

Ideal zakat management concepts to grant society prosperity in Indonesia

¹ Nur Insani, ² Muhammad Djafar Saidi, ³ Abrar Saleng, ⁴ M. Arfin Hamid

¹ Doctoral Student, Faculty of Law, Postgraduate of Hasanuddin University, Indonesia

^{2,3,4} Professor, Faculty of Law, Hasanuddin University, Indonesia

Abstract

Law of Zakat Management in Indonesian national legal system does not interfere with the freedom of religious communities. This is due to law obligation to pay zakat applies only to Muslims, while the goal designated to poverty reduction and prosperity without distinction of religion, race and ethnicity. The success parameter on law of zakat management lies in the amount of Zakat funds collected, but during implementation on law of Zakat Management, charity funds gathered are not optimal or very minimal, while it has biggest potential in the world. Ideally it takes good management, from planning, organizing, mobilizing, and supervision of zakat. By fulfilling this ideal concept, zakat will be excavated and collected so that the optimal distribution and empowerment of zakat will be able to grant the greatest welfare of the society.

Keywords: management, zakat, ideal, the prosperity of Indonesian people

1. Introduction

Zakat is a religious institution and one of the Islamic worship law associated with possessions. It is obligatory for a Muslim or business entities when his/their wealth has qualified enough (*nishab*) and the time (*haul*) to pay it.

Zakat is the axis and financial center in the Islamic state covering the aspect of moral, social and economic. In aspect of morals, zakat law enforcement scrapes out the nature of gluttony, greed, curmudgeon and miser of the rich. In the social aspect, zakat invites people to have concern for the disadvantaged people, and serves as a tool to create equality between rich and poor. Whilst in the aspect of economics, zakat law prevent the nature of capitalism or hoarding wealth in several people hands (Abul A'la Al-Maududi, 1975) ^[1]. Zakat law would create a balance society between rich and poor (Sjaich Mahmoud Sjalout, 1969) ^[18].

As country with the largest Muslim population in the world the potential of zakat Indonesia is very significant that if nationally calculated would reach Rp. 274 billion per year (Nasir Tajang, 2014) ^[14]. Meanwhile South Sulawesi Province zakat is estimated to reach Rp. 2 trillion per year (<http://makassar.antarane.ws.com/berita/31138/potensi-zakat-nasional-rp217-triliun>). This large zakat potential becomes a legal means for the life of Indonesian people to alleviate poverty and bring prosperity. This is in line with the values of Pancasila and the Constitution of the Republic of Indonesia Year 1945 (Constitution NRI 1945) which aims to create the greatest welfare of the people (Article 33 paragraph (3)). As one of the five pillars of Islamic worship law (hadiths Riwayat Muslim), zakat law, besides as straps to human relations (*hablum minannas*), also as relationship obligation to God (*hablum minallah*) (Moh. Idris Ramulyo, 2006) ^[13]. The importance of zakat can be seen factually in the 82 verses of the Quran related to legal arrangements of zakat, there are as many as 28 times the word zakat is coupled with solat indicating that zakat and solat became a symbol of overall teachings of Islam (M. Quraish Shihab, 2007) ^[10].

As the implementation of the constitution (Constitution of Republic Indonesia 1945), particularly Article 29 paragraph (2) since Indonesia's independence, the new management of zakat was set up by legislation in 1999. This form of regulation is Law No. 38 Year 1999 on the Management of Zakat, then in 2011 converted into Law No. 23 Year 2011 on the Management of Zakat, which is subsequently written to the Law on Management of Zakat (UUPZ). Implementation of latest legislation has been assigned by Indonesian Government Regulation No. 14 Year 2014 on the implementation of Law No. 23 Year 2011 on Zakat Management, Regulation of the Minister of Religion No. 52 Year 2014 on Conditions and Procedure for Calculation of Zakat Mal and Zakat Fitrh and Utilization of Zakat for Productive Enterprises and Presidential Decree (Presidential Instruction) Number 3 of 2014 on Optimizing collection of Zakat in the Ministry / Institution, Secretary General of the Institute of State, the General Secretariat of the State Commission, Local Government, State-Owned Enterprises, and Local Owned Enterprises through BAZNAS and Presidential Decree Republic of Indonesia Number 66 / P Year 2015 on the Appointment of Board Members of the National Zakat period 2015-2020.

The implementation of UUPZ after 66 years of Indonesian independence is a step forward and a great hope for the entire nation. The desire of Muslims to carry out the law of worship in the form of possession with secure and protected, is not solely to fill the interest but the importance for all people without distinction of religion, ethnicity and race as referred in Article 3 (b) of UUPZ. However, the sublime ideas on law of zakat above are not able to be enjoyed by Indonesian people, although there has been a legal basis on zakat management with the creation of Law No. 38 Year 1999 and No. 23 Year 2011 on the Management of Zakat. During the 17 years of the enactment of the Law, the hopes and desires of Indonesian people to grant prosperity and alleviate poverty through the tithe is still far from expectations.

South Sulawesi Province, with zakat potential approximately Rp. 2 trillion per year, which yet will be collected by the provincial BAZNAS is only about Rp. 800 million per year, or 0.04 percent

(<http://makassar.antaranews.com/berita/31138/potensi-zakat-nasional-rp217-triliun>). Compared with other countries, zakat potential in Indonesia is the largest of the world's various Muslim countries such as Jordan, Kuwait and Egypt, Saudi Arabia and Pakistan

(<http://birokrasi.kompasiana.com/2013/08/01/ternyata-indonesia-memiliki-potensi-zakat-terbesar-di-dunia-581023.html>). It is unfortunate, as the majority of the Muslim population in the world with the greatest potential zakat but remain unable to manage it optimally. Acute problems of poverty, imbalance, fatuity and unemployment are still unable to be solved by Indonesian government. Central Statistics Agency (BPS) data said the number of poor people in March 2016 reached 28.55 million people, or about 10.86 percent of Indonesia's population of 255.461.700 inhabitants (<https://www.bps.go.id/brs/view/id/1229>). While poor people in South Sulawesi reached 797.720 people or 9.39 percent of the total provincial population of 8,520,304 inhabitants (Badan Pusat Statistik Provinsi Sulawesi Selatan, 2016) ^[8]. In addition, the portrait of unemployment is also a problem that continuously encounters this nation. The Central Statistics Agency (BPS) recorded unemployment rate in August 2016 reached 5.61 percent (7.03 million) (<http://sentananews.com/news/ekonomi/bps-jumlah-pengangguran-agustus-618-20881>), while unemployment in South Sulawesi province reached 5.95 percent or 506.958 inhabitants of 8,520,304 inhabitants in August 2016 (Indikator Makro Sulsel, 2016) ^[8]. Based on the explanation above, the issues to be discussed in this paper is on how the planning, organizing, mobilizing and supervision of ideal zakat?

2. Research Methods

A) Type and Research Approach

The type of research used in this paper is a normative law research in which data source is secondary data consists of primary legal materials, secondary law (Soerjono Soekanto, 2012) ^[20] and non-law material (Mukti Fajar Nur Dewata and Yulianto Achmad, 2013) ^[16], as well legal research in sociological / empirical, in which the source of the data used to assess the empirical legal research, primary data (Salim HS and Erlies Septiana Nurbani, 2014) ^[17]. This study uses a type of law approach (statute approach) and conceptual approach.

B) Data Collection and Analysis Techniques

Data collection technique is by observation, using questionnaires and interviews. Data analysis is qualitative data that appears in tangible words and not a series of numbers or quantity (Soejono and Abdurrahman, 2003) ^[19], then presented descriptively (Soerjono Soekanto, 2012) ^[20].

3. Results and Discussion

A) Planning

Zakat management has a legal basis, but the research found that its management started to Law No. 38 Year 1999 and No. 23 Year 2011 on the Management of Zakat, or about 17 years has not yet contributed purpose means for supporting the country's economy, especially in tackling poverty. As state

law in accordance to the preamble NRI law in 1945, the management of zakat has not been able to contribute to a country that pursues to promote the general welfare. In fact the role of legislation in the context of a constitutional state is as the foundation for the implementation of state and as a guide for the people's prosperity.

Above problem is due to is various factors, among others, the important thing is the law of zakat management is less effective in juridical constitutive, the frail organization (BAZNAS), and the lack of resources used. Therefore it should be required goodwill of government so that the management of zakat is not distinguished with the law implementation management related to the teachings of Islam which has been formalized as other positive laws because when calculated with the principle of benefit according to State Administration Law, zakat legal benefits is very promising because it directly used for the welfare of the entire nation.

Therefore, as the welfare state, according to author that government has properly to take steps and new breakthroughs in the field of regulation UUPZ in order to excavate and collect abundance of zakat. In a situation that requires a change, then legislation must be adapted to the situation. In other words, law should have a role in actuating society toward a planned change. In the concept of welfare state provides freedom to law reform for state administration officials in order to respond the government's efforts as the most responsible party for the welfare of its people (Willy D.S. Voll, 2014) ^[22]. In order the planning can be a legal means in zakat management to achieve its goals effectively, it is necessary to note laws of planning premise or assumptions that will be encountered in the future that is:

- The plan arranged must be in accordance to the availability of various resources that have been, are and will be available. All of these resources need to be uncovered with exact law regulation, and not based on mere allegations.
- Organizations always observe condition in the society, both positive and negative that may hinder the smoothness of realization of law activities that is required. It is very urgent because legally no one organization that can operate properly without knowing their condition.
- An organization cannot escape itself from leaders legal liability of the organization, not only liable to the grantor of authority but also obligate responsibility to the stakeholders (muzaki and mustahik). The implication of this law premise is, in designing a plan, as well as in its implementation everything must be conducted responsibly.
- Human resources either involved in organization, or society (muzaki and mustahik) to confront the limitations of physical, mental and biological. Therefore there must be rules in order to create a climate of good cooperation (Sondang P. Siagian, 1975) ^[21].

Without regard to the premise laws mentioned above it can be estimated that the planning as a legal means would face difficulties in carrying out its activities in order to achieve the law aims that have been established.

In conducting BAZNAS activities it should be regulated steps which are formed in planning cycle as follows:

- a. Must follow the rules of chronological order which is to collect and process data firstly, it should be required to rules of organization existence and work procedure relevant to the planning.
- b. The next step is the planning must perform diagnostics on goals, objectives, relevance, affectivity and efficiency. At the time of formulating objectives, planners should ascertain whether their programs are sufficient legally, conducive and relevant to the welfare of poor people. This includes efforts to diagnose weaknesses of programs (management of zakat) which have been implemented.
- c. The next stage is the existence of rule of activities in repairing and correcting any weaknesses and deficiencies of planning that have been prepared to improve the relevance, effectiveness and efficiency. Corrective action is conducted by outlining the general framework decisions into detail legal decision.
- d. To conduct law assessment in planning which specializes in resources, especially funding, facilities, infrastructure, sum (muzaki and mustahik), as well measuring the capabilities and requirements of zakat management personnel (Mirrian Sjöfyan Arif, *et al.*).

B) Organizing

Organizing is the whole process of grouping people, facilities and infrastructure, resources, tasks, responsibilities and authority in the management of zakat, to achieve an organization that can be moved integrally in order to achieve objectives. The unlisted law clause on organizing of UUPZ turned zakat management cannot be effective.

Ideally regulations of BAZNAS organization stipulated is in the form of an independent and autonomous. Therefore its management does not require to be intervened by the Ministry of Religious Affairs, Ministry of Interior and the Ministry of Finance, but its relation is sufficient to do in coordinative form. The entire human resources as zakat organizer is supposed not to have double duty as it is today so that the level of legal decision making can be conducted independently. Aside from being an independent and autonomous body also with BAZNAS provincial and BAZNAS district / city are set to have a hierarchical relationship. An organization without a clear hierarchy of authority rules, collaborative efforts will have difficulty, even sometimes impossible to apply. Instead, a hierarchy organization will facilitate synergy in zakat management nationally (Mohd. Nasir Tadjang, 2016) ^[15]. Accountability is also helped when people work within the chain of command (J. Winardi, 2014). By providing legal basis protection hierarchy in BAZNAS organization will benefit to facilitate coordination, communication, information, ensuring the fragile unity of direction and control (span of control) between BAZNAS, BAZNAS provincial and BAZNAS district / city. This pattern is in accordance with the principles of modern management and administration as well as professional.

Law has determined that BAZNAS as the only national zakat managers implies purpose that unification of zakat management from its collection aspect and distribution aspect will be integrated and through the sole door. This possibly to be achieved if there is a rule in the form of hierarchical organization levels containing obligations degree of authority and responsibility (Mirrian Sjöfyan Arif, *et al.*) with

BAZNAS provincial and BAZNAS district / city. Such conditions lead to the situation of zakat management will be easy to implement as to create an organization that is in accordance with the purposes of the law that has been set up and fulfills the principles and rules of good and effective organization. Moreover, the amount of zakat institution in Indonesia as well as LAZ and individuals ranging from the national level to the villages will reduce the difficulty to construct and control them.

C) Mobilization

The mobilization or motivation is one of the organic functions of the State Administration Law. Mobilization is the process of motivation or encouragement for the managing staff of zakat management and muzaki until they want to work sincerely to achieve UUPZ effectively. Thus mobilization is facilitator to implement the rule of law through the movement of human resources within the organization. Without mobilization, enforcement of law will be delayed or will experience stagnation.

In zakat management, human resources that will be utilized must comply with the following requirements:

- a. Faithful and devoted Muslim
- b. Amanah, that is to have responsibility according to their expertise. Placement of zakat managing staff without appropriate expertise will dilapidate the proper working of the organization
- c. Shidiq, that is to have honesty and always underlies his words according to his deeds. Hadiths of the Prophet declared honesty drove to goodness, and goodness will be ushered in heaven (HR. Bukhari)
- d. Istiqomah, that is human resources which consistent in the faith in spite of all temptations but remained standing on the truth.
- e. Tabligh, that is intelligent means of encouraging (providing role models) in implementing the rule of law, until achieving the goal of those rules effectively.
- f. Fathonah is human resources who have *hard skill* in appropriate expertise (Yusuf Qardhawi, 1973) ^[23].

Human resources are required in law of zakat management, not merely the experts in the field of religion as understanding laws of zakat comprehensively but also the necessary of human resources expert in information and technology (IT), experts in planning, expert in accounting, expert in leadership, and others. In other words, human resource expertise that is needed in the management of zakat professional-based and modern management is varied, but in performing the task, the leadership is able to encourage, so it would create a solid team work and integrated. This only way makes the law of zakat management objectives can be achieved in accordance with UUPZ (Mohd. Nasir Tadjang, 2016) ^[15].

In addition to the quality, also the quantity or the amount of human resources that will be utilized cannot be refused its importance in management of zakat. Number of human resources that will be used is set in accordance with the form of zakat management organization that has been set in the planning. When the numbers of human resources exceed the volume of work or over capacity, the will be numerous human resources will be redundant, instead when the number of human resources inadequacy in comparison to the volume of work, there will be an unbalanced workload. There is a

heavy case loads, while others are a bit even become hidden unemployment (disguise unemployment) so that their performance is not optimal (Mohd. Nasir Tadjang, 2016) ^[15]. Thus both the quality and quantity of human resources is very influential as working motivation to officers and employees. When an expert is placed under inappropriate expertise it will have an impact on either work stoppages or officers will have lack of motivations due to their expertise and works assigned for them is not appropriate with their expertise field. The lack of human resources compared with the volume of work will also decrease the motivation to work because of the workload that will be confronted is beyond their ability. This is where leadership skills demonstrated by the leaders so that the quality and quantity of human resources is arranged in a balance way as workloads do not deviate from the expertise and also not exceed the manpower released by the staff and employees.

D) Supervision

Supervision (controlling) is one of the organic function of the State Administration Law. This function is as an activity that carrying on the work in the organization to be accomplished in accordance with a predetermined plan, or acquire the results as expected (Malayu SP. Hasibuan, 2015). In terms of the State Administration Law, the supervision is defined as the process of comparing what was executed, implemented, or held regarding what was intended, planned, or ordered. The result of supervision is required to indicate where there is a match and mismatch and find the causes of discrepancies arise. In the context of building the management of zakat which is characterized by good management, monitoring is an important aspect that zakat management functions to run properly. Therefore, monitoring becomes as important as the implementation of good management of zakat itself.

In relation to public accountability, supervision on management of zakat became one of the tools to build and maintain the legitimacy of citizens (muzaki) upon BAZNAS performance by creating an effective monitoring system, better internal control as well as external control. In addition, it also needs to encourage society supervision (*social control*). Surveillance target is to find the occurrence of violations of the law according to plan or targets. If this is found thus it is necessary to direct or recommend improvements, suggested that there should be rules preventing wastage and optimizes the work to achieve plan targets. Internal audit carried out by persons or entities that exist within the organizational unit concerned. Supervision in this form can be conducted by monitoring their immediate supervisor or supervisory embedded (built-in control) or the monitoring is held routinely by the general inspectorate in every department and inspectorate region for every region in Indonesia, by putting it under the supervision of the Ministry of Home Affairs.

External supervision is an examination conducted by a monitoring unit that is exclude the organizational unit supervised. In this case for BAZNAS and LAZ conducted by an independent external audit. UUPZ is not regulated the supervision of state institutions such as the general inspectorate or state institutions such as the Supreme Audit Board (<http://brsndontatto.blogspot.co.id/2013/01/77pengawasan-dan-kontrol-dalam.html>). The government only applies

supervision by asking for reports on the implementation of zakat management in writing form of BAZNAS. This form of supervision is very weak because zakat is not always in the form of organization or foundation that has been legitimated by government. Many other zakat managers, including individuals are not covered by legitimate BAZNAS and LAZ. In addition it is also known as preventive and repressive supervision. Preventive supervision is intended such as "surveillance conducted on an activity before implementation, so as to prevent the occurrence of irregularities." On the other hand, it is also intended to control budget execution system can operate as expected. Preventive supervision would be more useful and meaningful if it performed by a direct supervisor, so that possible irregularities will be detected early

(mokhamadsamsuri007.blogspot.com/2013/01/manajemen-pengawasan.html). Such monitoring is not set in UUPZ so if there is a deviation, it would be difficult to prevent leakage of public zakat funds. The repressive supervision is "monitoring conducted after the activity was implemented." Supervision is executed by BAZNAS models to provide reports every six (6) months and at the end of zakat management activities.

In addition it is also known the close supervision (active) and distant supervision (passive). Active supervision is performed at the place of activity concerned." Whilst the distant supervision (passive) is conducted through "research and test of the accountability reports and accompanied by evidence of receipts and expenditure." On the other hand, supervision on inspection of the truth of formal according to rights (*rechmatigheid*) is "an examination of the expenditure whether is in accordance with the regulations, does not expire, and the right was proven true." Meanwhile, the right based on the examination of material truth about the purpose expenditures (*doelmatigheid*) is "an examination of the expenditure is in compliance with the principle of economy, namely the expenditure required and costs as low as possible" (mokhamadsamsuri007.blogspot.com/2013/01/manajemen-pengawasan.html). In relation to the zakat fund, supervision intended to prevent fraud, prohibition and wastage of funds focused on amil zakat. UUPZ has already contained sanctions for violations in the management of zakat as a consequence of the exercise of supervision. When violation is found under the supervision, the legislation has set sanctions in the form of administrative sanctions and criminal sanctions. Thus, supervision as a medium of upholding the law of zakat management in order to run effectively as well to achieve the purpose of the realization of the society welfare.

In UUPZ aspects of monitoring or controlling has acquired clear legal rules, the following penalties for those found violations of zakat management. Sanction aspect emphasizes to the governing body, both BAZNAS and LAZ with the type of sanctions in the form of administrative sanctions and criminal sanctions. The existence of these clear legal sanctions, in the course of implementation of the law of zakat management for 17 years, the government has never provided both administrative and criminal sanctions to zakat entities.

4. Conclusion

The success of the law of zakat management lies on the amount of Zakat funds collected, but during the implementation UUPZ zakat funds gathered is not very optimal or very minimal, while it has biggest potential in the

world. Consequently, the eradication poverty program and grant prosperity has not yet been achieved. This has an impact on the distribution of zakat is still consumptive-oriented which did not raise the living standards of poor people. Its weakness lies in the planning, organizing, mobilizing and supervision which are less maximal.

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