

PEARLS OF WISDOM AND REASONS WHY ZAKAT SHOULD BE MANAGED BY A GOVERNMENT- APPOINTED AMIL INSTITUTION

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Abstract: *Zakat is the main tenet on which the Islamic obligation to give alms is built. The difficulties and suffering of the poor should be lessened with the proper and effective zakat institution implementation. The macroeconomic policy requires the government to play a regulatory role in the administration of zakat in a nation. As a qualitative method of data collection for this study, in-depth interviews were used to gather information from Zakat Officer in Majlis Agama Islam and Religious in Kelantan (MAIK). In spite of this, the Amil Institution faces a challenge in trying to streamline and improve the level of professionalism in managing zakat in order to guarantee and protect the zakat asnaf rights, which will increase the community's accountability, trust, and confidence in the Amil Institution. Islam has established eight mustahiq groups for the zakat division. Zakat collectors and distributors (Al-Amil) are two of these groups. Amil is responsible for strategic tasks related to the growth of Zakat in Kelantan. The main themes of this paper will be the aspects of how traditional scholarly opinion regarding the terms of Amil, the classification, duties, and functions of Amil, and best practice recommendations for zakat institutions.*

Keywords: *zakat, Amil Institutions, Amil, accountability, asnaf*

Introduction

Zakat is one of the pillars of Islam. Throughout the history of its existence, it plays an important role for Muslims (Adibah Abdul Wahab, 2019; Al Jaffri Saad & Haniffa, 2014; Atah et al., 2018; Billah, 2016; Harahap, 2021; Maziah et al., 2022; Rafai, 2007). *Zakat* is a mechanism of financial and economic worship that aims to clean the human soul and property (*zakat payers*) and help the poor (*asnaf*) because there might be other people's rights in the process of acquiring the property. Theoretically, *zakat* is being paid by the rich and the source will be distributed to the poor and *zakat* distribution process is expected to reach the optimum level of the *snaf zakat*. Therefore, this process will deliver a huge impact, especially for *asnaf zakat*, and impact directly on the economy of a country. Additionally, as the effective *zakat* distribution process, the *asnaf* may succeed in out of poverty, and may also become one of the *zakat* contributors (Aydin, 2015; Lawal & Ajayi, 2019; Muhammad & Malik, 2021; Ramli & Abdullah, 2016; Samad et al., 2015). Eventually, *asnaf* becomes part of productive employment and will act as one of the contributors to the national economy¹. The evidence for determining the *asnaf zakat* has been clearly stated in the Qur'an which explicates the groups who are eligible to receive *zakat*.

*Certainly, the zakat is only for the poor, the needy, the administrators of zakat, the mu'allaf whose hearts are persuaded, for (freeing slaves), those who are in debt, for the way of Allah and the those who is on a journey, as a decree obligated by Allah, and Allah is All-Knowing, All -Wise"*²

(*Surah al-Tawbah, 9:60*)

Zakat is an act of worship on the wealth of Muslims that has a large and broad goal covering various aspects including social, economic, educational, faith and etc (Hambari et al., 2020). Therefore, a large and sufficient fund as well as its orderly and efficient management is necessary to encounter this enormous agenda. Similarly, it also can be done through precise and comprehensive awareness and support from the Muslims themselves. From the perspective of *zakat* management in Malaysia, there is very encouraging development regarding to the role of *Zakat* Management Institution (*Amil*), in fact, its development is far ahead compared to other countries in the world. However, in term of Muslims' awareness of *zakat* obligation and community commitment to the *Amil* Institution is still relatively at low level. There is still a tendency as part of some Muslims have to issue their *zakat* payment directly to the *asnaf* who they think are eligible to receive it or through unofficial channels.

The phenomenon generally occurs due to Muslims' confusion concerning the actual demands of *zakat* worship. A part of them is still following the culture and traditions of previous generations without questioning or understanding the real demands, and even think that is the best action (Suprayitno, 2019). Additionally, other related factor is no company tax rebate, distrust of the *Amil* Institution, ignorance of the existing *zakat* legislation, educational background, and different political stances, as well as the influence of certain stakeholders which affect the Muslim community's way of thinking. In this case, without a clear understanding and knowledge regarding to the law of *zakat*, it is a concern that the money spent may not be accepted by Allah as *zakat*, and as a result, there are required to issue *zakat* again.

¹ (Mustapha, 2001).

² Al-Qur'an Surah al-Tawbah, 9:60

Therefore, as Muslims, there are essential to be cautious in performing *zakat* worship to ensure it accomplishes the requirement.

Discussion

Why *zakat* should be paid to the *Amil* Institution? What is the rationale?

Allah has said in surah at-Tawbah, verse 104 which means:

*"Take zakat from some of their property, which zakat cleanses and purifies them"*³.

The word 'take' in the verse refers to a command of Allah on the management of *zakat* which necessarily involves the ability by an authority to 'take it', i.e. the government. The verse is also a proof that the government has the right to demand and collect *zakat*, even some great scholars such as Imam ar-Razi and al-Syairazi asserted that the responsibility and involvement of the state in the management of *zakat* is mandatory. The responsibility of the government in the management of *zakat* is further emphasized through the words of Allah in surah at-Tawbah, verse 60. Through the verse, Allah has clearly established that *Amil* is one of the *asnaf* who is entitled to receive *zakat*. Therefore, the government needs to appoint and empower *Amil* in managing the collection and distribution of the *zakat*. *Asnaf Amil* is positioned in third place after the *fakir* and the poor, which shows the important role of *Amil* in the obligations of the *zakat* as a third pillar of Islam. This verse also gives a hint that Islam attaches great importance to the management aspect, especially in handling *zakat* collection, which only through the effective and efficient management system of an *Amil* institution will ensure the other seven *asnafs* are secured and defended.

Pearls of Wisdom and reasons on why *zakat* should be managed by a government-appointed *Amil* Institution;

1. Transparency and accountability in *zakat* management is higher and guaranteed. The implementation by *Amil* which is appointed by the government is trusted compared to the distribution implemented by the *zakat* self-payer or through informal channels. As an example, in Kelantan, the Kelantan Islamic Religious Council (MAIK) which is an appointed *Amil* Institution, is subject to several types of audits covering financial aspects, management and quality of services by several different audit agencies throughout the year.
2. Nowadays, it can't be denied that the faith and conscience of most Muslims are getting helpless due to excessive love of current life and existence. Therefore, if the obligation to pay *zakat* is handed over solely to the individual's awareness, it is certain that the rights and well-being of the *asnaf* who are *zakat*'s recipients are not guaranteed. It has been trusted that the implementation by a government-appointed *Amil* Institution is more eligible and trustworthy. Through the available powers of legal provisions of *Amil* management, the *muzakki* (*zakat* payers) will be more disciplined in fulfilling their *zakat* obligations.
3. MAIK is responsible for providing assistance for those who are applying (make applications), also pro-actively seeking and investigating especially the poor and needy who do not apply (perhaps because of shame, inferiority or not exposed to information), then distributing the *zakat* money to those who are eligible. Through this process, it can prevent them from being beggars, and this is in line with the words of Allah in surah az-Zariyat, verse 19 which means: "And in their properties, there is a right for the poor who beg and the poor who refrain (from asking)." The bear of responsibilities is impossible on an

³ Al-Qur'an surah at-Tawbah, verse 104

individual basis. As the result, the honor and feelings of the *zakat* recipients, especially the poor and needy, will be better protected as they will be secure from shame, inferiority, and insults from certain *zakat* payers who are irresponsible.

4. The management of *Amil* Institutions is more orderly and systematic with a sufficient and experienced workforce, as well as a combination of various skill areas, *zakat* management is capable to carry out the collection, control, and distribution activities. As a result, the collection and distribution of *zakat* money are more orderly, comprehensive and effective.
5. The capability of *Amil* Institutions in raising large *zakat* funds centrally. As a result, the efforts to develop Muslims, especially poverty eradication will be able to be done in a more planned, comprehensive, and effective manner. For example, through its comprehensive long-term planning in the poverty eradication agenda in Kelantan, MAIK places more emphasis on the concept of integrated and balanced development, where the development of *asnaf* is not only focused on material development such as economic and social alone but also emphasis is given to human-efforts and educational development. The endeavor requires substantial funding and ongoing commitment and of course, it will not be possible alone and in isolation.
6. Centralized information collection through *Amil* Institutions also provides many advantages. Complete and comprehensive information will be able to be created, in turn can avoid the occurrence of duplication and waste of *zakat* money. This centralized information can also prevent *zakat* money from accumulating to a single person, group or *asnaf* only, which is usually limited to people or groups known to the *zakat* payer. This situation allows for the denial of the rights of others who may be more in need. Undeniably, the right of *zakat* is not only for the poor and needy but also other *asnaf* who are allowed to receive it such as the converts, *riqab*, *gharim*, *fisabilillah* and *ibn sabil*. As a result, thorough *Amil* Institutions, the allocations and distribution of *zakat* money will be better channeled as the *Amil* is more aware of its utilization targets.

Islamic View

As a Muslim, awareness regarding to *zakat* payment should be a concern. The awareness is concerned due to the *zakat* payment does not reach the appropriate target. To ensure the right target, there are need the awareness to pay the *zakat* through the *Amil* Institution. In this regard, *Imam Malik*, *Imam Asy-Syafie*, *Abu Yusuf*, *Ats-Tsauri* and *Ibn Mundzir* argue that when it turns out that a person has erred in giving the *zakat* to people who are not eligible, then the *zakat* is invalid, and they are obliged to pay *zakat* once again to the person permitted to receive it. On the other hand, through the *Amil* Institution, every Muslim has been exempted from the obligation of *zakat* due to *Amil* himself is one of the *asnaf* who is eligible to receive *zakat*. The inquiry regarding *Amil* is not performing the duties, that will not affect the legality of giving *zakat*, *Amil* surely will be accountable for what they have done, as narrated by Ahmad from Anas r.a. he said:

Certainly, a man said to Rasulullah saw: What if I have given the zakat to the messenger (Amil), am I exempt from the obligation of zakat to Allah and His Messenger? The Prophet (peace and blessings of Allah be upon him) replied: Verily, when you have given zakat to my messenger, you have escaped from it to Allah and His Messenger. You get the reward and the sin of those who exchange it⁴."

⁴ Anas r.a

The importance of Muslims paying *zakat* to the government is further explained through a hadith narrated by Sa'id ibn Mansur from Suhail r.a. he said:

"Alimony has been collected for me, for which there is *zakat*, that is, the *nisab* of *zakat* has reached, so I asked Sa'ad ibn Abi Waqqash, Ibn 'Umar, Abu Sa'id Al-Khudry, Abu Hurairah, I said: Do I distribute it myself or I gave it to the ruler? All of them told me to give it to the ruler. None of them told me to share myself⁵. "

However, there is also a view that allows an individual to distribute *zakat* on their 'inner property'. Inner property means property whose amount is known only to its owner, such as business items and savings. However, Prof. Dr. Yusuf al-Qardhawy indicated that among the texts and Islamic arguments that approve the authority of a Muslim leader to collect *zakat*, there is not a single text that distinguishes between an external and internal property of *zakat*⁶. On the other hand, the Islamic government has an absolute obligation to administer *zakat* as a whole. This is the original legal provision of *zakat* as required by *Islam*. Nevertheless, *al-Qaradhawi* argues that flexibility can still be specified to property owners to pay their own *zakat*, especially to their immediate family or neighbors who are in need. However, if it is proven that they did not distribute the amount allowed to them, then the *Amil* Institution has the right to take the entire *zakat* property without any balance.

As for the firmness of *Islam* regarding to this matter, the author is more inclined to the views expressed by Prof. Dr. Abdullah Ibrahim in one of the Muzakarah Agihan *Zakat* organized by JAKIM while discussing the principles issue in the distribution of *zakat*, the *muzakki* have the right to nominate prospective recipients of *zakat* to the *Amil* Institution, especially their families and neighbors⁷. The *muzakki* are still obliged to pay the *zakat* to the appointed *Amil* Institution but they have the right to nominate the candidate recipients of *zakat* who are deemed eligible. It is the duty of the *Amil* Institution to investigate and follow up on the proposed *muzakki* to ensure the eligibility of the candidate. In practicing *zakat*, there also need to look at the existing legal provisions, so that every Muslim act do not comply with Islamic law, but also does not violate the existing administration and law. In Kelantan, for example, *zakat* legislation on offenses relating to non-payment of *zakat* or *fitrah* is contained under Enactment 4 (1994), Kelantan Islamic Religious Council and Malay Customs Enactment, 1994 in Part VII Section 106 which states that:

Not paying *zakat* or *fitrah*.

- 1) Any individual who is charged on paying *zakat* or *fitrah*, who fails to pay the assessed *zakat* and *fitrah*, without obtaining approval to revoke or vary the above interpretation, shall be guilty of an offense and shall, on conviction, be liable to a fine not exceeding two thousand ringgits, or imprisonment for a term not exceeding six months or both.
- 2) A conviction under this section shall not write off any *zakat* or *fitrah* debt.
- 3) Any *zakat* or *fitrah* or price payable by a person may be claimed as if the rice and paddy payable had been ordered by the Court in accordance with law to be handed over to the *Amil* Institution or as if the prices were available return from fines imposed under the provisions of this Enactment.
- 4) Subject to an appeal made in accordance with law, it shall not be the responsibility of the Court to examine whether the assessment made on the *zakat* or *fitrah* is reasonable or not.

⁵ Suhail r.a

⁶ Prof. Dr. Yusuf al-Qardhawy

⁷ Prof. Dr. Abdullah Ibrahim

Qaradawi (2000) agrees that the government has a role in collecting and distributing *zakat* whether it is a tangible or intangible property for several reasons⁸. First, there are individuals who do not pay attention to the *zakat* payment. If there is no intervention by the government, then it is possible that the right of *zakat* to the poor and needy *asnaf* unfulfilled. Second, the distribution of *zakat* by the government will protect and preserve the dignity of the poor and needy as opposed to receiving it directly from the rich. Third, if an individual distributes the *zakat*, it will be influenced by certain attitudes that will turn their back on the concept of distribution. Fourth, certain *asnaf* such as muallaf, fi-sabilillah and others that are related to public interest is only known by the government. Fifth, it should be known that *zakat* is a source of finance for the Islamic country. Therefore, it needs to be implemented to the government of a country. However, the right to collect and distribute *zakat* should be done by the government that does not reject Islam as a basis ideology, and implements Islamic law and social structure is based on Islam Qaradawi (2000).

Conclusion

In conclusion, the role of *zakat* institutions is divided into two, namely collecting and distributing *zakat* and this role will be done at the government level through authorized *zakat* officers and should meet the characteristics mentioned above. It should be clarified that the role of managing *zakat* is necessary and not obligatory to be handed over to the government as an intermediary. This aims to differentiate the role of government in tax collection because the role of tax collection by the government is a necessity. This is because tax collection will be paid directly to the government and the government must perform its responsibilities from tax collection to the people as a whole. In contrast to *zakat*, the government only as an intermediary to collect and distributes *zakat* to certain *asnaf*⁹ (Al-Quran Surah 9 verse 60), not to the people as a whole. In fact, it should be understood that the *zakat* collection is not related to government revenue.

Nevertheless, this issue is also a challenge to the *Amil* Institution to be able to streamline and increase the level of professionalism in managing *zakat* so that the rights of *zakat asnaf* are guaranteed and protected, thus increasing accountability, trust, and confidence of the community towards the *Amil* Institution. In addition to that, in this era, *Zakat* management is not just administering *zakat*, there is a need to understand the concept of management itself which consists of four main activities including plan, organize, coordinating and decisions making. Therefore, *zakat* management should be done in a professional manner so that it can improve and enhance the *Amil* Institution's performance, which can increase the confidence of *zakat* payers and at the same time convey the message of da'wah to those who have not yet paid property *zakat*. The challenge of the *Amil* Institution in managing *zakat* nowadays is far different from the past where an *Amil* is someone who is trusted by the local community such as religious members and teachers and imams who have a background in religious education. Currently, *Zakat* management requires managers who gain various knowledge such as management, entrepreneurship, technology, and so on. This will ultimately increase the level of professionalism of *zakat* management, enhance the confidence of *zakat* payers and upsurge the *zakat* funds in the Islamic financial system which can ultimately further intensify the distribution to *asnaf* (Zulkifli et al., 2021). It is hoped that the enhancement of various perspectives and angles toward efficient and effective *zakat* management will reduce and eradicate poverty and further strengthen social security in the Muslim community.

⁸ Qaradawi (2000)

⁹ Al-Quran Surah 9 verse 60

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