, arguing that the difficulties faced by Muslims must be taken into account in determining one's share of state assets and therefore, justice demands that one's efforts and the energy that has been devoted to fighting for Islam must be maintained and reciprocated. with the best possible.

The policy of the Caliph Umar invited a reaction from a friend named judge bin Hizam. According to him, Umar's actions triggered the birth of laziness among traders which had fatal consequences for their survival.

Some of the rules set by the Caliph Umar. having a firm and brave stand, he established a law based on reality including taking zakat for Muallaf, wearing horse zakat which was never done in the time of Nab.

During the tabi'in period, the Daulah Bani Umayyah period which lasted for almost ninety years (41-127H) appeared as one of the caliphs of Umar bin Abdul Azis (717 AD). the problem of zakat on assets of all kinds, whether in the service sector or the profession at that time, must be subject to zakat as a solution to the problem of poverty. He is famous for his policies, justice, and success in advancing and prospering the community, including in handling zakat, so that zakat is abundant from bayt al-mal and even amil zakat officers, finding difficulties in finding the poor who need zakat assets

#### IV. CONCLUSION

Zakat regulations in positive law, among others; first, precepts first one godhead, the second principle of just and civilized humanity, and the fifth principle of social justice for all Indonesian people. Second, the 1945 Constitution of the Republic of Indonesia in Chapter XA on Human Rights. Article 28B paragraph (2) everyone has the right to survive, grow and develop and have the right to protection from violence and discrimination. third law of the Republic of Indonesia No. 23 of 2011 concerning Management of Zakat which consists of 11 chapters and 47. Fourth government Regulation No. 14 of 2014 concerning the implementation of Law No. 23 of 2011. The five Regional Regulations of the Province of NTB No. 9 of 2015 concerning the Management of Zakat, Infaq and Alms.

Efforts to improve welfare according to the caliphs include: imposing moral and social sanctions on people who refuse to pay zakat and punishing them to leave Islam,

strengthening the role of the state (during Saidina Umar's era) to make funds sourced from services and transportation effectively. In the era of Uthman, he collected zakat from retirees, while in the era of Saidina Ali, he expanded the distribution of zakat regardless of the status of his religion.

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