



LZNK

LEMBAGA ZAKAT NEGERI KEDAH



PROCEEDING 2nd KEDAH 2021 INTERNATIONAL ZAKAT CONFERENCE (i-KEIZAC)



17 - 18 AUGUST 2021 • MENARA ZAKAT, KEDAH, MALAYSIA

**INNOVATION IN ISLAMIC SOCIAL FINANCE
VIA ZAKAT TRANSFORMATION AGENDA**

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Lembaga Zakat Negeri Kedah (LZNK)
www.zakatkedah.com
First Edition 2021

eISBN: 978-967-17121-8-4

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Scope

2nd Kedah International Zakat Conference 2021 (i-KEIZAC 2021) e-proceeding is peer-reviewed and scientific paperwork which is published in 16 August 2021. 2nd i-KEIZAC 2021 proceeding is a type of scientific proceeding (e-proceeding) research paper related in Islamic Social Finance and any other relevant topics. By involving a large research community in an innovative public peer-review process, 2nd i-KEIZAC 2021 aims to provide fast access to high-quality papers and continual platform for sharing studies of academicians, researchers, and practitioners; disseminate knowledge and research in Islamic Social Finance studies; bridge the gap between theory and practice in that issues.

The responsibility towards facts and views in these 2nd i-KEIZAC 2021 e-proceeding are belong to authors. Their argument does not necessarily reflect the views or policies of LZNK or the Malaysian government.

Design by:
Suhaimi Bin Haji Mahmud

Published in Malaysia by:



Lembaga Zakat Negeri Kedah,
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ABOUT i-KEIZAC 2021

Kedah International Zakat Conference 2021 (i-KEIZAC 2021) is a continuation of 1st KEIZAC 2019, which was held for the first time on August 4–6, 2019 with the theme **“Sustainability Through Zakat Transformation Agenda”**. KEIZAC 2019 was held at Menara Zakat in Alor Setar, Kedah, and was attended by more than ten countries and participants from all over Malaysia. More than 100 papers were presented at the conference by academics and practitioners from the zakat industry from around the world. KEIZAC 2019 also includes figures from the Islamic finance industry, Islamic banking, law, halal, and other fields to share ideas on how to improve zakat management in the state of Kedah in particular, and globally in general. This time, i-KEIZAC 2021 founded a different theme to highlight: **“Innovation in Islamic Social Finance via Zakat Transformation Agenda”**. In a world struggling with the Covid-19 Pandemic, various innovations in Islamic social finance must be adopted and applied in accordance with the current situation. As a result, this year’s conference is the ideal venue for academics and industry practitioners to present proposals and solutions related to innovations that can be implemented in the context of Islamic social finance, particularly zakat totally via online platform. There are more than 10 countries among lecturers, researchers, students, and industrial players participated in this conference. LZNK hereby humbly welcomes all delegates from all over the world to come and share their knowledge.

Topics of interests for this conference included:

- Muamalat
- Islamic finance
- Zakat
- Waqf
- Sukuk
- Islamic Philanthropy
- Or any other relevant topics

Languages:

- English
- Arabic
- Malay

FOREWORD

The e-proceeding 2nd Kedah International Zakat Conference 2021 (i-KEIZAC) is held under the auspices of the Lembaga Zakat Negeri Kedah, Malaysia. This e-proceeding aims to raise contemporary management and Islamic Social Finance issues that specifically discusses the link between the institution of zakat and its primary goal of poverty alleviation and addressing socio-economic issues. This publication is a compilation of ninety papers discussing various ranging contemporary issues in Islamic Social Finance and other relevant topics. It discusses various issues such in line with the theme **“Innovation in Islamic Social Finance via Zakat Transformation Agenda”**.

This e-proceeding is published in conjunction with the 2nd Kedah International zakat Conference that held every two years consecutively. We would also like to congratulate the editors of this e-proceeding for their effort in producing this publication.

Thank you.

SYEIKH ZAKARIA BIN OTHMAN, AMK
Chief Executive Officer
Lembaga Zakat Negeri Kedah
Kedah Darul Aman



PREFACE

All praise be to Allah. Allah the most exalted. Who has blessed and bestowed His guidance and His assistance in producing this book. Salutations and greeting be upon our Great Prophet Muhammad (PBUH), to his family, companions and sincere followers. On behalf of the organizing Editorial Board Committee, we would like to express our gratitude to Lembaga Zakat Negeri Kedah and other authors for contribution of this e-proceeding.

Zakat is meant to assist asnaf to achieve a better quality of life and in turn become a contributor for wellbeing of others. Globally, zakat institutions has witnessed a revival for the past several decades and impact of pandemic Covid-19. Improvement in Islamic Social Finance management in various countries has raised the importance of these fund as a safety net for the ummah. It is imperative that Islamic Social Finance has to be managed as efficiently and effective as possible as to provide optimum outcome to donors and zakat payers also recipient's alike. Thus, this e-proceeding addresses some of these issues.

Lastly, thank you for all advisory and editorial boards as main reviewer to all papers submitted. There will be errors in this book despite efforts have been made to avoid it. We would certainly appreciate it if readers kindly inform us, so we can make rectification for better version.

Thank you.

DR. HAFIZAH BINTI ZAINAL

Editor In Chief

2nd Kedah International Zakat Conference

(i-KEIZAC 2021)

Lembaga Zakat Negeri Kedah

Kedah Darul Aman



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RELATING STUDENTS' ACADEMIC DISCIPLINES TO FIVE PILLARS OF ISLAM

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Abstract

Five pillars of Islam are ingrained in the minds and actions of the Muslims. Since students at higher learning institutions major into varying disciplines, their ability to relate their respective courses with the five pillars of Islam will likely vary. However, it is very important for Muslim undergraduates outside the religious studies programs to integrate the two because Muslims are Muslims first; they practice their faith in all situations. The main objective of the study is to identify the general relationship between students' academic disciplines and their affinity with the five pillars of Islam. A special purpose instrument was created to elicit student perceptions towards their preference using a combination of Likert-like, open-ended and multiple-choice questions. The instrument was distributed through a mailing list to the target students. The completed instruments were content-analyzed to identify the general patterns of relationships between the respective academic disciplines and the five pillars of Islam. Findings of the research are deemed significant in suggesting whether or not the undergraduate students can apply their knowledge of the five pillars of Islam to the courses and vice versa. Closeness of association between these two domains will make the students integrated in their religious lives.

Keywords: *Academic, Business, Islam, Muslim Students.*

INTRODUCTION

Five pillars of Islam are ingrained in the minds and actions of the Muslims. The pillars are intimate to the Muslims (Braswell, 2000; Schumm & Kohler, 2006; Mawdudi, 2013). Braswell (2000) argued that Islam is the religion to its followers, called Muslims. The two terms – minds and actions - are cohesive, the former is the concept and the latter is the practice. Nevertheless, the two terms might not be seen as mutually reinforcing in practice. Indeed, the social cohesion of Islam and the understanding of Islam has been influenced by social life style (Schumm & Kohler, 2006). According to Mawdudi (2013), Muslims could have different understanding of Islam due to education, culture, and lifestyle preferences. In fact, Noor et al. (2020) observed the actual practice of Islam has been ritual routines instead of way of life as prescribed by Islam.

Some of the Muslims have lack of understanding about Islam in both five pillars of Islam as well as the six pillars of faith (*Iman*). The lack of understanding about Islam is primarily due

to deficiency in recognizing Islam as way of life (Muhamad, 2009; Habib, Batool & Hassan, 2020). According to Aziz & Shamsul (2004), Islam has been understood as personal cultural practice instead of public practice of life. The contexts have strong influence to lead to this religious understanding of Islam. In fact, Islamic education has been taught in schools along with other subjects but without strong emphasis it as way of life (Hashim & Langgulung, 2008). This situation has influenced the state of religiosity practice and ethical judgment (Muhamad, 2009; Muhamad & Mizerski, 2013). Thus, this study aims to identify the general relationship between students' academic disciplines and their affinity with the five pillars of Islam.

LITERATURE REVIEW

Five pillars of Islam should be assimilated with the minds and actions of the Muslims. Muslims have been exposed to five pillars of Islam, namely declaration of faith, performing prayers (*salat*), fasting (*saum*), alms giving (*zakat*) and performing pilgrimage (*hajj*) since their childhood (Syeed & Ritchie, 2006; Kamal-ud-Din, 2010, Hussain, 2012; Ningsih, 2014). However, there may exist a mismatch between the true understanding of the five pillars and the practice (Syeed & Ritchie, 2006; Ningsih, 2014). According to Kamal-ud-Din (2010), Islamic education is being taught by emphasizing cognitive or memorization instead of practical. Ningsih (2014) had the same concerns who said the teaching of Islam lacks of pragmatism. Since Islam is way of life, which transcends routines and rituals, there should be more role models and examples.

Since students at higher learning institutions major into varying disciplines, their ability to relate their respective courses with the five pillars of Islam will likely vary. Muslim students in Malaysia should be able to practice Islam vividly. However, the reality does not fully reflect the situation. Prevailing practices suggest that Islam has been understood as personal cultural practice instead of public practice of life (Aziz & Shamsul, 2004). The contexts have strong influence to lead to this religious understanding of Islam. A dominant contributing factor seems to be Islamic education has been taught in schools along with other subjects without emphasizing the religion as way of life (Hashim & Langgulung, 2008), which in turn moulds religious practice and ethical judgment (Muhamad, 2009; Muhamad & Mizerski, 2013).

In the light of this situation, it is very important for Muslim undergraduates outside the religious studies programs particularly to integrate the two because Muslims are Muslims first, they practice their faith in all situations. The Muslims have been imbued with the Five Pillars of Islam (Braswell, 2000; Schumm & Kohler, 2006; Mawdudi, 2013). Islam is the religion of the Muslims (Braswell, 2000). The two terms mutually reflect each other in principle, but they do not match in practice. This explains the influence of social life style on the Muslims (Schumm & Kohler, 2006). According to Mawdudi (2013), the level of understanding of the Muslims is influenced by education, culture, and lifestyle preferences. The Muslims tend to practice Islam as ritual routines instead of way of life (Noor et al., 2020).

METHODOLOGY

The researchers created a special purpose instrument to elicit student perceptions towards their preference using a combination of Likert-like, open-ended and multiple-choice questions. This research method allows for rich information and also triangulation (DeCuir-Gunby, 2008; Merriam & Grenier, 2019; Cosgrove, 2020). The instrument has been distributed through Google Classroom to the target students. The completed instruments that were returned by the students were content-analyzed to identify the general patterns of relationships between the respective academic disciplines and the five pillars of Islam.

The instrument has several parts. Firstly, the respondents were asked to provide their demographic background. Secondly, the respondents were asked to write their opinion based on the topics of declaration of faith (*Tawhid, shahada*), prayer (*salat*), alms (*zakat*), fasting (*sawm*), and pilgrimage (*hajj*). Thirdly, the respondents were asked to state one of their most preferred topics. Fourthly, the respondents were asked to explain reason for choosing the most preferred topic in the second question. The respondents were requested to provide one reason in their explanation. Fifthly, the respondents were requested to express their choice if they were asked to relate the topic in second question with one of the non-religious studies' courses or applied Islamic related courses (e.g., Accounting for *Zakat*, Foundation of Islamic Economics, Management from an Islamic Perspective) that they have studied or they are currently studying. Lastly, the respondents were asked to explain a reason for choosing the course in the fourth question. They were asked to provide one (1) reason in the explanation in approximately 70 words (not strictly). All the data were analyzed using Chi-square and t-test analyses.

FINDINGS AND DISCUSSION

This section narrates the findings according to the sequence of the questions in the instrument. The nominal relationships in Chi-square were not statistically significant due to non-fulfilment of the Chi-square assumptions. T-Test analysis does not produce statistically significant results. Despite this the results show some beneficial findings.

A total of 49 students participated in the study. Majority of the students were registered with Business Communication (40.8%) and Strategic Management (30.6%) courses. The remaining students attended Organizational Change and Development (18.4%), and Industrial Relations (10.2%). Table 1 summarizes the participation of students from four different courses.

Table 1: Participation of Respondents from Four Different Courses

Courses	Frequency	Percent
Business Communication	20	40.8
Industrial Relations	5	10.2
Organizational Change and Development	9	18.4
Strategic Management	15	30.6
Total	49	100.0

In terms of academic programs, a high percentage of the respondents are students from Bachelor of Business Administration (63.3%). The second highest consists of Bachelor of Accounting (20.4%), whereas Bachelor of Islamic Finance (10.2%) and other programs (6.1%). Table 2 shows the respondents' specialisation of academic programs.

Table 2: Respondents' Specialisation of Academic Programs

Academic Programs	Frequency	Percent
Bachelor of Accounting	10	20.4
Bachelor of Business Administration	31	63.3
Bachelor of Islamic Finance	5	10.2
Other	3	6.1
Total	49	100.0

For level of studies, 40.8% of the respondents belonged to Level 4, 38.8% from Level 2, and 18.4% from Level 3. There is one respondent who did not indicate any Level of Studies. Table 3 shows respondents' Level of Studies.

Table 3: Respondents' Level of Studies

Level of Studies	Frequency	Percent
2	19	38.8
3	9	18.4
4	20	40.8
Missing	1	2.0

In terms of gender, 73.5% of the respondents are female and 26.5% are male students. The pattern and nature of the feedback provided by the respondents are influenced by courses that they students are studying, academic programs, level of studies, and gender. The results should be associated with the respondents' profile. According to Glaser (2012), the main purpose of reporting the respondents' profile is to allow for the understanding of context of the feedback. Likewise, the profile of respondents allows readers to triangulate the results (Creswell, 1999; Cardão-Pito, 2016). In response to the first question where the respondents were required to write/type a **research paper** about Declaration of faith (*Tawhid, shahada*), Prayer (*salat*), Alms (*zakat*), Fasting (*sawm*), and Pilgrimage (*hajj*), female respondents rated "almost preferred" (mean 3.72-4.50 on the scale of 5) to the five topics compared the male students. Table 4 shows the T-Test on preferred research topic by respondents.

Table 4: T-Test on Preferred Research Topic By Respondents

	Gender	N	Mean	Std. Deviation	Std. Error
					Mean
Q1 Declaration of faith (<i>Shahadah</i>)	Male	13	4.08	1.188	.329
	Female	36	3.78	1.124	.187
Q2 Prayers (<i>Salat</i>)	Male	13	4.31	1.182	.328
	Female	36	4.50	.910	.152
Q3 Alms (<i>Zakat</i>)	Male	13	3.38	1.502	.417
	Female	36	4.19	1.064	.177
Q4 Fasting (<i>Saum</i>)	Male	13	3.85	1.214	.337
	Female	36	4.17	.910	.152
Q5 Pilgrimage (<i>Hajj</i>)	Male	13	3.00	.816	.226
	Female	36	3.72	1.059	.176

In terms of ranking, the highest preferred topic is Prayer (*salat*) (ranked 1), followed by Fasting (*sawm*) (ranked 2), Alms (*zakat*) (ranked 3), Declaration of faith (*Tawhid, shahada*) (ranked 4) and Pilgrimage (*hajj*) (ranked 5). Table 5 shows the ranking of topics.

Table 5: Ranking of topics

	Q1 Declaration of faith (<i>Shahadah</i>)	Q2 Prayers (<i>Salat</i>)	Q3 Alms (<i>Zakat</i>)	Q4 Fasting (<i>Saum</i>)	Q5 Pilgrimage (<i>Hajj</i>)
N	Valid 49	49	49	49	49
Mean	3.86	4.45	3.98	4.08	3.53
Rank	4	1	3	2	5
Std. Deviation	1.137	.980	1.233	.997	1.043

For the courses the respondents wanted to relate their topic with the highest are management (51.1%), followed by others (17.8%) and economics (13.3%). Table 6 shows the cross-tabulation results for applied courses with Q1 Declaration of faith (*Tawhid, shahada*).

Table 6: Cross Tabulation of Applied Courses and Q1 Declaration of Faith (*Shahadah*)

		Q1 Declaration of faith (<i>Shahadah</i>)				Prefer most	Total
		Prefer least	2	3	4		
Applied courses	Accounting	Count	0	1	0	0	1
		% of Total	0.0%	2.2%	0.0%	0.0%	2.2%
	Decision science	Count	0	0	0	0	1
		% of Total	0.0%	0.0%	0.0%	0.0%	2.2%
	Economics	Count	0	0	2	4	6
		% of Total	0.0%	0.0%	4.4%	8.9%	13.3%
	Finance	Count	0	1	0	1	3
		% of Total	0.0%	2.2%	0.0%	2.2%	4.4%

	% of Total	0.0%	2.2%	0.0%	2.2%	2.2%	6.7%
Management	Count	2	1	7	5	8	23
	% of Total	4.4%	2.2%	15.6%	11.1%	17.8%	51.1%
Marketing	Count	0	0	0	0	3	3
	% of Total	0.0%	0.0%	0.0%	0.0%	6.7%	6.7%
Other	Count	0	0	2	3	3	8
	% of Total	0.0%	0.0%	4.4%	6.7%	6.7%	17.8%
	Count	2	3	11	13	16	45
Total	% of Total	4.4%	6.7%	24.4%	28.9%	35.6%	100.0%

Cross-tabulation between applied courses and Q2 prayers (*salat*) shows the highest is management (51.1%), followed by others (17.8%) and economics (13.3%). Table 7 shows the cross-tabulation results for applied courses with Q2 prayers (*salat*).

Table 7: Cross Tabulation for Applied courses * Q2 Prayers (*Salat*)

		Q2 Prayers (<i>Salat</i>)				Total
		Prefer r least	3	4	Prefer most	
Applied courses	Accounting	Count	0	0	1	1
		% of Total	0.0%	0.0%	2.2%	2.2%
	Decision science	Count	0	0	1	1
		% of Total	0.0%	0.0%	2.2%	2.2%
	Economics	Count	0	2	3	6
		% of Total	0.0%	4.4%	6.7%	13.3%
	Finance	Count	0	0	3	3
		% of Total	0.0%	0.0%	6.7%	6.7%
	Management	Count	2	2	4	15
		% of Total	4.4%	4.4%	8.9%	33.3%
	Marketing	Count	0	0	0	3
		% of Total	0.0%	0.0%	0.0%	6.7%
	Other	Count	0	1	2	5
		% of Total	0.0%	2.2%	4.4%	11.1%
Total	Count	2	5	9	29	45
	% of Total	4.4%	11.1%	20.0%	64.4%	100.0%

For cross-tabulation results between applied courses and Q3 alms (*zakat*), management is the highest (51.1%), followed by others (17.8%) and economics (13.3%). Table 8 shows the cross-tabulation results for applied courses with Q3 alms (*zakat*).

Table 8: Cross Tabulation for Applied courses * Q3 Alms (*Zakat*)

		Q3 Alms (<i>Zakat</i>)					Total	
		Prefer least	2	3	4	Prefer most		
Applied courses	Accounting	Count	0	0	0	0	1	1
		% of Total	0.0%	0.0%	0.0%	0.0%	2.2%	2.2%
	Decision science	Count	0	0	0	0	1	1
		% of Total	0.0%	0.0%	0.0%	0.0%	2.2%	2.2%
	Economics	Count	0	0	1	0	5	6
		% of Total	0.0%	0.0%	2.2%	0.0%	11.1%	13.3%
	Finance	Count	0	0	0	1	2	3
		% of Total	0.0%	0.0%	0.0%	2.2%	4.4%	6.7%
	Management	Count	2	5	2	7	7	23
		% of Total	4.4%	11.1%	4.4%	15.6%	15.6%	51.1%
	Marketing	Count	0	0	0	0	3	3
		% of Total	0.0%	0.0%	0.0%	0.0%	6.7%	6.7%
	Other	Count	0	0	4	2	2	8
		% of Total	0.0%	0.0%	8.9%	4.4%	4.4%	17.8%
Total	Count	2	5	7	10	21	45	
	% of Total	4.4%	11.1%	15.6%	22.2%	46.7%	100%	

Cross-tabulation between applied courses and Q4 fasting (*saum*), management is the highest (51.1%), followed by others (17.8%) and economics (13.3%). Table 9 shows the cross-tabulation results of applied courses with Q4 fasting (*saum*).

Table 9: Applied courses * Q4 Fasting (*Saum*)

		Q4 Fasting (<i>Saum</i>)				Total	
		Prefer least	3	4	Prefer most		
Applied courses	Accounting	Count	0	0	1	0	1
		% of Total	0.0%	0.0%	2.2%	0.0%	2.2%
	Decision science	Count	0	0	0	1	1
		% of Total	0.0%	0.0%	0.0%	2.2%	2.2%
	Economics	Count	0	3	2	1	6
		% of Total	0.0%	6.7%	4.4%	2.2%	13.3%

	% of Total	0.0%	6.7%	4.4%	2.2%	13.3%
Finance	Count	0	0	1	2	3
	% of Total	0.0%	0.0%	2.2%	4.4%	6.7%
Management	Count	1	6	6	10	23
	% of Total	2.2%	13.3%	13.3%	22.2%	51.1%
Marketing	Count	0	0	0	3	3
	% of Total	0.0%	0.0%	0.0%	6.7%	6.7%
Other	Count	0	4	2	2	8
	% of Total	0.0%	8.9%	4.4%	4.4%	17.8%
Total	Count	1	13	12	19	45
	% of Total	2.2%	28.9%	26.7%	42.2%	100.0%

Results of cross-tabulation between applied courses and Q5 pilgrimage (*hajj*) shows management the highest (51.1%), followed by others (17.8%) and economics (13.3%). Table 10 shows the applied courses with Q5 pilgrimage (*hajj*).

Table 10: Applied courses * Q5 Pilgrimage (*Hajj*)

		Q5 Pilgrimage (<i>Hajj</i>)					Total	
		Prefer least	2	3	4	Prefer most		
Applied courses	Accounting	Count	0	0	1	0	0	1
		% of Total	0.0%	0.0%	2.2%	0.0%	0.0%	2.2%
	Decision science	Count	0	0	0	0	1	1
		% of Total	0.0%	0.0%	0.0%	0.0%	2.2%	2.2%
	Economics	Count	0	0	5	1	0	6
		% of Total	0.0%	0.0%	11.1%	2.2%	0.0%	13.3%
	Finance	Count	0	0	2	1	0	3
		% of Total	0.0%	0.0%	4.4%	2.2%	0.0%	6.7%
	Management	Count	2	2	10	7	2	23
		% of Total	4.4%	4.4%	22.2%	15.6%	4.4%	51.1%
	Marketing	Count	0	0	0	0	3	3
		% of Total	0.0%	0.0%	0.0%	0.0%	6.7%	6.7%
	Other	Count	0	0	3	2	3	8
		% of Total	0.0%	0.0%	6.7%	4.4%	6.7%	17.8%
	Total	Count	2	2	21	11	9	45
		% of Total	4.4%	4.4%	46.7%	24.4%	20.0%	100.0%

The previous pages show that all the five pillars of Islam have highest impact on the applied courses of management (51.1%, the highest), followed by others (17.8%) and economics (13.3%).

In terms of relevance or the application of courses to five pillars of Islam, more than three quarter of the respondents rated 4 (42.9%) and 5 (30.6%). In fact, if ratings 3 to 5 were

pooled, 95.8 % of the respondents said they would be able to relate the course that they were studying with the five pillars of Islam. This shows that the courses that the respondents have completed or currently studying can be applied to the five pillars of Islam. Table 11 shows the frequency of application of courses to pillars of Islam.

Table 11: Application of Courses to the Five Pillars

	Frequency	Percent
A little	2	4.2
3	10	20.8
4	21	43.8
A lot	15	31.2
Total	48	98.0
Total	49	100.0

A plausible reason for the students to be able to relate five pillars of Islam with management and economic courses in particular is due to traits, behavioural and contingency nature of the courses (Gazi, 2020; Colabi & KhodadadHosseini, 2020; Farooq & Hadi, 2020).

CONCLUSION

The students showed their preferred topics to be applied to the five Pillars of Islam in order of priority as follows: Prayer (*salat*), Fasting (*sawm*), Alms (*zakat*), Declaration of faith (*Tawhid*, *shahada*) and Pilgrimage (*hajj*). The respondents rated Management (51.0 percent) as the course that they would relate with for each of the five pillars of Islam. Results show that courses that require interaction with fellow human beings such as management and economics were appealing to the students to relate with the five pillars of Islam. With the results of the preliminary study, the academic and religious related institutions can help enhance the application aspects among the students and the graduates in the respective institutions.

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TECHNOLOGY PERSPECTIVES OF ZAKAT COLLECTION AND DISTRIBUTION IN OPTIMISING FINANCIAL INCLUSION

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Abstract

The United Nations Development Programme (UNDP) adopted the Sustainable Development Goals (SDGs) in 2015 to address the end of poverty universally by the end of 2030. Technology perspectives and resources are necessary for the realisation of SDGs. Zakat is one of the tools to achieve the SDGs and a form of philanthropy where all eligible Muslims donate 2.5 percent of their accumulated wealth. Zakat is recognized in many countries is one of the best solutions for poverty alleviation. Harnessing zakat is aligned to SDGs particularly to end poverty and zero hunger. The technology perspectives of zakat emerge as the prospects and potentials in enhancing financial inclusion in certain countries. The purpose of this conceptual paper is to analyse previous literatures on technology perspectives in the context of zakat collection and distribution to optimize financial inclusion in support of sustainable development goals. This study employs qualitative methodology by reviewing previous literatures and utilizing secondary data for analysing and interpretation of data. The literature indicates that technology influences the way zakat institutions manage zakat collection and distribution. Future research would emphasise on strategising an innovative integrated technology-based management for zakat collection and distribution.

Keywords: *Technology, Acceptance, Zakat, Collection, Distribution, Financial Inclusion.*

INTRODUCTION

In 2015, the United Nations Development Programme (UNDP) adopted the Sustainable Development Goals (SDGs) to address the end of poverty universally by the end of 2030. The values of SDGs and principles of zakat carry the same mission to alleviate poverty. Studies by the World Bank and the Islamic Research and Training Institute of the Islamic Development Bank both reported that the estimate potential global zakat collection is in the range of USD 550-600 Billion (Obaidullah, 2018). According to Rehman and Pickup (2018) who is the Senior Advisor on Islamic Finance UNDP and Resident Representative UNDP Serbia respectively, wrote that zakat as in social financing is a philanthropic pool is aligned with the Sustainable Development Goal Projects (Rehman & Pickup, 2018). Indonesia is leading in social financing

in promoting social, financial and economic inclusion addressing poverty using zakat as Islamic finance tools besides Waqf and Sadaqah (Pickup & Uno, 2016). Literature shows that population of Muslims increase tremendously over the years and Muslims are the poorest. Islamic scholars and information technology experts foresee the possibility of zakat digital wallet can be the solution to help alleviate poverty among the asnaf group. The purpose of this conceptual paper is to analyse previous literatures on technology perspectives in the context of zakat collection and distribution to optimize financial inclusion in support of sustainable development goals. This study employs qualitative methodology by reviewing previous literatures and utilizing secondary data for analysing and interpretation of data. The state of Penang encouraged to use new technology such as Blockchain. The Star (2019) reported that Penang is the first state in Malaysia to use blockchain technology to track producers better (The Star, 2019b). On March 1, 2019 Penang host “Global Blockchained Halal Industry Forum 2019: Digitalisation and The Halal Industry”. The forum was held in conjunction with 10th Penang International Halal Expo & Conference 2019. The main purpose is for the forum to provide interactive platform for the halal industry stakeholders to gain more knowledge of the impact of Blockchain revolution. In addition, the impact of technological advances on the business models and operating process (Asia Blockchain Review, 2019).

Digitalisation And Transformation Of Zakat Collection And Distribution

The industrial evolution has gone through four phases, mechanization through water and steam power of the first industrial revolution occurred within the period 1760-1840 confining to Great Britain, mass production and assembly lines using electricity in the second industrial revolution within the period 1870-1914, adoption of computers and automation in the third industrial revolution. The fourth industrial revolution which was first developed in Germany in 2013 (Petrillo et al, 2018) emphasises on technological advances based on digitalization or automation using the Internet of Things (IoT) pairing with cyber-physical systems with the ability in making own decisions by applying machine learning (Ortiz et. al, 2020). The collection of data is in real time enabling data to be analysed and saved into the cloud. The pillars of Industry 4.0 enable the exploitation of Internet of Things (IoT), Big Data and data analytics, augmented reality, cybersecurity, collaborative robots additive manufacturing, cloud computing, artificial intelligence and 5G networks enable production costs to be decreased by 10-30%, logistics costs by 10-30% and quality management cost by 10-20%. (Rojko, 2017). Malaysia’s experience with industrial revolution was felt in the third and fourth phase that is after independence in 1957. The National Policy on Industry 4.0 (Ministry of International Trade and Industry, 2018) formulate policy for the appropriate ecosystem, nurturing of innovations, strategies and action plans towards transforming capabilities of the Malaysian manufacturing industry and related services including the financial sector to be 4.0 ready (Ministry of Trade and Industry, 2018). Thus, the policy spearhead Malaysia with a keen interest in the adoption of technology in the non-financial institutions such as zakat institution. With the encouragement of the Malaysian government to encourage cashless payment as stipulated in the

Bank Negara Blueprint 2011-2020 and the National Policy on Industry 4.0, therefore zakat institutions are pressured to adopt the new technology for the collection and distribution of zakat. The objectives of the National Policy on Industry 4.0 are to: (i) attract stakeholders to Industry 4.0 technologies & processes, and further increase Malaysia's attractiveness as a preferred manufacturing location; (ii) create the right ecosystem for Industry 4.0 to be adopted and align existing and future development initiatives; (iii) transform Malaysia's industry capabilities in both a holistic and an accelerated manner. Advancement of technology as seen in Industry 4.0 has affected the manner zakat is managed.

Digitalisation influenced changes in the management of zakat collection and distribution in enhancing efficiency, transparency, security and trust. Zakat institutions need a common regulatory framework and operating standards as reference and to ensure comprehensive approach and to minimize gaps in the process of fully adopting the technology. Malaysia government, through the Economic Planning unit encourages digitalisation to elevate the economy of the country by the end of twenty first century as evidence in the road map set out in Malaysia Digital Economy Blueprint (Economic Planning Unit, 2021). The government believes that mastery of digital technology is crucial in elevating Malaysia's economy by emphasizing in robust digital infrastructure. Digital technology is the solution to overcome restrictions in productivity especially during the pandemic COVID-19. The introduction of the blueprint is timely with the outbreak of the pandemic in 2020. In this respect, the government proposed the appointment of local IT companies as service provider to manage and collaborate with public agencies, thus strengthened the capability of local companies. In fact, the intention of the government is to strategically aims for migration of 80% of public data to hybrid cloud systems by end of 2022 based on the blueprint. The blueprint outlined 22 strategies, comprising 48 national initiatives and 28 sectoral initiatives that are expected to be implemented between the years 2021 to 2030. The launching of the blueprint recently 2021 is on 19 February 2021 is expected to pressure zakat agencies to fully adopt digitalisation at a faster rate.

Technology Trends Affecting Zakat Collection And Distribution

Advancement of technology in Industry Revolution 4.0 (IR 4.0) may affect the collection and distribution of zakat in the future in terms of efficient and effective operations by zakat institutions. For example, the state zakat institutions in Malaysia have adopted online payment to boost the collection of zakat especially during the pandemic COVID-19 of the year 2020. From time to time, new technologies are developed and innovation of existing technology is rapidly changing that affect the operations of zakat institutions in the future. Technology trends for zakat institutions to be aware in IR 4.0 are the: (i) artificial intelligence; (2) augmented reality; (3) blockchain; (4) automation; and (5) Internet of Things. The concept of Artificial intelligence (AI) refers to the simulation of human intelligence in machines that are programmed to think and behave like humans (World Bank Group, 2020). Artificial intelligence is machine based system that can predict, recommend or make decisions influencing real or virtual environment (OECD, 2019). AI refers to machines with human attributes - speaking,

reading, seeing and even recognising emotion - completing tasks while also "learning" from repeated interactions (machine learning). Artificial intelligence offers opportunities for zakat institutions to tailor the collections and distributions of zakat to perform tedious tasks more accurately using algorithms that adapt to location, speech or use-history machines. Augmented reality systems combine Systems that combine real-time 3D vision, sound, haptics (the sense of touch), location data and even other senses such as smell enable people to immerse themselves somewhere else, react to what's around them and alter their virtual environment in real-time. Zakat institutions may benefit augmented reality technology for example for training purposes using smart device to lift efficiency such as communicating with zakat payers and beneficiaries. Blockchain technology is a system of recording information that are secure for recording and verifying transactions; and storing trusted records. Zakat institutions may use blockchain technology to transform time-consuming, centralized, less reliable and less secure systems for the purpose of keeping the data secure. Automation is a result of machine learning and connectivity, refers to the creation and application of technologies in terms of techniques and process to produce and deliver goods and services with minimal human intervention, thus improved efficiency, transparency, reliability, and/or speed of many tasks that were previously performed by humans. Zakat institutions may use the automation systems to track zakat payers and beneficiaries (asnaf), thus zakat can be distributed to the asnaf in a better way. In this way, the zakat automation system admin will be able to track the record of the amount of zakat collection and distribution more efficiently. Internet of Things (IoT) are network of physical objects accessible through the internet and contain embedded technology to interact with internal states or external environment (Banafa, 2018). The objects or devices are connected through sensors, software, and other electronic devices enables collection and exchange of data (Banafa, 2018; World Bank Group, 2020). For example, using the IoT will enable stress level and poverty level of a household can be measured (Muneeza, 2021). The IoT will enhanced zakat distribution to the poor by allowing them to register a single time via the household data that was captured in the system. In this case, IoT enable zakat institutions to determine the eligibility of those who registered to receive zakat, and if so, zakat can be delivered via QR code via smart gadget with sensor connected to the internet (Muneeza, 2021).

Financial Technology And Harnessing Zakat

Financial Technology (Fintech) is a concept that uses technology to disrupt the financial services, operations, business models, and customer engagement. Zakat is one of the tools to achieve the SDGs and a form of philanthropy where all eligible Muslims donate 2.5 percent of their accumulated wealth. Zakat is recognized in many countries is one of the best solutions for poverty alleviation. Harnessing zakat is aligned to SDGs particularly to end poverty and zero hunger. Every Muslim has a duty to pay zakat, compulsory alms as stipulated in the five pillars of Islam. The obligation of a Muslim to pay zakat contribution is based on his or her wealth accordingly under certain conditions and requirement. In the Qur'an, zakat includes the zakat payer or muzakki and the beneficiaries. Examples are those who are poor, those who are in

need, those who just convert to Muslim, those who are at disadvantage financially, those who are slaves, those who are debtors, those who spend their money in the cause of Allah, and the those who travel for a good cause (musafir). Thus, these eight beneficiaries are eligible zakat recipients. Nisab is the minimum zakatable limit to be paid by every Muslim if their wealth is more than a certain threshold. This zakat payment is used in Islam to be utilised by the poor whose eligibility as a zakat recipient will receive money according to a calculated formula in compliance with Shari'ah principle (Ahmad I. & Ma'in M, 2014).

Islam encourage socio-economic justice so zakat collection and distribution for the poor and underprivileged in the society will equally benefit them (Norazlina Abd. Wahab & Rahman, 2011). From such zakat activities, the country benefits in terms of alleviating poverty for the growth of the economy. Only zakat institutions are able to conduct these activities of collection and distributions in accordance with the Qur'an. Zakat institutions in Malaysia are govern by the respective state jurisdictions under the State Religious Council based on each of the state enactment of zakat. In this way, perspective of technology for zakat collection and distribution varies from state to state. Some state zakat institutions in Malaysia had embraced technology online platforms for zakat collection and distribution by introducing online payment. The emergence of pandemic COVID-19 in 2020 raised issues in the collection and distribution of zakat. The experience of prolong nationwide Movement Control Order (MCO) affect the economy of the country affecting an increased rate of unemployment. The Lembaga Zakat Negeri Kedah was able to forecast the increased in number of asnaf due to the implementation of the MCO. The prediction is that zakat collection will be drastically reduced due to the effect of the pandemic MCO in relationship to the increased in the number of asnaf. Lembaga Zakat Negeri Kedah found the influx of asnaf applications for zakat beneficiaries during the pandemic. This scenario impacted zakat agencies to struggle on how to manage zakat with the new norm. Zakat institutions suddenly faced issues and challenges with the pandemic situation for example to distributed zakat fairly as many lost their jobs and become asnaf. In this case, technology is an innovative solution to address collection and distribution for financial inclusion. For example, the Lembaga Zakat Negeri Kedah is a step ahead and found an innovative solution using technology to elevate zakat collection and distribution during the pandemic in 2020 by introducing *Asnaf Care* which is a system that was set up within three weeks upon the announcement of MCO 1.0 in the year 2020. The *Asnaf Care* System of Lembaga Zakat Negeri Kedah is a fund system developed by Lembaga Zakat Negeri Kedah for the purpose of providing opportunities for the community to help alleviate poverty to those in need (Lembaga Zakat Negeri Kedah, 2021).

The website of *Asnaf Care System* of Lembaga Zakat Negeri Kedah allows the accessibility and transparency of information on zakat collection and distribution. Anyone can track the how zakat collections are distributed and to whom the zakat was distributed. In this manner, there are increased in the interests of several agencies who are willing to contribute to the zakat funds of Lembaga Zakat Negeri Kedah.

Digitalisation and the development of social financing such as zakat will provide opportunities for Muslims to participate in building an inclusive, equitable and a prosperous nation. The approach of this research posits that development and progress of new technology require strong support from the government and so is in the case of digital wallet. Government support act as a facilitating condition as described by Venkatesh (2003), therefore, it is best for the government to facilitate social financing using new technology. Government support provides credibility and feasibility as confidence is high for eligible Muslims to accept and commit an intention to adopt a technology. Past research shows government support is key motivating force that encourages individual to consider a behaviour favorably.

BEHAVIOURAL ADOPTION OF TECHNOLOGY

Twenty first century reflects rapid technology advancement in which information system researchers have the urge to search for an explanation of users' intention to adopt technological innovations (Ana R Del Aguila-Obra; Antonio Padilla-Meléndez, 2006; Chor, Wisdom, Olin, Hoagwood, & Horwitz, 2015; Mahdzan, Zainudin, & Fong, 2017). One of the technological innovations is the emergence of digital wallet which symbolize a shift in the payment methods that is using e-payment and e-wallet instead of the traditional method of payment. In many instances, digital wallet moves towards mobile payment via mobile apps to help users purchase products using smartphone. In recent years, digital wallet adoption and use have been on the rise significantly, but research conducted shows that 22 per cent of the population are digital wallet users (PwC Research & Analysis, 2018) which is still low. Several studies focus on the behavioural intention to explain the adoption and use of technology. For example, Sobti (2018) studies the behavioural intention and adoption of mobile payment services in India using m-wallets and m-banking. The research indicates that behavioural intention, demonetisation and facilitating conditions have a positive and significant impact on the adoption of mobile payment services in India (Sobti, 2019). Tarhini A, Mgbemena C, Trab MSA and Masa'Deh R (2015) examine user adoption of online banking in Nigeria in exploring the factors that influence acceptance of internet banking. The finding shows that security is the main concerning factor that influences customers' decision to adopt online banking services (Tarhini, El-Masri, Ali, & Serrano, 2016). In another study, Dariyoush Jamshidi & Nazimah Hussin (201) investigate a conceptual framework for adoption of Islamic credit card in Malaysia to explore factors that affect Islamic credit card adoption and use by customers of banks in Malaysia (Jamshidi & Hussin, 2012). The research provides insights with regard to the advantages of Islamic credit card as an innovation in banking system and the perceptions on using Islamic credit card among customers (Nazimah Hussin, 2011). Numerous study of technology acceptance and adoption are necessary to fully understand stakeholders perception of technology which influence adoption decisions in terms of cognitive, emotional and contextual concerns (Straub, 2009). Studies on behavioural adoption and acceptance theories will provide future researchers to conceptualise, distinguish and comprehend current and future application of technology.

CONCLUSION

The literature indicates that technology perspectives may influence the way zakat institutions manage zakat collection and distribution towards increasing efficiency, accountability and transparency, thus increase in trustworthiness of zakat institutions. Future research would emphasise on strategising an innovative integrated technology-based management for zakat collection and distribution by strengthening of quality, innovation development and exposure to new technology. Studies on technology perspective of zakat collection and distribution are important to: ensure effective management of zakat collection and distribution, identify the appropriate application system based on the theoretical model, adopt and use technology for zakat institutions to enhance human capability to deliver services more effectively, and process of zakat collection and distribution can be processed more efficiently.

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ISU PENGHANTARAN MAKANAN TIDAK HALAL MENURUT PERSPEKTIF SYARAK

(The Issue of Non-Halal Food Delivery According to Syarak Perspective)

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Abstrak

Dewasa ini, sejajar dengan perkembangan teknologi banyak aplikasi yang telah diperkenalkan untuk memudahkan urusan manusia berhubung, bergerak dan mendapatkan barangan keperluan. Antara aplikasi yang terkenal pada zaman sekarang ialah aplikasi grab food atau food panda. Aplikasi ini membolehkan seseorang membuat pesanan makanan di kedai-kedai yang diinginkan melalui atas talian dan seterusnya ia akan dihantar oleh pekerja grab food atau food panda tersebut. Namun timbul isu apabila sesetengah pekerja grab food atau food panda yang beragama Islam perlu menghantar makanan yang haram atau makanan yang bercampur antara halal dan haram kepada pelanggan mereka. Kertas kerja ini bertujuan untuk mengkaji pandangan hukum seseorang Muslim terlibat dalam penghantaran makanan haram atau makanan yang bercampur antara halal dan haram. Kajian ini dibuat menggunakan metod kajian perpustakaan iaitu dengan merujuk kepada kitab-kitab fekah empat mazhab, serta kitab-kitab usul dan qawa'id fiqh yang menghuraikan berkaitan muamalat orang Islam dengan bukan Islam serta transaksi mereka dalam perkara yang melibatkan harta haram atau syubah. Selain itu, pengkaji juga akan merujuk fatwa-fatwa negeri, fatwa-fatwa negara Islam yang lain serta pandangan ulama muasirah dalam isu ini. Hasil kajian mendapati bahawa haram terlibat dalam pekerjaan menghantar makanan yang jelas diketahui status keharamannya. Manakala harus menghantar makanan yang bercampur antara yang halal dan haram tetapi mengambil pendapatan daripada sumber tersebut adalah makruh.

Kata Kunci: *GrabFood, FoodPanda, Penghantaran Makanan, Halal dan Haram, Atas Talian.*

Abstract

In recent days, in line with the development of science and technology, many applications have been introduced to facilitate human affairs to communicate, move and obtain necessities. Among the popular applications nowadays is the GrabFood and FoodPanda applications. This application allows a person to order food at the desired stores through online and then it will be sent by the employee of GrabFood or FoodPanda. However, there are certain issues arise

when some Muslim workers have to send haram food or food that is mixed between halal and haram to their customers. This paper aims to examine the legal view of a Muslim engaging in the delivery of haram food or food mixed between halal and haram. This study was done using the library research method by referring to the books of jurisprudence of the four schools, as well as the books of usul and qawa'id fiqh that describe the muamalat of Muslims with non-Muslims and their transactions in matters involving illicit properties or syubhah. In addition, the researcher will also refer to state fatwas, fatwas of other Islamic countries as well as the views of contemporary scholars in this issue. The results of the study found that it is illegal to engage in the job of delivering food whose illegal status is known. While it is permissible to send food that is mixed between halal and haram but taking income from that source is makruh.

Keywords: *GrabFood, FoodPanda, Food Delivery, Halal and Haram, Online System*

PENDAHULUAN

Terdapat pelbagai aplikasi perkhidmatan penghantaran makanan atas talian yang telah diperkenalkan negara kita seperti *Grabfood, FoodPanda, Dah Makan* dan beberapa jenis syarikat penghantaran yang lain. Aplikasi ini mendapat permintaan yang memberangsangkan dalam kalangan pengguna mahupun pihak restoran kerana ianya amat mudah, fleksibel dan menjimatkan masa. Selain itu, ia dapat menyediakan peluang pekerjaan kepada anak muda iaitu dengan mendaftar sebagai pekerja aplikasi ini. Hal ini sekaligus dapat merencanakan ekonomi negara seterusnya dan membantu menjana ekonomi para peniaga.

Namun, timbul sedikit masalah apabila pekerja Muslim perlu menghantar makanan yang tidak halal atau makanan yang bercampur antara halal dan haram kepada pelanggan mereka. Hal ini disebabkan syarikat penghantaran makanan akan menghantar tempahan melalui sistem secara rawak kepada pekerja penghantar makanan (*food rider*) yang berada di sekitar restoran yang berhampiran. Kadangkala pekerja muslim menerima pesanan makanan seperti khinzir tanpa ada pilihan untuk memilih dahulu tempahan makanan yang diterima. Justeru timbul polemik dalam kalangan para pekerja disebabkan pelanggan aplikasi penghantaran atas talian ini terdiri daripada pelbagai kaum dan agama. Di samping itu, penghantar makanan juga perlu berurusan dengan pelbagai jenis premis makanan seperti restoran, warung, hotel, kafe dan kedai runcit yang sebahagiannya menyediakan menu yang tidak halal. Justeru, hal ini menimbulkan kebimbangan dalam kalangan penghantar makanan yang beragamaan Islam mengenai pekerjaan mereka sama ada dibenarkan dari sudut syarak atau tidak.

Sistem Aplikasi Perkhidmatan Penghantaran Makanan Atas Talian

Syarikat penghantaran makanan menyediakan perkhidmatan menghubungkan perniagaan restoran makanan tempatan dengan pelanggan. Sebagai contoh *GrabFood* akan menerima pesanan makanan dan mengirimkannya kepada restoran dan seterusnya menetapkan rakan penghantar (*GrabFood delivery-partner / Food Rider*) untuk membawa makanan kepada pelanggan. Syarikat *Grab* turut menyediakan perkhidmatan *Grab Express* dan *Grab Mart*.

Manakala bagi penghantar makanan, kaedah penerimaan tempahan dan penghantaran *food* dan *mart* adalah dengan cara berikut. Setiap penghantar makanan akan menerima tempahan apabila butang “*auto-accept*” telah dibuka “*on*”. Seterusnya tempahan yang masuk akan diterima secara automatik. “*Food rider*” boleh melihat senarai makanan yang ditempah setelah menekan ikon paparan skrin telefon bimbit.

Sementara itu, kaedah penerimaan tempahan dan penghantaran *express* adalah sama sebagaimana penerimaan bagi makanan dan *mart*. Namun, bagi penghantaran *express*, selepas menekan paparan skrin di telefon bimbit, alamat penghantar “*sender*” dan alamat “*receptent*” sahaja akan muncul. “*Rider*” perlu mendapatkan maklumat terperinci mengenai jenis barangan daripada “*sender*”. Sekiranya “*rider*” bersetuju untuk melaksanakan tempahan maka “*rider*” perlu melengkapkan penghantaran tersebut. Pembatalan pesanan makanan yang telah diterima oleh “*food rider*” akan dikenakan penalti seperti akaun aplikasi akan digantung, ditamatkan bila-bila masa dan lain-lain.

Selain itu, aduan daripada wakil Persatuan Penghantar P-Hailing Malaysia menyatakan pelanggan yang membatalkan pesanan akan dikenakan penalti apatah lagi “*food rider*” yang bertindak membatalkan tempahan akan memberi kesan kepada peratusan penilaian pembatalan (*cancellation rate*) serta prestasi “*performance*” kerja serta kesan penurunan “*batch*” iaitu kadar gaji. Sekiranya “*food rider*” bersetuju untuk melaksanakan tempahan, maka dia perlu melengkapkan penghantaran makanan.

Bagi tempahan *non-halal*, penunggang disediakan dengan satu *totebag* khas yang bertulis *non-halal* dan diletakkan di dalam beg yang bersaiz besar. Mereka turut menyatakan perkerja muslim yang menghantar makanan tidak halal atau *regular fleet* akan mendapat banyak tempahan makanan disebabkan semua kategori *non-halal* terdiri daripada premis makanan yang jelas menjual makanan tidak halal dan restoran makanan halal, namun tidak mendapat sijil pengesahan halal JAKIM. Kadangkala makanan tidak halal dimasukkan didalam beg halal dan berlaku situasi makanan seperti sup khinzir tertumpah dan perwapan berlaku dalam kotak makanan.

Kadang kala penghantar makanan (*food rider*) menerima pesanan makanan yang jelas tidak halal seperti daging khinzir. Hal ini disebabkan penghantar maklumat menerima pesanan secara automatik melalui sistem yang telah diprogramkan tanpa diberi pilihan terlebih dahulu. Penghantar makanan hanya akan mengetahui makanan yang dipesan setelah menekan ikon paparan skrin telefon bimbit pada sistem aplikasi.

Oleh yang demikian, timbul masalah di sini sekiranya penghantar makanan perlu berhadapan dengan situasi yang kadang kala membawa makanan yang bercampur antara halal dan haram. Selain itu, lebih membimbangkan sekiranya penghantar makanan perlu menghantar makana yang jelas haram tanpa mengetahuinya daripada awal melainkan setelah bersetuju untuk menghantar makanan tersebut. Hal ini disebabkan sebarang pembatalan daripada pihak penghantar makanan boleh dikenakan penalti dan kesan-kesan lain yang jelas mendatangkan kemudaratan kepada penghantar makanan dan menjejaskan reputasi kerja mereka.

Hukum Menghantar Makanan Yang Jelas Haram

Para ulama mengatakan hukum menghantar sesuatu makanan adalah harus kerana prinsip asal dalam mualamat itu adalah harus sehingga ada dalil yang menunjukkan sebaliknya. Walau bagaimanapun, sekiranya makanan itu jelas diketahui pengharamannya, maka hukum terlibat dalam penghantaran makanan tersebut adalah haram. Hal ini disebabkan syarak melarang umat Islam daripada melibatkan diri dalam perkara yang diharamkan oleh Allah dan segala perbuatan yang membantu dalam melakukan dosa dan maksiat. Hal ini adalah berdasarkan firman Allah SWT dalam Surah al-Maidah ayat 2 yang bermaksud

“Janganlah kamu membantu dalam urusan dosa dan persengketaan.”

(Al-Quran, 5:2)

Imam al-Qurtubi menukilkan pandangan al-Akhfash dengan menyebut bahawa ayat tersebut merupakan cegahan kepada setiap makhluk daripada melakukan sesuatu perkara yang dilarang oleh Allah SWT (Al-Qurtubi, 1964).

Perbuatan mengambil makanan dan minuman yang haram seperti khinzir, bangkai, arak, makanan yang tidak disembelih mengikut cara syarie adalah diharamkan oleh Allah SWT. Firman Allah SWT dalam Surah al-Maidah ayat 3 yang bermaksud:

“...Diharamkan ke atas kamu memakan bangkai (haiwan yang tidak disembelih), darah (yang keluar mengalir), daging babi, binatang-binatang yang disembelih kerana selain Allah, yang mati tercekik, yang mati dipukul, yang mati kerana jatuh tempat tinggi, yang mati dimakan binatang buas kecuali yang sempat kamu sembelih (sebelum habis nyawanya)...”

(Surah al-Maidah, 5:3)

Oleh yang demikian, jelas bahawa sekiranya seseorang terlibat dalam menghantar makanan yang haram, maka ianya adalah satu bentuk pertolongan dalam melakukan perbuatan haram iaitu mengambil makanan dan minuman yang diharamkan oleh Allah. Hal ini juga dijelaskan dalam kaedah fiqh yang menyebutkan segala perbuatan yang menjurus kepada yang haram maka hukumnya adalah haram (Izzudin Abdul Salam, 1991).

Di samping itu, ulama Mazhab Syafie menyatakan bahawa transaksi yang membawa kepada maksiat dan kemungkaran adalah haram. Hal ini sekiranya diketahui dan terdapat sangkaan yang kuat bahawa tujuannya adalah cenderung kepada perkara yang haram. Menurut al-Khatib al-Syarbini, haram jual beli kurma dan anggur serta selain daripada keduanya seperti tamar dan kismis untuk diperah menjadi arak. Begitu juga haram melakukan jual beli senjata kepada pemberontak dan perompak serta selainnya. Semua ini termasuk dalam urusan yang yang diharamkan kerana ia adalah satu bentuk pertolongan dalam melakukan perkara maksiat (Khatib al-Syarbini, 1994).

Manakala, ulama Mazhab Hanafi mengatakan harus bagi seorang Muslim melakukan suatu transaksi yang haram dengan bukan Muslim. Al-Haskafi daripada Mazhab Hanafi dalam

al-Dur al-Mukhtar menyatakan diharuskan bagi seorang muslim untuk memakmurkan gereja dan membawa arak untuk kafir zimm dengan dirinya atau kenderaannya iaitu dengan upah dalam keadaan dia tidak dipaksa untuk melakukan maksiat jelas (Al-Haskafi, 2002). Berdasarkan pandangan al-Haskafi ini pekerjaan menghantar sahaja yang diambil kira dan penghantar tidaklah melakukan maksiat tersebut.

Justeru berdasarkan pandangan ini, harus bagi seseorang Muslim menghantar makanan yang haram atau bercampur antara halal dan haram kepada bukan Muslim kerana makanan tersebut adalah halal di sisi agama mereka. Namun disyaratkan orang bukan Muslim tersebut adalah *kafir zimmi* dan bukannya *kafir harbi*.

Hukum Menghantar Makanan Yang Bercampur Antara Halal Dan Haram

Di dalam Islam, perkara yang tidak jelas mengenai status haram dan halalnya disebut sebagai syubhah. Para ulama mentafsirkan syubhah ialah memakan sebahagian makanan yang bercampur antara yang halal dan haram dan pendapatan yang bercampur antara halal dan haram dan seumpamanya (Ibn Rejab, 1900). Justeru, seseorang yang menghantar makanan yang bercampur antara halal dan haram, maka pendapatan yang diperolehinya adalah dianggap sebagai syubhah. Para ulama mengatakan hukum mengambil pendapatan sebegini adalah makruh kerana ditakuti terjatuh dalam perkara yang haram. Sebagai contoh seseorang yang melakukan transaksi dengan orang yang majoriti hartanya daripada sumber haram dan tidak dapat dipastikan harta yang diperolehinya adalah harta yang haram atau tidak (Al-Suyuti, 1990). Situasi ini adalah sekiranya kita tidak dapat mengetahui status kehalalan dan keharaman makana tersebut dengan jelas. Namun sekiranya kita dapat mengenalpasti percampuran antara halal dan haram, maka urusan halal sahaja yang sah manakala yang haram terbatal menurut fuqaha daripada Mazhab Syafie (Sulaiman al-Jamal, 1929).

Walau bagaimanapun, sekiranya jenis makanan tersebut tidak diketahui statusnya sama ada halal atau haram mahupun tiada label pengesahan halal maka ia tidak boleh dianggap tidak halal mahupun haram selagi tiada bukti yang mengatakan ianya haram. Hal ini disebabkan asal sesuatu perkara yang mendatangkan manfaat adalah dibolehkan termasuklah makanan melainkan telah terdapat dalil yang mengharamkannya.(Abu al-Harith, 2007).

KESIMPULAN

Sistem penghantaran makanan secara atas talian adalah suatu aplikasi yang sangat membantu masyarakat pada zaman kini sekaligus menyediakan peluang pekerjaan kepada masyarakat hari ini. Namun terdapat cabaran dalam menguruskan penghantaran makanan khususnya melibatkan makanan yang tidak halal atau makanan yang bercampur antara yang halal dan haram.

Seseorang Muslim yang terlibat dalam menghantar makanan yang jelas tidak halal kepada pelanggan Muslim adalah dilarang kerana pekerjaan tersebut menjurus kepada membantu dan mengendalikan perkara yang haram secara langsung. Justeru, sekiranya penghantar boleh memilih makanan yang halal atau tidak halal melalui sistem aplikasi tersebut, maka dia wajib memilih makanan yang halal sahaja. Manakala sekiranya penghantar tersebut perlu menghantar

makanan yang haram tanpa diberi pilihan, dia perlu berusaha sedaya upaya untuk membatalkan tempahannya.

Namun, sekiranya pelanggan tersebut adalah bukan Muslim, maka tidaklah diharamkan menghantar makanan tersebut mengikut pandangan dalam Mazhab Hanafi kerana ianya adalah halal di sisi agama mereka. Maklumat pelanggan tersebut adalah diukur berdasarkan nama penerima yang muncul pada aplikasi dan penghantar tersebut tidak perlu membuat pencarian atau penyelidikan lebih lanjut. Hal ini disebabkan pandangan ini lebih meraikan masalah kedua-dua pihak iaitu mengelakkan penghantar daripada dikenakan penalti dan membantu pelanggan mendapatkan barangan mereka. Ia juga lebih bersesuaian dengan keadaan negara kita yang terdiri daripada latar belakang yang berbeza merangkumi pelbagai kaum dan bangsa.

Selain itu, situasi kedua sekiranya melibatkan penghantaran makanan yang bercampur halal dan haram. Sekiranya tidak dapat mengetahui pencampurannya mahupun tidak dapat dibezakan antara keduanya, maka pendapatannya adalah tidak haram namun hukum mengambil pendapatan tersebut adalah makruh. Sementara itu, jika penghantar mengetahui pencampuran antara halal dan haram, maka pendapatannya hendaklah dibersihkan pada kadar yang haram mengikut pada kadar sangkaan yang kuat.

Seterusnya, bagi penghantaran barangan makanan yang tidak dapat dipastikan secara yakin berkemungkinan halal atau haram kerana tiada sijil halal, maka penghantar makanan tersebut tidak menanggung dosa. Justeru, solusi bagi pekerja muslim yang kekeliruan untuk menghantar makanan daripada restoran yang tidak mendapat sijil pengesahan halal Jabatan Kemajuan Islam Malaysia (JAKIM) adalah dengan mengenal pasti ciri-ciri yang zahir dan jelas pada makanan tersebut dan tidak perlu membuat penyelidikan lebih lanjut. Sebagai contoh penghantar makanan boleh menghantar makanan goreng pisang walaupun gerai tersebut belum mendapat pensijilan halal iaitu memadai dengan mengetahui bahawa pisang adalah makanan yang halal menurut kebiasaan.

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ZAKAT, MAQASID SYARIAH DAN SUSTAINABLE DEVELOPMENT GOALS (SDGs): KAJIAN ANALISIS DI INSTITUSI ZAKAT DI MALAYSIA TIMUR

(Zakat, Maqasid Syariah and Sustainable Development Goals (SDGs): An Analytical Study in Zakat Institutions at East Malaysia)

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Abstrak

Penyucian harta, pembasmian kemiskinan dan pembangunan sosio-ekonomi adalah antara matlamat utama zakat yang sering diutarakan. Pengurusan zakat yang baik adalah pengurusan yang berteraskan matlamat dan berusaha ke arah memenuhi matlamat tersebut. Aktiviti kutipan dan agihan zakat harus bertunjangkan matlamat zakat yang mampu direalisasikan menerusi implementasi pendekatan-pendekatan yang berpandukan matlamat tersebut. Kajian ini meninjau sejauh mana pengurusan, aktiviti kutipan dan agihan zakat yang dilaksanakan terangkum dengan Maqasid Syariah dan Sustainable Development Goals (SDGs). Kajian adalah bersifat kualitatif dengan menganalisis data sekunder daripada institusi zakat di Malaysia Timur. Hasil kajian mendapati kedua-dua institusi zakat di Malaysia Timur, iaitu Bahagian Zakat dan Fitrah, Majlis Ugama Islam Sabah (MUIS), Sabah dan Tabung Baitulmal Sarawak, Majlis Islam Sarawak (MIS), Sarawak adalah selaras memenuhi matlamat Maqasid Syariah, dan beberapa matlamat Sustainable Development Goals (SDGs). Usaha penambahbaikan berterusan juga amat digalakkan ke atas kedua-dua institusi zakat.

Kata kunci: Zakat, Sustainable Development Goals (SDGs), Maqasid Syariah, Sabah & Sarawak, Malaysia

Abstract

Wealth' cleansing, poverty alleviation and socio-economic development are consistently mentioned as the important objectives of zakat. A good zakat management is a objectives-oriented management that strives to fulfil the objectives. The collection and distribution of zakat must be substantially oriented to the objectives that can be realised through the implementation of objectives-oriented approaches. This study observes how the management, collection and distribution of zakat implementations are conclusive with the Maqasid Shariah and Sustainable

Development Goals (SDGs). The study is qualitative in nature that analyses secondary data from zakat institutions in East Malaysia. The findings show that both zakat institutions in East Malaysia, namely Bahagian Zakat dan Fitrah, Majlis Ugama Islam Sabah (MUIS), Sabah and Tabung Baitulmal Sarawak, Majlis Islam Sarawak (MIS), Sarawak are in tandem to fulfil all Maqasid Shariah, and several Sustainable Development Goals (SDGs) criteria. A continuous effort for improvement is highly encouraged to both zakat institutions.

Keywords: Zakat, Sustainable Development Goals (SDGs), Maqasid Shariah, Sabah & Sarawak, Malaysia

PENDAHULUAN

Kewajipan zakat merupakan antara suatu kewajipan utama yang diperkenalkan lebih awal dalam Islam, seperti kewajipan solat, berbanding perintah-perintah kewajipan yang lain. Perintah menunaikan zakat seringkali disebutkan bergandingan dengan perintah menunaikan solat, melambangkan kepentingan dan keutamaan zakat yang sama beratnya seperti solat. Ini dapat dibuktikan melalui ayat Al-Quran yang menekankan perintah kewajipan menunaikan zakat, dalam Surah Al-Baqarah:

“...dan dirikanlah solat dan tunaikanlah zakat...”

(Al-Quran, 2: 110)

Selain bertujuan pembersihan jiwa dan hati individu daripada hasad dengki dan menanamkan rasa simpati dan empati dalam diri secara maknawi, zakat juga mempunyai tujuan zahir yang tersendiri iaitu pembersihan harta. Dalam memahami tujuan perintah kewajipan menunaikan zakat, setiap individu muslim harus melihat kepada pengertian zakat itu sendiri secara praktikalnya. Kebanyakan ulama telah mentakrifkan zakat sebagai mengeluarkan sebahagian harta tertentu daripada golongan tertentu dan diberikan kepada golongan tertentu setelah memenuhi syarat-syarat tertentu. Dalam menjelaskan golongan-golongan yang dimaksudkan, sebahagian harta yang tertakluk kepada kewajipan dikeluarkan zakat hendaklah ditunaikan oleh golongan yang berkemampuan dan lebih utama lagi golongan kaya, dan zakat akan diberikan kepada golongan asnaf yang layak menerima zakat. Harta yang dimaksudkan tertakluk kepada zakat perlu memenuhi beberapa syarat-syarat seperti pemilik harta adalah seorang beragama Islam, berakal dan merdeka, pemilikan penuh, cukup haul (iaitu suatu kitaran tempoh masa setahun), dan mencapai nisab (iaitu kadar minimum bersamaan nilai emas, sekitar 85gram). Apabila diteliti dengan mendalam, didapati proses zakat adalah melibatkan pemindahan harta daripada golongan yang memiliki lebih kekayaan kepada golongan asnaf yang kebanyakannya tidak mempunyai harta yang mencukupi. Terdapat lapan golongan asnaf yang ditetapkan sebagai penerima zakat iaitu fakir, miskin, amil, mualaf, hamba yang ingin memerdekakan dirinya, orang berhutang, fisabilillah, dan ibnussabil. Golongan asnaf zakat telah dijelaskan dalam Al-Quran melalui Surah At-Taubah:

“...Sesungguhnya sedekah-sedekah itu (zakat) hanyalah untuk orang-orang fakir, dan orang-orang miskin, dan amil-amil yang mengurusnya, dan orang-orang yang jinak hatinya (kepada Islam) (yaitu mualaf), dan untuk hamba-hamba yang ingin memerdekakan diri mereka, dan orang-orang yang berhutang, dan pada jalan Allah (dibelanjakan pada jalan-Nya), dan orang-orang yang dalam perjalanan (bermusafir dan keputusan bekalan). (Ketetapan yang demikian itu) adalah ketetapan daripada Allah S.W.T. Dan ingatlah Allah Maha Mengetahui, lagi Maha Bijaksana...”

(Al-Quran, 9: 60)

Di samping itu juga, zakat juga dikenalpasti bertujuan untuk membasmi kemiskinan dan sekaligus membangunkan sosio-ekonomi masyarakat. Mekanisme zakat ini menerangkan pentingnya penjagaan masyarakat terhadap golongan miskin dan memerlukan, sehingga ia diwajibkan dalam ajaran Islam. Dapat dilihat bahawa Islam sangat menitik beratkan keperluan golongan miskin dan serba kekurangan, iaitu golongan asnaf yang layak menerima zakat. Tujuannya adalah agar masyarakat bertanggungjawab untuk bersama berganding bahu menangani masalah kemiskinan yang membelenggu asnaf fakir dan miskin, dan menyediakan keperluan asas buat asnaf yang layak menerima zakat.

Kaitan antara zakat dengan pembasmian kemiskinan adalah suatu hubungan yang panjang. Malah, kaitan zakat dengan pembangunan taraf hidup dan meningkatkan sosio-ekonomi masyarakat, terutama golongan asnaf adalah suatu perhubungan yang unik dalam Islam. Isu kemiskinan merupakan masalah sejagat yang sememangnya telah lama membarah dalam sejarah hidup manusia. Ia tidak hanya terhad kepada masyarakat Islam, bahkan turut juga berlaku dalam kalangan masyarakat yang lain. Keadaan ini termaktub dalam sejarah peradaban Islam, semenjak zaman Rasulullah S.A.W lagi, dan zaman-zaman berikutnya sehinggalah pada masa kini. Pun begitu, mekanisme zakat yang digariskan oleh Islam adalah bertujuan untuk menangani masalah ini daripada terus berlaku dengan lebih teruk. Seringkali dinyatakan bahawa zakat berperanan sebagai mekanisme bantuan kepada asnaf, yang meliputi golongan fakir dan miskin, al-gharimin, inbussabil dan selainnya, dengan tujuan membasmi kemiskinan. Ia akan secara langsung turut menyumbang kepada memperbaiki taraf hidup dan sosio-ekonomi masyarakat, terutama golongan asnaf itu sendiri. Agregat kuasa beli dapat ditingkatkan terutama dalam kalangan asnaf penerima zakat, yang membolehkan ekonomi bergerak secara inklusif. Kegagalan dalam menangani kemiskinan dan memperbaiki taraf hidup masyarakat hanya akan mengakibatkan situasi sosio-ekonomi yang statik dan tidak bergerak ke arah yang lebih baik, malah negara akan terperangkap dalam keadaan tidak ideal. Justeru, salah satu kaedah bagi menyelesaikan masalah kemiskinan dan taraf kehidupan sosio-ekonomi masyarakat seperti yang dianjurkan oleh Islam adalah melalui zakat.

Dalam konteks Malaysia, terutamanya di negeri Sabah dan Sarawak, kedua-dua negeri mempunyai institusi zakat yang ditadbir secara langsung oleh kerajaan kedua-dua negeri. Bagi negeri Sabah, Bahagian Zakat dan Fitrah, Majlis Ugama Islam Sabah (MUIS) adalah badan yang berautoriti penuh ke atas semua perkara yang melibatkan pengurusan, kutipan dan agihan zakat di Sabah. Mula ditubuhkan pada awal 1970-an, Majlis Ugama Islam Sabah telah

mewujudkan unit Baitulmal bagi mengawal selia hal ehwal zakat. Ia kemudian dinaik taraf kepada Bahagian Baitulmal dan Zakat berikutan dengan beban tugas yang bertambah. Akhirnya badan ini dijenamakan sebagai Bahagian Zakat dan Fitrah selaras dengan pengenalan Enakmen Zakat dan Fitrah Negeri Sabah (No. 6 Tahun 1993) (Omar, Wahid & Mohd Ali, 2017). Manakala bagi negeri Sarawak pula, Majlis Islam Sarawak telah menubuhkan sebuah entiti Tabung Zakat dan Fitrah pada 1966 melalui pengenalan Undang-undang Zakat 1966 oleh kerajaan Sarawak bagi mengawal selia dan mentadbir hal ehwal zakat di Sarawak. Ia kemudian dijenamakan semula kepada Tabung Baitulmal Sarawak pada 1984 di bawah Ordinan Majlis Islam Sarawak (Pemerbadanan) (Pindaan) 1984 (Omar, 2019). Kedua-dua institusi zakat telah mengalami beberapa penyusunan dalaman dan tugas bagi memantapkan lagi usaha keduanya dalam memartabatkan syiar Islam di Sabah dan Sarawak, di samping membantu masyarakat Islam di kedua-dua negeri untuk keluar daripada belenggu kemiskinan, seterusnya meningkatkan taraf kehidupan dan sosio-ekonomi mereka. Selain itu, kedua-dua institusi zakat juga agak unik dari sudut beban pengurusan dan pelaksanaan hal ehwal zakat yang lebih mencabar, memandangkan kedua-dua negeri di Malaysia Timur ini masih dikategorikan sebagai antara negeri termiskin, dengan bilangan penduduk termiskin antara yang teramai di Malaysia.

Kajian ini memfokuskan kepada melihat sejauh manakah institusi zakat terutamanya di Malaysia Timur dapat memainkan peranan mereka, terutama melibatkan kerangka Maqasid Syariah dan *Sustainable Development Goals* (SDGs). Kajian juga mendalami tiga dimensi utama dalam sesebuah institusi zakat, iaitu aspek pengurusan institusi zakat, aspek kutipan zakat, dan aspek agihan zakat. Ketiga-tiga dimensi ini dianalisis dengan mengenal pasti kepentingannya dengan Maqasid Syariah dan *Sustainable Development Goals* (SDGs). Di samping itu juga, aspek penting dalam kajian ini juga ialah menilai dengan spesifik keutamaan Maqasid Syariah dan matlamat *Sustainable Development Goals* (SDGs) yang terangkum bagi setiap agihan zakat oleh institusi zakat terutamanya di Sabah dan Sarawak bagi memenuhi tujuan zakat itu sendiri. Kajian dibahagikan kepada beberapa sub topik, iaitu pengenalan Maqasid Syariah dan *Sustainable Development Goals* (SDGs), diikuti dengan analisis zakat dalam kerangka keduanya, meliputi aspek-aspek pengurusan institusi zakat, kutipan dan kutipan zakat dan agihan zakat. Kajian diakhiri dengan kesimpulan dan cadangan kepada kedua-dua institusi zakat dalam mencapai Maqasid Syariah dan *Sustainable Development Goals* (SDGs).

Maqasid Syariah Dan *Sustainable Development Goals* (SDGs)

Salah satu teori penting dalam Islam yang diperkenalkan oleh Al-Ghazali (1971) dan Al-Shatibi (1997) adalah teori Maqasid Syariah. Menurut Al-Ghazali (1971), maqasid merujuk kepada tujuan-tujuan penetapan hukum hakam dalam Islam untuk mencapai intipati sebenar Syariah dalam kerangka konsep yang lebih luas iaitu kemaslahatan umum dan menghalang segala jenis kebinasaan ke atas manusia. Intipati ini kemudian dibahagikan kepada tiga peringkat oleh Al-Ghazali (1971) iaitu al-daruriyyat (keutamaan), al-hajiyyat (pelengkap) dan al-tahsiniyyat (keselesaan). Teori al-daruriyyat (keutamaan) ini kemudiannya dikembangkan oleh Al-Syatibi (1997) dengan membahagikan maqasid kepada dua bahagian, iaitu al-maqasid al-shariah dan maqasid mukallaf. Melalui al-maqasid al-shariah, lima nilai utama diletakkan yang wajib

dipelihara melalui hukum-hakam Syariah itu sendiri, iaitu agama, nyawa, akal, keturunan dan harta. Jadual 1 menunjukkan lima nilai maqasid seperti yang diutarakan oleh Al-Syatibi (1997) dan olahan kod setiap satu nilai maqasid oleh penulis bagi tujuan kajian.

Jadual 1. Konsep Maqasid Syariah yang diperkenalkan oleh Al-Ghazali (1971) dan dikembangkan oleh Al-Shatibi (1997)

Maqasid Al-Daruriyyat (Keutamaan)	Kod Maqasid
Memelihara Agama	MS 1
Memelihara Nyawa	MS 2
Memelihara Akal	MS 3
Memelihara Keturunan	MS 4
Memelihara Harta	MS 5

Sumber: Diolah daripada Al-Ghazali (1971) dan Al-Shatibi (1997), dengan pengenalan kod oleh penulis bagi tujuan kajian.

Dalam mendepani dunia yang semakin mencabar, badan pertubuhan dunia *United Nations* (UN) melalui *Department of Economic and Social Affairs* telah memperkenalkan suatu kerangka matlamat yang perlu dicapai dalam tujuan memastikan dunia menjadi suatu tempat yang lestari buat semua penduduknya pada masa akan datang. Matlamat yang dinamakan *Sustainable Development Goals* (SGDs) ini adalah suatu kesinambungan matlamat sebelumnya, dan ditambah baik untuk bersifat lebih komprehensif dan inklusif. Melalui matlamat sejagat ini, *United Nations* telah mengenal pasti 17 matlamat yang meliputi pelbagai aspek untuk diterokai dan diperbaiki demi pembangunan lestari. Bagi setiap matlamat, terdapat beberapa sasaran (*target*) diletakkan untuk dijadikan rujukan bagaimana setiap matlamat dapat dicapai. Jadual 2 menunjukkan secara terperinci kesemua matlamat yang ditetapkan untuk dilaksanakan oleh semua negara dan dijangka dicapai menjelang tahun 2030.

Jadual 2. Sustainable Development Goals (SDGs) yang digariskan oleh Department of Economics and Social Affairs, United Nations

Matlamat SDG	Kod SDG	Sasaran (Target)
No Poverty	SDG 1	7
Zero Hunger	SDG 2	8
Good Health and Well-being	SDG 3	13
Quality Education	SDG 4	10
Gender Equality	SDG 5	9
Clean Water and Sanitation	SDG 6	8
Affordable and Clean Energy	SDG 7	5
Decent Work and Economic Growth	SDG 8	12
Industry, Innovation, and Infrastructure	SDG 9	8
Reduced Inequalities	SDG 10	10
Sustainable Cities and Communities	SDG 11	10
Responsible Consumption and Production	SDG 12	11
Climate Action	SDG 13	5
Life below Water	SDG 14	10
Life on Land	SDG 15	12
Peace, Justice and Strong Institutions	SDG 16	12
Partnership for the Goals	SDG 17	19

Sumber: *Sustainable Development Goals, Department of Economic and Social Affairs, United Nations (2021)*.

Analisis Zakat Dalam Kerangka Maqasid Syariah Dan *Sustainable Development Goals* (SDGs) Di Institusi Zakat Di Malaysia Timur

Kajian ini adalah bersifat kualitatif, dengan menganalisis data sekunder yang diperoleh daripada kedua-dua institusi zakat di Malaysia Timur, iaitu Bahagian Zakat dan Fitrah, Majlis Ugama Islam Sabah (MUIS), Sabah and Tabung Baitulmal Sarawak, Majlis Islam Sarawak (MIS), Sarawak. Hasil kajian seterusnya dinyatakan secara deskriptif melalui penggunaan jadual bagi memberikan gambaran penuh tentang tiga aspek utama dalam sesebuah institusi zakat, iaitu pengurusan institusi zakat, aktiviti kutipan dan agihan zakat serta keterangkuman ketiga-tiga aspek ini dengan elemen Maqasid Syariah dan *Sustainable Development Goals* (SDGs).

Aspek Pengurusan Institusi Zakat

Kajian percaya bahawa institusi zakat memainkan peranan yang sangat penting dalam memenuhi kerangka Maqasid Syariah, dari aspek pengurusannya. Ini dapat dijelaskan bagi setiap kepentingan maqasid, yang mana pertamanya ialah memelihara agama. Penubuhan institusi zakat merupakan cetusan idea peradaban Islam yang dapat disoroti semenjak pemerintahan Khalifah Umar Al-Khattab lagi. Beliau telah menubuhkan institusi Baitulmal pertama dalam Islam. Melalui penubuhan Baitulmal atau lebih dikenali sebagai institusi zakat pada masa kini, tujuan zakat seperti mana diperintahkan agama lebih diperkuat. Perintah zakat

itu menjadi lebih jelas dan dapat dipermudahkan, sekaligus memelihara agama itu sendiri. Institusi zakat juga berfungsi atas asas memelihara nyawa. Kewajipan zakat yang ditunaikan dapat membantu asnaf fakir dan miskin mendapat keperluan asas untuk meneruskan kehidupan seharian, selain al-gharimin daripada terus berhutang sehingga membahayakan nyawa mereka. Dengan adanya institusi zakat, peranan zakat ini lebih menyeluruh dan dilaksanakan dengan terperinci dan teratur, selain merangkumi lebih ramai asnaf daripada terus tercicir.

Dari aspek memelihara akal pula, institusi zakat bertanggungjawab menyediakan pelan terancang, seperti pendidikan dan pembelajaran. Kewujudan institusi zakat memudahkan kerajaan terutamanya mengagihkan bantuan pendidikan asas, peralatan pembelajaran dan kemasyarakatan. Manakala bagi aspek memelihara keturunan pula, institusi zakat berperanan dalam pembangunan nilai-nilai murni dan kemasyarakatan selari dengan tuntutan Islam dalam memelihara keturunan dan kehormatan maruah individu dan masyarakat. Ini termasuk juga berhubung kait dengan membantu individu baru memeluk Islam agar keturunannya sentiasa bersama ajaran Islam, selain memelihara kehormatan individu fakir dan miskin daripada dieksploitasi aktiviti tidak bermoral dan sebagainya. Institusi zakat ini juga ditubuhkan bertujuan bagi menjaga kepentingan harta umat Islam itu sendiri. Melaluinya, kutipan dan agihan zakat dapat diurus dengan baik, dan memudahkan urusan merekod dan mengenal pasti jumlah kutipan zakat dan senarai agihan zakat dilakukan.

Adapun bagi tujuan *Sustainable Development Goals* (SDGs), institusi zakat memainkan peranan yang sangat penting terutama dalam aspek pengurusan yang baik dan dinamik, serta menyumbang ke arah institusi yang kukuh dan lestari. Dalam matlamat SDG 16 (*Peace, Justice and Strong Institutions*), *United Nations* telah menggariskan kriteria institusi yang kukuh melalui pemantapan institusi lestari. Ini dapat dijelaskan dengan SDG 16 (*Peace, Justice and Strong Institutions*), di mana matlamat SDG ini boleh dicapai melalui Target 16.6 dan 16.10 secara spesifiknya. Target atau sasaran ini dapat dicapai dengan pembangunan institusi yang bersifat berakuntabiliti, telus dan dapat memastikan penyediaan maklumat terbuka selaras dengan perundangan negara.

Justeru, bagi konteks Bahagian Zakat dan Fitrah (MUIS), dapat dilihat bahawa visi, misi dan juga objektifnya adalah selaras terkandung dengan Maqasid itu sendiri, dan juga selaras dengan SDG 16 (*Peace, Justice and Strong Institutions*) oleh UN. Jadual 3 menunjukkan perincian visi, misi dan objektif Bahagian Zakat dan Fitrah (MUIS) dengan Maqasid Syariah dan SDG 16.

Jadual 3. Perincian pengurusan Bahagian Zakat dan Fitrah (MUIS) dengan Maqasid Syariah dan SDGs

Perkara	Perincian	Maqasid Syariah	SDG
Visi	Untuk menjadi sebuah organisasi yang berdaya maju dalam pengurusan zakat di Malaysia dan serantau.	MS 1, MS 2, MS 3, MS 4 & MS 5	SDG 16 -Target 16.6 <i>(Develop effective, accountable, and transparent institutions at all levels)</i> -Target 16.10 <i>(Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements)</i>
Misi	a) Menyedarkan setiap orang Islam di Sabah yang layak berzakat untuk menunaikan kewajipan berzakat.		
	b) Memartabatkan asnaf.		
	c) Meningkatkan syiar Islam di Sabah.		
Objektif	a) Memberi kesedaran kewajipan berzakat kepada umat Islam yang layak berzakat.		
	b) Menyediakan maklumat tentang kewajipan membayar zakat.		
	c) Memperkenalkan Sistem Kutipan dan Agihan Zakat berkomputer.		
	d) Meningkatkan jumlah kutipan dan bilangan pembayar zakat bagi pihak MUIS dari semasa ke semasa.		
	e) Mengagihkan zakat kepada asnaf bagi pihak MUIS dengan adil dan menepati tuntutan syarak menerusi pelbagai skim agihan zakat yang memberi manfaat jangka pendek dan jangka panjang		
	f) Memperkenalkan budaya kerja korporat dalam pengurusan zakat		

Sumber: Diolah daripada laman web Bahagian Zakat dan Fitrah (MUIS) (2021).

Bagi konteks Tabung Baitulmal Sarawak (MIS) pula, Jadual 4 memperincikan visi, misi dan objektifnya yang selaras terangkum dengan Maqasid Syariah, dan keselarasannya dengan SDG 16 (*Peace, Justice and Strong Institutions*).

Jadual 4. Perincian pengurusan Tabung Baitulmal Sarawak (MIS) dengan Maqasid Syariah dan SDGs

Perkara	Perincian	Maqasid Syariah	SDG
Visi	Menjadi sebuah organisasi Islam yang dinamik dan pembela kepada umat manusia khususnya masyarakat Islam sarawak	MS 1, MS 2, MS 3, MS 4 & MS 5	SDG 16 -Target 16.6 <i>(Develop effective, accountable and transparent institutions at all levels)</i> -Target 16.10 <i>(Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements)</i>
Misi	a) TBS merupakan wakil kepada Majlis Islam Sarawak yang bertanggungjawab dalam Pengurusan Zakat di Negeri Sarawak		
	b) TBS berperanan menyediakan kemudahan mengutip, mengagih, mengurus Dana Zakat dan Baitulmal disamping menerangkan tentang kewajipan berzakat.		
	c) Pelanggan-pelanggan TBS adalah masyarakat Islam, badan-badan kerajaan, badan-badan korporat dan pertubuhanpertubuhan		
Objektif	Komitmen Tabung Baitulmal Sarawak ialah:		
	i) Untuk meningkatkan kesedaran tanggungjawab berzakat di kalangan masyarakat Islam di Sarawak.		
	ii) Memudahcarakan Pengurusan Zakat agar dapat memenuhi keperluan masyarakat Islam dan perkembangan semasa.		
	iii) Untuk membangun TBS sebagai sebuah organisasi Islam yang memainkan peranan penting dalam program pembangunan masyarakat Islam melalui kemudahan bantuan dalam bidang pendidikan, kebajikan dan pembangunan insan.		
	iv) Untuk memelihara dan memperkukuhkan kedudukan kewangan dan hartanah TBS bagi kepentingan umat Islam di masa depan.		
	v) Untuk membangun kumpulan pekerja Islam yang professional dan dinamik.		
	a) Menyumbang dalam pembangunan ummah melalui program mengukuhkan tradisi keilmuan, memantapkan kebajikan ummah dan membangunkan Institusi Islam.		

	b) Menggembelngkan tenaga kerja profesional dan agama untuk meningkatkan kecekapan dan keberkesanan Pengurusan.		
	c) Memudahcarakan Pengurusan zakat, sadaqatul jariah dan wakaf dengan menyediakan prasarana yang diyakini oleh masyarakat melalui pendekatan d) Pengurusan holistik ke arah mencapai kejayaan duniawi dan ukhrawi.		
	e) Memperkukuhkan asas kekuatan ekonomi TBS dengan meneroka peluang yang strategik dan berpotensi dalam aktiviti perkembangan modal dan hartanah yang berdaya maju.		

Sumber: Diolah daripada laman web Tabung Baitulmal Sarawak (MIS) (2021).

Aspek Kutipan Zakat

Seperti mana aspek pengurusan institusi zakat, aspek kutipan zakat juga didapati masih berkisar dengan kerangka Maqasid Syariah. Ini kerana setiap kutipan zakat bertujuan untuk memelihara setiap kepentingan agama, nyawa, akal, keturunan dan harta. Kutipan zakat dilaksanakan bagi menegakkan syiar agama, iaitu perintah kewajipan berzakat seperti yang termaktub dalam Al-Quran dan Sunnah. Sejarah peradaban Islam juga melihat bagaimana golongan tidak membayar zakat diperangi pada zaman Khalifah Abu Bakar As-Siddiq. Kepentingan memelihara nyawa juga diterapkan dalam aspek kutipan, apabila zakat hanya diwajibkan ke atas golongan berkemampuan dan kaya, agar tidak membebankan golongan fakir dan miskin sehingga boleh memudaratkan nyawa mereka. Sekiranya zakat juga diwajibkan ke atas golongan fakir dan miskin, dikhuatiri ia boleh menyebabkan mereka berhutang, tiada wang sehingga menggadaikan nyawa mereka. Oleh itu, besarlah hikmah zakat yang menetapkan golongan fakir dan miskin diutamakan sebagai asnaf penerima zakat. Selain itu, kepentingan akal juga ditekankan dalam kutipan zakat. Institusi zakat telah memberikan pelbagai informasi yang tepat berlandaskan Al-Quran dan Sunnah mengenai perintah kewajipan berzakat. Begitu juga diterangkan hikmah berzakat dan kaedah-kaedah berzakat, platform untuk menunaikan zakat, penyediaan statistik kutipan dan agihan zakat di laman web institusi zakat. Usaha ini memberikan informasi menyeluruh untuk akal menghadamnya, memperincikannya dan memprosesnya dan kemudian membuat keputusan menunaikan zakat atas informasi-informasi yang tersedia. Bahkan dengan usaha ini, informasi yang diterima menyumbang kepada akal yang terpelihara dan tidak mudah diseleweng dengan maklumat yang tidak betul.

Kepentingan memelihara keturunan juga terangkum dalam aspek kutipan zakat, di mana setiap ketua keluarga biasanya menjadi pembayar zakat mewakili ahli keluarga yang lain. Setiap ahli keturunan akan dikenal pasti dalam proses kutipan zakat, sehingga tiada ahli keluarga yang tercicir daripada menunaikan zakat. Malah individu muslim juga tidak diketepikan untuk membayar zakat secara perseorangan. Seterusnya, kepentingan harta dalam aspek kutipan zakat adalah sangat dititik beratkan. Ini dibuktikan apabila hanya harta yang memenuhi syarat-syarat

zakat seperti pemilikan sempurna, cukup haul dan mencapai nisab adalah tertakluk kepada zakat. Manakala jika harta tidak memenuhi syarat-syarat zakat, maka ia masih tidak tertakluk pada zakat dan zakatnya tidak dikutip. Harta juga dipelihara dengan penyediaan kalkulator zakat yang memudahkan pengiraan jumlah zakat yang wajib ditunaikan. Malah statistik kutipan zakat dan tindakan audit zakat memberikan indikasi bahawa informasi terbuka yang boleh diketahui umum memberikan peluang kepada masyarakat untuk menjejaki dana zakat yang dikutip dan ke mana ia diagihkan pada proses pengagihan zakat. Kajian mendapati bahawa aspek kutipan zakat masih tertakluk kepada kerangka *Sustainable Development Goals* (SDGs) dapat dijelaskan dengan SDG 16 (*Peace, Justice and Strong Institutions*), di mana matlamat SDG ini boleh dicapai melalui Target 16.6 dan 16.10 secara spesifiknya. Dengan adanya matlamat SDG 16, institusi zakat tidak harus ketinggalan dalam memastikan ia dapat menyumbang ke arah matlamat pembangunan yang lestari dan mampan untuk kebaikan generasi akan datang. Oleh yang demikian, bagi konteks institusi zakat di Malaysia Timur, tanggungjawab Bahagian Zakat dan Fitrah (MUIS) dan Tabung Baitulmal Sarawak (MIS) untuk memastikan kedua-duanya menyumbang ke arah memenuhi tuntutan Maqasid Syariah dan SDGs dapat diringkasnya perinciannya dari aspek kutipan zakat dalam kerangka Maqasid Syariah dan SDGs seperti pada Jadual 5.

Jadual 5. Perincian aspek kutipan zakat di Bahagian Zakat dan Fitrah (MUIS) dan Tabung Baitulmal Sarawak (MIS) dengan Maqasid Syariah dan SDGs

Institusi	Tanggungjawab Penyediaan Maklumat Kutipan	Maqasid Syariah	SDG
Bahagian Zakat dan Fitrah (MUIS)	Info Zakat	MS 1, MS 2, MS 3, MS 4 & MS 5	SDG 16 <i>-Target 16.6</i> <i>(Develop effective, accountable and transparent institutions at all levels)</i>
	Jenis Zakat		
	Kaedah Bayaran		
	Kalkulator Zakat		
	Statistik Kutipan Zakat		
Tabung Baitulmal Sarawak (MIS)	Mengenai Zakat	-Target 16.10 <i>(Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements)</i>	
	Agen		
	Program-program		
	Zakat Harta		
	Hukum dan Dasar		
	Kalkulator Zakat		

Sumber: Diolah daripada laman web Bahagian Zakat dan Fitrah (MUIS) (2021) dan Tabung Baitulmal Sarawak (MIS) (2021).

Aspek Agihan Zakat

Dalam aspek agihan zakat, kajian mendapati kedua-dua institusi zakat di Malaysia Timur telah mengelaskan bantuan-bantuan zakat kepada beberapa kategori agihan penting. Melalui Jadual 6, dapat diperhatikan bagi negeri Sabah, Bahagian Zakat dan Fitrah (MUIS) telah membahagikan agihan zakat kepada tiga kategori utama, iaitu Sosial dan Ekonomi, Pendidikan dan Mualaf. Bagi negeri Sarawak pula, Tabung Baitulmal Sarawak telah mewujudkan tiga kategori agihan zakat berasaskan tema iaitu Memantapkan Kebajikan Ummah, Mengukuhkan Tradisi Keilmuan, dan Membangun Institusi Islam. Aspek agihan zakat adalah aspek kritikal yang akan menyumbang secara langsung kepada Maqasid Shariah dan *Sustainable Development Goals* (SDGs) itu sendiri. Ini kerana agihan zakat adalah bermatlamatkan memenuhi tuntutan Maqasid Syariah, manakala dari suatu sudut ia berperanan dalam menyumbang kepada pembangunan mampan dan lestari untuk generasi akan datang.

Bagi Sabah, Bahagian Zakat dan Fitrah (MUIS) telah melaksanakan beberapa program agihan dan skim bantuan zakat dengan mengambil kira keperluan-keperluan setiap golongan asnaf di Sabah. Jadual 6 menunjukkan rangkuman agihan zakat oleh Bahagian Zakat dan Fitrah (MUIS):

Jadual 6. Perincian aspek agihan zakat Bahagian Zakat dan Fitrah (MUIS) dengan Maqasid Syariah dan SDGs

Kategori Agihan Zakat	Skim bantuan zakat	Maqasid Syariah	SDG
Sosial dan Ekonomi	Bantuan am	MS 2, MS 5	SDG 1, SDG 2, SDG 3
	Bantuan perubatan	MS 2	SDG 1, SDG 3
	Bantuan kecemasan	MS 2	SDG 1, SDG 3
	Bantuan bencana alam	MS 2, MS 3	SDG 2, SDG 3
	Bantuan pengurusan jenazah	MS 2, MS 3	SDG 3
	Bantuan pembangunan asnaf	MS 1, MS 2, MS 5	SDG 1, SDG 2, SDG 3, SDG 4, SDG 10
	Bantuan kepada Sekolah Agama Rakyat dan Maahad Tahfiz	MS 1, MS 3	SDG 4,
	Bantuan Elaun Guru Zakat JHEAINS	MS 1, MS 3	SDG 4, SDG 8
	Bantuan Utiliti serta Pengimarahkan Masjid dan Surau	MS 1, MS 5	SDG 11
	Bantuan Tahunan Pusat Dialisis	MS 2	SDG 3
	Bantuan pelajar fakir miskin	MS 1, MS 2, MS 5	SDG 1, SDG 2, SDG 3, SDG 4, SDG 10
	Bantuan rumah anak yatim	MS 1, MS 2, MS 3, MS 4	SDG 1 SDG 2, SDG 3, SDG 4, SDG 10
	Bantuan badan/pertubuhan kebajikan/ngo	MS 1, MS 5	SDG 11

Pendidikan	Bantuan guru panitia agama Islam	MS 1, MS 3	SDG 4, SDG 8
	Bantuan yuran pendaftaran awal IPTA	MS 1, MS 3	SDG 4
	Bantuan tiket penerbangan IPTA	MS 3	SDG 4
	Derasiswa (awal)	MS 3	SDG 4
	Derasiswa (lanjutan)	MS 3	SDG 4
	Derasiswa (tiket akhir)	MS 3	SDG 4
Mualaf	Bantuan am mualaf	MS 1, MS 2, MS 3, MS 4	SDG 2, SDG 3
	Bantuan elaun khas Kelas Bimbingan Saudara Kita (KBSK)	MS 1, MS 2, MS 3, MS 4	SDG 4

Sumber: Diolah daripada laman web Bahagian Zakat dan Fitrah (MUIS) (2021).

Manakala bagi Sarawak pula, Tabung Baitulmal Sarawak (MIS) menggariskan beberapa skim bantuan zakat yang telah dirangka bagi memenuhi tanggungjawab agihan zakat terhadap golongan asnaf di negeri tersebut. Jadual 7 menunjukkan rangkuman agihan zakat oleh Tabung Baitulmal Sarawak-MIS:

Jadual 7. Perincian aspek agihan zakat Tabung Baitulmal Sarawak (MIS) dengan Maqasid Syariah dan SDGs

Kategori Agihan Zakat	Skim bantuan zakat	Maqasid Syariah	SDG
Memantapkan Kebajikan Ummah	Bantuan rawatan/perubatan dan pembedahan pesakit	MS 2	SDG 3
	Bantuan musafir terkandas dari dalam dan luar negeri (ibnusbabil)	MS 2, MS 5	SDG 2, SDG 3
	Bantuan Fardu Kifayah	MS 2, MS 5	SDG 3
	Bantuan sara hidup fakir miskin	MS 1, MS 2, MS 5	SDG 1, SDG 2, SDG 3, SDG 10
	Bantuan kecemasan bencana alam	MS 2	SDG 2, SDG 3
	Bantuan asnaf al-gharimin menyelesaikan hutang	MS 1, MS 2	SDG 2, SDG 3
	Bantuan am asnaf mualaf	MS 1, MS 2, MS 3, MS 4	SDG 2, SDG 3
Mengukuhkan Tradisi Keilmuan	Bantuan kemasukan ke institusi pengajian tinggi	MS 3	SDG 4
	Bantuan pengajian sekolah rendah/menengah (yuran/kelengkapan persekolahan)	MS 3	SDG 4
	Bantuan pengajian peringkat sijil/kursus	MS 3	SDG 4
	Bantuan pengajian ke Timur Tengah	MS 1, MS 3	SDG 4
	Bantuan pengajian IPT Bidang Agama	MS 1, MS 3	SDG 4
	Bantuan pengajian sekolah agama/Arab	MS 1, MS 3	SDG 4

	Bantuan pengajian Maahad Tahfiz Al-Quran	MS 1, MS 3	SDG 4
Membangun Institusi Islam	Bantuan am masjid dan surau	MS 1, MS 5	SDG 11
	Bantuan badan-badan kebajikan dan organisasi kemasyarakatan	MS 1, MS 5	SDG 11
	Bantuan kepada sekolah agama Islam	MS 1, MS 3, MS 5	SDG 4, SDG 11
	Bantuan kepada institusi/badan dakwah	MS 1, MS 5	SDG 11
	Bantuan untuk seminar dan bengkel pendidikan pelajar	MS 1, MS 3	SDG 4

Sumber: Diolah daripada laman web Tabung Baitulmal Sarawak (MIS) (2021).

Seperti yang dapat diperhatikan melalui Jadual 7 dan Jadual 8, secara umumnya agihan zakat di kedua-dua institusi zakat di kedua-dua negeri di Malaysia Timur adalah selaras dengan tuntutan Maqasid Syariah dan *Sustainable Development Goals* (SDGs). Bagi Maqasid Syariah, kesemua skim bantuan memenuhi MS 1 (Melihara Agama), MS 2 (Memelihara Nyawa), MS 3 (Memelihara Akal), MS 4 (Menjaga Keturunan) dan MS 5 (Memelihara Harta). Beberapa SDGs pula telah terangkum dalam skim-skim bantuan zakat oleh kedua-dua institusi zakat, iaitu SDG 1 (*No Poverty*), SDG 2 (*Zero Hunger*), SDG 3 (*Good Health and Well-being*), SDG 4 (*Good Education*), SDG 8 (*Decent Work and Economic Growth*), SDG 10 (*Reduced Inequalities*) dan SDG 11 (*Sustainable Cities and Communities*). Ini merupakan suatu yang baik dan memberangsangkan bila mana institusi zakat tidak ketinggalan dalam memenuhi matlamat Maqasid Syariah dan SDGs. Pun begitu, masih banyak ruang penambahbaikan boleh diteruskan bagi memastikan matlamat SDGs dapat dicapai dengan lebih komprehensif terutama di kedua-dua negeri bagi membasmi kemiskinan dan meningkatkan taraf kehidupan dan sosio-ekonomi asnaf secara khususnya dan masyarakat secara amnya.

KESIMPULAN

Kajian ini telah merungkai kepentingan zakat dalam memenuhi tuntutan Maqasid Syariah dan *Sustainable Development Goals* (SDGs), terutama bagi kedua-dua institusi zakat di Malaysia Timur, iaitu Bahagian Zakat dan Fitrah, Majlis Ugama Islam Sabah (MUIS) dan Tabung Baitulmal Sarawak, Majlis Islam Sarawak (MIS). Ini kerana cabaran dan beban yang dihadapi oleh kedua-dua institusi ini adalah lebih besar memandangkan masih ramai asnaf fakir dan miskin, selain cabaran unik dalam pengurusan, kutipan dan agihan zakat di kedua negeri. Kajian juga mendapati pengurusan institusi zakat adalah selaras dengan kelima-lima keutamaan Maqasid Syariah dan diselaraskan dengan SDG 16, dan begitu juga dengan aspek kutipan zakat. Manakala bagi aspek agihan zakat ia selaras memenuhi kelima-lima keutamaan Maqasid Syariah, dan terangkum di dalam beberapa SDGs seperti SDG 1, 2, 3, 4, 8, 10, dan 11. Pun begitu, setiap agihan zakat harus diolah dan dinilai secara berterusan agar lebih lestari dan mampan bagi kepentingan asnaf dan masyarakat keseluruhannya demi generasi akan datang.

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ZAKAT IN BUSINESS AS ECONOMIC CATALYST FOR UMMAH: ISSUES AND CHALLENGES AMONG MUSLIM ENTREPRENEUR

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Abstract

Paying zakat is an obligation for every Muslim who is mukallaf and meets the conditions that have been set as contained in the pillars of Islam. Similar obligations need to be fulfilled by Muslims involved in business activities. The Annual Report published by the Federal Territory Zakat Collection Center (PPZMAIWP) for 2020 shows an increase of 7.76% in total business zakat collection amounting to RM112,947,206.23 in 2019 compared to 2020 of RM114,096,123.42. However, based on statistics by category, zakat collection in business still could not surpass the total in collection of zakat income which amounted to RM471 million (2019) and RM511 million (2020) increased by 8.34%. However, the total zakat payment of businesses showed a significant increase in 2020 of 47.08% compared to the increase in total zakat income payments which showed an increase of only 9.16% recorded in the same year. This situation provides various interpretations among the community on the role of zakat in business in contributing to the economic catalyst of the ummah. Therefore, this study aims to know in more depth about the issues and challenges faced by business zakat payers in fulfilling the responsibilities set out in the pillars of Islam. The study involved focused group interviews on a selected group of Muslim entrepreneurs. The results show some of the current problems and challenges faced before, during and after implementing payment of zakat in business.

Keywords: Zakat in Business, Issues, Challenges, Economy, Ummah

INTRODUCTION

The economic development of ummah is often associated with the government's ability to manage financial resources as well as possible for development and operating expenditure for the people of a country. For example, the country is able to generate financial resources through

the collection of taxes and zakat (Shari and Lah, 2018). Zakat in terms of Islamic law is an obligation on certain property with a certain rate according to certain conditions to be distributed to certain groups. There are several categories of zakat, including business zakat (Berhane & Gardebroek, 2011; Fianto et al., 2019; Littlefield et al., 2003). In other scenarios, zakat can be defined as the solution to purify a Muslim's belongings and soul. The purifying of wealth and soul entails the ability to be free of hatred, envy, selfishness, and greed.

Contribution from zakat payer can be applied to enhance education facilities, healthcare infrastructure and provide housing development for the poor and needy as well as contribute to the economic development of ummah (Rahman, Zakaria, Shaari, Nawari, & Zain, 2019). Business zakat is zakat that must be paid as a result of business property whether it involves goods or services. Business zakat is an obligation that must be fulfilled by those who have met the conditions contained in the Al-Quran and set by the Islamic Religious Council of the respective states (Noor et al., 2017). Proof in Quran for business zakat is clearly stated by Allah SWT in Surah Al-Nur (24):37

“...The worship is performed by) those who are strong in faith who are not neglected by business or trade from mentioning and remembering Allah, and establishing prayer and giving zakat; they fear a Day (of Resurrection) on which their hearts and eyes will be turned...”

(Surah Al-Nur (24):37)

While the Hadith of the Prophet SAW which states about business zakat is as follows: Anas RA narrated that Abu Bakr RA prescribed for him what the Prophet (peace and blessings of Allah be upon him) required: And if a property is shared by two people, then both of them pay zakat fairly (according to their respective rates or shares).

However, the issue related to the contribution of business zakat in the development of the ummah is still a question among the community and needs to be resolved as best as possible to ensure the economic viability of the ummah can be improved (Widyatama, Baso, & Haq, 2020).

PROBLEM STATEMENT

Zakat giving is one of the pillars in Islamic belief. It is important to the national and community expansion is unavoidable. Undeniably, the obligation to pay zakat in business is the responsibility of every Muslim trader who meets the prescribed conditions. If Zakat funds could be well raised, the accelerate growth of the country and society might be accomplished. Similarly, in countries like Malaysia, it is undeniable that the Zakat fund has made a significant contribution to the overall growth of the community (Saad 2019). However, Zakat compliance is still a concern in many Islamic nations, particularly in Malaysia, where it is reported that poor collection among Muslim entrepreneurs who are eligible to pay Zakat on company profits but fail to do so (Saad & Haniffa, 2014).

In some cases, this obligation is not given attention compared to the responsibility to pay income zakat. This is due to the lack of knowledge among traders about the responsibilities of paying business zakat. Exposure in the mass media is more focused in the aspect of encouraging individuals to comply with the tax payments (Saad, 2010).

The distribution of business zakat funds can improve the economy of the ummah and the purchasing power of the community. The benefits about zakat distribution need to be disclosed so that the community can know in more detail about the benefits obtained by zakat recipients. Therefore, the community's understanding of matters related to the pillars of zakat must be disseminated more widely. This can increase the sensitivity among Muslim businessmen to always be compliant in carrying out the responsibility of paying business zakat. At the same time, the contribution of zakat to the poor category of *asnaf* is expected to reduce the problem of poverty in the community (Saleh Mohamad, 2021).

Compliance in implementing business zakat payments among traders is seen as a very challenging issue. This is because the collection of zakat depends on the awareness and traders in fulfilling that responsibility. If the level of awareness is high among Muslim traders, the amount of collection and compliance with the payment of business zakat will increase. However, if the level of awareness among the traders involved is relatively low, the level of zakat collection also becomes relatively low. Therefore, campaigns and awareness need to be mobilized more aggressively by the authorities to encourage more obedient Muslim traders in paying business zakat (Mohamad Ishak Mohamad Ibrahim et. Al., 2016).

Nevertheless, issues and challenges in business zakat still need to be well refined. This is important to increase public awareness, compliance and knowledge about the contribution of business zakat in the economic development of the ummah (Tajuddin et al., 2015). Therefore, the objective of this study aims to gain a deeper perspective in reality on the issues and challenges faced by Muslim traders in meeting the obligation of business zakat.

LITERATURE REVIEW

Zakat is an element of Islamic social development that can provide economic stimulation in an integrated manner to improve the quality of life of Muslims. Zakat gives great meaning in the Islamic economic system, especially to strengthen socio-political and economic institutions among Muslims. (Othman, Y., Yusuff, M., Sauf, M.S., & Hafsha, S., 2017).

The implementation of zakat in business by Muslim entrepreneurs is a responsibility that must be fulfilled apart from paying taxes set by the government. The payment of zakat is the effect of the hard earned proceeds of development and performance in the business. The business must be halal and Shariah compliant and grow to help the economic development of the ummah. The business is not only for the benefit of the Muslim community but also for the well-being of the entire ummah. It is hoped that the payment of business zakat can also help the government in implementing the development of the ummah in a better ways and integrated manner (Noor et al., 2017).

Zakat in business can be used in modern public finance to reduce poverty in society. In addition, zakat in business can help the government reduce operating costs for administrative purposes, salary payment, provision of housing for the homeless, food, clothing and schooling. Therefore, knowledge on the importance of business zakat payment by Muslim traders is very important to help the *asnaf* who should receive the zakat assistance. The main challenge in this regard is to disseminate information to Muslim traders about the importance and benefits obtained by zakat recipients as a result of zakat payments made by Muslim traders (Islamic Relief Worldwide, 2020).

Zakat in business is one of the methods of purification of property and soul among zakat payers. Therefore, the distribution of business zakat in business can directly increase the purchasing power of the *asnaf* to buy necessities and can directly guarantee the economic prosperity of the recipients involved. Business zakat can also help the *asnaf* who carry out entrepreneurial activities to increase working capital, purchase business equipment, increase the source of capital flow to manage the business well. However, efforts and campaigns to encourage more Muslim entrepreneurs to contribute to the payment of business zakat is an agenda that needs to be strengthened from time to time (Saleh Mohamad, 2021).

METHODOLOGY

The qualitative method is used in this study. One advantage of qualitative approaches in exploratory research is that they allow participants to react in their own words rather than being forced to choose from predetermined responses, as quantitative methods do (John D. Anderson, 2006). The focus of this research is on Muslim entrepreneurs in Kelantan. The study was carried out in the Kota Bharu, Kelantan area. The data for the qualitative study came from a semi-structured interview. This study's sample size is made up of five Muslim informants who are active in the activities of entrepreneurs in Kelantan. This study chose five informants based on Dworkin's (2012) recommendation that the sample size for qualitative research should be between 5 and 50 people.

ISSUES AND CHALLENGES

Although the zakat administration has seen many improvements in terms of infrastructure, human capital, delivery system, and governance transparency, there are still issues that need to be addressed to ensure that the zakat administration is on track to eradicate poverty and raise people's living standards nationally and internationally. Several challenges must be solved in order to empower Malaysian zakat institutions.

Nowadays, most of entrepreneurs prefer to pay taxes rather than zakat because they have been adapted with this. This is mostly due to the Malaysia legislation restriction that strictly ordered those business or corporation which fails to pay taxes to be punished but this does not apply to businesses or firms who fail to pay zakat as they would face no legal consequences (Rahman et al., 2019). According to Islamic rules and regulations, giving zakat in business is a compulsory for those Muslim entrepreneurs, especially for those who have met the conditions.

It is very clear that they have no exemption for Muslims to pay Zakat due to Zakat is one of Islam's five pillars, and it is obligatory for all Muslims to practice.

Furthermore, zakat awareness is required in the workplace because the institutions must understand why they are required to pay the zakat. Indirectly, encouragement from the third parties can influence the Muslim entrepreneurs to pay zakat and at the same time can measure the level of their knowledge about the obligatory of zakat payment in Islam. The most priorities goals of zakat are to alleviate hunger, protect the needy and weak and surely balancing the country's socioeconomic situation (Sulaiman, Rahman, & Mat, 2019). That are the reason it is critically to raise zakat awareness among the Muslim entrepreneurs. Additionally, zakat is one of the obligatory tools used to cleanse a Muslim's wealth while also teaching Muslims how to live a humble life and gain the blessing from Allah S.W.T (Sulaiman et al., 2019).

Saad (2019) mentioned, it is necessary to have understanding of Zakat on business in order to pay Zakat. It was assumed that the more entrepreneurs understand about Zakat, the more tendency they will pay Zakat. However, some scholars said, the entrepreneurs' knowledge about Zakat was low, especially on Zakat assessment (Saad, 2019). This position reflects that the current mechanism for educating entrepreneurs about business Zakat is ineffective. Therefore, it is the responsibility of the institutions to organize a more effective Zakat educational program for the community on a continuous basis. For example, the workshops on Zakat assessment should be held on a regular basis so that entrepreneurs are introduced to business Zakat.

Besides that, zakat funds that are professionally managed by particular institutions could make a difference and extends the benefits. Developing a competent structure of zakat collection and distribution will overcome the weaknesses of management and mishandlings such as overspending, manipulations in management cost and double payments from different institutions. On the other hand, since zakat is a public fund associated with the religion beliefs, it needs to be spent in right ways and should have the transparency in order to raise public confidence. The national government's anti-corruption agencies have the authority to audit any religious council's records and financial accounts at any time. Zakat institutions also must launch online access to zakat money collected and disbursed in order to build the trust among the public. This allows people to keep track of and supervise the zakat collection and distribution procedure. Additionally, there are also annual reports that explained in details the process and show where and how the zakat was spent.

Zakat money collections can sometimes result in a significant reduction in the population of a given area. The population and payer ratios are inconsistent. When the general people is unaware of their need to pay zakat, there is a major problem. The way of zakat collection should be improved, as usually do like pay at the mosque, at the counter open in public area and also at zakat counter and the new approach should be initiated in order to enhance the public awareness about zakat. Azman et.al. (2012) said that the technique of collecting zakat should be changed from waiting at the counter to more proactive methods such as promoting, briefing, and educating all Muslims in the public and private sectors. A new

strategy, such as automatic deduction from monthly salaries, will assist the zakat institution in collecting the zakat with the least amount of work

CONCLUSION

In a nutshell, the findings of this study can be used by a variety of parties to increase voluntary Zakat payment and enhance Zakat compliance that consequently increase the Zakat collection. All Muslims, not just in Malaysia but all throughout the world, are required to pay zakat. Paying zakat is part of Muslim responsibilities, as it is stated in many chapters in the Quran and it is used to assist the eight beneficiaries in their daily lives. Paying zakat is also a way to purify one's richness and receive blessings from Allah S.W.T.

Any attempt to be taken should stress on the level of knowledge of entrepreneur's owners and their self-efficacy. Furthermore, aspects of the interaction between amil and the business owners also need to be among areas for consideration in formulating policies on business income Zakat compliance behaviour. If these aspects can be addressed and strengthened, the willingness to pay Zakat as well as its collection could be improved with more significant beneficial consequences.

Zakat is a strategy used by Islam to eradicate poverty in Muslim community and to promote socioeconomic stability. State Islamic Religion Councils (SIRCs) are approved bodies in Malaysia that manages zakat and works independently of the state to guarantee that zakat administration and management is more efficient and effective. The zakat institution also plays a vital role in collecting zakat and subsequently distributing it to the poor and needy. There has been a lot of improvement in terms of efficiency and effectiveness since the corporatization of zakat institutions in the 1990s, but it is not a comfortable zone for zakat institutions, as there are a lot of issues raised where the distribution of zakat and misled of zakat fund has been argued for so long. This type of issue creates a bad reputation toward zakat institutions. Zakat institutions have progressed significantly and undoubtedly has aided them in terms of efficiency and effectiveness. They must be aware of some concerns that may arise in the future. Hence, the zakat institutions should work together with media and perform the role effectively in developing the awareness and improving knowledge on zakat. This is to make sure that no qualified Muslim entrepreneurs end up with not paying zakat.

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THE ROLE OF ZAKAT IN POVERTY REDUCTION AMONG CONTEMPORARY HOUSEHOLDS IN GOMBE METROPOLIS, GOMBE STATE NIGERIA

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Abstract

Zakat (Alms giving) serve as one of the most important form of contribution and assistance to fellows in Islam. The biggest foundational principle of Islam is Rahman (mercy) to all mankind. It is upon this principle that Islam incorporates different programs that will make life comfortable for all mankind. These kinds of programs include Zakat collection and distribution, which is well known and available as well as practicable in almost all Muslim communities where Nigerian communities are not excluded. The Zakat as an Islamic financial principle was use in almost all Muslim communities such as Gombe Town and nearby communities, which is ideally serve as a means of poverty alleviation, bridging the socio-economic gap between rich and poor, empowerment of general masses especially the women and youths. Among its special features is that, it is a permanent and irrevocable while its benefits also go from one person to another and from one generation to another. Charity, in this respect, may be in cash or currency, farm produce, animals, etc. It is shared as ordained by Allah and be giving to individuals, building of educational centers, hospitals, paying medical bills, paying debt bills, public facilities and residential houses in our modern time. The research examined the definition, significance, conditions of validity and administration of Zakat in Islam.

Methodology Approach: *The present study explores the possibility of Zakat as an Islamic financial principle to be uses as a relevant tool for poverty reduction on poor individuals more especially the Households in Gombe Metropolis. The qualitative approach which include review of related literatures and interview with relevant persons have been adopted in the study.*

Findings: *The findings of the study reveal that Zakat as an Islamic financial principle or model have immense potential to fight any kind of disaster being it personal or collective one in respect of location, era, people or religion. Zakat if properly collected, well managed and accurately distributed can help to fight the menace of poverty and reduce it to the minimal point more especially the Households in the study area. The study also revealed that Zakat as an Islamic financial principle if properly maintain can bring a positive change, meaningful development and transformation in helping the poor and the needy (Household in particular) in Gombe metropolis as well as many Muslim communities.*

Practical Implications: *To be used as an effective way to support poor individuals more especially the Households during the hardship time in Gombe Metropolis, Gombe state, Nigeria.*

Originality: *To my knowledge, there is no study on the role of Zakat in Poverty reduction among Contemporary Households in Gombe Metropolis, Gombe state Nigeria. The study will contribute massively to the existing literatures and will help the government, religious organizations and civil societies in fighting the menace of poverty and its mode of reduction on poor individuals more especially the Households in Gombe metropolis, Gombe state, Nigeria.*

Keywords: *Alleviation, Contemporary, Gombe, Household, Poverty reduction, Nigeria, Zakat.*

INTRODUCTION

Among the key objectives of Zakat in Islam is to alleviate and lessen the rate of poverty in any society, and provide the basic needs of poor Muslims more especially the households in order to enable them to be financially independent for catering their daily needs. In Islam, all charitable activities are considered worshipful engagements that will be rewarded by Almighty Allah. Zakat in the form of Cash or farm produce considered as very influential principle if it could be utilized effectively especially for the purpose of immediate responding to the challenges faced by needy people, less-privileged or under-represented households in the society who are in dire need of assistance.

However, despite their significant percentage in the country at large and Gombe metropolis in particular, there is a little comprehensive research concerning their status and how they can be helped out from their critical condition (Paden, 2020). Since the emergence of the civilization to date, poverty has been looked as the biggest challenge and threat not only on individuals but on the general public and communities, and now looks as a worldwide rapid spread problem (Adam, 2020). Poverty and ignorance considered as biggest threat to human development and it considered as a horrible situation when people are deprived from access to social, health and educational facilities that make a difference between accurately living and merely living (Mubarak, 2021).

METHODOLOGY

The present study explores the possibility of Zakat as an Islamic financial principle to be used as a relevant tool for poverty reduction on poor individuals more especially the Households in Gombe Metropolis. It provides the solution to the identified problem by proposing an Islamic Model of collecting Zakat and its proper distribution. The qualitative approach which includes review of related literatures and interview with relevant persons have been adopted in the study.

Islamic Concept Of Poverty

Really, as claimed by many researchers, it is very difficult to have a precise definition of poverty. But it is believed that poverty is a huge, complex and confusing term, while some scholars view poverty as scantiness of food, being underpaid for a given job, not having access or connection with food, cloth and shelter (Matthews, 1986).

Khan, (2015), adopted the definition of poverty as “a condition characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. Bradley, & Putnick, (2012) looks poverty as a condition of having no or less access to food, hygienic water for general purpose, quality education, and relevant health facilities, good and safe means of transportation and information and technological facilities.

Poverty is a complex term that scholars were never unanimous on its definition. However, poverty is commonly believed to exist when people lack the means to satisfy their basic needs (Rao and Sanyal, 2010; Ravallion, 2016). Khan, (2015) quoted that the UNDP (in its report 2000), defines poverty in these dimensions: “deprivation of a long and healthy life, knowledge, a decent standard of living and social exclusion”. Khan, (2015) reported that World Bank in its Report “Poverty and Vulnerability in South Asia,” (2002) defined poverty as: being associated with “deprivation and health, education, food, knowledge, influence over one’s environment and other things that make a difference between truly living and merely living”. However, the most important and tangible dimensions of poverty in our contemporary time are:

1. Hunger or Nutrition (Shortage of food leading to ill-health).
2. Ill Health (in-adequate levels of health due to less food, lack of medicine and sanitation for both body and environment).
3. Lack of Education (literacy, knowledge) or scarcity of education opportunities.
4. Lack of Shelter, Clothing and Empowerment possibly for youth and women.
5. Lack of Economic opportunities, Economic resources and Lack of long term and short-term Income.
6. Non availability of pure and clean Water (for drinking, washing, sanitation and irrigation).
7. Deficient social relations, poor social and cultural life.

Therefore, in our view, poverty means hunger or shortage of food, lack of shelter and clothing and not being able to receive education and proper medical treatment. In other words, Poverty comprises lack of income, lack of productive assets, lack of education and quality entertainment, lack of health facilities, inadequate housing or necessary housing facilities, safe living environment, and poor social and cultural life. Islamic financial principle of Zakat has played a positive supportive and remedial role in the reduction and alleviation of poverty among households in Gombe metropolis.

Islamic Concept of Zakat

The word is derived from the Arabic verbal root meaning “to increase” “to purify” and to bless. It literally means purification or sanitation, while technically it means alms giving or charity, and it means by giving it our possessions are purified when we give a proportion for those in need and this act of giving balances and encourages new growth in our economy (Lawal, & Ajayi, 2019). Zakat is an Islamic finance term referring to the obligation that an individual has to donate a certain proportion of his wealth each year to charitable causes as ordained by Allahu (S.W.T.)

Zakat is a religious obligation ordering all Muslims who meet the necessary criteria to donate certain portion of his wealth in due time to an identified person, it is based on income and value of possessions (Lawal, & Ajayi, 2019). Therefore, the basic purpose of zakat is to maintain economic balance in society so that circulation of wealth continues from rich to poor and never stay in one hand. In this way we can overcome poverty and other social evils in our society.

Level of Poverty In Gombe Metropolis

The principles and customs of Islamic charity in general and zakat in particular has been and continues to be a crucial element in dealing with global humanitarian needs and poverty reduction principles. People in the Islamic world have been extremely generous despite the poor economic conditions in many countries in the Islamic world (Lawal, & Ajayi, 2019).

The World Bank (2000) refers poverty lack of food and shelter, being sick and not being able to see a medical doctor, not having access to formal or informal school and not knowing how to read or write, not having a job, fearing the future, and living one day at a time. All these are nearly to be happen in almost all parts of Gombe state more especially poor people who are living in typical rural areas.

Educational and economic statistic shows that, the majority of Nigerian poor individuals who mostly living in rural areas in Northern Nigeria and particularly Gombe town fit this description. According to Abdullahi (2019) zakat financial principle if maintain and properly harnessed have the potential to boost Nigeria’s infrastructure and develop its economy manually and digitally. Nigeria at large and Gombe metropolis in particular also has the repeated factor of poverty that has stayed since the inception of the state, this repeated factor would bring in more death and misery to those barely surviving communities.

The effects of colonization, lack of technology, industry, knowledge, ineffective leadership and poor governance, bribery and corruption, lack of vision and foresight have been a major cause of sustained poverty in Gombe state at large and Gombe metropolis in particular where about 60% poor individuals live daily on less than 600-naira equivalent to less \$1.50 (Yusuf, 2021).

According to Barakatu (2021) the high population of poor households in our state lives in rural areas, who are mainly earning from agriculture, they are living in areas with high agricultural opportunities where they still have many conditions of malnutrition, illiteracy, diseases, dirty environments, high infant mortality, and low life expectancy which now gradually resulted current problem of poor compliance of the food security measures.

Total lock down during Covid-19 pandemic trials, closing of shops by food vendors, borders closure by neighboring states, having no access to regular farming, individuals being asked to stay at home leaving public buying and selling and their business activities nearly to be close, gatherings are restricted, all these and its similar leads to un prepared hardships that create a big problem that affect mostly poor households who are left in critical condition of poverty in Gombe metropolis (Musa, 2021).

Different reasons have been attributed to the worseness of economic situation in Nigeria by its citizens and people abroad. For example, Chief Olusegun Obasanjo, the former President of Federal Republic of Nigeria, “attributed this downturn in the nation's fortune to ineffective economic policies that pursue a high growth rate in statistical terms but failed to alleviate scarcity of livelihood needs facing large number of Nigerians” (Zakariyah, Zakariyah, & Nor, 2021). According to available economic statistics, Nigeria at large and Gombe state in particular as a matter of fact, cannot be considered among poor country or state worldwide when we compare its GDP growth rate with other countries or states. In view of the above, we can conclude that one of the major challenges of non-reduction of poverty among households in Gombe metropolis is the absence of effective financial and food stability.

Zakat As A Financing Tool For Poverty Reduction Among Households In Gombe Metropolis

Zakat is one among the five pillars of Islam which literally means all the Muslims who possess the prescribed wealth for zakat and fulfill all its pre-requisites are to give out the prescribed share from their wealth at a designated time and distributed it to the poor, needy, destitute and others. Zakat is a compulsory charity tool and Islamic finance that can be used for various purposes, mainly for reducing poverty from Muslim communities. The glorious Qur'an has mentioned at least eight application of Zakat, but there is a general consensus between past and contemporary scholars that the most important application of Zakat can be for the eradication of poverty by paying it to the needy and poor individuals (Mohsin, 2020).

Zakat serve as an important aspect of Islam as Allah has mentioned more than 30 times in Holy Qur'an about Zakat. It is considered as the fourth pillars of Islam. It's a word that is associated with salat in many Qur'anic verses. Allah (S.W.T) and his messenger (P.B.U.H) has

enjoined upon us to give zakat out of our wealth and it seems to have a very specific purpose and remains obligatory to the community and any avoidance of it can attract a very strong penalty.

For example, where Allah says:

“...I am with those who prays to Allah, pays Zakat and believe in my messenger. Allah further says in the same Surah that; I will honor and assist them and lend a good loan to Allah and I will erase their sins and take them to the Jannah (paradise) where there are gardens and rivers flowing. If any of you disbelieved, it means he has gone away from the straight path...”

(Surah Al-Maida, Verse 12)

Islam give a special concern on brotherhood and consider it as a major part of human development and peaceful agent of good understanding between the Ummah, it serves as a special care and love to fellow individuals, Muslims are strongly urged to take care of the needy and the poor in their communities. It was discovered that through the institution of Zakat poverty was reduce or even eliminated completely during the reign of Umar bin ‘Abdul-‘Aziz. This means that Islam shows concern into the life of its citizens and extends adequate, possible and practical solutions to their daily problems through Zakat and other Islamic financial principles to address the individual issues in the society (Mohammed, 2007). The recipient of zakat is clearly stated in the holy Qur’an (9:60).

“...The alms are only for the poor and the needy, for those who collects them, for whose heart are to be reconciled, for the freedom of those who are captives and in debt, for the cause of Allah (S.W.T) and for the wayfarers...”

In addition, those people that are forbidden to receive zakat are the unbelievers and atheist, Banu Hashim Father, Sons and the wife (Lawal, & Ajayi, 2019). As mentioned in the Qur’an, there are eight applications of Zakat mentioned in Holy Quran and five of those applications are related to the poverty alleviation or reduction. The basic teachings of Islam is to help the poor people more especially the households who are taking care of many members of their families and other liabilities, this will guaranteed two benefits to the wealthy or rich people as it will purify their wealth and hearts from greed as promised by Allah and it will also contribute in the economic growth of the country (Ismail, & Possumah, 2013).

Keeping all other objectives of paying Zakat, the most important of them is to help the poor and the needy to attain the minimum standard of life more especially the households (Amuda & Embi, 2013). Islamic social finance principle can be referring to the provision of financial services to the poor members more especially the households in the society to achieve the stated socio-economic welfare and to serve as platform for empowerment and disbursing wealth and income to the vulnerable in the society (Lawal, & Ajayi, 2019).

Furthermore, possibly the principle of Zakat plays vibrant important role not only in the economy, but also on the moral and social well-being of a community. For example, morally it promotes sharing of wealth between rich and poor and it eliminates greediness, while socially; it helps in reducing poverty within the community more especially in the case of vulnerable households where wealth is widely distributed to all people concern in the society and this undoubtedly, encourages healthier economic environment and create harmony and brotherhood. (Goodhand, 2001).

With the presence of financial hardship and food price inflation across the world with reference to Nigeria at large and Gombe metropolis in particular, the poor households who are mostly daily wage earners are in urgent need of necessary assistance ranging from food stuffs, clean water, medical assistance and money for clearing medical and rent bills, the people who are eligible to pay Zakat and also the Zakat collection centers can use this money and related relief materials to help the poor households and needy during this difficult time of high inflation mostly the necessary living materials to fund their SMEs or to collaborate with them for improving business skills and proper trainings (Cizakca, 2004).

Proper collection and distribution of Zakat is a very important agent of eradicating poverty among individuals, it helped in lessen the burden of tax and budget deficits from the government side, it promotes the public good relationship and possibly address inequality and reduce poverty (Aliyu, 2018). The central objective of almost all Islamic finance principles is to achieve social justice, eradication or reduction of poverty among individuals and overall welfare of the society. Islamic finance principles are based on the objective of helping the last man standing in the line (Mohieldin, M., Iqbal, Z., Rostom, A., & Fu, X. (2015).

Gombe Taskforce Committee On Zakat And Waqf

The zakat committee was set by the council of shurah and were giving a term of reference based on its statutory assignment, the committee is set to achieve the following objectives:

1. Overall collection, management and distribution of zakat and waqf.
2. Charity activities in areas of assistance to the needy, by settling medical bills, rent bills, debt bills, provision of shelter and provision of health services more especially to the vulnerable households.
3. Training of youths and women on different skills for the purpose of reducing poverty among households.
4. Rehabilitating psychiatric patients, drug addicts and assisting victims of disasters.
5. Provision of basic needs to the needy on special occasions; and educating new converts to Islam.
6. Provision of welfare packages and training of orphans and the disabled to make them self-reliant.
7. Da'awah and public enlightenment activities on the significance of zakat and waqf in Islam; and Investment of some funds in profitable businesses for income generation.

However, the committee in its 2020 annual report and presentation highlighted that due to the high rate of inflation on food stuffs and medical bills, the majority of this year's work concentrate mostly on welfare of households and clearance of medical and debt bills just to reduce the menace of poverty among people of Gombe metropolis.

FINDINGS AND DISCUSSIONS

According to the above investigations and presentations in this study, the discussions revealed that Islamic finance principles in general and Zakat in particular have the ability to counter the threats and effects arisen in the communities because of the current financial crisis and critical situations people are living in today in Gombe state Nigeria. Zakat as the financial principle can be consider as a valuable solution in this kind of situation of high inflation era. Zakat is one of the key pillars of Islamic financial principles and it is obligatory for every Muslim to pay Zakat when he was due to do so base on Islamic regulations. The well implementation of this particular concept of Islamic finance principle with current advance technology using artificial intelligence in terms of collecting the names of the proposed beneficiaries and documenting them for future records across the affected communities will burst and give additional courage to others.

The provision of social welfare services to vulnerable citizens in the community more especially the households is the most proven way to protect them from economic hardship as in this time, and the lack of such welfare services for vulnerable people, households and poor individuals in Nigeria at large and Gombe metropolis for example caused sparks of pains and worsen their economic hardship. The implication of poverty reduction in our localities is that social welfare is not giving priority by policy makers. As a result of the above observation the researcher recommends that the use of Islamic finance principles more especially Zakat and voluntary sadaqah can tremendously contribute in the cutting the menace of poverty effects on poor individuals more especially the households in Gombe metropolis.

DISCUSSION

Nigeria, like other developed and developing countries in the world, has responded to the challenges of high inflation specifically the foodstuffs. Firstly, the government tried to main policy of food security. Secondly, different technical strategies are put forward to provide concrete relief of poverty for the people more especially the households in the country at large and Gombe metropolis in particular. Thus, with the inception of both socio and economic challenges in almost all parts of the country, Poverty pervaded the whole nation. Some people today mostly households in rural areas ended un able to farm due to the scarcity of fertile land and enough fertilizer, un able to rear animals, denied access to school and medical trips as well as non-participation in businesses.

The current situation needs to be reviewed by the three arms of government and relevant zakat institutions to considering the number of households living from hand to mouth mostly in rural areas to provide a special palliatives and financial assistance to them in due time. Based

on this, it clearly shows that there is a need for an alternative intervention program for such occurrence and to reduce the rate of poverty.

From a historical and practical situation in different communities, the zakat institution has been used to solve poverty and other socio-economic problems. It has been used to calm and urgent situation to upgrade the economic condition of people mostly households in rural areas. Based on the situation in Nigeria at large and Gombe metropolis in particular, there is a need for reviving and modernizing a zakat institution that will serve as an intervention program, means of training youth and women and poverty reduction program to support the effort of the government to fight and reduce poverty among its citizens.

CONCLUSION

This research was conducted primarily carried out in order to alert the general public about the significant contributions of Zakat as an Islamic financial principle to the economic and socio-religious development of the Muslim Ummah mostly vulnerable households. Considering the current alarming rate of poverty and high inflation of goods in Nigeria and, particularly in Gombe metropolis where the research was conducted, proper collection, management and distribution of Zakat considered as the best solution to the poverty reduction among Ummah.

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CREDIT RISK ASSESSMENT OF MICROFINANCING AMONG ASNAF: CHALLENGES AND SOLUTIONS

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Abstract

Credit risk assessment is among the most important analysis in business financing. In banking system or operation credit risk assessment is very important as it become the first stage of screening process on the credit quality. The quality, effectiveness and efficiency of credit assessment will lead to a bank to get good credit customer and further will influence the quality of credit or financing portfolio of the bank. Thus, credit assessment process, procedure and method are not a new field of study in banking sector. All these studies emphasizing of credit assessment to ensure bank will get profit in credit or financing activities. Even, micro credit institution such as MARA, TEKUN and Amanah Ikhtiar Malaysia (AIM) provide financing to existing business and entrepreneur. There is no financing product to asnaf except the product offer by zakat institution. However, in social financing such microfinancing to asnaf main objective of financing is not to get the profit but to help the asnaf exit from poverty. Thus, credit assessment for asnaf important to ensure the achievement of this objective. Therefore, the study is conducted to get information on current credit assessment implemented by banking institutions and micro credit institutions for microfinancing. The study also explore on how a good credit assessment can be implemented for asnaf business financing. For this purpose, the study tries to apply on how quantitative and qualitative credit assessment can be apply in credit risk assessment for asnaf financing. For that, the interviewed has been conducted with micro financing officer and zakat institution officer to get information regarding micro credit financing credit assessment and asnaf financing. Based on the interview, the study found that the credit assessment for asnaf financing is unique and therefore, as separate guideline and procedure should be developed to have an effective and efficient credit risk assessment for asnaf financing.

Keywords: *Credit risk assessment, Microfinancing, Asnaf financing*

INTRODUCTION

Credit risk is defined as a banks and borrowers potential that will fail to achieve its obligations (Shimko, 1999; Apostolic et.al, 2009). By maintaining exposure of credit risk, banks need to have credit risk management inherent in the entire credit portfolio as well as the risk in individual credits or transactions. A good managing credit risk is the crucial component of a comprehensive approach to risk management and its need to the long-term growth of financial industry (Donald & Ronald, 1996).

Credit risk management is important as risk management. The reason is credit risk management is in the heart of risk management. Besides that, unavoidable risk is depending on bank's activities which banks target to make profits and thus create value. Therefore, to achieve this aim, risk should be managed, and it cannot be avoided. If not, this may lead to negative effect for banks to attain their goals. According to Froot et al. (1993) and Rose (2001) on credit risk in commercial banks, it is from borrowers itself which it is unable to perform well in the contract and this may affect the bank as a lender holding the loan contract. Thus, bank may charge interest to the borrowers cause late in making payment.

To extent this further, according to Nelson and Schwedt (2006) credit risk analysis is previously limited to individual loans. As times goes around and banks goes to global, managing credit risk has transformed by reviewing loans and analyzing portfolio. This ease for banks to manage credit risk and banks may eliminate assets issues before they tend to losses.

All banking system face credit risks to some extent. Most important thing is banks itself to first understanding on management of credit risk as well. It is centers around the business because banks act as an intermediary. To extent this further, the key risk which influence more on banks performance is credit risk (Sinkey, 1992). Therefore, increasing in credit risk may lead to less capital adequacy and liquidity of banks. It is because both are important for banks because to cover up financial losses, banks will look for other financial resources. Besides that, unmanageable of bank's liquidity, it's hard for banks to achieve their customers demand and thus may lead to bankruptcy. Therefore, it is best to shows that credit risk is related to bank's value or return. When credit risk arises may lead to negative effect on returns and vice versa.

Zakat can be defined as growth and purification. According to Farishta (2003), the exact meaning of zakat is growth, where it is the growth in purity of the soul through honest action and dealings. The main objective of zakat is to achieve of socio-economic justice. Yusoff (2011) stated that zakat distribution can increase consumption since the marginal propensity to consume of the zakat payer is lower than the zakat recipient. Zakat management are the most critical aspect in determining the direction of zakat institutions to ensure the optimize of zakat funds (Mutiarah et al., 2013). Normally, management of zakat involve in two activities, which are collection and distribution (Oran, 2009). The effectiveness of zakat management is important to enable zakat funds help in improving the lives of the poor and needy (Mahyudin & Abdullah, 2011).

Zakat funds can be distributed to the needy recipients in the form of business capital. Most zakat institutions are currently organizing the program for business start-up using zakat funds.

However, if no monitoring takes place for the capital assistance, the program will end in failure (Abd Rahman et al., 2008). Rahman & Ahmad (2011) examined the factors that influence the success or failure of the business. The study found that, there are a few factors are significant in influencing the success of the business such as business period, monitoring, characteristic of business, efficiency of zakat management, and social skills. Therefore, risk management is important to ensure the success of the program. The aim of this study is to investigate the quantitative and qualitative credit assessment that can be applied in credit risk assessment for asnaf financing.

LITERATURE REVIEW

Banks uses credit tools to mitigate financial losses and evaluate a potential analysis by using five C's of credit and CAMPARI elements of credit. By adopting required information (Quantitative and qualitative), banks can assist the bad and potential creditors by screening process. Baiden (2011) discuss of the five C's of credit which includes of Credit, Character Capacity, Capital, Collateral and Conditions. Each represents different analysis. According to him, character presents the determination to achieve loan obligation of customers. It is investigated by conducting interviews towards habit of the customers in making payment. Besides, capital represents bank's net worth which it reserves a business has in the unforeseen problem. Capital adequacy is needed for a lender to evaluate the degree of obligation by stakeholders and thus reduces occurrence of moral hazard. On top of that, collateral helps in loan's security which it provides the banks to have another repayment sources if the main source of payment is not available. Baiden (2011) also discuss more on conditions which affect bank's quality in terms of credit. All these five C's is the tenets of lending activities as each bank have inter-related for the enhancement value of shareholders.

On top of that, Bessis (1998), Greuning and Bratanovic (2000), Saunders and Allen (2002) Basah et.al (2018) emphasized the importance of the expertise of banks' credit specialists, their subjective judgment and weighting of certain key factors in the decision to grant credit. The key factors usually considered in the credit evaluation process are known as the five Cs (Saunders & Allen, 2002) and Mohamad et al (2018). The credit officer analyses these five key factors, subjectively weights them, and then reaches a credit decision. The five Cs are: (1) character; (2) capital; (3) capacity; (4) collateral; and (5) condition and this study same as Baiden (2011). To sum up, following table 2.1 presents a brief explanation of each factor:

Table 1: Explanation of the Five Cs Elements

Factors	Explanations
Character	A measure of the reputation of the borrower, its willingness to repay, and its repayment history.
Capital	The equity contribution of owners and its ration to debt.

Capacity	The ability to repay, which reflects the volatility of the borrower's earnings.
Collateral	In the event of default, a banker has claims on the collateral pledged by the borrower.
Condition	The state of business cycle; an important element in determining credit risk exposure, especially for cycle dependent industries.

Source: Saunders & Allen, 2002; Baiden, 2011

On top of that, banks also use the CAMPARI (Character, Ability to pay, Margin of finance, Purpose, Amount, Repayment terms and Insurance) elements in evaluating the credit for business loan (Pirok, 1994; Brown & Moles, 2012). To sum up, following table 2.2 presents a brief explanation of each factor in CAMPARI elements:

Table 2: Explanation of the CAMPARI Elements

Factors	Explanations
Character	A measure of the character of the clients such the personality to show up positive attitude.
Ability to pay	The ability of clients to afford the repayments.
Margin of finance	The means and resources to run the business and how the business is doing by the clients.
Purpose	A measure of the purposes of the clients of applying the business loan.
Amount	Include of the amount that the clients need to borrow.
Repayment terms	Banks evaluate the repayment terms based on the ability of the clients present the documentation which relate to profit margins, other key financial information and cash flow forecast.
Insurance	In the case of if the borrower dies, the loan can be proceed by insurance.

Source: Pirok, 1994; Brown & Moles, 2012

As in the credit evaluation process, bank lending principles remain centered upon financial risk management that may affect the present value of their loan portfolio. In this study, credit risks were considered among the main factors for credit evaluation purposes along with the five Cs and CAMPARI elements as the study aimed to investigate how different types of banking system ascertained and evaluated credit risk in their financing decisions.

RESEARCH METHODOLOGY

Byman and Bell (2007) comprise method in research into two: Qualitative and quantitative method. Qualitative methods are concerns on behavior and the tool is form the interview as it is to understand the human behavior and the reasons towards the behavior. Besides, quantitative methods concern on the hypothesis testing which include the numeric data and collected data by using questionnaire.

Since the study is inductive, qualitative method is preferred to use because the study use the relationship between the research and theory and there is no measurement and hypothesis

testing will be done. It thus helps to answer the research questions by in-depth interviewing the authorities concerned with the area of study and then the outcomes from the interviews will be compared in terms of their interviews answer to the theory.

On top of that, the next phase is conducting face-to-face interview with the experts in credit risk management in pre-approval of commercial loan in banking system and officer in zakat institutions who are expert in the related area of study.

FINDINGS

In general, for credit financing the creditor should undertake both analyses. The first one is qualitative and quantitative risk assessment. Quantitative risk assessment usually based on the previous financial track records of the business. In this case, it is impossible to be implemented as asnaf has no proper busines and therefore no financial track records. It is advisable to the microfinancing institutions to be more thorough in qualitative risk assessment.

Quantitative Risk Assessment

Quantitative analysis is also important to justify amount of financing to the customer. It can be derived from working capital management/cycle analysis and long-term financing needs (for fixed assets) requirement. Since there is no financial report that can be presented thus the quantitative assessment need to be done by interview. For these purposes, the staff of YKA must get certain information to identify the financing need of the business.

Among the information that must be required are sales estimation, cost estimation, general expenses, administrative expenses, gross profit, and net profit. If the business is the new business, all the information must base on projection. With all the information the officer must come out with own calculation to do sales projection to identify the need of financing of the business. This is very important for short term financing especially for working capital requirement. For fixed asset requirement the information can be investigate through the interview. For better purpose of monitoring and repayment, it is advisable the financing is given as term financing by monitoring through monthly repayment for the period of 1 year, 3 years or 5 years.

Qualitative Risk Assessment

Character

Character the most important risk to measure as this measure the willingness of the borrower to pay back the loan/financing. Usually based monitor based on previous track record of the conduct of facility. Example history of payment. Age, marital status, and education background also can be a good indicator for character. What is customers doing for life also will a good information to assess the character of the customer. Business referral especially from customer, supplier and existing banker are among good information to assess the character of customers. Business is new and there are no track records. Through how long has been in the business. The feedback from the existing customers and suppliers. How was the conduct of

the business. Interview with Ketua Kampung, Imam Masjid and the neighbor of the Asnaf. Report from the Lembaga Zakat is one of the good information. This also need experience and intuition of the credit officer to assess the character of the Asnaf.

Commitment

In term of business financing commitment will be measure as how much capital contributed for the business. The customer needs to show some proportion of capital contribution. Some commitments and trade-off between customer financing and creditor financing. That is why, certain creditor on finance the business up to certain ratio such as 90% of the financing need. Another 10% must come from the borrower as part of their commitment. Commitment also can be measured as the business as the main source of customer income for living. It is not as a part time job or second way to generate income. How long have been in the business also can be referred as the good commitment of the customers towards the business. No commitment can be provided in term of capital. The commitment can be assessing through, how long has been in the business and business as the main source of income.

Capacity

Capacity refers to the capacity of the customers to pay back the financing. It is also referring to the capacity to the customers to apply for the financing (legal capacity). The officer needs to justify the repayment amount (monthly) and term of financing. To prepare cash flow projection to identify the repayment capacity. Again, to justify the capacity of repayment need high engagement of Zakat credit officer the Asnaf.

Condition

Condition refers to the micro and macro variables. Macro variables assess the economic and industry condition. The future prospect and competition. Micro condition refers to the business itself. Internal issues of the business. Relationship with the supplier and customers. Future prospect of the busines. Type of busines (sole-prop, partnership or private limited). Locality and area where the business is operated also among the consideration for this condition. This further require high understanding of officer to identify the risk, prospect dan future of the business.

Collateral

Refer to the second way out. Usually refer to any charges that can be offered by the customer whether floating or fixed. Example: land, cash, stock, or share. No collateral that can be offered by Asnaf. Through the interviewed many respondents suggested to the officer to knowledgeable and experience for microfinancing to asnaf. Continuous support must also give to the asnaf to equip them with knowledge and related skill to ensure the successful of the business.

CONCLUSION AND RECOMMENDATION

Based on the study, microfinancing to the asnaf is different with other types of microfinancing. The main differences are the objective of financing. If other microfinancing may seek for profitable business but asnaf financing is to increase household income of asnaf and to elevate poverty among asnaf. Thus, to credit assessment for the microfinancing also different with normal microfinancing procedure. It was found that are few credits risk assessment that can be implemented such as quantitative measure as there is no record on financial statement. For qualitative measure two elements is not related such as collateral and commitment. The assessment of character, condition and capacity need full involvement and intuition of credit officer. Here, the experience, skills and knowledge of credit officer are very important. It is advisable for future study to be implemented to develop a good credit assessment process for microcredit financing to ansaf. This is very important to ensure the success of financing offered by zakat institutions or any nonprofit organizations (NGOs).

ACKNOWLEDGEMENTS

Financial support of this study was provided by a grant from Al-Bukhary International University and University Islam Malaysia under the grant No:USIM/AIU/FEM/40620.

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**PERANAN INSTITUSI ZAKAT DALAM MEMPERKASAKAN
USAHAWAN ASNAF SECARA INKLUSIF KETIKA PANDEMIK
COVID-19: KAJIAN DI MAJLIS AGAMA ISLAM DAN ‘ADAT
MELAYU PERAK**

*(The Role of Zakat Institutions In Empowering Asnaf Entrepreneurs
Inclusively During The Covid-19 Pandemic: A Study In Majlis Agama Islam
and ‘Adat Melayu Perak)*

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Abstrak

Institusi zakat bertindak sebagai pusat pungutan zakat dan pengantara pengagihan kutipan zakat kepada golongan asnaf. Kecekapan institusi zakat dalam mengagihkan bantuan turut menyediakan peluang kemahiran kepada golongan asnaf dalam membantu mengurangkan jumlah kumpulan asnaf sedia ada. Segala kemudahan bantuan kepada golongan asnaf ini secara tidak langsung memberi kesedaran kepada masyarakat yang beragama Islam dalam golongan berkemampuan untuk menunaikan zakat. Pelbagai kemudahan teknologi mudah akses dalam berzakat tersedia biarpun Perintah Kawalan Pergerakan (PKP) diumumkan oleh Yang Amat Berhormat Perdana Menteri Malaysia Tan Sri Dato’ Haji Muhyiddin Yassin pada 18 Mac 2020. PKP yang terlaksana ekoran pandemik COVID-19 telah menjejaskan sektor ekonomi negara terutamanya kepada peniaga kecil-kecilan dan Industri Kecil Sederhana (IKS). Impak besar ini turut melemahkan sistem ekonomi negara dan menyukarkan penjaan pendapatan bagi golongan asnaf yang tiada pendapatan secara tetap sebaliknya cuma mengharapkan sumber pendapatan secara harian. Kajian ini dijalankan bagi memperlihatkan tanggungjawab institusi zakat khususnya Majlis Agama Islam dan ‘Adat Melayu Perak (MAIPk) dalam membantu mengukuhkan kembali ekonomi kumpulan usahawan asnaf secara jangka panjang pasca COVID-19. Kajian ini juga akan meneliti agihan produktif yang dilaksanakan oleh MAIPk dalam keadaan negara yang masih terikat dengan Prosedur Operasi Standard (POS). Kajian ini dilakukan melalui pendekatan kualitatif secara temubual, data pemerhatian dan analisis dokumen berkaitan sebagai metod kajian kes. Skop kajian secara kaedah temubual dilaksanakan dalam kalangan mereka yang terlibat dengan institusi zakat antaranya pegawai institusi zakat dan golongan usahawan asnaf. Dapatan kajian ini akan dijadikan tanda aras kepada sesebuah institusi zakat dalam memperkasakan ekonomi golongan usahawan asnaf seterusnya menambahbaik bantuan sedia ada agar dapat membantu dalam pertumbuhan ekonomi yang inklusif secara jangka panjang pasca COVID-19.

Kata Kunci: Institusi Zakat, Usahawan Asnaf, Pandemik COVID-19, Agihan Produktif, MAIPk, Inklusif

Abstract

The zakat institution acts as a zakat collection center and an intermediary for the distribution of zakat collection to the asnaf. The efficiency of zakat institutions in distributing aid also provides skills opportunities to the asnaf group in helping to reduce the number of existing asnaf groups. All assistance facilities to the asnaf group indirectly give awareness to the Muslim community in the group that can afford to pay zakat. Various easily accessible technological facilities in zakat are available despite the Movement Control Order (PKP) announced by the Right Honorable Prime Minister of Malaysia Tan Sri Dato 'Haji Muhyiddin Yassin on 18 March 2020. PKP implemented following the COVID-19 pandemic has affected the country's economic sector, especially to small traders and Small and Medium Enterprises (SMEs). This huge impact also weakens the country's economic system and makes it difficult to generate income for the asnaf who do not have a regular income but instead only expect a source of income on a daily basis. This study was conducted to show the responsibility of zakat institutions, especially the Islamic Religious Council and 'Adat Melayu Perak' (MAIPk) in helping to strengthen the economy of the group of asnaf entrepreneurs in the long run after COVID-19. This study will also examine the productive distribution implemented by MAIPk in a country that is still bound by Standard Operating Procedures (POS). This study was conducted through a qualitative approach through interviews, observational data and analysis of related documents as a case study method. The scope of the study by interview method was conducted among those involved with zakat institutions, including zakat institution officers and asnaf entrepreneurs. The findings of this study will be used as a benchmark for a zakat institution in empowering the economy of asnaf entrepreneurs and then improve the existing assistance in order to help in the long-term inclusive economic growth after COVID-19.

Keywords: Zakat Institutions, Asnaf Entrepreneurs, COVID-19 Pandemic, Productive Distribution, MAIPk, Inclusive

PENDAHULUAN

Zakat daripada aspek bahasa bererti bersih, suci, subur, berkat dan berkembang. Manakala dari segi istilah, zakat bererti membersihkan harta dan mensucikan jiwa serta penyuburan pahala. Dari sudut syarak pula, zakat bermaksud mengeluarkan sebahagian harta tertentu dalam kadar tertentu, menepati syarat-syarat tertentu lalu diagihkan kepada golongan asnaf yang berhak menerima dengan syarat-syarat agihan dan rukun yang menepati syarak (Ku Nor Izah, Chek Derashid, Fathiyyah Abu Bakar, Norfaiezah Sawandi, Muhammad Syahir & Suhaimi Ishak, 2018). Zakat terbahagi kepada dua iaitu zakat fitrah dan zakat harta. Zakat fitrah adalah diwajibkan ke atas semua Muslim bermula dari awal Ramadan hingga sebelum solat sunat

Aidilfitri dilaksanakan. Zakat fitrah ditunaikan mengikut jumlah segantang makanan ruji iaitu beras bagi setiap Muslim termasuklah mereka yang berada di bawah tanggungannya pada setiap kali tibanya Ramadan. Zakat harta pula adalah jumlah harta yang dimiliki dan dikawal serta mempunyai nilai faedah yang boleh diambil daripadanya (Pusat Pungutan Zakat). Zakat kerap dinyatakan dalam al-Quran iaitu sebanyak 32 kali disebut secara bersendirian manakala sebanyak 26 kali disebut bersama dengan kewajipan menunaikan solat.

“...Dan dirikanlah kamu akan sembahyang serta keluarkanlah zakat dan taatlah kepada Rasul supaya kamu beroleh rahmat...”

(Surah An-Nur: Ayat 56)

Zakat adalah fardu ain yang disyariatkan ke atas pemilik harta yang beragama Islam sahaja. Individu yang bukan Islam tidak perlu menunaikan zakat kerana zakat adalah satu ibadah yang dilaksanakan oleh Muslim dalam menzahirkan ketaatan seorang hamba kepada Allah SWT. Syarat lain adalah seseorang itu perlu merdeka. Kebebasan individu daripada diperhambakan dan berkemampuan membuat keputusan sendiri tanpa dihalang. Biar pun zaman penghambaan telah lama berlalu dan tiada lagi isu penghambaan kini, namun syarat sah wajib zakat perlulah mereka yang merdeka. Syarat lain adalah pemilikan harta sempurna ke atas pembayar zakat. Seseorang itu perlulah memiliki bahagian harta yang perlu dizakatkan secara mutlak dan hak sepenuhnya tanpa perkongsian dengan mana-mana pihak lain. Pemilik harta haruslah mampu mengendalikan harta tersebut secara bebas di mana keuntungan atas pemilikan harta tersebut juga sepenuhnya ke atas beliau sahaja. Selain daripada tiga syarat wajib berzakat di atas, harta yang dimiliki perlulah cukup nisab sebelum ditentukan sama ada wajib atau tidak untuk dikeluarkan zakat. Nisab adalah kadar minimum pemilikan sesuatu harta yang dimiliki yang diwajibkan untuk ditunaikan zakat dan sandaran nisab adalah sebanyak 85gram emas semasa. Syarat kelima syarat wajib zakat adalah harta yang cukup haul dalam perkiraan Hijrah iaitu selama 354 hari (Laili Habibah Pasaribu, 2019). Tempoh pemilikan kekal harta zakat oleh seseorang untuk disyariatkan berzakat ke atasnya adalah selama tempoh satu tahun masihi selama 356 hari juga boleh digunapakai kerana uruf pada hari ini adalah penggunaan tahun masihi telah mengatasi tahun Hijrah (Pusat Pungutan Zakat). Selain dari lima syarat wajib zakat diatas, harta yang berkembang iaitu harta yang memberikan pulangan pendapatan kepada pemilik harta juga wajib dizakatkan. Pemilikan sesuatu harta yang boleh berkembang secara hakiki atau berpotensi untuk diusahakan mampu memberikan pulangan kepada pemilik harta hendaklah ditunaikan zakat agar tidak membawa kepada penyusutan harta.

Institusi Zakat Negeri Perak

Undang-undang berkaitan hal ehwal agama Islam yang terawal di negeri Perak ialah Undang-Undang Sembilan Puluh Sembilan. Undang-undang ini digunapakai hingga ke tahun 1900 kemudian dikuatkuasakan Undang-Undang Pentadbiran Perkahwinan Orang-Orang Islam Bab 197 Negeri-Negeri Melayu Bersekutu. Pada 10 Ogos 1947 di dalam sebuah pertemuan kalangan alim ulama di Marasah Iskandariah Kuala Kangsar, bekas speaker Dewan Undangan Negeri

(DUN) Perak iaitu Dato Seri Ali Zaini bin Haji Muhamad Zain telah mencadangkan penubuhan secara rasmi sebuah pusat agama sebagai pengurusan pentadbiran hal ehwal agama Islam di Negeri Perak. Cetusan idea ini dicapai pada 21 Januari 1948 apabila Duli Yang Maha Mulia Sultan Abdul Aziz Al-Mu'tasim Billah Shah Ibni Al-Marhum Raja Muda Musa bersama Pesuruhjaya Tinggi British, Sir Gerard Edward James Gent menandatangani Perjanjian Negeri Perak 1948 yang seterusnya membentuk Undang-Undang Kerajaan Tubuh Kerajaan Negeri Perak (Majlis Agama Islam dan 'Adat Melayu Perak). Matlamat penubuhan Majlis Agama Islam dan 'Adat Melayu Perak dijelaskan di bawah Fasal VI. (1) Bahagian Pertama undang-undang ini iaitu:

"...Kepala Ugama negeri ini ialah Yang Maha Mulia dan Yang Maha Mulia akan memerintah supaya diadakan Undang-undang untuk mengaturkan perkara-perkara ugama dan menubuhkan sebuah Majlis Ugama Islam dan 'adat Melayu bagi menolong dan menasihatkan Yang Maha Mulia berkenaan dengan perkara-perkara yang bersabit dengan Ugama Negeri ini dan 'adat Melayu..."

Majlis Agama Islam dan 'Adat Melayu Perak adalah sebuah badan berkanun kerajaan yang ditubuhkan secara rasmi pada 23 Oktober 1949 dan memulakan pentadbiran Balai Syara' dan Komiti Quran Perak di Kuala Kangsar. Segala undang-undang berkaitan pentadbiran agama Islam di bawah MAIPk dikuatkuasakan pada 1 Mei 1952 dan dipindahkan ke Ipoh di Pejabat Setiausaha Kerajaan Negeri buat sementara. Namun begitu, beberapa kali pindaan terhadap undang-undang dilaksanakan dalam memastikan pentadbiran tampak MAIPk lebih kemas dan relevan mengikut peredaran zaman. Sehingga pada tahun 2004, Enakmen Pentadbiran Agama Islam (Perak) (Enakmen Bil. 4 Tahun 2004) diwujudkan dalam menyelaraskan pentadbiran agama Islam negeri-negeri yang lain di Malaysia. Kini MAIPk terletak di Komplek Islam Darul Ridzuan dan memiliki visi untuk menjadi sebuah institusi Islam yang syumul dalam memacu kemajuan dan kesejahteraan ummah berdasarkan al-Quran dan as-sunnah.

Pandemik COVID-19

Novel Coronavirus 2019 atau pandemik COVID-19 adalah rantaian virus yang belum pernah diketahui statusnya. Pandemik ini telah menimbulkan ancaman global, bukan sahaja terhadap kesihatan malah turut meninggalkan kesan terhadap keadaan ekonomi dunia. COVID-19 mula tersebar di bandar Wuhan, China apabila satu wabak pneumonia yang tidak diketahui puncanya mula merebak di penghujung tahun 2019 (Sinar Harian, 2020). Virus ini mula dikesan di Malaysia di akhir Januari 2020 melalui kedatangan pelancong dari China ke Johor melalui Singapura. Wabak ini mudah merebak dari satu individu yang dijangkiti ke individu yang lain melalui titisan air di udara dari batuk atau bersin dan juga melalui sentuhan. Individu yang dijangkiti akan mengalami beberapa tahap jangkitan yang berbeza. Tahap pertama, individu yang dijangkiti tidak akan menunjukkan gejala sebaliknya kelihatan sihat seperti kebiasaannya. Jangkitan tahap kedua pula hanya menunjukkan simptom ringan dan tidak mengalami masalah pernafasan mahupun radang paru-paru. Beberapa gejala ringan yang akan dialami oleh pesakit

adalah suhu badan yang tinggi, batuk ringan dan sakit tekak. Jangkitan tahap ketiga kebiasaannya akan mengalami radang paru-paru namun masih terkawal. Jangkitan tahap keempat adalah agak serius dimana individu yang dijangkiti akan mengalami gejala yang jelas dan radang paru-paru yang dialami akan memerlukan bantuan sokongan oksigen. Pesakit di tahap ini akan mengalami sakit kepala, kehilangan deria rasa dan bau serta mengalami cirit-birit. Tahap kritikal pada jangkitan tahap kelima adalah mengalami gejala yang serius dan memerlukan rawatan intensif di Unit Rawatan Rapi (ICU) dan perlu diselia selalu (Astro Awani, 2020). Walaupun pandemik ini berisiko meragut nyawa mereka yang mengalami masalah kesihatan serius sebelum dijangkiti, beberapa langkah pencegahan boleh diambil serius. Kekalkan penjagaan kebersihan sentiasa seperti mencuci tangan dengan sabun secara kerap, tutup hidung dan mulut dengan tisu apabila bersin atau batuk dan buang tisu ke dalam tong sampah, elakkan ke tempat yang sesak, elakkan pergaulan secara dekat dengan mengamalkan penjarakan satu meter antara individu. Apabila mengalami gejala COVID-19, pastikan hadir ke pusat kesihatan berhampiran dan dapatkan rawatan segera atau berehat di rumah sahaja.

Pandemik COVID-19 yang menyerang dunia bukan sahaja menyebabkan kemerosotan kesihatan individu, malah wabak ini turut melemahkan sistem ekonomi dunia. Impak yang besar terasa dengan kemerosotan ekonomi Malaysia apabila PKP penggal pertama diperintahkan bermula 18 Mac 2020 hingga 31 Mac 2020 (Junhairi Alyasa, 2020). Banyak pihak yang terjejas dengan pengumuman PKP oleh kerajaan yang dilaksanakan serta-merta terutamanya kepada peniaga-peniaga dan pengusaha kecil. Kumpulan B40 adalah antara golongan yang paling terjejas sepanjang tempoh pelaksanaan PKP kerana majoriti mencari pendapatan secara harian dan tiada pendapatan sokongan secara bulanan seperti sesetengah kumpulan lain. Hal ini telah menimbulkan kegusaran kepada pihak kerajaan dalam memastikan golongan yang terjejas dapat dibantu segera dan semaksima mungkin. Institusi zakat mula ke hadapan membantu kerajaan untuk menghulurkan sokongan kewangan dan bekalan makanan kepada golongan Muslim yang terjejas kerana tanda-tanda bahawa tempoh PKP untuk berakhir bagi penggal pertama seakan masih jauh. Institusi zakat seluruh negara mula mengambil inisiatif dalam membantu memberikan sokongan ekonomi kepada mereka yang terjejas sebaik PKP diumumkan. Misi MAIPk adalah meningkatkan taraf sosioekonomi ummah melalui pengukuhan pengurusan baitulmal yang efektif dan dinamik dengan mengamalkan tadbir urus cemerlang berlandaskan ketelusan, integriti dan profesionalisme yang tinggi. Dengan misi ini, MAIPk memulakan langkah pertama dengan mewujudkan Dana Khas Agihan Zakat yang diperkenankan oleh Duli Yang Maha Mulia Paduka Seri Sultan Perak Darul Ridzuan, Sultan Nazrin Muizzuddin Shah Ibnu Almarhum Sultan Azlan Muhibbuddin Shah Al-Maghfur-Lah. Dana ini meliputi sembilan jenis bantuan yang akan disalurkan kepada rakyat yang terjejas akibat pandemik. Dana ini diwujudkan bertujuan untuk menyokong keperluan rakyat yang terjejas sejak bermulanya wabak COVID-19 yang menjurus kepada pelaksanaan PKP. Baginda menyedari bahawa wabak ini memberi impak besar kepada ekonomi rakyat yang tiada pendapatan tetap dan pendapatan di paras rendah, oleh itu Baginda menitahkan agar sumber zakat negeri diagihkan kepada mereka yang terjejas dengan pandemik ini. Dengan pelbagai bentuk bantuan yang

disalurkan oleh MAIPk, harapan agar ekonomi rakyat negeri Perak yang meruncing khususnya golongan asnaf dapat disokong untuk jangka masa panjang.

SOROTAN LITERATUR

Kajian terhadap institusi zakat dan keberkesanan pengagihan zakat telah dilaksanakan dalam kapasiti luas sebelum ini. Zakat adalah fardhu ain bagi mereka yang berkemampuan dengan memindahkan sebahagian harta mereka kepada golongan asnaf. Pandangan Noor Muda (2014) menyatakan daripada sudut ekonomi bahawa pengagihan zakat yang sebenar adalah bermula daripada kutipan zakat dari golongan yang berkemampuan lalu disebarkan dalam jumlah agihan bersesuaian kepada golongan fakir dan miskin akan dapat membantu mengurangkan jurang pendapatan antara dua golongan ini. Antara matlamat utama institusi zakat adalah memastikan golongan fakir dan miskin sentiasa dibantu masyarakat Islam yang berkemampuan. Seperti kajian Khairul Meerangani (2017), beliau juga percaya bahawa matlamat agihan zakat adalah mendekatkan jurang pendapatan antara golongan yang kaya dan golongan miskin. Beliau juga percaya berzakat adalah satu bentuk menjaga kehormatan diri bagi pembayar zakat kerana tuntutan berzakat adalah suatu bentuk perlaksanaan tanggungjawab terhadap Allah sebagai hamba-Nya.

Menurut pandangan Hairunnizam et al, (2009), dalam meningkatkan tahap profesionalisme pengurusan zakat, pegawai tadbir institusi zakat perlu berilmu seiring dengan peredaran zaman yang celik teknologi semasa dan berilmu pengetahuan yang luas. Agihan zakat kepada golongan asnaf boleh disampaikan melalui dua cara iaitu secara langsung atau melalui bantuan sokongan modal dan latihan kemahiran (Mahyuddin & Abdullah, 2011). Bantuan secara langsung atau tunai boleh diagihkan terus kepada asnaf yang memerlukan sokongan kewangan bagi menampung keperluan seharian. Bantuan seperti ini boleh diagihkan secara berkala untuk satu tempoh masa. Bagi asnaf yang memiliki kemampuan fizikal, bantuan kewangan secara langsung membantu untuk menampung sebahagian kecil keperluan harian sehingga mereka mampu untuk berdiri kembali dan meneruskan kehidupan secara terurus. Berbeza kepada mereka yang uzur dan telah hilang kemampuan untuk menjana pendapatan, harapan diletak sepenuhnya ke atas bantuan bulanan oleh institusi zakat. Pengurusan agihan zakat yang berkesan akan memberi impak yang positif kepada pembangunan asnaf dan keseluruhan masyarakat Islam (Nuruul et al, 2014).

Bantuan modal juga disediakan oleh institusi zakat bersesuaian dengan keperluan asnaf. Namun, menurut Rosbi dan Sanep (2011), dalam menjamin kejayaan asnaf dalam perusahaan agihan bantuan modal perniagaan perlulah diseimbangkan dengan faktor pemangkin yang lain. Ini turut diakui oleh Nurmaizura et al. (2018), tumpuan terhadap bantuan modal sahaja kepada asnaf adalah satu kepincangan yang tidak dapat menyokong kejayaan sesuatu perniagaan yang diusahakan asnaf. Usahawan asnaf seharusnya mempelbagaikan kemahiran dan menimba ilmu yang luas terhadap perniagaan yang diusahakan agar modal sumbangan pembayar zakat tidak disia-siakan. Peruntukkan modal yang disumbangkan kepada usahawan asnaf sebaiknya

membawa pulangan modal kembali kepada asnaf hingga pada akhirnya usahawan asnaf bakal menjadi pembayar zakat dan penyumbang modal aktiviti asnaf yang lain.

Institusi zakat juga menyediakan bantuan asas latihan iaitu pendidikan berbentuk kemahiran yang mendidik asnaf untuk memanfaatkan ilmu dan kemahiran dalam mencari peluang kerjaya di dalam dunia perusahaan sebenar. Tahap pendidikan tidak menjamin kejayaan seseorang di dalam sesuatu bidang yang diusahakan sebaliknya dorongan daripada latihan kemahiran yang diterima bagi menghadapi kehidupan sebenar dalam bidang perniagaan akan membentuk kemahiran individu secara semulajadi (Nurmaizura et. al, 2018). Latihan kemahiran yang disediakan kepada golongan asnaf akan menjadi jambatan ilmu yang berpanjangan dan manfaat daripada zakat akan kekal berpanjangan selagi ilmu digunakan sebaiknya oleh penerima bantuan zakat.

Jumlah asnaf sejak pandemik melanda Malaysia semakin besar terutamanya kepada beberapa golongan asnaf. Antara yang terkesan adalah mereka yang berhutang, *al-gharimin*. *Al-gharimin* berasal dari *al-gharimun* yang bermaksud tetap. *Al-gharimin* adalah golongan yang berhutang demi kelangsungan hidup atau atas tuntutan keperluan untuk berbelanja dan tidak membawa ke kemaksiatan (Syarifah dan Raziah, 2020). Keadaan yang mendesak semenjak PKP telah menyebabkan mereka yang kehilangan punca pendapatan lalu mendapatkan pinjaman tanpa sedar melebihi kemampuan untuk menyelesaikan. Hutang yang semakin besar akan memberikan tekanan dan beban lalu mengakibatkan impak negatif kalangan ahli keluarga yang lain. Keterdesakan hidup juga dirasai oleh peniaga dan usahawan sehingga ada pengusaha yang berhutang dalam meneruskan operasi perniagaan. Dalam Islam, mereka yang berhutang hendaklah senaraikan segala hutang yang dibuat agar dapat dilangsaikan sesuai jumlah dan tempoh masa (Isma dan Mohamad Zainudin, 2011). Allah SWT telah berfirman:

“...Wahai orang-orang yang beriman! Apabila kamu menjalankan sesuatu urusan dengan hutang-piutang yang diberi tempoh hingga ke suatu masa yang tertentu, maka hendaklah kamu menulis (hutang dan masa bayarannya) itu. Dan hendaklah seorang penulis di antara kamu menulisnya dengan adil (benar)...”

(Surah Al-Baqarah: Ayat 282)

Hukum berhutang menurut Islam adalah harus namun hanya dikhususkan kepada masyarakat yang sedang berusaha untuk menguruskan kehidupan dan bukan untuk bermewah-mewah (Syarifah & Raziah, 2020). Hutang adalah satu liabiliti yang harus dilangsaikan untuk satu tempoh pada masa hadapan. Masyarakat tidak digalakkan berhutang namun dalam keterdesakan hidup, pendapatan seakan terputus dan berhutang adalah pilihan untuk kelangsungan hidup. Hutang yang diadakan boleh digunakan untuk perbelanjaan harian tanpa pulangan atau boleh dimanfaatkan sebagai modal pusingan dengan menjalankan perniagaan secara kecil-kecilan.

METODOLOGI KAJIAN

Kajian berbentuk kualitatif digunakan dalam memastikan rumusan kajian yang diperoleh menepati sasaran objektif asal kajian ini. Metodologi penyelidikan meliputi beberapa kaedah yang dianggap bersesuaian dengan kajian ini. Kaedah secara temubual adalah teknik pengumpulan data melalui temubual terhadap responden, mereka yang terlibat secara langsung atau tidak langsung dengan operasi institusi zakat. Menurut Kamarul Azmi (2012), responden adalah sumber data primer yang data tentang keberbagaian dalam gejala, perkara berkaitan perasaan, kekerapan, perilaku individu, tujuan dan gambaran yang dilihat jelas lebih hampir. Antara yang terlibat dengan kaedah temubual kajian ini adalah pegawai institusi zakat, amil harta dan asnaf yang terkesan dengan Pandemik COVID-19. Kaedah menganalisis dokumen turut diketengahkan dalam kajian ini bagi memastikan isi kajian ini bertepatan dengan sumber dapatan kajian. Pengumpulan data diperolehi melalui hasil kajian terahulu, bahan-bahan bercetak seperti buku-buku rujukan, majalah, risalah, jurnal, nota-nota bercetak dan bahan bercetak lain yang dirasakan berkaitan dan bersesuaian dengan kajian ini. Laman sesawang Kementerian Kesihatan Malaysia (KKM) dan MAIPk turut dijadikan bahan rujukan dalam menepati objektif kajian ini. Kaedah penyelidikan seperti tersenarai di atas diperlukan dalam pengumpulan data bagi memastikan hasil dapatan kajian ini tepat dan menyeluruh.

Jadual 1: Profil Responden

Bil.	Responden	Agensi	Jawatan/Pekerjaan	Responden
1.	En. Shaiful Nizam bin Not	Majlis Agama Islam dan 'Adat Melayu Perak	Pegawai Baitulmal Daerah Kampar	R1
2.	Norlina binti Mat Saman	-	Usahawan Asnaf / Pengusaha kantin dan katering	R2

Sumber: Maklumat Kajian

Dua responden telah dipilih bagi membantu melengkapkan kajian ini yang dilakukan secara temu bual. Sesi temu bual bersama Responden 1 (R1) dijalankan pada 22 Jun 2021 di Majlis Agama Islam dan 'Adat Melayu Perak Daerah Kampar manakala sesi temu bual bersama Responden 2 (R2) dijalankan melalui panggilan telefon pada 20 Jun 2021. Segala isi perbualan telah direkodkan dan beberapa maklumat yang dilihat penting digunakan di dalam kajian ini. Segala maklumat yang diterima adalah data primer yang sah kerana R1 merupakan Pegawai Baitulmal Daerah MAIPk Kampar manakala R2 adalah penerima bantuan modal asnaf di bawah MAIPk sebelum ini. R2 tidak lagi menerima bantuan modal MAIPk kerana telah menjalankan perniagaan sendiri setelah menerima bantuan modal daripada MAIPk beberapa tahun lalu.

Jadual 2. Soalan Temu Bual terhadap Responden

Tema	Soalan
Kumpulan Sasaran	Golongan apakah yang layak menerima bantuan semasa pandemik COVID-19 selain penerima bantuan sedia ada di bawah MAIPk?
Cabaran	Apakah cabaran yang dilalui MAIPk semasa pengagihan bantuan zakat sepanjang tempoh pandemik? Apakah kesan pelaksanaan PKP terhadap jumlah kutipan dan agihan zakat MAIPk bagi tahun 2020?
Perlaksanaan Agihan	Apakah bantuan yang diwujudkan oleh MAIPk bagi mereka yang terkesan apabila PKP dikuatkuasa sejak pandemik melanda? Siapakah yang terlibat dalam menerima bantuan kecemasan yang ditubuhkan MAIPk semenjak PKP?
Usahawan Asnaf	Bagaimanakah Dana Khas yang baru ditubuhkan MAIPk dapat membantu meringankan kemelut perusahaan peniaga terutamanya kepada usahawan asnaf di bawah MAIPk? Berapakah pecahan keseluruhan penerima bantuan usahawan asnaf di bawah MAIPk bagi PKP kali pertama ini?
Pasca COVID-19	Apakah perancangan jangka panjang MAIPk dalam bersedia menghadapi gelombang pandemik yang lebih besar? Apakah cadangan penambahbaikan dalam kadah kutipan zakat dalam memastikan agihan zakat dapat diserahkan kepada asnaf dalam jumlah yang lebih besar di masa hadapan?

Sumber: Maklumat Kajian

DAPATAN KAJIAN

Tema 1: Kumpulan Sasaran Agihan Zakat Semasa Pandemik COVID-19

Zakat adalah antara lima rukun Islam yang wajib dilaksanakan bagi Muslim khususnya mereka yang berkemampuan. Zakat adalah satu medium perpindahan harta dari golongan yang kaya kepada golongan miskin. Konsep ini secara tak langsung membantu mengurangkan jurang pendapatan antara dua golongan ini agar dapat membasmi jumlah kemiskinan kalangan orang Islam. Zakat juga dilihat sebagai satu instrumen ekonomi yang membantu aliran pendapatan dan perbelanjaan lapan golongan asnaf. Asnaf-asnaf ini telah dinyatakan secara terang di dalam surah at-Taubah:

“...Sesungguhnya zakat-zakat itu hanyalah untuk orang fakir dan orang miskin, pengurus-pengurus (amil) zakat, para muallaf yang dipujuk hatinya, untuk hamba-hamba sahaya yang hendak memerdekakan dirinya, dan orang yang berhutang untuk jalan Allah, dan orang yang sedang dalam perjalanan, sebagai sesuatu ketetapan yang diwajibkan Allah. Dan Allah Maha Mengetahui, lagi Maha Bijaksana...”

(Surah At-Taubah: Ayat 60)

Melalui ayat diatas mengajarkan bahawa zakat hanya diagihkan kepada lapan golongan yang disebut sahaja iaitu *al-fuqara* (golongan fakir), *al-masakin* (golongan miskin), amil (orang yang dipertanggungjawabkan untuk menerima kutipan zakat), muallaf (orang yang ditambah hatinya untuk mengenali Islam), *al-riqab* (hamba, namun penghambaan tidak lagi ditemui pada zaman sekarang), *al-gharimin* (orang yang memiliki hutang atasnya), *fisabilillah* (orang yang sedang berjuang di jalan Allah seperti menuntut ilmu) dan *ibnu sabil* (orang yang sedang bermusafir). Tidak seharusnya dinafikan hak lapan golongan ini yang dipilih Allah sebagai penerima zakat yang layak. Namun, semua institusi harus terus peka dalam mencari bakal penerima bantuan baru yang masih belum dikenalpasti. Institusi zakat memikul tanggungjawab yang besar dalam memastikan hak asnaf terbela.

Kebajikan asnaf akan terbela selagi Muslim masih menjalankan tanggungjawab untuk menunaikan zakat tanpa leka. Namun, sejak pandemik COVID-19 melanda Malaysia, ekonomi negara terjejas malahan kehidupan rakyat berubah secara drastik. Perubahan negatif yang melanda Malaysia akibat faktor luaran dan dalaman memberi kesan terhadap kehidupan rakyat khususnya kepada ekonomi dan kehidupan rakyat yang mulai terjejas. Menurut R1:

“...penerima bantuan semasa di bawah MAIPk menerima bantuan secara automatik dan kepada individu yang mulai terkesan semasa pandemik juga diutamakan. Tiada golongan yang di dalam kesulitan dan saat genting begini diketepikan...”

Golongan usahawan asnaf yang sedang belajar bertapak di dalam dunia industri sebenar seakan goyah dengan hasil pulangan modal yang tidak menguntungkan. Banyak perusahaan dan perniagaan ditutup di awal tempoh pelaksanaan PKP. Walau bagaimanapun, institusi zakat seluruh Malaysia mula mengorak langkah besar dengan membantu rakyat yang terkesan dengan norma baharu. MAIPk tidak terkecuali, seperti salah satu objektif MAIPk, “memartabatkan institusi zakat melalui sistem pungutan dan agihan yang berkesan”, MAIPk memanfaatkan segala peluang dan ruang yang ada semasa pandemik bagi memaksimumkan kutipan zakat dan dalam pada masa yang sama memastikan kebajikan asnaf terjaga melalui agihan zakat yang patuh pada Prosedur Operasi Standard (POS) yang telah ditetapkan oleh kerajaan. PKP yang dikuatkuasakan pada pertengahan Mac 2021 menyukarkan rakyat untuk menjana pendapatan sebagai memenuhi keperluan harian, maka Duli Yang Maha Mulia Paduka Seri Sultan Perak Darul Ridzuan, Sultan Nazrin Muizzuddin Shah Ibnu Almarhum Sultan Azlan Shah Muhibbuddin Shah Al Maghfur-Lah telah menitahkan agar satu peruntukan dana khas dari sumber zakat dimanfaatkan kepada rakyat yang terbeban khususnya mereka yang berpendapatan rendah dan mereka yang tiada pendapatan tetap.

Tema 2: Cabaran Institusi Zakat Semasa Pandemik COVID-19

Krisis pandemik yang membimbangkan sejak Mac 2020 turut menjejaskan kesihatan warga negeri Perak. Antara kes harian tertinggi pernah tercatat di Perak adalah sebanyak 16 kes

positif pada 13 Oktober 2020 (Normawati Adnan, 2020). Maklumat ini diperoleh daripada infografik yang dikongsi oleh Kementerian Kesihatan Malaysia (KKM). Biarpun keadaan kesihatan warga negeri Perak merisaukan, Majlis Agama Islam dan Adat Melayu Perak bertanggungjawab memastikan semua pihak yang terjejas dan mampu dikenalpasti dapat dibantu.

Jadual 3. Jumlah kutipan zakat di Majlis Agama Islam dan ‘Adat Melayu Perak tahun 2016 hingga 2020

Tahun	Kutipan Zakat (RM)	Perubahan Tahunan (%)
2020	194,852,778.00	-5.95
2019	207,187,053.49	17.56
2018	176,239,032.21	3.18
2017	170,804,553.16	12.98
2016	151,181,069.12	-

Sumber: Portal Rasmi Majlis Agama Islam dan ‘Adat Melayu Perak

Jadual 4. Jumlah agihan zakat di Majlis Agama Islam dan ‘Adat Melayu Perak tahun 2016 hingga 2020

Tahun	Agihan Zakat (RM)	Perubahan Tahunan (%)
2020	190,724,558.00	-3.37
2019	197,376,261.00	12.22
2018	175,891,152.90	6.33
2017	165,418,326.00	15.01
2016	143,832,214.00	-

Sumber: Portal Rasmi Majlis Agama Islam dan ‘Adat Melayu Perak

Berdasarkan Jadual 3, kajian mendapati kutipan zakat bermula 2016 hingga 2019 menunjukkan peningkatan yang ketara setiap tahun. Namun, pola peningkatan ini berubah negatif apabila wabak menular di Malaysia mengakibatkan kutipan zakat di Perak turun sebanyak 5.95 peratus. Ini membuktikan bahawa pandemik yang melanda dunia menjadikan jumlah individu yang terjejas pendapatannya adalah tinggi sehingga purata kutipan zakat bagi tahun 2020 adalah rendah berbanding tahun sebelumnya. Biarpun pergerakan pembayar zakat terbatas untuk ke institusi zakat, MAIPK masih mempunyai pilihan medium lain sebagai kemudahan menunaikan zakat atas talian. Namun, tidak semua pembayar zakat celik dalam menggunakan kemudahan ini yang mungkin antara menjadi punca kutipan zakat tidak sebaik tahun sebelumnya kerana ada antara pembayar zakat adalah warga emas yang kebiasaannya membayar zakat atas simpanan mereka. Relevannya, kekangan pergerakan akibat norma baharu menjejaskan banyak pihak baik bagi mereka yang berharta mahupun mereka yang gigih berusaha mencari rezeki. R1 melihat perkara ini melalui:

“...kutipan bermula Mac 2020 hingga penghujung tahun 2020 tidak begitu memberangsangkan berbanding tahun sebelumnya, namun impak pandemik terhadap kutipan zakat bagi tempoh tersebut tidak mengecewakan. Biarpun dalam kesulitan, masih ada yang melaksanakan tanggungjawab berzakat dengan segala medium bayaran yang tersedia di laman sesawang...”

Menurut Jadual 4, sumber portal rasmi MAIPk, prestasi agihan zakat menunjukkan pengurusan yang produktif dari 2016 hingga 2018 namun jumlah agihan kepada golongan asnaf mulai negatif bermula 2019 dan turun sebanyak 3.37 peratus pada 2020. PKP yang dikuatkuasakan oleh kerajaan membataskan pergerakan kepada semua pihak dan mengehendakan waktu operasi urusniaga. Ini turut melibatkan pihak institusi zakat mahupun kepada pemohon bantuan baru. Ketika krisis pandemik berlaku, banyak perniagaan yang terjejas teruk sehingga ada individu yang ditamatkan perkhidmatan akibat pihak pengurusan yang tidak mampu membayar upah mereka. Mereka ini yang layak memohon bantuan zakat di bawah institusi zakat tidak mampu untuk mendapatkan bantuan biarpun borang bantuan disediakan di laman rasmi MAIPk, namun ada antara mereka yang tidak tahu tentang kemudahan ini. Pergerakan yang terbatas juga menghalang MAIPk untuk mengadakan kursus dan latihan kepada golongan asnaf menjadikan prestasi agihan zakat menurun hingga penghujung tahun 2020. Agihan juga tidak dapat disampaikan seaktif sebelum wujudnya pandemik COVID-19 kerana kini adanya norma baharu yang harus dipraktikkan. Semua pihak harus mematuhi sebaiknya walaupun dalam menyampaikan sumbangan bantuan kepada mereka yang terkesan. R1 berpendapat:

“...biarpun bantuan tidak dapat diagihkan lebih terbuka seperti tahun sebelumnya, namun agihan zakat dapat dilaksanakan dengan kaedah yang lebih selamat dengan pematuhan POS yang dimaklumkan oleh kerajaan. Banyak pihak masih dapat menerima dan merasa bantuan zakat dalam krisis pandemik ini. Pihak pengurusan akan terus mencari jalan dan peluang dalam memastikan agihan zakat dapat disampaikan sebaiknya kepada individu yang terjejas pendapatannya...”

Tema 3: Perlaksanaan Dana Khas Agihan Zakat Semasa Pandemik

Dana Khas Agihan Zakat diwujudkan oleh MAIPk atas inisiatif bersama beberapa agensi korporat. Sembilan jenis kumpulan bantuan diwujudkan di bawah dana khas bantuan zakat ini. Antaranya adalah Bantuan Kecemasan Kelangsungan Hidup yang ini diperuntukkan sebagai satu sokongan kewangan segera kepada rakyat secara umum yang terjejas akibat PKP. Permohonan bagi mendapatkan bantuan segera dibuka kepada semua yang terjejas tidak khusus hanya kepada golongan asnaf sahaja. Semua diberikan peluang untuk memohon dan permohonan dibuka secara atas talian dan agihan juga dilakukan melalui pemindahan dalam talian. Seperti objektif MAIPk yang lain, “menjana kualiti perkhidmatan budaya kerja cemerlang dan dinamik serta pengurusan kewangan yang sistematik dengan memanfaatkan teknologi maklumat dan komunikasi secara maksimum”, pematuhan POS dapat dikekalkan dengan menyediakan medium permohonan dan agihan bantuan secara atas talian. Setelah

dipertimbangkan segala permohonan yang telah diterima, sebanyak RM5,800,000 telah diperuntukkan kepada rakyat yang layak menerima bantuan kecemasan ini dengan harapan bantuan ini dapat dimanfaatkan sebaiknya.

Kepada rakyat, dibawah Dana Khas Agihan Zakat, satu Sumbangan Khas Peralatan Pencegahan COVID-19 disediakan dengan pembelian peralatan bantuan mencegah penularan wabak. Antara peralatan yang diedarkan oleh MAIPk adalah topeng muka dan hidung, sarung tangan dan gel pembersih tangan pembasmi virus. Ini adalah antara agihan yang disampaikan kepada semua rakyat untuk menerapkan rasa tanggungjawab dalam menjaga diri dan orang sekeliling daripada wabak yang kian menular. Sebagai satu tanggungjawab sosial, kerajaan negeri Perak telah mengambil inisiatif mengutamakan rakyat yang tidak mempunyai tempat berteduh dengan membuka dua Pusat Transit Gelandangan. Pusat ini disediakan untuk mengelakkan wujudnya kluster wabak COVID-19 dalam kalangan gelandangan. MAIPk turut sama datang membantu dengan menyumbang beras kepada Pertubuhan Bukan Kerajaan, Ipoh Central Kitchen untuk penyediaan makanan kepada gelandangan di Pusat Gelandangan Arena Badminton Majlis Bandaraya Ipoh. Selain daripada itu, MAIPk turut bekerjasama bersama Pejabat Daerah dan Tanah negeri Perak dengan mengagihkan Bantuan Kotak Makanan kepada golongan yang terjejas dalam menjana pendapatan sejak PKP dikuatkuasa.

Biarapun jumlah golongan asnaf yang jelas meningkat sejak wabak melanda membimbangkan, mereka yang berkhidmat sebagai petugas barisan hadapan sepanjang PKP turut diutamakan oleh MAIPk bagi menghargai usaha jitu mereka dalam membantu mengekang penularan wabak. Sumbangan Khas Petugas Barisan Hadapan COVID-19 berjumlah RM500,000 dibangunkan di bawah Dana Khas Agihan Zakat untuk memenuhi keperluan petugas barisan hadapan. Antara yang menerima sumbangan ini adalah Polis Diraja Malaysia, Angkatan Tentera Malaysia, Jabatan Kesihatan Negeri Perak dan beberapa agensi lain. Sumbangan ini disampaikan kepada petugas barisan hadapan dalam memastikan kebajikan mereka terjaga ketika sedang bertugas memelihara dan menjaga keamanan negara sepanjang tempoh PKP. Kepada hospital-hospital seluruh negeri Perak, Sumbangan Khas Peralatan Kesihatan dan Perubatan diperuntukkan sebanyak RM1,000,000 bagi menampung pembelian keperluan peralatan dan perubatan yang diperlukan oleh Jabatan Kesihatan Negeri Perak dalam merawat pesakit COVID-19 dan membendung penularan wabak. Antara sumbangan yang diterima adalah sebanyak 600 set Peralatan Perlindungan Diri (PPE) yang boleh disarung kakitangan kesihatan ketika merawat individu positif COVID-19, sarung tangan, gel pembasmi virus dan pelitup muka dan hidung. Keperluan terhadap PPE adalah penting kerana setiap satu set PPE hanya boleh digunapakai sekali sahaja dan perlu dibuang setelah digunakan dalam memastikan tahap kebersihan dan mengelakkan kebolehsangkitan COVID-19 kepada individu sekeliling.

Tema 4: Peranan MAIPk terhadap Usahawan Asnaf

Kegusaran kerajaan dan rakyat terhadap pelaksanaan PKP dilihat tidak berkesudahan. Ramai yang hilang punca pendapatan kerana tidak dapat menjana pendapatan dan ada individu yang

diberhentikan kerja kerana majikan tidak mampu menanggung kos operasi perusahaan yang tidak seranck sebelum wabak melanda. Sekatan jalanraya dan penghadan waktu operasi perniagaan banyak mempengaruhi kepada kemerosotan ekonomi. Sebagai seorang usahawan asnaf yang pernah menerima bantuan modal daripada MAIPk, R2 berpendapat:

“...biarpun sudah memiliki perniagaan sendiri, PKP yang dilaksanakan seolah menyekat perjalanan perniagaan. Dalam mematuhi POS yang telah ditetapkan, kebimbangan masih terasa hingga bila sekatan ini berterusan. Biarpun kini perusahaan dibenarkan buka, namun perniagaan katering tidak sebaik sebelum wabak COVID-19 melanda...”

Banyak industri besar turut terkesan bukan sahaja pada ekonomi domestik malah sektor perlancongan seakan lumpuh. Keadaan ini jelas mempengaruhi jumlah kutipan dan agihan zakat di Malaysia yang turut terjejas akibat COVID-19. Bagi meningkatkan prestasi kutipan dan agihan zakat, MAIPk juga mewujudkan antara penyelesaian kepada kebimbangan ini. Bantuan Khas Modal Pusingan ditubuhkan sebagai salah satu daripada sembilan jenis bantuan di bawah Dana Khas Agihan Zakat. Sebanyak RM2,000,000 diperuntukkan kepada usahawan asnaf yang pernah menerima bantuan modal perniagaan daripada MAIPk. Menurut Dayang Shohibah et. al. (2020), usahawan asnaf adalah satu kelompok asnaf fakir dan miskin yang dibentuk melalui bimbingan latihan dan bantuan modal daripada institusi zakat seterusnya menjadi satu kumpulan usahawan yang berjaya. Bantuan ini bertujuan menggalakkan produktiviti perusahaan seterusnya memperkasakan kembali pertumbuhan ekonomi negara. Seandainya kedudukan ekonomi kembali stabil, jumlah kutipan zakat pendapatan dan zakat perniagaan akan kembali rancak. Secara teorinya, semakin besar jumlah kutipan zakat, maka semakin besar jumlah agihan dapat dikembalikan kepada golongan asnaf yang layak. Bantuan Khas Modal Pusingan diagihkan kepada penerima bantuan modal sedia di bawah MAIPk secara tunai bagi kumpulan usahawan asnaf yang terjejas. Pandemik COVID-19 yang baru diketahui dan norma baharu yang harus dipatuhi mengekang aktiviti perusahaan usahawan asnaf kecil untuk mengukuhkan tapak mereka seterusnya menyukarkan pengusaha untuk melebarkan perniagaan mereka dalam satu tempoh masa panjang.

Bantuan modal kepada usahawan asnaf yang diagihkan bertujuan agar usahawan asnaf mempunyai modal pusingan untuk masa yang sulit semasa pandemik. Bantuan ini dilihat dapat membantu asnaf untuk keluar dari kesempitan tabung modal mereka buat sementara. Selagi usahawan asnaf ini berusaha menggunakan kemahiran, ilmu dan bantuan kewangan yang telah disumbang oleh pembayar zakat, segala masalah pasti ada penyelesaian. Bukan rakyat sahaja yang mula terbeban dengan pinjaman dan hutang dalam menampung keperluan seharian keluarga sejak pandemik melanda, malah golongan usahawan asnaf turut terkesan ketika krisis ini. Bagi asnaf yang berminat memulakan kerjaya, waktu sebegini boleh dimanfaatkan dengan mengambil peluang yang dibuka oleh MAIPk dalam mempertingkatkan kemahiran melalui program kemahiran yang disediakan MAIPk agar dapat memperbaiki kualiti hidup yang lebih terjamin. Kemiskinan dan keberhutangan boleh dibanteras dengan

perlaksanaan pengurusan agihan zakat yang berkesan dan sistematik. Asnaf bakal dapat memperbaiki kehidupan seandainya terus berusaha memanfaatkan sebaiknya segala peluang yang disediakan. R2 turut menyatakan:

“...bantuan yang diagihkan kepada golongan usahawan asnaf seharusnya diselidik MAIPk sebaiknya dan adakan pemantaun kerap terhadap peniaga terutamanya kepada penerima bantuan alatan. Bimbang ada pihak yang menyalahguna kemudahan yang telah diberikan secara percuma...”

Ramai individu yang memohon bantuan modal namun seandainya tiada seliaan dan pemeriksaan berkala oleh MAIPk terhadap pengusaha dan peniaga, bimbang penerima bantuan modal tidak memanfaatkan bantuan yang telah diagihkan. Bantuan modal diberikan sebagai satu langkah meningkatkan taraf hidup penerima bantuan agar mampu keluar dari kelompok penerima bantuan MAIPk, namun tidak semua pihak memanfaatkan kemudahan yang diberikan untuk jangka masa panjang.

Jadual 5. Jumlah usahawan asnaf di setiap daerah Majlis Agama Islam dan Adat Melayu Perak yang menerima Bantuan Khas Modal Pusingan

Daerah	Bilangan Penerima (orang)	Nisbah Keseluruhan (%)
Ipoh	20	6.73
Bagan Datuk	30	10.10
Bagan Serai	18	6.06
Batu Gajah	9	3.03
Gerik	6	2.02
Kampar	26	8.75
Kampung Gajah	2	0.67
Kuala Kangsar	20	6.73
Lenggong	6	2.02
Manjung	18	6.06
Muallim	13	4.38
Pengkalan Hulu	11	3.70
Selama	2	0.67
Seri Iskandar	14	4.71
Taiping	65	21.89
Tapah	27	9.09
Teluk Intan	10	3.37
Jumlah Penerima	297	100.00

Sumber: Majlis Agama Islam dan 'Adat Melayu Perak

Jadual 5 menunjukkan jumlah usahawan asnaf yang telah menerima Bantuan Khas Modal Pusingan di bawah MAIPk. Setiap daerah dalam Perak diperincikan agar bantuan ini dapat disampaikan kepada usahawan asnaf yang terkesan sejak pelaksanaan PKP. Bantuan ini

diagihkan di kalangan usahawan asnaf sedia ada di bawah MAIPk dan juga pengusaha kecil lain yang turut terkesan akibat pelaksanaan PKP. Waktu operasi yang telah dihadkan dan pergerakan yang telah diperketatkan menimbulkan keluhan ramai individu terutama pengusaha kecil dan sederhana. Ada peniaga yang mengharapkan pendapatan harian bagi menampung keperluan asas namun masih ada yang kurang akibat tersepit oleh keadaan negara dilanda wabak. Seperti Jadual 5, MAIPk Daerah Taiping telah mengenalpasti 65 orang usahawan asnaf yang memerlukan sokongan daripada MAIPk melalui Bantuan Khas Modal Pusingan. Ini menjadikan daerah Taiping sebagai daerah dalam negeri Perak yang memiliki peratusan terbesar penerima bantuan modal ini dengan peratusan sebanyak 21.89 peratus.

Manakala pejabat pentadbiran MAIPk Daerah Bagan Datuk telah membantu sebanyak 30 pemohon bantuan modal ini semasa PKP. MAIPk Daerah Tapah merupakan pejabat pentadbiran daerah MAIPk di kedudukan ketiga dengan 9.09 peratus usahawan asnaf yang menerima bantuan modal ini. Jumlah usahawan asnaf ini tidak jauh diikuti dengan MAIPk Daerah Kampar dengan jumlah sebanyak 8.75 peratus. Purata penerima Bantuan Khas Modal Pusingan MAIPk adalah hampir bagi pejabat pentadbiran MAIPk daerah Ipoh, Bagan Serai, Kuala Kangsar dan Manjung sebanyak 6.73 hingga 6.06 peratus. Empat daerah ini cuma berbeza dua orang usahawan asnaf. MAIPk Daerah Kampung Gajah dan Selama pula menerima bantuan modal hanya sebanyak dua orang setiap daerah mewakili 0.67 peratus sahaja. Ini menjadikan kedua-dua pejabat pentadbiran daerah MAIPk yang menerima permohonan terendah daripada usahawan asnaf yang terkesan sepanjang pelaksanaan PKP. Kedua-dua pejabat pentadbiran ini terletak di daerah Larut, Matang dan Selama, terletak di utara negeri Perak. Bantuan ini diharap dapat membantu biarpun bukan sepenuhnya, namun sebahagian kerugian yang ditanggung peniaga dapat disokong. R1 menyatakan:

“...tiada pihak yang meminta krisis pandemik ini berterusan biarpun banyak dana bantuan tersedia kepada pihak yang memerlukan. Namun, jumlah bantuan yang diterima biarpun sedikit diharap dapat mengurangkan sedikit beban dan mengurangkan kegurasan para pengusaha terhadap kemelut yang tidak terlihat penghujung bakal berakhir dalam masa terdekat ini...”

Tema 5: Kaedah Sokongan MAIPk bagi Pasca COVID-19

“Dialah yang menjadikan untuk kamu Bumi yang mudah dijelajahi, maka jelajahilah di segala penjurunya dan makanlah sebahagian dari rezeki-Nya. Dan hanya kepada-Nya lah kamu (kembali setelah) dibangkitkan...”

(Surah Al Mulk: Ayat 15)

Allah SWT telah berfirman melalui potongan surah di atas bahawa sebagainya hamba-Nya jangan pernah berhenti berusaha mencari rezeki dalam pelbagai cara segala sumber dan kaedah pencarian adalah halal. Pasti sentiasa ada ruang rezeki buat setiap hamba-Nya yang sentiasa berusaha. Menerima bantuan juga satu bentuk rezeki yang Allah SWT sampaikan kepada

hamba-Nya yang bersyukur. Wabak COVID-19 ini menambahkan kegusaran kepada semua pihak selagi tidak berakhir. Wabak ini terlihat akan terus merebak untuk satu jangka masa panjang dan untuk menunggu wabak ini berakhirnya pasti akan mengambil masa yang lebih lama atau mungkin perkara itu tidak akan terjadi. R1 menyatakan bahawa:

“...seandainya wabak ini berterusan, kita akan terus mematuhi POS yang telah ditetapkan dan masih perlu memastikan siasatan terhadap penerima bantuan baru dijalankan memastikan segala peraturan yang dikuatkuasakan semasa PKP dipatuhi. Kita masih terus perlu mencari setiap bakal penerima bantuan MAIPk agar agihan zakat terus dapat disalurkan tanpa halangan...”

MAIPk akan terus melaksanakan pencarian golongan yang kesempitan dalam mengharungi PKP agar tiada keluarga bersama kanak-kanak harus tidur malam dengan perut yang kosong. Golongan ini juga tidak harus ketinggalan dalam pelajaran yang kini menggunakan kemudahan dalam talian bagi pengajaran dan pembelajaran di rumah (PdPR). Dalam bersedia menghadapi gelombang lain pandemik yang bakal memperketatkan lagi arahan pematuhan PKP, orang ramai harus turut bekerjasama dalam menunaikan tanggungjawab berzakat. Kutipan zakat yang diterima bakal dapat disalurkan kepada lebih ramai individu yang menghitung perbelanjaan harian mereka. Pelbagai jalan boleh diusahakan juga kepada orang ramai yang memerlukan di saat kesempitan begini.

PERBINCANGAN DAN IMPLIKASI DASAR

Kajian ini bertujuan untuk melihat peranan institusi zakat MAIPk dalam memperkasakan usahawan asnaf. Melalui maklumat yang diterima melalui R1 dan R2, pengagihan zakat yang disampaikan kepada golongan yang terjejas adalah berbentuk tunai. Manakala agihan zakat yang disampaikan bukan cuma tertumpu kepada kumpulan asnaf sedia ada di bawah MAIPk sahaja, malah masyarakat yang terkesan dengan pelaksanaan PKP sehingga menjejaskan pendapatan juga boleh terima. Perluasan pengagihan zakat di saat genting begini akan menimbulkan banyak pihak yang lebih mengambil kesempatan di luar kesedaran MAIPk kerana tiada medium khas yang mampu menyekat mereka yang membuat permohonan palsu kerana semua pihak terjejas baik kecil mahupun besar. Negara pertama kali dilanda wabak terburuk sehingga mampu memperlambatkan pergerakan ekonomi negara dan pengalaman yang pertama sentiasa guru kepada masa hadapan. Banyak tambah baik dalam mengenalpasti masyarakat yang benar-benar memerlukan bantuan dahulu berbanding yang lain.

Pengurusan pengagihan zakat juga boleh diteruskan sepanjang pelaksanaan PKP seluruh negara. Perkara ini mampu dicapai seandainya pematuhan POS dijadikan tanda aras sepanjang pelaksanaan agihan zakat kepada masyarakat. Kesukaran dalam mematuhi had pergerakan seharusnya boleh diganti dengan bantuan seliaan amil-amil di bawah MAIPk. Jadikan masyarakat luar juga sebagai pemerhati kepada golongan yang memerlukan dengan penyampaian terus kepada MAIPk. Seharusnya, purata kutipan dan agihan zakat adalah

hampir sama dalam menunjukkan bahawa setiap sen yang diterima melalui bayaran zakat dapat disampaikan kembali kepada golongan asnaf.

Keberkesanan Dana Khas Agihan Zakat siri 1 boleh dijadikan satu tanda aras kepada bantuan lain yang bakal diagihkan kepada masyarakat lain yang terus terjejas seandainya gelombang pandemik COVID-19 tidak menunjukkan akan landai dalam masa yang terekat. Bantuan modal pusingan yang diberikan kepada usahawan MAIPk boleh terus diselia adakah dimanfaatkan sebaiknya kepada perniagaan dan perusahaan seperti yang diamanahkan kepada penerima atau digunakan untuk kegunaan peribadi semata. Selepas beberapa tempoh masa, usahawan asnaf yang telah menerima bantuan modal pusingan ini boleh dikenalpasti status keberadaan perniagaan setelah menerima bantuan kali pertama. Adakah insentif yang disampaikan cukup dan bersesuaian dengan keadaan genting seperti pelaksanaan PKP pertama dahulu atau boleh diwujudkan satu kaedah bantuan lain kepada usahawan asnaf. Pelbagai bantuan lain boleh disalurkan seandainya usahawan asnaf sudah mengenalpasti bantuan yang bersesuaian dengan keperluan di waktu kritikal. Usahawan asnaf akan terus dibantu dan dibentuk bagi mengeluarkan dari kelompok asnaf dan penerima bantuan MAIPk seterusnya melahirkan usahawan yang mampu membayar zakat atas usaha tanpa henti memanfaatkan kemahiran diri. Akan lahirnya usahawan asnaf yang membantu golongan penerima bantuan zakat di masa hadapan.

Selain dari memperbaiki kaedah pengurusan bantuan modal pusingan kepada usahawan asnaf, kemudahan kaunter zakat bergerak, kehadiran amil-amil harta di bawah MAIPk juga boleh lebih aktif bergerak membantu memantau masyarakat yang ingin berzakat dan penduduk yang terdesak memerlukan bantuan kewangan. Amil boleh menjadi perantara yang baik disaat pengehadan pergerakan. Masyarakat masih boleh didekati dan dibantu melalui amil ketika mereka yang memerlukan ini berada jauh dari mata yang mampu melihat untuk dibantu. Masyarakat juga boleh menggunakan platform media sosial untuk mengetahui medium saluran bantuan yang boleh dipohon. MAIPk sentiasa aktif dalam memastikan laman media sosial dipenuhi maklumat yang besesuaian dengan isu semasa. Pelbagai bantuan disalurkan kepada masyarakat sekeliling yang dimaklumkan melalui media sosial dan laman rasmi portal MAIPk. Namun, tidak dinafikan terdapat juga penambahbaikan yang boleh dipertingkatkan antaranya adalah dalam penyampaian maklumat agihan zakat MAIPk. Bagi menggunakan konsep mengurangkan penggunaan kertas, permohonan bantuan secara atas talian harus yang lebih mesra pengguna dari pelbagai peringkat usia atau permohonan boleh dilaksanakan dengan pembukaan urusan di kaunter melalui temu janji. Penggunaan digital sentiasa dihujung jari dan lebih mudah diakses kepada kebanyakan rakyat.

KESIMPULAN

Prestasi ekonomi berakhir tahun 2020 tidak memberangsangkan seperti tahun sebelumnya. Tiada yang boleh menjangka bahawa suatu pandemik yang baru diketahui mampu memukul hebat kestabilan ekonomi negara. Pandemik COVID-19 telah mengubah hidup rakyat secara keseluruhannya. Kekangan yang dihadapi rakyat akibat pelaksanaan PKP oleh kerajaan

Malaysia bermula Mac 2020 sehingga hari ini memberi kesan negatif terhadap kutipan zakat namun menunjukkan impak positif dalam jumlah agihan zakat kepada golongan yang terkesan dengan pandemik. Zakat sebagai satu instrumen ekonomi dilihat sebagai penyelamat asnaf di saat genting apabila krisis melanda tak terjangka. MAIPk sebagai sebuah institusi zakat di Perak telah berjaya mengawal kegusaran masyarakat Islam yang terjejas akibat pandemik. Dana khas yang ditubuhkan MAIPk telah membantu masyarakat Islam secara inklusif semasa PKP bermula sehingga saat ini masih memperuntukkan pelbagai bentuk bantuan. Golongan usahawan asnaf tidak terkecuali. Biarpun pernah menerima bantuan modal agihan MAIPk, namun kumpulan usahawan asnaf ini masih menerima Bantuan Khas Modal Pusingan semasa pandemik kerana ada yang terjejas teruk akibat arahan PKP yang dikeluarkan. Namun, pelbagai keberangkalan lain boleh berlaku di masa hadapan dan persediaan awal bagi menghadapi krisis yang tak terduga seharusnya dilengkapkan seawal mungkin. MAIPk seperti institusi zakat yang lain, berusaha membangunkan sosioekonomi masyarakat Islam agar dapat memelihara kemaslahatan ummah. Segala usaha yang dikeluarkan oleh MAIPk harusnya memberikan manfaat buat umat Islam secara keseluruhan. Institusi zakat harus lebih proaktif dalam mencetuskan idea yang bernas dalam pengurusan kutipan dan agihan zakat yang lebih sistematik. Bantuan yang disediakan oleh MAIPk sepanjang pandemik dilihat relevan dengan keperluan masyarakat Islam di negeri Perak. Biarpun amaun sumbangan yang dikeluarkan tidak mampu disampaikan kepada semua umat Islam keseluruhannya, namun mereka yang terjejas mampu bernafas ketika wabak mulai menular. Usahawan asnaf juga perlu mempertingkatkan kualiti diri agar mampu untuk menghadapi apa jua kemungkinan dan kesukaran lain yang akan terus dihadapi akibat pandemik COVID-19 di masa hadapan. Golongan usahawan asnaf ini akan mampu keluar dari golongan penerima bantuan zakat kepada golongan pembayar zakat seandainya usaha untuk berjaya diterapkan sentiasa. Kuasa asnaf untuk menjana pendapatan dan berbelanja di musim wabak ini akan membantu memulihkan sosioekonomi rakyat secara beransur-ansur. Pertumbuhan ekonomi yang mampan akan memberi manfaat yang besar buat semua pihak di masa hadapan.

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AKTA GSA 1960: SEJAUH MANA KESANNYA TERHADAP PELAKSANAAN HIBAH KE ATAS TANAH FELDA

*(GSA Act 1960: The Extent of Its Effect on The Implementation of Grants on
Felda Land)*

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Abstrak

Hibah dilihat mampu menyelesaikan masalah pewarisan harta pusaka di Malaysia. Namun begitu, pelaksanaan kaedah hibah tidak dapat digunakan sepenuhnya terhadap tanah FELDA. Perkara ini disebabkan oleh sekatan Akta GSA 1960 yang diguna pakai untuk mengurus tadbir tanah FELDA. Sekatan ini menyebabkan peneroka menemui jalan buntu untuk membuat perancangan awal terhadap tanah FELDA. Justeru itu, kaedah perancangan harta FELDA yang selari dengan Akta GSA 1960 perlu dikenalpasti untuk membantu menyelesaikan isu pewarisan FELDA yang semakin meruncing. Kajian ini akan mengupas sejauh mana keperluan dan kepentingan kaedah hibah di dalam menyelesaikan kemelut pewarisan FELDA. Hasil kajian mendapati perancangan awal terhadap harta FELDA amat diperlukan dan kaedah perancangan hibah bersyarat boleh digunapakai untuk mengelakkan masalah pewarisan berlaku selepas kematian peneroka.

Kata kunci: FELDA; Akta GSA; Pewarisan; Hibah Bersyarat

Abstract

Hibah is seen to be able to solve the problem of inheritance in Malaysia. However, the implementation of the hibah method cannot be fully applied to FELDA land. This is due to the restrictions of the GSA Act 1960 which is applied to manage the administration of FELDA land. These restrictions caused the settlers to find a dead end to make early planning for FELDA land. Therefore, FELDA property planning methods in line with the GSA Act 1960 need to be identified to help resolve the growing issue of FELDA inheritance. This study will examine the extent of the need and importance of the hibah method in resolving the FELDA inheritance crisis. The results of the study found that early planning for FELDA property is very necessary and conditional hibah planning method can be used to avoid inheritance problems after the death of settlers.

Keywords: *FELDA, GSA Act, Inheritance, Conditional Hibah.*

Pengenalan

Bermula dengan Rancangan Tanah Melayu yang pertama (1956-1960), telah dibangkitkan strategi untuk membasmi kemiskinan dan menyusun semula masyarakat luar bandar. Maka Lembaga Kemajuan Tanah Persekutuan (FELDA) telah ditubuhkan pada 1 Julai 1956 oleh Perdana Menteri Malaysia yang kedua iaitu Allahyarham Tun Abdul Razak Hussien. Penubuhan FELDA bertujuan untuk membasmi kemiskinan dengan menempatkan penduduk yang tidak mempunyai tanah di dalam rancangan tanah yang telah dimajukan supaya menjadikan kawasan pertanian yang lebih ekonomik dan berdaya saing. FELDA tertakluk di bawah Akta Tanah (Kawasan Penempatan Berkelompok) 1960 yang berfungsi bagi tujuan pembangunan tanah pertanian dibuka di dalam skala yang besar dan diberi milikan secara terancang (Mak Din, Hassan, Mohd Noor, & Anas, 2020).

Terdapat pelbagai usaha pihak kerajaan untuk menjamin kebajikan dan meningkatkan taraf sosioekonomi peneroka FELDA dan generasi seterusnya termasuklah pembangunan untuk golongan wanita (Kamaruddin & Vincent, 2020), infrastruktur dan pendidikan (Hashim, Bakar, & Stapa, 2019). Namun begitu, kebanyakan generasi kedua dan ketiga FELDA tidak berminat untuk meneruskan usaha generasi pertama untuk menguruskan tanah FELDA. Hal ini disebabkan faktor peningkatan taraf pendidikan, peluang pekerjaan yang lebih baik di bandar dan kurang mendapat sokongan daripada ibu bapa (Hashim, Bakar, & Stapa, 2020; Mohd Fakhrudin & Mohd Noor, 2020).

Kekangan Akta GSA 1960

Pada tahun 1960, parlimen telah meluluskan satu Akta Tanah (Kawasan Penempatan Berkelompok) yang telah digubal di bawah Perkara 76(4) Perlembagaan Persekutuan. Akta ini telah berkuat kuasa pada 30 Mei 1960 dan diguna pakai untuk negeri-negeri Semenanjung Malaysia sahaja kecuali Pulau Pinang dan Melaka dan kemudiannya telah dipinda untuk memasukkan kedua-dua negeri ini pada 1 Januari 1966. Tujuan akta ini dipinda supaya ia diseragamkan pelaksanaannya untuk semua negeri-negeri di Semenanjung Malaysia dari sudut polisi serta kuasa eksekutif yang diberikan kepada Pihak Berkuasa Negeri (Saadun et al., 2018).

Pada asalnya penggubalan akta ini adalah bermatlamatkan untuk mewujudkan satu penempatan baru yang terancang dengan menyediakan sumber-sumber ekonomi melalui pembukaan ladang-ladang oleh agensi pelaksana. Akta ini memperuntukkan hanya dua penama sahaja yang boleh didaftarkan sebagai pentadbir tanah FELDA (Nasrul & Mohd Salim, 2018; Wan Mohamad Ali & Ahmad, 2017). Selanjutnya, waris-warisan yang lain tidak boleh didaftarkan (Ahmad, Jamsari, Nasir, Hehsen, & Wan Hassan, 2017).

Tujuan sekatan di dalam akta ini dibuat untuk mengekalkan status pemilikan dan memajukan ekonomi peneroka (Zulkafli & Ahmad, 2016). Namun begitu sekatan ini menyebabkan generasi kedua FELDA tidak dapat memiliki tanah FELDA sepenuhnya kerana

waris-waris yang dilantik sebagai pentadbir hanya diamanahkan untuk menjaga dan membahagikan hasil kepada waris-waris yang lain berdasarkan persetujuan ahli waris yang lain (Suhaili & Rahim, 2018).

Akta ini telah mengalami beberapa kali pindaan melalui beberapa sekatan yang dimasukkan bertujuan untuk disesuaikan dengan perubahan dan kehendak semasa bagi menjamin pembangunan tanah pertanian dijalankan secara berterusan dengan hasil manfaat yang memberi keuntungan kepada para peneroka. Walaupun pindaan telah dibuat berkali-kali namun masalah pewarisan Felda masih lagi tidak menemui jalan penyelesaian kerana terikat dengan sekatan yang terdapat di dalam Akta Tanah (Kawasan Penempatan Berkelompok) 1960 (Mohd Yassin et al., 2017; Nor Muhamad et al., 2020).

Perkara ini telah mendapat perhatian pihak Jabatan Kemajuan Islam Malaysia (JAKIM). Maka perbincangan oleh Muzakarah Majlis Jawatankuasa Fatwa Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia kali ke-38 telah memutuskan bahawa seksyen ini tidak bertentangan dengan hukum Islam (Jabatan Kemajuan Islam Malaysia (JAKIM), 1995). Seksyen ini dibenarkan untuk mengelakkan penyalahgunaan tanah yang telah diberi hak milik kepada para peneroka, mengekalkan status pemilikan dan memajukan ekonomi peneroka (Zulkafli & Ahmad, 2016).

Berdasarkan Laporan 2.13, 'Kertas Putih Ke Arah Kelestarian Lembaga Kemajuan Tanah Persekutuan (FELDA)', perlantikan pentadbir menyukarkan urusan pewarisan kerana tindakan pentadbir yang tidak berintegriti dalam melaksana pentadbiran harta pusaka bagi hasil FELDA. Masalah pewarisan FELDA ini juga telah dibangkitkan dalam Dewan Rakyat, pada 10 April 2019 oleh Dato' Tuan Ibrahim bin Tuan Man. Beliau membangkitkan pengagihan hasil FELDA yang mengelirukan melalui perlantikan pentadbir menyukarkan pewarisan. Perbahasan tersebut juga mencadangkan keperluan satu kaedah pewarisan yang lebih baik supaya hasil FELDA ini dapat dimanfaatkan oleh waris (Dewan Rakyat, 2019).

Malah, laporan 5.40, 'Kertas Putih Ke Arah Kelestarian Lembaga Kemajuan Tanah Persekutuan (FELDA)' menyatakan FELDA sedang berusaha untuk menyediakan pelan pewarisan bagi hasil FELDA kerana 88% peneroka-peneroka FELDA sudah berusia lebih daripada 56 tahun (Ministry of Economic Affairs, 2019a). Kesan daripada masalah pewarisan ini, akan menyukarkan pihak kerajaan untuk memberikan bantuan dan sekaligus membantutkan usaha kerajaan untuk memperkembangkan ekonomi melalui sektor komoditi seperti yang dihasratkan oleh kerajaan dalam Key Economic Growth Activities (KEGA) ke-7 (Ministry of Economic Affairs, 2019b).

Sekatan Akta Tanah GSA 1960 memberi banyak implikasi yang buruk terhadap hubungan sosial institusi kekeluargaan generasi FELDA dan boleh menggugat keharmonian sesebuah keluarga itu sendiri. Ini kerana sekatan Akta Tanah GSA akan menyebabkan berlakunya pertelingkahan tuntutan tanah pusaka sesama adik-beradik kerana syarat pewarisan tanah pusaka felda mengikut Akta Tanah 1960 (GSA) memperuntukkan hanya dua orang pentadbir boleh dilantik untuk menggantikan nama peneroka yang telah meninggal dunia dan ini menimbulkan rasa tidak puas hati dikalangan waris yang lain dan menyebabkan

pertelingkahan antara mereka (Abdul Rahman & Hassan, 2020). Masalah wujudnya rasa tidak puas hati dikalangan waris-waris menyebabkan kes pengurusan harta pusaka FELDA tidak dapat diselesaikan kerana tiada kerjasama diberikan oleh mereka untuk menyediakan dokumentasi yang lengkap. Dengan itu, matlamat FELDA untuk mengekalkan kelestarian tanah rancangan akan terbantut jika tiada penyelesaian bagi isu ini (Mat Abdullah, Ab Rahman, Md. Khalid, & Mat Abdullah, 2020).

Aplikasi Hibah Bersyarat Ke Atas Tanah Felda

Perancangan harta dengan menggunakan kaedah hibah semakin mendapat sambutan di mata masyarakat. Kaedah ini dilihat dapat membantu mengurangkan masalah kelewatan pengurusan harta pusaka di Malaysia (Kamarudin et al., 2019; Nor Muhamad et al, 2020). Walaupun Sifat hibah yang berkuatkuasa serta merta tidak memerlukan proses yang rumit kerana ia dilaksanakan semasa pemberi masih hidup. Ini kerana setiap harta yang telah dihibahkan semasa hidup akan terkeluar daripada senarai harta pusaka yang membolehkan waris-waris lain menuntut (Kamarudin dan Nor Muhamad, 2017). Kes hibah akan diputuskan sebagai sah sekiranya memenuhi rukun hibah yang ditetapkan oleh jumah fuqaha'. Rukun hibah, iaitu pemberi hibah, penerima hibah, barang yang dihibah dan sighthah (ijab dan qabul) adalah perkara yang perlu dititikberatkan (Othman, Said, Muda & Nor Muhamad, 2017).

Hibah boleh dilakukan dengan bentuk taqyid, iaitu akad hibah yang bergantung dengan syarat. Hibah dengan syarat dibahagikan kepada hibah dengan syarat 'umra, hibah dengan syarat ruqba dan hibah dengan syarat balasan. Hibah 'umra ialah satu pemberian yang bersifat sementara dengan mensyaratkan supaya hibah tersebut diberikan kepada pihak yang masih hidup sekiranya terdapat satu pihak yang meninggal dunia. Hibah ini diberi nama 'umra kerana hibah ini dikaitkan dengan umur seseorang (Ibn Qudamah t.th.). Oleh itu, hibah 'umra dilihat sebagai pemberian manfaat dan bukan pemberian korpus harta. Ini bermakna pemberian tersebut secara pinjaman manfaat sahaja (Othman, Said, Muda & Nor Muhamad, 2017).

Manakala hibah ruqba ialah pemberian hibah daripada seseorang kepada seseorang yang lain, kemudian harta tersebut dikembalikan kepada pihak yang masih hidup setelah satu pihak meninggal dunia (Ibn Manzur). Selain itu, hibah ruqba juga ialah pemberian hak milik harta kepada orang lain setelah kematian pemberi hibah (Haydar t.th). Pemberian hibah secara ruqba juga dianggap pemberian secara manfaat dan bukan pemberian korpus harta (Othman, Said, Muda & Nor Muhamad, 2017). Hibah dengan syarat balasan pula bermaksud pemberian hak milik harta yang dikaitkan dengan sesuatu gentian atau sesuatu balasan kesan daripada daripada pemberian tersebut (al-Zuhayli, 1989).

Kes-kes hibah bersyarat yang diputuskan oleh Hakim Syarie di Malaysia ialah berpandukan kitab fiqah. Ini adalah kerana tiada lagi enakmen atau statut yang boleh digunapakai sebagai rujukan undang-undang. Oleh itu, terdapat kepelbagaian dalam keputusan Hakim Syarie mengenai hibah bersyarat. Amalan Hibah bersyarat digunakan secara meluas di dalam bidang takaful dimana pemberi menghibahkan manfaat takaful kepada penerima hibah. Hibah manfaat takaful dilihat menyerupai hibah ruqba dimana pemilikan manfaat hanya

dimiliki setelah peserta takaful meninggal dunia dan takaful tersebut belum mencapai tempoh matang.

Terdapat beberapa hasil kajian lepas yang menunjukkan bahawa perancangan hibah tidak boleh dilaksanakan ke atas tanah FELDA kerana sekatan yang terdapat di dalam Akta GSA 1960 (Kamarudin, Zaman, & Meor Razak, 2019). Namun begitu, hasil kajian daripada Nor Muhamad et al. (2020) menunjukkan bahawa perancangan hibah ke atas tanah FELDA boleh dilakukan dengan syarat mendapatkan pengesahan daripada pihak FELDA. Hakikatnya peneroka bukanlah dikategorikan sebagai “pemilik separa” tetapi boleh dikategorikan sebagai “pemilik sepenuhnya bersyarat”. Ini kerana berdasarkan Perjanjian Pindaan Peneroka (Klausula 2) memperuntukkan bahawa peneroka akan dikurniakan hak pemilikan tanah dengan pajakan 99 tahun mengikut Seksyen 12 (1) setelah peneroka selesai membuat pembayaran Bayaran Kembali (BK) iaitu kos pembangunan yang telah didahulukan oleh FELDA.

Selain daripada itu, mekanisme pembahagian harta pusaka FELDA adalah berdasarkan Hukum Faraid atau Akta Pembahagian 1958 (Akta 300) ataupun secara muafakat sebagaimana dipersetujui oleh semua ahli waris (Pekeliling Ketua Pengarah Tanah dan Galian Persekutuan Bilangan 12/2009). Walaupun dua penama pentadbir sahaja yang didaftarkan di dalam geran tanah FELDA mengikut sekatan Akta GSA 1960, tetapi dari segi pelaksanaan pewarisan masih lagi sama dengan tanah yang telah didaftarkan di bawah Kanun Tanah Negara 1965. Ini menunjukkan peneroka mempunyai hak manfaat sepenuhnya ke atas tanah FELDA cuma digarisi dgn beberapa syarat sekatan di dalam Akta GSA 1960 (Nor Muhamad et al., 2020).

Hibah bersyarat ruqba dilihat sangat berpotensi untuk diaplikasikan kepada sistem pewarisan FELDA kerana ciri-cirinya hanyalah sementara dan bersifat pemilikan manfaat sahaja dan bukannya korpus harta. Ini bermaksud peneroka boleh membuat perancangan hibah bersyarat ruqba di mana waris peneroka boleh menikmati dan memiliki sepenuhnya manfaat ke atas tanah FELDA. Ini kerana tanah FELDA terikat dengan sekatan dari akta GSA 1960 dimana peneroka bukanlah pemilik mutlak ke atas tanah FELDA. Walaupun peneroka bukanlah pemilik mutlak ke atas tanah FELDA tetapi peneroka merupakan pemilik mutlak ke atas segala manfaat dan hasil ke atas tanah FELDA.

PENUTUP

Sistem pewarisan tanah FELDA merupakan salah satu perkara penting dalam isu pentadbiran tanah di Malaysia (Md Sani, 2019). Ini kerana hasil daripada tanah FELDA merupakan antara penyumbang terbesar kepada sektor ekonomi Malaysia. Oleh yang sedemikian, kaedah perancangan harta FELDA yang selari dengan sekatan Akta GSA 1960 perlu diwujudkan secepat mungkin kerana profil umur peneroka terkini menunjukkan bahawa 88.0% peneroka telah pun berumur melebihi 56 tahun. Kaedah hibah bersyarat ruqba amat sesuai diguna pakai untuk perancangan pewarisan FELDA kerana ianya lebih kepada pemberian hibah manfaat ke atas hasil tanah FELDA. Pada dasarnya sekatan yang terdapat di dalam Akta GSA 1960 tidak menyekat mana-mana hak pewarisan peneroka sebagaimana yang didakwa oleh sesetengah pihak. Tujuan penguatkuasaan Akta GSA 1960 adalah untuk menjamin tanah-tanah rancangan

FELDA tidak dipecahkan kepada unit-unit yang tidak ekonomik. Tujuan sekatan ini juga bertujuan untuk menghalang tanah FELDA daripada dijual atau digadai kepada pihak luar. Pihak FELDA juga harus menjalankan urusan pemerintahan berdasarkan kemaslahan rakyat dan bukannya peraturan undang-undang semata-mata.

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PERANAN DAN SUMBANGAN CROWDFUNDING DALAM MEMBANTU GOLONGAN TERJEJAS COVID-19

*(The Role and Contribution of Crowdfunding In Assisting The Affected Groups
Covid-19)*

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Abstrak

Penularan pandemik covid-19 memberi kesan terhadap sosio dan ekonomi sesebuah negara dan individu. Pendanaan awam (Crowdfunding) dilihat mampu menyokong usaha kerajaan untuk membantu individu yang terjejas. Oleh itu, kajian ini dijalankan untuk mengenalpasti kempen-kempen yang menyumbang kepada bantuan Covid-19. Kajian ini mendapatkan maklumat mengenai kempen-kempen di dua platform utama berasaskan derma iaitu kitafund dan jomdonate. Sebanyak tujuh belas kempen crowdfunding berkaitan dengan covid-19 telah dianalisis. Kajian ini mendapati, daripada tujuh belas kempen tersebut kesemua kempen yang dilancarkan tidak berjaya mencapai sasaran kempen. Selain itu, bantuan dalam bentuk kewangan, makanan asas, peralatan perlindungan diri (PPE), sanitizer tangan dan penutup muka diagihkan kepada golongan yang terkesan. Bagi meningkatkan lagi kadar kejayaan bagi sesuatu kempen, pihak pendana awam perlu mempertingkatkan lagi kaedah penyampaian kempen dan kaedah memasarkan kempen. Pada masa yang sama, orang awam perlu diberikan pendedahan berkaitan tentang medium pendermaan yang terkini melalui crowdfunding.

Keywords: Crowdfunding, Covid-19, Pendanaan Awam, Pendermaan

Abstract

The Covid-19 pandemic outbreak affects the socio-economics of a country and individuals. Public funding (Crowdfunding) is seen to be able to support government efforts to help affected individuals. Therefore, this study was conducted to identify campaigns that contributed to covid-19 assistance. This study finds information on campaigns at two major donation-based platforms namely kitafund and jomdonate. Seventeen crowdfunding campaigns related to covid-19 have been analyzed. This study found that out of the seventeen campaigns, all campaigns

launched did not achieve their targeted fund. In addition, assistance in the form of finance, basic food, personal protective equipment (PPE), hand sanitizer and facemask are distributed to the affected. In order to increase the success rate of a campaign, platform funders need to improve their campaign delivery methods and marketing. At the same time, the public also should be given relevant exposure on the latest donation medium through crowdfunding platform.

Keywords: *Crowdfunding, Donation, Covid-19.*

PENGENALAN

Wabak pandemik baru-baru ini memberikan kesan yang sangat mendalam terhadap semua golongan di Malaysia mahupun di seluruh dunia. Wabak Coronavirus (Covid-19) yang mudah dijangkiti ini mula menular dari bandar Wuhan Wilayah Hubei, China pada Disember 2019 dan telah merebak dengan cepat ke lebih 200 negara termasuk Asia, Eropah, Australia dan Amerika (Johnson, 2020). Virus ini disifatkan sebagai sangat bahaya kerana bukan sahaja mudah dijangkiti, malah bagi golongan yang berisiko tinggi, jangkitan ini boleh membawa risiko kematian. Hal ini kerana vaksin bagi mengurangkan kesan jangkitan Covid-19 masih dalam peringkat awal agihan.

Wabak Covid-19 ini dispesifikasikan sebagai pandemik global oleh Pertubuhan Kesihatan Sedunia (WHO ,2019) kerana ia menunjukkan peningkatan jangkitan sesama manusia (Qiu et al., 2017) dan telah menyebabkan lebih daripada 200,000 kematian dalam tempoh tiga bulan (WHO ,2020). Bagi membendung menularan jangkitan Covid-19 dengan cepat, terdapat pelbagai inisiatif yang telah dilaksanakan oleh Pertubuhan Kesihatan Sedunia (WHO). Antara langkah yang disarankan ialah penjarakan sosial, kewajipan memakai penutup muka di kawasan awam dan sebagainya. Pihak Kerajaan Malaysia juga turut melaksanakan Perintah Kawalan Pergerakan (PKP) bagi menurunkan kes jangkitan harian yang semakin meningkat.

Penularan pandemik Covid-19 telah menjejaskan sistem penjagaan kesihatan awam dan menyebabkan kesan yang buruk kepada ekonomi dan sosial (Peng, Zhou, Niu, & Feng, 2021). Terdapat pekerja yang terpaksa diberhentikan kerana pihak industri tidak mampu untuk membayar gaji pekerja disebabkan masalah kewangan (Power, 2020). Kesan masalah kewangan ini seterusnya menyumbang kepada tekanan perasaan dan mental khususnya bagi ketua keluarga yang telah kehilangan sumber pendapatan (Brown, Doom, Lechuga-Peña, Watamura, & Koppels, 2020). Malah sektor perusahaan kecil tidak mampu untuk bertahan kerana sukar mendapatkan bantuan dan modal pusingan (Farhoud et al., 2021). Oleh itu, masalah-masalah ini perlu ditangani segera melalui bantuan-bantuan daripada kerajaan (Prime, Wade, & Browne, 2020).

Di Malaysia, pelbagai usaha dan inisiatif yang telah diambil oleh pihak kerajaan. Antara usaha yang telah dijalankan ialah kerajaan memperuntukkan RM295 bilion untuk pemulihan ekonomi melalui pakej Prihatin, Prihatin Tambahan dan PENJANA. Melalui pakej ini, kerajaan telah memperuntukkan RM15.3 bilion bagi program subsidi upah kepada 3.3 juta orang pekerja,

bermula 1 April 2020. Peniaga mikro juga mendapat bantuan sebanyak RM3,000 dengan jumlah peruntukan RM1.63bilion melalui pakej Prihatin (Pejabat Perdana Menteri Malaysia, 2020). Namun begitu, bekergantungan sepenuhnya kepada bantuan dan inisiatif kerajaan dalam membantu golongan terjejas boleh menyumbang kepada perbelanjaan defisit negara kerana perbelanjaan melebihi pendapatan dan boleh mengakibatkan kemelesatan ekonomi jangka panjang (Burger & Calitz, 2020; Green & Loualiche, 2021). Oleh itu, platform *crowdfunding* berasaskan derma (*donation-based crowdfunding*) merupakan satu bentuk penyelesaian yang baru dalam mengumpul dana untuk membantu golongan yang terjejas dan seterusnya membantu perbelanjaan kerajaan (Peng et al., 2021).

Menurut Moine & Papiasse, (2020), *crowdfunding* berasaskan derma dapat menghubungkan penderma dan platform *crowdfunding* dalam menyokong polisi kerajaan. Sebagai contoh usaha *crowdfunding* platform dalam membantu golongan yang terjejas ialah Platform GoFundMe.com. Platform ini telah berjaya menumpul dana sebanyak \$1,492,988,587 selama 18 hari pada Mac 2020 (Rajwa et al., 2020). Malah di Korea, terdapat kempen mengumpulan dana bagi pembangunan vaksin. Hal ini menunjukkan potensi *crowdfunding* dalam membantu golongan yang terjejas dan polisi pihak kerajaan. Manakala, *crowdfunding* juga berperanan untuk membantu pesakit-pesakit lain seperti kanser, luekimia, bantuan kewangan untuk keluarga dan peralatan perubatan (Coutrot, Smith, & Cornelsen, 2020; Kenworthy, Dong, Montgomery, Fuller, & Berliner, 2020).

METODOLOGI KAJIAN

Kajian ini bertujuan untuk mengkaji peranan kempen *crowdfunding* dalam membantu golongan terjejas kesan covid-19. Oleh itu, kajian ini menggunakan pendekatan kuantitatif untuk mengenalpasti jenis sumbangan yang disalurkan bagi bantuan Covid-19.

Terdapat tiga proses untuk mendapatkan data kajian. Proses yang pertama ialah analisis awalan terhadap platform *crowdfunding* berasaskan derma. Melalui proses ini, kajian ini mendapatkan maklumat-maklumat *crowdfunding* berasaskan derma melalui carian di internet dan kajian-kajian lepas. Kajian ini juga akan mengasingkan platform-platform yang didapati sama ada platform tersebut berasaskan derma atau sebaliknya. Terdapat dua jenis platform *crowdfunding* yang digunakan dalam kajian ini iaitu kitafund.com dan Jomdonate.com. kedua-dua platform *crowdfunding* ini berasaskan derma dan platform *crowdfunding* ini diasaskan di Malaysia.

Proses yang kedua pula ialah analisis lanjutan terhadap kempen-kempen yang berkaitan bantuan kepada individu atau organisasi yang terjejas akibat Covid-19. Berdasarkan platform-platform yang telah dikenalpasti pada proses yang pertama, kajian ini mengenalpasti kempen-kempen yang dijalankan berkaitan bantuan Covid-19. Maklumat tersebut dikumpulkan untuk memulakan proses yang terakhir iaitu pengumpulan maklumat lengkap berkaitan bantuan Covid-19. Maklumat-maklumat yang menjadi keutamaan kajian ialah kejayaan kempen, jumlah sasaran, jumlah dana terkumpul dan jenis sumbangan yang disalurkan bagi bantuan covid-19.

Jadual 1. Senarai Kempen *Crowdfunding* di platform Kitafund dan Jomdonate

Platform	Kempen	Sasaran Dana	Dana Terkumpul	Peratus Kejayaan Kempen
KitaFund	Solidariti Bersama Frontliners X Mawar Rashid	100,000.00	5,378.00	5.38%
	JM & Friends Stand Together with Mercy Malaysia	400,000.00	275,428.00	68.86%
	Food Relief Sabah	21,000.00	3,472.00	16.53%
	Sumbangan Cahaya Covid-19	209,000.00	1,307.00	0.63%
	My Parcel Asia: Covid-19 Fundraising for Logistics and Frontliners	50,000.00	12,733.00	25.47%
	Helping Underprivileged Single Mothers	30,000.00	20,220.00	67.40%
	Tabung Covid-19 Untuk Warga Sabah /Sarawak Di Selangor	10,000.00	2,437.00	24.37%
	Medical Kit Untuk Asnaf, Mangsa Covid-19 Dan Frontliners Team	20,000.00	6,039.00	30.20%
	Tabung Covid-19 Untuk Warga Sabah /Sarawak Di Selangor	95,400.00	14,207.00	14.89%
	Tabung Prihatin Covid-19 IPDAS	10,000.00	4,804.00	48.04%
	FV For Covid19 Support Fund	500,000.00	363,776.00	72.76%
	Set PPE Personal Protective Equipment	10,000.00	4,131.00	41.31%
	Bantuan Makanan Faqir Miskin Semasa Perintah Kawalan Pergerakan	75,000.00	57,153.00	76.20%
	More PPE Hospital Gowns Urgently Needed for Our Frontliners	300,000.00	299,007.00	99.67%
	Jomdonate	Sumbangan Sanitizer Tangan Untuk Pesakit Kronik Di Kerajaan Hospital / Klinik	10,000.00	36.00
Sumbangan Pra-Ramadan 1441H X COVID-19		15,000.00	540.00	3.60%
Sumbangan Pembasmian Kuman Untuk Masjid / Madrasah / Surau		20,000.00	20.00	0.10%

Sumber: Hasil pengumpulan data kajian

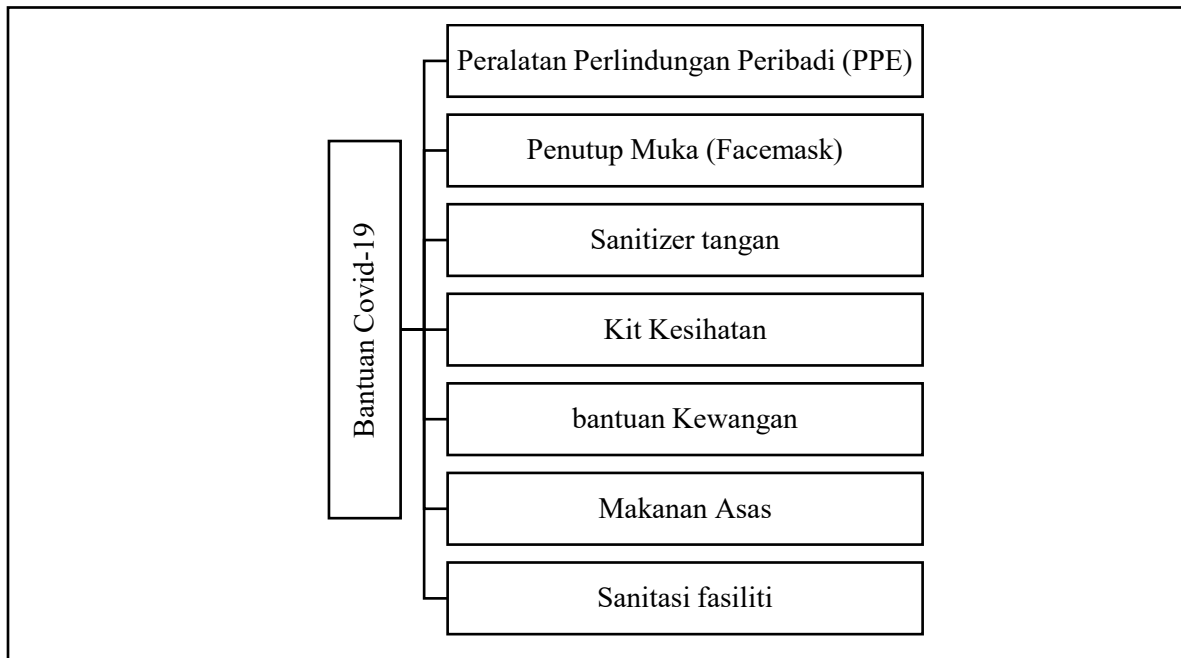
ANALISIS DATA KAJIAN

Hasil kajian mendapati terdapat 17 kempen *crowdfunding* yang menyumbang kepada golongan terjejas Covid-19 di platform Kitafund dan Jomdonate. Daripada 17 kempen *crowdfunding* itu, sebanyak 14 kempen dilancarkan di platform Kitafund dan selebihnya tiga kempen dilancarkan di platform Jomdonate. Kesemua kempen mempunyai sasaran dana dimana pihak *fundraiser* dapat memerhati prestasi kempen yang dilancarkan dari masa ke semasa. Berdasarkan hasil kajian, kesemua kempen yang dilancarkan di platform Kitafund dan Jomdonate tidak berjaya

mencapai sasaran kempen. Walau bagaimanapun, terdapat kempen yang hampir berjaya mencapai sasaran iaitu kempen More PPE Hospital Gowns Urgently Needed for Our Frontliners yang dilancarkan di platform Kitafund mencapai peratus kejayaan tertinggi iaitu 99.67% dengan jumlah dana yang berjaya dikumpulkan sebanyak RM 299,007. Selain itu, kempen FV For Covid19 Support Fund berjaya mengumpul jumlah dana tertinggi iaitu sebanyak RM363,776.00 untuk diagihkan kepada golongan yang memerlukan untuk kelangsungan hidup semasa tempoh PKP.

Bentuk Sumbangan Kempen *Crowdfunding* Berkaitan Covid-19

Hasil pengumpulan dana di platform *crowdfunding*, kajian mendapati dana terkumpul itu akan diagihkan dalam pelbagai bentuk. Sebagai contoh, jumlah dana terkumpul diagihkan dalam bentuk bekalan makanan asas, peralatan perlindungan peribadi (PPE), kit kesihatan, sanitizer tangan dan juga dalam bentuk bantuan kewangan. Kebanyakan kempen lebih tertumpu kepada sumbangan yang melibatkan penjagaan kesihatan dan kawalan jangkitan Covid-19.



Rajah 1. Jenis bantuan dan Sumbangan Covid-19

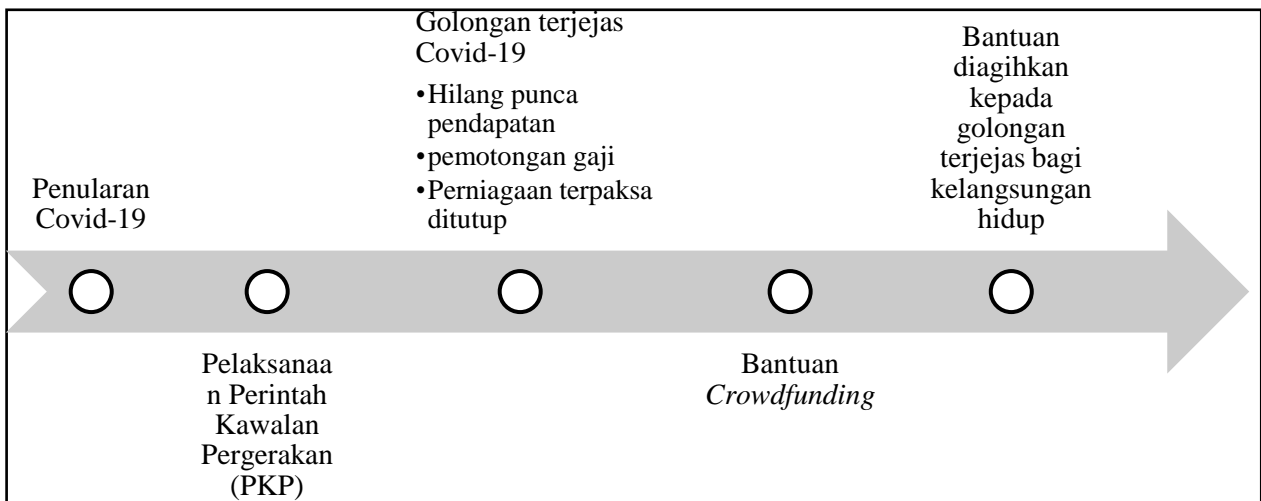
Terdapat juga kempen-kempen yang dilancarkan tersasar kepada golongan tertentu seperti kempen yang tersasar kepada golongan terjejas di Sabah dan Sarawak iaitu kempen Food Relief Sabah dan kempen Tabung covid-19 untuk warga sabah /sarawak di Selangor. Hal ini disebabkan Sabah dan Sarawak memegang rekod kadar kes jangkitan Covid-19 tertinggi dimana bermula dengan kluster baru jangkitan Covid-19 di Lahad Datu (Rampal L & Liew BS, 2021) dengan kes baru sebanyak 300 kes dan menjadi kes tertinggi di Malaysia selama lebih tiga bulan berturut. Jumlah kes jangkitan Covid-19 tertinggi di Sabah dan Sarawak menyebabkan keperluan kesihatan sedia ada tidak mencukupi seperti peralatan perlindungan

peribadi (PPE), peralatan *swab test*, penutup muka (*facemask*) dan sanitizer tangan. Selain keperluan kesihatan, bantuan kewangan turut diagihkan kepada golongan terjejas akibat Perintah Kawalan Pergerakan (PKP)

Tambahan lagi, terdapat juga kempen mengumpulkan dana yang bertujuan mengsanitasi tempat-tempat dan fasiliti yang terdedah dengan jangkitan Covid-19. Sebagaimana jumlah kes jangkitan Covid-19 meningkat mendadak dari hari ke hari, banyak tempat yang perlu mematuhi prosedur pembasmian kuman mandatori berdasarkan peraturan yang diarahkan oleh pihak kerajaan. Hal ini mungkin agak sukar dipatuhi oleh sesetengah pihak akibat masalah kewangan. Oleh itu, kempen *crowdfunding* juga mengumpul dana dan sumber yang diperuntukkan untuk menyediakan sanitasi kepada sekolah, hospital dan tempat awam yang lain.

PERBINCANGAN

Perlaksanaan PKP bagi menbendung penularan jangkitan Covid-19 mengakibatkan ramai golongan yang terjejas terutamanya dari segi ekonomi kerana keterbatasan dalam pergerakan menyebabkan mereka sukar untuk mencari sumber pendapatan seperti hari-hari sebelum ini. Hal ini menyebabkan terdapat sesetengah golongan yang menghadapi masalah kewangan terutamanya bagi ketua keluarga yang hilang punca pendapatan dan menyukarkan mereka untuk meneruskan kelangsungan hidup dalam tempoh PKP. Menurut Moine & Papiasse, (2020), *crowdfunding* berasaskan derma dapat menghubungkan penderma dan platform *crowdfunding* dalam menyokong polisi kerajaan dalam memberi bantuan golongan terkesan Covid-19. Oleh itu, dengan adanya platform *crowdfunding* ini menjadi perantara bagi mereka yang terjejas untuk meneruskan kelangsungan hidup dan dapat mengelakkan dari tekanan mental akibat kekangan kewangan.



Sumber: Hasbullah & Ab Rahman, 2020 dan diubahsuai oleh pengkaji.

Rajah 2. Peranan Bantuan dan Sumbangan *Crowdfunding*

Berdasarkan rajah 2 dapat dilihat bahawa bantuan dan sumbangan yang diberikan dapat membantu golongan yang terkesan Covid-19. Bantuan dan sumbangan tersebut amat penting kerana bukan sahaja membantu golongan terjejas Covid-19, malah dapat membantu kerajaan dalam meringankan beban yang ditanggung rakyat yang berada dalam kekangan kewangan ketika PKP dilaksanakan.

Pemberian bantuan dan sumbangan melalui platform *crowdfunding* haruslah diperkasakan lagi pada masa akan datang sekiranya penularan Covid-19 masih belum dapat ditangani. Pihak platform *crowdfunding* perlu pertingkatkan lagi usaha untuk meningkatkan lagi kadar kejayaan sesebuah kempen memandangkan *crowdfunding* ini berpotensi dalam mengumpul dana bantuan Covid-19. Antara usaha yang boleh dilakukan oleh pihak platform *crowdfunding* ialah meningkatkan lagi pemasaran platform *crowdfunding* dan mengkaji faktor-faktor kejayaan bagi sesebuah kempen. Selain itu, orang awam juga perlu diberikan pendedahan terhadap kewujudan platform pendermaan yang terkini melalui platform *crowdfunding*.

Tambahan lagi, amalan sedekah ini sangat dituntut dalam Islam. Terdapat ayat tentang peringatan Allah S.W.T tentang haruslah dibelanjakan rezeki yang dikurniakan oleh-Nya di jalan Allah menerusi ayat 254 daripada Surah Al-Baqarah yang berbunyi:

“...Wahai orang yang beriman! Belanjakanlah (ke jalan Allah) sebahagian dari rezeki yang telah Kami berikan kepadamu sebelum datang hari yang pada hari itu tidak ada lagi jual-beli dan tidak ada lagi persahabatan yang akrab dan tidak ada lagi syafaat. Dan orang yang kafir itulah orang yang zalim...”

(Surah Al-Baqarah, 2: 254)

Dalam ayat diatas, ia menjelaskan mengenai perintah Allah S.W.T kepada hambanya untuk memberi sedekah sebahagian dari rezeki yang dikurniakan oleh-Nya untuk tujuan kebajikan. Allah S.W.T memberi jaminan kepada orang-orang beriman dengan apa yang telah mereka sedekahkan di jalan kebajikan semata-maa kerana Allah dengan keselamatan di akhirat (ibn Kathir, 2009). Usaha individu dalam menyalurkan bantuan dan sumbangan ini harus dipuji kerana amalan tersebut menepati *Maqasid Syariah*, iaitu untuk menjaga jiwa dan harta memandangkan kedua-dua aspek tersebut dikategorikan sebagai *daruriyyah* iaitu keperluan asas (al-Syatibi, 2005; Hasbullah & Ab Rahman, 2020).

KESIMPULAN

Kesimpulannya, Penularan pandemik covid-19 sangat menjejaskan kesihatan awam, ekonomi dan aktiviti harian orang ramai (Shah & Farrow, 2020). Perlaksanaan PKP bagi membendung penularan jangkitan Covid-19 juga memberi kesan yang sangat mendalam terhadap individu terutamanya mereka yang kehilangan pekerjaan dan bekerja sendiri. Atas dasar tanggungjawab dan nilai murni yang dipupuk dalam diri, pelbagai bentuk bantuan dan sumbangan dapat disalurkan kepada mereka yang terjejas akibat Covid-19 melalui kempen yang dilancarkan di platform *crowdfunding*. Bantuan dan sumbangan ini memberi impak yang sangat besar kepada

golongan yang terjejas dalam meneruskan kelangsungan hidup. Malah, amalan memberi sebegini sangat digalakkan oleh Islam dan mendapat ganjaran pahala yang besar di sisi Allah.

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PRINSIP MAQASID SYARIAH, KADAR ZAKAT DAN CADANGAN KADAR BAHARU GST: KAJIAN DI MALAYSIA

*(Principles of Maqasid Syariah, Zakat Rate And Proposed New GST Rate: A
Study In Malaysia)*

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Abstrak

Kajian mengkaji dengan lebih mendalam kadar yang sesuai bagi pelaksanaan GST dan hubungan di antara faktor-faktor penerimaan masyarakat terhadap pelaksanaan semula GST kesan daripada agihan hasil kutipan GST mengikut prinsip Maqasid Syariah al-Daruriyyah al-Khams dan Pembangunan Lestari (SDG). Kajian menggunakan pendekatan kaedah penyelidikan kuantitatif, iaitu pengumpulan data maklumat dapatan dari soalan kaji selidik yang terdiri daripada kalangan pembuat dasar percukaian negara dan pembayar cukai bagi mencapai objektif kajian ilmiah. Penemuan penting kajian menunjukkan bahawa peratusan kebenaran bagi setuju pelaksanaan semula GST adalah 68.9 peratus dengan menggunakan analisa deskriptif. Kajian ini juga mendapati hubungan faktor-faktor pelaksanaan semula GST iaitu faktor kefahaman, krisis ekonomi akibat pandemik COVID 19, pola perbelanjaan dan prinsip Maqasid Syariah menjaga Agama adalah sangat signifikan dan berhubungan secara positif dengan pelaksanaan semula GST. Manakala faktor Maqasid Syariah menjaga Nyawa, Aqal, Keturunan dan Harta adalah tidak signifikan dan berhubungan negatif kecuali faktor menjaga Nyawa dan Harta berhubungan positif walaupun tidak signifikan dengan pelaksanaan semula GST. Dapatan kajian menunjukkan bahawa masyarakat bersetuju dengan pelaksanaan semua GST amat signifikan sekiranya kadar GST dikurang kepada 4% dan penemuan kedua menunjukkan masyarakat menerima pelaksanaan GST sekiranya agihan hasil Cukai GST dilaksanakan mengikut prinsip Maqasid Syariah al-Daruriyyah al-Khams. Kebanyakan kajian lepas memberi penumpuan ke atas pelaksanaan GST dari sudut perspektif keberkesanan dan kelebihan GST. Walaubagaimanapun kajian ini melihat sudut faktor-faktor kesan agihan kutipan GST mengikut prinsip Maqasid Syariah al-Daruriyyah al-Khams dan Pembangunan Lestari (SDG)

Kata Kunci: Cukai Barang dan Perkhidmatan (GST), COVID-19, Maqasid Syariah, Pembangunan Lestari (SDG)

Abstract

This study provides in more depth the implementation of GST and the relationship between the factors of public acceptance on the re-implementation of GST, the appropriate rate of GST and the impact of the distribution of GST revenue according to the principles of Maqasid Syariah al-Daruriyyah al-Khams and Sustainable Development (SDG). This study uses a quantitative research method approach, which is the collection of data information findings from survey questions accepted from group of national tax policy makers and taxpayers to address the specific research objective. The important findings of the study show that the percentage of permission to agree on the re-implementation of GST is 68.9(%) percent by using the Descriptive Analysis. This study also found that the relationship between the factors re-implementation of GST, namely factors awareness, preparedness, economic crisis due to the COVID 19 pandemic, spending patterns and the principle of Maqasid Syariah safeguarding Religion(ad-Din) is very significant and positively related to GST re-implementation. While the factors of Maqasid Syariah to take care of Life(al-Nasf), Intellect and Mind (al-Aql), Dignity and Lineage (al-Nasb) and Treasure (al-Mal) are insignificant and negatively related except the factor of taking care of Life and Treasure is positively related although not significant with the re-implementation of GST. The findings show that the community agrees with the re-implementation of GST is very significant if the GST rate is reduced to 4% and the second finding shows the community accepts the implementation of GST if the distribution of GST tax revenue is implemented according to the principles of Maqasid Syariah al-Daruriyyah al-Khams. Most of the previous studies have focused on the implementation of GST from the perspective of service tax effectiveness and efficiency. However, this study examined the impact of from both angles, namely the factors of GST re-implementation and the factors of the impact of the distribution of GST collection according to the principles of Maqasid Syariah al-Dururiyyah al-Khams and Sustainable Development.

Keywords: Goods and Services Tax (GST), COVID-19, Maqasid Syariah, Sustainable Development (SDG)

PENDAHULUAN

Seluruh dunia pada hari ini telah menghadapi cabaran yang sangat getir iaitu ancaman krisis ekonomi terburuk akibat pandemik *COVID-19*, termasuklah negara kita Malaysia. Kesannya KDNK negara terus mengucup 3.4% pada suku keempat tahun 2020. Laporan Keluaran Dalam Negara Kasar (KDNK) bagi sukuan kedua tahun 2020 telah merekodkan sejarah terburuk bagi Malaysia iaitu menjunam kepada -17.2% dari 0.7% bagi sukuan pertama 2020. Sejak berlakunya krisis kewangan di rantau Asia pada tahun 1997, Malaysia pernah mengalami kejatuhan KDNK sebanyak negatif (- 10.2%) dan (-11.2%) bagi sukuan ketiga dan keempat pada tahun 1998 akibat

diserang oleh penyayang matawang. Manakala bagi sukuan ketiga 2021 KDNK masih negatif (-2.7%), sukuan keempat (-3.4%) dan bagi sukuan pertama tahun 2021 adalah (-0.5%)(KDNK Q121-COMBINE.pdf). Jangkaan defisit belanjawan negara bagi tahun 2021 adalah pada kadar 5.4% berbanding 6.0% tahun 2020. Manakala bagi hutang luar negeri Malaysia berjumlah RM1,039.7 bilion, atau 73.2% daripada KDNK pada akhir bulan Mac 2021 berbanding dengan jumlah hutang luar negeri Malaysia pada akhir Disember 2020 iaitu sebanyak RM958.1 bilion atau 67.6% daripada KDNK, berdasarkan laporan Buletin Sukuan Tahunan oleh Bank Negara Malaysia (BNM Quarterly Bulletin, Vol. 36 No. 1, 2021).

Secara umum, tahap defisit belanjawan sesebuah negara adalah petunjuk penting kepada kestabilan makroekonomi dan teori menunjukkan bahawa defisit belanjawan yang besar membawa kesan buruk kepada kerangka utama struktur makroekonomi bagi sesebuah negara. Suasana belanjawan defisit telah melanda kebanyakan negara seluruh dunia, terutamanya sejak tahun 2008 bagi menangani kesan krisis ekonomi global yang telah mengakibatkan peningkatan hutang sesebuah negara dan kebanyakan hutang yang telah mencapai tahap kritikal (Aslam dan Raihan, 2020). Kesan belanjawan defisit juga amat membebankan negara kerana Malaysia adalah merupakan negara pengeluar minyak dunia. Setiap tahun syarikat minyak negara PETRONAS akan membayar dividen bagi menampung perbelanjaan mengurus negara. Bagi tahun 2018 sahaja PETRONAS telah membayar RM54 Bilion dividen kepada kerajaan bagi mengimbangi kehilangan kutipan hasil *GST* yang telah di mansuhkan pada 1 September 2018(Berita Harian, 2019).

Cukai barangan dan perkhidmatan (GST) yang dilaksanakan pada 1 April 2015 telah terbukti berjaya meningkatkan pendapatan hasil cukai negara daripada RM27,012 juta (12.33%) pada tahun 2015 hingga RM43,800 juta (18.26%) pada tahun 2018). Pengenalan *GST* bukan sahaja boleh memperkukuhkan sistem percukaian negara malahan telah meningkatkan hasil negara daripada RM 219,089 juta pada tahun 2015 kepada RM239,860 juta pada tahun 2018. Kesan perolehan yang tinggi hasil kutipan *GST* ini telah membuka ruang kepada kerajaan untuk meningkatkan taraf hidup rakyat dalam pelbagai jenis bantuan seperti BR1M. Ini bermakna cukai yang dibayar oleh rakyat Malaysia akan disalurkan kembali kepada rakyatnya dalam bentuk bantuan seperti BR1M (Lee Siew Lian dan Aminudin Mokhtar 2019). Kebanyakan penyelidik berpandangan *GST* adalah merupakan sistem percukaian terbaik kerana *GST* telah menunjukkan sumbangan yang amat tinggi kepada hasil percukaian negara iaitu sebanyak RM41.2 billion pada tahun 2016 berbanding dengan sumbangan kutipan cukai *SST* iaitu sebanyak RM18 billion (Ching et al., 2017). Pelaksanaan *cukai barangan dan perkhidmatan (GST)* telah mempelbagaikan sumber hasil ekonomi Malaysia daripada bergantung kepada hasil minyak sahaja.

Pelaksanaan *GST* juga turut terbukti mampu meningkat keupayakan kerajaan untuk menurunkan kadar cukai pendapatan, sama ada bagi individu mahupun korporat. Perkara ini menunjukkan model percukaian *GST* mampu menjadikan Malaysia lebih berdaya saing untuk menarik pelabur asing supaya meningkatkan pelaburan (Hussin et al.,2013). Menurut Wan Suhaimie Saidie (2013), pelaksanaannya *GST* dapat meningkatkan daya saing negara bagi

menarik lebih banyak pelaburan, mengekalkan kemampanan pertumbuhan ekonomi serta mewujudkan peluang pekerjaan berpendapatan tinggi. Kelemahan utama sistem cukai semasa iaitu *Cukai Jualan dan Perkhidmatan (SST)*, ia boleh mengakibatkan cukai berganda yang mampu ditangani melalui *GST*. *GST* akan meningkatkan sistem pentadbiran cukai yang lebih sistematik dalam mewujudkan sistem percukaian secara bersepadu dan berdasarkan pematuhan sukarela secara pengikraran sendiri (Kasipillai dan Liew, 2005). Secara keseluruhannya pelaksanaan *GST* di Malaysia, ia akan dapat mencapai tiga matlamat penting iaitu sistem percukaian yang lebih cekap, berekuiti dan penghasilan cukai yang produktif (Bardai, 1993). *GST* dilihat sebagai sebuah sistem percukaian yang lebih tersusun dan telus (Kasipillai dan Liew, 2005)

Persoalan kajian, adakah masyarakat dapat menerima pelaksanaan semula *Cukai Barang Dan Perkhidmatan (GST)* berdasarkan hasil agihan *GST* mengikut prinsip *Maqasid Syariah al-Dururiyyah al-Khams*? Berapakah kadar *GST* yang dapat diterima oleh masyarakat? Kajian ini juga akan mengenalpasti beberapa faktor utama yang telah dibahaskan oleh pengkaji lepas bagi menentukan pelaksanaan semula *GST* iaitu faktor kesediaan, kefahaman, krisis ekonomi dan pola perbelanjaan semasa pelaksanaan semula *GST*. Selain itu kajian ini juga melihat dari sudut yang berbeza dari pengkaji lepas iaitu berdasarkan faktor agihan hasil *GST* mengikut *Maqasid Syariah al-Dururiyyah al-Khams* yang terdiri daripada prinsip menjaga *agama, nyawa, akal, maruah dan harta benda*. Kajian akan mendasari dan menilai secara terperinci ke atas setiap pandangan dan persetujuan masyarakat terhadap pelaksanaan semula *GST* sekiranya dilaksanakan oleh kerajaan nanti.

Kajian akan menyusuri sorotan kajian lepas yang banyak dibincangkan oleh penyelidik-penyelidik terdahulu yang terbahagi kepada dua fasa, pertama iaitu perbahasan mengenai persepsi masyarakat terhadap pelaksanaan *GST* dan keduanya perbincangan mengenai sistem *GST* berdasarkan prinsip *Maqasid Syariah al-Dururiyyah al-Khams*. Bagi menjawab persoalan di atas, kajian ini telah meletakkan beberapa objektif utama iaitu:

- OK1. Mengkaji pandangan masyarakat terhadap peratusan kadar *GST* yang bersesuaian serta berpatutan bagi pelaksanaan semula *GST*.
- OK2. Mengkaji hubungan faktor kesediaan, kefahaman, pola perbelanjaan dan krisis ekonomi akibat pandemik COVID 19 terhadap pelaksanaan semula *GST*.
- OK3. Mengkaji hubungan faktor agihan hasil kutipan *GST* mengikut prinsip *Maqasid Syariah al-Durruriyyah al-Khams (Agama, Nyawa, Akal, Keturunan dan Harta)*

SOROTAN KAJIAN LEPAS

Cukai Barang dan Perkhidmatan (GST)

Ramai pengkaji lepas berpendapat *Cukai Barang dan Perkhidmatan (GST)* adalah merupakan sebagai salah satu kaedah yang paling berkesan untuk meningkatkan hasil kerajaan (Ernst dan Young Global Limited, 2019; Haron dan Ayojimi, 2019; Shaari et al. 2015). Buktinya ramai pengkaji-pengkaji lepas menyatakan kepentingan *GST* adalah sebagai sumber pendapatan kerajaan (Highfield et al., 2018; Haron dan Ayojimi, 2019; Shaari et al., 2015; Sanusi et al., 2015;

OECD, 2019). Kebiasaannya kajian-kajian terdahulu memberi penumpuan pada kecekapan dan keberkesanan sistem *GST* (Breen et al., 2002; Kasipillai et al., 2015). Kajian Ching et al., (2017) juga mendakwa bahawa *GST* akan meluaskan dasar percukaian negara dengan menguasai rantai ekonomi, termasuk mengekang ketirisan ekonomi akibat “Shadow Economics”. Bukti empirikal menunjukkan hubungan signifikan positif antara *GST* dan pertumbuhan ekonomi (Vendakadasalam, 2014). Kajian Vendakadasalam (2014) juga mendapati terdapat pengaruh yang signifikan antara *GST* dan pertumbuhan nasional di negara-negara ASEAN. Beliau mendapati bahawa perbelanjaan penggunaan akhir isi rumah dan perbelanjaan penggunaan umum kerajaan secara signifikan berkaitan dengan KDNK, Beliau menyifatkan *GST* adalah penting dalam memastikan pertumbuhan yang berterusan bagi perniagaan. Menurut kajian “Organisation for Economic Co-operation and Development” (OECD, 2019) yang telah dilakukan untuk menilai pendapatan hasil cukai terhadap tujuh belas (17) ekonomi negara-negara Asia dan Pasifik dan hasilnya ia mendapati bahawa *GST* merupakan sumber pendapatan yang paling penting dan semakin berkembang pesat. Laporan (OECD, 2019) menyatakan bahawa *GST* menyumbang kepada pertumbuhan lebih daripada dua puluh lapan peratus (28%) ekonomi negara-negara Pasifik. Statistik ini menunjukkan bahawa *GST* adalah sumber pendapatan yang penting bagi sesebuah negara dan memberikan kesan pertumbuhan ekonomi yang signifikan kepada kebanyakan negara (Tan et al., 2018).

Kajian Sanusi et al., (2015) menyatakan *GST* dilaksanakan adalah untuk mengurangkan manipulasi harga pemindahan. *GST* masih boleh dilaksanakan semula sekiranya sebahagiannya dapat ditangani iaitu kesan kenaikan kos terhadap harga barangan dan perkhidmatan serta faktor ketirisan hasil cukai akibat kecuaiian salah ikrar di dalam sistem percukaian *SST*. Walaupun begitu, kajian lepas juga mendapati ianya mempunyai kelemahan dan kajian lepas mendapati skala penipuan *GST* sangat meluas. Othman et al. (2019), dalam kajiannya mengenai penipuan *GST*, ianya amat memudaratkan ekonomi dan perniagaan mampan. Keen dan Smith (2006) juga mendapati sistem percukaian seperti *GST* memang terdedah kepada penipuan dan telah menyebabkan kerugian besar dalam pendapatan kerajaan. Malaysia juga dilaporkan mengalami kerugian yang cukup besar akibat kelemahan cukai *GST* (Koh, 2018). Kebanyakan kajian awal mengenai sistem *GST* memberi tumpuan terutamanya pada aspek pelaksanaan cukai terhadap dua faktor iaitu kefahaman dan kesediaan untuk pelaksanaan *GST*. Banyak kajian terdahulu mengenai *GST* Malaysia memberi tumpuan khusus kepada penentuan pelaksanaan *GST*. Sebagai contoh, kajian sebelumnya mengenai faktor kefahaman dan kesediaan untuk pelaksanaan *GST* (Ching et al., 2017), tadbir urus *GST* (Sanusi et al., 2015; Chen dan Taib, 2017) dan keberkesanan pelaksanaan *GST* (Ling et al., 2016; Mohd Yusof et al., 2014)

Kajian ilmiah yang di buat oleh (Liyana & Fatim et al. 2015) mendapati kestabilan harga, ketidakseimbangan pendapatan dan kesediaan masyarakat mempunyai hubungan dengan penerimaan *GST*. Manakala kajian yang dijalankan oleh Abu Sufian dan Norfaiezah (2018), dapatan kajian menunjukkan terdapat impak yang signifikan berdasarkan sokongan terhadap *GST*, sokongan terhadap kerajaan, kesan terhadap kos sara hidup, pandangan responden ke atas peniaga serta pandangan terhadap provokasi berkaitan *GST*. Sebarang polisi harus dilaksanakan

mengikuti kemahuan dan kehendak rakyat kerana rakyat boleh mendapat maklumat dan membuat perbandingan tentang sesuatu perkara melalui maklumat yang diperolehi hanya melalui hujung jari sahaja iaitu media sosial dan internet kerana masyarakat Malaysia cukup terdedah dengan perkembangan teknologi semasa.(Fauzi et al. 2016)

Maqasid Syariah

Kajian Nur Hidayah et al., (2021) menunjukkan kesan pelaksanaan GST dalam kerangka percukaian Islam daripada perspektif Maqasid Syariah iaitu masalah (kebaikan) dan mafsadah (keburukan) GST kepada sektor isi rumah, firma dan kerajaan. Hasil kajian ini mendapati pelaksanaan GST penting untuk menstabilkan pendapatan negara dan isu ketidakpatuhan GST menyebabkan ketidakstabilan kepada ekonomi yang membawa mafsadah yang besar kepada kesejahteraan rakyat. Manakala kajian Zulfadli et al.,(2017) mendapati pelaksanaan GST diambil kira sebagai satu tanggungjawab sosial oleh masyarakat bagi membantu meningkatkan pendapatan dan ekonomi Negara, kerajaan dibenarkan untuk mengutip cukai sebagai satu sumber perbelanjaan menaiktaraf sistem keselamatan negara untuk menjaga kemaslahatan rakyat dan pelaksanaan GST dilihat sebagai satu tanggungjawab sosial oleh rakyat bagi membantu pihak kerajaan untuk membangunkan ekonomi Negara dalam usaha untuk mengurangkan kemudaratan yang lebih besar sekiranya GST tidak dilaksanakan kerana melihat kepada potensi pelaksanaan GST dapat membantu meningkatkan ekonomi Negara. Kajian Nazjmi et al., (2019) mendapati belanjawan 2019 adalah menepati dengan objektif Syariah (Maqasid Syariah) ke arah mencari kebaikan dan mencegah dari segala kemudaratan (jalb al-manfa'ah wa daf' almadarrah) bagi memastikan keadilan dan kebajikan rakyat diperolehi secara keseluruhan tanpa membezakan bangsa dan agama.

Kajian Rahman, (2019) juga menunjukkan pendekatan Maqasid Syariah dan SDG boleh dijadikan asas sebagai panduan dan rujukan dalam tadbir urus institusi zakat/cukai di Malaysia. Kajian juga mendapati secara umumnya skim pengagihan zakat/cukai yang disediakan oleh Majlis Agama Islam Wilayah Persekutuan (MAIWP) selari dengan Maqasid Syariah dan SDG. Manakala kajian (Rosbi & Sanep Ahmad 2010) menemui penilaian keberkesanan agihan zakat/cukai berdasarkan prinsip Maqasid Syariah dijangkakan akan dapat memberi penilaian yang lebih komprehensif dan saksama dengan mengambil kira semua faktor yang penting dalam kehidupan manusia sebagaimana digariskan oleh Maqasid Syariah iaitu agama, nyawa, akal, keturunan dan harta. Kajian Marzuki et al., (2019), menunjukkan peratusan pencapaian Maqasid Syariah yang tinggi dalam kalangan asnaf yang menerima bantuan modal perniagaan adalah menjaga agama (58.6%0, menjaga akal dan fikiran serta menjaga maruah(43.6%) dan keturunan(42.1%).

METODOLOGI KAJIAN

Kajian ini menggunakan rekabentuk soal selidik berdasarkan sorotan kajian yang diadaptasikan sepenuhnya bagi menghasilkan soalan-soalan kajian. Kerangka kerja kajian adalah berdasarkan sumber adaptasi sepenuhnya daripada kajian GST oleh Ching et al., (2017) dan Hussin et al.,

(2013) adalah bagi pembolehubah faktor kefahaman, kesediaan dan pola perbelanjaan. Manakala kajian Nurul Adilah Hasbullah & Rahman, A.A. (2020) dan A.U.M. Shah et al. (2020) bagi pembolehubah faktor krisis ekonomi semasa pandemik *COVID 19*. Bagi pembolehubah faktor agihan hasil kutipan *GST* di adaptasi sepenuhnya daripada kajian Zamri et al., (2016) dan Rahman (2019). Kesemua pembolehubah akan digunakan untuk mengukur hubungan di antara pembolehubah bersandar iaitu kesediaan ke atas pelaksanaan semula *GST* dengan lapan pembolehubah bebas lain.

Model Maqasid Syariah

Model asal CAST yang diperkenalkan oleh Birtha Mikkelsen (Handshake et al. 2007) bagi melihat ukuran keberkesanan sesuatu program dari 4 aspek/ indikator utama iaitu dari segi “livehood”, “resources/services, knowledge” dan “human right”. Walaubagaimanapun bagi tujuan kajian ini akan mengikut model kajian (Rosbi & Sanep Ahmad 2010) terhadap keberkesanan bantuan modal zakat. Keberkesanan agihan hasil kutipan *GST* melalui peningkatan pendapatan negara akan disalurkan semula kepada rakyat melalui agihan belanjawan setiap tahun. Hasil *GST* dijangkakan mampu memberi kesan dan perubahan berikut kepada rakyat daripada sudut prinsip *Maqasid Syariah (dururiyyah al-khams)*. Kesan dan perubahan ini kepada masyarakat akan diukur dalam 5 skala Likert, daripada yang Sangat Setuju (nilai 5), Setuju (nilai 4), Kurang Setuju (nilai 3), Tidak Bersetuju (nilai 2) dan kepada kesan yang paling negatif iaitu sangat tidak setuju (nilai 1).

Maklumat-maklumat yang diperolehi dari kaji selidik mengenai kesan perubahan yang berlaku kepada golongan pembayar cukai dan pembuat dasar percukaian negara serta agensi pelaksana *GST* akan dianalisa menggunakan perisian IBM SPSS Statistik versi 23 untuk melihat sejauhmana hubungan setiap pembolehubah bebas dengan pemboleh ubah bersandar berdasarkan dapatan data kaji selidik responden. Menerusi kaedah analisis regresi ini setiap pembolehubah bebas akan dinilai samada memberikan kesan hubungan positif atau sebaliknya kepada pembolehubah bersandar.

Data Kajian

Saiz populasi dan sampel kajian yang diperlukan adalah berdasarkan kajian (Krejcie & Morgan, 1970), hubungan antara saiz sample dan saiz polulasi menunjukkan bahawa semakin meningkat saiz populasi, saiz sample juga meningkat dengan kadar yang semakin berkurang dan secaa relative tetap pada saiz sample sebanyak 384 selepas saiz populasi 1 juta. Kajian ini memperoleh 501 responden berdasarkan responden melalui data yang dikumpul melalui pengedaran borang soal selidik secara dalam talian, terdiri dalam kalangan pembuat dan pelaksana dasar percukaian negara sebanyak 125 responden serta pembayar cukai di Malaysia sebanyak 376.

Kaedah Pensampelan

Kaedah Pensampelan: Kajian ini menggunakan kaedah pensampelan secara rawak berstruktur dengan menggunakan soal selidik yang dirangka untuk menjawab persoalan kajian. Data

diperoleh melalui soal selidik yang diedarkan secara online bermula 18 Mac 2021 sehingga 17 April 2021 dengan tertumpu kepada kakitangan Jabatan Kastam Diraja Malaysia, Bahagian GST, Kementerian Kewangan dan pembayar pembayar GST. Sebanyak lebih kurang 900 soal selidik telah diedarkan melalui email, media sosial, aplikasi WhatsApp, Telegram dan hanya 501 soal selidik diterima dan sesuai untuk dianalisis menjadi responden kajian

PENEMUAN KAJIAN

Jadual 1. Butiran demografik responden (n=501)

		N	%
Jantina	Lelaki	297	59.3
	Perempuan	203	40.5
Generasi	Generasi X	137	27.3
	Generasi Y	320	63.9
	Generasi Z	44	8.8
Status	Berkahwin	361	72.1
	Bujang	121	24.2
	Duda/Janda	19	3.8
Pekerjaan	Sektor Awam	245	48.9
	Sektor Swasta	112	22.4
	Bekerja Sendiri	47	9.4
	Pesara	21	4.2
	Tidak Bekerja/Pelajar	76	15.2
Pendapatan bulanan	B40	197	39.3
	M40	199	39.7
	T20	105	21
Tahap Pendidikan	SPM/Sijil kemahiran ke bawah	54	10.8
	STPM/Diploma/Matrikulasi	74	14.8
	Sarjana	279	55.7
	Sarjana ke atas	94	18.8
Jumlah Tanggungan	0-2	171	34.2
	3-4	153	30.6
	5-6	134	26.6
	7-8	35	7
	9-10	5	1.2
	11-12	2	0.4

Sumber: Maklumat Soal Selidik 2021

Demografi Responden

Hasil analisis data menggunakan IBM SPSS Statistik versi 23, Jadual 1 menunjukkan demografi responden yang diperolehi semasa menjalankan pengutipan data di lapangan. Hasil dapatan menunjukkan bahawa (59.3.8%) adalah lelaki berbanding (40.5%) responden perempuan. Daripada tiga kategori gengerasi usia, mendapati kategori genegrasi Y adalah tertinggi iaitu sebanyak 320 responden (63.9%). Manakala bagi kategori generasi X sebanyak 137 responden (27.3%) dan bagi generasi Z adalah terendah seramai 44 responden (8.8%). Bagi status perkahwinan responden, seramai 361 orang responden (72.1%) adalah berstatus telah berkahwin dan 121 orang responden (24.2%) adalah berstatus bujang. Hanya terdapat seramai 19 orang responden (3.8%) adalah berstatus duda/janda bagi taraf perkhawinannya. Majoriti daripada keseluruhan responden adalah berstatus berkahwin.

Jadual 1 menunjukkan majoriti responden bagi sektor pekerjaan adalah sektor awam iaitu 245 orang responden mewakili (48.9%), manakala sektor swasta adalah 112 orang responden (22.4%) diikuti dengan tidak bekerja/pelajar sebanyak 76 orang responden (15.2%) dan bekerja sendiri seramai 47 orang responden (9.4%). Pesara adalah merupakan sektor pekerjaan yang paling sedikit iaitu sebanyak 21 orang responden (4.2%). Manakala bagi statistik pendapatan bulan pula menunjukkan adalah sebanyak 197 orang responden bagi B40 mewakili (39.3%), 199 orang responden bagi M40 mewakili (39.7%) dan 105 orang responden bagi T20 iaitu (21%), menunjukkan taburan pendapatan bulan responden mewakili corak pendapatan isi rumah bagi rakyat Malaysia. Bagi tahap pendidikan akademik tertinggi responden adalah terdiri daripada lepasan Sarjana ke atas iaitu seramai 94 orang responden (18.8%). Seramai 279 orang responden (55.7%) pula mempunyai Sarjana. Manakala terdapat 74 orang responden (14.8%) yang memiliki tahap pendidikan akademik sehingga STPM/Diploma/Matrikulasi dan 54 orang responden (10.8%) yang memiliki tahap Sijil Pelajaran Malaysia (SPM)/Sijil Kemahiran dan ke bawah. Jumlah tanggungan responden terbanyak adalah seramai 0-2 orang iaitu 171 orang responden (34.2%), diikuti tanggungan sebanyak 3-4 orang iaitu 153 orang responden (30.6%), seterusnya tanggungan sebanyak 5-6 orang iaitu 134 orang responden (26.6%), tanggungan sebanyak 7-8 orang iaitu 35 orang responden (7%), manakala tanggungan sebanyak 9-10 orang iaitu 5 orang responden (1.2%) dan yang paling banyak tanggungan adalah 11-12 orang iaitu 2 orang responden (0.4%).

Jadual 2: Statistik Deskriptif Pembolehubah

Konstruk	Min	SD	Skor ¹
Kesediaan Pelaksanaan Semula GST	3.9940	0.88393	Tinggi
Kefahaman GST	3.7037	0.88724	Sederhana
Faktor Krisis Ekonomi	3.7249	0.86223	Sederhana
Jangkaan Kesan Pola Perbelanjaan	3.7166	0.60683	Sederhana
Prinsip Menjaga Kemuliaan Agama (Din)	4.0754	0.80547	Tinggi
Prinsip Menjaga Nyawa (al-Nafs)	3.9936	0.85142	Tinggi
Prinsip Menjaga Akal dan Fikiran (al-Aql)	3.8699	0.87544	Tinggi

Prinsip Menjaga Maruah dan Keturunan (al-Nasb)	3.8898	0.84266	Tinggi
Prinsip Menjaga Harta (al-Mal)	3.9253	0.85902	Tinggi

Nota: SD: Sisihan piawai 'Skala Tahap Persetujuan; < 2.4; Rendah; 2.41-3.80; Sederhana; >3.81 Tinggi (Bahril Balli & Wahid Razzaly (2011)

Statistik kaedah Deskriptif Analisis menunjukkan min dan sisihan piawai bagi setiap konstruk seperti di Jadual 2 menunjukkan statistik deskriptif bagi setiap konstruk. Nilai min yang paling rendah adalah bagi konstruk kefahaman GST iaitu 3.7037 dan nilai min yang tertinggi adalah bagi konstruk prinsip menjaga kemuliaan Agama (Din) iaitu 4.0754. Sementara bagi sisihan piawai(SD) menunjukkan ke semua konstruk berada di bawah nilai 1.00, ini menunjukkan menunjukkan bahawa variasi dan taburan nilai min adalah kecil. Ini jelas menunjukkan bahawa responden mempunyai persepsi yang serupa terhadap konstruk dalam kajian ini.

Jadual 3: Kecenderungan Pelaksanaan Semula GST

Item	Bil Responden	Peratusan
Tidak setuju GST	156	31.1
Setuju Pelaksanaan GST	345	68.9
Jumlah	501	100

Sumber: Maklumat Soal Selidik 2021

Jadual 4: Kecenderungan Kumpulan Pembayar Cukai dan Kumpulan Agensi Pelaksana Cukai Terhadap Pelaksanaan Semula GST

Responden Kajian	Kumpulan		Jumlah
	Pembayar Cukai	Agensi Pelaksana	
Tidak setuju GST	138	18	156
Setuju Pelaksanaan GST	238	107	345
Jumlah	376	125	501

Sumber: Maklumat Soal Selidik 2021

Jadual 3 dan Jadual 4 adalah hasil analisa diskriptif menunjukkan seramai 345 responden bersetuju dengan pelaksanaan semula GST yang mewakili 68.9 % manakala hanya 156 responden yang tidak bersetuju dengan pelaksanaan semula GST ia mewakili 31.1%. Bagi kumpulan responden juga mendapati 238 responden bagi kumpulan pembayar cukai dan 125 responden kumpulan agensi pelaksana yang bersetuju dengan pelaksanaan GST manakala bagi kumpulan pembayar cukai yang menolak pelaksanaan GST adalah sebanyak 138 responden dan 18 responden bagi agensi pelaksana yang menolak pelaksanaan semula GST.

Analisis Regresi Berganda

Model Analisis Regresi Berganda adalah teknik 'multivariate' juga telah digunakan untuk menganalisis hubungan antara satu pemboleh ubah bersandar dan beberapa pemboleh ubah tidak bersandar (Hair et al., 2010) Seperti yang ditunjukkan dalam Jadual 5, kajian ini telah

mengenalpasti hubungan negatif yang tidak signifikan di antara Prinsip Menjaga Akal ($\beta = -0.045$, $p < 0.431$), dan Prinsip Menjaga Maruah ($\beta = -0.063$, $p < 0.438$), dengan tahap kesediaan melaksanakan semula GST, Manakala Prinsip Menjaga Nyawa ($\beta = 0.045$, $p < 0.482$) dan Prinsip Menjaga Harta ($\beta = 0.013$, $p < 0.830$), pula menunjukkan hubungan positif yang tidak signifikan, tetapi ia tidak menunjukkan hubungan yang signifikan dengan tahap kesediaan melaksanakan semula GST. Bagi pembolehubah Kefahaman GST ($\beta = 0.276$, $p < 0.000$), Faktor Krisis Ekonomi ($\beta = 0.460$, $p < 0.000$), Jangkaan Pola Perbelanjaan ($\beta = 0.269$, $p < 0.000$) dan Prinsip Menjaga Kemuliaan Agama (Din) ($\beta = 0.106$, $p < 0.037$), menunjukkan hubungan positif yang signifikan dengan dengan tahap kesediaan melaksanakan semula GST. Pembolehubah bersandar yang diterangkan oleh pembolehubah bebas sebanyak 64.9 peratus digambarkan oleh Model Analisis Regresi Berganda ($R^2 = 0.649$).

Jadual 5: Statistik Model Analisis Regresi Berganda

Model	Pekali tidak piawai		Pekali Piawai		Dapatan	
	β	Ralat Piawai	Beta	t	Sig.	
Konstan	0.013	0.169		0.08	0.937	
Kefahaman GST	0.276*	0.042	0.277	6.626	0.00	Terima
Faktor Krisis Ekonomi	0.460*	0.044	0.449	10.409	0.00	Terima
Perbelanjaan	0.269*	0.043	0.185	6.200	0.00	Terima
Prinsip Agama	0.106**	0.051	0.097	2.089	0.037	Terima
Prinsip Nyawa	0.045	0.064	0.044	0.704	0.482	Tolak
Prinsip Aqal	-0.045	0.057	-0.045	-0.788	0.431	Tolak
Prinsip Maruah	-0.063	0.067	-0.060	-0.939	0.348	Tolak
Prinsip Harta	0.013	0.060	0.013	0.215	0.830	Tolak

Nota: R Square (R^2) = 0.649%

Pembolehubah: Kesediaan Pelaksanaan Semula GST

* signifikan pada aras keertian 1%; ** signifikan pada aras keertian 5%

PERBINCANGAN DAN IMPLIKASI DASAR

Kadar GST

Berdasarkan statistik analisa deskriptif ke atas soalan, pada pandangan anda, berapakah kadar baru GST yang sepatutnya kerajaan kenakan sekiranya berhasrat melaksanakan semula GST seperti di Jadual 6 menunjukkan bahawa 276 responden iaitu 55.1% mencadangkan kadar GST perlulah bawah daripada 4%. Kajian ini mendapati hampir keseluruhan responden setuju dengan pelaksanaan semula GST tetapi dengan cadangan kadar GST berada di bawah 4% menjadi pilihan majoriti responden. Ini menggambarkan pelaksanaan semula GST tidak menjadi permasalahan kepada masyarakat tapi isu kadar yang sesuai dan berpatutan menjadi pilihan

masyarakat untuk pelaksanaan semula GST. Hasil penemuan kajian ini menepati kajian yang telah di buat oleh Syazwani et al.,(2016) mendapati responden kajiannya sangat tidak setuju dengan kadar GST 6% dan cadangan kajian tersebut menyatakan kadar GST perlu diturun kepada 4%.

Jadual 6: Pada pandangan anda, berapakah kadar baru GST yang sepatutnya kerajaan kenakan sekiranya berhasrat melaksanakan semula GST

Cadangan kadar GST baru	<i>n</i>	Peratusan	Peratusanan Disahkan	Peratusan Komulatif
Kurang daripada 4%	276	55.1	55.1	55.1
4%	103	20.6	20.6	75.6
5%	53	10.6	10.6	86.2
6% (Kadar lama)	62	12.4	12.4	98.6
Lebih daripada 6%	7	1.4	1.4	100
Jumlah	501	100	100	

Sumber: Maklumat Soal Selidik 2021

Faktor-faktor Penerimaan GST

Dapatan kajian menunjukkan bahawa tahap kesediaan pelaksanaan semula GST hendaklah mengambil kira tahap kefahaman masyarakat terhadap pelaksanaan GST bagi mengelak persepsi negatif penolakan pelaksanaan GST akibat salah faham masyarakat terhadap keperluan dan kelebihan serta tujuan pelaksanaan GST bagi menggantikan SST. Hasil kajian Nur Hidayah et al., (2021) dan Hanum Hasan, (2016), kebimbangan responden terhadap pelaksanaan GST terjawab kerana kurangnya maklumat yang disampaikan kepada masyarakat mengenai GST. Bagi faktor krisis ekonomi semasa pandemik COVID 19 jelas menunjukkan hubungan yang kuat terhadap kesediaan pelaksanaan semula GST supaya dapat menampung perbelanjaan negara yang semakin membesar akibat suntikan rangsangan ekonomi untuk kerajaan berbelanja bagi kepentingan rakyat. Peruntukan sebanyak RM 852.5 billion melalui sembilan (9) pakej rangsangan ekonomi untuk berhadapan dengan pandemik COVID 19 iaitu Pakej Prihatin bernilai RM250 billion, Pakej Prihatin PKS bernilai RM10 billion, Pelan Jana Semula Ekonomi Negara (PENJANA) bernilai RM35 billion, Kita Prihatin bernilai RM10 billion, PERMAI bernilai RM15 billion, PEMERKASA sebanyak RM20 billion, PEMERKASA PLUS sebanyak RM40 billion dan terbaharu bagi tahun 2021 iaitu PEMULIH sebanyak RM150 billion. Manakala, Belanjawan 2021 pula membabitkan peruntukan sebanyak RM322.5 billion. Kajian Nurul Adilah Hasbullah & Rahman, A.A,(2020) menunjukan bahawa kerajaan perlu mengambil tanggungjawab untuk menjaga kesejahteraan rakyat dengan mempunyai kewangan yang kukuh untuk membantu rakyat semasa COVID-19.

Cadangan Penambahbaikan Agihan Hasil GST

Bagi prinsip menjaga Agama(al-Din) menjelaskan hubungan yang sangat kuat dengan pelaksanaan semua GST, ini menjelaskan masyarakat amat menitik beratkan keperluan kerajaan

untuk memberi perhatian yang lebih di dalam peruntukan perbelanjaan bagi menjaga *Agama* kerana nilai min yang tertinggi adalah bagi kontrak prinsip menjaga kemuliaan *Agama (Din)* iaitu 4.0754. Kebanyakan kajian sangat menyokong kebenaran ini seperti kajian oleh (Abu Sufian & Norfaiezah, 2018; Nur Hidayah et al. 2021; Zulfadli et al. 2017; dan Nazjmi et al. 2019). Kajian ini juga menunjukkan bahawa empat *prinsip Maqasid Syariah* iaitu *Prinsip Menjaga Nyawa (al-Nafs)*, *Prinsip Menjaga Akal dan Fikiran (al-Aql)*, *Prinsip Menjaga Maruah*, *Keturunan (al-Nasb)* dan *Prinsip Menjaga Harta (al-Mal)* perlu diberi perhatian sewajarnya oleh pihak kerajaan.

Cadangan Kajian Selanjutnya

Penemuan penting kajian ini menunjukkan responden menyokong pelaksanaan *GST* pada kadar bawah daripada 4%. Oleh sebab itu, bagi meningkatkan lagi sokongan masyarakat terhadap pelaksanaan semula *GST* kerajaan perlu menggunakan sepenuhnya agihan kutipan *GST* mengikut *prinsip Maqasid Syariah*. Satu kajian lanjut mengenai enam parameter yang telah ditetapkan oleh Majlis Fatwa Kebangsaan bagi keharusan pelaksanaan *GST* perlu diteliti secara ilmiah bagi menjawab persoalan adakah keenam-enam parameter keharusan pelaksanaan *GST* dipenuhi oleh pihak pemerintah semasa pelaksanaan *GST* pada 1 April 2015 dan telah di mansuhkan pada 1 September 2018 (e-fatwa, JAKIM 2015).

Bagi menangani penipuan *GST* seperti mana yang telah dinyatakan di sorotan kajian lepas dan maklum balas responden kepada pihak kerajaan, penyelidik juga perlu mengkaji dengan lebih mendalam dan mempertimbangkan kaedah baru pengukuran kutipan hasil sebenar *GST* melalui Analisa Kos Faedah dan “Benefit Intensity of GST Growth Index (BIG)”. Kaedah baru indeks pengukuran faedah yang mudah digunakan bagi pembuat dasar untuk mengenalpasti sektor ekonomi yang memberi pulangan kutipan *GST* berkualiti tinggi bagi mengelak jurang perbezaan cukai yang tinggi bagi setiap sektor ekonomi. Pihak kerajaan perlu mempunyai kaedah pengukuran kecekapan pelaksanaan *GST* terutamanya pengukuran prestasi kecekapan *GST* bagi setiap sektor ekonomi supaya tidak berlaku ketirisan ekonomi semasa pelaksanaan semula *GST* (Abdul Karim & Gan 2017).

Kadar Zakat

Berdasarkan sebahagian cadangan dan harapan responden kepada kerajaan sekiranya *GST* dilaksanakan semula menunjukkan 5 responden mencadangkan kadar *GST* sama seperti zakat iaitu 2.5%. Ini menunjukkan betapa pentingnya kadar *GST* hendaklah selari dengan konsep kadar zakat supaya masyarakat dapat menerima semula pelaksanaan *GST*, matlamatnya bagi membantu negara di atas dasar kewajiban menunaikan zakat/cukai. Terdapat 3 responden mengharapkan kerajaan memantau isu kenaikan harga barang, inflasi dan kawalan ke atas harga barang dan pelbagai cadangan menarik untuk perhatian pihak kerajaan adalah seperti di Jadual 7.

Jadual 7: Cadangan dan harapan responden kepada kerajaan sekiranya GST dilaksanakan semula

Responden	Maklum balas
P1,P15,P47,P101 dan D4	...Kenakan GST sama seperti zakat. 2.5%...
D13,P60,P115	...Pihak kerajaan perlu memantau kenaikan harga barang yang tidak munasabah, inflasi dan kawalan harga barang...
D123	...Wujudkan mekanisme dalam kawalan ketirisan dan meningkatkan penguatkuasaan undang ke atas “fraud GST” serta pelaksanaan yang patuh syariah dalam mengasingkan hasil kerajaan dari sumber yang halal dan syubhah...
D105	...Sistem GST ini perlu dilaksanakan kerana ianya lebih telus jika dibandingkn dengan sistem SST kerana dlm sistem SST kebanyakan peniaga tidak jujur dlm memberikan laporan pendapatan mereka dlm perniagaan dan menipu utk membayar cukai...

Manakala sebahagian ulasan dan cadangan responden yang menarik untuk disuarakan kepada pihak kerajaan menunjukkan 8 responden menyuarakan perkara yang sama iaitu bebas rasuah, pembaziran dan salah urus takbir negara sebagai maklumbalas yang paling banyak diterima dan selainnya adalah seperti di JADUAL 8.

Jadual 8: Ulasan dan cadangan responden untuk disuarakan kepada pihak kerajaan

Responden	Maklum balas
P1,P21,P34,P81,P239,P241, P322,D82	“...Bebas rasuah, pembaziran dan salah tadbir urus negara...”
P12	“...Pendapatan bagi garaduan baru perlu dikaji semula berikutan dengan kenaikan perbelanjaan pada masa kini. Menyelesaikan masalah lambakan penganggur dalam kalangan pelajar lepasan ijazah begitu juga lambakan guru/doktor yang masih belum dapat tempat bertugas...”
P33	“...Kerajaan perlu merangka pelan integrasi percukaian & zakat utk penyeragaman hasil & mengelakkan pertindihan...”

KESIMPULAN

Pendekatan model Maqasid Syariah di dalam pelaksanaan semula GST dilihat amat sesuai dijadikan asas dan panduan untuk kerajaan menerangkan kepada masyarakat betapa perlunya sistem percukaian GST di Malaysia. Dapat dirumuskan bahawa agihan hasil kutipan GST yang disalurkan bagi mencapai kelima-lima prinsip dalam *Maqasid Syariah al-Dururiyyah al-Khams* memainkan peranan penting dalam mengukur tahap kesediaan pelaksanaan semula GST. Ianya dapat meningkatkan kepercayaan, pendirian dan keyakinan masyarakat terhadap kerajaan bagi melaksanakan semula sistem GST. Perbincangan mengenai kadar GST yang dapat diterima oleh

masyarakat adalah merupakan perkara terpenting di dalam menentukan pelaksanaan semula GST pada masa hadapan. Berdasarkan kajian mendapati masyarakat menerima kadar GST di bawah 4% dan kadar ini amat sesuai dan dapat memudahkan pihak kerajaan memperjelaskan kepada masyarakat berkaitan konsep kadar zakar selari dengan tuntutan cukai GST kerana kadar GST tidak membebankan dan rakyat dapat membantu negara menambah hasil negara dan akhirnya hasil tersebut dapat kembali kepada rakyat jelata. Penilaian semula agihan hasil GST berasaskan *Maqasid Syariah dan SDG* amat penting dan ia bertepatan bukan sahaja dengan prinsip yang digariskan dalam Islam malah pihak kerajaan boleh menjadikan matlamat yang digariskan oleh *SDG dan Maqasid Syariah* sebagai sasaran utama yang perlu dicapai di dalam memerkasakan institusi pembuat dasar dan agensi pelaksana sistem GST seperti Kementerian Kewangan dan Jabatan Kastam Diraja Malaysia. Kesejahteraan masyarakat hasil limpahan agihan pendapatan GST di salur semula kepada rakyat mengikut prinsip Maqasid Syariah yang selari dengan hukum keharusan GST yang telah diputuskan oleh Majlis Fatwa Kebangsaan. Secara umumnya, pelaksanaan semula GST bertepatan dengan *Maqasid Syariah dan SDG* dan kerajaan perlu lebih banyak menzahirkan agihan hasil GST kepada masyarakat. Selain itu beberapa perkara penting yang telah dibahaskan oleh kajian ini iaitu prinsip *Maqasid Syariah* iaitu *nyawa, aqal, maruah dan harta*, patut diberi penambahbaikan segera oleh pihak pemerintah di atas dasar tanggungjawab sebagai kerajaan bagi menjaga rakyat Malaysia keseluruhannya tanpa mengira bangsa dan agama. Cadangan dan penambahbaikan ini perlu dilihat secara positif oleh institusi pembuat dan agensi pelaksana GST serta kerajaan di dalam mentransformasikan dan penjenamaan semula sistem GST kepada wajah baharu yang lebih dinamik dan mesra rakyat.

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THE EFFECT OF ZAKAT ON SOCIAL WELFARE AND ECONOMIC GROWTH IN INDONESIA AS A CASE STUDY

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Abstract

Indonesia has tremendous zakat potential, besides having the largest number of Muslims in the world, Indonesia is also the most generous country in the world (World Giving Index 2018). However, in reality, in the field of financial management for Islamic social, especially zakat, it is still far from expectations. In 2019, Indonesia was only able to collect 4.39% of the total potential zakat funds and 85% of the funds raised could be distributed (BAZNAS 2020). The use of zakat funds to achieve social welfare has a very significant impact on the poor and needy. In a broader context, this will have an indirect impact on the Indonesian people and economy. This study uses a quantitative approach, namely a meta-analysis approach that is used to test hypotheses and explain the results of calculations that have been carried out. The results of the meta-analysis show that there is a significant negative relationship between zakat distribution and poverty with a value (r) of -0.1510. There is a significant positive relationship between the distribution of zakat on welfare with a value (r) of 0.6027, income with a value (\bar{r}) of 0.3958, and economic growth with a value (r) of 0.4318.

Keywords: Zakat, Poverty, Welfare, Economic Growth, Meta Analysis.

INTRODUCTION

Zakat in Indonesia has grown very rapidly since the last decade. This is indicated by the increasing utilization of zakat for the empowerment of the ummah in the economic, educational, and social fields in general. Zakat is expected to reduce the level of poverty in the community and encourage the poor to become more prosperous. Yusuf Qardawi (2011) reveals that Zakat is indeed one of the social and economic instruments that has enormous potential so that it can be optimized for the development of a nation.

Zakat is one of the pillars of Islam and is also a mandatory instrument for Muslims in worshipping Allah SWT which has an impact on the social and economic fields of society. Zakat can be seen as one of the resources and sources of funding for the things covered in the 8 ashnaf, as in the Qur'an, especially the letter At-Taubah verse 60 (9:60). The reading of the verse has practically been applied to activities in the form of social, economic, empowerment and advocacy programs. Therefore, zakat is generally considered as a resource as well as a potential source of funds to carry out its programs in the hope that it can have a positive impact and change for those who receive it, especially in the framework of poverty alleviation.

In the Indonesian context, poverty and its alleviation are still big issues that need attention, both from the economic aspect, social services and access, as well as from various other categories of poverty viewed from various sizes and perspectives. Data from the Central Statistics Agency (BPS) states that the poor (people with monthly per capita expenditure below the Poverty Line) in September 2019 were still very high, reaching 24.79 million people or 9.22% of the total population of Indonesia, which was 267 million people. in 2019. This number decreased from the previous year, namely September 2018 reaching 25.67 million people or 9.66% of the total population of Indonesia. Poverty is seen as sunnatullah and cannot be avoided in the context of Islam. Islam does not talk about how to eliminate poverty, but Islam talks about how to minimize poverty and how to achieve prosperity. One of the instruments in Islam that can alleviate poverty and improve welfare is to pay zakat (Hafidhuddin 2008).

According to the results of a study conducted by the Strategic Studies Center (Puskas) BAZNAS, it is known that the total potential for zakat in Indonesia is 233.8 trillion rupiah in 2019. However, the potential for zakat in Indonesia in this study is far from expectations and has not been supported by the collection of zakat funds in Indonesia. field. Recent data show that there is a significant gap between the potential for zakat and the reality of its collection, which is substantially lower. This is evidenced from the 2019 zakat collection data that can be collected from this potential of only Rp. 10,227,943,806,555 or around 4.39% of the potential for national zakat collection. This indicates that there is a gap between the potential of zakat and its real income.

Table 1. Collection of Zakat and Distribution of Zakat in 2015 – 2019

Year	Zakat Collection	Zakat Distribution	Effective
2015	3,650,369,012,964	2,249,160,791,526	61.6%
2016	5,017,293,126,950	2,931,210,110,610	58.4%
2017	6,224,371,269,471	4,860,155,324,445	78.1%
2018	8,117,597,683,267	6,800,139,133,196	83.8%
2019	10,227,943,806,555	8,688,221,234,354	84.9%

Source: Statistik Zakat Nasional 2019, BAZNAS

Table 1 shows the level of zakat distribution in Indonesia. In addition to the obstacles in collecting zakat funds, Indonesia also experiences obstacles in the distribution of zakat funds. Distribution of zakat funds in Indonesia decreased in 2016 to only about 58% of the total zakat funds collected. However, it increased in the following year, 2017, 2018 to 2019 the level of distribution of zakat funds in Indonesia was 78%, 84%, and increased to 85%.

BAZNAS examines the payment of Zakat, Infaq, Alms (ZIS) by the community that is not carried out through the official Zakat Management Organization (OPZ) together with the Bogor Agricultural Institute (IPB), the National Committee for Sharia Economy and Finance (KNEKS), the Ministry of Religion of the Republic of Indonesia (Kemenag RI).), and Bank Indonesia (BI). As a result, the number of ZIS collections that did not go through the official OPZ in 2020 was IDR 61,258,712,487,476. The results of the study show that the amount of ZIS collection that is not paid through the official OPZ is greater than the amount of ZIS that

has been collected by official zakat institutions. More efforts are needed from the existing official BAZNAS and LAZ and government policies that provide incentives to the community to encourage the community to channel ZIS through the existing official OPZ. Zakat is expected to be an alternative policy to improve welfare and improve the economy. To find out whether the distribution of zakat through the official OPZ of existing money has succeeded in contributing positively to welfare and the economy, it is necessary to conduct research to test and prove the effect of zakat on welfare and the economy in Indonesia.

RESULTS AND DISCUSSION

Meta Analysis

Basically the purpose of meta-analysis is to analyze data from various primary studies. Meta-analysis introduces a series of analytical techniques quantitatively, which can synthesize various research results. The analysis in the meta-analysis was based on the availability of information about the artifacts of each study. In other words, research artifacts or imperfections must be corrected before being integrated. In the meta-analysis there are steps that must be done, namely:

- a. Identify and formulate research problems
- b. Collecting data through the selection of articles or research results that are relevant to the research problem
- c. Data explanation and evaluation evaluasi
- d. Analysis and interpretation of the results of the analysis itself

Table 3. The List of Research Samples Meta-analysis Study on the Effect of Zakat Distribution on National Social and Economic Welfare

No.	Author	Title
1.	Amri, K (2019)	The Effect of Zakah Revenues and Job Creation on Poverty Rates in Aceh
2.	Analisa, N (2015)	Pengaruh Pendayagunaan Zakat Produktif terhadap Pendapatan Mustahik (Studi Kasus pada LAZ PKPU Cabang Surabaya)
3.	Andrini, JF. Auwalin, I (2019)	Pengaruh Variabel Makro Ekonomi dan Penyaluran Zakat, Infak, dan Sedekah oleh Badan Amil Zakat Nasional terhadap Kemiskinan di Indonesia
4.	Anggraini, R (2015)	Penyaluran Dana ZIS dan Tingkat Inflasi berpengaruh Terhadap Pertumbuhan Ekonomi Indonesia Periode 2011 – 2015
5.	Fathullah, HL (2015)	Pengaruh Bantuan Zakat Produktif oleh Lembaga Amil Zakat terhadap Pendapata Mustahik (Studi pada LAZIS Sabilillah dan LAZ El Zawa Malang)
6.	Hany dan Islamiyati (2020)	Pengaruh ZIS dan Faktor Makro Ekonomi terhadap Tingkat Kemiskinan di Indonesia

7.	Harjanto, et al (2020)	Pengaruh Zakat Produktif terhadap Pendapatan Usaha Mustahik di Kabupaten Banyumas
8.	Khumaini, S. Apriyanto, A (2018)	Pengaruh Zakat Produktif terhadap Peningkatan Kesejahteraan Masyarakat Miskin di Kabupaten Sragen
9.	Mahmudah, SN. Zulfa, FE (2018)	Pengaruh Zakat Maal terhadap Tingkat Kesejahteraan Mustahiq di Yatim Mandiri Kediri
10.	Nafiah, L (2015)	Pengaruh Pendayagunaan Zakat Produktif terhadap Kesejahteraan Mustahiq pada Program Ternak Bergulir Baznas Kabupaten Gresik
11.	Nurbismi dan Ramli (2018)	Pengaruh Zakat Produktif, Pendapatan, dan Kinerja Amil terhadap Kemiskinan Mustahik di Kota Banda Aceh
12.	Nurhasanah (2020)	Pengaruh Pemanfaatan Dana Zakat Produktif terhadap Tingkat Pendapatan Mustahik pada BAZNAS Kota Palopo
13.	Qoyyim, SH. Widuhung, SD (2020)	Analysis Strategi Penyaluran Dana Zakat, Infak, Sedekah (ZIS) dan Tingkat Inflasi terhadap Pertumbuhan Ekonomi di Indonesia pada Periode 2015-2019
14.	Ridlo, M. Setyani, D (2020)	Pengaruh Zakat, Inflasi, dan Perkembangan Usaha Mikro Kecil Menengah terhadap Pertumbuhan Ekonomi tahun 2011-2018 (Studi Kasus di Indonesia)
15.	Ridlo, M. Wardani, LD. (2020)	The Effects of Investment, Monetary Policy, and ZIS on Economic Growth in Indonesia
16.	Romdhoni, AH (2017)	Zakat dalam Mendorong Pertumbuhan Ekonomi dan Pengentasan Kemiskinan
17.	Romdhoni, AH (2018)	Effect of Productive Zakat Program on The Improvement of Welfare in Sragen Regency
18.	Tambunan, et al (2019)	Analysis Kointegrasi Zakat dan Pertumbuhan Ekonomi Indonesia Periode Tahun 2015-2018
19.	Tanjung, DS (2019)	Pengaruh Zakat Produktif Baznas Kota Medan terhadap Pertumbuhan Usaha dan Kesejahteraan Mustahik di Kecamatan Medan Timur
20.	Wahyuningsih, Sri (2020)	Efektivitas Zakat Produktif terhadap Pengentasan Tingkat Kemiskinan Studi Kasus Baznas Kabupaten Bengkalis

The Effect of Zakat on Welfare

The results of the total sample meta analysis show that the distribution of zakat funds has a relationship with the welfare of mustahik. This is indicated by the results of the mean correlation (\bar{r}) which is 0.6027 with a 95% confidence interval between $0.5624 < (\bar{r}) < 0.6429$ (see Table 4). Based on these findings, H1 which states that the distribution of zakat funds has a positive and significant effect on increasing the welfare of mustahik. The results of the meta-analysis of zakat on welfare can be seen in Table 4 below:

Table 4. The Results of the Meta-Analysis of Zakat on Welfare

Independent Variable	$\sum Ni$	K studies	\bar{r}	sr^2	se^2	sp^2	se^2/sr^2 %	Min	Max	x^2
General Meta - Analysis	230	5	0,6027	0,0294	0,0088	0,0205	30,0298	0,5624	0,6429	16,6501

*Significant at 0.05 (Data processed, 2020)

This is reinforced by looking at the data above, where the chi-square calculation (x^2_{hit}) produces a value of 16.6501 while the Table critical value of chi-square ($x^2_{0.05}$) shows a value of 9.4877 at a significant level of 0.05. This means that the distribution of zakat funds has a positive and significant effect on increasing the welfare of mustahik. The impact of zakat distribution on the welfare of mustahik is also strengthened by the BAZNAS Welfare index data from 0.6 in 2018 in the fairly good category, increasing to 0.72 in 2019 in the good category (BAZNAS, 2020).

The results of the meta-analysis show that there is a significant positive relationship between the distribution of zakat and the welfare of mustahik. This means that the greater the distribution of zakat funds given as capital, the greater the increase in the welfare of mustahik. This is in line with existing research in previous studies by Maheasy and Zulfa (2018), Nafiah (2015), Romdhoni (2018), Tanjung (2019). However, this contradicts the results of research by Khomeini and Apriyanto (2018) which states that productive zakat funds have an insignificant positive effect on the welfare of the people with a level of significance greater than 5 percent.

The impact of zakat distribution on the welfare of mustahik is also strengthened by data from the BAZNAS Welfare Index from 0.6 in 2018 with a fairly good category, increasing to 0.72 in 2019 with a good category (BAZNAS, 2020). The BAZNAS Welfare Index (IKB) serves to measure the impact of a person's welfare condition from a poverty alleviation program intervention that has been aligned with the Maqashid sharia principle.

The utilization of productive zakat should be a driving factor to improve the welfare of mustahik. According to Azizy (2004), the utilization of zakat should not only be consumptive, so ideally zakat should be used as a source of funds for the people. The use of zakat for consumptive purposes is only for emergency matters. When there are mustahik who cannot be provided with assistance to have an independent business or for an urgent need, then consumptive use can only be done.

The Effect of Zakat on Poverty

The results of the total sample meta analysis show that the distribution of zakat funds has a relationship with poverty. This is indicated by the results of the mean correlation (\bar{r}) which is -0.2180 with a 95% confidence interval between $-0.2811 < (r -) < -0.1548$ (see Table 3). Based on these findings, H2 which states that the distribution of zakat funds has a negative and significant effect on the level of poverty. The results of the meta-analysis of zakat on poverty can be seen in Table 5 below:

Table 5. The Results of the Meta-Analysis of Zakat on Poverty

Independent Variable	$\sum Ni$	K studies	\bar{r}	sr^2	se^2	sp^2	se^2/sr^2 %	Min	Max	x^2
General Meta - Analysis	415	5	- 0.2180	0.0431	0.0109	0.0322	25.3318	- 0.2811	- 0.1548	19.7381

* Significant at 0.05 (Data processed, 2020)

This is reinforced by looking at the data above, where the chi-square calculation (x^2_{hit}) produces a value of 19.7381 while the Table critical value of chi-square ($x^2_{0.05}$) shows a value of 9.4877 at a significant level of 0.05. This means that the distribution of zakat funds has a negative and significant effect on the level of poverty. The impact of zakat distribution on poverty alleviation is also strengthened by data on the number of mustahik poverty based on the BPS poverty line, which has decreased by 35% (BAZNAS, 2020).

The results of the meta-analysis show that there is a significant negative relationship between zakat distribution and poverty. This means that the greater the distribution of zakat funds given as capital, the poverty level will decrease. This is in line with previous research by Amri, K (2019), Andrini and Auwalin (2019), Hany and Islamiyati (2020), Nurbismi and Ramli (2018). However, this contradicts the results of research by Wahyuningsih, Sri (2020) which states that the effectiveness of productive zakat on poverty alleviation at BAZNAS Bengkalis Regency has no significant effect. The results of this study can be understood that productive zakat has not run effectively in alleviating the level of poverty. This is due to the lack of intensive assistance and limited knowledge and human resources of managers, as well as not being well targeted in terms of the distribution of productive zakat.

The distribution of zakat can reduce poverty levels, reinforced by data on the number of mustahik poverty based on the BPS poverty line, which has decreased by 35% (BAZNAS, 2020). According to Qardhawi, in general the main target of the application of zakat is to eradicate poverty as a whole. The purpose of distributing zakat funds is to prioritize productive programs, namely to form better quality human resources. Thus, the program can form an investment for the long term. Utilization of productive zakat in accordance with Law no. 23 of 2011 in article 27 which states that productive zakat can have a long-term effect and can improve the quality of the people (Mawardi, 2015).

The Effect of Zakat on Income

The results of the total sample meta analysis show that the distribution of zakat funds has a relationship with mustahik's income. This is indicated by the results of the mean correlation (\bar{r}) which is 0.2493 with a 95% confidence interval between $0.1964 < (\bar{r}) < 0.3023$ which can be seen in Table 4.5. Based on these findings, H3 which states that the distribution of zakat funds has a positive and significant effect on increasing mustahik's income. The results of the meta-analysis of zakat on income can be seen in Table 6 below:

Table 6. The Results of Meta-Analysis of Zakat on Income

Independent Variable	$\sum Ni$	K studies	\bar{r}	sr^2	se^2	sp^2	se^2/sr^2 %	Min	Max	x^2
General Meta - Analysis	273	5	0.2493	0.0431	0.0161	0.0270	37.375	0.1964	0.3023	13.3779

*Significant at 0.05 (Data processed, 2020)

This is reinforced by looking at the data above, where the chi-square calculation (x^2_{hit}) yields a value of 13.3779 while the Table critical value of chi-square ($x^2_{0.05}$) shows a value of 9.4877 at a significant level of 0.05. This means that the distribution of zakat funds has a positive and significant effect on increasing mustahik's income.

The results of the meta-analysis show that there is a significant positive relationship between zakat distribution and income. This means that the greater the distribution of zakat funds given as capital, the greater the increase in income. This is in line with previous research by Amri, K (2019), Andrini and Auwalin (2019), Hany and Islamiyati (2020), Nurbismi and Ramli (2018). However, this contradicts the results of research by Wahyuningsih, Sri (2020).

Utilization of productive zakat funds is one of the zakat given to mustahik who are entitled to receive it and an increase in income for mustahik who receives it. Mustahik parties can increase their income through productive efforts with funds from the zakat they receive. By receiving productive zakat funds, it is hoped that the status of the people who were previously mustahik will change to become muzakki. With Islamic economics, zakat can increase mustahik's income and reduce inequality in economic income in society, with the existence of alternative zakat policies, it is hoped that there will be a mechanism for income transfer between the poor who initially experienced a deficit.

The Effect of Zakat on Economic Growth

The results of the total sample meta analysis show that the distribution of zakat funds has a relationship with economic growth. This is indicated by the results of the mean correlation (\bar{r}) which is 0.2658 with a 95% confidence interval between $0.1370 < (\bar{r}) < 0.3946$, which can be seen in Table 4.5. Based on these findings, H4 which states that the distribution of zakat funds has a positive and significant effect on economic growth. The results of the meta-analysis of zakat on economic growth can be seen in Table 7 below:

Table 7. The Results of the Meta-Analysis of Zakat on Economic Growth

Independent Variable	$\sum Ni$	K studies	\bar{r}	sr^2	se^2	sp^2	se^2/sr^2 %	Min	Max	x^2
General Meta - Analysis	269	5	0.2658	0.0818	0.0161	0.0657	19.633	0.1370	0.3946	25.4668

*)Significant at 0.05 (Data processed, 2020)

This is reinforced by looking at the data above, where the chi-square calculation (x^2_{hit}) yields a value of 25.4668 while the Table critical value of chi-square ($x^2_{0.05}$) shows a value of 9.4877 at a significant level of 0.05. This means that the distribution of zakat funds has a positive and significant effect on increasing the welfare of mustahik.

The results of the meta-analysis show that there is a significant positive relationship between zakat distribution and economic growth. This means that the greater the distribution of zakat funds given, the greater the increase in economic growth. This is in line with previous research by Anggraini, R (2015), Tambunan, et al (2019), Qoyyim and Widuhung (2020), Ridlo and Setyani (2020). However, this contradicts the results of research by Ridlo and Wardani (2020).

Al-Arif (2010) suggests that the payment of zakat funds is able to produce a multiplier effect in the economy which in turn has an indirect impact on the community. Zakat distributed in the form of consumptive assistance alone has been able to provide a significant multiplier effect, let alone given in the form of productive assistance such as business capital, of course these funds will produce a greater multiplier effect in an economy because zakat in the form of productive assistance has a greater effect. than zakat in the form of consumptive assistance (Nasrullah, 2010).

CONCLUSION

The results of the meta-analysis show that there is a significant negative relationship between zakat distribution and poverty. This is indicated by the results of the mean correlation (\bar{r}) which is -0.2180 with a 95% confidence interval between $-0.2811 < (\bar{r}) < -0.1548$. The results of the meta-analysis show that the distribution of zakat funds has a significant positive relationship between zakat and mustahik welfare, zakat and income, and zakat and economic growth. The result of the mean correlation (\bar{r}) between zakat and welfare is 0.6027 with a 95% confidence interval between $0.5624 < (\bar{r}) < 0.6429$. The result of the mean correlation (\bar{r}) between zakat and income is 0.2493 with a 95% confidence interval between $0.1964 < (\bar{r}) < 0.3023$. The result of the mean correlation (\bar{r}) between zakat and economic growth is 0.2658 with a 95% confidence interval between $0.1370 < (\bar{r}) < 0.3946$.

The results of this study prove that zakat through BAZNAS and LAZ is able to become an alternative policy to improve welfare, alleviate poverty, increase income, and encourage economic growth. BAZNAS (2020) suggests that the institutional system is more targeted to mustahik in the allocation of zakat funds than if it is distributed individually. Thus, a significant gap between the potential of zakat and the reality of its collection can be reduced. Zakat funds collected from various parties, when combined, will be a force to carry out empowerment programs more optimally.

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APLIKASI KAEDAH PERUBAHAN HUKUM DENGAN BERUBAHNYA MASA DALAM FIQH ZAKAT

*(Application of The Method Law Change With The Change of Time In The Fiqh
of Zakat)*

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Abstrak

Secara umumnya, hukum Islam terdiri daripada dua bahagian iaitu yang kekal tidak berubah selama-lamanya dan juga tidak kekal boleh berubah mengikut kesesuaian zaman. Hukum-hukum zakat juga termasuk dalam perkara yang kekal tidak berubah dan terdapat juga yang tidak kekal boleh berubah. Maka kajian ini dilakukan untuk melihat sejauh mana kaedah perubahan hukum dengan berubahnya masa dapat diaplikasikan dalam penetapan hukum zakat semasa. Kajian ini berbentuk kualitatif di mana pengkaji akan mengumpulkan maklumat daripada kitab-kitab turath dan kontemporari, kajian-kajian ilmiah, fatwa-fatwa semasa berkaitan dengan kaedah perubahan hukum disebabkan perubahan masa dan juga hukum-hukum zakat yang boleh diaplikasikan. Semua maklumat ini akan dianalisis dan dicernakan untuk mendapatkan gambaran sebenar berkaitan dengan aplikasi kaedah ini dalam hukum-hukum zakat semasa. Hasil kajian menunjukkan bahawa kaedah ini sangat penting untuk diterapkan dalam penetapan hukum-hukum zakat semasa memandangkan perubahan kehidupan akan sentiasa berlaku pada sepanjang zaman. Kesimpulannya penilaian semula hukum hakam zakat perlu dan bertepatan dengan kaedah perubahan hukum dengan berubahnya masa.

Kata Kunci: Aplikasi, Perubahan Hukum, Perubahan Masa, Zakat.

Abstract

In general, Islamic rules consists of two parts, which are remain unchanged forever and also non-permanent can change according to the suitability of the times. The rulings of zakat are also included in matters that remain unchanged and there are also those that do not remain and can be changed. So this study was conducted to see to what extent the method of changing the rulings due to changes in time can be applied in determining the current rules of zakat. This study is qualitative in which the researcher will collect information from turath and contemporary books, scientific studies, current fatwas related to the method changing the rulings due to changes in time and also the rules of zakat that can be applied. All this information will be analyzed and digested to get a true view related to the application of this method in the current zakat rulings. The results show that this method is very important to be applied in the determination of the current zakat rulings as life changes will always occur

throughout the ages. In conclusion, the re-evaluation of the rules of zakat is necessary and coincides with the method changing the rulings due to changes in time.

Keywords: Application, Change of Ruling, Change of Time, Zakat

PENGENALAN

Zakat merupakan salah satu daripada hukum Islam yang menjadi tunjang kepada ajaran Islam. Hal ini sebagaimana yang telah dinyatakan oleh hadis nabi SAW riwayat Bukhari:

“...Serulah mereka(ahli kitab) untuk bersaksi bahawa tiada tuhan selain Allah SWT, dan Aku adalah Rasulullah. Jika mereka taatkan kamu dalam perkara itu, maka ajarkan mereka bahawa Allah telah mewajibkan ke atas mereka solat 5 waktu pada setiap hari dan malam. Jika mereka taatkan kamu dalam perkara itu, maka ajarkan mereka bahawa Allah telah mewajibkan ke atas mereka, sedeqah dalam harta mereka, diambil daripada orang kaya di kalangan mereka dan dikembalikan kepada orang miskin di kalangan mereka...”

(Al-Nawawi, 1971)

Hadis ini menunjukkan tentang susunan perkara yang penting dalam dakwah Islam, dimulai dengan solat dan diikuti dengan zakat. Kewajipan solat adalah bersama dengan kewajipan zakat tanpa sebarang pengasingan antara kedua-dua ibadah ini (Al-Nawawi, 1971). Hal ini menunjukkan betapa kukuhnya kedudukan zakat di dalam Islam sehinggakan ianya digandingkan bersama dengan solat.

Di dalam Islam, secara umumnya hukum syarak terbahagi kepada dua iaitu hukum yang tetap tidak berubah, dan juga hukum yang tidak tetap boleh berubah. Hukum yang tetap tidak berubah dikenali dengan istilah الثوابت bermaksud hukum-hukum ditunjukkan daripada nas-nas qat'ie' daripada kitab Allah, sunnah Rasulullah, ijma'. Tiada pada semua perkara ini ruang untuk dikembangkan atau diijtihadkan, dan tidak diharuskan sebarang perbalahan tentangnya. Manakala hukum yang tidak tetap boleh berubah dikenali dengan istilah المتغيرات bermaksud lapangan bidang ijtihad dalam perkara yang tidak dibina atas dalil qat'ie' daripada nas-nas sahih mahupun ijma' yang jelas (Muhammad Said, 2007). Maka apa yang boleh difahami di sini ialah untuk membezakan antara perkara yang tetap dan perkara tidak tetap ialah melalui ijmak di kalangan ulamak selain daripada melihat kepada nas qat'ie' Al-Quran dan Hadith. Jika perkara tersebut telah menjadi ijmak di kalangan ulamak maka perkara tersebut tidak akan berubah lagi dalam apa juga keadaan. Manakala perkara yang tidak tetap dapat diketahui daripada ijtihad ulamak dan juga ikhtilaf di kalangan ulamak. Ini membawa maksud jika sesuatu perkara itu masih terdapat ruang ijtihad daripada ulamak dan berlaku ikhtilaf di kalangan ulamak, maka hukum perkara tersebut boleh berubah-ubah mengikut keadaan dan zaman.

Ijmak dari sudut bahasa ialah azam ke atas sesuatu (Ibnu Manzur, 1991), manakala dari sudut istilah pula sebagaimana yang dinyatakan oleh Al-Kamal Ibn Al-Himam ialah persepakatan ulama mujtahid umat Muhammad SAW pada sesuatu zaman dalam perkara yang disyariatkan (Al-Zuhaili, 2006). Malah terdapat ulama yang telah menghimpunkan perkara-perkara yang telah diijmakkan dalam kitab-kitab penulisan khas tentang ijmak ini seperti الإجماع

oleh Ibnu Munzir, مراتب الإجماع oleh Ibnu Hazm, نقد مراتب الإجماع oleh Ibnu Taimiyyah, dan lain-lain lagi. Dengan melihat kepada penulisan sebegini dan penulisan yang lain juga, kita akan dapat mengetahui perkara-perkara yang telah disepakati ulamak akan hukumnya. Dan sebagaimana yang dinyatakan sebelum ini, apabila sesuatu perkara itu telah diijmakkan oleh ulamak, maka tiada lagi ruang untuk hukum tersebut berubah pada bila-bila masa sahaja.

Manakala ijthad pula dari sudut bahasa berasal daripada الجهد yang membawa maksud kesusahan (Al-Umri, 1984). Selain itu, ianya juga bermaksud berusaha bersungguh-sungguh dalam mencari sesuatu (Ibnu Manzur, 1991). Menurut Al-Qaradawi (1996) dari sudut istilah ijthad mempunyai pelbagai pengertian, dan pengertian yang paling baik ialah apa yang dinyatakan oleh Imam Al-Syaukani iaitu usaha bersungguh-sungguh untuk mendapatkan hukum syarak amali dengan cara istinbat. Melalui pendefinisian ijthad ini, maka tidak dinafikan lagi bahawa hanya hukum yang boleh berubah sahaja yang memerlukan kesungguhan dan keazaman daripada mujtahid untuk mengeluarkan hukum tentang perkara tersebut melalui cara istinbat hukum yang tersusun dan bersesuaian. Ini sudah semestinya adalah kerana melalui perkara yang boleh berubah ini, ianya boleh menghasilkan hukum baru bertepatan dengan realiti semasa.

Dari sudut bahasa ikhtilaf pula membawa maksud semua perkara yang tidak sama dan berbeza antara satu sama lain (Ibnu Manzur, 1991). Manakala dari sudut istilah pula, menurut Muhammad Syarif Mustafa (2007) ikhtilaf ialah perbezaan pandangan seseorang ilmuwan dengan ilmuwan yang lain, contohnya seseorang ilmuwan mengatakan hukum bagi perkara berkenaan ialah wajib, manakala ilmuwan lain mengatakan sunat dalam isu yang sama. Selain daripada itu, perbezaan pandangan di kalangan ulamak juga sebenarnya membuka ruang kepada berlakunya talfiq. Menurut Al-Maiman (2001) talfiq bermaksud pengambilan hukum-hukum Fiqh lebih daripada satu mazhab dalam tajuk yang pelbagai, atau tajuk yang sama dan juga sebahagian sahaja daripada hukum tertentu. Penggunaan kaedah talfiq ini sudah semestinya menyebabkan pengambilan sesuatu pandangan ulamak atau mazhab tertentu juga akan dinilai dari sudut kesesuaian dengan masa, tempat dan keadaan. Bahkan menurut Al-Zuhaili (1987), hukum talfiq adalah diharuskan jika sekiranya mempunyai hajat keperluan atau dalam keadaan darurat dan ianya tidak diharuskan dalam keadaan mencari pandangan yang mudah semata-mata tanpa masalah yang dibenarkan oleh syarak.

Kaedah Perubahan Hukum Dengan Berubahnya Masa

Kaedah ini merupakan salah satu daripada cabang kepada kaedah fiqh yang umum iaitu العادة لا ينكر تغير الأحكام بتغير الأزمان (Adat Sebagai Sumber Hukum) dengan konotasi

(Tidak diingkari berubahnya hukum hakam dengan berubahnya zaman) (Al-Zuhaili, 2006). Ianya merupakan kaedah yang sangat ditekankan oleh kebanyakan ulamak antaranya ialah Al-Qarafi, Ibnu Qayyim, dan Al-Syatibi (Uthman Syibir, 2007).

Menurut Al-Zarqa' (1989), perubahan hukum hakam sesuai dengan peredaran zaman adalah disebabkan berlakunya perubahan kepada uruf budaya dan adat sesuatu tempat. Perubahan uruf budaya dan adat adalah disebabkan beberapa faktor seperti hajat keperluan, arahan kerajaan atau pemerintah, percampuran antara ahli masyarakat yang menyebabkan berlakunya taqlid (ikut-mengikut) antara satu sama, dan yang terakhir ialah perkembangan ilmu

dan ekonomi (Al-Bahisin, 2012). Menurut Ibnu Abidin, kebanyakan daripada hukum berbeza mengikut masa disebabkan perubahan uruf sesebuah masyarakat tempat tersebut, atau berlaku darurat dan kefasadan dalam masyarakat tersebut. Jika hukum kekal sebagaimana yang sebelum itu, maka ianya akan menyebabkan kesusahan dan kemudaratan kepada manusia. Dan ianya juga bercanggah, dengan kaedah Syariah yang terbina atas keringanan dan kemudahan, menolak kemudaratan dan kefasadan (Saha Salim, 2007). Maka perubahan uruf budaya dan adat inilah yang menyebabkan perubahan keadaan realiti semasa dalam kehidupan seharian, dan seterusnya menyebabkan berlaku perubahan hukum.

Pengertian Dan Hukum Zakat

Dari sudut bahasa zakat membawa maksud berkembang, berkat, dan bertambah, manakala dari sudut istilah pula, zakat ialah membayar sebahagian harta tertentu kepada golongan asnaf tertentu dengan syarat-syarat tertentu (Umar, t.t). Di dalam hukum zakat, terdapat hukum yang kekal selama-lamanya tidak boleh berubah dan terdapat juga hukum yang boleh berubah mengikut suasana keadaan dan masa. Antara contoh hukum yang kekal ialah zakat fitrah adalah satu kewajipan ke atas individu berkemampuan dan anak yang menjadi tanggungannya (Ibnu Munzir, 2004).

Selain daripada itu, zakat diwajibkan ke atas harta 8 jenis harta iaitu emas, perak, gandum, barli, kurma, unta, lembu, dan kambing (Ibnu Qattan, 2004). Pada pandangan Ibnu Munzir, telah menjadi ijmak bahawa barangan yang diniagakan wajib dizakatkan (Ibnu Qudamah, t.t). Manakala hukum zakat yang boleh berubah mengikut keadaan dan masa ialah sebagaimana yang telah dinyatakan sebelum ini jika sekiranya perkara tersebut termasuk di dalam perkara yang diperselisihkan oleh ulamak dan boleh diijtihadkan. Pada pandangan pengkaji, terdapat beberapa isu hukum zakat yang boleh menjadi aplikasi kepada kaedah perubahan hukum dengan berubahnya masa iaitu:

- 1) Tafsiran kepada asnaf zakat dan cara pembahagiannya.
- 2) Perpindahan harta zakat daripada sesebuah tempat dan diagihkan ke tempat yang lain.
- 3) Kewujudan jenis zakat yang baru.

Asnaf Zakat

Golongan asnaf yang layak mendapat harta zakat terdiri daripada 8 golongan sebagaimana yang telah dinyatakan oleh Allah SWT di dalam Al-Quran Surah Al-Taubah ayat 60:

“...Sesungguhnya harta sedekah zakat adalah untuk faqir, miskin, amil, mereka yang dijinakkan hatinya, hamba, mereka yang berhutang, mereka yang berada pada jalan Allah, dan musafir. Ini merupakan ketetapan kewajipan daripada Allah. Dan Allah adalah maha mengetahui lagi maha bijaksana...”

Secara umumnya, terdapat pelbagai takrifan dan huraian berkenaan dengan siapakah yang dikatakan faqir, miskin, mereka yang dijinakkan hatinya, hamba, mereka yang berhutang, mereka yang berada pada jalan Allah, dan musafir di kalangan ulamak mazhab empat (Al-Mausuah Al-Fiqhiyyah Al-Kuwaitiyyah, 2006). Kepelbagaian definisi ini telah menyebabkan

bentuk pemberian zakat kepada golongan berkenaan boleh berubah mengikut keadaan zaman dan keadaan atas dasar sama ada mempunyai keperluan ataupun tidak.

Sebagai contohnya, menurut Al-Zuhaili(t.t), pada zaman sekarang tafsiran kepada asnaf golongan yang dijinakkan hatinya boleh diperluaskan kepada penggunaan wang zakat untuk membiayai persatuan-persatuan yang menjaga kebajikan mereka yang baru memeluk agama Islam. Selain daripada itu, wang zakat juga boleh digunakan untuk tujuan menjalinkan hubungan yang baik antara negara umat Islam dengan negara bukan Islam bagi menjamin kesejahteraan kehidupan umat Islam yang berada di negara bukan Islam. Dari aspek dakwah pula, wang zakat perlu digunakan untuk membantu mereka yang bukan beragama Islam yang ditimpa dengan ujian bencana alam seperti banjir dan gempa bumi.

Berdasarkan kepada apa yang telah dinyatakan oleh Al-Zuhaili(t.t) ini, ianya amat bersesuaian dan bertepatan dengan realiti semasa yang wujud di Malaysia. Badan-badan dakwah yang menumpukan kepada saudara baru dan juga bukan Islam, selain diberikan peruntukan oleh kerajaan, mereka juga seharusnya boleh diberikan wang zakat untuk menanggung kos operasi perjalanan aktiviti organisasi mereka. Di samping itu juga, Malaysia yang mempunyai nama yang baik pada peringkat antarabangsa, boleh menyalurkan sumbangan wang zakat untuk membiayai projek-projek keagamaan seperti pembinaan masjid, pusat pendidikan Islam di negara yang berpotensi seperti Jepun, Korea, United Kingdom dan lain-lain lagi. Manakala pemberian bantuan kewangan daripada wang zakat juga perlu diperluaskan kepada semua lapisan masyarakat Malaysia tanpa mengira agama, kaum terutama apabila berhadapan dengan bencana alam seperti banjir dan juga penyakit Covid 19 pada hari ini. Hal ini sekaligus membuktikan bahawa sistem kewangan sosial Islam dalam bentuk zakat ini boleh menjadi pemacu ke arah kesejahteraan sejagat. Ini secara langsung akan memberikan gambaran imej sebenar Islam yang bersifat toleransi, dan prihatin dan bukannya sebuah agama yang menindas dan zalim sebagaimana yang disalahfahami oleh sebahagian masyarakat dunia pada hari ini.

Contoh kedua kepada penafsiran asnaf yang lain ialah golongan yang berhutang. Menurut Al-Qaradawi(1973), pemahaman terhadap asnaf golongan yang berhutang juga diperluaskan kepada pemberian hutang daripada wang zakat kepada golongan yang memerlukan dalam bentuk *Qard Hasan*. Hal ini bertepatan dengan tujuan pensyariat zakat terutamanya dalam memerangi sistem hutang riba. Dalam konteks ini, pada zaman pandemik Covid 19 ini, wang zakat harus diberikan sebagai pinjaman tanpa faedah kepada mereka yang kesempitan wang dalam meneruskan kehidupan sama ada untuk menyelesaikan hutang yang sedia ada, mahupun membeli barangan keperluan harian. Ini berbeza jika sekiranya wang zakat diberikan secara *one-off*, di mana wang zakat yang akan dibayar semula oleh peminjam ini boleh diberikan sebagai modal pinjaman kepada orang lain pula selepas daripada itu.

Dalam isu cara pembahagian zakat pula, terdapat perbezaan pandangan di kalangan ulamak, di mana pandangan jumbuh iaitu mazhab Hanafi, Maliki dan Hanbali mengatakan bahawa harus diberikan zakat kepada asnaf tertentu sahaja, berbanding dengan mazhab Syafie yang mengatakan wajib diberikan kepada semua golongan asnaf(Al-Bujairimi, 1995). Bahkan asas pembahagian zakat ialah berdasarkan kepada hajat keperluan dan manfaat kepada asnaf(Ibnu Taimiyyah, 2005). Maka atas sebab inilah, maka Saidina Umar Al-Khattab RA telah memansuhkan asnaf golongan yang dijinakkan hatinya pada zaman pemerintahan beliau(Yusri Ibrahim, 2011). Daripada isu cara pembahagian zakat ini, walaupun Malaysia sebagaimana

yang telah diketahui mengamalkan mazhab Syafie, namun perkara yang berkaitan dengan pembahagian zakat perlu diperhalusi dengan sebaik-baiknya walaupun terpaksa beralih kepada pandangan mazhab yang lain. Hal ini adalah kerana jumlah kutipan zakat contohnya di Kedah (Utusan Malaysia, 2020) dan Selangor (Berita Harian, 2020) pada tahun 2021 ini dijangka berada pada paras yang menurun dan rendah disebabkan penularan wabak Covid 19.

Memandangkan keadaan yang begitu mencabar sebegini, pembahagian zakat kepada asnaf mestilah dirangka dan disusun mengikut keutamaan atau *Al-Awlawiyyat*. Golongan asnaf yang benar-benar berhajat dan berkeperluan mestilah diutamakan, manakala yang tidak terdesak dibekukan buat sementara waktu sehinggalah keadaan stabil dan pulih. Pada pandangan pengkaji, asnaf yang perlu diutamakan ialah golongan faqir, miskin, mereka yang berhutang, dan juga mereka yang berada pada jalan Allah. Hal ini adalah kerana kes pengangguran akibat Covid 19 masih tinggi iaitu seramai 742700 orang (Sinar Harian, 2021) menyebabkan mereka ini berdepan dengan kesukaran untuk meneruskan kehidupan tanpa pekerjaan. Selain daripada itu, statistik juga menunjukkan bahawa lebih daripada 600,000 isi rumah dari golongan berpendapatan pertengahan (M40) telah tergelincir ke dalam kategori golongan berpendapatan rendah B40 (Awani, 2021).

Faktor kepada berlakunya perkara ini adalah apabila pelaksanaan Perintah Kawalan Pergerakan (PKP) telah menyebabkan banyak sektor pekerjaan yang perlu ditutup. Maka semua yang terlibat dalam isu pengangguran dan perubahan status daripada M40 kepada B40 akan tersenarai sebagai asnaf faqir, miskin, dan juga mereka yang berhutang. Manakala asnaf mereka yang berada pada jalan Allah pula, sebenarnya melibatkan golongan pelajar sama ada di sekolah mahupun di universiti.

Umum mengetahui bahawa pelaksanaan PKP juga telah menyebabkan sekolah dan institusi pengajian tinggi ditutup. Proses pembelajaran dan pengajaran di rumah (PdPR) dilakukan secara atas talian. Antara kekangan terhadap kelancaran PdPR ialah masalah capaian internet yang lemah dan juga ketiadaan gajet (Berita Harian, 2021). Pada pandangan pengkaji, wang zakat boleh digunakan atas nama asnaf mereka yang berada pada jalan Allah untuk mengatasi masalah capaian internet dan juga ketiadaan gajet.

Perpindahan Harta Zakat Ke Tempat Lain

Pada asalnya, harta zakat yang dikumpulkan pada sesuatu tempat perlu diagihkan kepada asnaf pada tempat berkenaan. Apabila harta zakat yang dikumpulkan melebihi daripada hajat keperluan penduduk sesuatu tempat, maka harus hukumnya dipindahkan atau diberikan ke tempat lain. Pandangan ini merupakan pandangan yang disepakati oleh ulamak bahkan hukumnya adalah wajib. Namun jika penduduk sesuatu tempat lebih memerlukan harta zakat tersebut, hukumnya adalah makruh menurut mazhab Hanafi, manakala menurut mazhab Maliki, Syafie dan Hanbali hukumnya adalah tidak harus diberikan ke tempat yang melebihi jarak untuk menqasarkan solat (Al-Mausuah Al-Fiqhiyyah Al-Kuwaitiyyah, 2006). Ibnu Taimiyyah (t.t), telah menolak pandangan yang mengatakan tidak harus memberikan zakat ke tempat yang melebihi jarak untuk memendekkan solat di atas hujah ketiadaan dalil syarak dalam hal ini, bahkan beliau mengatakan harus memindahkan harta zakat ke tempat lain jika sekiranya mempunyai kemaslahatan.

Menurut Al-Qaradawi (1973), diharuskan untuk memindahkan harta zakat ke tempat lain atas dasar masalah yang difikirkan oleh pihak kerajaan. Dengan berpandukan kepada

pandangan yang pelbagai dalam hal ini, satu bentuk parameter yang jelas perlu dirangka oleh pihak institusi zakat bagi memaksimumkan manfaat agihan zakat sama ada kepada penduduk setempat mahupun penduduk di tempat yang lain. Jika sekiranya zakat mempunyai keperluan untuk diberikan juga ke tempat lain, dalam keadaan masih terdapat golongan faqir dan miskin di tempat berkenaan, maka penyenaraian justifikasi terhadap perkara tersebut perlulah dilakukan.

Di dalam negara kita, isu pemindahan zakat daripada sesuatu negeri ke negeri yang lain telah berlaku. Sebagai contohnya, Sebanyak RM5 juta jumlah keseluruhan bantuan diagihkan Majlis Agama Wilayah Persekutuan (MAIWP) kepada mangsa banjir di empat negeri iaitu Pahang, Johor, Kelantan dan Terengganu (Utusan Malaysia, 2021). Manakala Lembaga Zakat Negeri Kedah telah menyalurkan bantuan makanan bernilai RM241,000 bagi membantu 26,591 mangsa banjir di Pahang (Zakat Kedah, 2021). Apa yang boleh diperkatakan di sini ialah kebiasaannya pemindahan zakat berlaku ketika bencana alam banjir sahaja, dan dalam situasi yang lain ianya tidak berlaku. Maka sebagaimana yang dinyatakan sebelum ini, satu standard yang jelas perlu dikeluarkan dengan segera oleh pihak institusi zakat supaya pemindahan zakat ini boleh juga dilakukan dalam perkara atau bidang yang lain seperti pendidikan, kesihatan, dan lain-lain lagi.

Kewujudan Jenis Zakat Yang Baru

Dalam tradisi Islam yang klasik, emas dan perak merupakan sebahagian daripada jenis harta yang wajib dikeluarkan zakat. Hal ini sebagaimana yang telah dinyatakan dalam hadis Rasulullah SAW:

“...Apabila kamu memiliki 200 dirham, dan telah cukup setahun zakatnya sebanyak 5 dirham. Kamu tidak wajib berzakat emas sehinggalah memiliki 20 dinar. Apabila kamu memiliki 20 dinar, dan telah cukup setahun, maka zakatnya 1/2 dinar. Jika kamu memilikinya lebih daripada itu, maka ikutilah cara pengiraan tersebut...”

(Riwayat Abu Daud Hadis no 1573 dalam Kitab Al-Zakah)

Dalam hadis yang lain Rasulullah SAW bersabda:

“Dan pada perak, diwajibkan zakat 2.5%”

(Riwayat Al-Bukhari Hadis no 1454 dalam Kitab Al-Zakah)

Apabila zaman telah berubah, emas dan perak bukan lagi merupakan medium pertukaran barang, maka wang kertas telah mengambil tempat emas dan perak tersebut. Menurut Majmak Al-Fiqh Al-Islami (1986), wang kertas merupakan mata wang yang diiktiraf, mempunyai nilai di sisi hukum syarak seperti emas dan perak. Ianya turut terkait dalam hukum hakam riba dan zakat sama dengan emas dan perak.

Seiring dengan perkembangan semasa dunia hari ini, pada era industri 4.0, sektor kewangan global telah berkembang dengan pantas dan pesat. Terkini, wujudnya mata wang kripto atau Bitcoin. Menurut Muhammad Amir Husairi Che Rani dan Ahmad Dahlan

Salleh(2019), Bitcoin adalah satu versi wang tunai elektronik yang membolehkan pembayaran secara dalam talian dilaksanakan antara dua pihak secara terus tanpa perlu melalui institusi kewangan sebagai perantara.

Menurut Mohd Faiz Mohd Yaakob, Alif Nawawi dan Raja Rizal Iskandar Raja Hisham(2019), terdapat perbezaan pandangan ulamak kontemporari berkenaan hukum bitcoin yang terbahagi kepada tiga pandangan;

- 1) Pandangan yang melarang, antaranya merupakan pandangan Dar Ifta' Mesir.
- 2) Pandangan yang mengharuskan, antaranya merupakan pandangan Dr Mohd Daud Bakar.
- 3) Belum memberikan pandangan, antaranya merupakan pandangan International Shari'ah Research Academy for Islamic Finance (ISRA).

Walaupun terdapat perbezaan pandangan terhadap hukum bitcoin ini, namun di Malaysia pada hari ini terdapat institusi fatwa negeri yang mengenakan zakat terhadap bitcoin jika cukup syarat haul dan nisab seperti Majlis Fatwa Perlis(Berita Harian, 2020).

Selain daripada itu antara jenis zakat baru yang berpotensi dikenakan pada zaman meluasnya penggunaan media sosial ini ialah zakat terhadap pemilik akaun media sosial *instafamous*. Menurut Ahmad Husni Abd Rahman dan Muhammad Furqan Abdullah(2021), jika sekiranya kandungan pemilik akaun media sosial tidak mempunyai perkara yang bercanggah dengan hukum syarak, antara jenis zakat yang dikenakan ialah zakat perniagaan, zakat Al-Mustaghallat, dan zakat Al-Mal Al-Mustafad.

KESIMPULAN

Melalui huraian dan penelitian yang telah dibuat terhadap tiga isu utama dalam kajian ini, ternyata ketiga-tiga isu ini merupakan aplikasi kepada kaedah perubahan hukum dengan berubahnya masa dalam fiqh zakat. Walaupun jika dilihat kepada pengamalan kaedah perubahan hukum dengan berubahnya masa dalam isu tersebut, menyebabkan pandangan mazhab Syafie seolah-olahnya diketepikan, namun perbuatan memilih pandangan selain daripada pandangan mazhab Syafie bukanlah sesuatu kesalahan seperti mana yang telah berlaku dalam isu pembayaran zakat fitrah menggunakan wang dan bukannya makanan asasi. Hal ini adalah kerana semua perkara ini masih dalam ruang lingkup ijtihad, ikhtilaf dan talfiq yang dibenarkan dalam hukum fiqh.

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THE PROPOSED SOCIAL IMPACT BOND FOR HOME HEALTHCARE INDUSTRY IN MALAYSIA

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Abstract

This paper examined the determinant that influences performance of home healthcare system in Malaysia. This study proposed two (2) types of financial structures including the equipment home care facilities bond for home personal and rehabilitation care facilities namely financial structures I and human resources training and development bond for caregivers and nurses training and development namely financial structures II. Both financial structures I and II meant for home healthcare and rehabilitation care services. The aim of this study is to identify significant factor in retaining the image of home healthcare in Malaysia; to conceptualize the relationship between determinants in home healthcare industry performance and formulate supporting basic financial instrument in retaining home healthcare industry for Malaysia. In the end this study conceptualized relationship between the financial structures I and II with policy and towards the performance of the organization of home healthcare. The result list the benefits of the social impact bond for human resources training and development which a proposed security for home care industry in Malaysia.

Keyword: *surety bonds; impact bonds; financial support, services and facilities of home healthcare.*

INTRODUCTION

This article begin with the different types of home health care services, Social impact bond in the context of home healthcare industry, The impact of facilities and services in home care towards performance, Social impact bonds (sib) in home healthcare industries framework, Methodologies, Correlation between social business and business model, Funding structures for social home care and home care, The human resources training and development bond for social home care and home care business purposes and the Conclusion.

Background of Study

The different types of home health care services and facilities in health pyramid care (Hnizdo, 2013) have brought to variety type and level of healthcare services as shown in below pyramid in figure 1 below. Home healthcare industry ranges from services and product provided by professional healthcare, skilled practitioners and physician including nursing care; physical, occupational, and speech-language therapy; and medical social services (Horton, 09 Jul 2018). Unlike trading product of home healthcare which includes all the Health care services and facilities; Medical devices, equipment, and hospital supplies manufacturers; Medical insurance, medical services, and managed care and Pharmaceuticals & Related Segments.

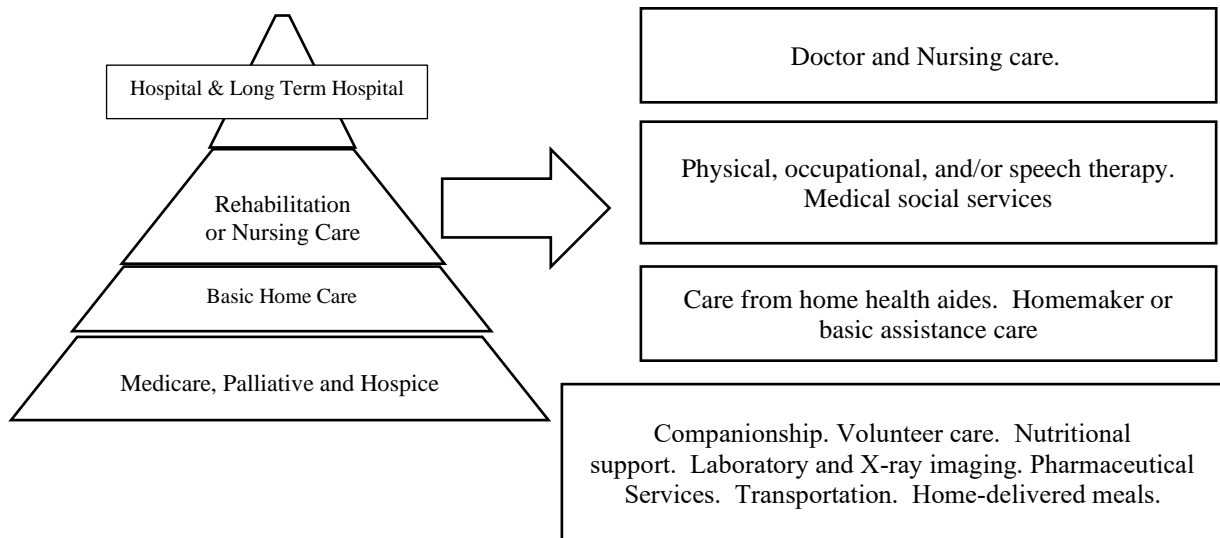


Figure 1: level of Healthcare Services According to Hnizdo (2013)

Hnizdo (2013) indicated that the different types of home health care services can be representing in pyramid level of Services and Facilities in health pyramid care. The rapidly ageing worldwide population has brought about strain on social security systems necessary demand for healthcare services and rising needs for long term care programs in developed and developing country. (WHO, 2017) Malaysia is one of the moderate level providers in home care industry particularly for low and middle level income. Unfortunately, Malaysia has emerged as one of preminent of high level and luxury residential care but it requires an improvement in terms of essential basic and related equipments and social resources services for low and middle level home care industry.

The facilities involved in the home care industry is including the facility-based long-term care services include: board and care homes, assisted living facilities, nursing homes, and continuing care retirement communities. Some facilities have only housing and housekeeping, but many also provide personal care and medical services. (Horton, 09 Jul 2018) The performance of home care industry is including the long-term home care and short-term or day care and long-term care home care. Long-term home care require care over a long period of time (more than 60 days) whilst short-term patients require short-term services when recovering from surgery or an injury. (Horton, 09 Jul 2018). Most of the facilities provided for both long-term home care and short-term or day care are equal in demand due to the increasing numbers of home healthcare industry from time to time.

The Social Impact Bond

The social bond theory by American criminologist Travis Hirschi in 1960s indicate that society formed multi relationships with family members and it is significant to develop circle of influence and it overlap of their lives where few elements tend to overlap and influence others within the society (Hirschi, 1969). Home healthcare is defined as medically-related services to patients in a home setting rather than in a medical facility (Horton, 09 Jul 2018). Social impact bonds (SIBs) as an innovative financing mechanism improvise eessential related equipments

and social resources support for low and middle level home cares industry. Surety bonds ever started from ancient community of roman B.C but a long the time the mechanism undergone drastic revolution till it form into different forms cater for different industry. The surety bond portray as sustainable social impact bond to put it simply, they guarantee that specific tasks are fulfilled. This is achieved by bringing three parties together in a mutual, legally binding contract. As bond applied to guarantee performance as usual it requires principle, oblige and surety parties. In the context of home healthcare individual or business player as principle, government will regulate obliges and surety is the insurance company that backs the bond.

Supporting Social Impact Bond (SIB) for Home Healthcare Industry

The need of resources services for home healthcare in Malaysia requires a substantial support from government, NGOs and Non-profit Company (WHO, 2019; Beard, 2016). To regulate better assistance in supporting the elderly, government and NGOs should work out a comprehensive mechanism and process to be put in place between elderly, caregivers' services, professional healthcare and healthcare facilities. SIBs attract private investment to pay market rate of return if predefined outcome targets are met. SIBs monetize benefits of social interventions and tie pay to performance, limiting governmental control once the contract is designed. Despite policy enthusiasm across the globe, SIBs failed to attract private market investors due to government's ability to ensure broader public values. Contracting, performance management, and public private partnerships would develop institutional design, transaction costs, and performance measurement, outlining the opportunities and concerns of SIBs present.

A glance look at the flow would appreciate the relationship between contract, public private partnerships transaction, and performance measurement, opportunities and concerns of SIBs present as shown in figure 2. This study shall examine the various forms of assistance for low income provision for elderly. As the technologies deployed, the needs of elderly and institutional environmental base services, NGOs and the government could be improvised. Research on development of healthcare professional and assistance and caring personnel assistance would be key factor in the development of home healthcare despite the eessential related healthcare equipments. Home healthcare services provided for low and middle income home care at all level of income including facilities and retraining caregivers and gerontology assistance (Horton, 09 Jul 2018) required to be retain and improvised in term of quality, efficiency and effectively. This involved all sort of assisted living facilities; nursing homes facilities; communities' retirement care facilities; housekeeping, personal care and medical services facilities (Horton, 09 Jul 2018).

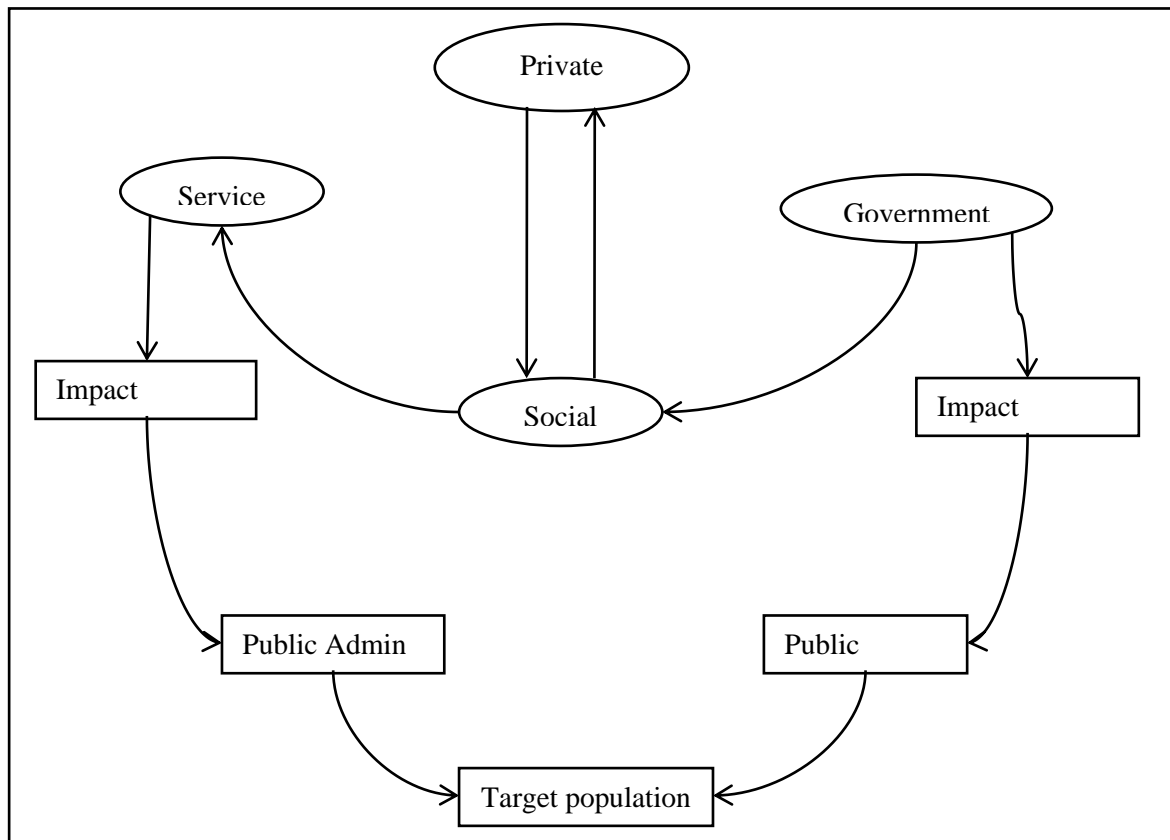


Figure 2: The impact of supporting and social bond in home healthcare industries

The Determinant of Essential Services and Equipment of Home Healthcare

The effective performance management is referred to as the valued essential equipment that is needed for home care services. The efficient performance organization is referred to as the valued essential services that are needed for home healthcare services. These essential values services or relationship is referred to as value activity of relationship or VAR (I). These include the fund needed to support their services operation of home care for unaffordable home care and elderly to sustain their living. This essential valued equipment is referred to as value activity of resources or VAR (II). These include the fund needed to support their operation of home healthcare, unaffordable homecare and home healthcare retaining their living. The department of Social Welfare by the Ministry of Women, Family and Community Development provide the essential facilities needs by poor older persons especially where embedding the financial support to retain the system (KPWKM, 2014). Under the Central welfare council of Malaysia, a scheme known as “home help service” is offered to older person and it’s services include home visit, hospital visit, occupational therapy, simple medical test and counseling in and outreach programme (WHO, 2019).

PROBLEM STATEMENT

Home healthcare system is facing challenges in retaining professional healthcare, retaining accessibility to care, the absent of professional care which tarnishing the appealing image of home healthcare within the circle of surrounding (Heilmann, 2010). Until to date, none of the instrument bond similarly to surety bond able to portray a responsible business player (owner)

who concern the circle of their influence, appealing to potential customers, in surviving its operation. Unlike surviving bond, since 2007 from Great Depression in 1930s, has brought to a type of self-regulation that aims to contribute to societal goals of a philanthropic, activist, or charitable nature by engaging in or supporting volunteering or ethically-oriented practices (Sheehy, 2015). As the determinant of essential services and equipment of home healthcare are concern, substantial bond to support, retain and portray both elements is essential. The flight of professional healthcare, healthcare assistance and personnel healthcare were unbearable. Retaining the good quality of facilities provided or even being ahead in providing facilities to retailer or customer is significant. The phenomenon of missing either factor will tarnish the quality of home healthcare product and services image.

RESEARCH OBJECTIVE

The objective of this study was:

1. To identify significant factor in retaining the image of home healthcare in Malaysia.
2. To conceptualize the relationship between determinant in home healthcare industry performance.
3. This study will formulate supporting basic financial instrument in retaining home healthcare industry for Malaysia.

LITERATURE REVIEW

The Impact Bonds Structure

In a Social Impact Bond (SIB), an investor provides capital to a service provider for a social intervention in return investor will receive the outcome of intervention relative to a predetermined benchmark (Heilmann, 2010). Social Bonds use of proceeds bonds that raise funds for new and existing projects with positive social outcomes (Heilmann, 2010) which exclusively applied to finance or refinance in part or in full new and/or existing eligible Social Projects. In SIB, public administrations become payers for results; that is, they only pay if the intervention gets the expected impact. Funds to implement innovative interventions are anticipated by private investors in exchange for possible limited returns as shown in figure 4 below. The rapidly ageing population has brought about strain on social security systems necessary demand for healthcare services and rising needs for long term care programs in developed and developing country (Beard, 2016; Sciences, 2001)

Different models, whether contracted directly between investors, commissioners and service providers, or including intermediary bodies implies different type of models created. This is based on the situation and the market involved when issuing the structures of potential social investment.

Target Population in SIB (Heilmann, 2010) contract recipients of the contracted services measurable cohort is essential both for the purpose of measuring the impact the service has and as a method of ensuring that the service is provided to the people who need it rather than the people who are most likely to ensure that a payment is triggered. The new added values of retaining contract benefited all circle of influences creates appealing values for the home healthcare players. Target Outcomes refers to the success criteria must be precise, objective,

clear, and easily measured. The likelihood of achieving these outcomes, and the importance and value of the impact of these, are fundamental elements of the development and success of a social investment mechanism (Heilmann, 2010). Pay-out Mechanism from the achievement of outcomes to payouts for investors ‘needs to be agreed and documented unequivocally in the SIB contract (Heilmann, 2010).

SIB (Heilmann, 2010) contracts are particularly useful in the flexibility they afford in some contractual aspects; unfortunately it is unable to comply with retaining image creation. The flexibility is valuable when dealing with issues which are not clear, where it may not be evident at the time of commissioning exactly which approach will serve the target population and deliver outcomes the best. This is relevant to early intervention services, where the needs of populations are varied and wide-ranging, where evidence in some areas is still developing and needs further testing, and where whole-family, and community issues require flexibility in adapting to complex and varying need over time to fully respond in tailored ways that deliver outcomes (Heilmann, 2010).

METHODOLOGY

This paper presents a review of fifteen (15) years (from 2006 until 2021) of Impact Bond studies across several of Home Healthcare Industry. Literature searching on Google Scholar of Scopus and non Scopus library which is Journal of Affordable Housing & Community Development Law, 159-174.; Public Management Review; Health Administration Press; European Journal of Operational Research; The Gerontologist; John Wiley & Sons; Health services research; Geoforum; Harvard University Press; Journal of the American Geriatrics Society; The Gerontologist; Health policy and planning; JAMA internal medicine; Health Affairs; Academies Press (US); National Health Affairs and Journal of Kidney Diseases, from 2006 until 2021. As the first data source with the research terms “surety bonds”; “impact bonds”; “financial support”, “services and facilities of home healthcare” has yielded to more than 1000 abstracts of manuscript, thesis, dissertation, books or research paper articles. The eighteen (48) were checked which in the areas of surety bonds; impact bonds; facilities and services. Table 2 below demonstrates the correlation exists labeled as (E) between services and facilities which formulate as (VAR1 + VAR2) and correlation exist between (VAR 1 and VAR 2) with performance which known as HOListic of (VAR1 + VAR2) the social impact bonds.

Table 1: The correlation services and facilities which formulate as (VAR1 + VAR2) and correlation exist between (VAR 1 and VAR 2) with performance in social impact bonds

No	Author/Journal	Title of Article	Concept of Study	VAR 1	VAR 2	HOVAR
				Services	Facilities	Performance
1	Mulgan, G., Reeder, N., Aylott, M., & Bo'sher, L. (2011). The Young Foundation.	Social impact investment: the challenge and opportunity of social impact bonds. London:	social impact bonds	E	E	E
2	Burns, L. R., Cacciamani, J., Clement, J., & Aquino, W. (2000). Health Affairs, 19(1), 7-41.	The Fall Of The House Of AHERF: The Allegheny Bankruptcy: A chronicle of the hows and whys of the nation's largest nonprofit health care failure.	nonprofit health care	E	E	E
3	Snyder, S. J. (1999). Journal of Affordable Housing & Community Development Law, 159-174.	Providing Services to Assisted Living Facility Residents Through Home Health Agencies: Meeting the Need in Changing Times.	Assisted Living Facility Residents	E	E	E
4	Millar, R., & Hall, K. (2013). Public Management Review, 15(6), 923-941.	Social return on investment (SROI) and performance measurement: The opportunities and barriers for social enterprises in health and social care.	social enterprises in health and social care	E	E	E
5	Gapenski, L. C., & Pink, G. H. (2007).: Health Administration Press. Chicago	Understanding healthcare financial management.	healthcare	E	E	E
6	Bucagu, M., Kagubare, J. M., Basinga, P., Ngabo, F., Timmons, B. K., & Lee, A. C. (2012).. Reproductive health matters, 20(39), 50-61.	Impact of health systems strengthening on coverage of maternal health services in Rwanda, 2000–2010: a systematic review	health systems	E	E	E
7	Li, L. X., & Benton, W. C. (1996). European Journal of Operational Research, 93(3), 449-468.	Performance measurement criteria in health care organizations: Review and future research directions.	health care organizations	E	E	E
8	Brody, S. J., Poulshock, S. W., & Masciocchi, C. F. (1978). The Gerontologist, 18(6), 556-561.	The family caring unit: A major consideration in the long-term support system.	long-term support system	E	E	E

9	Slaughter, M. M. (1998). ACADEMY OF HEALTH SCIENCES (ARMY) FORT SAM HOUSTON TX HEALTH CARE ADMINISTRATION.	Clinical and Financial Evaluation of a Hospital Based Home Health Care Department.	Hospital Based Home Health Care Department.	E	E	E
10	Zelman, W. N., McCue, M. J., Millikan, A. R., & Glick, N. D. (2009). John Wiley & Sons.	Financial management of health care organizations: an introduction to fundamental tools, concepts, and applications.	health care organizations	E	E	E
11	Davis, B. E. (1998). Elder LJ, 6, 215.	The home health care crisis: Medicare's fastest growing program legalizes spiraling costs.	home health care	E	E	E
12	Mark, B. A., Harless, D. W., McCue, M., & Xu, Y. (2004). Health services research, 39(2), 279-300.	A longitudinal examination of hospital registered nurse staffing and quality of care.	hospital registered nurse	E	E	E
13	Ng, A., & Loosemore, M. (2007). International journal of project management, 25(1), 66- 76.	Risk allocation in the private provision of public infrastructure.	public infrastructure	E	E	E
14	Robinson, J. C. (2000). Health Affairs, 19(1), 56-71.	Capital Finance And Ownership Conversions In Health Care: A primer on the economics of for-profit and nonprofit conversions in the health care industry.	Social Health Care	E	E	E
15	Bond, P. (1999). Geoforum, 30(1), 43-59.	Basic infrastructure for socio-economic development, environmental protection and geographical desegregation: South Africa's unmet challenge.	socio-economic	E	E	E
16	Gray, B. H. (1991). Harvard University Press.	The profit motive and patient care: The changing accountability of doctors and hospitals.	patient care	E	E	E
17	Disley, E., Rubin, J., Scraggs, E., Burrowes, N., & Culley, D. (2011). Research series, 5(11).	Lessons learned from the planning and early implementation of the Social Impact Bond at HMP Peterborough.	The planning and early implementation	E	E	E
18	Ozili, P. K., & Arun, T. (2020). Available at SSRN 3562570.	Spillover of COVID-19: impact on the Global Economy.	Global Economy	E	E	E
19	Ermann, D. A. (1990)., 47(1), 33-73.	Rural health care: The future of the hospital. Medical Care Review	Hospital. Medical Care Review	E	E	E

20	Kossek, E. E., Colquitt, J. A., & Noe, R. A. (2001). <i>Academy of management Journal</i> , 44(1), 29-44.	Caregiving decisions, well-being, and performance: The effects of place and provider as a function of dependent type and work-family climates.	well-being, and performance	E	E	E
21	Counsell, S. R., Holder, C. M., Liebenauer, L. L., Palmer, R. M., Fortinsky, R. H., Kresevic, D. M., ... & Landefeld, C. S. (2000). <i>Journal of the American Geriatrics Society</i> , 48(12), 1572-1581.	Effects of a multicomponent intervention on functional outcomes and process of care in hospitalized older patients: a randomized controlled trial of Acute Care for Elders (ACE) in a community hospital.	hospitalized older patients	E	E	E
22	Kontos, P. C., Miller, K. L., & Mitchell, G. J. (2010). <i>The Gerontologist</i> , 50(3), 352-362.	Neglecting the importance of the decision making and care regimes of personal support workers: A critique of standardization of care planning through the RAI/MDS.	personal support workers	E	E	E
23	Borhani, N. O., Mercuri, M., Borhani, P. A., Buckalew, V. M., Canossa-Terris, M., Carr, A. A., ... & Bond, M. G. (1996). <i>Jama</i> , 276(10), 785-791.	Final outcome results of the Multicenter Isradipine Diuretic Atherosclerosis Study (MIDAS): a randomized controlled trial	Multicenter Isradipine Diuretic Atherosclerosis	E	E	E
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30	Drake, R. E., Bond, G. R., & Becker, D. R. (2012).. Oxford University Press.	Individual placement and support: an evidence-based approach to supported employment	Individual placement and support	E	E	E
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47	Turenne, M. (2018)., 71(4), 455-457. Journal of Kidney Diseases	Rising Peritoneal Dialysis Tide May Still Leave Some Patients Behind. American	Peritoneal Dialysis Tide	E	E	E
48	Kohli, R., Devaraj, S., & Ow, T. T. (2012). MIS quarterly, 1145-1163.	Does information technology investment influence a firm's market value? A case of non-publicly traded healthcare firms.	healthcare firms	E	E	E

FINDINGS

The Existence Of Correlation Between VAR 1 And VAR 2 From Previous Study

The result demonstrates that the relationship between human resources, human resource training and development, respite care known as Social Resources has significant relationship with home care facilities, healthcare machinery, and healthcare system hardware known as

Physical Resources. Table 2 below exhibits the existence of correlation Between VAR 1 and VAR 2 from previous study.

Table 2: The existence of correlation Between VAR 1 and VAR 2

Company Model	Numbers of Article	VAR 1	VAR 2	Conclusion
Social Healthcare	8	8	8	Relationship exist
Home Healthcare	6	6	6	Relationship exist
Person centred Care	11	11	11	Relationship exist
Hospital	10	10	10	Relationship exist
Healthcare Facilities	12	12	12	Relationship exist
Public Care Infrastructure	2	2	2	Relationship exist

The result demonstrates that the relationship between Social Resources and Physical Resources known as holistic healthcare system has a relationship with performance. Social Resources (Value Activity of Relationship or VAR 1) has the most significant towards performance. Table 3 below exhibits the existence of correlation Between VAR 1 + VAR 2 with the performance from previous study. The result shows that Social Resources (Value Activity of Relationship) has most significant relationship towards performance.

Table 3: The existence of correlation Between (VAR 1; VAR 2) and Performance

Indicator	Numbers of Article	VAR 1 + VAR 2	Performance	Conclusion
Social Resources (Value Activity of Relationship)	44	44	44	Relationship exist
Physical Resources (Value Activity of Resources)	4	4	4	Relationship exist

The healthcare services which is Home Personal care, Custodial care and Rehabilitation Care facilities and Human Resources Training and Development for Home Personal care and Custodial care services and Rehabilitation care under Assisted Daily Living and Instrumental Assisted Daily Living were under Social Resources (Human Resources and Services)
The healthcare equipment facility which is Home Personal care facilities, Rehabilitation Care facilities and Human Resources Training and Development facilities, Assisted Daily Living facilities and Instrumental Assisted Daily Living facilities were under Physical Resources (Key resources).

Figure 3 Proposed Social Impact Bond Structure which requires, investor(s) as key player rose the funding to contract with service providers for the provision of the required services. The agreed payouts by investors or the payment structures are depending on the performance of home healthcare and the results-dependent payments are base on performance achieved. Figure 3 conceptualized the proposed Social Impact Bond Structure for this study.

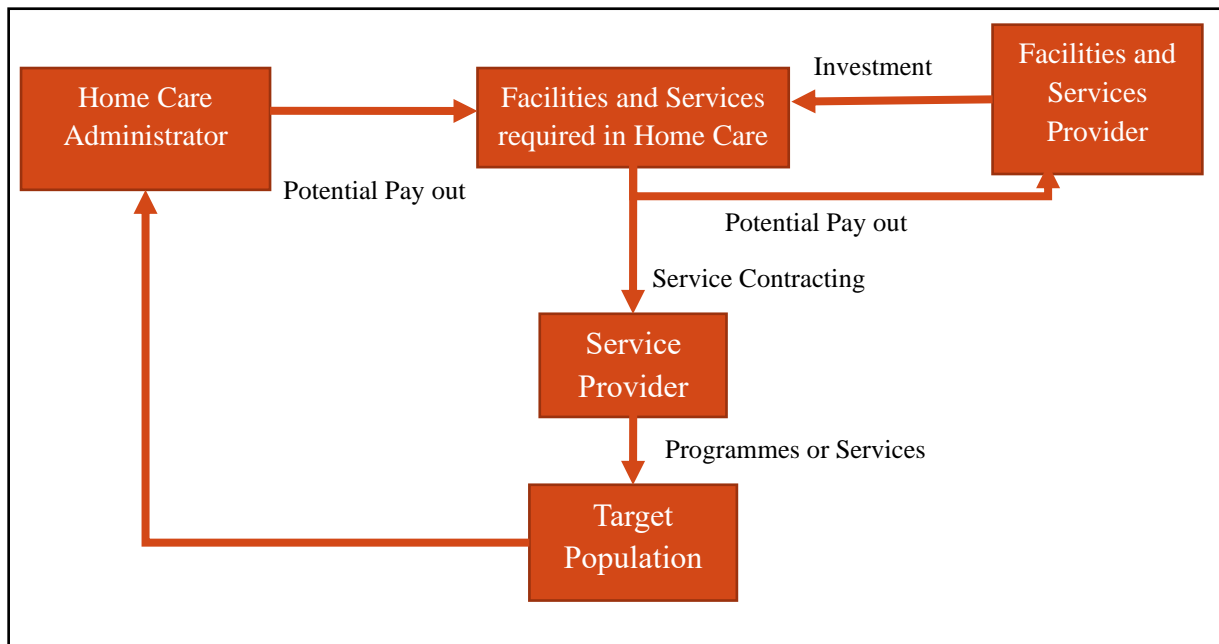


Figure 3: Conceptual Social Impact Bond Structure

The Proposed Conceptual Framework of SIB for Home Healthcare

Two (2) major types of social business model in this study were including government, NGOs, Non Profit and profit organization. Figure 4 below exhibit that financial structures mediate between both equipment home healthcare facilities and human resources training and development and Policy. Policy mediates between both equipment home healthcare facilities and human resources training and development with Performance home healthcare.

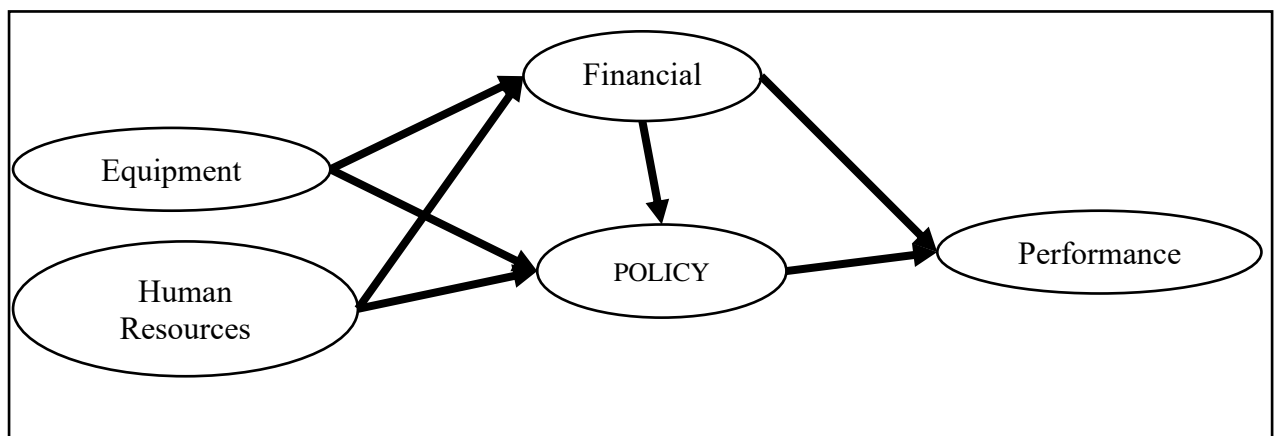


Figure 4: The framework of Social Impact Bond for Home Healthcare

The impact of social impact bond for social home care and home care

Table 4 below exhibits the Funding Structures for Social Home healthcare and Home healthcare. Two (2) type of social impact bond offered to:

- i. Human Resources Training and Development – this is for Home Personal care and Custodial care services and Rehabilitation care under Assisted Daily Living and Instrumental Assisted Daily Living.
- ii. Equipment home care facilities - this is including the equipment home care facilities - Home Personal care facilities, Custodial care and Rehabilitation Care facilities.

The human resources training and development bond for social home care and home care business purposes. Social impact bond benefits the funding structures for social home care and home care including medium and high class retirement living concept (Villa and open space concept of retirement living) and social business model meant for low class retirement living concept (home and dorm concept of retirement living).

Table 4: The Human Resources Training and Development Bond For Social Home Care and Home Care Business Purposes

No	Social Business Model	Types of Bond	Benefited for
1	Accommodation and Medication. Low class retirement living concept (home concept of retirement living)	NIL	NIL
2	Home Personal care and Custodial care	Rewarding bonds for patient and hardworking caregivers	Daily personal need services
3	Rehabilitation care under Assisted Daily Living and Instrumental Assisted Daily Living	Rewarding bonds for patient and hardworking caregivers	Assisted Daily Living services
4	Training and Development for human resources for caregivers and administration staff	Rewarding bonds for patient and hardworking caregivers	Training and Development for staff and caregivers
5	Community Care	Rewarding bonds for patient and hardworking caregivers	Society

No	Business Model	Types of Bond	Benefited for
1	Luxury accommodation, High level Medication and extra facilities. Medium and high class retirement living concept (Villa and open space concept of retirement living)	Rewarding bonds for membership of Home healthcare system and hardworking caregivers	Members (elderly) and caregivers
2	Personal care and Custodial care	Rewarding bonds for patient and hardworking caregivers	Daily personal need services.

3	Instrumental Assisted Daily Living	Bond issue in which the primary health item	Assisted Daily living services
4	Training and Development for human resources for Specialist or General Practitioner, nurses, caregivers and administration staff	Rewarding bonds for patient and hardworking caregivers	Training and Development for staff and caregivers
5	Person centric Care and home healthcare	Rewarding bonds for patient and hardworking caregivers	Daily person centric services for personal need services including bath, serving for meal, toileting.

CONCLUSION

Two (2) facets of home healthcare system which is services representing the human resources which are known as value activity of relationship and facilities which is physical resources known as value activity of resources. Both two (2) facets made up the holistic performance of home healthcare system. Human resources services are including related social care and healthcare services which is assistance in supporting their daily activities. This classified under social resources whereas physical resources including the necessary and equipment home care including the daily personal needs for elderly including geriatric food supply, essential drug and supplement for elderly and home health care equipment. This study required a further instigation in the human resources training and development bond which demonstrates a significant impact with the inclusion of the social impact bond towards the performance of the organization.

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UJRAH DALAM FIQH MUAMALAT MENURUT PANDANGAN MAZHAB HANAFI DAN MALIKI: SATU KAJIAN PERBANDINGAN

*(Ujrah In Fiqh Muamalat According To The Views Of The Hanafi And Maliki
Sects: A Comparative Study)*

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Abstrak

Kajian ini membincangkan perbincangan fiqh muamalat berkaitan dengan ujrah menurut pandangan mazhab Hanafi dan mazhab Maliki. Ujrah merupakan upah sebagai ganjaran atau imbalan terhadap suatu pekerjaan yang dilakukan. Rukun, syarat dan isu amalan ujrah dalam muamalat telah dikaji oleh para dua mazhab ini mengikut pandangan masing-masing mazhab. Oleh itu, kajian ini bertujuan untuk mengenalpasti ujrah dalam fiqh muamalat dan mengetahui mekanisme, serta amalan ujrah menurut mazhab Hanafi dan mazhab Maliki serta menjelaskan perbandingan antara kedua-dua mazhab. Kaedah kajian ini berbentuk kualitatif dengan mengkaji dan menganalisis ujrah menurut pandangan mazhab Hanafi dan mazhab Maliki melalui pendekatan kajian kepustakaan, dokumentasi dan analisis perbandingan. Hasil kajian ini telah mendapati bahawa terdapat sedikit perbezaan antara pendapat mazhab Hanafi dan mazhab Maliki dalam menjelaskan ujrah yang menjadi amalan dalam fiqh muamalat. Perbandingan ini memberikan satu pandangan yang khas dan umum yang menunjukkan kepada kepelbagaian ijtihad yang menjadi sebagai rujukan masyarakat Islam dalam menyelesaikan isu-isu amalan ujrah tersebut.

Kata Kunci: Ujrah, Fiqh Muamalat, Mazhab Hanafi dan Mazhab Maliki, Perbandingan.

Abstract

This study discusses the muamalat fiqh debate related to ujrah according to the views of the Hanafi school and the Maliki school. Ujrah is a wage as a reward or reward for a job done. The pillars, conditions and issues of the practice of ujrah in muamalat have been studied by these two sects according to the views of each sect. Therefore, this study aims to identify ujrah in fiqh muamalat and know the mechanism, as well as the practice of ujrah according to the Hanafi school and the Maliki school and explain the comparison between the two schools. The method of this study is qualitative by studying and analyzing ujrah according to the views of the Hanafi school and the Maliki school through the approach of library research, documentation and comparative analysis. The results of this study have found that there is little difference between the opinions of the Hanafi school and the Maliki school in explaining ujrah which is a practice in muamalat fiqh. This

comparison provides a special and general view that shows the diversity of ijthad that serves as a reference for the Muslim community in resolving the issues of the practice of ujah.

Keywords: *Ujah, Fiqh Muamalat, Hanafi School and Maliki School, Comparison.*

PENDAHULUAN

Fiqh Muamalat adalah satu bidang dalam syariah Islam yang membahaskan ilmu pengetahuan tentang aktiviti dan transaksi perniagaan. Ianya mempunyai peranan penting sebagai rujukan dalam menyelesaikan isu-isu perniagaan yang berbangkit pada masa kini. Dalam bidang fiqh muamalat, terdapat konsep ujah yang menjadi akad dalam menjalankan perniagaan. Hal ini menunjukkan bahawa ujah merupakan sebahagian daripada bidang muamalat juga.

Mekanisme ujah pada dasarnya adalah pemberian imbalan (ganjaran atau upah) kerana mengambil manfaat dari suatu barang, seperti rumah, pakaian dan lain-lain dan pemberian imbalan terhadap sesuatu pekerjaan yang dilakukan oleh seseorang, seperti ujah mengemas rumah. Jenis pertama yang mengarah kepada sewa menyewa dan yang jenis kedua lebih menuju kepada penggunaan tenaga kerja. Ujah dalam bahasa melayu disebut sebagai upah. Dan upah-mengupah boleh disebut juga dengan ijarah atas sesuatu pekerjaan iaitu perkhidmatan yang biasanya berlaku dalam beberapa hal seperti menjahit pakaian, membina rumah, dan sebagainya. Dalam pemberian ujah kepada pekerja mesti mempunyai aspek keadilan dan kesamaan. Bagi pihak pekerja, hendaklah melakukan pekerjaan dengan penuh tanggung jawab sehinggalah selesai dilaksanakan. Bagi pihak majikan pula, hendaklah memberi ujah yang berpatutan.

Dalam memahami makna ujah hendaklah merujuk kepada pandangan mazhab fiqh yang menjadi sebagai rujukan. Dua mazhab ini adalah mazhab Hanafi dan mazhab Maliki, yang telah menjelaskan ujah dari segi takrif, rukun, syarat dan isu-isu amalan. Walau begitu, perlu mengkaji lebih mendalam terhadap pandangan ke dua mazhab fiqh ini dengan membandingkan antara kedua-dua mazhab. Justeru itu, kajian ini akan membahaskan isu berkaitan ujah dari segi kesamaan dan perbezaan antara dua mazhab.

PENGERTIAN UJRAH

Ujah dari segi bahasa disebut al-ajru yang bererti 'iwad (ganti). Al-ujrah' atau ,al-ajru' yang menurut bahasa juga bererti al-iwad (ganti), dengan kata lain imbalan yang diberikan sebagai upah atau ganti suatu perbuatan (Helmi Karim 1997).

Kamus Dewan (2005) menerangkan bahawa upah ialah wang dan lain-lain yang diberikan kepada orang yang disuruh mengerjakan sesuatu iaitu bayaran sebagai membalas jasa atau ganjaran untuk tenaga orang yang telah digunakan. Contohnya: "Aku sering diberi kerja mengangkat beg". Dalam hukum upah, ada beberapa macam upah. Agar kita dapat memahami lebih lanjut sampai manakah batas-batas sesuatu upah yang dapat diklasifikasikan sebagai upah yang wajar, maka seharusnya kita mengetahui terlebih dahulu beberapa pengertian tentang upah atau al-ujrah. Idris Ahmad berpendapat bahawa upah adalah mengambil manfaat tenaga orang lain dengan jalan memberi ganti menurut syarat-syarat tertentu (Hendi Suhendi 2005). Nurimansyah Haribuan mendefinisikan upah adalah segala bentuk penghasilan yang diterima buruh (pekerja)

baik dalam bentuk wang ataupun barang dalam jangka waktu yang tertentu menurut suatu kegiatan ekonomi (Zainal Asikin 1997).

Ujrah juga bermaksud pembayaran (upah kerja) yang diterima pekerja selama ia melakukan pekerjaan. Islam mengajar umatnya bahawa penyerahan upah dilakukan pada saat selesainya sesuatu pekerjaan. Dalam hal ini, pekerja dianjurkan untuk mempercepatkan perkhidmatan kepada majikan, sementara bagi pihak majikan sendiri, disarankan mempercepatkan pembayaran upah pekerja. Ujrah adalah pembayaran atau imbalan yang wujudnya dalam pelbagai jenis, seperti usaha yang dilakukan atau diberikan seseorang atas prestasi kerja atau perkhidmatan. Pemberian ujrah itu hendaklah berdasarkan akad (kontrak) perjanjian kerja, kerana wujud hubungan kerjasama antara pekerja dengan majikan atau pengusaha yang terkandung di dalamnya hak-hak atas kewajipan masing-masing. Hak dari pihak yang satu merupakan suatu kewajipan bagi pihak yang lainnya. Kewajipan yang utama bagi majikan adalah membayar upah. Manakala kewajipan pekerja ialah memberi sepenuh perhatian dan menyelesaikan pekerjaannya sebaik mungkin (Setiyawan 2018).

Perbezaan antara Mazhab Hanafi dan Maliki dalam Pengertian Ujrah Dari Segi Takrif

Pengertian ujrah menurut Ulama mazhab Hanafi ialah kontrak atau transaksi ke atas sesuatu manfaat dengan suatu tukaran (al-Kasani t.th). Oleh sebab itu, pengertian akad *ujrah* harus jelas manfaat dari suatu aset mahupun jasa yang akan disewakan antara dua pihak. Demikian juga imbalan atau upah harus diketahui bersama ketika memulai kesepakatan dalam akad atau kontrak tersebut. Oleh sebab itu, dalam akad ujrah ini tidak boleh dikaitkan dengan syarat-syarat tertentu sebagaimana akad jual beli kerana terjadi perbezaan antara keduanya iaitu, yang satu jual beli benda atau barang sedangkan yang lain jual beli jasa dan manfaat (Ahmad Fauzan 2016).

Terdapat dua fatwa Mazhab Hanafi yang dominan dalam dua peringkat masa yang berbeza iaitu fatwa ulama *mutaqaddimin* dan ulama *muta'akhirin*. Mengikut fatwa ulama' *mutaqaddimin* pengambilan upah di dalam melakukan perkara ketaatan kepada Allah adalah menjadi tugas setiap Muslim yang mana ianya tidak sah untuk dijadikan subjek dalam kontrak ijarah. Menurut mereka, manfaat tugas yang dilakukan adalah dikira ke atas pelaku tersebut dan bukannya ke atas orang yang memberi upah (Ibn Abidin 2003). Antara hujah mereka ialah berdasarkan hadis Nabi s.a.w:

“...Hendaklah kamu membaca Al-Quran dan jangan kamu mencari makan dengannya...”

Mereka melanjutkan lagi hujah berdasarkan pesanan Saidina Umar kepada Amr bin al-As yang mengatakan:

“...Sekiranya kamu ingin melantik seorang muazzin, maka janganlah orang yang dilantik mengambil upah di atas tugas azannya itu...”

Berdasarkan kepada fatwa *mutaqaddimin* ini ketidakharusan kontrak upah tersebut adalah merangkumi semua jenis ibadah. Manakala golongan *muta'akhirin* pula memfatwakan keharusan

mengambil upah dalam setengah-setengah ibadah dan keharusan ini pula hanyalah dalam keadaan-keadaan darurat dan mendesak. Fatwa ini jelas menyalahi fatwa Imam Abu Hanifah sendiri dan fatwa dua orang muridnya iaitu Imam Abu Yusuf dan Imam Muhammad al-Syaibani.

Menurut Ulama Mazhab Maliki, *ujrah ialah* kepemilikan manfaat atas sesuatu yang dibolehkan (*halal*) dalam syariat yang terikat pada tempoh waktu tertentu dengan imbalan yang ditetapkan (al-Kharashi 1317H). Berpandukan kepada definisi ini dapat difahami bahawa akad *ujrah* disini jelas sekali perbezaannya dengan akad- akad lain dalam kepemilikan seperti jual beli, hibah dan wakaf, kerana ia hanya berkaitan dengan proses kepemilikan manfaat pada sesuatu yang dibolehkan syariat dengan imbalan (ganjaran atau upah) dan waktu tertentu, sedangkan pada jual beli terjadi perpindahan pemilikan atas barang yang sifatnya kekal tidak dibatasi dengan waktu (Ahmad Fauzan 2016).

Dalam Mazhab Maliki, terdapat khilaf tentang upah dalam amalan-amalan ibadah seperti yang disebutkan oleh Mazhab Hanafi di atas. Khilaf dalam hal ini adalah berasas kepada prinsip yang diguna pakai oleh pihak-pihak yang berselisih tentang sampai atau tidak pahala amalan tersebut kepada si mati. Bagi mereka yang mengatakan sampai pahala kepada si mati dengan melakukan amalan-amalan tersebut dihukumkan sah upah untuk ibadah tersebut. Manakala mereka yang berpendapat tidak sampai pahala kepada si mati menghukumkannya sebagai tidak sah (Ibn Abidin).

Oleh kerana persoalan sampai pahala atau tidak kepada si mati adalah di luar perbincangan ini, maka memadai disebut di sini pendapat Ibn Farhun yang mengatakan pendapat yang rajih ialah sampai pahala amalan-amalan tersebut kepada si mati, dan dengan itu beliau menerima keharusan upah untuk amalan tersebut (al-Sawi 1988).

Terdapat perbezaan *ujrah* yang ketara bagi Mazhab Hanafi dan Maliki dari segi takrif. Mazhab Hanafi mendefinisikan *ujrah* sebagai kontrak atau transaksi ke atas sesuatu manfaat dengan suatu tukaran. Manakala menurut Mazhab Maliki, *ujrah* ialah kepemilikan manfaat atas sesuatu yang dibolehkan (*halal*) dalam syariat yang terikat pada tempoh waktu tertentu dengan imbalan yang ditetapkan. Imam Maliki memberi pengertian *ujrah* dengan lebih teliti jika dibandingkan dengan Imam Hanafi jika diperhalusi kedua-dua definisi yang diberikan.

RUKUN UJRAH

Rukun dalam menjalankan sesuatu perkara adalah wajib dipenuhi, kerana jika tidak terdapat salah satu rukun, maka akan terbatal amalan tersebut. Para fuqaha Mazhab Hanafi menyatakan bahawa rukun akad hanyalah ijab dan qabul sahaja. Mereka mengakui bahawa tidak mungkin ada akad tanpa adanya para pihak yang membuatnya dan tanpa adanya objek akad. Adapun menurut Mazhab Maliki, rukun *Ujrah* ada (4) empat :

Aqid (orang yang berakad).

Iaitu orang yang melakukan akad sewa menyewa atau upah mengupah. Orang yang memberikan upah dan yang menyewakan disebut mu'jir dan orang yang menerima upah untuk melakukan sesuatu dan yang menyewa sesuatu disebut musta'jir (Hendi Suhendi 2002).

Sighah

Pernyataan kehendak yang lazimnya disebut *sighat akad*, terdiri atas ijab dan qabul. Syarat-syarat ini sama dengan syarat ijab dan qabul pada jual beli, hanya ijab dan qabul dalam ujarah harus menyebutkan masa atau waktu yang ditentukan (Moh, Saifullah 2005).

Ujrah/upah

Iaitu sesuatu yang diberikan kepada musta'jir atas jasa yang telah diberikan atau diambil manfaatnya oleh mu'jir.

Manfaat

Untuk mengambil kerja seorang musta'jir harus ditentukan bentuk kerjanya, waktu, upah serta tenaganya. Oleh karena itu, jenis pekerjaannya harus dijelaskan kerana transaksi ujarah yang masih samar hukumnya adalah fasid (Chairuman dan Suhrawardi 1994).

Berdasarkan rukun ujarah di atas, didapati wujudnya perbezaan diantara Mazhab Hanafi dan Maliki kerana para fuqaha Mazhab Hanafi menyatakan bahawa rukun akad hanyalah ijab dan qabul sahaja. Adapun menurut Mazhab Maliki, rukun Ujrah ada (4) empat iaitu aqid (orang yang berakad), sigat (ijab dan qabul), Ujrah (Upah), dan Manfaat. Ini menunjukkan bahawa kaedah fiqh Hanafi lebih meringankan rukun, manakala kaedah fiqh Maliki lebih memberatkan rukun ujarah.

SYARAT UJRAH

Dalam Syariah Islam mengatur sejumlah persyaratan yang berkaitan dengan ujarah (upah) sebagaimana berikut:

- a. Upah harus dilakukan dengan cara-cara musyawarah dan perbincangan terbuka, sehingga dapat wujud di dalam diri setiap individu rasa tanggungjawab serta moral yang tinggi dan tahap dedikasi yang betul terhadap kepentingan umum (M. Arkal Salim 1999).
- b. Upah harus berupa mal mutaqawwim dan upah tersebut harus dinyatakan secara jelas (Ghafran 2002) dan konkrit dengan menyebutkan kriteria-kriteria kerana upah merupakan pembayaran atas nilai manfaat dan nilai tersebut disyaratkan harus diketahui dengan jelas (Ali Hasan 1990). Mempekerjakan orang dengan upah makan, merupakan contoh upah yang tidak jelas kerana mengandungi unsur jihalah (ketidakpastian). Ijarah seperti ini menurut jumbuh fuqaha' termasuk ulama' dari Mazhab Hanafi, selain malikiyah tidak sah. Fuqaha malikiyah menetapkan kesahihan ijarah tersebut sepanjang ukuran upah yang dimaksudkan dan dapat diketahui berdasarkan adat kebiasaan. Mazhab Hanafi meletakkan syarat upah yang mengandungi unsur jihalah adalah tidak sah dan menetapkan setiap transaksi ujarah mesti dinyatakan dengan jelas (Ibn Mazah 2004).
- c. Upah harus berbeza dengan jenis objeknya. Mengupah suatu pekerjaan dengan pekerjaan yang serupa, merupakan contoh yang tidak memenuhi persyaratan ini dan hukumnya tidak sah, kerana menjurus kepada amalan riba. Contohnya: memperkerjakan kuli untuk membangun rumah dan upahnya berupa bahan bangunan atau rumah.

- d. Upah perjanjian persewaan hendaknya tidak berupa manfaat dari jenis sesuatu yang dijadikan perjanjian. Dan tidak sah membantu seseorang dengan upah membantu orang lain. Masalah tersebut tidak sah kerana persamaan jenis manfaat. Maka, masing-masing berkewajipan mengeluarkan upah atau wang secepatnya setelah menggunakan tenaga seseorang tersebut (Wahbah Zuhaili 2011).
- e. Berupa harta tetap yang dapat diketahui (Rachmat Syafei 2001).

Ulama Hanafiyah tidak mensyaratkan untuk menetapkan awal waktu akad (Taqyuddin 1996). Penjelasan tentang jenis pekerjaan sangat penting dan diperlukan ketika mengupah orang untuk bekerja sehingga tidak terjadi kesalahan dan penentangan. Akhir sekali, mengenai batasan waktu kerja sangat bergantung pada pekerjaan dan kesepakatan dalam akad.

Syarat-syarat ujarah di atas menunjukkan bahawa ada sedikit perbezaan di antara mazhab hanafi dan Maliki. Mazhab Malikiyah menetapkan kesahihan ijarah tersebut sepanjang ukuran upah yang dimaksudkan dan dapat diketahui berdasarkan adat kebiasaan manakala Hanafiyyah menetapkan syarat pembayaran upah atau ujarah harus diketahui dengan jelas. Maka dapat disimpulkan disini bahawa Hanafiyyah menitik beratkan soal nilai ujarah harus diketahui dengan jelas tanpa ada unsur jihalah (kesamaran) seimbang dengan kerja yang dilakukan. Adapun Malikiyyah menetapkan nilai ujarah diketahui berdasarkan adat kebiasaan sesuatu tempat.

APLIKASI UJRAH DALAM FIQH MUAMALAT

Perbincangan aplikasi ujarah/upah dalam fiqh muamalat telah dibincangkan oleh ulama fiqh, termasuk mazhab Hanafi dan mazhab Maliki juga mempunyai pandangan dalam amalan yang telah dijalankan dalam masalah ini. Walaupun begitu perlu diteliti semula pandangan tersebut dan membandingkan pandangan kedua mazhab tersebut, sebagaimana berikut:

Upah Perbuatan Taat (ibadah)

Menurut mazhab Hanafi, mengupah orang membaca al-Quran, atau pun untuk azan dan semua ibadah lainnya tidak dibolehkan, dan hukumnya diharamkan dalam mengambil upah atas pekerjaan tersebut. Perbuatan yang tergolong taqarrub apabila berlangsung, pahalanya jatuh kepada si pelaku, kerana itu tidak boleh mengambil upah dari orang lain untuk pekerjaan itu (Sayyid Sabiq 2006).

Manakala Mazhab Maliki berpendapat bahawa boleh mengambil upah atas pengajaran Al-Quran. Akan tetapi untuk ilmu lain (syariah), upah yang diambil adalah makruh hukumnya (al-Kharashi 1317H).

Upah Mengajarkan Al-Qur'an

Menurut mazhab Hanafi, mengambil upah mengajar al-Quran tidak dibolehkan, dan hukumnya haram mengambil upah atas pekerjaan tersebut (Ibn Abidin 2003). Manakala Mazhab Maliki berpendapat bahawa boleh mengambil upah atas pengajaran Al-Quran. Akan tetapi untuk ilmu lain (syariah), upah yang diambil adalah makruh hukumnya.

Sehubungan dengan itu, seseorang boleh mengupah tenaga pengajar untuk mengajar anak-anaknya atau orang yang dikehendaki mendapat pengajaran. Pengajaran ini merupakan manfaat atau jasa yang diharuskan. Justeru, mengambil upah diatas khidmat pengajaran itu adalah dibolehkan bahkan mengambil upah atas pengajaran agama adalah sesuatu yang utama (Yusul Al-Sabatini 2009).

Pada asalnya, Mazhab Hanafi mengharamkan mengambil upah dalam semua amalan ibadah termasuk mengajar al-Quran, akan tetapi ulama' Hanafiyyah Mutaakhirin membenarkan sebahagian daripada amalan ibadah dengan syarat. Perbezaan pendapat antara Imam Hanafi dan Maliki didasari oleh kaedah fiqh Imam Hanafi dalam amalan ibadah yang dilihat agak ketat jika dibandingkan dengan kaedah fiqh Imam Malik yang sedikit longgar dan memudahkan umat Islam untuk beramal dengannya.

Upah Mengajar Ilmu Agama

Al-Qurtubi ketika mengulas ayat 41 dari surah al-baqarah yang bermaksud: "Dan jangan kamu membeli dengan ayat-ayatKu dengan harga yang murah," telah mentarjihkan pendapat yang mengatakan harus mengambil upah untuk mengajar Al-Quran. Beliau telah membawa hadith: "upah yang kamu paling berhak ambil ialah upah untuk kitab Allah," untuk menguatkan hujahnya dan beliau juga mengatakan hadith ini sebagai kata putus kepada khilaf dalam isu upah mengajar Al-Quran (Yusuf Al-Sabitin 2009).

Mazhab Hanafi Mutaqaddimin melarang mengambil upah dalam melakukan ibadah atau sebarang urusan keagamaan. Namun begitu, ulama' Mazhab Hanafi Mutaakhirin dan jumhur fuqaha yang lain termasuk Mazhab Maliki membenarkan pengambilan upah atas kemaslahatan umum dan adat setempat(uruf) (Ibn Abidin 2003).

Disamping itu, keselesaan hidup pendakwah juga perlu diambil kira demi kelangsungan dakwah. Dalam dunia maju hari ini keperluan harian menjadi semakin bertambah yang memerlukan perbelanjaan yang besar, lebih-lebih lagi di bandar besar. Jika sekiranya pendakwah tidak dibenarkan mengambil upah atas khidmat yang diberikan tentu sekali keadaan ini akan membantutkan kerja dakwah kerana pendakwah tersebut memperuntukkan masa yang lebih untuk mencari nafkah hidup (Ibn Abidin 2003). Ianya selaras dengan prinsip Maqasid al-Shariah di mana keperluan untuk menjaga agama adalah sesuatu yang mesti dilaksanakan, di samping perlu juga memudahkan urusan pendakwah yang mengajar agama untuk meneruskan perjuangan menegakkan agama Allah di muka bumi ini. Oleh yang demikian, pengambilan upah untuk mengajar ilmu agama ini adalah sesuatu yang signifikan pada masa kini untuk kelangsungan dakwah dan perjuangan agama Allah.

Upah Badal Haji

Yang dimaksud dengan badal haji adalah kegiatan menghajikan orang yang telah meninggal dunia (yang belum haji) atau menghajikan orang yang sudah tak mampu melaksanakannya (secara fizikal) disebabkan oleh suatu uzur, seperti sakit yang tak ada harapan sembuh. Semua ulama sepakat bahawa haji adalah ibadah yang wajib dilaksanakan oleh setiap Muslim yang mampu,

sekali dalam seumur hidupnya. Namun, ulama berbeza pendapat dalam hal boleh tidaknya melaksanakan badal haji. Terdapat dua pandangan ulama' fiqh dalam menentukan hukum kepada haji badal, iaitu:

- i. Mazhab Al-Hanafiyyah dan jumhur mazhab mengharuskan menggantikan haji bagi orang yang telah meninggal atau orang yang sakit berterusan yang tiada harapan untuk sembuh.
- ii. Adapun Mazhab Al-Malikiyyah tidak mengharuskannya kerana haji adalah ibadah badan, maka apabila tidak mampu kerana kematian atau sakit ianya gugur dari kefarduan seorang mukallaf. Antara hujahnya ialah firman Allah Taala dalam al-Quran, Surah Ali Imran 3: 97:

“...Di situ ada tanda-tanda keterangan Yang nyata (yang menunjukkan kemuliaannya; di antaranya ialah) Makam Nabi Ibrahim. dan sesiapa Yang masuk ke dalamnya aman tenteramlah dia. dan Allah mewajibkan manusia mengerjakan Ibadat Haji Dengan mengunjungi Baitullah Iaitu sesiapa Yang mampu sampai kepadaNya. dan sesiapa Yang kufur (ingkarkan kewajipan Ibadat Haji itu), maka Sesungguhnya Allah Maha kaya (tidak berhajatkan sesuatu pun) dari sekalian makhluk...”

Terdapat alasan ulama' yang memperbolehkan badal haji adalah berdasarkan kepada beberapa hadis berikut ini, sabda Rasulullah SAW dalam Riwayat Bukhari, kitab Hajj, bab wujub al-hajj wa fadhlih:

“...Daripada Ibnu abbas berkata adalah Al-Fadl bin Abbas r.a menunggang di belakang Rasulullah SAW, maka telah datang seorang wanita dari Khasa'm dan Al-Fadl melihat kepadanya dan wanita itu melihat kepadanya, maka Rasulullah s.a.w memalingkan wajah Al-fadl ke arah lain. Maka wanita itu bertanya: Wahai Rasulullah s.a.w, sesungguhnya kefarduan Allah ke atas hambanya pada haji telah sampai ke atas ayahku sedangkan dia seorang tua yang tidak mampu bermusafir, adakah aku perlu mengerjakan haji baginya? Jawab Baginda s.a.w: (Ya). Dan ketika itu adalah haji wida...”

Sabda Rasulullah SAW, Riwayat Abu Daud, kitan al-manasik, bab al-rajul yahujju 'an ghayrih:

“...Daripada Ibnu Abbas bahawasanya Nabi SAW bersabda pada saat melaksanakan haji, Rasulullah saw mendengar seorang lelaki berkata" Labbaik 'an Syubrumah "(Labbaik / aku memenuhi panggilanMu ya Allah, untuk Syubrumah), lalu Rasulullah bertanya" Siapa Syubrumah? ". "Dia saudaraku , wahai Rasulullah", jawab lelaki itu. "Apakah kamu sudah pernah haji?" Rasulullah bertanya. "Belum" jawabnya. Mendengar itu, baginda bersabda" Kerjakanlah haji untuk dirimu sendiri terlebih dahulu, kemudian baru kamu dibolehkan menghajikan Syubrumah...”

Majoriti ulama termasuk Mazhab Hanafiyyah membenarkan badal haji atau dalam istilah fiqhnya al-Hajj 'an al-Ghair. Manakala Imam Maliki yang tidak memperbolehkannya, kecuali kepada orang yang sebelum wafatnya sempat berwasiat agar dihajikan. Ini pun dengan harta

peninggalannya yang tidak melebihi sepertiga daripadanya (al-Jazairi 1986). Alasan Mazhab Maliki yang tidak membenarkan badal haji adalah kerana haji itu hanya diwajibkan kepada orang Islam yang mampu, baik dari segi fizikal mahupun kewangan. Jadi, kalau ada orang yang sakit atau lemah secara fizikal, maka orang itu dianggap sebagai orang yang tidak mampu menunaikan haji. Justeru itu, tergugur kewajipannya untuk menunaikan haji sama seperti orang yang telah meninggal dunia (al-Jazairi 1986).

Sehubungan dengan itu, mengambil upah (ujrah) bagi melakukan badal haji adalah harus berdasarkan kesepakatan para ulama'. Oleh yang demikian, upah yang diberikan ini perlu memenuhi syarat-syarat sebagaimana yang digariskan di dalam konsep ijarah yang terkandung di dalam bab fiqh muamalat. Ini adalah berpandukan kepada kesepakatan para ulama' mengenai keharusan menerima upah bagi melakukan sesuatu ibadat dan diqiaskan kepada keharusan menerima upah bagi mengajar Al-Quran (JAWHAR 2008).

Berdasarkan penjelasan di atas, maka pandangan Imam Hanafi sebelum ini amat ketat dalam bab amalan ibadah, akan tetapi membenarkan seseorang itu melakukan badal haji sekiranya tidak mampu atas sebab-sebab tertentu. Manakala pendapat Imam Malik yang lebih longgar atau ringan dalam mengeluarkan hukum dalam amalan ibadah, memilih untuk melarang seseorang itu melakukan badal haji kecuali jika ada wasiat daripada si mati. Imam Malik memilih untuk tidak membenarkan atas alasan haji adalah amalan ibadah badan. Oleh yang demikian, pendapat Imam Hanafi dan jumhur ulama' lebih diterima pakai oleh sebahagian besar umat Islam kini kerana dilihat lebih mudah diamalkan serta menggalakkan umat Islam untuk lebih dekat dengan Allah Taala.

Upah dalam Urusan Kematian

Pemberian upah berlaku dari mula memandikan mayat sehingga kepada mayat dihantar ke kubur. Mengenai persoalan upah untuk sembahyang jenazah, di dapati pendapat Mazhab Hanafi adalah tidak harus diupah kerana ia bersifat fardhu kifayah.

Dalam soal pemberian wang bagi membaca Al-Quran untuk si mati, pendapat sebahagian fuqaha' Maliki mengharuskan amalan memberi upah untuk ibadah tersebut. Sekalipun, pandangan Mazhab Maliki tersebut tidak diterima atau dipersetujui oleh setengah orang, ia tidaklah dianggap haram tetapi lebih bersifat hadiah atau hibah (Rushdi & Luqman 2004). Antara yang tidak bersetuju ialah Mazhab Hanafi. Mazhab Hanafi melarang memberi upah membaca al-Quran untuk si mati. Antara sebab mengapa Mazhab Hanafi melarang ialah kerana pahala membaca al-quran hanya dapat kepada si pembaca sahaja dan pahalanya tidak sampai kepada si mati (Ibn Abidin 2003).

Mengenai amalan-amalan fardhu kifayah seperti memandi, mengkafan dan mengkebumikan mayat telah disepakati dalam Mazhab Maliki keharusan upah untuk perlaksanaannya. Cuma dalam isu sembahyang jenazah, pendapat Ibn 'Abd al-Salam yang disokong oleh sebahagian fuqaha' Maliki mengatakan tidak harus diupah kerana ia adalah ibadat semata-mata yang berbeza dengan urusan kematian yang lain seperti memandi, mengkafan dan mengkebumi yang mempunyai unsur lain selain dari ibadah. Contohnya, memandi selain dari

unsur ibadah ia juga mempunyai unsur kerja membersihkan, oleh itu ia boleh diupah (al-Sawi 1988).

Dalam bab ini, jelas perbezaan di antara Mazhab Hanafi dan Maliki. Sebahagiannya ialah Imam Malik membenarkan mengambil upah membaca al-Quran untuk si mati dan sembahyang jenazah walaupun sesetengah para fuqaha Malikiyyah tidak mengharuskan pengambilan upah untuk solat jenazah. Adapun Mazhab Hanafi melarang terus mengambil upah membaca al-Quran untuk si mati dan solat jenazah. Antara faktor dan sebab perbezaan antara ke dua mazhab ini ialah kerana Imam Hanafi berpendapat bahawa setiap amalan ibadah seperti membaca al-Quran, pahalanya hanya sampai kepada si pembacanya sahaja dan tidak menganggap membaca al-Quran kepada si mati sebagai hibah atau hadiah sama seperti Imam Malik dan Imam Syafie.

KESIMPULAN

Daripada perbincangan isu-isu di atas, kita boleh membuat beberapa kesimpulan bahawa dalam hukum-hakam berkaitan isu-isu yang dibincangkan mempunyai asasnya dalam fiqh. Walaupun terdapat pro dan kontra dalam pendapat dan perbincangan para ulama' Mazhab Hanafi dan Maliki, tetapi perbezaan pendapat antara Mazhab Hanafi dan Maliki dalam ujah merupakan satu rahmat buat umat Islam. Ini kerana, sesetengah pendapat serta pandangan Mazhab Hanafi dan Maliki sedikit sebanyak membantu masyarakat dalam memahami serta mengamalkan ujah dalam kehidupan seharian. Terdapat sedikit perbezaan antara Mazhab Hanafi dan Maliki dalam mengharuskan pengambilan upah bagi sesetengah pekerjaan.

Pengambilan ujah dalam pekerjaan amat berkait rapat dalam Maqasid Syariah yang digariskan dalam ajaran Islam di mana ianya digunapakai untuk menjaga maslahat manusia. Maqasid Syariah berasaskan lima prinsip iaitu menjaga agama (din), nyawa (kehidupan), akal (ilmu dan pendidikan), maruah (jati diri Islami) dan harta benda (kekayaan sumber) di mana kesemua prinsip ini saling memerlukan dalam kehidupan manusia dan salah satu prinsip dari prinsip-prinsip tersebut iaitu menjaga harta.

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REMEDIAL STRATEGIES IN RESPONSE TO AWARENESS OF SOME COLLECTIVE AND INSTITUTIONAL ISLAMIC CONCEPTS

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Abstract

Some Islamic concepts or principles incorporate both individual and collective implications. It is important for Islamic organizations and educational institutions to assess the level of knowledge and understanding of Muslim students at higher learning institutions (HLIs) in particular so that they may formulate appropriate strategies to actively connect the next generation of Muslim leaders to the maintain and enrich the collective institutions underlying the principles. Students of HLIs are targeted for the preliminary study because they represent the impact of relevant environmental exposure in primary and secondary schools and now at HLIs. The study has developed a special-purpose scaled research instrument to assess collective Islamic concepts which include bait al-mal, zakat and waqf. Based on the findings on the levels of awareness of the respondents, the research would propose strategies to Islamic organizations and educational institutions to consider in implementing new programs or enhancing existing ones.

Keywords: Awareness, Bait al-Mal, Education, Waqf, Zakat.

INTRODUCTION

There have been scholarly debates about enhancing institutional visibility to the public especially students of higher learning institutions. The issues that are debated could be studied by the university community. According to Shiyuti, Zainol & Ishak (2021), zakat institutions have been expected to be mentors for social entrepreneurs' development, particularly to the *asnaf* (eligible eight categories of *zakat* recipients, such as poor, needy). In addition, as public institutions, *zakat*, *waqf* and charity institutions are expected to be transparent and practice good governance (Ishak, 2021; Mahmood et al., 2021; Husin, Zamil & Salam, 2021).

These concepts in practice should be aligned with theoretical Islamic concepts or principles. In addition, it is important to incorporate both individual and collective implications. It is important for Islamic organizations and educational institutions to assess the level of knowledge and understanding of Muslim students at higher learning institutions (HLIs) in particular so that they may formulate appropriate strategies to actively connect the next generation of Muslim leaders to

the maintain and enrich the collective institutions underlying the principles. Thus, this study aims to offer remedial strategies in response to awareness of some concepts on Islamic institutions.

LITERATURE REVIEW

Muslims in Malaysia live with cultural and religious traditions. Islam has been practiced along with the culture and tradition (Jalil & Nor, 2020; Hussin & Kamal, 2021). Islamic teachings have strong influence in the daily life (Hussin & Kamal, 2021; Sudarman *et al*, 2021). For example, *jamaah* (collective), *sadaqah* (charity), *wakaf* (endowment), *faraid* (inheritance), *wasiat* (will), have been used in daily conversations and practices. When these terms are searched in Google search engine, *sedekah* (the Malay spelling for *sadaqah*) produced 13,900,000 hits, *jamaah* with 13,500,000 hits, *wakaf* with 10,300,000 hits, *wasiat* with 5,840,000 hits and *faraid* with 773,000 hits (Google.com, 3 May 2021, 12pm-12.30pm). These terms have religious essence and implications.

Based on the frequency use of the Islamic terms, it can be inferred as common practice by Muslims among the Malay community. Eventually, the practice becomes routine. When the Muslims among the Malay called for congregation spring cleaning to clean the village, they meant *jamaah* (collectivism). When they have valuable assets and land to be given to the public, they would use the terms *wakaf*. For example, *wakaf* the paddy field for the village. Besides these terms, there are many routines in the daily lives of the Muslims that reflect the application of Islamic concepts.

Take for instance the term *wakaf*. *Wakaf* refers to not only endowment of lands and properties, but also gazebo built by people for public use. The spirit to give some portion of land for public such as road and river also used the terms *wakaf*. The traditional school or *madrasah* has been developed on *wakaf* land and property. When the Muslims among Malays wanted to give charity for social purpose, they would use the terms *sedekah* (in Malays pronunciation). The academic term for *sedekah* is *saqadah*, which means charity. The traditional religious school in the Malay world is known as *madrasah* that developed by *wakaf* scheme and sustained financially through *sadaqah*. Similar concepts of charity has been extended to *infaq* (donation) and *zakat* (alms) (Ahmad *et al*, 2019; Yusopa *et al*, 2020). The Malay Muslims built *madrasah* (primary level) and then *ma'ahad* (higher level of education). For instance Maahad Al-Yahyawiah Kuala Kangsar is not just a school for elementary and secondary, but also teaching college to prepare religious teachers (Sharuddin, 1987).

Another notable religious school in Kuala Kangsar known as Madrasah Idrisiah Kuala Kangsar was developed by 28th Sultan of Perak (1887-1916), Almarhum Sultan Idris Murshidul Azzam Shah ibni al-Marhum Raja Bendahara Alang Iskandar through special *wakaf* land and *wakaf* farms to finance its operations (Basri, 1986; Ishak & Bahari, 2010; Saat, 2018). The construction was started in 1917 and operational in 1922 (Basri, 1986). The same concept has been continued with the establishment of Islamic College Darul Ridzuan (Kolej Islam Darul Ridzuan or KISDAR) later became Kolej Universiti Islam Sultan Azlan Shah (KUISAS) (Shamsudin *et al.*, 2015; Nawawi & Ismail, 2018). Eventually it has been upgraded as Universiti Sultan Azlan Shah

(USAS). These are examples of education institutions in the Malay world that are built through *wakaf* (Harun *et al*, 2016; Shukor *et al.*, 2019).

Wakaf has been understood as land *wakaf*. Instead of dividing the land into small pieces, the family could decide to make the land and other properties as *wakaf*. There can be general *wakaf* and family *wakaf* (Daud & Abdul Rahman, 2018). The general *wakaf* surrenders the *wakaf* property to the public and managed by a public office (Khairi *et al*, 2014; Abdullah, 2020). However, family *wakaf* is registered to benefit all family members.

The management of *wakaf* assets stopped at making use of the assets for schools or specific purpose as intended by the contributors. In a broader sense of asset management, *wakaf* property management should apply estate planning practice (Kamarudin & Hisyam, 2018; Abdullah, 2020). By doing so, the productivity of the *wakaf* assets can be optimized for long term. Perhaps not to use the entire land for school development since development budget is limited. Some parts maybe rented out to the public. If the *wakaf* assets are managed according to the traditional way, it may not be able to increase the productivity value of the *wakaf* assets; hence, the property may become idle and unproductive. The modern approach to manage *wakaf* assets may be in the forms of corporate *wakaf* (Omar *et al*, 2018; Iqbal *et al*, 2019; Jazil *et al*, 2019).

Besides *wakaf* that commonly practice among Muslims in the Malay world, are the terms *wassiyah* and *zakat*. Writing of *wasiyyah* (will) is not common practice, but the term *wasiat* has been used as special final request before death (Mursidi & Maulan, 2020). Merely giving *wasiat* orally is reasonable but it ends up with tedious stages in administering the *wasiat* (Ghul, Yahya & Abdullah, 2015).

As for *zakat*, this is a pillar in the pillars of Islam. This obligation is known by Muslims in the Malay world, but the organizations related to *zakat* such as *bait al mal* is not known. People refer to *zakat* collection as *zakat* distribution centres as well. Whereby the two are different concepts and organizations. Abd Halim Mohd Noor *et al.* (2015) argued that *zakat* organizations are more visible than other Islamic organizations due to the close relationship between *zakat* payers as well as *zakat* recipients.

Some of these Islamic concepts have been used in the society for a long time. For that reason, Muslims do not find it difficult to implement these concepts. It is important for Islamic organizations and educational institutions to assess the level of knowledge and understanding of Muslim students at higher learning institutions (HLIs) in particular so that they may formulate appropriate strategies to actively connect the next generation of Muslim leaders to the maintain and enrich the collective institutions.

METHODOLOGY

This study uses mixed methods. The researchers created a special purpose instrument to elicit student perceptions towards their preference using a combination of Likert-like, open-ended and multiple-choice questions. This research method allows for rich information and also triangulation (Creswell, 1999; DeCuir-Gunby, 2008; Merriam & Grenier, 2019; Cosgrove, 2020). The

instrument has been distributed through Google Classroom to the target students. The completed instruments that were returned by the students were content-analyzed.

It uses special instrument to solicit the views of the respondents. The title of the instrument is called “Awareness of some of the Islamic concepts.” The instrument began with an introduction statement. This introduction is necessary as an ethical requirement for human participation in the study. Next, the instrument provides detail instruction. The researchers have asked the respondents to submit the instrument through a special Google Classroom.

There are a few questions provided in the instrument. Firstly, the question says, “*to what extent have you learned about each of the concepts below. Please indicate this scaled number as your response/answer: A little 1 2 3 4 5 A lot.*” The respondents have to choose only **one** answer: **Q1** *Bait al-mal (Baitul mal)*, **Q2** *Charity*, **Q3** *Waqf (Wakf)*, **Q4** *Welfare*, and **Q5** *Zakat*. Respondents keyed in the number in the excel file created by the researchers.

Secondly, the question says, “*please state the name of an **undergraduate course** (only one course) at the Gombak campus of IIUM that you have been introduced to the above concepts. Type “none” if you have not learned about the items in the above questions yet; Q1 to Q5).*” The code for this question is **Q6**.

Thirdly, the question says, “*irrespective of whether you have studied or not, which among the five items do you think you can **explain** to a person who has not studied about them yet. Please state it below.*” The code for this question is **Q7**. The answer is in word.

Fourthly, the question says, “*do you know the name of organizations related to the above questions Q1 to Q5 in your home state? You have to choose only **one** number to represent your answer: Not sure 1 2 3 4 5 Sure.*” The code for this question is **Q8**.

Fifthly, the question says, “*before you were invited to answer this questionnaire, have you ever thought about working with organizations related to one of the five items (Q1 to Q5)? You have to choose only **one** number to represent your answer: Never 1 2 3 4 5 Always.*” The code for this question is **Q9**.

Finally, before asking the question, the instrument provides an alert that says “*Next question needs your suggestion.*” The question says, “*please give only **one** suggestion how to make the Muslim undergraduate students know relatively well about the above concepts and related institutions. Explain (up to 120 words).*” The code for the question is **Q10**.

Students of HLIs are targeted for the preliminary study because they represent the targets of relevant environmental exposure in primary and secondary schools and now at HLIs. The study has developed a special-purpose scaled research instrument to assess collective Islamic concepts which include *bait al-mal*, *zakat* and *waqf*.

FINDINGS AND DISCUSSION

This section presents the findings from 22 respondents from Bachelor of Business Administration (BBA). Twelve of the respondents are in level 4, 6 in level 3, and 4 respondents in level 2. None of them is in level 1 of their studies. In terms of citizenship, 18 of the respondents are Malaysians and the remaining 4 are non-Malaysians.

The respondents were asked about their knowledge on the concepts of *bait al-mal* (*baitul mal*), charity, *waqf* (*wakaf*), welfare, and *zakat*. The 22 respondents rated between 3.3 to 3.9, which is moderate based on the scale of *A little 1 2 3 4 5 A lot*. Table 1 shows the level of knowledge of the respondents on select concepts in Islam.

Table 1: Level of knowledge on a few concepts in Islam

Terms	Mean Score
Q1 <i>Bait al-mal (Baitul mal)</i>	3.4
Q2 <i>Charity</i>	3.7
Q3 <i>Waqf (Wakf)</i>	3.3
Q4 <i>Welfare</i>	3.7
Q5 <i>Zakat</i>	3.9

Key: *A little 1 2 3 4 5 A lot.*

The results show that the respondents have a good knowledge of *zakat*, followed by charity and welfare. *Wakaf* which is sampled in the literature review is the least known among the respondents. Next, the respondents were asked to name of an undergraduate course (only one course) at the Gombak campus of IIUM that they have been introduced to the above concepts. The respondents named these courses: *Ethics and Fiqh of Contemporary Issues* (university required course, 3 credit hours), *Foundation of Islamic Finance* (Kulliyah/faculty required course, 3 credit hours), and *Fiqh for Economist* (Kulliyah/faculty required course, 3 credit hours).

Then, the respondents were asked “*Irrespective of whether you have studied or not, which among the five items do you think you can explain to a person who has not studied about them yet.*” None of the respondents could explain *bait al-mal* (*baitul mal*) and *waqf* (*wakaf*), but they can explain very well *zakat* (n=10), welfare (n=7) and charity (n=5). Table 2 shows the terms known to the respondents.

Table 2: Terms known to the respondents

Terms	Frequency
Q1 <i>Bait al-mal (Baitul mal)</i>	0
Q2 <i>Charity</i>	5
Q3 <i>Waqf (Wakf)</i>	0
Q4 <i>Welfare</i>	7
Q5 <i>Zakat</i>	10

A related question asked the respondents whether they could name organizations related to the terms in their home state? The 22 respondents were certain about *zakat* related organizations,

but not the organizations for *bait al-mal* (*baitul mal*), charity, *waqf* (*wakaf*), and welfare. Table 3 shows the familiarity of the respondents on organizations related to the terms.

Table 3: Familiarity with the Organizations Related to The Terms

Terms	Mean Score
Q1 <i>Bait al-mal</i> (<i>Baitul mal</i>)	1.7
Q2 <i>Charity</i>	2.1
Q3 <i>Waqf</i> (<i>Wakf</i>)	1.3
Q4 <i>Welfare</i>	1.7
Q5 <i>Zakat</i>	4

Scale: Not sure 1 2 3 4 5 Sure

The next question asked was: “Before you were invited to answer this questionnaire, have you ever thought about working with organizations related to one of the five items (Q1 to Q5)? You have to choose only one number to represent your answer: Never 1 2 3 4 5 Always.” The 22 respondents were sure about *zakat*-related organizations, but not the organizations for *bait al-mal* (*baitul mal*), charity, *waqf* (*wakaf*), and welfare. Table 4 shows the familiarity of the respondents on organizations related to the terms.

Table 4: Familiarity with Organizations Related To The Terms

Terms	Mean Score
Q1 <i>Bait al-mal</i> (<i>Baitul mal</i>)	1.7
Q2 <i>Charity</i>	2.1
Q3 <i>Waqf</i> (<i>Wakf</i>)	1.3
Q4 <i>Welfare</i>	1.7
Q5 <i>Zakat</i>	4.0

Scale: Never 1 2 3 4 5 Always

The respondents rated 4 (almost always) to be working with *zakat* organizations. Besides *zakat* organizations, the respondents rated 3.8 for charity organizations, 3.7 for *waqf* and welfare organizations. Table 5 summarizes the findings about working with the terms related organizations.

Table 5: Thought about working with organizations related to

Terms	Mean Score
Q1 <i>Bait al-mal</i> (<i>Baitul mal</i>)	3.6
Q2 <i>Charity</i>	3.8
Q3 <i>Waqf</i> (<i>Wakf</i>)	3.7
Q4 <i>Welfare</i>	3.7
Q5 <i>Zakat</i>	4.0

Finally, they were asked to give only one suggestion how to make the Muslim undergraduate students know relatively well about the above concepts and related institutions. However, only four respondents provided the answers.

The respondents are not familiar with some of Islamic concepts and organizations due to education, culture and tradition. While Islam has a good integration into cultural traditions, but these terms are still “strange” (*ghuraba*) (Nilsen, 2020; Taneja, 2020; Jaafar & Akhmetova, 2020).

Exposure to Muslim organizations is essential. According Respondent 1: *“Muslim students should be provided with some reading materials about these institutions or can send them to the actual organizations. Students are always busy with assignments and attending classes. In the pandemic time, more online classes, and more online quizzes. More of these organizations are giving financial assistance to poor and needy. Some of us were curious to know and we visited their websites.”*

Students should be exposed to real industrial experience. Lu (2021) argued that practical experiential learning with the industry leads to high employability for university students. In fact, there are vast opportunities for students and faculty members of universities to gain benefit from the industrial learning experience (Nave & Franco, 2019; Pereira & Franco, 2021).

Muslim students should be given change to work closely with Muslim organizations. Respondent 2 said: *“When our lecturers taught us Islamic Economics, Islamic Finance, and Fiqh courses, they talked about zakat, waqf and infaq as theory. Not as practice. Our lecturers can ask students to be volunteers in any organizations. So that they will understand and learn it practically. As we know learn it practical will make someone learn better than just learning the concept. We love this kind of assignment rather than studying annual reports and secondary materials.”*

Hands on assignments enable students to learn more and to integrate theories with real practices. According to Vos (2015), simulation of real-life practices enhances learning absorption. More simulation could benefit the benefit with the This can be done by creating strategic collaborations between universities and industry (Nabi, Walmsley & Akhtar, 2019; Nave & Franco, 2019; Pereira & Franco, 2021).

Besides formal engagement with Islamic organizations, students need to have informal activities with Islamic organizations. Respondent 3 said: *Universities should organize more out-campus activities or programs to allow students to know more about these concepts of waqf, infaq, zakat, charity and welfare. For example, make students who are taking Islamic finance to go interview related organizations and have a conversation with staff who are working in particular department.”*

Out of campus activities allow students to learn beyond the lecture rooms and textbooks. According to Lu (2021), university lecturers should assign students with real organizations and real problems. This practical experiential learning can be enhanced with more collaboration with the industry (Nave & Franco, 2019; Pereira & Franco, 2021).

Industrial visits to Islamic organizations can foster familiarity of students. Respondent 4 says: *“Students and activities are very close. We cannot just spend time to study. Student associations normally organize visits to institutions and companies, can include these*

organizations. The visit should be sponsored by these organizations. Normally charity organizations are really poor. We can raise fund for them. During our visit, we can hand over the donation.”

It essential for university lecturers should assign students with existing organizations and be exposed to contemporary problems. This practical experiential learning can be enhanced with more collaboration with the industry (Nave & Franco, 2019; Pereira & Franco, 2021).

Implications

Relevant institutions should respond to the low level of awareness on Islamic concepts and organizations among Muslim students. The collaboration between Islamic organizations and universities should go beyond research and consultancy. There is a need to have industrial visits, engagement and activities with the students.

CONCLUSION

The paper offers remedies to bridge the theoretical concepts with contemporary Islamic institutions. The gap can be filled by considering and implementing remedial strategies to increase the levels of awareness of the students by relevant institutions is mandatory. Stimulating formal and informal learning and experiential simulations are practical and viable. Collaboration between universities and Islamic organizations is another.

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MAQASID SHARIAH: CONCEPT AND ITS IMPLEMENTATION IN STOCK INVESTMENT ACTIVITIES DEVELOPING THE MALAYSIAN ECONOMY

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Abstract

The implementation of the concept of Maqasid Shariah is an approach that could make the stock investment activities in Malaysia steadily growing and progressing as the environment in this era of globalization is increasingly challenging and complex. The lack of knowledge among society about the knowledge of stock investment has also become one of the factors that cause the stock investment activities in Malaysia not under the implementation of the concept of Maqasid Shariah. The continuation of these problems has led to a lack of encouragement and involvement among the Muslim community in stock investment activities in the country. This article aims to show that the implementation of Maqasid Shariah can be one of the strategies and guides in developing the Malaysian economy through stock investment activities. This paper was conducted based on a qualitative methodology from an interview method and some analysis of information obtained through the finding of several documents and writing that have been reviewed and studied. Thus, the proper knowledge and understanding of the Maqasid Shariah principle and stock investment activities are critical to being the guideline for every layer of society in investment and capable of encouraging more Muslim investors in Malaysia.

Keywords: *Maqasid Shariah, Stock Investment Activities, Stock Market, Economy, Shariah*

INTRODUCTION

Malaysia is made up of various communities of various races and religions. Some certain laws or principles must be followed for every believer himself. Malaysia is also a country made up of the majority of the Muslim community. Islamic jurisprudence and law which we are trying to revitalize and strengthen the purity and vitality of which we aim to restore and connect with the objectives and universal principles of Islamic law. It is one of the strongest assurances that we will be able to build legal standards for the Islamic life of today. The justification for this Islamic jurisprudence is with its unlimited effectiveness and its authentically Islamic foundations and standards will become the most Islamic of all Islamic sciences and farthest from being portrayed by foreign impact (Al-Fasi, 2011).

As a Muslim community in this world, we been taught and applied all the teachings of Islam so perfectly by the Prophet Muhammad SAW as a guide in life and to build civilization. For instance, the Islamic *Muamalat* system is a financial system or transaction that has been introduced

and applied in Malaysia. *Muamalat* is any development of mutual dealings and transactions between men to meet their daily needs, in particular on economic and trade issues. It was a social relationship that consists of a wide range of economic and non-economic activities. Therefore, the principles of Shariah are an important role in this *muamalat* system to ensure that it is based on Islamic law. To revive Islamic thought on an authentic basis, then our primary task is to practice Islamic principles and work to implement them in our courts and our everyday transactions (Al-Fasi, 2011). Maqasid Shariah is one of the principles that have an important role in stock investment activities in Malaysia and in further improve the economy of an Islamic country. Apart from that, among other important, if the principle of Maqasid Shariah can be realized and implemented in stock investment activities in Malaysia, it has opened up opportunities for profitable trading transactions, if investors are wise and smart to read the movement (Nurfahiratul Azlina Binti Ahmad et al., 2020).

Stock investment activity is one of the most growing and widespread phenomena in the world of finance. According to some economists, these stocks are defined as documents submitted to each investor because each share given to the investor gives him a right to the company according to the rules that have been set as recognizing and confirming its ownership (Mohamad Sabri Haron, 2009). Based on Government Accounting Standards (2013), the investment was defined as holdings in equities and financial instruments. Investment activity is often associated with discussions of the stock market. The definition of the stock market or exchange has been put forward by some scholars as the whole activity of a place settled between a group of people to complete a business transaction of theirs related to agricultural products or enterprises or stocks.

METHODOLOGY

Data Collection used references from printed materials as well as electronic materials such as reference books, journals, articles and online sources. The study using this qualitative method allows the researcher to identify the concept and role of Maqasid Shariah in stock investment activities. The main principle of Maqasid Shariah which plays a role in stock investment activities has shown and proved that it can lead to the improvement of the country's economy when many people are involved in stock investment activities in the stock market.

The researcher has used the online databases provided by the library of the Universiti Sains Islam Malaysia by accessing the facilities offered in finding and using reference materials for this study. For example, some journals and articles have been obtained from ProQuest Central, Google scholar, Bernama Library & Info link Service and others. Data and information on the purpose of the study on issues arising from stock investment activities in terms of shariah and the legal perspective can indeed be acquired in detail.

Furthermore, the effective method when involved in stock investment activities has been extracted from some information obtained from true and authoritative internet sources in discussing the stock market such as the website of Securities Commission Malaysia, Invest smart, Investopedia and others. Apart from that, the researcher has obtained the information from stock

investment seminars online which have been organized by several experts in stock investment in Malaysia.

The study was through an interview with four respondents who are skilled and expert in Islamic finance and the stock investment at stock market where it allows researchers to obtain information and data on effective and correct ways when wanting to engage in stock investment activities by the principles of Maqasid Shariah regarding on the preservation of property and wealth. Among the respondents are Muhammad Hasnan bin Daud who is work as a Syariah Research Officer at Agrobank and Muhammad Ashraf bin Misran as a Shariah Advisory & Secretariat at Alliance Islamic Bank Berhad. Besides, Ahmad Zaki bin Salleh works as a senior lecturer at Universiti Sains Islam Malaysia and Azlan Yusof Punding as a lecturer at UCSI Education Group. This is because they are individuals who are experienced in the field of stock investment.

LITERATURE REVIEW

Based on previous studies related and relevant to this topic, various initiatives and measures to address the challenges and issues that occur to stock investment activities in Malaysia. Initially, Asmadi Mohamed Naim (2016) explained in his study about the Islamic perspective in the principle of Maqasid Shariah that investment activities show the importance and have a positive impact on human development whether spiritual or physical. However, a researcher did not give a clear understanding of which stock investment activities specifically that will drive the Malaysian economy. Shariah has also allowed some contracts such as *ijarah* and *salam* because there are advantages in these contracts based on the principle of *hajjiyyah* (Rafidah Mohd Azli et al., 2011). Although the study only discusses, in general, the advantages of Islamic finance, it can also be related to stock investment activities available in Malaysia.

Due to the increasing number of covid-19 cases in our country, various issues and problems occur in the economic sector including in-stock investment activities. This will also affect stock investors in Malaysia. The study found that the stock market on Bursa Malaysia is always influenced by the ever-changing stock prices due to the effects of this pandemic Covid-19 for the short term. There is also a study showing the influence of the Currency Exchange Rate on the Stock Price during the Covid-19 Pandemic in Indonesia. The US Dollar is the currency used by Indonesia in international trade, and the rupiah exchange rate against the US Dollar continues to depreciate. This is reinforced by the outbreak of the Covid-19 virus that hit the world in 2020 (Dewi Kartikaningsih et al., 2020).

Abdurahman Jemal Yesuf (2019) in his study states generally that all financial and economic transactions and practices under the Islamic financial system are regulated by the laws derived from references such as Al-Quran, Sunnah, Ijtihad and others. But in this study does not state the reference from Maqasid Shariah. Even though this study did not specifically towards the stock investment activities in Malaysia, but it also could be related to it. There were several studies by Abdullah, et al., (2007) described that have surpassed non-Islamic funds and market indices over different time and geographical regions. They found that Islamic funds have shown better performance than conventional funds and market performance metrics.

FINDINGS AND DISCUSSION

Maqasid Shariah has been defined from various perspectives according to some Islamic scholars. Similarly, the contemporary scholars who have compiled and developed this knowledge of Maqasid Shariah. Among the scholars who are famous for promoting and developing the term and theory of the Shariah (nazariyyah al-maqasid) is Imam Al-Shatibi. He does not give the concept of Maqasid Shariah a specific definition but only explains the theory and the categories on it. Imam Al-Shatibi discusses the theory of Maqasid Shariah as the law that has been revealed to protect the rights of mankind both in this world and in the hereafter. He has divided three categories under the highest objective of human beings namely the necessities (daruriyyah), the complementary (hajiyyah) and the embellishments (tahsiniyyah) (Hammādi Al-a°bīdī. 1992).

The Necessities (*Darūriyyah*)

Daruriyyah is a thing that must exist for the interests and benefits of religion and the world. If this principle of *daruriyyah* does not exist and is not applied, then the *maslahat* of the world will not run for the good of shariah otherwise for damage (Mohammad Nidzam Abdul Kadir, 2013). It was consisting of the five goals referred to above of the Shariah which was religion (dīn); life (nafs), mind (aql), future generations (nasl) and property (māl). The basic principle of *daruriyyah* that is suitable to be applied in stock investment activities is the preservation of wealth and property (*hifz mal*). The role of this Maqasid Shariah principle was to encourage every layer of society to focus on wealth. This is because Islam religion has taught its people to generate their wealth and assets as well as its good maintenance (Nurfahiratul Azlina Binti Ahmad et al., 2020).

Stock investment activities in Malaysia is one of the *maslahah* for the community in developing and increasing their property through ways that are based on Islamic law. Through this existence of the Islamic capital market, assets and property that are in the stock market can be taken care of and preserved well. Apart from that, if we can observe this principle of Maqasid Shariah, it can also enhance the economic development of the country through various methods in stock investment activities. Due to that, if every layer of the Muslim community continues to further develop their property and assets through stock investment activity, they can contribute to the country through the obligation to pay zakat (Asyraf & Said, 2011). A hadith that corresponds to this: "*Truly, whoever is in command of an orphan with money, let him invest it. It should not be left to be consumed by the zakat*" (Hadith. Imam Malik. Umar Al-Khattab. Juz' 17: #592).

The Complementary (*Hājiyyah*)

Hajiyyah is something that is needed in refusing *mafsadah* and facilitates various responsibilities in human life. If things related to the principle of *hajiyyah* are not preserved, then there will be little difficulty and trouble in the life of our society. Islam has introduced various facilities aimed at dispelling any hardship that befalls the Muslim community. For example, flexibility in the aspect of developing property and assets, namely the need to engage in stock investment activities in preparation for facing various challenges in the economic field in our country in the future such as inflation, poverty and others. This investment is not only encouraged for the rich only but the middle class is also encouraged to get involved in this stock investment activity. it is a preparation for facing economic challenges in the future by increasing property and assets (Asmadi Mohamed

Naim, 2016). The implementation of this principle of Maqasid Shariah can also enable and help the community to avoid various *mafsadah* that will happen to their property and assets. Therefore, initiatives through these stock investment activities are among the important things that are needed for them. If this stock investment activity is not active and develops well, then economic development will be stunted. For example, when there is no issuance of share zakat to the country. So, the country's income will also be reduced and the financial benefits to the society will also be neglected.

These stock investment activities are an attempt to meet the needs of life. The implementation of this activity to avoid any inconvenience or harm. If something involves the welfare of the people, the principle of *hajiyyah* can be said to be comparable to the principle of *daruriyyah* (Rafidah Mohd Azli et al., 2011). Although this did not exceed the extent of essential or necessities needs that could lead to the demise of human life, it is important to escape the burdens of living in society. The existence of this *maslahah* will not affect life but will create little difficulty and hardship. In addition, the knowledge of good concepts and strategies in stock investment activities has become a major requirement when some people want to be involved in stock investment activities. If there is no good knowledge in stock investing, then there will be various problems and difficulties.

The Embellishments (Tahsīniyyah)

Tahsīniyyah means it is all related to good traditions, virtuous beliefs, good looks and wise preferences that make the Islamic Ummah a desirable country to be part of and to live in (Ibn ʿĀshūr, 2001). These interests are applicable, as are the necessities interests (*darūriyyah*), to the complementary interests (*hājiyyah*). The origin is the necessities interest (*darūriyyah*). For instance, choosing a husband and have a good relationship in marriage are attributable to the origin of the preservation of the generation. The preservation of wealth and property is when acquiring property and assets as well as inflicting and earning it on the poor (Al-Shāṭibī, 2004). These are interests of less significance than necessities and requirements; nevertheless, they help to improve and achieve their fulfilment; embellishments include such items as commendable traditions and customs, the affirmation of etiquette laws and a high moral value (Al-Raysūnī, 2005).

In the context of stock investment activities, Islam has encouraged these stock investment activities to be managed with several measures and more effective ways to help investors and traders achieve their goals when involved in stock investment activities in increasing their wealth. The expansion of human life covers not just their necessities need, but also the enhancement of standards of living. This includes an improvement in the source of income through stock investment activities. As a result, existing assets need to be invested so that income can be created and numerous initiatives that enhance human life can be implemented (Azman Mohd Noor et al., 2016). However, there is no penalty or punishment for those involved in stock investment activities if they do not practice it in all their affairs. The objective of being such is solely to help accomplish important matters or necessities need and the presence of the *tahsīniyyah* was became essential. (Rafidah Mohd Azli et al., 2011).

As discussed by Imam Al-Shātibī, the role of the principle of *tahsīniyyah* is to complete and fulfil the demands of the principles *darūriyyah* and *hājiyyah* (Al-Shātibī, 2004). The well-being and welfare of the individual and society can be achieved if these three principles of Maqasid Shariah can be implemented and balanced in productively in these stock investment activities. Therefore, the implementation of Maqasid Shariah in stock investment activities which is based on efficiency, accountability and economic development, serves as the most important aspect in the development of constitutional institutions and national legislation (JAKIM, 2015).

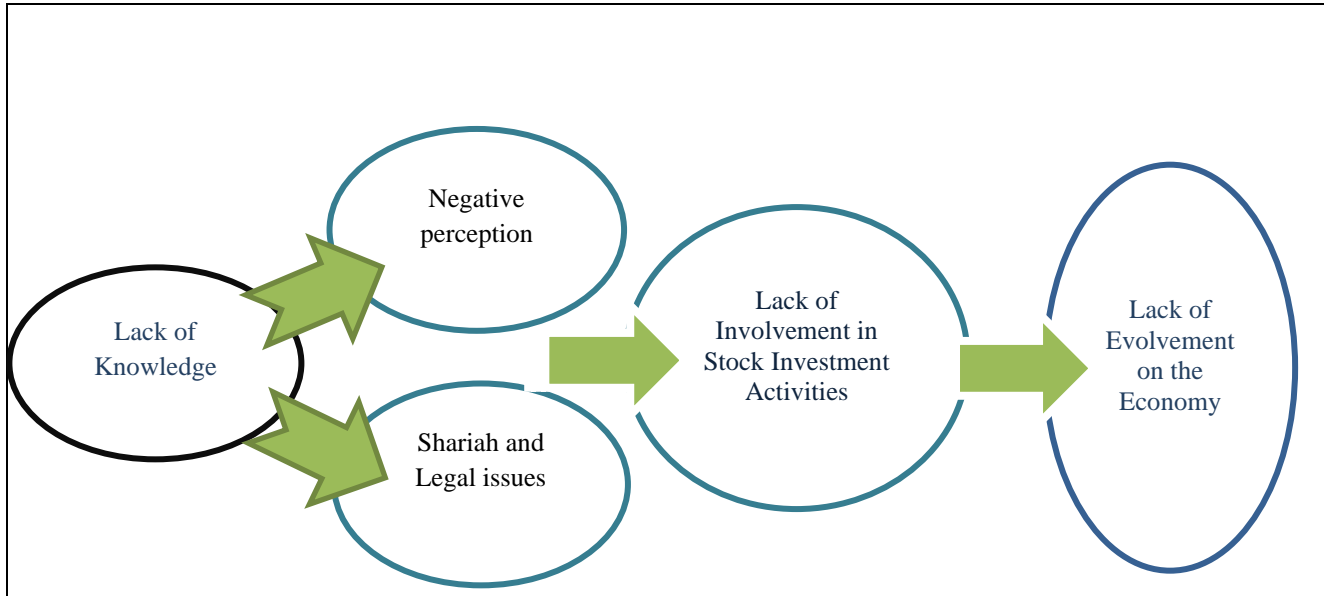


Figure 1: Expectations of economic process

Effective Ways in Ensuring the Stock Investment Activities Aligned with Maqasid Shariah in The Preservation of Wealth and Property

As examined and studied about the principle of Maqasid Shariah, it can be a guide for every investor in stock investment activities. The implementation of Maqasid Shariah also encourages investors to always wisely choose the appropriate plan and method according to the circumstances and capabilities of a person in stock investment activities following the Shariah principles that have been established.

Good and Sufficient Knowledge in Stock Investment Activities

Seeking knowledge is an important thing in whatever things we want to do. Even in Islam, it was stated that seeking knowledge is a demand for every Muslim. This is because knowledge is a guide in life so that human beings can distinguish between good or bad things (Irsyad Al-Fatwa. 25 Desember 2020). The same goes for stock investment. Therefore, before involving in stock investment activities, the knowledge of stock investing is one thing to learn. There is a lot of knowledge and skills that an investor needs to know and master. Terms in stock investing also

need to be known when learning this stock investment knowledge. This method is in line with the principle of Maqasid Shariah in preserving our wealth for the *maslahah* towards individuals and society.

Stock investment activities have risks that must be faced by every investor as in accordance with a method of fiqh "*al ghunm bil ghurm*" which is a loss arising from something that is legally obtained revenue or benefits (Ali Haidar, 2003). This is the same as the noble hadith narrated by Aisha, Ummul Mu'minin from the Messenger of Allah said: "*Al-Kharaj bi Daman*" (Hadith. Abi Dawud. Bab Al-Ijarah. Juz'17: #3501). It means that whoever guarantees something if it is damaged, the benefit of that thing will be in return for his guarantee in case of damage. This means that a person will get profit, luxury and wealth provided they have to bear the risks that come in line with the results of the stock investment activities they are involved in. Therefore, this stock investment knowledge one of the important to a person in helping them to identify and measure any challenges and problems that may occur when engaging in stock investment activities and they be able to solve them in the right way and method. The majority investment experts in Malaysia also advised in learning at least basic investment knowledge in the stock investment knowledge. Many of information on stock investment can be obtained through various empowerments such as Invest Smart. This is empowerment instituted by the Securities Commission Malaysia with the objective of creating more knowledgeable investors who are self-reliant and capable of making investment decisions that are appropriate for them. Among the interventions and activities that undertake from this empowerment are assisting investors with the knowledge, skills and techniques required to practice reasonable judgement and discretion in investment decision making and motivating more informed participation of investors and traders in the capital market (Invest Smart Securities Commission Malaysia, 1 January 2021).

Among the initiatives that can be done to gain knowledge in this stock investment activities when seeking knowledge in stock, investment is finding a skilled mentor and expert in the field of stock investment. This is because they know about the information and matters related to stock investment activities either in terms of strengths and weaknesses that exist in the field of stock investment. Various techniques and methods as a wise investor can be learned from experienced mentors and instructors. In addition, we also need to have a special club together with mentor and other investors or stock traders to stay in touch with them in acquiring and sharing all the information continuously about stock investment. Mastering knowledge related to stock investing, mastering information related to current market conditions, ongoing advice from mentors, discipline in every investment plan and wise emotional control are the main factors a person succeeds in stock investment activities (Radieah Mohd Nor, 2020). All of these methods were effective and also in line with the principle of Maqasid Shariah in preserving our wealth and property when engaging in stock investment activities.

Goal Settings and Good Planning

Indeed, there are various investment products offered in Malaysia. Each of these investment products has differences in terms of risk, stability, potential profit and loss from invested capital and others. Stock investment is an investment that has the potential in increasing investment capital

and its return is in the form of dividends (n.a, 2017). Therefore, every investor should have a specific goal before investing in the stock market. Once there is a clear goal in the investment activity, then we can take further appropriate action to achieve the goal and continuously as an investor and trader (Vega Firebrand Trader. 26 December 2020). In ensuring that the investment performance is consistently good and strong, investors and traders must have a few specific goals in acquiring and obtaining a picture of the future when engaging in stock investment activities (BIMB Investment, 26 December 2020).

A goal setting in the investment must be accompanied by good planning to ensure that it can be achieved on time. Good planning in this stock investment activity is also aimed at ensuring that investors and traders are not easily exposed to problems and mistakes that can occur repeatedly to achieve the set investment goals. It is very closely related to the principle of Maqasid Shariah which is to preserve our wealth and property from being invested without a clear and definite direction and goal. From this way, investors and traders will be committed and disciplined in every investment planning to achieve the goals that have been set. For example, have a target to own a home in the next 10 years.

The goals set should be logical and easy to measure whether for the short or long term. The goal must also be in line with self-sufficiency and financial stability when desiring to engage in these stock investment activities. Good planning needs to be designed in ensuring that our property and assets increase through stock investment activities is successful and effective. If we fail to implement the plan well, continue to work by redesigning the plan so that the set goals can also be achieved. Failing once does not mean failing forever (Vega Firebrand Trader. 26 December 2020).

Systematic Investment Strategies and Management

Every good plan must have good strategies and management on it. This fact was also relevant in these stock investment activities. Systematic strategy and management in these stock investment activities were very important for every investor and trader in ensuring that the goals and all the plans that have been set can be achieved. In addition, all possible constraints and problems can be overcome well. As a wise investor and trader, we need to always be aware of current developments in the stock market after learning the knowledge of stock investing, we need to be wise in managing our stock investment activities according to a good and systematic strategy to keep pace within the preservation of wealth and property. Management in stock investments activities is not limited to the acquisition and sale of properties, but also involves the managing of financial assets and other investments (Investopedia, 26 December 2020). Investment management also refers to the managing of assets when participating in stock investment activities in any of the strategies applied. Investment management involves the preparation of a strategy, either short-term or long-term, to develop and dispose of portfolio holdings. It can also include accounting, financial planning, and tax services and duties. From another case, the term shows in organizing and selling holdings within an investment portfolio to achieve a specific investment goal (Apoorva, 25 December 2020).

In stock investment, investors and traders are given the option to buy or sell the stock in any company listed on Bursa Malaysia. Before investing, always check first whether the company you

choose to do business with is licensed and regulated by the competent national authorities. These execute commands authorisations and licences to controlled companies to carry out certain forms of business and to provide services. Complaints processes and compensation systems can differentiate between jurisdictions; it is therefore advised that you decide what your rights are within the jurisdiction where the firm is governed (IOSCO, 27 December 2020). Examination of the company profile and information covers various aspects among them was the stability of cash flow in the company. It includes debt incurred by the company, net profit, company revenue and others. Some of us recognize only the name of the company and nothing else. In being committed investors, we know as much as we can about the company that we want to invest in (Securities Industry Development Corporation, 28 December 2020). This is also to ensure that the property or assets invested by investors and traders did not suffer from high risk and large losses.

Many sources can be obtained to search all the company information such as through annual study, prospectus, newspaper company section, commercial publications, the website of Bursa Malaysia and the company website that we are going to invest in (Invest Smart Securities Commission Malaysia, 28 December 2020). For instance, the prospectus is an important document that contains important information on investments such as investment objectives, factors risk factors, financial performance history, fees and others to help in evaluating and deciding whether the investments and risks involved are appropriate or otherwise. Among the information contained in the prospectus such as information about the company's business, its history and plans for the company, the background of the company's major shareholders, copper directors and key management staff, the company's operations, management and business expertise and the company's financial performance record for a period of three to five years (Invest Smart Securities Commission Malaysia, 28 December 2002). They are also advised to obtain a prospectus by reading and understanding its contents before deciding whether the risks and investments involved are rational.

These efforts were made in ensuring that the stock investment activities involved were avoidance from any illegal elements and accordance with the principle of *maslahah* by rejecting all *mafsadah* that occurs and in guarantying the principle of Maqasid Shariah in the preservation of our property and wealth can be achieved and protected. At the same time, economic development in Malaysia can be enhanced through stock investment activities based on the principle of Maqasid Shariah.

CONCLUSION

Islam is a comprehensive religion where it covers all aspects of life such as economic, social and every individual is entitled to justice (Rafidah Mohd Azli et al., 2011). Maqasid Shariah covers all aspects of life, namely socioeconomics and human development which includes aspects of education and family which is a complete framework for the development of the Islamic state (Chapra & Bank, 2008). Therefore, the consistent application of the principle of Maqasid Shariah can be a good mechanism in improving and developing the Malaysian economy. In addition, the understanding of the Maqasid Shariah can ensure that the country always runs in a system and scope that does not violate Islamic law.

The Shariah-compliant stock market is a potential investment platform for capital intensive profits in accordance with the Shariah concept (Nurfahiratul Azlina Binti Ahmad et al., 2020). On the other hand, the Islamic economic system in Malaysia will also increase and grow significantly through these stock investment activities with huge returns and profits by investors and traders. This is because through the large returns and profits earned, they are able in contributing property through Islamic financial instruments such as zakat, waqf and others issued for the country. When there is more involvement among Islamic investors and traders, then more contributions can be made to the Islamic economy, especially in Malaysia. Therefore, contributions through share zakat and *waqf* can be increased.

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DIGITIZATION OF WAQF TO ACCELERATE WAQF DEVELOPMENT IN INDONESIA

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Abstract

This article aims to see the extent to which digital technology is used in collecting waqf funds in Indonesia. Cash waqf in Indonesia has considerable potential, Indonesia must take this opportunity well to accelerate the development of waqf funds. The collected waqf funds will have considerable potential for the benefit of the ummah such as in the economic and social sectors. This research uses qualitative research and literature study. The results of these findings can be concluded that the Government through the Indonesian Waqf Agency (BWI) has developed a strategy so that the digitization of waqf in Indonesia can be developed, the program in question is a collaboration with financial institutions and digital platforms to further expand the reach of waqf in Indonesia. Maybe later there will be deeper research related to the use of digital technology in collecting zakat funds in Indonesia.

Keywords: *Digital Technology, Waqf, Development*

INTRODUCTION

Economic development is an activity for the state. One of the important links in economic development is economic welfare. The linkage of economic prosperity is related to a balanced standard of living, especially in terms of the accumulation of capital and wealth of a country. Islam as a plenary religion does not only regulate matters of worship and *muamalah*, but covers all aspects including the problems of the state economy and the government of Indonesia and other Muslim countries. Running the economy requires funds for various types of distribution and financing.

The identity of the forms of worship to get closer to Allah SWT correlated to the property is waqf. The custom of waqf is very meaningful concerning socio-economic, cultural, and religious life. Hence, Islam seats the practice of waqf as a kind of worship that is very pleasant. Waqf is one of the implements in Islam to achieve the goal of Islamic economics, namely to create a flourishing life. Muslim-populated nations such as Saudi Arabia, Jordan, Turkey, Bangladesh, Egypt, and Malaysia, expand and achieve waqf as an instrument to help various activities of the Ummah and overcome people's problems such as poverty.

In Islam, the practice of waqf has a very important position as well as zakat and alms. Waqf requires a Muslim to give up the property given to be used in the interests of worship and goodness. The waqf property that has been given is no longer private but belongs to the people. Waqf can be used as an economic institution that has the potential to be developed as long as it can be managed

optimally because the waqf institution is one of the national cultural assets from the social aspect that needs attention as life support and national pride.

From the percentage of the population, Indonesia has great potential in the field of waqf to solve problems related to the economy. If the Indonesian population is aware of waqf and routine waqf, then the results of the waqf can solve economic problems easily, at least the basic needs of the Indonesian population are no longer lacking. To create economic prosperity, it is necessary to have the right strategy and steps. These strategies and measures must be able to reduce poverty and be accepted by the community. Based on data from the Central Statistics Agency (BPS), Indonesia's poor population in March 2018 reached 25.95 million people. This figure still shows the high poverty rate in Indonesia.

Indonesia is a country with the largest Muslim population in the world. Therefore, the large Muslim population is one of the potentials that can be utilized to implement the role of waqf to create social justice to realize the welfare of the people and alleviate poverty that is currently engulfing Indonesia. The allocation of waqf in Indonesia which does not lead to the economic empowerment of the people and tends to be only for special worship is understandable because in general there are limitations of Muslims regarding the understanding of waqf, both regarding the property being waqf and its designation.

In its development, waqf has now taken root in the life of the Islamic community and has become the main pillar in people's lives. It can see that almost all houses of worship, Islamic colleges, and Islamic religious institutions are built on waqf land. And one very significant progress for Muslims, when the issuance of the Perwaqaf Law, namely Law no. 41 of 2004.

After the enactment of Law No. 41 of 2004, then continued with the establishment of the Indonesian Waqf Board (BWI) as an independent institution that specifically manages waqf funds and operates nationally. The task of this institution is to promote and develop national waqf in Indonesia. BWI is domiciled in the state capital and can form representatives in the province or district or city as needed.

Entering 2018, all aspects of modern human life are undergoing rapid changes. This rapid change is part of the fourth industrial revolution or often written Industrial Revolution 4.0. The presence of the Industrial Revolution 4.0 in the form of an increase in the development of very sophisticated technology that has a major impact on human life such as artificial intelligence (artificial intelligence), digital commerce (e-commerce), giant data, financial technology, the sharing economy, to the use of robots (Prasetiantono, 2018). This change is an event related to the first industrial revolution that hit Europe much earlier in the years 1750-1830.

The phenomenon of digital use in human life in the Industrial Revolution 4.0 is increasing sharply. This phenomenon can be found in various people's daily lives, such as digital computer technology, digital games, digitizing the use of currency (e-money), the use of digital media (e-media), to the rapid development of digital-based films. Digital phenomena in world cities can be studied through Edmund Ed's phenomenological philosophy Husserl (1859-1938).

In 2019, the Indonesian Waqf Agency (BWI) has started the movement to digitize waqf by encouraging *nadzir* or waqf managers to utilize digital technology. Several platforms have now

utilized technology in the collection and socialization of waqf. The process of digitizing waqf started about two years ago. BWI encourages all nadzir to start using digital technology for crowdfunding and socialization about waqf. Several platforms have emerged in the community, for example, Fintech Ammana, which is one of the first sharia fintech in which there is waqf as part of the crowdfunding carried out by one of these platforms.

Islamic Financial Institutions Recipient of Cash Waqf (LKS PWU) including several private institutions have issued fintech waqf. So actually BWI has encouraged all components of society including Nadzir to be able to use digital technology. BWI has also collaborated with Bank Indonesia (BI) to create centralized waqf information. So BI and BWI have created a waqf database. In it, there will be data and waqf reports. Utilization of the most basic digital technology to develop waqf literacy in Indonesia. Now, most of the millennial generation uses digital media for communication. So the nadzirs need to enter the digital world to provide literacy about waqf.

Through this article, the author tries to strengthen the analysis of the importance of digitization in the 4.0 era, where young Indonesians are already literate in technology and the internet. This is a good opportunity for the Government and stakeholders related to Waqf.

LITERATURE REVIEW

Social terms in the *muamalat* fiqh study treasures, including *Rahn*, *kafala*, *wakalah*, *hiwalah*, *ju'alah*, and *sharf*. In addition, several other instruments are no less important, namely zakat, infaq, alms, and waqf. In this short paper, the authors will tend to raise the issue of waqf, arguing that the study and application of waqf will never be discussed considering the very urgent potential and enormous potential in solving it community problems (Fauzia, Amelia, & Ary, 2003).

We can find many waqf discussions in literature studies Islam. Rows of books, both in the form of manuscripts and books recorded in modern written form, have been presented, so that we as connoisseurs can freely consume them (Che, Razali, Megat, Che, & Abdullah, 2020). It can be understood that way because the study of the position of waqf itself has and its use is so urgent in the process of da'wah and the welfare of the people.

The discussion of waqf has developed in line with the changing times. Starting from classical waqf studies to the latest innovations on waqf development. In the last centuries, the instinct of waqf studies has led to a more double-prosperous endowment. That is, in addition to the positive value of the form of the waqf object itself, other productivity limitations can be felt and positively correlated with the mission of da'wah for the welfare of the people from the economic side (Isfandiar & Ali, 2008). More concretely, waqf leads to money that has more tangible productivity, because it can become an instrument effective investment.

Linguists use three words to describe waqf, namely *al-waqf* (waqf), *al-habs* (holding), and *at-tasbil* (giving to sabiilillah) (Isfandiar & Ali, 2008). The word *al-waqf* is the masdar form of the sentence *waqfu ash-syai*" which means to hold back something. Imam Antarah, quoted by al-Kabisi said, "My camel was cut off somewhere". (al-Kabisi, 2004: 37) According to fiqh experts that waqf comes from the word waqf or waqf comes from the Arabic Waqafa. The origin of the word Waqafa means to hold or stop or stand still or remain standing.

The definition of waqf above suggests several characteristics of waqf, namely: (Usman & Ab, 2021): (1) Detention from being owned and the object being owned. Detention means someone is holding back, namely Wakif and the goal is *mauquf 'alaihi* (waqf recipient). (2) Assets, explaining that the waqf is property. (3) Which may be used, without the loss of the object, explains the conditions for the property to be waqf. (4) By not taking action on the object, explaining that the waqf property is sold, donated, or not. (5) Distributed to permissible and existing ones, explaining that waqf proceeds are distributed to those not prohibited by Islam. Meanwhile, channeling it to those who haram is haram.

From the several definitions of waqf that have been conveyed, it can be concluded that: Waqf is an item whose ownership has been separated, both from individuals and institutions, whose ownership is then handed over for the public interest. So that waqf assets can be used by anyone without exception, but the main thing is of the property may not be used (expired) for use. Therefore, so that the tree waqf is not used (expired), waqf must be maintained and developed to be more productive so that the principal is not used up.

(Mauluddin & Rahman, 2018) added that recently waqf experienced a significant paradigm shift, especially in terms of management waqf used for the welfare of the Muslim community. Therefore, the approach used is a business and management approach. Where waqf management should be treated like the treatment of managing a modern business. So that waqf is not only a property that is managed for non-profit purposes not pursuing profit but waqf must be oriented to business.

The transformation of national cash waqf management, in addition to aiming to support the acceleration of the growth of waqf assets and the benefits of waqf for improving people's welfare, also aims to increase public knowledge and awareness of cash waqf (Saiti, Dembele, & Bulut, 2021). For this reason, considering the importance of the transformation of the management of national cash waqf, strategic and fundamental steps are needed to make it happen (Kamaruddin & Hanefah, 2021). The millennial generation who is familiar with digital technology is one of the targets of waqf, especially cash waqf. Therefore, Vice President Ma'ruf Amin encourages the use of digital technology to educate and make it easier for people who want to pay waqf.

The success of waqf management in Muslim countries is proof that waqf contributes to solving economic problems. Waqf in Bangladesh is very successful. The success of the waqf started from an economist, namely M. Abdul Mannan with the concept of cash waqf. Cash waqf in Bangladesh is very influential and has an important meaning in mobilizing waqf assets for the development of property waqf (Usman & Ab, 2021). The cash waqf was developed through an intermediary Social Investment Bank Limited (SIBL) and submitted through a cash waqf certificate which will be used for financial instruments to banks as waqf property managers, and the proceeds are used to improve the living standards of the poor, rehabilitation of the disabled, education, scholarships and other social.

In Malaysia, waqf is also in the spotlight in solving various state problems. One thing that has developed in Malaysia is the success of waqf allocated for education funds. Research conducted by (Razak, 2020) shows that educational waqf in Malaysia does not only focus on

educational centers for Islamic boarding schools, madrasas, and book donations but also on public and private high-level recitations including Islamic Universities. International Malaysia (UIAM) which grew the IIUM Endowment Fund in 1999, Universiti Kebangsaan Malaysia (UKM) with endowment funds and UKM endowment in 2010, Universiti Putra Malaysia (UPM) with UPM Science Waqf Fund in 2012, and Universiti Sains Islam Malaysia (USIM) with Al-Abrar waqf funds in 2013. In addition, many other institutions have started with waqf (Mustaffa, Najibah, & Mohd, 2014).

From the various successes of other countries in managing Waqf, Indonesia should be able to take the available opportunities to accelerate the development of waqf that is useful for various sectors. Digital technology plays an important role in strengthening the government's commitment to increase waqf funds in Indonesia. The use of digital technology and platforms to increase awareness of waqf is very important, especially if we want to reach the millennial generation who are familiar with digital technology every day.

RESEARCH METHODS

This study uses a qualitative research type. Where in this study will be reviewed how the use of digital technology in the collection of waqf. Digitization is an innovation that results from the advancement of the technology industry. The Indonesian government through the Indonesian Waqf Board (BWI) continues to develop innovations that make it easier for various levels of society to make waqf using digital technology. The researcher uses the literature study method in completing the research. The study of literature can be interpreted taking and collecting data either from books, journals, and websites of previous studies reliable than read, recorded, and processed into materials research.

RESULTS AND DISCUSSION

The development of waqf in Indonesia has existed since before the era of independence, as well as before the existence of rules regarding waqf which became the basis for the formal institutional basis of waqf. Waqf in the pre-independence era was called traditional waqf, and much influenced by the rules of local customs, only later after the advent of Islam, fiqh law dominated the formal rules for the implementation and management of waqf. *Nazir* timeline as waqf managers in Indonesia which are influenced by non-formal to formal rules can be described as follows.

Waqf is one of the Islamic philanthropic funds that has great potential for the welfare of the state. This potential will be effective if its management is carried out seriously, and this potential will become a dream if it is not managed seriously. Indonesia is a country that has the potential the largest waqf, this is because the population is predominantly Muslim. President of the Islamic Development Bank (IDB) Ahmad Mohammed Ali said that the Indonesian Waqf Board (BWI) has the potential to be the center of the waqf movement in South East Asia. In addition, he said that BWI should establish Waqf Banks for ASEAN countries which are then managed for the common good (Lita, 2017).

According to data from the Ministry of Religion of the Republic of Indonesia, Indonesia has an area of 48,812.62 ha of waqf land located at 348,916 points. The use of waqf land as much as 44.99% is used for mosques, 28.23% is used for prayer rooms, 10.59% is used for schools, 8.40% is used for other social activities, 4.59% is used for graves and 3.21% used for pesantren (Hilaliyah & Khaerul, 2018).

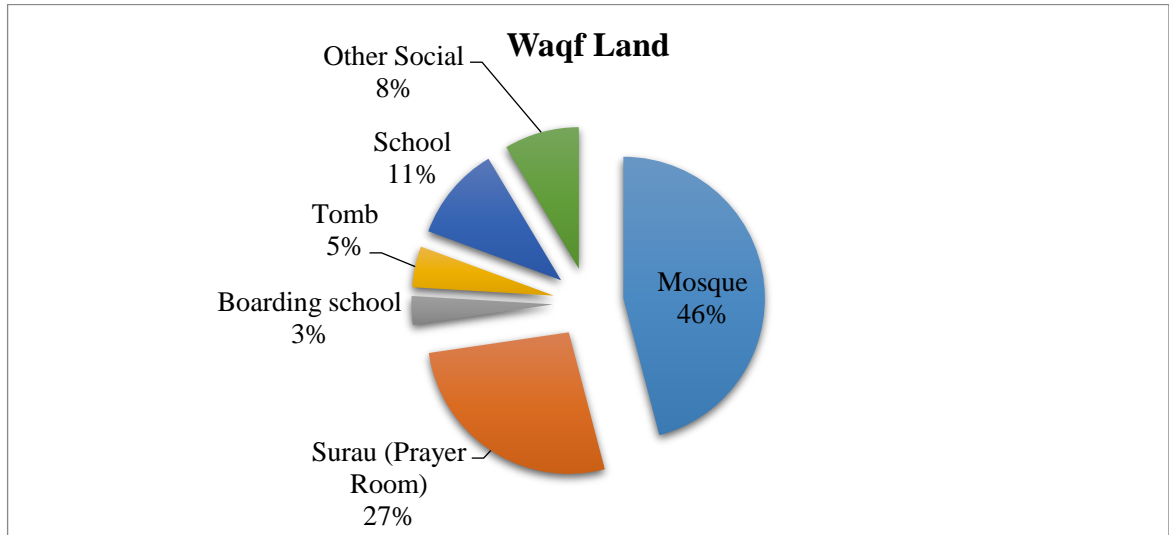


Figure 1. Use of Waqf Land

In encouraging the acceleration of development, waqf can be one of the funds as a way out for the government to strengthen state finances and finance state needs. Such as improving infrastructure, health, education, and investment. Concerning improving infrastructure, health, education, and investment, well-managed waqf (cash/money waqf) is required. This waqf has a flexible nature so that it is easier to apply or allocate to something productive. The proceeds from productively managed funds will be used for the development of infrastructure, health, education, and so on, while the capital is still fixed and will not decrease and will even increase if some of it is reinvested.

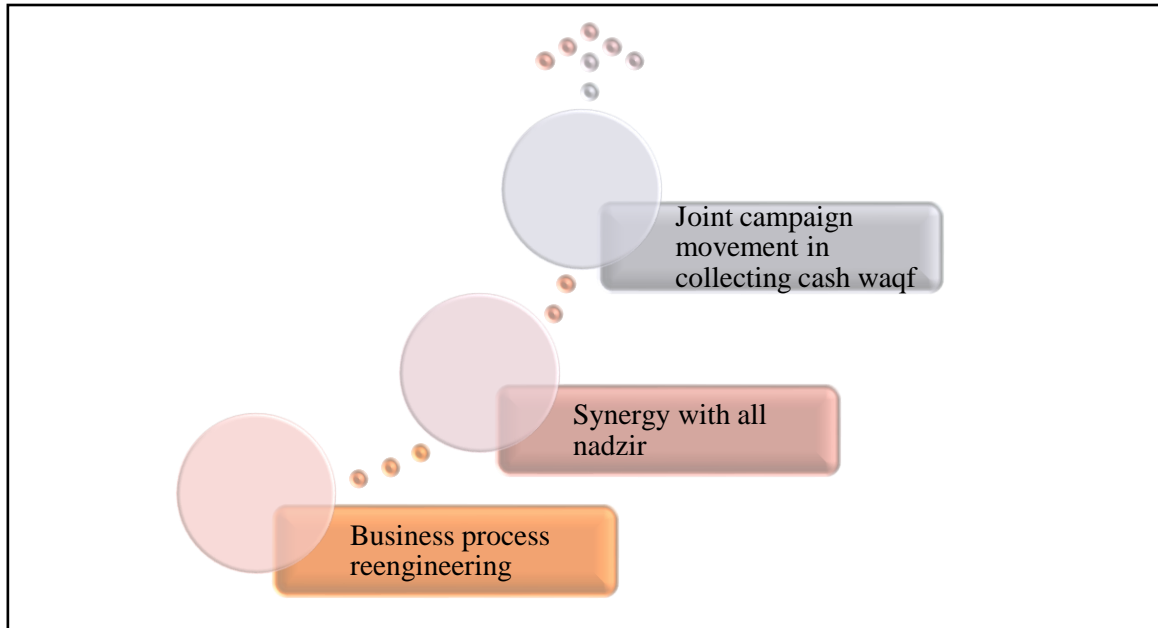


Figure 2. Strategic and Fundamental Steps to Realize the Transformation of National Waqf Management

Digitization of waqf has many benefits. In addition to making it easier for prospective *muwakif* to donate their assets in the way of Allah SWT, digitizing waqf by using applications during transactions is increasingly in demand. On an international scale, the use of technology for waqf is quite good, including in Indonesia. This can be seen from the number of digital-based crowdfunding that can be used easily. It can be seen, including looking at *ammana fintech*, *kitabisa.com*, *wakafpoin*, and so on. The Islamic banking sector has also taken proactive steps in addition to being able to pay zakat, it also provides convenience for customers to make waqf, which is more precisely cash waqf.

The transformation of national cash waqf management, in addition to aiming to support the acceleration of the growth of waqf assets and the benefits of waqf for improving people's welfare, also aims to increase public knowledge and awareness of cash waqf. For this reason, seeing the importance of the transformation of the management of national cash waqf, strategic and fundamental steps are needed to make it happen.

The first step is to carry out business process reengineering (reengineering of cash waqf business processes). The elements of reengineering the cash waqf business process covers the entire flow of the cash waqf management process. Starting from the stage of education, socialization, or marketing to prospective wakif, giving certificates, management, and development (investment), distribution and utilization of the benefits to routine reporting to supervisors and also wakif.

Digitalization at every stage of the cash waqf management process is also important to facilitate the implementation of business processes, as well as to connect with the national Islamic economic and financial ecosystem. This reengineering of cash waqf business processes leads to

the creation of a national cash waqf management platform, which will support the establishment of a national waqf data center.

The second step is to establish a strategic national waqf program through synergies with all *nadzir* in Indonesia. This strategic program can consist of one or several large programs that are considered indispensable by the Indonesian people today, whose funding involves waqf investment or distribution of *mauquf alaih* allocations from many *nadzir* in Indonesia. The management of this national waqf strategic program can be coordinated by the Indonesian Waqf Agency (BWI) in collaboration with several *nadzirs* in the form of a *nadzir* consortium.

The third step is to conduct a joint campaign to collect cash waqf, as well as carry out literacy and education so that the community submits their money to be managed and the proceeds will be used for various strategic funding. national waqf program. This campaign movement was further expanded in several areas, to various professional groups, various organizations, and associations in the community. The recent campaign movement aims to touch the awareness of as many people as possible for waqf. At this stage, it becomes important to facilitate the ease of mass and digital-based public waqf payments.

If these key steps and supporting factors can be implemented properly, the transformation of cash waqf will run under the expected goals. The result is a management that can mobilize cash waqf optimally, optimal investment, and the benefits to support wider social activities. In this condition, the management of national cash waqf will contribute significantly to economic development and improving the welfare of the Indonesian people.

In addition, there are several waqf payment platforms such as the Mandiri Waqf Online Digital Donation Platform. Where this platform makes it easier for the Indonesian Muslim community to waqf. In addition to offering convenience, practicality, transparency, it also feels safe and reliable. Below are some financial institutions that offer cash waqf payments that are following the decision of the Minister of Religion:

Table 1. Islamic Financial Institutions Recipient of Cash Waqf (LKS PWU)

Bank Muamalat Indonesia	BNI Syariah
Mandiri Syariah Bank	Mega Syariah Bank
Bank DKI Syariah	BTN Syariah
BPD Yogyakarta Sharia	Bukopin Sharia Bank
BPD Central Java Sharia	Sharia West Kalimantan BPD
BPD Riau Riau Islands Sharia	BPD East Java Sharia
Sharia North Sumatra Bank	Bank CIMB Niaga Syariah
Panin Dubai Sharia Bank	Bank Sumsel Babel Syariah
BRI Syariah Bank	BJB Syariah
Bank Kaltim Kaltara Sharia Business Unit	
Bank BPD Syariah South Kalimantan	Bank Danamon (sharia business unit)

The Management of zakat and cash waqf is considered to have to involve many agencies to run efficiently and optimally. That's why the government through the Ministry of Religion has permitted 22 financial institutions to be able to cooperate with the government through the Indonesian Waqf Board (BWI) in the management of waqf funds.

The huge potential of waqf in Indonesia can have a significant impact on reducing poverty and social inequality in society. The potential of waqf assets per year reaches Rp. 2,000 trillion. Meanwhile, the potential for cash waqf could reach IDR 188 trillion. As one of the countries with the largest Muslim population in the world, Indonesia should be able to become an example of waqf management practices that are transparent, professional, credible, trustworthy, and have a positive impact on people's welfare and empowerment. Waqf management can drive the national economy, especially in the micro, small and medium business sector.

Digital technology can be a bridge to accelerate the development of waqf. The technology can also be used as a transparent and credible waqf management practice, following sharia principles. For example, the innovation launched by Generali Indonesia. This insurance company presents the digital social platform Akuberbagi.com to optimize the potential and management of waqf. As is known, the form of waqf known to the public, in general, is in the form of land or other forms of assets. However, through Akuberbagi.com, participants can waqf without having to wait long to own certain assets.

The platform provides convenience to participants with flexible waqf contribution payment periods, ranging from a monthly, quarterly, semester, to yearly. In addition to the payment period, participants also get flexibility regarding the value of protection, the value of the waqf to be distributed, and the purpose of distributing the waqf. Akuberbagi.com provides a series of easy and safe payment methods, ranging from e-wallet, such as GoPay, OVO, Dana, to credit card auto-debit.

Several institutions that collaborate with the Akuberbagi.com platform are Dompot Dhuafa, Dompot Dhuafa South Sulawesi, Indonesian Children's Cancer Foundation, iWakaf, Daarut Tauhid, HOPE Worldwide Indonesia Foundation, SOS Children Village, Habitat for Humanity Indonesia, Askar Kauny, Yakesma, Baitulmaal Muamalat, Waqf Salman, the Indonesian Waqf Movement, and the Mustabsheera Bias Foundation. Akuberbagi.com can be accessed easily. Simply using a smartphone, participants can still have protection during a pandemic anytime and anywhere quickly.

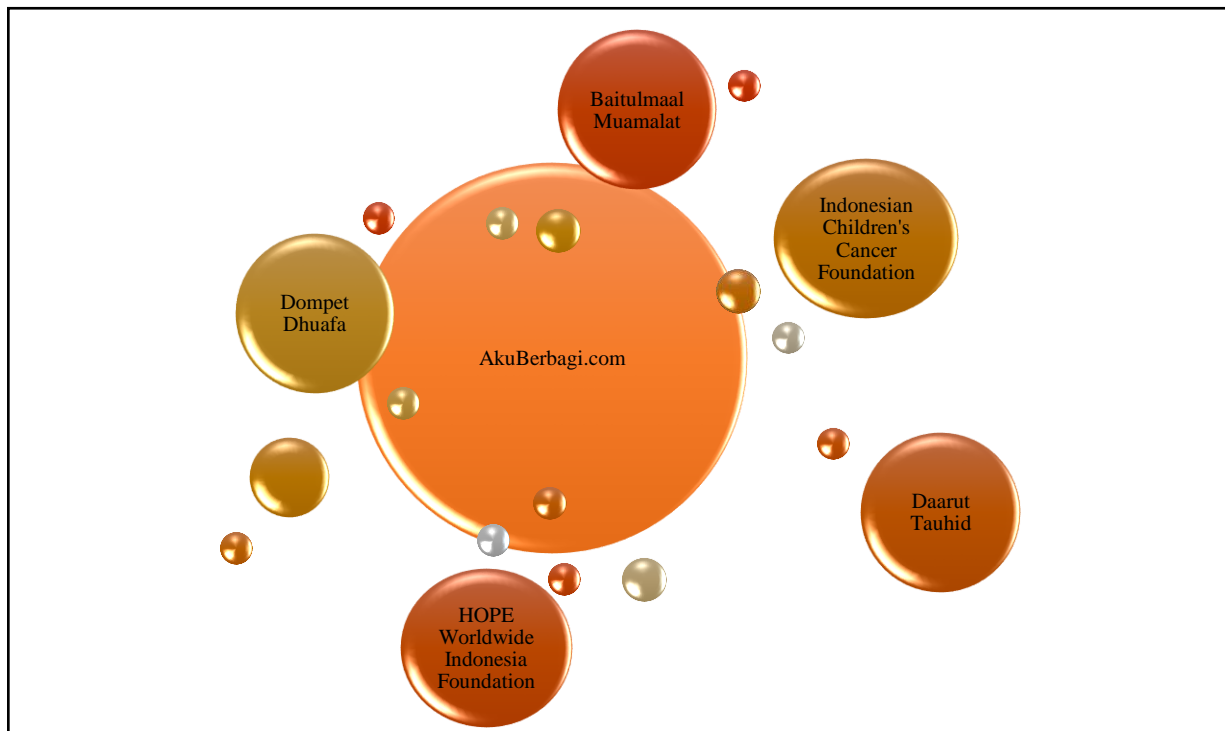


Figure 3. Institutionst that Cooperate with the Akuberbagi.com Platform

CONCLUSION

What I can conclude from this article are: The potential of waqf funds in Indonesia is very large, so it is a pity when Indonesia cannot take this opportunity to collect waqf funds through digitalization technology. Digitalization technology is very much needed in the 4.0 era as it is now because using technology will make it easier for customers to carry out various activities, such as paying zakat and cash waqf. Several financial institutions have obtained permission from the Ministry of Religion to be able to collect cash waqf funds. In Indonesia, the use of waqf is still based on land, but actually, there is a lot of potential for waqf funds such as cash waqf that will have a good impact on the community's economy. The importance of qualified and reliable human resources is needed in the management of cash waqf funds in Indonesia in addition to the use of sophisticated and advanced technology.

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**COOPERATIVE BEHAVIOR (TA'AWUN) BETWEEN MOSQUES AND
CIVIC ORGANIZATIONS IN EMPOWERING ASNAFPRENEURS
THROUGH IIUM M-KITCHEN® PROJECT**

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Abstract

This study explores the influence of cooperative behaviour (ta'awun) between mosques and civic organizations in empowering asnafpreneurs through IIUM-Mkitchen® Project. Cooperative behaviour (ta'awun) enables unity and solidarity in the society to sustain humanity civilisation. Ta'awun is an outcome of good bonding (ukhuwwah) that gone through well-nurtured (tarbiyyah) in continuous study circle (usrah) with stimulating environment (bi'ah solehah). The ta'awun among individuals leads to the family and society. Mosques as central societal entities collaborate with civic conscious organizations for the betterment of the society. In pandemic covid-19 situation, mosques and civic conscious organizations have intensified their collaboration with IIUM Mkitchen® Project to empower asnafpreneurs with business ventures in food and beverages. This study obtains the views of mosque officials, representatives of civic-conscious organizations, and lead asnafpreneurs on the sustainability of IIUM-MKitchen® Project in empowering asnafpreneurs into food and beverages venture. The informants argued that IIUM Mkitchen Project has the driver of ta'awun with key elements of sustainability. The synergy between various stakeholders in the project empowers asnafpreneurs.

Keywords: Cooperative behavior, Ta'awun, Asnaf, Civic organisations.

INTRODUCTION

The pandemic covid-19 has created a lot of challenges. People lost employment, income and livelihood (Abidin, Ahmad & Ogundare, 2021; Khalid, 2021; Hossain, 2021). Nobody is able to tell when the pandemic could end (Ho & Sia, 2020; Khalid, 2021). There have been new variants of corona viruses (Dhaiban & Jabbar, 2021). There is no medicine to cure covid-19 but vaccination could build immunisation from being infected (Basiri et al, 2021; Deana, 2021). However, the vaccination process is not speedy as expected due to supplies of vaccines from major suppliers.

Infection continues at a major scale while the vaccination takes a slow pace. This situation has prompted the authorities to enforce a long term lock down (Ho & Sia, 2020; Khalid, 2021). Only essential economic sectors are allowed to operate with reduced workforce and strict adherence to strict procedures (Khalid, 2021; Hossain, 2021). This means that other sectors are not able to operate. Thus, it made more people unemployed.

There have been various agencies and Non-governmental organizations (NGOs) that came to the affected community with food supplies. The question is how long these NGOs could continuously supply food and other essential items? There is a need to empower the affected community, who are unemployed, poor and unable to meet basic needs, to venture for businesses and employment into the essential economic sector (Ho & Sia, 2020; Khalid, 2021). Food and beverages are in the essential economic sector.

Food and beverages contribute significantly to the economy. This sector is growing very well despite the locked down or Movement Control Order (MCO) and continuous locked down. Besides government agencies and NGOs, there are more than 17,000 mosques in Malaysia that are

located within the community heartland to distribute food and other essential items (Jabatan Kemajuan Islam Malaysia, 2021). These mosques could also empower the affected community with some economic ventures under the essential economic sector like in F&B (Izzah, Dilaila & Yao, 2021; Kee et al, 2021). Almost every mosque has facilities including a kitchen (Malik, 2017; Aliyasa et al, 2019; Ali et al, 2020). These kitchen facilities are underutilised. During MCO, all mosques ceased operation.

Besides mosques, there are civic conscious organizations who have been working with the community to address unemployment, social illness and so forth. All this while, they have been working in isolation from other organizations. There is a need for greater collaboration among people, mosques, and civic organizations in empowering *asnaf* through IIUM M-kitchen®. Thus, this study explores the influence of cooperative behaviour (*ta'awun*) between mosques and civic organizations in empowering *asnafpreneurs* through the IIUM-Kitchen® Project.

LITERATURE REVIEW

This study discovers a gap in the cooperation among mosques and civic organizations to meet social and economic objectives which is the *ta'awun*-based cooperative behaviour. Indeed, this study explores the influence of cooperative behaviour (*ta'awun*) between mosques and civic organizations in empowering *asnafpreneurs* through the IIUM-Kitchen® Project.

Cooperative Behaviour and Ta'awun

Cooperative behaviour refers to the willingness of individuals or organizations to collaborate in order to attain common goals. The degree of cooperation differs according to resources, capability and competitive advantage. The decision to cooperate will also refer to vertical and horizontal integration. Cooperation among members of society has been practiced globally through unity and solidarity among community members through co-operatives (Abd Rahman & Zakaria, 2018; McKee, Kagan & Ghosh, 2019). Indeed, social co-operatives have been championing economic and social objectives (Mazzarol & Rebound, 2020; Adusei, Adeleye & Okafor, 2021).

The nature cooperative behaviour resembles the Islamic mutual cooperation or *ta'awun*. *Ta'awun* (mutual cooperation) reinforces unity and solidarity among members of the society to achieve economic goals (Al-Haddad, 2015; Zar'um, 2016). In Malaysia, there has been *ta'awun* practice through communal work (*gotong-royong*) in various economic and social aspects. Each member needs to have the willingness and readiness to work through communal assemblies (*gotong-royong*) (Mhd. Sarif, 2015). Without the willingness, people might not be able to contribute to the fullest potential (Mhd. Sarif, 2017). Urban communities might have different ways to conduct communal work due to different urbanized contexts (Mhd. Sarif, 2018). The emphasis is always *taqwa* (piety).

Mosques

Mosques are vital social institutions in building and reinforcing relationships between humans with Allah, among humans and with other members of the society. Primarily mosques provide space for obligatory worship like five times obligatory prayers in congregation. Beyond this, society expects proactive roles of mosques in social innovation (Omar, Hussin & Muhamad, 2015). There should be economic activities (Omar, Husin & Muhamad, 2017).

While educating the congregation about obligatory worship (*fardu ain*), mosques should educate the society about other knowledge (*fardu kifayah*) like vocational, technology, entrepreneurship, and so forth (Omar, Husin & Muhamad, 2019). People should not view that mosques are about obligatory activities only. All kinds of activities should be within mosques (Omar, Ilias, Teh & Borhan, 2019). In fact, in crisis, mosques provide temporary shelters for the victims (Utaberta & Asif, 2017)

Civic organizations

Civic organizations are established by members of the society for the benefit of the society. Civic organizations include places of worship, charities, neighborhood associations, non-governmental organizations (NGOs), non-profits, and community-based organizations (Klingner, 2021).

Empower *asnaf*

Zakat offices in Malaysia have offered entrepreneurship schemes to empower *asnaf* capital assistance, advisory and business support (Harun & Ab Rahman, 2021). For example, Lembaga Zakat Selangor has introduced “Bantuan Pembangunan Ekonomi,” “Skim Bantuan Ekonomi” by Baitulmal of Wilayah Persekutuan (Harun & Ab Rahman, 2021).

Primarily, *asnaf* recipients received zakat in cash terms. There is no obligation from the *asnaf* to repay the zakat received in cash. When *asnafs* are offered to join *asnaf* entrepreneurship schemes, zakat offices are empowering them valuable opportunities in the economic activities. Thus, they are able to earn a living and are able to pay zakat as well in the future (Shiyuti, Zainol, & Ishak, 2021).

In Terengganu, the Baitulmal has developed *asnaf* entrepreneurship scheme (Abdul Ghafar, Zakaria, Yusoff, Kamaludin & Abdul Ghani, 2017). The *asnaf* entrepreneurship scheme has proven that some *asnafs* are able to transform themselves to be *asnaf* entrepreneurs (Abdul Hamid, 2013). *Asnafs* have the talents to transform themselves as *asnaf* entrepreneurs when they are trained and coached by successful entrepreneurs (Hazlina, Jamaliah, Syarifah Norzehan, Abdul Halim, Said, and Syed Yusuf, 2012). There is a need to provide a scheme of entrepreneurship for *asnaf* to be zakat payers (2020).

IIUM M-Kitchen®

The International Islamic University Malaysia (IIUM), as a public university in Malaysia that was established in 1983 has contributed mercy to all the nations. The vision and mission of IIUM are not isolated to the physical campus of the university. IIUM has to engage with the society in

achieving the sustainable development agenda to be aligned with the world Sustainable Development Goals.

Realizing the potential of kitchen facilities at mosques, a group of academics established the “Masjid Kitchen” project. The group consulted officials of mosques, representatives of civic organizations, zakat officials for making kitchens as a platform for *asnaf* to build competencies in ventures into various business activities.

METHODOLOGY

The study uses qualitative research methods through personal interviews with informants who are involved in *asnaf*preneurship development through IIUM M-Kitchen® projects. The researchers are part of the IIUM M-Kitchen® project and have established very good rapport with the participants in IIUM M-Kitchen®.

The data collection is through conversational personal interviews with representatives of participants (MacDonald *et al.*, 2013; Ngozwana, 2018). Even though the conversation is casual, the researchers still need to do preparation before the interview (Castillo-Montoya, 2016; Majid *et al.*, 2017), such as securing informed consent, research permits and validated interview protocol (Yeong *et al.*, 2018).

MAIN RESULTS

This study obtains the views of mosque officials, representatives of civic organizations, and lead *asnaf*preneurs on the sustainability of IIUM MKitchen® Project in empowering *asnaf*preneurs into food and beverages ventures.

A group of academicians from IIUM approached several mosque officials, representatives from civic-organizations and zakat officials to discuss what could mosques, community and zakat offices do to assist *asnaf* and instant *asnaf* that emerged due to the locked down orders. The locked down orders meant almost all economic and social sectors could not operate. They could not generate sales and they had to terminate their employees.

When the researchers asked about cooperative behaviour between mosques, civic organizations and *asnaf* to empower *asnaf* with entrepreneurship ventures, a civic organization representative (COR) welcomed such remarks. The person said:

“...We have suggested mosques to allow for the community to establish business activities within the compound of the mosques. But our mosques rejected our proposals. Mosques as part of the community should allow the community to use the spaces within the mosques for income generating activities. For unemployed people, they can be agents or trade representatives for the community. Since they can't afford to rent a space in the mall, they should be given some space in the mosque's areas...”

However, when the researchers asked the views of mosque officials, the researchers were informed by the mosque officials that the mosques have valid reasons for not allowing mosques to offer commercial venues for the people and also for the *asnaf*. The Masjid Official (MO) said:

“...We always uphold our values that the masjid is not the place for commercial activities. We cannot allow our spaces to be used as commercial spaces. We have our charity committees. In fact, we have a special donation box for a food charity. Giving free food, groceries, and financial assistance have been our welfare activities. We have issues when masjid is involved in commercial or business activities. Our people are very sensitive about conducting business in the masjid even with the label charitable business. To avoid our jamaah, we made reports to the authorities and we have to answer with the authorities. This is bad for us...”

Then, the researchers obtained the views of zakat officials about the cooperation between mosques and civic organizations to develop asnafpreneurs. The zakat officials argued that mosques should be the venue for *asnaf* to build their skills and confidence to make a reasonable living. Zakat Official (ZO) said:

“...We have to remember that zakat distribution is for asnaf, the 8 recipients only. Needy and poor are among the 8 asnaf. They are receiving cash and food from the zakat office. Zakat officials are tracing the needy and poor in many areas with the help of mosque officials and local community leaders. House rental, food items, medical needs and so on. Not all asnaf among the needy and poor could work. They are really sick, bed-ridden, and unable to attend to themselves. Their family members also cannot work just to nurse them. Mosques could help zakat officials in educating the needy and poor who are healthy and could work to join employment...”

Zakat Official (ZO) further explained:

“...Another issue is our asnaf. Some of them are permanent asnaf due to sickness and disability. Nothing we could help. Some people suggested we retrain them with some vocational skills. But we have to look at their willingness and ability too. If they are bed-ridden, definitely we can't push them to learn some skill in order to make money. They are sick. We must help them. However, those asnaf who are healthy but unable to work because of nursing sick family members, perhaps we could persuade them...”

Mosques have no issue to cooperate with zakat offices, civic organization and any individual to bring goodness to the society, especially in the development of asnafpreneurship. However, mosque officials insisted that mosques have to abide by the regulations. Another Masjid Official (MO2) mentioned:

“...Masjid is a place of worship. The religious council regulates it. The committee members must adhere to the regulations. Even collection of money from the public also requires permission from the authority and we have to report to the authority. There is an audit unit at the religious office that will do regular audit and surveillance. For activities of masjid too must adhere to guidelines. No freedom for us. Now in pandemic, we must adhere to the strict SOP. When the government does not allow for masjid to operate during the MCO, we have to abide by the directive. We can help the poor and need, but must go through the procedures. To ask asnaf to cook and to sell

what they have cooked is doing business in masjid. The directive is to identify asnaf, list them and send the list to the zakat office. Then, the zakat office will distribute it to the asnaf. We have the list of the asnaf. But we are not allowed to approach them for employment or entrepreneurship. On a one to one basis, we could talk to them to consider selling food. But they are not happy with our suggestion... ”

Mosques are regulated organizations in Malaysia under the Islamic administration law. However, the regulation does not restrict mosques from being proactive in conducting activities that can bring benefits to the community (Bakar, Zakaria & Salleh, 2016; Mokhtar, Abdullah, Abd Majid & Aini, 2021). The leadership of mosques could work with various entities in the communities while observing the regulations (Omar, Ismail, & Ilyas, 2021). There is a need of willingness and commitment between mosques and other entities in the community to collaborate for the benefit of the society.

CONCLUSION

There is cooperative behaviour (*ta'awun*) among the participants. Everyone has an important role in empowering *asnaf*. Mosques and civic organizations could cooperate in getting moral support, and funding from the community. Cooperation among neighbourhoods provides financial and moral support in empowering *asnaf* to be entrepreneurs. The use of kitchen facilities of masjid enables *asnaf* to gain competency in F&B entrepreneurship.

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LITERASI KEWANGAN DAN KONSEP PENGETAHUAN DALAM ISLAM

(Financial Literacy and The Concept of Knowledge In Islam)

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Abstrak

Situasi kewangan semasa memerlukan individu untuk menguasai ilmu berkaitan kewangan atau literasi kewangan bagi memastikan kelangsungan kewangan peribadi yang sihat. Ini kerana sekiranya kegagalan membuat keputusan kewangan yang baik akan mengakibatkan impak kewangan luar jangka. Kajian sorotan literatur ini menemukan banyak kajian berkaitan literasi kewangan dibuat dengan merujuk kepada teori dan prinsip-prinsip fahaman falsafah sekular barat namun kurang di dalam konteks literasi kewangan Islam dan konsep pengetahuan menurut perspektif Islam. Oleh hal yang demikian, artikel ini bertujuan membincangkan hubungan antara literasi kewangan dan konsep pengetahuan menurut pandangan ilmuan epistemologi Islam seperti Imam Ghazali dan Syed Naquib Al-Attas.

Kata Kunci: *Literasi kewangan; Literasi kewangan Islam; Konsep Pengetahuan; Imam Al-Ghazali; Syed Naquib Al-Attas.*

Abstract

The current financial situation requires a person to master financial related knowledge or financial literacy to ensure a healthy personal economics continuity. Failure to make financial decisions will result in unforeseen financial impacts. From the literature review, many studies are made regarding the theories and principles of western secular philosophies but less in financial literacy and the concept of knowledge according to Islamic perspectives. This article aims to discuss the relationship between financial literacy and the concept of knowledge according to the views of Islamic epistemological scholars e.g. Imam Al-Ghazali and Syed Naquib Al-Attas.

Keywords: *Financial literacy; Islamic financial literacy; Concept of Knowledge; Imam Al-Ghazali; Syed Naquib Al-Attas.*

PENGENALAN

Usaha meningkatkan literasi kewangan melalui pendidikan kewangan di Malaysia menjadi perkara utama oleh ahli-ahli Jaringan Pendidikan Kewangan (*Financial Education Network* atau FEN) yang terdiri daripada Kementerian Pendidikan Malaysia, Kumpulan Wang Simpanan Pekerja, Agensi Kaunseling dan Pengurusan Kredit, Perbadanan Insurans Deposit Malaysia dan Permodalan Nasional Berhad. Tujuan jaringan ini ditubuhkan adalah untuk memperkasakan individu dengan pengetahuan dan kemahiran yang perlu ada demi menaikkan upaya dan kesejahteraan kewangan. Keupayaan individu untuk membuat keputusan kewangan secara harian atau bulanan yang bijak amat penting bagi memastikan mereka mampu memenuhi keperluan kewangan semasa dan masa hadapan. Hal ini kerana rakyat Malaysia umumnya perlu dibekalkan dengan pengetahuan kewangan supaya mereka berupaya menguruskan simpanan dan perbelanjaan, terlibat dengan pelaburan bijak serta berhutang secara berhemat dan bertanggungjawab. Lebih-lebih lagi khususnya kepada umat Islam, ajaran Islam amat mementingkan tentang ilmu dan pengetahuan untuk pengurusan hidup dunia dan juga kehidupan akhirat.

Firman Allah bermaksud “(Katakanlah wahai Muhammad): “Patutkah aku (terpedaya dengan kata-kata dusta Syaitan-syaitan itu sehingga aku) hendak mencari hakim selain dari Allah, padahal Dia-lah yang menurunkan kepada kamu kitab Al-Qur’an yang jelas nyata kandungannya satu persatu (tentang yang benar dan yang salah)?” (Al-An’am; 114). Penjelasan terhadap makna ayat ini seperti ulasan yang diberikan oleh Ali (1945) bahawa, “orang yang soleh tidak akan mencari taraf penghakiman yang lain melainkan kehendak Allah kerana adakah patut, ketika Allah dalam rahmatNya telah menjelaskan kehendakNya dalam Al-Quran, dengan perincian yang dapat difahami oleh setiap orang? Justeru, orang yang paling rendah hati dapat belajar daripada pelajaran tentang tingkah laku yang benar dalam kehidupan sehari-hari, dan yang paling baik pula dapat menemukan hikmat tertinggi dalam kerohaniannya seperti kehendakNya”. Daripada penjelasan ini, jelaslah bahawa ajaran Islam telah menyediakan umatnya dengan kaedah kehidupan yang praktikal dan realistik demi keadilan sosial serta kesejahteraan manusia sejagat (Hashim, 2014).

Terdapat banyak soroton literatur yang membincangkan pelbagai topik literasi kewangan seperti mengukur tahap literasi dalam kewangan Islam (Hidajat & Hamdani, 2017). Manakala Loke (2016) dan Azman et al. (2018) secara khusus mendapati bahawa bangsa Melayu yang beragama Islam mempunyai kecenderungan untuk berhutang lebih tinggi berbanding bangsa lain serta lemah dalam mengurus kewangan peribadi menyebabkan kesejahteraan dan kebahagiaan ekonomi menjadi tidak seimbang. Malahan, kajian pada skala besar seperti yang dilakukan oleh *Malaysia financial literacy 2020* dan juga kajian oleh FEN pada tahun 2020 juga menunjukkan literasi rakyat Malaysia masih rendah. Namun tidak ada perbincangan yang mengkhususkan kepada apakah matlamat atau kefahaman yang sebenar yang telah digariskan oleh ajaran Islam berkaitan dengan literasi atau pengetahuan khususnya dalam bidang kewangan.

Berdasarkan perkara di atas, objektif tulisan ini adalah untuk menganalisis apakah pandangan Islam terhadap hubungan antara literasi kewangan dan konsep pengetahuan menurut pandangan keilmuan epistemologi Islam. Ini kerana pendidikan literasi kewangan seharusnya di gabungkan dengan kurikulum yang berasaskan akademik Islam bermula daripada Pendidikan

awal sehingga ke dewasa (Hashim, 2014). Justeru, kajian ini memberikan *tasawwur* (suatu gambaran atau tanggapan akal terhadap sesuatu perkara) terhadap literasi kewangan dan pengetahuan mengikut Islam.

Skop kajian ini tertumpu kepada perbincangan ke atas literasi kewangan dan literasi kewangan Islam. Kemudian merujuk pula kepada teori pengetahuan berdasarkan barat berbanding dengan pendekatan konsep pengetahuan menurut Islam.

LITERASI KEWANGAN

Secara umumnya literasi kewangan adalah pengetahuan mengenai fakta kewangan peribadi (Garman & Forgue, 2010). Literasi kewangan adalah kombinasi antara kesedaran, pengetahuan, sikap, dan gelagat yang diperlukan untuk membuat keputusan yang baik dalam kewangan supaya mencapai kesejahteraan dalam kewangan (OECD-INFE, 2011).

Perkataan literasi berasal daripada bahasa Latin iaitu *literati* yang memberi makna mengetahui. Literasi, dalam pendekatan definisi ini ia adalah termasuk sesiapa yang biasa dengan kandungan sesuatu buku tanpa membacanya (Hanna, 2007). Menurut Hanna (2007), sejarah literasi telah melalui masa yang panjang. Telah wujud dikotomi antara sarjana keilmuan yang tinggi dan orang awam. Beliau merujuk literasi dalam konteks yang lebih luas berbanding takrifan hanya sekadar tahu membaca dan menulis. Ia adalah satu pendekatan yang lebih fleksibel iaitu sebagai fenomena sosial.

Perkara ini adalah seiring dengan artikel-artikel berkaitan dengan literasi kewangan kerana telah menjadi satu kajian yang penting kerana perkembangan sistem kewangan yang semakin baik dan kompleks (Bhargava, 2016; Clark et al., 2017; Grohmann, 2018; Ansar et al., 2019). Tambahan lagi artikel berkaitan literasi kewangan tertumpu kepada kajian dalam bidang tertentu seperti kajian berkaitan gelagat perbelanjaan (Allgood & Walstad, 2016; Grohmann, 2018), persediaan untuk bersara (Clark et al., 2017) dan pengurusan kewangan seseorang individu (Agarwal et al., 2015; Ansar et al., 2019). Malah secara makro pula, didapati literasi kewangan dapat membantu pertumbuhan ekonomi negara melalui pengurusan kewangan yang baik (Banerjee & Sain, 2016). Hal ini disebabkan, literasi kewangan yang tinggi memudahkan seseorang individu membuat perancangan terhadap sumber-sumber ekonomi mereka (Mitchell & Lusardi, 2015; Ansar et al., 2019). Perkara ini juga dapat mengelakkan seseorang berbelanja melebihi pendapatan sehingga mendorong kepada hutang, kos dan yuran yang tinggi serta bankrap (Ali et al., 2015; Lusardi & Tufano, 2015; Grohmann, 2018).

Malahan individu yang mempunyai tahap literasi kewangan yang rendah adalah cenderung membuat keputusan yang kurang tepat (Mitchell & Lusardi, 2015; Hamza & Arif, 2019). Diantara keputusan yang kurang tepat yang sering dilakukan ialah melabur di dalam saham-saham yang rugi (Von Gaudecker, 2015; Janor et al., 2016; Hamza & Arif, 2019), walaupun pelaburan sebenarnya mampu menawarkan pulangan kepada pelabur terhadap modal yang dilaburkan. Malah, dengan literasi kewangan yang rendah dalam kalangan pelabur mewujudkan kepelbagaian risiko pelaburan, peruntukan portfolio yang tidak cekap, pengumpulan kekayaan yang lemah dan tidak rasional (Jappelli & Padula, 2013; Hamza & Arif, 2019). Justeru, Bay et al., (2014) dan Xia, Wang, & Li, (2014) berpandangan tahap literasi kewangan mempengaruhi tahap dan penglibatan

dalam pelaburan oleh seseorang individu. Hal ini kerana isi rumah yang mempunyai literasi kewangan yang tinggi mempunyai peluang yang lebih baik untuk mendapat pulangan pelaburan yang positif (Chu et al., 2016; Von Gaudecker, 2015; Oteng, 2019).

Disamping itu, Meyer (2016) pula mendapati tahap literasi kewangan mempengaruhi tahap kesihatan seseorang. Hal ini disebabkan oleh tahap literasi kewangan mendorong kepada tahap kefahaman terhadap kos penjagaan kesihatan dan tanggungjawab kewangan pesakit. Tambahan lagi Paez et al. (2014) berpandangan bahawa pengetahuan dalam insurans kesihatan merupakan faktor utama dalam mengenal pasti sama ada seseorang pelanggan memilih pelan kesihatan yang sesuai dan menggunakan insurans kesihatan berdasarkan kelebihan yang dimiliki. Seterusnya, Meyer dan Hudak, (2016) dan Stewart et al., (2019) pula menegaskan pesakit yang mempunyai tahap literasi yang tinggi dapat membuat keputusan terhadap penjagaan kesihatan dan sekaligus meningkatkan tahap kesihatan dan kematian mereka.

Dapat disimpulkan bahawa, tumpuan perbincangan literasi kewangan daripada sudut konvensional umumnya berkaitan kesan literasi kewangan terhadap individu dan juga kepada sesebuah negara.

LITERASI KEWANGAN ISLAM

Tidak banyak kajian terdahulu membincangkan literasi kewangan Islam kerana ianya dianggap masih baru (Harun et al., 2015). Literasi kewangan Islam didefinisikan sebagai keupayaan seseorang memperoleh pengetahuan, kesedaran, dan kemahiran untuk memahami asas-asas maklumat dan perkhidmatan kewangan Islam (Antara et al., 2016). Namun begitu, banyak perbincangan adalah berkaitan dengan faktor demografi, faktor-faktor seperti pengharapan, keagamaan dan kepuasan dalam kewangan (Rahim et al., 2016). Antara lain adalah berkaitan dengan penekanan terhadap pengajaran dalam kewangan Islam yang diperkenalkan supaya masyarakat Islam dapat diberi tunjuk ajar untuk bijak membuat keputusan dan mengelakkan menghadapi masalah kewangan (Hashim, 2014; Setiawati et al., 2018).

Hal ini dapat dicapai melalui penerangan dan pengukuran kefahaman dalam perbankan Islam, takaful, pelaburan patuh Syariah dan juga perkara asas dalam transaksi jual beli (Nawi et al., 2018) dan berdasarkan kefahaman asas dalam perkara seperti *Mudarabah*, *Musyarakah*, *Ijarah*, *Murabahah*, *Istisna* dan *Qard Hasan* (Antara et al., 2016). Dua cabaran yang dihadapi oleh masyarakat Islam untuk mendapatkan pembiayaan di institusi kewangan Islam iaitu memahami terma pembiayaan dan memahami instrumen patuh Syariah (Albaity & Rahman, 2019).

Manakala Hashim, (2014) pula memberikan kajian awalnya dalam gelagat kewangan yang baik mengikut al-Quran antaranya adalah; bijak berbelanja, simpanan masa hadapan dan mengelakkan bebanan hutang yang melampau. Namun, umat Islam perlu memahami secara dasar ke atas keperluan sebenar sesuatu ilmu diperolehi supaya asas kefahaman menjadi kukuh.

TEORI PENGETAHUAN BERDASARKAN BARAT

Puisi Rudyard Kipling yang diterbitkan pada tahun 1889 menyatakan Timur tetap Timur dan Barat tetap Barat dan kedua-duanya sama sekali tidak akan dapat bertemu (*East is East and West is West and never the twain shall meet*) menggambarkan bahawa pembahagian dunia Timur dan Barat.

Begitu juga di dalam buku berjudul *Eastern Religions and Western Thought* Radhakrishnan (1959) memberikan pandangan tentang pembahagian antara dunia Timur sebagai pewaris kepada keagamaan dan dunia Barat sebagai waris pemikiran dan falsafah. Namun perkara ini sebenarnya suatu ralat kerana prinsip dikotomi dunia Timur dan Barat ini tidak berlaku malah bukan sahaja agama berkembang dari Timur, falsafah dan ilmu dunia Barat itu juga adalah berasal dari Timur. Walau bagaimanapun perkembangan ilmu yang pesat berlaku di Barat meninggalkan peranan agama, sedangkan agama pula terus berkembang di Timur secara pesat tetapi meninggalkan ilmu (Abdullah, 2002).

Sebenarnya dikotomi ini berlaku disebabkan oleh proses sekularisasi yang telah lama berlangsung di dalam perkembangan ilmu pengetahuan. Kemunculan tokoh-tokoh falsafah daripada zaman kebangkitan Barat seperti *Galileo Galilie* dan *Newton* serta organisasi di bawah pengaruh orang Yahudi seperti *The Royal Society of London*, *Freemason* dan *Iluminati* telah memberikan perkembangan yang tersusun dan menyeluruh terhadap proses sekularisasi ini. Terutamanya dalam kegiatan ekonomi, mereka telah menyemarakkan Revolusi Industri (1760-1850) melalui peranan mereka sebagai pemodal, peminjam wang dan ahli-ahli perniagaan.

Seterusnya melalui perkembangan ideologi-ideologi Barat moden seperti liberalisme, nasionalisme, sosialisme, komunisme, pragmatisme dan kapitalisme merupakan puncak proses sekularisasi telah mencorak kepada arah ilmu pengetahuan bagi kepentingan dan kefahaman tersendiri. Serangan ideologi/pemikiran ini mengakibatkan berlakunya proses baharu terhadap urbanisasi, modenisasi dan perindustrian ke dalam sistem budaya Islam dan bahayanya serangan ini adalah berdirinya tidak bertunjangkan kepada ajaran Islam yang murni (Mas'od, 2012).

KONSEP PENGETAHUAN MENGIKUT ISLAM

Daripada segi bahasa, epistemologi bermaksud teori mengenai ilmu pengetahuan yang membicarakan asal usulnya, bagaimana ia berlaku dan hubungannya dengan pengalaman manusia (Hashim & Yaakub, 2007). Epistemologi ataupun teori pengetahuan ini merupakan salah satu daripada cabang falsafah. Iaitu mempelajari ilmu pengetahuan dengan mencari hakikat ilmu pengetahuan, sumber-sumber ilmu pengetahuan, masalah kebenaran dan bagaimana hubungan ilmu dengan moral (Amien, 1993). Ia juga melibatkan dua perkara asas iaitu bagaimana pengetahuan diperolehi dan kebenaran di sebalik pengetahuan (Hashim & Yaakub, 2007).

Menurut Al-Attas, (2018) pengetahuan ataupun ilmu (*al-'ilm: ma'rifah : 'ilm*) memberi maksud meletakkan sesuatu pada tempatnya - berlaku adil - atau bertindak dengan keadaan yang bersesuaian malahan di dalam Islam pengetahuan diletakkan tinggi sehinggakan terdapat lebih daripada 800 rujukan berkaitan pengetahuan di dalam Al-Quran. Al-Quran sebagai sumber utama pengetahuan di dalam Islam mempunyai susunan yang unik dan berhierarki berdasarkan kandungan bahagian, bab dan ayat serta dapat diklasifikasikan oleh tema yang sesuai (Ta'a et al., 2014).

Manakala konsep pengetahuan seperti yang dikemukakan oleh Ibn Arabi terdapat tiga tingkatan. Pertama, pengetahuan intelek (*'ilm al-aql*) yang diperolehi melalui pendidikan secara rasmi dan proses diskursif mental seperti penulisan dan perbahasan. Kedua, pengetahuan situasi

(*'ilm al-ahwal*) iaitu melalui rasa seperti pengetahuan seseorang tentang manisnya madu adalah melalui merasai dengan sendiri. Ketiga, pengetahuan yang rahsia (*'ilm al-asrar*) iaitu pengetahuan yang dikurniakan oleh Allah seperti wahyu dan seumpamanya (Arif, 2002).

Sementara itu, ilmuan Islam yang sangat dikenali, Imam Al-Ghazali, turut membahaskan konsep ilmu mengikut perspektif beliau. Menurut pandangan Imam Al-Ghazali, ilmu dikategorikan kepada beberapa kelompok kumpulan iaitu berdasarkan kewajipan, sumber ilmu dan klasifikasi berdasarkan fungsi sosial (Husin, 2009). Perbahasan ini diteliti di dalam kitab *Ihya Ulumuddin*. Mengikut Al-Ghazali, pengertian ilmu dibahaskan kepada ilmu *mukasyafah* (ilmu tentang akhirat/sufism) dan ilmu *muamalah* (Sosial keduniaan). Perbincangan kajian ini hanya menekankan kepada ilmu *muamalah* (sosial keduniaan) di mana ia terbahagi kepada ilmu *fardhu ain* dan ilmu *fardhu kifayah* (Wan Abdullah, 2019).

Menghurai lebih lanjut tentang ilmu yang difardhukan ini (*fardhu ain*), Imam Al-Ghazali menjelaskan bahawa ilmu *muamalah* yang dimaksudkan merangkumi ilmu berkait dengan pegangan (*i'tiqad*), suruhan (*fi'l*) dan larangan (*tark*). Perkara yang penting dalam pembahagian ini ialah pada tahap manakah dan bilakah ilmu-ilmu berkenaan difardhukan (Wan Abdullah, 2019). Sebagai contoh, seseorang individu yang baru memeluk Islam (*Muallaf*) dia perlu mempelajari kalimah *syahadah* dan memahami maksudnya. Perkara ini telah dikira memenuhi dan melaksanakan tuntutan pada ketika itu. Kemudian keperluan mendalami dan mempelajari bagi *muallaf* tadi tentang perkara-perkara lain seterusnya ditentukan berdasarkan keperluan dan tuntutan masa hadapan dan mendatang. Keperluan dan tuntutan ke atas seseorang berbeza dengan seseorang yang lain. Ini disebabkan oleh setiap orang diuntut mendalami dan mempelajari ilmu berkait dengan tuntutan keperluan tersendiri.

Tuntutan keperluan manusia dalam hal ini mengikut Imam Al-Ghazali dapat dibahagikan sama seperti di atas iaitu tuntutan suruhan (*fi'l*), larangan (*tark*) dan pegangan (*i'tiqad*) (Wan Abdullah, 2019). Perkara yang berkaitan dengan tuntutan suruhan, bagi seseorang yang *aqil baligh*, sekiranya waktu solat Zohor telah, maka wajib baginya untuk belajar ilmu berkaitan solat Zohor dan seterusnya. Begitu juga dengan ibadat-ibadat yang lain seperti puasa, zakat dan haji.

Manakala dalam hal tuntutan larangan pula, ia juga bergantung kepada masa dan keadaan seseorang ketika menghadapi situasi tuntutan tersebut. Seseorang yang tidak berakal (bayi, gila dan bodoh) tidak perlu mengetahui apa yang dilarang berkaitan dengan mencuri dan isu-isu berkaitan dengannya. Begitu juga dengan hal tuntutan pegangan, seseorang tidak perlu mendalami hal berkaitan secara terperinci jika tidak berhadapan dengan sebarang masalah yang menuntut dia mendalaminya. Hal tersebut hanya perlu diteliti dan difahami sekiranya timbul permasalahan menyebabkan seseorang boleh dipengaruhi keyakinannya (Wan Abdullah, 2019).

Seterusnya dalam ilmu *fardhu kifayah* pula, dijelaskan bahawa kefardhuan sesuatu ilmu itu bergantung kepada jenis ilmu berkenaan. Pembahagian ilmu *fardhu kifayah* ini pula kepada dua iaitu ilmu Syar'i (*Syar'iyah*) dan tidak Syar'i (*ghayr syar'iyah*). Sumber ilmu Syar'i ini berdasarkan daripada para Anbiya' r.a., (*naqli*) bukan daripada sumber akal sendiri (*aqli*) seperti ilmu matematik dan sebagainya (A. Ghazali, 1111).

Manakala ilmu tidak Syar'i pula terbahagi kepada ilmu terpuji (*mahmudah*) tercela

(*mazmumah*) dan harus (*mubah*) (Wan Abdullah, 2019). Ilmu terpuji adalah ilmu yang membawa kepada kebersihan jiwa dan dapat mendorong kepada kebaikan serta pengamalan seperti bidang kewangan, pertanian, pertukangan dan sebagainya yang mana diperlukan demi kelangsungan kehidupan manusia sejagat. Ilmu ini bukan menjadi kewajipan bagi semua orang, memadai untuk segolongan manusia sahaja bagi mencukupi keperluan masyarakat semasa. Ilmu yang tercela pula adalah ilmu tidak mendapat apa-apa manfaat didunia ataupun di akhirat seperti ilmu sihir, tilikan dan seumpamanya. Manakala ilmu yang harus adalah seperti ilmu sejarah, syair dan seni.

Walaupun ilmu pengetahuan merupakan perkara pokok dalam tamadun Islam, namun doktrin sekularisme lebih mendominasi dengan mempengaruhi aspek pembangunan sosial, ekonomi, bidang kebudayaan dan politik dalam dunia Islam (Zarkasyi, 2018). Hal ini menjadi satu cabaran besar kerana dominasi peradaban barat ini menghilangkan tujuan sebenar pengetahuan iaitu keadilan dalam Islam (Al-Attas, 2018).

Sehubungan itu, perlunya satu anjakan paradigma terhadap ilmu akal ini, iaitu dengan memurnikannya daripada nilai-nilai rasionalisme serta sekularisme dan menerapkannya dengan nilai-nilai agama seperti *Aqidah*, *Syariah* dan *Akhlaq* (Abdullah, 2002; Anas, et.al, 2013). Perkara ini sesuai dengan dengan Hadis Nabi S.A.W yang masyhur dan panjang:

“...Pada suatu hari ketika kami sedang berada di dalam sebuah majlis bersama Rasulullah SAW, tiba-tiba tampillah di hadapan kami seorang lelaki yang memakai pakaian yang serba putih, berambut sangat hitam, yang tidak terlihat padanya kesan-kesan tanda musafir dan tidak seorang pun di kalangan kami yang mengenalinya. Lalu dia duduk di hadapan Nabi SAW, kemudian menyandarkan lututnya pada lutut Nabi dan meletakkan tangannya atas paha Nabi. Selanjutnya dia berkata: Wahai Muhammad! Beritahukan kepadaku tentang Islam. Lalu Rasulullah SAW bersabda: Islam itu, engkau bersaksi bahawa sesungguhnya tiada Tuhan melainkan Allah dan sesungguhnya Muhammad itu utusan Allah, engkau mendirikan solat, mengeluarkan zakat, berpuasa pada bulan Ramadhan, menunaikan haji sekiranya engkau mampu melakukannya. Orang itu berkata: Engkau benar. Kami pun berasa hairan, kerana dia bertanya lalu membenarkan. Dia bertanya lagi: Beritahukan kepadaku tentang Iman. Nabi SAW menjawab: Engkau beriman kepada Allah, kepada para Malaikat-Nya, kepada kitab-kitab-Nya, kepada utusan-utusan-Nya, kepada hari kiamat dan kepada takdir, yang baik mahupun yang buruk. Orang itu berkata lagi: Engkau benar. Orang itu berkata lagi: Beritahukan kepadaku tentang ihsan. Baginda bersabda: Engkau beribadah kepada Allah, seakan-akan engkau melihat-Nya. Jika engkau tidak melihat-Nya, sesungguhnya Dia pasti melihatmu. Orang itu berkata lagi: Beritahukan kepadaku tentang kiamat. Nabi SAW bersabda: Orang yang ditanya tentang itu tidak lebih tahu daripada yang bertanya. Selanjutnya orang itu berkata lagi: Beritahu kepadaku tentang tanda-tandanya. Nabi SAW menjawab: Jika hamba perempuan telah melahirkan tuannya, jika engkau melihat orang yang tidak beralas kaki, tidak berbaju, miskin dan pengembala kambing berlumba-lumba dalam mendirikan bangunan. Kemudian orang itu beredar, tetapi aku masih diam tercengang (beberapa lama). Kemudian Nabi SAW berkata: Wahai 'Umar! Tahukah engkau tahu engkau siapakah yang bertanya itu? Saya menjawab: Allah dan Rasul-Nya lebih mengetahui. Nabi SAW berkata: Dia ialah Jibril. Dia datang kepada kamu untuk mengajarkan kepada kamu

agama kamu. (Hadis no. 8) Sahih Muslim...”

Secara akademiknya, berdasarkan hadis di atas, Islam mempunyai tiga cabang utama iaitu akidah sebagai teras pegangan hidup, Syariah ataupun undang-undang Islam menyusun amalan, cara hidup dan tingkah laku manakala akhlak bertindak sebagai etika hidup hasil daripada akidah yang jelas dan amalan Syariah yang sempurna (Abdul Hamid, Sa'ari, & Dahaman, 2016). Walaupun begitu pembahagian ini tetap berada dalam satu lingkaran konsep bersepadu yang membawa keseimbangan antara akal dan wahyu (Ajamin, Che Noh, & Lubis, 2015). Justeru, Islam tidak menjadi sempurna sekiranya memahami dari segi luaran, atau dalaman sahaja atau aspek kerohanian semata-mata. Kesempurnaan Islam dapat dicapai melalui pengamalan secara keseluruhan. Firman Allah bermaksud:

“...Wahai orang yang beriman! Masuklah kamu ke dalam Agama Islam (dengan mematuhi) segala hukum-hukumnya; dan janganlah kamu menrut jejak langkah Syaitan; sesungguhnya Syaitan itu musuh bagi kamu yang terang nyata...”

(Al Qur'an 2:208)

Begitu juga dalam persoalan kewangan Islam, menjadi satu kewajipan ke atas orang Islam supaya memahaminya dengan lebih lanjut tidak sekadar mendapatkan informasi kewangan semata-mata. Orang Islam wajib tahu dan faham samada instrumen kewangan yang digunakan itu patuh *Syariah* atau sebaliknya (Albaity & Rahman, 2019). Hal ini bersesuaian dengan penjelasan Imam Al-Ghazali sebelum ini berkaitan dengan *fardhu ain*, *fardhu kifayah*, suruhan dan larangan berkaitan dengan cara hidup yang dianjurkan oleh Islam dalam konteks pengurusan kewangan. Tidak dapat dinafikan bahawa literasi kewangan memberi pelbagai manfaat yang luas kepada semua peringkat. Ini kerana individu yang memiliki literasi yang baik adalah terjaga dalam membuat keputusan kewangan yang baik, mengelakkan berlakunya kesulitan kewangan dan hidup dalam kemakmuran.

KESIMPULAN

Berdasarkan perbincangan berkenaan literasi kewangan Islam, masih kurang perbincangan terhadap perkara dasar dalam Islam seperti yang dibincangkan dalam konsep pengetahuan Islam. Ini kerana literasi adalah suatu pengetahuan yang berbentuk luas dan fleksibel serta bertindak sebagai fenomena sosial semata-mata (Hanna, 2007). Tambahan pula, perbincangan dalam literasi kewangan Islam sahaja tidak mengarahkan kepada sikap yang positif terhadap kewangan Islam itu sendiri (Antara et al., 2016). Hal ini bersangkut paut dengan penjelasan Al-Attas (2018) berkaitan pengetahuan, iaitu untuk mencapai pengetahuan seseorang itu perlu berlaku adil yakni meletakkan sesuatu perkara pada tempatnya, tahu had kegunaan dan juga had batasannya. Tambahnya lagi melalui pengetahuan, seseorang itu tahu untuk meletakkan keutamaan ke atas sesuatu perkara dan tahu apa yang boleh dicapai dan apa yang tidak. Kesimpulannya, menurut Al-Attas (2018), pengetahuan tanpa pengurusan, kawalan dan disiplin menyebabkan kekeliruan dan menjurus

kepada berlakunya kezaliman ke atas diri sendiri seperti berhutang secara berlebihan untuk bermewah, merosakkan hubungan dalam keluarga malah akan menyebabkan kerugian kepada institusi kewangan Islam.

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ROLE OF ZAKAT IN POVERTY ALLEVIATION: A CASE STUDY IN NIZWA CITY, SULTANATE OF OMAN

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Abstract

The purpose of this research is to explore the potential of the Zakat in poverty alleviation in Nizwa in Sultanate of Oman. The data were collected from Zakat institution (Committee of Zakat and Sadaqat of Wilayat Nizwa) for 3 years (2018 to 2020). The results indicate significant roles of Zakat on poverty alleviation. The findings showed that by direct link, the Zakat have a potentially significant negative contribution to poverty alleviation in Nizwa. The research explored only the potential impact of the Zakat to poverty alleviation in Nizwa in Sultanate of Oman. The findings of the research can be used by government, Islamic charity institutions and policy makers to improve the Zakat effectiveness in reducing poverty. This research provides results showing the ability of Zakat institutions to alleviate poverty. This research recommends a more comprehensive Zakat-based poverty threshold that will hold the multidimensional nature of poverty in for perfect outreach to the most deprived poor.

Keywords: Zakat, Poverty Alleviation, Sultanate of Oman.

INTRODUCTION

The pillar of zakat in Islam is one of the the charitable acts of the Muslim (Saad, & Haniffa, 2014; Ahmed, Aiffin, Alabdullah, & Zuqebah, 2016). There are five main columns of Sharia and Zakat is one of these pillars, it is known as the practice of providing charity by Muslims to the poor and it is projected to be funded by all practicing Muslims who are financially stable (Yasmin, & Haniffa, 2017). Zakat is a compulsory 2.5 percent taken from the total amount of money that is owned by well- to- do Muslims; it is endogenously filled into behavior and preferences by spiritual value of all Muslims. Current findings had indicated a need of reconnoitering the investment of the Zakat treasuries in aiding the poor to be micro-entrepreneurs and act as productive members of the society, benefiting the economic production of their Countries. Zakat is sustainability, as the commitment is predicated upon sustainable annual donation derived from one's wealth, and it extra acts an impetus for labor-intensive enrichment's, self-dependency of the impoverished and resiliency. Additionally, Zakat funding plays a catalytic role to develop moral society, bearing in mind its significance in human resource development and entitlement and empowerment formation

(Arif, 2017). Zakat is an essential financial obligation for Muslims. There are various kinds of zakat (zakat al-fitr, zakat on money, zakat on silver and gold, zakat on fruits, zakat on livestock, zakat on stocks and bonds, etc.). Zakat is for Muslims who meet the criteria and it can be a form of income tax under Islamic law. Business owners are also obligated to pay zakat, and also to pay tax liabilities for a particular year. Just as few use the facilities to evade taxes, but due to the dual system, their tax dues are doubled (Ahmed, Islam, & Yahya, 2014). The establishment of Zakat is certainly one of the maximum generally explored and discussed aspects of the Islamic economy, Zakat is a required act intended by (Allah The Glorified and Exalted). Every able bodied and adult Muslim are required to pay Zakat. Zakat is a part of the property and riches that Muslims must pay yearly to help the poor citizens of their society. The Zakat is a form of (charity) which is compulsory on Muslims. The word zakat proposes the notion of growth to lay emphasis on that the giving of one's possessions is concurrently an act that cleanses oneself. Zakat is one of the strongest establishments of wealth sharing that promotes the Muslims' monetary assures and activities for a minimum standard of living for the Muslims. Zakat as an action of worship is an emblem of Islamic economy justice that safeguards equal and dependable distribution of riches. Transparent and proper distribution of zakat would give a direct influence on equitable distribution of riches to the people (Rao, 2016). Zakat money is reserved from high income earners and given to low income earners. To reduce poverty, a global phenomenon that spreads all over the world, and is present in the oldest human existence. It is a phenomenon that produces anxiety in the whole society and throughout history.

Currently, the focus has been on poverty and it is being the attention of the international community. Millions of people in this world live in extreme poverty and this causes danger to the world (Olanipekun, Brimah, & Sanusi, 2015). In the Sultanate of Oman there are many poor families who need help. Some families do not have homes or food and support is being provided to them from zakat funds. In the Wilayah of Nizwa, they established the Committee of Zakat and Sadqat of Wilayah Nizwa. The idea of this committee is that it acts as a bond between people, so whoever has zakat funds puts it in the committee and the committee gives it to needy families. The committee has a registration of families who need zakat. They write the number of family members, their place of residence, and other information. The idea of this committee has offered help to many families, and also encouraged people to pay zakat. Because there are people who do not know what zakat is and how to pay it. This committee has made many tasks easier for the receivers and suppliers of the Zakat . One of the most important pillars of Islam is Zakat. It means taking money out of the rich and giving it to the poor because we have a lot of poor people. Furthermore, poverty is an economic phenomenon that exists with old and new generations, as it has no relationship to geographical borders and cultural affiliation.

Also, the nature of poverty differs from one place to another and from one society to another. In addition, it varies according to time and era. Poverty is found in urban and rural areas as well as in developed and developing economies (Olanipekun et al., 2015). For this reason, poverty is the main problem that made people give charity to the poor because we have different levels of people, including high, middle and low incomes. And to alleviate poverty in the world,

they made zakat a mediator among the people. The Wilayah of Nizwa established the Zakat and Charity Committee for the Wilayah of Nizwa, which in turn reduces poverty in Nizwa amongst all the residents who are considered to be Zakat earners. Thus, this study aim to investigate the role of zakat in poverty alleviation in Nizwa.

LITERATURE REVIEW

In this section, a focus will be given on some previous studies in last five years. Majority of studies found that the Zakat help to decrease the poverty. For example, Utami, and Basrowi, (2021) The aim of this research is that BAZNAS management can be a good model for digital zakat and be successful in using digital technology in zakat management to know people's interests. This study obtained results in that the BAZNAS Zakat digital program reduces poverty through digital technological innovation and digital entrepreneurship in ATMs. This program can be important in the distribution of Zakat. Zainal Alim Adiwijaya, (2020) the object of this research is that zakat institutions are classified as institutions with good government. This study used the "Charting the Field" method to divide the articles on several foundations, including the source, discussion, year, and topic. Some positive results are found in this study, including that zakat institutions can alleviate poverty. Bilo, and Machado, (2020) this study examines the role of zakat funds in giving social protection in the Middle East region, such as Jordan. The result of this research is to know the different forms of Zakat, and it is also regulated by the state in an appropriate manner. Islamy, and Aninnas, (2020) this study purposes to compare taxes and zakat relationships. Three countries where we study the relationships of Zakat in Southeast Asia, because its residents are mostly Muslims (Brunei Darussalam, Indonesia and Malaysia).

The results displayed relational and functional differences in taxation and zakat relationships in Brunei Darussalam, Indonesia and Malaysia. In Brunei Darussalam, there is no relationship between tax and zakat. In Indonesia, there is a relationship between tax and zakat, which is the payment of zakat that reduces the taxable income. In Malaysia, a deduction for individual taxes that are used for zakat reaches up to 100%. Trianto, Siregar, and Nasution, (2020) this research aims to find out whether ambiguous demographics have influenced the flourishing of an empowerment approach that merits a regression approach to poverty alleviation using the logistical use of demographic variables. The result that shows only six variables, we get two variables that have an impact on and are successful in eradicating poverty. They are functional status and family members, and other variables that did not significantly have an effect which are the place of residence, age, gender and education level. Bouanani, and Belhadj, (2019) the aim of this research is the impact of zakat on fighting poverty in Tunisia. This was done through the Tunisian Family Survey, which was in 2010, and emphasized the importance of Zakat in combating poverty.

The result was a significant decrease in the poverty measure in the seven regions of Tunisia, and poverty could be eradicated in the western regions. Ali, Ibrahim, and Ab Aziz, (2019) these attempts are a research to analyze the missing elements in the current allocation of zakat among the needy and poor recipients of Zakat in Kelantan. This study mentions the necessity of including

these items in the distribution of Zakat in the future in order to develop and strengthen the status of the Muslim economy, and then help poverty alleviation programs by the Zakat Department. Machado, Bilo, and Helmy, (2018) this study examines that Zakat has a role in social protection, with the aim of protecting vulnerable people from risks. One of its most important results is that Zakat has advantages in providing social protection and also plays a role in providing support to the needy. Meraj, (2016) the project document here observes Credit comfort and the function of microfinance, based on a field research that defines the insights in Pakistan considering poverty reduction. The result was target of poverty mitigation out of microfinance in Pakistan has not totally accomplished by a majority they live at under poorness. Roikhan, (2016) this investigation intention to examine and influence the distribution of zakat funds. Learner Board of Directors has been founded in East Jakarta. Learner advocacy information is collected and the board uses reliability and honesty.

The results showed that the percentage of student rents to the poor was 96.6% and the rest is 3.4%. Hasan, (2016) Zakat is intended to stimulate economic development, human resources empowerment, education, religion health and insurance programs, social. The findings of the study reveals that zakat has a positive impact and significant influence in the short-and long-run in Malaysia. Kalbarini, and Widiastuti, (2016) the discussion of this research is about how the empowerment of economic. Result of this study increase in income, self-sufficiency in producing and marketing in Zakat Institution. Almarri, and Meewella, (2015) the study on poverty reduction has been conducted by businessmen and organizations, the studie discussing Islamic charitable work and its impacts on the well-being of society. In the Gulf Cooperation Council (GCC). The results of this research aims to contribute to us of social entrepreneurship by about organizing in increasing zakat funds to reduce poverty. Hasan, (2015) in Asia, a research has been done in Islamic countries in determining the characteristics and administrative issues relating to charity and its link to human security. In this section, a lesson about zakat on money. It is one of the mandatory zakat provisions in Sharia. M Akram, and Afzal, (2014) this research explores the request of some of these actions in a group manner and their provision of zakat to protect poor people out of poverty. The researchers here are investigated that there is an opposite link between poverty and Zakat expenditure both in the long-term and short-term in Pakistan. Khan, (2014) these findings transactions with the impression of exploitation of Zakat for the idea of professional education as a potential model for replication.

The objective of this investigation is to discover the potential for training entrepreneurship teaching to those who acquire professional skills in Punjab Vocational Training Board. Moreover, the training institutes scattered in Punjab should be found out whether they are relevant in encouraging entrepreneurship. The project objectives have been a model of benefiting from Zakat for Education Projects Fund, a value-based organization, a highly innovative educational and foundation organization. Abdelbaki, (2014) this analysis intentions to investigate the impact of Zakat on aggregate consumption, poverty mitigation and poverty alleviation strategies in the traditional economy. The most important finding is that the possibility of collecting zakat in Egypt cannot eliminate poverty from the Egyptian economy and that other types of charities may play an

important role in removing poorness in Egypt. Ahmed et al., (2014) The comparison among business duties levied on Muslims and those obligatory on Non-Muslims. The outcomes of this research found that there is different in the payment of the taxes and Zakat between Muslim and non-Muslim in Malaysia. Abdelbaki, (2013) examine the result of Zakat on income and poverty inequality in Kingdom of Bahrain. The most essential findings of the study are that Zakat can exclude poverty in Islamic countries and succeed the in demand justice in the distribution of financial gain.

ZAKAT AND POVERTY

Utami, and Basrowi, (2021) this study obtained results in that the BAZNAS Zakat digital program reduces poverty through digital technological innovation and digital entrepreneurship in ATMs. This program could be important in the distribution of zakat. Zainal Alim Adiwijaya, (2020) these were positive results from this study, including that zakat institutions can alleviate poverty. Bilo, and Machado, (2020) they examines of this research is to know the different forms of Zakat, and it is also regulated by the state in an appropriate manner. Islamy, and Aninnas, (2020) the results showed relational and functional differences in taxation and zakat relationships in Brunei Darussalam, Indonesia and Malaysia. In Brunei Darussalam, there is no relationship between tax and zakat. In Indonesia, there is a relationship between tax and zakat, which is the payment of zakat that reduces the taxable income.

In Malaysia, a deduction for individual taxes that are used for zakat reaches up to 100%. Trianto, Siregar, and Nasution, (2020) this study that shows only six variables, we get two variables that have an impact on successful in eradicating poverty. They are functional status and family members, and other variables that did not affect significantly they are the place of residence, age, gender and education level. Bouanani, and Belhadj, (2019) the result was a significant decrease in the poverty measure in the seven regions of Tunisia, and poverty could be eradicated in the western regions. Ali, Ibrahim, and Ab Aziz, (2019) this study mentions the necessity of including these items in the distribution of Zakat in the future in order to develop and strengthen the status of the Muslim economy, and then help poverty alleviation programs by the Zakat Department. Machado, Bilo, and Helmy, (2018) One of its most important results is that Zakat has advantages in providing social protection and also plays a role in providing support to the needy. Meraj, (2016) The result was to purposes the Impact of Microfinance on Poverty Alleviation in Pakistan however, it is not completely succeeded as majority of population they live at below poverty. Roikhan, (2016) the results showed that the percentage of student rents to the poor was 96.6% and the rest is 3.4%. Hasan, (2016) the findings of the study reveals that zakat has a positive and significant influence in the short-and long-run in Malaysia. Kalbarini, and Widiastuti, (2016) result of this study increase in income, self-sufficiency in producing and marketing in Zakat Institution. Almarri, and Meewella, (2015) they examines of this research is to contribute to us of social entrepreneurship by about organizing in increasing zakat funds to reduce poverty. Hasan, (2015) that founded have made mandatory provisions of zakat management in countries of Islamic. M Akram, and Afzal, (2014) Furthermore, the study examined that there is an opposite relationship

between Zakat and Poverty disbursement both in the long run and short run in Pakistan. Khan, (2014) the research objective has been a model of utilizing the Zakat to education fund projects, a value based organization, a learning organization and a highly innovative institution. Abdelbaki, (2014) The major significant finding is that the possibility of collecting zakat in Egypt cannot eliminate poverty from the Egyptian economy and that other types of charities may play an important role in removing poorness in Egypt. Ahmed et al., (2014) the results of this study discovered that there is different in the payment of the taxes and Zakat between Muslim and nonMuslim in Malaysia. Abdelbaki, (2013) the most essential findings of the study are that Zakat can exclude poverty in Islamic countries and succeed the in demand justice in the distribution of financial gain.

METHODOLOGY

This is quantitative study where the quantitative data was collected through secondary data. The dependent variable in this study was the Zakat in the Committee of Zakat and Sadqat of Wilayat Nizwa. The factor that influence the poverty are also known as independent variables (Zakat). This research contained real data of 3 years from Zakat institution (Committee of Zakat and Sadqat of Wilayat Nizwa).

RESULTS

Below Table 1 shows types of aid provided by the Committee Zakat and Sadqat to the poor peoples (Emergency-Aid, subvention, Urgent-Family-Allowance, Student-Allowance, School-bag/Computer, Zakat-Al-abdan, Repayment-of-the-debtor, Ramadan-Basket, Home-Maintenance, Treatment, Eid-Clothing and Empowerment-of-a-Insolvent-Family-Project). The results, show percent contribution each item from total of Zakat. In the 2018, the high ratio is 43% in Subvention and 36% in Eid-Clothing. In the 2019, the high ratio is 82% in Home-Maintenance and 61% in Urgent-Family-Allowance. In the 2020, the high ratio is 75% in Treatment and 40% in Urgent-Family-Allowance.

Table 1. Percent Contribution Each Item From Total of Zakat

Type	2018	2019	2020
Emergency-Aid	0%	0%	16%
Subvention	43%	40%	31%
Urgent-Family-Allowance	1%	61%	40%
Student-Allowance	2%	2%	31%
School-bag/Computer	7%	12%	8%
Zakat-Al-abdan	10%	9%	8%
Repayment-of-the-debtor	1%	3%	2%
Ramadan-Basket	0%	0%	8%
Home-Maintenance	0%	82%	1%
Treatment	1%	28%	75%

Eid-Clothing	36%	32%	25%
Empowerment-of-a-Insolvent-Family-Project	0%	20%	0%

Descriptive Statistics

Based on the results of the descriptive statistics, the dependent variable, which is first aid, observed that 5% represented the average first aid, with a standard deviation of 0.075. Moreover, the maximum and minimum values indicated that the return on assets is 0% and 16% respectively. In addition, the results displayed that the level of return on a subsidy was 38%, representing an average of a subsidy with a standard deviation of 0.050. Likewise, the minimum and maximum values indicated the return on equity is 31% and 43% respectively. Furthermore, expedited - family - shows an allowance that has a mean of 341% with a standard deviation of 2.559. The average student allowance is 1.058% with a standard deviation of 1.467. School bag / computer average is 9% with a standard deviation of 0.021; The regular Zakat of Al-Abdan is 9% with the standard deviation of 0.010; Pay off the debtor has an average of 2% with the standard deviation of 0.010; And average Ramadan basket is 3% with a standard deviation of 0.037, and the regular home maintenance is 275%, with the standard deviation of 3.877.

Furthermore, the maximum and minimum values specified that the return on assets are 0.4% and 8.231%, respectively. The results specified that the level of return on a treatment was 347% representing the usual treatment with a standard deviation of 3.105. Besides, the minimum and maximum values signified that the ROE is 31.2% and 43% respectively. In addition, the Eid dressing shows that it has a mean of 31% with a standard deviation of 0.047; The common insolvent family empowerment project is 68% with a standard deviation of 0.959. Likewise, the average Zakat was 527%, with the standard deviation of 0.974. Furthermore, the maximum and minimum values specified that the return on assets is 430% and 660%, respectively. Also, the average poverty was 9%, with the standard deviation of 0.008. Furthermore, the minimum and maximum values specified that the return on assets is 8% and 10% individually.

Table 2. Descriptive statistics

Type	Mean	Min	Max	Standard-D
Emergency-Aid	0.053	0.000	0.160	0.075
Subvention	0.381	0.312	0.430	0.050
Urgent-Family-Allowance	3.411	0.005	6.175	2.559
Student-Allowance	1.058	0.017	3.132	1.467
School-bag/Computer	0.091	0.070	0.119	0.021
Zakat-Al-abdan	0.089	0.076	0.101	0.010
Repayment-of-the-debtor	0.018	0.005	0.028	0.010
Ramadan-Basket	0.026	0.000	0.079	0.037
Home-Maintenance	2.748	0.004	8.231	3.877
Treatment	3.465	0.009	7.538	3.105
Eid-Clothing	0.309	0.248	0.363	0.047

Empowerment-of-a-Insolvent-Family-Project	0.678	0.000	2.034	0.959
Zakat	5.267	4.300	6.600	0.974
Poverty	0.090	0.080	0.100	0.008

Discriminant Validity

Testing the discriminant validity in PLS, as it can be seen there are standards that apply. The square-root of every AVE for each build should it has a large correlation level that other combinations contain. Thus, to deal with the validity of differentiation, according to in the findings of Fornell & Larcker (1981), the square root of each construct in its own AVE must be compared against the combinations' correlations of all other combinations.

Table 3. Discriminant Validity Constructs

Type	Poverty	Zakat
Poverty	1.000	
Zakat	-0.964	1.000

Table 4, appraisals the finding related to exam the hypothesis supported as it shown in table 6). The results revealed that the zakat negatively significant with a poverty where it was $P < 0.001$, $t = 88.029$. This finding indicates that the zakat has an important influence on poverty.

Table 4. Percent Contribution each item from total of zakat

	Original Sample	Sample Mean (M)	Standard Deviation	T Statistics (O/STDEV)	P Values	Result
Zakat ->Poverty	-0.964	0.964	0.011	88.029	***0.000	Supported

Note: The significance levels: *** $P < 0.001$ ($t > 3.33$), ** $p < 0.01$ ($t > 2.33$), * $p < 0.05$ ($t > 1.605$)

IMPACT OF ZAKAT ON POVERTY

The basic key of this study to impact the relationship between Zakat and Poverty from institution of Zakat and Sadqat in Nizwa. Zakat is a tool of solidarity among Muslims, and if the rich pay zakat to the poor, then love and affection will be between them. Zakat is of great importance to the poor, and it contributes to improving their standard of living, health and education. It also reduces the financial burden borne by the state by agreeing on the types of benefits it provides to the needy, such as orphans, the elderly, and others, and this has an economic impact on the state budget. It provides security for the state, as poverty is one of the causes of crime, and Zakat fights poverty, as it is a means of fighting crime indirectly. Zakat has its economic impact, which benefits the individual and society, and by paying zakat, its social objectives are achieved and its economic effects are obtained. The results of this research found that the hypothesis have a significant relationship between zakat and its impact on poverty, which is that Zakat has a negative relationship with poverty ($P < 0.001$, $t = 88.029$). This study found that more zakat will lead to reduce poverty. There are several previous studies confirming this findings statement. For

example, a study done by Utami and Basrowi, (2021) they test the BAZNAS management to provide a good model for digital zakat and to be successful in using digital technology in zakat management to see how important Zakat is to people. This study obtained results that BAZNAS digital zakat program reduces poverty through digital technological innovation in ATMs and how easy and fast this innovation is in providing zakat. Another study done by Zainal Alim Adiwijaya (2020) tried to classify zakat institutions as institutions of great importance in the organization and distribution of zakat. Their study used the "field mapping" method to divide the articles on several grounds, including source, discussion, Sunnah, and topic. These were positive results from this study, including that zakat institutions can alleviate poverty and distribute it to large quantities of the poor. The Bouanani & Belhadj (2019) said the effect of zakat on fighting poverty in Tunisia. This was done through the Tunisian family survey, which was conducted in 2010, and emphasized the importance of Zakat in reducing and combating poverty. The result was a significant decrease in the poverty measure in the seven regions of Tunisia, and poverty can be eradicated in the western regions if we implement the same household survey mechanism. Plus, Meraj, (2016) said in the published paper scrutinizes credit comfort and the role of microfinance, based on arena study that classifies views of the Pakistani people in relation to poverty mitigation. The result was that the goals of poverty mitigation through microfinance in Pakistan were not entirely did because the bulk of the population was living under the poverty line, but they were trying to increase funding in order for the poor population to rise from below the poverty line. The Akram and Afzal, (2014) believed these measures in a collective manner and the provision of Zakat to save a big number of the poor from poverty. Expressive and empirical evaluation of the standing system illustrate that the expenditure of zakat among the poor, widows, needy, orphans, and indigent has played an important role in alleviating poverty. Additionally, the study verified the existence of an opposite relationship between poverty and the expense of Zakat in the long and short term in Pakistan. The Abdel-Baqi (2014) found the investigate the impact of Zakat on overall consumption, poverty alleviation, and poverty alleviation strategies in the traditional economy. The most important result is that collecting zakat potential in Egypt cannot eliminate poverty in the entire Egyptian economy however, there are many types of other charities that marinate poverty in Egypt. The last study found Abdul-Baqi, (2013) examines the effect of zakat on income and poverty inequality in the Kingdom of Bahrain. The most important findings of the study are that zakat can eliminate poverty in Islamic countries and succeed in demanding fairness in the distribution of financial gains. The higher number of zakat payment by reports will level to reduce poverty.

CONCLUSION AND RECOMMENDATION

Zakat was stated as the third of the five columns of Sharia and that it is due on property such as money, gold, livestock and agricultural products. The requisites to pay zakat every year is carefully linked with the clue of justice and equality that lies beneath Islamic principles. The main purpose of Zakat is to support certain groups such as the needy, poor, or highly indebted. In the hope that this category of people has at least the basic requisites to lead a normal life, thus jettisoning poverty and raising the economy (Nadzri, Rahman, Rashidah & Omar, 2012). The main aim of this work

is to study the relationship between Zakat and poverty to find out whether Zakat has an impact on poverty reduction. Data for this research were collected from the Committee of Zakat and Sadqat of Wilayat Nizwa. The data showed the extent of the impact of Zakat on poverty and we studied its impact over three years (2018-2020). The data clearly showed that when the demand for zakat increased and explained, because of the Corona pandemic, the demand for zakat increased due to the widespread poverty during this period, but also there was a lot of zakat money that was able to help many of the poor. We calculated the poverty percentage, which is the number of poor people in Nizwa, dividing the population of Nizwa. This research found there is a negative relationship between Zakat and poverty, which means more Zakat that reduces poverty. If all people pay zakat, then in the future we will live a life free of poverty, and this will raise the country's economy. In this research, have taken a small sample from this great scientist to study it, but by confirming previous assumptions and studies, we made sure of the validity of this information and the relationship between zakat and poverty. Therefore, zakat has a great role in reducing poverty.

This study contains many recommendations for future studies. First, this study deals with the direct relationship between Zakat and poverty. There is a lack of previous research that studies the effect of these variables together. It recommended to those who want to write in this field studying whether the effect of Sadaqat on poverty, such as the effect of zakat. Second, this study endorses for future studies to study whether there are many debtors and how to pay the debt of the poor who do not have enough money to pay that debt. Third, scholars and researchers must deeply verify the validity of this relationship that we obtained and to prove the existence of this relationship in the Sultanate of Oman. Fourth, this study recommends the establishment of an international Zakat institution that includes all Arab Islamic countries, in order to expand cooperation and solidarity among Islamic countries.

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PENGARUH LITERASI KEWANGAN TERHADAP PENGURUSAN KEWANGAN PERIBADI DI KALANGAN B40 DI KELANTAN

*(The Influence of Financial Literacy on Personal Financial Management Among
B40 In Kelantan)*

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Abstrak

Keadaan ekonomi semasa di dunia telah menimbulkan kebimbangan serius mengenai keselamatan kewangan individu. Literasi kewangan adalah mengenai penguasaan pengetahuan dan pemahaman hal-hal kewangan. Objektif kajian ini adalah untuk menentukan tahap literasi kewangan dan menentukan pengaruh literasi kewangan terhadap rancangan simpanan, rancangan persaraan, perancangan hutang dan keputusan pelaburan bagi golongan B40 yang merupakan pekerja Persatuan Nelayan Kawasan Tumpat. Kerangka kajian ini mempunyai empat pemboleh ubah bebas iaitu rancangan simpanan, rancangan persaraan, perancangan hutang dan keputusan pelaburan. Pemboleh ubah bersandar kajian ini adalah literasi kewangan dan pengurusan kewangan peribadi. Dengan menggunakan teknik pensampelan rawak berstrata, sejumlah 110 data dikumpulkan melalui kaedah tinjauan soal selidik dan data dianalisis secara statistik menggunakan Statistical Package for Social Science (SPSS). Berdasarkan hasil kajian, ia menunjukkan bahawa semua faktor yang merangkumi rancangan simpanan, rancangan persaraan, perancangan hutang dan keputusan pelaburan mempunyai hubungan signifikan dengan literasi kewangan dan pengurusan kewangan peribadi.

Kata Kunci: Literasi Kewangan, Kewangan Peribadi, B40, Kelantan.

Abstract

The current economic situation in the world has raised serious concerns about the financial security of individuals. Financial literacy is about mastering the knowledge and understanding of financial matters. The objective of this study is to determine the level of financial literacy and determine the influence of financial literacy on savings plans, retirement plans, debt planning and investment decisions for the B40 group who are employees of the Tumpat Area Fishermen

Association. The framework of this study has four independent variables namely savings plan, retirement plan, debt planning and investment decision. The dependent variables of this study were financial literacy and personal financial management. Using stratified random sampling technique, a total of 110 data were collected through a survey questionnaire method and the data were analyzed statistically using the Statistical Package for Social Science (SPSS). Based on the results of the study, it shows that all the factors that include savings plans, retirement plans, debt planning and investment decisions have significant relationships with financial literacy and personal financial management.

Keywords: *Financial Literacy, Personal Finance, B40, Kelantan.*

PENGENALAN

Ketika ekonomi negara terus berkembang, lebih banyak peluang dicipta untuk mencapai matlamat hidup dan kebebasan kewangan. Keputusan yang perlu dibuat setiap hari mengenai pengurusan kewangan sama ada memilih untuk menabung dengan pihak tertentu atau merancang untuk bersara serta keperluan kewangan lain, akan memberi kesan yang berkekalan kepada kesejahteraan individu. Keyakinan dan kemampuan mengurus kewangan adalah ciri penting untuk mencapai dan menentukan kehidupan yang baik. Mereka yang celik dari segi kewangan dapat membuat keputusan kewangan yang baik pada setiap tahap kehidupannya dalam meningkatkan taraf hidup mereka. Keupayaan kewangan membolehkan setiap isi rumah berinteraksi secara bertanggungjawab dengan penyedia perkhidmatan kewangan, sehingga menyumbang kepada ketahanan kewangan mereka. Dengan meningkatkan kemampuan dan keinginan rakyat Malaysia untuk menentukan arah kewangan mereka, kita dapat memupuk masyarakat yang lebih berdikari pada masa depan yang lebih cerah untuk semua rakyat Malaysia.

Literasi kewangan ditakrifkan sebagai kesedaran, pengetahuan, kemahiran, sikap dan tabiat yang diperlukan untuk membuat keputusan kewangan yang baik (Syed Zaid Albar, 2018). Berdasarkan kajian sebelumnya, terdapat beberapa faktor yang mempengaruhi literasi kewangan. Ia terdiri daripada rancangan simpanan (Abere, 2018), rancangan persaraan (Njehia, 2014), perancangan hutang (Javantila, 2017) dan keputusan pelaburan (Mwathi, 2017). Oleh itu, dalam kajian ini, pengkaji ingin mengkaji mengenai pengaruh literasi kewangan terhadap pengurusan kewangan peribadi di kalangan pekerja Persatuan Nelayan Kawasan Tumpat.

KAJIAN LITERATUR

Literasi Kewangan

Literasi kewangan ditakrifkan sebagai pengetahuan dan kemahiran yang membolehkan seseorang memahami prinsip kewangan yang diperlukan untuk membuat keputusan kewangan yang tepat dan produk kewangan yang mempengaruhi kesejahteraan kewangan seseorang (Basu, 2005). Oleh itu, celik kewangan peribadi adalah kemampuan untuk membuat pertimbangan yang tepat dan membuat keputusan yang berkesan mengenai penggunaan dan pengurusan wang. Literasi

kewangan adalah kunci untuk membolehkan seseorang mengenalpasti masalah dan tingkah laku kewangan untuk menyokong pengurusan sumber kewangan yang berkesan demi kesejahteraan kewangan seumur hidup (Hilgert dan Hogarth, 2002). Literasi kewangan akan meningkatkan bagaimana seseorang individu akan meneliti dan menghayati masalah kewangan. Contohnya, ketika perancangan membeli rumah, membayar pendidikan, memulakan keluarga dan bersiap sedia untuk bersara.

Pengurusan Kewangan Peribadi

Agarwal, Driscoll, Gabaix, Laibson (2009) menyatakan bahawa pengurusan kewangan peribadi adalah kemampuan seseorang individu untuk memilih instrumen terbaik yang akan menguntungkan mereka dalam jangka masa panjang. Seorang individu mempraktikkan cara mengurus wang mereka berkaitan dengan bagaimana mereka merancang, membelanjakan dan menyisihkan peratusan tertentu untuk penggunaan masa depan. Untuk menguruskan kewangan dengan berkesan, seseorang perlu merancang dan membuat penyelidikan dan mempertimbangkan objektif yang ingin dicapai. Menurut Kempson dan Finney (2009), kemahiran pengurusan kewangan peribadi dipengaruhi oleh kawalan kewangan, perbelanjaan dan perancangan seseorang individu. Kaedah terbaik untuk menggunakan wang dengan betul adalah dengan mempunyai anggaran perbelanjaan, mengambil kredit yang mampu mereka bayar dan hidup sesuai dengan kemampuan mereka. Ini bermaksud menggunakan kewangan seperti yang dirancang dan mengurangkan perbelanjaan yang tidak perlu. Pendekatan lain termasuklah perlindungan kewangan, perancangan cukai, pelaburan, perancangan persaraan dan rancangan harta tanah (Kempson & Finney, 2009).

Literasi Kewangan Dan Pengurusan Kewangan Peribadi

Literasi kewangan peribadi mendorong pengetahuan dan kemahiran yang mungkin menghasilkan pengurusan kewangan peribadi yang berkesan dan cekap (Lusardi dan Mitchell, 2007). Individu yang berbeza mempunyai pelbagai tanggungjawab, nilai, kehendak, keperluan dan sumber. Dengan kemampuan untuk membuat pertimbangan yang tepat dan keputusan yang berkesan mengenai penggunaan dan pengurusan wang, ia menjadi lebih mudah untuk memberi tumpuan kepada bidang pengurusan kewangan yang paling penting (Hilgert dan Hogarth, 2002). Penting bagi seseorang individu dan isi rumah untuk memahami kedudukan kewangan mereka yang melibatkan nilai bersih dan aliran tunai isi rumah (Lusardi dan Tufano 2009). Nilai bersih seseorang melibatkan aset seseorang terhadap liabiliti pada suatu waktu tertentu. Aliran tunai isi rumah merangkumi semua pendapatan mereka pada tahun tertentu dengan mempertimbangkan jangkaan perbelanjaan mereka dalam tahun yang sama. Analisis ini membantu untuk mengenal pasti matlamat kewangan yang akan dicapai dan membuat rancangan kewangan yang tepat.

Rancangan Menyimpan

Rancangan menyimpan dapat didefinisikan sebagai amalan kewangan di mana individu mengabaikan keperluan semasa mereka untuk berbelanja dan menyisihkan sebahagian wang

mereka untuk melabur dalam peluang perniagaan atau mengurus keperluan pada masa depan. Individu perlu menabung kerana beberapa faktor. Teori simpanan kitaran hidup meramalkan bahawa seseorang mengambil beberapa langkah di dalam kehidupan yang akan menentukan kejayaan dan kegagalan dalam setiap keputusan yang dibuat oleh mereka (Bengi & Njenje, 2016). Modigliani dan Brumberg (1985), mengutarakan teori perbelanjaan berdasarkan idea umum bahawa seseorang membuat pilihan mengenai perbelanjaan mereka pada setiap usia, hanya dibatasi oleh sumber yang ada sepanjang hidup mereka. Teori ini menunjukkan bahawa individu mengikuti corak simpanan berbentuk bonggol sepanjang hayat mereka. Oleh itu, rancangan menyimpan kewangan untuk tujuan masa depan sangat penting berdasarkan teori-teori tersebut.

Rancangan Persaraan

Evans, Orszag dan Piggott (2008), menyatakan bahawa orang yang tidak celik kewangan cenderung untuk hidup dengan meminjam demi memenuhi keperluan harian mereka. Mereka kurang mengambil berat tentang hari esok dan masa depan mereka dan tidak aktif dalam tenaga kerja. Sebilangannya membuat pinjaman dari bank dan institusi kewangan lain untuk membayar wang pinjaman lain. Greenspans (2002) mengungkapkan bahawa orang dalam kumpulan umur dan tahap kewangan yang sama secara langsung atau tidak langsung mempengaruhi apa yang diputuskan oleh individu dengan wang mereka untuk memenuhi keperluan masa depan mereka. Beberapa individu diperhatikan untuk tidak bersikap bebas terhadap pilihan yang mereka buat tetapi diarahkan oleh rakan mereka untuk menyimpan wang mereka dan melakukannya tanpa mempertimbangkan kebaikan dan kekurangan mereka. Dalam pengaturan ini, individu dilihat menghabiskan wang mereka untuk mempunyai status sosial yang sama dengan rakan mereka walaupun tahap pendapatan mereka tidak sama.

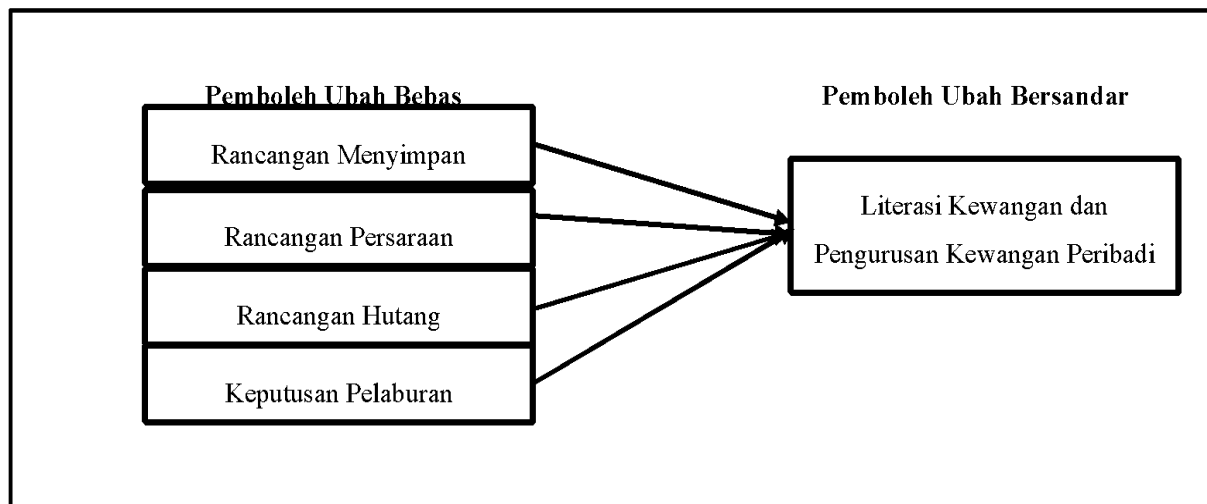
Perancangan Hutang

Amalan ini berkaitan dengan kemahiran individu bagaimana meminjam dan membayar kembali pinjaman dengan jumlah terakru setelah mengenakan faedah (Cole, Zia, Abel, Crowley, Pauliac & Postal, 2014). Kerana keadaan ekonomi yang sukar, hanya sedikit yang dapat membiayai semua keperluan wang mereka dan keluarga serta tanggungan mereka. Walaupun individu harus meminjam untuk bertahan, mereka perlu mempunyai kawalan yang baik terhadap pinjaman mereka agar mereka tidak menghabiskan banyak perbelanjaan dan gagal membayar balik pinjaman. Pilihan berapa jumlah yang dapat diperoleh oleh individu dari rakan, ahli keluarga atau bank tidak mudah untuk dijelaskan, namun perlu berhati-hati mengenai jumlah yang dipinjam dan jumlah yang harus dibayar di samping faedah yang dikenakan (Chen & Volpe, 2002). Akibatnya, individu mendapati diri mereka berada dalam situasi yang sukar untuk meminjam yang memerlukan perlunya mereka berunding agar bersedia secara mental sebelum mengambil tindakan membuat sebarang pinjaman atau hutang.

Keputusan Pelaburan

Amalan ini berkaitan dengan menyimpan sebahagian daripada pendapatan individu dalam ekuiti, debentur, sekuriti atau aset yang akan menghasilkan pendapatan pada masa akan datang (Ghatak, 2013). Cara yang paling dipersetujui untuk menjana keuntungan atau dividen adalah dengan membeli saham di pasaran sekuriti, bon daripada kerajaan, menabung di bank untuk mendapatkan faedah dan melaburkan wang dalam aktiviti penjanaan pendapatan. Dengan pengetahuan kewangan yang baik, seseorang dapat memperoleh kredit dari bank dan institusi kewangan lain untuk memulakan perniagaan dan menambah pendapatan mereka (Hieltjes & Petrova, 2013). Namun, antara kesilapan terbesar yang dilakukan tatkala memperolehi kredit dan melaburkan wang ke dalam perniagaan yang mereka jangkakan keuntungan segera. Suatu perniagaan yang dijalankan mempunyai kitaran untung rugi dan seseorang individu memerlukan kemahiran kewangan untuk membuat keputusan yang tepat agar sumbernya tidak sia-sia.

Oleh itu, berdasarkan kajian-kajian terdahulu, kajian ini dilaksanakan bertujuan untuk mengkaji kesan literasi kewangan terhadap pengurusan kewangan peribadi di kalangan para responden. Empat pemboleh ubah bebas dikenal pasti dalam penyelidikan ini dan ia ditunjukkan dalam Rajah 1. Rajah 1 menunjukkan pemboleh ubah bebas iaitu rancangan simpanan, rancangan persaraan, perancangan hutang dan keputusan pelaburan, sementara pemboleh ubah bersandar adalah literasi kewangan dan pengurusan kewangan peribadi.



Rajah 1. Kerangka Teori Kesan Literasi Kewangan Terhadap Pengurusan Kewangan Peribadi

METODOLOGI KAJIAN

Kajian ini menggunakan data primer. Data utama diperolehi daripada 110 responden kajian iaitu ahli Persatuan Nelayan Kawasan Tumpat (PNKT). Data dikumpulkan menggunakan borang soal selidik yang dikendalikan sendiri melalui google form bermula dari 14 Disember hingga 20

Disember 2020. Kemajuan teknologi memberi manfaat kepada penyelidik dengan cara yang membolehkan pemerolehan data lebih cepat. URL soal selidik dalam talian dihantar melalui media sosial seperti WhatsApp kepada semua ahli PNKT. Responden dimaklumkan bahawa jawapan mereka hanya digunakan untuk tujuan akademik sahaja. Untuk penyelidikan ini, populasi penyelidikan dirujuk kepada keseluruhan masyarakat yang mana pengkaji ingin menggeneralisasikan hasilnya kepada populasi kajian (Mugenda, 2003). Untuk laporan ini, penyelidik berhasrat untuk menyebarkan borang soal selidik kepada semua ahli PNKT. Untuk sampel, ia merujuk kepada jumlah responden yang akan dimasukkan dalam kajian. Saiz sampel yang diperlukan ialah 110. Pengkaji akan mengedarkan 110 set soal selidik kepada ahli PNKT.

ANALISIS DATA DAN HASIL KAJIAN

Analisis frekuensi merujuk kepada kekerapan subkategori fenomena tertentu berlaku di mana peratusan dan peratusan kumulatif dapat dikira dengan mudah (Sekaran & Bougie, 2013). Untuk bahagian ini, taburan frekuensi yang ditunjukkan adalah berdasarkan Bahagian A dalam soal selidik di mana ia merangkumi profil demografi seperti jantina, umur, status perkahwinan, tahap pendidikan dan tahap pendapatan bulanan (Mwathi, 2017).

Statistik Kekerapan Untuk Maklumat Demografi

Berdasarkan analisis statistic, jumlah responden adalah 110 orang di mana majoriti responden iaitu 83.6 peratus adalah lelaki dan 16.4 peratus adalah perempuan. Manakala umur di bawah 30 tahun dan 51 tahun ke atas adalah masing-masing 26.4 peratus manakala pekerja berumur antara 41 hingga 50 tahun adalah 19.1 peratus. Majoriti responden berumur antara 31 hingga 40 tahun iaitu 28.2 peratus. Majoriti responden (70.9 peratus) sudah berkahwin manakala 21.8 peratus masih bujang dan 3.60 peratus berstatus cerai dan lain-lain. Terdapat beberapa peringkat iaitu SPM, Diploma, Ijazah, Sarjana dan Lain-lain. Majoriti responden mempunyai SPM iaitu 46.4 peratus, manakala 26.4 peratus responden mempunyai Sijil / Diploma, 15.5 peratus mempunyai Ijazah, 11.8 peratus adalah lain-lain. Sebilangan besar responden mempunyai pendapatan di bawah RM1,000 iaitu pada kadar 53.6 peratus. Seterusnya, 31.8% peratus responden mempunyai pendapatan antara RM1,001-RM2,000 diikuti oleh responden dengan pendapatan RM2,001-RM3,000 (11 peratus). Akhir sekali, hanya 3 peratus responden yang berpendapatan RM3,001 dan ke atas.

Analisis Deskriptif

Analisis deskriptif digunakan untuk menerangkan atau meringkaskan ciri-ciri data dalam sesebuah kajian. Analisis deskriptif yang ditunjukkan berdasarkan Bahagian B, C, D, E dan F dalam soal selidik di mana ia merangkumi faktor-faktor pemboleh ubah bebas dan bersandar yang sedang dikaji iaitu pengurusan kewangan peribadi (Abere, 2018), rancangan simpanan (Mwathi, 2011), rancangan persaraan (Aibuma, 2011), perancangan hutang (Jayantilal, 2017) dan keputusan pelaburan (Aibuma, 2011).

Jadual 1. Statistik Deskriptif Pengurusan Kewangan Peribadi

Item	Min	Julat	Sisihan Piawai	Varians
1. Saya tahu apa itu pengurusan kewangan	4.65	2	0.517	0.268
2. Saya hanya membeli apa yang saya rancang	4.40	3	0.693	0.481
3. Saya membandingkan harga untuk perbelanjaan utama	4.43	3	0.710	0.504
4. Saya menetapkan matlamat dan objektif kewangan dalam hidup saya	4.45	3	0.686	0.470
5. Saya telah menyetorkan dana kecemasan	4.54	3	0.631	0.398

Berdasarkan jadual 1 di atas, terdapat lima soalan dalam pemboleh ubah bersandar iaitu Pengurusan Kewangan Peribadi. Untuk soalan pertama, min adalah 4.65. Ini menunjukkan bahawa sebahagian besar pekerja yang bekerja di PNKT memahami apa itu pengurusan kewangan. Untuk soalan kedua, nilai min ialah 4.40. Ini bermaksud bahawa pekerja bersetuju bahawa mereka hanya membeli barang yang telah mereka rancang sahaja. Selain itu, untuk item ketiga, pekerja bersetuju bahawa mereka membandingkan harga untuk perbelanjaan besar. Ini berdasarkan hasil min adalah 4.43. Seterusnya, min bagi item keempat adalah 4.45 kerana pekerja bersetuju bahawa mereka telah menetapkan tujuan dan objektif kewangan dalam hidup mereka dan untuk item terakhir, kebanyakan pekerja telah menyetorkan sejumlah dana kecemasan kerana nilai min untuk item ini adalah 4.54 (setuju).

Jadual 2. Statistik Deskriptif untuk Rancangan Menyimpan

Item	Min	Julat	Sisihan Piawai	Varians
1. Saya menyimpan setiap bulan	4.70	3	0.614	0.377
2. Saya menyimpan sekurang-kurangnya 10 peratus daripada pendapatan kasar secara bulanan	4.50	3	0.714	0.509
3. Saya menambah simpanan apabila menerima kenaikan gaji	4.43	4	0.795	0.632
4. Saya menyetorkan wang untuk keperluan / kehendak masa depan	4.53	2	0.673	0.453
5. Saya adalah jenis orang yang selalu berjimat	4.47	3	0.738	0.545

Berdasarkan jadual 2 di atas, ia menunjukkan hasil bagi pemboleh ubah bebas pertama iaitu rancangan menyimpan. Nilai min adalah sekitar 4 hingga 5 (setuju) pada skala instrumen untuk menyimpan setiap bulan (4.70), menyimpan sekurang-kurangnya 10 peratus dari pendapatan bulanan kasar (4.50), meningkatkan simpanan apabila mereka menerima kenaikan gaji (4.43), menyetorkan wang untuk keperluan / kehendak masa depan (4.53) dan mereka adalah orang yang berusaha untuk menjimatkan wang (4.47). Ini menunjukkan bahawa pekerja di PNKT selalu mencari peluang untuk menjimatkan wang, menyisihkan wang untuk keperluan masa depan dan menabung dari setiap gaji yang mereka terima.

Jadual 3. Statistik Deskriptif untuk Rancangan Persaraan

Item	Min	Julat	Sisihan Piawai	Varians
1. Saya menabung untuk bersara	4.54	4	0.725	0.526
2. Saya mempunyai rancangan persaraan	4.36	3	0.775	0.601
3. Saya menyumbang kepada skim faedah persaraan berdaftar	4.45	4	0.750	0.562
4. Saya memaksimumkan caruman persaraan / pencen saya setiap tahun	4.41	4	0.782	0.611
5. Saya tahu jumlah yang saya perlukan untuk membiayai persaraan yang selesa	4.43	4	0.760	0.577

Berdasarkan jadual 3 di atas, ia menunjukkan hasil bagi pemboleh ubah bebas kedua iaitu Rancangan Persaraan. Dari hasilnya, nilai min ialah 4.54 adalah simpanan untuk persaraan. Untuk soalan kedua, hasilnya mencatatkan min 4.36 iaitu mereka mempunyai rancangan persaraan mereka sendiri. Ini menunjukkan bahawa pekerja di PNKT sudah membuat persiapan untuk persaraan mereka tidak lama lagi. Nilai min yang ditunjukkan untuk faktor menyumbang kepada skim faedah persaraan berdaftar adalah 4.45 (setuju). Untuk item keempat, nilai min adalah 4.41 untuk faktor memaksimumkan caruman persaraan / pencen mereka setiap tahun dan untuk item terakhir, tentu mereka tahu jumlah yang mereka perlukan untuk membiayai persaraan yang selesa dengan nilai min 4.43.

Jadual 4. Statistik Deskriptif untuk Perancangan Hutang

Item	Min	Julat	Sisihan Piawai	Varians
1. Saya membayar bil saya tepat pada waktunya	4.59	3	0.654	0.427
2. Saya telah meminjam wang dari keluarga atau rakan-rakan	4.25	4	0.933	0.870
3. Saya membayar balik wang yang saya pinjam tepat pada waktunya	4.52	3	0.713	0.509
4. Saya menggunakan kad kredit untuk membayar bil / membeli makanan	4.24	4	0.928	0.861
5. Saya membayar amaun tertunggak kad kredit penuh setiap bulan	4.35	4	0.829	0.687

Berdasarkan jadual 4, ia menunjukkan hasil bagi pemboleh ubah bebas ketiga iaitu Perancangan Hutang. Berdasarkan hasilnya, min tertinggi untuk semua pertanyaan yang diajukan adalah membayar bil tepat pada waktunya (4.59), manakala meminjam wang dari keluarga atau rakan (4.25), membayar balik wang yang mereka pinjam tepat pada waktunya (4.52), menggunakan kad kredit untuk membayar bil / beli makanan (4.24) dan melunaskan jumlah kad kredit yang belum dibayar setiap bulan (4.35). Ini menunjukkan tahap disiplin yang tinggi berkenaan dengan pembayaran bil dan hutang tepat pada waktunya.

Jadual 5. Statistik Deskriptif untuk Keputusan Pelaburan

Item	Min	Julat	Sisihan Piawai	Varians
1. Saya tahu mengenai pelaburan (saham, bon, dana bersama)	4.59	2	0.563	0.317
2. Saya telah melabur dalam saham, bon atau dana bersama	4.45	3	0.699	0.489
3. Saya telah melaburkan lebih daripada satu jenis pelaburan	4.42	4	0.759	0.576
4. Saya menamatkan pelaburan saya yang rugi	4.39	4	0.767	0.589
5. Saya melaburkan wang saya berdasarkan pendapat orang lain	4.48	3	0.700	0.490

Berdasarkan jadual 5, ia menunjukkan hasil bagi pemboleh ubah bebas keempat iaitu Keputusan Pelaburan. Nilai min untuk mengetahui tentang pelaburan (saham, bon, dana bersama), telah melabur dalam saham, bon atau dana bersama, telah melaburkan lebih dari satu jenis pelaburan dan melabur wang berdasarkan pendapat yang lain adalah masing-masing 4.59, 4.45, 4.42 dan 4.48. Nilai min terendah untuk bahagian terakhir ini ialah 4.39 iaitu menamatkan pelaburan yang membuatkan saya kerugian. Ini menunjukkan bahawa pekerja PNKT mempunyai pengetahuan mendalam mengenai pelaburan yang telah mereka buat untuk masa depan mereka.

PERBINCANGAN DAN KESIMPULAN

Hasil kajian menunjukkan bahawa kebanyakan responden mengamalkan budaya menabung. Ini dibuktikan apabila mereka menyisihkan sejumlah wang dari setiap gaji yang mereka terima untuk tujuan tersebut. Kajian ini juga mendapati bahawa sebahagian besar pekerja PNKT selalu mencari peluang untuk berjimat-cermat dengan menyimpan sekurang-kurangnya 10 peratus daripada pendapatan bulanan kasar dan meningkatkan jumlah simpanan mereka ketika menerima kenaikan gaji. Hasil yang serupa telah dilihat dalam kajian oleh Klapper dan Panos (2011) yang meneliti kesan literasi kewangan terhadap rancangan simpanan. Mereka mendapati bahawa literasi kewangan yang lebih tinggi secara positif berkaitan dengan perancangan simpanan.

Selanjutnya, literasi kewangan yang tinggi terbukti telah yang memberi kesan positif terhadap rancangan persaraan kerana peningkatan literasi menunjukkan bahawa individu yang mempunyai pemahaman yang lebih baik mengenai keadaan kewangan mereka akan berada dalam kedudukan yang lebih baik untuk merancang kewangan masa depan mereka. Beberapa kajian terdahulu menunjukkan bahawa orang yang merancang untuk bersara sebenarnya mengumpulkan lebih banyak simpanan persaraan. Lusardi (1999) menunjukkan mereka yang merancang untuk bersara mempunyai kekayaan yang berlipat ganda berbanding dengan mereka yang tidak merancang persaraan mereka.

Hasil kajian ini juga menunjukkan bahawa sebahagian besar pekerja mempunyai bebanan hutang. Walau bagaimanapun, hubungan antara kesan literasi kewangan dan perancangan hutang dilaporkan tinggi (setuju). Pekerja yang lebih celik dari segi kewangan cenderung tidak menghadapi masalah dengan hutang. Hasil kajian ini menunjukkan bahawa pekerja yang

mempunyai celik kewangan didapati lebih mudah menguruskan bil, membayar jumlah kad kredit yang tertunggak dan membayar pinjaman tepat pada waktunya. Umumnya, tahap hutang yang tinggi merupakan pendorong kepada seseorang untuk terdedah kepada penipuan pelaburan, tunggakan kad kredit dan muflis yang akhirnya menjadi petunjuk kepada tidak celik kewangan pada individu (Kim, 2000). Davies dan Lea (1995) mendapati bahawa individu yang diharapkan dapat menjana lebih banyak wang pada masa akan datang akan lebih bijak menguruskan hutang.

Kesimpulannya, pekerja PNKT mempunyai tahap celik kewangan yang tinggi terhadap keputusan pelaburan mereka. Mereka sudah mengetahui mengenai pelaburan seperti saham, bon dan dana bersama yang akan memberi manfaat kepada mereka. Kajian yang dilakukan oleh Grinblatt, Keloharju dan Linnainmaa (2011) menyimpulkan bahawa pelabur yang mempunyai pengetahuan yang tinggi tentang kewangan akan memanfaatkannya bagi tujuan membuat pelaburan. Para penyelidik juga membuat kesimpulan bahawa para pelabur membuat keputusan pelaburan setelah berbincang dengan ahli keluarga atau rakan mereka. Ini menunjukkan pengaruh kumpulan sosial terhadap pelaburan individu adalah sangat penting.

Kajian ini dijalankan untuk mengenal pasti tahap literasi kewangan di kalangan pekerja PNKT. Berdasarkan objektif kajian ini, terdapat hasil positif dan signifikan bagi tahap celik kewangan di kalangan pekerja. Sebilangan besar pekerja celik kewangan dan ini sangat menyumbang kepada perancangan kewangan peribadi pekerja. Ini ditunjukkan oleh hubungan positif secara statistik antara pemboleh ubah bebas dan pemboleh ubah bersandar (Moore, 2003). Oleh itu, kajian ini telah mencapai objektif yang diharapkan.

Penyelidikan ini juga bertujuan untuk menentukan kesan literasi kewangan kepada golongan B40 iaitu pekerja di PNKT. Kajian ini meneliti rancangan simpanan, rancangan persaraan, perancangan hutang dan keputusan pelaburan sebagai pemboleh ubah bebas manakala pengurusan kewangan peribadi adalah pemboleh ubah bersandar. Merujuk kepada penemuan kajian ini, dapatlah disimpulkan bahawa rancangan simpanan, rancangan persaraan, perancangan hutang dan keputusan pelaburan secara positif dan signifikan mempengaruhi pengurusan kewangan peribadi. Hasil ini disokong oleh Miles (2004) yang membuktikan bahawa semua pemboleh ubah di atas adalah faktor utama yang mempengaruhi pengurusan kewangan peribadi pekerja. Namun secara keseluruhan, celik kewangan membawa kepada amalan pengurusan kewangan peribadi yang lebih baik.

Cadangan Dan Sumbangan Kajian

Berdasarkan kajian yang telah dijalankan ini, penyelidik mencadangkan agar majikan membuat perancangan untuk membawa pekerja mereka mengikut program latihan literasi kewangan tahunan. Ini kerana, ia bukan sahaja bermanfaat untuk kehidupan peribadi pekerja, malah menyumbang kepada organisasi. Pekerja yang berada dalam kedudukan kewangan yang lebih baik akan mampu menguruskan organisasi dengan lebih cemerlang. Penyelidik juga mengesyorkan agar semua pekerja digalakkan untuk melaburkan kewangan mereka dalam peluang perniagaan yang mempunyai pulangan yang baik. Sebagai contoh, para pelabur memperoleh keuntungan tinggi berbanding dengan mereka yang memegang aset mereka dan menunggu sehingga mereka

yakin akan memperoleh keuntungan sehingga dapat melabur. Selain itu, institusi kewangan harus berkerjasama dengan pihak yang berminat misalnya universiti dan kolej untuk menyediakan kursus literasi kewangan peribadi. Peranan institusi kewangan adalah untuk memastikan bahawa kursus yang ditawarkan mempunyai kandungan yang sesuai terutama yang berkaitan dengan amalan pengurusan kewangan peribadi.

Kepentingan Dan Sumbangan Kajian

Dengan hasil penyelidikan ini, majikan akan dapat menentukan literasi kewangan sebenar di kalangan pekerja mereka. Majikan juga akan mendapati hasil kajian ini penting dalam mengembangkan budaya pengurusan kewangan yang berhemah di kalangan pekerja mereka kerana pekerja yang menghadapi masalah kewangan peribadi akan sering membawa masalah tersebut ke tempat kerja dan akhirnya memberikan kesan yang negatif kepada majikan. Selain itu, sumbangan kajian ini terhadap individu pula adalah seseorang akan memahami kesan celik kewangan terhadap pilihan yang mereka buat terhadap pelaburan mereka. Ini akan memotivasi mereka untuk memperoleh lebih banyak pengetahuan mengenai pengurusan kewangan peribadi dan pelaburan peribadi sehingga memungkinkan mereka membuat keputusan yang rasional mengenai kewangan mereka untuk meningkatkan kekayaan mereka pada masa hadapan. Akhirnya, kajian ini telah membentuk landasan yang tepat dan dapat membantu penyelidik masa depan yang mungkin ingin melakukan penyelidikan dalam bidang literasi kewangan dan pengurusan kewangan peribadi. Kajian ini masih mempunyai banyak kekurangan dan diharapkan penyelidik masa depan dapat berusaha untuk menambahbaik kajian ini.

RUJUKAN

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STRATEGIC PLANNING WITH *SEJAHTERA ULŪ AL-ALBĀB* APPROACH FOR SUSTAINABILITY

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Abstract

A holistic strategic planning process integrates sejahtera ulū al-albāb approach. This study argued that the sejahtera ulū al-albāb approach is powerful to provide a precise, rigorous and vigorous human-mind way. This study aims to investigate the influence of sejahtera ulū al-albāb approach in the practices of strategic planning among small and medium enterprises. The three small and medium enterprises owners' experience in the strategic planning with sejahtera and ulū al-albāb approach has been proven from the owners' experience in sustaining the business. There are various push and pull factors that shape the meaning of sejahtera and degree of thinking in the strategic planning for the enterprises. Notably, the three business owners of small and medium enterprises in this study mentioned that the influence of sejahtera and ulū al-albāb in their strategic planning practices is enhanced due to the grass-root networking provided by close friends, family members and the public to drive the motivation to operate the business and realizing his potential. Future researchers may want to adopt a qualitative case study method involving several small and medium enterprise owners.

Keywords: *Strategic planning, Ulū al-albāb , Small and Medium Enterprises.*

INTRODUCTION

Strategic planning enables companies to formulate strategies that could generate profit and sustain competitive advantage. Strategic planning involves a lot of thinking in developing direction of companies, scanning the internal and external environment for the basis of formulating strategies and generating alternative strategies (Casey & Goldman, 2010; Vaara & Whittington, 2012; Eden & Ackermann, 2013; Mhd. Sarif, 2020; Asobee, 2021). Strategists work with key stakeholders in trying to understand the environment before proposing alternative strategies.

Large companies are more resourceful due to the pool of managers, thinkers and consultants they command. These companies are able to have big data and access to huge

networking in their strategic planning activities (Porter, 1983; Hutzschenreuter & Kleindienst, 2006). This setup is advantageous large companies compared to small and medium enterprises.

Profitability is always the bottom line to companies. Accuracy in strategic planning leads to formulation of strategies that are able to generate high impact in terms of profitability and sustainable competitive advantage (Porter, 1983; Vaara & Whittington, 2012; Eden & Ackermann, 2013; Asobee, 2021).

However, when sustainability is emphasised together with Sustainable Development Goals (SDGs), there is a need to balance between economic ends with social and environmental objectives or triple bottom line (Mhd. Sarif, 2020; Asobee, 2021). While Islamic teaching accepts the concept of sustainability, it emphasises on *sejahtera* (peace) and *ulū al-albāb* (people of sound reason) on humanity (Adil, 2019; Abd Razak, 2020; Mhd. Sarif, 2020). The main purpose of this study is to explore the influence of *sejahtera ulū al-albāb* strategic planning practices among small and medium enterprises.

LITERATURE REVIEW

The presence of Sustainable Development Goals (SDGs) has been incorporated into strategic planning in balancing between economic, social and environmental objectives. Conceptually, the triple bottomline is acceptable in Islamic teaching when Islam emphasizes on the benefits to the humanity with the duties as *khalifah* (vicegerents) to assure *sejahtera* (peace) and *ulū al-albāb* on humanity. Thus, strategic planning with *sejahtera* (peace) and *ulū al-albāb* approach requires achievement of sustainability

Sejahtera

Sejahtera is one of many terms from Sanskrit language that has been used in Bahasa Malaysia, the national language in Malaysia. Even the term ‘manusia’ used in Bahasa Malaysia is derived from Sanskrit which means ‘creature with thinking’ (Hoogervorst, 2012; Jalaluddin & Ahmad, 2012). The term *sejahtera* denotes “peace” and *manusia* as “creature of thinking.” When both terms are combined as ‘manusia sejahtera, the resulting term means human as thinking creature is peaceful and can share the peace with others (Abdul Razak, 2020; Baharom, 2021). *The Sejahtera* concept has been embedded in Malaysia’s education system since the 1990s when the *sejahtera* has been made the ultimate outcome of the education system. This education system has been producing human talents with *sejahtera* since the 1990s (Adil, 2019; Hussin, 2020; Hopkins et al, 2020; Nketsia et al., 2020). This implies that the stakeholders in Malaysia have been influenced by the *sejahtera* concept at least since the last two decades.

Sejahtera is not new in Malaysia. *Sejahtera* has been in Malaysia’s system since the introduction of “Rukun Negara” or National Principles in 1970 (Hamdan, 2011; Malaysia, 2015; Abd Razak, 2020. There are five “pillars” in Rukun Negara, namely belief in God, loyalty to the King and country, supremacy of the constitution, rules of law, and Courtesy and Morality.

The national principles and *sejahtera* education are mutually reinforcing. The impact of both can be seen in people living harmoniously in a multiracial society (Adil, 2019; Abd Razak,

2020). The national policies have been able to facilitate people to live with unity in diversity, in a democratic system, upholding a caring and just approach to different traditions.

Ulū al-albāb

Ulū al-albāb focuses on sound intellect (*‘aql salim*) and tranquil heart (*qalbun salim*). Aliyah (2013) defines *ulū al-albāb* as the ability of human to preserve natural disposition (*fitrah*) with sound mind by avoiding any distortion to the mind so that humans will be able to understand, to practice wisdom (*hikmah*), to reflect phenomenon within *taqwa* (piety), obedience and guidance (*hidāyah* of Allah).

Lutfiyah (2017) defines *ulū al-albāb* as individuals with functional direction, intellect and heart are able to understand, analyse, decide and execute deeds in reality together with other humans and creatures. The Qur’anic concept of *ulū al-albāb* denotes that humans are able to live together with fellow humans and other creatures due to the intellectual ability that is moderated by tranquil hearts (*qalbun salim*) (Mhd.Sarif, 2017).

Ulū al-albāb (people of sound reason) demonstrates the ability to think with high order thinking (Jamil, Abd Khafidz & Osman, 2019) through *tazakkur* and *tadabbur*. *Ulū al-albāb* are also alert to their surrounding and always act in accordance with the obligation of enjoining goodness (*al-amr bil ma’ruf*) and prohibiting evil (*al-nahy anil munkar*) (Fauziah, 2018), applying their functional and productive wisdom (Mhd. Sarif, 2015), high emotional and spiritual intelligence (Hair, 2020) and resilience to face challenges (Zahrin, Hasan & Samsudin, 2020).

Strategic Planning

Strategy analysis leads to strategies that generate high impact profitability and sustainable competitive advantage. While Islamic teaching accepts the concept of sustainability, it emphasises on *sejahtera* (peace) and *ulū al-albāb* on humanity. It is about planning with thinking. Strategic planning follows a linear process with single-loop learning. While the environment is complex, it needs strategic thinking with double-loop learning (Heracleous, 1998). Strategists think and plan (Goldman, 2007) with strategic thinking capability (Casey & Goldman, 2010).

Strategic planning covers strategy formulation in the three-stage process of strategic management (strategy formulation, strategy implementation, and strategy evaluation). Strategic planning provides the basis for strategy formulation which includes developing direction of organizations (vision, mission, and goals), organizational internal and external environment scanning, and generating alternative strategies (Bonn & Christodoulou, 1996). Strategic planning is a learning process for strategists and organizations (Porter, 1983; Hutzschenreuter & Kleindienst, 2006). Indeed, strategic planning is about a journey of thinking (Eden & Ackermann, 2013) with practice (Jarzabkowski, 2005) and social experience (Vaara & Whittington, 2012). Thus, strategic planning requires strategic thinking capabilities (Asobee, 2021).

Strategic management requires a strong foundation of strategic thinking. Mhd. Sarif (2020) argued that the complexity of the environment and mindset of stakeholders requires strategists to acquire multidimensional aspects of learning and practice, which resembles attributes of *ulū al-*

albāb. The complexity of the business environment is beyond social cultural aspects (Pour, Soltani & Abdollahi, 2018). The foundation of thinking with the *Tawhidic* paradigm enables multidimensional design thinking (Khalifa, 2001; Fontaine & Ahmad, 2013).

Small and Medium Enterprises

Small and medium enterprises are grass root business entities with certain characteristics in terms of size of capital, number of employees, and sales amount. As grass root entities, small and medium enterprises very close to the grass root socio-economic factors (Abdullah, 2002). These SMEs have social implications to people (Abdullah, 2011). Nevertheless, small and medium enterprises make important contributions to the economy (Abdullah, 2019).

Strategic planning is relevant regardless of the size and nature of enterprises. Any organization is obliged to attain its objective through people and structure in the organization. Small and medium enterprises are also practicing strategic planning (Cheng, Abdul Kadir & Bohari, 2014). The nature of strategic planning in small and medium enterprise is largely influenced by several factors, mostly ownership motivation (Wang, Walker & Redmond, 2006; Sosiawani, Ramli, Mustafa & Yusoff, 2015). The dynamism of the business market pushes small medium enterprises to formulate strategic plan and blueprint to enhance innovation and sustainability (Yuen & Ng, 2021).

The main purpose of this study is to explore the influence of *sejahtera* and *ulū al-albāb* the strategic planning practices among small and medium enterprises. Figure 1 illustrates the influence of *sejahtera* and *ulū al-albāb* the strategic planning practices among small and medium enterprises.

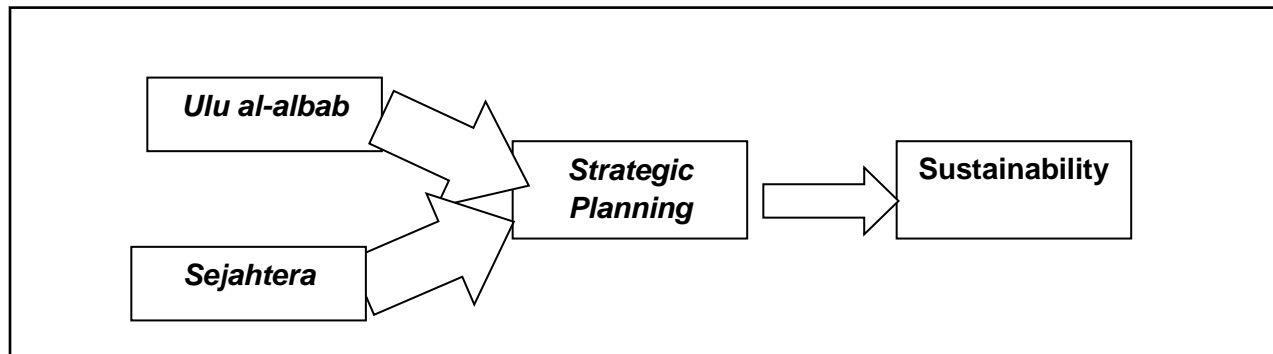


Figure. Research Framework

Figure 1 explains that in strategic planning, strategists and information are crucial in formulation strategies. Strategists use personal experience, knowledge and organizational competitive intelligence to scan environmental forces before formulating strategies.

METHODOLOGY

The study uses qualitative research methods through personal interviews with small and medium enterprises owners. The researchers approached them due to close relationships with the business owners. Since the basis for the interaction is about engagement, the personal interviews use conversations with the business owners (MacDonald *et al.*, 2013; Ngozwana, 2018; Jimenez *et al.*, 2019). Even though the conversation is casual, the researchers still need to do preparation before the interview (Castillo-Montoya, 2016; Majid *et al.*, 2017), such as securing informed consent, research permits and validated interview protocol (Yeong *et al.*, 2018).

The study aims to obtain the views of the business owners of small and medium enterprises on the influence of *sejahtera* and *ulū al-albāb* in the strategic planning practices. Before the actual interview, the researchers have secured informed consent from informants, research permits from relevant authorities, and validated interview protocol. The study obtained personal interviews results with note-taking due to data privacy and confidentiality sought by the informants. The researchers finalized interview notes immediately after the conversations. Then, the researchers obtained verification from the informants. The researchers use thematic analysis on the verified interview notes.

MAIN RESULTS

This part presents the interview results from the business owners of small and medium enterprises on the influence of *sejahtera* and *ulū al-albāb* in their strategic planning practices. All of the small and medium enterprises were given nicknames to honor their confidentiality.

Pak Bidin Enterprise

Pak Bidin used to work in the sports business for many years. When he saw the opportunities to run his own sports outlet, he quit the job. He approached his close friends and contacts to subscribe to his sport services apart from purchasing sport equipment from his shop. His main motivation to own a business was to enjoy financial freedom and to reach his potential in extreme sports.

For him, in everything he does he must make extreme efforts and to the fullest potential. He would not reverse or return back to his old job even though his business might not be successful. However, he was not just depending on luck to survive in his business.

When he was asked whether he has specific planning or subscribes to a certain approach to strategic planning to his business, he said:

“...Of course, for anything we do, we must have proper planning. I learnt a lot about formal planning, strategic planning, and scenario planning when I was part of the strategic planning team. When you are in multinational companies, you must plan and execute, then you have to show your numbers. You have a quarterly report that haunts you. Not just you, but together with your colleagues and subordinates. That’s why I quit because I was ‘tied’ to the norms of ‘by hook or by crook’ which is not morally right...”

Pak Bidin's business enterprise implies the influence of *sejahtera* and *ulū al-albāb* in terms of grassroot networking from close friends, family members and the public. His motivation to operate the business with strategic planning is due to the *sejahtera* aim of financial freedom and realizing his potential (Mhd. Sarif, 2020; Yuen & Ng, 2021).

Ayah Chor Enterprise

Ayah Chor used to work in the army for 21 years. Before retirement, he has undergone a one year vocational course specialized in culinary and catering. He has learnt a lot about cooking and baking. He chose the food business due to his passion. In fact, during his school days, he helped his parents with their food business. Nevertheless, his parents had encouraged him to join the army so that he could serve the country. In addition, it was a norm for those who were not able to pursue tertiary education to join the army or police force.

In recollection, after consulting family and friends who used to serve in the army and police force, Ayah Chor decided to join the army. The 21 years in the army made him distant from civil life. Thus, the one-year transitional course before retirement was inadequate to prepare him to live as a civil member in the society.

We asked Ayah Chor to explain his motivation for the business venture. Ayah Chor explained:

"...My wife and I decided to open our small business, basically, just a stall in front of our house. I have culinary skills that I learnt from the transitional course. My wife already has experience in selling food at the army housing area. She earned good money by supplying some food to the cafeteria and also to cater some food orders. However, when we moved to my home town, she could not resume her business. She persuaded me to start a small food business at home. Initially, I was reluctant. However, as we need more income to meet our family expenses, I agree to open our business. Both of us attended food handling business and obtained the typhoid injection. The municipal council has been very helpful with the ex-army. We could get our operating license easily..."

When Ayah Chor was asked whether he practiced some strategic planning for his small business? He said:

"...I am not much aware of the planning. But, my wife showed me her plans for our business. She did some market study with our housing area. She is very warmth with people and easily approachable. Based on her market study, she showed me the targeted customers and how much sales could be made. She made some sort of projection. For me, as long as the business could generate some income to top up my pension, it would be good enough. For my wife, she is ambitious. She discovered that she could face less competition because the area lacks food with of East Coast of Peninsular Malaysia . She organized a feast to invite neighbors to sample some food and most of them enjoyed the menu. Some of them already made some orders from her. With that order, we cooked and delivered to them. The power of word-of-mouth is

huge. Now we have a stall and also do catering. During MCO [Movement Control Order due to Covid-19 pandemic] in 2020 until now, our small business is severely affected. Some neighbors still order food from us. However, we decided to be selective especially since our area is in the red zone and has a lot of positive Covid-19 cases...”

Feedback of Ayah Chor reveals that his business enterprise incorporated the influence of *sejahtera* and *ulū al-albāb* in terms of monetary need, family and friends influence. Indeed, ownership motivation has a strong influence on strategic planning of small and medium enterprise (Wang, Walker & Redmond, 2006; Sosiawani, Ramli, Mustafa & Yusoff, 2015).

Mak Bee Enterprise

Mak Bee completed her secondary school and did not pursue tertiary education due to her passion to work in the retail industry. She loved women's accessories and handbag business. She did not care if her schoolmates of her age pursued tertiary education and secured good employment. She determined to achieve her passion to obtain 5 digits monthly earnings.

When we asked her about strategic planning in her business? She said:

“I am not a tertiary education graduate. I learnt about strategic planning from the street. We learnt through trial and error. We made mistakes and we paid a high price for the mistakes. We never give up and always stand tall. During Covid-19 pandemic, our business was severely impacted. Basically, no business for us since the Movement Control Order (MCO). We waited for a few months to adjust to new norms. My husband and I decided to venture into the food business. Yes, I am a foodie. I enjoyed the food and I wanted others to enjoy our food as well. We traveled a lot before the pandemic even though my business is not global business. But women accessories with premium stature made me travel to many countries to buy expensive accessories for our customers. We also brought our customers with us on our travels. I am not operating a travel business, though. But I provided overseas shopping experiences to the customers. Yes, Covid-19 pandemic has changed our business.”

Mak Bee's business enterprise is replete with the influence of *sejahtera* and *ulū al-albāb* from her street smart experience and determination to enjoy financial freedom. Mak Bee as the owner of Mak Bee Enterprise has strong motivation to sustain the business with comprehensive strategic planning (Wang, Walker & Redmond, 2006; Sosiawani, Ramli, Mustafa & Yusoff, 2015).

Implications

The three case studies revealed the combination of strategic planning with *sejahtera* and *ulū al-albāb* approach in sustaining the business. There are various push and pull factors that shape the meaning of *sejahtera* and degree of thinking in the strategic planning for the enterprises. Theoretically, strategic planning can be based on resource-based views and industrial organization views.

However, in the current Covid-19 pandemic with uncertainty on the movement restrictions and regulations, *sejahtera* approach of strategic planning provides them self-tranquility in facing

the uncertainties with serenity (peace). Grass root networking with *sejahtera* approach enables small and medium enterprises to work closely with family and friends to optimize localized advantages.

CONCLUSION

This study aims to explore the existence of *sejahtera* and *ulū al-albāb* elements in the strategic planning practices of small and medium enterprises. These elements have been identified among the three small and medium enterprises. There are various push and pull factors that shape the meaning of *sejahtera* and degree of thinking in the strategic planning for the enterprises. The *sejahtera* and *ulū al-albāb* in strategic planning practices may be attributed to the support provided by the grassroots networking from close friends, family members and the public.

ACKNOWLEDGMENT

The authors would like to express their appreciation for the support of the Department of Business Administration (DEBA), Kulliyah of Economics and Management Sciences International Islamic University Malaysia, through Department of Business Administration Research Grant Scheme, DEBA20-008-0014 entitled "Strategic Planning with *Sejahtera Ulu Al-albab* Approach" and also the informants, individuals and supporters of the project.

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COOPERATIVE BEHAVIOUR (TA'AWUN) FOR *INFAQ* (CHARITABLE FUNDING) IN SUSTAINING COMMUNITY VEGETABLE GARDENS

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Abstract

Infaq (charitable funding) provides long term commitment of generous donation for charitable activities. A collection of individuals and groups who love to make infaq would make great impact to charitable activities. The driver for communal infaq is the cooperative behavior (Ta'awun) when individuals who share common objectives and outcomes work together. When the community decided to work on community vegetable gardens for the sake of food security, infaq with ta'awun it was necessary to operate community vegetable gardens on a sustainable basis. This study obtained the views of the five groups who were involved in community vegetable garden projects through conversational interview with note-taking about the influence of ta'awun in the infaq of community vegetables garden projects. The study uses qualitative conversational interviews with detailed procedures and protocols. The study uses thematic analysis for the analysis of the interview results. The informants argued that ta'awun is magical in getting the infaq from the participants of the community vegetable gardens. The participants gave full commitment in terms of efforts and funding for the community projects. Ta'awun has magical influence to get infaq and efforts.. Future researchers may want to adopt a qualitative case study method involving several communities with vegetable garden projects to deeply explore the influence of ta'awun for the infaq.

Keywords: *Infaq, Ta'awun, Community Vegetable Gardens*

INTRODUCTION

Community vegetable garden projects might sound trivial, but the world has a bigger agenda. The projects are in lie with 17 Sustainable Development Goals (SDGs) to attain justice, prosperity and unity in society (Lal, 2020; Nicholls *et al.*, 2020; Chenarides *et al.*, 2021). Project management and funding of sustainable projects is always a challenge (Arrosi *et al.*, 2014; Kuppuswamy & Bayus, 2017; Szetey *et al.*, 2021). There is no other shortcut for the society to implement any community project. The society must cooperate mutually in the management and funding of community projects (Kuppuswamy & Bayus, 2017; Szetey *et al.*, 2021). Community vegetable

gardens need solid and structured management and committed funding (Arrosi *et al.*, 2014; Kuppuswamy & Bayus, 2017). Community cooperative approach in project management and funding may be a solution for community vegetable gardens (Strohmaier, Zeng & Hafeez, 2019; Testa *et al.*, 2019). This paper explores the influence of *ta'awun* (mutual cooperation) in the *infaq* (charitable funding) for the management and funding of community vegetable gardens.

Ta'awun (mutual cooperation) in the *infaq* (charitable funding) for the management and funding of community vegetable gardens is necessary. There is no institution ready to provide funding for community projects. Unlike commercial projects, the source of funding comes from savings, investment and borrowing (Kuppuswamy & Bayus, 2017; Szetey *et al.*, 2021). For public projects, it comes from public grants or crowd funding. Sources of funding are related to the outcome of the project (Mhd. Sarif, 2018; 2020).

The funding for community projects needs continuous funding from committed donors. The spirit of charitable funding through *infaq* with *ta'awun* approach to project management and funding is based on mutual cooperation and understanding among members of the public. The mutual cooperation (*ta'awun*) is established to achieve common objective and outcome (Mhd. Sarif, 2017, 2018, 2020). Mutual cooperation (*ta'awun*) has been practiced for many years through solidarity socialization. There has been *ta'awun*-based institution such as co-operatives that have been in existence for many years (Pestoff, 1992; McKillop & Wilson, 2015; Abd Rahman & Zakaria, 2018; McKee, Kagan & Ghosh, 2019; Adusei, Adeleye & Okafor, 2021). Apart from co-operatives, social enterprises are enhancing the social sector (Mazzarol & Rebound, 2020). Cooperatives could play a role other than just credit unions or micro credit institutions to the society (Adusei, Adeleye & Okafor, 2021). While cooperatives might be limited by regulatory monitoring, there are more opportunities to bring members of society to cooperate for goodness in social and economics (Abd Rahman & Zakaria, 2018).

When the community has vegetable garden, members of the community can be responsible consumers when channeling all kinds of food waste into the garden through compost fertilizer (Lal, 2020; Nicholls *et al.*, 2020). Eventually, responsible consumers will avoid food waste, and thus contribute less to the landfill. Instead of wasting food, people will plan for their food intake, thus they will gain a healthy life. If they want to cook more, they will share food with those who are hungry, thus they can gain zero hunger.

The main purpose of this study is to explore the influence of *ta'awun* (mutual cooperation) in the *infaq* (charitable funding) for the management and funding of community vegetable gardens. *Ta'awun* in the funding with *infaq* allows members of a community to share a sense of responsible and clean community.

LITERATURE REVIEW

There is a need to understand *infaq* as a long term and committed funding mechanism for community projects. The literacy of *infaq* (charitable funding) as Islamic financial literacy allows for organizers and participants of community projects to sustain the projects. The financial literacy of *infaq* (charitable funding) offers knowledge, skills, and abilities in objective-driven projects

(Gustman, Steinmeier & Tabatabai, 2012; Danns & Danns, 2017; Balios, 2021). In other words, a project needs both management and funding to make it operational and achieve its goals. Likewise, community projects also need *infaq* financial literacy with *ta'awun* (mutual cooperation).

The value of community projects depends on the contribution of the community. A community project may not promise material and monetary outcomes, but it can bring intangible benefits such as social bonding among members of the society. Even though a community project has no monetary outcomes, it still requires good management and literacy (Hastings, Madrian & Skimmyhorn, 2013). Every household should acquire financial knowledge and practice the knowledge (Gustman, Steinmeier & Tabatabai, 2012). Financial literacy enables every household to make sound financial decisions and action (Bel & Eberlein, 2015; Xiao & O'Neill, 2016). There is a need for institutional and collaborative effort to create and sustain financial literacy in the community (Danns & Danns, 2017). The importance of finance literacy applies to both the community and large companies. Big companies need to align with current trends like big data, corporate governance and sustainability (Balios et al., 2020; Balios, 2021). Small companies are struggling to survive and to prove themselves financially (Danns & Danns, 2017).

Ta'awun

There is no short cut for any outcome without commitment, effort and material contribution. When any task is driven by *ta'awun* (mutual cooperation), it reinforces social bonding among people to achieve collective social ends (Al-Haddad, 2015; Zar'um, 2016). Individuals might be able to face challenges in life and severe hardship with *ta'awun*, the mutual assistance that helps absorb the pain. Ultimately, *ta'awun* contributes towards social harmony and unity among members of the society. It has been observed that the practice of *ta'awun* has faded in urban neighbourhoods (Husin, Azahari & Ab Rahman, 2020).

There is a need for *ta'awun* (mutual cooperation and assistance) among members of a community is no longer a common practice. In the past, the community used to practice *ta'awun* in the forms of communal work (*gotong-royong*) due to the nature of traditional employment. However, the urbanized community has been occupied with multiple employments to meet multiple demands of urbanized life, thus could not spend much time in community activities.

People are becoming more motivated to restore communal work in the society. The individualistic lifestyle is not natural. Some people felt the need for socialization in the neighborhood. Community gardening provides an alternative for social bonding (Sharif & Ujang, 2021). In the lockdown orders due to COVID-19 pandemic, community gardening provides stress relief (Ugolini et al, 2020). The lockdown means people have to be confined at home (Theodorou et al, 2021). There is a need for physical activity during the confinement time (Pears et al, 2021). People are starting to spend time socializing with neighbors (Sharif & Ujang, 2021; Ugolini et al, 2020; Theodorou et al, 2021).

Ta'awun requires unity and solidarity among members of the society (Mhd. Sarif, 2015). One needs a noble heart to produce noble work (Mhd. Sarif, 2017). Taqwa (piety) mobilises noble hearts (Mhd. Sarif, 2020). The dynamism of *ta'awun* enables sustainability (Mhd. Sarif, 2018).

Community Vegetable Garden

The creation of vegetable gardens is an easy platform to enable socialisation among neighbours (Ghazali, 2013). Community vegetable garden is visible and physically available. The interaction among people in the community garden allows social bonding and creates food (Khor & Teoh, 2021). Vegetable gardens attract societal involvement (Tajuddin *et al.*, 2019). Some members of the community assess the perceived benefits for the activism in community vegetable gardening differently (Othman *et al.*, 2017; Othman *et al.*, 2020). People are expecting some transactional value in any activities (Othman *et al.*, 2017) that lead to a green economy and food security in the community (Ramaloo *et al.*, 2018). The green economy may have material and social bonding consequences to the community. The organizers of vegetable gardens should plan for positive motivation and perception (Di Fiore, Specht, & Zanasi, 2021). People might have time and effort to participate in the vegetable garden project, but not by providing equipment and funding (Zainal & Rosmiza, 2021). Indeed, the community leaders should provide a big picture about the vegetable garden to manifest social responsibility in sustaining the environment for betterment of life (Ilias *et al.*, 2018). The sense of collective living among members is necessary (Mohamad Ali, Mohd Dom & Sahrum, 2018).

Infaq

Infaq is charitable funding. There is no limit of time. In other words, people can donate at any time. According to Alayrus (2017), *infaq* is one of Islamic social finance mechanisms to support community projects that are established by the community for example schools, amenities, and infrastructure. However, the most crucial element in *infaq* is the trust and good governance (Hermawan & Rini, 2018). The establishment of a formal organization with formal appointment of managers, executives or caretakers is very essential to gain trust from the people who made *infaq* (Indahsari, Burhan, Ashar, & Multifiah, 2014). A community project needs trust and empowerment. The trust given with the establishment of good corporate governance and formal organizational chart should be accompanied with empowerment in the management (Saripudin, Djamil & Rodoni, 2020). *Infaq* is about giving and taking trust. The process of *ta'awun* with *ta'aruf*, *tafahum* and *takaful* eliminates suspicion and uncertainty (Yusof, Yusof, Hasarudin & Romli, 2014). Figure 1 illustrates the influence of *ta'awun* (mutual cooperation) in *infaq* (charitable funding) in sustaining community vegetable gardens.

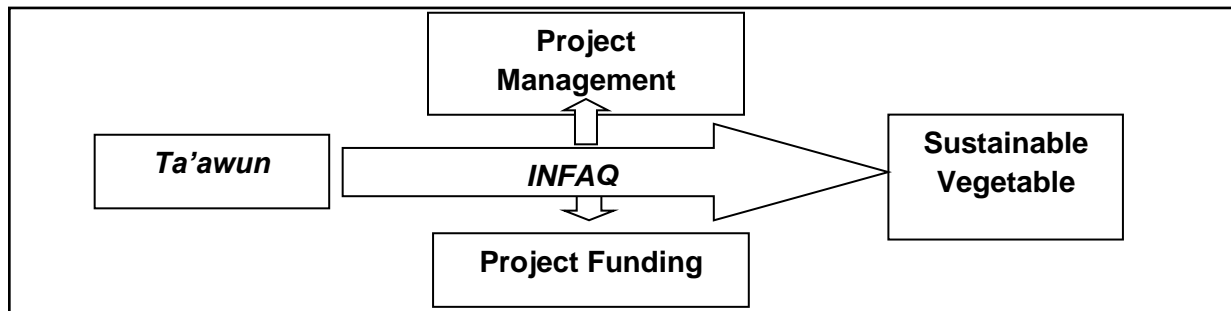


Figure 1. Research Framework

METHODOLOGY

The study uses qualitative research methods through personal interviews with community leaders who have community vegetable gardens. The researchers used personal interviews with community leaders which have been done in similar research (MacDonald *et al.*, 2013; Ngozwana, 2018; Jimenez *et al.*, 2019). Even though the conversation is casual, the researchers still need to do preparation before the interview (Castillo-Montoya, 2016; Majid *et al.*, 2017), such as securing informed consent, research permits and validated interview protocol (Yeong *et al.*, 2018).

MAIN RESULTS

The results of the study are based on the personal interviews with five community leaders. There are leaders from Tebing Group, Padang Group, Kasih Group, Rizab Group and Pinggiran Group. All of the groups were given nicknames to honor their confidentiality.

Tebing Group

Tebing Group started their vegetable garden projects with 10 participants in 2008. The first *ta'awun* (mutual cooperation) was through their efforts in converting the bush nearby their houses into a vegetable garden. The next *ta'awun* (mutual cooperation) was *infaq* (charitable funding) of RM10 per month from each member, thus collecting RM100. Another *ta'awun* and *infaq* was when one of them offered himself as treasurer because of his banking background.

The *ta'awun* (mutual cooperation) to drive *infaq* (charitable funding) among members occurred at conceptual and practical levels. At the conceptual level, the group practiced “*usrah*” socialization (Mhd. Sarif, 2015, 2017). The group has a weekly study circle or “*usrah*” organized at the “port” (a designated location) of the group within the garden itself. The practical part of the *ta'awun* is at the fieldwork where all members are given specific tasks in a duty roster.

The *Usrah* platform allows for *ta'awun* development (Mhd. Sarif, 2015, 2017). The first step in *ta'awun* is *ta'aruf*. *Ta'aruf* is about getting to know or ice-breaking among members (Mhd. Sarif, 2017, 2018). The *ta'aruf* is not a one-off process. It requires a continuous process among members. After *ta'aruf*, members in the *usrah* will go through *tafahum* or getting to understand (*fahm*). This process allows members to ‘give and take’ and ‘tolerate’ for any differences but focuses on matters of common interest. The next step after *tafahum* is *takaful* (protection). In this step, members will protect the interest of members from any threat.

Padang Group

Padang Group has identified an empty area near a football field to grow some vegetables too. This group raised money with *ta'awun* and *infaq* from their neighbors who were interested to join the group. The money will be used to manage the vegetable garden. One of the participants, a retiree, has offered to be a caretaker cum clerk. The group agreed to offer the job to the person with an allowance of RM100 per month. For this commitment, every participant is committed an *infaq* of RM10 per month for the allowance and other expenses. The clerk said:

“...I offered my service because I do not want Padang Group to have quarrels over financial matters. I do my best in bookkeeping and preparing monthly financial reports. The group is happy with the clerical work and also the gardening work. This garden is a group project. My role is to maintain the garden during weekdays because the majority of the group is occupied during weekdays. We are happy to enjoy our fresh vegetables...”

Padang Group has developed specific *ta’awun* and *infaq*. The experience is until 2019 due to continuous lockdown orders from 18 March 2020 until now.

Kasih Group

Kasih Group planted edible trees like lime, coconut, *rambutan*, and mangosteen trees. Some parts of the place are grown with vegetables. Kasih Group offered investment packages to the neighborhood in the vegetable garden projects. The investors will receive return on investment. An investor of Kasih Group said:

“...I love vegetable gardens. But I do not want to do it like other groups. I just invested some money and the group will manage the garden. We have been operating the project for two years now and have received some dividends. We purchased fresh vegetables from Kasih Group...”

The group leader said:

“...We have obtained permission from the local authorities. This is part of neighborhood activities with some grants. We have secured permission from the local authorities and neighborhood for the community vegetable garden...”

Kasih Group developed its own *ta’awun* and *infaq* approaches in project management and funding with knowledge, abilities, socialization, innovation, and habit. The experience is until 2019 due to continuous lockdown orders from 18 March 2020 until now.

Rizab Group

Rizab Group uses empty spaces along kerbs in front of their houses to plant vegetables. The group does not relocate the trees planted by local authorities. In fact, the group cuts the grass in the area. It does not plant the ground with vegetables and edible plants. The group places flower pots and polybags among the trees. The group leader said:

“...We have obtained permission to put flower pots in the spaces between the trees. Since the kerbs are not located along the main road, the local authority has no objection to our project...”

Rizab Group uses project control and monitoring mechanisms in the project management and funding of its vegetable garden. The *ta'awun* and *infaq* experience laid in the entrepreneurship training provided by one of the participants who is a certified trainer. The experience is until 2019 due to continuous lockdown orders from 18 March 2020 until now.

Pinggiran Group

Pinggiran Group has access to some empty spaces that act as a buffer to border the housing areas with river bank and private landfill. Leader of the Pinggiran Group said:

“... We have obtained verbal permission from the drainage caretaker who frequently cuts the grass at the river bank. With this understanding, the caretaker allows us to easily grow plants like tapioca or sweet potato. In case of flood, the plant would remain intact. The caretaker would not cut our tapioca and sweet potato plant. In fact, our group also organized gotong-royong with the drainage staff as part of river cleaning activities. We collected rubbish that was stuck at the river bank...”

Pinggiran Group utilized the empty spaces near the neighborhood as a community vegetable garden project. The leader said:

“...To start off our socialization, we organized a barbeque party with our immediate neighbors. We called our activity an ‘open table.’ Sometimes we organized impromptu ‘open table’ meets without barbeque, only with some fruits like rambutan that we brought from our home town. This is the story before PKP [Perintah Kawalan Pergerakan or Control Movement Order in relation to Covid-19 pandemic] that commenced on 18 March 2020. Until today, we don’t have any more socialization...”

Pinggiran Group follows a structured *ta'awun* and *infaq* approach in project management and funding. The focal point of *ta'awun* and *infaq* is the group leader institution. The experience is until 2019 due to continuous lockdown orders from 18 March 2020 until now.

The influence of *ta'awun* (mutual cooperation) and *infaq* (charitable funding) is based on the preferences and structure decided by the groups. Padang Group and Tebing Group use objective-based *ta'awun* and *infaq* (charitable funding) for project management and project funding of community vegetable projects. This *ta'awun* and *infaq* (charitable funding) approach enables preservation and protection of members and the project. As for Kasih Group, it has developed its benevolence *ta'awun* and *infaq* (charitable funding) approach in project management and funding with knowledge, abilities, socialization, innovation, and habit for literacy in project. Rizab Group uses project control and monitoring mechanisms in project management and Pinggiran Group follows an objective and structured *ta'awun* approach for financial literacy in project management.

CONCLUSION

This study aims to explore the influence of *ta'awun* and *infaq* (charitable funding) approach in project management and funding in sustaining community vegetable garden projects. The influence of *ta'awun* (mutual cooperation) and *infaq* (charitable funding) in this study is driven by the preferences and structure of the groups. Most of the groups are driven by structured-based *ta'awun* and *infaq* (charitable funding). *Ta'awun* and *infaq* (charitable funding) with structure operate on a gradual development basis. Nevertheless, the uniqueness-based *ta'awun* and *infaq* (charitable funding) could be incorporated into both gradual and intensive basis in sustaining community vegetable gardens through financial literacy for project management and funding.

ACKNOWLEDGMENT

The authors would like to express their appreciation for the support of the sponsors among individuals and donors of the project.

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TOWARDS BLOCKCHAIN-BASED ZAKAT MANAGEMENT SYSTEM IN MALAYSIA

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Abstract

Zakat is a part of the five pillars in Islam. There are a few types of zakat such as gold, silver, share, employees provident fund (EPF), saving, business, livestock, and crop zakat. Most of this zakat is calculated and converted in terms of monetary value so that the zakat givers can pay their zakat through online or physically attend to pay over the counter at the appointed zakat institution. However, zakat institution nowadays urges the zakat givers to pay using online banking especially during these pandemic times that need zakat institution to move forward towards fully digitalize zakat management. The system should be able to record and track all the transactions starting from the zakat givers' account until the zakat receivers account to make sure the transparencies and trustworthy is presented. The trustworthiness and secured zakat system aim to prevent from fraudulency and error that may occurred in management system in which it may intensify the zakat givers' trust to permit the zakat institution in handling their money. To fulfill this requirement, a secured transparent and trustworthy zakat digital system that is capable to track and record the zakat transaction is highly suggested using smart contract based on blockchain technology.

Keywords: *Blockchain, Covid-19, Digital, Smart Contract, Zakat.*

INTRODUCTION

Zakat is an act of worship that Allah SWT has made obligatory for every Muslims as one of the ways to purify their properties as a sign of gratitude to Allah SWT for bestowing the favors unto them. Zakat itself comes from Arabic word which means pure, clean, flourishing, and fertile. Giving out zakat not only purify one's property but also nourish the property owned in which it is able to attract sustenance to expand and grow (Mohd Kashim et al., 2021).

Apart from fulfilling their responsibilities to Islam, zakat givers in Malaysia are considered as contributors to the national economy and are given a leeway by awarding privileges to retain their income tax deductions or rebates from the Inland Revenue Board of Malaysia under the Income Tax Act 1967, subsection 6A (3) in which stated that no maximum limit can be claimed for a Muslim who has issued a zakat as an income tax rebate as long as it can be proved by a receipt issued by a religious authority established under any written law (Laws of Malaysia Act 53 Income Tax Act 1967, 2006).

Zakat Management in Malaysia

Zakat in Malaysia is managed separately in each state under the administration of the State Islamic Religious Council. The State Islamic Religious Council is given rights under the state enactments and ordinances to control, supervise, collect, and distribute zakat to eligible Asnaf through agencies or companies appointed by them. To carry out this responsibility, there are states that manage zakat directly under the State Islamic Religious Council and there are also those that establish state zakat agencies or boards. In addition, there are also states that implement privatization management by appointing companies as representatives on behalf of the State Islamic Religious Council (Othman & Mat Nor, 2021).

The earnings of zakat collection received will be distributed by the agencies or companies in charge to eligible Asnaf as stated in Islamic law. For the purpose of determining the group of zakat receivers among the poor and needy Asnaf, there are guidelines to follow and distinguish to measure whether a person is eligible and meet the requirements for the distribution. For instance, the impoverished (*fakir*) class are those who do not own or earn up to 50% of the Kifayah set of limits for themselves and their dependents, while the inadequate class (*miskin*) are those who earn more than 50% but do not reach the set Kifayah limit (Mohamad Suhaimi, 2020).

State zakat institutions have taken steps in line with the current progress and development of internet and digital technology by introducing various channels for online zakat payment by means of internet banking system through websites or mobile applications (Mohd Salleh & Chowdhury, 2020).

The collection of zakat obtained and collected comprises as a part of the public funds that need to be managed fairly and transparently. Among the governance that can be implemented in the zakat management system is the Malaysian Code of Corporate Governance issued by the Security Commission Malaysia which emphasizes the need to conduct internal and external audits. The purpose of this audit is to check the sincerity in the management and transactions of zakat (Et. Al, 2021).

Negative Perception Towards Zakat Management in Malaysia

The statement is resentful but has to be accepted by the society's relatively negative perception of zakat institutions in managing and distributing zakat effectively and efficiently to deserving Asnaf (Abd Rashid et al., 2018). Perceptions worsened with the occurrence of the Covid-19 pandemic phenomenon which saw so many people losing their jobs and income but seemed to be looked down upon by zakat institutions.

Negative perceptions have overwhelmed the efforts of state religious institutions such as the Federal Territory Islamic Religious Council (MAIWP) which has introduced 10 Special Zakat Assistance initiatives through the MAIWP Prihatin Kasih Asnaf 3.0 Program in which a fund amounting of RM38.9 million worth of zakat has been allocated (Mutalib, 2021). Zakat Penang also reported of almost RM16 millions of zakat has been allocated to affected Asnaf following Covid-19 since the Movement Control Order was implemented in 2020. This zakat assistance is

not only dedicated to citizens but also channeled to the affected Rohingya community (Othman, 2020).

There are studies show that the level of trust of stakeholders in the institution of zakat is at a moderate level. The effect of the perception of dissatisfaction and transparency on the distribution of zakat encourages zakat givers to channel zakat directly to the Asnaf without going through zakat institutions. The findings also show that the more positive and high trust and confidence in the distribution of zakat is directly proportional to the increase in zakat collection by zakat institutions (Zainal, 2017).

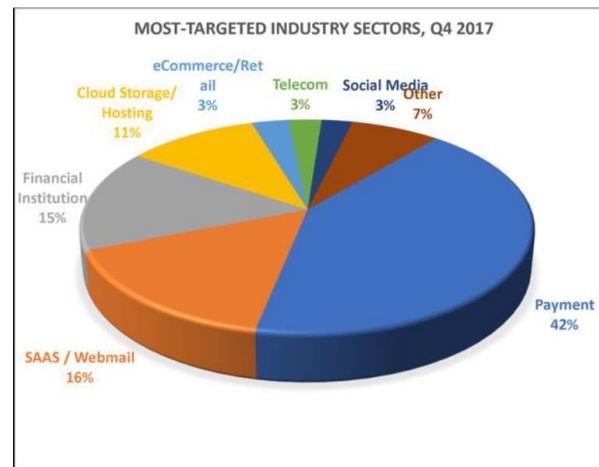


Figure 1: Cyber Attack by Sector

From another point of view, introducing online payment medium by zakat institutions is a good initiative that complement with the technological advances of The Fourth Industrial Revolution (IR 4.0). However, there are studies showing that, there are concerns or loopholes in digitalized manuscript systems. Figure 1 shows, online payment medium has been one of the main targets in cyber-attacks followed by financial institution in third place of cyber-attacks assaults (Mohd Kassim, 2019). This circumstance gives a poor impression and tarnish the reputation of the zakat institution. KPMG (2019) has conducted a survey between November 2018 and February 2019 across 43 retail banks, where 13 of which are in the Asia-Pacific, 5 in the Americas and 25 in Europe, the Middle East and Africa (EMA) region. Based on the survey alone, 61 percent of banks surveyed have reported an increase in external fraudulent – in value and in volume – over the past three years. The survey also found that over half the respondents recovered less than 25 percent of the fraudulent losses, thereby suggesting that fraud prevention is key.

A study conducted by Mohd Sopian & Ismail (2021) indicates that from January to October 2019, 8,313 cybercrime cases were reported to the police, with a loss of about RM300 million in Malaysia. During 2017, 10,203 such cases were reported, involving a loss of approximately RM184.2 million. Concerns about this abusive method of online payment medium will cause zakat givers to continue with the conventional method of paying to the appointed amil. However, these manual payments are also prone to fraudulent whereby there are cases of impersonation of

individuals claiming to be zakat central officials (Hamid, 2019). Zakat collection activities may also organize by non-credential amils such as in Terengganu (Baharom Bakar, 2020), Melaka (Harith Hassan, 2019) and in Johor (Sani, 2019).

Apart from that, many reports reveal that headmasters who are responsible for the collection of zakat are dubious and deceive in manipulating the zakat collection for personal use as happened in Kedah (Abdullah, 2021), Selangor (Noh, 2021) and Terengganu (Astro Awani, 2018). The Malaysian Anti-Corruption Commission has also arrested the Chief Executive Officer and several senior zakat center officials (Muzamir, 2017), Malaysian Radio Television officers (Tahir, 2019) and the chairman of an orphanage organization (Zolkipli, 2020) who allegedly involved in the corruption activities.

Blockchain-based Zakat Management

To overcome the setback of these negativity from public's perceptions regarding the mismanagement and distribution of zakat executed in zakat institutions, smart contract based on blockchain technology is seen as one of the appropriate solutions to outweigh this issue (Ibrahim Ahmed & B. Zakaria, 2021). This implementation is also regarded as a complement to the existing zakat management system that can increase the credibility of zakat institutions as well as to establish zakat institutions to be more efficient and effective.

Nevertheless, Blockchain is a cryptographic-based distributed ledger that has the features of audibility, immutability, and security (Panda et. Al, 2021) which is highly suitable to be used to record all zakat transactions involved from zakat payment collection to the distribution to eligible beneficiaries. The blockchain technology is capable to extend smart contracts to record transactions more flexibly (Rouhani, 2021). The diversity of capabilities available in this smart contract is exceptionally appropriate to be explored to suit the needs of zakat institutions in Malaysia to propose solutions to problems and weaknesses that arise in the management of constructive supply chain payments in which may be able overcome by the application of smart contracts (Nanayakkara et al., 2021).

By using smart contract based blockchain technology, all transaction records starting from payments made through the online platform will be logged into an encrypted ledger that cannot be deleted, altered, or amended. Each transaction is updated into a smart contract until the end of chain where the receiver will receive the allocated distribution through the online medium as well. These records do not perform through manual input, but it is integrated with other payment platforms such as e-wallets, online banking, financial process exchange and payment gateways so that no human intervention is involved. To ensure the integrity of the data, this smart contract system offers as an interlink between all the zakat institutions across the nation which allow the system to serve as verification and authenticate stored records to keep as auditing assessment (Li et al., 2020).

The advantages of this unrestricted and unbound blockchain technology are very much aligned with the existing zakat management administration since is it governed separately. The blockchain network used is not intended to standardize the functions or management of zakat

institutions but as an enhancement to integrate the existing systems towards a record system that registers transactions uniformly. The existence of these different networks simultaneously ensures the security of the available data from being compromised in addition to the existing security features (Saad, 2021).

Based on the features and advantages of this smart contract, all problems that arise such as non-transparency, leakage, fraudulency and irregularities can be avoided. These secured and organized transaction records help to facilitate the audit process and make it easier to detect any irregularities and anomalies within the transaction records. The application of this programming interface developed can as well be integrated with the Inland Revenue Board of Malaysia e-Filing System for tax rebate verification for eligible zakat givers.

Future Work

When the most suitable selected blockchain and smart contract are identified, the studies will execute to design and develop the proposed framework and architecture as a solution to the issues that arise. The framework and architecture that are developed will take into consideration the need for the integration of several existing systems such as payment gateways, banking institutions, government agencies etc. Successful developed framework and architecture will then be tested as a proof of concept before adapting and implemented by the zakat institutions. The results of these studies are also expected to expand to other management of various financial transactions that are similar to zakat such as Wakaf, foundation, Baitulmal or any other financial organization involving public funds.

CONCLUSION

In a nutshell, although zakat institutions in Malaysia have adapted technological facilities in zakat management to reduce human intervention, there are still negative perceptions of the community regarding the distribution of zakat in which is considered unfair and untransparent. In this regard, with the development of the latest technology, it is hoped that the advantages of blockchain and smart contract technology can be explored to restore the faith of Muslims towards the institution of zakat.

ACKNOWLEDGMENTS

The author is a candidate for Master of Information Technology, Faculty of Business and Technology, UNITAR International University who is conducting research to design a framework and architecture for records management and zakat transactions using smart contracts based on blockchain technology to be implemented by zakat institutions in Malaysia. This research is conducted under full self-funding.

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AKAUNTABILITI PENDEDAHAN MAKLUMAT DALAM INSTITUSI ZAKAT: SATU SOROTAN KARYA

*(Accountability of Information Disclosure In Zakat Institutions: A Literature
Review)*

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Abstrak

Institusi zakat merupakan sebuah organisasi yang semakin berkembang dari segi kutipan dan agihan serta pelbagai program bagi meningkatkan keupayaan asnaf selari dengan kemajuan negara. Namun tidak dapat dinafikan terdapat pelbagai persepsi negatif masyarakat terhadap institusi zakat antaranya pencapaian kutipan yang tidak seimbang, ketidaksamaan agihan, kepercayaan masyarakat dan pelbagai lagi tanggapan yang kurang menyenangkan dari pihak berkepentingan. Justeru, selaras dengan persepsi masyarakat terhadap institusi zakat, objektif kajian ini adalah untuk melihat akauntabiliti pendedahan maklumat dalam institusi zakat dari sorotan literatur. Kajian ini berbentuk kualitatif dengan menggunakan kaedah dokumentasi dan pemerhatian. Diharapkan kajian dapat memberi input kepada pihak berkepentingan dan secara tidak langsung meningkatkan kepercayaan dan kepuasan terhadap institusi zakat di Malaysia. Kajian ini juga boleh menjadi rujukan kepada institusi zakat dan seterusnya kepada pihak akademi dan pengkaji di masa depan dalam meningkatkan akauntabiliti institusi zakat Malaysia.

Kata kunci: Akauntabiliti, Institusi Zakat, Maklumat Kewangan, Pendedahan, Prestasi

Abstract

The zakat institution is a growing organization in terms of collection and distribution as well as various programs to increase the capacity of asnaf in line with the country's progress. However, there is no denying that there are various negative perceptions of the community towards the zakat institution, including the achievement of unbalanced collection, unequal distribution, community trust, and various other unpleasant perceptions from stakeholders. Thus, in line with the community's perception of zakat institutions, the objective of this study is to know the

accountability of information disclosure in zakat institutions from the literature review. This study is a qualitative method using documentation and observation methods. It is hoped that the study can provide input to stakeholders and indirectly increase trust and satisfaction with zakat institutions in Malaysia. This study can also be a reference to zakat institutions and further to the academy and researchers in the future in improving the accountability of Malaysian zakat institutions.

Keywords: *Accountability, Zakat Institutions, Financial Information, Disclosure, Performance*

PENDAHULUAN

Akauntabiliti merujuk kepada sifat tanggungjawab kepada seseorang atau terhadap sesuatu tindakan, keputusan serta bersedia memberikan penjelasan dan justifikasi yang diperlukan (*Kamus Dewan*, 2007). Ia juga merujuk kepada satu kewajipan individu atau organisasi yang diamanahkan dengan tanggungjawab dan seterusnya menjelaskan tindakan mereka kepada individu atau organisasi yang memberi tanggungjawab (Gray & Jenkins, 1993).

Manakala dari perspektif Islam akauntabiliti bersifat menyeluruh (Roszaini & Mohammad Abdullah, 2011) kerana melibatkan pelbagai penyertaan pihak berkepentingan iaitu akauntabiliti kepada Allah SWT, dan juga masyarakat (Abdullah et al., 2018; Shahul Hameed, 2000). Kepentingan akauntabiliti tidak dapat dinafikan lagi samaada di peringkat kerajaan atau swasta kerana ia melambangkan ketelusan dan amanah kepercayaan masyarakat terutama dari aspek kewangan. Keadaan ini selaras dengan prinsip Islam dalam menekankan amalan dan perbuatan yang tiada keraguan sepertimana firman Allah SWT yang bermaksud:

“...Milik Allah-lah yang ada di langit dan apa yang ada di bumi. Jika kamu menyatakan apa yang ada di dalam hatimu atau kamu sembunyikan, nescaya Allah menghitungnya (tentang perbuatan itu) bagimu. Dia mengampuni sesiapa yang Dia kehendaki dan mengazab sesiapa yang Dia kehendaki. Allah Maha Kuasa atas segala sesuatu...”

(Surah al-Baqarah: 284)

Dalam konteks institusi zakat, akauntabiliti bermaksud tanggungjawab institusi dalam melaksanakan tugas-tugas yang diamanahkan kepadanya. Sebagai institusi pemegang amanah yang besar, maka konsep akauntabiliti dipandang dan dinilai terutamanya dari aspek pengagihan zakat agar edaran sampai kepada lapan kategori asnaf yang ditetapkan sepertimana firman Allah SWT yang bermaksud:

“...Sesungguhnya zakat itu hanyalah untuk orang fakir, miskin, amil zakat, yang dilunakkan hatinya (mualaf), untuk memerdanakan hamba sahaya, untuk membebaskan orang yang berhutang, untuk jalan Allah dan untuk orang yang sedang dalam perjalanan, sebagai kewajipan kepada Allah. Allah Maha Megetahui, Maha Bijaksana...”

(Surah al-Taubah: 60)

Institusi zakat merupakan organisasi bukan berasaskan keuntungan yang ditubuhkan untuk menguruskan kutipan dan agihan dana zakat (Noor Fadzilah, Ruhanita, & Norida, 2016). Selain menjadi pemerhatian oleh pihak berkepentingan, ia juga penyumbang utama dalam meningkatkan status sosio ekonomi negara serta menghapuskan jurang kemiskinan terutamanya di kalangan masyarakat Islam (Patmawati, 2008). Namun sebagai sebuah institusi yang menguruskan dana awam, institusi zakat tidak terlepas daripada pandangan negatif masyarakat antaranya keyakinan yang rendah serta persepsi negatif terhadap kecekapan institusi zakat sering dipertikaikan sehingga menyebabkan ramai golongan pembayar enggan membayar zakat atau terus membayar kepada asnaf tanpa melalui institusi zakat sebagai pengantara (Azman, Mohammad, & Syed Mohd Najib, 2012; Hairunnizam, Sanep, & Radiah, 2009; Md Hairi, Kamil, & Ram Al Jaffri, 2012; Patmawati, 2008).

Selain itu, kajian lepas mendapati zakat tidak diagihkan secara efektif oleh institusi zakat (Ram Al Jaffri, 2018) dan ini menyebabkan hilang kepercayaan terhadap institusi zakat (Abdul Halim, Muhammad Firdaus, Noorzakry, Azhana, & Zunaidah, 2019; Ahmad Aizuddin & Krishnan, 2016; Azman, 2012; Krishnan & Ahmad Aizuddin, 2017; Norazlina & Abdul Rahim, 2012; Norazlina & Abdul Rahim, 2015). Kajian lepas juga banyak perbincangan dari aspek keberkesanan dan kecekapan institusi zakat (Ahmad Aizuddin & Krishnan, 2016; Eza Ellany, Mohd Rizal, & Mohamat Sabri, 2014; Hairunnizam, Sanep, Mohd Ali, & Rashid, 2017; Md Hairi, 2017; Md Hairi et al., 2012; Pg Mohd Faezul Fikri, Hairunnizam, & Mohd Ali, 2017) serta berkaitan Maqasid Syariah (Ahmad Shukri & Rosli, 2021; Ataina & Achmad, 2019; Azman, 2019; Can, 2020).

Terkini isu berkaitan prestasi sentiasa dilakukan oleh para pengkaji kerana keperluannya yang sangat ketara kepada umat Islam (Noor Fadzilah et al., 2016; Nur Mohamad, 2017) dan juga beberapa pendedahan maklumat kewangan dalam memastikan akauntabiliti (Hairunnizam, Mohd Fairuz, et al., 2018; Mohd Fadhli & Hairunnizam, 2018; Mohd Fairuz et al., 2016; Norfaiezah et al., 2020). Walaupun begitu kajian berkaitan akauntabiliti masih lagi kurang dan sangat terhad bagi menangkis persepsi negatif masyarakat terhadap institusi zakat.

Justeru, penulisan ini cuba untuk meneroka isu-isu terbaru dan dapatan daripada pengkaji-pengkaji lepas berkaitan akauntabiliti pendedahan maklumat dalam institusi zakat dari segi sorotan literatur. Hal ini bertujuan sebagai rujukan dan kajian lanjutan oleh pengkaji di masa depan berkaitan zakat.

KAJIAN LEPAS

Institusi zakat merupakan sebuah organisasi yang mengurus dana yang besar tetapi bukan berasaskan keuntungan. Bagi menzahirkan institusi yang melambangkan ketelusan dan kepercayaan yang tinggi di kalangan pihak berkepentingan, maka pebagai bentuk maklumat pendedahan perlu dilaporkan bagi melihat akauntabiliti.

Pengkaji lepas banyak membincangkan berkaitan pendedahan maklumat kewangan untuk melihat akauntabiliti dalam institusi zakat (Mohd Fadhli & Hairunnizam, 2018; Mohd Fairuz et al., 2016; Noor Fadzilah et al., 2016; Roshaliza, Nurul Nurhidayat, Muhammad Faris, & Muhsin, 2016; Saunah, Ruhaya, & Wah, 2014). Menurut Mohd Fadhli & Hairunnizam (2018), terdapat

perbezaan pelaporan dalam penyata kewangan maklumat zakat di Majlis Agama Islam Negeri (MAIN).

Begitu juga terdapat beberapa cadangan oleh kajian lepas kepada perlunya pendedahan pelaporan maklumat kewangan antaranya (Hairunnizam, Mohd Fairus, et al., 2018; Hairunnizam, Mohd Fairuz, et al., 2018; Mohd Fairuz et al., 2016; Mohd Suffian, Mohd Ali, & Hairunnizam, 2018). Pendedahan ini penting bagi menzahirkan akauntabiliti institusi zakat sebagai sebuah pemegang amanah dan pengurus dana yang besar. Pendedahan maklumat yang lengkap melalui penyata kewangan secara tidak langsung akan memberi keyakinan dan kepercayaan pihak berkepentingan untuk mengetahui aktiviti dan prestasi institusi zakat (Norli, Jamaliah, Normah, & Rashidah, 2012; Saunah et al., 2014).

Disamping itu walau pun penyata kewangan ini telah disediakan oleh institusi zakat, namun masih terdapat keraguan oleh pembayar zakat terhadapnya kerana maklumat kewangan yang dilaporkan adalah tidak lengkap dan tidak dikemaskini (Raedah, Sherliza, & Siti Normala, 2017). Selain itu, keseluruhan maklumat yang dilaporkan oleh organisasi yang bukan berasaskan keuntungan agak lemah di mana pendedahan maklumat bukan kewangan adalah tinggi berbanding dengan maklumat kewangan (Nurfarahin, Roshayani, & Nur Farahah, 2016).

Kajian Norfaiezah et al. (2020), laporan kewangan yang relevan dan boleh dipercayai merupakan salah satu media komunikasi bagi menyampaikan maklumat kepada pihak berkepentingan dalam membuat keputusan dan menunjukkan ketelusan, kecekapan serta akauntabiliti dalam institusi zakat.

Seterusnya bagi menggambarkan akauntabiliti dalam institusi zakat, pendedahan pelaporan maklumat yang selari dengan Maqasid Syariah juga boleh digunakan dalam menjaga kepentingan agama dan manusia keseluruhannya. Pendedahan tersebut boleh dikategorikan mengikut tahap daruriyyat, hajiyyat dan tahsiniyyat (Mohd Fairuz et al., 2016).

Menurut Noor Fadzilah et al. (2016) kepentingan pelaporan prestasi perlu dikemukakan kepada pemegang kepentingan dalam membuktikan akauntabiliti institusi zakat sama ada dari sudut kutipan dan agihan. Pelaporan prestasi digunakan untuk menyalurkan maklumat prestasi di mana terdapat tiga parameter iaitu sasaran yang telah ditetapkan oleh pihak pengurusan atau pemegang kepentingan, prestasi masa lalu dengan menggunakan analisis tren menaik atau menurun dan penanda aras pada industri. Pandangan ini disokong oleh (Grosso & Ryzin, 2011) iaitu laporan tahunan merupakan medium utama untuk menjelaskan akauntabiliti organisasi sektor awam kepada pihak berkepentingan.

Kecekapan pentadbiran juga memainkan peranan yang penting. Menurut Nur Mohamad (2017) bagi meningkatkan prestasi pengurusan zakat, pentadbiran yang tersusun, professional, telus dan kerap perlu dilaksanakan. Dengan ini kelancaran sesuatu urusan berkaitan kutipan dan agihan dapat berlaku dengan lebih efisien.

Selain itu setiap pelaporan dan maklumat berkaitan kewangan perlu diedarkan secara menyeluruh, tidak hanya melibatkan organisasi dalaman sahaja. Ini bertepatan kajian oleh Roshaliza et al. (2016), laporan tahunan termasuk penyata kewangan hanya diedarkan dalam

kalangan pengurusan institusi zakat sahaja dan tidak diedarkan kepada masyarakat awam, kecuali sekiranya ada permintaan.

Justeru pelbagai kajian lepas telah dijalankan bagi melihat akauntabiliti pendedahan maklumat dalam institusi zakat, namun kajiannya agak terhad dan masih lagi di peringkat penilaian dan cadangan terutamanya di Malaysia. Oleh itu, kajian ini perlu dijalankan bagi memberi penjelasan terhadap ketelusan, kepercayaan dan keyakinan dari pihak berkepentingan di masa depan.

METODOLOGI

Kajian ini menggunakan pendekatan kualitatif dengan kaedah dokumentasi dan tinjauan bagi mendapat maklumat yang berkaitan dengan topik perbincangan. Ia melibatkan perbincangan konsep dengan menggunakan kaedah sorotan literatur di mana sumber rujukan utama diambil daripada artikel ilmiah, jurnal, buku laporan dan maklumat-maklumat di laman web. Seterusnya maklumat yang diperolehi dianalisis secara konseptual dengan menggunakan kaedah induktif bagi memenuhi objektif kajian.

KAJIAN DAN DAPATAN

Hasil daripada pemerhatian dan tinjauan oleh pengkaji, terdapat beberapa maklumat yang boleh dijadikan rujukan dan panduan sama ada mereka yang terlibat secara langsung atau tidak dalam pengurusan institusi zakat. Secara ringkas pengkaji telah menyimpulkan beberapa perkara penting berkaitan akauntabiliti pendedahan maklumat dalam institusi zakat seperti di Jadual 1.

Jadual 1: Akauntabiliti Pendedahan Maklumat

Bil	Pengkaji	Dapatan Kajian berkait Item Pendedahan
1.	Mohd Fadhli & Hairunnizam (2018)	Wujud ketidakseragaman pendedahan maklumat zakat dari aspek struktur pengurusan zakat, penyata kutipan dan agihan serta pendedahan aset di dalam penyata kewangan di antara institusi zakat.
2.	Noor Fadzilah et al. (2016)	Penyata pendapatan dan perbelanjaan terperinci perlu di dedahkan di dalam pelaporan prestasi untuk pengetahuan pemegang kepentingan. Dengan ini membuktikan akauntabiliti dan kecekapan institusi zakat.
3.	Md Hairi et al. (2012)	Penyampaian perkhidmatan yang berkualiti dapat memberi keyakinan dan kepuasan hati pihak yang berkepentingan dalam institusi zakat.
4.	Saunah et al. (2014)	Pendedahan penyata kewangan sebagai instrumen penting dalam melaksanakan akauntabiliti.
5.	Mohd Fairuz et al. (2016)	Pendedahan maklumat pelaporan kewangan berdasarkan maqasid Syariah adalah penting bagi menzahirkan akauntabiliti.

6. Norfaiezah et al. (2020) Sembilan item pendedahan penyata kewangan yang dikaji iaitu penyata kewangan berasingan, peristiwa selepas tarikh pelaporan, pendedahan pihak berkaitan, pendedahan maklumat kewangan tentang sektor am kerajaan, pembentangan maklumat bajet dalam penyata kewangan, penyata kewangan disatukan, pelaburan dalam syarikat bersekutu dan usaha sama, pengaturan bersama dan pendedahan kepentingan dalam entiti lain. Dari item ini tiada mana-mana MAIN yang membuat pendedahan maklumat kewangan berkaitan sektor am kerajaan dan pengaturan bersama.
 7. Mohd Fairuz et al. (2016) Mencadangkan 156 item pelaporan pendedahan bagi institusi wakaf, zakat dan baitulmal dengan mengaplikasikan Maqasid Syariah dalam setiap pelaporan.
 8. Raedah et al. (2017) Kutipan dan agihan zakat perlu dilaporkan secara terperinci dalam laporan tahunan. Selain itu bukan sahaja maklumat kewangan, malah maklumat bukan kewangan juga dicadangkan untuk pendedahan bagi menangani isu akauntabiliti dalam institusi zakat.
 9. Sheila Nu Nu & Syed Ahmed (2014) Bagi tujuan akauntabiliti tujuh kategori kepada pihak berkepentingan iaitu polisi perakaunan dan perubahan, lembaga pemegang amanah, pengurusan risiko, kenyataan tentang kawalan dalaman, intipati penting, pendedahan kutipan dan agihan zakat dan terakhir penyata aliran tunai perlu didedahkan dan dipamerkan untuk meningkatkan keyakinan dan kepercayaan.
 10. Suhaiza & Nur Barizah (2011) Maklumat bagaimana sumber diperolehi, bagaimana sumber-sumber digunakan dalam pengeluaran barangan dan perkhidmatan, bagaimana barangan dan perkhidmatan memenuhi piawaian, bagaimana program mencapai objektif yang ditetapkan serta bagaimana pihak awam berpuas hati dengan perkhidmatan yang disediakan kerajaan. Maklumat-maklumat ini adalah penting untuk kawalan yang sesuai, perancangan dan tujuan akauntabiliti.
 11. Mohd Suffian et al. (2018) Mencadangkan kodifikasi Akta Zakat Nasional bagi meningkatkan tahap pematuhan masyarakat Islam terhadap pembayaran zakat dan secara tidak langsung memberi kepercayaan kepada pihak berkepentingan terhadap institusi zakat sebagai sebuah organisasi yang mempunyai akauntabiliti.
 12. Hairunnizam, Mohd Fairuz, et al. (2018) Kerangka Syariah dicadangkan dari aspek kutipan dan agihan termasuk mendefinisikan takrifan konsep-konsep yang terdapat dalam pengurusan zakat agar tidak
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menimbulkan kekeliruan dan ketidakjelasan fahaman di pihak berkepentingan.

Sumber: Dapatan kajian oleh penulis

Merujuk kepada Jadual 1, pengkaji mendapati dapatan dari hasil kajian pelbagai cadangan, saranan dan tindakan yang dikemukakan oleh kajian-kajian lepas. Tanpa melihat perbandingan samaada organisasi kerajaan atau swasta terutamanya yang melibatkan pegangan amanah dana yang besar seperti institusi zakat, maka adalah penting setiap maklumat atau laporan terutamanya yang melibatkan aspek kewangan dipamer serta didedahkan dengan terang dan jelas. Perkara ini perlu dititikberatkan kerana ia melambangkan akauntabiliti institusi tersebut dalam menjalankan amanah. Justeru dengan pendedahan ini, secara tidak langsung akan meningkatkan keyakinan dan kepercayaan yang tinggi dari pihak berkepentingan terhadap institusi zakat.

KESIMPULAN

Pelbagai usaha telah dijalankan oleh pengkaji dalam memberi keyakinan dan kepercayaan kepada pihak berkepentingan terhadap pengaruh keberkesanan dan kecekapan institusi zakat sebagai sebuah organisasi yang melibatkan pengurusan kewangan yang besar. Selain sebagai pemegang amanah yang telus dan berakauntabiliti tinggi, ia bukan sahaja kepada masyarakat keseluruhan tetapi yang paling utama akauntabiliti kepada Allah SWT. Selaras dengan meningkatkan kepercayaan dan keyakinan dari pihak berkepentingan, maka kajian ini perlu diteruskan oleh pengkaji-pengkaji seterusnya untuk melihat kepentingan akauntabiliti dalam sesebuah institusi terutamanya institusi zakat di masa depan.

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BANTUAN MODAL PERNIAGAAN DI BAITUL MAL ACEH SEBAGAI MODEL PEMBIAYAAN MIKRO DARIPADA DANA ZAKAT KEPADA USAHAWAN ASNAF

*(Business Capital Assistance In Baitul Mal Aceh As A Model of Micro Financing
From Zakat Fund to Asnaf Entrepreneurs)*

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Abstrak

Baitul Mal Aceh menyalurkan modal perniagaan kepada asnaf zakat dalam bentuk pembiayaan mikro. Bantuan modal melalui pembiayaan mikro ini bertujuan untuk membantu golongan asnaf fakir dan miskin merubah kehidupan ke arah yang lebih baik. Pelaksanaan kaedah agihan ini terbukti berjaya di Aceh di mana mustahiq dapat merubah taraf kehidupan keluarga dan membayar balik wang pinjaman dalam masa yang ditetapkan. Tambahan pula segelintir mustahiq yang menerima bantuan tidak lagi tergolong dalam golongan asnaf zakat. Persoalannya, bagaimanakah Baitul Mal Aceh menguruskan bantuan modal tersebut? Apakah mekanisme yang digunakan? Bagaimana mereka mendapatkan bayaran balik pembiayaan tersebut? Dapatan analisis berdasarkan data primer mempamerkan bahawa bantuan modal dalam bentuk pembiayaan mikro yang dijalankan di Baitul Mal Aceh adalah berpandukan kepada beberapa kriteria yang ditetapkan. Ini menunjukkan Baitul Mal Aceh boleh dijadikan model untuk diaplikasikan di institusi-institusi zakat di Malaysia.

Keywords: Bantuan Modal Perniagaan, Pembiayaan Mikro, Dana Zakat, Baitul Mal Aceh, Usahawan Asnaf.

Abstract

Baitul Mal Aceh provides business capital for the zakat asnaf in the form of micro-financing. Capital assistance through micro-financing is intended to help the poor and needy asnaf to improve their life become better. The implementation of the distribution method is proven to be

successful in Aceh where zakat recipients are able to improve their social life and able to pay back the loan within the stipulated time. Furthermore, some of zakat recipients are no longer categorized as eligible zakat recipients. The questions are, how does the Baitul Mal Aceh manage the capital assistance awards? What is the implemented mechanism? How do they get a repayment of the financing? The findings of the analysis are based on the primary data showed that the capital assistance in the form of micro-financing carried out in the Baitul Mal Aceh is guided by several criteria. This shows that the Baitul Mal Aceh can be adopted as a model and implemented to the zakat institutions in Malaysia.

Keywords: *Business Capital Assistance, Micro-Financing, Zakat Fund, Baitul Mal Aceh, Asnaf Entrepreneurs.*

PENGENALAN

Lembaga Keuangan Mikro Syariah (LKMS) Baitul Mal Aceh memberikan bantuan modal perniagaan kepada usahawan asnaf dalam bentuk pembiayaan mikro. Perkara ini bukanlah perkara baru bagi Baitul Mal Aceh. Usaha ke arah memperkasakan dana zakat dalam bentuk produktif dinyatakan di dalam Qanun Aceh No. 10/2007. Qanun Aceh No. 10/2007, fasal 29 menyatakan, penerima zakat dalam bentuk produktif mesti memenuhi tiga syarat. Pertama, sudah mempunyai suatu jenis usaha produktif yang layak. Kedua, bersedia menerima petugas pendamping yang berfungsi sebagai pembimbing. Ketiga, bersedia menyampaikan laporan usaha secara berkala setiap enam bulan.

Pembiayaan melalui modal kerja ini bertujuan untuk meningkatkan taraf ekonomi hidup keluarga dan mendidik supaya rajin bekerja serta tidak mengharap bantuan daripada orang lain. Setiap pembiayaan yang diberikan mesti dibayar secara ansuran mengikut sektor masing-masing. Sektor perdagangan perlu membuat ansuran bulanan, begitu juga sector perkhidmatan. Manakala sektor pertanian dan penternakan pula perlu membuat ansuran mengikut kesesuaian penerimaan hasil untuk sektor-sektor tersebut. Ansuran yang diterima itu akan digunakan untuk pembiayaan mikro seterusnya kepada penerima zakat yang baru.

Justeru, artikel ini akan membincangkan dua perkara utama. Pertama, bantuan modal perniagaan di Baitul Mal Aceh. Kedua, mekanisme agihan produktif secara *qard hasan* di Baitul Mal Aceh.

PERBINCANGAN

Bantuan modal perniagaan di Baitul Mal Aceh

Bagi memastikan penerima zakat berjaya dalam usaha masing-masing dan seterusnya mampu berubah menjadi pembayar zakat, Baitul Mal Aceh menetapkan beberapa kriteria. Antara kriteria tersebut ialah pertama, memiliki iman dan taqwa. Kedua, jujur dan amanah. Ketiga, daripada keluarga yang kurang mampu iaitu pendapatan lebih kecil daripada keperluan hidup harian. Pendapatan di bawah Rp.1,000,000 dengan mempunyai tanggungan minimum seramai 2 orang. Rumah yang didiami tidak kekal dan tidak layak diduduki. Keempat, memiliki tapak perniagaan yang tetap dengan barangan perniagaan yang jumlahnya sedikit. Kelima, tidak bekerja sebagai pegawai kerajaan atau pegawai syarikat milik kerajaan mahupun pegawai swasta. Namun semua

data yang diberikan oleh penerima dan kelulusan untuk pembiayaan mikro ini akan disahkan dan ditentukan oleh Timbalan Unit Pengelolaan Zakat Produktif di lapangan.

Pembiayaan mikro yang dilaksanakan di Baitul Mal Aceh melibatkan tiga sektor iaitu sektor perdagangan, sektor penternakan dan sektor pertanian.¹ Namun, pada tahun 2008, bantuan kepada sektor penternakan dimansuhkan kerana tidak mendatangkan keuntungan yang lumayan. Sektor penternakan diganti dengan sektor perkhidmatan. Setakat ini, pembiayaan di sektor perkhidmatan hanyalah untuk membiayai pembelian beca bermotor.

Pembiayaan mikro untuk sektor perdagangan menggunakan *al-qard al-hasan* iaitu pemberian pinjaman tanpa dikenakan apa-apa bayaran tambahan. Namun mereka boleh dikenakan bayaran perkhidmatan. Bayaran itu mestilah kos sebenar untuk menyediakan perkhidmatan tersebut (Abdul Rahim Abdul Rahman, 2007). Ansuran bulanan mestilah dibuat sesuai dengan jumlah pembiayaan yang diterima untuk tempoh selama setahun. Setakat ini, mereka yang terlibat di sektor perdagangan mampu membuat bayaran balik pada tahap 79% daripada amaun modal kerja yang diambil. Ini suatu kejayaan yang membanggakan kerana bank konvensional yang diuruskan secara profesional dan sudah lama terlibat dengan program ini hanya mampu memungut bayaran balik pada tahap 60% daripada amaun yang diambil.

Pembiayaan mikro untuk sektor penternakan pula menggunakan aqad *mudarabah* iaitu satu bentuk kerjasama antara dua pihak di mana pemilik modal (*shahibul amal*) menyediakan sejumlah modal kepada pengusaha (*mudarib*). Perkongsian keuntungan antara mereka dibahagikan mengikut nisbah yang dipersetujui oleh pihak-pihak yang terlibat (Abdul Rahim Abdul Rahman, 2007).

Modal kerja disediakan dalam bentuk haiwan ternakan. Ia melibatkan ternakan lembu dan kambing. Bagi ternakan lembu (penggemukan lembu) perkongsian keuntungan diperoleh apabila lembu tersebut dijual. Keuntungan dibahagikan mengikut aqad *mudarabah* antara Baitul Mal Aceh dengan peternak dengan nisbah 50:50. Perternak mendapat bahagian 50% dari keuntungan bersih, manakala Baitul Mal Aceh memperoleh 50% dari keuntungan bersih bersama dengan modal yang dikeluarkan untuk pembelian ternakan berkenaan. Semasa pemeliharaan ternakan tersebut, Baitul Mal Aceh akan memantau perkembangan ternakan tersebut dari segi pengubatan dan pencegahan penyakit oleh pegawai haiwan.

Pembiayaan mikro untuk sektor pertanian diberikan kepada para petani di daerah-daerah miskin yang terpilih. Pembiayaan di sektor pertanian juga menggunakan *al-qard al-hasan*. Para peserta di sektor pertanian diagihkan zakat dalam bentuk sara hidup semasa menunggu hasil tanaman mereka dituai. Apabila hasil tanaman telah dituai, misalnya 40 untuk tanaman bayam atau 90 hari untuk tanaman kacang, maka ansuran modal kerja yang diambil perlulah dibayar sepenuhnya. Bagi mereka yang tidak mampu membayar sepenuhnya, maka ansuran dibuat bersesuaian dengan kemampuan masing-masing. Dengan pembiayaan mikro ini, petani telah dapat memperluas kawasan pertanian mereka sehingga pendapatan dan taraf hidup mereka menjadi lebih baik daripada sebelumnya.

Pembiayaan mikro untuk sektor perkhidmatan beca bermotor dimulakan untuk meringankan beban usahawan asnaf. Pembiayaan mikro untuk sektor perkhidmatan beca

¹ Untuk keterangan lanjut tentang zakat produktif khususnya untuk pembiayaan mikro di Baitul Mal Aceh, sila lihat Pengelolaan Zakat Produktif Pada Badan Baitul Mal Provinsi Nanggroe Aceh Darussalam, susunan Tim UPZP bagi tempoh September 2006 - Oktober 2007.

bermotor ini menggunakan akad *qard al-hasan*. Sektor perkhidmatan menunjukkan kejayaan kerana akhirnya usahawan dapat menikmati hasil pendapatan mereka di samping dapat memiliki beca bermotor. Sebelumnya, sebahagian besar beca yang dipandu usahawan asnaf adalah beca sewa.

Mekanisme Agihan Produktif Secara Qard Hasan di Baitul Mal Aceh

Agihan zakat secara pembiayaan mikro yang dijalankan di Baitul Mal Aceh adalah berpandukan kepada beberapa kriteria yang ditetapkan. Ringkasnya, mekanisme agihan produktif secara qard hasan ini dapat disimpulkan seperti dalam Jadual 1.

Jadual 1: Agihan Zakat secara Qard Hasan di Baitul Mal Aceh

Kriteria	Penerangan
Kaedah Agihan Zakat	<ul style="list-style-type: none"> a) Agihan zakat produktif diberikan kepada golongan asnaf miskin. b) Pemberian modal dalam bentuk pembiayaan mikro diberi secara dua bentuk iaitu tunai dan peralatan.
Kontrak Kaedah bayaran balik	<ul style="list-style-type: none"> a) Qard hasan b) Secara ansuran setiap bulan dengan nilai minimum berdasarkan jumlah pinjaman – sektor perniagaan dan sewa beli beca c) Secara ansuran setiap kali penuaian dengan nilai minimum berdasarkan jumlah pinjaman – sektor pertanian dan penternakan
Sektor-sektor penyaluran	<ul style="list-style-type: none"> a) Penternakan b) Perdagangan c) Pertanian d) Perkhidmatan
Syarat-syarat Pemilihan Peserta	<ul style="list-style-type: none"> a) Memiliki iman dan takwa b) Jujur dan amanah c) Berasal daripada keluarga yang kurang berkemampuan <ul style="list-style-type: none"> ●Memperoleh pendapatan lebih kecil daripada keperluan harian ●Hasil pendapatan di bawah skala RP 1,000,000. ●Mempunyai kadar tanggungan minimum seramai 2 orang. ●Tidak mempunyai kediaman sendiri yang tetap dan tidak sesuai untuk didiami. ●Ada tempat untuk menjalankan perniagaan yang tetap serta memiliki peralatan yang sedikit ●Tidak mempunyai profesion dalam sektor kerajaan (pegawai kerajaan mahupun swasta). <p>Laporan perkembangan perniagaan perlu dikemukakan usahawan asnaf kepada pegawai Baitul Mal setiap enam bulan secara berkala</p>

Perlaksanaan dan Pemantauan	a) Modal tambahan tidak akan diberi. Permohonan kali kedua tidak akan dilayan dan diproses – blacklist (bagi yang menyeleweng)
Denda / Penalti	b) Perusahaan berkelompok - jumlah dana yang tidak dibayar akan sama-sama ditanggung oleh anggota kelompok. c) Perbuatan mereka akan dilaporkan kepada ketua kampung untuk diambil tindakan d) Nama dan gambar orang yang bermasalah membuat bayaran akan ditampal di surau-surau dan tempat awam e) Peminjam yang gagal membuat bayaran balik akibat daripada musibah atau hal-hal lain yang tidak disengajakan akan dibantu dengan pemberian zakat sara diri yang tidak perlu dikembalikan

Sumber: Nurul Ilyana Muhd Adnan (2015) & Armiadi Muda Bashah (2009)

Sektor-sektor yang berpotensi

Terdapat dua kaedah penyaluran zakat produktif dalam bentuk mikro kredit di Baitul Mal Aceh. Pertama, bersifat berpusing (revolving fund) dan tidak berpusing. Modal berpusing disalurkan dalam bentuk *qard hasan*. Sementara untuk modal yang tidak berpusing, disalurkan dalam bentuk modal berupa tunai, barangan dan sebagainya. Berikut merupakan sektor-sektor yang berpotensi:

Sektor Ternakan

Bagi sektor penternakan, modal kerja akan disediakan dalam bentuk haiwan ternakan seperti lembu dan kambing. Bagi keuntungan ternakan haiwan tersebut adalah dengan perkongsian keuntungan setelah haiwan tersebut dijual. Keuntungan tersebut akan dibahagikan antara Baitul Mal dan penternak mengikut kaedah mudharabah iaitu dengan nisbah 50:50. Maka penternak akan mendapat sebanyak 50% daripada keuntungan bersih bersama modal yang dikeluarkan untuk membeli ternakan tersebut.

Baitul Mal juga turut memberikan kepercayaan kepada golongan perternak yang mampu dan sanggup mendapatkan seekor hingga tiga ekor lembu untuk ditenak sehingga gemuk. Bagi ternakan kambing pula sebanyak tiga ekor setiap penternak untuk digemukkan. Sepanjang penternakan tersebut berjalan, Baitul Mal Aceh akan meninjau perkembangan ternakan dari aspek perubatan dan pencegahan penyakit oleh pegawai haiwan.

Sektor Pertanian

Bagi sektor pertanian, pembiayaan *qard hasan* turut diberikan kepada petani-petani yang terpilih. Golongan yang terpilih akan diberikan zakat dalam bentuk sara hidup sebelum hasil tanaman dapat dituai. Kebiasaannya ia mengambil masa selama 40 hari bagi tanaman bayam dan 90 hari bagi tanaman kacang. Oleh itu, ansuran modal kerja yang telah diberikan haruslah dibayar sepenuhnya. Walau bagaimanapun, bagi golongan yang tidak mampu membayar ansuran modal tersebut, maka ansuran tersebut boleh dibayar mengikut kemampuan masing-masing. Melalui pembiayaan *qard hasan* ini, golongan petani dapat meningkatkan lagi keluasan pertanian dan sekaligus dapat membantu meningkatkan penjana ekonomi keluarga mereka menjadi lebih baik (Armiadi Muda Basyah 2009).

Sektor Perdagangan

Bantuan modal perniagaan diagihkan kepada golongan asnaf miskin adalah untuk membantu membangunkan ekonomi golongan tersebut. Tujuannya agar mereka tidak bergantung harap kepada bantuan sahaja. Dalam hal ini, Baitul Mal Aceh telah mengagihkan bantuan modal perniagaan dalam bentuk qard hasan. Modal diberikan dalam dua bentuk iaitu modal tunai dan peralatan. Modal tunai akan diberikan kepada mana-mana golongan asnaf yang memerlukan peralatan berkos besar (Armiadi Muda basyah 2009). Pinjaman diberikan sebanyak Rp 1 juta sehingga Rp 10 juta dalam jangka waktu satu tahun (Sekreteriat Baitul Mal Aceh 2019).

Sektor Perkhidmatan Beca Bermotor

Pembiayaan bagi perkhidmatan beca bermotor dimulakan pada tahun 2008 untuk meringankan beban usahawan asnaf. Pembiayaan untuk sektor perkhidmatan beca bermotor ini menggunakan akad *qard hasan*. Sektor perkhidmatan menunjukkan kejayaan kerana akhirnya usahawan dapat menikmati hasil pendapatan mereka di samping dapat memiliki beca bermotor. Sebelumnya, sebahagian besar beca yang dipandu usahawan asnaf adalah beca sewa (Armiadi Musa Basyah, 2009).

Kriteria Penerima Bantuan Modal

Baitul Mal Aceh telah menetapkan beberapa kriteria bagi memastikan penerima modal berjaya dalam perusahaan mereka dan sekaligus mampu menjadi pembayar zakat. Kriteria tersebut ialah:

- a) memiliki iman dan taqwa
- b) jujur dan amanah
- c) keluarga yang kurang mampu iaitu kurang daripada Rp.1,000,000 dengan mempunyai tanggungan minuman seramai dua orang dan rumah yang didiami tidak kekal dan tidak layak diduduki.
- d) memiliki tempat perusahaan atau perniagaan yang tetap dengan barang perniagaan yang jumlahnya sedikit.
- e) tidak berkeja sebagai pegawai kerajaan atau pegawai syarikat milik kerajaan mahupun swasta.

Berdasarkan kriteria di atas, Baitul Mal Aceh amat mementingkan sikap dan akhlak yang terpuji pada diri setiap individu yang menerima bantuan modal. Kriteria yang digariskan ini juga sekaligus menunjukkan ketelitian Baitul Mal Aceh dalam memilih penerima yang layak dari setiap aspek. Malah ketakwaan kepada Allah SWT dipilih sebagai yang utama.

Proses Sebelum Permohonan Disahkan

Semua data yang diberikan oleh penerima dan kelulusan untuk pembiayaan mikro ini akan disahkan dan ditentukan oleh TIM UPZP di lapangan. Di samping itu, terdapat empat proses yang perlu dilalui oleh pemohon sebelum permohonan mereka disahkan. Antaranya ialah (Nurul Ilyana Muhd Adnan 2015):

- a) *mustahiq* perlu mendaftar diri oleh pemohon sebelum permohonan mereka disahkan.
- b) Pegawai Baitul Mal akan mengenal pasti asnaf yang layak dan berkebolehan untuk dibangunkan.

- c) Amil zakat akan melakukan kaji selidik berdasarkan maklumat permohonan mustahiq ini adalah bagi memastikan perniagaan yang dipilih mampu berkembang dengan baik.
- d) sekiranya permohonan berikut berjaya, pemohon akan diberikan bantuan modal perniagaan dan modal pusingan. Pemohon akan berurusan dengan jawatankuasa pembiayaan di Baitul Mal Aceh
- e) Kaji selidik turut dijalankan bagi memastikan penerima benar-benar mampu memajukan apa yang telah diusahakan.

Pemantauan Aktiviti Dari Baitul Mal Aceh

Bagi mereka yang berjaya, Baitul Mal Aceh akan melantik pegawai khas bagi memantau setiap aktiviti yang dijalankan. Tujuannya bagi memastikan perusahaan tersebut berjalan dengan lancar. Semasa tempoh pemantauan, usahawan asnaf akan diberikan bimbingan, latihan serta motivasi oleh pegawai khas bermula daripada penerimaan bantuan modal perniagaan sehinggalah berjaya membangunkan perusahaan masing-masing. Di samping itu, usahawan asnaf juga perlu menyediakan laporan perkembangan kegiatan ekonomi mereka kepada pegawai Baitul Mal yang dilantik secara berkala setiap enam bulan. Hal ini bagi memastikan mereka tidak menghadapi sebarang masalah (Sekreteriat Baitul Mal Aceh 2019).

Pemantauan aktiviti dari Baitul Mal ini amat memberangsangkan serta amat membantu asnaf tersebut bagi mendapatkan lagi input berkenaan sektor-sektor yang sedang mereka usahakan. Di samping itu juga, pemantauan ini juga sangat penting dalam memastikan golongan-golongan asnaf ini telus dalam setiap kerja yang mereka usahakan.

Kaedah Pembayaran Semula

Modal usaha yang diagihkan kepada *mustahiq* jumlahnya berbeza-beza antara satu sama lain dengan mengikut kesesuaian perusahaan dan keperluan harian mereka. Pinjaman modal usaha ini wajib dibayar semula secara bayaran ansuran setiap bulan dengan nilai minimum mengikut jumlah pinjaman dibahagi kepada 12 bulan bagi sektor perniagaan dan sewa beli beca. Bagi sektor pertanian dan penternakan pula akan dipulangkan pada setiap kali hasil penuaian.

Berdasarkan pernyataan di atas, faktor pendapatan bulanan seseorang *mustahiq* amat penting bagi melayakkan *mustahiq* tersebut menerima bantuan. Di samping itu, Baitul Mal Aceh turut mengumpulkan data keluarga miskin di kawasan berkaitan. Hal ini bagi memastikan *mustahiq* benar-benar layak menerima bantuan modal perniagaan. Usahawan asnaf yang berjaya dalam perusahaan yang dijalankan wajib membayar pinjaman dalam tempoh setahun. Kadar bayaran semula bergantung kepada jumlah pinjaman. Ansuran bulanan dibuat sesuai dengan jumlah pembiayaan yang diterima dalam tempoh selama setahun. Setakat ini, golongan asnaf yang terlibat di dalam sektor perdagangan hanya mampu membuat pembayaran balik pada tahap 79% daripada amaun kerja yang diambil. Hal ini merupakan suatu kejayaan yang membanggakan kerana bank konvensional yang diuruskan secara profesional dan sudah lama terlibat dalam program ini mampu memungut bayaran balik pada tahap 60% daripada amaun yang diambil.

Di samping membayar balik pinjaman, mereka juga boleh mendapatkan modal tambahan. Usahawan yang berjaya merupakan usahawan yang mana perniagaan mereka mulai berkembang maju dan mendapat keuntungan. Justeru, pendapatan mereka sudah mencapai atau melebihi nisab zakat.

Sebagai kesimpulan, kaedah agihan yang dijalankan di Baitul Mal Aceh secara mikro kredit ini boleh dikatakan berjaya. Ianya dibuktikan dengan golongan penerima bantuan dapat merubah taraf kehidupan keluarga ke arah yang lebih baik. Malah, dapat membuat pembayaran balik dalam jangka masa yang diberi (Rizki Aulia 2013). Perkara ini juga disokong oleh Berita Baitul Mal Aceh (2015) yang mana menyatakan segelintir penerima bantuan sudah tidak lagi tergolong dalam golongan asnaf zakat. Selain itu, laporan kewangan Baitul Mal Aceh menunjukkan *mustahiq* yang menyertai skim ini 99 peratus berjaya dengan adanya pengurusan yang sistematik di Baitul Mal Aceh (Nurul Ilyana Muhd Adnan 2015). Justeru, pembiayaan mikro daripada dana zakat ini adalah kaedah yang mampu menukarkan daripada *mustahiq* kepada pembayar zakat.

Denda atau Penalti

Berdasarkan penjelasan daripada Rizky Aulia dan Muhammad Iqbal, denda akan dikenakan terhadap orang yang tidak membayar pinjaman. Antara denda tersebut ialah modal tambahan tidak akan diberi. Permohonan kali kedua mereka tidak akan dilayan sama sekali (blacklist nama peminjam yang menyeleweng). Selain itu, bagi perusahaan berkelompok, jumlah dana yang tidak dibayar akan sama-sama ditanggung oleh anggota kelompok. Perbuatan mereka juga akan dilaporkan kepada ketua kampung untuk diambil tindakan. Akhir sekali nama dan gambar orang yang bermasalah membuat bayaran akan ditampal di surau-surau dan tempat awam untuk memberi pengajaran kepada mereka. Walau bagaimanapun, *mustahiq* yang gagal membuat bayaran balik akibat daripada musibah atau hal-hal lain yang tidak disengajakan akan dibantu dengan pemberian zakat sara diri yang tidak perlu dikembalikan.

Ada beberapa faedah penyaluran zakat dalam bentuk revolving (modal berpusing), iaitu pertama, manfaat zakat dapat dirasakan oleh ramai *mustahiq*. Hal ini kerana dana zakat akan terus akan berpusing dalam kalangan mereka sendiri. Kedua, *mustahiq* akan lebih berusaha dalam menjalankan perniagaannya kerana mendapat bimbingan dan bantuan daripada Baitul Mal. Ketiga, dana zakat akan terjaga dan terpelihara daripada orang-orang pemalas dan pendosa.

Justeru, zakat merupakan sarana pertolongan bagi *mustahiq*. Zakat dapat mendorong mereka untuk menjalani kehidupan yang lebih baik dan lebih layak. Dengan demikian, masyarakat akan terlindung daripada penyakit kemiskinan dan negara akan terpelihara daripada penganiayaan dan kelemahan.

RUMUSAN

Baitul Mal Aceh telah memainkan peranan yang aktif dari aspek pembangunan industri kecil dengan melaksanakan pelbagai program keusahawanan yang dijalankan bermatlamat membaiki serta meningkatkan pendapatan ekonomi golongan miskin yang menceburi bidang keusahawanan. Melalui program yang dijalankan, agihan bantuan modal melalui usaha produktif kepada usahawan asnaf yang ditadbir secara berpusing (*revolving fund*) dan tidak memerlukan jaminan dan insurans. Ianya diberikan secara *qardhul-hasan* yang mana tidak disyaratkan sebarang faedah dikenakan terhadap peminjam. Agihan produktif adalah bersumber daripada zakat dan infaq. Ianya disalurkan dalam bentuk pinjaman modal usaha tanpa bunga kepada pengusaha mikro miskin dalam sektor pertanian dan perdagangan. Justeru, pembiayaan qard hasan daripada dana zakat

yang diamalkan di Baitul Mal Aceh boleh dijadikan sebagai model agihan zakat produktif yang 'sustainable'.

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WAYS OR WASTE: IMPLEMENTATION OF AR-RAHNU SHOP ACCEPTANCE MODEL (ARSAM) IN DETERMINING THE FACTORS OF ISLAMIC PAWN

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Abstract

In Malaysia, there are several times government imposed Movement Control Order (MCO) when the infected Covid 19 cases arose. The government's order impacted large dan small businesses. Therefore, companies, factories, shops and others having declining of profit. Hence, one of the ways to get money was pawning or Ar-Rahnu (Islamic pawn) in Shariah concept. This is because Ar-Rahnu functioned as financial problem solver. Regarding to the issue, this study aims to explore the nexus between factors of Islamic pawn such as Shariah view, pledge assets, customer service, locality and financial benefits with use of Ar-Rahnu. Considering this aims, the current study tends to develop a new model ARSAM (Ar-Rahnu Shop Acceptance Model) based on content analysis to explain the best factors influencing consumers' acceptance of Islamic-based pawnshop. Findings are useful for the Muslim society to take initiative and benefit of Ar-Rahnu shop in order to solve the financial constraint.

Keywords: *Ar-Rahnu, ARSAM, Covid 19*

INTRODUCTION

The world are still facing with the pandemic of Covid 19. Many things have change for this recent two years included regulations, political, economical, technological and environmental. Regulations were obviously realized being transform as people are limit by the Movement Control Order (MCO). In Malaysia, there are several times government imposed MCO when the infected cases arose. This government's order impacted large dan small businesses. Therefore, companies, factories, shops and others having declining of profit.

Furthermore, there are issues of lay offs employee, cutting down salaries and increasing unemployment. Based on Department of Statistics Malaysia (2021), the unemployment rate increased by 4.8% in the fourth quarter of 2020 because of Covid 19 pandemic. This situation led to economic shrink. A statement from DOSM proved that the scenario of increasing unemployment rate affects the disposable income which indicates a slowdown and indirectly led

to a decrease of the Gross National Income (GNI) per capita from RM45,212 in 2019 to RM42,531 in 2020. Meanwhile, movement control imposed by the government led to a reduction in domestic consumption expenditure.

Here was the data of Gross Domestic Product (GDP) and Gross National Income (GNI) in Malaysia from year 2016 to 2020 as representing the economic growth.

Table 1: Data of GNI and GDP in Malaysia

Year	GNI (RM)	GDP (RM billion)
2016	38 412	322.5
2017	41 647	341.1
2018	43 307	357.4
2019	45 212	370.1
2020	42 531	357.4

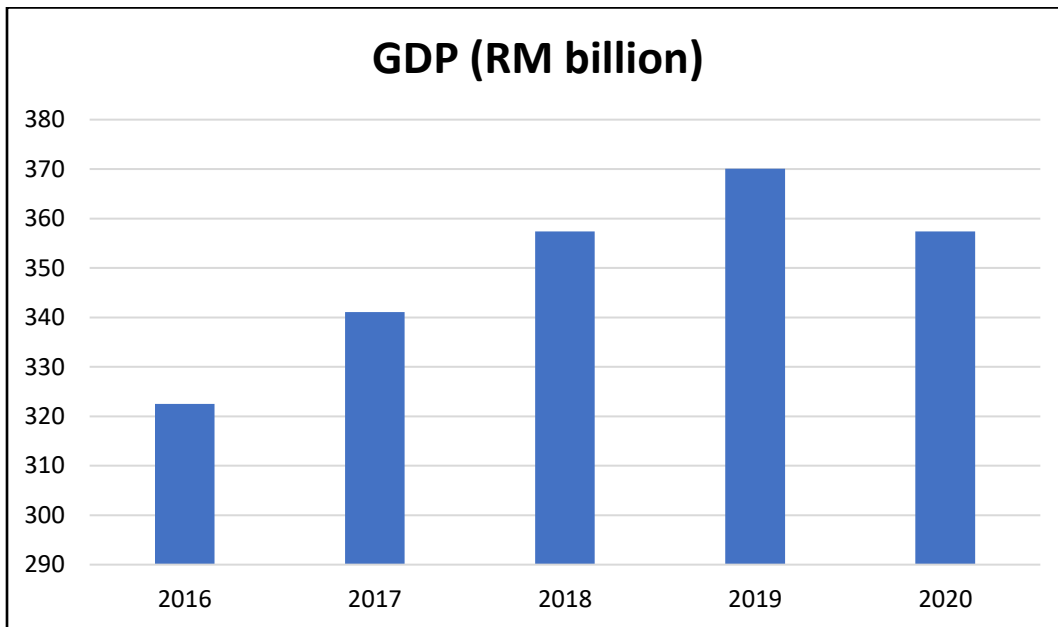


Figure 1: Graf of GDP in Malaysia

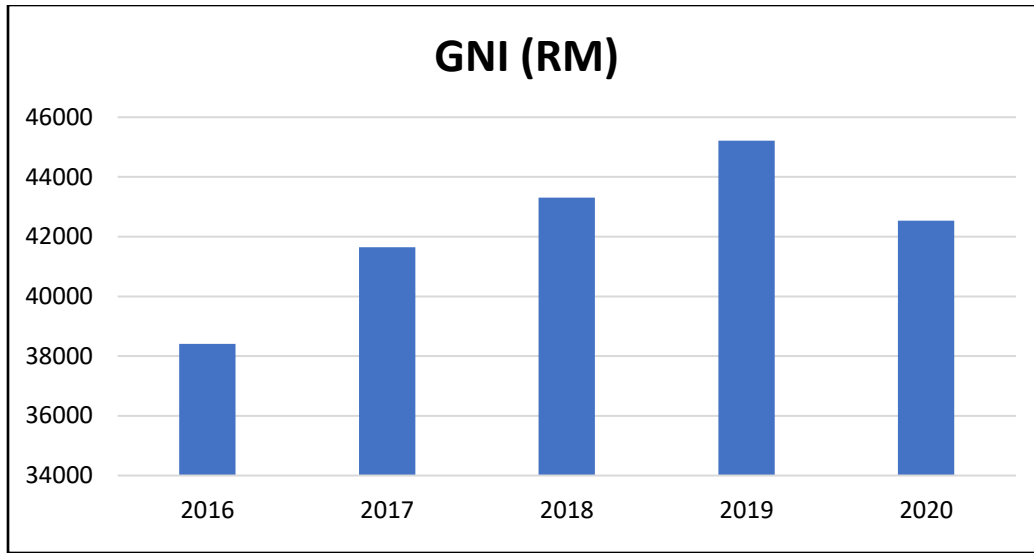


Figure 2: Graf of GNI in Malaysia

As the result of economic growth are declining, government assisted about nine million Malaysians by giving payment cash which known as National Assistance (BPN). The amount of payment cash were varied based on the income level (Khairulrijal, 2020). However, this government assistance is not able to fully cover the expenses of individuals and the whole community throughout the pandemic and post-pandemic (Noor, Rahim & Safiee, 2020). Hence, one of the ways to get money was pawning or Ar-Rahnu in Shariah concept. This is because Ar-Rahnu functioned as financial problem solver. Research supported that, Ar-Rahnu have positive impact on scheme implementation in educating children, resolving debt, reducing unemployment, avoiding social problems (gambling and usury loans) and growing businesses (Azman et al., 2020).

Concept of Ar-Rahnu

Ar-Rahnu has existed in the Islamic financial system in line with the development of Islamic banking and investment around the world. Ar-Rahnu generally has the concept of Islamic collateral-based financing system emphasizing shariah concept in financing facilities and guarantee to get cash with gold pawn. The implementation of shariah concept such as Wadiah, Qardhul Hassan and Ujra became clearly different from the conventional pawnshop and that eliminated the elements of Riba and gharar in Ar-Rahnu system (Hamid, Rahman, and Halim, 2014; Thaker, Khaliq, Thaker, Pitchay & Sakaran (2020). In terms of Ar-Rahnu operation, there is no difference with conventional except loan requirements such as collateral, quick process, service charges (Razak, 2011). Hence, Ar-Rahnu become importance sector especially for muslim society using Ar-Rahnu scheme as alternative for Muslim community in the country to use a '*halal*' and more appropriate pawn system suit to the shariah needs and requirements (Hamid et al., 2014). In addition, Razak (2011) who describes the use of A -rahnu is for personal purposes such as daily necessities, paying debt, medical, education, traveling or buying a car and is not a priority to entrepreneurial activity purposes. However, Yahaya & Wahab (2020) state the importance of Ar-

Rahnu not only meeting the needs of the Muslim community, but is one of the ways to support small entrepreneurs to get a business financial access.

Ahmad, Mansor & Nadiah (2012) discuss the concept of Ar-Rahnu broking was introduced to financial system as a pledge or a security related to a loan and also known as possessing guarantee based on syariah principle. This can be backed up by the verses of the Qur'an which emphasize for a believer to pay a debt to the debtor in Verse Quran, 74:38. This is supported by a preliminary study on the concept of Ar-Rahnu by Bhatt and Sinnakkannu (2008) released 4 four concepts that are Qardhul Hassan (benevolent loan), Wadiah YadAmanah (trustwordhiness), Al-ujrah (safekeeping), and Wadiah Yadhomanah (safekeepingwith guarantee). In practice it has been described by Thaker et al., (2020) to place three stages in Ar-Rahnu implementation namely fi rst, the process of lending from institution to borrower; second, the process of redeeming; and third, the auctioning process.

Ar-Rahnu Scheme in Malaysia

Ar-Rahnu is a scheme which was established to secure people, especially the Muslim community from interest-oriented transaction. It is because interests or usury contributed unfair a situation and harm the poor where the rich will get richer while the poor will continue to be poor. In addition, this scheme will indirectly improve the socio-economic structure of the Muslims. For example, Ar-Rahnu becomes an alternative to cash-stripped group, to prepare schooling needs and pay medical expenses. The present of Ar-Rahnu can also help individual that having difficulties to obtain loans from banks or financial institutions due to specific problems such as not eligible, complicated loan management and a lot more (Othman & Abdullah, 2019). Even more unique when formal financial institutions do offer Ar-Rahnu as one of their products, as well as several state foundations and cooperatives (Sanusi, 2004).

Table 2: Four Categories of Ar-Rahnu

Category	Institution	Author (s)
Banking institutions	RHB Bank, CIMB, Bank Muamalat, Bank Islam Malaysia Berhad (BIMB), Bank Rakyat, Agro Bank	Azman et al., (2020); Bahari et al., (2015)
Non-Banking Institutions	Development Financial Institutions (Ar-Rahnu exchange)	
State linked company	Mu'asasah Gadaian Islam Terengganu (MGIT) and Permodalan Kelantan Berhad (PKB)	
Cooperatives under foundation	YAPEIM	

AR-RAHNU SHOP ACCEPTANCE MODEL (ARSAM)

Acceptance of society towards Ar-Rahnu from year 2007 by Amin, Chong, Dahlan and Supinah (2007); Razak (2008); Taher & Shafiai (2008) show an increase every year until 2020 with the latest study on Islamic banking customers conducted by Thaker et al., (2020). Ali, Johari & Fatah (2017) have described the element of acceptance of Ar-Rahnu in a literature review found that many researchers showed interest in studying the acceptance of Ar-Rahnu from various respondents. The research performed by Amin & Chong (2011) focus on an empirical study on the perspective of Muslimah in using Ar-Rahnu in eastern Malaysia particularly in Labuan and Kota Kinabalu. Subsequently, Koe and Rahman (2012) emphasized on five factors that influence the customers' acceptance and intention to use Ar-Rahnu that is attitude, social influence, religious obligation, and attractive price.

Some researchers focus on the Ar-Rahnu Shop Acceptance Model (ARSAM) as their study by making the basis for studies such as Amin et al., (2007); Ahmad et al., (2012); Mansor, Ahmad, Bakar & Ismail (2014); Hamid, Rahman & A.Halim (2015); Thaker et al., (2020). ARSAM is a model adapted by Amin et al., (2007) with 6 variables (iv and DV) to response the demand of Islamic pawn shop at that time. These models have been developed over time to meet current needs or more precise factors according to the subject under study. Acceptance of Islamic-based pawnshop which has been designed by Amin et al., (2007) revealed the question with is first question whether intend to use Islamic-based pawnshop once it introduced in Labuan; and Amin, Chong, Dahlan & Supinah and second question is whether respondent recommend others to use Islamic-based pawnshop.

Ahmad et al (2012) have tried to respire new life into ARSAM by making storage charge, service quality, locality and management as factors influencing the customer acceptance towards Islamic pawn broking offered by MAIDAM. Hence the study of Mansor et al., (2014) have conducted the research specifically the demographic elements in capturing the customers' acceptance towards Ar-Rahnu offered by MAIDAM in Dungun, Terengganu. The ARSAM study was continued by Hamid et al., (2015) with the results of the study of the "Shariah view" as the most important factor in ARSAM especially for Bank Rakyat Customer and suggested Ar-Rahnu institution should maintain this high level of Shariah compliance. The most current study was by Thaker et al., (2020) has conducted a study using ARSAM among Islamic bank customers by obtaining from Amin et al., (2007) and Amin & Chong (2011). The difference from previous researchers is Thaker et al., (2020) modified model of ARSAM and (Decomposed Theory of Planned Behavior) DTPB to fulfill the new factors suitable with new respondent with is the variables comprise affect, social factor, facilitating condition, perceived financial bene fit and perceived risk, which lead to acceptance of Ar-Rahnu services.

Shariah View

According to Yahaya & Wahab (2020), Muslims preferred Ar-Rahnu pawn shop because the matter of religion practices. It is because Ar-Rahnu abide shariah and beneficial to Muslim society. However, the Shariah principles set out in the Ar-Rahnu shop are from time to time discussed by

scholars to ensure that the functions and benefits fulfill the requirements of Islamic shariah (Ahmad, Bahari, Shah Shahar, Ahmad, 2019). Besides, the study of Shariah view done earlier by Amin et al., (2007) emphasizing shariah view has a significant relationship of customer acceptance Ar-Rahnu shop which has made shariah islam as the basis that can differentiate it from conventional pawnshop.

In addition, shariah view was capable as a measuring tool towards traditional pawnshop. Either customers realized or not, Ar-Rahnu also related with the financial management which have been existed a long time ago. The prominence of shariah principles comprised in the operation of Ar-Rahnu. Shariah implementation functioned as eliminating the elements of riba and gharar in Ar-Rahnu system. Thus, Hamid et al., (2015) explained that shariah view involved in Ar-Rahnu scheme contained three crucial principles namely wadiah, qardhul Hassan and ujra. The implication of shariah principle have distinguish between Ar-Rahnu and conventional pawnshop.

Pledge Assets

Pledge assets led to Ar-Rahnu Acceptance Model (ARSAM) (Amin et al., 2007). A detail explanation on pledge assets was mentioned by Section 13.1 (a) and Section 14.1 of Rahn Policy Document which stated that pledge assets as collateral in term of physical assets or financial asset recognised by *Shariah* (Bank Negara Malaysia, 2018). A studies by Hamid et al., (2015) which indicated physical assets like gold as collateral item have several advantages over other items. Collateral asset (marhun) as one of a pillar in Rahn concept should be practices in Ar-Rahnu especially the asset that is being used as collateral in Ar-Rahnu transaction can be on physical assets such as gold, jewelery and other physical assets. On the other hand, Sharif, Shaharuddin, Muhamed, Pauzi, & Zain (2013) described pledge assets as gold jewelries and become guarantee for the loan borrowed in bank. However, gold has its own value in the form of bars and coins that are used by businessmen and investors compared to the gold jeweleries that women used. The researcher also mention pledge asset in Islam can be accepted from any goods that has strong own value and emphasize the asset should has long term and not facing depreciation especially gold that carries a strong and stable value and demand in economic market.

Previous studies documented that the pawnshop generally acknowledge gold and jewelry as accepted merchandise for pawn items (Amin et al., 2007; Sanusi & Johari, 2006 and Mohammed et al, 2005). While some conventional pawn shop also accept household appliances like televisions, electronics equipments, small appliances, sporting equipment, guns, musical instruments and camera equipment (Shabbir, 2019). There are several factors that the gold was accepted as pawn items by Islamic institutions which are convenient in trading and purity measurement, compatible and retained an individual ownership (Skully, 2005). Nevertheless, a study by Hamid, Rahman et al. (2014) stated that only gold accepted as pawn items. The newest study focused on diversifying pawnshop items. The accepted merchandised in Islamic pawning were such silver, watches and diamond. It is proved by Amin et al. (2007), mentioned on accepting Rolex and Diamond as Ar-Rahnu pawned items. The reasons Islamic pawn broaden the pawned items was because those items were valuable and costly in market.

Customer Service

Customer service become the most significant determinant towards customer's intention to use Ar-Rahnu@Pos (Baharum, Maamor & Othman, 2015). The research was conducted at Post Office in the state of Kedah. It is also stated in the research that excellent customer service lead to customer satisfaction in using Ar-Rahnu. This statement was mentioned earlier by Turban et al., (2002), "Customer service is a series of activities designed to enhance the level of customer satisfaction – that is, the feeling that a product or service has met the customer expectation." Moreover, Hamid et al., (2014) stated that customer's service are among significant determinant in Ar-Rahnu acceptance.

On the other hand, there was a study emphasized on levels of customer satisfaction and service quality for the pawn-broking company Ar-Rahnu in Kelantan, Malaysia (Othman, Hashim & Abdullah, 2012). The result revealed both customer satisfaction and service quality is high which represent a good services of Ar-Rahnu in Kelantan. Besides, there are several factors listed in this study in order to examine the reasons of customers used Ar-Rahnu. Most of the customers prefer Ar-Rahnu service to solve their unexpected problems, followed by needed working capital for their business, to start a new business, need money for daily expenses and children's school expenses.

Locality

Based on Azman & Kassim (2017), the research revealed that shariah compliance, locality, service charges, collateral and customer have nexus with Ar-Rahnu. Besides, there are factors such as locality, service charges, collateral, advertisement and social factors (Hamid et al., 2014). Thus, the previous study stated that locality was one of the indicator that impacted Ar-Rahnu. This is because locality play a role on attracting customers or potential customers toward usage of Ar-Rahnu. The nearer the pawnshop, it is become easy to access by the customers (Johari, Sanusi & Badarudin, 2007). Furthermore, the closer pawnshop with the housing area able to save cost of transportation, save time and save energy on waiting (Azman, Kassim & Adeyemi, 2018).

Rahman & Kassim (2017) explored the problem of limited branches of Ar-Rahnu which refer to community in the rural area. The reserach include locality as one of the independent variables and acceptance of Ar-Rahnu as dependent variable. However, the reviewed that all variables such shariah factor, pledge assets and customer services are significant except pricing and locality. Same goes to the study by Hamid et al., (2014) which factor of locality become the lowest factor impacted acceptance on Islamic Bank as private Ar-Rahnu provider. Moreover, the study involve entrepreneurs in Pekan Rabu, Kedah showed weak relationship between locality and the use of Ar-Rahnu (Balqis, 2014).

Financial Benefit

Ar-Rahnu shop plays an important role to its users in providing financial benefits based on asset security as backup financial assistance when needed. (Mansor et al., 2014). A Rahnu also played a role in Financial markets involving pawning as a financial mechanism that requires collateral for

loans as financial initiatives during the Covid 19 pandemic (Noor et al., 2020). Ar-Rahnu used the asset as collateral to get a loan Financial benefits are terms that can influence a person in making decisions such as doing activities that bring results such as profits from trade and return from investment (Thaker et al., 2020). This factor is also related to the behavior of individuals who are motivated and choose to perform an activity based on the benefits to be obtained (Yan, Wang, Chen & Zhang, 2016). According to Hamid et al., (2015), financial benefits must to study from the objective of the Ar-Rahnu shop itself which is an alternative to conventional pawn broking and also becomes an economic-social catalyst with micro-credit financing to small-scale entrepreneurs. In addition, the financial benefits in the form of lower service charges, easy, fast and Shariah compliant attract customers to choose Ar-Rahnu Shop (Mansor et al., 2014). Financial benefit from Ar-Rahnu is very much needed as an immediate financial assistance tool to cover the rising cost of living in this country (Mansor et al., 2014). Syahidi Bakar (2020) also mention increasing popularity of Ar-Rahnu with the new package issued by YaPEIM during the pandemic Covid 19.

Eventhough, Thaker et al., (2020) was thought financial facilities and financial benefits play same important role in financial institutions. However, in his study of the acceptance of Ar-Rahnu shop, this was not the case at all. The amount of money obtained from the guarantee of the amount of gold given by the customer is not profitable but only meets the basic needs in the short term or long term. Non base profit in the form of dividends and profits shows that the benefits of Ar-Rahnu shop are different compared to other financial institutions and seem not important for some people.

METHODOLOGY

This study used qualitative method which is content analysis. This study focuses to develop a new model ARSAM (Ar-Rahnu Shop Acceptance Model) through the best factors influencing consumers' acceptance of Islamic-based pawnshop on content analysis method. Content analysis can be used to make a valid factors from existing research. Therefore, referring to objective of this study, reseacher gathers all ARSAM model from prior researches and develop new model according to specific theme. The best factors were chosen which are Perceived Financial Benefits by Thaker et al., (2020), Shariah View by Hamid et al., (2015); Hamid et al., (2014); Amin et al., (2007), Pledge Assets by Hamid et al., (2016); Hamid et al., (2014); Amin et al., (2007), Customer Service by Hamid et al., (2015); Hamid et al., (2014); Amin et al., (2007) and Locality by Hamid et al., (2014); Mansor et al., (2014); Ahmad et al., (2012); Amin et al., (2007).

FINDING

Table 3: Factors of Islamic Pawn towards ARSAM

Paper	Author (s)	Variable(s)														
		Af	SF	FC	PFB	PR	SV	PS	PA	CS	SQ	L	Ad	SC	MP	ARSAM
P1	Thaker et al., (2020)	/	/	/	/	/										/
P2	Hamid et al., (2015)						/		/	/						/
P3	Hamid et al., (2014)		/				/	/	/	/		/	/			/
P4	Mansor et al., (2014)										/	/		/	/	/
P5	Ahmad et al., (2012)										/	/		/	/	/
P6	Amin et al., (2007)						/	/	/	/		/				/
Total		1	2	1	1	1	3	2	3	3	2	4	1	2	2	6

Af- Affect, SF- Social Factors, FC- Facilitating Condition, PFB- Perceived Financial Benefits, PR- Perceived Risk, SV- Shariah View, PS- Pricing System, PA- Pledge Assets, CS- Customer Service, SQ- Service Quality, L- Locality, Ad- Advertisement, SC- Storage Charge, MP- Management Practice, ARSAM- Ar-Rahnu Shop Acceptance Model

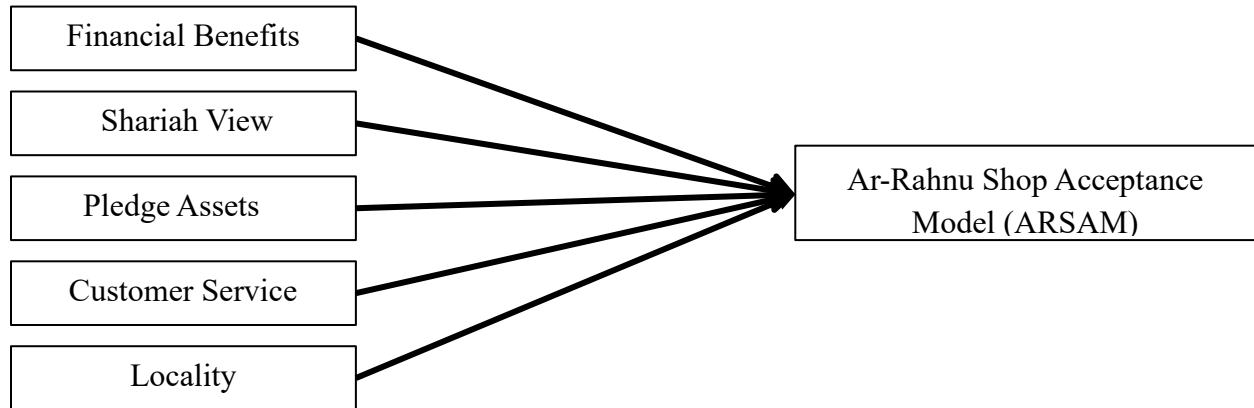


Figure 3: Proposed Framework

DISCUSSION AND CONCLUSION

This study analyzed several factors of Islamic Pawn or Ar-Rahnu. Based on table 3, the most frequent factors explored by past researchers was locality followed by customer service, pledge assets, shariah view, service quality, pricing system, and others. Thus, this study only emphasized on five over fourteen variables which was locality, pledge asset, shariah view, customer service and financial benefits. The reasons locality was selected as one of the factors is because locality is the frequent independent variable carried out by past researches in year 2007, 2012 and twice in 2014. Then, shariah view, service quality and pledge assets were chosen as variables for this study is because those variables become the second most frequent independent variables. On the other

hand, financial benefit was the least frequent variable carried out by the past researchers. However, this variable was the recent variable in ARSAM by Thaker et al., (2020). Hence, this study proposed the variable or factors of ARSAM to be studied in the framework (Figure 3).

This is because, the model proposed was useful for the muslim society to take initiative and benefit of Ar-Rahnu shop in assisting their financial constraint. Moreover, this study believed that the five variables contributed to the country's economy. Regarding to that, the variables also suitable to be conducted during this pandemic of Covid 19 in order to determine the acceptance of Ar-Rahnu user. Besides, this study suggested to conduct primary data survey in future research to prove on the variables proposed.

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PEMBERIAN ZAKAT KEPADA PELAJAR SECARA PINJAMAN BOLEH UBAH

(Giving Zakat to Students Through Variable Loans)

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Abstrak

Pemberian zakat kepada pelajar telah menjadi satu peruntukan yang sedang diamalkan oleh lembaga zakat negeri-negeri. Namun, timbul satu persoalan apabila sebahagian pihak bercadang untuk menjadikan zakat pelajaran ini sebagai pinjaman boleh ubah. Para pelajar yang menerima perlu membayar semula sebahagian atau keseluruhan wang zakat yang diterima sekiranya mereka gagal menamatkan pengajian atau tidak mencapai kriteria yang ditetapkan. Kertas kerja ini bertujuan untuk mengkaji pandangan hukum terhadap cadangan tersebut memandangkan wang zakat ialah hak asnaf. Kajian ini dibuat menggunakan metod kajian perpustakaan iaitu dengan merujuk kepada kitab-kitab fekah, serta tafsir yang menghuraikan berkaitan zakat. Selain itu, pengkaji juga akan merujuk tafsiran-tafsiran asnaf menurut lembaga zakat negeri-negeri serta institusi fatwa. Hasil kajian mendapati bahawa pemberian zakat kepada para pelajar secara pinjaman boleh ubah adalah tidak dibenarkan kerana peruntukan tersebut adalah dibawah asnaf fakir miskin dan fi sabilillah yang merupakan hak pelajar. Pengkaji berpendapat perkara ini boleh dibenarkan jika ianya diberikan atas asnaf ‘amil yang merupakan hak pusat zakat. Namun, perkara ini tidak wajar diamalkan kerana ia bakal terdedah kepada penyelewengan pengagihan serta salah guna wang zakat.

Kata Kunci: Kata Kunci: Zakat, Pinjaman Boleh Ubah, Asnaf, Fi Sabilillah, Pelajar, ‘Amil

Abstract

Distribution of zakat to students has become a provision practiced by the state zakat institution in Malaysia. However, a question arises when some parties plan to make zakat on this subject as a variable loan. Students have to repay part or all amount of the zakat received if they fail to complete their studies or do not achieve certain criteria. This paper aims to examine the legal view of the proposal as zakat is the right of asnaf. This study was done using the library research method by referring to the books of jurisprudence, as well as tafsir that describes zakat. In addition, the researcher will also refer to the interpretations of asnaf according to the state zakat and fatwa institutions. The results of the study found that the giving of zakat to students on a variable loan is

not allowed because the allocation is under asnaf fakir miskin or fi sabilillah which is the right of students. The researcher thinks that this can be allowed if it is given on the asnaf 'amil which is the right of the zakat center. However, this matter should not be practiced because it will be exposed to misappropriation of distribution and misuse of zakat.

Keywords: Zakat, Asnaf, Fi Sabilillah, Students, 'Amil

PENDAHULUAN

Zakat merupakan salah satu daripada lima rukun Islam. Zakat bertujuan membersihkan harta yang dimiliki oleh seseorang individu Muslim berdasarkan Firman Allah SWT “Ambilah (*sebahagian*) dari harta mereka menjadi sedekah (zakat), supaya dengannya engkau membersihkan mereka (dari dosa) dan mensucikan mereka (dari akhlak yang buruk)” (Al-Quran 9:103). Dalam Islam, terdapat ibadah-ibadah berkaitan harta seperti sedekah, wakaf, dan zakat. Daripada keseluruhan perkara tersebut, satu-satunya yang dihukumkan sebagai wajib atau fardu ialah zakat. Setiap individu Muslim yang hidup tidak terlepas daripada menunaikan zakat. Bagi golongan pertengahan, sekurang-kurangnya mereka diwajibkan menunaikan zakat fitrah yang diwajibkan kepada setiap individu yang hidup atas muka bumi ini melainkan dia tergolong dalam kategori fakir yang tidak mencukupi belanjanya walaupun untuk keluarganya sahaja.

Bantuan Pendidikan Secara Pinjaman Boleh Ubah di Malaysia

Pinjaman boleh ubah kepada pelajar-pelajar diberikan oleh pelbagai agensi swasta dan kerajaan bagi membantu mereka melangsungkan pengajian dari segi kewangan. Antara agensi yang menawarkan pinjaman ini seperti Jabatan Perkhidmatan Awam (JPA), Majlis Amanah Rakyat (MARA), Yayasan Bank Rakyat, Perbadanan Tabung Pendidikan Tinggi Nasional (PTPTN) dan lain-lain. Pinjaman ialah bantuan kewangan yang diberikan kepada pegawai/pelajar yang mengikuti kursus di institusi pengajian di dalam dan luar negara dan perlu dibayar balik sepenuhnya.

Pinjaman boleh ubah ialah bantuan kewangan yang diberi kepada pegawai/pelajar yang mengikuti kursus yang diberi pengurangan jumlah bayaran balik sekiranya memenuhi kriteria yang ditetapkan (Jabatan Perkhidmatan Awam).

Di Malaysia, pelbagai agensi dan yayasan menawarkan pinjaman pendidikan boleh ubah kepada pelajar bagi membantu mereka mendapatkan pembiayaan pendidikan antaranya ialah:

1. Yayasan Bank Rakyat
2. Yayasan Pelajaran Johor
3. Yayasan Pahang
4. Yayasan Terengganu
5. Graduate Excellence Programme MARA
6. Pembiayaan Pendidikan Tertiar PPT
7. Pembiayaan Pendidikan Yayasan ANGKASA

Pinjaman pendidikan ini ditawarkan kepada pemohon bermula dari peringkat Sijil Kemahiran, Diploma, Ijazah Sarjana Muda, Profesional, Ijazah Sarjana, dan Doktor Falsafah (Ph.D). Matlamatnya adalah untuk membantu dalam pembangunan sosial dan ekonomi rakyat Malaysia melalui bantuan pendidikan kepada pelajar yang memerlukan sama ada di institusi kemahiran atau Institusi Pengajian Tinggi Awam dan Swasta di negara ini dengan mod pengajian sepenuh masa.

Kadar Bayaran Balik pula adalah berbeza mengikut yayasan atau agensi yang menawarkan pinjaman ini. Kebanyakannya memberikan potongan bayaran balik bagi pelajar yang mendapat keputusan yang cemerlang dengan CGPA tertentu. Kadar yang ditetapkan pula adalah samada bayaran balik sebanyak 15%, 20%, 25%, 50%, atau 100%. Bahkan ada juga yang menawarkan kadar bayar balik sebanyak 0% dengan erti kata ditukarkan kepada biasiswa penuh bagi mereka yang menepati kriteria-kriteria tertentu. Sebagai contoh kadar bayaran balik yang ditawarkan bagi Graduat Excellence Programme (GreP) MARA adalah 15% bagi pelajar peringkat Ijazah Sarjana Muda yang mendapat keputusan CGPA 3.50 - 4.00 atau diiktiraf Kelas Pertama bagi universiti dalam negara. Kebanyakan pinjaman yang diberikan pula adalah bebas daripada sebarang kadar faedah dengan mengaplikasikan akad *Qardul Hasan*.

Zakat Pendidikan

Agensi-agensi zakat di Malaysia di setiap negeri telah menawarkan zakat pendidikan bagi para pelajar yang menepati syarat-syarat tertentu. Bantuan pendidikan yang diberikan ini boleh dipecahkan kepada pelbagai jenis antaranya Bantuan Dermasiswa, Bantuan Awal IPT, Bantuan Yuran Pengajian, Bantuan Persediaan Masuk IPT dan sebagainya (Lembaga Zakat Selangor, 2019). Lembaga Zakat Negeri Kedah pula ada menawarkan bantuan secara one-off untuk tiket pulang pelajar yang menamatkan pengajian di luar negara. Bantuan ini dinamakan sebagai derma siswa awal IPT dalam Negara. Ia merupakan suatu bantuan sekaligus (*one off*) yang diberikan kepada pemohon dalam kalangan penuntut yang bakal memasuki tahun pertama pengajian di Institut Pengajian Tinggi di dalam dan luar Negara. Selain daripada yang dinyatakan, agensi-agensi zakat negeri lain juga ada menawarkan bantuan pendidikan yang hampir serupa dengan bantuan diatas yang sebahagiannya diberikan dengan nama yang berlainan.

Bertitik tolak daripada peruntukan zakat yang diperuntukkan untuk pendidikan ini, sebahagian penerima zakat ini dalam kalangan para pelajar tidak berjaya mendapatkan hasil sepertimana yang diharapkan. Malah, sebahagian daripada mereka gagal menghabiskan pengajian mereka. Hal ini berbeza dengan pelajar yang menerima pembiayaan pendidikan boleh ubah yang menuntut mereka mendapatkan kriteria-kriteria tertentu agar beroleh potongan daripada jumlah pinjaman yang diambil. Sepertimana yang dinyatakan diatas, mereka yang gagal kebiasaannya akan diminta untuk membayar jumlah penuh dengan kadar bayar balik 100% daripada jumlah pinjaman. Justeru, timbul satu cadangan agar zakat pendidikan yang bersifat tahunan seperti Bantuan Yuran Pengajian atau Bantuan Dermasiswa ini menggunakan konsep pinjaman boleh ubah bagi meningkatkan kesungguhan para pelajar serta menghargai wang saku yang diperoleh

daripada baitulmal. Bagi mengetahui keharusan perkara tersebut menurut pandangan hukum syarak, terlebih dahulu perlu kita nilai apakah kategori asnaf untuk zakat pendidikan.

Kategori Asnaf untuk Zakat Pendidikan

Asnaf zakat terbahagi kepada lapan kategori. Kategori ini adalah bersifat tawqifi kerana telah sabit dengan nas yang qatie iaitu al-Quran itu sendiri. Firman Allah SWT dalam Surah at-Taubah ayat 60 yang bermaksud:

“Sesungguhnya sedekah-sedekah (zakat) itu hanyalah untuk orang-orang fakir, dan orang-orang miskin, dan amil-amil yang mengurusnya, dan orang-orang muallaf yang dijinakkan hatinya, dan untuk hamba-hamba yang hendak memerdekakan dirinya, dan orang-orang yang berhutang, dan untuk (dibelanjakan pada) jalan Allah, dan orang-orang musafir (yang keputusan) dalam perjalanan. (Ketetapan hukum yang demikian itu ialah) sebagai satu ketetapan (yang datangnya) dari Allah. Dan (ingatlah) Allah Maha Mengetahui, lagi Maha Bijaksana.”

(Al-Quran, 9:60)

Penggunaan lafaz *innama* dalam ayat tersebut menunjukkan zakat hanya boleh diberikan kepada lapan asnaf tersebut. Menurut Imam Fakhrudin ar-Razi, kalimah *innama* membawa makna iaitu tertentu yang hanya menghadkan golongan tersebut sahaja yang layak menerima zakat (Fakhrudin ar-Razi, 2009).

Berdasarkan ayat ini terdapat lapan kategori asnaf yang telah ditetapkan oleh Allah SWT, dan asnaf tersebut ialah:

1. Fakir
2. Miskin
3. ‘Amil
4. Muallaf
5. Riqab
6. Gharimin
7. Fi Sabilillah
8. Ibnu Sabil

Walaupun bagaimanapun *dilalah* daripada nas itu adalah bersifat *zhonni* yang memungkinkan berlaku penafsiran yang pelbagai daripada para ulama. Sebab itulah perbincangan berkenaan asnaf ini sentiasa terbuka juga merupakan antara hikmah Allah SWT membiarkannya terdedah kepada pelbagai tafsiran agar ia sesuai dengan perkembangan semasa. Kita dapat lihat para ulama’ kontemporari menggembleng tenaga berijtihad dengan berpandukan kepada rujukan-rujukan ulama’ terdahulu dan nas-nas bagi menentukan hukum. Merujuk kepada kategori asnaf melalui skim zakat pendidikan daripada agensi zakat negeri-negeri di Malaysia, dapat kita simpulkan bahawa zakat pendidikan diberikan berdasarkan 4 asnaf berikut iaitu:

1. Fakir
2. Miskin
3. Fi Sabilillah
4. Muallaf

Fakir Miskin

Fakir adalah orang yang tiada harta pendapatan yang mencukupi untuknya dan keperluannya. Tidak mempunyai keluarga untuk mencukupkan nafkahnya seperti makanan, pakaian dan tempat tinggal. Contohnya ia memerlukan RM10 sehari tetapi hanya mampu RM3 sahaja (Lembaga Zakat Negeri Kedah, 2021).

Miskin ialah orang yang mempunyai kemampuan usaha untuk mendapatkan keperluan hidupnya akan tetapi tidak mencukupi sepenuhnya. Sebagai contoh, seseorang miskin itu memerlukan RM10 tetapi hanya memperoleh RM8 (Lembaga Zakat Negeri Kedah, 2021).

Asnaf fakir miskin adalah antara asnaf yang paling utama kerana antara tujuan zakat disyariatkan adalah untuk merapatkan jurang kekayaan antara miskin dan kaya. Sebagaimana Firman Allah SWT yang bermaksud:

“Apa yang Allah kurniakan kepada RasulNya (Muhammad) dari harta penduduk negeri, bandar atau desa dengan tidak berperang, maka adalah ia tertentu bagi Allah, dan bagi Rasulallah, dan bagi kaum kerabat (Rasulullah), dan anak-anak yatim, dan orang-orang miskin, serta orang-orang musafir (yang keputusan). (Ketetapan yang demikian) supaya harta itu tidak hanya beredar di antara orang-orang kaya dari kalangan kamu.”

(Al-Quran, 59:7)

Menjadi cabaran bagi pentadbir zakat untuk mengenalpasti mereka yang betul-betul menepati syarat ini agar zakat yang diberikan melalui asnaf fakir miskin ini menjadi sah. Penerima pula hendaklah bersifat jujur apabila diminta mengemukakan dokumen pengenalan diri, penyata pendapatan dan harta-harta yang ada agar bantuan yang diterima adalah betul-betul menjadi haknya. Berbagai skim bantuan melalui kategori asnaf ini juga ditawarkan oleh agensi zakat negeri-negeri seperti bantuan kewangan bulanan, bantuan pembiayaan sewa rumah dan juga bantuan pendidikan bagi asnaf. Terdapat beberapa buah sekolah yang ditubuhkan seperti Kolej Professional Baitulmal oleh MAIWP, Maahad ad-Dini Sultan Abdul Halim yang dibiayai sepenuhnya oleh Lembaga Zakat Negeri Kedah serta beberapa institusi pendidikan lain. Pengurusan institusi tersebut dibiayai dengan menggunakan zakat melalui asnaf fakir miskin dan juga asnaf lain dengan memberi keutamaan kepada golongan asnaf ini. Hal ini bagi memastikan aspek pendidikan golongan terjaga seterusnya mereka dapat mengubah masa depan keluarga mereka dan mengeluarkan mereka daripada kepompong kemiskinan yang berterusan.

Fi Sabilillah

Asnaf fi sabilillah merupakan antara asnaf terbesar yang digunakan oleh agensi zakat negeri-negeri. Asnaf ini adalah merupakan peruntukan asnaf yang terbesar dalam pengagihan zakat di Malaysia (Hairunnizam, 2009). Secara umum, terdapat dua golongan yang mentafsirkan fi sabilillah yang disebut sebagai *muwasssi'in* (yang meluaskan tafsirannya) dan *mudhayyiqin* (yang menghadkan tafsirannya):

1. Kumpulan yang menghadkan maksud fi sabilillah hanya kepada peperangan kepada jalan Allah S.W.T dan segala yang berkaitan dengannya. Kumpulan ini terdiri daripada majoriti ulama-ulama A'immah al-mazahib. Golongan ini terdiri daripada aliran Mazhab Hanafi, Maliki, Hambali, Shafi'i, zahiri, dan sebahagian besar para fuqaha. Sebagaimana sabda Rasulullah SAW yang bermaksud "Barang siapa yang berperang, berjuang dan berjihad untuk memastikan kalimah Allah itu adalah yang tertinggi maka itulah yang dimaksudkan fi sabilillah (muttafaq'alaihi),"

Menurut Dr. Zein bin Muhammad bin Hussein al-'Idrus (2016), tafsiran *Fi Sabilillah* menurut istilah syarak ialah jihad, dan hakikat syarak mestilah didahulukan berbanding hakikat *lughawi* (bahasa), maka yang lebih utama ialah mengambil tafsiran yang pertama iaitu dengan makna jihad semata-mata untuk menutup jalan-jalan mereka yang ingin meluaskan definisinya pada perkara yang tidak sepatutnya diluaskan.

2. Kumpulan yang meluaskan maksud fi sabilillah tidak hanya dihadkan kepada peperangan kepada jalan Allah S.W.T semata-mata dan perkara-perkara yang berkaitan dengannya. Selain itu, makna jihad juga tidak hanya terhad kepada jalan berperang semata-mata. Telah sabit dalam hadis yang sahih bahawa jihad juga digunakan untuk amalan-amalan lain seperti haji sebagaimana hadis daripada Saidatina Aisyah beliau berkata:

"...Ya Rasulullah jihad adalah sebaik-baik amalan, apakah kami (golongan wanita) turut berjihad? Sabda Rasulullah SAW: Bahkan sebaik-baik jihad ialah haji yang mabrur..."

(Bukhari, no 2784)

Para ulama' empat mazhab bersepakat bahawa yang dimaksudkan dengan *Fi Sabilillah* dengan makna jihad pada jalan Allah SWT semata-mata. Namun, ulama' mutaakhirin meluaskan tafsiran makna *Fi Sabilillah* kepada segala perkara-perkara baik untuk kemaslahatan umat Islam. Mereka yang berpandangan sebegini antaranya ialah Rasyid Redha, Syeikh Sayyid Syaltut, Jamaluddin al-Qasimi, Hasanain Makhluf, Yusuf al-Qardhawi dan lain-lain. Malah, pandangan ini telah dipilih oleh Majma' al-Fiqh al-Islami pada persidangan ke-8 di Mekah al-Mukarramah pada tahun 1405 Hijrah bersamaan 1983 Masihi. Pandangan ini juga dipilih oleh Lembaga zakat negeri-negeri di Malaysia secara umum.

Muallaf

Menurut Majlis Agama Islam Wilayah Persekutuan, muallaf ialah mereka yang dijinakkan hatinya atau mereka yang diharapkan kecenderungan hatinya untuk menerima Islam atau yang memeluk Islam (tetapi belum kukuh Islamnya) ianya dibahagi kepada dua iaitu :

1) Beragama Islam

- a. Baru memeluk agama Islam
- b. Ketua-ketua kaum Islam yang baik hubungan dengan ketua-ketua bukan Islam yang sejawatan atau sama taraf dengannya.
- c. Ketua-ketua kaum Islam yang masih lemah iman tetapi masih ditaati oleh orang-orang di bawah pimpinannya.
- d. Orang-orang Islam yang tinggal di perbatasan yang berhampiran dengan negara musuh.

2) Bukan beragama Islam

- a. Boleh dipujuk supaya masuk Islam.
- b. Boleh dipujuk supaya tidak merbahaya kepada orang Islam.

Melalui definisi ini, jelaslah bahawa pelajar-pelajar yang berkelayakan dan mencukupi syarat-syarat muallaf adalah layak untuk menerima zakat. Bantuan ini tidak terhad kepada tujuan pendidikan sahaja, bahkan merangkumi golongan muallaf yang lain. Hal ini kerana, zakat kepada asnaf muallaf merupakan hak mereka kerana tergolong dalam empat kategori yang awal sebagaimana yang akan dijelaskan dalam analisis nanti.

‘Amil

Amil ialah pihak yang dilantik oleh K.D.M.M Tuanku Sultan untuk menjalankan tugas-tugas pengurusan zakat meliputi pungutan dan agihan.

Analisis Hukum Pemberian Zakat Pendidikan Secara Pinjaman Boleh Ubah

Penulis telah menjelaskan definisi serta beberapa kaedah pemberian pinjaman pendidikan boleh ubah sebelum ini. Pemberian zakat dengan cara tersebut akan mengubah akad antara pengurus zakat iaitu Lembaga Zakat Negeri dengan penerima zakat iaitu pelajar akan berubah status daripada serah milik (*tamlik*) kepada pinjaman (*qard*). Persoalannya, adakah akad itu boleh dilakukan keatas harta zakat? Bagi menjawab persoalan ini, perlu diketahui bahawa status pemilikan terhadap setiap asnaf adalah berbeza. Hal ini adalah bersandarkan kepada nas dan tafsiran para ulama’ keatasnya.

Surah al-Taubah ayat 60 yang menjadi asas kepada pembahagian harta zakat. Dalam ayat tersebut, Allah SWT menggunakan lafaz إنما الصدقات للفقراء “*Sesungguhnya sedekah-sedekah (zakat) itu hanyalah untuk orang-orang fakir ...*” dengan menggunakan dua *uslub hasr* menunjukkan bahawa zakat hanya dikhususkan kepada golongan tersebut sahaja.

Bagi empat asnaf yang pertama iaitu Fakir, Miskin, ‘Amil, dan Muallaf, Allah SWT menggunakan lafaz huruf *lam tamlik* (لام التملك) yang membawa maksud pemilikan. Hal ini

berbeza dengan empat asnaf yang akhir iaitu riqab, gharimin, fi sabilillah dan ibnu sabil, dengan lafaz fi zorfiyyah (في).

Manakala kategori kedua (iaitu riqab, gharimin, fi sabilillah dan ibnu sabil) harta zakat itu tidak diberikan kepada mereka secara *tamlik*, akan tetapi ia diberikan bagi memenuhi keperluan-keperluan dan sifat-sifat tertentu yang melayakkan mereka menerima zakat tersebut. Sebagai contoh, asnaf riqab diberikan bagi membebaskan diri mereka dari perhambaan, gharimin bagi melangsaikan hutang, fi sabilillah bertujuan mencukupkan keperluan mereka dalam peperangan, dan ibnu sabil mengambil harta zakat bagi menampung perbelanjaannya untuk pulang ke tempat asalnya. Justeru, kategori ini tidak boleh menggunakan harta zakat ini melainkan untuk tujuan yang telah ditentukan tersebut.

Melihat kepada asas dalam pinjaman boleh ubah yang diamalkan oleh yayasan-yayasan yang memberi pinjaman pendidikan kepada para pelajar, mereka meletakkan syarat-syarat tertentu bagi mendapatkan potongan bayar balik pinjaman tersebut. Dalam kewangan islam perkara ini dipanggil sebagai *ibra'* iaitu pengguguran hak tuntutan oleh seseorang ke atas tanggungan terhadapnya. Dalam perspektif kewangan, *ibra'* bermaksud rebat yang diberikan oleh satu pihak kepada satu pihak yang lain dalam urusan muamalah. Sebagai contoh, yayasan yang menawarkan pinjaman pendidikan kepada pelajar akan memberikan rebat atau diskaun bayar balik sekiranya menepati kriteria yang ditetapkan. Pihak yayasan melepaskan haknya iaitu bayar balik bagi pinjaman yang diberikan kepada peminjam.

Persoalannya, adakah terdapat konsep *ibra'* dalam harta zakat? Adakah zakat boleh diberikan secara pinjaman oleh pusat zakat kemudian pusat zakat melepaskan beberapa haknya untuk penerima? Secara ringkas dapat kita rumuskan bahawa zakat tidak boleh dijadikan sebagai pinjaman boleh ubah atas beberapa sebab iaitu:

Pertama, jelas harta zakat adalah bukan milik mana-mana individu atau agensi zakat. Agensi-agensi zakat adalah merupakan pemegang amanah yang dilantik oleh *ulil amri* iaitu K.D.M.M Tuanku Sultan untuk menjalankan tugas-tugas pengurusan zakat meliputi pungutan dan agihan. Pengagihan dilakukan mestilah berpandukan kepada syarak dan diberikan hanya golongan yang telah ditentukan oleh Allah SWT. Mereka boleh mengambil sebahagian daripadanya atas asnaf 'amil. Apabila wang zakat itu tidak dimiliki, tentulah mereka tidak berhak meminjamkan wang tersebut kepada pihak lain. Hal ini berbeza dengan sewa bangunan wakaf serta mengambil upah daripadanya untuk nazir wakaf.

Kedua, pemilikan harta zakat kepada empat asnaf yang terawal (iaitu fakir, miskin, 'amil, muallaf) mestilah bersifat pemilikan sempurna. Hal ini telah dijelaskan berdasarkan *istidlal* para ulama' daripada ayat 60 surah al-Taubah. Pemberian secara pinjaman adalah bertentangan dengan konsep pemilikan secara sempurna. Sekiranya diberikan atas asnaf fi sabilillah sekalipun, tetap bertentangan dengan prinsip asas pemilikan zakat sepertimana dijelaskan diatas.

Walaubagaimanapun, dari segi hukum syarak terdapat jalan keluar sekiranya perkara ini ingin dilaksanakan. Pembiayaan pendidikan secara boleh ubah boleh diberikan oleh pusat zakat atas asnaf 'amil. Hal ini kerana pusat zakat selaku 'amil mempunyai pemilikan secara penuh (*milik*

al-tam) keatas bahagian tersebut. Namun, secara realiti perkara ini dilihat tidak sesuai dan tidak menguntungkan untuk dilaksanakan atas beberapa sebab:

1. Jumlah peruntukan asnaf 'amil tidak banyak berbanding asnaf lain. Melebihi peruntukan asnaf 'amil berbanding lain bakal menimbulkan masalah ketelusan dalam pengagihan. Selain itu, terdapat banyak lagi asnaf-asnaf lain yang perlu diberi keutamaan bagi merealisasikan maksud sebenar pensyariatan zakat.
2. Tujuan 'amil diberikan peruntukan zakat adalah sebagai intensif dan galakan bagi bekerja mengutip zakat. Adapun mengalihkan tujuan ini kepada pemberian pinjaman pendidikan adalah lari daripada tujuan asal diberikan zakat kepada 'amil.
3. Peruntukan asnaf 'amil sepatutnya diutamakan untuk perkara-perkara berkaitan keperluan dalam pengurusan institusi amil termasuk pengurusan sumber manusia, pentadbiran, pemasaran, operasi, penyelidikan dan pembangunan sistem teknologi maklumat dana prasarana (Majlis Ugama Islam Pahang, 2011).
4. Peruntukan untuk pendidikan pelajar telah ada dalam peruntukan asnaf yang lain seperti yang telah dinyatakan iaitu asnaf fakir miskin, fi sabilillah dan muallaf. Justeru, tiada keperluan untuk menggunakan peruntukan asnaf 'amil bagi tujuan tersebut.

KESIMPULAN

Memberikan bantuan zakat kepada pelajar dengan menggunakan konsep pinjaman boleh ubah tidak boleh dilaksanakan kerana wang tersebut adalah merupakan hak asnaf yang tidak boleh diambil kecuali dengan izin mereka. Hal ini berbeza dengan konsep pinjaman pendidikan yang ditawarkan oleh institusi dan yayasan lain kerana peruntukan dan wang itu adalah daripada mereka sendiri.

Secara umumnya, para pelajar mengambil manfaat daripada bantuan zakat pendidikan ini dengan menunjukkan prestasi yang baik (Hairunnizam, 2015). Namun terdapat sebahagian pelajar yang mendapat bantuan ini tidak mendapat keputusan yang memberangsangkan malah ada yang tidak lulus dalam pelajaran. Keadaan ini berbeza dengan pelajar yang mendapat bantuan pelajaran secara pinjaman boleh ubah, mereka mendapat motivasi secara tidak langsung bagi mendapatkan potongan bayar balik yang ditawarkan. Bagi menyelesaikan masalah ini, penulis mencadangkan beberapa tindakan yang boleh dilakukan:

1. Membuat pemantauan secara tahunan kepada pelajar yang mendapat bantuan zakat pendidikan. Mereka yang mendapat zakat atas asnaf fi sabilillah, boleh ditarik balik bantuan untuk mereka jika pelajar tidak menamatkan pelajaran tanpa sebab yang munasabah. Hal ini kerana, sebagaimana perbincangan ayat 60 surah al-Taubah sebelum ini, asnaf fi sabilillah diberikan zakat untuk tujuan-tujuan yang khusus. Dalam perkara ini, mereka mendapat zakat bagi tujuan pendidikan dan pembelajaran, maka lucutlah hak mereka atas asnaf fi sabilillah bagi yang tidak menamatkan pelajaran mereka. Lebih-lebih lagi jika terbukti duit tersebut disalahguna untuk tujuan-tujuan lain yang bukan bersifat pendidikan. Manakala pelajar yang mendapat zakat atas asnaf fakir miskin, pihak pengurusan zakat tidak berhak menyekat peruntukan tersebut kerana wang tersebut adalah hak mereka. Walaubagaimanapun, perkara ini memerlukan kepada penelitian agar tidak berlaku kezaliman kepada para pelajar.

2. Memberikan bonus atau anugerah kepada pelajar yang mendapat keputusan yang cemerlang. Perkara ini juga adalah harus disisi syarak dalam pengurusan zakat kerana setiap asnaf itu boleh dilebihkan peruntukannya berbanding yang lain menurut pandangan majoriti ulama daripada Hanafi, Maliki dan Hambali berdasarkan hadis daripada Qabisah.

Akhir sekali, zakat merupakan suatu ibadah dan pengagihannya terikat dengan peraturan-peraturan hukum syarak yang telah ditetapkan. Walaubagaimanapun, fleksibiliti tafsirannya dan pengagihannya terdedah kepada ijtihad oleh para ulama menunjukkan bahawa Islam sesuai untuk sepanjang zaman dan situasi semasa. Zakat juga adalah satu instrument sosial yang wajar dibangunkan dan dipelihara agar pengagihannya mematuhi hukum syarak serta membantu masyarakat menyelesaikan permasalahan sosial mereka. Allah SWT sebagai pemilik alam ini, Tuhan yang Maha Adil dan Maha Bijaksana telah menentukan kumpulan-kumpulan tertentu yang layak menerimanya pastinya mempunyai hikmah tersendiri yang perlu dikaji oleh manusia. Kelemahan sistem dalam pengagihan zakat yang diuruskan oleh manusia merupakan punca kemiskinan di dunia ini belum selesai.

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STUDIES ON ZAKAT INSTITUTIONS IN MALAYSIA: A SYSTEMATIC LITERATURE REVIEW

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Abstract

Managing a huge amount of zakat and tagging with a philanthropic function exposes zakat institutions to intense scrutiny among the public. The recent widespread of the Covid-19 pandemic has further added public consciousness regarding the role of zakat to help develop and balance the Muslim socio-economic status. Thus, zakat institutions must stand tall and optimized their functions to help the poor and enhance confidence among the stakeholders during this challenging time. This review was conducted systematically by following the reporting checklist of the Preferred Reporting Items for Systematic Review and Meta-Analyses (PRISMA). The main aim of this review is to identify the main areas and showcase findings of studies that have been conducted on zakat institutions. A total of twenty selected articles extracted from the Scopus database were reviewed. The review indicates there are three main areas of study that have been conducted so far, namely, quality and efficiency, management and reporting. The main findings for each of the studies under these three areas were highlighted. This review makes a significant contribution to the zakat institutions and scholars as it provides a better understanding of the current state of research related to zakat institutions in Malaysia.

Keywords: Zakat, Systematic Literature Review, Zakat Institutions.

INTRODUCTION

Zakat or almsgiving is one of the main pillars of the Islamic faith. The obligation to contribute zakat is mentioned in the Quran, "Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and debt; in the cause of Allah; and for the wayfarer: (thus it is) ordained by Allah and Allah is full of knowledge and wisdom,"² Given the fundamental concept of zakat which involves the distribution of wealth from the affluent in the society to the needy, zakat could be considered as one of the fiscal tools to narrow down the socio-economic gap.

In Malaysia, the management of the zakat fund falls under the jurisdiction of the state's government through the State Islamic Religious Council. As a result, each state has its zakat institution that helps to manage the zakat fund based on its Islamic administrative law (Ahmad

² Qur.9:60

Nadzri et al., 2012). Handling and administrating a huge amount of zakat funds indirectly expose the zakat institutions to intense scrutiny and criticism. For instance, the efficiency in collecting and the effectiveness of distributing zakat has been a topic of discussions and issues of concern among the public (see Ahmad, 2020; Utusan Borneo Online, 2020) and scholars (see Zainal et al., 2016; Zakaria & Abdul Malek, 2014). Previously, scholars posit failures to utilize zakat as an effective fiscal tool, is mainly due to inefficiencies of zakat institutions in managing zakat fund (Umer Chapra, 1992).

The current pandemic of the Covid-19 has further placed zakat institutions in more intense scrutiny among the public, especially the Muslims. For the second time since the first outbreak of this virus in Malaysia, the government once again implemented full movement control order (FMCO) for 14 days (Malay Mail, 2011). The first one was implemented in 2020 (New Straits Times, 2020). Despite proven to be an effective way to curb the spread of Covid-19, the total lockdown would pose a negative impact on the economy (The Star, 2021). The threat of Covid-19 on all sectors of the economy became increasingly apparent during the current third wave. Undoubtedly, the *asnaf* group (beneficiaries of zakat) is among those who are adversely impacted by the Covid-19 pandemic. Many lose their jobs and have difficulties finding other sources of income. This situation has forced this group to despair.

During the movement control order (MCO) in 2020, it was reported RM153.24 million zakat was paid to the *asnaf* throughout Malaysia (Ahmad, 2020b). Based on the reported figures, it appears that a lot has been contributed by zakat institutions. However, one should also realize that the Covid-19 pandemic has aroused extraordinary solidarity among citizens, where all elements in the society are trying to help those impacted. As a result, tagging with a philanthropic function, zakat institutions are expected to act promptly and remain steadfast in providing financial and moral support to this group when needed. A slight delay in channeling help may invite criticisms from the public and will tarnish the credibility of zakat institutions.

Nevertheless, to deploy fast and productive actions in response to this kind of unexpected situation as well as performing its common responsibility to the stakeholders and Muslims at large, zakat institutions need to have a good and efficient way of handling all aspects of management pertaining to its function. Getting insights into previous research that has been carried out on zakat institutions would be a valuable input to various parties such as policymakers and academicians. As for the zakat institutions, the findings could be a source of guidance for the betterment of the institutions. Acknowledging the significance of such study, this study employs a systematic literature review (SLR) to answer the research question: What are the main areas and findings of studies that have been carried out on zakat institutions?

REVIEW PROCEDURE

A systematic literature review (SLR) following the reporting checklist of the Preferred Reporting Items for Systematic Review and Meta-Analyses (Liberati et al., 2009; Pahlevan-Sharif et al., 2019) was performed to identify journal articles covering research on zakat institutions. SLR is a research method that is commonly used to collect and critically assess the research in order to

answer a clearly formulated question (Dewey & Drahota, 2016). When SLR is carried out based on proper procedures, this type of study can provide reliable findings that could help decision-makers to act accordingly (Tranfield et al., 2003).

The review procedure started with the establishment of a research protocol. The protocol which contained information about the search terms, databases and screening criteria acts as guidance in searching the literature. Next, the Scopus database was utilized to search for research papers pertinent to studies on zakat institutions in Malaysia. The reason for choosing the Scopus database mainly relies on the fact that the database has robust coverage of social science research articles as well as international and national conference papers (Li et al., 2010). Moreover, Scopus provides 20% more coverage than Web of Science (Vieira & Gomes, 2009) and almost 80% of the data in Scopus includes abstract (Chadegani et al., 2013). The abstract is needed for the screening process.

Using the Scopus search engine, the search string TITLE-ABS-KEY((zakat) AND (institutio*) AND (Malaysi*)) was used to search titles, abstracts and keywords of all articles published in this field. To ensure a large coverage of relevant articles, the researchers did not impose any date restriction but limit to only English and Malay written articles during the search. The last search was done on 1st May 2021. The title, abstract, keywords, authors' name, journal name and year of publications of the identified articles were exported to a comma-separated values (CSV) Excel file which was then converted to an Excel spreadsheet (data management). The titles and abstracts of all articles retrieved from the systematic search were screened to capture only relevant articles. Next, the eligibility assessment was independently carried out by the two researchers. This assessment was designed to select articles that meet the pre-defined criteria; 1) full-length articles and 2) studies that relate directly to zakat institutions. Thus, articles that cover various issues of zakat such as poverty alleviation and zakat compliance or in the form of research notes and comments were excluded. The full text of potentially suitable articles was reviewed before inclusion. Should there be any dispute regarding the inclusion status of the articles, the disagreements were discussed between the researchers and resolved by consensus.

All articles that have passed the eligibility assessment were considered as a final dataset. These articles were carefully reviewed, and content analysis was performed. Based on the objective of this study, relevant data were extracted and added to the data management spreadsheet. The extraction of data was done by one of the researchers, while another help reviewed the extracted data. Finally, the descriptive analysis was performed to summarize the results.

RESULTS AND DISCUSSION

The data extraction procedure (Figure 1) is illustrated through a PRISMA flow (Liberati et al., 2009; Pahlevan-Sharif et al., 2019). The systematic search yielded 69 articles, of which 29 articles were excluded during the screening process of the abstracts. The main reasons for excluding those articles were because they relate to various issues of zakat such as poverty alleviation and zakat compliance behavior; those articles did not specifically focus on zakat institutions. The full text of the remaining 40 articles was thoroughly read to confirm their appropriateness. A further 20

articles were discarded because they did not meet the eligibility criteria and their content being irrelevant to the current review. In the end, only 20 articles published in 16 different journals and 2 conference proceedings between the year 2012 to 2020 were included as a final data set (Appendix).

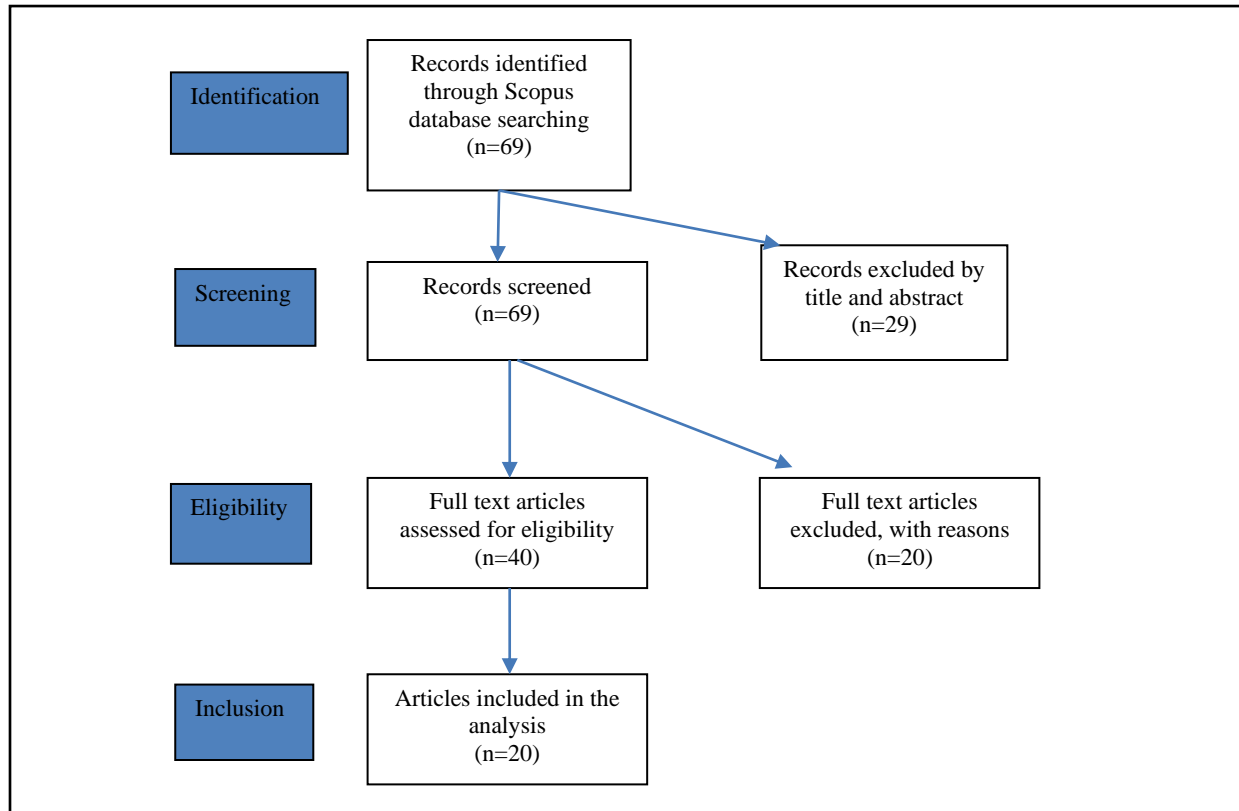


Figure 1: PRISMA flow: data extraction procedure

The following pie chart (Figure 2) illustrates the percentage of articles published according to the area of study. Most of the articles (50%) included in this review examined the quality and efficiency aspects of zakat institutions. Out of the ten articles that fall into this category, six articles (60%) investigated the efficiency of zakat institutions while the remaining four articles (40%) examined the quality aspect. Thirty percent (6) of the articles included in this review covered other managerial aspects which include trust, performance, accountability, investment, and corporate governance. The remaining four (20%) of the articles investigated reporting issues of zakat institutions.

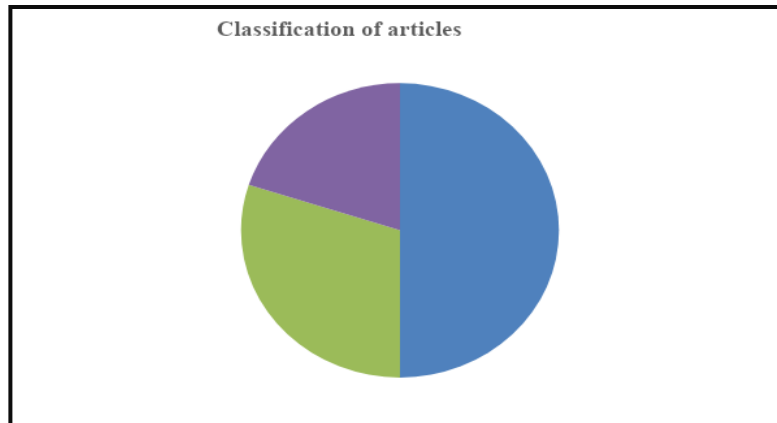


Figure 2: Classification of Articles According to The Areas

Based on the above classification, efficiency seems to be a topic of concern among researchers. Six articles examined the efficiency of zakat institutions, including overall efficiency as well as efficiency in distribution and collection of zakat. Based on data extracted from the year 2005 to the year 2010, Majlis Agama Islam Negeri Sembilan (MAINS) was discovered to have the best score for financial distribution efficiency. On the other hand, Majlis Agama Islam Kelantan (MAIK) was revealed to be the best for non-financial distribution efficiency (Abdul Lateff et al., 2014). Abd Wahab & Abd Rahman (2013) highlighted zakat payment system, computerized zakat system, the board size, audit committee and decentralization are the five factors that affect the efficiency of zakat institutions in Malaysia.

Furthermore, pure technical inefficiency was posited to be the main cause of inefficiency (Abd Wahab & Abd Rahman, 2012a). Similarly, it was found that the productivity of zakat institutions improves due to the changes in technical rather than efficiency aspects (Abd Wahab & Abd Rahman, 2012b). Reflecting the findings from both (see Abd Wahab & Abd Rahman, 2012a; Abd Wahab & Abd Rahman, 2012b) earlier studies, Hamzah & Krishnan (2016) reported that inefficiency of collecting zakat at Pusat Zakat Sabah was due to a failure to optimize the number of staff in such process. Although higher Muslim population states relate to the amount of zakat collection, it does not have a strong influence on zakat institutions' efficiency level (Abd Wahab & Abd Rahman, 2012a).

Interestingly, Wahid et al. (2017) found that the corporatization status of zakat institutions has a positive influence on the performance of zakat management. Those corporatized zakat institutions in their study appear to have successfully increased their annual zakat collections and able to optimize the distribution of zakat. This finding seems to contradict the earlier finding that shows corporatization of zakat institutions does not affect the productivity and efficiency of such institutions (Abd Wahab & Abd Rahman, 2012b).

Service quality is another favorite area of investigation among researchers. Three articles discussed this aspect. In the most recent study, service quality and reputation of zakat institution confirmed to be significantly related to customers satisfaction (Mohd Mokhtar et al., 2020). This finding is aligned with findings from two earlier studies. Saad et al. (2018) reveal Muslim

businessmen rated six aspects (credibility, competence, responsiveness, access, understanding and communication) of service quality at zakat institutions as “bad”. The businessmen appear to satisfy with only three aspects (tangibles, reliability, and courtesy) and labeled them as “good”. Also, Abd Wahab et al. (2016) found that responsive and compliance are the most substantial elements of satisfaction among zakat payers whilst reliability stands out to be the most substantial among the zakat recipients. So far, only Basir et al.(2017) explored the implementation of the Islamic Quality Management System (QMS) MS 1900. They concluded that MS1900 has been implemented holistically to cover both technical and religious aspects at one of the zakat institutions.

Falling into 30% of articles that cover various issues in management, Adnan et al. (2013) brought along the concept of intellectual capital (human capital, relational capital and structural capital) to examine the performance of zakat institutions. They found that only human and relational capital influence the performance of zakat institutions. From another angle of assessing performance, Aziz et al. (2019) argue that the underperformance of Islamic institutions like zakat institutions is not due to the practice of the classical Islamic system as claimed by some scholars (see Chapra, 2005) but more on the limited opportunities given to such institutions to fully utilized their potential. Based on this view, they empirically tested the security of property rights of zakat and the mediation effect of transaction cost through the concept of open innovation on the performance of zakat institutions. They concluded securing the property right of zakat significantly impacts the socio-economic and psychological performance. Also, transaction cost through open innovation would enhance the performance of zakat institutions.

Functioning as a public fiscal tool especially to the Muslims, zakat institutions are responsible to various stakeholders. Thus, it is very important for the zakat institution to discharge its accountability to the stakeholders. Accountability refers to an obligation by an agent to answer to the principal by providing information either by written report or verbal communication (Barton, 2006). Providing collection and distribution reports is the way used by one of the zakat institutions to discharge their formal accountability. In this case, a report containing financial and non-financial data for a stipulated year is published on the official website. As for the informal form, publication of the booklet, bulletin as well as utilizing social media platforms are used to discharge such accountability (Sawandi et al., 2019).

Previous studies claim that a relatively small amount of zakat collections (Ahmad & Ma'in, 2014) and the success of zakat institutions (Mohammad, 1990) depends on the element of trust towards those institutions. Given this backdrop, K Ghani et al. (2018) examine whether perceived board management and governmental model influence zakat payer's trust on zakat institutions. The findings indicate that perceived board management influence the zakat payer's trust but not the governmental model.

Good governance is believed to be a driver to achieve organizational objectives (Abd Wahab & Abd Rahman, 2011). Accordingly, Saad et al. (2017) examine three aspects of governance (zakat collection and distribution performance, governance and innovation) of zakat institutions. Based on the secondary data sources, they concluded, there exist differences in the

collected and distributed amount of zakat reported for most of the zakat institutions; indicates the possible existence of undistributed amounts of zakat. As for the governance aspect, most zakat institutions indicate to have the four elements of governance (a board of directors, hold board meetings, have an audit and tender committees). Moreover, of all the 14 zakat institutions, only three zakat institutions (Federal Territory, Selangor and Perak) were found to be innovative by verifying their collection and distribution methods.

Generally, there are two schools of thought regarding the investment of the zakat fund. A classical school of thought views that all zakat funds should be distributed to meet the immediate needs of the recipients. No investment should be made using the surplus fund based on the argument that any investment may tag along with a risk of not getting the expected return (Saad et al., 2016). Also, an investment of zakat will delay the payment as well as withhold the transfer of ownership to the eligible recipients. When this happens, the payers will be considered to have yet performed his obligation because the recipients have not received the zakat (Wan Ahmad, 2012).

On the other hand, some Muslim scholars posit that this classical management method is no longer practical in the current situation. They argue zakat as a prominent fiscal tool should be further utilized to improve Muslims' wellbeing. They insist that methods of distributing zakat should be diversified to not only focus on the fulfillment of the recipients' immediate needs but also to invest the zakat to generate future benefits (Wan Ahmad, 2012). Getting insight into this issue, Doktoralina et al. (2018) analyzed the investment of zakat made by Pulau Pinang Zakat Institution (ZPP). They concluded that ZPP was involved in several non-financial investments such as the establishment of Zakat Hemodialysis Centre (PHZ) and various educational support programs. Zakat experts have unanimously agreed that investment of zakat fund is allowed if the investment is for the interests of the eight legitimate recipients. However, such investment must comply with sharia guidelines and risky investment should be avoided.

There are four articles (20%) in this review that investigated reporting issues of zakat institutions. Lack of clarity and ambiguity in reporting zakat information may expose zakat institutions to public criticisms. Therefore, adequate, and proper disclosure of data is very important to stimulate the trust and confidence of stakeholders towards zakat institutions. In this review, Samargandi et al. (2018) confirmed that perceived disclosure practices influence zakat payer's trust on zakat institution but not the perceived stakeholder management. In a similar vein, Htay & Salman (2014) report the necessity of having a comprehensive guideline on the best practices of financial reporting. They insist that proper disclosure is needed for information related to collection and distribution of zakat, accounting policy, internal control, cash flow, board of trustees and risk management. Despite being highlighted in the earlier studies, findings from the most current study (Sapingi et al., 2020) in this review still reported that information disclosed in the annual reports of zakat institutions is still inadequate. The findings reveal that users expect to view the following five categories of information: 1) background, 2) financial, 3) non-financial and performance and 4) future information in the zakat institutions' annual reports.

Smiciklas (2012) defined an infographic as "a visualization of data or ideas that tries to convey complex information to an audience in a manner that can be quickly consumed and easily

understood”. The visual representation helps to portray information in a prescribed contextual manner. Information is more likely to be retained if it was learned from an infographic than from text alone (Scott et al., 2016). Advocating this idea, (Nawi et al., 2020) proposed the usage of infographics or information graphics as a medium to deliver information to the stakeholders. They Argued that effective communication through the application of infographics could overcome dissatisfaction of getting inadequate information about issues concerning zakat among the public. The most practical way for zakat institutions to apply this method is by embedding infographics in reporting information through their websites and social media platforms. Table 1 summarizes the main areas and findings of studies included in this review.

Table 1: A Summary of Findings

Area of study	Study	Main findings
Quality & Efficiency	Mohd Mokhtar et al. (2020)	<ul style="list-style-type: none"> Reliability, assurance and brand reputation shows a significant relationship with customer satisfaction
	Saad et al. (2018)	<ul style="list-style-type: none"> Six element of service quality (credibility, competence, responsiveness, access, understanding and communication) are considered “bad” Only three elements (tangibles, reliability and courtesy) are considered as “good”.
	Basir et al. (2017)	<ul style="list-style-type: none"> MS1900 was holistically implemented at MZC as it covers both the technical as well as religious aspects.
	Abd Wahab et al. (2016)	<ul style="list-style-type: none"> Responsiveness and compliance is the strongest indicator to influence the satisfaction of the zakat payers. Reliability is the strongest indicator to influence satisfaction of the zakat recipients.
	Wahid et al. (2017)	<ul style="list-style-type: none"> Financial management performance relates to zakat distribution performance. Corporatized and non- corporatized ZIs have a different pattern of zakat distribution. Corporatization status of zakat institutions has a positive influence on the performance of zakat management.
	Hamzah & Krishnan (2016).	<ul style="list-style-type: none"> Inefficient collection occurs in the following 7 years: (2007, 2008, 2010, 2011, 2013, 2014, and 2015). The main cause of inefficiency was due to excessive usage of staff for the collection process.
	Abdul Lateff et al. (2014)	<ul style="list-style-type: none"> Based on the efficiency distribution score, Majlis Agama Islam Negeri Sembilan (MAINS) is the best for financial distribution. Majlis Agama Islam Kelantan (MAIK) is the best for non-financial distribution.

	Abd Wahab & Abd Rahman (2013)	<ul style="list-style-type: none"> • There is a negative relationship between financial and non-financial distribution. • Based on Total Factor Productivity (TFP), the increment of 2.4% is caused by technical progress rather than efficiency components • Zakat payment system, computerized zakat system, the board size, audit committee and decentralization significantly affect the efficiency of zakat institutions.
	Abd Wahab & Abd Rahman, (2012a)	<ul style="list-style-type: none"> • Pure technical inefficiency was posited to be the main cause of inefficiency. • Higher Muslim population states tend to positively correlate to zakat collection but do not promise efficiency of ZIs.
	Abd Wahab & Abd Rahman, (2012b).	<ul style="list-style-type: none"> • Productivity of zakat institutions improves due to the changes in technical rather than efficiency aspects. • Corporatization status of ZIs does not influence their productivity and efficiency.
	Adnan et al. (2013)	<ul style="list-style-type: none"> • Human capital and relational capital have significant positive relationships towards zakat institutions' performance. • Structural capital does not have any influence over zakat institutions' performance.
	Aziz et al. (2019)	<ul style="list-style-type: none"> • Transaction costs substantially affect zakat performance. • Open innovation strategy could be a driver to enhance performance.
	Sawandi et al. (2019)	<ul style="list-style-type: none"> • There are two types of accountabilities i.e. financial/formal and social/ informal • The financial/formal form of accountability is discharged through zakat collection and distribution reports. • The social /informal form of accountability is discharged through booklet, bulletin, social media platforms.
Management	K Ghani et al. (2018)	<ul style="list-style-type: none"> • Perceived board management influences zakat payers' trust. • Perceived governmental model does not influence zakat payers' trust.
	Saad et al. (2017)	<ul style="list-style-type: none"> • The distributed amount does not correspond to the collection of zakat. • Only a few ZIs did not disclose governance information. • Three ZIs (Federal Territory, Selangor and Perak) have various methods to improve efficiency in terms of collection and distribution of zakat.

	Doktoralina et al. (2018)	<ul style="list-style-type: none"> • Zakat experts view that investment of zakat funds could be done for the interests of the eight legitimate recipients. • Zakat investment should not involve high-risk investments and must be made according to sharia. • ZPP involved in non-financial investment.
	Samargandi et al. (2018)	<ul style="list-style-type: none"> • There is a significant positive relationship between perceived disclosure practices and zakat payers' trust • There is no significant relationship between perceived stakeholder management and zakat payers' trust.
Reporting	Htay & Salman (2014)	<ul style="list-style-type: none"> • There is a need to have proper guidelines for financial information disclosure for ZIs, particularly on information related to collection and distribution of zakat, accounting policy, internal control, cash flow, board of trustees and risk management.
	Sapingi et al. (2020)	<ul style="list-style-type: none"> • Not much information is currently disclosed in the annual reports of ZIs. • The most needed information is background, financial, non-financial and performance and future information.
	Nawi et al. (2020)	<ul style="list-style-type: none"> • ZIs should utilize their social media platforms and websites to deliver information through infographics.

CONCLUSION

This systematic review presents the main areas and findings of previous studies on zakat institutions in Malaysia. Twenty selected publications were reviewed and analyzed. It is deduced that previous studies that have been carried out on zakat institutions in Malaysia focused on the area of quality and efficiency, followed by management and reporting. Based on the results obtained, to enhance stakeholders' satisfaction, more attention should be paid to improving several elements of service quality as well as improving the contents of reported zakat information. Providing better service together with adequate and transparent reporting could be the way to lessen public criticisms and building trust towards zakat institutions.

Although the amount of zakat collection is very much depending on the number of Muslim populations in each state, failure to optimize internal resources and fully utilize technical aspects may lead to managerial inefficiency. Zakat investment is another interesting area to explore further in the future. As for now, some zakat institutions are involved in non-financial investments. Nevertheless, having a long-term measure including making financial investment following the sharia guideline could be an interesting idea to explore in the future. This type of investment could be required to provide a continuous and consistent stream of income to help the poor.

Concerning the implication of this review, it is predicted to be a useful source to scholars as well as zakat institutions to get a comprehensive understanding of the current state of research related to zakat institutions. However, it is also important to note the limitations of this review. Although efforts have been made to follow all conventions of doing a systematic literature review to ensure that all articles which relate to zakat institutions were included, some papers might have been missed. Relying only on Scopus as a source of data may not represent the entire body of knowledge of studies on zakat institutions because other articles published in non-Scopus were not included in this review. By this, it does not indicate that publications in non-Scopus indexed journals bring no added value to the body of knowledge, but the decision to choose only Scopus was also due to the financial and time constraints. To address these limitations, future studies should include a broader range of publications published in various databases.

ACKNOWLEDGMENTS

The financial support of Lembaga Zakat Negeri Kedah (LZNK) (file number: 100-TNCPI/GOV16/6/2(040/2020)) and Universiti Teknologi MARA (UiTM) Kedah are gratefully acknowledged.

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IDENTIFICATION OF ZAKAT RECIPIENT CRITERIA IN KEDAH

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Abstract

Zakat is an instrument to reduce the difference between the rich and poor in Islamic society. Hence, a comprehensive mechanism is needed in distributing the Zakat because it involves a tedious process in choosing the eligible Zakat recipient. Some rules and guidelines need to be followed in distributing the Zakat, which are the people who qualified to receive Zakat or Asnaf, priority of the Asnaf group, the basic need of humans or Had Kifayah and Maqasid Shariah. The changes of time and environment, such as the structure of socioeconomics of an area, will change the criteria's value. Furthermore, the criteria used for each of the districts in Kedah may be different due to the demographic and socioeconomic condition. Therefore, this study is conducted to identify the criteria for determining and portraying the eligible Zakat recipient in Kedah. Based on the results, there are 35 criteria have been identified. Out of the 35 criteria, age is considered less important since most of the Zakat recipient is old and married. This study will benefit the community as they gain exposure to the criteria of eligible Zakat recipient. Next, it can help LZNK in managing the Zakat efficiently and transparently.

Keywords: *Zakat Distribution, Criteria of Zakat Recipient, Zakat Distribution In Kedah.*

INTRODUCTION

In the Islamic religion, Zakat is an instrument that can be used to slacken poverty, revamp the economy and obliterate the inequalities in Islamic society. The main impetus of Zakat is to improve the standard of the Muslims living that less fortunate and minimize the wealth gap of the Muslim (Mansor, Suyurno & Che Man, 2014). In return, it can help disentangle humans from starving, ratify their social-economic justice and keep their vows in performing their responsibility to Allah S.W.T (Haron & Rahman, 2016). To certify that Zakat reaches the target group, the distribution of Zakat plays an important role. The distribution of Zakat should be reliable, transparent and systematic.

In distributing the Zakat, some rules and guidelines have been outlined by Islam that need to be followed. Firstly, identifying the people or known as Asnaf who eligible to receive Zakat. As stated in the Al-Quran, Surah Al-Taubah verse-60, there are eight groups of Asnaf who eligible to receive the Zakat which are al-fuqara (or fakir), al-masakin (or poor), amil (or Zakat

manager), muallaf (or new Muslim reverter), al-riqab (or servants), al-gharimin (or debtors), fisbilillah (or those who fight in the way of Allah) and lastly is Ibn sabil (or Musafir on the way). Secondly is the priority of the aforementioned Asnaf group. From the eight groups, priority should be given to the first three groups (i.e., al-fuqara, al-masakin and amil) where these three groups will be prioritized if the other groups do not exist in the event, as stated by Imam Syafie [4] and this statement is supported by most of the Islamic scholars (Rahman, Shakor, Zakaria, Nordin & Rahmat, 2020; Ali, Ibrahim & Aziz, 2019; Yusof, Tahir & Othman; 2019; Long, Ghani, Hussain, Rahim & Muin, 2018; Abdullah, 2017; Nasution, Ismail & wahid, 2015; Salleh & Ahmad, 2011; Ramli, 2011; Bakar & Abd Ghani, 2011; Yusoff, 2006; Wahid, Ahmad & Noor, 2004). The third rule is Had Kifayah or also known as the basis of human need in Islam. Had Kifayah is akin to the poverty line (Ali, Aziz & Ibrahim, 2014) and in line with the standard cost of living (Aisyah & Ismail, 2019). Had Kifayah is used to estimate the amount that should be given to the fakir and poor.

The criteria of Zakat recipient become the main issues among the academic scholars and practitioners since there is no specific criteria in choosing the eligible recipient. There is a high possibility that Zakat will be distributed to the wrong person. Hence, the criteria of Zakat recipient should be identified in order to facilitate the process of discerning the eligible Zakat recipient. The method of certifying the eligible Zakat recipient becoming arduous due to the changes of the criteria's values use to identify the eligible Zakat recipient. The criteria's value constantly changes over time and environment, such as the structure and socioeconomics of a district's state of the country. Thus, the authority responsible for overseeing the zakat management should evaluate the criteria of Zakat recipient regularly to produce a suitable measurement and composition. This is important to convey the actual socioeconomic level, which capable of delineating districts and mukims. The principles of Zakat distribution should be based on the Islamic jurisprudence that root to Al-Quran and Sunnah (Abdullah, 2017), for examples are Had Kifayah and Maqasid Syariah. The main concern is that the criteria used in Had Kifayah must be adopted based on the Islamic view. Besides, the criteria should have complied with Maqasid Syariah.

In general, Had Kifayah and the poverty line are similar since both approaches discuss the minimum standard of living of an individual (Rahmat & Nurzaman, 2019). Had Kifayah is defined from the religion and morality perspectives (Rahmat & Nurzaman, 2019); meanwhile, the poverty line is based on the Economic Planning Unit (EPU) (Rasool & Amran, 2017). The poverty line is used to identify the poor, respecting their basic need and geographical area. It is to ensure that the individual has the same standard of living (Zin, 2007). A prosperous number of researches related to poverty has been conducted to study the suitable criteria to identify the poor. Most of the criteria are used to measure poverty and it can be seen in the yearly report released by the Department of Statistics Malaysia (DOSM).

Several researchers studied the missing items related to the Zakat distribution, which is vital to identify the eligible Zakat recipient [6]. However, most of them did not expressly state the criteria used in their study. There is also limited research related to the criteria of the Zakat recipient that fulfil the Maqasid Syariah. Therefore, the study in this paper is intended to determine the significant criteria that can be used to identify Zakat recipients' eligibility.

METHODOLOGY

This study focuses on the criteria of Zakat recipient in negeri Kedah, overseen by Lembaga Zakat Negeri Kedah (LZNK). Two main activities have been executed in this study, including reviewing the literature and interviewing the experts. Relevant literature and articles related to Zakat are collected, including Had Kifayah, poverty and Maqasid Shariah, which is used to determine the significant criteria of Zakat recipients. Then, the experts are interviewed to verify the criteria from their point of view. Besides, the purpose of the interview is to seek unrevealed details in the literature review. Semi-open-ended questions are used to interview the experts, which are the LZNK personnel with more than five years of working experience. The interview questions covered the general knowledge related to LZNK, zakat distribution operation under the LZNK and their agreement with the criteria indentified in the literature whether they are significant to identify the eligible recipients in negeri Kedah. The Likert scale ranging from ‘1’ to ‘7’ where ‘1’ refers to ‘the least important’ and ‘7’ refers to ‘the most important’ is used to measure the degree of agreement among the experts. The criteria are considered significant for identifying Zakat recipients in negeri Kedah if they score a larger scale from most of the experts. Details on the experts are listed in Table 1.

Table 5: List of experts.

Gender	Age	Years of Working Experience	Position	Working Experience with LZNK
Man	38	5	Employees	Asnaf development division
Woman	35	6	Director	Research centre
Woman	45	6	Employees	Research centre
Man	50	7	Employees	Asnaf distribution and development department
Man	52	7	Employees	Asnaf distribution and development department
Man	49	7	Employees	Asnaf distribution and development department
Man	40	5	Employees	Division of education and innovation
Man	35	5	Employees	Division of education and innovation
Man	34	5	Employees	Division of education and innovation
Man	47	6	Employees	Division of education and innovation

DATA ANALYSIS AND RESULTS

The literature review results and interview session with the experts show 35 criteria collected, as shown in Table 2. In this table, the definitions of the criteria from the religious point of view are presented.

Table 2: List of the significant criteria of the zakat recipient.

Criteria	Definition of Criteria	Authors
Head of the family total income	All types of work done by individuals or members of the household that become their source of income to support themselves and their families.	Lembaga Zakat Negeri Kedah (2020), DOSM (2019)
Gross Household Income	Total income earned by a household whether in cash or otherwise that can be referred as gross income.	Lembaga Zakat Negeri Kedah (2020), DOSM (2019)
Source of Income	The income used to support the individuals and their families comes from permissible sources or ' <i>Halal</i> ' and legal in terms of law and religion.	Lembaga Zakat Negeri Kedah (2020), DOSM (2019)
Employment Status	All types of work done by individuals or members of the household that become their source of income to support themselves and their families.	Yusof, Tahir & Othman (2019), Rasool & Amran (2017), Rasool, Harun, Salleh (2012), Idris & Selvaratnam (2012), Rasool, Harun, Salleh & Idris (2011), DOSM (2019)
Suffering from chronic disease	Individuals or members in the household that suffer chronic illness and receive ongoing treatment that limits them to work to support themselves and their families.	Lembaga Zakat Negeri Kedah (2020), Yusof, Tahir & Othman (2019), Ali, Ibrahim & Aziz (2016), DOSM (2011), Rasool & Amran (2017), Rasool, Salleh & Harun (2012), Rasool, Harun, Salleh & Idris (2011)
Illness	Individual conditions or members in the household that causes them unable to move to perform daily activities and work to support themselves and their families.	Lembaga Zakat Negeri Kedah (2020), Yusof, Tahir & Othman (2019), Ali, Ibrahim & Aziz (2016), DOSM (2011), Rasool & Amran (2017), Rasool, Salleh & Harun (2012), Rasool, Harun, Salleh & Idris (2011)
Disable	Individuals or members in the households that suffer from physical disabilities that limit them to move and work and their disability status is confirmed by the health department.	Lembaga Zakat Negeri Kedah (2020), Yusof, Tahir & Othman (2019), Ali, Ibrahim & Aziz (2016), DOSM (2011), Rasool & Amran (2017), Rasool, Salleh & Harun (2012), Rasool, Harun, Salleh & Idris (2011)
Age	The age of the individuals or members of the households who eligible to receive assistance and have reached puberty and can distinguish between good and bad things and able to work to support themselves and their families.	Lembaga Zakat Negeri Kedah (2020), DOSM (2019), Ali, Ibrahim & Aziz (2016), Possumah (2016), Ali, Aziz & Ibrahim (2014), Rasool, Salleh & Harun (2012)

Gender	The gender of an individual or member of the household whether male or female.	Lembaga Zakat Negeri Kedah (2020), DOSM (2019), Ali, Ibrahim & Aziz (2016), Possumah (2016), Ali, Aziz & Ibrahim (2014), Rasool, Salleh & Harun (2012)
Marriage Status	The marital status of an individual whether married, single or widowed.	Othman (2019), Rasool & Amran (2017), Rasool, Harun, Salleh (2012), Idris & Selvaratnam (2012), Rasool, Harun, Salleh & Idris (2011), Lembaga Zakat Negeri Kedah (2020), DOSM (2020)
Communication tools	All types of communication tools used by individuals or member of households to communicate.	Lembaga Zakat Negeri Kedah (2020), DOSM (2020)
Electrical and water supplier	The inhabited dwellings have an electricity and clean water supply for daily use and facilitate daily work.	Lembaga Zakat Negeri Kedah (2020), DOSM (2020)
Educational and health facilities	Residential areas are equipped with education and health facilities.	Lembaga Zakat Negeri Kedah (2020), DOSM (2020)
Garbage Collection Facilities	Residential areas are equipped with garbage management facilities such as garbage collection and disposal to maintain cleanliness to provide comfort.	Lembaga Zakat Negeri Kedah (2020), DOSM (2020)
Household appliances and facilities	Household appliances that can facilitate and speed up daily work and provide comfort and satisfaction to individuals and households.	Lembaga Zakat Negeri Kedah (2020), DOSM (2020)
Number of Children Living Together	Number of children or the number of family members who have blood relations and live together in the same house.	Yusof, Tahir & Othman (2019), Mohamed, Ibrahim, Zaidi & Kamaruzaman (2019), DOSM (2019), Rasool & Amran (2017), Ali, Aziz & Ibrahim (2016), Idris & Selvaratnam (2012), Rasool, Harun, Salleh & Idris (2011)
Number of Dependents	Number of children who are still young or age 18 years old and below, studying, not working and supported by both parents.	Yusof, Tahir & Othman (2019), Mohamed, Ibrahim, Zaidi & Kamaruzaman (2019), DOSM (2019), Rasool & Amran (2017), Ali, Aziz & Ibrahim (2016), Idris & Selvaratnam (2012), Rasool, Harun, Salleh & Idris (2011)
Food	Food with digestible ingredients and contain all the nutrients needed for body.	Yusof, Tahir & Othman (2019), Ali, Ibrahim & Aziz (2016), DOSM (2011), Rasool & Amran (2017), Rasool, Harun & Salleh (2012), Rasool, Harun, Salleh & Idris (2011).

Utility Bill	All types of bills such as electricity bills and water bills that used at home for daily affairs.	DOSM (2011)
Gas and Fuel	All types of gas and fuels used for daily activities.	DOSM (2019)
Home Appliances and Maintenance	Home appliances and equipment used to perform daily activities and repair the damage that provides comfort to individuals and member of the households.	DOSM (2019), Lembaga Zakat Negeri Kedah (2020)
Debt	Debts that have to be borne in daily life to continue living either to individuals, banks and others.	Yusof, Tahir & Othman (2019), Mohamed, Ibrahim & Zaidi (2019), DOSM (2011)
Alcoholic drinks	All types of alcoholic beverages consumed by individuals or member of the households.	DOSM (2019)
Residential Ownership Status	Houses inhabited by individuals or member of the households are the property of the individual himself, rent or inherit.	DOSM (2019)
Residential Age	The durability or integrity of a dwelling to be inhabited by individuals or households.	Yusof, Tahir & Othman (2019), Rasool & Amran (2017), Ali, Ibrahim & Aziz (2016), Rasool, Harun & Salleh (2012), Rasool, Harun, Salleh & Idris (2011), DOSM (2011)
Residential Location	The locations of individuals and households settled either urban or rural.	DOSM (2019)
Residential condition	The condition of the houses of individuals or households whether in good condition, safe from danger and comfortable to live in.	Lembaga Zakat Negeri Kedah (2020)
Accommodation – electrical, water, communication tools	Accommodation or residence with basic facilities such as water, electricity and communication tools used to carry out daily activities that provide comfort and satisfaction.	DOSM (2019), Lembaga Zakat Negeri Kedah (2020)
Smoking status	Individual is a hardcore smoker and has the willingness to spend their income for his whims or vice versa.	Lembaga Zakat Negeri Kedah (2020)
Home appliances – Tv, Radio, Astro, Refrigerator, Washing Machine, Air Conditioning, Internet, computer	All types of home appliances owned that facilitate daily work as well as provide comfort and satisfaction to individuals and households.	Lembaga Zakat Negeri Kedah (2020)

Type of Property – House, Garden, Hamlets, Rice field	Type of property owned by individuals.	Lembaga Zakat Negeri Kedah (2020)
Health and Medication	The level of health of an individual that obliges them to receive treatment and medication continuously and limit the individual to work.	Lembaga Zakat Negeri Kedah (2020)
Education	The education costs such as tuition fees, books and other that must be borne by individual or the head of the family to continue their studies.	Lembaga Zakat Negeri Kedah (2020)
Clothing and Footwear Transportation	Clothing that covers the entire limbs as outlined by religion. All costs paid by individual and members of the household for transportation such as fare and other related.	Lembaga Zakat Negeri Kedah (2020)

The verification process shows that the experts agreed that age is the less important criteria. Meanwhile, the remaining 34 criteria are considered the most important criteria that need to be considered in choosing the eligible Zakat recipient. Age is considered less critical because individuals applying for Zakat mainly fulfil the significant criteria of Zakat recipient. This is because LZNK is more focusing on preserving individual and their family's lives. This finding is an agreement with Nurlita and Ekawaty [13]. The results of the verification of the criteria is as shown in Table 3.

Table 3. Frequency of Score for each criterion

Criteria	Extremely Less Important	Extremely Important
Head of the family total income		/
Gross Household Income		/
Source of Income		/
Employment Status		/
Suffering from chronic disease		/
Illness	/	
Disable		/
Age	/	
Gender		/
Marriage Status		/
Communication tools	/	
Electrical and water supplier		/
Educational and health facilities	/	

Garbage Collection Facilities	/	
Household appliances and facilities		/
Number of Children Living Together		/
Number of Dependents		/
Food	/	
Utility Bill	/	
Gas and Fuel	/	
Home Appliances and Maintenance	/	
Debt	/	
Alcoholic drinks		/
Residential Ownership Status		/
Residential Age	/	
Residential Location	/	
Accommodation – electrical, water, communication tools	/	
Smoking status	/	
Home appliances – Tv, Radio, Astro, Refrigerator, Washing Machine, Air Conditioning, Internet, computer	/	
Type of Property – House, Garden, Hamlets, Rice field	/	
Health and Medication		/
Education		/
Clothing and Footwear		/
Transportation		/

The frequency of score for each of the criterion is shown in Figure 1. The criteria are evaluated in order to indicate the level of importance of the criteria. Based on the figure, most of the criteria is rated with score seven that denote the criteria is ‘extremely important’ in identifying the zakat recipient. Besides, there also criteria rated with score five and six which means the criteria still considered as important in identifying the eligible recipient. However, among the criteria, age is rated with score two that indicates the criteria ‘very less important’ in identifying the eligible recipient.

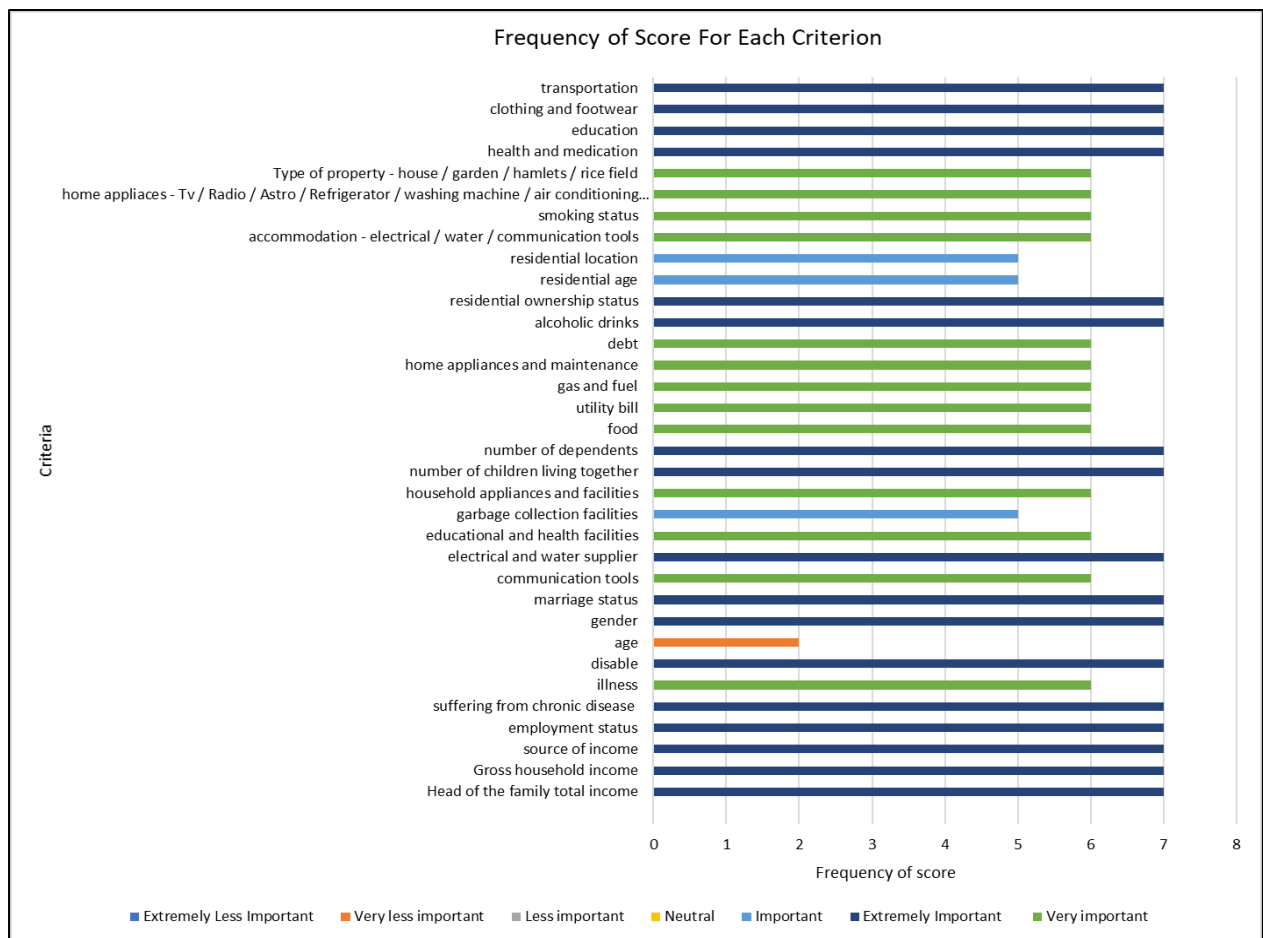


Figure 5: Frequency of score for each criterion

CONCLUSION

This research has determined 35 criteria and can be used to distinguish the eligible Zakat recipients. Although age is listed as one of the criteria for identifying the recipient, it is also considered less critical. Extricating the Asnaf from their burden is supreme to preserve their dignity in carrying their responsibility to Allah S.W.T. The findings of this study will benefit the LZNK in determining the best criteria that can describe a recipient's eligibility. Next, new ideas can be produced to improve the Zakat distribution process and Zakat can be managed efficiently and transparently. On the other hand, the information related to the criteria can help the community to understand more about how Zakat institutions choosing the eligible recipients. In future, more study should be conducted in order to identify more criteria that relevant in determining the eligible Zakat recipient.

ACKNOWLEDGMENTS

I would like to acknowledge everyone who played a role in my academic accomplishment. A deep sense of gratitude is expressed to my family who always supported me. The completion of this paper could not have been possible without the expertise of Dr. Malina Zulkifli and Dr. NurAkmal Ahmad Mustaffa who guiding until I manage to finish writing my paper. Next, I owe a deep sense of gratitude to Dr. Hafizah Zainal from Lembaga Zakat Negeri Kedah who keeps

on providing information and explanation related to the topic of discussion. Lastly, I would like to thank profusely Etika Takaful and IPIZ for providing sponsorship to conduct this research.

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PENAMBAHBAIKKAN MODEL ICEBERG CLAMPITT (1996) DALAM PEMBENTUKKAN KOMUNIKASI STRATEGIK BAGI ORGANISASI BUKAN BERMOTIFKAN KEUNTUNGAN DI MALAYSIA

*(Improvement of The Iceberg Clampitt (1996) Model In Forming Strategic
Communication for Non -Profit Organizations In Malaysia)*

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Abstrak

Kajian berkaitan dengan institusi zakat sebagai salah sebuah organisasi yang bukan bermotif keuntungan ditinjau dari pelbagai aspek. Namun begitu, masih kurang kajian yang dilakukan bagi meninjau imej organisasi dan membina model yang spesifik bagi organisasi berkenaan bagi tujuan meningkatkan komunikasi strategik organisasi berkenaan. Sehubungan itu, kajian ini dilakukan bertujuan untuk mengenal pasti elemen-elemen yang perlu diambilkira dalam merancang komunikasi strategik dari perspektif kakitangan berkenaan. Reka bentuk kajian yang digunakan dalam kajian ini ialah kaedah kualitatif. Diagnos temubual dilaksanakan bagi membolehkan data diperolehi secara mendalam. Informan yang terlibat dalam kajian ini adalah seramai tujuh (7) orang kakitangan dalam kategori pengurusan pertengahan. Data dianalisis menggunakan analisis tematik. Hasil kajian telah mengenal pasti tiga kategori utama yang perlu diambilkira oleh organisasi dalam pengurusan komunikasi strategik iaitu keterlihatan (visibility), penglibatan (engagement) dan pengurusan persepsi. Kajian ini mengukuhkan lagi Model Iceberg oleh Clampitt (1996) dan aspek pengurusan komunikasi organisasi bukan bermotifkan keuntungan.

Kata kunci: *Komunikasi Strategik, Model Iceberg Clampitt (1996), Zakat, Komunikasi Organisasi*

Abstract

Studies related to zakat institutions as one of the non -profit organizations are reviewed from various aspects. However, there is still a lack of research done to review the image of the organization and build a specific model for the organization for the purpose of improving the strategic communication of the organization. Accordingly, this study aims to identify the elements that need to be taken into account in planning strategic communication from the perspective of the staff. The study design used in this study is a qualitative method. Interview diagnostics were performed to enable in -depth data to be obtained. The informants involved in this study were a total of seven (7) staff in the middle management category. Data were analyzed using thematic analysis. The results of the study have identified three main categories that need

to be considered by organizations in strategic communication management, namely visibility, engagement and perception management. This study further strengthens the Iceberg Model by Clappitt (1996) and the communication management aspects of non-profit organizations.

Keywords: *Strategic Communication, Clappitt's Iceberg Model (1996), Charity, Organizational Communication*

PENGENALAN

Komunikasi memainkan peranan yang penting dalam pentadbiran sesebuah organisasi. Secara umumnya, komunikasi dapat ditakrifkan sebagai proses pertukaran maklumat yang berlaku antara dua belah pihak sama ada secara langsung dan tidak langsung. Peranan komunikasi adalah penting bagi memenuhi fungsi penyebaran maklumat, maklum balas, hiburan dan sebagainya. Bahkan kejayaan pengurusan sesebuah organisasi amat bergantung kepada bentuk dan jenis komunikasi yang diamalkan oleh organisasi berkenaan. Komunikasi yang diamalkan oleh sesebuah organisasi mendatangkan kesan terhadap produktiviti, kepuasan kerja, komitmen terhadap organisasi dan sebagainya. Dalam konteks komunikasi luaran pula, komunikasi memainkan peranan yang penting dalam menyalurkan mesej kepada sasaran berkaitan dengan maklumat organisasi, memujuk dan mengekalkan komitmen pengguna terhadap perkhidmatan yang ditawarkan oleh organisasi dan menambak imej organisasi dalam kalangan pemegang taruh. Lantaran itu, komunikasi perlu diurus dengan baik oleh organisasi.

Berkaitan dengan pengurusan komunikasi organisasi ialah perancangan komunikasi strategik yang dilakukan oleh organisasi untuk menyalurkan maklumat kepada pelanggan dan seterusnya menilai keberkesanan serta pencapaian strategi komunikasi yang dilakukan untuk tempoh masa tertentu. Secara umumnya, komunikasi strategik adalah merupakan komunikasi yang terancang serta mempunyai matlamat yang jelas serta melibatkan tempoh masa yang tertentu dan merupakan komponen penting dalam organisasi. Proses perancangan komunikasi strategik yang dirancang oleh sesebuah organisasi melibatkan beberapa langkah. Pelaksanaan komunikasi perlu dimulakan dengan penetapan objektif dan disusuli dengan pemilihan khalayak yang sesuai bagi memastikan objektif dapat dicapai. Langkah seterusnya ialah memberi keutamaan kepada mesej penting berdasarkan objektif dan berusaha menangani jurang maklumat yang menjadi halangan kepada penerimaan mesej. Dengan penggunaan saluran komunikasi yang besesuaian adalah sangat penting supaya tindakan yang dibuat dapat menjamin keberkesanan strategi komunikasi yang dirancang. Langkah terakhir ialah membuat penyelarasan dan bekerjasama dengan pihak berkepentingan bagi memastikan aktiviti komunikasi menjadi lebih cekap dan mesej yang ingin disampaikan dapat dilaksanakan dengan berkesan (Maizatul Haizan, Nik Anis Syakira, Wan Idros, & Wan Amizah, 2019).

Hal utama yang perlu diaplikasikan dalam perancangan komunikasi strategik adalah penggunaan bahasa yang mudah difahami, menggalakkan kakitangan turut memberikan idea, arahan yang jelas serta suasana kondusif di tempat kerja. Mahoney (2013) berpendapat elemen perancangan komunikasi strategik perlu mengandungi penganalisan situasi, penetapan matlamat, mesej, sasaran khalayak, strategi komunikasi, taktik, pelaksanaan dan penilaian. Menurut beliau lagi, organisasi perlu fokus terhadap perancangan komunikasi strategik dengan mengambil kira apa yang perlu dilakukan, apa isu yang akan dihadapi, mengapa ia penting, apa

yang perlu dilakukan, siapakah individu terpenting berkenaan perkara tersebut, apa yang perlu diberitahu dan bagaimana harus memberitahu.

Kelemahan perancangan komunikasi strategik menyebabkan meskipun organisasi melakukan berbagai aktiviti untuk meningkatkan dan mengekalkan imej mereka di mata publik, persepsi segelintir masyarakat masih beranggapan bahawa pengurusan organisasi seperti zakat terutama dalam aspek agihan masih dianggap kurang memuaskan (Hairunnizam et al. 2009; Hairunnizam et al. 2010). Misalnya, masyarakat Islam dikatakan masih tidak berpuas hati dengan pengurusan zakat terutamanya ketidakpercayaan segelintir individu dengan kesungguhan sebuah organisasi zakat dalam mengurus agihan zakat. Oleh itu masih terdapat pembayar zakat yang masih terus membayar zakat secara langsung kepada asnaf (Sanep & Hairunnizam 2005; Sanep et al. 2006).

Berdasarkan kepada perbincangan di atas, permasalahan utama yang dibincangkan dalam kajian ini ialah apakah elemen yang perlu diambil kira dalam membentuk komunikasi strategik organisasi pengurusan zakat dari perspektif kakitangan organisasi. Bahagian seterusnya dalam kajian ini membincangkan tentang kajian-kajian yang telah dijalankan berkaitan dengan organisasi pengurusan zakat.

SOROTAN LITERATUR

Kajian berkaitan dengan pengurusan zakat banyak dilakukan oleh sarjana tempatan dan Asia seperti di Indonesia. Kajian berkenaan menumpukan kepada masalah dalam pengurusan dan agihan zakat, komitmen pembayar zakat dan faktor yang mendorong seseorang untuk membayar zakat.

Kajian oleh Iman dan Sanep (2011) membentuk indeks keyakinan pembayar zakat di Selangor dan telah menguji beberapa pemboleh ubah yang telah diubahsuai daripada model pengukuran kualiti perkhidmatan sektor kewangan (Sureshchandar et al. 2002) seperti faktor manusia, faktor bukan manusia, kaedah pengagihan, kaedah kutipan, imej korporat dan faktor luaran. Kajian tersebut mendapati secara keseluruhannya, indeks keyakinan pembayar zakat adalah di tahap yang baik dan mendapati faktor manusia mempunyai nilai indeks yang tertinggi diikuti faktor bukan manusia dan perkhidmatan kutipan zakat berbanding beberapa faktor lain. Ini memperkukuhkan lagi hasil kajian oleh Hairunnizam dan Sanep (2014) yang mencadangkan beberapa faktor yang perlu diberi perhatian sewajarnya terhadap pengurusan zakat oleh organisasi zakat. Responden dalam kajian ini terdiri daripada penerima dan pembayar zakat daripada sembilan daerah di negeri Selangor. Hasil kajian mendapati bahawa tahap keyakinan terhadap pusat zakat adalah bergantung kepada tiga faktor utama iaitu imej korporat organisasi zakat, faktor kutipan dan faktor agihan zakat.

Pemimpin juga perlu menganalisis khalayak dalam setiap situasi dan membangunkan strategi yang dapat mencapai matlamat (Barret 2006). Di samping itu, Barret juga menekankan bahawa komunikasi yang baik bergantung kepada strategi, tetapi apabila khalayak menjadi pelbagai dan lebih besar lingkungannya, maka strategi komunikasi menjadi lebih rumit. Barret (2006) menekankan bahawa komunikasi yang baik bergantung kepada strategi, tetapi apabila khalayak menjadi pelbagai dan lebih besar lingkungannya, maka strategi komunikasi menjadi lebih rumit.

Upik (2016) menjelaskan bahawa strategi komunikasi diperlukan untuk mencapai tujuan tertentu kerana ia adalah penting dalam memberi informasi kepada sasaran. Menurut Upik lagi,

ia dilaksanakan bertujuan untuk memastikan penerima memahami mesej dan dapat memotivasi penerima untuk melakukan perubahan. Kajian oleh Subiyanto (2018) di Indonesia mendapati pembolehubah *celebrity endorser* memiliki pengaruh yang signifikan dan positif terhadap motivasi untuk berzakat dalam kalangan responden. Beliau juga mendapati motif berzakat dari masyarakat lebih dominan berasal dari faktor internal bukan dari faktor eksternal. Ini menunjukkan faktor kekuatan organisasi berkenaan lebih besar mempengaruhi motivasi untuk membayar zakat berbanding faktor lain. Mohamad Muhaimin, Jasni dan Nik Abdul Rahim (2020) mendapati terdapat beberapa cabaran yang perlu dihadapi oleh organisasi zakat dalam revolusi perindustrian 4.0 seperti pengetahuan dalam teknologi kewangan (Fintech), akses kepada media sosial, dan gejala tular dalam kalangan masyarakat.

Secara keseluruhannya kajian-kajian yang diulas membincangkan tentang peranan yang dimainkan oleh organisasi pengurusan zakat serta cabaran yang dihadapi oleh organisasi berkenaan. Bahagian seterusnya akan membincangkan tentang kaedah kajian ini dilakukan bagi mencapai objektif kajian iaitu mengenal pasti elemen yang perlu diambilkan dalam merancang strategi komunikasi bagi organisasi pengurusan zakat.

KAEDAH KAJIAN

Bahagian ini membincangkan tentang proses diagnostik amalan komunikasi strategik iaitu melalui penggunaan kaedah temu bual. Diagnos temubual dilaksanakan bagi membolehkan data diperolehi secara mendalam. Sejumlah tujuh (7) orang responden yang terdiri dari pegawai pengurusan pertengahan terlibat dalam kajian ini. Temubual dilakukan secara tidak berstruktur dan mengambilmasa antara 30-40 minit untuk seorang responden.

HASIL KAJIAN DAN PERBINCANGAN

Analisis data dilakukan secara sistematik menggunakan teknik analisis tematik. Salah satu dari kategori yang dibentuk ialah pengurusan persepsi, keterlihatan dan penglibatan masyarakat yang akan dibincangkan di bahagian selanjutnya.

Pengurusan Persepsi

Menurut Informan 1, peningkatan kutipan zakat yang berlaku secara drastik adalah salah satu indikator kepada pengurusan persepsi yang baik yang dilakukan oleh organisasi berkenaan. Ini dapat dilihat berdasarkan petikan berikut:

“...Dari segi kutipan alhamdulillah la LZNK telah membuat satu errrr peningkatan mendadak jugaklah dalam berapa ratus juta peningkatan berbanding tahun lepas. Daripada agihan pulak, agihan selalu kita tengok err ramai yang orang luar sana yang kadang-kadang depa tak faham procedure, depa main hentam saja dalam facebook, messenger, pm tepi hat messenger tu kan. Seolah-olah macam, zakat ni tak buat kerja padahal kita ada bahagian agihan sendiri. Bahagian agihan dan penggunaan asnaf...” (Informan 1)

Pandangan beliau turut dipersetujui oleh seorang lagi informan yang bertugas di Bahagian Perkhidmatan dan Pengurusan Personel:

“...Antaranya sebab sekarang ni dengan tertubuhnya apa, pusat agihan bekalan makanan di masjid-masjid. Haa lepas tu erm mmm sesiapa yang nak mintak bantuan boleh terus ke masjid untuk ambik. Sebenarnya kita dah lantik urmm imam-imam sebagai penolong amil haa jadi kalau susah ja memang orang kata p masjid lah sebab macam orang kata ambik konsep dulu kan err orang kata, gereja mudah ja nak bagi bantuan kan. Haa jadi erm CEO tu, CEO mungkin mengambil konsep tu jadi dia tumpu kepada masjid, sebab selalunya imam ni lebih kenal qariah ni berbanding kita ni nak p siasat orang tu kita tak tau orang tu macam mana...? (Informan 2).

Organisasi juga proaktif dalam menangani masalah pengurusan persepsi organisasi. Salah satu isu yang dijangkakan ialah krisis. Lantaran itu, kakitangan organisasi diberi latihan dalam menangani krisis melalui kursus sebagaimana yang dinyatakan oleh Informan 3, seorang pegawai pengurusan pertengahan:

“...Latihan kami, okay latihan macam ni. Arrr kami ada satu team, Malaysia. Zakat satu Malaysia. Zakat satu Malaysia ni macam dua tiga tahun lepas memang kami akan buat kursuslah. Kursus untuk tangani media sosial. Tangani krisis kan sebab benda ni terbentuk lepas kes YaPIEM...” (Informan 3).

Pandangan ini dikongsi bersama oleh Informan 4 yang juga pegawai pengurusan pertengahan di organisasi berkenaan:

“...Jadi, err dia pun ada dalam ahli jawatankuasa portal dan media sosial ni. Jadi segala, mungkin err kita panggil cadangan atau penambahbaikkan sendiri, dia akan raise dalam mesyuarat tu lah. Ataupun ada isu-isu berbangkit yang mana errr kita dah, dah buat tindakan tapi benda tu tak capai kita punya target, so kita akan raise dalam mesyuaratlah...” (Informan 4).

Berdasarkan kepada perbincangan di atas, hasil kajian menunjukkan pengurusan persepsi perlu diambilkira sebagai elemen penting dalam perancangan komunikasi strategik sesebuah organisasi. Pengurusan persepsi boleh meningkatkan imej organisasi dan tindakan proaktif perlu dilakukan oleh organisasi dalam menangani kemungkinan terjadinya isu yang boleh menjejaskan imej organisasi dan seterusnya mempengaruhi persepsi terhadap organisasi.

Keterlihatan (Visibiliti)

Keterlihatan dalam konteks kajian ini mencakupi pengurusan imej organisasi untuk menjadi pilihan utama kepada pelanggan. Keterlihatan organisasi yang dikaji dapat dibuktikan melalui petikan berikut:

“...Errr sebab baru-baru ni, tahun lepaih kita dapat anugerah inovasi err yang disampaikan oleh menteri agama haa apa, Dr. Mujahid tu kan. Ada dapat beberapa anugerah. Errr di Kuala Lumpur tak silap anugerah tu dapat...” (Informan 4).

Implikasi dari anugerah berkenaan ialah kepercayaan pelanggan yang boleh diukur melalui peningkatan jumlah kutipan:

“...Dari segi kutipan alhamdulillah la LZNK telah membuat satu errrr peningkatan mendadak jugaklah dalam berapa ratus juta peningkatan berbanding tahun lepas. Daripada agihan pulak, agihan selalu kita tengok err ramai yang orang luar sana yang kadang-kadang depa tak faham procedure, depa main hentam saja dalam facebook, messenger, pm tepi hat messenger tu kan. Seolah-olah macam, zakat ni tak buat kerja padahal kita ada bahagian agihan sendiri. Bahagian agihan dan penggunaan asnaf...” (Informan 4)

Sejajar dengan perkembangan teknologi maklumat dan komunikasi semasa, media sosial memainkan peranan yang penting. Peranan media sosial sebagai salah satu elemen yang perlu diambilkira dalam perancangan komunikasi strategik terbukti dalam petikan berikut:

“...Ya, dan untuk media sosial pulak kita harapkan sebagai salah satu medium untuk kita keep in touch dengan err masyarakat awam yang mana telah jadi isu apa-apa aktiviti ataupun errr hebahan dan sebagainya tak sampai kepada masyarakat dan masyarakat rasa susah macam mana nak berhubung dengan lembaga zakat. Jadi, err kita kalau ikut arus media sekarang, media sosial pun sekarang dah ada dalam handphone masing-masing kan so kalau kata err apa berlaku errr ketidak err dapat maklumat dan sebagainya ataupun salah paham yang boleh contact dalam media sosial boleh. Apa-apa semak bantuan pun kita boleh tengok dekat portal pun boleh buat semakan bantuan. Dekat aplikasi ZOT yang kita lancarkan hari tu pun boleh buat semakan bantuan dan pelbagai platform lain...” (Informan 1).

Informan 2 turut mencadangkan peranan duta/social influencer dalam konteks meningkatkan keterlihatan organisasi:

“...Ermmm duta, peranan duta. Duta tu perlu tapi kita perlu apa err jelaskan peranan dia tu untuk, untuk membawa organisasi tu sebagai memperkenalkan organisasi kepada seluruh... aaaa.. dunia dan Malaysia lah...”

Elemen seperti perkhidmatan kaunter, aduan dan sebagainya perlu diambilkira sebagai indikator kepada keterlihatan organisasi, menurut pandangan Informan 3:

“...Okay, okay. Okay kalau pengurusan-pengurusan tu kami termasuk dan, tak, maksudnya bawah tadilah, aduan pelanggan tu haa bahagian encik ... tu. Dia kewangan, protokol dengan aduan pelanggan sebab hat tu pun kita baru tubuh dan baru ada lah. So, apa-apa yang daripada kaunter, daripada emel haaa tu daripada orang kata daripada aduan daripada saluran yang, saluran aduan kitalah. Okay, untuk media sosial kita kata yang hat besa-besa ni, untuk netizen yang memang hahahahaha ni ada, kita kata ada kita punya teamwork yang hat lain. Kalau hat ni ada bahagian lain. Hat ni kita kata, macam contoh BPA ka kan, Bahagian Pembangunan Awam kan. Haa bahagian tu lah...”

Elemen media sosial sebagai satu saluran penting dalam elemen keterlihatan turut dibincangkan lagi oleh informal. Ini dapat dibuktikan dari petikan berikut:

“...Okay, satu kalau kita tengok kita punya facebook kita. Kita tumpu kepada facebook kita katakan. Satu kita tunjukkan aktiviti. Aktiviti tu meliputi kita punya booth kutipan, kita punya program-program agihan. Haa yang tu kita boleh kata aktiviti. Yang kedua pasal knowledge tu atau pasal pendidikan zakat itu sendiri. Kita ada buat live ataupun My Sembang Zakat. Haa macam-macam lagilah. Program tu memang kita hand over dekat Jabatan Pengurusan Zakat Harta. So diorang akan atur diorang punya content. So, benda tu dia akan masukkanlah dalam tu...” (Informan 2)

Kepentingan saluran tradisional seperti peranan radio turut dibincangkan oleh responden seperti Informan 5:

“...Okay untuk, untuk tujuan hebahan. Hebahan mana tu dan juga kadang ermm ada yang macam kita nak buat program yang besaq untuk zakat, kita akan masuk ke radio dulu. Macam radio pun kita bukan fokus Kedahfm ja. Kita ada masuk IKIM. Kita ada masuk NASIONALfm. Okay dan juga kita ada juga promosikan kita punya program dekat Selamat Pagi Malaysia dan err TV Al-Hijrah ‘Assalamualaikum...’

Penglibatan Masyarakat

Penglibatan masyarakat merupakan elemen penting sebagai salah tu indikator kepada perancangan strategik. Penglibatan masyarakat dalam konteks ini ditakrifkan sebagai penglibatan dalam berbagai aktiviti yang dianjurkan oleh organisasi. Ini turut diakui oleh informan 6:

“...Okay kalau kata ke lapangan tu sebab kita ada perancangan tahunan kita. Jadi salah satu perancangan kita err pemantauan di food bank. Okay maksudnya pemantauan di food bank tu mungkin dua bulan ataupun tiga bulan sekali kita ikut daerahlah. Okay lepas tu selain daripada food bank banyak lagi aktiviti-aktiviti kita yang melibatkan pegawai zakat daerah. Di daerah contohnya kata mualaf kita buat program. Kita buat program di Kulim. Kita mesti, kita kena jemput tuan rumah tu sendiri untuk join yaa. Contohnya kalau kata kita buat program dekat sini pun err memang depa akan terlibatlah yaa pastu macam pembangunan asnaf sendiri pun sebab kita banyak bawah mualaf sendiri kita ada Santuni Mualaf. Bila kita turun santuni mualaf mestilah kita nak err tuan rumah tu sendiri tau dan tuan rumah sendiri pegawai zakat daerahlah. Santuni mualaf pun ada, santuni asnaf fakir miskin pun ada...” (Informan 6).

Informan 7 memperkukuhkan lagi pandangan berkenaan:

“...Yaa dia kalau contohnya macam kita buat Chinese New Year tu err hat tu julung-julung kalinya dibuat di Malaysia. Kemudian, bila kita buat tu kita interview balik golongan mualaf kan err memang depa rasa terharulah sebab kalau kita tengok hari tu, di Sinar sendiri pun keluaq, dalam berita pun ada, berita tv pun ada err hat mana yang memeluk agama Islam tu memang dah tak rasa dah macam mana sambut Chinese New Year tu. Ada hat yang keluarga boleh paham, paham. Ada hat keluarga tak paham macam depa tinggai la macam tu. Tapi bila kita buat tu err memang depa rasa terkesan sangatlah. Sekurang-kurangnya depa boleh imbau balik kenangan tu yaa...” (Informan 7).

KESIMPULAN

Secara keseluruhannya hasil kajian telah mengenal pasti tiga elemen penting yang perlu diambilkan dalam pengurusan komunikasi strategik iaitu pengurusan persepsi, keterlihatan dan penglibatan masyarakat. Ketiga-tiga elemen ini perlu dijadikan indikator penting dalam merancang pengurusan komunikasi strategik organisasi. Hasil kajian ini menyumbang kepada model yang dikemukakan oleh Clappitt (1996), pengurusan komunikasi organisasi dan kajian berkaitan dengan pengurusan organisasi bukan bermotifkan keuntungan. Kajian akan datang perlu dilakukan terhadap pelanggan organisasi pengurusan zakat untuk memperolehi pandangan mereka terhadap keberkesanan penyaluran maklumat yang dilakukan oleh organisasi pengurusan zakat.

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LEVERAGING ZAKĀT IN ACHIEVING THE SUSTAINABLE DEVELOPMENT GOALS (SDGs) AND ITS CHALLENGES AND PROSPECTS: CASE STUDY OF LEMBAGA ZAKĀT NEGERI KEDAH (LZNK)

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Abstract

The purpose of this paper is to address the issues and challenges faced by Lembaga Zakāt Negeri Kedah in achieving Sustainable Development Goals (SDGs) during the unprecedented COVID-19 outbreak, especially to those who are extremely vulnerable to it. It has become a severe issue affecting various sectors from health, education, social, and lifestyle, as Lembaga Zakāt Negeri Kedah (LZNK) is no exception. Adopting qualitative methodology, this paper approach primary data by conducting a semi-structured interview on the representative from LZNK, zakāt payers and zakāt recipients and secondary data are based on a desk review of academic, past literature as well as annual reports, reports, and statistics published by organizations and information provided online. This paper's expected findings address issues and challenges and initiatives to conquer them to achieve SDG's goal despite the pandemic crisis. Henceforth, the findings will have significant implications, particularly on LZNK of socio-economic and generally of other State Islamic Religious Council (SRIC) in the efficiency of zakāt management, i.e., zakāt collection and distribution in the crisis of pandemic in achieving SDGs.

Keywords: *Lembaga Zakāt Negeri Kedah (LZNK), Sustainable Development Goals (SDGs), zakāt.*

INTRODUCTION

Zakāt is vital in the Islamic economic instruments which can solve the socio-economic problems. According to (Bilo & Machado, 2020), "Islam is not opposed to personal wealth, but to its accumulation at others' expense. Zakāt functions to prevent accumulation and prevent exploitation or social conflict". It needs to be differentiated from ṣadaqah, which is a form of charity and meant to be voluntary". There are four different forms of zakāt authorities or corporations managing the collection and distribution of zakāt in Malaysia (Abd Aziz Abu Bakar, 2014). First is the corporation that has been established under Zakāt Enactment. For example, an institution under zakāt enactment is Jabatan Zakāt Negeri Kedah, established in 1955, and Jabatan Zakāt Negeri Kedah is a separated entity from the Kedah Administration of Islamic Law Enactment. Second is a corporation established under the state administration of Islamic Law Enactment. Under this category, collections of zakāt would be channeled to Majlis

Agama Islam Negeri (MAIN) and later distribute zakāt to zakāt recipients or rightful beneficiaries. Example of zakāt bodies under this classification are PPZMAIWP (Harta Suci Sdn. Bhd); PPZ- MAIM (Pusat Zakāt Melaka Sdn. Bhd.); PZNS-MAINS (Pusat Zakāt Negeri Sembilan Sdn, Bhd.); PKZ- MAIP (Pusat Kutipan Zakāt Pahang Sdn. Bhd.)

Following is zakāt authority that has been established under the State Administration of Islamic Law Enactment. Lembaga Zakāt Selangor, for example, is a corporation established under the virtue of the Trustee (Corporation) Act 1952. Besides, Pusat Urus Zakāt Pulau Pinang (PUZ) is a subsidiary of Majlis Agama Islam Pulau Pinang set up under the Companies Act 1965.

Lastly zakāt authority that is executed by Majlis Agama Islam Negeri (MAIN) through its own unit or department of Baitulmal or Zakāt Centers for example Majlis Agama Islam Johor, Majlis Agama Islam Perlis, Majlis Agama Islam dan Adat Melayu Perak, Majlis Agama Islam dan Adat Istiadat Melayu Kelantan, Majlis Agama Islam dan Adat Istiadat Melayu Terengganu and Majlis Uagama Islam Sabah.

From an observation, zakāt management is given to the zakāt institutions under the Islamic Religious Council of the States (SIRC). This is to ensure an appropriate disbursement is given to beneficiaries to receive zakāt funds. Apart from that, the clarity and transparency of the zakāt management system are analyzed by annual reports of zakāt institutions.

Zakāt is an essential component of the Islamic economic instruments strongly believed to solve the socio-economic problems. In an excellent effort to eliminate or manage the poverty crisis due to basic income and employment insufficiency. Although zakāt has been implemented in this country for several years, it has yet to have a clear impact in contributing to the people's welfare in this present day. According to the (Jabatan Perangkaan Malaysia, 2020), Kedah state has absolute poverty in 2019, which was 8.8 percent, while the unemployment rate was 2.8 percent. This persuades that there are Kedah residents who can receive zakāt. The zakāt fund distributed to the *asnāf* or zakāt beneficiaries to some extent will improve their standard of living, either through food-aid or capital assistance from the zakāt distribution program. Consequently, through this approach, the Lembaga Zakāt Negeri Kedah (LZNK) may achieve the first goal from Sustainable Development Goals (SDGs), which is no poverty, and the eighth goal, which is decent work and economic growth.

This paper is expected to motivate the community, predominantly zakāt payers, to pay zakāt at LZNK rather than pay directly to *asnāf* or other channels. This paper is also expected to motivate the State Islamic Religious Council (SIRC) to promote the importance of transparent, reliable, and accountable zakāt management in distribution to its *asnāf* besides enhancing the general public's confidence. This paper enables new initiatives to develop better management of zakāt funds to finally achieve the United Nation's Sustainable Development Goals (SDGs) and fulfill the *Maqāsid al-Sharī'ah*. Above and beyond, this research is expected to provide valuable information to the academician for further research on the Zakāt collection in achieving SDGs.

Zakāt and Maqāsid Al-Sharī'ah

(Nizam & Larbani, 2016) explain, Al-Imām Al-Shātībī (Zatadini, Universitas, Gontor, Universitas, & Gontor, 2018) emphasizes the faith or *'aqidah* in his definition which is as follows "The primary goal of the *Sharī'ah* is to ensure one man can be on his own comfortably without unpredictability, so that he may be the servant of Allah by choice, just as he is His slave (in

matters about which he has] no choice." While maqāsid from a broader perspective as follows "The overall objective or maqāsid ʿām of Islamic legislation is to preserve the social order of the community and ensure its healthy progress by supporting the well-being and virtue of the human being. The virtue of human beings consists of the soundness of their intellects and righteousness of their deeds, although the goodness of the things of the world in which they live that are put at their disposal."

All the five benchmarks in maqāsid al-Sharīʿah, i.e., the protection of religion, lives, intellect, family, and property, require every Muslim to have sympathy and empathy towards achieving welfare and protect the ukhuwah Islamiyyah or brotherhood in Islam. Muslim society must take the responsibility to meet all five benchmarks, and one of them is that Islam has set about wealth distribution. Islam teaches fair distribution of wealth in the community, or groups of people who have an overabundance of wealth are required to share part of their property with other groups who lack properties to evade wealth accumulation that is only scattered in a particular group of people. One of the instruments for wealth distribution is zakāt (Rohman, 2017).

Zakāt and SDG

It is inevitable to ignore that zakāt is aligning with Sustainable Development Goals as there are tips offered by (Aamir A Rehman, 2018) in United Nations Development Programme (UNDP) when considering integrate with zakāt for the Sustainable Development Goals (SDGs); first is zakāt is a philanthropic pool (Ismail & Shaikh, 2017) too significant to ignore; the second zakāt is highly aligned with the SDGs; third, UNDP has already begun harnessing Zakāt for SDG projects as well engaging with zakāt is an opportunity for a wide range of stakeholders. Highlights by (Saniff, Norhaniza, Hasan, & Salleh, 2020) and (Gundogdu, 2018) zakāt is one of the Islamic instruments that are believed to offer an essential key to realizing SDGs. It suggests as if zakāt and SDGs are a natural pair that should not be ignored and separated from one other. (Suriani, Nurdin, & Muhammad, 2020) Added Zakāt has a positive influence on the environment, likewise strengthened by further research that explores the role of Zakāt in accomplishing sustainable development.

While zakāt has been an Islamic finance tool to help the poor and needy and as a religious commitment that all eligible Muslims must fulfill, it also plays a significant role in the Islamic fiscal system cited in (Santoso, 2019), specifically as a significant source of income and could be used as an instrument to finance specific programs to achieve social welfare, political and economic development among Muslim communities. However, stated by (Haji-Othman, Sheh Yusuff, & Cheumar, 2020), the common goals to be achieved by zakāt distribution across the world are still equivocal and, therefore, need to be explored.

(Kidwai & Zidani, 2020) further, explain the spirit of zakāt should be considered a key topic in achieving sustainable development goals (SDGs). Zakāt's role should be easily understood by how closely United Nations; SDGs are linked to the primary concern within the zakāt management framework. The authors stated more on the need to look in the current world when the corona pandemic stunned the whole world and the need to look forward to the post-corona world. Society and zakāt authorities and government must look deeply and consider the role of zakāt needs to play to optimize its impact. There is a need to move ahead, providing the most impoverished people with the most basic stipulation. Zakāt fund needs to be utilized to its

maximum potential not just to lift the most impoverished people by providing daily meal although that is absolutely priority (Marina & Manap, 2019) zakāt must be used to help the needy to develop themselves and live independently, which later they can be the eligible muzakkī.

(Ahmed Shaikh & Ghafar Ismail, 2017) They are specified that zakāt can meet the evolving challenges, notably in the Muslim world. Developing nations have to cover more distance in achieving the development targets compared to middle-income and high-income countries. Despite the fact (Suzuki & Uddin, 2018) bring up by enhancing zakāt in Muslim countries, the gap between the rich and poor will decrease. Since the goals are ambitious and the time-frame set for these goals is short, all-encompassing efforts must be undertaken involving all sorts of institutions to move in a unified manner for zakāt management.

However, according to (Noor & Pickup, 2017) there is a perception that issues related to gender cannot be addressed through Islamic or zakāt organizations. In practice, zakāt is neutral to gender regarding its payment and receipt. Zakāt funds can be paid to women and the institutions responsible for women's well-being, such as maternity hospitals and schools. Zakāt organizations often have development programs that target women, although they do not explicitly address gender inequality.

Whereas (Abdul, Nik, Ghani, Ilahi, & Edawati, 2019) has pointed that norm of the collection in zakāt fund increasing year by year, authorities might consider creating a pool of fund for micro-takaful designed to aṣnāf. Unfortunate or needy people will be badly affected and struggle financially in illness, accident, or death. Typically, most aṣnāf cannot share, contribute and participate in Takāful scheme, making them unprotected. By creating micro-takāful to aṣnāf with cooperation from zakāt bodies indirectly aligns with sustainable developments goals (SDGs). Furthermore, (Tahir, 2020) highlight for the SDGs to succeed, Muslim countries need to be aware of the Islāmic teachings in all areas and learned zakāt history in the caliph time even zakāt will take a long way to succeed (Lawal, Imam, & Bank, 2016) but sooner or later the aid of zakāt can fully achieve SDGs as it possesses the mutual feature. In addition, zakāt can be an evaluate performance and ensuring that it can be one indicator for the completion of the SDGs (Hasan, 2020).

Table 1. Sustainable Development Goals

No.	Sustainable Development Goals
1	No poverty
2	Zero hunger
3	Good health and Wellbeing
4	Quality education
5	Gender Equality
6	Clean Water and Sanitation
7	Affordable and Clean Energy
8	Decent Work and Economic Growth
9	Industry, Innovation, and Infrastructure
10	Reduced Inequality
11	Sustainable Cities and Communities
12	Responsible Consumption and Production

- 13 Climate Action
- 14 Life Below Water
- 15 Life on Land
- 16 Peace and Justice Strong Institution
- 17 Partnership to achieve the goal

Notes: Taken from United Nations Website 2021

METHODOLOGY

While conducting the research, there are three types of methodologies: qualitative, quantitative, and mixed methodology. Each of the methods has its advantages. As for this study, the researcher uses qualitative methods as it is more suitable in exploring how the zakāt institutions classify eligible zakāt payers and managing the zakāt fund, why there are still eligible zakāt payers are reluctant to pay zakāt and are their challenges for zakāt beneficiaries in acquiring zakāt fund. Moreover, by approaching respondents from zakāt institutions and zakāt payers,' the researcher will be able to get their words, opinions, behavior, and experience. Thus, the researcher gets to understand the real social and human problems faced by targeted respondents.

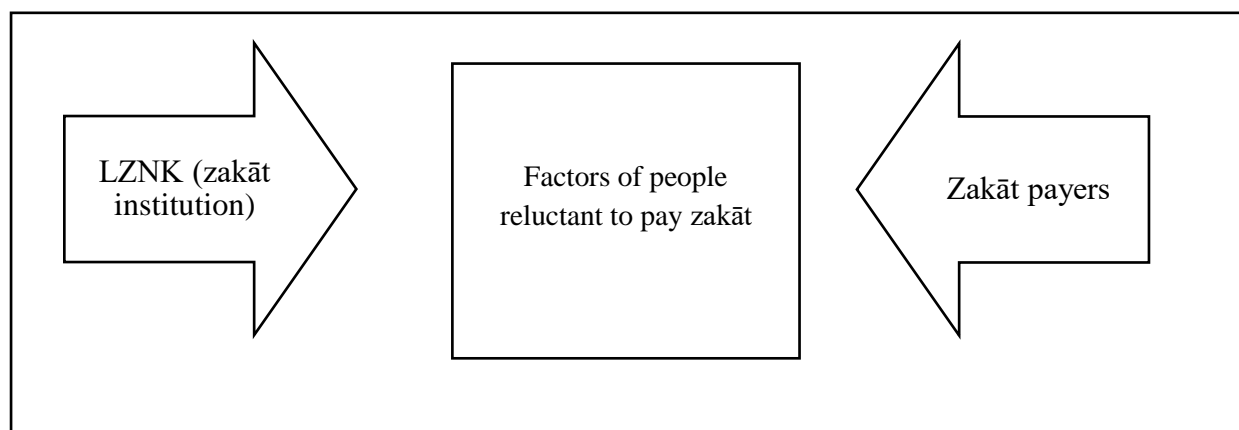


Figure 1. Respondents of Zakāt Institution and Zakāt Payers

FINDING AND DISCUSSION

Issues and challenges are described by respondents from zakāt institution and zakāt payers of selected study based on factors that affected zakāt management system in terms of collection and distribution. The specific themes of issues and challenged are collected and divided accordingly.

Issues and Challenges according to Theme:

- 1- A different view of zakāt disbursements and satisfaction regarding giving zakāt funds to aṣṇāf directly.
- 2- Trust issues from the perspective of zakāt payers towards zakāt institution.
- 3- Do not know or do not have sufficient knowledge of zakāt obligation.

Both representative from zakāt payers and zakāt institutions respondent answer to a mutual answer where generally awareness, understanding, and behavior of zakāt payers is the

main issues and challenges faced by the management of zakāt fund. At the same time, some areas need more staff to enhance the management of the zakāt fund.

Since 2018 LZNK focuses on 7 goals from all seventeen of sustainable development goals which are: no poverty, zero hunger, good health, quality education, sustainable cities and communities, decent work and economic growth, and partnerships for the goals. Most programs conducted by LZNK are under (SDG4), quality education, followed by (SDG11), sustainable cities and communities and (SDG1), no poverty which have the same amount of programs, then (SDG17) partnership for the goals, (SDG8), decent work and economic growth, (SDG2), zero hunger and lastly (SDG3), good health.

Table 1. Programs of Lembaga Zakāt Negeri Kedah for SDG

Sustainable Development Goals	Programs
No Poverty	<ul style="list-style-type: none"> - Cost of Living Aid - Cost of Living Aid (All at Once) - Allocation for the Orphanage Home - Eidul Fitri Aid - Fund to Assist Asnaf Who Are in Debt - Allocation Through the District Office - Natural Disaster Fund - Fidyah Distribution - Allocation to Repair House - Allocation for Building Individual House - Return Distribution - Fund for "Musafir"
Zero Hunger	<ul style="list-style-type: none"> - Food Aid for Old Folks Home - Food Bank Distribution Centre - Cost of Living Aid - Cost of Living Aid (All at Once) - Fund for "Musafir"
Good Health	<ul style="list-style-type: none"> - Treatment Fund (All at Once) - Haemodialysis Centre
Quality Education	<ul style="list-style-type: none"> - Pre-Scholarship for Furter Studies at Local IPT - Pre-Scholarship for Furter Studies at Mesir - Pre-Scholarship for Furter Studies at Jordan - Pre-Scholarship for Furter Studies at Indonesia - Others Allocation (Not Specified) - Pre-Scholarship for Further Studies at Abroad IPT - Scholarship for Local Student (IPTA) - Maahad Addini - Scholarship for Excellent Student (Monthly) - "Pondok Modern" Zakāt - Learning Centre for "Mualaf" - Development for Mosque, Musalla, And Islamic Schools - Allocation for "Guru Agama Umumi Dan Kampung" - Da'wah and Explanation - Fund for PUSBA Development - Travel Fund for Student Who Finish and Pass Their Study

Decent Work & Economy Growth	<ul style="list-style-type: none">- "Jaya Diri" Fund- Sewing Centre- Allowance for Mosque Officer- Return Distribution for PPK, UITM, and Other Agencies- Fund for PUSBA Development- Development for Mosque, Muşalla, and Islamic Schools- Allocation for "Lembaga Tabung Pegawai-Pegawai Masjid Negeri"- Allocation for "Guru Agama Umumi Dan Kampung"
Sustainable Cities& Communities	<ul style="list-style-type: none">- Allocation for Building Individual House- Allocation to Repair House- Food Aid for Old Folks Home- Eidul Fitri Aid- Fund for Newbie "Muallaf"- Marriage Fund for Newbie "Muallaf"- Allocation Through the District Office- Allocation for the Orphanage Home- Fidyah Distribution- Learning Centre for "Muallaf"- Fund for PUSBA Development- Allocation for "Lembaga Tabung Haji"
Partnership for the Goals	<ul style="list-style-type: none">- Research Institution and Zakāt Innovation (IPIZ)- "Fiqh Zakāt Kontemporari" Research Centre- Poverty Rate Research Centre- "Belia Aşnāf" Courses- Aşnāf Entrepreneurship Programme- Mobile Clinic- "Banci dan Jejak Aşnāf" Programme- Social Services Centre

Notes: Taken from LZNK Data Collection and Distribution 2018-2019

CONCLUSION AND RECOMMENDATION

Based on the challenges faced by the zakāt institution mentioned in the previous part, there are several recommendations to boost the management in zakāt collection and distribution of zakāt fund to asnaf. First, with regards to the issues and challenges, several factors are hindering the effectiveness of the Zākāt institution's management.

Among the factors are people who are reluctant to pay Zākāt to address a significant calling and demand for Zākāt institutions to be more appealing in the awareness programs. While the other recommendation is to promote more on the utilization of the 'Zākāt on Touch' application as the app will show collection and distribution in real-time and show the list of the recipient or Zākāt beneficiaries in every area mosque in Kedah. Through the application, conviction disputes can be resolved and enhancing more transparency. Awareness about the fatwa decided on July 27, 1985, by Fatwa Committee of Zākāt Kedah that Zākāt on salary and income is obligatory for Muslims in the state of Kedah should be advertising more in more comprehensive range so there would be no more issues on different understanding in the distribution of Zākāt to asnaf directly or through āmil and Zākāt institution. Besides, a recommendation for all Zākāt institution to implement a quality management system, MS 9001, as emphasized by (Basir et al., 2017) factors affecting Zākāt payers attitude is interconnected

with their trust in professional body retain a certification which meant to establish a systematic approach to install quality by ensuring that their products meet customer requirements. This does not mean that the product is conforming to product standards. It means that the products are being produced through processes that have consideration for quality in the aspects set out by the standard. Accordingly, MS 9001 management and employees showed a high commitment and cooperation to the MS1900 implementation. Shari'ah principles as the main pillars of MS1900, which consist organization operates based on values and decisions are taken following the objectives of Shari'ah were successfully perceived and deliver upper management, to make sure the organization is entirely prepared and to provide training that highlights the values and the basic rules in Islām.

Among the elements in MS1900 (Basir et al., 2017), are identify the gap, understanding the quality system, produce quality policy, develop a team, management representative, demonstrate commitment, documentation, determine the scope of the system, try it out, audit it internally, review the performance, pre-assessment audit, audit (and certification) and lastly maintaining the system.

Even though there are still Muslims who ignorant in fulfilling the obligation to pay zākat, it is believed their lack of knowledge of zākat maxim and behavior. A more approachable strategy or master plan needs to be induced. It is important to muzakki to realize that it is more beneficial to pay zakat at the appointed institution rather than give directly to the recipient. In place of paying directly to asnaf brings satisfaction and other various reasons such as different understanding and trust issues to the muzakki. It would be better if all eligible Zākat payers can commit to paying at the Zākat office, where Zākat institution has a systematic strategy in organizing distribution schemes and their approach to cover various categories of asnaf, needy people as well their implementation of SDGs in programs established.

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ANALYTICAL STUDY OF ZAKAH BENEFICIARIES IN NORTHERN NIGERIA

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Abstract

This research deals with the issue of an aspect of Zakah which is one of the pillars of Islam that aim at reducing the gap between the poor and the reach. Collection and distribution of Zakah is a responsibility of Muslim ruler and government if it exist, right from the lifetime of Prophet Muhammad (SAW) as a leader, he personally collected Zakah and also assigned some workers to collect on his behalf. This practice has continued during the companions and Tabi'un until the time Muslim Government felled into the hands of colonial masters. In Northern part of Nigeria, since the introduction of Shari'ah in the year 1999, many states established the Zakah and Waqf commission to administer the collection, distribution and management of Zakah and Waqf funds, even though individual payers mostly prefer to distributes their Zakah personally, the research will elucidate weather the beneficiaries are receiving in accordance or not. The beneficiaries of Zakah have been clearly specified in the Qur'an and they are eight (8) in number accordingly. Thus, the objective of this paper is to study these beneficiaries of Zakah in Northern Nigeria with the aim to discuss their characteristics for easy identification by the commissions and the individual payers of Zakah. The outcome of this paper hopefully will be of benefit to individuals, State governments and Zakah and Waqf commissions.

Keywords: *Zakah, Beneficiaries, Distribution, Northern Nigeria*

INTRODUCTION

The purpose of this paper was carried out to examine the special category of *Zakah* beneficiaries as mentioned in the Glorious Qur'an. It is mentioned that *Zakah* is only for eight different categories of beneficiaries no more or less. Thus, this paper strive to analyses the distinguish features and characteristics of such beneficiaries with the aim to simplify their identity and conditions. Furthermore, the relevance of government and organizations in collecting and distribution of *Zakah* in Islam is discussed. The collection and distribution of *Zakah* was originally commanded and addressed to the Prophet Muhammad (SAW), he personally collected and distributed the *Zakah* to the beneficiaries, and likewise in sometimes he appointed some companions to administer the collection and distribution of *Zakah* in *Madinah* and some part of Muslim communities. This administration of *Zakah* has continued during the time of companions and later generations of Muslims. Currently, in northern Nigeria, most of the states since 1999 created *Zakah* commissions and board with the mandate to collect and distributed *Zakah* among the beneficiaries.

An Overview of Northern Nigeria

Nigeria the elephant of Africa is the most populous country in the African continent with over 170 million estimated citizens. Nigeria also, is a multi-ethnic country with over 400 ethnic groups with the Hausa, Igbo and Yoruba as majority in the Northern, Southern and Western region respectively. Nigeria has a vast land area supporting 36 State and Federal Capital Territory, Abuja. Geographically, Nigeria is located in West Africa on the Gulf of Guinea with a total area of 923,768 sq km, making it the 32nd largest country in the region. The major religions in Nigeria are Islam and Christianity, the majority in Northern and Southern region

Northern Nigeria was lying mainly in the Nigerian savannah, and has featured prominently in the history of West Africa. Geographically, the area is sandwiched between the western and central Sudan and has been greatly influenced by developments arising from the strong links established quite early between the Sudan and the Muslim world across the Sahara. According to Abdulkadir A. (2013) Northern Nigeria is located between Longitudes 3° and 15° East and Latitudes 9° and 14° north. Northern Nigeria is a political definition use to describe all states that are fully located or partially located (middle belt) in the northern portion of the country. The states located in this zone are Sokoto, Kebbi, Zamfara, Kastina, Kano, Jigawa, Yobe, Borno, Gombe, Bauchi, Kwara, Plateau, Adamawa, Niger, Federal Capital Territory (FCT), Nasarawa, Taraba, Kogi and Benue.

With regard to the coming of Islam to Nigeria, there are divergent of views of scholars and historians. According to Lawal (2007), Some Scholars viewed that Islam came to Hausa (Northern Nigeria) land in the first century after Hijrah. This was as a result of the migration of some group of companions from *Makkah* to Ethiopia in Africa and the old trading link between Ethiopia and Western Sudan. The contact of Arabs with the people of Northern Nigeria marked a new era for religious, social and intellectual life of the people of that region. The role of Muslim clerics greatly impacted the growth and development of Islamic civilisation.

Conceptual Definition of Zakah

According to the Arabic lexicography *Mu'ajam al-Wasit*, explained that *Zakah* has known in Arabic language is an infinitive of the verb *Zakah* literally meaning to grow and to increase. When the word *Zakah* is said about a person, it means to improve, to become better. Consequently, *Zakah* is a blessing, growth, cleanliness and betterment.

In its technical meaning, *Zakah* refers to the determined share of wealth prescribed by Allah (SWT) to be distributed among deserving categories. It is also used to mean the action of payment of this share. Qutub (1990) defined *Zakah* as that portion of a man's wealth which is designated for the poor. The term is derived from the Arabic verbal root meaning "to increase." "to purify," and "to bless." It find its origin in Allah's command to: "Take *Sadaqah* (charity) from their property in order to purify and sanctify them" [at-Taubah 103]. That is why this kind of *sadaqah* is called *zakah*, for by paying it, one is aspiring to attain blessing, purification, and the cultivation of good deeds.

Zakah is one of the Islamic social security systems. It is not given as a favour by those from whom it is due, but rather an incumbent duty. Also it is not given as a gift in an amount determined by the distributor of *Zakah*, but rather its amount is properly calculated. The one who gives it does not hold a favour for doing so, and the beneficiary does not have to beg for it. No, the Islamic social system could never be based on begging.

The importance of *Zakah* has been designed to serve definite goals in society. The first of these is the elimination of poverty. This saves and preserves not only human life but also human dignity and in doing so facilitates the worship of Allah and fulfilment of man's mission on earth. Secondly *Zakah* reconciles the heart of the poor from envy and ill-feeling towards the rich. For they know that they have a definite share in every wealth in the community. *Zakah* makes the poor share holders in the wealth of the rich whose dividends depend on the safety and growth of that wealth. It therefore generates understanding, peace and love between the haves and the have-nots, making it absolutely unnecessary for the proletariat to take arms against the bourgeoisie. Thirdly *Zakah* purifies the heart of the rich from greed and selfishness making it easier for man to play a greater role in the development of his community and to make his wealth available for the cause of Islam, the cause of justice. Fourthly by institutionalising social security and eliminating strife and social tension, *Zakah* strengthens the moral fibre of society, promotes social cohesion and engenders political stability in society. Fifthly, by bringing about redistribution of wealth, the institution of *Zakah* not only ensures social justice in society but it mobilises resources making it available to the poor and thus improving the productive capacity of the community. By increasing the productive capacity of the community it enhances the overall economic growth of the *Ummah*, eventually empowering it to fulfil its ultimate mission of leading the world community.

An Overview of *Zakah* Collection and Distribution in Islam

Allah (SWT) has ordained the Prophet Muhammad (SAW) to collect *Zakah* and ordained that distributors of the *Zakah* have as here therein. They are paid from the collections of *Zakah*. Clearly by extension, Allah (SWT) had directed the Prophet Muhammad (SAW) to collect and distribute *Zakah* with the help of delegation and deputies. Allah says:

“...Take alms from their properties so that you might purify and sanctify them...”

The Prophet Muhammad (SAW) used to collect and distribute *Zakah* by himself and also many times assign representatives to collect it. One of the famous examples is the deputizing Mu'az bn Jabal (RA) to Yemen, the Prophet Muhammad (SAW) ordained him to collect *Zakah* from their rich and to distribute it among their poor. This tradition to be followed by the Caliphs, they appointed *Zakah* workers and assigned to them income from its proceeds based on the Qur'an injunction.

During the Umar bn al-Khattab's (RA) caliphate, the Muslims population multiplied in number, by implication the more people entered into the fold of Islam, the more the people who had to pay *Zakah* and consequently the more complicated it became to collect and distribute *Zakah*. Sallaabee (2010) stated that Umar (RA) established a system that made it possible to collect *Zakah* on a widespread level from citizens throughout Muslim lands and borders. Ahmad (2004) also pointed that new form of collecting *Zakah* known as *al'ashir* on merchandise was introduced during the caliphate of Umar (RA), he used to delegate some companions as tax collectors on strategic areas and some major highways, especially those coming from other countries to collect both taxes on import from non-Muslim foreign traders and *Zakah* from Muslim traders, a practice that continued throughout the early history of Islam.

Furthermore, Dogarawa (2009) quoted Kahaf (1999) that until the end of the Ottoman Empire, it was the tradition of Muslim governments throughout the history to assign a fund or account in the treasury for *Zakah*, and its proceeds are distributed within the *Shari'ah* requirements. On the other hand, the state may delegate individual payers to dispose of their *Zakah* to proper recipients as long as it is generally known that individuals are keen to pay it out of their religious enthusiasm.

The return of Nigeria to democratic system of governance on May 29, 1999, came with the agitation for the re-introduction and implementation of *Shari'ah*, in most of the states in northern Nigeria. Twelve northern states as Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe and Zamfara have so far adopted the *Shari'ah* legal system and established certain key institutions such as *Shari'ah* commission; the *Da'awah* committee; the *Hisbah* group; the *Zakah* and *Waqf* [endowment] bodies, to support the smooth implementation of the *Shari'ah*. But for Gombe state, all the other *Shari'ah* implementing states have established a *Zakah* and endowment institution.

In Nigeria, the administration of *Zakah* is evident mostly in the northern part of the country as it was observed by Ashafa, (2014). This is so because majority of the citizens are Muslims. Zamfara State in the North-West Zone was the first state to declare *Sharia* and established the *Zakah* and Endowment Board to administer the collection, distribution and management of *Zakah* and endowment funds. Likewise, the Kano State *Zakah* Commission is one of the state-supported *Zakah* institutions in the country (Ibrahim & Shaharuddin, 2015). It was reported that the commission spent N7.3m as *Zakah* on a total number of 397 indigent in the year 2015. The recipients were provided with money to establish business, settle debts, medical assistance and stranded travellers were also provided assistance. Furthermore, Wali (2013) explained that inhabitants of the state have benefitted immensely through the various activities of the *Zakah* commission. *Zakah* collected by the state, or individual payer should be distributed in the state or locality that it was collected. Localization of *Zakah* is so emphasized because the inhabitants of a particular society know better those who are in need of assistance in that society

Qardawi (1999) asserted that *Zakah* administration is preferably to be handled by state (agencies or commissions) for some reasons as Firstly, some persons do not possess the will power to let go of their wealth. Such persons need to be coerced to pay *Zakah* as at when due so that the poor will not lose their rightful share of the wealth of the wealthy. Secondly, *Zakah* administration by the state or organization preserves the dignity of the poor as they are safeguarded from humiliation in the hands of the payers. Thirdly, *Zakah* distribution by individuals will not be without bias and lastly, some categories of *Zakah* recipients like (those whose hearts are inclined, in the way of Allah can only be determined by authorities. These authorities know better what the society needs most.

Distribution of Zakah in Islam

Zakah is one of the obligatory donations taken from the rich in fulfilment of Allah's (SWT) commandment, and they are given to the poor also in fulfilment of His same commandment. Its beneficiaries are certain groups of people specified in the above verse of the Qur'an. There can be no addition to, or reduction from these groups by anyone. Thus, the following is the analysis of the aforementioned beneficiaries in accordance with the degree of importance:

“...Charitable donations are only for the poor and the needy, and those who work in the administration of such donations, and those whose hearts are to be won over, for the freeing of people in bondage and debtors, and to further God’s cause, and for the traveller in need. This is a duty ordained by God, and God is All-knowing, Wise...” (Q9:60)

According to this verse, *Zakah* is paid to deserving individuals who come under one or more of eight categories mentioned in the verse. The Qur’an however, specifies how *Zakah* is to be distributed precisely, but grants Muslims maximum flexibility in its collection.

Analysis of *Zakah* Beneficiaries

The poor: a poor person is a person who does not own enough to be liable to *Zakah* and those who do not have enough to carry them through the year, and includes; food, shelter and the like. Any person who lacks these necessary things is a poor person. A rich person on the other hand is a person who has at least the prescribed amount which obligates *zakah*

The needy: as for the needy, there are divergent views among the scholars as to whether the needy are worse off or the poor. It is said that the needy are those who own nothing and owing to age or sickness cannot earned anything.

Collectors of *Zakah*: those employed to collect *Zakah* deserve a part of it, unless if they are relatives of the Messenger of Allah (SAW), which makes them ineligible to collect *Zakah*. It can be observed that the very mention of the category of collectors immediately after the poor and the needy, who are the major beneficiaries of *Zakah*, is itself a clear indication that *Zakah* collection and distribution are functions of an organization with paid employees.

Whose hearts are to be won over: these refers to the persons who have recently accepted Islam and are in need of basic necessities who would benefit from encouragement by Muslims, which would help strengthen their faith. This category was divided into three groups by the Muslim Jurists as follows:

First group: Those whom the Prophet Muhammad (SAW) used to attract through *Zakah* so that they might accept Islam and thus their people would embrace it as well. Second group: are those who embraced Islam yet their faith is weak, they were given *Zakah* so that they might keep firmly to Islam. Third group: The last category is those to whom the Prophet Muhammad (SAW) would give *Zakah* to keep their evil away from Islam and Muslim community.

It should be noted that the share of this category i.e. ‘whose hearts are to be won over’ has been cancelled after the demised of Prophet Muhammad (SAW) because strengthened Islam so it became no longer in need of attracting the heart of any one. This was the view of Umar bn Khattab (RA) among the companions and Malik, Shafi’i and Abu Hanifah among the *Tabi’un*. However, it is asserted that the category of ‘whose hearts are to be won over’ can exist whenever there is a time when Muslims find anyone whose heart is to be attracted so that he can be inclined towards Islam or so that he can be helped, through *Zakah* to keep to Islam firmly.

Those in Slavery: Islam was the first system to gradually mass eliminate slavery, using several techniques simultaneously. Islam first prevented the sources of slavery by prohibiting the kidnapping and selling of free persons. In the early period of Islam, slavery was prevalent throughout the world as an acknowledged part of socio-economic life. Thus, Islam permits that *Zakah* funds should be used to help anyone who could buy his own freedom in return for a sum

of money which he would pay to his master. Alternatively, slaves would be bought with *Zakah* funds and then set free by the Muslim authorities.

Indebted: This category includes any person who has incurred debts for a purpose that does not involve committing a sin and do not possess any other wealth or property with which they could repay the debt. They are helped in the repayment of their debts, instead of forcing them to go bankrupt. Debt settlement is very important in Islam, Jabir (RA) said: “the Messenger of Allah (SAW) would not offer the funeral prayer for a man who had died in debt. A deceased person was brought to him and he asked: does he owe any debt?’ they answered: yes two dinars.’ He said: offer the funeral prayer for your companion.

Aisha (RA) narrated: “Allah’s Messenger (SAW) used to invoke Allah in prayer saying: ‘O Allah, I seek refuge with you from all sins and from being in debt.’ Someone said: O Messenger of Allah (SAW)! I see you often seeking refuge with Allah from being in debt.’ He replied: “if a person is in debt, he tells lies when he speaks, and breaks his promises when he promises.”

In the cause of Allah. Any activity which brings benefit to the Muslim community and serves the advancement of God’s cause may be included. Zulfiqar (2011) reported from al-Kasshaf that this category of recipient of *Zakah* has more merit and worth than, compared to those mentioned earlier. It has two benefits. The first is helping a poor person, and the second is assisting in a religious cause. The main reason is that, ‘in the cause of Allah’ either denotes a *Mujahid*, who does not have the means to go to *Jihad*, or it means the person who must fulfil the obligation of *Hajj*, but does not the necessary financial support to complete their obligation. These two responsibilities are purely religious acts. Thus, by spending *Zakah* funds on them, one helps a poor person and also aids someone in fulfilling their obligation of *Ibadah*.

The Wayfarer: This refers to anyone who is cut off from his journey, someone who does not have enough money to reach his destination. In Islam, such stranded travellers are given a share of *Zakah*. Prophet Muhammad (SAW) and his companions took very good care of stranded travellers. Furthermore, during the caliphate of Umar Ibn Khattab (RA), he established an institution to deal with the needs of travellers called *Dar al-Daqqeeq*. Among the functions of this institution was to establish special houses for travellers that contained flour, dates and other supplies that stranded travellers needed. As-Sallaabee (2010)

CONCLUSION

Zakah is a pillar of Islam and fulfilling it is a compulsory duty on all who meet the criteria. Whether the state makes provision for its collection or not, it is still binding on the Muslims to carry out its obligation. Thus, in a situation where the government does not implement *Zakah*, it is binding on the Muslims to form organizations that will enable them fulfil the obligation. The recipients of *Zakah* have been specified in Qur’an. It is not necessary to distribute equally amount received as *Zakah* among these eight categories. Imam Malik and Abu Hanifah are of the view that the distribution is not necessary to all the eight beneficiaries. The distribution of *Zakah* is usually based on the judgment of *Zakah* administrators and discretion to the category in their locality. A severe warning has been issued to those who do not offer *Zakah* out of greed as well as those who fall short in doing so. Any type of wealth from which *Zakah* has not been offered is regarded as hoarded up treasure (*al-kanz*) for which one will be punished on the Day of Judgement

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FAMILIARITY AND MAKING CAREERS WITH FIVE PILLARS' INSTITUTIONS

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Abstract

There are institutions related to the five pillars of Islam in Indonesia, such Badan Amil Zakat Nasional (Baznas), Badan Pengelola Keuangan Haji (BPKH), and Kantor Urusan Agama (KUA). Appropriate forms of the institutions will be created by the Muslim communities or authorities. Muslim graduates of higher learning in particular may create or identify suitable careers with the institutions. The paper aims to learn about the familiarity of students of an Islamic university in Indonesia with select Islamic institutions in Indonesia related to the five pillars of Islam, and discover the extent to which they would identify suitable careers with those institutions. The study obtained feedback from 41 undergraduate students of the university by administering a special purpose instrument that contains open-ended and scaled questions. The data were analysed using content analysis and descriptive statistics. Results of the exploratory study reveal the level of familiarity of Muslim students with the religious institutions, and their potentials to make a career with and help develop the institutions. The results show that the students would like to work with the religious institutions, and those who said they desire not to work clarified that it is due to their preference to apply their knowledge and skills in related institutions.

Keywords: Five pillars of Islam, Career, Hajj, Muslim, Student, Zakat

INTRODUCTION

The rapid development of the career world provides diverse employment opportunities workforce including making career at religious institutions. Students should respond to the expectations of the religious institutions by equipping themselves with relevant knowledge and skills. While each student has the freedom to choose his career path, working with religious institutions may be a desired option. A special case would be students from religious universities who have a variety of factors to consider when deciding on a career path. Financial rewards or salaries, professional training, and professional recognition are all among the factors that have an impact on their decisions (Rahayu, 2003).

Religious institutions play an important role in society. Their existence maintains the values and norms prevailing in society and according to the rules of the *Qur'an* and *Sunnah*. These institutions certain require dedicated and competent personnel to help them achieve their

objectives. This study is carried out to identify the perceptions of students from University of Darussalam Gontor, Indonesia in considering a career with religious institutions.

LITERATURE REVIEW

Five Pillars of Islam

The first pillar, the *Shahada*, requires the Muslim to declare that there is only one true God who deserves to be worshiped, i.e., Allah SWT; second pillar, establish prayers (*salat*), third pillar, pay *zakat*, fourth pillar, fast (*saum*) in the month of *Ramadan* and fifth pillar, perform the *Hajj* to Baitullah at Mecca A-Haram. These five pillars of religion must be carried out by every Muslim (Fitriastuti, 2014; Muslim, 2017; Tsalitsah, 2020). This pattern of worship is very specific vertical as it shows the relationship between a Muslim and Allah (Abidin, 2012; Al-Tantawi, 1994; Abdalati, 1999).

The first pillar is "Reciting the two sentences of the *Shahada*" (Quran 3:18) as a testimony of Muslims against the oneness of Allah SWT and acknowledging the Prophet Muhammad SAW as His Messenger. Al-Qur'an confirms that there is no other god besides Allah SWT Who created the heavens and the earth and their contents (Quran 25: 2). This declaration of faith is known as the *Shahada* (declaration), and the confession to Allah is known as *Tawhid*. The first pillar is the initial differentiator between a Muslim and non-Muslim. With this confession, the Muslim makes a religious commitment to himself first and then to community wherein he lives (Asni, 2017; Hidayat, 2017; Kristiansen & Sheikh, 2012).

The second pillar of Islam is "performing the five daily prayers" (Quran 2: 238; 7: 170; 20:14). This pillar disciplines the Muslim to renew consciously his relationship with Allah. Prayers have been arranged between two sun rises during 24-hour cycles (Quran 4: 103). This pillar embodies several functions: the psychodynamic element of the ritual, routine meditation delivering a sense of calm, hope, contentment and positive emotions all of which are considered as forming a sense of coherence (Nazish & Kalra, 2018; Sayeed & Prakash, 2013; Ghous, 2016). Carrying out the obligation of giving "Zakat" (or, literally alms giving) for those qualified constitutes the third pillar of Islam. Zakat combines both spiritual and material giving among deserving Muslims. The third pillar encourages the distribution of wealth and thus helps reduce economic imbalances that inevitably occur in society (Hayati & Caniago, 2011; Saputro & Sidiq, 2020; Wahyuni, 2016).

Fasting is required so that every Muslim can learn about self-control (Quran 2: 183). During the period of fasting, a Muslim performs abstinence from eating and drinking within a certain period of time (from before the sunrise to sunset). By adhering to this, Muslims are once again required to be disciplined and will obtain healthy life optimization (Trepanowsky & Bloomer, 2010; Fauziah, 2021).

The fifth pillar of Islam, *Hajj* (pilgrimage) is obligatory only for those who are able financially and physically to do it once in a lifetime (Qur'an 3:97; 22:27). During the *Hajj*, Muslims will make regular contact with each other well in Masjid al-Haram (the grand *masjid* – mosque - near *Ka'bah*), Mount of 'Arafah and in the lodging area. This spiritual journey encourages Muslims to share experiences and knowledge with each (Zulfa, 2015; Gatrad & Sheikh, 2005).

Career Choices and Religious Institutions

Student career choices are influenced by many factors. Identifying these will help one relate the extent to which students may want to work with related organizations. According to Theresa (2015), factors that can influence career can be divided into social and institutional influences, all of which may positively or negatively influence career choices. Individuals' internal and external perceptions are influenced by social forces. Social factors include gender stereotyping, role models, peers, the media, and parents. The institutional support accessible, such as teachers as well as access to technology, are examples of structural effects.

It is crucial to understand how students build preferences for one profession over another when it comes to choosing a career as well as how these preferences are carried out. Parents, instructors, and teachers should be aware of the major factors that affect a person's familiarity or career growth. To put it another way, understanding oneself and the job prospects available in one's community can be beneficial. Individuals are able to make positive changes in their careers. This then, demonstrates the importance of self-awareness and occupational knowledge in making a reasonably correct and adequate occupational decision in terms of career choice (Parsons, 1909; Makinde & Kayode, 1987).

Working and making a career from the Islamic perspective is not just about fulfillment of the necessities of a person's life, which includes clothing, food, and shelter; moreover, it is an act of worship, i.e., one's servitude to Allah. For young people, most of the times deciding on a career path is critical and sometimes difficult (Gottfredson; 2005), however, with proper religious guidance this may turn out to be otherwise. Basic religious guidance such as pupil assessment which includes counseling, selection, follow-up, testing, and evaluation will guide them in continuing their studies or working out their religiously associated career plan (Oladele, 2000). Students' perceptions also shape their religious dedication to work with religious institutions. Piety, for instance, is said to affect students' dedication to work with religious institution. This attribute arises out of the relationships of the individual with friends, educational institutions, mosques, media, books, and magazines (Al-Jwarnah, 2010; Al- Hawamleh, 2013).

METHODOLOGY

A special purpose questionnaire was created to achieve the research objective. The instrument that used Indonesian comprises six questions: three related to the respondent's background, and three related to the research objective. The background question comprises name, degree program and semester. The research question comprises Question 4 level of understanding of the five pillars of Islam, Question 5 familiarity with the organizations related to the five pillars and Question 6 their interest to work in the related organizations. The background questions provide close-ended answers, whereas the scale questions apply the Likert-like answer continuum. For Question 4: 1 Understood very well 2 Understood 3 Did not understand. For Question 5: 1 = Highest 2 =Average 3 = Lowest. Question 6 asks whether the respondent wishes to work with the 5-pillar related organization. The answer choice is dichotomous: Yes or No.

The sample in this study comprised female students from different departments at the University of Darussalam Gontor, Indonesia. The questionnaire was administered on 41 students during the 2020/2021 academic year using Google Form.

After the results of the original survey administration were produced, the authors contacted some respondents to obtain their reason for working or not working the 5-pillar related organizations.

FINDINGS

All of the respondents are female. The majority of the respondents (73.1%) study Business Management (34.1%), Islamic Education (14.6%), followed by Humanities (12.2%) and Nutrition Science (12.2%). First and second year students (semesters 4 and 6) constitute 80.5% of the respondents.

Table 1. Frequency and Percentage Related Institutions and The Five Pillars

Gender	Frequency	Percent		
Perempuan (Female)	41	100.0		
Degree program				
Farmasi (Pharmacy)	3	7.3		
Humaniora (Humanities)	5	12.2		
Ilmu Gizi (Nutrition Science)	5	12.2		
Ilmu Qur'an Dan Tafsir (Quran and Tafsir)	3	7.3		
Menejemen Bisnis (Business Management)	14	34.1		
Pendidikan Agama Islam (Islamic Education)	6	14.6		
Pendidikan Bahasa Arab (Arabic Education)	2	4.9		
Teknik Informatika (Information Technology)	3	7.3		
Total	41	100.0		
Semester				
2	16	39.0		
4	17	41.5		
6	5	12.2		
8	3	7.3		
Total	41	100.0		
	Frequency	Percent		
In-depth understanding of Pillars of Islam				
Very understand (see the results below)	13	31.7		
Understand	28	68.3		
Total	41	100.0		
	Frequency	Percent		
In-depth understanding of religious institutions				
Very understand	5	12.2		
Understand	25	61.0		
Do not understand	11	26.8		
Total	41	100.0		
	Frequency	Percent	Valid Percent	Cumulative Percent
Desire to work with religious institutions				
Yes	36	87.8	87.8	87.8
No	5	12.2	12.2	100.0
Total	41	100.0	100.0	

The respondents rated themselves to comprehend (68.3%), whereas the remaining (31.7%) claimed to have a very good understanding of the five pillars of Islam. In contrast, a slightly lower percentage (61.0%) says they comprehend about the 5-pillar institutions. Also, 26.8% of the respondents do not know about the religious institutions. This gives a hint to some

explanation why 12.2% of the respondents do not want to consider working with the religious institutions.

Showing an interest to work with the religious institutions is not a good predictor of a person's understanding of the five pillars and their related organizations. More critical predictors are understanding of the five pillars and the related institutions ($\alpha = .509^{**}$ at $p=.001$) as shown in Table 2.

Table 2. Correlations Among Careers, Related Institutions and The Five Pillars

		Working with religious institutions	Knowledgeable about religious institutions	Understanding of Five Pillars
Would like to work with 5-pillar related institutions	Pearson Correlation	1	.156	-.066
	Sig. (2-tailed)		.331	.680
	N	41	41	41
Understood in depth about the 5-pillar related institutions	Pearson Correlation	.156	1	.509**
	Sig. (2-tailed)	.331		.001
	N	41	41	41
Understood in depth about the 5-pillar related institutions	Pearson Correlation	-.066	.509**	1
	Sig. (2-tailed)	.680	.001	
	N	41	41	41

***. Correlation is significant at the 0.01 level (2-tailed).*

Cross-tabulation results between 'Would like to work with 5-pillar related institutions' (Mau bekerja di lembaga Rukun Islam) and 'Degree program' (Program Studi) produced insignificant results. The survey data did not fulfil the requirements of Chi-square test. In the sample, the majority of students (87.8%) expressed their interest to work with the religious institutions (Lembaga), which outnumbered those who did not (12.2%) desire to work with the institutions (Lembaga). See Table 3.

Table 3. Desire to work with religious institutions * Degree programs

		F	H	IG	IQ	MB	PA	PB	TI	Total
Yes	Count	3	4	4	3	13	6	2	1	36
	% of Total	7.3%	9.8%	9.8%	7.3%	31.7%	14.6%	4.9%	2.4%	87.8%
No	Count	0	1	1	0	1	0	0	2	5
	% of Total	0.0%	2.4%	2.4%	0.0%	2.4%	0.0%	0.0%	4.9%	12.2%
Total	Count	3	5	5	3	14	6	2	3	41
	% of Total	7.3%	12.2%	12.2%	7.3%	34.1%	14.6%	4.9%	7.3%	100.0%

Key: F = Farmasi H = Humaniora IG = Ilmu Gizi IQ = Ilmu Qur'an Dan Tafsir
MB = Manajemen Bisnis PA = Pendidikan Agama Islam PB = Pendidikan Bahasa Arab TI = Teknik Informatika

In order to discover the insights into their choice to work with the religious institutions (Lembaga), a few students were approached to obtain an explanation about their motivation. The question posed to them reads: “What might be your explanation for expressing your interest to work with religious institutions (Lembaga Rukun Islam)?” The study approached only the respondents who rated *strongly agree* and *agree* for either scale. Their rationale was depicted in Table 4.

Table 4 Post-survey explanation for showing interest to work with the religious institutions

Kod	Degree program	Semester	Category
01	Manajemen	2	Helping others
02	Hubungan Internasional	4	<i>Da'wah</i> (propagating Islam)
03	Gizi	4	Trustworthy
04	Manajemen	8	Supporting the existence of the institutions
05	Farmasi	6	Studying further about the pillars and institutions

The select students who desired not to work with the religious institutions also expressed their reasons, as depicted in Table 5.

Table 5 Post-survey explanation for **not** showing **interest** to work with the religious institutions

Code	Degree program	Semester	Category
06	Gizi	2	Worried if she could not fulfill the <i>amanah</i> entrusted
07	Teknik informatika	4	Wishing to work in the area related to her competency
08	Manajemen Bisnis	2	Not yet prepared to work with religious institutions
09	Hubungan Internasional	8	Not yet prepared to work with religious institutions
10	Teknik informatika	2	Wishing to work in the area related to her competency

CONCLUSIONS AND RECOMMENDATIONS

Knowledge of human sciences may complement, in fact, could be integrated into the five pillars of Islam. And this may be possible by ensuring that university students pursuing different programs of studies are being conditioned for the task while they live in the university's academic environment. Results of these study show that students would like to have careers with the religious institutions related to the five pillars of Islam. Those who said they did not desire to work with the religious institutions are partly due to their lack of knowledge and awareness of the amount of knowledge of the five pillars and the religious institutions that exist in the country. This suggests that the universities need to provide remedial programs for such students so that the Muslim students enhance their knowledge about the significant foundations of their faith i.e., the Five Pillars of Islam. This should be undertaken even though some of the students prefer to work with non-religious institutions.

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**ANALISIS PERBANDINGAN PEMBAYARAN ZAKAT
MENGUNAKAN TEKNOLOGI KEWANGAN (FINTECH) OLEH
LZNK DAN MAIK**

*(Comparative Analysis of Zakat Payment Using Financial Technology (Fintech)
by LZNK and MAIK)*

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Abstrak

Pembaharuan dalam teknologi semasa seperti *FinTech* telah mengubah sistem kewangan dan perbankan di Malaysia. Secara tidak langsung pembaharuan ini juga memberi implikasi kepada institusi zakat negeri. Institusi pengurusan zakat di Malaysia perlu memanfaatkan perkembangan teknologi *FinTech* untuk memacu kutipan zakat. Hasil kutipan zakat yang tinggi akan menyebabkan pengagihan zakat semakin tinggi. Oleh itu kajian ini akan mengkaji analisis perbandingan kaedah pengurusan kutipan zakat menggunakan *FinTech* oleh Lembaga Zakat Negeri Kedah dan Majlis Agama Islam dan Adat Istiadat Melayu Kelantan. Kedua-dua institusi ini mempunyai perbezaan dalam tadbir urus pengurusan zakat masing-masing. Kajian ini menggunakan kajian berbentuk perpustakaan bagi mendapatkan maklumat yang tepat. Hasil kajian mendapati terdapat perbezaan mekanisme yang digunakan bagi kaedah kutipan zakat negeri masing-masing. Selain itu, institusi yang tidak dikorporatkan menunjukkan peningkatan kutipan zakat lebih tinggi berbanding institusi zakat yang dikorporatkan disebabkan beberapa faktor. Hasil kajian ini menunjukkan bahawa kemahiran penguasaan ilmu digital di zaman Revolusi Industri 4.0 ini sangat penting.

Kata Kunci: Kutipan Zakat; Institusi Zakat; *Fintech*.

Abstract

Innovations in current technologies such as FinTech have changed the financial and banking system in Malaysia. Indirectly, this reform also has implications for state zakat institutions. Zakat management institutions in Malaysia need to take advantage of the development of FinTech technology to drive zakat collection. The high collection of zakat will cause the distribution of zakat to be higher. Therefore this study will examine the comparative analysis of the collection of zakat management methods using FinTech by Lembaga Zakat Negeri Kedah and Majlis Agama Islam dan Adat Istiadat Melayu Kelantan. These two institutions have differences in their respective zakat management governance. This study uses a library study to obtain accurate information. The results of the study found that there are differences in the

mechanism used for the method of collection of zakat in each state. In addition, non - corporatised institutions showed a higher increase in zakat collection compared to corporatized zakat institutions due to several factors. The results of this study show that digital knowledge mastery skills in the era of Industrial Revolution 4.0 is very important.

Keyword: Zakat Collection; Zakat Institution; FinTech.

PENGENALAN

Zakat merupakan rukun Islam yang ketiga dan alat kewangan sosial Islam utama berbanding wakaf, hibah dan sedekah. Oleh itu sewajarnya maklumat berkaitan zakat perlu disebarluaskan kepada seluruh masyarakat Islam sama ada di bandar atau luar bandar. Zakat dapat dibahagikan kepada dua jenis iaitu zakat Fitrah dan zakat Mal. Zakat Fitrah hanya oleh dilakukan di bulan Ramadhan sahaja dan bertujuan menyucikan diri dari sifat kedekut, bakhil dan sebagainya. Zakat Mal pula ialah zakat yang berkaitan dengan harta seperti zakat pendapatan, zakat perniagaan, zakat KWSP, zakat saham, zakat emas, zakat pertanian dan penternakan dan beberapa lagi. Kutipan daripada pelbagai jenis zakat ini akan diagihkan kepada lapan asnaf yang layak mengikut ketetapan yang ditetapkan oleh Allah SWT. Lapan golongan tersebut ialah terdiri daripada fakir, miskin, amil, muallaf, hamba (*riqab*), berhutang (*gharimin*), bermusafir kerana Allah (*ibnu sabil*) dan berjuang pada jalan Allah (*fi sabilillah*).

Pada zaman dahulu kutipan zakat hanya dilakukan oleh amil yang dilantik oleh Sultan atau Raja dalam sesebuah negeri melalui institusi zakat negeri (Mahmud Zuhdi, 2007). Pada zaman moden ini, kutipan zakat mula diperluaskan dengan pembukaan kaunter-kaunter zakat di setiap daerah dalam sesebuah negeri, kaunter-kaunter di institut pengajian tinggi dan juga perkhidmatan kaunter bergerak. Namun dengan wujudnya ledakan dan perkembangan teknologi maklumat serta perkembangan sistem perbankan Islam di Malaysia, kaedah pembayaran zakat tidak lagi tertumpu kepada kaedah konvensional sebaliknya pelbagai kaedah bayaran zakat disediakan oleh institusi zakat negeri dengan kerjasama pelbagai pihak termasuk institusi perbankan Islam. Ini penting kerana perubahan kos sara hidup yang tinggi di Malaysia telah menyebabkan peningkatan bilangan golongan asnaf yang memerlukan bantuan zakat. Pihak institusi zakat perlu mencari alternatif terbaik dan berkesan untuk menangani isu ini dengan meningkatkan jumlah kutipan zakat melalui kerjasama dengan institusi perbankan Islam di Malaysia.

FinTech merupakan singkatan perkataan *Financial Technology* yang membawa maksud Teknologi Kewangan. Secara umumnya *FinTech* dimaksudkan sebagai teknologi kewangan terkini yang digunakan dalam sistem kewangan. Perkembangan *FinTech* dapat dibahagikan kepada tiga tahap (Rizal, 2018). Penggunaan *FinTech* mula berlaku secara mendadak selepas dunia dikejutkan dengan krisis kewangan global pada tahun 2008. Pada tahun 2018 terdapat 85.1% penduduk di Malaysia menggunakan perbankan atas talian bagi urusan mereka (Laporan *FinTech*, 2018). Beberapa kajian telah dibuat ke atas perkembangan perkhidmatan asas elektronik dan operasinya iaitu dengan kehadiran *FinTech* telah membolehkan bank dan institusi kewangan menyediakan banyak pilihan alternatif yang lebih murah dan berkesan bagi pengguna mendapatkan maklumat seterusnya melakukan transaksi jual atau beli produk dan perkhidmatan perbankan (Siti Nur & Mohd Hasimi, 2020). Masyarakat kini tidak lagi perlu membawa wang dalam jumlah yang banyak sebaliknya

menggunakan *FinTech* seperti kad debit, kad kredit, e-dompet dan aplikasi atas talian lain seperti jom pay, e-zakat, perbankan internet dan lain-lain lagi bagi tujuan urusan kewangan mereka. Terdapat institusi zakat di Malaysia yang telah menjalinkan kerjasama dengan pihak bank (Mohd Faisol, 2016) bagi menggunakan kemudahan *FinTech* untuk memudahkan pelanggan mereka membayar zakat. Secara tidak langsung ini akan membantu melonjakkan jumlah kutipan zakat. Oleh itu kajian ini akan mengkaji penggunaan Teknologi Kewangan (*Fintech*) bagi kutipan zakat oleh LZNK dan MAIK.

Di Malaysia, institusi zakat dapat dibahagikan kepada dua jenis iaitu institusi zakat yang dikorporatkan dan institusi zakat yang masih belum dikorporatkan. Institusi zakat terkini yang berjaya dikorporatkan ialah Lembaga Zakat Negeri Kedah (LZNK). Pengkorporatan yang berlaku ini merupakan transformasi pengurusan zakat di Malaysia khusus bagi meningkatkan jumlah kutipan dan memperkasakan agihan zakat berbanding pengurusan zakat sebelum ini. Institusi zakat yang masih belum dikorporatkan pula adalah terdiri daripada unit atau bahagian yang berkaitan zakat di bawah bidang kuasa Majlis Agama Islam Negeri seperti Majlis Agama Islam dan Adat Istiadat Melayu Kelantan (MAIK).

Pengurusan zakat di negeri Kedah agak unik dan berbeza dengan institusi zakat negeri yang lain khususnya institusi zakat negeri yang dikorporatkan. Sejarahnya bermula apabila Syeikul Islam Negeri Kedah iaitu Tuan Sheikh Wan Sulaiman Bin Wan Sidek mendapat maklumat dan beritan tentang kesengsaraan yang dialami oleh rakyat negeri kedah yang fakir dan juga miskin. Isu ini akhirnya telah disampaikan oleh beliau sendiri ke pengetahuan Sultan Kedah pada ketika itu iaitu Al Marhum Tuanku Mahmud Ibnu Al Marhum Sultan Ahmad Tajuddin. Atas dasar keimanan yang kuat dan sejarah keislaman yang mempengaruhi pemerintahan kedah pada ketika itu, Al Marhum Duli Yang Maha Mulia Tuanku Mahmud menitahkan tiga orang ulama' terkenal untuk menggubal rang undang-undang berkaitan zakat kerana pemerintah harus mengutip zakat seperti yang dilakukan oleh Rasullullah S.A.W dan Khulafa' Al Rasyidin.

Ulama'-ulama' itu terdiri daripada Tuan Haji Ismail Bin Salleh iaitu Kadi Besar Negeri Kedah, Tuan Haji Yaakob Bin Haji Ahmad iaitu Kadi Daerah Padang Terap dan Tuan Haji Abdul Ghani Bin Hamzah Assaiburi iaitu Kadi Daerah Kota Setar. Hasil perbincangan dan kajian ketiga-tiga ulama' tersebut akhirnya satu notis penerangan berkenaan zakat iaitu I'lan An Nasihah Min Khusus Az Zakat telah diterbitkan dan diedar di seluruh di negeri Kedah. Pada tahun 1955 satu undang- undang zakat negeri Kedah di kenali sebagai Enakmen Zakat Tahun dilaksanakan atas perkenan Ke Bawah Duli Yang Mulia Al Marhum Sultan Badlishah Ibnu Al Marhum Sultan Abdul Hamid Halim Shah. Selepas pelaksanaan undang-undang zakat negeri Kedah, beberapa lagi pindaan Enakmen Zakat Kedah telah dipinda bagi memperkemaskan maksud dan isi kandungan enakmen tersebut agar ianya sesuai diguna pakai setiap masa. Antara pindaan enakmen zakat ialah pada 16 April 1997, beberapa pindaan telah dibuat iaitu nama Undang-undang Zakat dipinda kepada Enakmen Zakat.

Usaha untuk terus mengukuhkan institusi zakat Kedah melalui penambahbaikan undang-undang zakat terus dititikberatkan oleh Jawatankuasa Zakat Kedah bagi memastikan satu undang-undang lengkap yang bukan sahaja merangkumi zakat padi, malah zakat harta yang lain turut diwujudkan. Usaha berterusan ini akhirnya membuahkan hasil apabila pada tahun 2015, enakmen Lembaga Zakat Negeri Kedah Darul Aman (LZNK) diperkenalkan menggantikan enakmen Jabatan Zakat Negeri Kedah Darul Aman (JZNK). Enakmen ini

sekaligus menyaksikan pengurusan LZNK terus unggul seterusnya memastikan lebih ramai asnaf yang layak dapat dibela.

Majlis Agama Islam dan Adat Istiadat Melayu Kelantan (MAIK) pula merupakan salah sebuah institusi berkaitan urusan zakat di Malaysia dan masih belum dikorporatkan. MAIK ditubuhkan pada 17 Safar 1334 bersamaan 24 Disember 1915 melalui satu perisytiharan oleh Sultan Muhammad Ke IV. Penubuhannya bertujuan untuk menasihati Sultan selaku ketua agama berkenaan dengan hal ehwal agama Islam dan adat istiadat Melayu Kelantan. Salah satu misi MAIK adalah pengurusan zakat, infaq, wakaf dan baitulmal serta pentadbiran masjid yang amanah dan profesional. Kutipan zakat di Kelantan telah pertanggungjawabkan kepada bahagian Baitulmal MAIK manakala agihan zakat dipertanggungjawabkan kepada bahagian pembangunan.

KAJIAN LEPAS

Kajian yang membincangkan tentang penggunaan teknologi dalam kaedah kutipan zakat di Malaysia oleh Shawal Kaslam (2009) mendapati bahawa eZakat telah muncul sebagai salah satu inisiatif dalam mengintegrasikan aplikasi internet untuk membina sebuah institusi yang berdaya saing moden zakat. Selain itu menurut Md. Shahnur (2013), penggunaan aplikasi atas talian dapat mengurangkan masalah ketirisan atau kebocoran dalam pengurusan kewangan serta meningkatkan keberkesanan perkhidmatan. ni penting bagi meningkatkan keyakinan pembayar zakat di Malaysia membayar zakat melalui kaedah atas talian.

Kajian yang dilakukan oleh Fidlizan et al.(2012) pula menyatakan peningkatan yang ditunjukkan dalam jumlah kutipa zakat di PPZ adalah hasil inisiatif yang diusahakan oleh PPZ MAIWP melalui Jawatankuasa Penyelidikan dan Pembangunan Korporat yang berperanan untuk mengkaji, menganalisa dan membuat cadangan kepada pengurusan berkenaan sebarang perancangan pembangunan, aktiviti-ktiviti baru serta penambahan dan pengenalan kaedah pembayaran zakat terbaharu seperti kaedah potongan gaji, perbankan internet dan ATM. Kepelbagaian kaedah bayaran zakat oleh institusi zakat di Malaysia sebenarnya mampu meningkatkan hasil kutipan zakat (Mohammed Yusoff & Sorfina, 2012). Pandangan ini amat bertepatan dengan Hairunnizam et al. (2009) yang menerangkan terdapat beberapa faktor yang menyumbang kepada peningkatan kutipan zakat iaitu kaedah pembayaran yang mudah, pengurusan zakat yang semakin cekap, penswastan institusi zakat dan sebagainya. Menurut Mohd Faisol (2016) pula, terdapat ketidakseragaman kaedah-kaedah bayaran zakat yang ditawarkan oleh institusi zakat termasuk institusi zakat yang dikorporatkan dan institusi zakat yang tidak dikorporatkan.

Selain itu, perkhidmatan atas talian seperti perbankan internet, kaunter pos, kaunter bank, perbankan telefon, khidmat pesanan ringkas serta kaunter pusat zakat yang ada di pelbagai tempat tumpuan awam diadakan, bertujuan hanya untuk membantu umat Islam berzakat dengan lebih mudah dan sekaligus berupaya meningkatkan lagi kutipan zakat saban tahun (Muhsin, 2014). Pandangan ini di sokong oleh kajian yang dilakukan Aman et.al (2020) yang menyatakan bahawa sebelum ini bayaran zakat fitrah hanya menggunakan wang fiat tetapi sekarang bayaran zakat fitrah boleh menggunakan teknologi kewangan (*FinTech*). Menurut Ridzuan (2020), penggunaan FinTech terhadap pengurusan Lembaga Zakat Kedah sangat penting khususnya berkaitan kutipan kerana semua institusi kewangan di Malaysia sudah bergerak ke arah *Fintech*. Menurutny lagi sekiranya pengurusan zakat negeri tidak

mengikuti perkembangan *FinTech* akan menyebabkan mereka jauh ketinggalan. E-Zakat akan menjadikan institusi zakat lebih cekap dan kos efektif, memudahkan perkhidmatan, membolehkan akses yang lebih meluas kepada maklumat zakat, dan membuat institusi zakat lebih bertanggungjawab kepada rakyat (Faisol, 2014).

Kajian oleh Mohd Faisol (2016) mendapati faktor faktor demografi institusi zakat negeri, kekurangan kerjasama antara institusi zakat negeri dengan LHDN dan pihak IPTA serta IPTA dan juga ketiadaan Akta dan Ordinan ataupun Enakmen khusus yang mewajibkan semua institusi perbankan Islam di Malaysia perlu menawarkan kaunter zakat oleh pihak BNM telah menyebabkan wujudnya ketidakseragaman kaedah kutipan zakat di Malaysia. Kajian yang dilakukan oleh Mohd Faisol (2014) menjelaskan bahawa penggunaan laman sesawang zakat membolehkan para pengguna boleh mendapatkan maklumat terkini dengan tepat di mana sahaja mereka berada dengan fungsi streamyx, broadband dan wifi, maka pembayaran zakat juga boleh dilakukan secara jarak jauh atau pun atas talian melalui laman sesawang tersebut.

Menurut Hasan & Ezani (2006) pula menyarankan agar institusi zakat tidak cukup hanya diuruskan berdasarkan prinsip-prinsip tradisional tetapi lebih dari itu bagi mencapai tahap profesionalisme institusi zakat. Pengurusan zakat pada masa kini juga memerlukan pengurus yang mempunyai ilmu-ilmu lain seperti pengurusan, keusahawanan, teknologi dan sebagainya. Ini akhirnya mampu meningkatkan profesionalisme pengurusan zakat, meningkatkan keyakinan pembayar zakat dan akhirnya akan meningkatkan lagi dana zakat (Hairunnizam Wahid et al., 2009).

METODOLOGI KAJIAN

Kajian ini menggunakan pendekatan deskriptif kualitatif dan jenis kajian yang digunakan adalah kajian perpustakaan iaitu mengumpul data yang bersesuaian dengan objek penelitian atau pengumpulan data yang bersifat keperpustakaan. Antara bahan yang terlibat dalam pencarian maklumat adalah buku, akhbar, jurnal, majalah asnaf, majalah dewan ekonomi, laporan tahunan institusi zakat negeri dan juga laman sesawang setiap institusi zakat negeri. Kaedah penyelidikan ini memerlukan pengumpulan data berkaitan daripada dokumen tertentu dan menyusun data untuk menganalisis bahan dan memberi kefahaman yang lebih mendalam berkaitan dengan kutipan dan bayaran zakat di Malaysia. Kajian ini juga menggunakan kaedah temu bual ringkas yang dilakukan melalui telefon terhadap wakil daripada institusi zakat negeri tertentu. Kajian ini hanya memfokuskan Lembaga Zakat Negeri Kedah dan Majlis Agama Islam dan Adat Istiadat Melayu Kelantan.

HASIL DAN PERBINCANGAN

Jadual 1: Kaedah Bayaran Zakat Menggunakan *FinTech* Bagi Tahun 2021

Bil	Kaedah Bayaran Zakat Menggunakan <i>FinTech</i>	LZNK	MAIK
1.	E Zakat/Jom Pay/ Jom Zakat	/	/
2.	Perbankan E-Wallet/QR Code	x	x
3.	Internet	/	/
4.	Kad Kredit	/	/

5.	Kad Debit	/	/
6.	SMS	/	x
7.	Perbankan Telefon	x	x
8.	FPX (Financial Process Exchange)	/	/

Sumber: Laman sesawang LZNK dan MAIK, 2021.

Secara umumnya, kaedah bayaran zakat menggunakan *FinTech* di Malaysia dapat dibahagikan kepada lapan kaedah dengan mengambil kira kaedah-kaedah yang digunakan oleh Lembaga Zakat Selangor dan Pusat Pungutan Zakat Wilayah Persekutuan. Kaedah bayaran zakat menggunakan *FinTech* merupakan pendekatan kutipan zakat secara atas talian dan maya menggunakan sistem teknologi kewangan yang mudah, pantas dan jimat. Kaedah bayaran zakat menggunakan *FinTech* ini adalah E Zakat/Jom Pay/ Jom Zakat, E-Wallet/QR Code, perbankan internet, kad kredit, kad debit, SMS, perbankan telefon dan FPX. Jadual 1 di atas menunjukkan kaedah-kaedah bayaran zakat menggunakan *FinTech* di LZNK dan MAIK.

Jadual di atas menunjukkan LZNK merupakan institusi zakat yang lebih aktif menggunakan *FinTech* berbanding MAIK dalam melaksanakan kutipan zakat. Terdapat enam kaedah bayaran zakat menggunakan *FinTech* telah dilaksanakan oleh LZNK berbanding lima kaedah oleh MAIK. LZNK hanya tidak menawarkan pembayaran zakat menggunakan E-Wallet/QR Code dan perbankan telefon sahaja kepada *muzakki* (pembayar zakat) berbanding MAIK yang tidak menawarkan pembayaran zakat menggunakan E-Wallet/QR Code, perbankan telefon dan SMS kepada *muzakki* (pembayar zakat). Perbezaan ini jelas menunjukan bahawa setiap institusi berkaitan zakat negeri mempunyai bilangan kaedah yang berbeza kerana strategi meningkatkan pengurusan kutipan zakat negeri masing-masing juga berbeza.

Jadual 2: Perkhidmatan Kutipan dan Bayaran Zakat Menggunakan *FinTech* Melalui Perbankan Internet oleh LZNK dan MAIK

Institusi Perbankan Islam	LZNK	MAIK
Affin Islamic Bank Berhad	-	/
Al Rajhi Banking & Investment Corporation (Malaysia) Berhad	/	/
Alliance Islamic Bank Berhad	-	-
AmBank Islamic Berhad	/	/
Bank Islam Malaysia Berhad	/	/
Bank Muamalat Malaysia Berhad	/	/
CIMB Islamic Bank Berhad	/	/
HSBC Amanah Malaysia Berhad	-	/
Hong Leong Islamic Bank Berhad	/	-
Kuwait Finance House (Malaysia) Berhad	-	-
MBSB Bank Berhad	-	-
Maybank Islamic Berhad	/	/
OCBC Al-Amin Bank Berhad	-	/
Public Islamic Bank Berhad	/	-
RHB Islamic Bank Berhad	-	-
Standard Chartered Saadiq Berhad	/	/

Sumber: Laman sesawang BNM 2021, laman sesawang LZNK 2021, MAIK, 2021.

Terdapat 16 buah institusi perbankan Islam (BNM, 2021) yang menjalankan operasi perkhidmatan perbankan berasaskan Syariah. Kewujudan 16 buah institusi perbankan Islam ini telah merencanakan kutipan zakat khususnya berkaitan kutipan zakat menggunakan *FinTech*.

Jadual 2 di atas menunjukkan senarai institusi perbankan Islam yang beroperasi di Malaysia bagi tahun 2021. Namun terdapat empat buah institusi perbankan Islam yang masih belum menjalinkan kerjasama dengan LZNK dan juga MAIK bagi perkhidmatan bayaran zakat menggunakan kemudahan *Fintech*. Institusi perbankan Islam yang dimaksudkan ialah Alliance Islamic Bank Berhad, Kuwait Finance House (Malaysia) Berhad, terlibat dengan perkhidmatan bayaran zakat menggunakan kemudahan perbankan internet kecuali Kuwait Finance House Malaysia Berhad (bank yang sudah lama beroperasi di Malaysia), MBSB Bank Berhad dan RHB Islamic Bank Berhad. Ini menunjukkan bahawa masih terdapat ruang dan peluang yang perlu dilakukan oleh LZNK dan MAIK agar ke empat-empat institusi perbankan Islam di Malaysia ini memainkan peranan yang penting bagi membantu pelanggan yang beragama Islam menunaikan kewajipan rukun Islam yang ketiga dengan menggunakan *FinTech*.

Kutipan zakat oleh MAIK di Kelantan berjaya dilaksanakan melalui jalinan kerjasama dengan 10 buah institusi perbankan Islam di Malaysia berbanding kutipan zakat di Kedah oleh LZNK yang hanya berjaya menjalinkan kerjasama dengan sembilan buah institusi perbankan Islam di Malaysia. Walaupun MAIK bukan sebuah institusi agama yang bersifat korporat berbanding LZNK, namun kejayaan menjalinkan kerjasama dengan 10 buah institusi perbankan Islam di Malaysia memberi gambaran bahawa perkhidmatan *Fintech* ini tidak tertakluk kepada dasar dan polisi sesebuah organisasi sebaliknya bergantung pada kebijaksanaan strategi pengurusan menentukan kerjasama dengan agensi asing yang mempunyai kemudahan perkhidmatan *Fintech* untuk pelanggan mereka.

Selain itu Kuwait Finance House (Malaysia) Berhad yang merupakan bank Islam asing yang pertama ditubuhkan di Malaysia tidak menawarkan perkhidmatan perbankan internet kepada LZNK dan MAIK. Ini sangat mendukacitakan kerana negeri Kedah dan negeri Kelantan dikenali sebagai negeri yang mempunyai asas Islam yang sangat kuat sehingga melahirkan ramai cendekiwan Islam tersohor. Kelompangan ini perlu segera di atasi oleh LZNK dan MAIK agar jumlah kutipan zakat melalui kemudahan *FinTech* dapat ditingkatkan ke tahap yang paling optimum. Peningkatan jumlah kutipan zakat akan mempengaruhi jumlah agihan zakat di Malaysia. Peningkatan jumlah agihan zakat pula akan meningkatkan jumlah penerima zakat di Malaysia. Peningkatan dalam jumlah penerima asnaf zakat akan membantu meransangkan pertumbuhan ekonomi negara secara uimumnya.

Jadual 3: Perbandingan Statistik Kutipan Zakat Dari Tahun 2010 Hingga 2019 oleh LZNK dan MAIK

Tahun	Jumlah Kutipan Zakat	LZNK (RM)	MAIK
1.	2010	80.7 juta	70.3 juta
2.	2011	106.8 juta	94.0 juta
3.	2012	100.5 juta	113.1 juta
4.	2013	116.6 juta	134.1 juta

5.	2014	127.5 juta	144.5 juta
	Jumlah (A)	532.1 juta	421.9 juta
6	2015	133.8 juta	161.9 juta
7.	2016	140.4 juta	170.1 juta
8.	2017	164.9 juta	170.7 juta
9.	2018	177.0 juta	185.2 juta
10.	2019	122 juta*	194.9 juta
	Jumlah (B)	738.1 juta	882.8 juta
	Jumlah A + B	845.6 juta	1304.7 juta

Sumber: Laporan Zakat LZNK (2010-2019) dan Laporan MAIK (2010-2019).

Pengetahuan dalam teknologi kewangan (*FinTech*) akibat kepesatan teknologi masa kini telah berjaya mempengaruhi jumlah kutipan zakat di institusi zakat negeri. Ini dapat dibuktikan dengan jumlah kutipan zakat yang meningkat setiap tahun sejak tahun 2010 hingga 2019 bagi LZNK dan MAIK.

Berdasarkan jadual di atas menunjukkan jumlah kutipan zakat dalam tempoh satu abad oleh MAIK lebih tinggi dari LZNK iaitu lebih sebanyak RM459.1 Walaupun MAIK bukan sebuah institusi zakat yang dikorporatkan berbanding LZNK, tetapi jumlah kutipan zakat jauh lebih tinggi dari LZNK. Selain itu jumlah kutipan zakat oleh MAIK setiap tahun juga lebih tinggi dari LZNK kecuali bagi tahun 2010 dan 2011 sahaja. Ini menunjukkan bahawa faktor tahap kesedaran membayar zakat yang tinggi di Kelantan berbanding di negeri Kedah telah menyumbang kepada peningkatan ini. Selain itu kaedah perhidmatan penggunaan *Fintech* yang tepat dan sesuai dengan masyarakat negeri Kelantan dan masyarakat Kelantan yang tinggal di luar Kelantan telah menyumbang kepada peningkatan jumlah kutipan zakat berkesan di samping faktor promosi.

Jumlah kutipan zakat bagi lima tahun pertama iaitu tahun 2010 hingga 2014 oleh LZNK adalah lebih tinggi dari jumlah kutipan zakat oleh MAIK iaitu lebih sebanyak RM110.2 juta berbanding kutipan zakat oleh MAIK iaitu sebanyak RM421.9 juta.

Jumlah kutipan zakat bagi lima tahun kedua pula iaitu tahun 2015 hingga 2019 oleh LZNK adalah lebih rendah daripada jumlah kutipan zakat oleh MAIK. Kutipan zakat oleh MAIK jauh lebih tinggi dari LZNK iaitu lebih sebanyak RM144.7 juta berbanding kutipan zakat oleh LZNK iaitu sebanyak RM738.1 juta.

Secara kesimpulannya dapatlah dinyatakan bahawa peningkatan mendadak kutipan zakat setelah penggunaan *FinTech* membuktikan *FinTech* telah memberi impak yang sangat besar kepada institusi zakat negeri di Malaysia. Ini dapat dilihat apabila jumlah kutipan zakat oleh LZNK telah meningkat sebanyak 22 peratus dari tahun 2010 hingga 2019. Manakala jumlah kutipan zakat oleh MAIK juga telah mengalami peningkatan yang ketara iaitu sebanyak 94.9 peratus bagi tempoh tahun 2010 hingga 2019. Ini menunjukkan peratusan peningkatan jumlah kutipan zakat oleh MAIK jauh lebih tinggi berbanding LZNK iaitu sebanyak 72.9 peratus.

Jesteru itu institusi zakat negeri di Malaysia perlu bersedia mengharungi dunia digital yang memerlukan pengurusan zakat mengoptimumkan penggunaan *FinTech* dalam kaedah kutipan zakat mereka di masa akan datang.

KESIMPULAN

Kutipan zakat oleh MAIK adalah jauh lebih tinggi daripada kutipan zakat oleh LZNK. Walaupun LZNK merupakan institusi zakat yang paling muda dikorporatkan di Malaysia, namun kutipan zakat masih tidak dapat menandingi kutipan zakat oleh MAIK. Terdapat beberapa faktor yang mungkin menyebabkan perkara ini berlaku antaranya penggunaan perkhidmatan *FinTech* yang sesuai dengan tempat dan masa.

Menurut Hamizul (2020), *FinTech* merupakan teknologi dalam kewangan dan sekiranya teknologi ini patuh Syariah maka institusi zakat wajar menggunakannya. Pengguna QR Code dan perbankan telefon masih terhad dan belum lagi digunakan secara berleluasa oleh kedua-dua institusi zakat tersebut. Selain itu institusi zakat negeri perlu pro aktif menjalankan kerjasama dengan semua institusi perbankan Islam milik asing untuk menyedarkan pelanggan mereka tentang keperluan membayar zakat melalui kemudahan perbankan internet yang disediakan. Ini kerana melalui kerjasama yang erat dengan institusi perbankan Islam milik asing akan membuka ruang dan peluang kepada institusi zakat negeri untuk menarik pembayar zakat baharu yang berpotensi dan bersifat global. Di harapkan kajian ini akan dapat membantu institusi zakat negeri membuat pembaharuan dan penambahbaikan kepada sistem kutipan zakat khususnya berkaitan penggunaan QR Code dan perbankan telefon serta perkhidmatan SMS bagi kutipan zakat. Hampir semua kaedah membayar zakat kepada institusi zakat negeri menggunakan *FinTech* di Malaysia masih bergantung dengan institusi perbankan Islam. Pihak LZNK dan MAIK perlu merancang dan memikirkan kaedah tersendiri penggunaan *FinTech* bagi membolehkan pembayaran zakat dilaksanakan tanpa memerlukan pihak ketiga.

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**DIGITALISASI PENGURUSAN ZAKAT MENUJU KE ARAH
PEMBANGUNAN EKONOMI DIGITAL ISLAM PASCA PANDEMIK
COVID-19 DI MALAYSIA**

*(Digitalization of Zakat Management Towards Post Covid-19 Pandemic
Development of Islamic Digital Economy In Malaysia)*

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Abstrak

Pengurusan zakat perlu dilaksanakan dengan progresif dan inovatif dalam keadaan apapun juga, walaupun menghadapi isu-isu dan cabaran semasa, seperti pasca penyebaran Pandemik COVID-19 dan program digitalisasi. Di era globalisasi ini segala urusan telahpun dibuat secara komprehensif dalam menghadapi dunia digital. Bidang ekonomi dan pengurusan amat diambil perhatian untuk memenuhi keperluan semasa. Hubungan antara pengurusan, ekonomi dan digital perlu diselaraskan konsep Islam. Oleh itu, kajian ini bertujuan mendedahkan pengurusan zakat secara menyeluruh. Juga, menjelaskan konsep ekonomi digital Islam untuk memenuhi keperluan semasa. Selain itu, membangunkan pengurusan zakat berdasarkan struktur ekonomi digital Islam bagi memudahkan urusan terlaksana dengan dinamik. Kaedah yang digunakan dalam kajian ini adalah kualitatif deskriptif melalui kajian kepustakaan daripada sumber primer dan sekunder dan kajian lapangan daripada pemerhatian di akhbar dan laman sesawang institusi zakat. Selanjutnya, data yang terkumpul akan dianalisis untuk memperoleh jalan penyelesaian. Hasil kajian mendapati bahawa pengurusan zakat dapat dilaksanakan dalam keadaan apapun juga dengan sistem online yang merupakan satu pencapaian sistem secara digital. Penstrukturan ekonomi digital amat diperlukan untuk memenuhi keperluan semasa mengikut konsep Islam.

Kata kunci: Pengurusan Zakat, Progresif dan Inovatif, Ekonomi Digital Islam, Pandemik COVID-19, Digitalisasi.

Abstract

Zakat management needs to be implemented progressively and innovatively in any situation, despite current issues and challenges, such as the post-spread of the COVID-19 Pandemic and the digitization program. In this era of globalization, everything has been done comprehensively in the face of the digital world. The fields of economics and management are highly valued to meet current needs. The relationship between management, economy and digital needs to be harmonized with Islamic concepts. Therefore, this study aims to reveal the management of zakat as a whole. Also, explain the concept of Islamic digital economy to meet

current needs. In addition, developing zakat management based on the structure of the Islamic digital economy to facilitate business to be carried out dynamically. The method used in this study is qualitative descriptive through literature review from primary and secondary sources and field study from observations in newspapers and websites of zakat institutions. Next, the collected data will be analyzed to obtain a solution. The results of the study found that zakat management can be implemented in any situation with the online system which is an achievement of the system digitally. The structuring of the digital economy is essential to meet the current needs according to the Islamic concept.

Keywords: *Zakat Management, Progressive and Innovative, Islamic Digital Economy, COVID-19 Pandemic, Digitalization.*

PENDAHULUAN

Pengurusan zakat di Malaysia dilaksana oleh badan atau institusi yang terletak di mana-mana negeri, terdapat 14 buah institusi zakat yang ditubuhkan bagi mewakili 13 buah negeri dan 3 buah wilayah persekutuan yang diwakili oleh sebuah institusi zakat (Eza et al., 2014). Menurut kebiasaan yang dijalankan pada setiap tahun adalah dengan cara bersemuka antara pihak institusi dan umat Islam sama ada dari segi kutipan mahupun agihan. Pada masa kini, segala urusan akan menuju ke arah digital sehingga sudah tidak memerlukan sistem bersemuka, akan beralih kepada sistem online. Justeru itu, diperlukan kaedah yang selamat bagi kaum Muslimin untuk menunaikan bayaran zakat dengan komprehensif dan inovatif. Institusi zakat memainkan peranan penting dalam merealisasikan sistem pengurusan zakat ini.

Dalam era Revolusi Industri 4.0 (IR 4.0), maklumat digital dan data raya (Big Data) berfungsi sebagai “bahan utama” yang menggerakkan ekonomi baharu. Masyarakat lebih memilih kemudahan untuk menggunakan akses serta peluang baharu, namun wujud juga beberapa kebimbangan. Perbadanan Ekonomi Digital Malaysia (MDEC) sebagai agensi yang diberi mandat untuk mendigitalkan negara perlu melaksanakan tanggungjawabnya bagi mengintegrasikan masyarakat ke platform digital yang disatukan (www.hmetro.com.my/pks/2020). Nur Syahidah (2017) telah berpendapat bahawa Ekonomi digital bukanlah sesuatu yang baharu kepada dunia globalisasi hari ini. Namun, penstrukturan ekonomi digital secara terancang dan mampan dalam pelan pembangunan negara adalah sesuatu yang baharu sejak beberapa tahun kebelakang. Dari perspektif ekonomi Islam semasa, segmen ekonomi digital banyak membahaskan tentang kepenggunaan teknologi dan digital dalam aspek perbankan dan kewangan Islam. Aspek ini penting kerana melibatkan penjana modal dan pelaburan di peringkat antarabangsa terutama sekali di antara negara yang mengamalkan sistem ekonomi konvensional dengan negara yang menawarkan sistem ekonomi Islam.

Pada tahun 2020 telah terdapat banyak cabaran yang dihadapi orang ramai, berkaitan dengan penularan wabak Pandemik COVID-19 (Setiyawan et al., 2020). Pandemik ini, juga dikenali sebagai pandemik koronavirus yang dibawa pandemik penyakit koronavirus 2019 yang berterusan secara global berpunca daripada koronavirus sindrom pernafasan akut teruk atau disebut juga dengan SARS-Cov-2 (Huang 2020). Wabak ini pada mulanya dikesan pada pertengahan Disember 2019 di bandaraya Wuhan, Hubei, China, dan telah diiktiraf sebagai pandemik oleh Pertubuhan Kesihatan Sedunia (WHO) pada 11 Mac 2020 (WHO 2020a).

Situasi ini yang menyebabkan segala aktiviti keagamaan perlu dilaksanakan mengikut situasi semasa. Justeru, pasca penularan Pandemik ini, antara aktiviti keagamaan yang mesti dilaksanakan secara telus adalah pengurusan zakat perlu dilaksanakan dalam keadaan apapun juga. Bahkan zakat amat berfungsi untuk memberi bantuan untuk kesejahteraan rakyat dalam perekonomian yang berlaku pada masa kini yang terjejas akibat kesan Pandemik COVID-19.

TINJAUAN LITERATUR

Menurut Mohamad Amin (2017) menyatakan agenda tadbir urus syariah merupakan satu disiplin bagaimana hal ehwal syariah dalam organisasi, khususnya Institusi Kewangan Islam (IKI), ditadbir secara menyeluruh dan sistematik. Selain itu, Adibah (2017) juga berpandangan tadbir urus merupakan asas dalam pengurusan terbaik sesebuah organisasi. Manakala tadbir urus syariah merupakan tunjang dalam gerak kerja memastikan institusi zakat ditadbir dengan terbaik. Nazifah (2017) berpendapat berkaitan tadbir urus yang baik memberi impak yang tinggi terhadap prestasi sesebuah institusi, kerana ianya melibatkan proses membuat keputusan dan melaksanakan keputusan tersebut.

Dari masa ke masa pengurusan zakat berhadapan dengan situasi dan maklumat yang sedia ada pada ketika itu. Di era globalisasi ini menyebabkan pengurusan zakat mesti dilakukan dengan peralatan semasa seperti internet, tambahan pula jika berlaku kemudatan di persekitaran yang tidak membenarkan akad membayar dan mengagihkan dilakukan secara bersemuka. Internet merupakan alat yang terpenting di era globalisasi, kerana dapat menyebarkan sesuatu maklumat dengan cepat, khususnya berkaitan zakat (Mohd Faisal 2015). Melalui penggunaan internet sebagai informasi yang meluas bagi mempromosikan perkhidmatan zakat melalui laman sesawang. E-Zakat telah muncul sebagai salah satu inisiatif kerajaan dalam mengintegrasikan aplikasi internet, ia juga merupakan media dalam talian yang digunakan untuk menyokong cara-cara organisasi zakat menyampaikan perkhidmatan, terutamanya dalam kutipan dan agihan dana zakat kepada penerima zakat (Shawal 2009).

METODOLOGI

Setiap isu yang dikaji dalam kertas kerja ini menggunakan kaedah kualitatif deskriptif melalui kajian kepustakaan daripada sumber primer dan sekunder dan kajian lapangan. Pengurusan zakat di Malaysia dikaji melalui pemerhatian dan analisis daripada laman web, akhbar dan penulisan ilmiah, seperti buku dan jurnal. Manakala kajian lapangan bersumber daripada isu-isu urustadbir yang dihadapi masyarakat untuk membayar dan menerima zakat ketika berlaku penularan melalui surat akhbar dan laman web institusi zakat. Pandemik COVID-19 pula dikaji melalui observasi daripada laman web, jurnal, buku ilmiah dan akhbar. Hal yang sama, berkaitan sistem pengurusan zakat atas talian dengan merujuk kepada beberapa laman sesawang bagi membolehkan data asal dapat diperolehi untuk memerhatikan sistem online yang digunakan. Selanjutnya, data yang terkumpul akan dianalisis untuk mendapat jalan penyelesaian kepada permasalahan kontemporari dalam pengurusan zakat pasca Pendemik COVID-19.

HASIL KAJIAN DAN ANALISIS

Zakat merupakan salah satu rukun Islam dan menjadi sebagai komponen fiqh muamalat yang berkaitan dengan ekonomi dalam mensejahterakan umat Islam. Oleh itu, zakat perlu

diurustadbir dengan baik, progresif dan inovatif, sehingga boleh membantu permasalahan ekonomi selari dengan kehendak syariah. Pengurusan zakat yang cekap sama ada kutipan dan agihan akan memudahkan pihak institusi zakat dan masyarakat menunaikan zakat dengan tepat. Dalam situasi tertentu, biasanya pelaksanaan pengurusan zakat dilakukan dengan bersemuka, sudah tidak dapat dilaksanakan seperti kebiasaan yang berlaku. Hal ini, kerana berlakunya penularan Pandemik COVID-19 yang perlu diputus rantaianya dengan pelbagai cara, di antaranya penjarakan sosial. Selain itu, pada zaman era digital ini amat diperlukan dalam pengurusan zakat secara talian dengan berpandukan kepada maqasid syariah. Mekanisme pengurusan zakat ini akan memberi kemudahan dalam mengutip dan mengagihkan zakat.

Pengurusan Zakat

Dalam pengurusan zakat, kerajaan melalui institusi berperanan mengutip dan mengagihkan zakat sama ada harta yang nyata ataupun tidak nyata kerana beberapa alasan. Pertamanya wujud individu yang tidak mengendahkan membayar zakat. Jika tiada campur tangan oleh kerajaan, maka kemungkinan hak zakat kepada asnaf fakir dan miskin tidak dapat dipenuhi. Keduanya pengagihan zakat oleh kerajaan akan menjaga dan memelihara maruah golongan fakir dan miskin berbanding menerimanya secara terus daripada golongan kaya. Ketiganya jika individu mengagihkan zakat tersebut, ia akan dipengaruhi oleh sikap tertentu yang akan membelakangi konsep pengagihan. Keempat asnaf-asnaf tertentu seperti muallaf, fi sabilillah dan sebagainya yang berkaitan dengan kepentingan awam hanya diketahui oleh pihak kerajaan. Kelima perlu diketahui zakat merupakan sumber kewangan negara Islam. Oleh itu, ia perlu dilaksanakan kepada kerajaan sesebuah negara. Walau bagaimanapun, hak mengutip dan mengagihkan zakat perlu dilakukan oleh kerajaan dengan syarat kerajaan tersebut tidak menolak Islam sebagai satu asas ideologi, melaksanakan perundangan Islam dan struktur sosial adalah berasaskan Islam (Qaradawi, 2000).

Pandemik COVID-19 Dalam Pandangan Islam

Virus ini kebanyakannya menular antara seseorang dengan cara yang serupa dengan influenza, melalui titisan pernafasan daripada batuk atau bersin (WHO 2020b, 2020c). Ia dianggap paling mudah berjangkit apabila seseorang menerima tanda gejala, walaupun penyebarannya mungkin walaupun sebelum gejala muncul (CDC 2020a). Masa antara pendedahan dan permulaan gejala biasanya lima hari, tetapi mungkin berkisar antara dua hingga empat belas hari (CDC 2020b). Kenyataan sistem penularan virus ini membawa kepada satu pandangan Islam, yang mana ianya hampir sama dengan penyakit *Taun*.

“...Taun telahpun didefinisikan para ulama, menurut al-Harbi (1405H/1985) wabak adalah Taun dan juga penyakit yang meliputi umum. Ibn Al-‘Arabi (1418H/1997) pula menyatakan dalam Syarah al-Tirmidhi : Dinamakan sebagai taun kerana musibahnya meliputi umum serta cepat berlaku kematian disebabkan nya. Maka penyakit-penyakit yang seumpamanya turut termasuk sebagainya (Taun)...”

Daripada sistem penularan Pandemik COVID-19 telah dikenalpasti bahawa ianya adalah virus yang merebak dengan cepat dan dikategorikan sebagai penyakit berjangkit yang mengakibatkan kepada kematian dalam skala besar. Ciri-ciri inilah yang diambil satu kesimpulan bahawa dari segi iktibar COVID-19 seperti Taun dari segi penularannya. Dalam hadith berkaitan penularan wabak Taun yang ditakhrij oleh Muslim, no: 2218 adalah hadith sahih yang bunyinya:

“...Habib ibn Abi Thabit berkata: Kita berada di Madinah, telah sampai satu berita mengenai Taun yang menyebar di Kufah. Ata ibn Yassar dan sahabat lainnya berkata kepadaku; Sesungguhnya Rasulullah SAW bersabda: Apabila kamu berada di kawasan bumi berlakunya ia (Taun), maka janganlah kamu keluar darinya (melarikan diri darinya). Apabila berlaku Taun di kawasan lain, maka janganlah kamu masuk ke kawasan tersebut...”

Hadith ini menunjukkan bahawa sesungguhnya penyakit *Taun* merupakan penyakit menular yang sama halnya dengan Pandemik COVID-19. Seseorang hendaklah boleh menyelamatkan diri sendiri dan juga orang lain dengan berkurung diri (kuarantin) supaya tidak terjangkit atau menjangkitkan penyakit yang dikategorikan menular. Hal ini, juga berdasarkan kaedah *La Darar wa La Dirar*.

Pengurusan Zakat di Malaysia Pasca Pandemik COVID-19

Institusi zakat di Malaysia mengamalkan struktur pentadbiran berbeza-beza mengikut negeri masing-masing. Di beberapa buah negeri, kutipan dan agihan ditadbir oleh entiti berbeza, kesan daripada aktiviti penswastaaan dan pengkorporatan. Tetapi majlis dan baitulmal negeri masih memainkan peranan penting dalam pentadbiran zakat (Shawal dan Hasan 2007).

Isu-isu kontemporari dalam urustadbir zakat menjadi salah satu permasalahan yang memerlukan *fiqh ijtihadi*, khususnya pasca Pandemik COVID-19. Oleh itu, permasalahan ini memerlukan kaedah fiqh *Darurat* sebagai dasar hukum. Penggunaan kaedah fiqh *Darurat* dalam situasi semasa yang membolehkan pengurusan zakat dilaksanakan dengan bersemuka ini tidak dapat diteruskan kerana keadaan darurat, antara isu-isu pengurusan zakat.

Kaedah Pembayaran Zakat

Untuk kaedah pembayaran zakat pada tahun 2020 kesemua Majlis Agama Islam Negeri (MAIN) dan Agensi Mengurus Zakat (AMZ) di Malaysia akan mengoptimumkan kaedah pembayaran zakat fitrah secara atas talian (online) bagi memudahkan para pembayar menunaikan kewajipan dengan lebih pantas dan selamat (Astro Awani 2020).

Hukum mengenai transaksi zakat secara dalam talian (*online*) tidak dibincangkan secara khusus oleh ulama fiqh pada masa lalu. Pada hari ini, telah timbul persoalan mengenai kesahihan akad zakat secara dalam talian. Oleh itu, perlu melihat kembali kepada konsep akad di dalam fiqh (Zulkifli 2020). Makna umum bagi akad adalah merangkumi akad jual beli atau pertukaran pemilikan, nikah, sumpah, nazar dan perjanjian damai. Manakala makna khusus bagi akad pula bermaksud ikatan antara pihak-pihak yang terlibat dalam transaksi dengan berlakunya *ijab* (penawaran) dan *qabul* (penerimaan) yang membawa implikasi syarak (Al-Jurjani 1416H/1995, Al-Mausuah al-Fiqqiyah 1403H/1983). Transaksi dalam talian ini

berkait secara khusus terhadap perbincangan para ulama mengenai transaksi melalui penulisan (*al-Ta'atud bi al-Kitabah*). Para ulama telah berbeza pendapat mengenai kesahihan transaksi melalui penulisan.

Pendapat jumhur fuqaha' Malikiyyah, Hanabilah dan sebahagian Syafi'iyah menyatakan bahawa: Transaksi secara penulisan merupakan akad yang sah secara mutlak sama ada kedua-duanya bertemu atau tidak. Namun dikecualikan dalam akad nikah kerana ia mempunyai syarat khusus yang tersendiri (al-Dusuqi 2015, Ibnu Qudamah t.th).

Pendapat wajah dalam Syafi'iyah menjelaskan bahawa: Transaksi melalui penulisan tidak berlaku melainkan bagi mereka yang tidak berupaya untuk bertransaksi melalui pertuturan. (al-Nawawi 2006; al-Nawawi 1991).

Pendapat yang zahir menurut madhhab Hanafiyyah menerangkan bahawa: Transaksi secara penulisan sah sekiranya kedua-dua pihak tidak bertemu antara satu sama lain. Namun begitu, sekiranya kedua-dua pihak bertemu, maka tidak perlu lagi transaksi secara penulisan kerana pertuturan didahulukan dan lebih kuat berbanding penulisan. (Al-Bulkhi 1421H/2000; al-Babarti 2019).

Zulkifli (2020) menerangkan bahawa ulama telah bersepakat bahawa niat adalah syarat sah ibadat zakat. Menurut mazhab Syafi'e, niat adalah wajib dengan hati dan tidak disyaratkan untuk dilafazkan. Dalam masalah berkaitan dengan zakat secara dalam talian, isu niat dikira selesai dengan perbuatan pembayar (*muzakki*) memindahkan wangnya menerusi transaksi atau kemudahan dalam talian berdasarkan arahan yang diberikan iaitu dengan menekan butang atau ikon khas yang terdapat dalam laman sesawang atau aplikasi dalam talian. Keabsahan pemberian zakat adalah dengan disyaratkan berlakunya proses pindah milik. Pindah milik berlaku setelah selesai transaksi pembayaran zakat secara dalam talian sama ada secara langsung atau dalam tempoh yang ditetapkan. Proses pengesahan dan persetujuan antara kedua transaksi *Ijab* dan *Qabul* dalam akad secara elektronik adalah sama seperti akad-akad lain dalam perbincangan fiqh selagi mana memenuhi syarat utama iaitu: Setiap isi kandungan perjanjian atau butiran transaksi adalah sama dan tidak berbeza antara satu pihak dengan yang lain ketika berlakunya proses *Ijab* dan *Qabul*. Keharusan pembayaran zakat secara dalam talian ini juga berdasarkan kepada kaedah fiqh antaranya:

Kaedah “الكتاب كالخطاب” (Penulisan adalah sama seperti percakapan). Terdapat perbezaan pendapat dalam hal ini di kalangan para ulama' empat mazhab, namun yang diambil di sini adalah pandangan jumhur iaitu harus menjalankan urusan antara dua pihak atau memeterai akad secara bertulis, kerana ia lebih rasional dan wajar diamalkan dalam hal transaksi secara atas talian berdasarkan kaedah Fiqh ini.

Kaedah “الوسائل لها حكم الغايات أو المقاصد” (Semua wasilah atau cara, baginya hukum berdasarkan matlamat yang hendak dicapai). Menunaikan ibadah zakat yang merupakan salah satu dari rukun Islam yang utama adalah maqasid (tujuan) terbesar dari aspek pemeliharaan agama. Oleh itu, wasilah yang memudahkan dan mampu mencapai maksud penunaian ibadah zakat antaranya adalah melalui transaksi pembayaran zakat secara atas talian dan penggunaan teknologi terkini, dan ia bertepatan dengan kaedah ini.

Kaedah “العبرة في العقود للمقاصد والمعاني لا للألفاظ والمباني” (Perkara yang diambil kira di dalam akad-akad adalah maksud dan makna yang ingin dicapai, bukan bentuk-bentuk dan lafaz-lafaznya). Berdasarkan kaedah ini, transaksi zakat yang hanya memerlukan kepada niat

dan pindah milik telah dianggap sah dan selesai dengan menggunakan kemudahan menerusi atas talian apabila pembayaran selesai dilakukan.

Mesyuarat Jawatankuasa Perundangan Hukum Syarak Wilayah Persekutuan kali ke-116/2019 yang bersidang pada 01 April 2019 telah memutuskan bahawa bersetuju mengenai hukum pembayaran zakat secara atas talian (*online*). Justeru, hukum membayar zakat secara dalam talian (*online*) adalah sah dan harus di sisi syarak (<http://efatwa.muftiwp.gov.my> 2019). Berikut senarai kadar dan kaedah pembayaran zakat fitrah dalam talian sepertimana dalam Jadual 1.

Jadual 1. Kadar dan kaedah pembayaran zakat fitrah pada tahun 1441H/2020M bagi seluruh negeri di Malaysia

Bil	Negeri	Kadar Fitrah (Rm)	Kaedah Pembayaran
1	Johor	1. 7.00 2. 10.00	1. Bayaran atas talian: i. Zakat Johor Online Payment - Fastpay melalui https://fitrah.maj.gov.my - Pengguna berdaftar melalui https://epayment.maj.gov.my ii. Laman Sesawang Johor Online Payment – https://onlinepayment.johor.gov.my/ ; dan iii. Aplikasi SnapNPay
2	Kedah	1. 5.00 2. 7.00 3. 14.00 4. 21.00	1. Amil fitrah yang dilantik; atau 2. Bayaran atas talian: i. Laman sesawang Jom Zakat - https://jom.zakatkedah.com.my/ ; ii. Laman sesawang Asnaf Care - https://asnafcare.com.my/ ; dan iii. Aplikasi Zakat On Touch (ZOT) - http://bit.ly/zotkdh (Android dan IOS)
3	Kelantan	1. 7.00* *(Namun, bayaran fitrah dengan kadar RM14.00 dan RM21.00 berdasarkan harga beras yang dimakan adalah digalakkan)	1. Amil fitrah yang dilantik; atau 2. Bayaran atas talian: i. Financial Process Exchange (FPX) melalui https://zakat.e-maik.my/ ; ii. Laman sesawang ejen-ejen bank (16 bank); iii. QR Code; iv. Aplikasi MyMaik eZakat Payment; dan v. SMS
4	Melaka	1. 7.00 2. 14.00	1. Amil fitrah yang dilantik; atau 2. Bayaran atas talian: i. Laman sesawang izakat.com ; dan ii. QRPay Bank Muamalat

5	Negeri Sembilan	1. 7.00	<p>1. Amil fitrah yang dilantik**; atau</p> <p>2. Bayaran atas talian:</p> <ul style="list-style-type: none"> i. Portal Pembayaran Zakat melalui www.zakats2u.biz ; ii. Aplikasi ZakatN9; iii. Aplikasi SnapNPay; dan iv. JomPAY <p style="text-align: right;">**(keperluan amil hanya diberikan kepada pegawai PBMalNS mengikut keputusan pihak pengurusan)</p>
6	Pahang	1. 7.00	<p>1. Bayaran atas talian FPX melalui https://ezakat.muip.gov.my/zakatfitrah</p>
7	Perak	1. 7.00 2. 14.00 3. 21.00	<p>1. Amil fitrah yang dilantik; atau</p> <p>2. Bayaran atas talian:</p> <ul style="list-style-type: none"> i. FPX melalui www.maiamp.gov.my; ii. QRPay Maybank; iii. Aplikasi SnapNPay; dan iv. Aplikasi GoPayZ
8	Perlis	1. 7.00	<p>1. Amil fitrah yang dilantik; atau</p> <p>2. Bayaran atas talian:</p> <ul style="list-style-type: none"> i. Aplikasi SnapNPay
9	Pulau Pinang	1. 7.00 2. 16.00	<p>1. Amil fitrah yang dilantik; atau</p> <p>2. Bayaran atas talian:</p> <ul style="list-style-type: none"> i. Aplikasi SnapNPay; ii. JomPAY; iii. QR Code; iv. Aplikasi GoPayZ; dan v. FPX
10	Selangor	1. 7.00 2. 14.00 3. 21.00	<p>1. Amil fitrah yang dilantik; atau</p> <p>2. Bayaran atas talian:</p> <ul style="list-style-type: none"> i. FPX melalui portal eZakatPay di pautan https://fpx.zakatselangor.com.my/; ii. Aplikasi e-dompot GoPayZ; iii. Aplikasi e-dompot Boost; iv. QR Code; v. Laman sesawang Ejen-Ejen Bank (9 buah bank); vi. Portal MyEG; dan vii. Pos Online
11	Terengganu	1. 7.00	<p>1. Amil fitrah yang dilantik; atau</p> <p>2. Bayaran atas talian:</p>

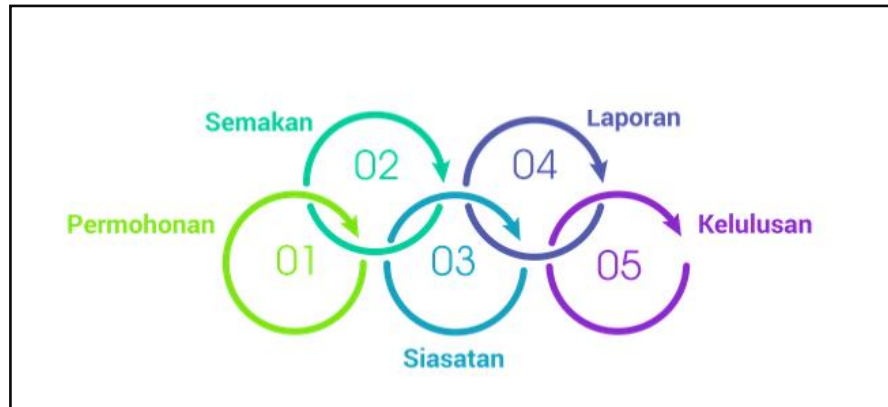
			i. FPX melalui pautan http://www.maidam.gov.my/index.php/ms/ ; dan ii. Aplikasi SnapNPay
12	Sabah	1. 6.00 2. 7.50	1. Amil fitrah yang dilantik; atau 2. Bayaran atas talian: <ol style="list-style-type: none"> i. Laman sesawang Ejen-Ejen Bank; ii. Portal MyEG; iii. Aplikasi SnapNPay; dan iv. JomPAY
13	Sarawak	1. 7.00	1. Amil fitrah yang dilantik; atau 2. Bayaran atas talian: <ol style="list-style-type: none"> i. Portal Pelanggan TBS (Baitulmal Kamek); ii. Aplikasi Tabung Baitulmal Sarawak; iii. Portal MyEG; iv. Maybank2U; dan v. Aplikasi SnapNPay
14	Wilayah Persekutuan	1. 5.00 2. 7.00	1. Amil fitrah yang dilantik; atau 2. Kaunter PPZ-MAIWP; atau 3. Bayaran atas talian: <ol style="list-style-type: none"> i. melalui portal PPZ fitrah.zakat.com.my; ii. Laman sesawang Ejen-Ejen Bank (14 buah bank); iii. PayHalal; iv. Portal MyEG; v. U-Mobile; dan vi. Pos Online

Sumber: Jabatan Wakaf, Zakat, dan Haji Jabatan Perdana Menteri (20 April 2020)

Kaedah agihan zakat

Zufkilfi (2020) mengatakan berkaitan dengan agihan zakat ini, bahawa hendaklah mempermudah urusan pemberian bantuan zakat kepada yang memerlukan terutama yang terkesan oleh wabak COVID-19, walaupun setiap permohonan masih perlu mematuhi prosedur yang ditetapkan. Peraturan yang biasa dijalankan mesti tidak mengikat bagi memudahkan penyampaian bantuan (<https://www.sinarharian.com.my/article/93262/BERITA/Nasional>).

Sememangnya, Perintah Kawalan Pergerakan (PKP) yang digerakkan Kerajaan Malaysia bagi memutus rantai wabak COVID-19 telah menjejaskan ekonomi, terutama bagi golongan berpendapatan rendah. Oleh itu, pengurusan zakat mesti dilakukan dengan profesional dan progresif sehingga boleh memberi kebajikan kepada masyarakat.



Rajah 1. Proses Aplikasi Bantuan Zakat

Merujuk kepada flow chart 1, telah dinyatakan proses permohonan bantuan zakat di LZS, yang merupakan kaedah agihan zakat kepada *asnaf* penerima zakat (*mustahiqqin*). Borang dapat diperolehi melalui website LZS. Proses kelulusan permohonan agihan, adalah: LZS terima permohonan borang yang lengkap dari pemohon; Permohonan zakat akan dibuat semakan berdasarkan kadar *had kifayah* dan maklumat dimasukkan dalam Sistem Agihan Zakat; Proses siasatan akan dijalankan terhadap permohonan; Pemohon diluluskan/ditolak; Pemohon dikelaskan mengikut asnaf fakir atau miskin, dan Sekiranya asnaf, bantuan zakat yang bersesuaian akan diberikan (www.zakatselangor.com.my).

KESIMPULAN

Pengurusan zakat memerlukan satu kaedah yang progresif dan inovatif ketika berhadapan dengan isu-isu kontemporari seperti penyebaran Pandemik COVID-19 dan untuk memenuhi keperluan semasa di era digital. Hal ini, amat diperlukan, memandangkan pengurusan zakat merupakan salah satu sarana untuk menuju ke arah pembangunan ekonomi digital Islam. Secara konsep, Islam adalah agama yang universal dan anjal dalam menyelesaikan isu-isu semasa. Bidang pengurusan zakat berhubung rapat dengan ekonomi yang perlu kepada perstruktur digital, sehingga segala urusan dapat ditangani dengan mudah dan profesional.

Zakat berfungsi untuk mensejahterakan ekonomi rakyat yang terjejas akibat wabak ini dan menyahut cabaran semasa di era digital. Oleh itu, kaedah pembayaran yang biasa dilakukan secara bersemuka perlu ditransformasikan dengan kaedah pembayaran secara online. Juga, proses agihan perlu dilaksanakan secara online sehingga memudahkan penerima zakat mendapatkan zakat.

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PERANAN MAJLIS UGAMA ISLAM SINGAPURA MELALUI DANA ZAKAT DALAM MENANGANI IMPAK PANDEMIK COVID-19

*(The Role of Singapore's Islamic Religious Council Through Zakat Fund In
Addressing The Pandemic Impact of Covid-19)*

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Abstrak

Pada awal Februari 2020, Pertubuhan Kesihatan Sedunia (WHO) telah mengumumkan secara rasmi bahawa sejenis virus baharu Coronavirus Disease 19 atau nama singkatannya iaitu COVID-19 telah ditemui dan tersebar di daerah Wuhan, Hubei China. Pandemik COVID-19 terus tersebar dengan pantas ke seluruh dunia tidak terkecuali Singapura memiliki impak yang begitu besar terhadap aspek kesihatan, sosial serta kestabilan ekonomi. Pemerintah Singapura giat melaksanakan pelbagai inisiatif bagi menangani impak COVID-19 termasuk keatas ekonomi. Majlis Ugama Islam Singapura (MUIS) melalui dana zakat juga tidak ketinggalan memainkan peranan dengan mengambil langkah proaktif bagi membantu golongan yang terjejas. Penglibatan MUIS dalam hal ini dilihat sangat penting yang mana masyarakat Islam di negara sekular tersebut merupakan minoriti. Justeru, kajian ini akan mengkaji peranan MUIS melalui dana zakat dalam membantu masyarakat Islam menangani impak COVID-19 di Singapura. Metodologi kajian menggunakan kaedah kualitatif yang merangkumi data primer dan sekunder. Hasil kajian mendapati MUIS memainkan peranan yang penting dalam turut sama membantu masyarakat Islam Singapura menangani impak COVID-19 melalui inisiatif pengagihan bantuan khas zakat. Jawatankuasa Fatwa MUIS juga telah meluaskan lagi tafsiran asnaf zakat bagi membantu mereka yang terkesan dengan impak negatif daripada COVID-19. Beberapa implikasi dasar dan cadangan turut dibincangkan dalam kajian ini.

Kata Kunci: Pandemik COVID-19, Majlis Ugama Islam Singapura, Minoriti, Sekular, Jawatankuasa Fatwa, Pendakwah Bebas

Abstract

In early February 2020, the World Health Organization (WHO) officially announced that a new virus Coronavirus Disease 19 or its acronym COVID-19 had been discovered and spread in Wuhan province, Hubei China. The COVID-19 pandemic continues to spread rapidly around the world, with Singapore having a huge impact on health, social and economic

stability. The Government of Singapore is actively implementing various initiatives to address the impact of COVID-19, including on the economy. The Islamic Religious Council of Singapore (MUIS) through the zakat fund is also playing a role by taking proactive measures to help the affected groups. The involvement of MUIS in this matter is seen as very important where the Muslim community in the secular country is a minority. Thus, this study will examine the role of MUIS through zakat funds in helping the Muslim community address the impact of COVID-19 in Singapore. The study methodology uses qualitative methods that include primary and secondary data. The results of the study found that MUIS plays an important role in also helping the Muslim community of Singapore to address the impact of COVID-19 through the initiative to distribute special zakat assistance. The MUIS Fatwa Committee has also expanded the interpretation of zakat asnaf to help those affected by the negative impact of COVID-19. Several policy implications and recommendations are also discussed in this study.

Keywords: *COVID-19 Pandemic, Islamic Religious Council of Singapore, Minority, Secular, Fatwa Committee, Freelance Religious Teacher*

PENGENALAN

Pandemik COVID-19 di Singapura adalah sebahagian daripada wabak penyakit koronavirus 2019 (COVID-19) yang turut tersebar di seluruh dunia yang disebabkan oleh coronavirus 2 sindrom pernafasan akut teruk (SARS-CoV-2). Pandemik COVID-19 ini kebanyakannya menular antara seseorang dengan cara yang serupa dengan influenza, iaitu melalui titisan cecair yang terhasil daripada percikan air liur ketika bercakap atau batuk. Ia dianggap sangat mudah berjangkit daripada seorang individu ke individu yang lain. Golongan warga emas dan individu yang mempunyai penyakit kronik adalah lebih berisiko mendapat jangkitan. Menurut data *World Health Organizations* (WHO) sehingga 30 Jun 2021, terdapat 181,344,224 kes COVID-19 telah dilaporkan dengan 3,934,252 kematian dari sekurang-kurangnya 180 buah negara³. Setiap negara mempunyai cara yang tersendiri untuk mengawal pandemik daripada terus merebak. Kes pertama di Singapura disahkan pada 23 Januari 2020. Sehingga 30 Jun 2021, terdapat 308 kes aktif daripada sejumlah 62,579 kes yang disahkan, dengan 62,219 pemulihan dan 36 kematian⁴. Penularan wabak COVID-19 yang masih berterusan telah meninggalkan kesan mendalam kepada ekonomi negara dan dunia. Impaknya telah menyebabkan struktur ekonomi dunia mengalami keadaan kejutan dan ketidakpastian. Menurut jangkaan pakar ekonomi Maybank, seramai 150 ribu sehingga 200 ribu pekerja bakal hilang pekerjaan di Singapura sepanjang 2020⁵. Menurut Kementerian Perdagangan dan Industri Singapura, ekonomi Singapura juga dijangkakan akan mengalami kemelesetan (pertumbuhan GDP negara boleh mencecah bawah -4 sehingga -1 peratus)⁶.

³ Diperolehi pada 30 Jun 2021, daripada <http://worldometers.info>

⁴ Diperolehi pada 30 Jun 2021, daripada <https://www.worldometers.info/coronavirus/country/singapore/>

⁵ Diperolehi pada 12 Jun 2021, daripada <https://www.todayonline.com/singapore/covid-19-pandemic-could-lead-150000-200000-retrenchments-say-economists>

⁶ Diperolehi pada 12 Jun 2021, daripada https://www.mti.gov.sg/-/media/MTI/Newsroom/Press-Releases/2020/03/AdvEst_1Q20.pdf

Singapura adalah sebuah negara kecil yang berukuran 728.3 kilometer persegi dengan kepadatan penduduk yang berjumlah 5.69 juta. Masyarakat Islam Singapura merupakan kaum minority di negara tersebut dengan membentuk 14% populasi penduduk⁷. Dengan kos kehidupan yang tinggi di Singapura, mereka yang pendapatannya terjejas atas sebab COVID-19 pasti akan mengalami kesukaran untuk menyesuaikan dengan beberapa perubahan. Oleh yang demikian, penggunaan wang zakat di negara sekular tersebut perlulah diuruskan dengan sebaik mungkin agar aktiviti dakwah serta syiar Islam terus mekar di negara tersebut. Dalam situasi negara sedang berdepan dengan situasi ekonomi di luar jangkaan, institusi zakat bertanggungjawab sebagai tiang sokongan dalam melegakan kesukaran ekonomi dan sosial umat Islam yang kurang bernasib baik.

Di Singapura, Majlis Ugama Islam Singapura (MUIS) adalah badan yang bertanggungjawab untuk menjaga masalah umum masyarakat Islam termasuk sistem zakat. Komite Zakat dan Fitrah, yang diketui oleh presiden MUIS, mufti dan pemimpin-pemimpin masyarakat yang lain membicarakan tentang pengumpulan dan pemberian zakat. Komite fatwa, yang dipimpin oleh Mufti, memberi bimbingan atas semua syarak termasuk zakat. Dalam Akta Administrsi Hukum Islam, (atau AMLA), di bawah Seksyen 69, MUIS dengan kebenaran menteri Administrasi dan pemberian zakat dan fitrah, MUIS dengan izin menteri boleh membuat Undang-undang untuk menangani semua hal yang berkaitan dengan pengumpulan zakat. Semua yang berkaitan dengan administrasi dan pemberian zakat dan fitrah, MUIS memberikan zakat kepada semua golongan asnaf termasuk fisabilillah. MUIS juga merupakan satu-satunya badan Islam yang bertindak sebagai penasihat kepada Presiden Republik Singapura berhubung dengan semua perkarayang berkaitan dengan agama Islam. Selain itu, MUIS juga menyediakan bantuan dakwah dan pendidikan awam, bantuan pendidikan Islam, serta bantuan untuk pembangunan asatizah dan pembangunan masyarakat. Meskipun Islam merupakan agama bagi masyarakat minoriti di Singapura, namun peranan MUIS untuk membantu menangani impak pandemik COVID-19 adalah langkah yang baik demi memastikan masyarakat Islam terus mendapatkan panduan serta sokongan dalam menyesuaikan diri dengan norma baru di Singapura. Pihak institusi zakat seperti MUIS perlu meningkatkan jumlah kutipan zakat serta merangka satu strategi yang komprehensif yang mana akan berlaku peningkatan yang ketara agihan zakat kesan pertambahan asnaf fakir dan miskin akibat COVID-19.

Perkataan zakat adalah daripada istilah Bahasa Arab iaitu zakat yang bermaksud “bertambah” dan “tumbuh”. Zakat adalah salah satu kewajipan yang dituntut dalam Rukun Islam yang mana sejumlah harta tertentu diwajibkan oleh Allah SWT untuk diserahkan kepada golongan asnaf dan mereka yang memerlukan bantuan kewangan. Jumhur ulama’ bersependapat bahawa zakat diwajibkan ke atas harta perniagaan. Kewajipan zakat perniagaan adalah berdasarkan kepada prinsip umum zakat harta, keadilan, jaminan sosial dan prinsip berkembangnya harta itu. Kewajipan ini adalah berasaskan kepada dalil-dalil syara’ sebagaimana yang dinyatakan di dalam al-Quran bermaksud:

“...Hai orang-orang yang beriman, nafkahkanlah (di jalan Allah) sebahagian dari hasil usaha kamu yang baik- baik dan sebahagian dari apa yang Kami

⁷ Diperolehi pada 12 Jun 2021, daripada <https://www.singstat.gov.sg/modules/infographics/population>

keluarkan dari bumi untuk kamu. Dan janganlah kamu memilih yang buruk buruk lalu kamu menafkahkan daripadanya, padahal kamu sendiri tidak mahu mengambilnya melainkan dengan memejamkan mata terhadapnya. Dan Ketahuilah, bahawa Allah Maha Kaya lagi Maha Terpuji...”

(Al-Baqarah 2:267)

Hikmah pengeluaran zakat dapat memenuhi tuntutan ibadat seorang Muslim, menjauhkan azab, mengikis sifat bakhil, dan menyucikan harta sebagaimana firman Allah SWT yang bermaksud:

“...Ambillah (sebahagian) dari harta mereka menjadi sedekah, supaya dengannya engkau membersihkan mereka (dari dosa) dan mensucikan mereka (dari akhlak yang buruk), dan doakanlah untuk mereka, kerana sesungguhnya doamu itu menjadi ketenteraman bagi mereka, dan (ingatlah) Allah Maha Mendengar Lagi Maha Mengetahui...”

(At-Taubah: 103)

Zakat penting dalam membantu ekonomi untuk menyeimbangkan masalah peningkatan nilai wang, ketidakseimbangan harga barangan, ketinggian kadar kitaran mata wang, peningkatan inflasi dan ketidakseimbangan agihan kekayaan (Manan, 1983), serta menjadi alat untuk mengurangkan pengumpulan harta, meningkatkan pengagihan semula pendapatan dan meningkatkan pendapatan golongan miskin (Norulazidah & Myles, 2010). Pernyataan ini disokong oleh Samiul (2007) yang menyatakan zakat adalah alat utama untuk memastikan pengagihan keadilan dalam Islam. Di antara contoh penafsiran asnaf adalah seperti berikut:

Asnaf Ibn Sabil: Jawatankuasa Fatwa Singapura telah memperluaskan definisi bagi asnaf *ibn sabīl* pada tahun 2019 bagi merangkumi 1) warga negara Singapura yang terkandas di negara asing dan terputus bekalan kewangan untuk pulang ke Singapura; 2) para pelajar yang menghadapi kesulitan untuk pulang ke Singapura, atau para pelajar yang terperangkap dalam situasi kecemasan (*State of Emergency*); 3) para pekerja asing yang terkandas di Singapura dan hilang seluruh sumber kewangan; 4) jenazah Islam warga Singapura yang perlu dibawa pulang ke Singapura dan tidak dapat diuruskan dengan sempurna di negara yang dilawatinya, atau jenazah warga asing yang perlu dihantar pulang dan ahli warisnya tidak mempunyai kewangan untuk membawa pulang jenazah tersebut.

Asnaf Riqab: Jawatankuasa Zakat Fitrah MUIS juga pernah meluaskan asnaf *riqāb* yang pada asalnya bermaksud pembebasan dari perhambaan, kepada bantuan kewangan berbentuk biasiswa bagi pelajaran. Ini adalah kerana ilmu dapat membebaskan seseorang daripada belenggu kejahatan.

Asnaf Miskin: Pemahaman ulama akan asnaf “miskin” merangkumi individu yang walaupun ada pekerjaan ataupun hasil usaha, ia hanya memenuhi sebahagian keperluan dasarnya (*darūriyyāt*) tetapi tidak mencukupi untuk dirinya serta untuk mereka yang berada di bawah tanggungannya. Mereka tidak memiliki perbelanjaan yang mencukupi untuk menampung keperluan seharian.

Asnaf Fisabilillah: Menurut Ibn al-Athīr, *fī sabīlillah* merupakan satu konsep umum yang terangkum padanya segala amalan untuk mendekatkan diri kepada Allah s.w.t. Manakala

al-Imām al-Rāzī dalam tafsirnya menyatakan bahawa perkataan *fiṣabīlillah* dalam ayat 60 surah al-Tawbah tidak dikhususkan kepada orang yang berperang semata-mata. Beliau memetik bahawa al-Qaffāl dalam tafsirnya menyebut pandangan beberapa fuqaha' bahawa asnaf *fiṣabīlillah* ini boleh dibelanjakan untuk apa sahaja tujuan kebaikan, termasuk menyempurnakan jenazah, membina benteng atau kubu pertahanan dan membina masjid.

Jelas daripada perbincangan para fuqaha' bahawa pemahaman daripada penafsiran nas mengenai lapan asnaf boleh diperluaskan dan disesuaikan dengan realiti semasa. Walaupun al-Quran telah menetapkan kelapan-lapan asnaf, para fuqaha' telah memperluaskan perbincangan berkaitan golongan asnaf tersebut, sesuai dengan pemahaman mereka terhadap nas dan realiti semasa. Penafsiran tersebut kembali kepada objektif utama syarak, iaitu untuk menjaga kemaslahatan masyarakat awam. Dan keperluan masyarakat akan berubah dengan peredaran zaman, perubahan keadaan dan keperluan manusia pada masa-masa tertentu.

KAJIAN LEPAS

Dana zakat mampu memberi impak dalam pembasmian kemiskinan masyarakat dan pembangunan ekonomi negara sekiranya aspek pengagihan zakat dititikberatkan (Mannan, 1986). Selain itu, Kajian oleh (Musa Ahmad et. al., 2006) menjelaskan bahawa pengurusan kutipan dana zakat dan tadbir urus yang baik akan membantu pihak zakat mendapat kepercayaan yang lebih tinggi daripada masyarakat awam. Isu keberkesanan pengagihan zakat merupakan satu perkara yang sangat penting bagi memberi kesan kepada negara dan masyarakat dalam membantu memberi impak kepada aspek pembasmian kemiskinan dan pembangunan ekonomi. (Hassan M.K et. al, 2007). Aspek keyakinan dan kepercayaan masyarakat juga perlu diberikan perhatian sewajarnya oleh institusi zakat agar usaha memartabatkan rukun Islam yang ketiga serta dapat menambah baik sistem keberkesanan kutipan dan agihan zakat secara efektif dan efisien (Ahmad Shahir & Adibah, 2010). Menurut Owolabi Yusuf dan Mat Derus (2013), model perbadanan zakat dipengaruhi oleh beberapa faktor yang mampu mempengaruhi jumlah kutipan zakat seperti faktor kepercayaan, kerelaan pembayar zakat membayar melalui institusi zakat dan kemudahan kutipan dan agihan yang disediakan oleh institusi zakat. Kesemua faktor ini akan memberikan kesan yang positif ke atas institusi zakat. Pendemik COVID-19 turut menyebabkan penggunaan teknologi dalam pegurusan zakat perlu dipeluaskan. Terdapat kajian lepas berhubung penggunaan teknologi terhadap kutipan zakat seperti kajian (Shawal Kaslam, 2009) yang mendapati penggunaan e-zakat dalam media dalam talian dapat menyampaikan perkhidmatan dalam pengumpulan dan pengagihan dana zakat kepada penerima zakat dengan lebih berkesan. Justeru, pihak zakat perlu terus berani mengambil langkah baru dan terkini untuk menjadikan institusi zakat lebih cekap dan efisien supaya masyarakat dapat memberikan kepercayaan yang penuh kepada institusi zakat khusus di Singapura.

METODOLOGI

Kajian ini merupakan kajian yang dijalankan secara kualitatif. Kaedah ini menggunakan data primer dan sekunder yang diperolehi daripada kajian lapangan dan kajian kepustakaan iaitu dengan cara merujuk buku, tesis, jurnal, kertas kerja, kertas seminar dan akbar yang boleh memberikan maklumat untuk memantapkan kajian ini. Kajian ini juga menggunakan teknologi internet daripada laman web yang relevan untuk mendapatkan maklumat tambahan. Data

primer diperoleh daripada temu bual secara semi struktur dengan pegawai MUIS yang terlibat secara langsung dalam urusan merangka inisiatif dan melaksanakan pengagihan bantuan khas zakat COVID-19 untuk mendapatkan respon serta gambaran keseluruhan tentang kajian yang dilaksanakan. Penulis akan membandingkannya dan menganalisis sebelum mengambil kesimpulan yang bagus. Soalan yang dikemukakan kepada dua orang responden berdasarkan objektif kajian adalah seperti Jadual 1.

Jadual 1: Struktur Soalan Kajian Kepada Responden

Bil.	Objektif Kajian	Soalan
1.	Mengkaji Peranan MUIS melalui dana Zakat dalam menangani impak COVID-19	<ul style="list-style-type: none">○ Adakah MUIS ada membuat peruntukan bantuan khas zakat bagi membantu asnaf menghadapi impak COVID-19.○ Berapakah jumlah keseluruhan bantuan khas zakat COVID-19 yang diperuntukkan dan diagihkan oleh MUIS sehingga 31 Dec 2020.○ Apakah bentuk inisiatif bantuan khas zakat COVID-19 yang diagihkan oleh MUIS.○ Berapakah jumlah agihan bagi setiap inisiatif bantuan khas zakat COVID-19 yang diagihkan oleh MUIS.
2.	Adakah inisiatif yang dirancang dan dilaksanakan telah mengambil kira bantuan Kerajaan	<ul style="list-style-type: none">○ Adakah bantuan khas zakat COVID-19 MUIS telah mengambil kira bantuan dari kerajaan dalam Pakej Daya Tahan COVID-19 yang telah diumumkan oleh Kerajaan untuk mengelakkan pertindihan bentuk bantuan.
3.	Penetapan kategori asnaf bagi golongan yang terjejas impak COVID-19	<ul style="list-style-type: none">○ MUIS meletakkan golongan yang terjejas COVID-19 dalam kategori asnaf apa.

Sumber: Maklumat kajian.

HASIL KAJIAN

Kajian ini telah menemu bual lima orang responden yang terdiri daripada pengurus kanan dan pegawai pembangunan sosial yang terlibat secara langsung dengan agihan zakat MUIS di Singapura. Hasil dari kajian ini mendapati MUIS menerusi dana Zakat telah mengambil langkah proaktif bagi menangani impak COVID-19 kepada golongan asnaf dengan menyediakan pelbagai inisiatif dan bantuan khas zakat COVID-19. Berdasarkan analisis yang dijalankan, terdapat 7 fokus utama dimainkan MUIS dalam menangani impak pandemik COVID-19.

1. Fatwa mengenai bantuan zakat bagi golongan yang terjejas dengan COVID-19
2. Penerima Bantuan Zakat Sedia Ada
3. Dana Bantuan MUIS COVID-19 (CMSF)
4. Pergas Gracious Package
5. Asatizah Training Credits (ATC)
6. Pelajar Islam di Luar Negara

7. Kanak-Kanak Sekolah

Fatwa mengenai bantuan zakat bagi golongan yang terjejas dengan COVID-19

Jawatankuasa Fatwa Singapura telah mengadakan mesyuarat fatwa mengenai bantuan zakat bagi golongan yang terjejas dengan COVID-19. Fatwa dikeluarkan untuk memperluaskan interpretasi dan pelaksanaan pembahagian zakat bagi 8 Asnaf untuk meliputi keluarga-keluarga yang kehilangan mata pencarian disebabkan wabak COVID-19.

Berdasarkan keperluan semasa, Jawatankuasa Fatwa telah memutuskan bahawa bantuan zakat boleh diagihkan kepada golongan-golongan yang pendapatan mereka terjejas kerana kemelesetan ekonomi ataupun kehilangan pekerjaan disebabkan COVID-19. Fatwa juga menetapkan bahawa mereka yang terjejas dengan COVID-19 lalu menghadapi kesukaran untuk memenuhi keperluan asasinya (serta keluarganya) layak menerima bantuan zakat. Pemahaman serta aplikasi maksud asnaf yang lebih luas ini dapat menjamin pemeliharaan *maqāṣid* pensyariatan ibadah zakat di dalam membantu golongan yang memerlukan. Mereka bukanlah membentuk satu asnaf yang baru, tetapi mereka boleh digolongkan di bawah beberapa asnaf yang diperluaskan tafsirannya seperti berikut:

Jadual 2: Fatwa mengenai asnaf yang diperluas tafsiran

Asnaf	Sebab
Miskin	Individu yang dibuang kerja lalu mata pencariannya terjejas sehingga tidak mencukupi untuk memenuhi keperluan peribadinya (serta keluarganya). Individu yang mempunyai pendapatan bulanan, tetapi pendapatan bulannya tidak mencukupi untuk memenuhi keperluannya (dan keluarganya).
Gharimin	Individu yang terjejas pendapatannya dan berhadapan dengan kesukaran untuk membayar hutang-hutangnya yang bersangkutan dengan keperluan asas keluarganya.
Riqab	Individu yang tidak dapat menyara pendidikan anak-anaknya kerana status kewangannya terjejas akibat kehilangan pekerjaan.
Fisabilillah	Bantuan yang relevan bagi merangkumi segala situasi lain yang tidak dinyatakan di atas, seperti membayar kos perubatan yang terlalu mahal sekiranya seseorang dijangkiti COVID-19 dan terpaksa berada di hospital buat satu jangkamasa yang sangat lama.

Sumber: Fatwa MUIS

Penerima Bantuan Zakat Sedia Ada

Dalam membantu penerima bantuan zakat sedia ada, MUIS melanjutkan tempoh bantuan selama enam bulan secara automatik bagi penerima zakat yang tempoh bantuannya akan tamat pada tahun 2020. Kebiasaannya mereka yang ingin melanjutkan bantuan zakat perlu ditemuduga sekali lagi sama ada secara fizikal di masjid atau melalui talipon. Pegawai zakat juga kadangkala ke rumah penerima bantuan untuk bertanya khabar serta mendapatkan surat-surat yang berkaitan untuk proses permohonan lanjutan bantuan zakat. Setiap tahun, secara purata hampir separuh daripada hasil pungutan zakat yang dikumpulkan oleh masjid dan MUIS diagih kepada asnaf fakir dan miskin. Pada tahun 2019, sejumlah \$22.7 juta atau 49.3 peratus daripada \$46 juta yang terkumpul diagih bagi pembangunan sosial serta bantuan bagi golongan

memerlukan di bawah asnaf fakir, miskin, ibnu sabil dan gharimin (orang yang menanggung hutang bagi keperluan asas seperti bil elektrik dan air)⁸. MUIS juga menekankan bahawa dalam masa-masa sukar ini, golongan memerlukan dan keluarga mereka akan terus diberi keutamaan dalam penerimaan bantuan zakat manakala bakinya akan diagih kepada enam asnaf lain. Pada bulan Disember 2020 sahaja, MUIS telah menagihkan zakat akhir tahun sebanyak \$3.01j dalam membantu 6,407 keluarga berpendapatan rendah⁹. Jumlah zakat ini adalah peningkatan sebanyak 11 peratus berbanding tahun sebelumnya.

Dana Bantuan MUIS COVID-19 (CMSF)

Disebabkan wabak COVID-19, ramai yang kehilangan sumber pendapatan tetap atau memerlukan wang tambahan ekoran langkah-langkah baru yang dilaksana oleh pihak berkuasa dalam usaha memerangi koronavirus itu. MUIS telah membentuk Dana Bantuan MUIS COVID-19 (CMSF), dikhususkan untuk bukan penerima bantuan zakat sedia ada, tetapi turut terjejas disebabkan pandemik COVID-19. Sebanyak S\$2.22 juta telah diagihkan kepada 5,500 keluarga bagi membantu mengurangkan beban kewangan mereka yang terjejas disebabkan ketidaktentuan ekonomi akibat pandemic tersebut¹⁰. Setiap keluarga menerima \$400. MUIS menilai dan meluluskan kes-kes yang layak berdasarkan keperluan dan bersedia menyokong keluarga ini walaupun mereka tidak memenuhi kriteria pendapatan per kapita yang biasa. Sepanjang tempoh pemutus litar jangkitan COVID-19, semua permohonan bagi bantuan zakat boleh dibuat menerusi telefon atau Internet. Ini kerana masjid yang merupakan pusat pembangunan sosial bagi penerima zakat ditutup dalam tempoh pemutus litar dan orang ramai juga digesa tidak meninggalkan rumah serta mengamalkan jarak sosial. MUIS juga memberikan lebih banyak kelonggaran pada penilaian permohonan bagi bantuan zakat.

Pakej Rahmah Pergas

Di Singapura terdapat 4,930 Asatizah yang berdaftar serta mempunyai kelayakan untuk mengajar di Singapura. Sebahagian besar dari mereka bekerja di masjid dan madrasah. Namun, terdapat sekitar 232 asatizah yang merupakan guru atau pensyarah bebas yang pastinya kehilangan mata pencarian atas sebab penutupan masjid, tempat pengajian dan sebagainya. Persatuan Ulama dan Guru-Guru Agama Islam Singapura (Pergas) dengan sokongan dana dari MUIS sebanyak \$200,000 telah melancarkan satu pakej bantuan bernilai \$320,000 untuk menyokong asatizah bebas yang mata pencarian mereka terjejas dengan COVID-19¹¹. Di bawah Pakej Rahmah (*Gracious Package*) itu, sekitar 500 asatizah telah menerima bayaran sekali sebanyak \$150 hingga \$400, bergantung kepada beberapa kriteria. Mereka juga menerima wang tunai tambahan antara \$100 hingga \$300 setiap bulan bagi tempoh tiga hingga enam bulan, bergantung kepada keadaan kewangan mereka.

⁸ Diperolehi pada 12 Jun 2021, daripada <https://www.zakat.sg>

⁹ Diperolehi pada 12 Jun 2021, daripada <https://www.beritaharian.sg/setempat/muis-agih-zakat-akhir-tahun-301j-bantu-6407-keluarga>

¹⁰ Diperolehi pada 12 Jun 2021, daripada <https://www.muis.gov.sg/-/media/Files/Corporate-Site/WPS-2021/WPS-2021-Report-Card.pdf?la=en&hash=F58E59E22043CE5E0642DC151EC0597779F1127>

¹¹ Diperolehi pada 12 Jun 2021, daripada <https://www.pergas.org.sg/gracious-package/>

Kredit Latihan Asatizah (ATC)

Asatizah memainkan peranan yang begitu penting dalam membimbing masyarakat, terutama sekali ketika menghadapi wabak COVID-19 ini. Oleh yang demikian, MUIS telah memperuntuk \$1 juta dalam bentuk kredit latihan bagi sekitar 4,900 asatizah di bawah Skim Pengiktirafan Asatizah (ARS)¹². Skim Kredit Latihan Asatizah (ATC) MUIS bertujuan membantu asatizah membangun kemahiran relevan untuk beroperasi secara yakin di tengah-tengah pandemik COVID-19. Setiap asatizah boleh menggunakan kredit \$200 itu untuk mengambil sehingga enam kursus asas dalam beberapa bidang kecekapan termasuk pembangunan peribadi dan pembelajaran hayat, serta daya tahan, selain kemahiran digital.

Pelajar Islam Di Luar Negara

Ketika keadaan COVID-19 berkembang dan peningkatan kes COVID-19 yang pesat di seluruh dunia, MUIS telah mendorong pelajar Islam Singapura yang belajar di luar negara untuk mempertimbangkan untuk segera pulang ke tanah air. MUIS telah memperuntuk sebahagian dana zakat bagi membantu pelajar Singapura di luar negara yang memerlukan bantuan. MUIS telah menggunakan dana zakat untuk menampung sebahagian kos tiket penerbangan pulang ke tanah air pelajar terjejas. Di bawah asnaf ibnu sabil penerima zakat, wang zakat diperuntuk bagi membantu individu terkandas dalam sesuatu perjalanan dan memerlukan bantuan.

Kanak-Kanak Sekolah

Semasa pemerintah Singapura menguatkuasakan langkah pemutus rantaian jangkitan COVID-19 pada 7 April 2020, model Pembelajaran di Rumah atau Home-based Learning (HBL) menjadi pelantar yang wajib untuk memastikan pembelajaran dapat diteruskan semasa sekolah ditutup. Pelbagai cabaran dihadapi oleh sebahagian keluarga untuk memastikan pembelajaran dirumah dapat diikuti. Ada pelajar yang tidak mempunyai hubungan Wi-Fi di rumah dan ada juga tidak memiliki computer dirumah. Tambahan pula, pembelajaran dirumah juga boleh menyebabkan kos elektik meningkat. Oleh yang demikian, sebanyak \$617,000 telah diagihkan pada bulan Disember 2020 kepada lebih 8,400 kanak-kanak berusia 18 tahun dan ke bawah, melalui geran “zakat reqab”¹³. Bantuan tersebut adalah untuk membantu membiayai persiapan persekolahan anak-anak.

PERBINCANGAN DAN IMPLIKASI DASAR

Berdasarkan hasil analisis yang dibincangkan dalam dapatan di atas, dapat dilihat bahawa kajian ini telah sedikit sebanyak membincangkan mengenai isu pengurusan zakat sewaktu menghadapi pandemik COVID-19 dan pasca pendemik. Berdasarkan kepada hasil kajian, dapat dirumuskan MUIS telah memainkan peranan yang penting dalam usaha membantu Kerajaan menangani impak COVID-19 kepada asnaf dan golongan yang terjejas. Pengurusan zakat pada masa kini juga bukanlah sekadar mentadbir zakat (seperti di sektor awam) tetapi ia perlu memahami konsep pengurusan itu sendiri iaitu merancang, mengorganisasi, menyelaraskan

¹² Diperolehi pada 12 Jun 2021, daripada https://www.muis.gov.sg/-/media/Asatizah-Training-Credits-FAQ_for-Asatizah.pdf?la=en&hash=9AACD224EC227B59CBE04010DEC2268AF89CEF18

¹³ Diperolehi pada 12 Jun 2021, daripada <https://www.beritaharian.sg/setempat/muis-agih-zakat-akhir-tahun-301j-bantu-6407-keluarga>

dan membuat keputusan (Abdul-Wahab *et. al.*, 1995). Kajian ini turut mendapati inisiatif yang dilaksanakan bukan sahaja membantu asnaf yang terjejas impak ekonomi COVID-19, malah juga akan meningkatkan sosio-ekonomi ummah sekaligus mengerakkan ekonomi negara kearah yang lebih baik.

Kajian ini mendapati hampir 70 peratus daripada keseluruhan jumlah agihan zakat bantuan khas COVID-19 oleh MUIS adalah fokus kepada golongan asatizah yang terjejas impak COVID-19. Segala bantuan zakat tersebut adalah bantuan tambahan ke atas bantuan yang disediakan oleh kerajaan bagi mereka yang terjejas dengan COVID-19. Asnaf dari penerima zakat sedia ada tidak perlu memohon bantuan khas COVID-19 kerana mereka tetap menjadi perhatian utama MUIS jika memerlukan bantuan tambahan. Dengan peranan penting yang dimainkan oleh MUIS, ia akan membuka mata ramai pihak termasuk pembayar zakat yang akan merasakan diri mereka juga penyumbang kepada langkah pemulihan ekonomi negara akibat isu global pandemik COVID-19 ini. Tidak dinafikan juga terdapat kekangan kewangan untuk MUIS memberikan impak yang lebih besar kepada pemulihan ekonomi negara, namun ia boleh dijadikan motivasi kepada semua pihak khususnya kepada mereka yang selama ini mengkritik peranan dan sumbangan MUIS. Dengan dana zakat yang sangat terhad, kajian ini juga mendapati peruntukan bantuan khas COVID-19 tidak menjejaskan bahagian asnaf zakat lain terutamanya golongan fakir miskin yang sedia ada. Malah penerima asnaf zakat sedia ada telah dilanjutkan tempoh bantuan selama enam bulan secara automatik ketika pandemik. Walaupun pada asalnya dijangkakan kutipan zakat akan mengalami penurunan disebabkan kesan ekonomi, kawalan pergerakan serta penutupan masjid-masjid yang merupakan pusat kutipan zakat, namun berdasarkan hasil analisis kutipan zakat pada tahun 2020 adalah sebanyak \$52 juta iaitu peningkatan sebanyak 11% daripada tahun 2019 dengan kutipan hanya \$46.5 juta¹⁴. Penggunaan teknologi seperti pembayaran zakat di atas talian, penyebaran maklumat mengenai kutipan serta agihan, cara mempermosikan bayaran zakat, keyakinan masyarakat terhadap keberkesanan dan pengurusan zakat, serta sifat bertanggungjawab terhadap kewajipan zakat telah dilihat sebagai antara sebab hasil kutipan zakat bertambah. Hasil dari kajian ini juga mendapati bahawa terdapat peningkatan pada jumlah pemohon zakat pada tahun 2020 kerana lebih banyak lapisan masyarakat turut terjejas disebabkan COVID-19. Sepanjang tempoh pemutus litar jangkitan COVID-19, semua permohonan bagi bantuan zakat boleh dibuat menerusi telefon atau Internet. Perkembangan teknologi telah merapatkan jurang permasalahan yang timbul dengan memastikan pengurusan hasil kutipan dan pengagihan yang efisien adalah penting dalam memastikan kesinambungan bantuan kepada golongan asnaf tidak terjejas. Penggunaan teknologi bukan sahaja membantu pusat zakat dalam urusan agihan dan kutipan, malah ianya akan turut membantu pembayar zakat untuk melaksanakan kewajipan dengan lebih mudah.

Selain itu, MUIS juga membantu pihak Kerajaan secara tidak langsung dengan mengelak COVID-19 daripada menular selain tidak mewujudkan kluster baharu melalui usaha pengagihan bantuan khas zakat COVID-19 secara terus dan atas talian dimana asnaf tidak perlu menghadiri temuduga atau majlis agihan sumbangan zakat seperti kelazimannya. Boleh dirumuskan bahawa kesan daripada COVID-19 memberi impak kepada institusi zakat

¹⁴ Diperolehi pada 12 Jun 2021, daripada <https://www.muis.gov.sg/-/media/Files/Corporate-Site/WPS-2021/WPS-2021-Report-Card.pdf?la=en&hash=F58E59E22043CE5E0642DC151EC0597779F1127>

terutamanya dalam pengurusan kutipan dan agihan. Cadangan adalah supaya bantuan-bantuan ini dapat diteruskan dimasa-masa akan datang. Tindakan susulan setelah bantuan diberikan juga adalah perlu untuk mengetahui sama ada bantuan yang diberikan mencapai tujuan yang ditetapkan atau tidak.

KESIMPULAN

Pandemik COVID-19 telah melanda seluruh dunia secara tidak langsung telah memberi kesan kepada ekonomi dan sosialogi masyarakat (Noriha Basir, 2020). Sebagai sebuah badan Islam yang terkemuka di Singapura, maka Majlis Ugama Islam Singapura (MUIS) memainkan peranan yang amat besar dalam memastikan masyarakat Islam di sana tidak mengabaikan ajaran Islam dan sekaligus mengamalkannya dengan sebaik-baiknya termasuklah dalam hal-hal berkaitan zakat. Melihat kepada fungsi serta peranan yang dimainkan oleh badan tersebut, ia menunjukkan bahawa MUIS sememangnya sebuah badan paling utama dalam menguruskan hal ehwal masyarakat Islam di sana memandangkan hampir kesemua hal berkenaan agama diuruskan oleh MUIS. Kesegeraan Jawatankuasa Fatwa MUIS dalam menetapkan bahawa mereka yang terjejas dengan COVID-19 lalu menghadapi kesukaran untuk memenuhi keperluan asasinya (serta keluarganya) layak menerima bantuan zakat, perlu diberikan pujian. Hasil daripada keputusan fatwa tersebut telah meningkatkan lagi peranan MUIS dalam menangani impak pandemik COVID-19. Inisiatif yang dilaksanakan bukan sahaja membantu asnaf yang terjejas impak ekonomi COVID-19, malah juga akan meningkatkan sosio-ekonomi ummah sekaligus mengerakkan ekonomi negara kearah yang lebih baik. Kajian ini mempunyai beberapa kekangan seperti hanya mengkaji dari sudut pandangan institusi zakat dalam menghadapi pandemik COVID-19. Kajian akan datang diperlukan untuk mengkaji respon masyarakat terhadap bantuan semasa COVID-19 terutamanya dalam kalangan pembayar zakat dan asnaf.

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THE PERFORMANCE OF ZAKAT INFAQ AMIL AND SHADAQAH MUHAMMADIYAH INSTITUTE IN RIAU BY USING THE INDONESIAN ZAKAT MAGNIFICENCE APPROACH

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Abstract

The zakat infaq amil and shadaqah institute is a social institution that collects and distributes zakat, infaq and charities. This institution aims to equalize the economy of the community. As an institution, it is supposed to have good performance so that this institution will survive in the future. Indonesia Magnificence of Zakat or called as IMA is a model for measuring the performance of amil zakat institutions with 5 main indicators, they are Sharia compliance, legality and institutional performance, management performance, financial performance, program utilization performance and social legitimacy performance. LazizMu of Riau becomes one of the zakat infaq amil and shadaqah institute in Riau Province supported by of the Muhammadiyah organization. Starting several years ago with the Decree of the Regional Leaders of Muhammadiyah, it has many programs that helped the community, one of which was teachers for reciting Alquran in Riau Province. However, with the presence of amil zakat institutions, one of them is LAzizMu Riau, we need to discuss its performance so that it can be used as evaluation material for the future progress. Based on research conducted with the IMA Approach, LazizMu's performance is classified as good performance and gets a score quality BBB- but the management performance still needs to be improved. This management performance can be related to work ethic, work discipline, entering and leaving the office on time and others. It is expected that this research can be used as evaluation material for future improvements.

Keywords: Performance, LazizMu, IMA

INTRODUCTION

Zakat is the third pillar of Islam. It must be done by a Muslim to be distributed again to those who deserve it, they are called as Mustahiq Zakat. The obligation to pay zakat is stated in the Qur'an, one of which is in At-Taubah: 91, it says:

“...The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakat and obey Allah and His Messenger. Those – Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise...”

Zakat has many benefits and good impacts, according to Didin Hafidhuddin the benefits of zakat are as a form of faith in Allah SWT, zakat as the way to help, assist, and foster especially for those who have problem with financial to have a better economy, zakat is also as a source of funds for the construction of facilities and infrastructure for Muslims.

The collecting and distribution of zakat in the past few years were still carried out individually and Amil in the mosque or musholla, but after the regulation No. 23 of 2011 concerning about the management of zakat exists, then the Amil Zakat Organization has been established, both supported by the government and private such as the National Amil Zakat Institution (Baznas), Muhammadiyah Amil Zakat Institution (LazizMu), Zakat House, Dompot Dhuafa and others.

Based on the analysis of The Indonesia Magnificence of Zakat (IMZ), the collection of zakat in Indonesia has increased becomes 1.5 trillion rupiah. According to a survey from the National Amil Zakat Institution (BAZNAS) and the Islamic Development Bank (IDB), the potential for national zakat in 2013 was 217 trillion rupiah (Awaliah et al., 2020). Regarding to this improvement, there is such a competition among amil zakat institutions to obtain muzakki. One of them is the amil zakat institution which is located in the province of Riau. LazizMu was established because Muhammadiyah believes that zakat can create justice for the community and solve poverty. It was started on 17th of June in 2009 with a Decree (SK) from the Regional Leadership of Muhammadiyah Riau. However, LazizMu Riau had been on hiatus for several years until it started operating again in 2018 until now. One of the activities that have been carried out by LazizMu Riau is the provision of Quran teachers throughout the province of Riau and the scholarship for underprivileged students.

The performance review of an institution needs to be conducted because it can be used as an evaluation of the success of the institution or company and it can be used as evaluation material as well, so that it can be better in the future. Amil zakat institutions have several performance measurement models that can be used including the National Zakat Index (IZN), Zakat Village Index (IDZ), Center of Islamic Business and Economic Studies (CIBEST), Balance Scorecard, Indonesia Magnificence of Zakat (IMZ) and International Standards. of Zakat Management (ISZM) (Bastiar & Bahri, 2019). Your current Laziz. This study discusses about the Performance of the Muhammadiyah Amil Zakat Institution in Riau Region Using the Indonesian zakat magnificence approach.

LITERATURE REVIEW

Definition of Zakat

In terms of language, Zakat is defined as blessing, growth, development, and purity. Meanwhile, zakat according to the term, it is part of the property with certain conditions that are required by Allah SWT to the owner to be handed for those who deserve to receive it with certain conditions. According to the syahatah, zakat is a maliyah (material) obligation, where zakat represents itself as the main source of financing adh dhaman al-ijtima'I (social security), jihad in the way of Allah (Shahatah: 2004).

Zakat Management Organization

Based on the law regulation No. 23 of 2011, there are two zakat management organizations, namely BAZ (Amil zakat agency) which was established by the Government and LAZ

(Institution of Amil Zakat) which was created by the community gathered in mass organizations or foundations. The National Amil Zakat agency (BAZNAS) is a zakat management institution established by the government, from the national to the sub-district level (Kemenag RI, 2013).

Understanding Performance

Performance is the activity of an organization in a period with a number of standards such as past or projected costs with efficiency standards, responsibility, management accountability, and so on (Chr. Jimmy L. Gaol, 2014). According to wirawan (2009) performance is the result or acquisition of a job or a profession within a certain time. According to Wibowo (2016) Performance is about doing work and getting the results achieved from the work.

Performance Measurement

IMZ (Indonesia Magnificence of Zakat) is an empowerment institution and not-for-profit organization that is involved in training, consulting and mentoring as well as advocacy research in the fields of zakat, poverty, and empowerment. IMZ regularly conducts research on zakat and it is published in a book entitled IZDR (Indonesian Zakat and Development Report). One of the studies conducted is about the performance of the Zakat Management Organization (OPZ). Performance measurement was carried out on eight OPZ consisting of Baitul Mal Muamalat (BMM), Dompot Duafa (DD), Community Concern Post (PKPU), Dompot Peduli Rakyat Daarut Tauhid (DPU DT), Baitul Mal Foundation of Bank Rakyat Indonesia (YBM BRI), Baitul Mal of Ummah Islam, Bank Negara Indonesia (State Bank of Indonesia). IMZ uses five measurement components which are used in the 2011 IZDR, they are: Sharia Compliance Performance, Legality and Institutions involves a. Sharia Management Board (DPS); b. Vision and mission; c. Organizational structure; d. Employee Educational degree, e. Regular training program; f. Percentage of full time employees, Management Performance including a. Standard Operating Procedures (SOP); b. The strategic plan; c. Amil work performance appraisal, Financial Performance including a. Financial statements; b. Financial efficiency; c. Organizational Capacity Empowerment, Program Performance including a. Quality of zakat utilization program b. Mentoring c. Social, and Legitimacy Performance Training including; a. Promotional costs; b. Advocacy costs (IMZ, 2011).

Conceptual Framework

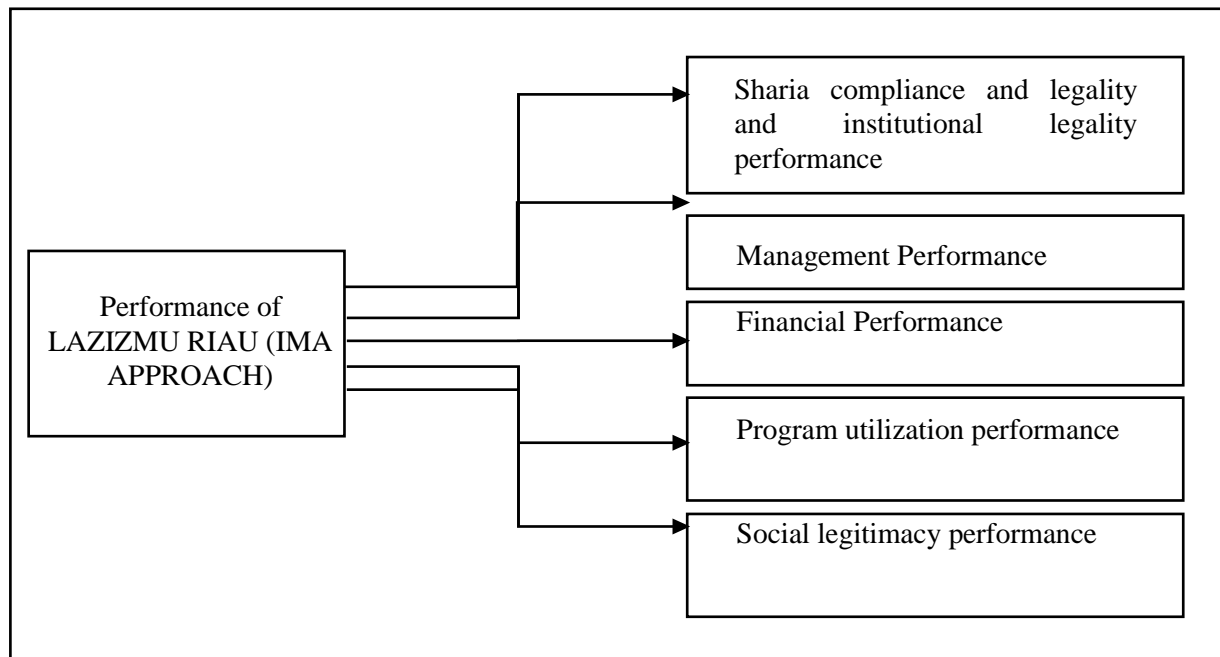


Figure 1. Conceptual Framework

Research Method

This research was started in May 2021 with Riau Province Lazizmu as the research subjects. This study was conducted by using qualitative research methods which carried out continuously from the beginning to the end of the study; and it was done by inductive; and looking for patterns, models, themes, and theories (Prastowo, 2011). In this qualitative study, the data were presented in the form of narrative text including the tables which support this research.

The data collection techniques used by the author in this study are: 1. Library Research which is carried out by discussing the problems related to research objects from books, laws, regional regulations and literatures related to research and supported on the basis of the theory used in research problems. 2. Field Research which is done by collecting the data directly by looking at the object of research in the field in accordance with the circumstances to be studied. The researchers also used some method as follows: a) Interviews which is conducted direct questions and answers with parties to provide information with the object of research based on the research objectives b) Documentation; collecting data by taking the data related to the problem to be discussed (Sugiyono: 2013).

DISCUSSION

This study measured the performance of Riau Province LazizMu by using Indonesia Magnificence of Zakat or called as IMA which involving five main indicators, they are; Sharia compliance, legality and institutional performance, management performance, financial performance, program utilization performance and social legitimacy performance. The results can be seen in the following table.

Table 1. The Performance of Riau Province LazizMu

Evaluation indicators	quality	Indicator detail	Quality		
				2019	2020
1	15%	a.	20%	5	5
		b.	15%	4	4
		c.	20%	2	3
		d.	15%	5	5
		e.	15%	1	1
		f.	15%	2	2
Σ (score x % quality)				3.2	3.35
Σ (score x % quality) *% component quality				0,072	0,075
2	20%	a.	40%	1	1
		b.	30%	1	1
		c.	30%	1	1
Σ (score x % quality)				1	1
Σ (score x % quality) *% component quality				0,04	0,04
3	30%	a.	40%	4	5
		b.	30%	1	1
		c.	7,5%	1	1
		d.	7,5%	1	1
		e.	7,5%	1	1
		f.	7,5%	1	1
Σ (score x % quality)				2,2	2,6
Σ (score x % quality) *% component quality				0,198	0,234
4	20%	a.	30%	1	1
		b.	30%	1	2
		c.	20%	1	2
		d.	20%	2	2
Σ (score x % quality)				1,2	1,7
Σ (score x % quality) *% component quality				0,048	0,068
5	15%	a.	35%	1	1
		b.	35%	1	1
		c.	30%	1	2
Σ (score x % quality)				1	1,3
Σ (score x % quality) *% component quality				0,023	0,029
Quality score				3,81	4,46
Quality letters				BB+	BBB-

Based on the results in tables above, it can be elaborated as follows:

Sharia Compliance, Legality and Institutions Performance

The zakat infaq amil and shadaqah Muhammadiyah institute or what is known as LazizMu is one of Muhammadiyah's charities. Muhammadiyah as one of the large Islamic organizations in Indonesia will certainly not waste the business charity that becomes its responsibility. Every charity business must have Sharia legality and compliance, this can be seen in the organizational structure of Riau LazizMu ; it is explained that the Sharia Supervisory Board has to include four people with Sharia economic educational background. It is applied in order to make LazizMu can run regarding to the applicable laws and regulations. In addition to DPS, LazizMu has a Vision and Mission so that this institution has goals to be achieved, according to the IMA assessment, this vision and mission has six IMA assessment components. IMA also considers the employee as the professional and the good one because all employees have a bachelor degree of educational background.

Management Performance

IMA evaluated that Riau LazizMu's management performance is still very low. It is due to there is no SOP and strategic plan at LazizMu, they only have LazizMu manuals and guidelines currently. The researchers also discuss the employees work ethic in this Management Performance. It was found that there is no assessment of the amil's achievements, and in terms of discipline and punctuality in the office, it is also still low.

Financial Performance

According to IMA assessment, LazizMu of Riau has good financial performance because of the financial reports are always updated, audited and transparent in accordance with the principles of management, collection. Besides, the regulation of zis is reported every month and every year in written form. However, some of the programs that have been carried out are supposed to be recorded in the financial statements, but LazizMu has not done this yet.

Performance of the Utilization Program

In this component, IMA evaluates that the mustahik mentoring program is carried out by LazizMu of Riau but it has not been maximized yet. Regarding to the Vision and Mission, it is expected that Mustahik will become Muzakki in the future. The average Zakat program that is distributed is in the form of productive programs and Quran teachers and scholarship for students who are underprivileged.

Social Legitimacy Performance

The promotion carried out by LazizMu is by socializing with Muhammadiyah Business Charities both at the elementary and university levels, because LazizMu have had its own market share, such as Muhammadiyah residents and those who work at Muhammadiyah Business Charities. In the future, in terms of promotion, advocacy and others, it can be more organized in LazizMu of Riau.

CONCLUSION

This study only measures the performance of Riau LazizMu for 2 years, the quality score is good, but there are several indicators that must be improved, one of them is management performance. In this study, the researchers also discussed an indicator of work ethic to the management performance part, because with a good work ethic, you will get good results. The next researchers can discuss their performance in a longer period of time or compare the performance between amil zakat institutions so that it becomes an evaluation material for zakat institutions to be better in the future.

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THE IMPACT OF ZAKAT ON ECONOMIC GROWTH IN MALAYSIA

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Abstract

In Islam, it is obligatory to provide to those who are less wealthy. It is one of Islam's five pillars, and its purpose is to redistribute income between the rich and the needy while also purifying the riches of those who pay zakat. The awareness of the requirement in practicing Zakat among Muslims society are important since it is valuable to the Muslims and concurrently can help those needy people. Due to the awareness, there are an increasing number of Zakat given by the Muslims from time to time. Some of the Zakat given were assigned for educational purposes. Due to such scenario, the development of the Zakat in Malaysia needs to be monitored to maintain the good practice and governance of Zakat development. The significance of this research is to identify the impact of Zakat on Malaysia's economic growth. In addition, this research also will look at both the long run and short run effect of Zakat on economic growth. Through this research, hopefully an effective model of Zakat in Malaysia can be proposed in order to enhance the development of economic growth through Zakat.

Keyword: ARDL, Economic Growth, Zakat.

INTRODUCTION

Islam is an ideal religion since it contains rules that govern all elements of life. Such commandments are concerned not just with the afterlife, but also with material wealth. One of these commandments is zakat, often known as alms-tax, which is one of Islam's five pillars. Zakat incorporates societal virtues in decreasing poverty and increasing prosperity in society, in addition to its religious importance. The presence of the religion brought by the Prophet Muhammad (PBUH) is thought to be a religion that offers goodness to the world as one of the existing religions in the world.

Zakat has a broad economic connotation on both a macro and micro basis. In the macroeconomy, zakat can be used as a fiscal policy tool in a country or a public sphere of Islam, and in the microeconomy, it can be used to allocate or distribute zakat to recipients. At-Taubah verse 60 of the Al-Qur'an identifies the persons who are qualified to receive zakat, including the poor and needy. As part of the income distribution procedure, they will receive their zakat portion.

Zakat has a significant impact on both micro and macroeconomic indicators. In the past, zakat had a greater impact on people's saving and investment habits without hurting their labor efforts. Allocative efficiency, economic growth, income and wealth distribution, poverty eradication, social security, and stabilization are projected to be among the macroeconomic consequences (Haq, 2013).

Zakat will raise the use of basic products and services while decreasing the consumption of luxury goods and services. Because of their low wealth and income, the

distribution of zakat to the poor and needy results in a rise in their income. The zakat's income and part of the zakat can be utilized to buy necessities. Zakat, on the other hand, will lower the wealthy's wealth and income. The loss of the wealthy's money and income may lower demand for highend goods and services (Mannan, 2012).

Many Muslim-majority nations have laws that make it mandatory to pay Zakat on certain commodities as defined by the law to government-created bodies, while Zakat as defined by the law, is left to be paid voluntarily either to government bodies or elsewhere. On the other hand, Muslim majority countries such as Malaysia, Jordan, Bangladesh, Saudi Arabia, Oman, Libya, Egypt, Pakistan, Sudan, as well as Indonesia, Bahrain, Kuwait and Qatar and have established legislation allowing government organizations to formally collect and distribute Zakat.

Except in three countries where the poverty threshold is defined at \$1.25 per day, the zakat to GDP ratio exceeds the Poverty Gap Index to GDP (PGI- GDP) ratio according to Shaikh & Ismail (2017). It indicates that pooled resources from prospective zakat collections in 17 Organization of Islamic Cooperation (OIC) countries will be sufficient to fund poverty reduction resources in all 17 OIC countries.

Zakat has been shown in several studies to lessen the poverty gap, income gap, and poverty level. According to Patmawati (2007), zakat has successfully reduced poverty in Selangor, Malaysia. The author concluded that Zakat has a minimal impact on average consumption, despite the fact that technically, mustahik has a higher consumption inclination than muzakki.

The study solely looks at the direct impact of Zakat on consumption. However, zakat has an indirect impact on consumption through income. Productive Zakat supplied via business capital will improve capital creation in mustahik business activities, hence increasing mustahik output and income. Finally, as income rises, household consumption of mustahik rises as well.

Based on the foregoing discussion on the progress and development of Zakat in Malaysia, the future looks promising. Research on Zakat, particularly on its financing and development which has produced new findings, serves as good guidance for all related parties.

Having a model to support this study would strengthen the idea of incorporating the development of Zakat. Although Zakat is a religion matter, this study believes that Zakat should incorporate the knowledge from the various studies area as well. Concisely, this study is in an attempt to identify the impact of Zakat in Malaysia's economic growth in both the long run and short run. The important influencing factors will provide better future suggestions for further improvement of the overall economic growth.

RESEARCH METHOD

This study will employ the Autoregressive Distributed Lag (ARDL) approach develop by Pesaran, Shin and Smith (2001). Followed by the Augmented Dickey-Fuller (Dickey & Fuller, 1979), Phillips and Perron (1988) and Kwiatkowski-Phillips-Schmidt-Shin (Kwiatkowski *et al.*, 1992) test to check the unit root of all variables.

In this study, the model for cointegration equation for GDP growth is shown in Equation (1). where, $ZAKAT_{t-i}$ is Zakat, G_{Kt-i} is capital growth, G_{Lt-i} is labour growth, $IGDP_{t-i}$ is initial GDP, $HUMAN_{t-i}$ is human capital, INF_{t-i} is inflation, p is the optimal lag length and Δ refers to the first difference of variables.

The study identifies the existence of a long run relationship between GDP growth and Zakat variable. In doing so, the study is able to determine whether the Zakat measurement has different effects on the economic growth. If cointegration is detected between series, it suggests a long run relationship between the variables, and there must be a short run relationship between them. The next step of is to estimate for any short run relationship. The Error Correction Model (ECM) is used to evaluate the short run relationship between the cointegrated series.

Relying on the presence of a cointegrating relationship, the Error Correction Model (ECM) can be written as in Equation (2), (2) where ϕECT_{t-1} is the error correction term. All other variables are as defined before. In the study, lag order is selected using the minimum values of Akaike Information Criterion (AIC). Lag orders are selected using AIC because results are usually better and more consistent than utilising other information criteria (Lutkepohl, 2006). The diagnostic test and stability test of long run and short run parameters are tested by using the cumulative sum of recursive residuals (CUSUM) and the cumulative sum of squares (CUSUMsq) of recursive residuals.

CONCLUSION


This paper examines the impacts of Zakat on economic growth in Malaysia from 2010 until 2020. The paper explores the existence of the short run and long run relationships between GDP growth and Zakat variable in the case of Malaysia. The paper used the ARDL bounds testing approach to cointegration and the Error Correction Model (ECM) for the short run relationship. Through this research, hopefully an effective model of Zakat in Malaysia can be proposed in order to enhance the development of economic growth.

ACKNOWLEDGMENTS

The author would like to thank the Islamic College University of Perlis (KUIPs) for the given opportunity with full support to complete this study. The opinions expressed in this study are those of the author and do not necessarily reflect those of the Ministry. Any inaccuracies are exclusively the responsibility of the writer.

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DATA ENVELOPMENT ANALYSIS FOR MEASURING THE EFFICIENCY OF ZAKAT INSTITUTION IN KEDAH: A FRAMEWORK

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Abstract

Zakat institutions are the trusted bodies that manage and administrate matters related to zakat in most Muslim countries including Malaysia. However, issues regarding the inefficient distribution of zakat collection have been raised continuously by the public. Therefore, it is essential for zakat institutions to review and evaluate the extent of their efficiencies in regulating zakat management throughout time in order to come up with new ideas and strategies to improve zakat management efficiency. Thus, this study aims to measure the efficiency of zakat collection and distribution in Lembaga Zakat Negeri Kedah, LZNK by using the Data Envelopment Analysis (DEA). The model was applied by measuring the efficiency of LZNK from the year 2015 to 2019 by appointing each regional zakat center in Kedah as decision-making units. There were three inputs and two outputs variables of the model, which are the zakat staff, zakat payers, zakat expenses and total zakat collected and total zakat distributed respectively. Decision-Making Units (DMUs) were considered as efficient if zakat collection, zakat distribution and overall efficiency of the model hit the efficiency score of 100%. Overall, the application of the DEA model improves the overall efficiency of the model and most significantly, provides insightful comprehensions for the management of LZNK.

Keywords: *Efficiency, Zakat Collection, Zakat Distribution, Data Envelopment Analysis.*

INTRODUCTION

Malaysia recognized as the world's Islamic trusted nation. One of the roles played by the government of Malaysia is assisting the needy and poor Muslim through the implementation of Zakat institutions in Malaysia. According to the teaching of Islam, Muslims practice the five pillars of Islam which are the declaration of faith, praying five times a day, paying Zakat, fasting during Ramadan and performing Hajj in Makkah. In discussing the scope of zakat, the term Zakat literally means growth and purification while terminologically it means that individuals must spend some portion of their wealth, assets and savings that they are neither a charity nor a tax, but they are obliged to spend in specified ways, on specified activities at a specified time according to the teachings of Al-Quran and Hadith. Thus, Zakat is a small portion of surplus wealth owned by rich Muslims when the resources have reached the

minimum threshold, *Nisaab* to be given as alms to needy Muslims to help their life and lower the poverty gap between the poverty and the wealthy in the community. The words of Allah SWT which means:

“Take (Oh Muhammad), from their wealth a charity by which you purify them and cause them to increase and invoke (Allah ‘s blessings) upon them. Indeed, your invocations are reassurance for them. And Allah is Hearing and Knowing.”

(Qur’an 9:103)

According to Zayas (2003), in several schools of thought in Shariah law, the establishment of the institution of zakat as one of the authorities that regulate the operation of zakat is not a prerequisite. Qardawi (2009) also claims that the government should have the right to collect and distribute zakat under strict conditions that the government does not oppose Islam as the basis of beliefs, enforces Islamic laws under its ruling, and advocates the social framework regarding to Islam. In general, the responsibilities of zakat organizations can be divided into two, which are collecting zakat and distributing zakat. These responsibilities should be performed by the authorized zakat officers that were appointed by the federal and state governments to prevent leakage and fraud in the management of zakat collection and distribution.

Meanwhile, concerns related to the inefficient collection of zakat have been addressed frequently by the public (Rahman, Alias, & Omar, 2012). In addition, zakat was allegedly said to have not been able to satisfy the needs of the qualified recipients, *asnaf* (Ghazi, Ahmad, & Wahid, 2013). According to Wahab & Rahim, (2012) stated that these zakat organizations have been exposed to rigorous public scrutiny and criticism as a public service organization that is responsible to stakeholders and the Muslim public at large. Also, many parties dispute the efficiency and efficacy of these organizations in administering zakat matters in their various states, according to a cursory study. Moreover, also stated by Rahman, Alias, & Omar, (2012) that the public has complained that zakat did not reach the targeted group owing to the authority's lack of promotion or the community's lack of understanding and knowledge. The efficiency in zakat distribution also depends on the institutional capacity to manage and distribute the collected zakat systematically.

Therefore, the issues that related to the zakat management will be explored in this study within the Lembaga Zakat Negeri Kedah (LZNK). The main purpose of this study is to investigate the efficiency of the collection and distribution of zakat at the LZNK throughout the state of Kedah. In this study, the approach of Data Envelopment Analysis (DEA) technique was implemented to evaluate the efficiency of zakat collection and zakat distribution. This paper begins with the problems and issues faced by LZNK in determining the efficiency of zakat collection and zakat distribution, then followed by a related literature review and the proposed methodology for this issue. Finally, the paper ends with a conclusion and suggestions for future research work.

LITERATURE REVIEW

Malaysia as one of the Muslim countries in the world has established comprehensive conditions regarding the governance and management of zakat under the authority and responsibilities of each state through the State Islamic Religious Councils (SIRCs). Thus, as Malaysia have 13 states and one Federal Territory, there are 14 councils that administrate and manage the Islamic matters including the governance of zakat of each state.

Subsequently, before going through the technique used in determining the efficiency of zakat issues, it is important to identify and clearly recognize the meaning of efficiency. In explaining the context of efficiency through the economic theory, it is defined as a term that describes and denotes how well a system works and performs in order to produce and generate the maximum and best required output from the inputs using the accessible and existing technologies (Farrel, 1957). In other words, when it can produce and provide more services and goods, an economic system is evaluated as productive without needing to seek for more than the available resources. In the assessment of economic efficiency, it is mainly based on two different methods and techniques which are the non-parametric methods and parametric methods. The DEA technique, developed by Charnes et al. (1978), is a non-parametric approach to determine organizational efficiency (Paço & Pérez, 2013). The frequent approach used is Data Envelopment Analysis (DEA) technique.

In the case by Wahab & Rahim (2011) demonstrates the application of the Data Envelopment Analysis (DEA) technique and its ability to model mathematical programming to examine the efficiency of Zakat administration in Malaysia from 2003 to 2007. In 2016, Hamzah & Krishnan conducted a study to quantitatively measure the efficiency of zakat collection in Sabah from the year of 2007 until 2015. This study implemented three type of Data Envelopment Analysis (DEA) techniques, which are CCR primal model, CCR dual model, and also slack based model. Meanwhile, Ahmad & Ma'in (2014) also have performed a study with which to measure the efficiency of zakat collection and zakat distribution in the Lembaga Zakat Selangor region.

Besides, the use of the DEA techniques was also implemented from the study by Mohammad & Noordin (2016) which stated that to increase the efficiency of zakat distribution and collection of the Majlis Agama Dan Istiadat Melayu Kelantan (MAIK), thus a two-stage linked Data Envelopment Analysis (DEA) technique was performed. This was due to the people's concerns about the efficiency of zakat collection and zakat distribution in Kelantan. Additionally, Wahab & Rahman (2012) stated in the study which aimed at determining the efficiency of zakat institutions in Malaysia. The study applied the Malmquist Productivity Index to measure and estimate the productivity and efficiency of zakat institutions in Malaysia. In addition, the Tobit model was often used to identify the factors that influence the efficiency of Malaysia's zakat institutions.

In short, the Data Envelopment Analysis (DEA) technique has been applied in various studies and is able to examine and analyze the efficiency of zakat administration which includes zakat collection and zakat distribution.

METHODOLOGY

In this study, the DEA method is proposed to be implemented in some phases of the research framework. The first phase is to define the problem and identify the main issues of efficiency of zakat related to zakat collection and zakat distribution. Then, primary and secondary data were collected according to the inputs and outputs variables. Next, the proposed DEA model which to measure the efficiency of zakat collection and zakat distribution are developed. In the next phase, the model is run. Then, the efficiency of zakat collection, efficiency of zakat distribution and overall efficiency of model is calculated. Finally, the last step is the validation process which is to ensure that the efficiency model is accurate. The methodology has been simplified as shown in Figure 1:

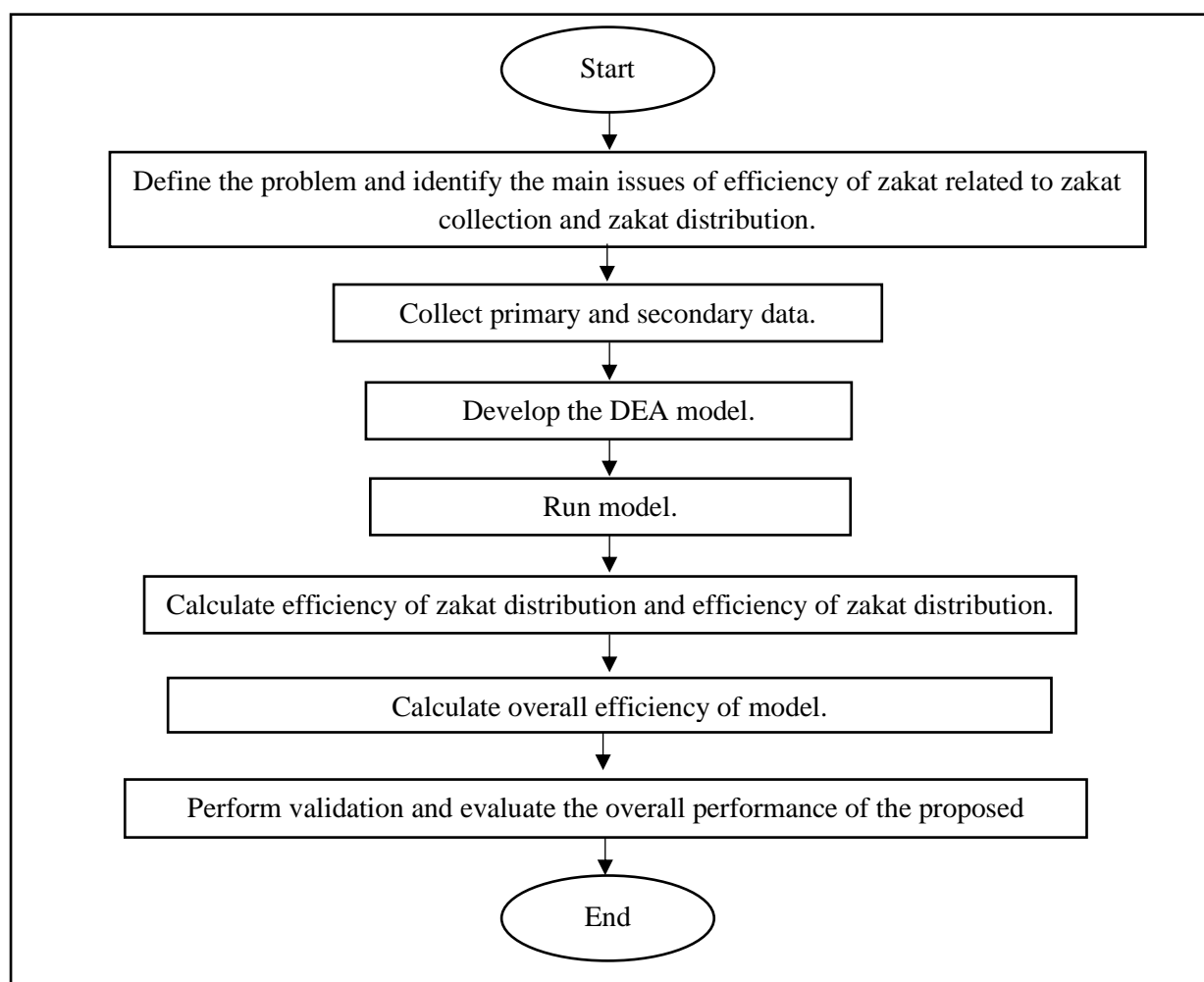


Figure 1. The Research Flow Chart

Description of the study

This study constructed the efficiency model by integrating the model developed by Berber et al. (2011), Nurbaizura, Wan & Muhammad (2015) and Norazlina & Rahim (2011). The efficiency of LZNK will be assessed using the DEA technique. For clarity, the following sections will discuss the description of the study, data collection, decision making units and description of inputs and outputs variables. The calculation will use Lingo 18.0 to evaluate the zakat collection and zakat distribution efficiency score and overall zakat efficiency.

Data collection

The data source for this analysis was obtained from the primary sources through the interview sessions with the officers and person in charge from the Information Technology Department of LZNK. Meanwhile, the secondary sources were also used from the published report by the Information Technology Department of LZNK.

Decision Making Units (DMUs)

In this study, the Decision-Making Units (DMUs) or *Units to be Analyzed* must be determined to examine the best result for the efficiency of zakat collection and zakat distribution. The unit to be analyzed is one of the state's zakat institutions in Malaysia which is LZNK. For this research, all 14 branches of Pusat Zakat Daerah (PZD) in Kedah were selected due to availability and homogeneity. The availability of the homogenous data is based on the primary data source and secondary data source from this study. The data is called homogeneous because the DMUs have the same function to administrate the zakat processes and they are located at the state of Kedah.

Inputs and output variable

Before moving on to the next process in determining the zakat efficiency, the input and output variables need to be identified. This is because identifying input and output variables is the basic requirement and necessity in order to use the DEA approach. Ignoring and underestimating any of the important input and/or output will cause inaccurate efficiency measurement of the zakat collection and zakat distribution. In deciding these input and output variables, a conceptual view of collecting and distributing the zakat needs to be identified. The preference of inputs and outputs for the model was determined through the literatures in zakat collection and distribution on DEA applications. In this research, the data sets consist of the number of staff, number of zakat payers and zakat expenses as input variables. There were two variables for the output, which were the total zakat collected for measuring the efficiency of zakat collection and the total zakat collected for measuring the efficiency of zakat distribution. Both efficiency of zakat collection and distribution are very important in driving to gain the overall efficiency of the model. The inputs and outputs variables are shown in Table 1 and Table 2 respectively:

Table 1. Input Description

Input	Description
Zakat staffs	Total number of amils and staffs of zakat who is the person appointed by the K.D.M.M Tuanku Sultan of the state to perform zakat management process including collection and distribution of Zakat.
Zakat payers	Total number of person who act as the payers of zakat according to the Islamic Shariah.
Zakat expenses	Total cost that is used during the collection and distribution of zakat process.

Table 2. Output Description

Output	Description
Collection of zakat	Total amount of zakat collected regarding the type of zakat.
Distribution of zakat	Total amount of zakat distributed to the asnaf.

CONCLUSION

According to the previous studies which discussed the important issues related to the concept, management and implementation of zakat, researchers found that there is still a lack of studies that discuss in depth about the efficiency of zakat institution management. For instance, it is discovered that there has been very few previous research on measuring the efficiencies of zakat collection and distribution whether it involves the efficient measurement of zakat by year or region. From the study that was performed, the efficiency of zakat collection and zakat distribution was obtained. Then, DEA model will be run using all the data to test the overall efficiency of zakat in LZNK. As a result, the efficiency score would be 1.000, indicating full efficiency while less than 1.000 which represents a less efficient result.

The expectation of the findings from this study is that the value of efficiency scores for the collection and distribution of zakat in the Lembaga Zakat Negeri Kedah will increase every year. Then, the value of Lembaga Zakat Negeri Kedah's overall efficiency score will also increase every year in line with the increase of LZNK's zakat collection and distribution. Overall, it is suggested that future researchers in collaboration with zakat institutions need to identify in depth about the roles and improvements of LZNK to ensure an efficient level of zakat management reaches an excellent and commendable level. Similarly, a study to determine the extent of the effectiveness of zakat management to ensure the collection and distribution of zakat can be done prudently. The results of this study are expected to demonstrate how far the collection and distribution of zakat are well managed by the zakat institution.

ACKNOWLEDGEMENT

The authors wish to thank Lembaga Zakat Negeri Kedah (LZNK) and Universiti Utara Malaysia for their help and financial support in Geran IPIZ (S/O Code:14719). The authors would also like to thank zakat officer, Puan Noor Afifah binti Ahmad who provided informative information that greatly assisted the research.

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INTRODUCING THE ONLINE ZAKAT LEARNING SYSTEM UNDERTAKEN BY THE FEDERAL TERRITORY'S ZAKAT INSTITUTION, MALAYSIA

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Abstract

The concept of online learning is developed within the context of Open Learning or Open Education, where it is expected to allow for the easy dissemination and sharing of all types of knowledge. In general, the structure of online learning is intended to promote autonomous learning by providing a variety of resources such as videos, links, documents, and a discussion and communication space. This paper introduces and investigates The Federal Territory's Zakat Institution (Pusat Pungutan Zakat, or PPZ) implementation of an online zakat learning system. This paper employs content presentation to discuss the methods, modules, and learning topics introduced by the zakat learning system due to practical implementation. However, the online zakat learning system is a relatively new initiative, and participation is expected to grow in the future as the public accepts the online zakat learning system. What is essential is that all zakat institutions participate in these initiatives so that zakat knowledge can be disseminated as widely as possible.

Keywords: *Online Learning, MOOC, Islamic Education, Technological Teaching, Online Pedagogy*

INTRODUCTION

Zakat is one of the pillars of Islam that Muslims must implement. Zakat is essential to developing the Muslim community's economy and helping the poor live like other communities. Therefore, the study of zakat is significant to every individual Muslim because understanding zakat will affect individuals' decision to pay zakat (Muhsin & Suhaili, 2021). While recognizing the potential of zakat as a catalyst for economic development, the learning of zakat needs to be strengthened to help the community better understand the function of zakat (Muhamad Muda et al., 2005). In Malaysia, zakat learning courses are relatively new, primarily through online platforms.

The development of a technological application such as the Internet and its applications determined an increase in computer-based instrument's role in the learning process; this had become the reason why some educational institutions and private organizations have an increasing need to use virtual learning environments, namely an electronic learning platform that accompanies the traditional teaching-learning-assessment process. As a result, a slew of applications emerged intending to facilitate the integrated management of the online learning

process and blended learning-type applications (Popat. K et al., 2007). This type of platform usually has two roles: first, they enable content management (courses, homework), ensure synchronized collaboration (by chat, video conferences), as well as non-synchronized collaboration (forum, messages, blog). Second, they can manage the courses and the students who applied for these courses (Weller, M., 2007).

Relating to the above, Industrial Revolution 4.0 or Industry 4.0 had also colored the lifestyle and actions of the world community. It also requires all parties to act quickly in line with the rapid development in technological products and more innovative automation systems. It is said that by 2019, Malaysia is among the countries that are moving forward in the development of Revolution 4.0 (Ismail Sualman, 2019). Consciously or not, the technological revolution had determined our way of life and actions. Thus, those who do not want to change will be disturbed and abandoned by new technologies. The pace of technology is now moving so fast, and the whole world is struggling to create and trigger in mastering this technology. Thus, any organization should make full use of opportunities and space and actively use technology, such as online learning, to promote anything that is good for the communities. If the complex new technological challenges are not embraced, it could leave organizations far behind in the global competition. Therefore, this paper attempts to emphasize the importance of zakat institutions venturing into this field in order to disseminate zakat knowledge as widely as possible.

LITERATURE REVIEW

The concept of online learning is being developed within the context of Open Learning or Open Education, where it is expected to resume academic characteristics such as interaction, access to debate, knowledge trading, and transparency beyond content provision (Quiliano Terreros et al., 2009). With the use of technology, all kinds of knowledge can be disseminated and shared readily. In general, the structure of online learning is designed to promote autonomous learning by providing a variety of resources such as videos, links, documents, and a space for debate and communication.

In the world of online learning, MOOC or Massive Open Online Courses is a trending phenomenon. MOOCs are a popular learning method where most learners are away from the actual building or classes. The acronym also emphasizes the key components, which are online courses that connect the potential for learning in a large-scale, distributed community of peers and open practices (Conole, 2016). MOOCs are distinguished by the following characteristics: they are massive, online, open, and free (sometimes and most of the time). Briefly, massive means it should allow access to many students, much larger than a face-to-face class or a traditional online course. Online means the course is done remotely via the Internet and does not require physical attendance like in a classroom. This feature is essential for anyone globally with an Internet connection, which anybody can participate using these platforms. Meanwhile, openness implies that the course should be open to everyone and should not have any prerequisites, such as a qualification or a level of performance in previous studies (Hafiza Haron et al., 2019). Through this facility, students can strengthen the use of MOOCs in their learning. Lecturers can also enhance teaching materials in MOOCs regarding design, arrangement of activities and tasks, and selection of content materials that emphasize animated

elements, audio and video selection, and creative and interactive (Norfarahi Zulkifli et al., 2020).

Collaboration and a virtual community could be established in the context of online learning. With the help of information technologies such as laptops, tablets, iPads, and mobile phones, online learning has become widely used and accepted in higher education institutions (Starr-Glass, 2013). Online learning has the potential to provide numerous benefits to learners, such as diverting students' attention to critical knowledge and allowing them to participate in collaborative learning activities (Alwi et al., 2012).

The recent decade has witnessed dramatic growth and various benefits in the use of online learning in education (Allen & Seaman, 2017). Many students take their courses online, prompting teachers and content creators to develop online courses in order to improve learning and teaching effectiveness (Evans, 2014). Numerous studies have found that online learning can increase student participation, improve the quality of discussions, and foster online interactions. By resolving complex problems, the discussion forum platform could help students and improve their learning. In addition, mobile technologies such as applications and computers could make it easier to access an online learning platform and improve the effectiveness of mobile learning (Panigrahi et al., 2018).

Plus, the effects of the Covid-19 pandemic are combined with exponential growth in online learning, and in a rush to maintain market share, universities and training providers alike have, in some instances, had to scuttle to enter the market. This is because the education system was significantly affected by this disease faced significant changes that impacted the students and general public. These impacts include social distancing, quarantines, isolation measures, campus closure, border closures, and travel restrictions. Teaching institutions worldwide faced unprecedented challenges, including the teaching committee and the students (Mahiswaran Selvanathan, 2020). Even before COVID-19, education technology was rapidly growing and being adopted, with global education-tech investments reaching US\$18.66 billion in 2019 and the overall market for online education expected to reach \$350 billion by 2025. There has been a significant increase in the usage of language apps, virtual tutoring, video conferencing tools, and online learning software since COVID-19 (World Economic Forum, 2020).

METHODOLOGY

This paper introduces and explores the implementation of the online zakat learning system undertaken by The Federal Territory's Zakat Institution (Pusat Pungutan Zakat, or PPZ), Malaysia. Specifically, it was done by a specific unit called The Zakat Academy (Akademi Zakat or AZKA) as an implementor. This paper is used content presentation regarding the methods, modules, learning topics that the zakat learning system has introduced as a result of practical implementation.

THE EXPERIENCE OF THE ZAKAT ACADEMY (AZKA), MALAYSIA

Introduction of AZKA under PPZ

The Zakat Academy (Akademi Zakat or AZKA) was a unit with specific goals. AZKA was officially established by The Federal Territory's Zakat Institution (Pusat Pungutan Zakat, or PPZ) in February 2019. AZKA's location is located at Wisma PPZ, 68-1-6, Dataran Shamelin, Jalan 4/91, Taman Shamelin Perkasa, 56100 Kuala Lumpur, and can be contacted via email at

azka@zakat.com.my. Currently, AZKA has published three series of their academic journal called AZKA International Journal of Zakat & Social Finance (AZJAF), six research papers, and one chapter-in-book. AZKA also promotes its activities via its websites (<https://azka.zakat.com.my>) and telegram (<https://azka.zakat.com.my>).

AZKA's primary objectives are to explore zakat and philanthropy and collaborate with industry to create value for the stakeholders and society. The mission is carried out by conducting various forums, workshops, and webinars involving academia, zakat industry members, and the public. It also conducted research on zakat, publishing journals, papers, and books relating to zakat, and collaborated with industry and academic institutions in identifying specific issues and based on the needs of the industry. Specifically, AZKA has four key activities, which are:

- i. Enriching knowledge with zakat and philanthropy. Programs include forums, classes, workshops, colloquium or dialogue involving academia community, zakat industry members, and the public;
- ii. Research on zakat. Studies of specific issues based on industry need and collaboration with other stakeholders such as universities and recognized research bodies;
- iii. Publication. publication of journals, papers, and books related to zakat; and
- iv. Make industrial and academic collaboration. Strengthen partnership with industry and academicians towards research conducted related to zakat.

Platform Used for Online Zakat Learning

In introducing the online zakat learning courses, PPZ has used the OpenLearning system as the central platform. OpenLearning is an online social learning and MOOC platform that allows universities, colleges, and educators to create, design, deliver, and online market courses to communities.

OpenLearning Limited (ASX: OLL) is an education technology company that provides a scalable lifelong learning platform and learning design services to education providers; and a global marketplace of short courses, micro-credentials, and online degrees for learners. Founded in 2012 in Sydney, OpenLearning's vision is to improve access to quality education, promote lifelong learning, and future-proof the workforce by enabling education providers to design, deliver and sell transformative courses and degrees worldwide. OpenLearning expanded to Southeast Asia in 2015 by establishing an office in Kuala Lumpur, Malaysia, and is now the leading platform for online higher education in Southeast Asia. Through partnerships with top universities and government agencies, OpenLearning has more than 2.7 million learners worldwide, thousands of courses, and partnerships with over 167 education providers (OpenLearning Limited, 2020).

The OpenLearning platform primarily operates on a B2B2C model, whereby education providers utilize the platform to deliver courses to learners. Depending on the goals of the education provider and the type of courses they offer, the company may be able to promote the education provider's courses to other learners on the OpenLearning platform. This produces a network effect, which is enabled by several critical design decisions, including a single global cloud platform whereby all education providers and learners use the same instance of the platform; plus, every user has a profile on the OpenLearning platform that automatically aggregates all of their evidence of learning into an online portfolio, as well as their badges,

certificates, and progress (OpenLearning Limited, 2020). The PPZ chose to use the OpenLearning system as the central platform developed based on four features:

- i. Among the exciting things about this system, it can be accessed in various-mode either through a computer, tab, and smartphone. Note that online learning, assisted with information technologies such as laptops, tablets, iPads, and mobile phones, has been widely used and accepted in higher educational institutes (Starr-Glass, 2013).
- ii. A variety of delivery channels available such as video, audio, post sharing, and others
- iii. Most of the courses offered are free, covering the topics of Islamic Finance, Technology, Management, Engineering, Medicine, and many more.
- iv. OpenLearning system is also used by most public universities and corporate companies such as universities, government bodies, and others. To date, more than 268 courses are offered only in Malaysia.

Zakat Modules Provided

The online zakat learning module (<https://www.openlearning.com/azka>) was introduced to the public on 12th June 2021. It has been developed by The PPZ to increase learner's participants on the obligation to pay zakat. Moreover, the topics studied will shape students into human beings who know the importance of zakat in helping the socio-economy and its role in eradicating poverty. There are several objectives why these modules have been created, which are:

- i. To spread the message of zakat through the concept of online learning. The implementation of online zakat learning aims to attract and increase the interest of users' level of understanding through interactive techniques and learning mediums that help stimulate their enthusiasm in the learning process.
- ii. To develop a centralized learning environment for Zakat knowledge. The ability of online zakat learning in terms of information sharing to every layer of society is necessary. By creating an environment centered on knowledge, zakat can be learned by focusing on only one place of search
- iii. To create a new method for Officer Training Hours. Online zakat learning can assist users in undergoing training virtually without involving financial and travel costs. It can be accessed at any time, 24 hours a day.

At the end of the study, students will master the assessment of zakat for individual income sources and become preachers to the community. Students will go through four phases of learning before becoming proficient in calculating zakat in this module. The four phases are:

- i. Understand the definition and management of zakat,
- ii. Process the information learned by comparing the current situation,
- iii. Remembering the information processed,
- iv. Delivering zakat to friends around,

PPZ's Online Zakat Learning provides five learning topics: Introduction, Mandatory Conditions, Types of Zakat, Asnaf, and Zakat Management. The most extensive modules are

the types of zakat, which provide learning modules about zakat on income, zakat on business, zakat on money savings, and various other types of zakat. The estimated time to complete this module is around 23 hours, especially for students who are new to the knowledge of zakat. However, the completion period may be shorter if students already know the ins and outs of zakat in depth. The last feature is the test and receiving Certificate of Participation. To qualify for this Certificate of Completion, participants must sit for a test covering all five topics with 23 objective questions. This explanation can be shown in the table below:

Table 1. The list of Topic (Module) in PPZ’s Online Zakat Learning

Topic	Title	Details	Estimated Time to Complete (For beginners)
1	Introduction	Introduction Definition History Purpose of Zakat Conclusion on Topic 1	3 hours
2	Mandatory Conditions	Mandatory Zakat Conditions Conclusion on Topic 2	1 hour
3	Type of Zakat	Type of Zakat Zakat on Income Zakat on Business Zakat on Money Savings Zakat on Share Zakat on EPF Zakat on Gold Zakat on Silver Zakat on Agriculture Zakat on Livestock Zakat on Minerals Zakat al-Fitr Conclusion on Topic 3	12 hours
4	Asnaf	Asnaf Had Kifayah Zakat Assistance Scheme Conclusion on Topic 4	3 hours
5	Zakat Management	The History Of The Establishment Of The Islamic Religious Council Zakat Management Amil Conclusion on Topic 5	3 hours
Test			1 hour

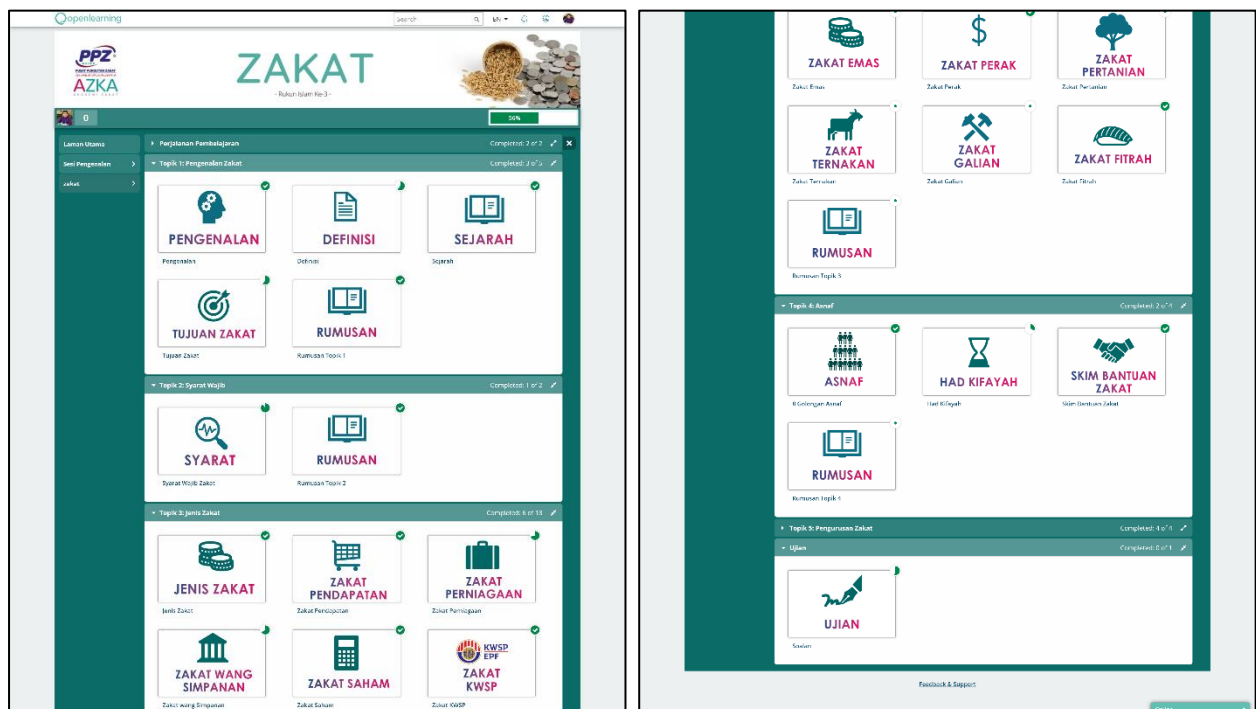
Notes: All of the above topics and titles are in Malay

Source: Taken from PPZ’s online learning website, <https://www.openlearning.com/azka/>

Participants will receive a Certificate of Completion upon completing all five topics and a 100% test via email. In addition, this PPZ’s Online Zakat Learning also provides e-books and Digital Zakat Calculation Booklets to participants as an additional reference.

As for the delivery feature, various channels are used to develop an interactive zakat module and not just reading. Among the modes used are slides, video, audio, quizzes and exercises, and posting and chat sharing. Among the exciting things here is two-way communication, where participants can share posts if they want to get more information or exchange opinions with other participants. This posting and chat facility works just like Facebook social media. As Zhonggen Yu (2021) says, collaboration and virtual community could be established in the online learning context. Online learning has the potential to provide numerous benefits to learners, such as diverting students' attention to critical knowledge and allowing them to participate in collaborative learning activities (Alwi et al., 2012).

Furthermore, collaborative learning was strongly and positively correlated with peer discussions and engagement rates (Brown, 2001). Thus, the formation of virtual communities could benefit online learning outcomes (Panigrahi et al., 2018). Below shows the PPZ's online zakat learning display interface:



Source: <https://www.openlearning.com/azka/>

Figure 1. PPZ's Online Zakat Learning Display Interface

As we all know, PPZ's online zakat learning platform is a very new initiative. As of 29th June 2021, the number of participants who have joined PPZ's online zakat learning has just reached 47 people. The participation rate is expected to increase in the future as the public increasingly accepts PPZ's online zakat learning. Therefore, continuous improvement on PPZ's online learning must always be done. This includes improving learning activities, updating the latest info, as well as new modules. As Jay Andrew Cohen (2020) suggests, well-designed online learning should provide a broad range of learning affordances via pedagogically appropriate technology so that learning is encouraged and not hindered. Self-directed learners should be able to participate in a wide range of learning activities, including

those facilitated by the teacher or trainer, such as an organized debate, case study, interactive demonstration, role-play, or organized synchronous discussion. Self-directed learners should also be able to manage their own learning through text, audio and podcasts, graphics, animation, and video (Jay Andrew Cohen, 2020).

CONCLUSION

This paper attempts to underline the need for zakat institutions to enter the online learning sphere in order to distribute zakat knowledge as broadly as feasible. Thus, we introduced PPZ's online zakat learning as a start. This fulfills the demand for online learning, which has become widely used and accepted in the world. Online learning also has the potential to provide numerous benefits to learners, such as diverting students' attention to critical knowledge and allowing them to participate in collaborative learning activities. Shearer et al. (2019) also suggest that "learners are highly autonomous, and have control of their learning process. They are motivated, self-controlled, and self-monitored. They learn through engaging in deep discussions and interactions with their peers and instructors and solve challenging real-life problems with critical thinking and metacognitive processes. Instructors are facilitators, negotiators, and guides". In consideration of this, quality online learning design shifts the focus from direct instruction to learning affordances and self-direction, enhanced through technology and aided by careful learning design.

ACKNOWLEDGMENTS

The authors would like to express their appreciation to Pusat Pungutan Zakat (PPZ-MAIWP), as the information presented in this paper results from the practical implementation of the authors there.

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THE ATTITUDE AND BEHAVIOR OF SHARIA BANKING CUSTOMERS IN PEKAN BARU

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Abstract

This study aims to measure the attitudes and behavior of banking customers in Pekanbaru. This research was conducted by using a survey method through interviews and filling out questionnaires by respondents by using descriptive analysis method, multi-attribute Fishbein attitude model analysis method, subjective norm analysis method, theory of reasoned action (TRA). The results revealed that customers' attitudes towards Islamic banks were positive with a score of 12,844 and the result for customers attitudes in conventional banks were also positive with score of 9.075. It was found that the behavior of Islamic bank customers in Pekanbaru were positive with the score of 901.47 and for conventional banks was also positive value from customer behavior of 828.75. Therefore, overall, the attitudes and the behavior of customers at Islamic and conventional banks in Pekanbaru were very good.

Keywords: *Attitude, Behavior, Sharia Banking*

INTRODUCTION

According to the data from the Financial Services Authority OJK per March 2019, the market share of Islamic banking only reaches 5.94% while conventional banking gets 94.14%. On the other hand, the total of Islamic financial assets per March 2019 (excluding sharia shares) reached IDR 1,340.65 trillion or USD 94.12 billion. It is influenced by several factors including customer behavior in choosing the use of banking services. According Rahmawaty and Anita (2014) perceptions of bank interest and profit sharing have a positive effect on their interest in saving. This phenomenon shows that there are differences in banking customers behavior. The availability of two forms for banking systems (sharia and conventional) in the market, customers will be faced the decision-making process between using Islamic or conventional bank services.

Surbakti and Siska's (2008) states that there is a significant relationship between employee credibility and customer attitudes. On the other hand, Ningsih's (2014) states that Islamic banks contribute the massive intentions and motivation for someone in doing financing, it has very high market potential. For this reason, it is necessary to develop Islamic bank products, services and policies to show the good understanding for customers. Discussing about customer attitudes and behavior is needed in order to find out the products and services which meet the customers' needs (customers will) and the factors that influence them. This study was conducted to reveal the habits and characteristics of Islamic and conventional bank customers,

to understand the attributes which influence customer attitudes and behavior and to examine the relationship between respondents' characteristics and habits of using Islamic and conventional banking services.

This study aims to have in depth understanding about customer behavior, this is an effort to optimize customer satisfaction to gain loyalty in the form of product, service and policy moderation by knowing the customers well. Narver and Slater (1990) mention that the better the company understands consumers and then directs its service and product policies to that direction, the better it meets consumer needs which have implications for company loyalty and sustainability. In addition to that, Gait and Worthington in (2008) confirm the previous studies that have been carried out by previous researchers states that service is the main factor to get customer satisfaction. Echchabi and Olaniyi (2017) found that service and convenience factors are the main factors in selecting the use of Islamic banks.

Since the first time of Islamic banking establishment until, we have been able to find district-city Islamic banks even at the inner sub-district level which are spread in the form of Islamic cooperatives, but the interest of conventional banking customers remains high. It is caused by several factors (Kotler, 2009) including the things that can influence consumer behavior such as cultural, social, personal and psychological.

RESEARCH METHOD

This research was conducted in Riau province by having the respondents of banking customer from various regions in Pekanbaru. It was done with survey research by interviewing and filling out the questionnaires with descriptive analysis methods, multi-attribute fishbein attitude model analysis, subjective normative analysis methods and Theory of Reasoned Action (TRA). The data used were primary and secondary data, while there were 125 samples used to represent the population. Matin Fishbein said to measure customer attitudes systematically, you can use the following formula.

Attitude Model

Attitudes are formed from a consumer's belief to the attributes and evaluation of previous attributes developed by Matin Fishbein. So mathematically, the consumer's attitude can be formulated as follows (Simamora, 2004).

$$AB = \sum_{i=1}^n b_i e_i$$

So based on the above formula, for b_i and e_i ; each is obtained by using the following formula:

$$b_i = \frac{\sum_{i=1}^n r_i f(x_i)}{1} \quad \text{and} \quad e_i = \frac{\sum_{i=1}^n r_i f(y_i)}{1}$$

Notes:

r_i = weight of score i

$f(x_i)$ = The number of respondents who have a weighted score of i for the belief variable (b_i).

- f(y_i) = The number of respondents who have a weighted score of i for the evaluation variable (e_i).
 AB = Individual's total attitude towards bank attributes
 b_i = strength of consumer belief to the bank
 e_i = Evaluation of bank attributes
 n = Number of relevant bank attribute criteria
 Weight: = a : 2, b : 1, c : -1, and d :-2

Table 1. Scale Range of Attitude

Costumer attitude	Score	Range of value
Very bad	-2	$-2 \leq AB < -1$
Bad	-1	$-1 \leq AB < 0$
Good enough	0	$AB = 0$
Good	1	$0 < AB \leq 1$
Very good	2	$1 < AB \leq 2$

Subjective Normative Model

To discuss customer behavior, it was analyzed by using subjective norms and Theory of Reasoned Action (TRA).

$$SN = \sum_{j=1}^n NB_j MC_j$$

Each NB_j and MC_j were obtained using the following formula:

$$NB_j = \frac{\sum_{j=1}^n r_j f(x_j)}{n} \quad \text{and} \quad MC_j = \frac{\sum_{j=1}^n r_j f(y_j)}{n}$$

Notes:

- r_j = Weight of the j score
 f(x_j) = Number of respondents who have a weighted score of j for the variable normative belief (NB_j)
 f(y_j) = Number of respondents who have a weighted score of j for the motivation variable (MC_j)
 SN = Subjective Norm
 NB_j = Individual normative belief
 MC_j = Motivation of the referent
 n = number of relevant references
 weight = a :2, b : 1, c : -1 and d : -2

This variable was an external variable that influences the customer's decision to use banking services (referral), such as other people they trust. The subjective norm variable according to Fishbein is divided into two:

- The normative belief variable is the consumer's normative belief when other people (referents) think that consumers should use banks.
- The motivation variable is the consumer's motivation to obey the opinions of others (referents) to use the bank.

The components of the normative belief variable and the motivation variable are the legality of the product from the people around.

Behavioral model using reasoned action theory

The Theory of Reasoned Action (TRA) was first introduced by Martin Fishbein and Ajzen in 1980 by connecting belief, attitude, intention and behavior. Willingness is the most important indicator to know what someone will do. However, the willingness is not always the main thing because there are other factors such as the focus of attention (salience). According to Jagiyanto, 2007. Intention is determined by subjective attitudes and norms. The reasoned action theory model is described as follow, Simamora, (2004).

$$B \sim I = (AB) W1$$

$$+ (SN) W2$$

Notes:

BI = Consumer behavior (behavior intention)

AB = Total individual attitude towards bank attributes

SN = Subjective Norm

PBC = Perceived Behavioral Control

W1W2W3 = Weights or scores found empirically, they are described the relative influence of the components. The values of W1, W2 and W3 were obtained by using an approach from empirical data, it was done by calculating the score of respondents' answers to subjective norms, it can be seen from the questions in the appendix.

FINDINGS AND DISCUSSION

Hery Gunardi as director of Bank Syariah Indonesia (Sharia Bank of Indonesia) revealed that the huge market potential of Islamic banks in Indonesia based on statistical data was around 180 million Muslim population in Indonesia. The Islamic banking services industry can only absorb a market of 30.27 million since November 2020. The large market potential cannot be optimized by the Sharia Banking service business. This is actually caused by the behavior of customers who are not in line with their religious ideology. Understanding of attitude is the key to success in product marketing, including the banking products. Accurately measuring attitudes will increase the effectiveness of marketing strategy policies which have implications for bank liquidity and profitability.

Customer Attitude towards Islamic Banking Products

Attitudes are formed from various factors; firstly, from personal experience, secondly from external factors. The customer's attitude towards the product is not only related to the product itself, but also because of the interaction of family, exemplary friends and promotion methods (Simamora, 2004). The research about attitudes has been done for a long time, there was a lot of research on attitudes, but in practice, the marketing strategies of some companies tend to focus on real consumer behavior. In this case, the researcher wanted to find a relationship between attitude and behavior.

Based on the analysis of belief (bi) and evaluation (ei), it was obtained the total attitude of individuals towards the attributes of Islamic Banking in Pekanbaru. The following is the data on the belief variables and evaluation variables that have been obtained:

Table 2. Attitudes towards the attributes of Islamic banking in the city of Pekanbaru (AB)

No.	Atribut of syariah bank	Bi	Ei	bi x ei (AB)
1	Low cost	0.980	0.714	0.700
2	Service	1.347	1.633	2.200
3	Office interior	1.327	1.755	2.329
4	The Islamic appearance of employe	1.163	0.633	0.736
5	Halal	0.653	0.163	0.106
6	Easily to get	0.612	0.837	0.512
7	Near from home	0.551	0.796	0.439
8	Easy process	1.122	0.653	0.733
9	brand	1.265	1.735	2.195
10	Variety of product	0.122	0.122	-0.015
11	Advertisement	1.204	1.408	1.695
12	Halal label	1.102	1.102	1.214
Value of consumer attitudes				12.844

Based on the table above, the customer's attitude towards sharia banking is positive with a score range from bi and ei is 12,844 and the customer's attitude towards the bank's appearance has the highest score. It is 2,329. It This means the appearance of Islamic banks is very good, safe and comfortable. Then the customer's attitude towards the attributes of Islamic banking in Pekanbaru affects decision making in using banking services with a value of 2,200. It means that the service can build customer attitudes when they want to use Islamic banking services in Pekanbaru.

Customer attitudes towards brand attributes have a positive effect with a value of 2,195. It shows that the bank brand is influencing customers in deciding to use of banking services. Then, in terms of advertisements, it is 1,695 and halal labels average score is 1,214.

Furthermore, the easy process, close to their home and easy to obtain is a positive attitude that affects customer attitudes in using Islamic banking services. The easy way of accessing banking services is an important factor that will rub down customer loyalty (Hendrayani, 2008). The good and bad attitude of the customer will not have a direct implication on the possibility of realizing the good or bad assessment. In order to understand the good and bad attitude of the customer, we attach the customer attitude scale data below.

Table 3. Consumer attitude scale

Minimum score	-2	-1	0	1	2	Maximum score
	-23,388	- 11,694	0	11,694	23,388	
Notes	Very bad	Bad		Good	Very good	

Because of the highest range value is +2 as "very good" and -2 as "very bad", the maximum attitude value is 23,388 and the minimum attitude value is -11,694. Then the range of scores that can be formed is as follows:

To find out the meaning of the numbers in Table 03 it is necessary to make the range of attitude scales shown in Table 04.

Table 4. Consumer attitude scale range

Costumer attitude	Score	Range of value
Very bad	-2	$-23,388 \leq AB < -11,694$
Bad	-1	$-11,694 \leq AB < 0$
Good enough	0	$AB = 0$
Good	1	$0 < AB \leq 11,694$
Very good	2	$11,694 < AB < 23,388$

Analysis of costumer subjective norms towards Islamic banks

Subjective norms are formed because of the normative beliefs and motivations of referents who are trusted by customers. The reference used in this case is the legality of the product and the people around. The referent acts as a stimulus (influencer) which means that someone takes action because of the presence of other people or other events as their references.

Normative Beliefs Of Customers Towards Islamic Banks (Nbj)

The variable of costumer beliefs to the referent is their beliefs in recognizing the influence of other people's beliefs on the use of Islamic banking services in Pekanbaru. Based on the normative beliefs and motivations of customers, the subjective norm values can be systematically obtained as shown in Table 05 below:

Table 5. Normative Beliefs of Customers

No	Referent	NBj	MCj	NBJ x MCj (SN)
1	Legality of product	0.55	0.24	0.132
2	People around	-0.80	-0.98	0.7840
Costumer subjective norm				0.9160

Based on the results of the respondents' subjective norms, it was obtained the score of 0.9160. This means that the whole referents (legality of products and people around) affect the customer's decision to use Islamic banking services. Referrals of people around become a reference for customers in using Islamic banking services in Pekanbaru which is indicated by the number of 0.7840. Regarding to the previous results, the referents of people around on the normative belief variable and the customer motivation variable cannot be customer references because each variable has a negative value. However, what we need to understand is that mathematically, multiplying a negative by a negative will produce a positive value. So that the referents of people around who previously were not a reference, became a consumer reference in the decision to use Islamic banking services after being systematically calculated mathematically.

In contrast to the product legality reference, which obtained a number of 0.132, due to the normative belief variable of customers, the legality of Islamic banking products became a reference for customers in using Islamic banking services. Then the variable of consumer motivation to follow the product legality reference is also a reference in using Islamic banking services. Therefore, the positive systematic and mathematical calculation obtained on the normative belief variable on the product legality reference is multiplied by the positive value contained in the customer motivation variable for the product legality reference. Then it produces a positive value. It means that the product legality reference is the customer's reference in using Islamic banking services.

Thus, based on the discussion above, it can be said that the references of people around and the legality of the product have an influence on customers in using Islamic banking services. It means in making decisions on the use of Islamic banking services, customers consider the legality of the product and the influence of the people around them.

Analysis of Customer Behavior In Using Islamic Banking Services

According to Fishbein's theory, behavior is the meaning of a function of another influencing factor. In other words, action is a function of the desire in doing something which has been formed previously and situational factors that affect the subject. So, for the respondents' answers to subjective norms, the results are as shown in the table below.

Table 6. Empirical weight of attitudes (W1) and subjective norms (W2)

W ₁	Percentage	W ₂	Percentage
15	30.6	33	67.3
45	91.8	6	12.2
24	49.0	23	46.9
47	95.9	3	6.1
Average	66.8		33.2

Notes:

W1 is obtained from the number of negative scores

W2 is obtained from the number of positive scores

Based on Table 30, it shows that $W1 > W2$ or $66.8 > 33.2$. This means more consumer purchases are made not because of the influence of referents (people around and the legality of the product), but because of the awareness that arises from the consumer's own personality. Customers do not make purchasing decisions based on the influence of people around or information in various mass media.

In order to be more obvious, the total of $W1 = 1$ and $W2 = 1$, it is necessary to determine which weight plays a greater role in the formation of behavioral intentions. For example, if the intention of pure behavior plays a role, then $W1 = 1$ and $W2 = 0$, it can also be $W1 = 0$ and $W2 = 1$, if the behavioral intention is solely the influence of other people and there is no own attitude.

In this case, the fishbein equation that will be used to predict the behavior of Islamic bank customers in Pekanbaru is as follows:

$$BI = W1 (AB) + W2 (SN)$$

$$\begin{aligned} BI &= 66.8 (12.844) + 33.2 (1.3103) \\ &= 857.97 + 43.50 \\ &= 901.47 \end{aligned}$$

If BI value > 0 , then consumer behavior towards the product is good, while if BI < 0 , then consumer behavior towards the product is not good. According to the calculation above, the value of BI > 0 is 901.47 which means that the behavior of customers towards Islamic banks is good, a positive BI value indicates the behavior of using Islamic banking services by customers is quite good. Customers that use Islamic bank services in Pekanbaru is quite high. The greater the positive value obtained, the better the customer's behavior towards a product of Islamic banks.

CONCLUSION

Based on the analysis and discussion above, it can be concluded like in the following:

1. Based on Table 36, the costumers' attitudes towards the attributes of conventional banks in Pekanbaru are in the range of values of $9,039 < AB < 18,102$ (very good category). The total value of consumer attitudes in Table 33 is 9.075, so it is included in the very good category. Overall, customers have a very good attitude towards the attributes of conventional banks. Based on the attitude table data above, it is found that customer attitudes towards Islamic banking attributes are in the range of $11,694 < AB < 23,388$ which means very good. With a total score of 12,844, it means that the customer's overall attitude towards the attributes of Islamic banking is very good.
2. Then the behavior of Islamic bank customers in Pekanbaru is confirmed to positive results with BI value > 0 which is 901.47 which means that customer behavior towards Islamic banks is good. A positive BI value indicates the behavior of using Islamic banking services by customers is quite good. Customers in using Islamic bank services in Pekanbaru City are quite high. The greater the positive value obtained, the better the customer's behavior towards a product of Islamic banks.

The behavior of conventional bank customers is also positive, this is indicated by the value of BI > 0 which is 828.75. It means the behavior of customers towards conventional banks is good. A positive BI value indicates the behavior of using conventional bank services is quite good. Customers who use the services of Islamic banks are quite high in Pekanbaru. The greater the positive value obtained, then the behavior of customers towards a product of conventional banks will be better.

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TOWARDS EDUCATION EQUALITY THROUGH SADAQAH AND CROWDFUNDING

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Abstract

Sadaqah-based crowdfunding is a fundraising option obtained through an Islamic donation based crowdfunding platform. It is a current method to collect money from donors contributing to help the needy and can be also extend to focus group especially asnaf. One best possible way to help asnaf towards a better life is through education. Education is often referred to as a globally-recognized solution to eradicate poverty. Hence, sadaqah-based crowdfunding is seen as an ideal fundraising method to support and assist asnaf in education. The objective of this study is to identify current issues in sadaqah management system. Crowdfunding definitions and models will be discussed, as it can be aligned, then conduit the sadaqah management system to make it more systematic and effective. Second objective of this study is to identify and compare the need of sadaqah for asnaf in education relevant to eradicating poverty. Thus, comparison on current donation-based crowdfunding site will be conducted. The finding from this study will determine the need of sadaqah-based crowdfunding as a comprehensive method to eradicating poverty for asnaf through education.

Keywords: Sadaqah, Asnaf, Poverty, Education, Crowdfunding

INTRODUCTION

In terms of the development of the welfare of the ummah (society), Zakah is an instrument for redistributing income, with a well-run management, it is possible to build economic growth to achieve economic with equity (Quranic Verse 59:7), and (10) Zakah, infaq / Sadaqah will encourage the Muslims to have a work ethic and a high effort, so that, the property possessed in addition to meeting the needs of self and family life can also give benefit to those who deserve it (Heru Sulisty, 2014). Zakat and infaq fi sabeelillah (sadaqah) are supported by Islamic principles in order to address wealth inequalities in general and poverty in particular. (Bangash, Romana, 2019). Furthermore, according to Cordova et al., 2015, sadaqah can be an additional source of funds to assist in poverty alleviation endeavors in the Organization of

Islamic Cooperation (OIC) countries. In order to alleviate poverty among Asnaf, education is an important element to pay attention. As to date, current approach of managing sadaqah for education, such as school necessities (cloth, book, and stationery) and tuition (trainer and venue) is still inadequate.

Crowdfunding is quickly emerging as an alternative to established funding techniques (Saeed Alei, Azaraksh, 2019). It provides an internet-based method of fund raising in which individuals can contribute to projects through specialist crowdfunding websites. The focus in crowdfunding is gathering many small donations (the 'crowd' in crowdfunding) rather than seeking a single large payment from a fund. As a result, a larger community will be able to have a greater impact (Wheat et al., n.d.). Thus sadaqah-based crowdfunding in education is a potential scope that will have a major impact on the society and country as it can become the answer to eradicating poverty among Asnaf. Therefore this paper objective is to identify current issues in sadaqah management system and to identify and compare the need of sadaqah for Asnaf in education relevant to eradicating poverty. The implication of the findings will show that the need of sadaqah-based crowdfunding in education as an opportunity to be explored and implemented.

LITERATURE REVIEW

The following is how the literature review will be put together. The first topic will be sadaqah and contemporary sadaqah management. There will also be a debate about Asnaf and poverty. Second, the definition and model of crowdfunding will be investigated. Following that, the relevance of education for Asnaf will also be discussed, as well as the role of education in eradicating poverty. Lastly, the implementation of sadaqah-based crowdfunding will be analyzed with the respect to a website that allows users to donate for others.

Sedekah

In the Quran (9:60), the term zakat covers sadaqa or sadaqah. Zakat is obligatory for Muslims and implies love through the conveyance of riches while sadaqah is a willful demonstration alluding several methods of giving and has more extensive meaning. Sadaqah, according to Cordova et al., (2015), might be an extra source of cash to aid in poverty reduction efforts particularly in the OIC nations.

In Malaysia, Zakat Institution is playing a vital part in the Ummah's growth by bolstering the Islamic economy's goals in eradicating poverty and improving socio economic conditions. The Zakat Institution is in charge of collecting and distributing zakat to eight asnaf (fakir, miskin, amil, muallaf, fisabilillah, gharimin, ibnu sabil and riqab). Many Muslim financial difficulties can be alleviated and resolved through this agency (Aminuddin, Zanatul & Maharah, Dewi & Abd, Suraya & AK, Marlya & Wathan, Hubbul & Suherman, M., 2020). The responsibility of assisting the needy is not to be undertaken solely by the government, the Zakat Center, and the State Islamic Religious Council, but also the society at large (Ismail, N., & Mohamad Yusoff, M. 2020). Having regard to that, Malaysians are incredibly helpful in providing assistance to anyone in need, regardless of their origin, nationality, or skin colour (sadaqah).

Poverty causes a variety of societal issues. As we all know, in order to live in this contemporary day, knowledge and education are essential. Education is an essential part of

Asnaf's poverty-eradication strategy. According to new research, education, on the other hand, is frequently referred to as the primary factor since it may provide access to employment and other resources and skills that a family requires to not just survive but prosper. Moreover, UNESCO reported that 171 million people might be pulled out of poverty if they graduated from high school with basic reading abilities. Poverty puts education at risk, yet education may also assist to alleviate poverty (11 Top Causes of Global Poverty, 2020).

The existing method, on the other hand, may be improved by creating a more systematic and effective route for sadaqah management. As of now, the existing strategy of handling sadaqah for education, such as school supplies, is still lacking.

Crowdfunding

Crowdfunding is accelerating fast and becoming increasingly popular as it assists as an alternative approach for socially beneficial projects to fund their programs and operations. According to Crowsourcing.org and World Bank, crowdfunding will exceed USD\$300 billion in funding transactions by 2025 (Meyskens & Bird, 2015).

Crowdfunding is a funding mechanism that uses the power of Internet and social networks as the medium to raise funds from a large crowd but with but with small contribution of money from each investor (Gafni et al., 2021). The crowdfunding process is done online and the campaign might last anywhere from a single day to several weeks, with the goal of reaching a financing target before the time limit expires (Meyskens & Bird, 2015). Therefore, crowdfunding is a public process that can involve a larger group of people in reaching a goal.

There are various models that use crowdfunding approach which are donation-based, investment-based, equity-based, royalty-based and lending-based models (Lutfi & Ismail, 2016).

Table 1. List of Crowdfunding Model

Crowdfunding Model	Business Model	Features
Donation	Donation-based	Philanthropic funders donate without expecting any monetary compensation
	Reward-based	Funders receive a token of appreciation or pre-purchase of a service or product. This model is evolving into a marketplace of its own, with firms raising considerable sums through pre-sales.
	Equity-based	Funders receive equity instruments or profit-sharing arrangements
Investing	Lending-based	Funders receive a debt instrument that pays a fixed rate of interest and returns on principal for a specified schedule.
	Royalty-based	Funders receive a share in term of unit trust, which acquires a royalty interest in the intellectual property of the fundraising company. A percentage of revenue is paid out over a period. The pay-out varied depending on the periodic revenue.

Notes: Taken from Crowdfunding model (Lutfi & Ismail, n.d.)

Based on the table above, example of primary beneficiaries for donation-based crowdfunding are project owners, musicians and non-profit entities. Next, start-ups are the primary beneficiaries of reward-based and equity-based crowdfunding. Lastly, individuals and business entities are the primary beneficiaries for lending-based crowdfunding (Hossain, 2017). In addition, these crowdfunding models have been used to raise funds for various purpose such as education and healthcare.

Education and Crowdfunding

Education plays a crucial role mainly in human capital development and individual economic survival. Besides, education has been proven as an effective mechanism to eradicate poverty as it enables asnaf to transforms his or her socio-economic status from living in poverty to living in standard (Salleh, 2014). However, some poor people are unable to escape from the circle of poverty due to increasing study fees and cost of living. Therefore, it is important to ensure financial allocation for the asnaf and the poor should be prioritized and focused on the suitable amount of fund, especially their educational cost.

In Malaysia, zakat is one of the important mechanisms that serves as a strong source of funding in promoting balanced economic growth in society and also provides social security for the asnaf (Othman et al., 2020). Apart from zakat, crowdfunding platform is also a viable tool for funding. According to Monk et al. (2019), crowdfunding also can be used as an instrument to offset declines in traditional funding sources and support the communities. Furthermore, with the advancement of telecommunication technologies has contributes to the success of crowdfunding platform (Lutfi & Ismail, 2016).

Based on discussion in previous section, there are various facets of crowdfunding model, however there is a gap in merging crowdfunding with sadaqah in collecting fund focusing education for asnaf. Therefore, this study is relevant as the establishment of sadaqah-based crowdfunding which has not been explored in the stated area. Besides, the integration between crowdfunding and education which uses shariah-compliant fund also have yet been studied.

Donation-Based Crowdfunding Implementation

There are several donation-based crowdfunding implemented and had been successfully emerged in Malaysia. Most of the donation-based crowdfunding are run by NGO and had to cater for masses area such as health, animals, charity, disaster marriage, empowerment, food, immigration, education, business, art, travel and study abroad.

Currently the method implemented in the donation-based crowdfunding site are; firstly, user which are the beneficiary or people who related to the beneficiary needs to register to the site. Then they will post a campaign to raise fund for a specific of time and an amount of goal. The administrator will then verify the campaign, broadcast the campaign in the site. After that, donator can start donating until the end date of the campaign. Some of the site are free, but there are also site that collect a percentage from each donation received. Table 2 below exhibit current donation-based crowdfunding in Malaysia.

Table 2. List of Current Donation-Based Crowdfunding

Website URL	Area	Description
https://www.100percentproject.org/en	Education	Focus on help teachers raise funds for conducive learning, innovative teaching and exposure and explorations. User can register to create a project or as a donator.
https://kitafund.com/	Health, Animals, Charity, Education	Formerly known as skolafund. User need to register and submit campaign. Then admin will endorse the campaign and donator can start donating.
https://www.jomdonate.com/	Charity, Education, Natural Disaster, Islamic Institution, Medical Support, Marriage	User may register and submit campaign, then donator can donate. JomDonate will take 5.5% from each donation received.
https://www.sadaqahouse.com.my/	Community Empowerment, Healthcare, Environment	Charity crowdfunding platform organized by Bank Islam to collect, manage and distribute donations from the public
Give.asia	Health, Charity, Food	User may register and submit campaign, then donator can donate but upon campaign withdrawal, subject to platform fees
https://www.airfunding.net/	Community and Disaster, Family and Medical, Immigration, Education and Business, Art, Travel and Study Abroad	A free platform that allows user to register and add a project. Then donator can start donating to the project.
https://www.simplygiving.com/	Medical, Animals, Art, Education, Health, Civil Right, Environment, LGBT, Music, Poverty	User register, submit a campaign, then donator can donate. SimplyGiving charges 5% on donations collected by campaign

Table 2; it can be concluded that, there are a number of donation-based crowdfunding in Malaysia. Most of them support a broad area of interest. Unfortunately, there are no specific donation-based crowdfunding site that focus in collecting fund especially in education for asnaf. The method used for fund raising is also typical which is, user need to register and submit a campaign. In the real-world situations, asnaf would be community that have little knowledge on this platform, thus again they will be left behind from the platform. Thus, there is a need to a better and well managed sadaqah-based crowdfunding model to cater this situation.

CONCLUSION

This paper explores the donation-based crowdfunding site in terms of their area and the method used to raise fund. Based on the research, apart from waqf and zakat, sadaqah-based crowdfunding in education is a potential scope that will have a major impact on the society and country as it becomes the answer to eradicating poverty among asnaf. Therefore, it is a huge opportunity to venture the area of sadaqah and crowdfunding in order to produce education equality among society.

ACKNOWLEDGMENTS

The authors are grateful to Lembaga Zakat Negeri Kedah and Universiti Teknologi MARA Kedah for providing the research funding under the Dana Penyelidikan Zakat, Wakaf dan

Sedekah to carry out this research work. The authors would also like to thank the reviewers for the encouraging and fruitful comments to improve the quality of the research.

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IMPLIKASI SUBSEKSYEN 44(11D) AKTA PENOLAKAN CUKAI KE ATAS TADBIR URUS WAKAF DI UNIVERSITI AWAM MALAYSIA

(Implications of Subsection 44 (11d) of The Tax Deduction Act on The Governance of Waqf In Public Universities of Malaysia)

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Abstrak

Kajian ini dijalankan untuk mengenal pasti implikasi pelaksanaan subseksyen 44(11D) Akta Penolakan Cukai ke atas pengurusan wakaf di universiti awam di Malaysia. Kajian ini menggunakan kaedah analisis dokumen ke atas garis panduan subseksyen akta yang baru diperkenalkan iaitu subseksyen 44(11D). Kajian ini mendapati terdapat beberapa isu yang perlu diperhalusi akibat daripada penguatkuasaan subseksyen 44(11D) kepada tadbir urus wakaf di universiti awam di Malaysia dan isu-isu tersebut berbeza mengikut universiti awam (UA) yang berlainan disebabkan perbezaan hak mutawalli (pemegang amanah) yang diberikan oleh Majlis Agama Islam Negeri (MAIN) kepada universiti awam.

Keywords: Wakaf Tunai, Potongan Cukai, Wakaf.

Abstract

This study was conducted to identify the implications of the implementation of subsection 44 (11D) of the Tax Deduction Act on the management of waqf in public universities in Malaysia. This study uses the document analysis method on the guidelines of the newly introduced subsection of the act, namely subsection 44 (11D). This study found that there are several issues that need to be refined as a result of the enforcement of subsection 44 (11D) to the governance of waqf in public universities in Malaysia and these issues differ according to different public universities (UA) due to differences in mutawalli (trustee) rights given by the State Islamic Religious Council (MAIN) to public universities.

Keywords: Wakaf Cash, Tax Deduction, Wakaf

PENDAHULUAN

Di bawah Pelan Pembangunan Pendidikan Malaysia 2015-2025, Kementerian Pendidikan Tinggi Malaysia (KPT) melalui Program Transformasi Universiti (UniTP) telah menggalakkan universiti awam untuk menubuhkan tabung wakaf dan endowmen yang dilihat sebagai salah satu instrumen penjana pendapatan seperti yang terdapat di dalam *University Transformation Programme Green* (UniTP) KPT. Dana wakaf di lihat sebagai agenda penting untuk penjana ekonomi universiti awam (Mashitah, Asmak & Ahad, 2018). KPT telah mengeluarkan buku panduan “*Enhancing University Income Generation, Endowment and Waqf Playbook* (UniTP Purple Book) bagi memberikan garis panduan kepada universiti awam dalam membangunkan serta menguruskan dana wakaf dan endowmen di peringkat institusi pendidikan tinggi (IPT).

Seiring dengan hasrat tersebut, beberapa universiti awam telah memperkenalkan skim wakaf di peringkat universiti masing-masing. Ini kerana, universiti awam di Malaysia disarankan mencari alternatif untuk mengurangkan kebergantungan kepada dana kerajaan seperti yang disyorkan oleh KPT di dalam buku panduan UniTP Purple Book (Hussin & Rashid, 2018). Wakaf dilihat sebagai salah satu instrumen dan alternatif ke arah kemandirian kewangan dalam sistem pendidikan tinggi di Malaysia (Hussin & Rashid, 2018). Terdapat 19 UA mula mengorak langkah dalam melaksanakan kutipan dana wakaf di institusi masing-masing.

Terdapat beberapa inisiatif galakan berwakaf tunai di universiti awam. Contohnya, Bajet Malaysia 2020 telah menetapkan bahawa sumbangan wakaf tunai kepada universiti awam dan sumbangan endowmen dalam bentuk tunai kepada universiti awam diberikan potongan cukai yang merupakan salah satu langkah amat baik agar lebih memperkasa universiti awam dalam menjana pendapatan sendiri. Insentif potongan cukai ini juga akan menarik minat pewakaf sekaligus meningkatkan sumber pendapatan dan dapat mengurangkan bebanan kewangan universiti awam.

Tambahan pula, Lembaga Hasil Dalam Negeri (LHDN) telah merangkumkan sumbangan wakaf bersama derma dalam subseksyen 44(6), Akta Cukai Pendapatan 1967 sebagai hadiah wang tunai kepada institusi atau organisasi yang diluluskan oleh Ketua Pengarah Hasil Dalam Negeri (KPHDN). Dengan menggalakkan orang ramai menyertai wakaf tunai, ianya secara langsung dapat meningkatkan jumlah pewakaf di Malaysia. Mengikut garis panduan sebelum ini, wakaf termasuk dalam kategori Derma/Hadiah wang menurut Seksyen 44. Sebarang sumbangan sama ada berbentuk tanggungjawab korporat, derma atau wakaf adalah dibenarkan sebagai pelepasan cukai di bawah peruntukan subseksyen 44(6) Akta Potongan Cukai sebagai Derma dan Hadiah dan boleh dituntut untuk pelepasan cukai.

Selain itu, Insentif potongan cukai kepada individu yang menyumbang wakaf tunai kepada universiti awam akan memberi manfaat kepada penyumbang melalui projek-projek yang dilaksanakan. Ia juga sebagai galakan dan insentif ekonomi kepada masyarakat Malaysia dan syarikat-syarikat korporat bagi mendapatkan pelepasan cukai sebanyak 7 peratus kepada individu dan 10 peratus kepada syarikat (Kementerian Kewangan Malaysia, 2020).

Seterusnya, LHDN telah mengeluarkan garis panduan khusus bagi wakaf iaitu garis panduan yang bertujuan menerangkan prosedur permohonan untuk kelulusan di bawah subseksyen 44(11D) Akta Cukai Pendapatan 1967 (ACP 1967) bagi wakaf pada Oktober 2020.

Garis panduan ini telah menerangkan beberapa perkara berhubung potongan cukai untuk wakaf termasuklah institusi yang layak memohon untuk pelepasan cukai bagi wakaf dan tanggungjawab universiti awam setelah mendapat kelulusan di bawah subseksyen 44(11D). Wakaf tunai sahaja yang layak diberi potongan cukai di bawah subseksyen 44(11D) ACP 1967.(Lembaga Hasil Dalam Negeri, 2020)

Garis panduan yang di keluarkan oleh LHDN yang mana khusus bagi potongan cukai untuk wakaf amat berpotensi dalam meningkatkan tahap kualiti tadbir urus wakaf di Malaysia terutama di peringkat universiti awam. Tadbir urus dana telus dan sampai kepada sasaran harus menjadi keutamaan. Ini bersandarkan Laporan Ketua Audit Negara 2019 mengenai RM14.73 juta wang zakat bagi asnaf yang tidak digunakan Majlis Agama Islam Wilayah Persekutuan (MAIWP) bagi tujuan sepatutnya atau mengikut keutamaan.

Amalan berwakaf tunai secara langsung dan tidak langsung memberikan sumbangan yang besar kepada kebajikan masyarakat dengan menyediakan modal untuk pembangunan yang mampan di kalangan masyarakat (Mohamad, 2019). Kelebihan melaksanakan wakaf tunai termasuklah dapat menyediakan infrastruktur asas, peluang pendidikan dan penyelidikan, penjagaan kesihatan dan dapat membasmi kemiskinan secara tidak langsung. Wakaf tunai juga mampu membantu meminimalkan jumlah perbelanjaan tahunan kerajaan dan dapat merawat defisit .

Definisi Wakaf

Wakaf dari segi bahasa bermaksud menahan, terhalang atau terhenti. Dari segi syarak, wakaf bermaksud seseorang yang menyerahkan hak miliknya (harta yang boleh digunakan tanpa susut fizikalnya) kepada pengguna wakaf tersebut dari mula harta diwakafkan hingga ke akhirnya semata-mata kerana Allah S.W.T. Wakaf juga bermaksud apa-apa harta yang ditahan hak pewakaf ke atas harta tersebut daripada sebarang urusan jual beli, pewarisan, hibah dan wasiat di samping mengekalkan sumber fizikalnya untuk kebajikan dengan niat untuk mendekatkan diri pewakaf kepada Allah S.W.T. (Rahman, 2009). Wakaf boleh dibahagikan kepada dua kategori iaitu wakaf am dan wakaf khusus. Wakaf am merupakan wakaf yang dibuat untuk tujuan kebajikan yang umum. Manakala wakaf khusus adalah satu bentuk wakaf yang dibuat untuk tujuan sesuatu perkara yang khusus (Mahamood, 2007).

Dalil pensyariatan wakaf

Wakaf merupakan satu amalan yang dianjurkan serta dipraktikkan sejak zaman Baginda Rasullullah SAW lagi. Allah SWT telah menyebut betapa besarnya ganjaran bagi mereka yang membelanjakan harta untuk mendapat keredhaan-Nya. Antara dalil tersebut Allah SWT telah berfirman di dalam Surah *Al-Baqarah*, ayat 2: 261 yang bermaksud:

“...Bandingan (derma) orang-orang yang membelanjakan hartanya pada jalan Allah, ialah sama seperti sebiji benih yang tumbuh menerbitkan tujuh tangkai; tiap-tiap tangkai itu pula mengandungi seratus biji. Dan (ingatlah), Allah akan melipatgandakan pahala bagi sesiapa yang dikehendakiNya dan Allah Maha Luas (rahmat) kurniaNya lagi meliputi ilmu pengetahuanNya...”

Surah Ali ‘Imran, ayat 92 bermaksud:

“...Kamu tidak sekali-kali akan dapat mencapai (hakikat) kebajikan dan kebaktian (yang sempurna) sebelum kamu dermakan sebahagian dari apa yang kamu sayangi. Dan suatu apa jua yang kamu dermakan maka sesungguhnya Allah mengetahuinya...”

Dari Abu Hurairah RA., sabda Rasulullah SAW yang bermaksud:

“...Apabila mati anak Adam, akan terputuslah amalannya kecuali tiga perkara: sedekah jariah, ilmu yang dimanfaatkan dan anak yang soleh yang mendoakannya...”

Berwakaf dalam bentuk wang tunai adalah dibolehkan di dalam Islam. Menurut Ab Rahman dan Ibrahim (2021), wakaf tunai merupakan dana yang dikumpulkan dalam bentuk wang tunai untuk tujuan kebajikan sama ada berbentuk umum atau khusus menurut hukum Syarak. Muzakarah Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia Kali Ke-77 yang bersidang pada 10-12 April 2007 telah memutuskan bahawa berwakaf dalam bentuk wang tunai adalah dibolehkan dalam Islam. Akademi Fiqh Islam OIC (Majma' al-Fiqh al-Islami) pada persidangannya yang ke-5 di Muscat Oman pada 6-11 Mac 2004 juga telah mengeluarkan resolusinya yang bernombor 140 bersabit dengan keharusan wakaf tunai. Wakaf tunai adalah dibenarkan dalam syarak kerana wujud padanya objektif syarak pada pensyariatan wakaf. Hal ini terbukti apabila waqaf tunai mampu mengalirkan manfaat yang terhasil daripadanya. Berikut merupakan senarai pelaburan (waqaf tunai) yang bertepatan dengan objektif syarak:

1. Pelaburan haruslah pada sektor-sektor yang dibenarkan syarak.
2. Memilih kaedah pelaburan yang paling selamat, dan mengelakkan daripada pelaburan yang berisiko tinggi, sebagaimana yang berlaku dalam kebiasaan aktiviti perniagaan dan pelaburan.
3. Pelaburan mestilah pada sektor yang dibenarkan syarak, dan juga sesuai dengan jenis dan sifat aset wakaf tersebut, demi untuk mencapai maslahat wakaf, menjaga nilai asal aset wakaf, dan juga kemaslahatan penerima manfaat wakaf. Hal ini adalah sekiranya aset tersebut merupakan aset nyata (*property*), maka pelaburannya mestilah tidak membawa kepada hilang atau berkurangnya pemilikan terhadap aset tersebut. Manakala jika aset wakaf adalah wang tunai, maka dibenarkan untuk dilaburkan ia pada semua kaedah pelaburan yang dibenarkan syarak seperti *Mudharabah*, *Murabahah*, *Istisna`* dan seumpamanya.” (Akademi Fiqh Islam OIC (Majma' Al-Fiqh Al-Islami), 2004).

Parameter Syariah AAOIFI yang ke-33 juga menyatakan: “Wakaf tunai adalah dibenarkan dan pemanfaatan tunai tersebut mestilah dalam tatacara yang tidak menghilangkan atau menyusutkan jumlahnya. Antara penggunaan yang dibenarkan adalah pemberian *Qardh* (pinjaman) yang patuh syariah dan melaburkan tunai itu dalam instrumen pelaburan yang berisiko rendah.

METODOLOGI

Kaedah analisis dokumen

Kajian ini menggunakan data sekunder bagi mencapai objektif kajian iaitu melihat sejauh mana implikasi pelaksanaan subseksyen 44(11D) Akta Penolakan Cukai keatas pengurusan wakaf di universiti awam di Malaysia. Analisis dokumen ialah pecahan kaedah pengumpulan data penyelidikan daripada kandungan yang dicetak, disiarkan atau digambarkan (Jasmi, 2012). Pengumpulan data melalui analisis dokumen adalah relevan bagi kajian ini kerana ia memberikan maklumat yang tepat dan terus kepada isu dan masalah yang dikaji. Kajian ini menggunakan dokumen garis panduan yang dikeluarkan oleh LHDN bagi menjawab persoalan kajian. Garis panduan tersebut diteliti bagi mengeluarkan info dan data yang berkaitan bagi kajian ini.

HASIL KAJIAN

Penyumbang wakaf tunai di universiti awam yang telah mendapat kelulusan di bawah subseksyen 44(11D) layak diberi potongan cukai bersamaan jumlah yang diwakafkan dalam pengiraan pendapatan agregat pewakaf tersebut. Walaubagaimanapun, jumlah potongan yang dibenarkan di bawah subseksyen 44(11D) tidak boleh melebihi 10 peratus daripada pendapatan agregat pewakaf tersebut. Hanya wakaf tunai sahaja yang layak menerima insentif potongan cukai di bawah subseksyen 44(11D).

Kajian ini mendapati terdapat beberapa isu yang perlu diperhalusi akibat daripada penguatkuasaan subseksyen 44(11D) kepada tadbir urus wakaf di universiti awam di Malaysia dan isu-isu tersebut berbeza mengikut universiti awam tersebut disebabkan perbezaan majlis agama yang menyelia dan mengawal pengurusan wakaf di setiap universiti awam. Antara perkara tersebut termasuklah had kuasa pengurusan wakaf, nama bagi akaun wakaf tersebut, ahli jawatankuasa tadbir urus wakaf dan kewangan wakaf.

Pengurusan Wakaf

Pihak yang dilantik oleh MAIN sebagai *mutawalli* atau pemegang amanah hendaklah mendapatkan kuasa nazir khas yang mempunyai had kuasa penuh pengurusan wakaf. Universiti awam yang diberi kuasa *mutawalli* oleh MAIN perlulah mempunyai kuasa untuk memungut, melaburkan dana dan menggunakan hasil pelaburan selaras dengan objektif yang benarkan di bawah wakaf. Universiti awam hendaklah memastikan bahawa kuasa memungut, melabur dan menggunakan ini diperolehi daripada MAIN setiap negeri bagi mengikut garis panduan yang telah ditetapkan bagi permohonan potongan cukai untuk wakaf tunai. Kegagalan mendapatkan kuasa penuh sebagai *mutawalli* daripada MAIN akan menyebabkan insentif potongan cukai bagi wakaf tunai tidak dapat diberikan kepada pewakaf di universiti awam.

Ahli Jawatankuasa Institusi Wakaf

Daripada aspek pengurusan atau ahli jawatankuasa yang memantau tadbir urus dana wakaf bagi setiap universiti, terdapat peraturan yang telah diperkenalkan oleh LHDN berhubung dengan subseksyen 44(11D). Ahli jawatankuasa yang memantau tabung wakaf hendaklah dilantik atas persetujuan dan perjanjian yang dimeterai bersama Majlis Agama Islam Negeri (MAIN) dan universiti awam tersebut dan 50 peratus ahli jawatankuasa yang dilantik mestilah terdiri daripada orang luar yang tidak mempunyai perkaitan dengan universiti awam tersebut.

Perkaitan tersebut adalah termasuk dan tidak terhad kepada hubungan kekeluargaan, hubungan majikan dan pekerja atau pengarah atau pekerja di syarikat yang sama.

Tabung Wakaf

Merujuk kepada Garis Panduan (GP) yang telah dikeluarkan oleh LHDN, kelulusan permohonan bagi potongan cukai bagi wakaf adalah merujuk kepada “Tabung Wakaf”. Kelulusan wakaf tidak akan diberikan kepada skim atau dana berkaitan. Sebaliknya, kelulusan adalah ke atas Tabung Wakaf yang telah ditubuhkan oleh universiti awam. Universiti awam perlu menubuhkan tabung wakaf sekiranya belum universiti awam tersebut belum mempunyai tabung wakaf atau tabung wakaf tidak diwujudkan khusus untuk wakaf dan mempunyai objektif selain bagi tujuan wakaf bagi mendapatkan pelepasan potongan cukai daripada sumbangan wakaf.

Kewangan dan Penggunaan Dana Wakaf

Manfaat wakaf tidak boleh dinikmati oleh ahli jawatankuasa yang mengendalikan tabung wakaf. Walaubagaimanapun, sekiranya terdapat keperluan bayaran fi pentadbiran kepada *mutawalli*, ia mestilah berdasarkan persetujuan yang dimeterai bersama MAIN dan univesiti awam dan hendaklah tidak melebihi 10 peratus daripada keuntungan wakaf. Selain daripada itu, 50 peratus daripada pendapatan yang diperolehi dalam tahun terdahulu mestilah dibelanjakan pada tahun kedua atau ketiga dan seterusnya bagi mencapai objektif penubuhan tabung wakaf. Sekiranya, manfaat wakaf tunai tersebut tidak digunakan, kelulusan insentif potongan cukai wakaf tunai akan ditarik balik oleh pihak LHDN dan penyumbang wakaf layak mendapat insentif potongan cukai.

KESIMPULAN

Insentif potongan cukai merupakan salah satu usaha kerajaan dalam menarik minat masyarakat Malaysia termasuk komuniti di universiti awam untuk berwakaf. Penguatkuasaan subseksyen 44(11D) memberikan garis panduan yang baru bagi universiti awam yang diberi kuasa menguruskan wakaf tunai di institusi masing-masing. Penguatkuasaan subseksyen 44(11D) juga mampu membantu meminimalkan jumlah perbelanjaan tahunan kerajaan dan dapat merawat defisit. Ini secara tidak langsung dapat mengembangkan ekonomi negara.

Dengan penguatkuasaan subseksyen 44(11D), terdapat beberapa perkara yang harus diambil kira dalam menguruskan dana wakaf tunai di universiti awam bagi memastikan setiap penyumbang dana wakaf tunai memperoleh keistimewaan insentif potongan cukai dan kualiti tadbir urus dana wakaf dapat ditingkatkan. Ini bagi menggalakkan lebih ramai individu terutama komuniti di dalam universiti berwakaf secara tunai dan memperoleh manfaat kebajikan melalui amalan wakaf dan mengurangkan masalah tadbir urus dana wakaf yang berlaku.

Selain itu, kajian ini mendapati terdapat beberapa isu yang perlu diperhalusi akibat daripada penguatkuasaan subseksyen 44(11D) kepada tadbir urus wakaf di universiti awam di Malaysia. Isu-isu yang dibangkitkan berbeza mengikut universiti awam tersebut disebabkan perbezaan majlis agama yang menyelia dan mengawal pengurusan wakaf di setiap universiti awam. Antara isu- isu yang ditekankan termasuklah had kuasa pengurusan wakaf, nama bagi akaun wakaf tersebut, ahli jawatankuasa tadbir urus wakaf dan kewangan wakaf. Hal ini

amatlah penting kerana sekiranya isu-isu tersebut tidak diperhalusi, kelayakan mendapat insentif potongan cukai bagi wakaf tunai kepada pewakaf di universiti awam berkenaan akan ditarik semula oleh LHDN disamping memastikan manfaat wakaf tunai dapat dirasai oleh masyarakat setempat khususnya, universiti awam di Malaysia.

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MEMANDIRI USAHAWAN BERSTATUS ASNAF MELALUI MODEL MLC

(Supporting Asnaf Status Entrepreneurs Through The Mlc Model)

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Abstrak

Sejak sekian lama Lembaga Zakat Negeri kedah (LZNK) telah memainkan peranan mereka dalam membantu menguruskan agihan kepada asnaf di seluruh negeri Kedah. Fokus utama LZNK cuba bantu adalah mereka yang ingin dan sedang belajar dan berusaha ini bertepatan dengan keperluan asas seseorang untuk 'memandiri' tidak lain tidak bukan hanya dengan ilmu. Namun, ilmu yang apakah dan bagaimanakah ilmu itu untuk diadaptasi dalam kehidupan seharian seseorang asnaf atau anak asnaf itu sehingga ia mampu mandiri dan akhirnya terkeluar dari senarai golongan asnaf dan sebaliknya menjadi pembayar zakat pula. Justeru, kajian ini menawarkan program yang mengadaptasi Model 'Mindset, Leadership and Competencies (MLC)' bagi memandirikan asnaf dan mengfokus kepada asnaf berstatus usahawan. Hasil kajian ini mendapati Model MLC ini telah meninggalkan implikasi yang berkesan dalam memandirikan kumpulan asnaf sasaran. Kesan yang agak ketara sebelum dan selepas model MLC ini diperkenalkan kepada asnaf berstatus usahawan ini adalah; i) telah menampakkan perubahan yang agak ketara pada 'mindset' asnaf daripada tahap rendah kepada tahap sederhana dan tinggi; dan ii) perubahan kepada 'kompetensi perniagaan'. Kompetensi perniagaan asnaf-asnaf ini asalnya di tahap sederhana telah berjaya diubah ke tahap tinggi dan sangat tinggi. Hasilnya, para asnaf telah berjaya menguasai ilmu perniagaan terkini malah dapat menjadikan sosial media sebagai kaedah pemasaran yang lebih efektif, murah dan mencapai rangkaian pelanggan yang meluas. Pendekatan MLC menjadi penting bukan sekadar memfokuskan elemen material (kompetensi perniagaan) semata-mata bahkan melestarikan usahawan dan mengelakkan mereka dari terjebak kearah kekecewaan, takutkan kerugian dan pelbagai perkara negatif dalam perniagaan yang akan dihadapi kelak.

Kata kunci: Asnaf Berstatus Usahawan; Memandiri, Mindset, Leadership, Competencies, Model MLC

Abstract

For a long time, the Kedah State Zakat Board (LZNK) has played their role in helping to manage the distribution to asnaf throughout the state of Kedah. The main focus of LZNK trying to help is those who want and are learning and this effort coincides with the basic need of a person to 'stand up' and not only with knowledge. However, what is the knowledge and how is the knowledge to be adapted in the daily life of an asnaf or a child of the asnaf so that he is able to be independent and eventually be removed from the list of asnaf and instead become a zakat payer. Thus, this study offers a program that adapts the Model 'Mindset, Leadership and Competencies (MLC)' to establish asnaf and focus on asnaf with entrepreneurial status. The results of this study found that this MLC Model has left effective implications in establishing the target asnaf group. The relatively significant effects before and after this MLC model was introduced to these entrepreneurial status asnaf are; i) has shown a significant change in the 'mindset' of asnaf from low to medium and high levels; and ii) changes to 'business competencies'. The business competencies of these asnafs were originally at a moderate level and have been successfully transformed to a high and very high level. As a result, the asnaf have managed to master the latest business knowledge and can even make social media a more effective marketing method, cheaper and reach a wide network of customers. MLC's approach becomes important not only to focus on the material element (business competence) alone but also to sustain entrepreneurs and prevent them from getting stuck towards disappointment, fear of loss and various negative things in the business that will be faced in the future.

Keywords: *Asnaf Entrepreneur Status; Self -Reliance, Mindset, Leadership, Competencies, MLC Model*

PENGENALAN

Lembaga Zakat Negeri Kedah (LZNK) sejak sekian lama telah memainkan peranan mereka dalam membantu menguruskan agihan kepada asnaf di seluruh negeri Kedah. Dalam laporan terkini bagi tahun 2018, dinyatakan antara jumlah agihan tertinggi adalah kepada golongan asnaf Miskin (RM81.6 juta) diikuti oleh asnaf fisabilillah (RM64.4 juta) yang mana jumlah keseluruhan agihan adalah RM150.1 juta. Namun berdasarkan rekod 2016, jumlah penerima bantuan zakat asnaf fisabilillah adalah yang tertinggi iaitu sebanyak 55,299 penerima berbanding kategori asnaf miskin sebanyak 49,381 individu. Fisabilillah termasuk bantuan pendidikan seperti dermasiswa yang mana jumlah yang diberikan juga agak tinggi. Justeru, dilihat bahawa fokus utama LZNK cuba bantu adalah mereka yang ingin dan sedang belajar dan usaha ini bertepatan dengan keperluan asas seseorang untuk 'mandiri' tidak lain tidak bukan hanya dengan ilmu. Namun, ilmu yang apakah dan bagaimanakah ilmu itu untuk diadaptasi dalam kehidupan seharian seseorang asnaf atau anak asnaf itu sehingga ia mampu mandiri dan akhirnya terkeluar dari senarai golongan asnaf dan sebaliknya menjadi pembayar zakat pula.

Banyak kajian terdahulu berkaitan zakat tertumpu kepada golongan asnaf sama ada dari segi agihan mahupun dari segi kesan daripada program pembangunan asnaf yang dilaksanakan.

Namun begitu, amat kurang kajian yang tertumpu kepada pembangunan asnaf berstatus usahawan yang sebenarnya sangat memerlukan bantuan dan menjadi nadi penggerak kepada perubahan keluarga mereka untuk keluar dari kedudukan golongan asnaf kelak. Asnaf ini mempunyai keperluan yang berbeza kerana mereka bukan hanya perlukan bantuan kewangan, latihan, bimbingan semata-mata untuk mereka meneruskan kehidupan, malah yang lebih mereka perlukan adalah mempunyai matlamat hidup (life mission). Ini kerana apa pun jua bentuk program, latihan mahupun bimbingan yang diberikan namun tanpa matlamat hidup yang betul dan benar maka ianya tidak akan memberikan kesan berpanjangan dalam usaha asnaf ini untuk mandiri. Justeru, projek ini ingin menawarkan projek yang mengadaptasi Model 'Mindset, Leadership and Competencies (MLC)' bagi memandirikan asnaf berstatus usahawan ini.

Projek ini yang mengadaptasi Model MLC ini berbeza daripada projek-projek sedia ada seperti daripada CEDI UUM yang mana projek mereka fokus kepada latihan dan bimbingan untuk pembangunan usahawan asnaf. Di sini, elemen 'competency' diberi tumpuan. Selain itu, ada juga projek oleh penyelidik UPM iaitu Badan Pengurusan Zakat, Wakaf dan Endowment (WAZAN) yang memberi fokus kepimpinan asnaf di kalangan pelajar di bawah tajaan Lembaga Zakat Selangor (LZS) yang mana elemen 'Leadership' diberikan perhatian.

Model MLC yang diadaptasi dalam Projek Mamandirikan Asnaf ini adalah satu model yang komprehensif yang menggarapkan ketiga-tiga elemen penting dalam pembangunan lestari iaitu 'Mindset', Leadership dan 'Competency'. Menariknya Model MLC ini akan menekankan konsep 'kerohanian' (spirituality) antara lain adalah konsep tauhid, uswatul hasanah dan sebagainya seperti mana disisipkan dalam bahagian metodologi seterusnya.

Universiti Utara Malaysia (UUM) merupakan sebuah universiti yang menumpukan kepada bidang 'pengurusan'. Selari dengan itu, UUM ingin mengambil peluang untuk mengetuai (take the lead) dalam tindakan memandirikan asnaf melalui projek ini. UUM melalui Pusat Pengajian Perniagaan Islam (Islamic Business School – IBS) mahu mengembling tenaga pakar yang ada di UUM bersama-sama dengan LZNK dan Institusi kerajaan lain seperti MARA, Kolej Komuniti dan lain-lain bagi membantu asnaf melalui pelaksanaan projek ini yang dikategorikan sebagai 'pengurusan sosial' bagi tujuan pembangunan ekonomi ummah melalui asnaf berstatus usahawan.

Berasaskan masalah di atas, maka kertas kerja ini ingin menilai kesan pelaksanaan Program Model MLC kepada asnaf berstatus usahawan dan seterusnya merangka modul program memandiri asnaf berstatus usahawan berdasarkan Model MLC.

KEUSAHAWAN DAN KEPIMPINAN DARI PERSPEKTIF ISLAM

Keusahawanan dan kepimpinan adalah saling berkait kerana bagi situasi usahawan baru kecil-kecilan pastilah kepimpinan itu menjadi tunjang dalam konsep jati diri keusahawanan mereka. Justeru, perbincangan dalam bahagian ini membawa maksud selari bagi konsep keusahawanan dan kepemimpinan dalam perniagaan.

Trend kepimpinan berasaskan tujuan (purpose-driven leadership) semakin meningkat hingga menimbulkan pelbagai perspektif kepimpinan seperti pemimpin dianggap sebagai

pelayan (steward) untuk mencapai tujuan organisasi, kunci kepada prestasi yang luar biasa, laluan kehidupan sejahtera yang lebih baik dan juga pengurangan pendedahan terhadap penyakit (Craig & Snook, 2014). Menurut Quinn dan Thakor (2018) tujuan yang lebih tinggi bukan hanya mengenai pertukaran ekonomi. Tujuan mencerminkan sesuatu yang lebih aspirasi, menjelaskan bagaimana orang yang terlibat dengan organisasi membuat perbezaan, memberi mereka rasa makna (sense of meaning), dan berupaya menimbulkan sokongan di kalangan pengikut. Walaupun tujuan dalam kepimpinan semakin disebut-sebut sebagai kunci untuk mengemudi dunia yang tidak menentu (volatile), ketidaktentuan (uncertainty), rumit (complex) dan samar-samar (ambiguous) namun didapati bahawa kurang daripada 20% pemimpin memiliki rasa yang kuat terhadap tujuan masing-masing (Craig & Snook, 2014).

Teori-teori atau konsep kepimpinan yang telah dikaji dan menjadi amalan pula lazimnya terlalu dikedikan skop manakala makna serta tujuan yang lebih tinggi didapati hilang walhal ianya perlu diberikan perhatian (Sergiovanni, 1992). Kegagalan ini disebabkan oleh segmen utama kewujudan kemanusiaan iaitu integrasi fizikal (physical body) integrasi minda melibatkan “logical or rational thought” (logik atau pandangan rasional), hati melibatkan emotions (emosi), melibatkan feelings (perasaan) dan spirit (jiwa) hilang di dalam kepimpinan (Moxley, 2000). Kini para pemimpin mahupun organisasi mencari makna dan tujuan yang lebih tinggi yang seterusnya memperkenalkan kerohanian, agama dan kepercayaan kepada dunia perniagaan (Kouzes & Posner, 2007).

Paradigma tauhid adalah komponen terpenting membentuk kepercayaan atau keyakinan yang berhubungkait dengan kalimah syahadah dalam membimbing pemikiran, pemahaman, perasaan, tindakan dan keputusan oleh seseorang individu (Ismail & Sarif, 2011). Pembentukan konsep paradigm tauhid ini terdiri daripada tiga konsep asas sebagaimana dijelaskan oleh al-Qardhawi (1993) iaitu iman (kepercayaan), ilmu (pengetahuan) dan amal (perlakuan). Konsep tauhid memberikan jawapan yang bebas daripada paradigma yang hanya berbentuk andaian atau dogma kosong tetapi paradigma tauhid sebagai ilmu yang dapat menegakkan kepercayaan keagamaan individu berasaskan kepada keyakinan (Selamat, 1996).

Abdul Aziz (2006) dalam hal ini turut menyarankan untuk memahami dan menghayati paradigma tauhid bukan merangkumi aspek kerangka teori semata-mata bahkan disepadukan antara teori dan amali, roh dan akal serta hati dan budi bagi menjamin keberkesanan praktis yang berpaksikan kepada konsep tauhid. Kekuatan konsep paradigma tauhid memastikan kedudukan manusia pada hakikat kewujudannya dan apabila berhubung dengan hal-hal berkaitan keduniaan paradigma tauhid memberi panduan berkenaan matlamat iaitu bukan hanya mencapai jangkauan-jangkauan melampau seperti faktor kewangan yang melampau dan menjelaskan kenapa dan apa tujuan manusia diciptakan oleh tuhan iaitu sebagai khalifah (pemimpin) (Kahf & Ahmad, 1980).

Tinjauan terhadap penyelidikan empirikal mengenai kepimpinan Islam yang dibuat oleh kajian terdahulu adalah agak terhad manakala kepimpinan yang berasaskan model Barat didapati kurang menepati ajaran Islam (Faris & Parry, 2011). Namun berbeza dengan kajian oleh Mohamad Naim et al. (2019) yang merungkaikan asas kepimpinan Islam melalui

pendekatan paradigma tauhid, juga turut menjelaskan kepelbagaian manhaj kepimpinan yang merangkumi skop sumber kepimpinan Islam, tauhid, budaya dan perbincangan arah tuju kepimpinan dalam Islam melalui paradigma tauhid yang dinamakan maudhu' nubuwwah.

Menurut Mohamad Naim et al. (2019) lagi artikel mereka dicanai untuk memahami dan membincangkan kepimpinan dalam Islam melalui perspektif paradigma tauhid. Pendekatan paradigma tauhid sebagai suatu kepercayaan dalam kepimpinan dipercayai dapat menjayakan konsep kepimpinan yang berkesan. Hasil penelitian terhadap kajian-kajian kepimpinan Islam terdahulu mendapati pelbagai skop telah dibincangkan namun kurang menekankan pembinaan dan hubungan di antara kerangka tauhid, nubuwwah dan kepimpinan Islam. Idea yang mereka ketengahkan dijangka membantu pengukuhan konsep kepimpinan Islam melalui pendekatan maudhu' nubuwwah dan penemuan kompetensi utama iaitu siddiq, amanah, tabligh dan fatanah sebagai nilai-nilai yang perlu diketengahkan dalam kepimpinan Islam.

KAEDAH PENYELIDIKAN

Projek ini merupakan Kajian Tindakan (Action Research) yang akan mengadaptasi Model MLC di mana usaha perlaksanaannya akan melibatkan beberapa fasa.

Fasa 1: Pengumpulan Profil Asnaf Berstatus Usahawan

Kumpul profil responden iaitu asnaf usahawan. Data-data secondary iaitu daripada LZNK akan dikumpul, bagitu juga sesi temubual dan pemerhatian akan digunakan dalam fasa pertama ini bagi mendapatkan sebanyak mungkin maklumat latar belakang asnaf yang bakal menjadi peserta projek ini.

Fasa 2: Pelaksanaan Kajian Rintis Program MLC

Melaksanakan Kajian Rintis (Pilot Test) program MLC ini kepada asnaf berstatus usahawan yang telah dikenalpasti dalam Fasa 1. Mendapatkan maklumat dan maklum balas berkaitan program yang telah dilaksanakan. Metod temubual bersemuka akan digunakan dalam fasa ini.

Fasa 3: Pembentukan Program Memandiri Asnaf Mengadaptasi Model MLC

Ketika Fasa 3 ini, proses pembentukan Program Memandiri Asnaf dengan mengadaptasi Model MLC didokumenkan berdasarkan 'kajian rintis' yang dijalankan dalam Fasa 2. Program ini ditambah baik berdasarkan pengalaman dan keperluan peserta program ini dalam fasa Kajian Rintis. Semua maklumat yang dilalui dalam tiga (3) fasa di atas akan dianalisis menggunakan kaedah analisis kandungan (content analysis) bagi mencapai tiga (3) objektif yang digariskan dalam kajian ini. Dapatan kajian akan dicerakinkan dalam bahagian seterusnya.

DAPATAN KAJIAN

Dapatan kajian ini akan dibahagikan kepada tiga (3) bahagian berdasarkan objektif kajian yang digariskan.

Profil asnaf berstatus usahawan

Objektif pertama kajian ini adalah untuk mengenalpasti profil asnaf berstatus usahawan beserta keperluan, pengalaman dan program yang mereka sertai. Seramai 20 asnaf telah menyertai program ini dan mereka telah ditemual secara bersemuka dengan relahati menyertai program MLC ini. Berikut adalah jadual deskriptif analisis tentang golongan asnaf berstatus usahawan yang telah ditemubual.

Jadual 1: Umur, Pendapatan Bulanan dan Tempoh Perniagaan Asnaf

Perkara	Minimum	Maximum	Mean
Umur	25	50	36.90
Pendapatan Bulanan	300	2000	757.30
Tempoh Perniagaan	1	12	4.75

Jadual 1 menunjukkan tahap umur, pendapatan bulanan dan tempoh perniagaan golongan asnaf yang menyertai program MLC ini. Dari segi umur, umur responden yang paling muda ialah berumur 25 tahun dan yang paling tua berumur 50 tahun. Manakala dari segi pendapatan bulanan pula, pendapatan yang paling rendah ialah sebanyak RM300 sebulan dan yang paling tinggi sebanyak RM2000 sebulan. Untuk tempoh perniagaan, yang paling singkat berniaga setakat kajian ini dijalankan ialah baru satu tahun dan yang paling lama ialah 12 tahun.

Jadual 2: Pendidikan

Pendidikan	Kekerapan	Peratusan
SPM	18	90.0
STPM	1	5.0
Tingkatan 4	1	5.0

Jadual di atas menunjukkan tahap Pendidikan golongan asnaf yang ditemubual dalam kajian ini. Majoriti responden ialah berkelulusan Sijil Pelajaran Malaysia (SPM) sahaja. Hanya seorang sahaja yang berkelulusan Sijil Tinggi Pelajaran Malaysia (STPM) dan seorang berkelulusan tingkatan empat. Daripada 20 golongan asnaf yang ditemubual, 18 ialah golongan perempuan dan dua orang lelaki. Mewakilli 90 peratus perempuan dan 10 peratus lelaki.

Jadual 3: Jenis Perniagaan

Jenis Perniagaan	Kekerapan	Peratusan
Menjual makanan	15	75.0
Menjahit	4	20.0
Baiki motor	1	5.00

Jadual 3 di atas menunjukkan semua golongan asnaf yang ditemubual menjalankan perniagaan secara enterprise. Daripada jumlah tersebut, keseluruhan perniagaan mereka ini tidak didaftarkan kerana perniagaan mereka hanyalah berbentuk kecil-kecilan bagi menampung perbelanjaan harian. Kebanyakan mereka iaitu 75% menjual barangan berbentuk makanan dan

minuman termasuklah laksa, nasi kandar, nasi lemak, kuih tradisional, kek, pelbagai jenis kerepak, sambal dan ais blended. Manakala selebihnya adalah menjalankan perkhidmatan menjahit pakaian iaitu 20% dan ada juga yang menjalankan perniagaan berbentuk kemahiran tangan iaitu memperbaiki motor.

Keberkesanan Program Model MLC (Projek Rintis)

Objektif kedua kajian ini adalah untuk menilai kesan pelaksanaan Program Model MLC ke atas asnaf berstatus usahawan. Penilaian keberkesanan program ini yang bersasarkan kepada model MLC (Mindset, Leadership dan Competency) telah di aplikasikan ke atas 20 orang peserta Usahawan Asnaf. Sila Rujuk Profil asnaf di Lampiran 1. Mindset diukur dengan elemen tauhid dan taqwa (TT), sementara Leadership (kepimpinan) diukur dengan tiga (3) elemen iaitu Siddiq, Amanah, Tabligh dan Fatahah (SATF) dan Competency iaitu Kompetensi perniagaan (BC= business competency). Kompetensi perniagaan merangkumi ilmu terkini perniagaan di antaranya seperti ‘biz startup’, ilmu ‘copywriting’, ‘closing sales’.

Berdasarkan maklumat di Lampiran 1, penilaian keberkesanaan dilakukan dengan mengukur kemajuan asnaf mengenai TT, SATF dan BC sebelum dan selepas program model MLC di jalankan. Butiran terperinci keberkesanaan untuk setiap asnaf adalah seperti di Lampran 1. Skala “rendah”, “sederhana” “tinggi” serta “sangat tinggi” digunakan untuk mengukur keberkesanan program ke atas usahawan asnaf. Skala “rendah” bermakna perbuatan asnaf dalam kadar kurang atau minima. Skala “sederhana” menandakan perbuatan dalam keadaan biasa, manakala “tinggi” menunjukkan perbuatan yang lebih daripada tahap biasa. Sementara itu, “tinggi” adalah diberi sekiranya asnaf meningkatkan perbuatan (seperti meningkatkan komunikasi) atau mendapat kemajuan yang lebih baik (contohnya, berkomunikasi dengan lebih berkeyakinan).

Berdasarkan kepada penilaian tersebut, dapatan menunjukkan tahap mindset (TT), leadership (SATF) dan kompetensi perniagaan (BC) adalah seperti Jadual 5.

Jadual 5: Sebelum Program

	Rendah	Sederhana	Tinggi	Sangat Tinggi
TT	19	0	1	0
SATF	1	19	0	0
BC	1	19	0	0

Jadual 5 menunjukknbahawa 19 orang daripada 20 orang usahawan asnaf (95%) berada dalam tahap rendah dari aspek “mindset” atau pemikiran terhadap membangunkan kemandirian dalam diri berteraskan Tauhid dan taqwa (TT) secara berterusan. Hanya seorang sahaja yang didapati berterusan dalam melaksanakan kewajipan solat wajib dan solat sunat iaitu solat dhuha dalam konsep mencari rezeki. Sebahagian besar daripada kumpulan asnaf usahawan ini melaksanakan kewajipan yang memenuhi keperluan sahaja.

Dari aspek kepimpinan yang berteraskan Siddiq, Amanah, Tabligh dan Fatahah (SATF), hasil kajian mendapati 1 orang (10%) di tahap yang rendah dan 19 orang lagi (95%) di tahap yang sederhana. Keputusan ini menunjukkan 95% hanya biasa sahaja dalam kendirian sebagai usahawan, tidak fasih berkomunikasi dan memimpin. Didapati juga corak yang sama untuk ciri kompetensi perniagaan di mana 95% berada dalam tahap yang sederhana dari segi pengetahuan dan skill kemahiran perniagaan.

Namun, hasil kajian mendapati perubahan positif yang ketara di dalam ke tiga-tiga aspek yang dinilai. Perubahan positif ini menunjukkan bahawa model MLC ini sangat berkesan dalam mengubah mindset, membina aspek-aspek kepimpinan berasaskan ciri-ciri Islam dan meningkatkan kompetensi perniagaan di kalangan kumpulan usahawan asnaf 20 orang ini.

Jadual 6: Selepas Program

	Rendah	Sederhana	Tinggi	Sangat Tinggi
TT	0	18	2	0
SATF	0	0	20	0
BC	0	0	16	4

Jadual 6 menunjukkan perubahan ini secara lebih terperinci. Dari sudut mindset, 90% (18 orang) daripada golongan asnaf usahawan ini telah berganjak dari tahap rendah kepada tahap sederhana. Pencapaian yang memuaskan ialah terdapat peningkatan dari 1 orang kepada 2 orang (10%) dalam peringkat tinggi terhadap pengukuhan tauhid dalam pencarian rezeki.

Keberkesanan yang paling ketara ialah dalam aspek kepimpinan. Model MLC telah Berjaya membina semangat kepimpinan di kalangan kesemua 20 orang asnaf ini yang sebelumnya rendah dan sederhana (1 dan 19 berturut) ke tahap yang tinggi. Dapatan ini memberi bukti akan keberkesanan program MLC ini merubah mereka daripada yang tidak pandai berkomunikasi dapat berkomunikasi dengan baik dan berani.

Dari Jadual 6, keberkesanan yang terserlah didapati dari aspek membina kompetensi perniagaan. Dari 10% tahap rendah dan 90% sederhana berubah kepada 80% (16 orang) ke tahap tinggi. Paling membanggakan ialah terdapat 20% (4 orang) yang Berjaya mencapai keberkesanan yang paling tinggi apabila mereka ini dapat bukan sahaja menguasai ilmu asas tetapi juga kompetensi perniagaan yang merangkumi ilmu terkini perniagaan di antaranya seperti 'biz startup', ilmu 'copywriting', 'closing sales'. Malah, asnaf-asnaf ini sudah pandai menggunakan media sosial (facebook dan sebagainya) dalam urusan perniagaan mereka.

Dpata kajian menunjukkan aspek-aspek di mana model MLC ini sangat berkesan dalam memandirikan asnaf berstatus usahawan iaitu kumpulan sasaran ini. Pertamanya ialah anjakan minda (mindshift) atau anjakan paradigma daripada tahap rendah kepada tahap sederhana dan tinggi yang dapat dilihat (bar biru) sebelum dan selepas program ini di jalankan. Keduanya, dari segi kompetensi perniagaan. Hasil dapatan menunjukkan aspek ini yang paling berkesan di antara ke tiga-tiga elemen yang diuji. Ini adalah kerana kompetensi perniagaan asnaf-asnaf ini yang di tahap sederhana berjaya direalisasikan ke tahap tinggi dan sangat tinggi. Seperti yang telah diterangkan, asnaf-asnaf dapat merasa akan keberkesanan penerapan model MLC ini

apabila mereka dapat mempelajari ilmu-ilmu perniagaan terkini malah dapat mengaplikasikan sosial media sebagai kaedah pemasaran yang lebih murah dan efektif kerana dapat mencapai rangkaian pelanggan yang lebih luas.

Kerangka Model MLC

Objektif ketiga kajian ini adalah merangka program memandirikan asnaf berstatus usahawan berdasarkan Model MLC. Perbincangan berikut akan menjelaskan dengan lebih terperinci Model MLC ini yang merangkumi Mindset, Leadership dan Competencies. Rujuk Rajah 1.

Mindset (Pemikiran dan kepercayaan): Ke arah Tauhid

Para peserta didedahkan pengenalan berkenaan kepentingan mindset (pemikiran). Perkongsian maklumat dalam bahagian ini adalah berkaitan kepentingan konsep membangunkan kemandirian dalam diri melalui aplikasi Tauhid secara berterusan. Konsep memimpin melalui Tauhid adalah mempercayai Tuhan itu satu iaitu Allah (Ali, 2006) sebagai teras utama yang seterusnya akan memberikan impak terhadap pemikiran, tingkah laku dan kelakuan. Perkongsian dalam program ini juga menjelaskan secara tidak langsung kepentingan konsep logik wahyu, logik fitrah dan logik akal ketika membangunkan dan memajukan pemikiran para asnaf.

Seterusnya, pengukuhan konsep Tauhid akan membentuk pemikiran dan pentaakulan ke arah kemandirian dan kompetensi dengan meletakkan faktor keimanan dan ketuhanan sebagai matlamat akhir tanpa memisahkan pembangunan material dan sumber manusia. Melalui pendekatan inilah yang membezakan dengan program-program pembangunan asnaf yang lain kerana dipercayai pengukuhan konsep Tauhid mampu menggerakkan pembangunan konstruktif melibatkan integrasi teori, amali, roh, akal, hati dan budi. Tambahan lagi peningkatan kerohanian, akhlak dan moral serta kejayaan dalam bentuk material akan terbentuk dalam pemikiran dan diri para asnaf. Bahkan lagi, kemanisan dan kehebatan iman pula akan terhasil ekoran daripada elemen meredai Allah sebagai Rabb dan Nabi Muhammad ﷺ selaku Rasulullah ﷺ selaras dengan pandangan Al-Qaradhawi (2006) dalam Mohamad, Safar, Embong dan Azahar (2014).

Kepimpinan

Matlamat proses pengembangan kemandirian para asnaf adalah untuk membolehkan individu belajar bagaimana memimpin diri (leading self). Sesi perkongsian bertujuan membangunkan potensi kepimpinan yang merupakan salah satu instrumen penting, dilakukan bertujuan melahirkan individu berkualiti dan mempunyai kerangka hati budi unggul selaras dengan pandangan Fadzli, Asyraf dan Ruzaini (2006).

Kajian ini mendapati pemilihan konsep kepimpinan berteraskan memimpin diri dibangunkan dalam diri para asnaf pula adalah tepat ekoran secara umumnya berlaku peningkatan tahap kegagalan yang kritikal dari sudut peribadi selaras dengan pandangan oleh Browning (2018), Ng (2017), Stewart, Courtright dan Manz (2011). Pembangunan kepimpinan dalam diri para asnaf tidak melibatkan semua komponen kepimpinan generic iaitu *siddiq*,

amanah, *tabligh* dan *fatamah* tetapi bergantung kepada keperluan dan kesesuaian. Hasil perkongsian mendapati elemen *tabligh* atau kemahiran berkomunikasi yang berkesan sangat diperlukan. Ini kerana cabaran para asnaf bersifat realistik dan memerlukan kemahiran yang jelas serta tidak meninggalkan hubungan dengan Tauhid selaras dengan ayat dalam surah *al-Baqarah* 145.

Ada juga persoalan-persoalan yang ditanyakan ketika sesi perkongsian seperti bolehkah kita menipu siki-sikit semasa menjual dan sebagainya telah diberikan pencerahan oleh fasilitator. Ini bersandarkan kepada maksud sabda Rasulullah SAW:

“...Ditanyakan kepada Rasulullah S.A.W, “Mungkinkah seorang Mukmin itu pengecut?”.” Mungkin,” jawab Rasulullah. “Mungkinkah seorang Mukmin itu bakhil?”.” Ya, mungkin,” lanjut Rasulullah. “Mungkinkah seorang Mukmin itu pembohong?”. Rasulullah S.A.W menjawab, “Tidak!...”

(Diriwayatkan oleh Imam Malik dalam *al-Muwatta’* & Imam al-Baihaqi dalam *Syua’bul Iman*)

Kompetensi Perniagaan

Kompetensi khusus perniagaan merangkumi ilmu terkini perniagaan: ‘biz startup’, ilmu ‘copywriting’, ‘closing sales dan lain-lain berdasarkan diagnosis yang dilakukan oleh penceramah utama.’

MLC untuk para asnaf berstatus usahawan

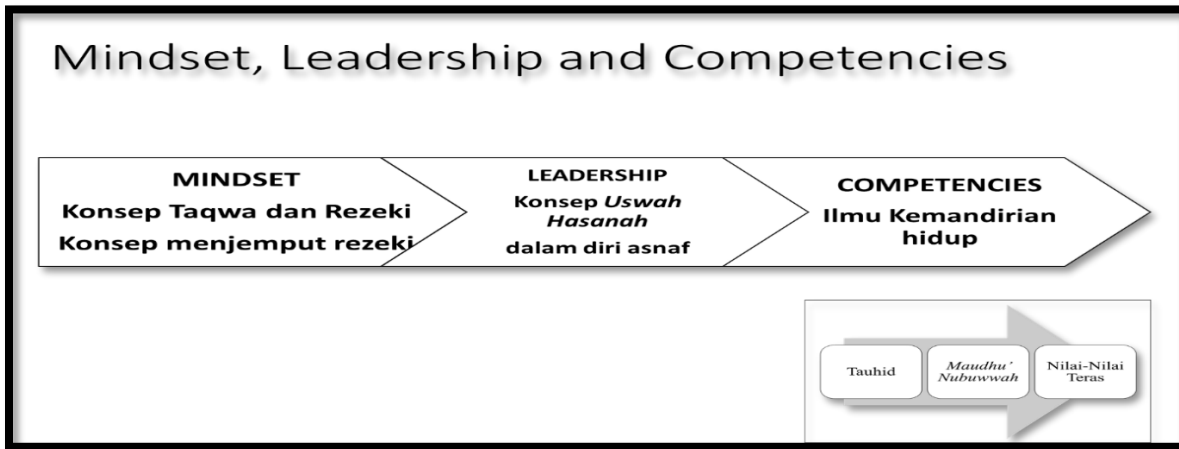
Pembangunan kemandirian para asnaf diakui perlu bersifat realistik. Ini kerana dalam sesi perkongsian ada peserta yang pada awalnya mempersoalkan apa faedahnya solat dan amalan-amalan dan hubungannya dengan kelangsungan hidup. Para peserta akhirnya memahami setelah dibuat pencerahan dan para peserta kemudiannya berminat mengikuti pengenalan MLC yang berorientasikan praktikal dari sudut Tauhid termasuk amalan-amalan khusus menjemput rezeki seperti *Talk to Allah* dan juga amalan kepimpinan diri yang baik. Ada juga peserta-peserta lain yang kurang menjaga hubungan dengan Allah dan tidak pernah tahu untuk bersolat dhuha telah mendapat pencerahan dan banyak memberikan kesan dalam kehidupan para asnaf.

Seterusnya tujuan terbesar pendekatan MLC di peringkat pengenalan ini adalah bagi mencapai maksud *mafhum* hadith Rasulullah SAW:

“...Ketika baginda ditanya apakah pekerjaan yang terbaik dan baginda menyatakan usaha individu dengan kemampuannya dan perniagaan yang mabur (Kitab Jual Beli, Subulus Salam)...”

Pendekatan MLC disyorkan kerana kebanyakan pembangunan keusahawanan memfokuskan elemen material (kompetensi perniagaan) semata-mata maka akan memenuhi kriteria pertama iaitu usaha individu dengan kemampuannya tetapi dari satu sudut pula impak mengabaikan pembangunan intrinsik (MLC) akan menghasilkan iklim perniagaan yang kurang

kondusif (ghair mabrur) atau sia-sia dikenali sebagai *haba'an mansoura* (debu-debu yang berterbangan) dalam surah *Furqan* 25:23.



Rajah 1: Kerangka Model MLC

KESIMPULAN

Ternyata, projek mengadaptasikan Model MLC ini telah berjaya memandirikan asnaf berstatus usahawan. Model MLC yang komprehensif menggarapkan ketiga-tiga elemen penting dalam pembangunan lestari iaitu 'Mindset', Leadership dan 'Competency'. Penerapan konsep 'kerohanian' (spirituality) termasuklah tauhid, uswatul hasanah dan sebagainya telah menjadikan model ini jauh terkehadapan dalam mengubah minda seterusnya ke arah pembangunan diri asnaf berkenaan.

Model MLC ini telah meninggalkan implikasi yang berkesan dalam memandirikan kumpulan asnaf sasaran. Dapatan yang agak ketara sebelum dan selepas model MLC ini diperkenalkan; i) telah menampakkan perubahan yang agak ketara pada mindset asnaf daripada tahap rendah kepada tahap sederhana dan tinggi; dan ii) perubahan kepada kompetensi perniagaan. Kompetensi perniagaan asnaf-asnaf ini asalnya di tahap sederhana telah berjaya diubah ke tahap tinggi dan sangat tinggi. Hasilnya, para asnaf telah berjaya menguasai ilmu perniagaan terkini malah dapat menjadikan sosial media sebagai kaedah pemasaran yang lebih efektif, murah dan mencapai rangkaian pelanggan yang meluas.

Oleh yang demikian, perubahan positif ini menunjukkan bahawa model MLC ini sangat berkesan dalam mengubah mindset, membina aspek-aspek kepimpinan berasaskan ciri-ciri Islam dan meningkatkan kompetensi perniagaan di kalangan kumpulan usahawan asnaf. Daya dan semangat kepimpinan telah berjaya dipupuk di kalangan kesemua 20 asnaf ke tahap yang lebih tinggi seterusnya membolehkan mereka berkomunikasi dengan baik dan penuh keyakinan.

Oleh yang demikian, kajian ini telah membuka lembaran baru dalam penyelidikan berkaitan asnaf, namun beberapa fokus penting dirasakan perlu diberikan perhatian dalam kerangka penyelidikan dan kajian akan datang yang terlepas pandang;

- (i) Kepentingan mindset (pemikiran) dalam membangunkan kemandirian diri melalui aplikasi Tauhid secara berterusan. Konsep memimpin dan ketuhanan merupakan teras utama memberikan impak terhadap pemikiran, tingkah laku dan kelakuan asnaf. Konsep Tauhid mampu menggerakkan pembangunan konstruktif melibatkan integrasi teori, amali, roh, akal, hati dan budi dalam membentuk kerohanian dan moral dan akhirnya mampu mengawal material dalam pemikiran dan diri para asnaf.
- (ii) Kompetensi dan ketuhanan sebagai matlamat akhir tanpa memisahkan pembangunan material dan sumber manusia. pendekatan inilah yang akan pembangunan asnaf dan konsisten dalam usaha-usaha yang mereka lakukan.
- (iii) Kepimpinan dengan berteraskan memimpin diri dibangunkan dalam diri para asnaf kerana fakta ini merupakan kegagalan yang kritikal dari sudut peribadi asnaf. Hasil kajian ini mendapati elemen ‘tabligh’ atau kemahiran berkomunikasi yang berkesan sangat diperlukan dan perlu diberikan perhatian disebabkan para asnaf perlu bersifat realistik dan berkemahiran selaran dengan tuntutan paradigma Tauhid (Tawhidic Paradigm)

Kesimpulanya, pembangunan kemandirian asnaf perlu bersifat realistik dan holistik. Penafian terhadap keperluan ibadah seharian dan keperluan hidup seharusnya tidak berlaku dalam kelangsungan hidup mereka. Pendekatan MLC menjadi penting bukan sekadar memfokuskan elemen material (kompetensi peniagaan) semata-mata bahkan melestarikan usahawan dan mengelakkan mereka dari terjebak kearah kekecewaan, takutkan kerugian dan pelbagai perkara negatif dalam perniagaan yang akan dihadapi kelak.

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ISSUES OF INHERITANCE MANAGEMENT IN PENINSULAR MALAYSIA'S GROUP SETTLEMENT

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Abstract

The transfer of wealth after one's death is an important matter in Islam as the religion emphasizes the paramountcy of lawful ownership. Therefore, the inherited wealth should be distributed to the rightful heir so that they could benefit and live a comfortable life. Law and government play crucial roles in this inter-generation transfer and a handful of writing had addressed the Islamic inheritance management issues in Malaysia. The study aims to review the inheritance management issues in the group settlement through a literature study. Using the technique of content analysis, the previous works of literature are analysed for the issues that they conveyed other than the purpose, methodology of the study, and the finding. The study found that there is quite a number of literature throughout times discussing the inheritance administration problem as well as the planning instrument in distributing the deceased estate in the research area. However, the specific study that points to the issues of group settlement in Malaysia has limited publications although the notable problems are not solved thoroughly. Despite that, three main issues of group settlement's land inheritance management are identified namely; lack of population knowledge on the inheritance practice, inefficient system and relay of information, as well as Group Settlement Act (GSA) 1960 restrictions. As result, there is a delay in commencing the inheritance management by the beneficiaries.

Keywords: *Faraidh*, Inheritance Management, Estate Management, Group Settlement, Hibah, Malaysia

INTRODUCTION

Inheritance management refers to the act of administrating the process of wealth transferring from a deceased to his or her beneficiaries. In Islam, inheritance management started with the death of the benefactor and ended with the beneficiaries' decision on how the wealth would be distributed among them. On the other hand, the group settlement which is defined as land that is grouped with other land and cannot be sold except as a whole as well as cannot be leased partially or wholly is subjected to additional law; Group Settlement Act (GSA) 1960 (National Institute of Land and Survey, 2012).

Supposedly, inheritance management procedures should provide ease to the deceased's family members, as they probably need the wealth to continue their living. However, the conduct to manage the inheritance varies in accordance to the categorization of that wealth under the provision of Malaysia's law whether it is a small estate, normal estate (large estate), or portable estate. Moreover, different type of land ownership also means different conducts for inheritance apply. This gave difficulties to the first-timer to manage the inheritance as different categorization has different sets of process, reference centre, and its own restrictions.

In addition, dealing with the inheritance management of group settlement's land also means that there are certain additional compliances involved, which complicates the process of wealth distribution. Furthermore, the lack of knowledge and self-awareness of the group settlement population also contributes to the difficulties as they could not manage their land inheritance accordingly and tend to difficult the situation they already in even more. The study revolves around literature study as its basis in methodology. On that account, a number of publications on group settlement land's inheritance distribution are observed for fulfilling the focus of the paper.

LITERATURE REVIEW

The studies from the past are mostly on the context of Federal Land Development Authority (FELDA) lands despite plenty of group settlements in Malaysia such as Federal Land Consolidation and Rehabilitation Authority (FELCRA), Rubber Industry Smallholders Development Authority (RISDA), and other state-developed lands. Even the study on the state-developed land in East Malaysia also seems scarce on the issues of inheritance management. One of the studies that looks at the group settlement as a whole is Mohamad, Noor, Tapah, Hassan, Zainal, Muslim, and Alias (2014) in which they explain the status of the land given by the government in the group settlement scheme. In conclusion, the previous studies mainly investigate the factor of legislation, Shariah perspectives, and socio-economic aspects of the settlers in relation to their land inheritance practices.

Studies related to GSA 1960 are on the constraint of ownership transferring which applies to the settler. Particularly, when owning the land in the group settlement, the constraints are already there, from before death to after death as a result of the Act enactment. Arifin and Hussin (2015) seek the Act implications on the inter-generational transfer of wealth of the FELDA settlers through literature study. They found that past studies showing that the settlers prefer for appointment of administrators rather than giving the land ownership to one or two of the authorized beneficiaries. Meanwhile, Hisyam, Khairy Kamarudin, Muda, Mohamed Said, Rahim, and Razzak (2020) focus on hibah application as a possible solution for the case of inheritance management in the group settlement.

Nevertheless, most of the study in inheritance management revolves around the theme of FELDA settlers' social, economic, and socio-economic issues. Mohamad, Talib, and Noor (2011), Nor Muhamad and Mat Hussain (2013), Ahmad, Idris, and Wahid (2017), as well as Suhaili and Rahim (2018), are among of the researchers that inquire on socio-economy aspects in relation to FELDA settlements. Studies such as Mohamad, Talib, and Noor (2011) as well as Nor Muhamad

and Mat Hussain (2013) mainly observe the inheritance management practice from the settlers' point of view. Settlers' attitude, knowledge, as well as opinion are considered as information to explain the problem of inheritance management in the group settlement. Interestingly, both studies are social case study that observes single settlement only and use mix method of qualitative and quantitative.

Mohamad, Talib, and Noor's (2011) study is based on Lurah Bilut's settlement, which is the first FELDA settlement in Malaysia and the State of Pahang while Nor Muhamad and Mat Hussain (2013) studied the first settlement in Johor, Taib Andak's settlement. Logically, the settler's family should have known their land inheritance managerial procedure as the settlements had been there since 1958 (FELDA Lurah Bilut) and 1960 (FELDA Taib Andak). However, the results of both studies show that attitude and knowledge problems are still there, causing delay and difficulty in managing the land accordingly. Mohamad, Talib, and Noor (2011) in their study also add that there is a need for enactment of the law that forces the beneficiaries to complete their land inheritance management within a specific amount of time so that the lackadaisical attitude could be diminished.

Ahmad, Idris, and Wahid (2017), on the other hand, look into the socio-economy discussion of whether the practice of inheritance management in the group settlement will affect the palm oil industry. In addition, the study also concerns with the effect of the practice on the inter-generational social ties and connections in the FELDA community. Amazingly, the study manages to reach up to 500 settlers from four settlements in Peninsular Malaysia. The result describes that there are positive effects and negative effects from the inheritance management practice that follow GSA 1960 requirements. Also, there is a need for clarification on the land status which is actually a lease from the state government so that sense of belongings could be reduced according to the study.

After that, Suhaili and Rahim (2018) is also a socio-economy study in which they touch on land inheritance in a part of their study. The study pointed out that some of Raja Alias' settlers still facing difficulties to manage the land inheritance as all beneficiaries still require the same inherited accomodation hence making the land transferring process quite a trouble. Next, Mohammad *et al.* (2014) is the only one that focuses on Shariah aspects regarding the group settlement. Their study tries to explain the status of ownership upon the land in the group settlement. Using the concept of benefits' ownership (*milk al-manfa'ah*), the ownership status of those land comes into sense as the land is bound to several restrictions by the laws. From observation, the land in the group settlement is also labelled in the ownership document as a '*pajakan mukim*' or lease-hold for 99 years.

Finding

From the analysis of the literature, it is found that some of the researchers point that the complications in the settlement are caused by the provision of legislation, weaknesses of the system, as well as people's attitude and knowledge on inheritance management (Mohamad, Talib, & Noor, 2011; Arifin & Hussain, 2015). These three factors are the main perpetrators in the

hindrance for an effective inheritance distribution and must be dealt with from time to time in order to diminish the negative effects.

Inheritance Distribution and Group Settlement Act (GSA) 1960

As mentioned before, the practice of inheritance management in the group settlement is rather complicated and slightly different from normal conduct as there are restrictions due to GSA 1960 as well as the status of land ownership. Section 14 of the Act clearly mentions that transfer of ownership shall be done only up to two-person. In the case of dispute and discontent among the beneficiaries, the transfer of the land ownership could not be performed thus the appointment of the administrator will take place for the sake of the land development. The further dispute could cause the land to be auctioned by the authority however this is the very last possibility.

First and foremost, the restrictions on the appointment of the next owner of the land may cause dispute among beneficiaries especially when involving many heirs (Ariffin & Hussin, 2015; Ahmad, Idris, & Wahid, 2017; Suhaili & Rahim, 2018). Even the nomination of the administrators for the land could be quite concerning if the beneficiaries could not sit together and see eye to eye among them. Mohamad *et al.* (2014) see this as a product of ignorance hence suggest the explanation of the benefit ownership (*milk al-manfa'ah*) concept and settler's responsibilities to be included in the GSA 1960. By demonstrating the status of the land that the settlers own, the comprehension of the settlers on the ownership issues will be straightened up and hopefully, the sense of responsibility prevails over greed.

The next section, Section 15 manifestly describes that the land shall not be divided or distributed whether in accordance with the beneficiaries' agreement or *faraidh* portions. Apparently, this due to the objectives of the land development that sought to protect the economic value of the land and settlers' interest (National Institute of Land and Survey, 2012). The same section of the Act provides that the land shall not be leased partially or wholly at any time as the land is given to be developed by the settlers themselves. Therefore the settlers must either work the land personally or hand it over to the FELDA management for an exchange of certain amount of a payment periodically.

Given the explanation of the restrictions, it is understood that all inheritance-planning instruments must adhere to GSA 1960, or else it will not be applicable (Hisyam *et al.*, 2020). In addition, consent from the State Authority, Land Development Schemes Management if required, as well as all beneficiaries are also needed for the implementation of the instrument (FELDA, 2019). Therefore, there are additional requirements that must be met despite having the chance to be practiced in the group settlement. In addition, further review is justified to ensure no incoming issues afterwards. Hence, there are difficulties in implying instruments such as hibah and bequest in the group settlement that frequently used to plan the inheritance systematically.

Hence, the compatibility of the law implementation today should be looked into whether it needs amendment or more explanation so that the subject of the law understands more on the legal practice. GSA 1960 also affects FELCRA, RISDA, and other state-based land development in Peninsular Malaysia, therefore there is a demand to investigate whether people in those settlements

facing the same difficulties as reported before. Sabah and Sarawak have other provisions of law in the same matter hence also required to be explored if the next system development is an integrated system of inheritance management. If both systems of East Malaysia and West Malaysia exhibit similar features and characteristics, the system development could be developed uniformly.

System Inadequacy and Inefficiency

An efficient system is a system that could produce maximum output with a given level of input used, system limitations, and available technology (Papanicolas & Smith, 2014). It had been over 60 years of FELDA land development projects. Starting from its initiation on 1st July 1956 and Lurah Bilut's settlement in 1958, today's statistic shows that there are 317 land development schemes in eleven states of Malaysia involving almost 120,000 settlers (FELDA, 2019). Other land development schemes such as FELCRA were also founded in the 1960s, specifically 1st April 1966, while RISDA is established in more recent years, seven years later (FELCRA, 2021; RISDA, 2021).

Consequently, a lot of effort and time is needed to comprehensively include all settlers or the population in improving their inheritance literacy as their family will continue to grow. Nevertheless, the government's further plan on data digitalisation could pave the way in order to resolve issues of literacy involving technical procedures in inheritance management. As for now, study shows that the authority such as FELDA still struggles in communicating with their settlers on the inheritance management issues (Arifin & Hussin, 2015). In addition, it is crucial for the information on the land's status to be conveyed as disputes between families can be avoided from the very beginning according to Ahmad, Idris, & Wahid (2017). The researchers also opined that a mechanism for governing the administrators' conduct is essentially required.

Then, Mohamad, Talib, and Noor (2011) state that many of the settlers claim that the process of proper inheritance management involves a procedure that is too long, complicated, and time-consuming. Eventually, this will particularly discourage the settlers' intention to manage their inheritance in accordance with the law's requirement. After that, the same researchers point that there is a necessity for FELDA officials' qualifications to be reevaluated, as their incompetency will affect the function of the system. Other than that, there is an imbalance in the ratio between the number of the officials and settlers that could lead to delay in managing the inheritance (Mohamad, Talib, & Noor, 2011).

Ultimately, modern management sciences are mainly concerned with production and output (Cunningham, 1979). In the context of inheritance management in group settlements, the output of the system is the distribution of the wealth inheritance to the rightful parties. From the perspective of the system user, the management process should be effortlessly done thus encouraging the population to manage their inheritance through the right channel. On the information circulation, evidently, all parties in the settlement including the residents should assume the roles in educating themselves without depending much on other people to inform them.

Attitude and Knowledge of the Settlement Population

The individual of the group settlement plays a crucial part in solving the managerial issues as the initiation of the inheritance management process at small estates unit depends on their understanding of the procedure, legislation, and Shariah rulings. However, some of the studies spot that some of the beneficiaries of FELDA settlers still do not understand the implication of GSA 1960 thus failed to comprehend their lands ownership's status and the restrictions inflicted by the enactment of such Act (Arifin & Hussain, 2015; Nor Muhamad & Mat Hussain, 2013). Similarly, Mohamad, Talib, and Noor (2011) in their case study on Lurah Bilut's settlers reported that the settlers do not entirely understand the managerial procedure of inheritance management. Inevitably, the settlers will prone to technical error and that mistakes sometimes would cost money and time.

After knowledge, the attitude of the settlement's population affects the inheritance management process. The beneficiaries' lackadaisical attitude surely will delay the process as it is not tended as soon as possible (Mohamad, Talib & Noor, 2011). Some of the population also still too dependent on other people when it comes to inheritance management (Nor Muhamad & Mat Hussain, 2013). As result, if the dependent person failed to submit Form A at the initial stage, no one will assume the person's responsibility. According to Nor Muhamad and Mat Husain (2013), the stigma of '*tanah kubur masih merah*' or the feeling of guilt in sorting the inheritance management due to others perception makes the beneficiaries back down from managing the inheritance early. The act of distributing the inheritance ahead of time is sometimes perceived by society as improper and manifests the beneficiaries' greediness for the deceased property.

Lastly, another issue sourced from the people of the group settlement is the beneficiaries' inability to discuss and sort out the inheritance management. By having proper discussion and consensus among the beneficiaries on the next land's owner, the inheritance of the land in the group settlement could be managed straightforwardly. Mohamad, Talib, and Noor (2011) in their study reported that 60.62% of the delayed cases in Lurah Bilut's settlements are caused by disputes within the family themselves. Failure in nominating only two owners will cause the land to be administrated by some of the beneficiaries or to some extent, the group settlement administration in adhering to Section 14 of the GSA 1960. In the end, the beneficiaries' number will continue to increase due to the death of previous beneficiaries and cause difficulties in the transferring process of land ownership at a later time. The problem of this is when there is death among the former beneficiaries, the asserting of the next beneficiaries will be more challenging. Some could take the easy way out and choose to not informing the next beneficiaries hence using the unlawful property.

There is so much to ponder on the population's level of knowledge regarding inheritance management. For a start, the population needs to grasp the very basic idea of inheritance management and know where to refer for the procedure. The knowledge of technical procedures is important to avoid mistakes that cost time and more money as well as making sure completion of the inheritance management in accordance with the law. It might be causing difficulty to the beneficiaries at the start but subsequently, in the near future, it will pay off, as there is no need for hassle when the land is auctioned. Besides technical and law knowledge of inheritance

management, Shariah's knowledge is salient for a swift course of action. Although there are academicians or Shariah experts that the people could refer to, one should still educate themselves in the matter so that there is no legitimate beneficiaries are left out in the discussion of inheritance distribution.

CONCLUSION

To sum up, the issues in the group settlement need to tend immediately and carefully to ensure efficient inheritance management. Part of the problem could be solved through the knowledge and literacy of the settlers. Through *faraidh* knowledge, legislation comprehension, and technical understanding, the process of inheritance management would be accelerated as mistakes in management and misunderstanding could be avoided. Only after that should the focus switch to the system and competency of the officials involved in it. Therefore, future research should be on how to structure an educational mechanism that could tackle the literacy and awareness issues through available resources or platforms such as schools and mosques. In addition, there are needs for research on inheritance management in FELCRA, RISDA, *Rancangan Tanah Pingir*, and others state authority's group settlement to be compared with each other. After reviewing past researches, the study that sparks interest and instates urgency for inheritance management reformation is also needed. For example, an inheritance management study purposed in uncovering a new type of mechanism and digital data management. The next step should be an integrated system including process tracking and notification.

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PRICE CONTROL IN HOUSING AFFORDABILITY FROM ISLAMIC PERSPECTIVE

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Abstract

Home is not only necessity for people to protect their faith, posterity, develop their intellect and create wealth, but it also allows society to improve their well-being if their needs are fulfilled. Housing, in fact, serve as a hub of economic activity, a sign of achievement, social acceptance, and an element of urban growth. However, housing affordability concerns are particularly widespread in lower and middle-income households in most major Malaysian cities, with most of them having trouble purchasing a home. This research therefore seeks to highlight certain related issues and discuss the concept of price control in housing affordability from an Islamic perspective including the identification of Islamic economic theory. It is hoped that it will be able to contribute to the ground knowledge and understanding of housing affordability from an Islamic perspective to increase the affordability level of housing toward Malaysia's society.

Keywords: Housing Affordability, Islamic Economy, Price Control, Content Analysis

INTRODUCTION

Everyone requires a place to live because it is one of the basic needs of every human being, along with food and clothing. This fact cannot be denied because a person cannot survive without a basic need in life. According to Ali Hisbullah in (Tahir and Khan, 2016) explained that necessary goals are those on which worldly and religious life is based, and if they are lost, one's worldly life is uprooted. As a result, it has become mandatory for a leader, particularly in a family, to provide a house as it is a suitable place to stay connected with our families and others daily. Ibn Hazm in (Ismail and Arshad, 2009) raised the issue of basic needs (food, clothing, and shelter) in the context of government in the 11th century (994-1064 AD). He entrusts the government with the responsibility of ensuring the basic needs of the poor, emphasising the role of the wealthy in this regard. If their needs are met, society can also improve their well-being.

In the context of home affordability, its described as people's ability to save money depending on their salaries, not just for housing, but for other purposes as well (Mostafa, Wong and Hui, 2006). When one displays the ability to purchase a home, housing affordability can be determined (Torluccio and Dorakh, 2011). Usually, determining whether a person can afford a home means looking at their expenses, where they must pay for basic needs, the rest of the money is available to buy certain things. In this case, they are deemed to be capable of owning a home.

Meanwhile, if they are unable to make the monthly payments and do not have enough money to buy other necessities, they considered as not capable to own a house (Bujang, Jiram, Zarin and Anuar, 2015). This will lead to insecurity in family homes and thus affect health and wellbeing (Anderson et al., 2003). In Islam, it preaches a just, ethical, non-discriminatory, and efficient protection of its followers' well-being, particularly in the provision of housing as a social necessity. As a result, the need for proper housing among people is an undeniable necessity that the government should constantly monitor and research. According to Imam Abu Daud, explained in (Bashar, 1997) stated that:

“It is the leader's responsibility to take care the needs of his people”

Therefore, the Malaysian government should play an important role in resolving the housing affordability problem, such as issues of house price as it was seriously unaffordable to be purchased among people, particularly those in the B40 (lower income) and M40 (middle income) groups (middle income).

Issues of Housing Affordability In Malaysia

Malaysia's housing industry has grown rapidly since the country's independence, and it remains a key driver of the country's economic development and improvement to this day. However, Soon and Tan (2019) found that housing affordability is declining due to a mismatch between demand and supply in the housing market. According to Baqutaya, Ariffin, and Raji (2016), problems of mismatch between demand and supply in housing affordability are particularly prevalent in lower- and middle-income households in most major cities in Malaysia, where most of them have difficulty purchasing a home. As a result, there is a demand for affordable housing. However, there is a scarcity of low-cost housing development, with only 25% of new housing launches priced under RM250,000. This means that there is a surplus of houses worth more than RM500,000 and a shortage of houses worth less than RM250,000 (Ling, Almeida, Shukri, and Le Aze, 2017). The supply was then concentrated on high-cost housing rather than low-cost housing. In turn, a lack of affordable housing will result in lower affordability and higher real estate prices for low- and middle-income households, eventually causing demand and supply issues.

In addition, home is considered affordable if the price does not exceed three times the annual household income (Cox & Pavletich, 2018). However, director of the Financial Supervision Department, Qaiser Iskandar Anwarudin in The Star reported by (Ganeshwaran, 2019) said most Malaysians are still unable to buy newly launched homes particularly for first time home buyers because affordability in Malaysia has deteriorated with the median multiplier (the ratio of home prices to annual household income) rose to 4.8 times in 2016 from 3.9 times in 2012 which made houses even more unaffordable. This is due because the rising cost of housing faster than income (Abdul Shakur, Mohamed, and Abdul Hadi, 2017). According to Cox and Pavletich (2018), the most significant housing affordability issue is the rising cost of housing faster than income. Short-term affordability's issue may be a supply-demand issue, but in the long run, it should be related to the growing gap between rising household income and rapid rise in housing costs.

The issue of housing affordability in Malaysia is also linked to the number of residential overhangs, which has steadily increased over the years. Rasid (2019) reported in *The New Straits Times* that the total unsold residential property in 2019 amounted to 32,810 units, or RM19.76 billion, according to the National Information Property Centre. This value is expected to be the highest in a decade, and it is regarded as a critical issue in Malaysia. This unexpected residential property overhang is largely determined by units priced between RM200,000 and RM300,000, commonly referred to as "affordable," which is (22.3 percent), followed by RM300,001 to RM400,000 (17.5 percent), and more than RM1 million (17.5 percent) (12.8 percent). As a result, the question arises as to whether Malaysian housing prices are increasing too quickly or are truly affordable. Aside from that, current house prices are largely driven by the attitude of developers who are only concerned with achieving their respective trajectories. This is one of the speculation activities that leads to the benchmarking of housing prices by creating artificial market price trends. Although housing is a key driver of the business cycle, excessive speculation in the property market was also one of the causes of the 2008 financial crisis (Razif, Kamal, Mohamad and Hashim, 2017). In fact, Islam emphasises the importance of owning his own home as a treasure in order to have a proper living as basic needs and to not leave the heirs such as children or individuals vulnerable to homelessness if they have died.

Furthermore, the tendency of developers to raise prices to maximise profits is said to be one of the causes of skyrocketing house prices, rather than just high demand (Sinar Harian, 2013). As a result, the buyer rushes to purchase a home for fear that house prices will continue to rise and make real estate unaffordable. Not only low-income families, but also middle-income families, found it difficult to purchase housing units as prices rose, resulting in "the rich get richer, the poor get poorer." Furthermore, it demonstrates the oppression of the rich, who profit from other people's hardships, and will clearly demonstrate that the government's economic plan has failed completely. This will create a caste system and widen the social divide, whereas Islam opposes human classification (al-Mazini, 2015). She also added that when home prices reach an inadequate level, there are many who do not have their own homes, rent to death, occupy squat areas illegally, or even worse things, homeless and live begging. Social problems such as prostitution, drug addiction will occur because of the economic standard of living that is not in favour.

Besides that, the rise in home prices also resulted on daily economic activity as people are more sensitive in spending (Li and Yao, 2007). This is because when there are economic problems, people's purchasing power decreases. If the current situation continues, the human ecosystem in the economy will be disrupted, potentially leading to a severe crisis for the entire society. For instance, known as the Lost Decades in 1989, was caused by the collapse of the asset market, specifically the property sector and the stock market, as a result of large-scale speculative activity (Razif et al., 2017). This is an example of the ramifications of excessive speculative activity. The promotion of massive non-controlling debt lending has boosted speculative activity significantly. As a result, the value of assets such as stocks and real estate has more than doubled. As a result, a financial bubble has formed. The price increase is not driven by anything fundamental, rather, it reflects speculative activity rather than actual demand. As a result, the situation deteriorated, and

stock and property prices plummeted. The government intervention in housing affordability through price control is required. Therefore, this paper study tends to discuss the concept of price control in housing affordability from an Islamic perspective including the identification of Islamic economic theory.

Price Control From Islamic Perspective

In addition to food and clothing, the Shariah goal determines that shelter and the right to have a residence should be pursued as a necessity. According to Chapra in Abozaid and Dusuki (2007), whatever ensures the protection of these five serves the public interest and is desirable. In general, Shariah is based on the benefit of the individual and the community, and its laws are intended to protect these benefits while also facilitating the advancement and perfection of human life in this world. In terms of speculation of house price in housing affordability, it may result in the aftermath of skyrocketing house prices until they become unaffordable beyond the level of people's ability to own a home, particularly among the low and middle classes (Razif et al., 2017). If such economic practises can cause harm, they should be restricted, and clear laws and guidelines should be established to address this issue. Thus, speculation in the property market is viewed as an element that leads to *mafsadah* beyond *maslahah* and contradicts *Shari'ah's* objectives of promoting benefits and repelling harms.

As a result, government intervention is critical in addressing this issue. Despite the fact that the government has no authority to set market prices, the Valuation and Property Services Department in Edge Prop reported by Shawn Ng (2018) has proposed establishing a housing Price and Cost Control Committee to keep house prices in check, to keep track of the minimum and maximum selling prices for each type of resident. This is because, except for low-cost houses in the primary market, where the ceiling price has already been set by the state authority, house prices are usually determined by the interaction of demand and supply. Meanwhile, there are arguments against the concept of price control, claiming that setting a ceiling price will also result in a floor price, resulting in developers not offering anything below the floor price. Most economists oppose this idea because they believe the housing market should be determined solely by supply and demand. Controlling housing prices may have an impact on the market's equilibrium (Razif et al., 2017). However, according to price control does not necessarily imply that the government is imposing a policy or regulation requiring a product to be bought and sold at a specific price (Laguerodie and Vergara, 2008), They argue that the fundamental idea of price control is that if the free movement of certain prices has "very bad consequences" or makes something impossible or extremely difficult to obtain, taking several actions to improve the situation is legitimate. Furthermore, they suggested that price control can take the form of a wide range of measures that modify or influence the market prices that are causing the problem.

This is supported by the National House Buyers Association in The Sun Daily, reported by Nee (2019), which suggested that a price control mechanism for residential properties be implemented to prevent price escalation. It is a matter of extending that practise of imposing certain limits and price controls when dictating the prices of affordable houses and low-cost houses. Drastic measures must be taken before the situation devolves into a homeless society. As a result,

regulations are required to deter market abuse and the monopoly of high house prices imposed by some developers, as well as to create a competitive market. It is not to lower the price, but to manage the price, which establishes a reasonable price for houses. In Malaysia, the divergence of opinion regarding the suggestion of house price control is a constant source of contention. This situation raised several questions about how Malaysians deal with the issue of housing affordability. What is Malaysia's future course of action? Is there an alternative way to control housing prices? The following section examined how price control can be managed in Islamic economy according to the Ibn Taimiyyah Thought.

Price Theory According To Ibn Taimiyyah (1263-1328 AD)

Ibn Taimiyyah investigates how market prices are determined by the interaction of demand and supply forces. A fair price, according to Ibn Taimiyyah in Sudiarti (2017), is the price of goods and services where people sell merchandise and the price generally accepted as being commensurate with the goods sold or other similar goods specific place and time. It is explained in his book *Al-Hisbah Fi Al-Islam* as follows:

“...If residents sell their goods in normal ways (normal), without using unfair ways (acts of injustice) then the price has increased both because at least the supply of goods or due to population growth (demand), then it is solely for Allah. So, in these conditions, forcing traders to sell their goods at a certain price is coercion is not justified [2]...”

The purpose of the normal ways (fair), traders should sell their wares in a fair and in accordance with the market rules, without any unjust actions or dishonesty of a merchant. Wrongdoers here denotes the presence of elements that are prohibited by law, such as lying and treason. Which includes, for example, lowering the scales, deception in manufacturing (factory), sale and purchase, and debts. The increase in price is due to either an increase in inventory (supply) or an increase in population (demand), indicating that the increase is a natural rise in prices without any elements of price bubbles or follow distorts the market, and the price increase is classified as reasonable. Thus, forcing traders to sell their goods at a specific price, according to Ibn Taimiyah, is a legally incorrect imposition. Because of the absence of market-price-damaging factors (indicators).

A fair price can only be found in a competitive market because the price of a competitive market tends to be a reasonable price. Ibn Taimiyah stated that if people are selling merchandise at normal prices (the price increase caused by a lack of inventory due to a decreasing supply of goods), then things like this do not necessitate any price regulations. Because of the price increase, prices have risen in a fair and competitive manner, with no element of speculation (Sudiarti, 2017). Ibn Taimiyah, for example, says:

“...If there is a tyranny of the population and forcing the traders sell their wares at a price set without any basis that would enable or forbid them to sell goods that allowed Allah to them then forbidden to force them...”

This means that people have complete freedom to enter and exit the market and can engage in any type of buying or selling as long as no illegal *shara'* is committed. Ibn Taimiyah is a strong supporter of the market's suppression of monopolistic elements, and he strongly opposes any form of collusion or coalition between traders and buyers, or between certain parties. That is, any monopolistic elements, including product fraud, collusion, and counterfeiting, must be removed from the market. Furthermore, if an emergency occurs, such as a famine, the government must set prices and may force traders to sell necessities, such as food, clothing, and shelter, that the community requires (Sudiarti, 2017). However, due to the hadiths below, price intervention or price control has been debated. Besides that, Amalia in Nurfaizah (2020) stated that Rasulullah explained in his hadith, from Anas bin Malik that “the price of goods was once expensive during the time of the Prophet. then people say, “O Messenger of God, the prices are rising, set a price standard for us, The Messenger of Allah then said, "Verily, Allah is the one who sets the price, withholds and distributes wealth, and I actually just hope that when I meet Allah, none of you will sue me for wrongdoing in the bloodshed (murderer) and treasure." (Narrated by Abu Daud, Ahmad, Tirmidhi and Ibn Majah).

According to Ibn Taimiyah in Hilal (2014), this was in response to hadiths that the Prophet Muhammad SAW Muhammad did not intervene in price at the time because market conditions were normal and subject to the law of demand and supply. The price increase at the time was not due to market imperfections, but to the power of demand and supply itself, and it was not necessary to intervene in the price. However, in the context of Malaysia's current situation, the price is not only influenced by demand, but the price offered is sometimes speculated by developers for a higher margin. Those earning less than certain rates, such as those in the private sector earning less than RM5,000, are still unable to purchase a home, and this contributes to inflation (Osmadi, Hassan, Kamal and Fattah (2015). Furthermore, price intervention by the government in the market can be done when there is a market imbalance to meet the needs of the community in terms of food, clothing, and shelter. This means that price changes occur because of market distortions rather than natural market forces. In Bashar (1997), Ibn Taimiyah extended his analysis to certain conditions in which price intervention or control is not only permissible but also required:

“...Price control is not permitted if it forces traders to sell their goods at a price they do not agree with, or if it prevents people from transacting things that Allah has made lawful for them, and when it implies injustice. On the other hand, when it facilitates the administration of justice among people, such as when traders are forced to sell the commodity that they are required (by law) to sell at the market price, or when they are prevented from undue profiteering, price control becomes not only permissible, but also obligatory (Ibn Taimiyah, 1976;15). Following extensive research, he came to the conclusion that “when people's needs and

necessities cannot be safeguarded without a fair price control, then a price control based on justice will be implemented for them - no more, no less..."

(Ibn Taimiyah, 1976:37).

In addition, Ibn Taimiyyah also stated that market prices are influenced by a decrease in production or a decrease in imports of the community's desired goods. As a result, if the demand for goods rises while production capacity falls, the price rises automatically. Meanwhile, if demand rises in tandem with the ability to supply goods, prices will fall. In theory, there are two types of policies that are commonly used in modern economies (conventional) named market intervention and price intervention. Price intervention policy is also classified into two types namely floor price policy, in which the government establishes the lowest price of an item while the price is higher than the market price, and ceiling price policy, in which the government establishes the highest price of an item while the price is higher than the market price (Lusiana and Astrid, 2020). Furthermore, Hilal (2014) stated that Ibn Taimiyah differentiates between two types of price intervention named unfair and legally flawed price intervention and fair and lawful price intervention. Unfair and legally flawed price intervention occurs when rising prices are caused by free market competition, a scarcity of supply, or an increase in demand. While a fair and lawful price intervention is considered fair if it does not cause havoc for either the seller or the buyer.

Besides that, according to Nurfaizah (2020), Ibnu Taimiyah also explained that before the price was set, the government had to first hold a meeting with community or market representatives. This is persuasive because the government provides bargaining participants with pricing so that the decision's outcome can be agreed upon by all parties. The pricing concept proposed by Ibnu Taimiyah is a very good illustrative example. According to Ibn Taymiyyah, the fulfilment of basic human needs, such as food, clothing, and shelter, is the responsibility of the state or government. As a result, while the government's pricing is considered good, it is not absolute. Only in certain circumstances can the government intervene in price setting, such as when prices rise due to injustice or inequality in market mechanisms caused by the seller's actions. For that, we need a board of directors capable of balancing the interests of buyers and sellers. Under such circumstances, Islahi and Azim in Fasiha (2017) stated that price increases should now be monitored. As a result, in this case, the government's role in maintaining the housing market mechanism is critical, either as a regulator or as a supervisor of the market mechanism to ensure that it runs smoothly and creates a fair price for sellers and buyers.

CONCLUSION

Based on the discussion above, supply and demand distortions, Tadhli (Fraud), and Taghrir (Chaos) occur, such as unreal demand or monopolised supply, resulting in an imperfect market mechanism in the determination. In terms of property price speculation, it may result in ballooning house prices until they become unaffordable beyond people's ability to purchase a home, especially among the lower and middle classes (Razif et al., 2017). If such economic practises are harmful, they should be prohibited, and clear regulations and guidelines should be put in place to address

the problem. As a result, any speculation activities towards house is seen as a factor that leads to *mafsadah* beyond *masalah* and opposes the goal of *Shari'ah* of promoting advantages and avoiding harms. Therefore, the government intervention is required in addressing this issue as in Islam, price-setting interventions are permitted, if not required, for the benefit of the people's welfare. It is recommended that the government take measures or supervise the market price in the event of fraud or any disturbances that cause the price to inflate. That is, prices that arose not because of the strength of demand and supply, but because of their manipulation, exploitation, or acts of injustice.

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A DESCRIPTIVE ANALYSIS OF HOUSING AFFORDABILITY IN MALAYSIA

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Abstract

There has recently been widespread public debate and media attention around housing affordability in Malaysia as it is one of the key measures for the stability of a country's socio-economy. This is because having a home is not only necessity for people to protect their faith, posterity, develop their intellect and create wealth, but it also allows society to improve their well-being if their needs are fulfilled. Housing, in fact, serve as a hub of economic activity, a sign of achievement, social acceptance, and an element of urban growth. However, housing affordability concerns are particularly widespread in lower and middle-income households in most major Malaysian cities, with most of them having trouble purchasing a home. Therefore, this paper tends to discuss the descriptive analysis of housing affordability containing several variables (House Price, Household Income, Household Expenses, Land Cost, Population, Inflation, Interest rate and Rental Rate) used in this study for the sample of East Coast Region (Kelantan, Terengganu, and Pahang), Central Region (Selangor, Kuala Lumpur, and Negeri Sembilan), Southern Region (Melaka and Johor), Northern Region (Perlis, Kedah, Penang and Perak), and also East Malaysia (Sabah and Sarawak).

Keywords: *Housing Affordability, House Price, Household Income, Household Expenses, Land Cost, Population, Inflation, Interest rate, Rental Rate.*

INTRODUCTION

Housing is the largest single lifetime investment for most people. Others, on the other hand, will simply consider housing as a refuge and a means to meet their necessities along with food and clothing. As pointed out by Sohaimi et al., (2015), a house is more than just a place to live since it has psychological importance, economic well-being, and individual riches. Home ownership, on the other hand, is believed to provide happiness to society. Well-being is represented in the quality of life under some situations, such as providing society with residential stability, which can improve physical and psychological well-being, reduce stress exposure, and provide a feeling of belonging (Shaw,2004). Housing affordability can be defined as a person ability that has the

potential to make saving based on their income not only to the housing cost, but also to another consumption (Mostafa, Wong and Hui, 2006). Based on Torluccio & Dorakh (2011) housing affordability can be described when a person shows his capability to buy a house. Normally, to determine whether someone can afford to own a house or not, means looking at their expenses, where after paying for necessities, residual income exists to purchase other things. In this situation, they are considered as capable of owning a house (Bujang et al, 2015). As such, the study that related to housing affordability is very important because, inability of home ownership will cause adverse consequences and lead to instability of society's wellbeing.

REVIEW ON HOUSING AFFORDABILITY IN MALAYSIA

The housing industry in Malaysia has grown rapidly since the country's independence to this day, the housing industry has been a key driver of the country's economic development and improvement. However, housing affordability in Malaysia tends to decline over the years. Its particularly prominent amongst lower and middle-income households with most of them having difficulty affording a home (Baqtaya, Ariffin and Raji, 2016). Besides that, home is considered affordable if the price does not exceed three times the annual household income according to Cox and Pavletich (2018) in the 15th Demographia International Housing Affordability Survey. Affordability level in Malaysia however, has deteriorated with the median multiplier rose to 4.8 times in 2016 from 3.9 times in 2012 which made houses even more unaffordable (Tay, 2019). The issue of short-term affordability may be due to supply-demand, but in the long run, it should be linked to the widening disparity between rising household income and rising housing costs (Gihring, 2000). If house prices continue to rise much faster than income, that means homes are even more unaffordable to be purchase (Pettinger, 2019) In the end, not only home buyers will be affected, rents will increase soon, including on social housing.

Besides that, Karantonis (2013) stated that increase in population is a major underlying driver in housing demand, and without a new supply of residences, prices for both renting and buying homes will rise. This will have an impact on affordability, which is exacerbated in many large cities by a shift in living preferences, which has resulted in a decrease in home occupancy rates. Apart from that, the cost of land also considered as significant element in determining house affordability. Wen and Goodman (2013) found that the relationship between house prices and land prices in China is endogenous, with all interactions being positive. This is in line with Yap and Ng (2018) in their study highlighted that, the scarcity of land in the main cities has resulted in a rise of housing prices where the land price is subjected to the location with different connectivity and scale of development.

On the other hands, Bujang et al., (2015), in their study shows that person's ability to get a house also determined by household expenses which consist of housing and non-housing expenses. If there is money left over after meeting necessities, they are considered capable of purchasing a home, and vice versa. Moreover, (Hashim, 2010) stated that the growing of residential property market in Malaysia is effected by various factors such as inflation. Zainuddin and Yusof (2020) examines the relationship between terrace house prices in Penang with interest

rate, inflation, and cost of renting terrace houses. The result indicates that from 2009 to 2016, the price of terrace houses in Penang is only driven by inflation rate and interest rate (mortgage rates) variables. Meanwhile, interest rates also might have an impact on house affordability in Malaysia. Shi, Jou and Tripe (2014) took an example on how changes in central bank policy and retail mortgage rates affected real house prices in New Zealand from 1999 to 2009. They discovered that real interest rates are correlated with real home prices in a significant and beneficial way. Aside from that, a variety of mortgage instruments with varied interest rates and maturities are available across the country to meet the needs of borrowers and lenders. These products, however, are interest-based and are not suitable for Muslim borrowers (Shirizi, Zulkhibi and Syed Ali, 2012). Unlike the conventional mechanism, Islamic finance forbids the use of interest in any transaction and instead favours sale-based, lease-based, or partnership-based solutions. In practice, Malaysian Islamic banks employ the Islamic Base Rate (IBR), which effective on January 2, 2015 (formerly known as Base Financing Rate, BFR), to calculate their effective profit rate on MM financing.

However, Charging the rental payment in accordance to IBR will create an impression of similarity with traditional interest rate (Ali, Hassan and Othman, 2017). Although benchmarking against the conventional interest rates is permissible, Muslim scholars (particularly economists) are urged to seek an alternative that is not reliant on conventional interest rates (Meera and Razak, 2009). Therefore, Yusof et al., (2016) proposed rental rate index which is a better alternative than the lending rate (LR) by integrating the ratio of UK RPI over HPI. However, because the aggregate housing rental price index is not available in Malaysia, the rental yield over median home price is utilized as a substitute and is better suitable for determining the level of affordability. In particular, the rental rate is found to be impervious to short-term economic volatility, yet it is indicative of economic fundamentals in the long run. Therefore, it can be concluded that there are several gaps, conflicting and mismatch relationship appeared in the context of housing affordability in Malaysia. Hence, it warrants for further investigation should be more taken in this field since the regulation of national housing policy in Malaysia is always changes from time to time.

METHODOLOGY

The objective of this study is to discuss the descriptive analysis of housing affordability by each region in Malaysia over the 20 years period of 2000 to 2019. The overall situation of housing affordability (HA) in Malaysia with determinants variables such as house price (HP), household income (HI), household expenses (HE), population (PL), interest rate (IR), inflation (IF), rental rate (RR), and land cost (LC) were analysed in this paper. In achieving this objective, this paper used secondary data that are acquired from National Property Information centre and Department of Statistical Malaysia. Besides that, the secondary data in this paper also retrieved from references such as journals and seminar papers.

FINDING

The mean, standard deviation, skewness, kurtosis, maximum and minimum values of the variables are all presented in this study as descriptive statistics. The descriptive statistics for determinants variables of interest rate and inflation rate by region in Malaysia are the same because the value is

reflected in Malaysia as a whole. All of the variables in this study are acceptable and good in terms of skewness and kurtosis because the acceptable values of skewness and kurtosis, according to (Hair et al., (2014) and Bryne (2010) are 2 to +2 and 7 to +7, respectively.

Table 1: Descriptive statistics of East Coast, Malaysia (Kelantan, Terengganu, and Pahang)

	HA	HP	HI	HE	PL	IR	IF	RR	LC
KELANTAN									
Mean	4.32	120960.89	2121.42	1738.57	1.59	6.47	2.19	2.96	74.2
Standard Deviation	0.41	52114.49	839.09	576.86	0.17	0.37	1.24	0.5	25.1
Kurtosis	-1.32	-1.34	-1.26	-1.58	-1.15	0.34	1.09	0.33	-1.85
Skewness	0.002	0.08	0.43	0.42	0.2	-1.09	1.01	1.2	-0.54
Minimum	3.7	50189	1102	1105	1.32	5.55	0.58	2.5	38
Maximum	4.9	210000	3563	2650	1.89	6.91	5.44	4.13	99
TERENGGANU									
Mean	4.27	177799.1	2929.31	2030.73	1.06	6.47	2.19	3.67	49.8
Standard Deviation	0.3	75684.27	1558.84	1018.76	0.11	0.37	1.24	0.71	3.88
Kurtosis	1.62	-1.69	-0.89	-1.09	-1.06	0.34	1.09	0.92	-0.95
Skewness	0.18	0.24	0.68	0.71	0.15	-1.09	1.01	-0.81	0.25
Minimum	3.6	82789	1287	990	0.89	5.55	0.58	2.03	44
Maximum	5	281640	5873	3835	1.25	6.91	5.44	4.87	56
PAHANG									
Mean	4.29	147722.73	2810.15	2055.47	1.49	6.47	2.19	3.03	70.1
Standard Deviation	0.42	59528.58	997.49	657.8	0.12	0.37	1.24	0.34	10.33
Kurtosis	0.71	-1.52	-1.15	-1.52	-0.96	0.34	1.09	1.46	0.29
Skewness	1.17	0.36	0.21	0.21	-0.31	-1.09	1.01	0.54	-0.94
Minimum	3.8	71400	1367	1215	1.26	5.55	0.58	2.46	50
Maximum	5.3	238740	4440	3100	1.67	6.91	5.44	3.94	83

Table 1 shows the descriptive analysis for a sample of Malaysia's East Coast Region (Kelantan, Terengganu, and Pahang) from 2000 to 2019. The average cost of housing in Kelantan is (4.32), compared to (4.29) in Pahang and Terengganu (4.27). Furthermore, Pahang has the highest standard deviation of home affordability at 0.42, with maximum and minimum values of 3.8 and 5.3, respectively. Aside from that, Kelantan's highest and minimum values are 3.7 and 4.9, while Terengganu's are 3.6 and 5, respectively. We can see that in comparison to Terengganu and Pahang, Kelantan has the highest mean value of home affordability (4.32) in this table. Even though Kelantan has the lowest average of house prices (RM120,960.89), the level of affordability remains low due to the lowest mean family income (RM2,121.42). Not just for the East Coast Region, but Kelantan residents have the lowest yearly median income compared to the rest of Malaysia (National Property Information Centre, 2017). As a result, according to Osman et al., (2020), the median house price in Kelantan generally surpasses the three times median annual household income barrier, indicating that houses in all Kelantan districts are unaffordable.

Moreover, Kelantan also has the largest mean population (1.59 million) in East Coast Region, which has an impact on home affordability. This is in line with Yusof and Razali (2004), population and urbanisation are the key determinants of housing affordability in Malaysia. Moreover, the rising land cost in Kelantan (RM74.2) per sqm also influencing housing affordability as supported by reported by Auyong, Yip, Woo and Senadjki (2018) in their study shows that housing prices are associated with changes in construction cost, land cost, compliance cost resulting in affecting affordability level of housing.

Table 2: Descriptive statistics of Central Region (Selangor, Kuala Lumpur, Negeri Sembilan)

	HA	HP	HI	HE	PL	IR	IF	RR	LC
SELANGOR									
Mean	3.96	254602.57	5178.68	3001.94	5.51	6.47	2.19	4.2	213.2
Standard Deviation	0.48	105293.89	1716.05	1059.68	0.66	0.37	1.24	0.53	73.58
Kurtosis	0.99	-1.59	-1.08	-1.47	-0.55	0.34	1.09	-0.06	-1.29
Skewness	0.81	0.37	0.51	0.49	-0.16	-1.09	1.01	-0.6	0.16
Minimum	3.2	134734	3023	1787	4.2	5.55	0.58	3.08	118
Maximum	5.2	407490	8210	4709	6.53	6.91	5.44	4.9	320
	HA	HP	HI	HE	PL	IR	IF	RR	LC
KUALA LUMPUR									
Mean	4.92	341444	5702	3420.47	1.63	6.47	2.19	3.42	2729.1
Standard Deviation	0.39	140009.8	2819.7	1471.48	0.14	0.37	1.24	0.71	832.73
Kurtosis	0.32	-1.61	-1	-1.65	-0.73	0.34	1.09	-1.53	1.09
Skewness	-0.58	0.34	0.42	0.37	-0.64	-1.09	1.01	0.03	-1.64
Minimum	4	177280	1053	1840	1.35	5.55	0.58	2.33	1174
Maximum	5.6	538000	10549	5692	1.79	6.91	5.44	4.44	3260
	HA	HP	HI	HE	PL	IR	IF	RR	LC
NEGERI SEMBILAN									
Mean	3.5	147698.68	3324.47	2174.68	1	6.47	2.19	3.83	83.2
Standard Deviation	0.83	76978.05	1056.69	844.13	0.08	0.37	1.24	0.72	36.84
Kurtosis	-0.43	-1.31	-1.39	-1.11	-1.29	0.34	1.09	-1.48	0.06
Skewness	1.01	0.64	0.38	0.61	-0.28	-1.09	1.01	0.48	0.4
Minimum	2.6	62950	2004	1190	0.85	5.55	0.58	3	32
Maximum	5.1	280235	5055	3712	1.13	6.91	5.44	5.11	143

The descriptive analysis for the sample of the West/Central Region (Selangor, Kuala Lumpur, and Negeri Sembilan) is presented in Table 2. Kuala Lumpur has the greatest mean value for housing affordability (4.92), with a standard deviation of 0.39 and maximum and minimum values of 4 and 5.6, when compared to Selangor (3.96) and Negeri Sembilan (3.5). Besides that, the maximum value and minimum value in Selangor are 5.2, and 3.6 and Negeri Sembilan are 2.6 and 5. For the Central Region, we can observe that Kuala Lumpur has the highest mean value of home

affordability. This is due highest average of house price (RM341,444) resulting in decrease in housing affordability. Even though the population of Kuala Lumpur earns the average greatest household income (RM5702) in comparison to the population of other states, but then it still as extremely too highly overpriced housing. This is consistent with Hassan et al., (2019) found that housing price and household income level were the most important factors influencing housing affordability in Kuala Lumpur. In addition, the rising cost of land in Kuala Lumpur (RM2729.1) per sqm has had an impact on house affordability. This is consistent with previous study by Yang and Bao in (Wen et al., 2013) who claim that house prices rise due to land shortage and growing land costs. Furthermore, the greatest expenditure of household expenses (RM3420.47) by a community in Kuala Lumpur demonstrated that rising living costs are harming home affordability at the same time. This is consistent with (Md Sani, 2013) in a study on indicators affecting Kuala Lumpur's low-cost housing found that household income and expenses have an impact on housing affordability.

Table 3: Descriptive statistics of Southern Region (Melaka, and Johor)

	HA	HP	HI	HE	PL	IR	IF	RR	LC
MELAKA									
Mean	2.86	130673.1	3759.31	2439.63	0.78	6.47	2.19	3.58	64.5
Standard Deviation	0.22	54085.43	1464.8	959.1	0.11	0.37	1.24	0.64	19.36
Kurtosis	-0.88	-1.49	-1.44	-1.54	0.76	0.34	1.09	-0.99	-0.61
Skewness	-0.46	0.23	0.37	0.3	-0.96	-1.09	1.01	0.21	-0.84
Minimum	2.4	54200	1883	1112	0.5	5.55	0.58	2.66	31
Maximum	3.2	207874	6054	3919	0.93	6.91	5.44	4.83	85
	HA	HP	HI	HE	PL	IR	IF	RR	LC
JOHOR									
Mean	4.1	186845.9	3729.2	2343.2	3.16	6.47	2.19	3.46	149.2
Standard Deviation	0.66	99188.33	1537	1034.37	0.42	0.37	1.24	0.49	26.66
Kurtosis	2.11	-1.11	-1.21	-1.58	-1.53	0.34	1.09	-1.53	-1.34
Skewness	1.52	0.78	0.64	0.51	-0.11	-1.09	1.01	-0.19	-0.17
Minimum	3.4	86200	2112	1345	2.5	5.55	0.58	2.73	110
Maximum	6	350000	6427	4025	3.76	6.91	5.44	4.09	185

The descriptive analysis for the sample descriptive statistics of the Southern Region (Melaka and Johor) is presented in Table 3. Compared to the mean value of Melaka (2.86) with a standard deviation of 0.22, Johor has the highest mean value of housing affordability (4.1) with a standard deviation of 0.86. Meanwhile, the maximum and minimum value in Johor is 3.4 and 6 while Melaka are 2.4 and 3.2. We can see that Johor has denominated the mean value of housing affordability in the Southern Region. Even though the average household income in Johor (RM3729.2) is larger than in Melaka (RM3759.31), but then the average house price in Johor is still the greater (RM186845.9) and makes it difficult to afford a home. This is supported by Osman, Khalid and Yusop (2017) in their study stated that despite the presence of affordable housing policy for the State of Johor, house prices in the state is largely higher than what the population

can afford, making housing unaffordable to the population. Besides that, the increasing in the mean value of household expenses and land cost in Johor also would have an impact to housing affordability. This is supported by Mostafa (2008) that household expenses which consisting of housing expenditure and non- housing expenditure will affect the level of affordability. Meanwhile Wen et al., (2013) stated that housing prices and land prices are endogenous, and their interactions are all positive to influence housing affordability. Apart from that, the increased population in Johor (3.17 million) has resulted in an increase in housing demand, which has caused house prices to rise, making home affordability more difficult, especially for medium and lower income earners (Lin et al.,2018).

Table 4: Descriptive statistics of Northern Region (Perlis, Kedah, Pulau Pinang, and Perak)

	HA	HP	HI	HE	PL	IR	IF	RR	LC
PERLIS									
Mean	4.2	129675.15	2574.21	1775	0.22	6.47	2.19	2.84	53.1
Standard Deviation	0.19	56013.22	1201.38	794.31	0.01	0.37	1.24	0.14	12.32
Kurtosis	-0.4	-1.49	-1.25	-1	-0.57	0.34	1.09	-0.98	-0.66
Skewness	0.22	0.5	0.67	0.82	-0.62	-1.09	1.01	0.2	0.09
Minimum	3.9	66341	1344	1023	0.19	5.55	0.58	2.59	35
Maximum	4.6	220000	4594	3161	0.25	6.91	5.44	3.12	72
KEDAH									
Mean	3.7	121560.26	2573.15	1788.84	1.92	6.47	2.19	3.58	108.5
Standard Deviation	0.44	50608.28	1038.47	615.15	0.18	0.37	1.24	0.32	21.41
Kurtosis	-1.02	-1.37	-1.35	-1.72	-1.02	0.34	1.09	0.53	-0.74
Skewness	-0.17	0.2	0.51	0.31	-0.31	-1.09	1.01	-0.57	0.46
Minimum	3	53321	1395	1100	1.58	5.55	0.58	2.91	81
Maximum	4.5	199100	4325	2759	2.18	6.91	5.44	4.17	143
PULAU PINANG									
Mean	4.08	200707.57	3898.68	2565.68	1.55	6.47	2.19	2.5	211.2
Standard Deviation	0.9	97122.75	1272.25	715.66	0.15	0.37	1.24	0.67	81.81
Kurtosis	-0.49	-1.475157	-1.14	-1.32	-0.85	0.34	1.09	-0.38	-0.46
Skewness	0.48	0.38	0.58	0.49	-0.39	-1.09	1.01	0.95	0.84
Minimum	2.8	84543	2510	1740	1.25	5.55	0.58	1.72	117
Maximum	5.8	356994	6169	3793	1.77	6.91	5.44	3.86	346
PERAK									
Mean	3.94	133042.15	2655.73	1933.78	2.31	6.47	2.19	3.93	107.3
Standard Deviation	0.51	61146.4	999.69	629.88	0.16	0.37	1.24	0.53	68.13
Kurtosis	-0.08	-1.55	-1.36	-1.31	-1.6	0.34	1.09	0.16	-0.32
Skewness	0.62	0.51	0.57	0.56	-0.29	-1.09	1.01	0.87	0.96
Minimum	3.2	60653	1547	1170	2.05	5.55	0.58	3.18	43
Maximum	5.1	221131	4273	2928	2.51	6.91	5.44	5.01	223

Table 4 reports the descriptive analysis for the sample descriptive statistics of Northern Region (Perlis, Kedah, and Penang). Pulau Pinang has the highest mean value of housing

affordability (4.1) with the standard deviation of 0.9 and the maximum and minimum value of 2.8 and 5.8 compare to Perlis (4.2), Perak (3.94), and Kedah (3.7). Aside from that, the maximum and minimum value in Perlis is 3.9 and 4.6, respectively, whereas Perak 3.2 and 5, while Kedah at 3.0 and 4.5. For the Northern Region, we can see that Pulau Pinang has the greater mean value of housing affordability compared to Perlis and Kedah. This is attributable to an increase in the mean property price (RM200707.57), even though household income (RM3898.68) is higher than in Kedah and Perlis. This in line with Leng, Malek and Yasin (2017) stated that while house costs have increased beyond the grasp of most local Penangites, particularly in highly urbanised places such as Penang Island, urbanites' income levels have not risen in lockstep. Furthermore, due to the rising cost of living, the community in Pulau Pinang spends more each month on household expenses (RM2565.68) than in Kedah (RM1788.84) and Perlis (RM1775), putting a strain on housing affordability. This is reinforced by the Household Expenditure Survey Report (2019), which indicated that an increase in overall household spending reflects a deterioration in level housing affordability, as the median house price remains extremely out of reach. Besides that. the level of housing affordability in Pulau Pinang is also influenced by rising land costs (RM211.2) per sqm. This is in line with previous study of Wen (2017) found that housing price and land price have a mutually causal relationship. Rising housing prices lead to higher land prices from a demand standpoint, but land prices are a factor in rising housing prices from a supply standpoint, resulting in decreasing level of housing affordability.

CONCLUSION

From the above explanation, the descriptive analysis of housing affordability shows that most all the states by each region Malaysia facing the phenomena of unaffordable housing price. This study is hoped able to contribute towards understanding of affordability. Further studies could help government in regulating effort to ensure the affordability level and high house ownership rate among people will improve in the future.

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POTENSI PEMBIAYAAN PEMBANGUNAN HARTA WAKAF DI MALAYSIA MELALUI KAEDAH PEMBIAYAAN SECARA LANGSUNG

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Abstrak

Sejak beberapa tahun kebelakangan ini, pemulihan institusi wakaf menjadi agenda dalam komuniti Muslim di seluruh dunia termasuklah di Malaysia. Wakaf dilihat sebagai satu medium pemantapan ekonomi fasa pandemik kini. Kepelbagaian kaedah pembiayaan pembangunan harta wakaf menjadi satu transformasi yang semakin rancak dilaksanakan dan menjadi tumpuan serta fokus pihak pemegang amanah dalam melaksanakan kaedah pembiayaan yang terbaik. Antara potensi kaedah pembiayaan tersebut adalah melalui kaedah pembiayaan secara langsung. Persoalannya, bagaimanakah kaedah pembiayaan secara langsung ini dilaksanakan di Malaysia? Sejajar dengan itu, objektif kajian ini adalah untuk mengenalpasti jenis-jenis kaedah pembiayaan secara langsung dalam pembangunan tanah wakaf. Kedua, menganalisis pelaksanaan kaedah pembiayaan secara langsung ini dalam pembangunan harta wakaf di Malaysia. Data diperolehi melalui sumber temu bual separa berstruktur bersama pegawai dan pengamal wakaf serta melalui data sekunder terutama penulisan, jurnal, artikel dan laman sesawang organisasi yang dikaji. Analisis dilakukan menggunakan analisis kandungan. Akhirnya, kaedah pembiayaan secara langsung dalam pembangunan harta wakaf semakin rancak dilaksanakan pada hari ini melibatkan kaedah wakaf tunai yang melibatkan pelbagai transformasi. Transformasi pelaksanaan kaedah ini telah membantu dalam pengumpulan dana bagi membangunkan harta wakaf khususnya yang melibatkan tanah wakaf sekali gus dapat membantu dalam memastikan tanah wakaf dapat dibangunkan dengan lebih produktif dan menjamin kelestarian manfaat harta wakaf di Malaysia khususnya.

Kata Kunci: Potensi, Kaedah Pembiayaan, Pembangunan Harta Wakaf, Pembiayaan Secara Langsung, Malaysia

Abstract

In recent years, the restoration of waqf has become an agenda in the Muslim community around the world, including in Malaysia. Waqf is seen as a medium to strengthen the economy of the current pandemic phase. The diversity of financing methods for waqf property development has become a transformation that is increasingly being implemented and has become the focus and focus of the trust management in the best financing methods. Among the financing methods is the direct financing method. The question is, how is this method of direct financing implemented in Malaysia? In line with that, the objective of this study is to identify the types of direct financing methods in waqf land development. Second, to analyze the methods of direct financing in the development of waqf property in Malaysia. Data were obtained through semi -structured interviews with officers and endowment practitioners as well as through secondary data from writings, journals, articles and websites of the organizations studied. Analysis was performed using content analysis. Finally, the method of direct financing in the development of waqf property is increasingly being implemented today using the cash waqf method that uses various transformations. The transformation of this method has helped in raising funds for specific wakaf properties that use wakaf land and thus can help in ensuring that wakaf land can be developed more productively and demand the sustainability of wakaf property benefits in Malaysia in particular.

Keywords: *Potential, Financing Methods, Waqf Property Development, Direct Financing, Malaysia*

PENDAHULUAN

Islam adalah cara hidup yang sempurna, baik dari segi kepercayaan atau kehidupan. Setiap amalan yang dilakukan boleh dianggap sebagai satu ibadah apabila perlaksanaannya mengikut kepada cara yang betul. Pembangunan harta wakaf merupakan satu tanggungjawab yang perlu dilaksanakan oleh pemegang amanah wakaf iaitu mutawalli agar manfaat harta wakaf berkenaan akan terus berkekalan. Pemilihan kaedah pembiayaan dalam membangunkan harta wakaf juga merupakan satu tuntutan dalam menentukan pembangunan harta wakaf yang bakal dilakukan akan menepati matlamat dan tatacara kehendak Islam. Hal ini kerana, harta wakaf berperanan penting dan berpotensi menjadi satu sumber dalam menguatkan sosio-ekonomi umat Islam. Antara peranan yang dikaitkan dengan harta wakaf adalah dapat membangunkan masyarakat dan negara umat Islam itu sendiri (Osman Sabran, 2000).

Di Malaysia, hal ehwal pengurusan yang berkaitan harta wakaf adalah merupakan satu aspek kehartaan yang telah diperuntukkan dalam enakmen negeri masing-masing di bawah Jadual Sembilan, Senarai II, Senarai Negeri (Artikel 74 (1)(2), Perlembagaan Pesekutuan). Melalui peruntukan ini telah menjadikan semua tanah wakaf yang didaftarkan akan ditadbir dan diuruskan oleh MAIN sama ada harta alih dan harta tidak alih (Baharuddin Sayin, 1998). Tujuan perlantikan MAIN sebagai pemegang amanah tunggal harta wakaf ini adalah untuk memastikan wakaf diurus dan ditadbir dengan baik, efisien sehingga dapat menjana hasil yang lumayan dan dapat dimanfaatkan oleh benefisiarinya atau bagi tujuan-tujuan kebajikan, sama ada telah ditentukan

atau tidak ditentukan oleh pewakaf. Dalam memastikan pembangunan harta wakaf di Malaysia dapat dilaksanakan dengan baik dan lebih produktif, pemilihan kaedah pembiayaan perlulah diteliti oleh pemegang amanah agar pembangunan harta wakaf dapat dilaksanakan dengan lebih produktif dan berkesan. Justeru itu, kertas kerja ini akan mengupas satu kaedah pembiayaan pembangunan harta wakaf yang telah dilaksanakan di Malaysia iaitu melibatkan kaedah pembiayaan pembangunan harta wakaf secara langsung.

KAJIAN LEPAS

Perbincangan mengenai kaedah pembiayaan secara langsung telah banyak diketengahkan meliputi pelbagai aspek. Peranan kaedah pembiayaan secara langsung melibatkan wakaf tunai telah dibincangkan oleh Ahmad Zaki Abdul Latiff (2005) di mana menurut beliau, wakaf tunai ini telah memainkan peranan yang penting dalam sesebuah negara dan telah diamalkan sejak abad ke-2 Hijrah. Ini turut dinyatakan oleh Murat Cizakca (1998) dan Siti Mashitoh Mahamood (2007) yang berpendapat wakaf berkaedah wang dan dana telah menjadi kaedah wakaf yang dominan pada zaman Kerajaan Uthmaniyyah Turki yang berlaku di sekitar abad ke 15-16 M. Kajian Ermy Azziaty Rozali, Shahrir Fahmi Mohamad & Wan Kamal Mujani (2014) pula telah melihat daripada perspektif peranan wakaf tunai yang boleh dilaksanakan secara meluas pada masa sekarang. Perlaksanaan wakaf tunai ini mendapat sambutan masyarakat disebabkan beberapa faktor. Menurut Amirul Faiz Osman, Sheila Nu Nu Htay dan Mustafa Omar Muhammad (2012), antara faktor-faktor yang mempengaruhi masyarakat Muslim terutamanya di Malaysia dalam melakukan sumbangan berkaedah wakaf tunai adalah kerana ibadah wakaf merupakan amalan yang digalakkan oleh agama, kefahaman dalam melakukan wakaf tunai, kepercayaan yang diberikan kepada institusi wakaf dalam mengurus dan mentadbir harta wakaf, pengurusan yang cekap dan faktor persekitaran.

Kajian berkaitan wakaf kaki telah dilakukan oleh Alias Azhar & Wan Suhairan Wan Ahmad (2017) berkenaan peranan Majlis Agama Islam Negeri Kedah dalam pelaksanaan skim wakaf kaki. Pelaksaaan skim wakaf kaki di Negeri Kedah memfokuskan kepada pembangunan institusi pendidikan dan masjid. Selain itu, kajian yang dilakukan oleh Rohayati Hussien, Rusnadewi Rasyid & Noor Inayah Yaakub (2016) memfokuskan pelaksanaan skim wakaf kaki untuk merealisasikan impian anak yatim ke institusi pengajian tinggi. Berbeza dengan kajian Siti Mashitoh Mahamood, Asmak Ab Rahman, Hasnol Zam Zam Ahmad, & Syarqawi Muhammad (2007) yang membincangkan berkaitan jenis wakaf *Irsyad* yang juga tergolong daripada jenis kaedah pembiayaan secara langsung. Selain itu, Mohd Ali Muhammad Don (2019) menghuraikan berkaitan teori, kepelbagaian dan amalan wakaf seperti wakaf *khairy*, wakaf *zurriy*, wakaf *Irsad*, wakaf *musytarak*, dan wakaf tunai di Malaysia.

METODOLOGI KAJIAN

Metodologi kajian adalah secara kualitatif deskriptif dengan menggunakan analisis kandungan sebagai kaedah penganalisan. Data diperolehi melalui sumber temu bual separa berstruktur bersama pegawai dan pengamal wakaf yang ditentukan dengan kod P001-P010. Temu bual telah dilakukan bagi mendapatkan maklumat lebih terperinci terhadap pelaksanaan kaedah pembiayaan

pembangunan harta wakaf ini. Selain itu, sumber data sekunder turut diperolehi melalui penulisan, jurnal, artikel dan laman sesawang organisasi yang dikaji. Analisis dilakukan menggunakan analisis kandungan dengan perisian atlas.ti versi 8.

DAPATAN KAJIAN

Hasil dapatan kajian diolah untuk menjawab dua objektif utama iaitu untuk mengenalpasti jenis-jenis kaedah pembiayaan secara langsung dalam pembangunan tanah wakaf. Kedua, menganalisis pelaksanaan kaedah pembiayaan secara langsung ini dalam pembangunan harta wakaf di Malaysia. Berdasarkan kepada hasil dapatan kajian, dapat dilihat bahawa transformasi kaedah pembiayaan pembangunan harta wakaf secara langsung merangkumi dua jenis kaedah yang dominan dilaksanakan di Malaysia. Pelaksanaan kaedah pembiayaan secara langsung ini juga dalam pembangunan harta wakaf dilihat banyak telah dilaksanakan oleh setiap MAIN di Malaysia.

JENIS-JENIS KAEDAH PEMBIAYAAN SECARA LANGSUNG

Pembiayaan secara langsung dalam pembangunan harta wakaf adalah merupakan satu kaedah di mana mendapatkan dana secara langsung daripada masyarakat awam dan menggunakan dana yang diperolehi bertujuan untuk membangunkan harta wakaf. Terdapat beberapa kaedah pembiayaan secara langsung yang telah dikenal pasti telah dilaksanakan oleh MAIN di Malaysia antaranya adalah seperti berikut:

Wakaf Tunai

Kaedah pembiayaan pembangunan harta wakaf seperti wakaf tunai tidak dinafikan memiliki potensi besar untuk membangunkan ekonomi umat Islam dalam membiayai aktiviti sosial serta kebudayaan masyarakat Islam terutamanya sektor pendidikan. Hal ini kerana, wakaf yang suatu ketika dahulunya dahulunya hanya dikenali sebagai wakaf harta berbentuk harta kekal, kini telah dikembangkan menggunakan konsep wakaf tunai dan konsep kontemporari yang lain (Muhammad Sofiyuddin Zakaria Mohd Zamro Muda, 2017). Menurut Mustapahayuddin Abdul Khalim dan Noor Hani Zakaria (2012), melalui kaedah wakaf tunai ini, bukan sahaja modal atau harta yang diwakafkan itu dapat dipertahankan, malah ianya akan memberi keuntungan yang berlipat ganda dan dapat melahirkan lebih banyak lagi harta-harta wakaf yang baru dalam kaedah harta kekal.

Wakaf tunai dapatlah difahami sebagai wakaf yang diwujudkan dengan menggunakan wang tunai dan hasil manfaatnya digunakan untuk tujuan kebaikan dengan tujuan mendapatkan keredhaan Allah SWT (Murat Cizakca, 1995). Wakaf tunai ini juga berperanan sebagai salah satu skim yang menggalakkan orang ramai menyumbang wakaf yang berkekalan melalui tunai dengan nilai minimum dan dana wakaf tunai yang terkumpul akan disatukan sebagai modal untuk membeli serta membangunkan harta kekal seperti tanah, bangunan dan sebagainya (Kamal Amram Kamarudin, Zurina Shafii, Azzerol Effendi Abdul Kadir, Mohammad Haji Alias, 2014). Pendapat ini selari dengan pandangan daripada informan yang menyatakan bahawa:

“Ya, memang itulah pendekatan yang digunakan hari ini. Menggunakan wang sebagai kaedah untuk mewujudkan wakaf. Sebab pada hari ini untuk mencari

mereka yang mempunyai harta sebagaimana pada masa dulu sangatlah sukar. Oleh itu, kita menggunakan mekanisme wakaf tunai ini untuk memberi peluang segenap lapisan masyarakat untuk melaksanakan ibadah wakaf. Wakaf tunai ini merupakan mekanisme yang boleh dilaksanakan di segenap lapisan masyarakat yang miskin dan kaya.”

Selain itu, dalam bahagian yang lain, beliau turut menekankan keperluan untuk meneruskan amalan wakaf tunai. Beliau menyatakannya begini:

“Wakaf tunai sebenarnya lebih mudah dan senang untuk dilaksanakan berbanding wakaf harta tak alih seperti wakaf tanah. Sesiapa sahaja yang mempunyai wang walaupun sedikit, ia boleh berjariah menerusi pendekatan ini, berbanding wakaf harta tak alih yang sukar untuk dipelbagaikan manfaatnya. Selain itu, adanya kemudahan yang telah disediakan bagi mereka yang ingin melaksanakan wakaf tunai seperti melalui potongan gaji secara berjadual, pemindahan kredit atas talian (on-line) serta melalui perbankan internet.

Pandangan informan dilihat selari dengan dapatan kajian yang dilakukan oleh Magda Ismail Abdel Mohsin (2007), Siti Mashitoh Mahamood et al. (2007: 8-10), Razali Othman (2014: 336-340). Tambahan pula kemudahan yang disediakan untuk berwakaf pada hari ini berkonsepkan mesra pelanggan, cepat dan efisien seperti yang disebutkan oleh Mohammad Tahir Sabit Mohammad et al. (2005). Kedua-dua justifikasi berkenaan dilihat mempunyai peranan yang besar yang menunjukkan bahawa kaedah wakaf tunai merupakan salah satu kaedah pembiayaan pembangunan yang kontemporari bagi membangunkan tanah wakaf.

Wakaf Kaki dan Wakaf Irsyad

Wakaf kaki ini dapat dikenali sebagai wakaf petak atau wakaf lantai. Instrumen wakaf ini merupakan satu kaedah dalam pengurusan pembiayaan wakaf yang boleh diketengahkan bagi sumber wakaf pendidikan. Menurut Mohd Affendi Mohd Rani (2012) dan Alias & Wan Suhairan (2017), konsepnya melalui cara nazir wakaf atau pemegang amanah akan membeli keseluruhan hartanah dan kemudiannya tanah tersebut akan dibahagikan kepada lot-lot tertentu mengikut saiz dan dijual kepada orang ramai dengan harga tertentu dan akhirnya tanah-tanah yang dibeli ini akan disyaratkan agar diwakafkan semula kepada nazir. Kaedah dana kewangan berasaskan wakaf kaki ini pastinya dapat meringankan beban pengendali institusi pengajian tinggi Islam dalam tempoh jangka masa panjang berbanding jika menggunakan dana kewangan yang diperoleh melalui pinjaman dari institusi kewangan seperti bank bagi tujuan pembangunan infrastruktur (Mokhtar, Mohd Isa, Muna & Hairulfazli, 2015).

Menurut informan yang telah ditemu bual, beliau turut menyatakan bahawa trend berwakaf dalam kaedah wakaf kaki sudah semakin menjadi tumpuan masyarakat kerana berwakaf tidak lagi menjadi beban dan semua lapisan masyarakat boleh berwakaf kerana nilai satu kaki wakaf tersebut tidak membebankan. Ini membuktikan bahawa kaedah wakaf kaki ini sangat berkesan perlaksanaannya kerana masyarakat yang ingin berwakaf tidak perlu mengeluarkan modal yang

tinggi untuk berwakaf. Kaedah ini akan menggalakkan masyarakat berwakaf dalam nilai yang kecil tetapi memberikan impak yang besar kepada penerima wakaf.

Wakaf *Irsyad* pula diertikan sebagai tanah yang diwakafkan oleh pemerintah bagi tujuan kemaslahatan umum seperti sekolah, hospital dan lain-lain. Menurut Siti Mashitoh Mahamood, Asmak Ab Rahman, Hasnol Zam Zam Ahmad dan Syarqawi Muhammad (2007), perkataan wakaf *Irsyad* berasal daripada dua perkataan Arab, iaitu “*waqf*” dan “*irsad*” di mana apabila digabungkan, ia menjadi “*waqf al-irsad*” dan ini merujuk kepada pewakafan harta daripada pihak pemerintah dan juga daripada badan-badan atau organisasi-organisasi tertentu.

Istilah wakaf *Irsyad* dapatlah dilihat di beberapa enakmen negeri. Antaranya seperti Enakmen Selangor di bawah Seksyen 9(2) (a) Enakmen Wakaf Orang Islam (Selangor) 1999 (No. 7 tahun 1999) ini telah mentafsirkannya sebagai “sesuatu tanah yang diwakafkan oleh mana-mana perbadanan, institusi, pertubuhan atau badan-badan lain menurut hukum syarak”. Manakala, Enakmen Melaka di bawah seksyen Enakmen Wakaf (Negeri Melaka) 2005 (No. 5 tahun 2005) pula meletakkan tafsirannya sebagai “wakaf daripada tanah Baitulmal, tanah kerajaan atau tanah mana-mana perbadanan, institusi, pertubuhan atau badan-badan lain menurut hukum syarak”. Manakala, Manual Pengurusan Tanah Wakaf Jabatan Wakaf Zakat dan Haji 2006 pula memberikan takrif wakaf *Irsyad* bermaksud penyerahan mana-mana tanah sebagai wakaf oleh mana-mana pihak berkuasa negeri, kerajaan persekutuan atau mana-mana perbadanan, institusi, organisasi atau badan-badan lain menurut hukum syarak.

ANALISIS PELAKSANAAN KAEDAH PEMBIAYAAN SECARA LANSUNG DI MALAYSIA

Di Malaysia dewasa ini, pendekatan wakaf tunai sudah mula diamalkan oleh beberapa buah majlis agama Islam negeri dan juga syarikat swasta. Dalam konteks di Malaysia, Jawatankuasa Fatwa Majlis Kebangsaan bagi Hal Ehwal Ugama Islam Malaysia kali ke-77 yang bersidang pada 10-12 April 2007 di Kuala Terengganu telah memutuskan bahawa berwakaf dalam kaedah wang tunai dibolehkan dalam Islam. Perkara ini turut sokong oleh kenyataan Mustapahayuddin Abdul Khalim dan Noor Hani Zakaria (2014) yang menyatakan Imam Az-Zuhri seorang ulama terkenal dalam ilmu hadis telah memfatwakan bahawa berwakaf dalam kaedah dinar dan dirham adalah diharuskan bagi tujuan berdakwah, kebajikan ummah dan pendidikan umat Islam. Fatwa yang telah dikeluarkan ini merupakan manifestasi berhubung dengan pengiktirafan harta tidak alih, seperti wang tunai sebagai salah satu kaedah harta wakaf yang telah diterima pakai di Malaysia.

Pelaksanaan wakaf tunai oleh beberapa buah majlis agama Islam negeri (MAIN) seperti di Majlis Agama Islam Selangor (MAIS) ialah satu kaedah wakaf tunai yang dikenali sebagai skim saham wakaf. Melalui konsep skim saham wakaf ini, MAIN akan bertindak sebagai pemegang amanah dan peserta perlu membeli saham-saham wakaf tadi dan kemudian mewakafkannya. Wang sumbangan jualan saham tadi akan dikumpulkan di bawah satu dana khas dan akan disalurkan kepada program-program berkaedah ekonomi, pendidikan, sosial dan am bergantung kepada pilihan yang dibuat oleh peserta tadi. Walaupun secara amnya skim saham wakaf ini juga merupakan satu kaedah wakaf tunai, tetapi ia dibatasi kepada projek-projek tertentu sahaja dan

wang tadi tidak dikembangkan secara terus melalui instrumen-instrumen pelaburan moden. Ini mungkin disebabkan kekurangan kepakaran mahu pun kekurangan dari segi sumber dana yang terkumpul. Bagaimanapun bagi syarikat-syarikat besar masalah dana untuk diwakafkan tentu tidak menjadi satu halangan. Cumanya ia memerlukan kepada kesanggupan pemiliknya untuk menyumbang ke arah kebaikan sejagat. Salah satu institusi korporat yang telah menunjukkan kesanggupannya ialah Johor Corporation Berhad (JCorp). JCorp telah mewakafkan saham-saham miliknya di dalam tiga buah anak syarikatnya yang tersenarai iaitu Kulim (Malaysia) Bhd., KPJ Healthcare Bhd. dan Johor Land Bhd dengan nilai harta bersih berjumlah RM200 juta di bawah kelolaan Kumpulan Waqaf Annur Bhd. Perolehan dividen daripada saham-saham ini akan diagih-agihkan untuk dilaburkan semula, diberikan kepada Majlis Agama Islam dan juga untuk kerja-kerja amal dan kebajikan umat Islam negara ini.

Selain itu juga penerimaan meluas daripada masyarakat terhadap wakaf tunai juga dilihat dapat menyelesaikan masalah kekurangan sumber pembiayaan kepada pembangunan tanah-tanah wakaf terbiar yang berselerak di seluruh negara. Paling tidak, daripada dibiarkan berterusan terbiar tanpa memberi manfaat kepada masyarakat dan juga pewakaf, mungkin tanah-tanah wakaf terbiar perlu dicairkan dan wang yang diperoleh dimasukkan ke dalam dana wakaf tunai. Ini lebih berfaedah dan bermanfaat untuk ummah.

Penggunaan kaedah pembiayaan secara langsung menerusi wakaf kaki atau wakaf *irsyad* dapat dilihat kebiasaannya dianjurkan oleh institusi pendidikan atau badan-badan tertentu untuk mendapatkan dana bagi membiayai aktiviti pembangunan. Sekiranya pembangunan yang ingin dilaksanakan telah selesai, maka skim ini akan ditamatkan. Sebagai contohnya Zakaria Bahari (2013) mencadangkan kaedah berwakaf dalam kaedah wakaf bangunan dan wakaf kaki untuk pembinaan kompleks Pusat Kajian Pengurusan Pembangunan Islam (ISDEV) di Universiti Sains Malaysia (USM). Beliau menyatakan kaedah ini adalah berdasarkan persetujuan antara ISDEV dan Majlis Agama Islam Negeri Pulau Pinang (MAINPP), kaedah wakaf kaki ini dilaksanakan dengan cara mengedar risalah kepada orang ramai berdasarkan wakaf per kaki persegi dan kemudiannya, penerimaan wakaf kaki ini seterusnya akan dibadalkan kepada kaedah bangunan ISDEV. Justeru, perluasan penggunaan kaedah berwakaf kaki dan *Irsyad* ini dapatlah diperluaskan penggunaannya bukan sahaja kepada institusi keagamaan bahkan kepada pusat-pusat komersial, pusat kesihatan dan rekreasi yang diwujudkan berteraskan kepada hukum syarak serta sokongan daripada kerajaan mahupun agensi Islam lain yang meraih keuntungan yang tinggi dalam perniagaan seharusnya dapat memainkan peranan yang penting dan besar bagi memartabatkan sosioekonomi umat Islam terutamanya sektor pendidikan. Pengurusan harta wakaf melalui kaedah wakaf ini juga lebih tertumpu kepada kemaslahatan ummah sejagat.

KESIMPULAN

Secara praktikalnya, kaedah pembiayaan secara langsung dalam pembangunan harta wakaf telah melalui transformasi yang telah menjadikan wakaf tunai dilihat sebagai salah satu alternatif yang menjadikan wakaf berpotensi untuk dikembangkan dalam kalangan umat Islam. Kaedah fizikal

wakaf tunai yang mudah alih menjadikan kaedah ini lebih mudah untuk diuruskan dan dapat dijadikan sebagai alat untuk menjana dan memperkembangkan wakaf ke tahap yang maksimum.

Cumanya sekarang, langkah untuk memasyhurkan pendekatan wakaf tunai di kalangan masyarakat dan syarikat korporat milik orang Islam perlu dipergiatkan. Wakaf tunai sebenarnya lebih senang untuk dilaksanakan berbanding wakaf harta tak alih seperti wakaf tanah. Sesiapa saja yang mempunyai wang walaupun tidak banyak boleh melakukan amal jariah menerusi pendekatan ini. Berbanding wakaf harta tak alih yang sukar untuk dipelbagaikan manfaatnya, ciri mudah cair yang ada pada wang tunai memungkinkan ia disalurkan untuk pelbagai tujuan kebajikan dengan lebih senang dan berkesan. Semoga dengan transformasi ini akan memberikan impak positif ke atas usaha pembangunan harta wakaf yang lebih produktif.

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THE EFFECT OF AMIL FUNDS, SIZE OF AMIL ZAKAT AND THE NUMBER OF OFFICES TO AMIL ZAKAT'S PERFORMANCE

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Abstract

This paper investigates whether internal factors of amil zakat such as amil fund, size of amil zakat, and number of offices would affect financial performance measured by total fund collected. We run pool data OLS with 41 observations of 10 Amil Zakat in Indonesia from 2010 to 2019. We find evidence that the increase of Amil fund would increase the financial performance of amil zakat. However, the size of amil zakat only has a marginal effect on financial performance on amil zakat. At the same time, number of offices doesn't have an impact on financial performance.

Keywords: *Financial Performance, Amil Fund, Size of Amil Zakat, The Number of Offices.*

INTRODUCTION

Our paper examines whether amil zakat's internal factors such as amil fund, size of amil zakat, and the number of offices might affect amil zakat's performance. We use collected funds as a measure for performance and improve A Risanda et al. (2018) study with more sufficient observations and additional variables. We develop our model based on conceptual amil zakat's business process.

Our motivation for this research is based on theoretical and practical aspects of performance research. Firstly, non-profit motive organizations such as the Amil Zakat (Zakat Agency) lack a suitable performance measure (Kaplan 2001), which encourages researchers to look further at the accuracy of the performance measures that have been used. Recently, the study of the performance of amil zakat using efficiency, productivity, and balance scorecard measure exposed. This new beginning of Amil Zakat's performance research provides us much room to explore and challenge us to research performance. Secondly, in practice, there only limited study available concern about amil zakat performance. Existing researches mostly referred to the efficiency of amil zakat (Ahmad & Main, 2014; Muhtadi & Susilowati, 2018; Al-Ayubi & Possumah, 2018; Rustyani & Rosyidi 2018; A Risanda et. Al., 2018) a few on productivity such us Rustyani & Rosyidi (2018) and A Risanda et. Al. (2018). The only study investigating factors of amil zakat's performance was A Risanda et al. (2018). Yet, their study was in doubt due to fewer observations in estimation. BAZNAS releases other existing performance measures are zakat indexes (IZN). However, these measures refer to measurements of the macro-level performance of local government rather than the performance of amil zakat (agencies) itself.

Zakat management bodies in Indonesia mainly has two forms of management, namely the Board of Zakat (BAZ, Badan Amil Zakat) and the Zakat Agency (LAZ, Lembaga Amil Zakat). Due to the different formation processes, BAZ is a semi-autonomous body formed by the government, and the community creates LAZ. In general, there are differences in management and related subjects in the management of zakat. These differences in properties also make performance measures and their influencing factors different.

This research is expected to underline performance measures for Zakat Agency (LAZ) and see the factors that influence financial performance from a quantitative perspective. We expect that stakeholders, both the government, amil zakat managers, and other people, can see factors that affect LAZ's performance better and make better fair views when they read the financial report of amil zakat. Furthermore, a better understanding of these factors may increase the reliance of stakeholders on amil zakat. And amil zakat managers might pay attention to factors that enhance or hinder performance.

From the background that has been previously described, in this study, we examine the factors that affect the performance of amil zakat. We improve A Risanda et al. (2018) productivity model with more sufficient observations and adding the number of offices variable in their model. The problem formulated in this study is whether factors such as amil funds, size of amil zakat, and number of offices affect the financial performance of amil zakat in Indonesia.

LITERATURE REVIEW

Amil Zakat's Performance Measure and Production theory.

Performance measurement is essential for stakeholders to evaluate the success of institutions. Business institutions have an excellent measure of describing this because there are performance measures such as earnings and stock returns (Kaplan 2001) that non-profit motive institutions do not have. Research of performance measures in the non-profit motive institutions, especially in amil zakat, is prematurely developing. This low development is because professionally managed amil zakat is newly formed, accompanying people's awareness to share their zakat for the needy. Indonesia's National Board of Zakat/BAZNAS (2016) has released the National Zakat Index (IZN) to measure zakat. However, this measurement is developed to review zakat achievement for macro-level in local government *area*, either district, province, or national, not for measuring achievement for micro-level such as community-based zakat agency (LAZ).

Previous research in zakat management institutions primarily used efficiency measures using the Data Enveloping Analysis method, first formulated by Farel (1957). Amil Zakat are coming under non-profit institutions, which explains why researchers and other stakeholders prefer efficiency and productivity to measure their performance. There is also a study that uses the production function measure with Stochastic Frontiers Analysis (SFA) following the Cobb Douglas production function with the receipt of zakat and its distribution as the dependent variable (A Risanda et al., 2018; Rustyani & Rosyidi, 2018). A Risanda et al. (2018) run a regression of financial performance of amil zakat to the operational expense and total assets based on Cobb Douglas production function. They find that both the operational expense and total assets positively affect financial performance, though the study has a weakness in research methodology for using only 15 observations in their estimation.

Production theory started in the study of Cobb and Douglas (1928), which explores physical production in manufacturing companies. They evaluate the refinement in the process and review

its impact on the volume of production and changes in labor and raw materials. Aigner et al. (1977) study production function using stochastic frontier analysis. They formulate the production model:

$$y_i = f(x_i; \beta) \cdot TE \quad (1)$$

Where y is the output of producer i , $i=1 \dots l$, x is the vector of N Inputs used by producer i , $f(x_i; \beta)$ is the producer frontier, and TE is technical efficiency. TE is defined as the ratio of observed output to maximum feasible production. Adding the stochastic components that may explain shocks from external factors, TE may also be considered a stochastic component. If $f(x_i; \beta)$ takes log-linear Cobb Douglas form, the model would be:

$$\ln y_i = \beta_0 + \beta_n \ln x_{ni} + v_i - u_i. \quad (2)$$

where $v_i - u_i$ are noise and error of efficiency component.

A Risanda et al. (2018) apply this model to investigate performance in their amil zakat study. Using Collected zakat as their dependent variable while operational expense and total asset act as independent variables, their model is written as follow:

$$\ln (\text{Performance}) = \beta_0 + \beta_1 \ln (\text{OprExpense}) + \beta_2 \ln (\text{Asset}) + v_i - u_i. \quad (3)$$

Stewardship theory and Amil Zakat Business Process

Amil Zakat is a public entity, where BAZ may compromise all seven Bastian (2015) Public Institution's characteristics, but LAZ *not*. Bastian (2015) set these characteristic as follow 1) the goal is for the welfare of society 2) public service activities 3) Sources of Financing derived from public funds 4) Responsible to society through House of Representatives 5) Organizational Culture Is bureaucratic, formal and tiered. 6) Budget Preparation prepared with the community and 7) Stakeholders can be specified as Indonesian society etc. it is debated that LAZ follows points 4, 5, and 6. However, it is challenging to set up new characteristics of public institutions or new regulation amil zakat. We left this for future discussion. As a public institution, Amil Zakat may follow stewardship where managers may be left alone to choose a public interest in all his decisions above all his. Fadilah et al. (2017) state in their study that amil zakat has an intermediary role in transferring welfare from part of societies to other parts of societies. Managers act as a steward who manages all entrusted asset to serve as much as possible public interest.

Like other public organizations, the nature of amil zakat's *business* is a non-profit motive. The primary purpose of build this institution is to share the partial wealth of the wealthiest with the needy. It holds *philanthropy* tasks of the more affluent to share them directly or through the appropriate program to the needy. In Indonesia, the duties of amil zakat described in Indonesian Law no 23 the Year 2011 chapter III about Zakat Management as collecting, distribution, empowering, and reporting. In line with this, Fadilah et al. (2017) explain that amil zakat's tasks are collecting, distributing, empowering, and reporting, and underlining the arising of

professionalism of current amil zakat apply modern management principles, leaving voluntarily nature of non-profit motive organizations.

The task of amil zakat has a particular long-period solid process because they are not built for a temporary purpose. This process started initially with forming a team. This team is legally set under specific organizations in Indonesia; it is either Badan Amil Zakat (BAZ) or Lembaga Amil Zakat (LAZ) (Law no 23 the Year 2011). Then this team would find a place to settle or, in other words, an office to work in that it could be just rented at the first time or borrowed. This team/amil would use any instruments to optimize its ability to collect funds, whether zakat, infaq, shadaqoh, etc. Tools might have broad spectrums from simple flyers, training centers, health services, or schools that employ many supporting personals. The broader their services, the more possibilities to collect more funds from donators. Fadilah et al. (2017) explain that empowering services may consist of two main category consumptive or productive services. Health services, schools, and social services come under wasteful services, while micro and small business empowerment and community empowerment are part of productive services. Amil Zakat may recruit volunteers for supporting personals for collecting fund purposes from their donators.

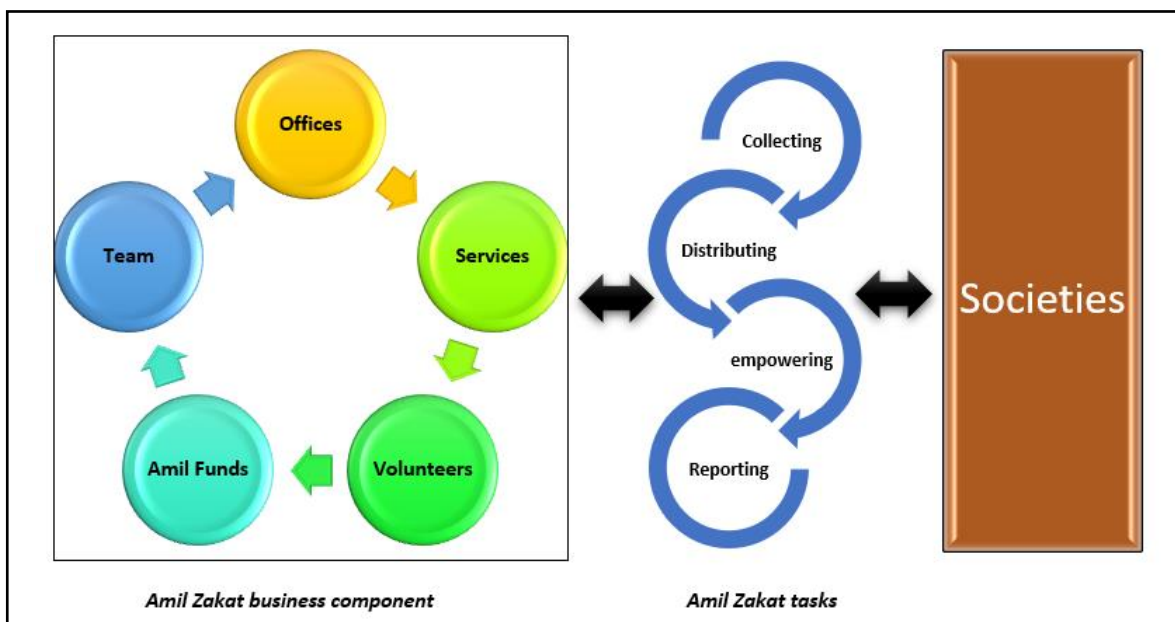


Figure 1. Amil Zakat business process.

Previous Research in Amil Zakat Performance

The performance variable with efficiency uses the ratio of input and output produced by zakat institutions. Performance variables that have been used in previous studies are as follows: Efficiency Measures: Distribution Efficiency (Mubtadi & Susilowati, 2018; Al-Ayubi et al. 2018; Rustyani & Rosyidi, 2018), technical efficiency (Risanda et al., 2018; Al-Ayubi et al. (2018) and Measures of productivity by Rustyani & Rosyidi (2018).

The number of input and output variables used shows the diversity of efficiency measures used by previous studies. The use of this variable may be subjective, with user preferences as the

primary consideration. On the other hand, from the above research Muftadi and Susilowati and Risanda et al. (2018) also conducted a regression test with the dependent variable Zakat collection and efficiency. Still, the results were in doubt due to methodological limitations where Muftadi and Susilowati (2018) only used 20 observations, and Risanda et al. (2018) only used 15 observations whose results might be biased.

Tabel 1. The Variable Used In Previous Research

Author(s)	Input (independent)	Output	Variabel
Mutai & Susilowati (2018)	Collection of Zakat	Distribution of Zakat	Distribution Efficiency
	Zakat Cost Time	Distribution of Zakat Distribution of Zakat	Cost Efficiency Time Efficiency
A Risanda et al. (2018)	Collection of Zakat	Distribution of Zakat	Technical Efficiency
	Operational Expense, Total asset	Collection of Zakat	Productivity
Rustyani & Rosyidi (2018)	Collection of Zakat Biaya Zakat Dana Amil	Distribution of Zakat Total Aset	Efficiency Productivity
Al-Ayubi et al (2018)	number of volunteer	Collection of Zakat	Distribution Efficiency
	number of Amil	Consumptive Distribution of Zakat	Technical Efficiency
	Sosialisation Cost Salary Operational Cost Number of offices	Productive Distribution of Zakat	Total Efficiency

Framework and Research Model

Rustyani and Rosyidi (2018) explain that the distribution of funds will be affected by the number of costs incurred and the amount received by amil zakat. Meanwhile, the distribution of funds will be influenced by the amount of zakat collected by amil zakat (LAZ) so that the zakat collected will also be affected by the number of operational costs and the amount received by amil. Apart from these two factors, Al-Ayubi et al. (2018) Adding the number of volunteers and the number of offices as factors affecting the output of amil zakat(LAZ). Following A Risanda (2018), we use the Cobb Douglas production function and expanding it based on amil zakat business process. the data availability allowing us to only include three variables in our research framework as follow:

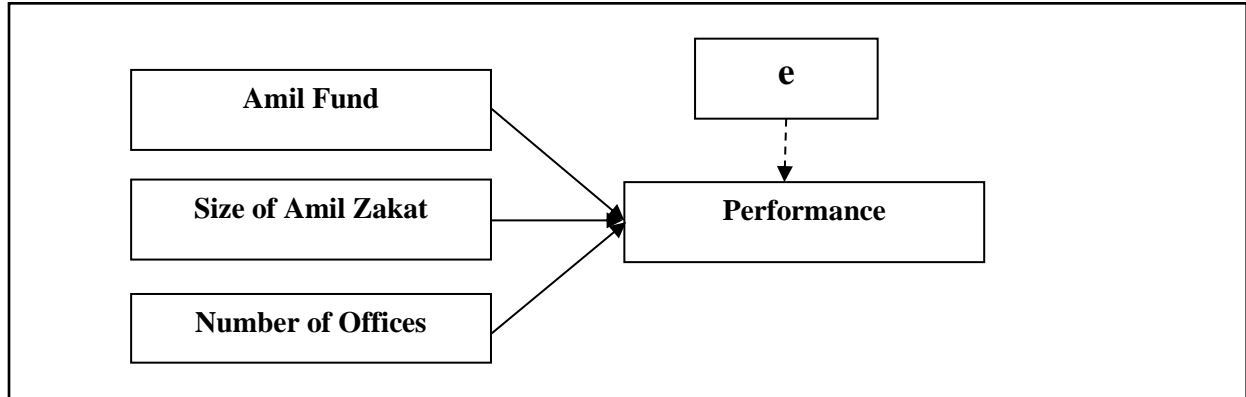


Figure 2. Framework and Research Model

We built our framework based on amil zakat business process, which comprises a team of amil, offices, services, volunteers, and amil fund. However, due to the limited availability of data, we only include amil funds as operational expenses. Size represents the size of the organization and number of offices employed.

Hypothesis Developments

Effect of Amil Fund to Financial Performance

Companies or profit motive institution would measure their financial performance with financial measures and financial ratios (Harahap, 2018). That's how they evaluate how effective the use of their capital. Thus, they use the current ratio, working capital, as the availability of their resources to fund their operation. Amil fund represents the effort of amil from a quantitative perspective. Using the operational expense, A Risanda et al. (2018) provide evidence that amil fund positively affects the collected zakat fund. So, we expect the higher the Amil fund, the more fund collected.

Effect of Size to Financial Performance

Size represents the size of amil zakat—the bigger of amil zakat, the more capability of amil zakat to collect more funds. Bigger of amil zakat would have more assets or more instruments to reach more donors. Size has a positive effect on financial performance (Abbas et al., 2013). A Risanda et al. (2018) find that size amil zakat also followed the increase of receipt of zakat. So, we expect size would have a positive effect on financial performance.

Effect of Number of Offices to Financial Performance

In reaching wider donators, amil zakat may open more branch offices or services to connect to more donors and receivers. So, we expect more funds collected through more branches and services. Thus, we hope the number of offices would have positives effect on financial performance.

Research Hypothesis

Based on the literature review, previous research well as the framework and research model above, the hypothesis of this study is as follows:

- H1: Amil Fund has a positive effect on LAZ zakat collection.
H2: The size of LAZ has a positive effect on LAZ zakat collection.
H3: Number of offices partially influences the collection of zakat LAZ.

RESEARCH METODE

This research uses quantitative methods using OLS regression. We analyze the estimation using E-Views software and evaluate the regression requirement such as normality with Jarque-Berra, and multicollinearity with Spearman Correlation table. Variables to be examined in this study are the Amil Funds, the Size of LAZ and the Number of Offices, as well as the Total Fund Collected.

Research Data and sample

The data used are revenue, amil funds, number of offices, and total assets, from 2010 to 2019. Data on revenue, amil funds, and total assets are collected from financial reports published by the amil zakat institution on the LAZ website. Each session has a different number of observations from 1 observation to 6 years of observation, with a total of 41 observations after reducing outlier data.

Research Subject

As for the subject/research, is LAZ by looking at the generality of operational similarities and the same essential management. The focus of Quantitative Testing at LAZ at the national level using data from 2010-2019.

Data Analysis Method

Data analysis was carried out quantitatively using OLS regression testing, beginning with the classical assumption test (Gujarati, 2009), which consists of a normality test, a correlation test, and a test of determination.

The basic model of LAZ performance measurement is as follows:

$$\text{Performance} = \beta_0 + \beta_1 \text{AmilFund} + \beta_2 \text{Size} + \beta_3 \text{Office} + e \quad (4)$$

Where:

Performance = Financial Performance, which is measured by the total log of Total funds collected

β_0 = Constant

AmilFund = Amil funds distributed / used are measured by log data of amil distribution

Size = LAZ size, measured by the log of total assets

Office = number of offices c, measured by the log of the number of branch offices, service units and centers

e = error

1. Operational Variables

Our dependent variable is Performance, measured by a log of total funds collected, consisting of zakat fund, infaq, sadaqah, and all other funds collected. Different from A Risanda, which used only Receipt Zakat fund and Distribution of Zakat Fund. We only use the total fund collected, not the fund's distribution, due to the more objective nature of the collected fund than the distribution.

Our Independent variables are Amil Fund, the Size of Amil Zakat, and the number of amil zakat offices. It wasn't possible to add the number of amil and number of volunteers in our model due to a pandemic that limits collecting more data. We measured Amil Fund with the log of the total distribution of amil fund. For the size of amil zakat, we measure it with the log of total assets. The final variable number of the office is estimated with the log of the number of amil zakat offices that cover the main office and all of the branch offices.

RESULT

Research Samples

The population of this study is the Authorized National LAZ which in 2019 amounted to 24 institutions. All 24 Authorized LAZs nationwide have their websites. However, from this number, there are 14 LAZ that has not included financial reports on their website services. LAZs have provided annual reports but have not provided financial statements, such as Yakesma and LAZMU.

This study uses a sample of LAZ at the national level, which publishes financial report data and annual reports on the internet. LAZ was chosen because of its competitive nature and more professional use of resources. LAZ at the national level also has a wide range of work fields, so that it requires many service units/branches to reach donors and beneficiaries of zakat. Each sample has a different number of observations, with a variation of 1 to 6 observations from 2010 to 2019.

Table 2. Research Sample

No	Criteria	Sample	obs
1	Authorized National LAZ	24	48
2	Not publish financial report in internet	(14)	-
3	sample	10	48
3	Outlier		(7)
4	Observations		41

To fulfill the ordinary least squares requirement, we remove seven outliers' observations from the data leaving 41 observations. This number is relatively small but has met the minimum number of observations.

Presented in a million, table 3 shows performance has collected Rp 68,800 million on average. It started at Rp 18,700 million minimum and reach Rp. 222,000 maximum. Amil Fund has Rp 10,400 million on average is a moderate expenditure for collecting funds at Rp 68,800 million on average. Office data have shown that 40.878 is the average amount for the office of LAZ, with a minimum one office reported by Baitumul Muamalat.

Descriptive Statistic

Table 3. The descriptive statistics of the research data are shown in the table below:

Variables	Mean	Max	Min	St. dev	Skewness
Performance	68,800	222,000	18,700	45,500	1.425
AmilFund	10,400	38,300	1,930	9,210	1.534
Size	43,900	189,000	7,070	44,000	1.930
Office	40.878	69.000	1	2.275	-0.346
Observations:	41				

Correlation

The correlation table below shows that amil funds and the size of LAZ individually have a positive relationship to LAZ performance. However, the number of offices does not have a significant relationship with LAZ performance. The correlation between variable independence is significant only between amyl and LAZ size, but this relationship only has a coefficient of 0.496. This correlation means that independent variables are free from multicollinear relationships.

Table 4. Correlation

	Performance		Amil		Size		Office
Performance	1						
	-						
AmilFund	0.902	***	1				
	0		-				
Size	0.446	***	0.496	***	1		
	0.004		0.001		-		
Office	0.162		0.167		0.025	1	
	0.311		0.298		0.877	-	

Observations = 41

Result

We regress performance to its factors in two models. The first model has Amil fund dan Size as independent factors. In the second model, we add the amount of office as an additional independent factor. We find that Amil has a positive effect on performance. It means that the increase of amil fund would increase financial performance. The size of LAZ also positively affects performance, but its effect is lower than the marginal level in the second model. It means that the rise of the size of LAZ would increase financial performance at a marginal level.

The results are shown in the regression table below.

Table 5. Estimation of Model (4) Factors that affect Amil Zakat Performance

Performance = $\beta_0 + \beta_1\text{Amil} + \beta_2\text{Size} + \beta_3\text{Office} + e$							
Variable	Sign exp	Coef		Sig	Coef		Sig
C		7.448		0.000	7.483		0.000
Log(AmilFund)	+	0.616	***	0.000	0.656	***	0.000
Log(Size)	+	0.137	***	0.008	0.110	*	0.056
Log(Office)	+				-0.036		0.308
Adjusted R ²		0.875			0.875		
F-statistic		141.229			94.678		
Prob(F-statistic)		0			0		
Observations: 41							

Each model has an 87.5% Adjusted R2 value, which means that those models show that their independent variables explain 87% of the determinants of their performance. F statistic shows its significances at 0.000 means those models are fit to explain the factors of financial performance of LAZ.

DISCUSSION

The first model shows variables contained in the financial report responsible for the variation of financial performance. Both variables size and amil funds are variables presented in balances and changes of funds. In the second models, we add others variable which is not in financial report but may increase the variation of financial performance. We had the number of offices, the number of amil (official member of LAZ), and the number of volunteers, which may boost financial performance. But we only had the number of office data.

Amil Fund shows a positives effect on financial performance. An additional amount of amil fund would raise the financial performance of LAZ. Amil Fund shows the effort of LAZ to employs its human resources at the optimum level, the increase of the Amil fund would encourage members to exert their potential at a higher level. The rise in funds also raises the use of more instruments and more ways of collecting funds, and it eventually would gain more the collected funds. This result Supports A Risanda (2018) study, which finds that operational expense positively affects performance.

While Amil fund may present brighter results, The size of LAZ also provides why it may push financial performance to a higher level. The bigger size of LAZ means that LAZ has more human and other resources; a more significant size also means that LAZ has more assets or better to collect more funds. A bigger size also means that LAZ has a better instrument to employ. It is significant in the first estimation. However, this result shows the marginal effect of size on the collected fund. This result is consistent with A Risanda (2018), who finds evidence that amil zakat's size positively affects amil zakat performance.

However, the office doesn't show a significant effect to raise financial performance. This significant effect may be due to geographical reasons. Some LAZ, whose main office in the province capital, like Surabaya, has its branch in the municipality around Jawa Timur. While in

the other side Baitulmal Muamalat which is adhered to the Bank of Muamalat as its primary business, reported only one office on their website.

CONCLUSION

We provide evidence supporting A Risanda (2018) that the increase of amil fund would increase financial performance. More operational fund means many more ways are opened to raise more funds collected. However, the size of amil zakat (LAZ) only has a marginal effect on financial performance, so the size of amil only small affects getting more funds collected. Many alternative ways are more effective. While the number of offices does not affect financial performance. This result is probably due to many offices are opened in the small city which has less economic activity.

LIMITATION

We couldn't use a more comprehensive model that employs a team regarding the number of amil and number of volunteers engaged. The pandemic situation limited us to collect more possible data other than secondary available data. We also didn't analyze the simultaneous effect of amil fund and the collected fund, where the collected fund also affects amil fund.

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CRYPTOCURRENCY: A POTENTIAL NEW SOURCE OF ZAKAT IN MALAYSIA

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Abstract

The cryptocurrency market has experienced a boom with an increasing breadth of people investing in digital assets – including Malaysian who follow Shariah principles for finance. The increase in investment by members of the Islamic faith in cryptocurrencies such as Bitcoin and Ethereum has given rise to Zakat payments. Zakat is the third pillar of Islam which requires Muslims to make charitable payments if they have adequate means. The key questions to consider are whether Zakat is mandatory on crypto investments and how the amount of Zakat on cryptocurrencies should be calculated. Therefore, this paper will explore the possibility of cryptocurrency being a new stream of income for Zakat from an Islamic viewpoint by obtaining relevant rulings (fatwas) and subsequently studying its impact on the zakat collection.

Keywords: *Zakat, Cryptocurrency, Malaysia, New Source of Zakat Collection.*

INTRODUCTION

A cryptocurrency is a type of virtual currency that employs cryptography to ensure that anyone attempting to spend some money is legitimate. Cryptocurrencies usually use a decentralized peer-to-peer network (commonly known as a blockchain) to verify and record transactions on a decentralized public ledger. Cryptocurrency owners, for example, want to buy goods from merchants who accept cryptocurrency as payment. Rather than using a bank to facilitate currency transfers, the currency is transferred using the public ledger system. The sole function and purpose of cryptocurrency are to serve as a medium of exchange. Various labels have been used to identify different types of tokens or coins that have been issued. For example, the most well-known cryptocurrency was first introduced by Satoshi Nakamoto in a white paper published in 2008 (widely assumed to be an alias for either a single person or a group of people who collaborate). Cryptocurrency is generally governed by a protocol that specifies how many coins can be created, how they are made, and how the ledger's integrity is maintained. These protocols are meant to be equivalent to government rules and laws that support fiat money, and their strength will impact cryptocurrency trust and, as a result, supply and demand. Typically, cryptocurrency blockchains are set up to change their operating protocol is difficult, if not impossible. When a cryptocurrency is released into circulation, there are a variety of ways to obtain it. It can be bought on exchanges; some people accept it because their business allows them to receive digital money; some retailers

accept cryptocurrency as payment for their goods and services, and individuals or groups who maintain the cryptocurrency blockchain are typically rewarded with cryptocurrency.

Shariah Analysis on the Permissibility of Cryptocurrency

First View: Cryptocurrency is Impermissible

1. Dar al-Ifta al-Misriyyah: It is impermissible to transact with Bitcoin as it entails a considerable risk that might damage a person or a nation. There are several reasons for this impermissibility, including that it does not fulfill the criteria to be accepted as a currency, does not have an intrinsic value, is not supervised, controlled by any authorities, and contains *Jahalah gharar* essence, etc.
2. Sheikh Ali Qaradaghi: According to him, Bitcoin, as it is, is not shariah-compliant at this time because it is exposed to illicit activities and misused by specific individuals (money laundering) that could undermine the financial system's integrity. In addition, the requirements to be accepted as a currency are not fulfilled by cryptocurrencies on the market (medium of exchange, store of value, a measure of stability, a measure of public acceptance). It can, however, be treated as lawful if it is enhanced and improved.
3. Dr. Ahmad Sufyan Che Abdullah: Bitcoin's identity as a currency cannot be confirmed yet since it is still new in the market. However, few shariah problems are related to bitcoin, including high speculation rate, exposure to malpractice/fraud, no underlying and no supervision from authorities. So, he opines that it is not permissible to uphold the public's interest.
4. Shaykh Haitham: He opined that Bitcoin and other cryptocurrencies are prohibited and not compatible with shariah. This is because cryptocurrency is not backed by anything, not a legal tender, neither supervised by a government or central authority and can easily be used for illegal activities.

Second View: Cryptocurrency Is Permissible

1. Dato' Dr. Mohd Daud Bakar: He believes that Bitcoin does not violate Shariah principles. Furthermore, he has confidence that Blockchain might even aid in the fight against money laundering. He opposes making cryptocurrencies illegal under shariah due to their volatile value. According to him, both fiat money and cryptocurrencies are based on trust. He claims that the value of fiat money fluctuates globally as well, but that it is still not considered illegal on this basis, despite the risk.
2. Mufti Muhammad Abu Bakar: Based on a study he did entitled 'Shariah Analysis of Bitcoin, Cryptocurrency, and Blockchain,' Bitcoin has to fulfill several conditions:
 - i. Bitcoin is only allowed in countries that do not prohibit Bitcoin transactions. If the law of the land prohibits it, then it is also prohibited from the point of view of sharia.
 - ii. Bitcoin should be traded/used as a currency according to the original purpose for which it was created and not as an investment asset.
 - iii. He also advised users to be wary of any fraudulent schemes that try to deceive consumers by promising double profits in the name of Bitcoin investments and the risk of losses that will be faced given the instability of its value in the market.

Primarily, according to the legal maxim, the original rule is permissibility in financial and business transactions. In other words, everything is permissible unless we found it contradictory to shariah's principles.

However, Abd Rahman and Abdullah (2021) pointed that the permissibility is restricted (*taqyīd al-mubāh*), meaning that it is subjected to rigorous conditions in shariah and regulations placed by the authority. This includes using the exchange licensed by the management, having adequate knowledge about the subject, conducting fundamental and sentimental analysis so that the risk is calculated (*gharar Yasir*). Therefore, according to this principle, cryptocurrency is permissible principally. After observing the opinions of scholars who prohibit cryptocurrency, this paper found a few common reasons presented:

a. Lack of Central Authority

Cryptocurrency advocates argue that the governing framework is a set of rules adopted by voluntary mutual acceptance by currency users. These rules are published and open for anyone to critique or suggest revision. Let us take Bitcoin, for example, because of the cryptographic technology that underpins Bitcoin. It is mathematically impossible to manipulate the laws and regulations that govern the currency's mining and transaction process. Also, Bitcoin employs blockchain technology, which is more secure than any centralized system used by a government or central bank. Even though Bitcoin has no government or central bank backing, trust and confidence are built through blockchain technology and underlying cryptography. From shariah's perspective, the concern is focused on the preservation and protection of wealth. High level of security, trust, and confidence surrounding cryptocurrency, it appears that it upholds the objectives of shariah.

b. Volatility and Stability

It is also found that the scholars who declared cryptocurrency as impermissible are because it is volatile. Speculation is an unrelated external factor that has no relevance in deciding what constitutes valid money and currency. Prices are often determined by supply and demand, just like they are for all other assets such as gold, silver, and fiat currencies. It is worthy to note that the exchange rate for Bitcoin is more volatile than many fiat currencies, making it riskier. Therefore, to eliminate some of the risks, it is not suitable for people who lack cryptocurrency trading information because they must have an adequate amount of knowledge regarding the trading of cryptocurrencies. However, Bitcoin and Cryptocurrency cannot be declared *haram* (impermissible) because they experience speculation.

c. Illegal Use

According to some scholars, Bitcoin and other cryptocurrencies are also widely used for money laundering and other illegal purposes, which is why it is prohibited. This is an external factor that has no bearing on the outcome of a case. In general, using something legal for an illegal purpose does not make it illegal in and of itself.

d. Not a Legal Tender

Concerning legal tender, it is factual that when a government declares something to be legal tender, it automatically gains acceptance among the citizens of that jurisdiction. In principle, having the status of legal tender is not required to qualify something as money. In shariah, the essential criterion for money is its acceptability by people, whether this is achieved through legislation or widespread voluntary acceptance.

Zakat on cryptocurrencies

There are two types of Zakat which are zakat fitrah and zakat harta, or wealth. This research paper will be focusing on the zakat harta instead of zakat fitrah. There are several types or categories of zakat harta, namely:

- a. Zakat on earnings or income
- b. Zakat on business
- c. Zakat on savings
- d. Zakat on gold and silver
- e. Zakat on farming
- f. Zakat on livestock

Therefore, a question has arisen whether cryptocurrency fits onto the classification of wealth that can be imposed Zakat on it. We need to look into its nature for us to observe the appropriate ruling of Zakat on it. The different opinions on the permissibility of cryptocurrency have affected the views on the zakat ruling that can be imposed on such money. Even though cryptocurrency is considered intangible, it has values that can be transferred, distributed, and exchanged. The process of transferring ownership can be done from one to another (peer to peer) without the need to go through any intermediaries such as financial institutions or banks. In this case, looking through the nature of such currency, there is a need to imply the Zakat ruling on cryptocurrency. In general, categorizing cryptocurrency as a commodity is considered appropriate for its nature and new investment assets. It is then considered also as a commodity that almost shares the same characteristic and function as money.

However, there are few conditions provided by Shariah scholars when imposing Zakat on commodity in which are (Abd Rahman and Abdullah, 2021):

- i. The reason for paying Zakat from it is due to the purpose of selling and buying it.
- ii. The commodity acquired resulted from the transaction of buying and selling
- iii. The intention to sell the item once the item has been obtained. This also subjected those who accept the commodity for their uses but then decided to sell after the price increases. Such an act is also considered as an intention to sell.
- iv. Fulfill the nisab requirement where the minimum amount is benchmarking on the value of gold or silver.
- v. Fulfill the haul requirement where the owner owns such assets for one completed holding year.
- vi. The commodity is being valued according to the market value. To that, the Zakat will then be calculated when the market value fulfilled the nisab requirements.

According to Malaysian law, the power to collect and distribute Zakat is vested in the state. The task is carried out by the State Islamic Religious Council (SIRC) of Majlis Agama Islam Negeri (MAIN). Therefore, any fatwa in regards to the Zakat is under the purview of the said entities. To date, SIRC of Perlis is the only state that has issued an official statement on the Zakat on Bitcoin. In 2020, the Fatwa Committee of Perlis officially announced that Bitcoin (one of the cryptocurrencies) could be imposed on it once it fulfilled the haul and nisab requirement for its being considered a commodity. They also suggested a zakat calculation for the said currency as follows:

[(Lowest Value of Crypto Units in one year X Number of Crypto Units)]+ Profit on Trading results during the year] X 2.5%

Some cryptocurrency has been issued by having a specific underlying asset. Some have been given to conduct specific projects or with some purposes. Therefore, the underlying assets for the cryptocurrency or the meaning behind its issuance determine whether Zakat can be imposed on it. For example, if a cryptocurrency represents gold as its underlying assets, it is subject to the ruling of Zakat on gold. Such issuance of cryptocurrency must be in line with shariah for it to be able to impose Zakat on it.

As if the issuance is for some non-shariah compliant purpose or with the non-shariah compliant underlying asset; thus, this cryptocurrency automatically will lose its valuable (mutaqawwam) elements in shariah and shall not be deemed as good financial assets according to shariah anymore.

Cryptocurrency itself falls under the commodity or financial assets and not the currency for its lack of several pillars as money or currency. However, if the owners involved with the trading of cryptocurrency and managed to gain profit from the trading would like to pay the Zakat, the action can be done by imposing the ruling of Zakat on savings in such circumstances. This is because the trading of cryptocurrency generates a return to its owners. This qualifies it as a zakatable asset because it has fulfilled the condition of growth (al-nama'). It has also been considered a commodity or financial asset for its value and characteristics.

Therefore, trading such a commodity that can provide a return somehow has made it eligible to be subject to Zakat. However, even though this study opted for the opinion that Zakat can be imposed on cryptocurrency, further and thorough research needs to be done to ensure that the imposition of Zakat on cryptocurrency is due to its functions and characteristics that fulfill the attributes of wealth that are liable for Zakat. This is to avoid the situation where such assets are being imposed Zakat to increase zakat collection.

Currently, there are eleven zakat types: Zakat on income, business, savings, EPF, gold, silver, stocks/shares, agriculture, livestock, mines, and fitrah. Cryptocurrency could either be classed as a commodity or currency. Furthermore, Zakat is applicable if it is classed as a currency. Digital Asset is wealth and is assets, which are to be included in net zakatable assets. It belongs to the commodity class and is recorded as a financial asset. It does not necessarily have to

be a currency to be Zakatable. If a Shariah-compliant underlying asset backs the digital asset, then it is zakatable.

If the digital asset is a *Mal Mutawaqqim* (asset which we can benefit from according to shariah), then Zakat can be imposed. The class of asset is based on the type of digital token. It can be equity (invested in firms), commodity (backed by an asset such as Gold or Silver), utility, or any other. If shariah is compliant, then Zakat needs to be paid. For instance, the gold asset-backed token is not jewelry, and it becomes a commercial commodity. If digital assets become regulated and people know that it is halal, then collection and distribution will increase. It will be another stream of income for which Zakat can be taken.

Since cryptocurrencies were regarded as *al-māl* of a commodity (financial asset), by most scholars, Zakat can be imposed on it. Thus, a new source of Zakat can be realized. Assets may not be a new source of income, but it is a new class of asset for which Zakat could be taken. Furthermore, the main question to ask should be that given the technology/software of bitcoin/cryptography, can the income from it be hidden.

Blockchain is known for its transparency. It records all the transactions and stores everything in a ledger forever, which could not be manipulated. This technology and the growing investment and trading of digital assets are increasing and are expected to grow more in the future. Therefore, the income earned, assets owned, the quantity traded will be clear and transparent from this software. Hence, if digital assets like cryptocurrency are zakatable, then a zakat collection is possible to increase in the future.

However, due to the extreme volatility of the market and the high price fluctuations, it is not likely that this form of Zakat is a stable form of income. Despite this, digital assets are here to stay and are not expected to go away soon. The usage will surely increase in the future. Some examples include, real estate market in Turkey, which accepts Bitcoin, Bitcoin master card, and digital wallets. Large corporations and business entities are also joining this bandwagon; Tesla, Apple, Microsoft currently accept bitcoin as payments. Whilst, Uber and Mastercard have plans to accept payments in cryptocurrency this year. Additionally, many central banks are looking into the prospect of having regulated digital currencies. Bitcoin is here to stay, and the future is there.

As a new source of Zakat – Cryptocurrency as a new asset class of zakatable asset

According to Bank Negara Malaysia (BNM), the transaction of Bitcoin and other cryptocurrencies in Malaysia was reported an average of RM75 million per month in 2017. Following in 2018, one of the cryptocurrencies had hit RM500 million of trading volume by Malaysian trades. However, this data is for the whole of Malaysia without specific religion.

The Securities Commission Malaysia (SC) governed three Recognized Market Operators (RMOs) to establish and operate digital asset exchange (DAX) in Malaysia. The three registered DAX operators are: Luno Malaysia Sdn Bhd, SINEGY Technologies (M) Sdn Bhd, Tokenize Technology (M) Sdn Bhd. The need for robust institutional-grade digital asset exchanges in trusted environments is, now, more significant than ever. This trend is already starting to happen in regulated environments instead of the ‘Crypto Wild West.’

Further according to Luno, who have more than 180,000 customers with a 90 percent market share of the regulated DAX claimed that they hold more than RM 165 million in four authorized cryptocurrencies — Bitcoin (BTC), Ethereum (ETH), Ripple (XRP), and Litecoin (LTC). They also revealed that they had processed more than RM827 million worth of transactions since they launched in 2019.

Cryptocurrencies are getting popular. It is being integrated into SMART contracts, like Ethereum. It will be widely used in the future, and it is Mubah from Shariah’s perspective. If digital assets become regulated and people know that it is halal, then collection and distribution will increase. It will be another stream of income for Zakat can be taken.

This has also been mentioned by one of the digital asset platforms in Malaysia, SINEGY Technologies. In general younger generation is more tech-savvy. They tend to keep assets safe, and the user interface is also better; hence, usage across all ethnicities will increase, increasing the collection. The outcome from Sinegy interview revealed that the average amount for Muslim transactions, specifically in Bitcoin, was 2000 Bitcoin per month. Muslim users in Sinegy only account for 30 percent. From this data alone, it can depict that if zakat collection is to be imposed on cryptocurrencies, the zakat collection from this stream can positively contribute to overall zakat increment.

Following is an estimated collection for Zakat Payable from Bitcoin. It is calculated based on certain assumptions, which can be seen in Figure 1 below:

Table 1: Estimated Collection For Zakat Payable From Bitcoin

Assumptions	Basis for Assumption
The estimate is only for the most traded cryptocurrency: Bitcoin	SINEGY Technologies: SC approves trade Ethirium and Bitcoin. Malaysian Reserve: “There are about 7,000 digital currencies in the marketplace, with bitcoin known as the mother of cryptocurrency dominating 60% of the market.” https://themalaysianreserve.com/2020/10/07/investors-still-wary-on-cryptocurrencys-shariah-compliance/
Spectrum: 20% are trading/investing and control 80% of the average bitcoin traded.	SINEGY Technologies: “Spectrum: 80:20 daily traders, 20% are the one’s trading, and they control 80 of the average bitcoin traded
This assumption is based on the average figure provided by SINEGY Technologies on their trade. The figure will	SINEGY Technologies: “The average amount for Muslim transaction specifically in Bitcoin, was 2000 Bitcoin per month. Need to bear in mind that Muslim users in SYNEGY Technologies only account for 30 percent.

increase when other platforms data are added.	
Assumed Zakat is only taken from Savings	If Crypto is regarded as currency, then it is Zakatable, and Zakat should be taken from the Savings at the rate of 2.5%
The average Price is taken at RM 200,000 per Bitcoin	TOKENIZE: The current market price for Bitcoin is around RM 200,000.00
Assumed that from the Bitcoin transacted, 50% are only shariah-compliant	SINEGY Technologies: “We are almost shariah-compliant and are open to zakat and open to proposing to make ourselves shariah-compliant.”

Item	Bitcoin	Months	Yearly average
Avg Bitcoin traded per month for Muslims	2000	12	24000
80% are traders	1600	12	-19200
Estimated no. of bitcoin saved			4800
Estimated Shariah-compliant bitcoin transactions (50%)			2400
Estimated bitcoin price for 2021			RM 200,000.00
Estimated avg income for 2021			RM 480,000,000.00
Zakat 2.5%			2.50%
Total payable for Zakat			RM 12,000,000.00

As seen from the calculation above, just from 2400 Shariah-compliant Bitcoins, it is expected that there will be an increment of RM12 million from zakat collection. Thus, this new stream of income would assist zakat collectors in reaching their goal and also achieving more.

Since Zakat is a voluntary act in Malaysia, even though there is an increase in digital assets or digital currencies, it depends on the people to declare Zakat on their savings. Also, cryptocurrency trading may not be a new source of Zakat, but it would be a platform that would prevent users from “hiding” their earnings, and it is regarded as a new “stream” of income.

Additionally, according to SINEGY Technologies and Tokenize, there are currently high fees associated with digital asset transactions, restricting zakat payments through cryptocurrency. There is also a lack of institutions collecting cryptocurrencies as Zakat/Sadaqah and a lack of awareness among the general public. In the future, regulatory bodies should look into this.

CONCLUSION

Umar Munshi, Managing Director of Ethis Global, the parent company of GlobalSadaqah, '*Blockchain has many potentials to increase the effectiveness of social finance. This is just the first step for us to integrate Blockchain into the Islamic fintech ecosystem we are building. Another interesting area is blockchain-based notarizing of Waqf (Islamic endowments) documents and wills, among other things.*' (Fintech News Malaysia, 2020). As cryptocurrency becomes more popular from providers, there may be a need for a more excellent array of Shariah-compliant products and oversight within Islamic finance markets. The number of Muslims holding cryptocurrencies is growing, and therefore, there is a need to understand how they can pay Zakat on their holdings. When paying Zakat, Muslims will also need to consider their 'Nisab' level and the methods of paying Zakat via their digital investments. As the crypto market continues to grow and mature, traditional financial institutions and Zakat-recipient organizations will need to be proactive with their approach and development of systems for accommodating these types of payments.

ACKNOWLEDGMENTS

The author would like to express appreciation to INCEIF Action Based Learning (ABL) Team and Mentor, as the information presented in this paper results from Akademi Zakat (AZKA-PPZ) and INCEIF ABL Project.

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KESAN PANDEMIK COVID-19 TERHADAP KESENJANGAN PENDAPATAN DALAM KALANGAN ASNAF B40 DI MALAYSIA

*(The Pandemic Effect of Covid-19 on Income Income Among Asnaf B40 In
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Abstrak

Perlaksanaan Perintah Kawalan Pergerakan (PKP) kesan pandemik COVID-19 telah memberi kesan ekonomi dan sosial golongan asnaf B40. Persoalannya sejauhmanakah wujud kesenjangan pendapatan kesan pandemik COVID-19 terhadap kalangan B40 asnaf yang menerima bantuan zakat, apakah latarbelakang demografi asnaf B40 yang mengalami kesenjangan pendapatan ini dan adakah wujud potensi kesan ekonomi dan sosial yang negatif kepada kumpulan yang mengalami kesenjangan pendapatan ini. Hasil kajian mendapati wujudnya kesenjangan pendapatan yang ketara dalam kalangan asnaf B40 kesan daripada pelaksanaan PKP akibat pandemik COVID-19. Hasil kajian menunjukkan berlaku kesenjangan pendapatan dalam kalangan golongan asnaf B40 yang telah berubah menjadi status miskin tegar atau fakir yang perlu diberi perhatian dalam aspek tekanan ekonomi dan sosial terutamanya terhadap kewujudan asnaf baru zakat dalam kalangan asnaf B40.

Kata Kunci: Kesenjangan Pendapatan, COVID-19, Perintah Kawalan Pergerakan (PKP), Miskin Tegar, asnaf B40

Abstract

The implementation of the Movement Control Order (PKP) of the effects of the COVID-19 pandemic has had an economic and social impact on the B40 asnaf group. The question arises whether there is a revenue gap in the effects of the COVID-19 pandemic on B40 asnaf consumers who receive zakat assistance, there is a demographic background of B40 asnaf who experience this revenue gap and there is a negative economic and social impact on groups experiencing this revenue gap. The results of the study found the existence of significant income inequality in B40 asnaf individuals as a result of the implementation of PKP due to the COVID-19 pandemic. The results show that the problem of income gap among the B40 asnaf who have changed into the status of hardcore poor or fakir that needs to be given attention in terms of economic and social pressure on the existence of new zakat asnaf in B40 asnaf users.

Keywords: *Income Gap, COVID-19, Movement Control Order (PKP), Poor Tegar, asnaf B40*

PENGENALAN

Pandemik COVID-19 telah melanda seluruh dunia. Memandangkan terdapat peningkatan kes COVID-19 di negara ini, pelbagai inisiatif telah diambil oleh kerajaan bagi membendung virus ini daripada terus menular. Selepas WHO melabelkan COVID-19 sebagai pandemik, pada 18 Mac tahun 2020 yang lalu, kerajaan Malaysia telah mengisytiharkan Perintah Kawalan Pergerakan (PKP) kepada seluruh masyarakat berkuatkuasa bermula 18 Mac hingga 31 Ogos 2020. Terdapat lebih dua belas (12) fasa yang terlibat sepanjang tempoh penguatkuasaan PKP tersebut. Fasa pertama bermula 18 Mac hingga 31 Mac 2020 sehinggalah ke hari ini. Kesan pelaksanaan PKP ini telah memberi kesan yang serius terhadap masyarakat terutamanya dalam aspek ekonomi mahupun psikologi yang berkait dengan masalah sosial dan kesihatan mental. Beberapa data yang telah dilaporkan oleh Polis Diraja Malaysia (PDRM), iaitu antara bulan Mac 2020 hingga Oktober 2020, terdapat hampir 266 kes bunuh diri dan kebanyakan kes disebabkan bebanan hutang dan masalah keluarga kesan daripada pandemik ini. Kesan pandemik ini menyebabkan ramai rakyat tertekan, ramai yang terlibat dengan aktiviti seperti penipuan dan skim cepat kaya yang membawa kepada masalah sosial, keruntuhan institusi keluarga, penceraian dan juga penderaan dalam keluarga. Ini juga disebabkan oleh antaranya berlaku tekanan bebanan hutang dan yang tidak dapat diselesaikan.

Namun daripada sudut yang lain, kesan pandemik COVID-19 telah mempengaruhi tingkah laku sosiologi seseorang individu dan masyarakat dalam memberi kesan positif interaksi sosial dan pematuhan peraturan yang telah dikenakan oleh pihak kerajaan sepanjang PKP (Noriha *et al*, 2020). Daripada aspek ekonomi pula, terdapat kajian yang mengaitkan dengan kumpulan B40 daripada sudut kemampuan mereka untuk mendapatkan makanan ketika PKP dilaksanakan. Kajian mendapati kumpulan B40 terdedah kepada kekurangan makanan ketika PKP disebabkan oleh faktor saiz keluarga yang besar, kos tinggi persekolahan, menanggung bilangan anak yang ramai bersekolah serta kewujudan ahli keluarga yang kurang upaya dan sakit (Ahmad Zubir & Zaheruddin, 2020). Muktahir ini, terdapat laporan mengatakan wujud kesenjangan pendapatan golongan kategori pendapatan M40-B40. Terdapat laporan mendedahkan hampir sebanyak 600,000 isi rumah daripada golongan M40 telah tergelincir ke dalam kategori golongan berpendapatan rendah B40 disebabkan oleh krisis ini. Ini menunjukkan pandemik COVID-19 yang berlanjutan akan menyebabkan jurang pendapatan semakin melebar di antara golongan B40 dan M40, termasuk antara mereka di bandar dan luar bandar, antara etnik mahupun negeri. Malah kesan kesenjangan pendapatan yang semakin melebar akibat pelaksanaan PKP ini berpotensi memberi kesan kepada aspek keselamatan makanan yang juga akan membawa kepada tekanan emosi dan kemurungan (Ahmad Zubir & Zaheruddin, 2020). Malah terdapat kajian yang menunjukkan golongan B40 juga mengalami tekanan hutang dalam bentuk bayaran ansuran bulanan kepada bank sama ada pinjaman perumahan, kenderaan, kad kredit, peribadi dan sebagainya (Sharmila *et al*, 2021). Kesan kesenjangan pendapatan ini berpotensi memberi tekanan ekonomi dan emosi golongan asnaf B40 dalam menjelaskan hutang yang ditanggung oleh mereka.

Zakat dilihat sebagai satu daripada mekanisme yang efektif untuk mengurangkan beban yang ditanggung oleh asnaf dan golongan yang terjejas akibat COVID-19. Malah terdapat juga kajian yang mencadangkan agar golongan B20 dapat dibantu melalui mekanisme kewangan mikro yang berasaskan kontrak pembiayaan berbentuk ekuiti menggunakan instrumen filantropi ketika pandemik ini berlaku (Norhaziah, 2020). Namun begitu, tidak dinafikan instrumen zakat adalah salah satu daripada rukun Islam yang memainkan peranan penting dalam kehidupan umat Islam sepanjang sejarah kewujudannya. Malah ketika berlakunya pandemik ini, zakat telah berperanan dengan baik mengikut keperluan lapan asnaf yang mendesak berpandukan kepada peraturan khusus yang telah ditetapkan oleh institusi zakat (Amirul Afif, 2020) Ia merupakan satu mekanisme ibadat kewangan dan perekonomian yang antara matlamatnya membersihkan jiwa manusia serta hartanya (pembayar zakat) dan membantu golongan yang kurang berkemampuan (asnaf) kerana kemungkinan terdapat hak orang lain dalam proses memperoleh harta tersebut. Dalil penentuan asnaf zakat telah dinyatakan secara jelas dalam al-Quran yang menjelaskan golongan yang berhak menerima zakat iaitu melalui firmanNya yang bermaksud:

“Sesungguhnya zakat-zakat itu hanyalah untuk orang-orang fakir, orang-orang miskin, pengurus-pengurus zakat, para muallaf yang dipujuk hatinya, untuk (memerdekakan budak), orang-orang yang berhutang, untuk jalan Allah dan orang-orang yang sedang dalam perjalanan, sebagai sesuatu ketetapan yang diwajibkan Allah, dan Allah Maha Mengetahui lagi Maha Bijaksana”.

(Surah al-Taubah, 9: 60)

Bantuan tambahan daripada pihak kerajaan adalah perlu dalam menangani krisis ini. Namun begitu, keterlibatan daripada badan bukan kerajaan (NGO) serta institusi zakat juga amat penting dalam membantu golongan B40 yang terkesan akibat COVID-19 dalam penyaluran bantuan seperti keperluan asas makanan. Contohnya ketika PKP dilaksanakan oleh kerajaan, pihak Majlis Agama Islam Wilayah Persekutuan (MAIWP) telah mengagihkan zakat sebanyak RM9.67 juta dalam bentuk bantuan kewangan bulanan kepada 24,196 asnaf, sebanyak RM12.1 juta dalam bentuk bantuan khas kewangan tambahan terhadap kesemua asnaf berkenaan serta bantuan makanan harian sepanjang PKP tahun 2020 bernilai RM49,000 (Hambari et, al, 2020). Bantuan serta inisiatif bantuan khas zakat ketika PKP oleh negeri yang lain dapat dilihat di Jadual 1. Jadual 1 menunjukkan sebanyak RM172.21 juta bantuan zakat telah diagihkan oleh kesemua institusi zakat negeri di Malaysia ketika berlaku pandemik tahun 2020.

Jadual 1: Inisiatif Bantuan Khas Zakat COVID-19 oleh Institusi Zakat Negeri Tahun 2020

Bil	Institusi Zakat	Jumlah Agihan (RM Juta) ¹
1.	Majlis Agama Islam & Adat Istiadat Melayu Perlis (MAIPs)	4.50
2.	Lembaga Zakat Negeri Kedah (LZNK)	16.70
3.	Zakat Pulau Pinang (ZPP)	14.52

4	Majlis Agama Islam dan Adat Melayu Perak (MAIPk)	14.35
5	Lembaga Zakat Selangor (LZS)	15.00
6	Majlis Agama Islam Wilayah Persekutuan (MAIWP)	34.41
7	Majlis Agama Islam Negeri Sembilan (MAINS)	4.30
8	Majlis Agama Islam Melaka (MAIM)	4.33
9	Majlis Agama Islam Negeri Johor (MAINJ)	7.40
10	Majlis Ugama Islam & Adat Resam Melayu Pahang (MUIP)	12.00
11	Majlis Agama Islam & Adat Istiadat Melayu Kelantan (MAIK)	12.59
12	Majlis Agama Islam dan Adat Melayu Terengganu (MAIDAM)	20.15
13	Majlis Ugama Islam Sabah (MUIS)	5.96
14	Tabung Baitulmal Majlis Islam Sarawak	6.00
	Jumlah Keseluruhan	172.21

Nota: ¹ Data adalah sehingga 12 April 2020.

Sumber: Muhammad Faizal & Hairunnizam (2020)

Persoalannya ialah (1) adakah wujud kesenjangan pendapatan kesan pandemik COVID-19 terhadap kalangan B40 asnaf yang menerima bantuan zakat. (2) Apakah latarbelakang demografi asnaf B40 yang mengalami kesenjangan pendapatan ini. (3) Adakah wujud potensi kesan ekonomi dan sosial yang negatif kepada kumpulan yang mengalami kesenjangan pendapatan ini. Justeru kajian ini akan mengkaji persoalan kajian ini yang akan dijelaskan di bahagian berikutnya.

METODOLOGI KAJIAN

Kaedah pensampelan: Kajian telah dilaksanakan di beberapa negeri di Malaysia seramai 2,122 orang responden. Populasi B40 pada tahun 2016 adalah seramai 2.81 juta telah meningkat kepada 2.89 juta tahun 2019 (Jabatan Perangkaan Malaysia, 2020). Kajian ini menggunakan teknik pensampelan secara rawak dan pemilihan sampel kajian ini adalah secara berperingkat mengikut pemberat (*weight sample*) dan negeri yang dipilih adalah berdasarkan wilayah yang akan diwakili oleh pusat pembangunan (*growth centre*) dan fokus adalah golongan B40 di kawasan bandar. Setelah dianalisis daripada seramai 2,122 orang responden kajian, didapati hanya seramai 29 orang sahaja yang menerima bantuan zakat yang terkesan ketika COVID-19 iaitu sekitar 1.4 peratus daripada keseluruhan responden kajian. Oleh itu, bagi menjawab persoalan kajian, kajian ini akan memfokuskan kepada 29 responden tersebut yang merupakan asnaf yang menerima bantuan zakat daripada institusi zakat negeri ketika berlaku pandemik ini.

Kaedah Analisis Data: Kajian ini menggunakan kaedah diskriptif yang mudah untuk menganalisis data yang telah diperolehi. Kajian ini akan mengkaji secara terperinci responden yang terdiri daripada Responden 1 (R1) sehinggalah ke Responden 29 (R29).

HASIL KAJIAN DAN PERBINCANGAN

Responden kajian ini seramai 29 orang asnaf B40 yang mana majoriti adalah tinggal di Selangor iaitu seramai 14 orang (48.3%) manakala yang paling rendah adalah dari Sabah iaitu seorang sahaja (3.4%). Jantina yang terlibat hampir sama peratusannya manakala dalam aspek generasi

umur, majoriti adalah dari generasi X iaitu seramai 20 orang (69%) diikuti generasi Y seramai tujuh orang (24.1%) dan generasi Z iaitu dua orang sahaja (6.9%)(Lihat Jadual 2).

Jadual 2: Demografi Asas Responden Asnaf B40

Item	Kekerapan	Peratus (%)
Negeri:		
Johor (Wilayah Selatan)	2	6.9
Selangor (Wilayah Tengah)	14	48.3
Wilayah Sabah	1	3.4
Pahang (Wilayah Timur)	10	34.5
Pulau Pinang (Wilayah Utara)	2	6.9
Jantina:		
Lelaki	14	48.3
Perempuan	15	51.7
Generasi:		
Generasi X	20	69.0
Generasi Y	7	24.1
Generasi Z	2	6.9

Nota: Generasi X: Tahun kelahiran 1980 dan ke bawah; Generasi Y: 1981-1994; & Generasi Y: 1995 dan ke atas.

Sumber: Berdasarkan maklumat soal selidik

Merujuk Jadual 3, sebelum berlakunya COVID-19, majoriti responden iaitu seramai 19 orang asnaf B40 (65.5%) berada dalam klasifikasi (B1), seramai enam orang asnaf B40 (20.7%) di bawah klasifikasi (B2), tiga orang (10.3%) klasifikasi (B3) dan wujud seorang sahaja (3.4%) di bawah klasifikasi (B4). Namun begitu selepas berlakunya pandemik COVID-19 dan pelaksanaan PKP di Malaysia, telah berlaku perubahan kategori B40 yang agak ketara. Jika dirujuk Jadual 5 juga, majoriti B40 masih terdiri daripada kumpulan B40(B1) tetapi telah mengalami peningkatan bilangan asnaf B40 iaitu seramai 25 orang (86.2%), diikuti kumpulan B40(B2) dan (B3) masing-masing seramai dua orang (6.9%). Ini menunjukkan secara umumnya telah berlaku kesenjangan pendapatan dalam golongan asnaf B40 dan ini dapat dijelaskan seperti berikut: (1) tiada lagi kumpulan (B4) selepas pandemik, (2) berlaku peningkatan golongan klasifikasi (B1) daripada 65 peratus meningkat kepada 86.2 peratus (3) berlaku pengurangan golongan klasifikasi (B3) daripada 10.3 peratus kepada 6.9 peratus, dan (4) berlaku pengurangan golongan klasifikasi (B2) daripada 20.7 peratus kepada 6.9 peratus. Hasil kajian ini jelas menunjukkan berlaku kesenjangan pendapatan dalam kalangan asnaf B40 selepas berlaku pandemik.

Jadual 3: Kesenjangan Pendapatan Asnaf B40 Kesan Pandemik COVID-19

Item	Kekerapan	Peratus (%)
Klasifikasi Pendapatan B40 sebelum COVID-19		
B40 (B1)	19	65.5
B40 (B2)	6	20.7
B40 (B3)	3	10.3
B40 (B4)	1	3.4
Klasifikasi Pendapatan B40 selepas COVID-19:		
B40 (B1)	25	86.2
B40 (B2)	2	6.9
B40 (B3)	2	6.9

Sumber: Berdasarkan maklumat soal selidik

Merujuk kepada Pendapatan Garis kemiskinan (PGK) tahun 2019 yang menggambarkan kemiskinan mutlak, nilai PGK tersebut berada di klasifikasi B40(B2), manakala kemiskinan tegar merujuk kepada nilai PGK makanan tahun 2019, nilai PGK tersebut berada di klasifikasi B40(B1). Justeru sekiranya dilihat kepada kesan kemungkinan berlaku kesenjangan pendapatan golongan asnaf B40 di bawah kemiskinan tegar (B1), secara umumnya data menunjukkan telah berlaku peningkatan sebanyak 20.7 peratus asnaf yang baru berada di bawah kemiskinan tegar yang jelas menunjukkan kesan COVID-19 kepada kesenjangan pendapatan dalam kalangan asnaf B40.

Seterusnya menganalisis dengan lebih terperinci responden untuk mengesahkan kewujudan kesenjangan pendapatan secara lebih khusus. Ini dapat dilihat di Jadual 5 yang akan dijelaskan nanti. Merujuk kepada Jadual 4, dalam aspek demografi secara umumnya kebanyakan responden adalah terdiri daripada peniaga dan bekerja sendiri seperti perunding insurans, khidmat berkaitan pendingin hawa dan sebagainya. Pekerjaan ini memungkinkan mereka terkesan kepada aspek ekonomi dan sosial rentetan daripada pelaksanaan PKP terutamanya dalam skala yang besar seluruh negara. Majoriti responden adalah berpendidikan Sijil pelajaran Malaysia (SPM) dan mempunyai purata tanggungan seramai 4.13 orang. Ini menunjukkan bilangan tanggungan yang agak ramai dengan purata pendapatan isi rumah sebanyak RM2,029.50 sebulan sebelum berlaku pandemik dan telah menurun secara puratanya sebanyak RM411.65 kepada RM1,617.85 sebulan semasa berlaku pandemik COVID-19 (Jadual 5) dan purata perbelanjaan isi rumah sebanyak RM1,686 sebulan selepas berlaku pandemik (Jadual 6). Ini memungkinkan berlaku tekanan ekonomi isi rumah yang agak teruk sekiranya pendapatan mereka terus menurun kesan daripada pelaksanaan PKP secara berterusan kerana merujuk kepada angka ini, ketika pandemik COVID-19, secara puratanya telah berlaku defisit belanjawan sebanyak hampir RM68 sebulan, Angka ini meliputi hampir 14 peratus purata perbelanjaan makanan isi rumah iaitu berjumlah RM485 sebulan.

Persoalan utama kajian ini, adakah benar-benar wujud kesenjangan pendapatan dalam kalangan asnaf B40 dengan merujuk kepada responden kajian ini. Jika dilihat kepada Jadual 5,

hanya terdapat tujuh orang responden (24.1%) yang mengalami kesenjangan pendapatan yang ketara dalam kalangan asnaf B40 yang dikaji. Ini dapat dianalisis seperti berikut; (1) seorang responden (R5) yang mengalami kesenjangan pendapatan yang sangat besar iaitu menurun daripada klasifikasi (B4) kepada (B1); (2) seorang responden (R26) daripada klasifikasi (B3) kepada (B1); dan (3) seramai lima orang responden daripada klasifikasi (B2) kepada (B1). Bagi R5, beliau telah mengalami penurunan pendapatan yang agak tinggi iaitu sebanyak RM4,000 (pendapatan sebelum COVID-19 adalah RM4,200 dan kini menjadi RM200). Jika dilihat daripada aspek pekerjaan, R5 merupakan seorang perempuan berumur 63 tahun, merupakan seorang peniaga yang tidak lagi bekerja ketika PKP ini. Status R5 kini semasa COVID-19 adalah di bawah kategori miskin tegar, merupakan status asnaf zakat yang baru ketika pandemik ini. Manakala R26 pula telah mengalami penurunan pendapatan daripada RM3,192 kepada RM2,433 (penurunan sebanyak RM759). Merupakan seorang lelaki berumur 38 tahun dan bekerja sebagai seorang peniaga. Namun begitu R26 tidak dikategorikan sebagai miskin tegar kerana pendapatan semasa yang melebihi RM1,169. Manakala responden R1, R4, R13, R14 dan R18 juga telah mengalami kesenjangan pendapatan namun hanya R1 sahaja yang berubah status menjadi kepada kategori miskin tegar yang mana R1 merupakan seorang lelaki berumur 62 tahun dan bekerja sebagai seorang nelayan dan pendapatan semasa beliau adalah RM783 sahaja (pendapatan sebelum pandemik adalah RM2,250). Daripada analisis ini, didapati seramai dua orang responden telah mengalami kesenjangan pendapatan yang ketara dan berubah menjadi kategori miskin tegar. iaitu sebanyak 6.9 peratus daripada 29 orang asnaf B40. Kajian ini mendapati daripada maklumat soal selidik, R1 dan R26 adalah penerima zakat yang asal dan masih menerima bantuan zakat ketika pandemik ini.

Dalam menjawab persoalan (3), tekanan ekonomi dan sosial terhadap golongan asnaf B40 yang mengalami kesenjangan pendapatan yang ketara terutamanya yang berubah kepada kategori miskin tegar adalah agak membimbangkan. Jika dilihat kepada R5, yang mengalami penurunan pendapatan yang agak besar kepada pendapatan semasa bernilai hanya RM200 sahaja, beliau masih ada simpanan kerana selepas kehilangan sumber pendapatan, masih menjangkakan boleh bertahan selama 1 hingga 3 bulan, tinggal di rumah milik sendiri tetapi perlu menyelesaikan ansuran bulanan, merasakan pendapatan yang sedia ada masih cukup walaupun tidak dapat membuat tabungan, jumlah perbelanjaan makanan sebulan dianggarkan RM200 dianggap R5 telah menurun (mungkin disebabkan penjimatan) dan bilangan tanggungan seramai dua orang, jumlah perbelanjaan sebulan masih lagi tinggi iaitu RM2,187 (antaranya ansuran hutang bulanan sebanyak RM910) mungkin dapat ditampung oleh bantuan oleh kerajaan dan pihak institusi zakat dan R5 merasakan kesan pandemik ini tidak mengubah perbelanjaan bulanan isi rumahnya. R5 dilihat masih mempunyai tekanan yang tinggi terutamanya menyelesaikan hutang bulanannya yang agak besar dan mungkin dapat diredakan tekanan tersebut dengan pemberian moratorium oleh pihak bank. Beralih kepada kemungkinan tekanan ekonomi dan sosial terhadap R1 dan R26 pula, kesan COVID-19 juga amat membimbangkan jika dilihat kepada aspek sosio-ekonomi mereka. Contohnya R1 mengalami penurunan pendapatan sebanyak RM1,767, perbelanjaan makanan bulanan sebanyak RM600 (R1 mengatakan tidak berubah ketika pandemik), perbelanjaan bulanan

adalah RM974 (R1 mengatakan mengalami peningkatan ketika pandemik), ditambah lagi bilangan tanggungan seramai tiga orang, jumlah pendapatan semasa dikatakan tidak mencukupi untuk menampung perbelanjaan asas. Malah status rumah yang masih menumpang rumah orang lain dan jumlah pendapatan yang sedia ada setelah mengalami kejatuhan pendapatan menurut R1 tidak mampu bertahan. Ini bakal memberi tekanan ekonomi dan sosial yang besar kepada beliau. Namun begitu kelebihannya tiada tekanan hutang kepada R1. Manakala R26 pula mengalami kejatuhan pendapatan sebanyak RM759, perbelanjaan makan bulanan sebanyak RM800 (R26 mengatakan meningkat ketika pandemik) dan perbelanjaan bulanan yang agak tinggi sebanyak RM2,970 disebabkan bilangan isi rumah yang agak ramai iaitu enam orang, R26 merasakan tekanan pendapatan yang tidak mencukupi dan kehilangan pendapatan ini menyebabkan R26 merasakan sumber ekonomi yang sedia ada tidak mampu bertahan. Ini ditambah lagi R26 tinggal di rumah milik sendiri namun mungkin agak tertekan kerana hutang bulanan rumah yang perlu dilangsaikan setiap bulan (ansuran hutang bulanan agak tinggi iaitu RM1,450 sebulan) memandangkan usia R26 yang masih muda sekitar 36 tahun. Beliau juga diharapkan mendapat kemudahan moratorium dari pihak bank untuk menyelesaikan ansuran bulannya.

KESIMPULAN

Kajian ini berjaya membuktikan wujudnya kesejangan pendapatan yang ketara dalam kalangan asnaf B40 kesan daripada pelaksanaan PKP akibat pandemik COVID-19. Malah kajian ini menunjukkan berlaku kesenjangan pendapatan dalam kalangan golongan asnaf B40 yang telah berubah menjadi status miskin tegar atau fakir yang perlu diberi perhatian terutamanya kewujudan asnaf baru zakat kesan daripada pandemik COVID-19. Satu strategi agihan zakat berbentuk khidmat kaunseling oleh pakar psikologi mungkin diperlukan untuk membantu amil memberikan motivasi secara profesional kepada golongan asnaf B40 agar mereka tidak sentiasa hidup dalam keadaan tekanan jiwa dan emosi yang boleh membawa kepada gejala negatif yang telah dijelaskan sebelum ini. Semoga inisiatif agihan zakat dapat diperhebatkan lagi bagi memastikan golongan asnaf B40 terbela nasibnya ketika pandemik ini. Akhirnya diharapkan kesenjangan pendapatan serta ekonomi dapat dikurangkan dalam kalangan golongan B40 khususnya dan antara golongan kaya dan miskin amnya. Mudah-mudahan matlamat keterangkuman ekonomi dapat dicapai oleh negara ini di masa akan datang.

PENGHARGAAN

Penghargaan kepada pihak CRIM UKM atas geran yang diberikan. Artikel ini adalah sebahagian daripada dapatan projek penyelidikan LRGS (Kod Projek: MRUN-2019-001/5)

RUJUKAN

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Jadual 4: Demografi Sosio-ekonomi Responden Asnaf B40

Bil	Negeri	Jantina	Umur (Tahun)	Pekerjaan Sebelum COVID-19	Tahap Pendidikan	Bil Tanggungan (orang) ¹	Responden
1	Pahang	L	62	Nelayan	Sekolah Rendah	3	R1
2	Pahang	P	47	.	SPM	3	R2
3	Pahang	L	70	Pesara	SRP/PT3	2	R3
4	Pahang	P	50	Menjahit	Sekolah Rendah	9	R4
5	Pahang	P	63	Peniaga	SPM	2	R5
6	Pahang	P	53	.	Sekolah Rendah	1	R6
7	Pahang	L	37	Tukang kebun	SRP/PT3	3	R7
8	Pahang	P	64	.	Sekolah Rendah	4	R8
9	Pahang	L	56	.	SPM	5	R9
10	Pahang	P	45	Pengasuh	SPM	2	R10
11	Johor	P	22	.	Matrikulasi	4	R11
12	Johor	P	72	.	SRP/PT3	1	R12
13	Pulau Pinang	P	37	Peniaga	SPM	7	R13
14	Pulau Pinang	P	72	.	SRP/PT3	4	R14
15	Sabah	P	27	Kerani	SPM	2	R15
16	Selangor	L	70	Peniaga	Tidak Bersekolah	3	R16
17	Selangor	L	75	Nelayan	Sekolah Rendah	4	R17
18	Selangor	L	75	Peniaga	SPM	7	R18
19	Selangor	P	38	.	Tidak Bersekolah	7	R19
20	Selangor	L	21	Pembantu kedai	SPM	3	R20
21	Selangor	P	35	Quality check	SPM	5	R21
22	Selangor	L	43	Peniaga	SPM	6	R22
23	Selangor	L	38	Kilang	SPM	4	R23
24	Selangor	P	44	.	SPM	5	R24
25	Selangor	L	62	Bekerja sendiri	SPM	4	R25
26	Selangor	L	38	Peniaga	SPM	5	R26
27	Selangor	L	47	khidmat pendingin hawa	SRP/PT3	6	R27
28	Selangor	L	51	Perunding insurans	.	4	R28
29	Selangor	P	45	Tukang jahit	Sekolah Rendah	5	R29

Nota: ¹ purata 4.13 orang

Sumber: Maklumat soal selidik

Jadual 5: Status Pekerjaan, Pendapatan Bulanan dan Klasifikasi Pendapatan Asnaf B40 Sebelum dan Semasa COVID-19

Bil	Responden	Bekerja Sebelum COVID	Bekerja Semasa COVID	Pendapatan Sebelum COVID-19 (RM sebulan) ¹	Klasifikasi Pendapatan (Asal)	Pendapatan Semasa COVID-19 (RM sebulan) ²	Klasifikasi Pendapatan (Semasa COVID-19)	Perubahan Pendapatan Semasa COVID-19 (RM) ³	Mengalami Kejatuhan Kategori B40
1	R1	Ya	Tidak	2,550	B40(2)	783	B40(1)	(1,767)	Ya(1)
2	R2	Tidak	Tidak	692	B40(1)	933	B40(1)	241	Tidak
3	R3	Ya	Ya	1,592	B40(1)	1,033	B40(1)	(559)	Tidak
4	R4	Ya	Tidak	3,070	B40(2)	2,033	B40(1)	(1,037)	Ya(1)
5	R5	Ya	Tidak	4,200	B40(4)	200	B40(1)	(4,000)	Ya(3)
6	R6	Tidak	Tidak	300	B40(1)	433	B40(1)	133	Tidak
7	R7	Ya	Ya	2,292	B40(1)	883	B40(1)	(1,409)	Tidak
8	R8	Tidak	Tidak	1,083	B40(1)	1,075	B40(1)	(8)	Tidak
9	R9	Tidak	Tidak	1,425	B40(1)	1,425	B40(1)	0	Tidak
10	R10	Ya	Ya	1,292	B40(1)	1,033	B40(1)	(259)	Tidak
11	R11	Tidak	Tidak	1,300	B40(1)	1,300	B40(1)	0	Tidak
12	R12	Tidak	Tidak	1,000	B40(1)	1,133	B40(1)	133	Tidak
13	R13	Ya	Ya	2,716	B40(2)	1,566	B40(1)	(1,150)	Ya(1)
14	R14	Ya	Ya	2,684	B40(2)	1,567	B40(1)	(1,117)	Ya(1)
15	R15	Ya	Ya	1,742	B40(1)	2,283	B40(1)	541	Tidak
16	R16	Ya	Tidak	800	B40(1)	800	B40(1)	0	Tidak
17	R17	Ya	Ya	1,300	B40(1)	1,400	B40(1)	100	Tidak
18	R18	Ya	Ya	2,833	B40(2)	2,433	B40(1)	(400)	Ya(1)
19	R19	Ya	Tidak	3,600	B40(3)	3,200	B40(3)	(400)	Tidak
20	R20	Ya	Ya	2,250	B40(1)	2,250	B40(1)	0	Tidak
21	R21	Ya	Ya	1,925	B40(1)	2,316	B40(1)	391	Tidak
22	R22	Ya	Ya	3,070	B40(2)	3,000	B40(2)	(70)	Tidak
23	R23	Ya	Ya	2,200	B40(1)	2,283	B40(1)	83	Tidak
24	R24	Tidak	Tidak	933	B40(1)	925	B40(1)	(8)	Tidak
25	R25	Ya	Ya	2,500	B40(1)	2,583	B40(2)	83	Tidak
26	R26	Ya	Ya	3,192	B40(3)	2,433	B40(1)	(759)	Ya(2)
27	R27	Ya	Tidak	1,532	B40(1)	215	B40(1)	(1,317)	Tidak
28	R28	Ya	Ya	3,350	B40(3)	3,367	B40(3)	17	Tidak
29	R29	Ya	Ya	1,433	B40(1)	2,033	B40(1)	600	Tidak

Nota: ¹ purata RM2,029.50; ² purata RM1,617.85; ³ purata RM-411.65

Sumber: Maklumat soal selidik

Jadual 6: Status Pemilikan Rumah, Jumlah Perbelanjaan dan Persepsi Asnaf B40 terhadap Kesan Ekonomi Isi Rumah

Bil	Responden	Status Pemilikan Rumah	Tempoh Bertahan (Hilang Sumber)	Kesan Pendapatan Semasa COVID-19	Kecukupan Pendapatan	Jumlah Perbelanjaan Makanan (RM Sebulan) ¹	Kesan COVID-19 terhadap Kos Perbelanjaan Makanan	Ansuran Hutang (RM Sebulan)	Jumlah Perbelanjaan Isi Rumah (RM Sebulan) ²	Kesan COVID-19 terhadap Kos Perbelanjaan Isi Rumah
1	R1	Menumpang	Tidak Bertahan	Menurun	Tidak Cukup	600	Tidak Berubah	Tiada	974	Meningkat
2	R2	Milik Sendiri	Tidak Bertahan	Meningkat	Tidak Cukup	500	Meningkat	Tiada	1,430	Menurun
3	R3	Milik Sendiri	Tidak Bertahan	Menurun	Tidak Cukup	300	Meningkat	520	1,946	Tidak Berubah
4	R4	Menumpang	Tidak Bertahan	Menurun	Tidak Cukup	600	Meningkat	250	2,688	Menurun
5	R5	Milik Sendiri	1-3 Bulan	Menurun	Cukup Tetapi Tiada Simpanan	200	Menurun	910	2,187	Tidak Berubah
6	R6	Menumpang	3-6 Bulan	Meningkat	Tidak Cukup	300	Tidak Berubah	Tiada	1,340	Tidak Berubah
7	R7	Menyewa	< 1 Bulan	Menurun	Cukup Hanya Keperluan Asas	500	Meningkat	300	2,126	Tidak Pasti
8	R8	Milik Sendiri	< 1 Bulan	Menurun	Cukup Hanya Keperluan Asas	100	Menurun	Tiada	420	Tidak Berubah
9	R9	Menyewa	< 1 Bulan	Tidak Berubah	Cukup Hanya Keperluan Asas	200	Tidak Berubah	Tiada	752	Meningkat
10	R10	Menumpang	Tidak Bertahan	Menurun	Tidak Cukup	300	Meningkat	Tiada	1,420	Meningkat
11	R11	Menyewa	1-3 Bulan	Tidak Berubah	Cukup Tetapi Tiada Simpanan	300	Menurun	Tiada	2,547	Tidak Berubah
12	R12	Milik Sendiri	Tidak Bertahan	Meningkat	Cukup Hanya Keperluan Asas	100	Tidak Berubah	Tiada	500	Tidak Berubah
13	R13	Menyewa	6-12 Bulan	Menurun	Cukup Tetapi Tiada Simpanan	700	Meningkat	800	2,980	Tidak Pasti

14	R14	Milik Sendiri	6-12 Bulan	Menurun	Cukup Tetapi Tiada Simpanan	800	Meningkat	900	2,500	Meningkat
15	R15	Menyewa	1-3 Bulan	Meningkat	Cukup Hanya Keperluan Asas	200	Tidak Berubah	Tiada	700	Meningkat
16	R16	Menyewa	Tidak Bertahan	Tidak Berubah	Tidak Cukup	700	Menurun	150	1,150	Tidak Berubah
17	R17	Menyewa	< 1 Bulan	Meningkat	Tidak Cukup	30	Menurun	Tiada	465	Meningkat
18	R18	Milik Sendiri	1-3 Bulan	Menurun	Cukup Hanya Keperluan Asas	1,000	Menurun	700	3,517	Meningkat
19	R19	Menyewa	Tidak Bertahan	Menurun	Tidak Cukup	1,000	Tidak Berubah	Tiada	1,590	Tidak Berubah
20	R20	Menyewa	< 1 Bulan	Tidak Berubah	Cukup Semua Perbelanjaan	300	Tidak Berubah	183	1,583	Meningkat
21	R21	Menyewa	< 1 Bulan	Meningkat	Cukup Semua Perbelanjaan	500	Tidak Berubah	Tiada	2,205	Tidak Berubah
22	R22	Menyewa	< 1 Bulan	Menurun	Cukup Hanya Keperluan Asas	td	td	Tiada	510	Meningkat
23	R23	Menyewa	Tidak Bertahan	Meningkat	Cukup Hanya Keperluan Asas	1,000	Tidak Berubah	700	3,020	Meningkat
24	R24	Menyewa	< 1 Bulan	Menurun	.	1,000	Meningkat	Tiada	3,200	Meningkat
25	R25	Milik Sendiri	Tidak Bertahan	Meningkat	Cukup Hanya Keperluan Asas	400	Meningkat	Tiada	400	Tidak Pasti
26	R26	Milik Sendiri	Tidak Bertahan	Menurun	Tidak Cukup	800	Meningkat	1,450	2,970	Tidak Pasti
27	R27	Milik Sendiri	Tidak Bertahan	Menurun	Tidak Cukup	300	Menurun	290	1608	Menurun
28	R28	Menyewa	3-6 Bulan	Meningkat	Tidak Cukup	600	Tidak Pasti	Tiada	1267	Tidak Pasti
29	R29	Menyewa	1-3 Bulan	Meningkat	Cukup Hanya Keperluan Asas	250	Meningkat	Tiada	900	Tidak Berubah

Nota: ¹ Purata makanan RM485 sebulan; ² purata keseluruhan RM1,686 sebulan td: tiada data
Sumber: Maklumat soal selidik

KONSEP TABAYYUN DALAM MENDEPANI GOLONGAN ANTI VAKSIN COVID 19

(Tabayyun Concept In Dealing With The Group of Covid-19 Anti-Vaccine)

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Abstrak

Dalam era serba moden berteknologi tinggi kini, fitnah boleh tersebar dengan mudah melalui media massa seperti internet, Facebook, Instagram, WhatsApp dan sebagainya. Pada era globalisasi ini manusia mudah mengakses segala macam maklumat di hujung jari menerusi internet dan berbentuk gajet. Kebanyakan berita dan maklumat yang ada di internet perlu diselidiki, disaring dan dikaji semula sebelum disebarkan kepada umum. Masalah besar yang dihadapi oleh umat hari ini ialah tidak menyelidik terlebih dahulu sebelum disebarluaskan kepada masyarakat mengenai berita-berita palsu, provokasi, kontroversi dan sebagainya. Akhirnya ia menjadi polemik yang tidak berkesudahan dan bakal mengganggu gugat kestabilan dan ketenteraman politik, ekonomi, sosial, kesihatan, masyarakat dan negara. Kedapatan segelintir masyarakat awam yang terpengaruh dengan hasutan golongan anti vaksin covid 19 kononnya jika seseorang disuntik dengan vaksin tersebut akan mengundang pelbagai komplikasi dalaman seperti serangan jantung dan paru-paru, demam yang berpanjangan serta mendatangkan maut. Justeru itu, di dalam artikel ini akan dibawakan pandangan-pandangan mitos dan tuduhan-tuduhan yang tidak berasas daripada golongan anti vaksin dan argumentasi secara saintifik oleh golongan pakar perubatan serta hujahan ilmiah daripada kalangan ilmuan Islam yang berautoriti dalam menangkis tohmahan atau tuduhan yang tidak berasas tersebut. Tujuan kertas kerja ini dibentangkan adalah untuk menegaskan konsep tabayyun sebagai konsep penerimaan, penilaian dan penyebaran sesuatu berita. Dalam kertas kerja ini juga akan dibawakan dalil-dalil menurut Al-Quran dan al-Hadis serta prinsip-prinsip tabayyun yang berhati-hati dan tidak tergesa-gesa, melihat dengan keilmuan yang dalam terhadap sebuah peristiwa dan khabar yang datang sehingga menjadi jelas dan terang kepada para pengakses serta penyebar maklumat. Kaedah kajian termasuklah teknik perolehan maklumat melalui kajian lepas berdasarkan sumber kualitatif dan perpustakaan. Diharapkan kajian ini dapat membantu pihak media kerajaan dan swasta serta seluruh lapisan masyarakat di Malaysia dapat mengenalpasti sesuatu sumber maklumat yang berautoritatif.

Kata Kunci: Tabayyun, Anti Vaksin, Vaksin, Covid 19

Abstract

In today's high -tech modern era, slander can be spread easily through mass media such as the internet, Facebook, Instagram, WhatsApp and so on. In this era of globalization, people can easily access all kinds of information at their fingertips through the internet and in the form of gadgets. Most of the news and information available on the internet needs to be researched, screened and reviewed before being disseminated to the public. The big problem faced by the people today is not to research first before disseminating to the public about false news, provocations, controversies and so on. Eventually it becomes an endless polemic and will disrupt political, economic, social, health, community and national stability and order. the finding of a handful of members of the public who were affected by the instigation of the anti-covid vaccine group 19 allegedly if a person is injected with the vaccine will invite various internal complications such as heart and lung attacks, prolonged fever and death. Therefore, in this article will be brought the views of myths and baseless allegations from the anti-vaccine group and scientific arguments by medical experts as well as scientific arguments from Islamic scholars who are authoritative in refuting such baseless allegations or accusations. . The purpose of this paper presented is to emphasize the concept of tabayyun as a concept of receipt, evaluation and dissemination of news. In this paper will also be presented the arguments according to the Qur'an and Hadith as well as the principles of tabayyun that is careful and not in a hurry, looking with deep knowledge of an event and news that comes so that it becomes clear and bright. to the accessors and disseminators of information. Research methods include information acquisition techniques through past research based on qualitative sources and libraries. It is hoped that this study can help the government and private media as well as all levels of society in Malaysia to identify an authoritative source of information.

Keywords: *Tabayyun, Anti Vaccine, Vaccine, Covid 19*

PENDAHULUAN

Al-Quran adalah sumber ajaran Islam yang merangkumi segala penyelesaian tanpa ada unsur meragukan. Dalam era internet tanpa batasan banyak menyajikan informasi yang tidak sah. Maka di dalam al-Quran Allah memerintahkan manusia perlu bertabayyun sebelum menerima berita. Konsep tabayyun dalam mendepani golongan anti vaksin covid 19 merupakan metodologi yang amat penting dalam mengesahkan sesuatu berita dan informasi kepada seseorang individu mahupun masyarakat dalam sesebuah negara ataupun dunia. Dalam kertas kerja ini akan menerangkan mengenai dakwaan golongan anti vaksin covid 19, konsep tabayyun, dalil-dalil menurut Al-Quran dan al-Hadis, serta prinsip-prinsip tabayyun dan pandangan pakar perubatan serta para ilmuan Islam yang muktabar mengenai kepentingan vaksin covid 19.

KAJIAN LEPAS

Teknologi maklumat dan komunikasi semakin berkembang dengan adanya pelbagai aplikasi berasaskan internet. Penggunaa internet melalui perkembangan jaringan sosial secara aktif telah memberi satu kelebihan dalam penyebaran maklumat tanpa batasan dan melabelkan internet sebagai penyebar maklumat palsu. Kemunculan pelbagai media sosial baharu masa kini

menyemarakkan lagi dunia komunikasi antara manusia dan alam maya.¹⁵ Fenomena penyebaran berita palsu melalui media massa masa kini telah sampai ke peringkat yang agak membimbangkan. Berita palsu tersebut bukan sahaja boleh menggugat keselamatan negara malah menjejaskan imej negara serta merencatkan pertumbuhan industri negara jika berita tersebut berunsur negatif. Berita palsu bukan sahaja berkaitan isi namun banyak juga berbentuk gambar dan video.

Antara ciri-ciri berita palsu di internet ialah:

- i) Tidak disertakan link yang boleh dipercayai di mana kebanyakan berita palsu disebarikan melalui copy and paste semata-mata.
- ii) Mempunyai unsur ganjaran seperti ganjaran pahala dan syurga, jika berita disebarikan tanpa mengetahui kesahihannya.
- iii) Berita yang tidak logik sama ada melalui gambar atau video. Melalui beberapa kajian yang dilakukan antara punca atau sebab kecenderungan individu membuat dan menyebarkan berita palsu ialah keinginan seseorang menjadi sumber rujukan pertama untuk berkongsi maklumat dengan masyarakat. Di samping itu, seseorang individu itu lebih cenderung membuat dan menyebarkan berita palsu disebabkan oleh ketidakstabilan emosi yang melampau tanpa memeriksa berita sama ada benar atau tidak.¹⁶ Ini dibuktikan dengan perbuatan individu yang telah disabitkan dengan kesalahan memuatnaik video berunsur fitnah terhadap polis berkaitan kes pembunuhan seorang pensyarah Fadi al Batsh. Perbuatan individu tersebut lebih kepada pengaruh emosi.

Antara modus operandi penyebaran berita palsu ialah:

- i) Meletakkan nama pihak yang berpengaruh sama ada ulama atau pegawai yang berautoriti.
- ii) Mengeksploitasikan agama dengan menyertakan faedah atau kelebihan sesuatu produk khususnya untuk menarik perhatian penerima. Kelebihan ini akan menggalakkan para penerima menyebarkan berita palsu.
- iii) Memuatkan ancaman, para penyebar maklumat palsu akan menambah ancaman kepada mereka yang tidak memanjangkan mesej atau maklumat yang diterima. Contohnya, ancaman dosa jika tidak menyebarkan berita.
- iv) Mengeksploitasi sentimen perkauman seperti membanding produk keluaran Melayu Muslim dengan pengusaha bukan Islam yang membawa pertentangan dengan syariat Islam.¹⁷

Justeru itu, tujuan kertas kerja ini dibentangkan untuk mengesyorkan konsep tabayyun sebagai konsep penerimaan, penilaian dan penyebaran sesebuah berita. Dalam kertas kerja ini juga akan dibawakan dalil-dalil menurut Al-Quran dan al- Hadis serta prinsip-prinsip tabayyun yang berhati-hati dan tidak tergesa-gesa, melihat dengan keilmuan yang dalam terhadap sebuah

¹⁵ Siti Ezaleila Mustafa dan Azizah Hamzah.(2010). Media Sosial : Tinjauan Terhadap laman Jaringan Sosial dalam Talian Tempatan. Jurnal Pengajian Media Malaysia, Vol 12(2)

¹⁶ Azizi Ayob (2018). Asuh Masyarakat Kemahiran Analisis Berita. Berita Harian, di ambil pada 8 Jun 2018 dari <https://www.bharian.com.my/rencana/muka10/2018/02/385152/asuh-masyarakat-kemahiran-analisis-berita>.

¹⁷ Mohd Anuar Ramli, Mohammad Aizat Jamaludin, Abdul Qayyum Aminuddin dan Mohamad Naqib Hamdan. (2015). Penyebaran maklumat Palsu berkaitan produk Halal dan Implikasi terhadap Industri Halal. Kertas Kerja Konferensi Islam Borneo VII (KAIB VIII). Universiti Islam Sultan Sharif Ali, Negara Brunei Darussalam, 2-3 September.

peristiwa dan khabar yang datang sehingga menjadi jelas dan terang kepada para pengakses serta penyebar maklumat.

KAEDAH PENYELIDIKAN

Kaedah kajian termasuklah teknik perolehan maklumat melalui kajian lepas berdasarkan sumber kualitatif dan perpustakaan. Diharapkan kajian ini dapat membantu pihak media kerajaan dan swasta serta seluruh lapisan masyarakat di Malaysia dapat mengenalpasti sesuatu sumber maklumat yang berautoritatif.

Tuduhan-Tuduhan Golongan Anti Vaksin Covid 19

Di sini dibawakan tuduhan-tuduhan yang golongan anti vaksin covid19.

Tuduhan pertama :

Sepertimana dilaporkan di dalam berita harian yang bertajuk **KKM sangkal tuduhan 'mak teh'**¹⁸, KUALA LUMPUR: Kementerian Kesihatan (KKM) menafikan dakwaan kononnya 40 orang jururawat meninggal dunia selepas mendapatkan vaksin COVID-19 seperti yang tular dalam rakaman audio di media sosial. KKM berkata, rakaman audio berdurasi 2 minit 48 saat yang mendakwa seramai 40 orang jururawat meninggal dunia dan mendakwa vaksin COVID-19 racun adalah tidak benar sama sekali. Justeru, KKM menasihatkan masyarakat membimbing mereka yang berada di bawah jagaan keluarga supaya tidak membuat, berkongsi dan mempercayai maklumat yang tidak benar seperti itu. "Adalah menjadi satu kesalahan dari segi undang-undang membuat kenyataan yang tidak benar dan menimbulkan kegelisahan awam. "Oleh itu, sebelum ianya berlaku adalah lebih baik kita mencegahnya dengan nasihat-menasihati antara satu sama lain," menurut kenyataan KKM hari ini. Sejak kelmarin, viral di media sosial rakaman audio dari seorang wanita yang menggelarkan dirinya 'mak teh' mendakwa vaksin yang ditawarkan kerajaan berisiko menyebabkan kematian. Semalam, bekas Perdana Menteri, Tun Dr Mahathir Mohamad membidas dakwaan wanita berkenaan yang disifatkan tuduhan palsu bagi menakutkan orang yang belum menerima vaksin. "Saya tidak percaya (40 jururawat meninggal dunia kerana vaksin) kerana saya dan isteri sudah disuntik (dengan vaksin). tak ada ada apa (kesan sampingan) pun. "Ini satu dakyah yang tiada asas. Ia sebenarnya menghukum mati orang yang tidak dapat vaksin. Mereka yang tidak divaksin akan kena penyakit ini dan mati. "Kalau mati, mak teh lah yang bertanggungjawab. Kalau dosa, dosa mak teh lah," kata Dr Mahathir dalam rakaman video yang dikongsi di akaun media sosial beliau. Dr Mahathir turut membidas dakwaan yang menyatakan pengambilan air kelapa boleh menyembuhkan jangkitan COVID-19. "Ayaq nyoq (air kelapa) nak buat apa? Kalau betul pi (pergi) lah sendiri minum ayaq nyoq, lepas tu cium orang yang sakit COVID-19 ini dan tengok nak jadi apa. Bolehkah ayaq nyoq tu bertahan (daripada jangkitan),"

¹⁸ Rohaniza Idris (2021). KKM sangkal tuduhan 'mak teh'. Beritaharian, di ambil pada 23 mei 2021 dari: <https://www.bharian.com.my/berita/nasional/2021/05/819836/kkm-sangkal-tuduhan-mak-teh>

katanya. Beliau juga membangkitkan pengorbanan jururawat yang tetap menjalankan tugas walaupun mengetahui risiko jangkitan COVID-19. Dr Mahathir turut menyatakan rasa sedihnya dengan penyebaran maklumat palsu berhubung vaksin COVID-19 serta sikap segelintir pihak yang gemar menyebarkan berita palsu menyebabkan ramai lagi orang akan dijangkiti.

Tuduhan kedua :

Sinar harian online yang bertajuk : Suntik vaksin bukan agenda Yahudi¹⁹ KOTA BHARU - Tindakan pihak tertentu yang membuat propaganda mengaitkan suntikan vaksin Covid-19 sebagai agenda Yahudi sehingga mencetuskan rasa takut dalam kalangan umat Islam di negara ini dilihat sama sekali tidak berasas. Exco Kerajaan Tempatan, Perumahan dan Kesihatan negeri, Dr Izani Husin berkata, merumitkan lagi ada golongan agama dikesan 'termakan' dakyah tersebut sehingga menyebarkan perkara itu kepada individu lain melalui kuliah mereka. "Penyebaran berita ini sama sekali tidak tepat apabila hampir 60 peratus golongan Yahudi yang berada di Israel sudah mendapatkan suntikan vaksin bagi melawan Covid-19. "Kalau bahaya, orang Yahudi tidak akan mengambil vaksin. Apabila Israel melakukan vaksin kepada rakyatnya, proses pemulihan negara akan menjadi lebih cepat dan mereka akan lebih maju daripada kita," katanya. Menurutnya, situasi itu dapat dilihat di Amerika Syarikat apabila pemahaman dalam kalangan rakyat negara berkenaan untuk suntikan vaksin semakin meningkat. Beliau berkata, kerajaan mahu golongan agama, orang kenamaan, selebriti, instafamous, ketua-ketua jabatan dan pimpinan masyarakat supaya memainkan peranan dengan menggerakkan kempen kesedaran mendapatkan suntikan vaksin ini.

Tuduhan ketiga:

“Vaksin tak percaya, ini percaya pulak” – [VIDEO] Lepas Bunga Cengkih, Viral Pula Kopi Campur Clorox Penawar Covid-19!²⁰



¹⁹ Hazelen Liana Kamarudin(2021).Suntikan vaksin bukan agenda yahudi. Sinarharian, di ambil pada 26 Mei 2021 dari : <https://www.sinarharian.com.my/article/140526/KHAS/Covid-19/Suntik-vaksin-bukan-agenda-Yahudi>

²⁰ Sue Idris (2021). Vaksin tak percaya ini percaya pulak video lepas bunga cengkih viral pula kopi campur Clorox penawar covid-19. Lobakmerah, di ambil pada 4 jun 2021 dari : <https://lobakmerah.com/vaksin-tak-percaya-ini-percaya-pulak-video-lepas-bunga-cengkih-viral-pula-kopi-campur-clorox-penawar-covid-19/>

Bermacam-macam berita palsu disebar di Whatsapp terutamanya tentang penawar atau 'ikhtiar' melawan virus Covid-19. Golongan anti vaksin akan mengambil kesempatan ini untuk dakwah mereka dan menghasut orang ramai untuk menolak suntikan vaksin. Jika baru-baru ini viral tentang hidu wap bunga cengkih yang direbus dapat merawat Covid-19, kali ini tersebar pula sebuah video menunjukkan seorang warga emas melakukan tutorial cara 'terbaru' untuk melawan virus ini. Melalui video yang kini *viral* di Twitter itu, dua cawan plastik dilihat berada di hadapannya berisi air kopi dan air bergas. Warga emas itu kemudian mencampurkan air tersebut dengan cecair Clorox!. Berdasarkan *broadcast message* yang dikongsikan seorang doktor, ternyata langkah itu didakwa merupakan 'cara' untuk menghapuskan kuman termasuklah Covid-19 dan penyakit kanser. Di izin Allah menghapuskan racun. Setakat kuman COVID-19, kanser dan beberapa lagi tak masalah sebab kekuatan RACUN CLOROX mampu membunuh dalam beberapa minit." Please jangan buat bukan-bukan. Sangat bahaya!" Doktor tersebut mengambil kesempatan itu untuk menasihati orang ramai agar berwaspada dengan penyebaran video serta berita palsu sebegini. Dia juga turut berkongsi bukti-bukti bahawa cecair peluntur amat membahayakan. **Please jangan buat benda bukan bukan. It is very dangerous!**" Ramai netizen yang tonton video itu berasa marah dan sudah muak dengan penyebaran video-video seumpama itu sejak pandemik Covid-19 melanda negara kita. Ada segelintir yang berkata disebabkan video-video itu jugalah ramai ibu bapa yang jadi terpengaruh. Sebelum ini, hampir 10,000 penduduk di Kelantan tak hadir janji temu suntikan vaksin. Hasil temu duga, beberapa warga emas mengaku bertukar fikiran dan menjadi ragu-ragu untuk menerima vaksin selepas mendengar cerita tidak enak dan negatif dari penduduk kampung.

Inilah sebahagian pandangan-pandangan karut lagi tidak berasas mengenai bahaya suntikan vaksin dan cara-cara merawat penyakit virus Covid-19.

Allah S.W.T telah menegaskan peri pentingnya kita perlu mempunyai sikap tabayyun atau menyelidiki dalam sesuatu berita sama benar mahupun salah. Sebagaimana FirmanNya yang berbunyi :

"...Wahai orang-orang yang beriman! Jika seseorang yang fasik datang kepadamu membawa suatu berita, maka telitilah kebenarannya, agar kamu tidak mencelakakan suatu kaum kerana kebodohan (kecerobohan), yang akhirnya kamu menyesali perbuatanmu itu..."

Konsep Tabayyun

Definisi Tabayyun:

Kata tabayyun berasal dari akar kata dalam bahasa Arab iaitu *tabayyana – yatabayyanu - tabayyunan*, yang bererti mencari kejelasan hakikat suatu fakta dan informasi atau kebenaran suatu fakta dan informasi dengan teliti, seksama dan hati-hati. Dari aspek bahasa, perkataan tabayyun memiliki 3 pengertian yang berdekatan seperti berikut:²¹

i) Mencari kejelasan suatu

²¹ Al-Munawir (1984) kamus Arab-Indonesia, Pustaka Progressif : Surabaya

ii) Mempertegas hakikat sesuatu.

iii) Berhati-hati terhadap sesuatu dan tidak tergesa-gesa. Imam as-Syaukani rahimahullah berkata, “yang dimaksud dengan tabayyun ialah memeriksa dengan teliti dan yang dimaksud dengan tasabbut adalah berhati-hati dan tidak tergesa-gesa, melihat dengan keilmuan yang dalam terhadap sebuah peristiwa dan khabar yang datang, sampai menjadi jelas dan terang baginya.”²²

Dalil-dalil menurut Al-Quran dan al-Hadis mengenai konsep tabayyun:

"Wahai orang-orang yang beriman, jika datang kepadamu orang fasik membawa suatu berita, maka periksalah dengan teliti agar kamu tidak menimpakan suatu musibah kepada suatu kaum tanpa mengetahui keadaannya yang menyebabkan kamu menyesal atas perbuatanmu itu.

(Surah al-Hujurat ayat 6)

"...Wahai orang-orang yang beriman, apabila kamu pergi (berperang) di jalan Allah, maka telitilah dan janganlah kamu mengatakan kepada orang yang mengucapkan "salam" kepadamu: "Kamu bukan seorang mukmin" (lalu kamu membunuhnya), dengan maksud mencari harta benda kehidupan di dunia, kerana di sisi Allah ada harta yang banyak. Begitu jugalah keadaan kamu dahulu, lalu Allah menganugerahkan nikmat-Nya atas kamu, maka telitilah. Sesungguhnya Allah Maha Mengetahui apa yang kamu kerjakan..."

(Surah al-Nisa ayat 94)

Dari Abi Hurairoh r.a dari Nabi SAW bersabda,

"...Cukuplah seseorang sebagai pendusta bila membicarakan semua yang ia dengar..."

(HR Muslim)

Prinsip-prinsip Konsep Tabayyun

Konsep Tabbayyun dalam menerima dan menyebarkan sesuatu maklumat adalah berdasarkan kepada prinsip-prinsip berikut²³ :

Menyelidiki Sesuatu Maklumat yang Autoritatif (Al-Haq)

Pengurusan informasi semasa hari ini mengalami krisis yang sangat kritikal apabila sumber informasi atau maklumat seringkali diragui keabsahannya. Islam sangat menitikberatkan mengenai kesahihan sesuatu informasi yang disampaikan serta meletakkan konsep al-Haq sebagai suatu etika

²² as-Syaukani (t.t), Fathu Qadir, terj, sayyid Ibrahim Sadiq, jilid 5, Pustaka Azzam.

²³ Prof Madya Dr Hj Mohd Nor Mamat & Siti Fatahiyah Mahamood. (2013). Perspektif Sains Informasi & Komunikasi Islam kecemerlangan Peradaban dan Pengurusan, Mashi Publication Sdn Bhd : Selangor,140-143

dalam pengurusan atau penyebaran informasi dan ilmu. Dalam hal ini Nabi S.A.W bersabda yang mafhumnya:

“...Sampaikanlah kebenaran (haq) meskipun ia sesuatu yang pahit...”

(Riwayat Ahmad)

Menyebarkan Informasi yang Bermanfaat (Applicability)

Informasi yang diurus mestilah berbentuk boleh digunakan atau memberi manfaat kepada penerima dan pengaksesnya, terutama menurut penelitian pada konteks keagamaan. Informasi biasa tidak akan memberi sebarang makna dan tidak membawa sebarang faedah kepada manusia di sisi Allah S.W.T kecuali informasi yang berbentuk ilmu yang bermanfaat untuk digunakan oleh diri sendiri ataupun orang lain. Rasulullah S.A.W, bersabda :

“...Apabila mati seseorang anak adam (manusia), maka akan terputuslah segala (pahala dan nilai) amalannya di dunia kecuali tiga perkara iaitu; anak yang soleh, ilmu yang disebarkan lagi bermanfaat untuk manusia dan sedekah jariah...”

(Muttafaqun ‘Alaihi)

“...Menentukan penyebar maklumat di yakini umum (Muktabar) (Reliabiliti)²⁴

Dalam pengurusan informasi Islam, kriteria ini amat penting untuk meletakkan status informasi tersebut pada tahap peringkat yang diiktiraf serta berautoritatif. Sumber informasi yang mu’tabar adalah ciri utama untuk menentukan nilai sesuatu informasi. Dr Abdul Aziz al-Khayyath menegaskan, antara etika penyerahan sesuatu tugas secara selektif mestilah mengambilkira aspek kepakarannya, prioritinya dan kedalaman ilmunya, barulah hasilnya nanti boleh dianggap sebagai hasil yang mu’tabar.

Apakah Vaksin?

Vaksin adalah sejenis agen yang bertindak untuk merangsang sistem pertahanan badan bagi melawan bakteria atau virus yang menyerang manusia. Vaksin diperbuat dalam makmal yang terkawal rapi kebersihannya. Vaksin adalah sejenis bahan diperbuat dari agen bakteria yang telah dimatikan (killed), dilemahkan fungsi bahaya mereka atau bahan menyerupai toksin (toxoid) yang tidak merbahaya. Terdapat banyak penyakit berjangkit yang boleh menyebabkan kecacatan mahupun kematian dikalangan kanak-kanak. Dengan adanya teknologi, vaksin telah dicipta.

²⁴ Mohd Nor Mamat. (2009). Pengurusan Maklumat Islam, Selangor : Institut Perkembangan Pendidikan (Ined) Universiti Teknologi Mara ,107.

Suntikan vaksin ini diberi nama imunisasi. Imunisasi adalah cara yang paling efektif dalam mencegah dan mengurangkan penyakit berjangkit.²⁵

Pandangan-Pandangan Pakar Perubatan Berkenaan Vaksin Covid 19

Pakar Perubatan Kesihatan Awam Jabatan Mikrobiologi Perubatan Universiti Putra Malaysia (UPM) Dr Malina Osman berkata, jika dipertimbangkan risiko jangkitan dan kematian berbanding risiko kesan sampingan vaksin, manfaat vaksinasi jauh lebih besar. “Kita telah melalui satu tempoh lebih setahun berdepan dengan wabak ini, dan dalam tempoh berkenaan, kita turut berdepan kesukaran akibat komplikasi berikutan penutupan pelbagai sektor ekonomi dan sosial untuk mengekang wabak berkenaan. “Manfaat yang diperoleh daripada vaksinasi jauh lebih besar berbanding kita membiarkan usaha pencegahan Covid-19 bergantung semata-mata kepada pematuhan SOP (prosedur operasi standard),²⁶

Sementara itu, mantan timbalan ketua pengarah (perubatan) Kementerian Kesihatan (KKM) Dr Rohaizat Yon berkata, program imunisasi mampu merencatkan penularan Covid-19, dan mengurangkan kadar kematian serta morbiditi sekali gus memberi sinar baharu dalam usaha membangunkan semula sektor ekonomi dan sosial. “Vaksin memang memberi satu harapan, selepas program ini dilaksanakan, dalam jangka masa yang berfasa, banyak fungsi sektor ekonomi dan sosial dapat dipertingkatkan,” katanya. Bagaimanapun, beliau menegaskan masih terdapat keperluan untuk rakyat terus mengamalkan norma baharu dan patuh kepada SOP, memandangkan vaksinasi dilaksanakan secara berperingkat, dengan mengutamakan golongan berisiko. Turut bersetuju, Presiden Persatuan Pakar Perubatan Kesihatan Awam Malaysia Dr Zainal Ariffin Omar yang berkata, program imunisasi masih belum dapat menghapuskan Covid-19 secara keseluruhannya. “Namun, ia mampu melemahkan virus itu daripada terus berjangkit, secara tidak langsung memberi peluang untuk kita kembali kepada keadaan hampir normal,” katanya. Mengenai kesan jangka panjang bagi penerima vaksin, beliau tidak menafikan kewujudan kesan sampingan dan menekankan kepentingan merekodkan data individu yang menerima suntikan. “Risiko kesan sampingan yang serius pun ada walaupun terlalu kecil, yang penting kerajaan perlu ada pangkalan data penerima dan sistem pemantauan kesan sampingan yang bagus dan telus seperti sistem VAERS di Amerika Syarikat,” katanya.²⁷

Pendapat Para Ulama dan Institusi Agama Berkenaan Vaksin Covid – 19

²⁵ Sohana Abdul Hamid, Anti Vaksin: Apakah Natijahnya Kepada Masyarakat? (Anti Vaccine: What The Impact on Society?) *Journal of Social Sciences and Humanities, e-Bangi*, Faculty of Social Sciences and Humanities Vol. 16, No.2 (1-5), ISSN: 1823-884,h.3

²⁶ Yasmin Abdul Latif (2021). Vaksin beri harapan, peluang kembali kepada keadaan normal, kata pakar perubatan. *Freemalaysiatoday*, di ambil pada 17 Februari 2021 dari : <https://www.freemalaysiatoday.com/category/bahasa/tempatan/2021/02/17/vaksin-beri-harapan-peluang-kembali-kepada-keadaan-normal-kata-pakar-perubatan/>

²⁷ Yasmin Abdul Latif (2021). Vaksin beri harapan, peluang kembali kepada keadaan normal, kata pakar perubatan. *Freemalaysiatoday*, di ambil pada 17 Februari 2021 dari : <https://www.freemalaysiatoday.com/category/bahasa/tempatan/2021/02/17/vaksin-beri-harapan-peluang-kembali-kepada-keadaan-normal-kata-pakar-perubatan/>

Berikut dikongsikan beberapa kenyataan dan pendapat yang dikemukakan oleh para ulama kontemporari serta badan-badan agama berautoriti berkenaan isu vaksin secara umumnya serta beberapa kenyataan mereka berkenaan vaksin Covid-19:

1- Universiti al-Azhar al-Syarif, Mesir

Syeikh al-Azhar, Prof. Dr. Ahmad Tayyib melalui Hai'ah Kibar 'Ulama al-Azhar telah menghuraikan dengan panjang lebar berkenaan isu ini. Antara lain mereka menyebut: Pendapat dan fatwa oleh semua institusi feqah moden telah mengemukakan pandangan berkenaan dengan keharusan memanfaatkan sebarang bentuk yang terkait dengan sel manusia. Jika sekiranya penggunaan tersebut boleh menghilangkan wabak *corona* atau menjadi ubatan dengan apa yang telah dilakukan oleh pakar-pakar dalam kajian mereka dan terdapatnya darurat atau keperluan yang amat, ketika itu hukumnya harus. Akan tetapi, persoalan ini hendaklah dirujuk kepada pakar dan ahli ikhtisas daripada kalangan pakar perubatan, farmasi dan pembuat ubat-ubatan yang dipercayai. Kami berdoa semoga Allah mengangkat bala dan penyakit ini serta dimudahkan kami untuk merawatnya di samping diberi hidayah kepada-Nya.²⁸

2- Majlis Fatwa Kerajaan Emiriah Arab Bersatu (UAE)

Badan Fatwa ini menyatakan: Di antara perkara yang membawa kepada hukum wajib adalah ketika berlakunya wabak penyakit yang berjangkit di mana ketika itu rawatan adalah termasuk dalam bab menghilangkan kemudaratan yang menjadi tuntutan Syarak. Kami menyatakan sebagaimana dalam fatwa majlis bilangan 11 untuk tahun 2020 bahawa wajib menurut syarak atas semua puak atau kumpulan dalam masyarakat untuk beriltizam dengan sepenuhnya sebarang bentuk taklimat kesihatan dan peraturan yang dikeluarkan oleh pihak yang ditetapkan oleh pemerintah seperti Kementerian Kesihatan. Tambahan dengan mengambil segala tindakan yang sewajarnya bagi menghalang tersebarnya penyakit. Begitulah berkenaan pengambilan vaksin apabila diperintahkan secara jelas oleh badan berautoriti. Kami memberi fatwa kepada umat Islam akan keharusan penggunaan vaksin Covid-19 dan kami menyeru mereka untuk bekerjasama dengan kerajaan dalam menjayakan pelaksanaan suntikan vaksin dan menghormati segala langkah untuk memelihara dan penjagaan sebagaimana kami menyeru mereka agar sentiasa kembali kepada Allah dengan berdoa dan membanyakkan istighfar. Ini diharapkan agar Allah kurniakan kepada seluruh umat dengan rahmat-Nya dan mengangkat bala.²⁹

3- Dr. Taha Ahmad Al-Zaidi, Anggota Majlis Tertinggi Majma' Fiqh Iraq

²⁸ Surat Syeikh al-Azhar kepada YB Menteri di JPM (HEA) berkenaan fatwa COVID-19 bertarikh 22 Disember 2020. Lihat juga al-Bayan Siri 7, Jabatan Perdana Menteri (Hal Ehwal Agama).h.30

²⁹ Surat Syeikh Abdullah bin Bayyah kepada YB Menteri di JPM (HEA) berkenaan fatwa COVID-19 bertarikh 21 Disember 2020. Badan Fatwa ini dipengerusikan oleh Ma'ali al-Allamah al-Syeikh Abdullah bin Bayyah. Antara anggotanya adalah; Dr Umar al-Dar'ie, Dr Salim Muhammad al-Daubi, Dr Abdullah Muhammad al-Ansari, Syeikh Ahmad Muhammad al-Syahi, Dr Ahmad al-Haddad, Fadhilah Syammah Yusuf al-Zahiri, Dr Amani Lubis, Dr Hamzah Yusuf Hanson dan Dr Ibrahim Abid al-'Ali. Lihat juga al-Bayan Siri 7, Jabatan Perdana Menteri (Hal Ehwal Agama).h.30-31

Dalam sebuah kertas kerja oleh Dr. Taha Ahmad Al-Zaidi yang bertajuk: *Hukum Suntikan Imunisasi dan Vaksinasi Sebelum Ditimpa Wabak*, beliau menyifatkan vaksin (Covid-19) ini sebagai suatu rawatan pencegahan. Kemudian beliau berhujah menggunakan hadith larangan masuk ke tempat wabak dengan katanya: Hadith ini menunjukkan kepada pensyariatian mengambil langkah-langkah pencegahan bagi seorang yang sihat dengan menghalangnya dari memasuki tempat-tempat wabak kerana khuatir akan terkena penyakitnya. Inilah juga *maqsad* (tujuan) daripada vaksinasi maka ia jelas menunjukkan kepada pensyariatannya. Kemudian beliau menambah: Kami melihat bahawa suntikan imunisasi dan vaksin bagi menghalang penyakit-penyakit berbahaya yang bakal berlaku itu merupakan suatu perkara yang menepati syarak. Ini kerana ia termasuk dalam kategori menghalang mencampakkan diri ke dalam kerosakan serta usaha menjauhi kebinasaan.³⁰

4. Mesyuarat Khas Jawatankuasa Muzakarah

Mesyuarat Khas Jawatankuasa Muzakarah MKI Kali Ke-10 yang bersidang pada 3 Disember 2020, telah mengambil ketetapan bahawa Hukum Penggunaan Vaksin COVID-19 harus dan wajib diambil oleh golongan yang ditetapkan oleh Kerajaan Malaysia.³¹ Justeru, dalam isu pengambilan vaksin COVID 19 ini, ia merupakan ketetapan yang diambil oleh pihak kerajaan. Ini kerana, pihak kerajaan dituntut memutuskan sesuatu keputusan yang paling mendatangkan masalah kepada keseluruhan rakyat, setelah menimbangtara faktor-faktor yang pelbagai serta setelah mendapatkan pandangan-pandangan daripada pihak-pihak yang berkepakaran dan juga berautoriti. Ini berdasarkan sebuah kaedah Fiqh yang masyhur:

“...*Urus tadbir pemerintah ke atas rakyat adalah terikat dengan masalah...*”

Kaedah ini bermaksud tindakan yang dijalankan oleh pemerintah terhadap rakyat bergantung kepada masalah. Dalam konteks ini, pemerintah berhak membuat keputusan berpandukan kepada kemaslahatan rakyat dengan berlandaskan kepada syariat Islam.³²

KESIMPULAN

Konsep tabayyun merupakan kaedah yang amat diperlukan untuk menapis segala maklumat dan informasi yang tidak sahih dalam era teknologi komunikasi yang tiada batasan. Polimek masyarakat sekarang tidak mengamalkan unsur tabayyun malah lebih gemar menyebarkan maklumat dan informasi yang tidak sahih. Justeru, pengenalan akta bagi mengekang aktiviti sebegini diperlukan di samping memberi maklumat berkaitan kepentingan konsep tabayyun dalam menerima maklumat atau berita.

³⁰ Rujuk *Muktamar Fiqh Al-Thawari' – Petunjuk-Petunjuk Feqh Pasca Kemunculan Virus Corona*. Lihat juga al-Bayan Siri 7, Jabatan Perdana Menteri (Hal Ehwal Agama).h.35

³¹ Lihat juga al-Bayan Siri 7, Jabatan Perdana Menteri (Hal Ehwal Agama).h.44

³² Muzakarah Jawatankuasa Fatwa Negeri Sembilan Bil. 08/2016-1437H yang bersidang pada 28 September 2016 bersamaan 26 Zulhijjah

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CORPORATE ZAKAT PRACTICES ACROSS MUSLIM COUNTRIES

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Abstract

Corporate zakat is business zakat imposed on a business entity such as partnership, enterprise and firm. Corporations are owned and managed by two groups of people (owner and management) based on a separate legal entity concept. The obligation of zakat is on the individual's capacity, which causes lots of issues on the corporate zakat since the management is paying zakat on behalf of the owner's obligation on business they owned. The concept of syakhsiyyah i'tibariyyah highlighted that the corporation, based on a legal entity, can pay corporate zakat like any other transactions they make. Even with a fatwa on zakat obligation on companies for several states such as Selangor and Wilayah Persekutuan, the practice is devastating. Therefore, this study attempt to look upon the practice of corporate zakat in several countries like Saudi Arabia, Kuwait, Qatar and Brunei, to give some insight on how it can be done in Malaysia.

Keywords: *Corporate Zakat, Corporate Social Responsibility, Practice, Muslim Countries*

INTRODUCTION

The number of shariah-listed companies keeps increasing in Malaysia. The number increased due to the additional demand for the Islamic market. These entities should consistently ensure that their practice complies with the shariah principles. Among the objectives of shariah in Islam is to encourage the concept of brotherhood and a good relationship with others. This is mentioned in the Quran, surah al-Hujurat, ayat 10, 'The believers are but one brotherhood, so make peace between your brothers. And be mindful of Allah so you may be shown mercy'. Shariah-listed companies are expected to apply the concept by having a limited percentage of non-halal activities such as interest-based transactions, gambling and liquor-based transactions. The companies also are expected to contribute to the positive social contribution, including the payment of zakat.

Many are familiar with the business zakat, where it is the zakat that is being imposed on the business owned by the Muslim. Apart from that, the business shall meet the minimum requirement for it to be zakat upon. The requirements are the businesses owned by independent Muslims, full ownership, meet nisab (minimum amount of wealth to be zakat upon) and haul period (lunar year or 354.3 days). Applicable to corporations jointly owned between Muslims and non -Muslims, only Muslims must pay zakat on the number of shares held. Corporate zakat is deemed a corporate donation that supports community needs such as education and healthcare (Mahbubi Ali et al. 2021).

DEFINITION AND CHARACTERISTICS OF CORPORATE ZAKAT

Zakat, in general, means addition; or can be interpreted as ingenious, fertile, clear, blessing, pure praise and others (Ibn Mandhur, 1990). This meaning in language is explained in the Quran verses,

including in surah al-Ruum verse 36 and surah al-Taubah verse 103. According to the fuqaha, zakat means the rights exercised at a specific rate from a certain property for a particular group at a specific time. In another sense, zakat is withdrawing a particular rate of charges from a particular property to benefit those who are entitled to receive it, as determined by Allah. Zakat is divided into two parts, namely zakat on wealth and zakat fitrah. There are many types of zakat on wealth which depending on the source of wealth. Among them are livestock zakat, gold and silver zakat, crop and fruit zakat, business property zakat.

A corporation means a body or enterprise, or business entity owned by one person or a group of people, a partnership (within a company) and a firm (Dewan Bahasa Pustaka 2010). Corporate zakat is not another type of zakat. Instead, it is more towards the company's concept as the payer of zakat (muzakki). Corporate zakat is a subset of business zakat. A company shall withdraw corporate zakat from the profits earned through the activities carried out. The type of zakat paid by the company is subject to the activities performed. Generally, the kind of zakat that the company in Malaysia commonly pays is business zakat. The past study has shown that there is a significant contribution of corporate zakat towards the zakat collection. Therefore, there is a need to look upon these matters as there is an enormous potential for corporate zakat collection from the companies (Muhammad Ikhlas Rosele & Abdullah 2015).

ISSUES ON CORPORATE ZAKAT

Global

From an Islamic perspective, the utilisation of corporate zakat and other Islamic social finance for social benefit corresponds to shariah's purpose of protecting the faith, life, intellect and lineage. Other possible avenues such as corporate social responsibility (CSR), sadaqah and waqf, can also be explored as complementary funding sources for the government expenditure. All these sources support the motto of promoting Islam as rahmatan lil'alamin (a mercy to all creation).

Malaysia

There are 716 shariah-compliant companies in Malaysia as of Nov 2019. However, only 53 paying and disclose their zakat payment. The other issue of corporate zakat is the disclosure of the amount in the companies' Annual Report. According to the list obtained from Majlis Agama Wilayah Persekutuan, there are 58 companies paying zakat; however, we discovered 25 of them did not disclose their zakat payment from the analysis of the Annual Reports on the same year. The shariah-listed companies can be divided into financial and non-financial sectors. The regulations under Bank Negara Malaysia governed the financial sectors, where there is a requirement for them to disclose their zakat payment in their Annual Report. Thus, this group is compulsory to disclose their zakat payment. In contrast, the rest of the sectors are still voluntary for zakat payment and disclosure.

IMPORTANCE OF CORPORATE ZAKAT

Corporations

The existence of shariah-listed companies raises new risks, called sharia non-compliance risk. Islamic companies must adhere to the principles of shariah and religious values, including zakat,

operate in the halal sector and avoid usury (Alam et al., 2017). Shariah non-compliance risk is the risk of loss arising from the failure of shariah-listed companies to comply with shariah values and principles determined by the shariah board or related body in the jurisdiction. In the context of mandatory zakat obligation, non-compliance becomes crucial because it will create perceptions among stakeholders. Company compliance with shariah principles affects and enhances the company's reputation (Nomran, Haron & Hassan 2020).

For this reason, when the company's reputation increases, the company's stakeholders tend to provide serious interest in the company's performance. The interest of stakeholders creates company competitiveness, such as shareholder loyalty and protection of the company (Brown, Helland, & Smith, 2006). The company's competitiveness creates operational efficiency, lowers costs, and increases profits for shareholders (Munandar et al. 2019).

Zakat Institutions

There is a potential for collaboration between companies and zakat institutions. The collaboration is in line with the Malaysian government initiatives of encouraging cooperation between the private sector and government agencies to ensure sufficient resources to meet government needs to build up the economic. Dependent on the zakat institutions initiatives alone to settle lots of social issues will be time-consuming and burdensome. Thus, corporate contribution is needed to assist zakat institutions in improving society.

Zakat Recipients

A better collection will lead to a better distribution of zakat to the recipients. Literature has shown that the potential zakat collection from a corporation is up to RM3 million. This amount will undoubtedly reach more recipients, especially in this crisis where many fall in need and lose their job.

PRACTICE OF CORPORATE ZAKAT

Malaysia

The proposal to decide on the hukum and the rate of corporate zakat started on 7 March 1989 by Bahagian Hal Ehwal Islam, Jabatan Perdana Menteri. The proposal was meant to get approval from Jabatan Hasil Dalam Negeri to approve the tax rebate on the zakat paid by the companies. The proposal was discussed at the 3rd Muzakarah of the National Fatwa Committee for Islamic Religious Affairs Malaysia conducted on 9 December 1992 in Kuala Lumpur. Muzakarah has decided that companies are obliged to pay zakat when the businesses owned by independent Muslims, full ownership towards the property, meet the nisab (minimum requirement of wealth level) and haul (the company has been operating for one year or 345.3 days). Only Muslim shareholders need to pay zakat on the number of shares owned based on the net income. The formation of companies in Malaysia is subjected to the Companies Act 1965, which currently updated to Company Act 2016. Companies established under this Act are divided into limited companies by shares, unlimited companies, and companies under warranty. Scholars agree that the companies are obligated to pay the business zakat when the condition is met (Ikhlas, 2021).

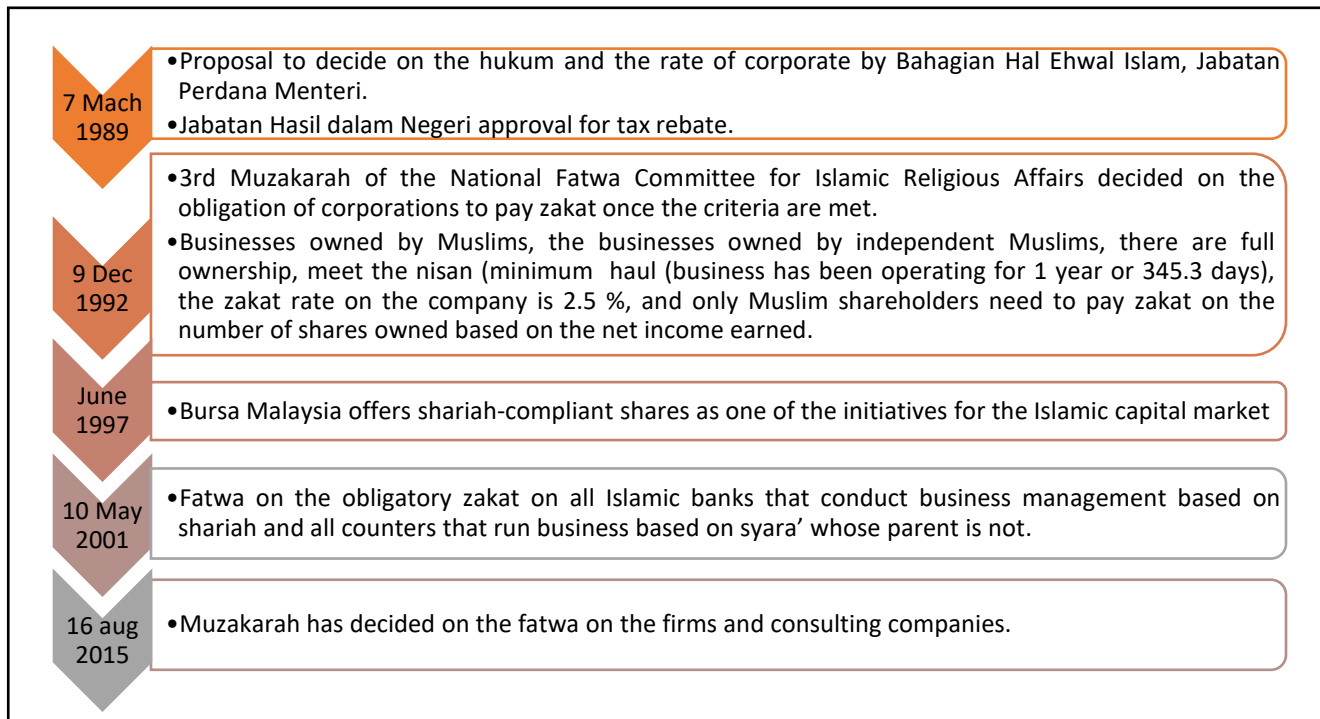


Figure 1. Milestones of Corporate Zakat in Malaysia

Saudi Arabia

The General Authority of Zakat & Tax (GAZT) is the government agency that is responsible for collecting zakat from all organisations operating in Saudi Arabia. The zakat revenues collected by GAZT are automatically remitted to a particular account allocated to spend on the needy and poor registered with the social insurance agency of the Ministry of social affairs. Payment of business zakat in Saudi Arabia is compulsory for all Saudi individuals and companies. Saudi resident companies, subject to certain exceptions, are subject to two different zakat and tax regimes, based on the nationality of their owners. The first regime is the resident companies directly or indirectly wholly owned by Saudi or Gulf Cooperation Council (GCC) nationals are only subject to zakat. The second regime is the resident companies directly or indirectly owned by foreign nationals, non-Saudi or non-GCC nationals subject to income tax. While resident companies jointly owned by Saudi or GCC and foreign nationals are subject to zakat in proportion to the Saudi or GCC ownership and income tax in proportion to the foreign ownership.

The rate of corporate zakat is 2.5 per cent from the assessable amount of capital, retained earnings, certain reserves and net profits but excluding fixed assets which is equal to adjusted net working capital. The corporate zakat is imposed on all business activities, investment activities, industrial activities, service activities and financial activities, including banking and insurance activities (GAZT). Upon payment, corporate zakat payers are given a zakat certificate and need to keep proper records and documents for zakat assessment and audit purposes. For zakat assessment and audit purposes, corporate zakat payers can object to the assessment within 15 days of the

receipt date. Although zakat is compulsory in Saudi Arabia, there is no laws and regulations on zakat evaders or non-compliant companies. The only penalty for those who do not possess a zakat certificate is that they are not entitled to apply for particular governmental processes, such as salary and recruitment of foreign employees. (Muhammad 2019).

Saudi Arabia is also the first country to have formulated an Accounting Standard for Zakat (AS-013), issued by the Saudi Organization of Certified Public Accountants (SOCPA) in 1999. The AS-013 by SOCPA16 guides the recognition, measurement and presentation and disclosure of zakat by pay zakat entities. This standard specifies requirements for measurement, presentation of zakat and its disclosure in the financial statements of for-profit enterprises. However, it does not include the standard method of calculating and determining zakat, which is done in light of the provisions and rules of zakat and regulations governing them. It simply states that zakat provision must be measured consistently for each financial period separately and following the provisions and regulations of zakat in the Kingdom (Obaidullah 2016).

Muslim businessmen in Saudi Arabia consider the payment of zakat both as an Islamic obligation and part of their CSR practices. Zakat is considered part of CSR as the concepts share the objective of helping society (Adnan and Abu Bakar 2009). It has been argued in the literature that organisations that pay the zakat are already practising CSR and supporting philanthropic aims (Mohammad Nurunnabi, Yazeed Alfakhri & Demah H. Alfakhri 2019). The authors also argued that an organisation should avoid Riya (showing off) as this would represent shirk or idolatry, which is the opposite of Tawhid. This argument might explain why many companies did not disclose their zakat payment in the Annual Report.

Kuwait

Initially, the obligation of companies paying zakat decided on April 1984 at International Muktamar I in Kuwait. The decision then becomes the basis for corporate zakat obligation in other countries. The zakat administration of Kuwait is under the Ministry of Finance (MOF) under Law no. 46 (2006), which administers zakat as one of the components of the tax system. The component was established in 2007 when the government introduced a mandatory zakat payment to public and closed listed shareholding companies. In the compulsory zakat payment system, companies must pay zakat at the rate of 1 per cent on annual net profit with exception given to government-owned companies, companies listed in the particular laws and foreign entity companies. The corporate zakat payers need to specify the percentage of zakat from the total zakat and taxation paid when submitting the declarations of the due amount accompanied by their financial statements. There is no stipulation concerning the method of zakat computation. It is left to the company to decide what percentage of its due amount is contributed in zakat and the balance as income tax (Obaidullah 2016).

Qatar

Although Qatar adopts voluntary *zakat* payment law, all listed public companies must pay 2.5 per cent of their net annual profits to support sports, cultural and charitable activities (Qatar Philanthropy Report, 2016). Although the contribution rate is similar to zakat, which is 2.5 per

cent, the contribution may not only be zakat payment. Other types of assistance are also accepted, for example, *sadaqah*, sponsorship or *awqaf* (Muhammad 2019).

Brunei

In Brunei, under the Islamic Religious Council Act and Kadi Courts Act Chap. 77, Sect. 114–121, the Islamic Religious Council has the authority over managing the collection and distribution of zakat. In 2011, Bank Islam Brunei Darussalam (BIBD) handed over BND 2.5 million total zakat contribution from its customers to the Brunei Islamic Religious Council, Ministry of Religious Affairs for distribution (Thien 2012).

CONCLUSION

Several countries, such as Saudi Arabia, have regulations on corporations to pay zakat, just like the corporate taxation we have in our country. The corporations embedded the payment of zakat as part of their companies' expenditure. Corporations in Saudi Arabia, for instance, treat corporate zakat as part of their corporate social responsibility. Obaidullah (2016) recommended the practices to be claimed as dividends instead of companies' expenditure since it is a payment made on behalf of the shareholders.

To achieve corporate zakat's fullest collection potential, this study proposes that relevant authorities, such as the Securities Commission (SC), Bank Negara Malaysia (BNM), and the Companies Commission of Malaysia (SSM), increase the promotion of zakat among Malaysian companies. Besides, the corporate zakat payment needs to be emphasised as a tax obligation. The enforcement of corporate zakat is crucial since the National Fatwa Council of Malaysia (2001), and Selangor Fatwa Council (2003) have resolved that Islamic banks and shariah-compliant firms are obligated to pay zakat. Moreover, it is also recommended that zakat payment becomes one of the determining criteria in achieving shariah-compliant status for public-listed securities under the SC.

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ANALISA TAHAP KESEDARAN MENGENAI ZAKAT HARTA DAN WAKAF TUNAI DI MALAYSIA: ADAPTASI SKALA KESEDARAN EUGENE M. SCHWARTZ

(Analysis Level of Awareness on Zakat Property and Cash Waqf In Malaysia: Adaptation of The Eugene M. Schwartz Awareness Scale)

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Abstrak

Pertandingan Kuiz Malaysian Islamic Social Financial Literacy (MISFL 2020) yang dianjurkan oleh Persatuan Mahasiswa Kelantan Universiti Malaya (PMKUM) mensasarkan pelajar kolej yang berusia antara 18 -23 tahun. Ia bertujuan untuk meningkatkan tahap kesedaran tentang zakat harta dan wakaf tunai dalam kalangan belia yang mengikuti pengajian di kolej. Soalan-soalan kuiz MISFL 2020 telah direkabentuk oleh individu dalam arena kewangan Islam. Berdasarkan demografik 313 orang peserta kuiz, majoriti peserta kuiz adalah pelajar perempuan Bumiputera berusia 18-19 tahun yang sedang mengikuti pengajian Pra-Universiti dalam bidang Sains. Kajian ini telah mengadaptasi skala kesedaran yang diperkenalkan oleh Haiyang Chen & Ronald P. Volpe dan Eugene M. Schwartz. Gabungan kedua-dua skala ini telah memberikan indikator tahap kesedaran peserta kuiz MISFL 2020 tentang zakat harta dan wakaf tunai adalah rendah, di mana mereka tidak pernah tahu atau tidak ambil peduli mengenai zakat harta dan wakaf tunai. Implikasi kajian ialah kempen kesedaran berzakat dan berwakaf perlu diperluaskan sehingga ke peringkat universiti kerana berzakat adalah satu tuntutan, manakala berwakaf adalah satu galakan.

Kata Kunci: *Zakat Harta, Wakaf Tunai, Pelajar, Pra-Universiti, Skala Kesedaran, Pertandingan Kuiz*

Abstract

The Malaysian Islamic Social Financial Literacy Quiz Competition (MISFL 2020) organized by the Kelantan University of Malaya Student Association (PMKUM) targets college students aged between 18 -23 years. It aims to increase the level of awareness about zakat property and cash waqf among youths studying in college. The MISFL 2020 quiz questions were designed by individuals in the Islamic finance arena. Based on the demographics of 313 quiz participants, the majority of quiz participants are Bumiputera female students aged 18-19 years old who are pursuing Pre-University studies in Science. This study has adapted the awareness scale introduced by Haiyang Chen & Ronald P. Volpe and Eugene M. Schwartz. The combination of these two

scales has provided an indicator of the level of awareness of MISFL 2020 quiz participants about property zakat and cash waqf is low, where they never knew or did not care about property zakat and cash waqf. The implication of the study is that the awareness campaign on zakat and waqf should be extended to the university level because zakat is a demand, while waqf is an encouragement.

Keywords: Zakat Property, Cash Waqf, Students, Pre-University, Awareness Scale, Quiz Competition

PENGENALAN

Penambahan kadar orang Islam di dunia menyebabkan kadar permintaan terhadap institusi dan pusat pengajian Islam juga bertambah bagi memudahkan orang Islam seluruh dunia dapat mengamalkan dan melaksanakan rukun Islam seperti solat, melaksanakan ibadah zakat, berpuasa dan menunaikan haji dan umrah. Zakat harta didefinisikan sebagai salah satu rukun dalam Rukun Islam yang membawa maksud penyucian dan pengembangan, dan dituntut untuk dilaksanakan oleh golongan yang memiliki harta yang melebihi ambang (*nisab*) bagi diagihkan kepada lapan golongan yang telah ditetapkan oleh Al -Quran dan Sunnah. Manakala, wakaf tunai pula menyumbang kepada perkembangan pusat-pusat Islam di seluruh dunia bagi memudahkan masyarakat Islam setempat dan juga pelawat untuk menunaikan ibadah. Secara asasnya, wakaf bermaksud penyerahan harta pemilikan (harta yang boleh digunakan tanpa ada susut nilai) oleh pemilik harta untuk digunakan hingga kiamat semata-mata kerana Allah Taala. Harta wakaf ini tidak boleh diambil kembali oleh individu yang mewakafkannya dan tidak boleh dimiliki oleh mana-mana individu kerana ia telah dilaburkan untuk mendapatkan keredaan Allah S.W.T semata-mata. Bagi memberi peluang kepada golongan yang tidak berharta untuk turut serta berwakaf, Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Agama Islam Malaysia kali ke-77 telah memfatwakan wakaf tunai dibenarkan dalam masyarakat Islam (Majlis Agama Islam Negeri Johor, 2021).

PENYATAAN MASALAH

Malangnya, ramai yang tidak menyedari peranan institusi zakat dalam kutipan dan agihan dana zakat dan ini membawa kepada pembentukan sikap negatif terhadap institusi zakat di Malaysia. Pertama, sikap negatif ini juga membentuk gelagat kepada institusi zakat di mana pembayar zakat lebih cenderung untuk membayar zakat terus kepada golongan yang mereka anggap sebagai yang layak menerima zakat. Kedua, ramai yang tidak mengetahui bahawa golongan yang berkemampuan juga layak menerima zakat dalam kategori *asnaf fi sabilillah*.. Ketiga, ramai pembayar zakat beragama Islam menganggap yang zakat adalah cukai. Keempat, terdapat juga ramai pembayar zakat tidak mengetahui saluran yang betul untuk pembayaran zakat. Ada yang beranggapan bahawa wang zakat boleh dimasukkan melalui tabung masjid / surau (Hassan, 2019) apatah lagi sekiranya jumlah bayaran zakat itu di bawah RM 400. Manakala, kutipan wakaf tunai yang dijalankan oleh Yayasan Wakaf Malaysia merangkumi wakaf tunai am dan wakaf tunai sijil. Namun, jumlah tersebut merosot dengan mendadak selepas tahun 2017. Hanya RM 71,470.03 dan

RM 47,890 masing-masing dicatatkan pada tahun 2018 dan 2019. Pengurangan jumlah kutipan yang banyak ini memberi erti kata bahawa penduduk Malaysia masih belum peka dengan potensi wakaf dalam pembangunan sosio-ekonomi masyarakat. Kebanyakan golongan muda zaman kini masih beranggapan wakaf ialah infak kepada projek pembangunan keagamaan semata-mata seperti masjid, sekolah tahfiz dan tanah perkuburan. Namun begitu sejarah telah merekodkan wakaf berjaya membangunkan tamadun Islam terutamanya pada zaman Kerajaan Uthmaniyah di mana semua sektor am seperti kesihatan, pendidikan dan kebajikan awam dibiayai dengan hasil kutipan wakaf, dan ini tidak benar-benar diwar-warkan kepada anak-anak muda di Malaysia.

OBJEKTIF KAJIAN

Maka, Persatuan Mahasiswa Kelantan Universiti Malaya (PMKUM) telah menganjurkan pertandingan kuiz *Malaysian Islamic Social Financial Literacy* (MISFL 2020). Justeru itu, objektif kajian ini adalah untuk mengkaji tahap kesedaran pelajar kolej berdasarkan keputusan MISFL 2020. Ini kerana sumber data perdana untuk kajian ini adalah daripada data yang dibekalkan oleh pihak penganjur pertandingan sendiri. Penganjuran MISFL 2020 adalah bertujuan untuk meningkatkan tahap kesedaran tentang kepentingan pembayaran zakat pada zaman ini, menggalakkan golongan muda untuk berwakaf setelah mereka mempunyai pendapatan sendiri nanti, bagi memupuk minat membaca tentang zakat dan wakaf, dan untuk menimbulkan rasa minat untuk mengambil tahu tentang sistem kewangan Islam. Kajian ini mengadaptasi sistem skor yang diperkenalkan oleh Chen & Volpe (1998) dan skala kesedaran yang diperkenalkan oleh Schwartz (2004) bagi mengetahui tahap kesedaran peserta kuiz ini tentang zakat harta dan wakaf tunai.

KEPENTINGAN KAJIAN

Generasi sekarang perlu mengetahui bahawa pembayaran zakat amat berkait rapat dengan rukun Islam yang kelima dan kewajipan zakat ini adalah tanggungjawab orang Islam yang berharta, maka pengetahuan asas mengenai zakat harta amat penting diketahui oleh pembayar zakat dan ia adalah sesuatu yang serius dan tidak boleh dipandang remeh. Pembayar zakat tidak boleh menyalurkan zakat terus kepada golongan yang mereka kasihani berdasarkan emosi semata-mata. Secara spesifik, generasi muda sekarang yang rata-ratanya bukanlah dari latarbelakang pengajian agama Islam dan pengkaji merasakan mereka patut mengetahui bahawa pembayaran zakat tidak boleh disamakan dengan pembayaran cukai, walaupun melalui pembayaran cukai kepada LHDN, pembayar zakat boleh menikmati rebat cukai melalui zakat yang dibayar. Dalam kajian Ambo & Md Sapir (2020) ada mengklasifikasikan pelajar yang mengambil pengajian sekular seperti Sains, Ekonomi dan Sastera lebih cenderung untuk mencari sendiri maklumat melalui *Google* tanpa merujuk kepada guru yang bertauliah berbanding dengan mereka yang mengikuti pengajian Islam. Maka dikhuatiri dalam konteks zakat, golongan pelajar yang berpendidikan sekular ini, pada masa hadapan adalah golongan pembayar zakat, lebih suka membuat keputusan pembayaran zakat sendiri tanpa merujuk Majlis Fatwa. Kesedaran mengenai potensi sebenar wakaf seharusnya dipertingkatkan di kalangan penduduk Malaysia terutama generasi muda. Wakaf bukan hanya berfokuskan kepada projek-projek keagamaan sahaja malah instrumen tersebut boleh menjadi salah satu penyumbang terbesar dalam projek pembangunan sosio-ekonomi masyarakat seperti

sekolah, hospital dan kemudahan awam. Pembangunan projek-projek kemasyarakatan yang pesat bukan sahaja dapat memberi kemudahan dan keselesaan kepada penduduk Malaysia tetapi akan meningkatkan taraf hidup mereka.

METODOLOGI

Soalan-soalan ini telah diadaptasi daripada kajian lepas. Bagi mengekalkan momentum pelajar untuk menjawab soalan, hanya lapan soalan telah diuji kepada para peserta. Kesahan dan kejelasan soalan kuiz juga dinilai oleh dua individu yang berpengetahuan dalam bidang kewangan Islam. Lapan soalan mengenai zakat harta dan wakaf tunai adalah seperti berikut:

**Jadual 2. Soalan pengetahuan mengenai Zakat Harta dan Wakaf Tunai
(jawapan yang betul dalam *italics*)**

Kod	Formulasi soalan	Pilihan jawapan	Adaptasi
ZKT1	Perbelanjaan manakah yang dikenakan cukai oleh kerajaan Malaysia kepada anda?	a) Bayaran zakat harta yang dibuat atas talian b) <i>Bayaran Internet Jalur Lebar</i> c) Yuran peperiksaan SPM d) Yuran keahlian perpustakaan awam	Md Sapir (2016) pada muka surat 73)
ZKT2	Ahmad sedang menjalankan kajian mengenai pendidikan Al-Quran dan bercita-cita ingin membuat masyarakat celik Al-Quran selepas tamat pengajian nanti. Ahmad berasal dari keluarga kaya tapi dia masih meminta bantuan zakat untuk menampung kajiannya. Adakah dia layak mendapat zakat tersebut?	a) <i>Ya, Ahmad layak mendapat bantuan zakat tersebut</i> b) Tidak, Ahmad tidak layak mendapat bantuan zakat tersebut	Md Sapir (2016) pada muka surat 74)
ZKT3	Zakat pendapatan perlu dibayar pada kadar 2.5% sebulan	a) Benar b) <i>Salah</i>	Wan Ahmad & Md Sapir (2019) pada muka surat 305-330.

ZKT4	Bayaran zakat boleh dibuat dengan memasukkan duit zakat ke tabung masjid / surau	a) Benar b) <i>Salah</i>	Hassan (2019).
WKF1	Wang tunai boleh digunakan untuk membeli harta wakaf.	a) <i>Betul</i> b) <i>Salah</i>	Tarusan (2020) pada muka surat 16.
WKF2	Yang mana satu orang di bawah ini ialah termasuk dalam rukun wakaf	a) Asnaf yang menerima bantuan bulanan dari BaitulMal b) Pengguna telekung wakaf di surau Petronas c) <i>Penerima harta wakaf</i> d) Agen Takaful	Tarusan (2020) pada muka surat 27.
WKF3	Wakaf boleh dibayar secara tunai di Bank Negara Malaysia	a) <i>Betul</i> b) <i>Salah</i>	Tarusan (2020) pada muka surat 16.
WKF4	Harta wakaf boleh digunakan sebagai hospital awam	a) <i>Betul</i> b) <i>Salah</i>	Tarusan (2020) pada muka surat 16.

1. Sistem Skor Dan Skala

Kajian ini mengadaptasi skor yang diperkenalkan oleh Chen & Volpe (1998). Pengiraan skor adalah berdasarkan purata skor bagi jawapan yang betul (*mean score*) yang kemudiannya dikategorikan kepada tiga tahap iaitu 80% dan ke atas, 60% -79%, dan 60% dan ke bawah. Kajian ini juga mengadaptasi skala kesedaran yang diperkenalkan oleh Schwartz (2004) bagi menerangkan tahap kesedaran peserta kuiz yang berusia antara 18 hingga 23 tahun ini. Schwartz (2014) membahagikan skala kesedaran ini kepada 5 tahap seperti yang diterangkan dalam Jadual 3.

Jadual 3. Skor dan Skala Kesedaran Zakat Harta & Wakaf Tunai

Tahap Pengetahuan	Julat Skor	Skala Kesedaran Schwartz (2004)
Tinggi	80%- 100%	Tahap 5- Menwar-warkan kebaikan berzakat dan berwakaf kepada masyarakat dan mengajak masyarakat untuk menyertainya. Tahap 4- Ikut serta untuk berzakat dan berwakaf bagi menyokong usaha mempertingkatkan ekonomi Islam
Sederhana	60% - 79%	Tahap 3- Sedar akan kepentingan pembayaran zakat harta dan wakaf tunai, dan ambil peduli

Rendah	0% -60%	Tahap 2- Sedar akan kepentingan pembayaran zakat harta dan wakaf tunai, tapi tidak ambil peduli Tahap 1 – Tiada kesedaran mengenai zakat harta dan wakaf tunai
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Nota : Adaptasi daripada Chen & Volpe (1998) dan Schwartz (2004)

DAPATAN KAJIAN

Karakteristik peserta kuiz ialah Pelajar bandar seramai 41.9% manakala pelajar luar bandar seramai 58.1%. Sebanyak 74.1% peserta kuiz adalah pelajar perempuan manakala selebihnya adalah pelajar lelaki. Dari sudut umur dan kaum, 77.3% berusia 18 – 19 tahun dan 72.5% merupakan kaum bumiputera Semenanjung Malaysia. Sebanyak 69.3% daripada 313 peserta kuiz ini adalah pelajar Pra-Universiti dan seramai 55% merupakan pelajar Sains. Keseluruhan keputusan kuiz ini dipersembahkan dalam Jadual 4. Didapati bahawa peratusan min untuk pertandingan kuiz ini ialah 50.56%, yang membuktikan secara purata peserta kuiz menjawab sekurang-kurangnya empat soalan daripada lapan soalan yang dikemukakan dengan betul [(4/8) *100]. Manakala peratusan median ialah sebanyak 50.00% yang menunjukkan bahawa pengetahuan peserta kuiz tentang zakat harta dan wakaf tunai secara keseluruhan pada tahap rendah. Skor min wakaf tunai (53.04%) dilihat lebih tinggi daripada skor min zakat harta (48.08%). Menerusi skala kesedaran yang diperkenalkan oleh Schwartz (2004), digambarkan peserta kuiz bagi zakat harta dan wakaf tunai ini masih berada dalam lingkungan Tahap 1 dan Tahap 2 seperti yang digambarkan dalam Jadual 3. Antara sebab pencapaian yang rendah itu kerana 81.2% (100%-18.8%) peserta kuiz tidak mengetahui bahawa seseorang yang mendalami Al-Quran walaupun berasal daripada keluarga yang kaya, masih layak memperoleh bantuan zakat bagi menampung pengajian kerana dirinya dalam kategori *asnaf fi sabilillah*. Manakala, sebanyak 74.4% (100%-25.6%) peserta kuiz tidak menyedari bahawa kadar zakat pendapatan ialah 2.5% setahun, dan bukannya 2.5% sebulan. Bagi soalan wakaf tunai, 50.2% (100%-49.8%) peserta kuiz ini tidak tahu yang wang tunai dapat digunakan untuk membeli harta wakaf, dan sebanyak 69.6% (100%-30.4%) menyangkakan bahawa bayaran wakaf tunai boleh dibuat di Bank Negara Malaysia.

Jadual 4. Peratusan Min untuk setiap jawapan yang betul dalam setiap soalan

Kod	Soalan pengetahuan mengenai Zakat Harta dan Wakaf Tunai	Tahap kesedaran		
		Rendah < 60%	Sederhana 60-79%	Tinggi 80%-100%
ZKT1	Perbelanjaan yang dikenakan cukai		77.00	
ZKT2	Ahmad dan kelayakan menerima zakat	18.80		
ZKT3	Zakat pendapatan pada kadar 2.5%	25.60		
ZKT4	Bayaran zakat ke tabung masjid / surau		70.90	
WKF1	Wang tunai untuk membeli harta wakaf	49.80		
WKF2	Orang yang termasuk dalam rukun wakaf		65.80	
WKF3	Bayaran wakaf tunai di Bank Negara Malaysia	30.40		

WKF4	Harta wakaf sebagai hospital awam	66.00
Min jawapan yang betul untuk zakat harta sahaja		48.08
Median jawapan yang betul untuk zakat harta sahaja		50.00
Min jawapan yang betul untuk wakaf tunai sahaja		53.04
Median jawapan yang betul untuk wakaf tunai sahaja		50.00
Min jawapan yang betul untuk semua soalan		50.56
Median jawapan yang betul untuk semua soalan		50.00

KESIMPULAN

Keunikan kajian ini ialah ia bersifat penerokaan di mana pengkaji mempunyai peluang untuk mengadaptasi sistem skor yang diperkenal oleh tokoh literasi kewangan dunia iaitu Chen & Volpe (1998) dan Schwartz (2004) yang sebelum ini hanya terkenal dalam kajian bidang kewangan dan pemasaran. Gabungan kedua-dua skala ini membolehkan pengkaji menafsirkan tahap kesedaran zakat harta dan wakaf tunai dengan lebih tepat. Berdasarkan keputusan MISFL 2020, secara puratanya, peserta memiliki keputusan yang rendah (<60%) untuk 8 soalan tentang zakat harta dan wakaf tunai yang dikemukakan. Ini bermaksud peserta MISFL 2020 ini berada pada Tahap 1 dan Tahap 2 berdasarkan skala kesedaran yang diperkenalkan oleh Schwartz (2004). Berdasarkan demografik peserta, rata-rata peserta kuiz adalah perempuan yang berusia 18-19 tahun, sedang mengikuti pengajian Pra-Universiti dalam bidang Sains. Maka tidak hairanlah mengapa peserta tidak mempunyai kesedaran atau tidak mengambil peduli tentang zakat harta dan wakaf tunai. Md Sapir & Abd. Halim (2020) menerangkan bahawa kebanyakan keluarga Islam tidak membebaskan ahli keluarga perempuan mereka dengan aktiviti mencari nafkah dan menjana pendapatan di luar rumah, maka ahli lelaki dalam keluarga yang selalu melaksanakan tuntutan berzakat dan berwakaf. Maka tidak hairanlah, keputusan MISFL 2020 menunjukkan peserta lelaki, yang berusia 20 tahun ke atas, kaum bumiputera, mengikuti pengajian Diploma/Ijazah Sarjana Muda dalam bidang Ekonomi / Pengajian Islam mempunyai kesedaran yang lebih tinggi berbanding daripada yang lain. Namun begitu, kajian ini mencadangkan agar kempen kesedaran berzakat dan berwakaf diperluaskan merangkumi lelaki dan wanita di peringkat universiti. Ini kerana, berdasarkan statistik yang dikeluarkan oleh Pengajian Tinggi (2018), sebanyak 329,717 gadis Malaysia berada di peringkat universiti, dan Wan Ahmad & Md Sapir (2019) melaporkan bahawa kebanyakan wanita zaman moden di Malaysia bekerjaya professional di mana mereka berpeluang menjana pendapatan sendiri.

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THE COMPLIANCE OF LEMBAGA ZAKAT NEGERI KEDAH'S DISCIPLINARY PROCEDURES WITH THE NATURAL JUSTICE PRINCIPLES

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Abstract

The principle of natural justice has grown significant over the years in the Malaysian legal system. The natural justice may not particularly embodied in any statute, yet these rules have become part and parcel of the law, as well as the procedure. The natural justice principle with regards to the court proceedings may be well understood by all of the legal practitioners. Nevertheless, when it comes to the administrative function, it was claimed that the natural justice principle has always been neglected by the administrator having function as a quasi-judicial body to decide the matter. Although just procedures may result in better decisions, the concern here is not whether the decision itself is reasonable. It is the decision-making process that must be reasonable. Many says that there is not enough guidelines or regulations provided to such administrative authority. Therefore, this research comes to analyze and examine whether the law governing the disciplinary procedures at the administrative level in compliance with the principle of natural justice. The study was conducted by using Lembaga Zakat Negeri Kedah, a state statutory body as a sample of case study.

Keywords: *Natural justice, administrative authority, quasi-judicial, disciplinary procedures, decision-making process.*

INTRODUCTION

The words 'natural justice' are said to be originated from the Roman word "Jus Naturale", which also suggests the principles of justice, natural law, good conscience and equity.³³ All of these principles are the result from the needs of fair proceedings as well as court's decision, without involving any divine sources. These principles of natural justice also seem to be recognized in Article 5(1) of the Malaysian Federal Constitution where it provides that, "No person shall be deprived of his life or personal liberty save in accordance with law". It was held in several cases that such word 'law' is defined to be the rules of procedural fairness and natural justice³⁴. The principle of natural justice has been developed over the evolvement of the society and jurisprudence of law. They have become the essential elements of the procedural law although they are not embodied in any written statutes in particular. However, these principles may be found

³³ Huchhanavar, S.S. (2015). "Introduction to Natural Justice", *University Grants Commission of India, Post-Graduation e-Path Shala Programme*.

³⁴ This point was confirmed in the case of *Hong Leong Equipment Sdn. Bhd. v. Liew Fook Chuan & Anor. Appeal* [1996] 1 MLJ 481 and *R Rama Chandran v. The Industrial Court of Malaysia & Anor.* [1997] 1 MLJ 145.

from the nature of the duty that need to be adhered to under certain statutes.³⁵ It depends on the facts and circumstances of each case to determine what kind of natural justice that needs to be applied. In the case of *Local Government Board v. Arlidge*³⁶, the term Natural Justice has been expressed that an outcome or procedures ought to be fair. It is an innocuous concept although it might be a high-sounding articulation; to the extent that it tried to reflect the old not confined judicial power³⁷. It is the duty of administrative authority to adhere to the principles of natural justice as it should be applied to all stages of the disciplinary process.

Natural justice is another name for common sense justice as it is not codified anywhere but merely originated from the judicial thinking of the courts. Be that as it may, the doctrine of “natural justice” and “legal justice” do not present an impermeable categorization. It is the character of justice that needs to be secured by both doctrine, and if in any case the legal justice fails to achieve this solemn objective, hence the natural justice should be brought in to assist the legal justice. In any case, the principles of natural justice shall be submissive to any statutory provisions. It is because these principles are not the rule of law that can supersede the codified laws of the land. For example, in the case of *A.K. Kraipak v. Union of India*³⁸, the Supreme Court said that the objective of natural justice is to ensure the upholding of justice or in other words, to prevent miscarriage of justice. These rules may be operated only in certain situations which are not covered by any written statutes as they do not replace the law, but merely supplement it.

Throughout the years, there are two types of basic principles have been advanced as to represent the concept of natural justice. Firstly, is the rule of ‘*nemo judex in causa sua*’, which means that “no man shall be judge in his own cause”. While the second rule is ‘*audi alteram partem*’, which means that “no one should be condemned unheard”³⁹. But with the advance of time, many more subsidiary rules came up and has been added to them⁴⁰. All of these principles are now well settled and can be outlined as below:

- i. That every person whose civil rights are affected, must have a reasonable notice of the case he has to meet.
- ii. That he must have reasonable opportunity of being heard in his defense.
- iii. That the hearing must be by an impartial tribunal.
- iv. That the authority must act in good faith and not arbitrarily.

LITERATURE REVIEW

Junaidah Abd Karim, Tay Pek San, Siti Zaharah Jamaluddin, and Abdul Muhsin Ahmad (2018) in their study about the Employees’ Pre-Dismissal Right to be heard: The Malaysian and the Islamic Perspective, have made a very good comparative study on both of the Federal Court’s cases. The

³⁵ Howe, Robert D. (1974) “The Applicability of the Rules of Natural Justice to Investigatory and Recommendatory Functions”. *Osgoode Hall Law Journal* 12.1, Pp. 179-190.

³⁶ (1915) AC 120

³⁷ Wade, (2000) *Administrative Law*, Oxford University Press, 8th Edition, p.64

³⁸ *A.K. Kraipak v. Union of India*, (1970) AIR SC 150.

³⁹ Azlan Ahmad, Wan & Ahmad Kamal, Nik (2006). *Administrative Law in Malaysia*. Petaling Jaya: Sweet & Maxwell Asia.

⁴⁰ Azlan Ahmad, Wan & Ahmad Kamal, Nik (2006). *Administrative Law in Malaysia*. Petaling Jaya: Sweet & Maxwell Asia.

case of Dreamland Corporation and Said Dharmalingam are very good cases and both have their own reasons on how the judges arrived at the conclusions. These contradictory decisions from the highest court in hierarchy had caused the Industrial Court to be confused in deciding the matters related to the right to be heard. Therefore, the research comes into light suggesting that our main employment statutes, Industrial Relations Act 1967 and Employment Act 1955 have to be amended in some provisions in order to resolve the dispute.

Professor Paul Jackson (1979) in his book, *Natural Justice*, has confined himself to a discussion of English authorities. As a work on procedural fairness before administrative tribunals, Professor Jackson has chosen to concentrate on detail rather than to present an analysis of the reasons why particular procedural models are used to make particular types of decision, or to argue about the proper roles of the courts and of other bodies in the development of procedures, or to speculate about future developments. Professor Jackson's ambitions are rather limited, and the fact that this book is intended for first degree law students is only a partial justification.

Grant Huscroft (2012) from the Faculty of Law, Western University had discussed in his article on the development of the “duty of fairness” as one of the extraordinary accomplishments of modern administrative law. The author believes that such duty encourages a very much educated decision-making process, prompting better public policy outcomes, and simultaneously guarantee that individuals are being treated with respect in the administrative process. As we will see, the duty is context-specific and its substance is verbalized having respect to the situations surrounding the relevant decision, and can be customized to suit the wide variety of decision-making contexts to which it applies. The goal of the article is to trace the development of the duty, consider the threshold for its application, and flesh out the contents of the duty. This is because the most popular means to attack an adverse administrative decision is to challenge the procedure pursuant to which the decision was made, and so the article concludes with a consideration of judicial oversight of the duty and the consequences of an unfair procedure.

Wan Azlan Ahmad and Nik Ahmad Kamal Nik Mahmud (2006) discussed in detail the concept of judicial review in the Administrative Law in Malaysia. It touches on Administrative Law, elements of judicial review, procedure, provision of remedies, reported cases and more. The author argues that judicial review is the backbone of Administrative Law and *ultra vires* is the backbone of judicial review. It is an effective judicial tool for marginalized parties to impugn the legitimacy of a decision-making process by the public authorities. The purpose is to determine whether the law is compliant or not, and not to replace the decision made.

Fariza Romli, Nuarrual Hilal Md Dahlan & Rusniah Ahmad (2012) discussed the principle of natural justice concerning the disciplinary proceeding in Police Department where it was submitted that the rule of natural justice is the minimum requirement in the decision-making process by the quasi-judicial such as the disciplinary authority. The literature also mentioned that in the deliverance of justice, the responsibility of the disciplinary authority is to ensure that the rule of the natural justice is being upheld to all employees and not merely submit to the statutory and regulations.

Another literature is written by Gan Ching Chuan (2007) where in discussing the issues of disciplinary procedure and its related application with the rule of natural justice and right to oral hearing he argued the right to a fair hearing is the *sine qua non* of modern administrative process that finds expression in some modern Constitutions as part of fundamental right.

Prof. Jain (1997) in his book on administrative law in Malaysia and Singapore thoroughly discussed on natural justice and its related issues and cases in a specific chapter. He viewed the right to an oral hearing as one of the natural justice principles. Natural justice according to him has no precise definition of its content. It has to be applied to the proceedings of a broad spectrum of decision-making bodies and inquiries like disciplinary proceedings against government servants.

LZNK'S ADMINISTRATIVE ACTION VS. NATURAL JUSTICE PRINCIPLES

Principle of natural justice is a very crucial component in the subject of administrative law. It is that justice which is fundamental and rudimentary and not the justice which is perplexing and complicated. The rules of natural justice are neither fixed nor being codified in any statute of the land but it may be considered as the basic rules of procedure for any administrative action. The old differentiation between a judicial act and an administrative act has shriveled away with the progression of time. The decisions of the administrative authority acting as a quasi-judicial body in matters which may adversely affect the civil officer are likely to be set aside by the courts if such decision does not consistent with the rules of natural justice⁴¹.

Obviously, they are not enforceable as fundamental rights, however in any case, they guarantee a solid shield against any arbitrary action that may adversely affect the rights of individuals. They have been recognized by the courts as being the minimum protection to the rights of individuals against the arbitrary procedure that shall be followed by any judicial or quasi-judicial authority before making an order affecting those rights. These rules are planned to prevent such authority from doing such injustice.

Every disciplinary authority, when deciding on the matters that may adversely affect the rights of individuals, ought to adhere to these principles. These rules, although are not codified in rules, they are procedural in nature and their objective is to ensure delivery of justice to the parties. Mason J. in the case of *Kioa v West* (1985), was quoted to say:

*“...It is a fundamental rule of the common law doctrine of natural justice expressed in traditional terms that, generally speaking, when an order is made which will deprive a person of some right or interest or the legitimate expectation of a benefit, he is entitled to know the case sought to be made against him and to be given an opportunity of replying to it...”*⁴²

The rules of natural justice are only concerned with the procedure that must be observed by the administration in its exercise, and does not give any merits to its particular exercise of power. Originally, the doctrine of natural justice consists of two main requirements before the third

⁴¹ Jain, S. (1984). “Effect of Failure of Natural Justice : The Ultimate Relief”. *Journal of the Indian Law Institute*, 26 (1/2), Pp. 13-24.

⁴² *Kioa v West* (1985) 159 CLR 550.

requirement comes in a later stage. The first requirement is *Nemo Judex Sua Cause* which is also known as ‘rule against bias’. This principle requires that a judge should not make a decision where the circumstances during the decision making would somehow lead someone to a reasonable doubt about their impartiality. The subsequent requirement is *Audi Alteram Partem* or known as ‘the rules of fair hearing’. It requires a judge or administrative authority to hear or accept the representation of a person before decide on anything that will affect the civil rights of such individual. Meanwhile, the third requirement which developed in the modern administrative system is ‘Reasoned Decision’ or ‘Speaking Orders’, where the decision-makers are required to give reasons for any decision being made in exercising its judicial power against any person.

THE LEGAL POSITION OF LZNK’S DISCIPLINARY PROCEDURES

The highest law in Malaysia is the Federal Constitution. Article 4 of the Federal Constitution states that any law passed after independence and contrary to the Federal Constitution shall be considered invalid. It is understandable that the Federal Constitution supersedes other laws in Malaysia. Therefore, in order to understand the status of zakat in Malaysia especially in Kedah, attention must be given to the position of zakat in the Federal Constitution. The Ninth Schedule to the Second List of States, Paragraph 1 of the Federal Constitution outlined zakat as a matter to be governed by state jurisdiction. Basically, the institution that is responsible for managing the affairs and administration of zakat in Malaysia is the State Islamic Religious Council (MAIN). Meanwhile the Syariah Courts shall have the state jurisdiction over the prosecution of Syariah criminal cases involving Muslims for the purpose of collecting, distributing or abusing zakat assistance.

However, it is different in Kedah where it has a specific set of laws that have been in force since before independence where matters relating zakat is not placed under the responsibility of Kedah State Islamic Religious Council (MAIK). The law came to be known as the Kedah Zakat Enactment 1955. It is a state law enacted by the Kedah State Assembly. Prior to the enactment of this Enactment, the bill needs to be read and approved by the majority of the state assembly. Once approved, the bill will be declared for the approval of His Royal Excellency the Sultan of Kedah. After receiving the consent of the Kedah Sultanate, the bill will then be gazetted as an enactment.

The gazetted zakat enactment will then be enforced and monitored by the Kedah State Zakat Department (JZNK). All matters pertaining to the administration and administration of the zakat including the aspects of collecting, distributing, paying the zakat until the offenses and penalties as provided for it will be supervised by the JZNK. In 2015, the Kedah Zakat Enactment 1955 was abolished and replaced with the Kedah Darul Aman Zakat Board Enactment 2015 (Enactment 23). The body responsible for the administration and management of zakat in Kedah is now known as the Lembaga Zakat Negeri Kedah (LZNK). The power of LZNK to have disciplinary control over its employees was underlined clearly under Part VI of the Enactment 23. Under Section 36 of the same, it states that the Board shall have disciplinary power over all its employees and servants and shall exercise disciplinary control in respect of all such persons.

This Part clearly gives power to LZNK to enact any set of rules in order to specify the procedures as well as to determine the power of the Disciplinary Committee in its disciplinary proceedings. Nevertheless, a new disciplinary regulation under this Enactment has yet to be

enacted by LZNK. Hence Section 53(2) of the same reserves that any subsidiary legislation made under the previous enactment shall, in so far as it is consistent with this Enactment, remain in operation until revoked or replaced by any subsidiary legislation made under this Enactment. From this exemption clause, the previous and current disciplinary regulations that govern LZNK's disciplinary procedures is known as Kedah State Zakat Committee Discipline and Surcharge Regulations 2012 (Regulations 2012). This Regulations which was established since 2012 will be enforced and become a valid subsidiary regulation of LZNK so long there is no other regulation endorsed by the board of LZNK.

The Regulations 2012 has been divided into nine parts namely introduction, conducts, absence without leave, officer subjected to criminal proceedings, disciplinary authorities, disciplinary procedures, disciplinary punishments, suspension from works, and miscellaneous. Apart from that, there is also an attachment of First Schedule for the regulations which discussing on the membership and jurisdiction of the Disciplinary Committee as well as the Disciplinary Appellate Committee for LZNK.

THE COMPLIANCE OF LZNK'S DISCIPLINARY PROCEDURES TO THE NATURAL JUSTICE PRINCIPLES

To know whether the LZNK's Disciplinary Procedures in compliance with the principles of natural justice, it is best to divide the discussion into several important elements that should be adhered to under natural justice principle. The elements are namely the rule against bias (*Nemo Judex Sua Cause*), rule of fair hearing (*Audi Alteram Partem*), and lastly is the reasoned decision (*Ratio Decidendi*).

Rules Against Bias (*Nemo Judex Sua Cause*)

The principle of rules against bias basically is very important in all types of proceedings in which the decisions of the committee might be set aside, or that panel might not be permitted to preside, if such person was thought not to be impartial. Bias may take many different forms but the main distinction is between actual and apprehended bias. A claim of actual bias requires proof that the decision-maker approached the issues with a closed mind or had prejudged the matter for reasons of either partiality in favor of one party or some form of prejudice affecting the decision. Meanwhile, a claim of apprehended bias requires a finding that a fair minded and reasonably well-informed observer might conclude that the decision-maker did not approach the issue with an open mind.

Each form of bias hence requires different standards of evidence. A claim of actual bias requires clear and direct evidence that the decision-maker was in fact biased. Actual bias will not be made out by suspicions, possibilities or other such equivocal evidence. In the absence of an admission of guilt from the decision-maker, or, more likely, a clear and public statement of bias, this requirement is usually difficult to satisfy. A claim of apprehended bias requires considerably less evidence. A court need only be satisfied that a fair minded and informed observer might conclude there was a real possibility that the decision-maker was not impartial.

Under Regulations 2012, there are no specific clause that reserves about bias. Nevertheless, the rule against bias principle seems to be recognized in Regulations 2012. This practice can be seen particularly on the establishment of the Disciplinary Committee itself where the decision of any proceeding shall not be adjudicated by an individual, but a group of committee members. Under Paragraph 7 of the First Schedule in Regulations 2012, it states that the Disciplinary Committee shall have a quorum in order to hold a meeting which consists of one Chairman and two other members. These are the minimum members who must attend the meeting out of all 5 members appointed according to the Third Column of its Appendix. Meanwhile for the Disciplinary Appeal Committee, all 3 members are required to attend before any meeting. Although the proof of non-bias cannot be substantiated only by looking at the rules or the regulations per se, however, it can be said as an attempt to prevent such tendency of bias from occurring when any decision should be decided in group rather than individually.

Furthermore, the membership for the Disciplinary Committee and Disciplinary Appeal Committee also shall be appointed among the board members of LZNK. Under the Third Column of the First Schedule's Appendix, it states that the members of Disciplinary Committee for the category of CEO and Deputy CEO shall be chaired by the Chairman of the Sub-Committee on Administration and Finance, and 3 other board members appointed by the Chairman of LZNK. It is similar for the category of Management and Professional as well as Support Staff where it will be chaired by the Chairman of the Sub-Committee on Administration and Finance, but the members shall include the CEO and 3 other board members appointed by the Chairman of LZNK. From this category of membership, it is noteworthy that this designation should slash some risk for pecuniary bias, subject-matter bias and departmental bias as it would not involve the peer officer in such committee although the risk of personal bias between the board members and the officer might still be there. However, as the appointment is not made specific and exclusive, eventually the matter with regards to avoidance of bias shall up to the wisdom and integrity of the LZNK's Chairman in choosing those un-biased members based on the relationship of the case with the officer involved.

Moreover, such membership of Disciplinary Committees is also subject to replacement should the board of LZNK aware on such bias existence. Paragraph 4(1) and (2) of the First Schedule requires the Chairman or any member of a Disciplinary Committee to make a declaration if in any case he or she has any interest in any disciplinary proceeding and shall not participate in the consideration or decision of that Disciplinary Committee. When that happen, the board of LZNK may, with recorded reasons, appoint any other board member of the LZNK or its officer to sit as the replacement for the Chairman or a member of that Disciplinary Committee provided that the appointed board member or such officer shall be higher level than the accused officer. Similar rules apply to the Disciplinary Appeal Committee.

Therefore, although the concept of bias cannot be seen merely on the face of a statute or regulation, nonetheless when the statute reserves on the clause that permit for a replacement at any time during the proceedings especially if there is a declaration of conflict of interest from the Disciplinary Committee members, that particular statute or regulation may be said as consistent

and in compliance with the natural justice principle in term of Nemo Judex Sua Cause or rule against bias.

Rules of Fair Hearing (Audi Alteram Partem)

The principle of audi alteram partem is the basic concept of the principle of natural justice. This doctrine basically mandates that no one should be condemned unheard. In the field of administrative action, this principle has been applied to ensure fair play and justice to affected persons. The expression of audi alteram partem simply implies that a person must be given an opportunity to defend himself. This principle is a ‘*sine qua non*’ of every civilized society. The proposition deduced from this rule is “*qui aliquid statuerit, parte inaudita altera aequum licet dixerit, haud aequum facerit*” which means that, “he who shall decide anything without the other side having been heard although he may have said what is right will not have done what is right”. The rule of fair hearing is a code of procedure, hence covers every stage through which an administrative adjudication passes, starting from notice to final determination.

A significant case on the right to a fair hearing is upheld by the decision of the Federal Court in Ketua Pengarah Kastam v Ho Kwan Seng. This case can be regarded as a landmark case in Malaysian Administrative Law. The question that arose in this particular case was that whether the cancellation of the forwarding agency’s registration is a quasi-judicial act that natural justice should become applicable. The High Court held that the principle of natural justice should not apply in this case but then the Federal Court overruled the decision and upheld that the natural justice principle was applicable for the matter of cancellation of the agency despite the fact that there is no provision governed in the statute. The court emphasized that the rule which requires a fair hearing is very crucial as it can be used to display the whole idea of an administrative procedural rights as cited in the famous landmark case of Ridge v. Baldwin.

To examine further on the compliance of *Audi Alteram Partem* in Regulations 2012, it is easier that we divide the discussion into four sub-elements namely right to notice, opportunity to be heard or be represented, right to know the evidence against him, and right to cross-examine the witness.

i. Right to Notice

Natural justice allows a person to claim the right to adequate notification of the date, time, place of the hearing as well as detailed notification of the case to be met . This information allows the person adequate time to effectively prepare his or her own case and to answer the case against him or her.

In Cooper v. Wandsworth , Chief Justice William Erle went so far as to state that the lack of notice and hearing afforded to Cooper could be said to be a form of abuse, as he had been treated as if he did not matter. Furthermore, Lord Mustill also has famously held in R v Secretary of State for the Home Department Ex Parte Doody , “Since the person affected usually cannot make worthwhile representations without knowing what factors may weigh against his interest fairness will very often require that he is informed of the gist of the case which he has to answer.”

Under Regulation 34(1) of the Regulations 2012, it provides that no officer shall be dismissed or demoted unless he is first notified in writing of the grounds on which the punishment is proposed and he has been granted a reasonable opportunity to be heard in all disciplinary proceedings under these Regulations.

Similar principle is adopted under Regulation 36(1) where the Disciplinary Committee shall notify the officer in writing of the fact of such alleged misconduct after it has been satisfied that there exist as such. Moreover, the rights to notice under Regulations 2012 has been further highlighted in Regulation 25(1), Regulation 25(4), Regulation 26(2), Regulation 37(2)(a), Regulation 39(1)(a), Regulation 55 and Paragraph 23 of the First Schedule.

In addition, as to comply with one of the essential requisite of notice which is the notice need to be addressed correctly, the Regulations 2012 also requires every employees or officers of LZNK to submit their recent address of residences to the CEO of LZNK for the purpose of official communication under this Regulations. Any notice, document or communication left on or posted to that address shall be deemed to have been served or properly communicated to such officer. If the employees' address is still untraceable after all this effort, eventually the CEO may report as such to the Disciplinary Committee which then shall publish a notice in at least one daily newspaper that direct the employee to report his duty . If he still fails to report within 7 days of the date of the notice, hence he shall be deemed to have been dismissed from the service, and such dismissal shall be gazetted .

i) Opportunity to Be Heard or be Represented

The objective of giving the accused an opportunity of fair hearing is so that an illegal action or wrong decision will not take place as it may adversely affect a person. The maxim implies that the person must be given a reasonable opportunity to defend himself. Lord Hewart rightly observed that, "It is merely of some importance, but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seem to be done".

The problem of providing protection against uninformed or arbitrary action is thus sometimes broader than what is embraced in the idea of opportunity to be heard. Sometimes the vital question is not whether to require opportunity to be heard. The vital question may be; To what extent and in what way should parties affected by administrative action be permitted to participate in the process of formulating that action? The key may often be participation, not hearing. As we can see under Regulation 34(1), it is already made clear that every officer shall be granted a reasonable opportunity to be heard before he or she can be dismissed or demoted under this Regulation 2012. The question arise as to what is considered as "a reasonable opportunity to be heard"? If we look into Article 135(2) of the Federal Constitution, it also provides a right to be heard to any public servants in case of dismissal or reduction in rank by adopting the term 'reasonable opportunity of being heard'. For this purpose, the Privy Council in the case of *Najar Singh v. Government of Malaysia* established a principle that the right to be heard under Article 135(2) does not imply the right to be heard orally. What would be needed is that the affected public servant be given a full opportunity to state his case as pointed out by Viscount Dilhorne in his

judgment. The Lordship further explained the meaning of the words ‘being heard’ in the Regulation in the following words:

“...In this passage which was cited by counsel on behalf of the appellant, the context shows that the words ‘being heard’ meant ‘being heard orally’ but this passage is no support for the proposition that unless there is an oral hearing, there is a denial of natural justice. Indeed, it points in the opposite direction...”

The Supreme Court upheld the above principle in Ghazi Mohd Sawi v. Mohd Haniff Omar, Ketua Polis Negara, Malaysia & Anor and followed by the Federal Court in Lembaga Tatatertib Pkhidmatan Awam Hospital Besar Pulau Pinang & Anor v. Utra Badi Perumal . In fact, Utra Badi’s was considered as another landmark case on the issue of the right to oral hearing where the Federal Court held that the right to be heard given by Article 135(2) of the Federal Court does not require that the member of the service facing the disciplinary charge be given an oral hearing. The spirit of this principle is reserved clearly under Regulations 2012 where it gives a period of 21 days for the accused officer to make a written representation upon the receipt of the notice or the charge from the Disciplinary Committee.

In addition, the Disciplinary Committee also may establish an Investigating Committee or require the officer to provide further written explanation within a period as prescribed should the officer’s representation is not sufficient to brief the committee. By establishing the Investigating Committee, the concept of oral hearing may still be found in this Regulations where the officer may be given an opportunity to appear before the Investigating Committee in order to purge himself from the accusation and failure to do so may subject to the adjournment of the proceedings, if the Investigating Committee deems fit.

Apart from that, Regulations 2012 also honor the rights of the officer to be represented by any other officer or even a legal counsel. Under Regulation 39(5), it provides that the Investigation Committee may authorize the LZNK or the accused officer to be represented either by another officer of the LZNK or, in the exceptional case, by an advocate and solicitor but subject to withdrawal if there is any reasonable reason to make the officer to present his own case. However, if the Investigation Committee allows the LZNK to be represented, hence the officer in question shall be allowed to be represented in the same manner.

It is therefore may be concluded that the second sub-element of Audi Alteram Partem pertaining to the right to be heard and to be represented is being well embedded in Regulations 2012 at its core of procedure. Although the hearing may not be an oral hearing, however as discussed above, so long the officer or the employee has been given a full opportunity to state and represent his case, even in writing, thus it does not constitute as a violation to the principle of natural justice.

ii) Right to Know the Evidence Against Him

In the case of Surinder Singh Kanda v. Government of Malaysia, Lord Denning noted that with regards to the right of the accused to know the evidence used against him:

“...If the right to be heard is to be a real right which is worth anything, it must carry with it a right in the accused person to know the case which is made against him. He must know what evidence has been given and what statements have been made affecting him: and then he must be given a fair opportunity to correct or contradict them...”

In order for the accused to prepare a proper defence, natural justice reserves his right to know all the evidence the prosecution has against him. The accused must be informed on the details of all evidence which will be used against him before the trial begins, including the names of the witnesses who will testify. Under Regulation 39(4) of Regulations 2012, this right has been firmly highlighted when discussing on the procedures for the Investigating Officer. The provision states that there shall be no documentary evidence being used against an officer unless he has been furnished with a copy of the same or has been given access to such evidence.

This is also in line with the principle encoded under Section 51A(1) of the Criminal Procedure Code, where it states the obligation of the prosecution to deliver the accused a copy of the information relating to which the accused is charged as well as a copy of any document which would be tendered as part of the evidence for the prosecution before the commencement of the trial.

ii. Right to Cross-Examine the Witness

Cross-examination is said to be basic to any civilized notion of a fair trial. Even there is a claim that the right to cross examine the witness is a paramount importance to the rights of the defense and the fairness of the trial as well as the greatest legal engine ever invented for the discovery of truth. Cross-examination is also one aspect of the right to a fair and public trial guaranteed in international human rights law. This right is further supported by our Criminal Procedure Code where Section 173(e), Section 173(j)(iii) and Section 179(2) provides that the accused shall be allowed to cross-examine all the witnesses for the prosecution.

Under Regulation 39(1)(b) of Regulations 2012, the Investigating Committee may call and examine any witnesses or take such actions as the Investigation Committee deems necessary or expedient for further explanation of the case. If the witnesses have been summoned and examined by the Investigation Committee, the officer shall then be granted the same opportunity to attend and to cross-examine the witnesses on his behalf.

Therefore, the Regulations 2012 can be said as fulfilling the compliance of the natural justice principle pertaining to the right of the officer to cross-examine every witness that has been brought against him during the disciplinary investigation. This is to ensure that the justice is uphold in best practice and that the decision made was not based on one sided case.

a. Reasoned Decision (Ratio Decidendi)

A decision can contain sufficient reasoning, even if the court does not agree with your position. On the other hand, the obligation to give reasons does not mean that every argument you have made in your submission has to be discussed in detail or even mentioned in the decision. However, if an argument which you have raised could be decisive to the outcome of the case, the court must

consider this in its decision. By providing reasons, the public will get faith in the authorities and administration of justice and believes justice is done after due consideration.

The obligation to give a reasoned decision does not apply to every single decision taken by the court. However, it applies to all judgments and decisions that affect your human rights. When the court takes a simple decision based on a point of law, the judge is not required to provide detailed reasoning. In the case of *Hong Leong Equipment Sdn Bhd v. Liew Fook Chuan & Anor.*, Gopal Sri Rama JCA held in his observation:

“...I said a moment ago that the principle of the common law of England which imposes no obligation upon a public decision-maker to give reasons is based upon the historical premise that Courts there were under no obligation to give reasons for their decisions. English Courts therefore declined to impose upon other public decision-makers a standard higher than that which they (the Courts) were required to meet. But that is not the position in this country. Here, it has long been considered a duty of Courts to produce reasons for their decisions...”

In another case of *Doody v. Secretary of State for the Home Department and Other Appeals*, Lord Mustill also held in his own words:

“...The giving of reasons may be inconvenient, but I can see no ground at all why it should be against the public interest; indeed rather the reverse. This being so, I would ask simply; is a refusal to give reasons fair? I would answer without hesitation that it is not...”

Under Regulations 2012, there is a specific clause that requires every disciplinary action that has been taken against an officer under these Regulations to be made in writing. Regulation 54 obliged all details of each judgment including the particulars of the offense committed and the punishment imposed to be entered in the record of service of that officer.

Meanwhile, Paragraph 9 of the First Schedule also requires the Chairman of the Disciplinary Committee to ensure that every disciplinary proceeding and the minutes of each meetings are being recorded properly and all of its decision shall be notified in writing to the accused officer. Similar requirements shall apply to the Disciplinary Appeal Committee as well. Hence, by looking at these clauses and requirements, it may be said that there are clear provisions under Regulations 2012 which supports the principle of natural justice pertaining to the reasoned decision.

CONCLUSION/SUGGESTION

In conclusion, based on the assessment above by analyzing the compliance of basic natural justice principle in Regulations 2012, it is convenient to say that such principles are all there although it might be seen scattered in several clauses. The most important matter here is whether the Regulations 2012 comply with the principle of natural justice?

As we divided the discussion into the main elements of natural justice namely *Nemo Judex in Sua Cause*, *Audi Alteram Partem*, and Reasoned Decision, the observation shows that every

element has been fulfilled by the Regulations 2012 at its basic. Nonetheless, if the study goes deeper as to analyze every aspect of natural justice principle, hence the opinion might be different. It may not be entirely accurate to say that Regulations 2012 is a complete compliant with the natural justice principle based on several reasons.

Firstly, the principle of natural justice may be seen reserved in certain parts of the Regulations 2012 but not in other parts. In other words, although in the previous chapter, it is agreeable that the principles of natural justice are being mentioned in Regulations 2012, ironically when we look into certain other parts that it should be mentioned, yet it does not. For example, the principle with regards to the notice. The closer we look, we can realize that the clause which requires the publication of notice in a daily newspaper should the employee's address is untraceable is only mentioned under Part III (Absence without Leave). While it is not mentioned in other parts such as Part VI and Part VIII which are also procedural in nature. Moreover, it is also found that the establishment of an Investigating Committee is made specific for the case of misconduct that is punishable by dismissal or demotion only. While in case that is punishable by other types of punishment, the accused officer only has the right to forward his written representation without being given the opportunity to purge himself before the Investigating Committee. Similar with the procedures pertaining to the documentary evidence, examination and cross-examination of the witness under Regulations 2012, only the Investigating Committee has the right to do as such but not Disciplinary Committee or Disciplinary Appeal Committee. The right of being represented by legal counsel also only mentioned well under Regulation 39(5) and (6) and not in other procedures that affect the right of the accused officer as well.

Secondly, the procedures with regard to the case of misconduct that is punishable by dismissal or demotion are, somehow, not in line with the concept of institutional decision as discussed in Chapter Two. This is because, the committee who collects the documentary evidence, witnesses' testimony, and the accused arguments to rebut such evidence and witnesses, is not the same committee who will deliver the judgment. It is noteworthy that Lord Denning had insisted in his decision, stated that even if an administrative duty may frequently be delegated, a judicial duty rarely can be. This also being further upheld in the case of Gullapalli where the Supreme Court held that the dividing duty was against the very principles of fair hearing.

Thirdly, the requirement of notice to mention properly the place, date and time where the proceedings are to be held is not specified clearly in Regulations 2012. It is undeniable that there are some provisions in Regulations 2012 that require the notice to be delivered in writing to the officer containing the fact of such misconduct which he is alleged to have committed. However, one of the 4 essentials requisite of notice as discussed in Chapter Two is not satisfied as it does not underline the requirement to mention when and where the proceedings against him will be held by the Disciplinary Committee. Therefore, based on these reasons, it is found that Regulations 2012 may not entirely in compliance with the principle of natural justice although all of the 3 basic elements of *nemo iudex sua causa*, *audi alteram partem* and reasoned decision are being reserved in it. The effort of the LZNK's legislator in drafting such regulations to be in line with natural

justice principle are very much commendable yet it does not mean that there should be no room for improvement. Below are some relevant suggestions:

a. The Provision on the Principle of Natural Justice should be Made Consistent Throughout the Regulations.

In order to avoid any disputes in the future, it is best if the provisions in Regulations 2012 with regards to the natural justice is consistently mention in every parts and procedures. This is because if such principle is being mentioned in one part but not in another, fear or not, it might be raised as an issue or dispute by the aggrieved party before the court. Another suggestion is that, it may be possible to create another general chapter or part that address the principle of natural justice in general terms which covers whatever procedures enshrined in Regulations 2012. Such chapter may be included either in the introduction part or in the ‘miscellaneous’ part so that it can be used in all situations throughout the Regulations.

b. The Principle of Institutional Decision should be Honored

It is understandable that the administrative authorities always delegate their duties to the subordinate before it appears before them to be decided. Nevertheless, in exercising the quasi-judicial function, it is suggested that the authorities should play their part to hear the case from the beginning until the end of the proceeding as to honor the principle of institutional decision. This is because in majority of cases, the institutional decision is considered as a cardinal principle of a judicial system where the case should be decided by the authority hearing the argument and that a successor cannot decide so.

The advantage of “the one who decides must hear” is that the individual is able to address directly to the person who really counts, and the adjudicator is able to watch the demeanour of witnesses and decide himself on the evidence presented to him and no one else . On the other hand, if hearing is conducted by someone else, the adjudicator merely acts vicariously and there is the problem of adjudicator familiarizing himself with the evidence collected by others. Consequently, the chances of error by him to decide may relatively increase. Therefore, a recommendation to the Regulations 2012 is to ensure that the Disciplinary Committee who sits as the decision maker, shall be the same as the person hearing the case, and not the Investigating Committee. The Investigating Committee may still be established but only to assist the Disciplinary Committee in summoning the relevant witnesses, or to provide relevant evidence so as to ensure the proceedings are properly conducted yet preserve the right of the accused officer to be heard.

c. Requirement for the Notice to Mention Place, Date and Time of the Proceedings

The right to notice under Regulations 2012 is clearly fulfilled all the essential requisite which a notice must have such as the notice to be addressed correctly, the notice shall be clear and unambiguous and the notice shall reserve a reasonable time to file reply. However, one element

that are missing is that it does not require the notice to mention place, date and time where the proceedings are to be held by the Disciplinary Committee.

Therefore, it is suggested that the Regulations 2012 be amended in order to improve and strengthen the law that governs disciplinary procedures at LZNK, while at the same time, achieve the third research objective. Moreover, it may be an appropriate time to amend this Regulation in accordance with the new Kedah Darul Aman Zakat Board Enactment 2015 (Enactment 23) rather than merely apply the exemption clause of Section 53(2) of the Enactment. During the study, it was also found that some of the terms used in the Regulations 2012 may be regarded as obsolete by having this new enactment which comes with new provisions, new names and new terminologies.

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SHORT RUN AND LONG RUN EFFECT OF GOLD PRICE AND MACROECONOMIC VARIABLES ON ZAKAT COLLECTION IN SELANGOR

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Abstract

Zakat collection in Selangor has increased dramatically since 2005 until 2019. However, the percentage growth in zakat collection has shown a decreasing trend. This decreasing trend is caused by some external factors such as gold price and economic condition. Thus, the purpose of this study is to identify the short run and long run relationship of gold price, macroeconomic variables (GDP, Inflation Rate, Unemployment Rate) and zakat collection in Selangor. Based on yearly time series data from 1990-2019, this study adopts VAR/VECM model to measure the objective. The findings show that only gold price, GDP and inflation rate have significant relationship with zakat collection in the short and long run. GDP shows a significant positive relationship with zakat collection in the long run while inflation rate and gold price shows a significant negative relationship with zakat collection in the long run. In the short run, only GDP has significant relationship with zakat collection. The economic impact on zakat collection is much more worst during economic crisis. The COVID-19 crisis especially has post a greater challenge to zakat institutions than the previous economic crisis due to the drastic increase in the number of new *Asnaf*. Thus, LZS as an Amil (zakat collector) should carry out financial planning to address fund shortages, especially during crisis period due to increasing demand from existing and potential *Asnaf*. The findings of this study have implications on Lembaga Zakat Selangor and policymakers to prepare long term planning in collecting and distributing zakat funds based on economic condition to provide sustenance to the *Asnaf* especially during crisis period. Islamic scholars also should play an active role and be proactive to make a ruling that aligns with the current economic condition.

Keywords: Zakat Collection, Zakat Distribution, Gold Price, Macroeconomic Variables

INTRODUCTION

Zakat is an important institution in the socio-economic framework of Islam that incorporates all dimensions of human life, both material and spiritual. The obligation to give zakat is an important aspect of the Islamic economy and has a unique position in the Islamic economic system (Ben Jedidia & Guerbouj, 2020).

The foundation of zakat is part of *Jihad* or striving for the cause of Allah. Its principal objectives are to provide social security, societal harmony and justice and helping eliminate social challenges (Abdullah & Suhaib, 2011). By the way of zakat, it can assist the beneficiaries' livelihood so that they can alleviate their economic conditions and hopefully one day they will be successfully transformed from being the receivers to contributors of Zakat (Wahab & Rahman, 2011). This is where the zakat institutions try to enhance their zakat management to ensure the fund collected are optimized, so the fund can be distributed widely to the right recipients especially during worst economic crisis such as COVID-19 crisis. During this critical situation, zakat institutions are called to assist the government and community who are severely affected including *Asnaf* (Muhamat, 2020).

The structure of this study are as follows firstly, this study introduces the research background and describes the current performance of zakat collection and distribution in Lembaga Zakat Selangor (LZS). Next, this study discussed the literature review relevant for this study and the theoretical background is defined to support the research. The methodology and statistical test used in this study is discussed in the method and findings. Lastly, the summary of the findings, the contribution of the study and the recommendation for future study is discussed in the conclusion.

RESEARCH BACKGROUND

Lembaga Zakat Selangor (LZS) is the appointed zakat administrator by Majlis Agama Islam Selangor (MAIS) to collect and distribute Zakat to the recipients. LZS has privatized their zakat management process to improve the quality and performance significantly. Furthermore, it is proved that Selangor has been recorded among the highest zakat contributor due to a highly developed and successful free-market economy. The collection of Lembaga Zakat Selangor (LZS) is reported to increase steadily over the years which year 2019 recorded the highest amount of zakat collection amounting to RM855.1 million, increased by 7.18% compared to the year 2018 collection of RM793.7 million (Annual Report, 2019). Zakat distribution for the year 2019 also recorded the highest amount of zakat distribution amounting to RM868.3 million which increased by 4.42% from the year 2018.

However, the percentage growth of zakat collection and distribution in Selangor shows decreasing trend (figure 1). It is believed that some macroeconomic factors slow down the total zakat collection thus, the total zakat distribution will also be affected. Percentage growth in zakat distribution is higher than percentage growth in zakat collection except in the years 1993, 1996, 1998, 2000, 2008, 2011, 2012 and 2017. This is further supported by the 30-year average percentage growth for zakat distribution (22.21) which is higher than the 30-year average percentage growth for zakat collection (18.60). The highest percentage growth in zakat collection is in 1996 (80.09%) and the lowest is in 1999 (-5.62). The highest percentage of growth for zakat distribution is in 1994 (94%) and the lowest in 2017 (-11.6%).

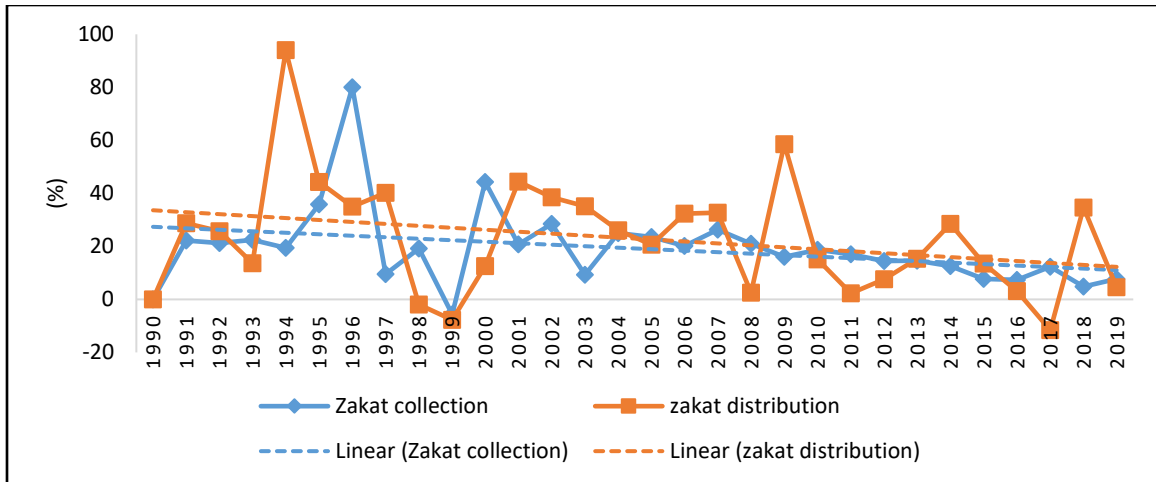


Figure 6: Percentage Growth Zakat Collection and Distribution in Selangor

The objective of zakat is to eliminate poverty through wealth creation and accumulation combined with fair redistribution (Meera, 2003). Thus, LZS as a wealth-creating institution is responsible to ensure efficiency in managing the collection and distribution of zakat funds as a strategy to accumulate wealth and increase the amount of distribution, especially during economic crisis. The impact of COVID-19 crisis is much more worst on the economy than the previous economic crisis due to the increase in the number of *Asnaf*. Without proper financial planning, LZS cannot cater the unexpected demand from *Asnaf* and the poverty issue in the Muslim community will not be solved efficiently. Therefore, zakat institutions need to revise their mechanism in fund management in managing cash inflows (collection) and cash outflows (distribution) in achieving the objectives of Shariah, which is preserving wealth and for public welfare (*Maslaha*).

LITERATURE REVIEW

Zakat is recognized as one of the sources of funds available in Islamic countries and be used as an income generator to make the poor more economically independent (Sarif & Kamri, 2009). It will grow and improve the economic activities through the increase in people's purchasing power which creates a chain effect on production and consumer demand (Zaman, Kamarudin & Ahmad, 2017). Zakat institutions represent the main backbone of the Islamic socio-economic system, therefore it is crucial to establish the most efficient system that can realize the protection of the zakat payers' rights and those in need.

Zakat institution may be given a safety-net interpretation. This interpretation is even more significant when an economy experiences a slowdown or recession as a result of economic crisis. The internal factors are within the control of zakat institutions, but external factors such as macroeconomic variables may have some impact on zakat institutions. The uncertain external environment that is difficult to forecast needs to be analyzed to determine opportunities and threats that will be faced by the zakat institutions. Thus, zakat institutions need to identify and evaluate

the external factors and this will relates to the ability of *Amil* to make the decision and plan for zakat collection and zakat distribution.

The macroeconomic factors such as GDP, inflation rate and unemployment rate can post a challenge to the performance of zakat collection and imbalance in society as it can be manipulated by the macroeconomics difference because of the productivity growth in economic sectors. An increase (decrease) in GDP will expand (contract) the economy hence, will increase (decrease) household and business income. The positive influence of GDP on the amount of zakat suggested that if GDP increase, the ability to pay will also increase (Nurcholis, 2005) Thus, increasing economic growth will increase national income and individuals will have higher disposable income and can contribute to zakat. (Suprayinto, Kader & Harun, 2013). Based on the discussion above, the following hypothesis is proposed.

H₁: There is a positive and significant relationship between GDP and zakat collection

According to Idris & Bakar (2017) and N. Grengory (2007), higher inflation rate is associated with the continuous increase in the price of goods. The Demand-Pull Theory of inflation (Keynes, 1936), which explains that rising inflation will increase the price of goods so that the value of the currency will decrease and ultimately will reduce peoples' purchasing power. An increase (decrease) in the inflation rate will decrease (increase) household and business income. Thus, the fluctuating inflation rate will influence the household's income and decisions in allocating funds to pay zakat (Afendi 2018). Based on the discussion above, the following hypothesis is proposed.

H₂: There is a negative and significant relationship between inflation rate and zakat collection.

Philip curve (1985) theory indicates that unemployment rate has inverse relationship with the inflation and the rate change in nominal wages A lower inflation rate indicates that reduce in the minimum wage thus unemployment rate will increase (Macharia & Otieno, 2017). The rising unemployment rate indicates that people have less income and it will influence individual's decisions to pay zakat. Based on the discussion above, the following hypothesis is proposed.

H₃: There is a negative and significant relationship between unemployment rate and zakat collection.

Furthermore, it was critical when the gold price (utilized as a *Nisab* benchmark for zakat in Malaysia) negatively influenced zakat collection (Senawi, Mat Isa & Harun, 2018). Thus, rising in the gold price will increase the *Nisab* which leads to the decrease in zakat collection and reduce the allocation to the poor group. Based on the discussion above, the following hypothesis is proposed.

H₄: There is a negative and significant relationship between gold price and zakat collection.

On this point, the productivity growth in economic sectors seems to influence household and business income. An increase in household and business income will generate the economy

and increase GDP growth (Yusoff, 2011). Thus, it will influence the people's ability to pay zakat and zakat collection will increase. In short, any changes in the macroeconomic factors will either increase or decrease zakat collection (Yusoff, 2006).

Effective zakat management will grow the allocation to the zakat recipients, especially during the economic crisis. During worst economic crisis such as COVID-19 crisis, it is expected that zakat collection will decrease and the number of beneficiaries (*Asnaf*) will increase due to unemployment and the increasing cost of living. Thus, Zakat institutions should have some fund planning to cater unexpected demand from those who are greatly affected by the economic crisis. This financial planning process is mentioned in surah Yusuf (47-48): [(*Yûsuf (Joseph)*)] said:

"For seven consecutive years, you shall sow as usual and that (the harvest) which you reap you shall leave it in ears, (all) - except a little of it which you may eat. (47) "Then will come after that, seven hard (years), which will devour what you have laid by in advance for them, (all) except a little of that which you have guarded (stored) (48)..."

The occurrence of the economic crisis in 1997/1998, 2008/2009 and the latest 2019/2020 (COVID-19) proves that financial planning is needed to manage the zakat collection and distribution more efficiently. Allah SWT stresses the importance of good financial planning where people must keep and save their abundant wealth in the seven period of good harvest and be prepared for the seven periods of dreadful years

Zakat institutions as an *Amil* should practice financial planning in their zakat management as it will affect also the good performance of the institutions (Anuar, Alwi & Ariffin, 2019). They should be an element of forecasting on the zakat collection and zakat distribution during the stable period and crisis period to cater unexpected demand from those who are greatly affected especially during economic crisis. If better financial planning mechanisms are in place, LZS will be able to estimate what is the minimum or average total collection and distribution during normal period and peak period.

METHOD

Lembaga Zakat Selangor (LZS) is chosen as sample data due to its highest total zakat collection achieved compared with other states in Malaysia. Yearly data from 1990-2019 (30 years) are used and the data for all variables are gathered from LZS report, PPZ website and International Monetary Fund (IMF) website. Time series analysis using VAR/VECM approach is used to identify the changes associated with zakat collection compare to the shifts in gold price and macroeconomic variables over the same time period. The model is represented below:

$$ZC_t = a + \beta_1 GDP_t + \beta_2 INFLTN_t + \beta_3 UNEMP_t + \beta_4 GP_t + \varepsilon_t$$

Where a is the intercept, $\beta_1, \beta_2, \beta_3$ are the coefficients of the model, ZC is zakat collection (the percentage growth), GDP is Gross Domestic Product (percentage), $INFLTN$ is inflation

rate (percentage), UNEMP is unemployment rate (percentage), GP is gold price (Ringgit Malaysia) and ε_t is the error term. The log form of variables was used to reduce the problem of heteroscedasticity.

To properly use the VAR model, Augmented Dickey Fuller (ADF) and Phillip Perron (PP) unit root tests are conducted. Through this method, it can detect whether all variables are stationary in their first difference and avoid spurious regression. Once the series are stationary at first difference, the cointegration test was adopted by following maximum likelihood procedure (Johansen & Juselius, 1990) which is based on VAR test. The long run relationship should exist if the variables are cointegrated.

Engle and Granger (1987) exhibited that once variables are proven to be cointegrated, there will also be the existence of a corresponding Error Correction Model (ECM). This study will continue to examine the short run causality between gold price, macroeconomic variables and zakat collection. In VECM, a negative and significant coefficient of the Error Correction Term (ECT) indicates any short run fluctuations between variables will stabilize long run between them.

FINDINGS

Table 1 shows the result for unit root test based on ADF and PP. The lag length is chosen based on the Akaike Information Criterion (AIC). Both the ADF and PP are conducted based on trend and intercept. The findings reveal that all variables are stationary after taking first difference as the null hypothesis of unit root can be rejected All the probability are less than 0.05, which signifies that it is stationary at 5 percent significance level.

Table 6. Result for Unit Root Test

Variable	Level		1 ST Difference	
	ADF	PP	ADF	PP
LZC	0.0004 (-5.6746)***	0.0002 (-5.8429)***	0.0000 (-9.5431)***	0.0000 (-26.9567)***
LGDP	0.0004 (-5.9361)***	0.0008 (-5.3895)***	0.0000 (-9.5939)***	0.0000 (-27.04918)***
LINFLT	0.0055 (-4.5654)***	0.0057 (-4.5514)***	0.0002 (-5.9989)***	0.0000 (-8.3523)***
LUNEMP	0.0848 (-3.3086)*	0.0801 (-3.3378)*	0.0019 (-5.0595)***	0.0000 (-9.6947)***
LGP	0.2393 (-2.7170)	0.4491 (-2.2441)	0.0462 (-3.6190)**	0.0468 (-3.6126)**

Lag length are determined using Akaike Information Criterion (AIC)

*, **, *** indicates significant at 10%*, 5% and 1%

Data represent the Augmented Dickey Fuller T-statistics with intercept and trend

The result of unit root test shows that all variables are stationary. Accordingly, this study proceeds with the Johansen and Juselius test to analyze the long run equilibrium relationship

between gold price, macroeconomic variables and zakat collection. Table 2 shows the summary of Johansen cointegration test. Based on Akaike Information Criterion (AIC), this study has chosen lag length 1 for the cointegration test. The findings found that at least 1 cointegration equation exist in the system and suggest the existence of long run relationship between gold price, macroeconomic variables and zakat collection.

Table 7. Result for Cointegration Test

Model	Null Hypothesis:	Trace Statistics	5% Critical value	Max. Eigenvalue	5% Critical value
Lag length = 1	$R \leq 0$	85.16148*	69.81889	46.42295*	33.87687
	$R \leq 1$	38.73853	47.86513	20.78323	27.58434
	$R \leq 2$	17.95530	29.79707	10.86280	21.13162
	$R \leq 3$	7.092506	15.49471	7.071689	14.26460
	$R \leq 4$	0.020817	3.841466	0.020817	3.841466

*denotes significance at 5%

The finding in Table 3 shows that GDP, Inflation Rate and Gold Price have significant relationship with zakat collection in the long run. This demonstrates that one percent increase in GDP will increase zakat collection by 1.06 percent. Furthermore, one percent increase in inflation rate will decrease zakat collection by 0.28 percent. One percent increase in gold price will decrease zakat collection by 0.30%. Unemployment rate shows positive relationship with zakat collection but not significant. Moreover, the value of the adjusted r squared in table 4.4 shows that 91.25% of the variation in zakat collection is explained by the independent variables.

**Table 8. Cointegration Relationship
Cointegrating Coefficient**

LZC	LGDP	LINFLTN	LUNEMP	LGP	Constant	R2	Adjusted R2
1.0000	1.0634 (0.0000)* [16.4717]	-0.2827 (0.0746)** [-1.8678]	0.6335 (0.3334) [0.9880]	-0.3046 (0.0221)* [-2.4554]	1.3859 (0.2082) [1.2950]	0.9281	0.91252

*, ** indicates significant at 5%, 10%

() represent probability

[] represent T-Statistics

Cointgeration Equation

$$LZC = 1.385 + 1.063LGDP - 0.282LINFLTN + 0.633LUNEMP - 0.304LGP$$

Table 4 shows the result of Granger Causality Test. The Wald statistic represented different independent variables for a short run causality, while t-statistic of ECT indicates a long run causality. The value of ECT-1 will explain the causal relationship for each of the variables and the direction and speed of adjustment towards the long run equilibrium path. The finding in table 4 shows that the value of ECT-1 for zakat collection is negatively significant. A negative error correction coefficient implies that the previous deviation from long-run equilibrium is corrected in the current period as an adjustment at a speed of 46.12%. This proves that the variables of GDP, INFLTN, UNEMP and GP are the long run cause for zakat collection.

The short run relationship in this study is conducted using Wald test. Table 4 shows that only GDP has significant short run relationship with zakat collection. This means that GDP ‘granger cause’ zakat collection in the form of a short run causality but zakat collection do not “Granger-cause” the GDP. This means GDP brought a unidirectional effect to zakat collection.

Table 9. Result of Granger Causality Test

Dependent variables	Independent Variables F-statistic (Wald Test)					T-statistic
	DLZC	DLGDP	DLINFLTN	DLUNEMP	DLGP	ECT-1
DLZC	-	4.5320 (0.0450)*	1.1134 (0.3033)	3.4714 (0.0765)	0.1827 (0.6734)	-0.46128 (0.0257)*
DLGDP	2.4746 (0.1306)	-	4.9381 (0.0373)*	0.0267 (0.8717)	3.4988 (0.0754)	2.4491 (0.0000)*
DLINFLTN	0.1336 (0.7183)	1.8230 (0.1913)	-	0.3287 (0.5725)	3.5567 (0.0732)	-0.3053 (0.2315)
DLUNEMP	2.8867 (0.1041)	6.6108 (0.0178)*	2.7196 (0.1140)	-	0.0091 (0.9246)	-0.0910 (0.0155)*
DLGP	0.7341 (0.4012)	0.6967 (0.4133)	1.7557 (0.1994)	0.1625 (0.6909)	-	-0.0285 (0.4777)

*denotes significance at 5%
(), denotes probability

The summary of the findings is shown in table 5.

Table 10. Findings

H ₁	There is a positive and significant relationship between GDP and zakat collection.	Supported
H ₂	There is a negative and significant relationship between Inflation rate and zakat collection.	Supported
H ₃	There is a negative and significant relationship between Unemployment rate and zakat collection.	Not supported
H ₄	There is a negative and significant relationship between Gold price and zakat collection.	Supported

CONCLUSION

This study measures the short run and long run relationship between gold price, macroeconomic variables (GDP, Inflation Rate, and Unemployment Rate) and zakat collection in Selangor. The

results indicate that there are significant short run and long run relationship between gold price, macroeconomic variables and zakat collection in Selangor. In the long run, GDP shows positive relationship with zakat collection while inflation rate and gold price shows negative relationship with zakat collection. For the short run relationship, the findings indicate that only GDP has significant relationship with zakat collection. The significant effect of gold price, GDP and inflation rate on zakat collection indicates that LZS can have long term planning to prepare for future economic conditions especially during economic crisis. The same trend can be forecasted to repeat itself in the future and thus specific planning in collecting and distributing zakat need to be executed. Through proper and effective financial planning, the objective of zakat which to ensure the process of wealth circulation and social security can be achieved. Further analysis is suggested to analyze the impact of economic crisis on zakat fund performance.

ACKNOWLEDGMENTS

We would like to thank Lembaga Zakat Selangor (LZS) for the data and their kind assistance.

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IMPAK PERLAKSANAAN WAKAF TELAGA AIR DI MALAYSIA: SATU SOROTAN KAJIAN

(The Implimentation Impact of Waqf Water Well in Malaysia: A Literature Review)

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Abstrak

Wakaf merupakan satu instrument ekonomi Islam yang di jana bagi memberi manfaat kepada seluruh masyarakat sama ada masyarakat islam khususnya atau bukan Islam sebagai salah satu medium dakwah. Melalui akad wakaf pemberi barangan wakaf boleh menjana pahala secara berterusan melalui pemberian harta wakaf yang bermanfaat untuk digunakan oleh masyarakat secara berterusan. Di samping itu melalui instrument wakaf ini, masyarakat Islam boleh bersama-sama menjana program bantuan atau pemberian manfaat secara berterusan kepada golongan yang memerlukan melalui pembinaan projek wakaf secara kekal seperti pembinaan bangunan atau pembinaan projek kebajikan. Manfaat daripada program ini mampu memenuhi keperluan asas yang di perlukan oleh masyarakat Islam seperti tempat pengajian, masjid, kediaman berteduh atau pun seperti program wakaf telaga yang mampu memberi manfaat kegunaan air kepada golongan memerlukan. Oleh itu kajian ini akan membincangkan mengenai potensi pelaksanaan wakaf telaga di Malaysia, satu sorotoan ringkas bagi menilai keperluan wakaf telaga dan penggunaan air di kalangan masyarakat Malaysia yang terputus bekalan air atau yang memerlukan kemudahan air. Kajian ini akan melihat konsep wakaf telaga yang di jalankan di beberapa Kawasan sebagai rujukan dan melihat potensi pelaksanaan wakaf telaga melalui dana-dana yang terkumpul oleh baitulmal negeri terpilih.

Kata Kunci: *Potensi, Wakaf Telaga, Malaysia, Sorotan Kajian.*

Abstract

Waqf is an Islamic economic instrument that is generated to benefit the entire community, whether the Muslim community in particular or non-Muslims as one of the mediums of da'wah. Through the waqf contract, the giver of waqf items can generate rewards continuously through the provision of waqf property that is beneficial to be used by the community on an ongoing basis. In addition, through this wakaf instrument, the Muslim community can together generate assistance programs or provide benefits on an ongoing basis to the needy through the construction of permanent waqf

projects such as building construction or construction of welfare projects. The benefits of this program are able to meet the basic needs of the Muslim community such as schools, mosques, sheltered homes or even such as the well waqf program that is able to provide benefits to the use of water to the needy. Therefore, this study will discuss the potential implementation of waqf water well in Malaysia, a brief overview to assess the need for waqf well and water use among Malaysians who are cut off from water supply or who need water facilities. This study will look at the concept of waqf telaga carried out in several areas as a reference and look at the potential implementation of waqf telaga through the funds collected by selected state treasuries.

Keywords: *Potential, Waqf Telaga, Malaysia, Literature Review*

PENGENALAN

Jika kita menyingkap sirah dan sejarah tamadun Islam, begitu banyak kisah-kisah yang berkenaan dengan ibadah wakaf, termasuklah wakaf Nabi Muhammad s.a.w, serta para sahabat baginda. Antara kisah hebat adalah peristiwa Saidina Umar menyerahkan tanahnya yang subur di Khaibar. Manakala Saidina Uthman membeli seterusnya mewakafkan telaga Rawmah untuk memenuhi keperluan penduduk di kota Madinah, Abu Talhah menafkahkan harta tercintanya iaitu kebun Biyarha' serta Masjid Quba dan Masjid Nabawi dibangunkan di atas tanah yang diwakafkan.⁴³

Wakaf terus berkembang dengan hebatnya pada zaman kegemilangan Islam termasuklah sewaktu zaman Khalifah Uthmaniah sehingga wujudnya begitu banyak universiti, sekolah, hospital dan fasiliti-fasiliti berasaskan wakaf. Ianya diteruskan dengan ikon-ikon wakaf yang hebat dan amat membanggakan. Antara yang termasyhur adalah Universiti Al-Azhar, yang dibangunkan serta diurus dengan menggunakan konsep wakaf secara keseluruhan, dan sehinggalah ke hari ini, kesinambungan perkembangan pembangunan wakaf diteruskan dan berjalan dengan jayanya.⁴⁴

Program wakaf telaga telah lama di jalankan dan mendapat pendedahan yang meluas oleh masyarakat Malaysia bagi membantu kawasan-kawasan yang memerlukan bekalan air bersih. Ini di buktikan melalui program pembinaan wakaf telaga yang di jalankan oleh sekumpulan pensyarah Fakulti Seni Lukis dan Reka (FSR) dan pelajar Universiti Teknologi Mara (UiTM), Shah Alam dan Puncak Alam, yang membantu golongan miskin di Kemboja menerusi Projek Travelog AD: Cambodia 'Dekat Di Hati' bagi memberi bantuan air bersih kepada penduduk di negara itu.⁴⁵ Program ini di jalankan oleh warga UiTM bagi membantu 50 peratus penduduk di sekitar Kampung Cham, Phnom Penh melalui pembinaan 17 buah telaga melalui dana wakaf yang dikumpulkan dari agensi kerajaan, agensi swasta dan badan-badan NGO yang sama-sama telah memberi sumbangan dana wakaf bagi menjayakan program ini.

⁴³ Teks Ucapan Perasmian Yab Tan Sri Dato' Haji Muhyiddin Bin Haji Mohd Yassin .Perdana Menteri. Majlis Pelancaran Bulan Wakaf Kebangsaan Tahun 2021 pada 13 April 2021 (Selasa) 1 Ramadhan 1442H,h.3

⁴⁴ Ibid.

⁴⁵ BH Online (18 Julai 2019), Pensyarah, Pelajar Uitm Bina Perigi Di Kemboja Bekal Air Bersih, <https://www.bharian.com.my/wanita/lain-lain/2019/07/586372/pensyarah-pelajar-uitm-bina-perigi-di-kemboja-bekal-air-bersih>

Di Malaysia, pada 17 Disember 2020 Tabung Wakaf Tunai Khas Perkhidmatan Air Malaysia atau Wakaf Air telah di lancarkan melalui inisiatif Kementerian Alam Sekitar dan Air (KASA) dengan kerjasama Yayasan Waqaf Malaysia (YWM) sebagai salah satu sumber pembiayaan alternatif projek perkhidmatan air melalui instrumen wakaf, dan telah menerima hampir 30 permohonan untuk melaksanakan projek air di Semenanjung, Sabah dan Sarawak.⁴⁶

Dan pada tarikh tersebut juga Tabung Wakaf Tunai Khas Perkhidmatan Air Malaysia itu sudah menerima sumbangan lebih RM7 juta daripada orang awam serta beberapa pihak termasuk Suruhanjaya Perkhidmatan Air Negara (SPAN). Dan pada 8 Mac 2021 sebanyak RM2.4 juta berjaya dikutip Tabung Wakaf Tunai Khas Perkhidmatan Air (Wakaf Air) hasil sumbangan orang awam dan badan korporat sejak dilancarkan pada 17 Disember 2020.⁴⁷

Menurut Menteri Alam Sekitar dan Air Datuk Seri Tuan Ibrahim Tuan Man yang hadir pada program tersebut, Program Wakaf Air akan menumpukan kepada pembiayaan projek perkhidmatan air yang merangkumi sumber air, bekalan air dan pembentungan dalam skala kecil dengan kos projek bernilai di bawah RM50,000. Dan menurutnya lafi Wakaf Air adalah instrumen pembiayaan alternatif dan pelengkap kepada usaha kerajaan dalam menyediakan perkhidmatan air yang lebih baik kepada rakyat.⁴⁸

KAJIAN LEPAS

Norul Huda Bakar dan Noor Syahida Abd. Rahman (2021)⁴⁹ dalam kajian mereka telah menceritakan masalah berkaitan air yang berlaku di Malaysia seperti pencemaran air, permintaan penggunaan air yang tinggi dan penerokaan yang terbatas dalam sumber air. Hasil dapatan kajian mereka menunjukkan bahawa sumber air bawah tanah atau telaga boleh dijadikan sebagai sumber air alternatif di Malaysia. Hanya lima peratus sahaja sumber air bawah tanah ini diterokai. Banyak lagi ruang dan peluang untuk mengembangkan usaha menjadikan telaga sebagai sumber air alternatif. Ditambah dengan dasar kerajaan yang mewujudkan wakaf air memberi pentunjuk bahawa wakaf telaga ini relevan untuk dibangunkan. Tetapi di dalam kajian ini tidak membahaskan tentang pelaksanaan program wakaf telaga air di Malaysia.

Rasyidah Md. Khalid, etc. (2021)⁵⁰ dalam kertas kajian mereka yang bertajuk Waqaf Air dan Isu Perundangan di Malaysia, telah membincangkan aspek enekmen perundangan bagi amalan wakaf bagi negeri-negeri yang terpilih. Dalam kajian ini penulis telah membahaskan konsep dan

⁴⁶ BH Online (17 Dis 2020) Wakaf Air bantu sedia bekalan air alternatif di kawasan pedalaman, <https://www.bharian.com.my/berita/nasional/2020/12/765917/wakaf-air-bantu-sedia-bekalan-air-alternatif-di-kawasan-pedalaman>

⁴⁷ BH Online (8 Mac 2021), Wakaf Air: RM2.4 juta berjaya dikutip, <https://www.bharian.com.my/berita/nasional/2021/03/794022/wakaf-air-rm24-juta-berjaya-dikutip>

⁴⁸ BH Online (17 Dis 2020) Wakaf Air bantu sedia bekalan air alternatif di kawasan pedalaman, <https://www.bharian.com.my/berita/nasional/2020/12/765917/wakaf-air-bantu-sedia-bekalan-air-alternatif-di-kawasan-pedalaman>

⁴⁹ Norul Huda Bakar Dan Noor Syahida Abd. Rahman (2021), Wakaf Telaga Sebagai Sumber Air Alternatif: Suatu Tinjauan International Conference On Syariah & Law2021(Iconsyal 2021)-Online Conference 6 Th April 2021 Hlm. 693.

⁵⁰ Rasyidah Md. Khalid, etc. (2021) Air dan Isu Perundangan di Malaysia, ISLĀMIYYĀT 43(Isu Khas) 2021: 165 - 172

rukun berkaitan wakaf dan pengaplikasiannya dalam konteks waqaf air, serta perkembangan perundangan berkaitan waqaf air di Malaysia. Kajian ini juga turut membincangkan bidang kuasa pentadbiran sektor air terbahagi di antara Kerajaan Negeri dan Persekutuan di Malaysia dan mencadangkan enakmen negeri berkaitan air dan wakaf perlu diperhalusi agar tiada pertikaian dalam pelaksanaan wakaf air di masa hadapan. Namun begitu di dalam kajian ini tidak membahaskan tentang pelaksanaan wakaf telaga air di Malaysia.

Muhammad Sofiyuddin Zakaria dan Mohd Zamro Muda (2017)⁵¹ melalui kajian mereka, Sorotan Literatur Pelaksanaan Wakaf Tunai di Malaysia telah mengfokuskan kajian ini melalui pemerhatian sumbangan sektor wakaf tunai dalam pemerksaan ekonomi Muslim, di samping menganalisis potensi dan halatujunya dalam perkembangan ekonomi umat Islam di Malaysia. Kajian sorotan literatur ini dilakukan untuk mengenal pasti dan meneliti tahap pelaksanaan wakaf tunai di bawah pengurusan badan berautoriti di Malaysia. Kajian ini berbentuk kualitatif dengan mengambil pendekatan analisis kandungan sebagai reka bentuk kajian. Fakta dan hujah yang diperoleh daripada sumber primer dan sekunder diteliti, dinilai serta dianalisis secara deskriptif. Hasil tinjauan literatur mendapati tahap pemahaman umat Islam berkaitan wakaf tunai masih rendah. Namun begitu, setelah YWM ditubuhkan, di samping skim-skim baru yang diperkenalkan oleh badan-badan yang menguruskan wakaf, sambutan wakaf tunai semakin meningkat meskipun belum mencapai tahap yang disasarkan. Namun begitu di dalam kajian ini tidak menyentuh tentang pelaksanaan wakaf telaga air di Malaysia.

Definisi Wakaf

Wakaf berasal dari bahasa Arab *waqf*, iaitu nama terbitan (*masdar*) dari kata kerja *waqafa*, ia mempunyai berbagai-bagai makna mengikut tujuan dan penggunaan ayat itu sendiri. Dari segi bahasa, *waqf* memberi makna berhenti, menegah dan menahan.⁵² Ulama fiqah⁵³ sepakat memberikan takrifan wakaf mengikut istilah bahasa dengan *al-habs* maksudnya menahan; kerana perkataan *al-habs* itu lebih hampir kepada pengertian syarak. Lebih-lebih lagi perkataan *al-habs* itu banyak diucapkan oleh Rasulullah SAW dalam beberapa buah hadisnya, antaranya:

“...Wakafkanlah tanah itu dan berilah hasil buahnya sebagai sedekah...”

Pensyariatan Ibadah Wakaf

Perlaksanaan ibadah wakaf adalah berasaskan kepada hadis Ibn Umar yang diriwayatkan oleh imam muslim yang bermaksud:-

Maksudnya; Daripada Ibnu Umar r.a katanya: Umar telah mendapat sebidang tanah di Khaibar kemudian dia datang menghadap Nabi S.A.W untuk meminta pendapat berkenaan cara menguruskannya, katanya:

⁵¹ Muhammad Sofiyuddin Zakaria dan Mohd Zamro Muda (2017), Literatur Pelaksanaan Wakaf Tunai di Malaysia, ISLAMIIYYAT 39(1) 2017: 39 - 46

⁵² Ibn Manzur, Muhammad Ibn Mukarram (1990), *Lisan al-'Arab*, j. 9. Beirut: Dar Sadr, h. 359.

⁵³ Al-Khatib al-Syarbini (1997), *Mughni al-Muhtaj*, jil. 2. Beirut: Dar al-Ma'rifah, h. 485

“...Wahai Rasulullah! Saya telah mendapat sebidang tanah di Khaibar. Saya belum pernah memperolehi harta yang lebih baik daripada ini. Baginda bersabda: Jika kamu suka, tahanlah tanah itu (wakafkanlah tanah itu) dan kamu sedekahkan manfaatnya. Lalu Umar mengeluarkan sedekah hasil tanah itu dengan syarat tanahnya tidak boleh dijual dan dibeli serta diwarisi atau dihadiahkan. Umar mengeluarkan sedekah hasilnya kepada fakir miskin, kaum kerabat dan untuk memerdekakan hamba juga untuk orang yang berjihad di jalan Allah serta untuk bekal orang yang sedang dalam perjalanan dan menjadi hidangan untuk tetamu. Orang yang mengurusnya boleh makan sebahagian hasilnya dengan cara yang baik dan boleh memberi makan kepada temannya dengan sekadarnya...”

Dalil seterusnya dalam firman Allah S.W.T yang bermaksud : –

“...Kamu tidak sekali-kali akan mencapai kebaikan (yang sempurna) sehingga kamu dermakan sebahagian daripada apa yang kamu sayangi, dan apa jua yang kamu dermakan maka sesungguhnya Allah Maha Mengetahui...”

(Surah Ali Imran – Ayat 92)

PROGRAM WAKAF TELAGA AIR DI MALAYSIA

Terdapat beberapa projek wakaf telaga air yang telah di bangukan menerusi Yayasan Waqah Malaysia. Projek pertama wakaf air di jalankan di negeri Johor yang membabitkan 16 penerima di kawasan Kampung Melayu Seelong, Kulai dengan kos berjumlah RM34,776.00.⁵⁴ Projek ini telah di pantau dan di rasmikan sendiri oleh Menteri Alam Sekitar dan Air (KASA), Datuk Seri Tuan Ibrahim Tuan Man.

Perlaksanaan projek wakaf telaga air ini turut membabitkan penyambungan sistem retikusi dari Taman Impian Jaya Seelong dan ditakung dalam tangki sedutan berkapasiti 500 gelen sebelum dipam ke tangki pengimbang, seterusnya disalurkan ke rumah penduduk kampung.⁵⁵Perlaksanaan projek wakaf air di Kampung Melayu Seelong ini telah bermula pada 11 Februari 2021 dan telah siap sepenuhnya pada 4 Mac 2021 dan majlis serahan di jalankan pada 8 Mac 2021. Sebelum perlaksanaan program wakaf teaga air ini, penduduk kampung yang membabitkan 16 buah rumah bergantung kepada sumber air tidak terawat iaitu air telaga, anak sungai dan tadahan air. Sepanjang Mac dan April tahun 2021, pihak KASA bersama dengan YWA sudah menyerahkan empat projek perintis Wakaf Air kepada penerima di dari kampung terpilih di negeri Selangor, Perak, Pahang dan Negeri Sembilan. Antara kampung-kampung yang telah di serahkan sepenuhnya penggunaan wakaf telaga air ini ialah:

- a) Kampung Sungai Sendat, Ulu Yam, Selangor Dengan Kos Pembangunan RM42,650.00

⁵⁴ BH Online (8 Mac 2021), Wakaf Air: RM2.4 juta berjaya dikutip,
<https://www.bharian.com.my/berita/nasional/2021/03/794022/wakaf-air-rm24-juta-berjaya-dikutip>

⁵⁵ *Ibid*

- b) Kampung Masjid Ehsaniah, Padang Serai, Beruas, Perak Dengan Kos Pembangunan RM3,910.00

Terdapat beberapa cadangan untuk meluaskan program pembinaan wakaf telaga air ini yang melibatkan lima projek perintis Wakaf Air di empat negeri membabitkan kos keseluruhan RM180,500 di beberapa lokasi sekitar Selangor, Perak, Pahang dan Johor supaya manfaat keatas penggunaan air bersih melalui dana wakaf dapat di gunakan sepenuhnya untuk kebaikan masyarakat di Malaysia.⁵⁶

Jadual di bawah merupakan data projek wakaf telaga yang telah siap di laksanakan dan kawasan cawangan yang akan di laksanakan program wakaf telaga air ini pada masa hadapan⁵⁷:

Jadual 1. Data Projek Wakaf Telaga yang Telah Siap di Laksanakan

Bil.	Perlaksanaan Wakaf Telaga Air Di Malaysia	Status Terkini	Kos
1	Kampung Melayu Seelong, Kulai	Siap (Mac 2021)	RM34,776.00
2	Kg. Sungai Sendat, Ulu Yam, Selangor	Siap (April 2021)	RM42,650.00
3	Kg. Masjid Ehsaniah, Padang Serai, Beruas, Perak	Siap (April 2021)	RM3,910.00
4	Kampung Sungai Congkak, Hulu Langat, Selangor	Belum siap	-
5	Kampung Batu Balak, Jerantut, Pahang	Belum Siap	-
6	Kawasan Terpilih di Manjung, Perak	Belum Siap	-

IMPAK PERLAKSANAAN WAKAF TELAGA AIR DI MALAYSIA

Terdapat beberapa impak positif dan manfaat keatas perlaksanaan projek wakaf telaga air di Malaysia. Antara impak yang terdapat keatas perlaksanaan projek ini adalah:

a) Wakaf telaga merupakan salah satu medium mendapatkan pahala berterusan.

Terdapat banyak hadis yang mecitakan tentang kelebihan berwakaf dan menginfakkan harta kejalan Allah. Antaranya adalah hadis daripada Abu Hurairah r.a., baginda telah bersabda: Maksudnya:

“...Sesungguhnya yang didapati oleh orang yang beriman dari amalan dan kebaikan yang dia lakukan setelah dia mati adalah: Ilmu yang diajar dan disebar, Anak soleh yang ditinggalkan, Mushaf al-Quran yang diwariskan, Masjid yang dibina, Rumah yang dibina untuk penginapan orang yang sedang dalam perjalanan, Sungai yang dialirkan untuk kepentingan orang ramai dan, Sedekah yang dikeluarkan dari harta ketika sihat dan hidup...”

(Riwayat Ibn Majah, Hadis ke 242)

⁵⁶ BH Online (3 Februari 2021) Inisiatif Wakaf Air Bukan Ganti Peranan Kerajaan, <https://www.bharian.com.my/berita/nasional/2021/02/782555/bhplus>

⁵⁷ Rujuk Portal Rasmi Yayasan Waqaf Malaysia, <https://www.ywm.gov.my/wakaf-air>

Berdasarkan hadis ini, sungai yang dialirkan juga bermaksud menggali perigi untuk kegunaan ramai. Hadis ini menjelaskan betapa besarnya fadhilat wakaf perigi air sebagai amal jariyah selepas mati. Hal ini kerana harta wakaf yang di lakukan itu akan di manfaatkan oleh masyarakat sekitarnya dan akan sentiasa mengalirkan pahala berterusan kepada pemberi wakaf.⁵⁸

b) Wakaf telaga sebagai medium dakwah dalam Islam.

Air merupakan keperluan asasi manusia. Menerusi wakaf telaga ini manusia dapat menggunakan air bersih dalam kehidupan harian. Melalui perlaksanaan wakaf telaga air ini, mampu menjadikannya sebagai salah satu medium dakwah di mana konsep Islam yang menjaga keperluan hakiki dan asasi manusia menerusi pembinaan harta wakaf.⁵⁹ Melalui pembinaan wakaf telaga air ini mampu mencerminkan pandangan positif berkaitan agama Islam yang menjaga kebajikan masyarakat melalui perkongsian harta dalam membina harta dan asset kekal untuk kegunaan masyarakat seperti wakaf telaga air. Selain itu juga dakwah kepada golongan bukan islam juga mampu di jalankan melalui penggunaan air secara bersama dari telaga wakaf ini bagi mencerminkan agama Islam ini sebagai agama yang adil dan layanan sama rata keatas semua manusia.⁶⁰

c) Wakaf telaga air menjamin penggunaan air yang bersih.

Melalui projek wakaf telaga ini, masyarakat sekitarnya mampu mendapatkan perkhidmatan dan penggunaan air bersih dalam kehidupan mereka. Jika dahulunya sumber air adalah dari sungai, takungan hujan atau tasik, kini melalui projek wakaf telaga ini mampu memberi kualiti air yang baik kepada penggunaanya.⁶¹ Kualiti air tanah juga dikatakan lebih bersih berbanding air permukaan kerana ditapis lapisan tanah, pasir dan batu, sebelum terkumpul di dalam bumi. Air bawah tanah juga memiliki kualiti setaraf air mineral yang dibotolkan, kaya dengan galian seperti kalsium, natrium, klorida, kalium, sulfat, magnesium dan bikarbonat. Malahan di sesetengah tempat air bawah tanah ini boleh diminum begitu saja tanpa perlu memprosesnya.⁶²

⁵⁸ Nik Mustapha Nik Hasan. 1999. *Konsep dan Pelaksanaan Wakaf di Malaysia*. Kuala Lumpur. Institut Kefahaman Islam Malaysia

⁵⁹ Mohd. Daud Bakar. 1999. *Amalan Institusi Wakaf di Beberapa Negara Islam*. Dalam *Konsep dan Pelaksanaan Wakaf di Malaysia*, ed. Nik Mustapha Nik Hassan. Kuala Lumpur. Institut Kefahaman Islam Malaysia.

⁶⁰ Ahmad Zaki Hj Abd Latiff, Che Zuina Ismail & Norzaidi Mohd Daud (2006), "Pengurusan Harta Wakaf Dan Potensinya Ke Arah Kemajuan Pendidikan Umat Islam Di Malaysia" (Kertas Kerja Konvensyen Wakaf 2006 di Hotel Legend, Kuala Lumpur, 12-14 September 2006).

⁶¹ Mohd Rozi Umor, 2020. Air Bawah Tanah Boleh Jadi Sumber Bekalan Alternatif. www.bh.com.my. 23 Oktober 2020.

⁶² Musa, S., Zakaria, N. A., Lai, S. H. (2010). *Pengekstrakan Air Bawah Tanah Sumber Bekalan Setempat*. Persidangan Kebangsaan Hidrologi Alum Sekitar. Batu Pahat, Malaysia: Universiti Tun Hussein Onn Malaysia, 8 (1): 1 -8.

KESIMPULAN

Wakaf ialah instrumen yang berperanan menggabungkan elemen rohaniah dan kebendaan serta dapat berfungsi sebagai pemangkin ekonomi dan pembangunan ummah. Semangat wakaf yang mengalir dalam jiwa para anbiya, sahabat, ulama, dan umat Islam terdahulu wajib dijadikan ikutan dan panduan. Wakaf di lihat juga sebagai salah satu instrumen yang terbaik baik memenuhi keperluan dalam kehidupan masyarakat melalui pengumpulan dana wakaf bagi membina projek-projek yang di perlukan. Seperti mana yang telah dijelaskan sebelum ini pembinaan telaga dapat menjaga alam sekitar dan mampu menyediakan bekalan air yang baik kepada penggunaanya. Melalui pembinaan wakaf telaga air ini juga di lihat dapat membantu kerajaan dalam membendung masalah bekalan air bersih kepada penduduk di Malaysia.

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FACTORS AFFECTING INDIVIDUAL'S BEHAVIOURAL INTENTION TO PARTICIPATE IN CHARITABLE GIVING DURING COVID-19 LOCKDOWN: MALAYSIAN MUSLIMS PERSPECTIVE

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ABSTRACT

Charitable giving practices is rising rapidly especially for COVID-19 relief efforts. In order to generate more resources, organizations need to understand the specific behaviour of the donors as well as their intentions. Therefore, this study aims to identify factors affecting Malaysian Muslims behavioural intention to participate in charitable giving during COVID-19 lockdown. A conceptual framework is proposed, considering a set of hypothesis, which were tested using questionnaire with a cross-sectional design applied to a sample of 328 participants in Malaysia. The primary data were analyzed using partial least square-structural equation modeling (PLS-SEM). The results showed the variables that was proposed to predict intentions of the Muslims, namely, attitude (ATT), and perceived behavioural control (PBC) were found to be significant in affecting Malaysian Muslims behavioural intention to give charity during COVID-19 lockdown. The results of this study is important to suggest relevant policies in exploring specific factors towards money donations intention that can be an urgent and effective response for vulnerable groups impacted by COVID-19 in Malaysia.

Keywords: *Behavioural intention, Charitable giving, COVID-19, Muslims, Malaysia*

INTRODUCTION

On 12 January 2020, the World Health Organization (WHO) have declared Coronavirus disease (COVID-19) as a worldwide pandemic that originating in Wuhan, China. This has caused inevitable and profound socio-economics impacts which have forced developing and developed countries to set-up preventive steps to contain the COVID-19 outbreak (Williams & Kayaoglu, 2020). The new norm practices such as social distancing and lockdowns were ordered to reduce the virus spread at the early stage. However, this has caused a high degree of disruption and devastating effects on the labour market, people livelihood and social distress. In Malaysia, the threat of COVID-19 in Malaysia has become increasingly apparent when neighbouring Singapore reported its first case on January 23, 2020, which imported from Wuhan, China, and eight close contacts subsequently were identified as being in Johor (Abdullah, 2020).

In a rapid response to devastating COVID-19 impact on the economic downturn and the growing need of the most vulnerable groups in society, the Malaysian government has initiated financial stimulus amounting RM 20 billion in February 2020 followed by PRIHATIN Package, amounting RM 250 billion. Apart from that, non-governmental organizations (NGOs) have been

aggressively supporting those affected by the pandemic. Most of the NGOs have been supplementing food, shelter and even given out cash to help those who are homeless and losing their livelihoods because of the pandemic. While on 11 March 2020, the Malaysian government has launched COVID-19 fund managed by National Disaster Management Agency (NADMA), specifically to help those affected by Coronavirus outbreak that not holding any jobs (The Straits Times, 2020).

Furthermore, various agencies such as United Nations Development Program (UNDP) Malaysia participated in the donation campaign to ensure the fundraising effort runs smoothly (UNDP, 2020). Nonetheless, with the current uncertainty that surrounding Malaysia economy, a local authority may not afford to counteract the deadly COVID-19 catastrophe and the COVID-19 fund also might be inadequate or insufficient. Recognizing the severe impact on the country's abilities to respond effectively to the COVID-19 crisis, several past studies have highlighted the role of philanthropy especially during global crisis to cope with economic repercussions and social shocks. The outpouring of philanthropy through voluntary monetary giving sparked by this global pandemic has a huge potential to be a lifeline for the most vulnerable and accelerates the efforts to contribute directly to the frontliners.

Kashif, Sarifuddin and Hassan (2015) suggests that donating activities are essential especially when the government faced the most daunting time to provide resources for the poor and needy. However, charitable giving is inconsistent often declined especially during global crisis such as economic downturn when individual income is affected (Reich & Wimer, 2012). On the other side, donating activities for COVID-19 relief efforts to those affected is rising rapidly since government resources currently are limited during the unprecedented time. In order to generate more donations resources, organizations need to understand the behavior of donors as well as their intentions. The specific attitudes and intentions are critical to generating more charity from individuals to support fund emergencies and disasters.

With these background scenarios, the present study raises a question with regards to the COVID-19 outbreak and money donations intentions; what are the determinants of the money donations intentions among Malaysian Muslims during the pandemic COVID-19? Drawing on the theory of planned behavior (TPB) framework, the output of this study is important to suggest relevant policies in exploring specific factors towards money donations intention that potentially boost relief funds that can be an urgent and effective response for vulnerable groups impacted by COVID-19 in Malaysia.

LITERATURE REVIEW

Concept of Giving Behaviour

Otto and Bolle (2011) defined the giving behavior as an act of giving to others with the purpose to improve their welfare. To Sanusi et al. (2015), donations are seen as an acceptance of individuals or organizations to support activities by the non-profit organizations. Irrespective of religions and beliefs, donations giving is strongly encouraged whether in terms of physical, financial or even giving time for voluntary activities to provide the improvement in the social life. For Muslims,

giving donations is also a part of a moral code of conduct and represents humanitarian action (Kashif & De Run, 2015). The word of giving or charity has been signified in Al-Quran (Muslims Holy Scriptures) as sadaqah or non-obligatory almsgiving. Muslims believe that Islam requires them to distribute resources via sadaqah as the resources are given by God to test its believers, and transferring the resources to those in need may discharge them from a huge responsibility (Warner et al., 2015).

Previous studies and hypothesis development

(a) Attitude (ATT)

Attitude towards specific behaviour is determined by the beliefs about the likely outcomes of the behaviour and the evaluation of these outcomes (Smith & McSweeney, 2007). These beliefs produce favourable or unfavourable attitude towards the behavior since an individual possessed multiple and conflicting attitudes without any cognitive disagreement simultaneously (Ajzen, 2001).

The previous literature on helping behaviour support the argument of the positive association between attitude and behavioural intention among Muslims. For example, a study by Al-Hidari (2014) has found that individuals with greater and positive attitudes towards helping others will intend to give more monetary donations. In a study in Kedah, attitude is found to be significant in predicting the willingness of public educators to comply with zakat (Yusuf & Wan Nazjmi, 2017). The trend continues to be significant, as demonstrated by the research carried out in Kuantan by private and public sector employees, which shows a strong relationship with the individual's achievement of Zakat (Ali et. al., 2017). Hence, the relationship between attitude and monetary donation intention can be stated as:

H₁ Attitude is positive and significantly associated to the monetary donation intention

(b) Subjective norm (SN)

Subjective norms are the next factor that predicts behavioral intention. Subjective norms are viewed as the perception of social pressure and the intention to perform a behavior or not to do so (Ajzen, 1991). The subjective norms are beliefs held by an individual who is close to or significant to the donors such as friends, family or colleagues. Studies related to giving behavior is emphasised that subjective norms will have a positive influence on such decision-making (Kashif et al. 2015).

Previous studies reported that subjective norm is significantly associated to the behavioural intention including monetary donation. In Indonesia, Rahmatina and Untung (2019) have found a positive impact of subjective norms and intention to donate. The study implies the importance of social referent or significant others in the collective Muslim society to encourage the congregation to make monetary donations. In Malaysia, subjective norm were found to be statistically significant in predicting on Zakat compliance behaviour (Siti Salwa, Anuar Shah & Haslinda, 2018). In line with previous studies, the hypothesis is developed as follow:

H₂ Subjective norm is positive and significantly associated to the monetary donation intention

(c) Perceived behavioural control (PBC)

Perceived behavioral control refers to a person's understanding of how easy or difficult it is for them to perform specific behaviors (Ajzen, 2005). There are two separate factors that may affect the perception of perceived behavioural control. First, internal factors of individual such as personal skills, ability and information; while the second factor namely external factors of individual that include dependence on others, resources or barriers (Ajzen, 1985). In order to have the control, a donor must have the resources and opportunities required to successfully perform the behavior, weighted by each factor's perceived ability to facilitate or inhibit behavior. In this study, the association between perceived behavioural control and monetary donation can be hypothesized as follow:

H₂ Subjective norm is positive and significantly associated to the monetary donation intention

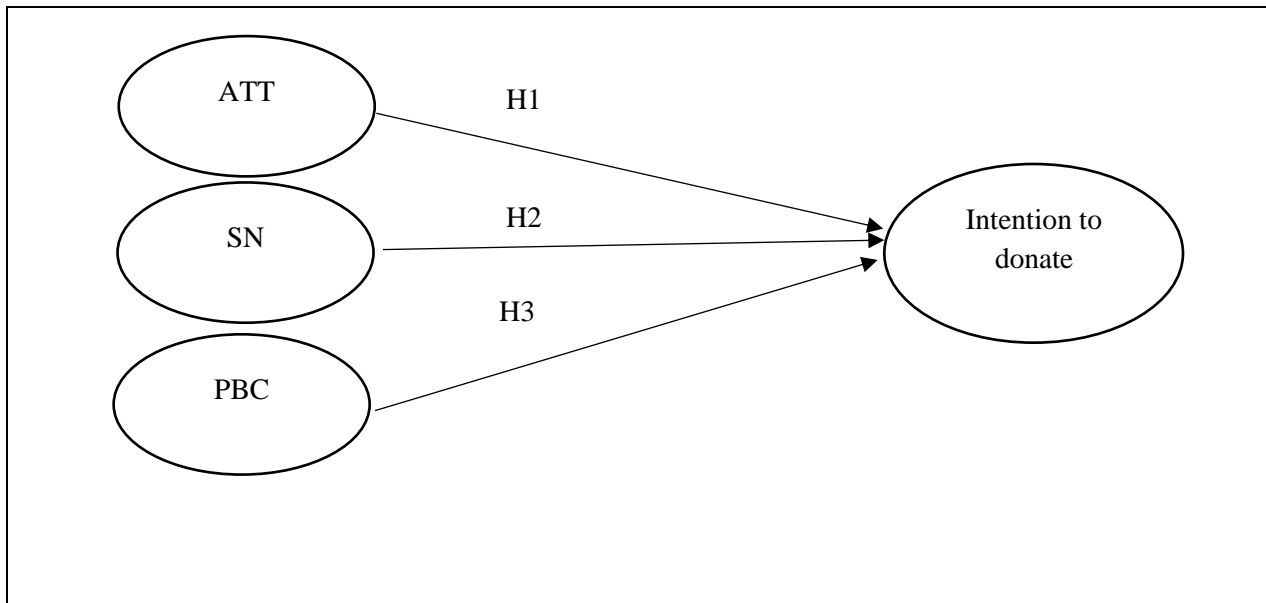


Figure 1: Research framework

RESEARCH METHODOLOGY

This study employed a quantitative approach by using a questionnaire adapted from the previous studies by Kashif et al. (2015) and Osman and Hairunnizam (2020). The questionnaires were answered on a 5-point Likert scale ranging from 1-strongly disagree to 5-strongly agree. Primary data was collected between the months of October to December 2020 via a survey that generated 328 responses from respondents in Malaysia. The questionnaire was prepared in two languages; namely English and Bahasa Malaysia. The primary data were analyzed using partial least square-structural equation modeling (PLS-SEM). The analysis involves convergent validity, discriminant validity and path analysis.

ANALYSIS

The purpose of convergent validity is to confirm all multiple items that measure the constructs are in agreement. Factor loadings, composite reliability (CR) and average variance extracted (AVE) were used in convergent validity test (Hair et al., 2013). In table 1, factor loadings present the items have exceeded the recommended value of 0.5 as suggested by Bagozzi et al. (1991), which ranged from 0.6 to 0.8. The composite reliability (CR) values exceeded the minimum value of 0.7, as suggested by Hair et al. (2013). The AVE values ranged between 0.5 to 0.6 and have exceeded the recommended value of 0.5 by Hair et al. (2013).

Table 1: Convergent validity

Constructs	Items	Factor loadings	CR	AVE
Attitude	A1	0.780	0.860	0.553
	A2	0.787		
	A3	0.733		
	A4	0.746		
	A5	0.666		
Subjective norms	SN1	0.715	0.901	0.566
	SN2	0.786		
	SN3	0.720		
	SN4	0.801		
	SN5	0.761		
	SN6	0.708		
	SN7	0.772		
Perceived behavioural control	PBC1	0.728	0.827	0.546
	PBC2	0.662		
	PBC3	0.777		
	PBC4	0.784		
Monetary donation	MD1	0.773	0.852	0.536
	MD2	0.802		
	MD3	0.665		
	MD4	0.671		
	MD5	0.738		

Table 2 shows the results of discriminant validity test. Following Hair et al. (2017), the purpose of discriminant validity is to confirm that a reflective construct has stronger relationships with its indicators. In interpreting the results of discriminant validity, the square root of the AVE should exceed the correlation between each variable construct and other constructs in the model. In table 4, the square root of the AVE (bolded) for the constructs have exceeded the correlation between each variable construct and other constructs in the model, reflecting the model of this study possessed acceptable discriminant validity.

Table 2: Discriminant Validity

	ATT	MD	PBC	SN
ATT	0.744			
MD	0.517	0.732		
PBC	0.481	0.493	0.739	
SN	0.436	0.287	0.402	0.753

Table 3 presents the assessment of structural model. Results of this study supported the positive and significant relationship between attitude (H₁), and perceived behavioral control (H₃). While the relationship between subjective norm and monetary donation is found to be not significant, and H₂ is rejected.

Table 3: Summary of the Model

Hypothesis	Relationship	β	<i>p</i> -value	<i>t</i> -value	Results
H ₁	ATT → MD	0.364	0.000	5.740	Supported
H ₂	SN → MD	0.001	0.984	0.020	Not supported
H ₃	PBC → MD	0.317	0.000	4.623	Supported

DISCUSSION AND CONCLUSION

Results of this study summarized that attitude and perceived behavioural control are vital in predicting Malaysian Muslims behavioural intention to participate in charitable giving during COVID-19 lockdown. Therefore, in line with previous studies (Osman and Hairunnizam, 2020; Rahmatina & Untung, 2019; Siti Salwa et al., 2018), both variables can be suggested that may be considered in order to increase the charity donations during the current crisis.

The result of this study will assist the religious institutions in Malaysia such as mosque to identify the potential contributors that eventually increase the donation collection during unprecedented time. On the other hand, the increase of the number of the donors will provide a long term solution in mitigating the effect of COVID-19 lockdown on the poor and vulnerable groups. Furthermore, religious-based institution would be able to bridge the inequality between the low income earners and rich groups among Malaysia Muslims, specifically during the pandemic crisis. By recognizing the factors which are contributing towards the increase in the donation collection, the poverty rate among Malaysian Muslims could be reduced as well as improving the quality of life during pandemic crisis. The findings of this study may help the mosque or any non-profit institutions in Malaysia to develop a new approach to increase the awareness among Malaysian Muslims to participate in any charitable practices which potentially will curb the issues related to the poverty and vulnerability among Muslims in this country.

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ZAKAT IN VIRTUAL WORLD: SENTIMENT ANALYSIS OF NETIZENS' OPINION ON TWITTER

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Abstract

This paper explores the netizens' opinions on zakat in times of the Covid-19 pandemic. Specifically, this paper examines the sentiment analysis of data tweets that contain the word 'zakat'. The machine learning analysis via RStudio is done to perform lexicon-based sentiment analysis. The number of 1000 Tweets in English that contain the '#zakat' is sampled through an automated web-scraping via RStudio. The lexicon sentiment analysis is employed via R Shiny Web App to test the two primary sentiments (i.e. negative and positive) of the sampled data Tweets. The supervised machine learning analysis finds a 78 overall sentiment score. The score represents 84 for positive words and 6 for negative words. The visualisation of word cloud and histogram is made to describe the finding. In addition, the top 20 Twitter users mostly use the #zakat in Twitter using the English language is identified. The finding is practically important to explain the social implication of zakat in times of the pandemic as communicated virtually on Twitter.

Keywords: Zakat, Big Data, Social Media Analytics, Sentiment Analysis.

INTRODUCTION

During the unprecedented times of Covid-19, the role of zakat (almsgiving) has been significant, particularly in managing social problems due to the control measures implementation (e.g. lockdown) (Hudaefi et al., 2021; Hudaefi and Beik, 2021). The distribution of zakat in managing Covid-19 impacts for vulnerable groups at least has been addressed by Al Anshory et al. (2020). In Indonesia, the National Board of Zakat (BAZNAS RI) has practically initiated its online platform (i.e. <http://covid19.baznas.go.id/>) to openly inform the management of zakat (e.g. collection and distribution) during the pandemic. In line with such practices, numerous virtual events discussing zakat and Covid-19 (e.g. those conducted by the World Zakat Forum) have increased.

The discussion of zakat in both real-world practices and virtual environment, such as social media, have created big data that is unstructured (Hudaefi et al., 2021). The information from social media communication contains important knowledge that opens substantial spaces for scholarly works (Hudaefi and Beik, 2021; Kaplan and Haenlein, 2010; Kietzmann et al., 2011). Social media has been practically crucial for decision-makers, consultants, and others for business purposes (Kaplan and Haenlein, 2010) and knowledge discovery from a social phenomenon in a

virtual world (Hudaefi and Beik, 2021). Social media opens spaces for digital ethnography (Hudaefi and Beik, 2021; Kozinets, 2002, 2015). It has been used for participating in political interests (Tufekci and Wilson, 2012), political communication and social behaviour studies (Stieglitz and Dang-Xuan, 2013). In the context of zakat in the Covid-19 pandemic, social media provides important information about people's opinions on zakat during the outbreak.

What are netizens' opinions about zakat as they communicate on social media? The current scholarly works have not much dealt discussing this vital question. The topic of zakat and Covid-19 have addressed several issues. For example; the global zakat administration during the pandemic via written interview (Hudaefi et al., 2020), the lessons from the digital zakat campaign in times of the outbreak in social media (Hudaefi and Beik, 2021), and the contribution of zakat institution during the pandemic analysed using machine learning (Hudaefi et al., 2021). However, such studies which have explored netizens' opinion on zakat from virtual environment remain insignificant. Against this backdrop, this paper aims at studying people's opinions on zakat in the virtual world. This topic is theoretically essential to understand people's opinions about zakat as communicated in the virtual world.

This paper offers novelty in several ways. First, it explores the opinions of netizens about zakat that explains the use of big data to understand the social phenomenon of zakat from the information in the virtual world. Future studies can benefit from this study in employing machine learning for scholarly works in the Islamic social finance arena. Second, the discussion of this study can contribute to the advancement of the Islamic economics literature in general and Islamic social finance and zakat in particular.

This work is organised as follows. The following section is the literature review, in which the identification of a knowledge gap is established. Furthermore, the following section presents the research method used in this study. Theoretical and practical contributions are discussed in the following sections. Conclusion and recommendations are drawn in the final section of this paper.

LITERATURE REVIEW

Zakat is the third of the five pillars of Islam that aims to purify a Muslim's wealth and redistributes the wealth to the poor and the needy (Abuznaid, 2009; Boonyamanond and Chaiwat, 2020; Choudhury, 1989; Djaghballou et al., 2018; Hudaefi et al., 2021; Hudaefi and Beik, 2021; Sulistyowati, 2019; Yusoff et al., 2019). Zakat obliges a 2.5% payment from the Muslims' productive wealth when reaching the nishab (full ownership) and haul (one lunar year) (Bin-Nashwan, Abdul-Jabbar, Aziz and Haladu, 2020; Choudhury, 1989; Esa et al., 2018; Raimi et al., 2014). In zakat agriculture, a 10% zakat is required for agriculture products irrigated with rainwater, and a 5% zakat is charged other than that (Hudaefi et al., 2021; Hudaefi and Beik, 2021). Moreover, Islam requires zakat fitrah that Muslims must pay before 'aid al-fitr (Islamic holy day). It is one sha' compulsory levy or an equivalent of 2.5 kilograms of rice, wheat, dates, sago or other staple food (Hudaefi and Beik, 2021).

The objects of zakat in contemporary practices have evolved. Hafidhuddin (2002) classifies them into two (i.e. classic and contemporary zakat). Classic zakat includes zakat al-fitr, zakat al-

mal (wealth) of 85 grams gold, zakat on agriculture and zakat on trading and business with nishab of 85 grams gold and meets the haul. Meanwhile, contemporary zakat is any halal (allowed by Islamic law) wealth equals to the nishab of 85 grams of gold subject to a 2.5% zakat when it reaches the haul. Such zakat in the current practices, including; zakat profession (monthly salary), corporate zakat, zakat on stocks and bonds, and zakat on Islamic investments (Hafidhuddin, 2002; Hudaefi and Beik, 2021; Talattov et al., 2016).

In times of the Covid-19 pandemic, the demand for zakat has been increasing. The potential of zakat in managing the pandemic consequences has been addressed significantly in virtual events. It has been the primary topic in the arena of Islamic social finance debates. The discussion of zakat in a virtual environment opens significant space for scholarly works. However, the existing studies on zakat that employ big data analytics have been few in numbers. This study uses social media analytics to explore the netizens' opinions on zakat as posted on Twitter.

Social media and big data

Social media transforms a culture of connectivity where 'sharing', 'friending', 'liking', 'following', 'trending', and 'favouriting' have come to symbolise online practices where everything turns out to be "social" (van Dijck, 2013). Social media provides virtual spaces where people can create and share content and participate in social networking (van Dijck, 2013). The content in social media can predict tie strength (Gilbert and Karahalios, 2009) and forecast real-world outcomes for the intended purposes (Asur and Huberman, 2010; Kaplan and Haenlein, 2010). The consequence of communication made up in social media creates big data that is unstructured and rich information (Hudaefi and Beik, 2021).

Scholarly works have offered numerous understanding of big data. Gandomi and Haider (2015) explain that big data can be understood under six points (i.e. volume, variety, velocity, veracity, variability, and value). The magnitude of data is explained as data volume. It means that big data sizes are in multiple terabytes and petabytes (Gandomi and Haider, 2015). Furthermore, the structural heterogeneity in a dataset refers to data variety that contains various types of structured, semi-structured, and unstructured data (Gandomi and Haider, 2015). Structured data is the tabular data found in spreadsheets or relational databases, while unstructured data involves text, images, audio, and video (Gandomi and Haider, 2015; Hudaefi and Badeges, 2021; Hudaefi and Beik, 2021). The speed and the rate at which data is generated refers to as data velocity. The fast-growing of digital devices and the internet has led to an unprecedented rate of data creation (van Dijck, 2013; Gandomi and Haider, 2015).

Furthermore, the unreliability characteristic of some data sources is called data veracity. For instance, the human judgment from customers reviews in social media is uncertain. However, such judgement provides valuable information (Gandomi and Haider, 2015). The variation of data flows rate generated through countless sources refers to data variability and complexity (Gandomi and Haider, 2015; Philip Chen and Zhang, 2014). In addition, data value refers to the data received in the novel form. It usually contains a low value. Such a high value can be gained by investigating large volumes of the data (Gandomi and Haider, 2015).

Big data has gained massive attention from researchers, policy and decision-makers in governments and enterprises (Philip Chen and Zhang, 2014). There are at least five types of big data analytics. They are text analytics or text mining, audio analytics, video analytics, social media analytics and predictive analytics (Gandomi and Haider, 2015). Communication in the virtual world has made up essential data for Islamic social finance debates. This study performs social media analytics to explore the netizens' opinion on zakat as posted on Twitter.

Big Data Analytics and Zakat Research

Hudaefi and Beik (2021) perform a digital ethnography or netnographic study to examine the digital zakat campaign in the Covid-19 pandemic. They use social media posts of a zakat institution on Facebook, Instagram, Twitter, and YouTube to study digital zakat campaigns, and the lesson can be learned from the content posted during the pandemic. The study offers theoretical implications of inclusive marketing. This theory explains that the inclusivity of social media content is practically critical to delivering the message of zakat as a religious obligation that shapes the socioeconomic processes of a Muslim community (Hudaefi and Beik, 2021).

Furthermore, Hudaefi et al. (2021) use unsupervised machine learning to analyse the contribution of a zakat institution during the pandemic Covid-19. They use the unstructured textual data from information in a zakat institution website. The study uses Sankey graph visualisation to explain their findings. Of the theoretical contribution is the explanation of 'socioeconomic zakat'. This theory describes that zakat is a religious obligation that plays a critical role in shaping a Muslim community's social and economic processes, notably during the pandemic.

Taken together, the unstructured data made up by internet users and the information from virtual websites is important for zakat studies. In the current research, such data has facilitated researchers to draw theoretical implications of inclusive marketing from digital zakat campaigns (Hudaefi and Beik, 2021) and the concept of socioeconomic zakat (Hudaefi et al., 2021). Nevertheless, research on zakat that uses explicitly social media analytics from data Tweet remains absent at the time of this study. This work aims to fill in this gap in the research practices.

Gap in Knowledge

Researches on zakat that have used big data analytics have been limited in number. Moreover, the studies that specifically address zakat and Covid-19. The existing studies that have engaged with big data analytics including Hudaefi and Beik (2021). They use social media to learn the lessons from digital zakat campaigns in times of the pandemic. In addition, Hudaefi et al. (2021) sampled the information from the virtual website of the zakat institution to explain the contribution of zakat in times of the pandemic.

However, to the time of this study, an attempt that engages with social media analytics to explore the netizens' opinion on zakat may remain absent, specifically the study that uses data tweets. Against this backdrop, this study employs machine learning to perform sentiment analysis of data tweets that contain #zakat.

Twitter Data Analytics and Research Question

Twitter has been highly used in computer and social science researches. Twitter feeds is used for predicting stock market (Bollen et al., 2011), election (Tumasjan et al., 2010), cryptocurrency prices (Kraaijeveld and De Smedt, 2020) and others. Data tweets have been significant for sentiment analysis and opinion mining, which analyses people's opinions, sentiments, evaluations, attitudes, and emotions from written language (Liu, 2012a; Liu and Hu, 2004; Pang and Lee, 2008). In order to drive this study, the following research question is asked:

RQ1; What are netizens' opinions about zakat as they communicate via Twitter posts?

RESEARCH METHODS

Answering Research Question via Text mining and opinion mining

Text mining definition and algorithms involved in its implementation has been ambivalently discussed (Hudaefi et al., 2021; Hudaefi and Badeges, 2021; Jiang et al., 2013; Villarroel Ordenes and Zhang, 2019). Text mining can be understood as a specialised procedure of data mining to extract information and discover knowledge from vast volumes of unstructured textual data (Cheerkoot-Jalim and Khedo, 2020; Jiang et al., 2014; Justicia De La Torre et al., 2018; Usai et al., 2018). In the context of sentiment analysis, the idea of opinion mining has been primarily addressed.

Pang and Lee (2008) explain that opinion mining has emerged in scholarly debates since 2001. Opinion mining and sentiment analysis aim to evaluate textual data for decision-making processes (Liu, 2012b; Pang and Lee, 2008). Previous studies have used various computer software for opinion mining and sentiment analysis. For example; 'R' (Caraka et al., 2020; Hudaefi et al., 2021; Islam and Kaur, 2018; Oza and Naik, 2016), 'NVivo' (Alcoforado and Dos Reis, 2020; Hai-Jew, 2016; Hudaefi and Badeges, 2021; Hudaefi and Beik, 2021), 'Orange Data Mining' (Marcu and Danubianu, 2020), 'KNIME' (Jović et al., 2014), 'Weka' (Jović et al., 2014), 'RapidMiner' (Jović et al., 2014), 'Python' and others to perform text mining. In this study, text mining via 'R' is employed to perform opinion mining for sentiment analysis.

Analysis using RStudio

R is a free software environment for statistical computing and graphics (R Core Team, 2008). R is an open data system; therefore, the authors' work in analysing the textual data is easier to be audited quickly than thematic analysis via human intelligence (e.g. deductive, inductive and abductive reasoning of content analysis) (Hudaefi et al., 2021).

In Islamic economics researches, R software at least has been used for various applications; including for regression analysis (Lee et al., 2017; Sanchez, 2013; Sutiksno et al., 2018), cluster analysis (Militino, 2010; Müllner, 2013), classification (Andrew, 2001; Caraka et al., 2020; Sani et al., 2018) and time series (Hornik, 2009; McLeod et al., 2011; Suhartono et al., 2019). In a specific context of zakat studies, Nailah and Rusydiana (2020) use R Biblioshiny to evaluate the

publication of scholarly articles of zakat. The finding provides critical information about the development of zakat literature.

In this study, the authors' text mining analysis via RStudio was done. In addition, the R language programming codes for R Shiny Twitter sentiment analysis developed by Pandey (2019) was used. The following R libraries are used for the analysis; twitterR, stringr, ROAuth, RCurl, ggplot2, reshape, tm, wordcloud, gridExtra, and plyr.

Data collection via automated web-scraping

This study sampled 1000 tweets via an automated web-scraping in R Studio using the Web Shiny App developed by Pandey (2019). Twitter application programming interfaces (APIs) codes are mandatory and pre-requisite in this step. The Twitter API can be gained from <https://developer.twitter.com/>. The following code is used for data collection via automated web-scraping.

```
consumer_api_key <- "XXXXXXXXYxUw6Y7n4hpk9XXXXXX"  
consumer_api_secret <- " XXXXXqBc3JHTWo  
XXXXXP7SnJ2EeiLwv5nO6CXMsZoxXXXXXX"  
access_token <- " XXXXXX036 c9hMuJEONjIuv8SqEcio XXXXXX4lYcrZU  
XXXXXX"  
access_token_secret <- " XXXXXXcMxLPouxzr1XXXXXX7KzR0Jcu7FSvHNP  
XXXXXX"  
setup_twitter_oauth(consumer_api_key,consumer_api_secret,access_token,  
access_token_secret)
```

The Twitter API is confidential; thus, the authors altered the authors' codes with some of 'XXXXXX' as in the above programming codes. Table 1 is the example of 10 selected sampled tweets from 1000 sampled tweets.

Table 1. Example of 10 tweets from 1000 sampled Tweets containing #Zakat

Sampled Tweets containing #Zakat
Give your #Zakat for #Orphans and other #charity #services. /EfyfBFC7vq
RT @daldabak: #arte #art #painting #ArtLovers #Orientalism #Islam #cityscape Offering of the #Zakat by Cesare Biseo, 1870. /M
RT @UKEFF_HQ: It really does happen to anyone, regardless of their background. /X7Xls7vS5A https://t .
The benefits of donating are priceless - please support your local charity supporting local people in need. /1s4R3yuPMJ
Our youngest client for #webtherapy is as young as 8 years old. Together, with the support of @PennyAppealCa we are /iOw2CY0qzR
RT @RadioChinar: This month focuses on Sawm (fasting - one of the five pillars of #Islam). As fasting helps instill compassion for the food

The only two #NGOs in #Pakistan worryh giving donations and #zakat #fitra are #LRBT and #SIUT
RT @SaveAFaoundati1: #July distribution done by the grace of God 2year completed we r serving
from 24rd month 31 families benefited
#July distribution done by the grace of God 2year completed we r serving from 24rd month 31 families
benefit /ciRsmPS43T
Brother Tahir from Bhiwandi is 43 years old & suffering from urinary bladder disease. It needs to
undergo surgery a /c13q97sLU s

Source; Sampled Tweets using automated web-scraping via Web Shiny App developed by Pandey (2019).

Visualisation of the sampled tweets

The following code from Pandey (2019) is used for visualising the collected data tweets.

```
library(tm)
library(wordcloud)
wordcloud(text_word(),random.order=F,max.words=80,
          col=rainbow(100), main="WordCloud", scale=c(4.5, 1))
```

Figure 1 is the word cloud visualisation of the sampled 1000 tweets containing #Zakat. The size of each word represents its occurrence in the sampled texts. The word zakat is depicted in the biggest size given it is the used keyword for the analysis. Figure 1 also shows the word ‘donations’ in green colour that is primarily associated with zakat. Furthermore, the words ‘Islam’, ‘Tax’, and ‘Support’ are in the same colour representing their occurrences in the sampled texts. These words primarily associated with the word zakat. In addition, the words like ‘socioeconomic’, ‘redistribution’, ‘justice’, and others, are mainly associated with the fundamental of zakat. Our word cloud visualisation best describes the fundamentals of zakat.



Source; Sampled 1000 Tweets containing #Zakat using automated web-scraping via Web Shiny App developed by Pandey (2019).

Figure 1. Word cloud visualisation of 1000 Tweets containing #Zakat

RESULTS

Sentiment analysis score

The supervised sentiment analysis was done in this study using R Web Shiny App developed by Pandey (2019). The supervised sentiment analysis means that the lists of negative and positive words are pre-determined. Then, machine learning uses this pre-determined list to evaluate the sampled textual data. In the context of this study, the textual data is the 1000 sampled tweets.

Table 2 is the example of the score given by the machine learning to the sampled tweets. The analysis results in an overall score of 78. This score is from the overall positive score (i.e. 84) reduced by the overall negative score (i.e. 6).

Table 2. Example of 10 tweets with sentiment scores from 1000 sampled Tweets containing #Zakat

Text	Positive	Negative	Score	PosPercent	NegPercent
The benefits of donating are priceless - please support your local charity supporting local people in need. /1s4R3yuPMJ	4	0	4	100	0
Our youngest client for #webtherapy is as young as 8 years old. Together, with the support of @PennyAppealCa we are /iOw2CY0qzR	1	0	1	100	0
RT @RadioChinar: This month focuses on Sawm (fasting - one of the five pillars of #Islam). As fasting helps instill compassion for the food	1	0	1	100	0
The only two #NGOs in #Pakistan worryh giving donations and #zakat #fitra are #LRBT and #SIUT	0	0	0	0	0
#July distribution done by the grace of God 2year completed we r serving from 24rd month 31 families benefit /ciRsmPS43T	2	0	2	100	0
Brother Tahir from Bhiwandi is 43 years old & suffering from urinary bladder disease. It needs to undergo surgery a /c13q97sLUs	0	1	-1	0	100
RT @daldabak: #arte #art #painting #ArtLovers #Orientalism #Islam #cityscape Offering of the #Zakat by Cesare Biseo, 1870. /M	0	0	0	0	0
RT @akkerahman: All my brothers at @kick_sonic have had my back from the	2	0	2	100	0

start along with others. Thanks for your support and good influenc					
RT @emanuel_scha: Why is taxation based on Islamic #zakat such an attractive paradigm for rebel groups setting up decentralised forms of go	1	0	1	100	0
Accidentally found someone showing that he needs financial help without putting up a #whiteflag. #Zakat #Malaysia a /cK8v45MzUO	0	0	0	0	0

Source; Sampled Tweets scored based on sentiment lexicon analysis via machine learning.

Results Visualisation

The overall score of sentiment analysis (i.e. 78) is described with a pie chart in Figure 2. The red colour represents the positive score, while the light blue colour depicts the negative score. It shows that the positive word takes the highest portion of the overall score compared to the negative words analysed by machine learning. Furthermore, the histogram visualisation (i.e. Figure 3a, 3b, and 3c) explains the frequency distribution of the sentiment score.

Figure 3a explains that the range of the overall sentiment score is from -1 to 4. The machine learning analysis finds the highest frequency of the given score is in the range -1 to 1, with -1 to 0 is the range that takes the highest score. The 0 score means that the data tweets are given 0 as no word is found to be matched with either positive or negative list words as pre-determined (i.e. supervised analysis). Figure 3b shows the range of overall positive scores is from 0 to 4. It shows that the range from 0 to 1 takes the highest positive score. Figure 3c shows that the negative sentiment score is in the range from -1 to 0.0. The highest negative score is found in the range -0.2 to 0.0.

The machine learning analysis identified that the 1000 sampled tweets contain a positive score is higher than the negative one. Several implications can be gained from this score, particularly the role of zakat in times of the pandemic. The positive score may best describe the contribution of zakat in times of the pandemic. Some sampled tweets containing the information about zakat distribution received a positive score. For example, a tweet from @SaveAFaoundati1 (i.e. #July distribution done by the grace of God 2year completed we r serving from 24rd month, 31 families benefit) received a positive sentiment score.

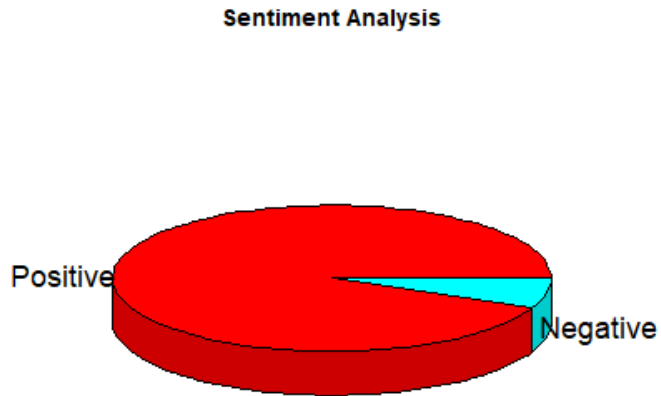


Figure 2. Pie chart of overall sentiment score

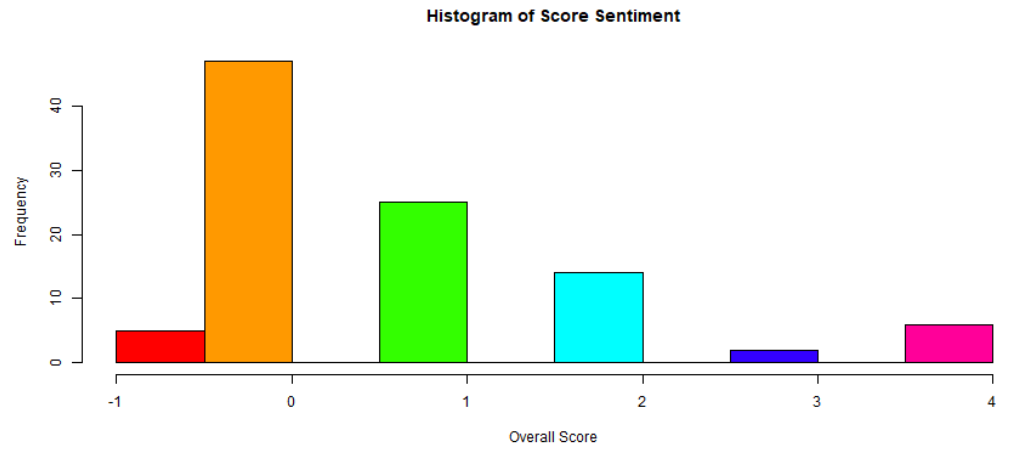


Figure 3a. Histogram of overall sentiment

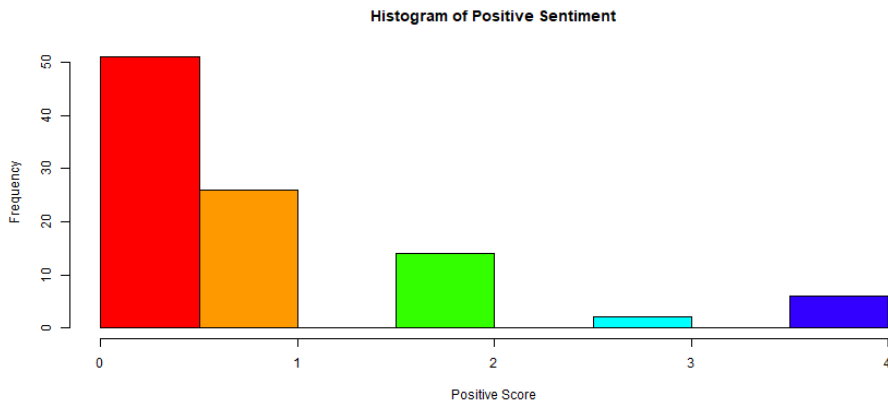


Figure 3b. Histogram of overall positive score

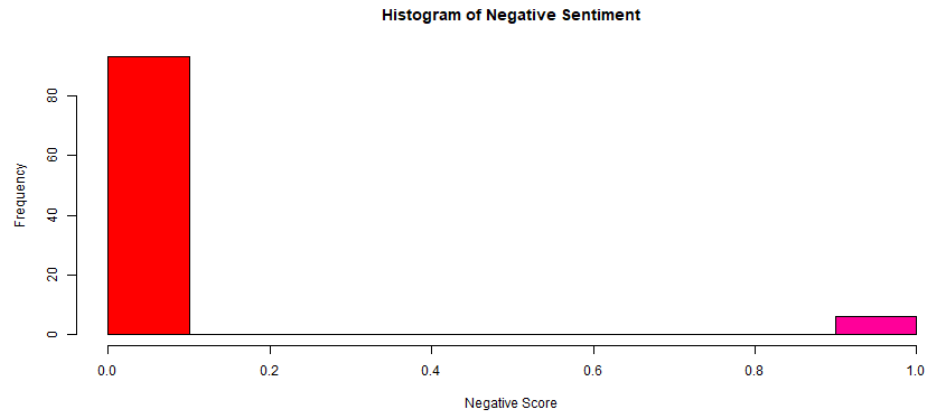
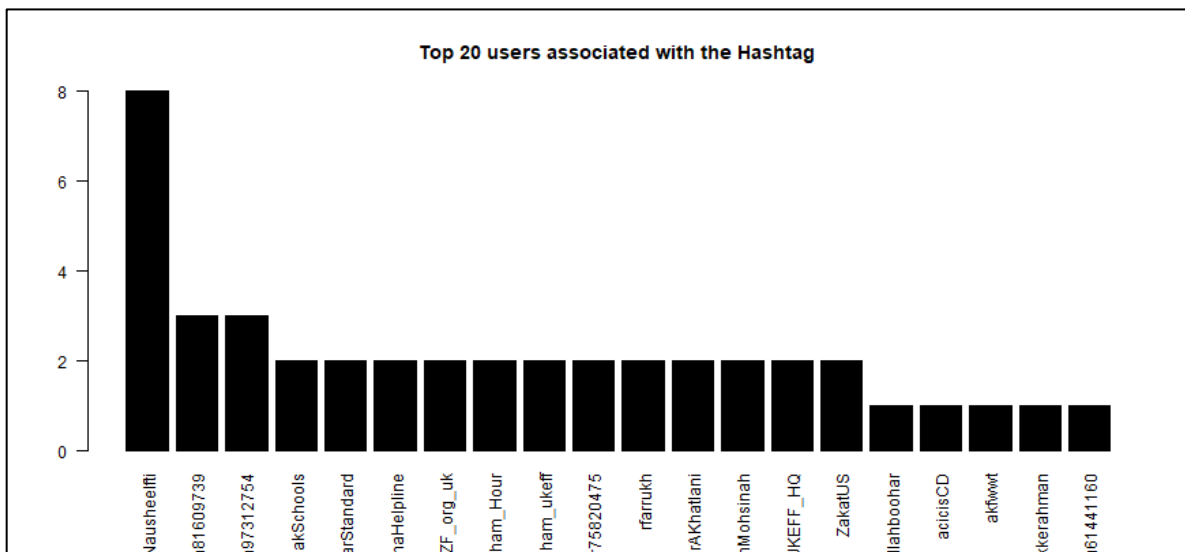


Figure 3c. Histogram of overall negative score

source; Sampled tweets with sentiment score analysed via web Shiny App developed by Pandey (2019).

The Top 20 Users

Who are the top users associated with #zakat in the 1000 sampled tweets? Figure 4 visualises the top Twitter users that post #zakat in the English language. The user @NausheeIfti is found as the user with the highest frequency in tweeting with #Zakat. Other top users are; @Abdulgh81609739, @Faizan97312754, @BaithakSchools, @DinarStandard, @NaseehaHelpline, @NZF_org_uk and others. The user @DinarStandard, based on its account, is a strategy research and advisory firm empowering organisations for profitable and responsible global impact. Meanwhile, @NZF_org_uk is the official account for the national zakat foundation of the United Kingdom. These accounts lead the #zakat posts on Twitter using the English language.



Source; authors' analysis via Web Shiny App developed by Pandey (2019).

Figure 4. Top Twitter Users associated with #Zakat

CONCLUSION

This study asked a research question; What are netizens' opinions about zakat as they communicate via Twitter posts? To answer this question, this study has employed supervised machine learning analysis to do sentiment analysis. An automated web-scraping for data collection was made to sample 1000 tweets containing #zakat in the English language. The lexicon-based sentiment analysis is done under two lists of sentiments (i.e. positive and negative words). The analysis finds that the overall score for the positive word is higher than that of the negative word from the sampled 1000 tweets. The positive words may describe the social implications of zakat contributions in times of the pandemic.

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**PENDAPATAN USAHAWAN ASNAF BERDASARKAN
KALSIFIKASIKAN PENDAPATAN DAN PENDAPATAN GARIS
KEMISKINAN (PGK) MALAYSIA**

*(Income of Asnaf Entrepreneurs Based on Clasification of Income and Income of
Malaysia's Poverty Line (PLI))*

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Abstrak

Usahawan asnaf adalah individu yang perlu melalui suatu proses penciptaan usaha niaga, agar mampu memikul tugas, tanggungjawab dan mencuba sebagai peniaga yang dirangsang dengan dorongan dan bantuan daripada institusi zakat di Malaysia. Pada masa yang sama, usahawan asnaf mampu keluar dari gologan asnaf kepada pembayar zakat dan secara tidak langsung, pendapatan golongan asnaf ini meningkat dan mampu keluar daripada Pendapatan Garis Kemiskinan (PGK). Namun, Malaysia telah mengumumkan pengelasan baharu isi rumah dan turut mengumumkan semakan semula Pendapatan Garis Kemiskinan (PGK) 2019 kepada para RM2208. Perubahan terbaharu ini dijangka memberi impak dari segi peningkatan kadar kemiskinan nasional dan turut menimbulkan persoalan tentang realiti pendapatan usahawan asnaf. Oleh yang demikian, kajian ini dijalankan secara deskriptif bagi meninjau kadar pendapatan isi rumah golongan usahawan asnaf melalui edaran borang soal selidik ke atas 414 usahawan asnaf di tiga buah zon Malaysia iaitu Zon Timur (Terengganu), Zon Selatan (Johor) dan Zon Utara (Perlis). Hasil dapatan menunjukkan pendapatan isi rumah usahawan asnaf di tiga buah zon kajian berada pada tahap B40 dan hampir keseluruhan berada pada kategori B1 (<RM 25 00). Manakala dalam konteks PGK, hampir keseluruhan daripada mereka adalah miskin dan hampir separuh daripada mereka adalah miskin tegar. Oleh itu, usahawan asnaf perlu diberi perhatian yang khusus dan perlu mempunyai pelan pemulihan jangka panjang untuk memastikan survival mereka apatah lagi mereka turut berhadapan dengan kesan pandemik COVID-19 yang sedang melanda.

Keywords: Pendapatan Usahawan Asnaf, Pendapatan Garis Kemiskinan (PGK)

Abstract

Asnaf entrepreneurs are individuals who need to go through a process of business creation, in order to be able to shoulder the duties, responsibilities and try as a trader who is stimulated with encouragement and assistance from zakat institutions in Malaysia. At the same time, asnaf entrepreneurs are able to get out of the asnaf group to zakat payers and indirectly, the income of this asnaf group increases and they are able to get out of the Poverty Line Income (PGK). However, Malaysia has announced a new classification of households and also announced the revision of the Poverty Line Income (PGK) 2019 to RM2208. These latest changes are expected to have an impact in terms of increasing the national poverty rate and also raise questions about the reality of the income of asnaf entrepreneurs. Therefore, this study was conducted descriptively to survey the household income rate of asnaf entrepreneurs through the distribution of questionnaires on 414 asnaf entrepreneurs in three zones of Malaysia, namely the Eastern Zone (Terengganu), Southern Zone (Johor) and Northern Zone (Perlis).). The results showed that the household income of asnaf entrepreneurs in the three study zones was at the B40 level and almost all of them were in the B1 category (<RM 25 00). While in the context of PGK, almost all of them are poor and almost half of them are hardcore poor. Therefore, asnaf entrepreneurs need to be given special attention and need to have a long-term recovery plan to ensure their survival let alone they are also facing the effects of the COVID-19 pandemic that is hitting.

Keywords: *Asnaf Entrepreneur Income, Poverty Line Income (PLI)*

PENGENALAN

Penubuhan Dasar Ekonomi Baru (DEB) pada tahun 1971 telah menyemarakkan sektor keusahawanan berkembang menjadi suatu bidang kerjaya yang utama dalam pembangunan masyarakat dan ekonomi. (Meerangani & Azman, 2019). Hal ini bertepatan dengan matlamat utama pelaksanaan dasar ini iaitu pembasmian kemiskinan dan penstrukturan semula masyarakat bagi mewujudkan keseimbangan ekonomi antara kaum. Golongan usahawan memainkan peranan penting dalam menggerakkan perubahan dalam struktur ekonomi masyarakat sesebuah negara (Abai et al., 2020). Potensi sebagai usahawan bukanlah sesuatu yang boleh diwujudkan dalam diri individu secara tiba-tiba namun perlu melalui usaha dan komitmen yang jitu. Antara ciri-ciri perlu ada pada setiap usahawan adalah keberanian mengambil risiko, pemikiran kreatif dan inovatif, bijak menghidu peluang, berkeyakinan tinggi, berpandangan jauh, berorientasikan perancangan serta mampu menerima teguran dan kritikan membina (Mohamad et al., 2019).

Atas kepercayaan ini juga, kelompok asnaf yang terdiri daripada golongan fakir dan miskin turut dibentuk melalui keusahawanan dalam rangka untuk membebaskan mereka daripada kemiskinan dan tidak lagi bergantung sepenuhnya kepada bantuan (Shobihah et al., 2020). Ini turut selari dengan Hashim et al. (2019) yang menyatakan perniagaan merupakan salah satu kaedah untuk menyara kehidupan keluarga. Melalui agenda memproduktif agihan zakat beberapa institusi zakat telah membangunkan keusahawanan dalam kalangan asnaf. Institusi zakat telah berusaha membangunkan usahawan asnaf melalui pemberian bantuan sokongan berupa modal perniagaan,

modal pusingan, kursus kemahiran dan sebagainya (Mahmood et al., 2020). Usaha ini untuk merealisasikan usahawan asnaf yang berdaya saing (Ismail, Hussain & Hamed, 2020; Abai et al., 2020; Talib & Ahmad, 2019; Hassan et al., 2018).

Dalam konteks menguruskan kemiskinan, Malaysia merupakan antara negara yang menjadikan kemiskinan sebagai agenda utama oleh kerajaan sejak 13 Mei 1969 (Hashim et al., 2019). Unit Perancang Ekonomi (EPU) telah mengkategorikan miskin kepada dua iaitu miskin tegar dan miskin yang diukur berdasarkan kepada purata Pendapatan Garis Kemiskinan (PGK) tahun 2014. Dimana isi rumah yang berpendapatan RM 870.00 (Semenanjung), RM1,180.00 (Sabah) dan RM 920.00 (Sarawak) dikategorikan sebagai miskin manakala isi rumah yang berpendapatan RM580.00 (Semenanjung), RM 760.00 (Sabah) dan RM 610.00 (Sarawak) dikategorikan sebagai miskin tegar. PGK golongan miskin bagi yang tinggal dibandar pula ialah RM 940.00 (Semenanjung), RM1,160.00 (Sabah), RM1,040.00 Sarawak dan miskin tegar ialah sebanyak RM 580.00 (Semenanjung), RM 690.00 (Sabah) dan RM 700.00 (Sarawak).

Pelbagai dasar dan program telah diperkenalkan bertujuan membantu masyarakat terutamanya golongan B40 menjalani kehidupan yang lebih baik dan selesa. Bantuan berterusan yang disalurkan oleh pihak kerajaan mahupun pihak swasta dilihat mampu meningkatkan semula perniagaan terutamanya usahawan B40 yang ketika ini masih belum pulih sepenuhnya ekoran situasi pandemik Covid-19 yang melanda dunia sejak tahun lalu. Dalam Kajian Separuh Penggal RMK-11 yang dikeluarkan pada 18 Oktober 2018 ada menyebut tentang keperluan untuk menyemak semula Pendapatan Garis Kemiskinan (PGK) ketika itu (RM980) dengan menggunakan pengukuran yang lebih inklusif selari dengan kaedah antarabangsa (Kementerian Hal Ehwal Ekonomi, 2018, h. 11-9). Pada 2019 juga, Profesor Philip Alston, Pesuruhjaya Hak Asasi Manusia PBB yang membuat lawatan kerja di Malaysia ada mencadangkan bahawa PGK sebanyak RM980 sebulan untuk disemak semula (Alston, 2019). Pada 10 Julai 2020, Malaysia telah mengumumkan PGK semakan semula pada paras RM2208 sebulan, berbanding dengan RM980 yang digunakan sejak 2005 (Jabatan Perangkaan Malaysia, 2020). Peningkatan ini mengambil kira metodologi semasa, kenaikan kos sara hidup dan penilaian keperluan pada kadar optimum berbanding dengan minimum sebelum ini. Paras ini penting kerana menjadi sebahagian daripada penilaian agensi-agensi yang memberi bantuan kepada isi rumah yang memerlukan termasuklah institusi zakat. Jika dilihat sebelum ini, insiden kemiskinan pada kadar 0.4% pada 2016. Melalui pendekatan metodologi baharu, kadar kemiskinan mutlak 2019 dicatatkan pada 5.6% berbanding dengan 7.6% untuk 2016 (Jabatan Perangkaan Malaysia, 2020, h. 46). Sementara itu, kadar kemiskinan relatif untuk 2019 pula ialah 16.9%.

Berdasarkan kepada peningkatan PGK Malaysia, kerajaan Malaysia turut memperkenalkan pengelasan pendapatan baharu isi rumah rakyat Malaysia. Sebeum ini, terdapat tiga kelas rakyat Malaysia terdiri dari B40, M40 dan T20 yang dikelaskan berdasarkan pendapatan isi rumah. Pengelasan terbaru lebih spesifik dengan memecahkan kepada 10 kumpulan desil. Ini lebih menjelaskan kedudukan isi rumah miskin yang mana berlaku salah faham sebelum ini yang menyatakan kumpulan B40 itu adalah kelompok miskin. Sebaliknya terdapat dalam kategori B40

itu merupakan kumpulan yang tidak miskin. Melalui pengelasan baharu ini, lebih menjelaskan kedudukan dan realiti rakyat Malaysia.

Usaha kerajaan menambah baik pengukuran Pendapatan Garis Kemiskinan (PGK) Nasional merupakan suatu usaha yang baik dengan mengkaji semula metodologi penetapan PGK dan mengelaskan pendapatan baharu rakyat Malaysia. Penambahbaikan ini lebih menggambarkan corak perbelanjaan dan keperluan serta demografi semasa isi rumah, seiring dengan kemajuan yang dicapai oleh negara sejak tahun berkenaan. Pengelasan pendapatan dan PGK baru ini dapat memberi implikasi dasar awam dengan mengiktiraf kewujudan kemiskinan tegar dan mengubah kepercayaan kemiskinan telah dibasmi. Pada asasnya pengukuran ini mampu memberikan gambaran kepada pembuat dasar bukan hanya memberi perhatian kepada golongan berpendapatan rendah sahaja, sebaliknya dapat memberi tumpuan khusus kepada individu yang berada dalam kemiskinan. Justeru, melalui pengukuran baru kemiskinan, usahawan asnaf perlu diteliti pendapatan isi rumah mereka dan juga pendapatan garis kemiskinan agar kehidupan mereka dapat dikenalpasti dengan baik dan pelbagai bentuk strategi dapat difikirkan untuk terus membangunkan mereka dan mencapai matlamat menjadikan asnaf fakir dan miskin sebagai usahawan.

ISU USAHAWAN ASNAF

Dalam pembangunan usahawan asnaf, terdapat pelbagai isu yang mencabar yang dihadapi samaada asnaf atau institusi zakat itu sendiri. Antara perkara yang sering didebatkan ialah kemampuan seorang asnaf untuk berjaya menjadi seorang usahawan. Menurut Yaakub dan Adnan (2018) dalam dunia perniagaan, usahawan asnaf perlu menempuh pelbagai cabaran yang memerlukan usahawan asnaf mempunyai kekuatan dari segi mental dan fizikalnya serta semangat yang ada dalam diri mereka. Tambahan pula untuk memahami bidang perniagaan yang baru sahaja diceburi dalam jangka masa yang singkat merupakan satu perkara yang boleh dianggap mustahil (Zakaria et al., 2021).

Perubahan budaya dalam kehidupan iaitu berubah daripada gaya hidup kemiskinan kepada dunia keusahawanan yang amat mencabar. Berdasarkan faktor itu, usahawan asnaf sering dikaitkan dengan kegagalan (Marzuki, Zulkifli & Wahid, 2019). Kejayaan atau matlamat program bantuan zakat perniagaan dalam membasmi kemiskinan asnaf yang menunjukkan indikator kejayaan yang sederhana dan tumpuan hanya banyak diberikan kepada faktor modal dan mengabaikan banyak perkara yang dapat mempengaruhi kejayaan usahawan asnaf. Ini turut dinyatakan oleh Abd Rahman dan Ahmad (2011) mendapati strategi pembangunan usahawan asnaf tidak memadai difokuskan kepada aspek bantuan modal sahaja tetapi perlu juga disertakan dan dilengkapi dengan faktor penting yang lain iaitu umur, jantina, tempoh berniaga, aspek pemantauan, ciri perniagaan, kecekapan pengurusan zakat, sikap optimis, kemahiran sosial, jaringan sosial, dan pengambil risiko signifikan mempengaruhi kejayaan perniagaan.

Walaupun begitu, banyak kajian yang menunjukkan sisi positif usahawan asnaf. Misalnya kajian Hashim et al. (2020) dan Saib (2019) yang mengetengahkan faktor-faktor dalaman dan luaran yang mempengaruhi kejayaan usahawan asnaf. Kejayaan usahawan asnaf dikaitkan dengan kekuatan ciri keperibadian (faktor dalaman) terutamanya amalan nilai-nilai agama yang diamalkan

dalam kehidupan seharian seperti bersedekah, jujur, amanah dan menjaga solat merupakan faktor kritikal atau penting yang mempengaruhi kejayaan usahawan. Manakala faktor-faktor luaran pula seperti ilmu pengetahuan, kemahiran, bantuan kerajaan dan bukan kerajaan serta minat turut menyumbang kepada kejayaan usahawan dalam perusahaan yang dibangunkan. Seterusnya Muhammad dan Abu (2016) turut menjelaskan faktor yang mendorong kejayaan usahawan perusahaan kecil dan sederhana (PKS) MARA di daerah Melaka Tengah melalui analisis Korelasi dan Regresi mendapati faktor sikap dan pengetahuan menyumbang kepada kejayaan usahawan MARA. Namun, faktor sikap lebih signifikan mempengaruhi kejayaan usahawan MARA. Yusof dan Tahir (2021) mendapati kemahiran pengurusan, pengalaman pengurusan dan industri, perancangan dan keadaan ekonomi, hubungan sosial, jaringan dan pemasaran mempengaruhi faktor luaran kejayaan seseorang usahawan.

Jika diperhatikan kebanyakan perbincangan terhadap usahawan asnaf bekisar tentang faktor-faktor tentang kegagalan dan juga kejayaan usahawan asnaf. Namun penelitian yang memfokuskan tentang realiti kehidupan usahawan asnaf dalam konteks berhadapan dengan realiti perbelanjaan yang meningkat, kos sara yang semakin tinggi, aspek perbelanjaan tentang kesihatan agak terhad untuk diperolehi. Ini memberikan satu persoalan terhadap diperingkat manakah realiti pendapatan usahawan asnaf, tambahan pula satu pengelasan baharu isi rumah telah diperkenalkan begitu juga dengan Pendapatan Garis Kemiskinan (PGK). Justeru, kajian ini berhasrat meneliti kedudukan pendapatan isi rumah usahawan asnaf dalam konteks pengelasan baharu pendapatan isi rumah Malaysia dan juga PGK.

METODOLOGI

Kajian ini menggunakan reka bentuk kajian tinjauan. Reka bentuk ini bersesuaian dengan kajian ini kerana melibatkan usahawan asnaf dalam bilangan yang besar. Kajian ini akan dilaksanakan di tiga buah zon di Malaysia, iaitu Zon Timur (Terengganu), Zon Selatan (Johor) dan Zon Utara (Perlis). Sampel kajian terdiri daripada usahawan dalam kalangan asnaf zakat yang menerima bantuan modal daripada wang zakat sama ada yang baru atau yang telah lama menjadi usahawan asnaf zakat. Dapatan kajian dianalisis secara statistik menggunakan perisian SPSS dengan mengambil kira frekuensi dan peratusan.

DAPATAN KAJIAN & PERBINCANGAN

Jadual 1 dibawah menunjukkan pendapatan usahawan asnaf berdasarkan klasifikasi pendapatan Malaysia (Jabatan Perangkaan Malaysia, 2019).

Jadual 1. Pendapatan Usahawan Asnaf Berdasarkan Klasifikasi Pendapatan Malaysia

Kumpulan Desil	Had Pendapatan	Kekerapan (<i>f</i>)	Peratus (%)	
T20	T2	< RM 15 040	0	0.0
	T1	RM 10 960- RM 15 039	0	0.0
M40	M4	RM 8700- RM 10 959	1	0.2
	M3	RM 7110- RM 8699	1	0.2

	M2	RM 5880- RM 7099	3	0.7
	M1	RM 4850-RM 5879	2	0.5
B40	B4	RM 3970-RM 4849	4	1.0
	B3	RM 3170- RM 3969	0	0.0
	B2	RM 2501-RM 3169	25	6.0
	B1	<RM 2500	378	91.3
JUMLAH KESELURUHAN			414	100

Berdasarkan Jadual 1, majoriti usahawan asnaf berdasarkan klasifikasi pendapatan Malaysia berada dikategori B40. Kumpulan usahawan asnaf B1 menunjukkan kekerapan tertinggi dengan had pendapatan kurang daripada RM 2500 ($f=378$, 91.3%), diikuti kumpulan usahawan asnaf B2 (RM 2501-RM 3169) dengan kekerapan kedua tertinggi iaitu $f=25$, 6% dan kumpulan usahawan asnaf B4 (RM 3970-RM 4849) dengan kekerapan $f=4$, 1%. Seterusnya, bagi kumpulan usahawan asnaf M40, hanya sebanyak 0.7% dengan kekerapan $f=3$ sahaja kumpulan usahawan asnaf ini memiliki had pendapatan antara RM 5880- RM 7099. Kumpulan usahawan asnaf M40 (M1) dengan had pendapatan antara RM 4850-RM 5879 menunjukkan kekerapan hanya $f=2$, 6%. Selaian itu, kumpulan usahawan asnaf M3 dan M4 menunjukkan bilangan kekerapan yang sama iaitu $f=1$ dengan peratusan sebanyak 0.2% sahaja. Berdasarkan dapatan pada Jadual 1, tiada rekod yang dicatatkan bagi kumpulan usahawan asnaf T20 (T2, T1) yang berpendapatan melebihi RM 10960.

Jadual 2 dibawah pula menunjukkan pendapatan usahawan asnaf berdasarkan pendapatan garis kemiskinan Malaysia.

Jadual 2. Pendapatan Usahawan Asnaf Berdasarkan Pendapatan Garis Kemiskinan Malaysia

Kategori	Frekuensi (f)	Peratus (%)
Tidak Miskin	49	11.8
Miskin	165	39.9
Miskin Tegar	200	48.3
Keseluruhan	414	100

Berdasarkan Jadual 2, daripada 414 usahawan asnaf yang terlibat dalam kajian, sebanyak 48.3% dengan kekerapan sebanyak $f=200$ berada pada kategori miskin tegar berdasarkan pendapatan garis kemiskinan Malaysia. Manakala sebanyak 39.9% ($f=165$) usahawan asnaf berada pada kategori miskin. Seterusnya hanya 11.8% ($f=49$) usahawan asnaf bagi ketiga-tiga zon iaitu Zon Timur (Terengganu), Zon Selatan (Johor) dan Zon Utara (Perlis) berada pada kategori tidak miskin.

Dapatan kajian ini menjelaskan realiti kedudukan usahawan asnaf dalam konteks kedudukan pendapatan isi rumah mereka dalam kategori pendapatan rakyat Malaysia dan juga kedudukan mereka dalam garis kemiskinan. Dapat disimpulkan bahawa realiti usahawan asnaf

berada dalam kategori pendapatan terendah iaitu B40 dalam kategori B1. Manakala hampir keseluruhan mereka berada dalam kategori miskin dengan jumlah miskin tegar yang agak besar.

Dapatan ini telah memberikan gambaran kemiskinan yang besar dalam kalangan usahawan asnaf. Dalam pada itu, pengukuran ini bertepatan dengan dengan realiti kehidupan dan kos sara hidup yang semakin meningkat pada hari ini. Apa yang dibimbangi ialah penumpuan keusahawan asnaf ini adalah semata-mata terhad kepada faktor-faktor kegagalan dan kejayaan sesetengah usahawan asnaf sebagaimana yang banyak dibincangkan dalam literatur berkenaan usahawan asnaf. Namun, terlupa untuk meneliti tentang realiti mereka setelah dibangunkan melalui program keusahawanan.

Sedar bahawa pengukuran usahawan asnaf adalah tertumpu kepada melepasi had kifayah iaitu garis kecukupan minimum bagi keperluan asasi seseorang individu dan tanggungannya berdasarkan kos sara hidup semasa atau dengan kata lain sejauh mana keperluan asasi harian dapat dilestarikan. Namun, dalam konteks usahawan asnaf perlu dilihat dalam aspek yang berbeza iaitu mereka sudah mampu memenuhi keperluan kehidupan mereka. Oleh itu, PGK perlu dijadikan sandaran untuk memperhatikan pembangunan keusahawanan asnaf ini berjaya. Tambahan pula pengukuran baru ini telah menambahbaik penetapan PGK makanan daripada 'minimum' kepada 'optimum minimum'. Selain mengambil kira aspek-aspek peningkatan kualiti hidup seperti kesihatan, pendidikan, perumahan, taraf hidup, akses kepada maklumat, dan juga pendapatan bulanan isi rumah.

Pengelasan baharu ini mungkin menunjukkan satu keadaan yang negatif terhadap usahawan asnaf. Walaupun begitu, dari sisi positif memberi gambaran realiti semasa yang memerlukan satu usaha dan inisiatif baru dilaksanakan terhadap usahawan asnaf dan juga memberikan kesedaran kepada semua tentang realiti semasa usahawan asnaf. Atas kepercayaan bahawa keusahawanan mampu menyelesaikan isu kemiskinan. Satu kerangka baharu perlu difikirkan secara bersama demi memastikan strategi keusahawanan berjaya dicapai dengan baik.

RUMUSAN, IMPLIKASI DAN CADANGAN

Dapat dirumuskan bahawa, Pengelasan pendapatan dan Pendapatan Garis Kemiskinan (PGK) Nasional yang baru telah menunjukkan secara keseluruhan usahawan asnaf kembali berada dalam kelompok miskin dan miskin tegar. Pengukuran ini menjelaskan realiti semasa usahawan asnaf, ini dibimbangi kita terlepas pandang kepada usahawan asnaf dan hanya mengukur kejayaan mereka berdasarkan kejayaan melapasi had kifayah semata-mata. Sedangkan mereka sebenarnya berada dalam situasi rentan iaitu golongan mudah miskin. Tambahan pula negara kini sedang berhadapan dengan pandemik COVID-19. Sebagaimana kita maklum pandemik telah menyebabkan senario perniagaan global berhadapan dengan tahap keyakinan yang rendah, kredit yang berlebihan dan muflis yang memuncak. Hal ini memberikan implikasi yang negatif dalam aspek pengukuran kejayaan program keusahawanan asnaf. Namun dalam implikasi positif ialah pengukuran ini memberikan signal bahawa realiti mereka bukanlah berada ditahap yang baik walaupun telah berlaku usaha pembinaan kapasiti sebagai seorang usahawan. Hasil kajian ini membawa kepada kita semua untuk sama-sama berfikir untuk mengemukakan satu kerangka baru

dalam membangunkan usahawan asnaf supaya lebih bersifat semasa dan efektif dalam bersama-sama membantu usaha murni yang telah dibangunkan oleh agensi yang menguruskan zakat di Malaysia.

Selain itu, kajian ini juga turut mencadangkan supaya pusat zakat dapat mempertimbangkan sumbangan zakat dijadikan sebagai pinjaman mikro khusus kepada usahawan asnaf untuk memperkembangkan lagi usaha niaga mereka. Pandemik COVID-19 yang melanda negara juga dijangka menjejaskan usahawan asnaf. Menerusi kaedah pinjaman tersebut dapat memastikan mereka mempunyai modal tambahan bagi mengembangkan perniagaan selain dapat mengelak mereka meminjam wang daripada intitusi pinjaman wang mikro seperti syarikat kredit komuniti atau agensi pinjawan wang yang tidak berdaftar (along) yang boleh menjuruskan mereka kepada krisis kewangan yang berpanjangan.

Usahawan asnaf juga turut diperhatikan perlu memanfaatkan teknologi digital terkini dalam aktiviti ekonomi mereka. Ini kerana tidak dapat dinafikan bahawa teknologi digital menunjukkan peranan yang signifikan pada hari ini apabila perniagaan dapat ditambahbaik sama ada dalam aspek daya tahan rantaian bekalan, kepintaran proses dan juga keadaan pengalaman digital pengguna yang semakin baik.

PENGHARGAAN

Penulis ingin mengucapkan terima kasih kepada Kementerian Pendidikan (KPM) kerana membiayai penyelidikan ini. Sokongan yang diberikan oleh KPM di bawah Skim Geran Penyelidikan Fundamental (FRGS / 1/2019 / SS06 / UTHM / 03/3) untuk menyediakan kemudahan untuk menjalankan penyelidikan ini sangat dihargai.

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ANALISIS HUKUM QARD HASAN DARIPADA DANA ZAKAT MENURUT PERSPEKTIF MAQASID SYARIAH

*(Analysis of Qard Hasan's Law from Zakat Fund Based on Maqasid Syariah
Perspective)*

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Abstrak

Zakat ialah salah satu rukun Islam yang penting dan sering digandingkan dengan solat dalam al-Quran. Ia merupakan satu ibadat, yang dinyatakan jelas dalam Quran dan hadis. Zakat tertakluk kepada beberapa peraturan dan hukum sama ada dari aspek kutipan dan agihan. Antaranya ialah mengenai isu agihan kepada lapan asnaf yang dinaskan dalam al-Quran. Dua dari kategori asnaf ialah fakir dan miskin. Majoriti ulama menjelaskan agihan perlu dalam bentuk tamlik (memberi pemilikan) kepada mereka. Namun, di sana terdapat idea mengagihkan dalam bentuk qard hasan yang dikemukakan oleh sebahagian sarjana kontemporari. Selain itu idea ini dikaitkan dengan aspek maqasid Syariah dan mendapat perhatian daripada kalangan para ulama seluruh dunia. Kertas ini menganalisis isu ini dari perspektif maqasid Syariah dengan menggunakan kaedah kualitatif dengan menganalisis data temubual. Hasil menunjukkan maqasid Syariah berpotensi menjadi asas kukuh untuk membenarkan qard hasan daripada dana zakat khususnya musim pandemik ini. Namun ia masih perlu diperhalusi khususnya dari aspek-aspek dawabit yang mengharuskannya.

Keywords: Zakat, Qard Hasan, Produktif, Tamlik, Fatwa, Maqasid Syariah

Abstract

Zakat is one of the important pillars of Islam and is often associated with prayer in the Quran. It is an act of worship, which is clearly stated in the Quran and hadith. Zakat is subject to several rules and laws either from the aspect of collection and distribution. Among them is the issue of

distribution to the eight asnaf which are performed in the Quran. Two of the categories of asnaf are fakir and miskin. The majority of scholars explain the necessary distribution in the form of tamlik (giving ownership) to them. Yet, there is the idea of distributing in the form of qard hasan put forward by some contemporary scholars. Apart from that, this idea is associated with aspects of the maqasid of Syariah and has received attention from scholars throughout the world. This paper analyzes this issue from the perspective of Syariah maqasid by using qualitative methods by analyzing interview data. The results show that the maqasid Syariah has the potential to be a strong basis to allow qard hasan from zakat funds, especially during this pandemic season. But it still needs to be refined, especially from the aspects of dawabit that require it.

Keywords: Zakat, Qard Hasan, Productive, Tamlik, Fatwa, Maqasid Syariah

PENGENALAN

Zakat merupakan rukun Islam yang terpenting dan satu ibadah yang mana hukum hakamnya dinyatakan dalam al-Quran al-Karim dan Sunnah Nabawiyah. Pensyariatan zakat mempunyai objektif tersendiri sama ada kepada golongan pembayar zakat (*muzakki*) atau penerima zakat (*mustahiq*). Maqasid bagi penerima zakat antaranya ialah *sadd al-hajah* (membantu memenuhi keperluan) golongan asnaf.

Dalam situasi pandemik Covid-19, ramai di kalangan masyarakat yang terkesan kerana disebabkan oleh penutupan premis kedai dan perniagaan. Mereka yang dahulunya mempunyai pendapatan yang baik, boleh menjadi jatuh miskin akibat hilang punca pendapatan. Kerajaan Malaysia telah mengambil pelbagai langkah bantuan termasuklah yang terbaharu menerusi Pakej Perlindungan Rakyat dan Pemulihan Ekonomi (PEMULIH) berjumlah RM150 bilion (Anon, 2021). Pakej ini menumpukan tiga fokus utama iaitu meneruskan agenda prihatin rakyat, menyokong perniagaan dan meningkatkan vaksinasi.

Hal ini menunjukkan bahawa pandemik Covid-19 memberi kesan yang sangat negatif kepada sosio ekonomi rakyat. Maka timbul persoalan, selain daripada kaedah agihan zakat secara tradisional, adakah terdapat di sana kaedah lebih produktif untuk menyokong pelan kerajaan tersebut khususnya agenda menyokong perniagaan. Kertas ini cuba menganalisis hukum penggunaan dana zakat dalam bentuk *qard hasan* kepada asnaf fakir dan miskin bagi menjalankan perniagaan ini bagi membantu mereka memperbaiki keadaan ekonomi mereka.

SOROTAN LITERATUR

Zakat merupakan salah satu rukun Islam yang lima (Khalid Abdullah 2013). Hal ini menunjukkan Allah SWT memerintahkan dan menegaskan agar umat Islam menunaikan zakat. Firman Allah dalam Surah At-Taubah:

“...Sesungguhnya zakat itu hanya untuk orang-orang fakir, orang miskin, amil zakat, yang dilunakkan hatinya (mualaf), untuk (memerdekakan) hamba sahaya, untuk (membebaskan) orang yang berhutang, untuk jalan Allah dan untuk orang

yang sedang dalam perjalanan, sebagai kewajiban dari Allah. Allah Maha Mengetahui, Maha Bijaksana...”

(Surah At-Taubah :9: 60)

Allah SWT turut berfirman dalam ayat lain dalam Al-Quran menyatakan tentang zakat dapat menyucikan hati dan membersihkan jiwa:

“...Ambillah (sebahagian) dari harta mereka menjadi (sedekah) zakat supaya dengannya engkau membersihkan mereka (dari dosa). Dan sesungguhnya doa kamu itu menjadi ketenteraman jiwa bagi mereka. Dan Allah Maha Mendengar lagi Maha Mengetahui...”

(Surah At-Taubah :9: 103)

Hal ini disokong oleh hadis riwayat Bukhari yang menyebut tentang kefarduan zakat yang bermaksud:

“...Sesungguhnya Allah telah memfardhukan zakat sebagai pembersihan terhadap harta...”

(Riwayat Al-Bukhari: No 4461)

Kalimah zakat berasal daripada perkataan arab iaitu *zakka yuzakki* yang membawa maksud suci, rahmat, berkembang, subur, bertambah dan sedekah. Dari sudut istilah membawa maksud penyerahan yang wajib dilakukan ke atas sebahagian harta kekayaan dari sumber yang baik oleh individu Muslim kepada golongan yang berhak menerimanya. Fuqaha berbeza pendapat tentang maksud dari sudut istilah. Namun perbezaan tersebut tidak menjejaskan apa-apa hak atau tuntutan penunaian zakat itu sendiri. Antara maksud zakat dari sudut istilah menurut para fuqaha ialah:

- a) Ulama Maliki – takrif zakat “mengeluarkan sebahagian yang tertentu daripada harta yang tertentu, yang mencukupi nisab, kepada orang yang berhak ke atasnya, jika sempurna milik dan cukup hawl, tetapi bagi barang galian dan tanaman tidak dikira hawl.
- b) Ulama Hanafi – takrif zakat “memberi milik sebahagian harta yang tertentu daripada harta yang tertentu kepada orang yang tertentu yang ditentukan syara’ oleh Allah SWT.”
- c) Ulama Shafi’i - takrif zakat “nama kepada sesuatu yang dikeluarkan daripada harta atau badan mengikut cara yang tertentu”.
- d) Ulama Hanbali – takrif zakat “suatu hak yang wajib pada harta yang tertentu untuk diberikan kepada sekumpulan yang tertentu pada waktu yang tertentu”.

Berdasarkan takrifan di atas, zakat bukan bermaksud sedekah, kerana zakat merupakan kewajiban yang telah disebut dalam Al-Quran dan Hadis. Zakat merupakan lambang penyatuan kaum muslimin kerana dengannya kaum muslimin akan saling tolong menolong antara satu sama lain dan menghilangkan rasa kebencian dan permusuhan (Mutawalli Sya’rawi 2012).

Secara umumnya, perbincangan mengenai agihan zakat telah banyak dibincangkan dalam kajian lepas seperti Al-Qardawi (1973), Ahmad & Wahid (2005) dan Khafidz & Subri (2012). Begitu juga kajian berkaitan kaitan agihan zakat dengan maqasid Syariah. Bhari et al. (2019) menghuraikan kajian yang terdahulu telah banyak jalankan berkaitan fatwa zakat dan maqasid pensyariaan zakat. Beliau mendapati kajian yang lebih menyeluruh dan terperinci diperlukan terhadap fatwa-fatwa zakat yang dilihat mengalami perubahan kepada tidak bersandarkan mazhab rasmi di Malaysia.

Manakala secara spesifik, kajian mengenai penggunaan dana zakat dalam bentuk memberi *qard hasan* telah juga dibincangkan oleh beberapa ahli akademik dalam dan luar negara. Sebagai contoh, Al-Ayidi (2013) dan Al-Sayyari (2013) telah menyusun semula perbincangan lepas dengan sangat menarik. Mereka turut mengupas apa yang telah dibentangkan dalam Persidangan (nadhah) ke-18 berkaitan isu-isu zakat kontemporari. Antaranya ialah kertas kajian yang pertama telah dibentangkan oleh Dr. Naif al-‘Ajmi dan Dr. Hamdi Taha. Kebanyakan pengkaji menisbahkan pendapat ini kepada al-Qaradawi (1973) dalam *fiqh al-zakah* beliau, di mana beliau telah mengaitkan keharusan memberi *qard hasan* kepada maqasid Syariah.

“...Bahawa qiyas yang sah dan maqasid umum Islam dalam bab zakat mengharuskan kita berpendapat boleh memberi *qard* kepada golongan berhajat daripada bahagian asnaf gharimin dengan mengatur hal demikian dan menubuhkan satu tabung khusus dengan demikian zakat dapat menyumbang secara praktikal dalam memerangi riba dan menghapuskan faedah ribawi...”

(al-Qaradawi, 1973)

Ternyata, antara hujah yang disebut berkaitan keharusan *iqrad al-zakah* atau memberi *qard hasan* ialah berdasarkan kepada maqasid Syariah. Adnan et al. (2017) cuba membincangkan hal ini dari perspektif *maslahah*. Hasil kajian mereka zakat boleh diagihkan dalam bentuk mikro kredit berdasarkan perspektif *maslahah*. Ini kerana melihat kepada bentuk agihan sebegini mempunyai objektif jangka panjang dengan harapan penerima zakat akan bertukar menjadi pembayar zakat suatu hari nanti. Namun tiada kajian kualitatif dilakukan oleh pengkaji. Tambahan pula hujah ini boleh dibantah dengan alasan bebanan hutang pinjaman menyukarkan asnaf keluar dari kepompong kemiskinan.

Justeru, artikel ini akan membincangkan hukum agihan dana zakat secara *qard hasan* mengikut neraca maqasid Syariah berdasarkan perspektif pakar Syariah. Oleh itu, kajian ini akan menganalisis data temubual yang telah dijalankan dengan beberapa pakar Syariah berkaitan pandangan mereka terhadap isu ini.

METODOLOGI KAJIAN

Kajian berkaitan *qard hasan* melalui dana zakat adalah satu fenomena baharu di Malaysia. Oleh kerana soal zakat adalah tertakluk kepada hukum Syarak, kajian ini cuba meneroka kemungkinan hukum keharusan diberikan berdasarkan maqasid Syariah bagi melaksanakannya. Metode ini digunakan kerana ia satu kaedah praktikal untuk mengumpul fakta, sikap dan pendapat di samping

memberikan pengkaji peluang untuk mengemukakan isu-isu baharu yang penting berdasarkan soalan *open-ended* (Wilson 2014).

Oleh itu, kajian ini merupakan kajian kualitatif dan mengambil pendekatan temubual separa struktur untuk menganalisis isu hukum *qard hasan* daripada dana zakat. Metod kajian ini merupakan kaedah yang praktikal khususnya pendekatan temubual separa berstruktur (Bernard 1988) untuk mendapatkan fakta dan pendapat pakar berkaitan subjek perbincangan. Ini sekaligus dapat menimbulkan tema dan isu baharu yang sangat penting (Wilson, 2014). Namun begitu, oleh kerana kekangan Perintah Kawalan Pergerakan kerana disebabkan Covid-19, maka temubual ini dijalankan secara online termasuk secara telefon whatsapp audio recording.

Perlu dijelaskan bahawa indentiti responden dirahsiakan dan data yang dikumpulkan hanyalah untuk tujuan akademik sahaja. Ketika proses pengumpulan data, daripada 9 orang yang berjaya dihubungi, 4 responden enggan terlibat dalam temubual kerana kekangan masa dan dengan alasan tidak berminat. Akhirnya 5 orang dapat ditemubual termasuk secara whatsapp audio recording.

Sehubungan dengan ini, 5 orang responden merupakan pakar berkaitan Syariah yang terdiri daripada 2 orang ahli akademik mempunyai latar belakang Syariah, 2 orang terlibat dalam institusi fatwa negeri dan 1 seorang pakar Syariah berkhidmat sebagai ahli jawatankuasa Syariah dalam institusi kewangan Islam. Temubual dijalankan antara bulan Januari hingga Jun 2021. Oleh kerana keterbatasan masa responden, temubual mengambil masa antara 10-30 minit bergantung kepada masa responden dan juga bergantung kepada jawapan melalui audio whatsapp yang dihantar oleh mereka. Pakar-pakar yang menjadi peserta kajian temubual adalah disenaraikan seperti Jadual 1.

Jadual 1. Senarai Responden Pakar

Responden pakar	Kod	Jawatan
R1	BZ	Ahli Akademik
R2	AD	Ahli Akademik
R3	SH	Ahli Fatwa Negeri
R4	MA	Ahli Fatwa Negeri
R5	LH	Ahli Jawatankuasa Syariah Institusi Kewangan Islam

Selepas proses transkrip, data dianalisis berasaskan pendekatan analisis kandungan. Kaedah ini merupakan satu pendekatan sistematik untuk membuat inferensi yang sah daripada data lisan, visual dan tulisan bagi membuat analisis deskriptif bagi sesuatu fenomena yang spesifik (Bengtsson, 2016). Justeru, seseorang pengkaji akan dapat mencapai kefahaman yang komprehensif berkaitan idea penggunaan dana zakat dalam bentuk *qard hasan* dari aspek maqasid Syariah berdasarkan pengetahuan, pendapat dan pengalaman peserta kajian.

DAPATAN KAJIAN

Berdasarkan kepada perbincangan lepas, didapati bahawa isu *qard hasan* daripada dana zakat merupakan isu *khilafiyah*. Terdapat dua pendapat besar iaitu pendapat yang mengharuskan dan

pendapat yang membenarkannya. Isu yang mendasari hal ini ialah ialah kerana isu tamlik ternyata jelas dalam al-Quran al-Karim. Hal ini jelas dinyatakan oleh responden (R5):

“...Untuk soalan pertama, saya melihat, kaedah asal untuk pemberian zakat atau agihan zakat ialah dengan cara pemberian dengan cara memilikkan harta zakat kepada asnaf. Sebab itulah dalam firman Allah Taala: Innamassodaqat lil fuqara. Diberi kepada orang-orang fakir dan seterusnya..dan dalam hadis nabi saw yg menyebut, tu'khazu min aghniyaihim waturaddu ala fuqaraihim. Dikembalikan kepada fakir fakir mereka, makna wa turaddu ala fuqaraihim, dikembalikan kepada fakir...”

Perkara yang sama turut ditekankan oleh responden (R2):

“...Jadi disini saya nak jelaskan bahawa, ayat ini menggunakan perkataan lam sebagaimana dalam kertas-kertas kerja yang ditulis oleh ahli-ahli penyelidik sendiri ia itu lam tamlik kepada lil fuqara' wal masakin...”

Namun begitu, kajian ini cuba melihat sejauh mana persepsi dan pandangan pakar mengenai penggunaan maqasid Syariah sebagai asas kepada keharusan qard hasan daripada dana zakat. Sbagai seorang ahli akademik, salah seorang responden iaitu (R1) agak terbuka dengan idea ini dan secara jelas mengaitkannya terus dengan maqasid Syariah:

“..Dana zakat untuk qard Hasan sebenarnya kita melihat kepada satu keterbukaan Islam itu sendiri di dalam menetapkan sesuatu hukum atau pun kita meletakkan bahawa Islam adalah agama yang boleh menyelesaikan beberapa isu termasuklah dana zakat ini yang telah dikemukakan, qard Hasan dan bagi saya ia boleh dikemukakan untuk dijadikan sebagai qard Hasan kepada asnaf untuk membantu sebagai maqasid kepada mereka, memberi kemudahan dan juga kesenangan kepada golongan asnaf...”

Walaupun bagaimanapun, ini berbeza pula dengan responden (R3) dan (R4), di mana keduanya secara tegas mengatakan penggunaan qard hasan daripada dana zakat adalah tidak sesuai dan tidak boleh. Tetapi dalam masa yang sama responden (R4) memberi pengecualian:

“...Penggunaan dana zakat bagi membiayai projek ekonomi kepada golongan berkeperluan termasuk asnaf menggunakan instrumen qard hasan dari sudut asal hukum dan falsafah di sebalik tasyri' zakat ini, pada pandangan peribadi saya adalah tidak sesuai, kecuali jika wujud lebihan daripada dana zakat dengan syarat yang ketat seperti yang ditetapkan oleh ulama dan para penyelidik...”

Apa yang menarik, daripada hasil temubual, responden (R5) melihat isu ini dari aspek keperluan dan situasi hajat:

“...Cumanya bila berlaku keperluan dalam situasi yang ada keperluan, dalam situasi yang ada hajat spt kekurangan dana zakat dan untuk memberi kemaslahatan kepada lebih ramai asnaf, mungkin bg saya boleh digunakan kaedah qard kepada asnaf...”

Justeru, dapatan kajian ini menunjukkan kepentingan isu ini untuk dianalisis dan ia juga selaras dengan kajian lepas yang menunjukkan terdapat perbincangan di kalangan ulama kontemporari berkenaan penggunaan dana zakat untuk diberikan kepada asnaf secara qard hasan.

PERBINCANGAN DAN ANALISIS DAPATAN KAJIAN

Berdasarkan soalan temubual yang dibina, perbincangan hasil kajian ini dihuraikan berdasarkan 4 tema utama iaitu, pendapat umum responden, isu tamlik menjadi penghalang utama, keperluan qard hasan ketika pandemik, dan potensi maqasid Syariah sebagai asas keharusan. Jadual 2 di bawah menunjukkan tema dan pendapat responden berkaitan tema kajian. Tema-tema ini dibina adalah berdasarkan kepada beberapa kajian lepas dan juga melihat kepada situasi pandemik Covid-19 yang sedang melanda dunia. Pandemik telah mencetuskan bukan sahaja krisis kesihatan, malahan krisis kewangan dan ekonomi juga terjejas akibat daripada penutupan premis perniagaan dan juga pejabat dalam tempoh beberapa lama.

Jadual 2. Ringkasan jawapan responden

Reponden	R1/BZ	R2/AD	R3/SH	R4/MA	R5/LH
Pendapat tentang guna dana zakat untuk qard hasan	/	X	X	/ jika ada lebihan	/ jika ada keperluan
Isu tamlik menjadi penghalang utama	X	/	/	/	X
Wujudkah keperluan ketika situasi pandemik	/	X Kerajaan mesti cari sumber lain	X	X	/
Potensi maqasid Syariah sebagai asas keharusan	/	X	X Hanya dari peruntukan amil	Perlu diperhalusi	/

Hasil data temubual mendapati, terdapat perbezaan pendapat di kalangan pakar yang ditemubual, di mana daripada 5 responden, hanya 2 orang sahaja yang tidak bersetuju dengan isu ini. Ini mengukuhkan lagi kajian-kajian lepas bahawa terdapat dua aliran utama di mana majoriti ulama tidak membenarkan dan sebahagian kecil mengharuskannya (Adnan et al. 2017; Al-Ayidi 2013). Dapatan ini juga menunjukkan isu ini masih dalam skop ijtihad kerana bukan suatu perkara qatie. Para ulama menjelaskan bahawa, perkara zanni masih boleh berlaku khilaf. Malahan berkemungkinan, ijtihad boleh berubah dari satu masa ke satu masa berdasarkan kepada keadaan, uruf, situasi, masalah dan sebagainya. Pendapat ini ditekankan beberapa kali oleh responden R5:

“...Cumanya bila berlaku keperluan dalam situasi yang ada keperluan, dalam situasi yang ada hajat spt kekurangan dana zakat dan untuk memberi kemaslahatan kepada lebih ramai asnaf, mungkin bg saya boleh digunakan kaedah qard kepada asnaf sekiranya ia tidak menjejaskan maksud asal daripada zakat...”

Berdasarkan jadual 2, dapat dirumuskan bahawa responden yang tidak bersetuju daripada awal mengenai isu qard hasan daripada dana zakat adalah kerana isu tamlik. Responden (R2, R3, R4) memberi penekanan soal tamlik adalah menjadi penghalang. Kebanyakan para ulama yang mengkaji isu tamlik menjelaskan tentang perbezaan pendapat ulama berkaitan yang akhirnya menunjukkan bahawa isu tamlik ini boleh dianggap sebagai penghalang. Responden (R2) menekankan isu tamlik ini:

“...Jadi isu tamlik ini menjadi isu yang penting laa sebab daripada khilaf ulamak tadi, ulamak dahulu terhadap lam tamlik tadi dan saya pun mengetengahkan juga pasal pemilikan individu, milkiyyah fardiyyah disitu termasuk juga fuqara’ sebab zakat itu adalah pendapatan mereka, macam orang bekerja dapat gaji laa, pendapatan mereka bukan ditukar menjadi pinjaman kepada mereka, yang situasi ni adalah berbeza dari sudut keseluruhan dana zakat itu...”

Namun begitu, sekiranya autoriti agama seperti majlis fatwa melihat sebaliknya, maka ia tidak menjadi satu penghalang kepada hal ini. Apa yang menarik, hasil temubual telah mendapati responden (R5) mengupas hal ini dengan dua hujah utama: istidlal tamlik muaqqat seperti tamlik muabbad, dan dana ini tidak terkeluar daripada asnaf. Bagi hujah istidlal dengan tamlik muaqqat ini, R5 jelas menyebut:

“...yang pertama kerana qard itu sendiri ada unsur tamlik, kalua kita melihat kepada definisi al-qard, takrifnya ialah tamlik al-shay’ ala an yuradda mithluh iaitu kita memberi milik juga dana itu kepada pihak yang diberi hutang, tamlik al-shay’, ada unsur tamlik alshay’...Cuma di belakang ala an yuradda mithluhu..dikembalikan balik kepada pemberi hutang, maknanya...dana zakat yang diberikan qard itu, memang diberi milikkan kepada asnaf yang berhutang...Cuma kita minta supaya asnaf itu membayar balik, maknanya berlaku pemilikan, berlaku penyerahan pemilikan,..Cuma tamlik itu berlaku secara muaqqat, iaitu secara sementara, mngkin dlm tempoh 6 bulan, mgkin dlm tempoh 1 tahun ada tamlik, tapi tamlik itu muaqqat maknanya ada manfaat utk dia gunakan dana zakat kerana berlaku pemilikan sepenuhnya..Cuma dibelakangnya ada ala an yuradd mithluhu, dikembalikan balik kepada dana zakat.....sebaagiamana kita benarkan tamlik muaabad, maka kitab oleh benarkan tamlik muaqqat...”

Selain itu hujah dana zakat ini apabila dibayar balik oleh asnaf yang meminjam, maka ia akan digunakan balik kepada asnaf yang lain. Dengan kata lain, dana ini tidak akan mengalir kepada pihak lain yang bukan asnaf. Beliau berhujah:

“...yang kedua kerana apabila dana zakat itu dikembalikan balik oleh asnaf kepada dana, zakat dan yang dibayar balik akan digunakan juga yakni tidak keluar daripada maslahat asnaf..maksudnya bukan selama2nya dana itu dihold..akhirnya ia akan diagihkan juga kepada asnaf pada masa depan...”

Kajian-kajian lepas juga menunjukkan isu ini boleh diujahkan bahawa tamlik telah berlaku secara umum, iaitu dana zakat telah dimasukkan ke dalam satu *fund* yang khusus untuk qard hasan dan ia tidak terkeluar kepada pihak bukan asnaf (Al-Ayidi 2013; Al-Sayyari 2013; Nik Abdul Ghani et al. 2018).

Mengenai isu situasi pandemik, adakah boleh mengharuskan qard hasan daripada dana zakat, data temubual menunjukkan majoriti responden (R2, R3, R4) tidak bersetuju pandemik boleh dianggap keperluan mengharuskan qard hasan. Boleh dikatakan semuanya mengatakan pandemik tidak boleh mengharuskan qard hasan daripada dana zakat kerana masih banyak sumber-sumber lain yang wajar dipergiatkan. Responde (R3) mengulas:

“...Kekurangan dana zakat bukan alasan untuk membenarkan penggunaan instrumen qard hasan dalam menguruskan agihan dana zakat. Usaha menggalakkan golongan yang bertanggungjawab untuk mengeluarkan atau menyalurkan zakat mereka kepada pihak berwajib perlu dipergiatkan...”

Ini berbeza pula dengan sebahagian responden (R1, R5) bersetuju dengan situasi pandemik boleh menghadirkan suasana yang mendesak. Salah seorang responden (R5) berpendapat:

“...saya bersetuju bahawa pandemik adalah satu suasana yang menghadirkan masyaqqah, yang menghadirkan hajat, menghadirkan maslahat, menghadirkan darurat, situasi luar biasa boleh kita anggap sebagai satu keperluan yang mendesak utk semua pihak..jadi saya bersetuju zakat boleh diberikan secara qard hasan dengan syarat: hanya diberikan kepada hanya asnaf, maksudnya tidak diberikan kepada bukan asnaf, dalam lingkunagn asnaf sahaja....yang kedua, qard ini diberikan kepada asnaf yang mana terjejas dgn sebab pandemik..mereka yang keperluannya secara sementara sahaja, mereka mampu bayar nanti...”

Bagi tema keempat yang merupakan topik utama kertas ini, iaitu analisis berdasarkan kepada maqasid Syariah, responden (R2, R3) secara jelas menyatakan pendirian tidak bersetuju dengan hujah maqasid sebagai asas keharusan. Namun responden (R3) menyatakan pendirian yang berbeza sedikit, di mana beliau menyarankan supaya diperhalusi lagi dengan syarat-syarat yang ketat:

“...penggunaan qard hasan dalam pengurusan dana zakat dibenarkan oleh sesetengah ulama dan penyelidik dengan syarat-syarat tertentu. Penelitian dan pengaplikasian syarat-syarat ini dalam konteks realiti sebenar perlu diperhalusi agar hak atau kemaslahatan semua pihak terutama asnaf tidak terabai atau terjejas. Maqasid al-Syari’ah perlu dilihat dalam konteksnya yang syumul...”

Perbezaan ketara dengan responden (R1, R5) yang amat bersetuju dengan asas maqasid Syariah sebagai sandaran kepada penggunaan dana zakat secara qard hasan. Responde (R1) menjelaskan:

“...Saya dalam kontek ini, saya suka melihat kepada dibenarkan atau diberi keharusan untuk qard Hasan kepada golongan asnaf ini, alasannya kita tengoklah kepada hadis nabi SAW: “Inna al-din yusru, wa lan yusadda al-din ahadun illa ghalabah”..Islam itu mudah dan jangan kita memayahkan Islam itu, berilah ruang buat masa sekarang ini kepada mereka, iya ini golongan asnaf kemungkinan pada masa akan datang mungkin pula berubah tentang qard Hasan ini kepada golongan asnaf...”

Responden (R5) pula berpendapat:

“...Berkenaan dengan maqasid Syariah, berkaitan dgn isu pemberian zakat ekapda asnaf dalam bentuk qard...saya melihat dalam isu zakat ni, kita banyak melihat kemaslahatan mustafid, kemaslahatan asnaf makanya kalau ada isu-isu khilaf, isu-isu yang diperselisihkan....kita boleh menggunakan kaedah melihat kemaslahatan asnaf, maknanya apa kaedah yang lebih memberikan kemaslahatan kepada asnaf, maka sekiranya kaedah qard memberikan kemaslahtan kepada asnaf.. maksud saya mungkin kalau menggunakan kaedah qard, mungkin lebih ramai asnaf-asnaf boleh mengambil faedah daripada dana zakat, maknanya dana zakat yang sedikit boleh dimanfaatkan oleh ramai asnaf, memberikan manfaat kerana kita berikan dalam bentuk qard, maknanya kita berikan kepada asnaf, dan dikembalikan semula, dan diberikan pula kepada asnaf...”

Maqasid Syariah dalam Fatwa Berkaitan Zakat

Terdapat banyak literatur yang membincangkan tentang maqasid atau objektif pensyariaan zakat sama ada berkaitan pembayar zakat atau penerima zakat. Dalam kertas ini, maqasid Syariah berkaitan aspek penerima zakat (*mustahiq*) akan dibincangkan. Ia sangat penting untuk menjelaskan maqasid Syariah ini, kerana fatwa atau hukum yang hendak dihasilkan sangat bergantung rapat dengan maqasid Syariah.

Secara umumnya, fatwa merupakan satu bentuk pemberitahuan hukum Syarak (Al-Jīzānī 1996: 512). Hubungan di antara fatwa dan *maqāṣid* Syariah sangat rapat kerana setiap hukum syarak tidak akan bercanggah dengan *maqāṣid* (objektif) yang hendak dicapai oleh *shāriʿ*. Bin Bayyah (2015) menyuarakan pandangan bahawa fatwa ialah rumusan tiga elemen penting iaitu *dilālat alfāz* (maksud lafaz syarak), *maqāṣid* dan *wāqiʿ* (realiti). Tanpa tiga elemen ini, fatwa berkemungkinan besar tersasar terutama ketika menjawab persoalan semasa yang rumit seperti perubatan, ekonomi, kewangan dan sebagainya. Justeru, mengetahui tabiat ibadat zakat dari aspek maqasid Syariah sangat penting sebelum menganalisis isu yang dibincangkan dalam kertas ini.

Pensyariatian Zakat antara Elemen Ta'abbudi aan Ma'qul Al-Ma'na

Antara persoalan yang dibincangkan berkaitan Syariah secara umum ialah, adakah Syariah mempunyai maqasid dan tujuan dalam setiap apa yang disyariatkan atau tidak? Tidak kira sama ada ia perkara fardu, sunat atau perkara yang diharamkan atau makruh ke atas mukallaf. Adakah Syariah hanya bersifat ta'bbudiyah. Dengan ungkapan lain sepertimana disebut oleh Al-Qardawi (1990): Adakah hukum hakam Syariah ada illah (sebab) yang boleh difahami oleh manusia atau tidak?

Hal ini sebenarnya telah dibincangkan lebih dahulu oleh Al-Imam Izz al-Din bin Abd al-Salam di mana beliau mengkategorikan perkara yang disyariatkan oleh Allah SWT kepada dua:

- i. Apa yang jelas kepada kita bahawa ia mendatangkan masalah atau menolak mafsadah atau ia perkara yang mendatangkan mafsadah dan dalam masa yang sama menghilangkan mafsadah (jalib dari' li mafsadah), atau ia perkara yang mendatangkan masalah dan dalam masa yang sama menghilangkan masalah (jalib dari' li masalah)
- ii. Apa yang tidak jelas kepada kita bahawa ia mendatangkan masalah atau menolak mafsadah. Dan ia diungkapkan sebagai ta'abbud.

Izz al-Din merumuskan bahawa dalam perkara ta'abbudi, terdapat elemen ketaatan dan ketundukan iaitu sesuatu yang tidak diketahui hikmahnya dan tidak ketahu illahnya. Dengan kata lain, sesuatu yang bukan daripada hal yang terzahir illahnya dah difahami hikmahnya. Seseorang yang melakukannya boleh jadi bertujuan menghasilkan hikmah dan faedahnya, dan orang yang mengerjakan ibadat tidak melakukan apa yang merupakan suatu ibadah melainkan bertujuan mengagungkan tuhaninya dan tunduk patuh mentaatinya.

Sehubungan dengan itu, dalam konteks zakat, persoalan yang perlu dianalisis adakah zakat mengandungi maksud ta'budu semata-mata yang menghalang sebarang bentuk perubahan hukum atau ijtihad dengan mengambil kira sesuatu yang lebih membawa manfaat dan masalah? Adakah zakat melangkau kepada maksud dan objektif yang ingin dicapai di mana ia tidak menghalang *ijtihad* baharu yang membawa kepada sesuatu yang lebih memberi manfaat dan masalah.

Berdasarkan kepada pandangan Izz al-Din, walaupun zakat dianggap ibadat, namun ia termasuk dalam jenis ibadat yang mempunyai *illah* dan objektif yang jelas yang dinamakan oleh sebahagian ulama sebagai *al-maslahi*. Hal ini dinyatakan oleh Imam al-Izz bin Abd al-Salam.

“...Ibadat ketaatan terbahagi kepada dua jenis, pertama ialah sesuatu ibadat taat yang merupakan masalah di akhirat seperti puasa, solat, haji dan iktikaf. Kedua ialah sesuatu ibadat taat yang merupakan masalah di akhirat untuk pihak yang menyumbang/melakukannya, dan masalah di dunia untuk pihak yang menerima/mengambilnya seperti zakat, sedekah, korban, hadiah, wakaf dan silaturrahim...”

Hal yang sama ditegaskan oleh Al-Qarāfi (1994):

“...Syarak tidak mengesahkan apa-apa hal berkaitan sedekah melainkan yang mengandungi masalah yang tulen dan rajih...”

Justeru, hal ini menunjukkan dari segi maqasid Syariah, zakat mempunyai tujuan dan hikmah yang jelas untuk asnaf dan penerima zakat. Maka zakat adalah merupakan ibadah yang *ma'qulat al-ma'na*

Analisis Maqasid Zakat Bagi Penerima Zakat

Setelah difahami dan maklumi bahawa zakat adalah ibadah yang bersifat *ma'qulat al-ma'na*, maka apakah sebenarnya *ma'na* (objektif) yang boleh difahami daripada pensyariatkan zakat ini? Dengan kata lain apakah *masalah* pensyariatkan zakat? Sebagaimana yang diketahui, asnaf zakat disebut secara jelas oleh Allah SWT dalam surah al-Tawbah. Walaubagaimanapun, Ibn al-Arabi (2003) cuba mengkategorikan asnaf-asnaf tersebut kepada tiga kumpulan. Beliau menegaskan:

“...Dan rumusan hasil permasalahan ini ialah apa yang terhasil daripada asnaf yang disebutkan dalam ayat ialah tiga kategori: iaitu golongan *fuqara'*, golongan *amil* dan *fisabilillah*. Semua asnaf-asnaf lain termasuk dalam apa yang kami sebutkan daripadanya...”

Justeru, lapan asnaf yang disebut boleh diategorikan kepada tiga kumpulan:-

- i. Golongan fakir miskin dan seumpamanya
- ii. Golongan *amil* zakat
- iii. Golongan *fi sabilillah*

Dari segi maqasid zakat kepada penerima zakat, al-Sa'di merumuskannya kepada dua maqasid utama. Beliau jelaskan dalam tafsirnya (Al-Sa'di 2002) :

“...Dan ketahuilah bahawa lapan asnaf tersebut kepada kepada dua perkara iaitu 1) golongan yang diberikan zakat kerana sebab *hajat* (keperluan) dan mendapat manfaatnya seperti fakir, miskin dan seumpamanya; 2) ialah golongan yang diberikan zakat kerana sebab mereka memerlukan kepadanya dan agama Islam mengambil manfaat daripadanya. Maka Allah Taala mewajibkan bahagian zakat dalam harta golongan kaya kerana untuk memenuhi *hajat khusus* dan *hajat umum* bagi agama Islam dan orang-orang Islam...”

Pandangan ini menunjukkan tujuan zakat dari perspektif golongan yang menerima ialah dua perkara utama iaitu kerana sebab *hajah* (keperluan mereka) dan juga sebab mereka diperlukan oleh Islam. Ini yang diungkapkan dalam beberapa karya moden seperti Al-Ghufayli (2008) yang berpendapat bahawa antara maqasid penting pensyariatkan zakat ialah *muwasat al-faqir* (simpati kepada golongan fakir) dan *sadd hajatihi* (memenuhi *hajat* keperluan mereka). Hal ini telah lama dinyatakan oleh fuqaha silam seperti al-Kasani (1986):

“...Sesungguhnya, menunaikan zakat termasuk dalam bab membantu golongan daif dan menolong mereka yang susah di samping mengupayakan yang lemah dan menguatkan mereka untuk menyempurnakan apa yang difardukan Allah kepada mereka seperti tauhid dan beribadat. Dan wasilah kepada menunaikan kefarduan menjadi suatu yang fardu...”

Selain itu, Al-Ghufaylī (2008) menghuraikan maqasid dari perspektif penerima zakat iaitu zakat dapat merealisasikan jaminan sosial dan takaful ijtima'ie. Ini menunjukkan zakat adalah satu institusi yang mewujudkan konsep saling tolong menolong dan bantu membantu dalam sesebuah masyarakat. Bantuan yang dimaksudkan ialah menyediakan keperluan hidup kepada manusia dalam bentuk makanan, pakaian, tempat tinggal, membebaskan orang daripada belunggu hutang, memudahkan permusafiran orang ke kampung halamannya, membebaskan hamba dan sebagainya. Konsep tolong menolong dan jaminan sosial ini wujud dalam Islam sebagaimana sabda Nabi s.a.w.:

“...Perumpamaan orang-orang mukmin dari segi kasih sayang dan belas kasihan antara satu sama lain adalah seumpama satu jasad, apabila satu anggota mengadu kesakitan, seluruh jasad lain akan merasa sakit dengan berjaga malam dan demam..”

(Muslim, al-Sahih, no 2588)

Maka zakat ialah satu wasilah yang efektif untuk melahirkan sikap bantu membantu dan saling jamin menjamin dalam sesebuah masyarakat. Malahan zakat membantu pertumbuhan ekonomi negara. Kesan positif zakat ialah membantu pertumbuhan dan perkembangan ekonomi sesebuah negara. Hal yang demikian adalah kerana perkembangan harta orang mukmin yang mengeluarkan zakat sebenarnya membantu perkembangan ekonomi masyarakat dengan lebih cepat. Buktinya adalah kerana zakat mencegah daripada harta berlegar sekeliling orang-orang kaya sahaja. Antara maqasid yang ingin ditegakkan oleh syarak ialah, kalau boleh memberikan kepada semua individu harta bagi memenuhi kehendak masing-masing. Apabila setiap individu mampu untuk mendapatkan barangan atau perkhidmatan, ia akan menggalakkan kegiatan ekonomi seperti aktiviti pengeluaran. Sekaligus ia membuka peluang pekerjaan kepada penduduk sekeliling dan menghapuskan atau mengurangkan nisbah pengangguran sesebuah negara. Justeru, jelaslah ia dapat membantu pertumbuhan ekonomi negara kita.

Kesan Maqasid Syariah Terhadap Hukum Hakam Zakat

Penggunaan *maqāsid* Syariah dalam penentuan hukum dan pengeluaran fatwa dapat difahami dalam dua aspek iaitu *jalb al-maṣlahah* (merealisasikan kebaikan) dan *dar' al-mafṣadah* (menolak kerosakan). Bahkan makna *maṣlahah* dalam usul fiqh menurut Ḥirzillah (t.th.: 107) tidak terpisah daripada *maqāsid al-Shāri'ah*. Ini berdasarkan pemahaman daripada kenyataan al-Ghazali (t.th 1: 278) tentang *maqāsid* iaitu: Dan *maqṣūd al-Shāri'ah* (objektif Syarak) pada makhluk ada lima, iaitu memelihara agama, nyawa, intelek, keturunan dan harta mereka. Setiap yang mengandungi

pemeliharaan kelima-lima asas ini, maka ia adalah *maṣlahah* dan setiap yang mengabaikan kelima-lima asas ini, maka ia adalah *mafsadah*, dan menolaknya dianggap *maṣlahah*).

Sehubungan dengan itu, kepentingan mengetahui *maqasid* Syariah berkaitan zakat dapat dianalisis dalam beberapa hukum cabang zakat yang dibincangkan para fuqaha silam dan moden. Ini sangat penting bagi membantu penentuan hukum semasa atau nawazil yang tidak pernah dibincangkan oleh para fuqaha silam.

Justeru, apabila telah menjadi satu perkara yang diterima bahawa pensyariatkan hukum-hukum Islam adalah kerana bertujuan mencapai *maṣlahah*, maka seseorang mujtahid sama ada individu atau secara kolektif hendaklah mengenalpasti *maṣlahah* ini dalam proses istinbat sesuatu hukum.

Analisis terhadap hukum-hukum furu' zakat, didapati terdapat beberapa hukum yang diputuskan berdasarkan *maqasid* dan *maṣlahah* walaupun ia bercanggah dengan kaedah asal dalam sesuatu mazhab tersebut. Antaranya:

- i. Memindahkan zakat ke luar negeri pembayar zakat. Hukum asal ialah hendaklah dikeluarkan zakat dalam negeri pembayar atau negeri di mana harta itu berada. Namun para fuqaha mengharuskan memindahkan zakat kepada negeri lain (bukan negeri pembayar) sekiranya ada *maṣlahah rajihah*. Al-Ghufaylī (2008) menjelaskan:

Shaykh al-Islam telah berfatwa seumpama demikian di mana beliau menaskan bahawa harus memindahkan zakat dan apa yang mengambil hukum zakat kerana sebab *maṣlahah shar'iyah*. Dan antara bentuk *maṣlahah* yang diharuskan memindahkan zakat kerana sebabnya ialah:

- 1- Hendaklah golongan fakir di negeri lain lebih berhajat. Ini dinaskan oleh fuqaha Hanafiyyah dan Malikiyyah dan dipilih oleh Shaykh al-Islam Ibn Taymiyyah. Maka harus memindahkan zakat kepada mereka kerana objektif zakat ialah memenuhi keperluan golongan fakir. Justeru, sesiapa yang lebih berhajat maka lebih aula. Hal ini disokong oleh umum sabda Nabi saw: "Perumpamaan orang-orang beriman dari segi kasih sayang, kecintaan dan belas kasihan antara satu sama lain adalah seperti satu jasad. Apabila satu anggota mengadu sakit, maka seluruh anggota akan juga mengadu sakit"
- 2- Melewatkan pengeluaran zakat. Hukum asal zakat hendaklah dikeluarkan segera apabila telah wajib. Namun sebahagian fuqaha mengharuskan penangguhan keluar zakat kerana sebab *maṣlahah rajihah* seperti menunggu seseorang yang lebih berhajat atau kerana ingin menunggu kaum kerabat yang miskin. Menurut resolusi Nadwah al-Barakah al-Arba'un li al-Iqtisad al-Islami (Wad' al-Jawa'ih wa al-Quwwah al-Qahirah, 2020):

"...Dan hampir berlaku kesepakatan bahawa melewatkan keluar zakat sekiranya kerana sebab hajah (keperluan) dan maṣlahah mu'tabarah, maka harus hal demikian kerana mengambil kira keuzuran yang berlaku..."

- 3- Harus mengeluarkan nilai dalam zakat fitrah apabila ada *maṣlahah rajihah*. Ibn Taymiyyah (n.d.) dalam al-Masa'il al-Mardiniyyah:

“...Adapun mengeluarkan nilai dalam pembayaran zakat, kaffarah dan seupamanya, maka yang diketahui dalam mazhab Malik dan Syafie bahawa ia tidak harus. Di sisi Abi Hanifah ia adalah harus. Manakala Ahmad melarang qimah (nilai) dalam beberapa tempat dan mengharuskannya dalam beberapa tempat lain. Antara murid-muridnya ada yang mengakui nas ini (hal ini) dan ada yang menjadikannya dua riwayat. Pendapat yang lebih nyata (azhar) dalam hal ini ialah mengeluarkan nilai tanpa sebarang hajah dan masalah rajihah adalah ditegah...Adapun mengeluarkan qimah (nilai) atau kadar kerana sebab hajah dan masalah, maka tidak mengapa...”

Kesimpulannya, dalam khazanah fiqh dan perbincangan fuqaha silam, kadang kala terdapat hukum hakam berkaitan zakat yang dikecualikan daripada kaedah umum atau asal kerana ingin mencapai *masalah rajihah*.

Maslahah dalam mewujudkan dana khas zakat untuk qard hasan

Berbalik kepada isu yang dibincangkan dalam kertas ini, adakah memberi qard hasan daripada dana zakat ini boleh dibenarkan kerana sebab *masalahah*. Dengan kata lain adakah wujud *masalahah* dalam pembentukan dana khas untuk qard hasan kepada asnaf dalam kes ini? Ini kerana pandangan ulama yang membenarkan *qard hasan* daripada dana zakat juga berhujah dengan maqasid Syariah dan masalahah. Contohnya, Al-Qardawi (1973) ketika membuat huraian panjang dalam perbincangan asnaf al-gharimin soal qard hasan daripada dana zakat:

“...Saya percaya bahawa qiyas yang sah dan maqasid umum Islam dalam bab zakat mengharuskan kita berpendapat boleh memberi qard kepada golongan berhajat daripada bahagian asnaf gharimin, dengan mengatur hal demikian dan menubuhkan satu tabung khusus. Dengan demikian zakat dapat menyumbang secara praktikal dalam memerangi riba dan menghabiskan faedah ribawi...”

Ini juga dipersetujui oleh beberapa orang responden R1, R4 dan R5 yang secara jelas menyebabkan ruang penggunaan maqasid Syariah sebagai asas keharusan memberi qard hasan daripada dana zakat. Hasil temubual ini dilihat selari dengan kajian-kajian lepas seperti al-Kasani (1986) dan Al-Ghufaylī (2008) bahawa masalahah zakat ialah membantu dan memenuhi hajat golongan asnaf khususnya fakir miskin. Responden (R5) dengan jelas berpendapat:

“...berkenaan dengan maqasid Syariah, berkaitan dengan isu pemberian zakat kepada asnaf dalam bentuk qard..saya melihat dalam isu zakat ni, kita banyak melihat kemaslahatan mustafid, kemaslahatan asnaf maknanya kalau ada isu-isu khilaf...kita boleh menggunakan kaedah melihat kemaslahatan asnaf, maknanya apa kaedah yang lebih memberikan kemaslahatan kepada asnaf, maka sekiranya kaedah qard memberikan kemaslahatan kepada asnaf.. maksud saya mungkin kalau menggunakan kaedah qard, mungkin lebih ramai asnaf2 boleh mengambil faedah daripada dana zakat...”

Walaubagaimana pun, responden (R4) menyarankan agar perkara ini diperhalusi supaya tidak berlaku pengabaian hak-hak asnaf tersebut:

“...Seperti yang dinyatakan sebelum ini, penggunaan qard hasan dalam pengurusan dana zakat dibenarkan oleh sesetengah ulama dan penyelidik dengan syarat-syarat tertentu. Penelitian dan pengaplikasian syarat-syarat ini dalam konteks realiti sebenar perlu diperhalusi agar hak atau kemaslahatan semua pihak terutama asnaf tidak terabai atau terjejas...”

Sebagaimana yang dimaklumi, idea penubuhan dana khas ini adalah terbentuk daripada wang zakat yang dihimpunkan. Dana ini akan diberikan kepada fakir miskin dalam bentuk qard hasan untuk mereka menggunakannya bagi tujuan tertentu yang memberi manfaat kepada mereka. Idea yang ingin dikemukakan bukanlah qard hasan bagi tujuan sara hidup seperti makan dan minum, tetapi untuk modal perniagaan mereka bagi membangunkan sosio ekonomi mereka. Apabila mereka telah selesai menggunakannya, wang tersebut akan dibayar semula dan dimasukkan ke dalam tabung dana khas ini. Seterusnya dana ini boleh digunakan lagi untuk membiayai asnaf yang lain bagi tujuan yang sama. Maka, benefisiari kepada dana ini boleh mencakupi jumlah yang ramai pada masa akan datang dan tidak hanya tertumpu kepada beberapa orang sahaja.

Dalam satu peristiwa sepertimana disebutkan al-Qardawi (1990) Umar bin al-Khattab pernah menghentikan pengagihan tanah yang dibuka oleh tentera kerana beliau melihat amalan itu boleh meluputkan generasi akan datang pada zamannya. Beliau berkata:

“...Sesungguhnya, jika aku mengagihkan kepada kamu sekarang, nescaya datang manusia akan datang dalam keadaan tiada apa yang ditinggalkan kepada mereka...”

Justeru, berdasarkan aspek ini, boleh dinyatakan bahawa *masalah* tidak menghalang penubuhan dana khas zakat bagi kegunaan *qard hasan* kepada asnaf. Hal ini juga disokong oleh pandangan sebahagian fuqaha berkaitan sesetengah hukum hakam fiqh zakat dengan mengambil kira objektif *sadd al-hajah* (memenuhi keperluan) dan mencapai maksud *al-muwawat* (bersimpati) dan membantu.

KESIMPULAN

Artikel ini cuba mengkaji hukum pemberian dana zakat dalam bentuk qard hasan dari perspektif maqasid dengan menganalisis perspektif pakar yang ditemubual. Kajian ini merumuskan bahawa pemberian dana zakat dalam bentuk qard hasan merupakan suatu perkara yang masih diperselisihkan di kalangan sarjana kontemporari. Walaupun telah dibincangkan dalam beberapa persidangan antarabangsa sebelum ini, satu resolusi yang mencapai kata sepakat belum ditemui. Antara hujah keharusan ialah menggunakan asas maqasid Syariah dalam pensyariatan zakat khususnya berkaitan penerima zakat. Keharusannya bukanlah bersifat mutlak, tetapi hendaklah dipandu dengan dawabit dan syarat-syarat yang ketat. Keharusannya juga tertakluk kepada satu

model yang mempunyai sistem tadbir urus yang baik kerana perlaksanaannya adalah untuk agihan produktif kepada asnaf-asnaf yang ingin menjadi usahawan bukan agihan qard hasan untuk sara diri. Hal ini sangat relevan khususnya pada musim pandemik yang menyebabkan muncul asnaf baharu atau mungkin asnaf sementara. Ternyata isu ini perlu dibincangkan di peringkat kebangsaan seperti Majlis Fatwa Kebangsaan bagi mendapat satu kata putus dalam hal ini

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PENETAPAN URUF ZAKAT EMAS PERHIASAN DAN AMALAN PEMAKAIANNYA DALAM KALANGAN WANITA ISLAM DI NEGERI KEDAH

(Determination of Zakat Emas Jewelry Uruf and The Practice of Wearing Among Muslim Women In Kedah State)

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Abstrak

Zakat perhiasan telah menjadikan 'uruf' sebagai asas pengukuran. Majoriti negeri di Malaysia telah mengaplikasikan pendapat ini dan penetapan kadar 'uruf' juga telah dikeluarkan mengikut negeri masing-masing. Negeri Kedah telah menetapkan zakat bagi emas perhiasan akan dikenakan apabila melebihi kadar uruf iaitu sebanyak 170 gram. Sejarar dengan perubahan kadar uruf di negeri lain seperti Selangor telah menetapkan kadar 800 gram, maka penelitian penetapan zakat emas perhiasan di negeri Kedah perlu dikaji untuk memenuhi keperluan masyarakat sama ada perlu dinaikkan kadar uruf semasa. Kajian ini mengkaji pemakaian emas berdasarkan tahap sosioekonomi, meninjau tahap kefahaman tentang zakat emas pakai dalam kalangan wanita di negeri Kedah dan meneliti jumlah sebenar pemakaian emas dalam kalangan wanita Islam di negeri Kedah. Kaedah kajian ini berbentuk kuantitatif secara deskriptif melalui soal selidik secara dalam talian. Responden yang terlibat dalam kajian ini seramai 1287 wanita Islam daripada 12 daerah di Negeri Kedah. Dapatan kajian menunjukkan 49.7% wanita Islam di negeri Kedah memiliki emas antara 1 hingga 30gram sahaja dan 7.6% memiliki emas perhiasan melebihi 171 gram. Oleh yang demikian, berdasarkan dapatan kajian menunjukkan tiada keperluan untuk meningkatkan kadar uruf bagi zakat emas perhiasan. Peningkatan kadar uruf bagi zakat emas perhiasan adalah alternatif untuk mengalakkan wanita Islam menunaikan zakat emas perhiasan bagi yang berkelayakan. Ini berdasarkan hasil kajian menunjukkan 86.3% responden tahu kewajipan membayar zakat emas perhiasan. Namun hanya 30% responden sahaja yang membayar zakat. Selaras dengan dapatan kajian dapat dirumuskan bahawa penentuan kadar 'uruf' zakat emas perhiasan bersesuaian dengan keperluan pemakaian emas wanita di Negeri Kedah, tetapi perubahan nilai uruf semasa boleh dipertimbangkan sejarar dengan perubahan zaman dan persekitaran. Ini kerana keadaan ekonomi yang sentiasa berubah-ubah menunjukkan keperluan penetapan kadar uruf zakat emas. Jika penggunaan kadar uruf yang sama secara berpanjangan berkemungkinan tidak sesuai dengan tahun semasa, memandangkan harga emas yang semakin meningkat.

Katakunci: Zakat, emas perhiasan, uruf, wanita Islam, negeri Kedah.

Abstract

Zakat on jewelry has made 'uruf as the basis of measurement. The majority of states in Malaysia have applied this opinion and the setting of 'uruf rates has also been issued according to their respective states. The State of Kedah has set zakat for jewelery gold to be imposed when it exceeds the uruf rate of 170 grams. In line with the change in the uruf rate in other states such as Selangor has set the rate of 800 grams, then the study of the determination of gold jewelry zakat in the state of Kedah needs to be studied to meet the needs of the community whether it is necessary to increase the current uruf rate. This study examines the use of gold based on socioeconomic level, examines the level of understanding about gold zakat used among women in the state of Kedah and examines the actual amount of gold use among Muslim women in the state of Kedah. The method of this study is quantitative descriptive through online questionnaires. The respondents involved in this study were 1287 Muslim women from 12 districts in Kedah. The findings of the study showed that 49.7% of Muslim women in the state of Kedah own gold between 1 to 30 grams only and 7.6% own jewelry gold over 171 grams. Therefore, based on the findings of the study shows there is no need to increase the uruf rate for zakat gold jewelry. The increase in the uruf rate for zakat on gold jewelry is an alternative to encourage Muslim women to pay zakat on gold jewelry for those who are qualified. This is based on the results of the study which showed that 86.3% of the respondents knew the obligation to pay zakat on gold jewelry. However, only 30% of respondents pay zakat. In line with the findings of the study it can be concluded that the determination of the rate of 'uruf zakat gold jewelry in accordance with the needs of women's gold wear in the State of Kedah, but changes in the value of current uruf can be considered in line with changes in time and environment. This is because the ever-changing economic situation indicates the need to set the rate of gold zakat. If the use of the same uruf rate on a prolonged period is likely to be inappropriate for the current year, given the rising price of gold.

Keywords: Zakat, gold jewelry, uruf, Muslim women, state of Kedah.

PENGENALAN

Islam ialah satu cara hidup yang sempurna dalam semua aspek kehidupan manusia. Ia menyediakan satu garis panduan yang lengkap khususnya bagaimana meningkatkan pendapatan seperti zakat, wakaf, infaq dan bersedekah. Bagi golongan yang layak menerima zakat, ia menambah baik kedudukan sosio ekonomi mereka. Berdasarkan dalil-dalil dan ijma' sepakat ulama Islam bahawa adalah menjadi suatu kewajipan bagi setiap Muslim yang berkemampuan untuk menunaikan tanggungjawab membayar zakat. Antara jenis zakat yang mendapat perhatian masa kini ini ialah zakat emas perhiasan. Dewasa ini, kepentingan zakat ini meningkat kerana masyarakat semakin sedar tentang tanggungjawab berzakat emas. Sebagai contoh kutipan zakat emas perhiasan di negeri Kedah mempunyai peningkatan sehingga 1.9 juta kutipan zakat pada tahun 2020 berbanding 1.3 juta pada tahun 2019 (Website LZNK, Julai 2021).

Jadual 1: Statistik Kutipan Zakat Negeri Kedah 2019-2020

STATISTIK KUTIPAN		
JENIS ZAKAT	TAHUN	
	2019 RM	2020 RM
PADI	4,442,086.77	5,173,191.83
TERNAKAN	45,765.99	32,999.30
PENDAPATAN	118,750,237.29	129,634,647.03
PERNIAGAAN	41,541,764.95	47,920,161.73
WANG SIMPANAN	16,604,942.21	18,652,040.77
SAHAM	506,743.62	932,411.45
KWSP	2,490,664.79	2,621,631.31
EMAS	1,326,134.10	1,911,732.09
PERAK	7,365.69	7,741.95
GALIAN	4.30	2,690.30
FITRAH	10,200,354.00	10,643,279.97
QADHA ZAKAT	202,615.11	380,493.09
JUMLAH KESELURUHAN	196,118,678.82	217,913,020.82

Sumber: Laman Sesawang Lembaga Zakat Negeri Kedah (2021)

ZAKAT EMAS PERHIASAN WANITA

Menurut jumurh ulama, zakat tidak diwajibkan ke atas emas yang dijadikan perhiasan wanita. Hujah mereka ialah tiada dalil yang memerintahkan supaya para wanita mengeluarkan zakat bagi perhiasan yang mereka pakai, di samping isteri-isteri Nabi dan isteri para sahabat sendiri tidak pernah mengeluarkan zakat ke atas barang perhiasan mereka seperti riwayat yang bermaksud:

“...Dari Abd ar-Rahman ibn al-Qasim dari bapanya bahawa Saidatina Aisyah ra, isteri Nabi, menjaga beberapa orang anak yatim perempuan di rumahnya (iaitu anak-anak saudaranya). Mereka memakai perhiasan-perhiasan dan Aisyah tidak pernah mengeluarkan zakat untuk perhiasan-perhiasan tersebut...”

(Hadith Riwayat Imam Malik)

dan diriwayatkan juga yang bermaksud:

“...Dari Nafi bahawasanya Abdullah ibn Umar, seorang sahabat, memberi pakai perhiasan-perhiasan emas kepada anak-anak perempuan dan hamba-hamba perempuannya, namun dia tidak pernah mengeluarkan zakat untuk perhiasan-perhiasan tersebut...”

(Hadith Riwayat Imam Malik)

Seorang wanita harus membayar zakat perhiasan yang sudah tidak dipakai lagi kerana sudah lama atau sebab lainnya. Pendapat ini turut didokongi oleh Imam Ahmad, Imam Asy-Syafii, Imam Malik, Ibnu Taimiyah dan Ibnu Qayyim. Dr. Yusuf Al-Qardhawi dalam kitabnya Fiqh Al-Zakah (Bahagian 3: Bab 3) (al-Qaradawi,1994), setelah melihat pelbagai pandangan, menyatakan pandangan yang rajih (kuat) ialah zakat tidak wajib ke atas emas perhiasan wanita, namun dikecualikan jika termasuk dalam salah satu daripada dua keadaan iaitu:

- 1) Perhiasan emas yang dibuat bukan untuk dipakai tetapi untuk disimpan yakni dijadikan aset simpanan, maka wajib dikeluarkan zakat ke atasnya kerana emas tersebut telah beralih dari perhiasan kepada simpanan.
- 2) Perhiasan yang dimiliki itu terlalu banyak sehingga masuk dalam kategori berlebihan dan melampaui kadar yang biasa dipakai oleh wanita-wanita setempat (uruf). Apa yang berlebihan dengan adat dan kebiasaan adalah dilarang atau tidak digalakkan oleh Shari'ah. Imam al-Nawawi berkata; “Menurut mazhab Syafie; berhujah bahawa barang perhiasan dibolehkan hanya jika tidak melebihi batas berlebih-lebihan yang tidak perlu, tetapi apabila melebihi batas, maka ia diharamkan menurut ahli hukum di Iraq” (Imam al-Nawawi, 1997).

Dengan dijadikan emas sebagai barang perhiasan untuk kegunaan peribadi, emas berkenaan tidak lagi bersifat subur dan berkembang. Sedangkan zakat pada dasarnya diambil daripada harta-harta yang subur atau dicadang untuk dikembangkan. Mengenai perhiasan yang harus, telah disepakati juga oleh ulama bahawa perhiasan yang dibuat dari logam yang lain dari emas dan perak sekalipun harganya lebih mahal dari emas dan perak (seperti nikel, platinum, tembaga, batu-batu berharga seperti permata, zamrud dan sebagainya) tidak wajib dikeluarkan zakat sama ada yang dipakai oleh lelaki atau Wanita (Muhsin, 2014).

NISAB ZAKAT EMAS PERHIASAN DI MALAYSIA

Nisab ialah had minima yang kewujudannya dianggap sebagai syarat wajib zakat harta. Setiap jenis harta yang dikenakan zakat mempunyai nisab khas baginya. Kadar nisab emas perhiasan tidak dinyatakan di dalam al-quran mahupun hadith. Bagi negeri-negeri di Malaysia, penentuan uruf dilakukan melalui kajian dan muzakarah Jawatankuasa Fatwa Negeri masing-masing. Ada negeri yang telah mewartakannya dan ada negeri yang tidak mewartakannya. Kewajipan mengeluarkan zakat emas pakai adalah berdasarkan uruf setiap negeri seperti jadual di bawah:

Jadual 2. Nilai Uruf Emas Bagi Setiap Negeri

Negeri	Uruf Emas Perhiasan	Kaedah Pengiraan Zakat	Catatan
Kedah	170 gram	Lebihan uruf	1. Lebihan daripada uruf dikenakan zakat 2. Telah difatwakan
Melaka	180 gram	Lebihan uruf	1. Lebihan daripada uruf dikenakan zakat 2. Telah difatwakan

Negeri Sembilan	200 gram	Lebih uruf	1. Lebih daripada uruf dikenakan zakat 2. Telah difatwakan
Selangor	800 gram	Lebih uruf	1. Lebih daripada uruf dikenakan zakat 2. Telah difatwakan
W. Persekutuan	800 gram	Lebih uruf	1. Lebih daripada uruf dikenakan zakat 2. Telah difatwakan
Johor	850 gram	Lebih uruf	1. Lebih daripada uruf dikenakan zakat 2. Telah difatwakan
Terengganu	850 gram	Lebih uruf	1. Lebih daripada uruf dikenakan zakat 2. Telah difatwakan
Sarawak	90 gram	Lebih uruf	1. Lebih daripada uruf dikenakan zakat 2. Telah difatwakan
Sabah	152 gram	Lebih uruf	1. Lebih daripada uruf dikenakan zakat 2. Telah difatwakan
Perlis	85 gram	Keseluruhan emas	1. Zakat atas keseluruhan 2. Telah difatwakan 3. Tiada istilah Had Uruf di Negeri Perlis. 4. Semua pemilik emas yang melebihi nisab 85gram emas dikenakan zakat.
Pulau Pinang	165 gram	Keseluruhan emas	1. Zakat atas keseluruhan 2. Telah difatwakan 3. Semua pemilik emas yang melebihi kadar uruf 165gram emas dikenakan zakat.
Perak	500 gram	Keseluruhan emas	1. Zakat atas keseluruhan 2. Telah difatwakan 3. Semua pemilik emas yang melebihi kadar uruf 500gram emas dikenakan zakat.
Pahang	500 gram	Keseluruhan emas	1. Zakat atas keseluruhan 2. Telah difatwakan 3. Semua pemilik emas yang melebihi kadar uruf 500gram emas dikenakan zakat.
Kelantan	Tiada	-	

Zakat Emas di Kedah

Zakat bagi emas perhiasan di Kedah hanya akan dikenakan apabila ianya melebihi kadar uruf yang ditetapkan iaitu sebanyak 170 gram. Nilai yang diambil kira adalah nilai emas tidak termasuk batu-batu permata. Kaedah yang digunakan untuk menghitung jumlah zakat yang dikenakan adalah berat emas akan ditolak daripada berat emas permata untuk mendapatkan berat emas sahaja dan nilai tersebut akan ditolak pula dengan kadar uruf iaitu 170 gram. Nilai tolakan tersebut akan dikalikan dengan harga semasa 1gram emas iaitu RM 185.50. Jumlah zakat yang akan dikenakan akan didapati apabila harga emas yang diperolehi dikalikan dengan 2.5%. Zakat bagi emas simpan yang tidak dipakai dalam tempoh setahun hanya akan dikenakan apabila emas tersebut menyamai atau melebihi kadar nisab sebanyak 85 gram. Oleh itu, sebanyak 2.5% daripada nilai emas tersebut akan diambil kira dan ianya tidak termasuk batu-batu permata. Jumlah zakat yang dikenakan akan didapati apabila nilai berat emas yang ditolak dengan berat batu permata dikalikan dengan RM 185.50 yang merupakan nilai semasa bagi 1gram emas. Hanya 2.5% akan dikenakan dari jumlah akhir pengiraan tersebut.

Zakat Emas di Perak

Kadar uruf yang ditetapkan bagi negeri Perak dalam mewajibkan seseorang untuk membayar zakat emas perhiasan adalah sebanyak 500 gram. Pengiraan dilakukan dengan menghitung jumlah berat emas yang dimiliki pada tahun tersebut, yang dikalikan dengan harga semasa 1 gram emas iaitu RM 235.50. Nilai yang dihitung dalam ringgit Malaysia tersebut akan ditolak daripada uruf yang ditetapkan. Jumlah zakat yang perlu dibayar akan didapati setelah nilai tolakan tersebut dikalikan dengan 2.5%. Bagi zakat emas simpanan, negeri Perak juga menggunakan kadar nisab yang sama iaitu 85 gram bagi menetapkan jumlah zakat yang perlu dibayar oleh seseorang. Pengiraan dilakukan dengan cara menghitung nilai emas dalam ringgit Malaysia terlebih dahulu. Bagi mendapatkan nilai tersebut, berat emas akan dikalikan dengan RM 235.52 (harga semasa 1 gram emas). Jumlah zakat akan didapati apabila nilai tersebut dikalikan pula dengan 2.5%.

Zakat Emas di Selangor

Zakat emas perhiasaan di Selangor akan diwajibkan untuk dibayar sekiranya seseorang memiliki emas perhiasan (perhiasan badan, perkakasan, atau perabot yang digunakan secara kerap atau sebaliknya) yang kadar urufnya telah melebihi 800 gram. Jumlah zakat emas perhiasan yang perlu dibayar mulai dihitung dengan mendapatkan jumlah timbangan emas. Jumlah timbangan emas akan dapat diperolehi apabila berat emas yang dimiliki ditolak dengan uruf iaitu 800 gram. Nilai timbangan emas tersebut akan dikalikan dengan harga 1gram emas semasa dan kemudian dikalikan pula dengan 2.5%. Jumlah zakat yang akan dikenakan pada emas simpan yang kegunaannya bukanlah untuk tujuan perhiasan seperti jongkong atau barang kemas akan dapat dihitung jumlahnya dengan menggunakan kadar nisan yang sudah ditetapkan di dalam hadis iaitu 85 gram. Nilai timbangan emas yang telah ditolak dengan kadar nisab akan dikalikan dengan harga 1gram emas semasa. Jumlah yang didapati tersebut akan dikalikan dengan 2.5% bagi mendapatkan jumlah zakat emas simpan yang akan dikenakan.

Zakat Emas di Wilayah Persekutuan

Pusat pungutan zakat di Wilayah Persekutuan telah menetapkan bahawa seseorang individu yang memiliki emas perhiasan yang melebihi kadar uruf sebanyak 800 gram, maka bayaran zakat emas perhiasan akan dipertanggungjawabkan ke atasnya. Jumlah zakat emas perhiasan dihitung daripada nilai timbangan emas yang dimiliki. Nilai timbangan ini akan dikalikan dengan harga semasa 1gram emas di Wilayah persekutuan ini sebanyak RM 164.33. Daripada jumlah hitungan tersebut, hanya 2.5% akan dikenakan ke atas pembayar. Seseorang hanya akan zakat emas simpan di Wilayah Persekutuan apabila emas yang menjadi simpanannya telah melebihi kadar nisab yang ditetapkan iaitu 85 gram. Jumlah zakat yang dikenakan pula dikira dari nilai timbangan emas (berat emas ditolak dengan kadar nisab) yang dikalikan dengan harga semasa 1 gram (RM 164.33). Seperti yang ditetapkan di dalam hadis, hanya 2.5% dari harga semasa kepada timbangan emas tersebut akan diambil kira.

Zakat Emas di Negeri Sembilan

Emas perhiasan yang dimiliki oleh seseorang wanita hanya akan dikenakan apabila nilai emas tersebut melebihi nilai uruf yang ditetapkan iaitu sebanyak 200 gram. Pengiraan jumlah zakat yang ditetapkan dapat dihitung dengan mendapatkan nilai timbangan emas perhiasan terlebih dahulu. Nilai timbangan emas akan didapati apabila ditolak dengan 200 gram (kadar uruf). Seterusnya, nilai timbangan emas perlu dikali dengan harga semasa 1 gram emas iaitu sebanyak RM 115.20. Hasil daripada kiraan tersebut akan dikalikan dengan 2.5% untuk mendapatkan jumlah zakat yang perlu dibayar. Jika emas simpan telah menyamai atau melebihi kadar nisab iaitu 85 gram, zakat yang akan dipertanggungjawabkan adalah 2.5% daripada nilai emas tersebut. Pengiraan yang dilakukan dengan mendarabkan berat emas dengan RM 115.20 iaitu harga semasa 1 gram emas. Jumlah zakat yang dikenakan hanyalah 2.5% daripada hasil pengiraan tersebut.

Zakat Emas di Sabah

Di negeri Sabah, Majlis Ugama Islamnya telah menetapkan bahawa seseorang hanya perlu membayar zakat apabila melebihi nilai uruf yang ditetapkan iaitu sebanyak 152 gram. Pengiraan dilakukan dengan mendapatkan nilai timbangan emas setelah ditolak dengan nilai uruf. Nilai timbangan emas tersebut akan didarabkan dengan harga semasa 1gram emas di Sabah iaitu sebanyak RM 170.59. Seseorang akan dikenakan 2.5% daripada nilai emas yang dihitung tersebut. Bagi zakat emas simpan, ianya hanya akan dipertanggungjawabkan ke atas seseorang apabila emas yang disimpannya melebihi atau menyamai nisab emas iaitu 85 gram. Nilai timbangan emas yang disimpan yang telah ditolak dengan nisab emas akan dikalikan dengan harga semasa 1gram emas; RM 170.59. Jumlah zakat akan yang dibayar pula akan diambil 2.5% daripada nilai emas semasa yang disimpan tersebut.

Zakat Emas di Pulau Pinang

Umat Islam di Pulau Pinang akan dipertanggungjawabkan untuk membayar zakat emas perhiasan apabila nilai emasnya melebihi kadar uruf yang ditetapkan di negeri tersebut iaitu sebanyak 165 gram. Nilai timbangan emas perlu dihitung terlebih dahulu dengan menolak nilai emas yang dimiliki daripada kadar uruf yang ditetapkan. Setelah itu nilai timbangan emas tersebut perlu dikalikan dengan harga semasa 1gram emas di negeri tersebut iaitu sebanyak RM 237.17. Daripada keseluruhan harga semasa emas yang dihitung tersebut, hanya 2.5% akan menjadi jumlah yang perlu dibayar. Zakat emas simpan hanya akan dikenakan ke atas umat Islam di Pulau Pinang apabila nilai emas simpan yang dimiliki menyamai atau melebihi kadar nisab iaitu 85 gram, seperti yang ditetapkan di dalam hadis Rasulullah SAW. Jumlah zakat emas simpan yang perlu dibayar dihitung dengan cara mendarabkan nilai emas simpan dengan harga emas semasa. Setelah mendapatkan nilai emas semasa, hanya 2.5% daripada nilai tersebut akan dijadikan jumlah zakat yang perlu yang dibayar.

Zakat Emas di Terengganu

Menurut Majlis Agama Islam dan Adat Melayu Terengganu, zakat emas perhiasan hanya akan dipertanggungjawabkan ke atas seseorang jika emas perhiasan yang dimilikinya menyamai atau melebihi nilai uruf sebanyak 850 gram yang bersamaan dengan RM 139,731.50. Jumlah zakat yang akan dikenakan dihitung daripada nilai timbangan emas yang dimiliki ditolak daripada nilai uruf. Nilai timbangan yang ditolak tersebut akan dikalikan dengan harga semasa 1gram emas di negeri tersebut iaitu, RM 164.39. Daripada keseluruhan nilai harga semasa emas tersebut, hanya 2.5% akan dikenakan ke atas pembayar zakat. Emas simpan atau emas yang tidak dipakai akan dikenakan zakat apabila kadar nisab emas tersebut telah melebihi 85 gram. Sekiranya seseorang memiliki emas simpan yang kadar nisabnya adalah 200 gram, jumlah emas yang dikenakan ke atasnya adalah sebanyak 115 gram setelah ditolak kadar nisab yang ditetapkan tersebut. Jumlah emas tersebut akan dikalikan dengan harga semasa 1gram emas iaitu RM 164.39. Daripada keseluruhan harga emas semasa yang telah dikalikan tersebut iaitu RM 18,904.85, pembayar zakat hanya perlu membayar 2.5% daripada jumlah tersebut iaitu sebanyak RM 472.62.

Zakat Emas di Pahang

Di negeri Pahang, Majlis Ugama Islam dan Adatnya menetapkan bahawa jika emas perhiasan seseorang itu melebihi kadar uruf sebanyak 500 gram, beliau wajib untuk membayar zakat. Sekiranya berat emas seseorang itu bernilai 700 gram, nilai harga semasa emas tersebut adalah sebanyak RM 167,902.00. Namun begitu, kadar zakat sebanyak 2.5% daripada nilai harga semasa emas tersebut sahaja yang perlu dijelaskan pembayarannya. Zakat emas simpan hanya akan dikenakan ke atas seseorang yang memiliki emas simpan yang nilai rimbangnya menyamai atau melebihi kadar nisab sebanyak 85 gram. Seperti yang ditetapkan di dalam hadis, kadar zakat yang perlu dibayar adalah 2.5% dari nilai semasa emas yang dimiliki. Sekiranya timbangan emas yang disimpan bernilai 100 gram, ianya perlu dikalikan dengan harga semasa 1gram emas iaitu RM 239.86. Daripada keseluruhan jumlah yang dikalikan tersebut, 2.5% sahaja akan menjadi jumlah zakat yang perlu dibayar.

Zakat Emas di Perlis

Negeri Perlis menggunakan sistem pembayaran zakat emas yang agak berbeza dari negeri-negeri yang lain. Perbezaan tersebut dapat dilihat apabila Jawatankuasa Fatwa Negeri Perlis telah mencapai sepakat bahawa kewajipan dalam menunaikan zakat emas perhiasan atau zakat emas simpan adalah sama. Selain itu, tiada uruf yang ditetapkan di negeri tersebut dan kadar nisab yang ditetapkan adalah sebanyak 85 gram, seperti yang terkandung di dalam hadis. hal ini bermakna, sekiranya seseorang memiliki emas perhiasan atau emas simpan yang melebihi kadar nisab iaitu 85 gram, beliau akan dikenakan zakat. Jumlah zakat yang perlu dibayar adalah 2.5% daripada harga semasa emas yang dimiliki (harga semasa 1gram emas di Perlis adalah sebanyak RM 219.64).

Zakat Emas di Kelantan

Bagi negeri Kelantan, Majlis Agama Islam dan Adat Istiadat Melayu di negeri tersebut telah bersepakat bahawa zakat emas yang dikenakan hanyalah zakat emas simpan sahaja. Tidak seperti di negeri-negeri lain di Malaysia, walaupun emas perhiasan telah melebihi 85gram, zakat tidak akan dikenakan. Hal ini bermaksud tiada uruf yang ditetapkan di negeri ini. Namun begitu, zakat emas simpan adalah wajib dibayar sekiranya emas yang dimiliki tersebut melebihi kadar nisab 85 gram. Jumlah harga emas semasa akan dihitung dengan cara mendarabkan dengan harga semasa 1gram emas di Kelantan iaitu sebanyak RM 261.45. daripada keseluruhan jumlah harga emas tersebut, hanya 2.5% yang akan menjadi nilai zakat yang perlu ditunaikan.

Zakat Emas di Sarawak

Majlis Agama Islam di Sarawak telah menetapkan bahawa zakat emas perhiasan hanya akan dikenakan apabila seseorang itu memiliki emas perhiasan yang telah melebihi kadar uruf iaitu 90 gram. Jumlah zakat emas yang perlu dibayar adalah 2.5% daripada nilai emas yang dimiliki setelah ditolak kadar uruf, berdasarkan harga semasa 1gram emas di Sarawak iaitu RM 197.00. Dalam pengiraan jumlah zakat yang perlu dibayar oleh seseorang yang memiliki emas simpan, kadar nisab yang digunakan adalah 85gram seperti yang disebutkan di dalam hadis. Namun begitu, harga semasa 1gram emas di Sarawak (RM 197.00) telah menjadikan jumlah zakat emas simpan yang perlu dibayar berbeza daripada negeri-negeri lain. Walaubagaimanapun, kadar zakat yang dikenakan masih sama iaitu sebanyak 2.5% daripada nilai emas yang dimiliki.

Zakat Emas di Melaka

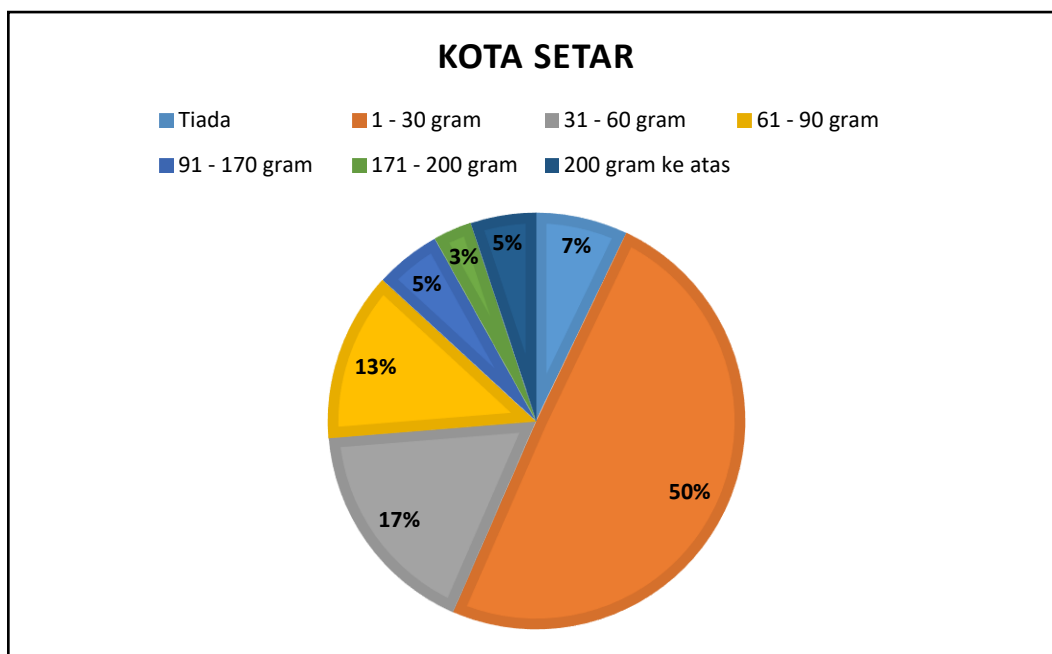
Negeri Melaka telah menetapkan kadar uruf sebanyak 180gram sebagai syarat bagi seseorang dalam menunaikan zakat emas perhiasan. Apabila seseorang memiliki emas perhiasan yang telah melebihi kadar uruf tersebut, jumlah zakat yang perlu dibayar adalah 2.5% daripada jumlah harga emas yang dimiliki. Jumlah harga emas ini dihitung dengan cara mendapatkan nilai emas yang ditolak dengan kadar uruf, lalu didarabkan dengan harga semasa 1gram emas di Melaka iaitu RM 257.74. Dalam urusan pembayaran zakat emas simpan di Melaka, syarat bagi seseorang dalam menunaikan zakat emas simpan adalah bergantung kepada emas yang kadar nisabnya melebihi 85 gram. Formula pengiraan jumlah zakat yang perlu dibayar adalah sedikit berbeza apabila jumlah emas simpanan terus didarabkan dengan harga semasa 1 gram emas tanpa perlu ditolak dengan kadar nisab. Daripada keseluruhan, jumlah harga emas yang didarabkan tersebut, 2.5% akan menjadi jumlah zakat yang perlu dibayar.

KAEDAH KAJIAN

Kajian ini menggunakan kaedah kuantitatif untuk mendapatkan gambaran sebenar pemakaian emas di kalangan wanita di negeri Kedah. Kaedah ini bersesuaian kerana ia melibatkan jumlah sampel yang ramai dan menggunakan borang soal selidik berstruktur untuk memudahkan pengumpulan dan analisis data kajian. Seramai 1287 orang wanita dipilih secara rawak dalam 12

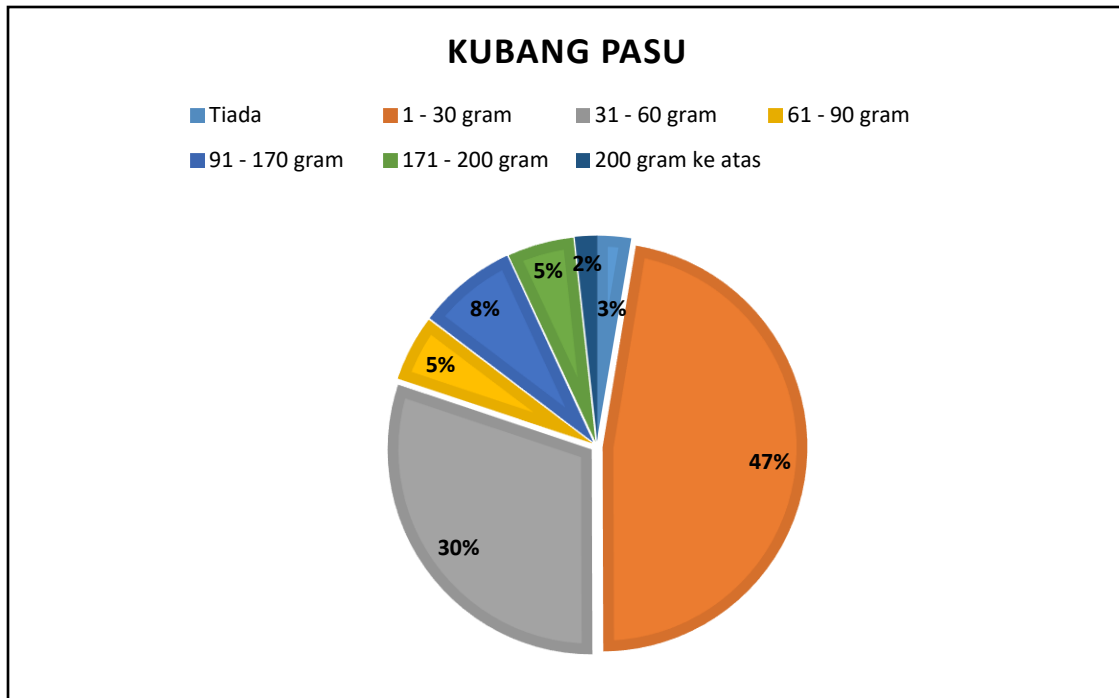
daerah di negeri Kedah. Soal selidik telah diedarkan secara talian menggunakan Google Form. Soal selidik ini juga mengandungi 2 bahagian iaitu Bahagian A mengandungi maklumat demografi responden dan bahagian B berkaitan pengetahuan zakat dan pemakaian emas dalam kalangan wanita negeri Kedah. Hasil kajian dianalisis menggunakan statistik deskriptif secara peratusan.

DAPATAN KAJIAN



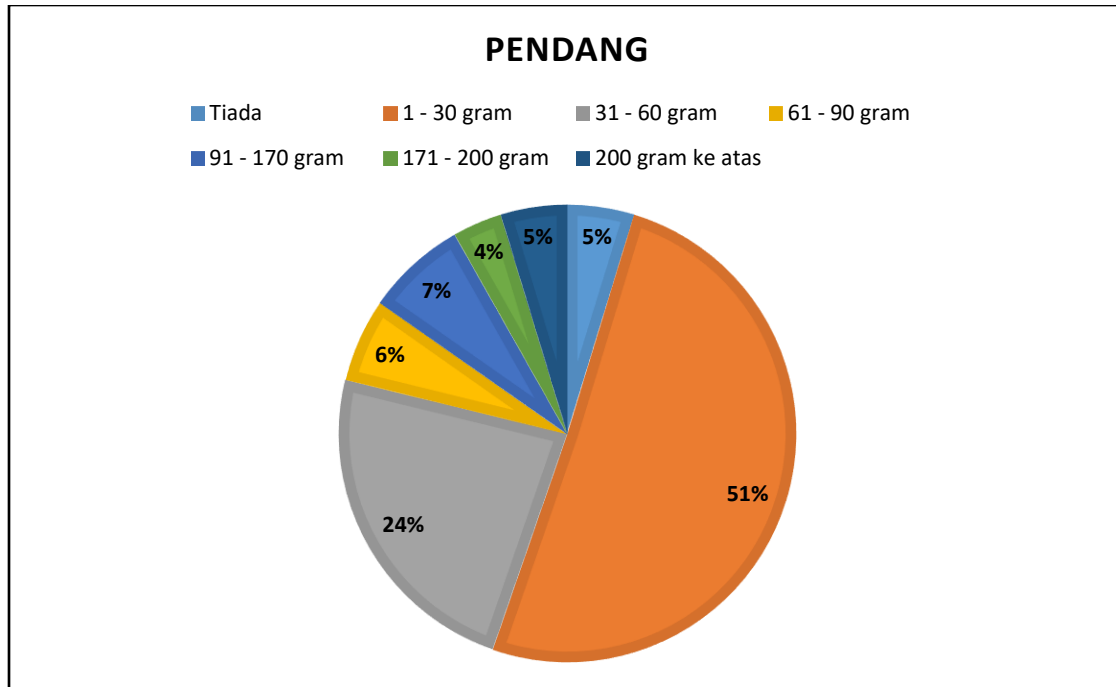
Rajah 1. Kadar Pemakaian Emas di Daerah Kota Setar

Dalam rajah 1 menunjukkan berat emas dipakai bagi daerah Kota Setar. Jumlah responden daerah Kota Setar yang terlibat dalam menjawab soal selidik bagi soalan ini adalah seramai 99 orang. Dalam rajah dia atas, dapat dijelaskan bahawa peratus tertinggi berat emas dipakai adalah pada berat 1 – 30 gram iaitu 50% dengan kekerapan 49 orang responden diikuti peratus bagi berat 31 – 60 gram iaitu 17% dengan kekerapan 17 orang responden. Peratus ketiga tertinggi adalah bagi berat emas 61 – 90 gram iaitu 13% dengan kekerapan 13 orang responden. Kemudian, peratus yang sama dapat dilihat pada berat emas 91 – 170 gram dan 201 gram ke atas iaitu 5% dengan kekerapan 5 orang responden. Berat emas yang dipakai dengan peratus paling rendah adalah bagi berat 171 – 200 gram iaitu 3% dengan kekerapan 3 orang responden. Yang terakhir adalah peratus bagi tiada berat iaitu 7% dengan kekerapan 7 orang responden.



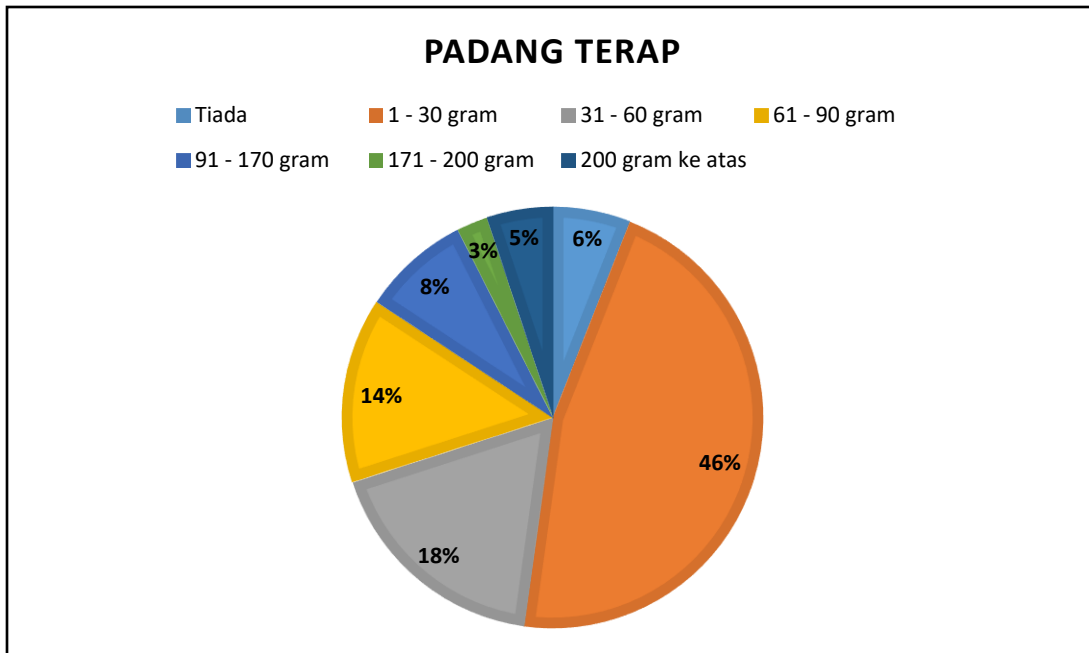
Rajah 2. Kadar Pemakaian Emas di Daerah Kubang Pasu

Bagi rajah 2 menunjukkan berat emas dipakai bagi daerah Kubang Pasu. Jumlah responden yang menjawab bagi daerah ini adalah sebanyak 116 orang responden. Peratus berat 1 – 30 gram adalah sebanyak 47% dengan kekerapan 55 orang responden. Seterusnya adalah berat bagi 31 – 60 gram menunjukkan peratus sebanyak 30% dengan kekerapan 35 orang responden. Kemudian, peratus yang sama dicatatkan bagi berat 61 – 90 gram dan 171 – 200 gram ke atas iaitu 5% dengan kekerapan 6 orang responden. Seterusnya bagi berate mas 91 – 170 gram menunjukkan peratus sebanyak 8% dengan kekerapan 9 orang responden. Dua kategori lain menunjukkan peratus kurang daripada 5% iaitu bagi berat emas 201 gram ke atas sebanyak 2% dengan kekerapan 2 orang responden dan peratus bagi tiada berat adalah 3% dengan kekerapan 3 orang responden.



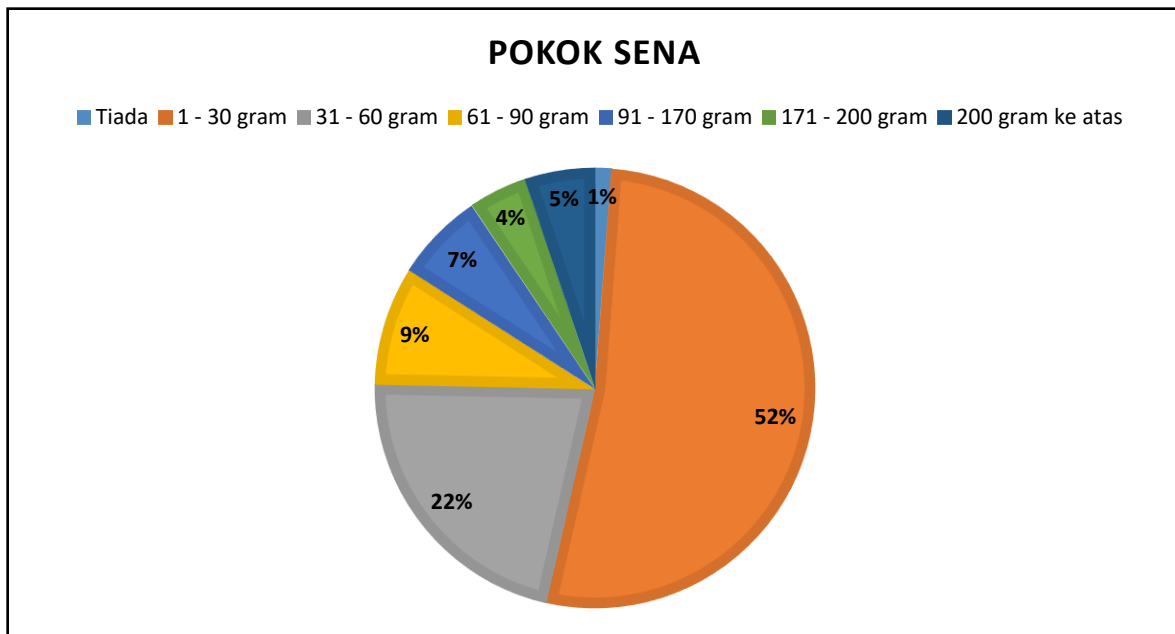
Rajah 3. Kadar Pemakaian Emas di Daerah Pendang

Rajah 3 menunjukkan berat emas dipakai bagi daerah Pendang. Jumlah responden yang menjawab bagi daerah ini adalah seramai 85 orang. Peratus tertinggi berat emas dipakai dapat dilihat pada berat 1 – 30 gram iaitu 51% dengan kekerapan 43 orang responden. Berat 31 – 60 gram pula menunjukkan peratus sebanyak 24% dengan kekerapan 20 orang responden. Bagi berat 61 – 90 gram pula mencatatkan nilai peratus sebanyak 6% dengan kekerapan 5 orang responden. Seterusnya peratus berat emas bagi 91 – 170 gram adalah sebanyak 7% dan kekerapan adalah seramai 6 orang responden. Peratus paling rendah dilihat pada berat emas 171 – 200 gram iaitu 4% dengan jumlah kekerapan seramai 3 orang responden. Manakala, Peratus dan kekerapan bagi berate mas 201 gram ke atas dan tiada berat adalah sebanyak 5% dengan kekerapan 4 orang responden.



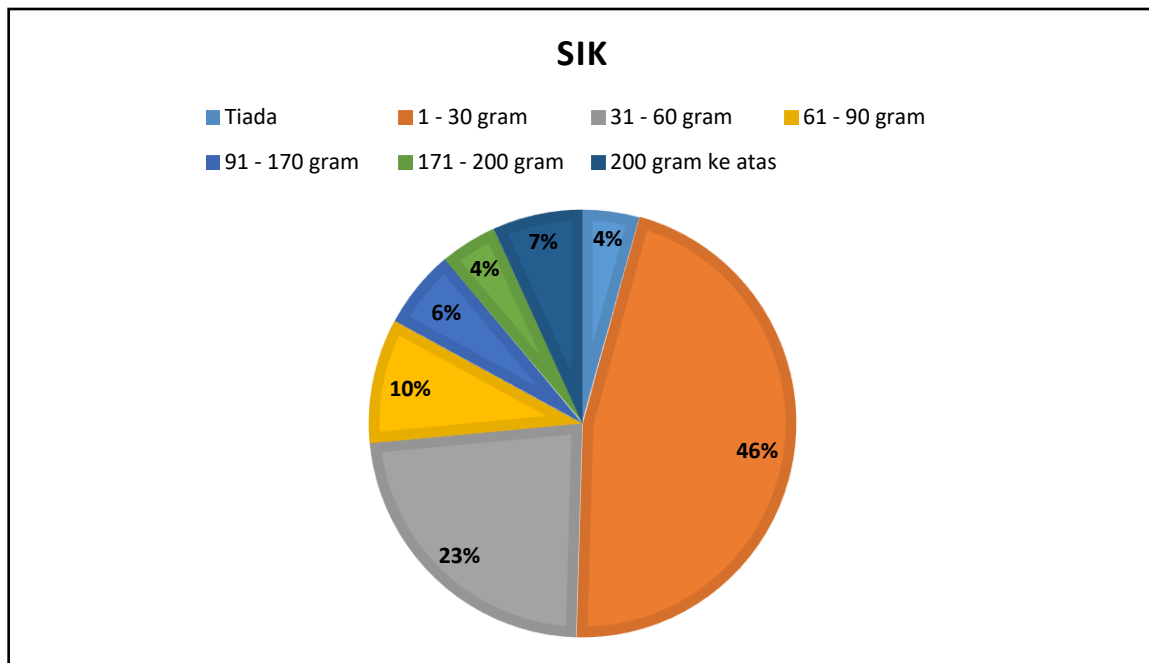
Rajah 4. Kadar Pemakaian Emas di Daerah Padang Terap

Rajah 4 menunjukkan berat emas dipakai bagi daerah Padang Terap. Jumlah responden yang menjawab soalan ini bagi daerah Padang Terap adalah seramai 84 orang responden. Berat emas 1-30 gram menunjukkan peratus sebanyak 46% dengan kekerapan 39 orang responden. Seterusnya berat emas dipakai 31-60 gram mencatatkan peratus sebanyak 18% dengan kekerapan 15 orang responden diikuti berat emas 61-90 gram iaitu 14% dengan kekerapan 12 orang responden. Bagi berat emas 91-170 gram pula menunjukkan peratus sebanyak 8% dengan kekerapan 7 orang responden. Peratus kurang daripada 5% dapat dilihat bagi berat emas 171-200 gram iaitu 3% dengan kekerapan 2 orang responden. Manakala, berat emas 201 gram ke atas mencatatkan peratus sebanyak 5% dengan kekerapan 4 orang dan terakhir bagi tiada berat menunjukkan peratus sebanyak 6% dengan kekerapan 5 orang responden.



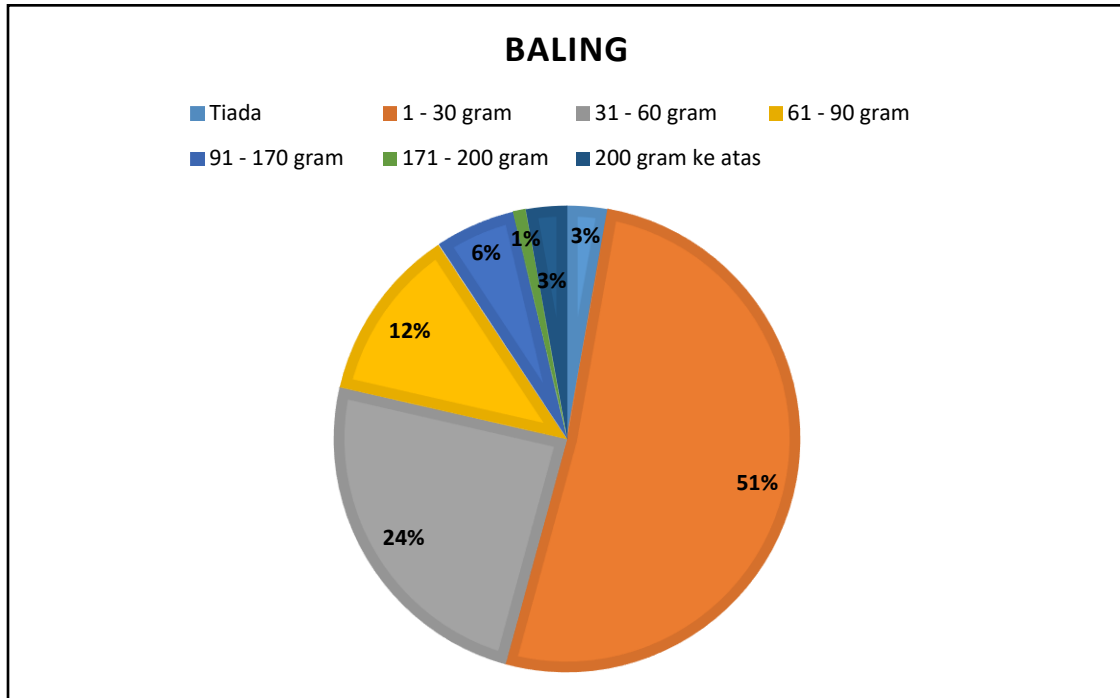
Rajah 5. Kadar Pemakaian Emas di Daerah Pokok Sena

Rajah 5 menunjukkan berat emas dipakai bagi daerah Pokok Sena. Jumlah responden yang menjawab soalan ini bagi daerah Pokok Sena adalah seramai 92 orang responden. Kategori 1 – 30 gram menunjukkan peratus tertinggi iaitu 52% dengan kekerapan 48 orang responden diikuti kategori berat emas 31 – 60 gram dengan peratus 22% dan kekerapan 20 orang responden. Kategori berat emas 61 – 90 gram pula menunjukkan peratus sebanyak 9% dengan kekerapan 8 orang responden. Bagi berat emas 91 – 10 gram pula mencatatkan peratus sebanyak 7% dengan kekerapan 6 orang responden. Berat emas 171 – 200 gram menunjukkan peratus sebanyak 4% dengan kekerapan 4 orang responden. Berat emas 201 gram ke atas mencatatkan peratus sebanyak 5% dan juga kekerapan adalah seramai 5 orang responden. Manakala yang terakhir adalah kategori tiada berat iaitu 1% dengan kekerapan 1 responden.



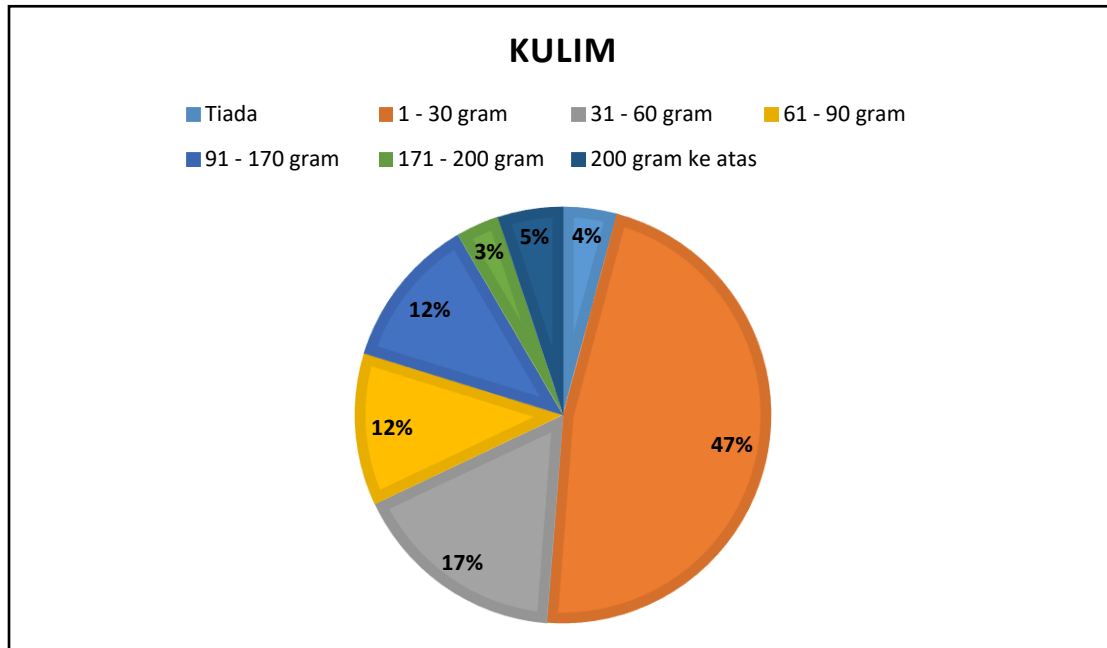
Rajah 6. Kadar Pemakaian Emas di Daerah Sik

Bagi Rajah 6 pula menunjukkan berat emas dipakai bagi daerah Sik. Jumlah responden yang menjawab soalan ini bagi daerah Sik adalah seramai 117 orang. Peratus tertinggi berat emas dipakai bagi daerah ini adalah dalam kategori berat 1 – 30 gram iaitu sebanyak 47% dan kekerapan 54 orang responden. Peratus kedua tertinggi pula adalah bagi berat emas 31-60 gram iaitu 24% dengan kekerapan 27 orang responden diikuti kategori berat 61 – 90 gram sebanyak 10% dengan kekerapan 11 orang responden. Seterusnya, kategori berat emas 91-170 gram menunjukkan peratus 6% dengan kekerapan 7 orang responden. Kategori berat emas 171-200 gram dan tiada berat mencatatkan nilai peratus yang sama iaitu 4% dengan kekerapan 5 orang responden. Terakhir adalah berat emas 201 gram ke atas iaitu peratus sebanyak 7% dengan kekerapan 8 orang responden.



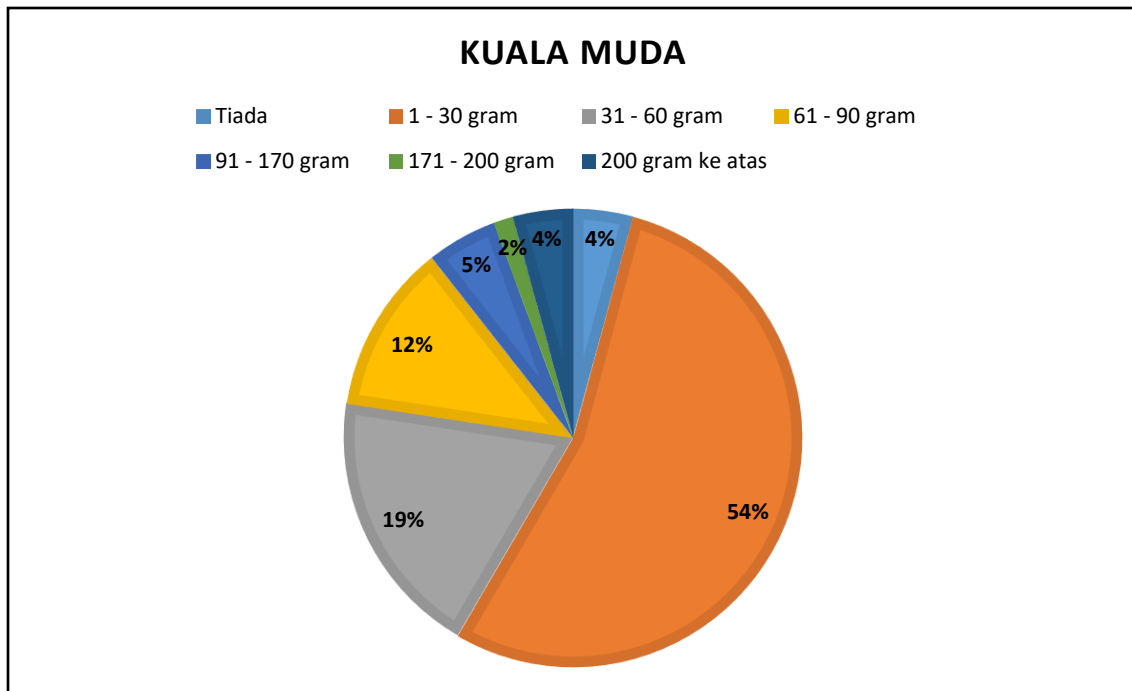
Rajah 7. Kadar Pemakaian Emas di Daerah Baling

Rajah 7 menunjukkan kategori berat emas dipakai bagi daerah Baling. Jumlah responden yang menjawab soalan ini bagi daerah Baling adalah seramai 107 orang responden. Bagi berat emas 1 – 30 gram, kategori ini menunjukkan nilai peratus sebanyak 50% dengan kekerapan sebanyak 55 orang responden diikuti berat emas 31 – 60 gram iaitu peratus sebanyak 24% dengan kekerapan 26 orang responden. Seterusnya peratus berat emas 61 – 90 gram menunjukkan peratus sebanyak 12% dengan kekerapan 13 orang responden. Peratus bagi berat emas 91 – 170 gram pula adalah sebanyak 6% dengan kekerapan 6 orang responden. Manakala bagi kategori berat emas 201 gram ke atas dan juga tiada berat emas menunjukkan nilai peratus yang sama iaitu 3% dan juga kekerapan yang sama iaitu 3 orang responden. Peratus terendah adalah bagi kategori berat emas 171 – 200 gram iaitu 1% dengan kekerapan 1 responden.



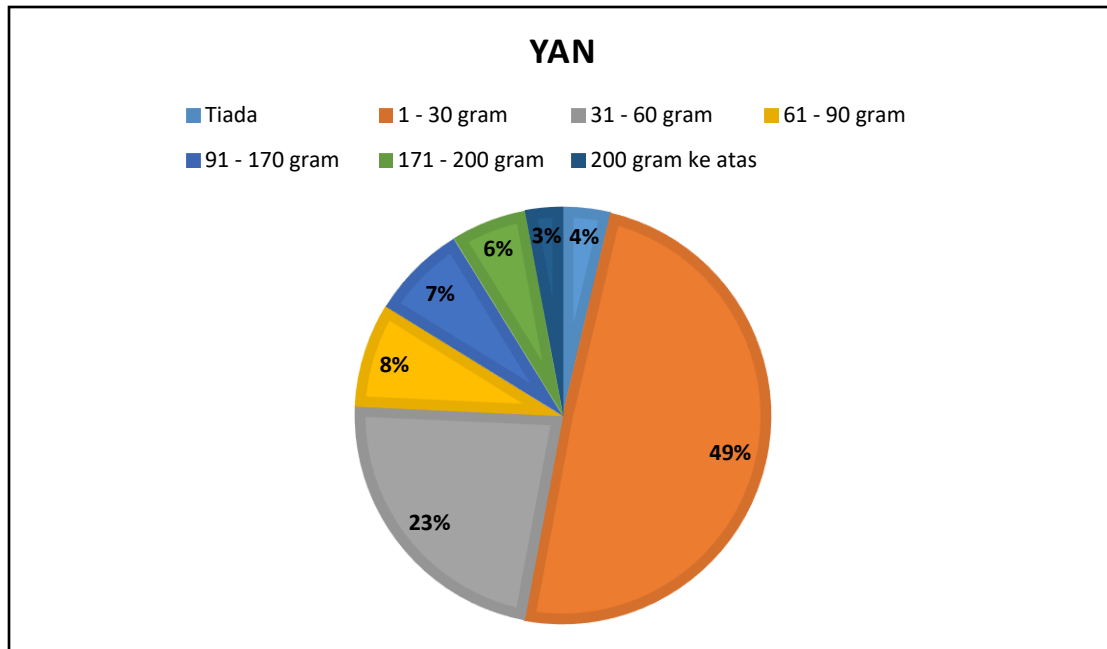
Rajah 8. Kadar Pemakaian Emas di Daerah Kulim

Rajah 8 menunjukkan berat emas dipakai bagi daerah Kulim. Responden yang menjawab soalan ini bagi daerah Kulim adalah seramai 118 orang. Berat emas dengan peratus tertinggi adalah bagi berat 1 – 30 gram iaitu sebanyak 47% dengan kekerapan 56 orang responden. Seterusnya berat emas 31 – 60 gram mencatatkan peratus sebanyak 17% dengan kekerapan 20 orang responden. Bagi berat emas 61 – 90 gram dan juga 91 – 170 gram menunjukkan nilai peratus yang sama iaitu 12% dengan kekerapan 14 orang responden bagi setiap kedua-duanya. Kategori berat emas dengan nilai 171 – 200 gram mencatatkan peratus sebanyak 3% dengan kekerapan 4 orang responden. Yang terakhir adalah nilai 201 gram ke atas iaitu peratus sebanyak 5% dengan kekerapan 5 orang responden begitu juga bagi responden yang memilih tiada nilai berat emas mencatatkan peratus sebanyak 4% dengan kekerapan 5 orang responden.



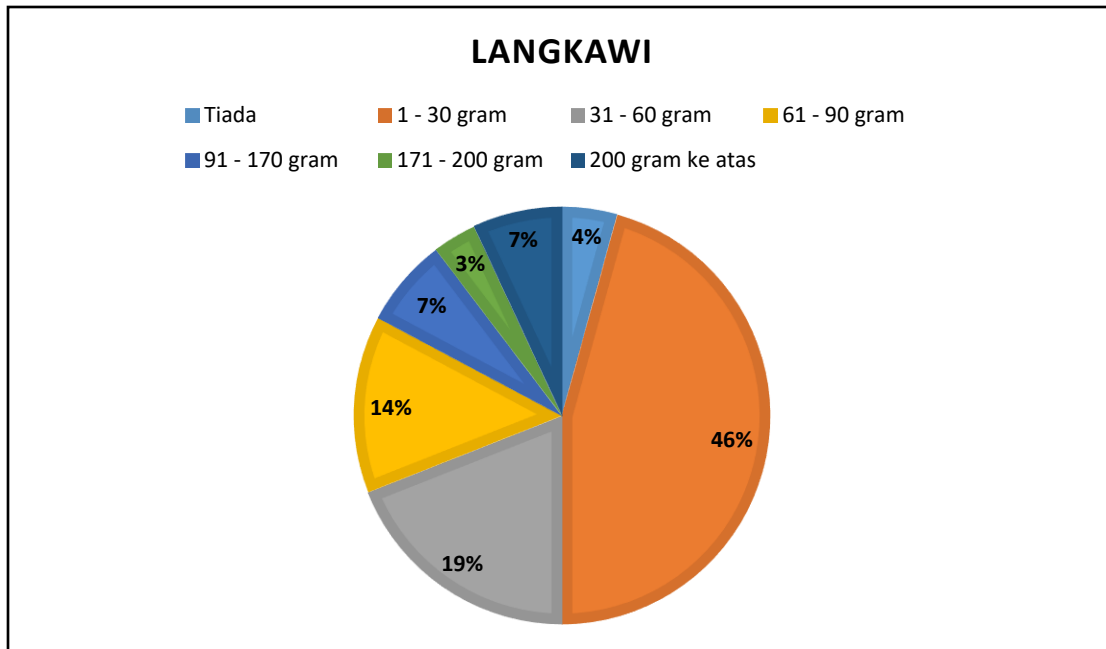
Rajah 9. Kadar Pemakaian Emas di Daerah Kuala Muda

Rajah 9 di atas menunjukkan berat emas dipakai bagi daerah Kuala Muda. Bilangan responden yang menjawab soalan ini bagi daerah Kuala Muda adalah seramai 142 orang responden. Bagi daerah ini, nilai berat tertinggi adalah 1-30 gram dengan peratus 57% dan kekerapan 77 orang responden. Seterusnya ialah nilai berat 31-60 gram menunjukkan peratus sebanyak 19% dengan kekerapan 27 orang responden. Bagi berat emas 61-90 gram pula mencatatkan peratus sebanyak 12% dengan kekerapan 17 orang responden diikuti nilai berat emas 91 -170 gram iaitu 5% dengan kekerapan 7 orang. Nilai berat emas yang lain menunjukkan peratus kurang daripada 5% iaitu 171-200 gram mencatatkan 1% dengan kekerapan 2 orang dan nilai 200 gram ke atas 4% dengan 6 orang responden. Bagi responden yang memilih tiada, nilai berat emas sekali lagi menunjukkan peratus sebanyak 4% dengan kekerapan 6 orang responden.



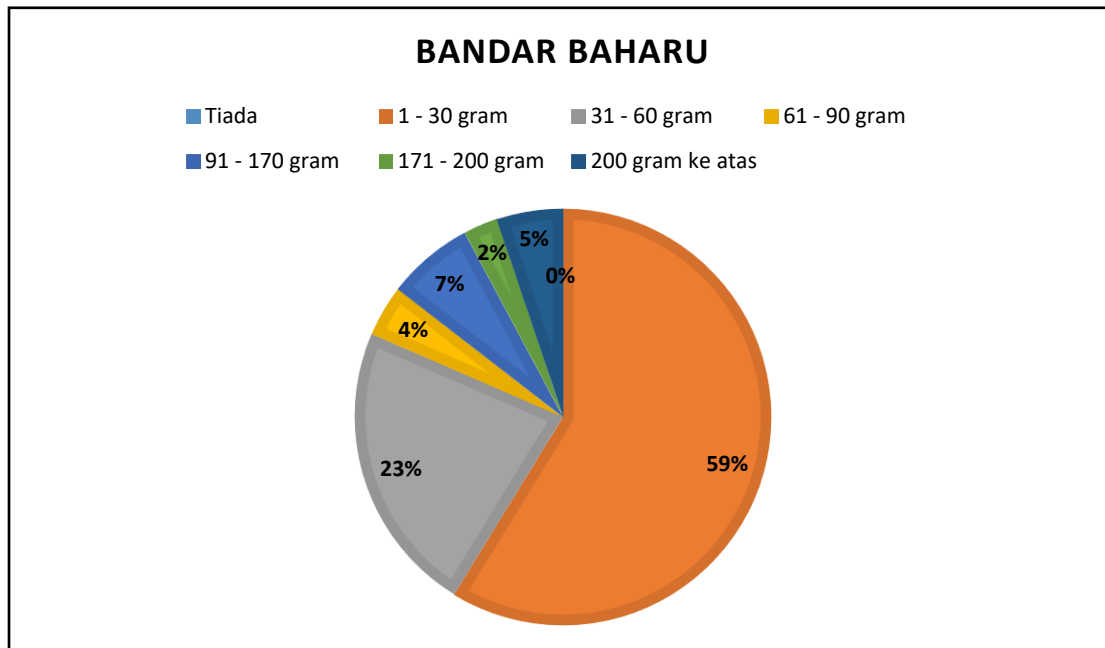
Rajah 10. Kadar Pemakaian Emas di Daerah Yan

Seterusnya, Rajah 10 menunjukkan kategori berat emas dipakai bagi daerah Yan. Dalam daerah ini, seramai 136 orang responden telah menjawab soalan ini. Responden yang menjawab tiada bagi soalan ini menunjukkan peratus sebanyak 4% dengan kekerapan 5 orang responden. Kemudian, berat 1-30 gram menunjukkan peratus tertinggi iaitu sebanyak 49% dengan kekerapan 67 daripada 136 orang responden. Bagi berat 31-60gram pula menunjukkan peratus kedua tertinggi iaitu 23% dengan kekerapan 31 orang responden diikuti berat emas dengan nilai 61-90 gram yang mencatatkan peratus sebanyak 8% dan kekerapan adalah 11 orang responden. Peratus dengan nilai 7% pula dilihat pada berat emas 91-170 gram dengan kekerapan 10 orang responden. Kategori berat emas 171-200 gram pula menunjukkan peratus sebanyak 6% dengan kekerapan 8 orang responden. Dua kategori selebihnya pula mencatatkan peratus kurang daripada 5% iaitu bagi berat emas 200 gram ke atas dan responden yang memilih tiada bagi berat emas. Peratus bagi berat emas 201 gram ke atas adalah 3% dengan kekerapan 4 orang responden. Manakala, peratus bagi kategori tiada berat emas pula ialah 4% dengan kekerapan 5 orang responden.



Rajah 11. Kadar Pemakaian Emas di Daerah Langkawi

Rajah 11 menunjukkan kadar pemakaian emas di daerah Langkawi. Seramai 116 orang responden yang menjawab soalan bagi berat emas dipakai. Bagi daerah ini, peratusan tertinggi adalah pada berat 1 – 30 gram iaitu peratusan sebanyak 46% dan kekerapan adalah 53 orang diikuti berat 61 – 90 gram iaitu 19% dengan kekerapan sebanyak 22 orang. Kemudian berat 61- 90 gram mencatatkan peratusan ketiga tertinggi iaitu 14% dengan kekerapan 16 orang responden. Bagi berat emas 91 – 170 gram dan 201 gram ke atas, masing-masing mencatatkan kadar peratusan yang sama iaitu 7% dan juga kekerapan yang sama iaitu 8 orang responden. Berat emas 171 – 200 gram pula mencatatkan peratus sebanyak 3% dan kekerapan 4 orang responden. Bagi responden yang menjawab tiada menunjukkan peratus sebanyak 4% dengan kekerapan 5 orang responden.



Rajah 12. Kadar Pemakaian Emas di Daerah Bandar Baharu

Rajah 12 menunjukkan kadar pemakaian emas bagi daerah Bandar Baharu. Kategori berat emas bagi daerah ini hanya mencatatkan seramai 77 orang responden. Berat emas dipakai yang menunjukkan kadar peratusan tertinggi adalah bagi berat 1-30gram iaitu sebanyak 59% dengan kekerapan 44 orang. Peratusan kedua tertinggi bagi berat emas dipakai adalah berat 31-60gram iaitu 23% dengan kekerapan sebanyak 17 orang responden diikuti berat 91-170 gram dengan peratus 7% dan kekerapan hanya 5 orang responden. Berat emas pakai yang menunjukkan peratusan kurang daripada 5% adalah bagi berat 61-90gram iaitu sebanyak 4% dan kekerapan 3 orang responden, berat 171-200gram dengan kekerapan 2 orang responden dan 201 gram ke atas dengan peratusan 5% serta kekerapan 4 orang responden.

PERBINCANGAN

Di Malaysia, pelaksanaan zakat emas perhiasan adalah merujuk kepada pandangan majoriti ulama, iaitu mana-mana individu yang pemakaian emasnya melebihi kadar uruf yang telah ditetapkan oleh negeri masing-masing, maka zakat wajib dikeluarkan. Oleh itu, dalam penentuan kadar tersebut, uruf masyarakat adalah sangat berperanan dan perlu diambil kira. Berdasarkan jadual di bawah menjelaskan pemakaian emas Wanita di 12 daerah negeri Kedah yang terdiri daripada daerah Kota Setar, Kubang Pasu, Pendang, Padang Terap, Pokok Sena, Sik, Baling, Kulim, Kuala Muda, Yan, Langkawi dan Bandar Baharu. Dapatan kajian menunjukkan bahawa 7.6 % sahaja yang memiliki lebih daripada 171gram. Kebanyakan responden (49.7%) menyatakan mereka hanya memiliki emas dalam lingkungan 1-30 gram sahaja. Manakala seramai 277 responden memiliki emas antara 31-60gram. Data ini menjelaskan Wanita Islam di negeri Kedah kurang memiliki emas melebihi 170 gram. Oleh itu, kadar uruf zakat emas semasa iaitu 170gram memadai

dengan pola pemakaian emas di negeri Kedah. Namun jika dilihat perbezaan dengan uruf emas di negeri lain, maka negeri Kedah boleh mempertimbangkan kenaikan kadar uruf emas perhiasan.

Daerah	Jumlah Responden	Tiada	1-30g	31-60g	61-90g	91-170g	171-200g	201g ke atas
Kota Setar	99	7 (7.1%)	49 (49.5%)	17 (17.2%)	13 (13.1%)	5 (5.1%)	3 (3%)	5 (5.1%)
Kubang Pasu	116	3 (2.6%)	55 (47.4%)	35 (30.2%)	6 (5.2%)	9 (7.8%)	2 (5.2%)	2 (1.7%)
Pendang	85	4 (4.7%)	43 (50.6%)	20 (23.5%)	5 (5.9%)	6 (7.1%)	3 (3.5%)	4 (4.7%)
Padang Terap	84	5 (6%)	39 (46.4%)	15 (17.9%)	12 (14.3%)	7 (8.3%)	2 (2.4%)	4 (4.8%)
Pokok Sena	92	1 (1.2%)	48 (52.2%)	20 (21.7%)	8 (8.7%)	6 (6.5%)	4 (4.3%)	5 (5.4%)
Sik	117	5 (4.3%)	54 (46.2%)	27 (23.1%)	11 (9.4%)	7 (6%)	5 (4.3%)	8 (6.8%)
Baling	107	3 (2.8%)	55 (51.4%)	26 (24.3%)	13 (12.1%)	6 (5.6%)	1 (0.9%)	3 (2.8%)
Kulim	118	5 (4.2%)	56 (47.5%)	20 (16.9%)	14 (11.9%)	14 (11.9%)	4 (3.4%)	5 (4.2%)
Kuala Muda	142	6 (4.2%)	77 (54.2%)	27 (19%)	17 (12%)	7 (5%)	2 (1.4%)	6 (4.2%)
Yan	136	5 (3.7%)	67 (49.3%)	31 (22.8%)	11 (8.1%)	10 (7.4%)	8 (5.9%)	4 (2.9%)
Langkawi	116	5 (4.3%)	53 (45.7%)	22 (19%)	16 (13.8%)	8 (6.9%)	4 (3.8%)	8 (6.9%)
Bandar Baharu	75	0	44 (58.7%)	17 (22.7%)	3 (4%)	5 (6.7%)	2 (2.7%)	4 (5.3%)
Jumlah	1287	49 (3.8%)	640 (49.7%)	277 (21.5%)	129 (10%)	90 (7%)	40 (3.1%)	58 (4.5%)

KESIMPULAN

Negeri Kedah ialah salah sebuah negeri di Malaysia yang mempunyai kepelbagaian amalan yang dijadikan sebagai uruf di dalam masyarakat. Kebanyakan uruf yang diamalkan di negeri Kedah adalah dianggap baik dan diterima oleh kebanyakan masyarakat dan tidak bercanggah dengan prinsip-prinsip syarak atau dengan kata lain dikategorikan sebagai uruf soheh serta umum yang boleh di ambil kira sebagai sumber hukum (Hazizan Mat Desa & Alias Azhar, 2016). Dalam konteks ini zakat bagi emas perhiasan di Kedah hanya akan dikenakan apabila melebihi kadar uruf yang ditetapkan iaitu sebanyak 170 gram. Secara keseluruhan terdapat 9 negeri yang menggunakan kaedah lebih uruf termasuk negeri Kedah. Dapatan kajian menunjukkan seramai 49.7%

responden memiliki 1-30gram emas. Ini bermakna kadar uruf 170 gram pada masa sekarang telah memadai berdasarkan pemakaian emas Wanita di Kedah. Namun jika diperhatikan, kadar uruf di negeri seperti negeri Johor telah menetapkan uruf zakat emas perhiasan sebanyak 850gram. Oleh yang demikian peningkatan uruf zakat emas perhiasan di negeri Kedah wajar dinaikkan bagi memberikan psikologi positif yang dapat menarik lebih ramai individu untuk membayar zakat emas perhiasan.

PENGHARGAAN

Penyelidik merakamkan penghargaan ucapan terima kasih kepada Lembaga Zakat Negeri Kedah Darulaman dan Institut Penyelidikan & Inovasi Zakat-IPIZ UUM kerana menaja penyelidikan ini di bawah Research Grant S/O kod 14278 yang bertajuk Penetapan Uruf Zakat Emas Perhiasan Di Negeri Kedah.

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KUTIPAN ZAKAT PADI: CABARAN DAN STRATEGI PENAMBAHBAIKAN

(Zakat Padi Collection: Challenges and Improvement Strategies)

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Abstrak

Pengertian zakat adalah penyucian harta benda di mana kadar tertentu dikeluarkan daripada harta yang tertentu mengikut pengiraan yang telah ditetapkan oleh hukum Syarak. Kadar yang dikeluarkan akan diagihkan kepada golongan yang memerlukan mengikut definisi asnaf yang telah ditetapkan. Pengurusan zakat padi di negeri Kedah adalah di bawah Lembaga Zakat Negeri Kedah (LZNK). Isu ketidakpuasan pengurusan berkaitan jumlah kutipan zakat padi yang rendah telah memotivasikan kajian ini. Justeru, kajian ini meletakkan dua objektif utama: (i) mengenal pasti cabaran LZNK dalam menangani jumlah kutipan zakat padi yang rendah; dan (ii) mencadangkan strategi-strategi untuk meningkatkan kesedaran membayar zakat padi di kalangan penanam padi atau pemilik padi kepada LZNK atau amil dilantik. Sampel kajian adalah individu yang terdiri daripada pesawah di daerah Kubang Pasu, Pendang, Padang Terap dan Pokok Sena iaitu kawasan utama penanaman padi. Data dikutip menerusi kaedah termuramah berstruktur dijalankan di LZNK di mana pegawai-pegawai di bahagian Zakat Padi telah memberikan kerjasama dan berkongsi pengalaman. Dari perspektif pejabat zakat, pelbagai cabaran telah dihadapi dalam usaha mengutip zakat padi ini. Diantaranya seperti kepercayaan yang goyah; pendekatan tiada sambutan; dan pemantauan amil dan kutipan yang kurang berkesan. Justeru itu, beberapa langkah atau strategi dicadangkan untuk meningkatkan kutipan zakat daripada penanam padi. Antara langkah yang dicadangkan tersebut ialah melalui lantikan amil di kalangan kumpulan yang dipersetujui atau professional; program kesedaran berkala; dan pendekatan komunikasi yang lebih berkesan.

Kata kunci: Zakat Padi, Cabaran, Strategi, Amil

Abstract

The meaning of zakat is the purification of property in which a certain rate is removed from a certain property according to the calculation prescribed by Islamic law. The rate issued will be distributed to the needy according to the definition of asnaf that has been set. The management of paddy zakat in the state of Kedah is under the Lembaga Zakat Negeri Kedah (LZNK). The issue of management dissatisfaction related to the low collection of zakat on paddy has motivated this study. This study has two main objectives which are: (i) to identify the challenges of the LZNK in addressing the low collection of paddy zakat; and (ii) to propose strategies to increase awareness of paying zakat on paddy among paddy farmers or paddy owners to LZNK or appointed amil. Accordingly, the study sample is individuals consisting of farmers in the district of Kubang Pasu, Pendang, Padang Terap and Pokok Sena which is the main area of paddy cultivation. The data was collected through a structured interview method conducted at LZNK where officers in the zakat on paddy division provided cooperation and shared experiences. From the perspective of the zakat office, various challenges have been faced in collecting this paddy zakat. Among them are shaky belief; unresponsive approach; and ineffective amil monitoring and collection. Therefore, several measures or strategies are proposed in order to improve the collection of zakat from paddy farmers. Among the proposed strategies are through the appointment of amils among agreed or professional groups; periodic awareness programs; and a more effective communication approach.

Keywords: Paddy Zakat, Challenges, Strategies, Amil

PENGENALAN

Zakat secara umum terbahagi kepada dua bahagian iaitu zakat fitrah dan zakat mal. Zakat fitrah adalah zakat yang diwajibkan sekali setahun oleh setiap muslim mukallaf untuk dirinya dan juga tanggungan sekiranya ada. Manakala zakat mal atau zakat harta benda telah diwajibkan sejak permulaan Islam dan ia terdiri daripada beberapa kategori zakat termasuk zakat emas/perak/wang, zakat pertanian/hasil bumi, zakat hasil galian, zakat rikaz, zakat ternakan dan zakat perdagangan. Kewajipan ini ditekankan di dalam Surah Al-An'aam ayat 141 yang bermaksud;

“...Dan Dialah (Allah) yang menjadikan (untuk kamu) kebun-kebun yang menjalar tanamannya dan yang tidak menjalar dan pohon-pohon tamar (kurma) dan tanaman-tanaman yang berlainan (bentuk, rupa dan rasanya) dan buah zaitun dan delima yang bersamaan (rasanya). Makanlah daripada buahnya ketika ia berbuah dan keluarkanlah haknya (zakatnya) pada hari kamu memetik atau menuainya...”

Bagi zakat pertanian seperti padi, nisabnya ialah hasil padi bagi setiap tuaian mencapai kepada 5 ausuk iaitu 2 kunca 2 nalih 6 gantang 1 cupak 2 kepul atau bersamaan 1,300.49 kilogram. Kadar zakat padi pula adalah 1/10 daripada hasil tersebut. Mengikut perundangan di negeri Kedah (rujuk laman web LZNK), setiap penanam padi atau pemilik padi hendaklah membayar zakat atas kadar 10% daripada perolehan kasar padinya bagi satu musim kecuali jika jumlah perolehan kasar bagi

sesuatu musim yang didapati oleh seseorang itu kurang daripada 1,300.49 kilogram. Bagi sawah yang diusahakan dua kali setahun, maka diwajibkan zakat jika cukup nisabnya bagi setiap tuaian. Sekiranya tidak mencukupi, maka hendaklah dicampurkan dengan hasil tuaian musim kedua bagi mencukupkan nisab yang dikira. Kefahaman zakat yang merupakan Rukun Islam ketiga adalah jelas seperti mana diterangkan di dalam surah Al-Baqarah ayat 261 iaitu:

“...Bandingan orang yang membelanjakan hartanya pada jalan Allah, ialah sama seperti benih yang tumbuh menerbitkan tujuh tangkai, tiap-tiap tangkai itu seratus biji. Dan Allah melipatgandakan pahala bagi sesiapa yang dikehendaki-Nya, dan Allah Maha Luas kurnia-Nya, lagi Maha Mengetahui...”

(Surah Al-Baqarah, ayat 261)

Maksud, syarat, hikmat dan agihan zakat juga tidak dapat dinafikan dan dipertikaikan kerana aplikasinya adalah bertepatan dengan Al-Quran, sunnah dan keputusan Majlis Fatwa Negeri Kedah. Panduan yang terperinci serta lengkap dari LZNK seharusnya telah mempermudah kefahaman, merungkai kekeliruan serta meningkatkan kesedaran pembayaran zakat di saluran rasmi agar agihan adalah lebih mengikut hukum syarak iaitu kepada lapan asnaf yang melepasi tapisan (iaitu fakir, miskin, amil, muallaf, ar-riqab, al-gharimin, fi sabilillah, dan ibnu sabil).

Kutipan zakat padi di LZNK yang menunjukkan penurunan menimbulkan tanda tanya tentang pelbagai isu. Antaranya tentang keberkesanan kaedah pengutipan zakat padi; kesedaran di kalangan pembayar zakat padi; masalah yang dihadapi oleh pembayar zakat padi dan juga pihak LZNK; dan kepincangan yang berkemungkinan berlaku dalam kutipan zakat padi. Oleh yang sedemikian, kajian ini menetapkan dua objektif utama iaitu: (i) mengenal pasti cabaran LZNK dalam menangani kutipan zakat padi yang rendah; dan (ii) mencadangkan strategi-strategi untuk meningkatkan kesedaran membayar zakat padi di kalangan penanam padi kepada pihak LZNK atau amil yang dilantik.

TINJAUAN LITERATUR

Isu zakat pertanian merujuk kepada aktiviti bertani berkaitan tanaman. Konsep zakat tanaman merangkumi hasil tanaman yang tumbuh sendiri atau ditanam oleh manusia sama ada pokok buahan, bijirin atau sayuran. Namun, takrifan yang jelas mengikut pandangan mazhab Syafi'i adalah berteraskan Surah al-Baqarah ayat 267 serta berdasarkan kepada sabda Baginda SAW dalam kitab yang sahih. Takrifan tersebut menjelaskan konsep kewajipan zakat tanaman adalah ke atas hasil tanaman yang diusahakan oleh manusia di atas bumi ini. Kadar zakat tanaman ditetapkan adalah sepuluh peratus apabila tanaman tersebut diairi dari punca air semula jadi. Manakala kadar sebanyak lima peratus dikenakan ke atas tanaman yang diairi oleh manusia dengan tenaga sendiri. Oleh yang sedemikian, kewajipan zakat tanaman adalah ke atas kadar tertentu hasil tanaman apabila mencukupi syarat-syarat tertentu untuk diagihkan kepada golongan asnaf yang layak.

Asas konsep kewajipan zakat tanaman adalah ke atas hasil tanaman yang mengenyangkan, tahan disimpan lama, kering yang merupakan makan ruji (asasi) dan ditanam oleh manusia. Maka

tidak dinafikan tanaman tersebut termasuk bijirin kering seperti gandum, padi dan jagung yang merupakan makanan asasi atau harian sesuatu tempat. Walau bagaimanapun, konsep zakat tanaman dari segi jenis tanaman yang diwajibkan zakat mempunyai perbezaan pandangan dalam setiap mazhab. Mazhab Hanafi contohnya berpandangan zakat tanaman dikenakan ke atas semua tanaman yang ditanam oleh manusia yang bertujuan mendapat hasil. Mazhab Maliki dan Syafi'i pula berpendapat kewajipan zakat adalah ke atas tanaman yang boleh disimpan dan merupakan makanan ruji bagi tempat tersebut. Manakala Mazhab Hanbali menetapkan tanaman yang diwajibkan zakat adalah tanaman kering, tetap dan boleh ditimbang (Alias & Mohammad Azam, 2017; Alias, & Mohammad Azam, 2016).

Secara umum, syarat kewajipan zakat iaitu Islam, merdeka, milik yang sempurna, harta yang berkembang, cukup nisab, melebihi keperluan biasa, bebas daripada hutang adalah terpakai dalam zakat tanaman kecuali syarat mencukupi haul. Haul merujuk kepada tempoh yang ditetapkan oleh syarak bagi pengiraan zakat di mana ia memudahkan pengiraan perkembangan hasil pendapatan. Namun, zakat tanaman tidak mengambilkira konsep tempoh yang ditetapkan, tetapi mengambil maklum tentang perkembangan hasil tanaman (Alias & Mohammad Azam, 2017). Perkembangan hasil tanaman bermaksud hasil daripada proses memetik atau menuai dan bukannya proses sebelum dari tempoh tersebut atau tempoh setahun seperti mana yang ditetapkan ke atas harta yang lain. Oleh itu, kewajipan zakat tanaman disyaratkan apabila hasil tuaian mencukupi nisab yang ditetapkan dan dikenakan zakat mengikut bilangan tuaian dalam setahun di mana hasil tuaian perlu mengikut kadar yang disyaratkan. Kadar yang disyaratkan turut menggariskan keupayaan zakat tanaman dikeluarkan atau tidak diwajibkan sekiranya syarat nisab atau sukatan tidak dipenuhi. Nisab tersebut menunjukkan keupayaan hasil tanaman berkembang dan hanya diwajibkan zakat ke atas hasil yang melebihi keperluan biasa di mana ia menggambarkan keadaan kekayaan pemilik tanaman tersebut.

Tanaman padi turut merupakan salah satu bahagian utama dalam harta yang diwajibkan zakat iaitu hasil pertanian. Pensyariatan zakat pertanian iaitu padi dalam konteks ini telah bermula di Madinah pada tahun kedua Hijrah semasa zaman Nabi Muhammad SAW setelah kewajipan menunaikan solat dan zakat fitrah. Sokongan ayat dan hadis dalam pensyariatan hukum zakat ini dapat dilihat dalam Surah Maryam, al-Baqarah, al-An'aam dan al-Tawbah serta hadis Riwayat al-Bukhari dan Muslim.

Konsep zakat itu sendiri yang bertujuan untuk penyucian adalah diwajibkan ke atas pembayar zakat yang memenuhi syarat sahaja. Syarat wajib zakat adalah ke atas setiap Muslim yang memiliki harta dan sekiranya pemilikan bersama dengan pemilik bukan Islam, maka bahagian wajib zakat hanya ke atas pemilikan Islam yang merdeka sahaja. Di samping itu, kewajipan berzakat adalah ke atas Muslim yang waras (iaitu mampu berfikir) dan cukup umur (iaitu baligh). Dari segi harta itu sendiri, maka pemilikan adalah perlu secara sepenuhnya (*milk tam*). Ini bermaksud tanah pertanian atau sawah dalam konteks kajian ini perlu dimiliki oleh pesawah di mana ia diperolehi secara sah, mempunyai hak penuh untuk menggunakan, melupuskan, menjual, menghibah atau melabur bahagian yang dimiliki itu. Tanah tersebut juga perlu dikategorikan sebagai harta yang subur (*AnNama'*) bagi membolehkan kewajipan zakat

diletakkan ke atas bahagian tanah tersebut. Harta yang subur bermaksud ia mampu menjana keuntungan sama ada secara hakiki (keuntungan perniagaan) atau secara tidak hakiki (potensi harta tersebut berkembang di tangan pemilik atau tangan orang lain).

HASIL KAJIAN DAN PERBINCANGAN

Data kajian dikutip melalui temuramah dengan pegawai-pegawai di bahagian Zakat Padi di LZNK. Seramai lima orang pegawai LZNK telah ditemuramah berstruktur secara bersemuka berstruktur yang dijalankan di pejabat LZNK. Pegawai-pegawai tersebut mempunyai pengalaman melebihi lima tahun di dalam bidang Zakat Padi sama ada di daerah atau di ibu pejabat.

Cabaran LZNK dalam Menangani Kutipan Zakat Padi

Pengurusan zakat oleh LZNK dilihat telah diperkemaskan dari masa ke semasa selaras dengan peranan institusi zakat sebagai pengurus zakat harta di negeri Kedah. Namun, tidak dinafikan terdapat beberapa cabaran yang dihadapi oleh LZNK. Cabaran cabaran tersebut adalah sesuatu yang positif sekiranya dilihat sebagai ujian untuk lebih berkembang maju dalam melestarikan pentadbiran zakat di negeri Kedah. Sebaliknya, ia akan dilihat sebagai sesuatu yang negatif apabila cabaran tersebut tidak diendahkan untuk penambahbaikan ke arah pengurusan yang lebih cekap dan berkesan. Antara cabaran LZNK dalam menangani kutipan zakat padi adalah seperti kepercayaan yang goyah terhadap LZNK; pendekatan tiada sambutan; keberkesanan pemantauan amil yang kurang; dan kutipan tidak berkesan.

Kepercayaan yang Goyah Terhadap LZNK

Pihak pengurusan zakat perlu bertindak lebih proaktif dalam menetapkan perancangan strategik LZNK demi memastikan aspek reputasi kutipan dan agihan zakat dipandang tinggi oleh masyarakat. Walaupun pelbagai usaha yang telah dilakukan oleh LZNK demi meningkatkan kutipan dan diagih kepada asnaf secara berhemah, namun sehingga kini masih terdapat rungutan dari masyarakat berkaitan dengan pengurusan wang zakat. Rungutan tentang kelemahan pentadbiran zakat berlaku sejak beberapa dekat yang lalu sehingga kini. Umpamanya, isu pentadbiran zakat di Malaysia dikatakan tidak cekap dan di bawah potensi yang sebenar (Sadeq, 1995; Imad, & Abdul-Wahab, 1995).

Malah rungutan ini turut diperdengarkan oleh pesawah di kawasan Kubang Pasu, Pendang, Padang Terap dan Pokok Sena yang memilih untuk tidak membayar terus zakat padi ke LZNK. Pesawah menzahirkan kurang yakin terhadap mekanisma pengagihan zakat atas hasil kutipan zakat secara keseluruhannya. Pesawah yang mendapat informasi dari sebelah pihak iaitu pihak yang memohon menyifatkan agihan sebagai tidak adil. Ini terjadi apabila asnaf yang diberikan zakat padi tersebut menyatakan kegagalan mereka untuk mendapat zakat dari pihak LZNK. Situasi sebenar seperti dokumen tidak lengkap, kelayakan yang terbatas atau sebab-sebab lain setelah ditapis oleh pihak LZNK tidak diperhebahkan. Ini menjadikan LZNK sebagai mangsa ketidakpuasan dan tidak diyakini dalam aspek agihan zakat.

Pendekatan Tiada Sambutan

Pendekatan secara turun padang bersama pesawah oleh wakil-wakil dari LZNK atau amil-amil setempat dilihat sebagai tidak mendapat sambutan. Kaunter bergerak telah diusahakan pada musim-musim tuaian padi di mana kaunter telah diadakan di pusat pengumpulan padi setempat. Pelbagai risalah berkaitan kewajipan membayar zakat padi diedarkan sebagai program kesedaran di Pertubuhan Peladang Kawasan, namun sambutan yang diterima agak mengecewakan. Kedah melokalisasikan pengurusan zakat di kaunter-kaunter bergerak atau di tempat-tempat tumpuan dilihat sebagai satu usaha atau pendekatan yang efektif. Ini kerana ia mampu mengecilkan keluasan kawasan dan pemusatan kuasa malah dapat menggalakkan pembayaran zakat bagi golongan yang berkewajipan.

Selain itu, ia juga dilihat sebagai amalan yang signifikan dalam pemeraksanaan sistem pengurusan zakat negeri. Van kaunter bergerak juga dilihat sebagai memberi kemudahan dan keselesaan bagi masyarakat Islam setempat. Ia dapat membantu serta sebagai sokongan bagi menyampaikan maklumat kewajipan berzakat dengan lebih meluas di mana jaringan hubungan insaniah bersama agensi dan masyarakat dapat dieratkan. Di samping itu maklumat yang tepat dan sahih beserta huraian bagi pemahaman tentang sesuatu perkara iaitu kepentingan, kewajipan dan pengagihan dapat dikongsi dengan lebih jelas. Namun keengganan pesawah mendekati kaunter-kaunter bergerak ini telah menyebabkan sebaran maklumat agak terbatas dan gagal menggalakkan mencapai sasaran di mana tujuannya adalah memudahkan pesawah untuk membuat pembayaran zakat padi. Keengganan ini berkemungkinan disebabkan pilihan pesawah atau pemilik sawah untuk mengeluarkan zakat padi ke saluran tidak rasmi. Selain itu, kemungkinan telah melunaskan zakat padi terlebih dahulu juga menyebabkan kaunter bergerak tidak didekati.

Keberkesanan Pemantauan Amil

Kutipan zakat padi turut dipertanggungjawabkan ke atas amil-amil setempat yang dilantik oleh LZNK. Kaedah ini digunapakai bagi meluaskan capaian pungutan serta memastikan kutipan zakat lebih berkesan. Walau bagaimanapun, isu yang ditimbulkan oleh amil zakat padi sendiri juga telah sedikit sebanyak menyumbang kepada kemerosotan dalam kutipan zakat padi. Ada di antara mereka merupakan amil tidak rasmi seperti bekas-bekas amil yang tidak lagi mempunyai kontrak dengan LZNK, tetapi mereka tetap menerima bayaran zakat daripada para petani di negeri Kedah. Di samping itu, terdapat juga segelintir pihak yang mengutip zakat padi untuk kegunaan tertentu seperti untuk kebajikan anak-anak yatim, orang-orang tua, pembinaan maahad tahfiz dan sebagainya atas alasan golongan tersebut merupakan golongan asnaf yang layak menerima agihan zakat (Abdul Rahim, Ahmad Razimi, dan Abdul Wahab, 2020). Kemungkinan keadaan ini disebabkan oleh kekangan pemantauan yang dihadapi oleh LZNK dari segi bilangan staf untuk memantau setiap amil yang dilantik di seluruh negeri Kedah, yang mana bilangannya agak ramai. Kekangan di dalam sistem pemantauan telah menyebabkan LZNK beralih ke arah sistem amil masjid bermula tahun 2018. Keadaan ini telah mengurangkan amil-amil bergerak di mana ia merupakan cabaran dalam mendapat maklumat awal sebelum kutipan hasil tuaian boleh dilakukan dengan mudah dan tepat. Malah, perkembangan tanaman padi sebelum dan selepas taksiran ke LZNK yang merupakan prosedur mengemaskini maklumat turut berhadapan dengan masalah

ketepatan maklumat yang disalurkan. Selain dari kelewatan pihak amil menyerahkan hasil kutipan zakat kepada pihak pentadbiran, isu kehilangan resit kutipan juga merupakan cabaran utama di pihak LZNK. Keadaan ini menyukarkan pemantauan terhadap hasil kutipan yang betul tanpa bukti resit sebagai dokumen sokongan.

Kutipan Tidak Berkesan

Isu keberkesanan kutipan zakat padi di negeri Kedah merupakan sesuatu yang perlu ditangani, LZNK telah menghadapi beberapa kesukaran dan cabaran. Faktor utama kepada merosotnya kutipan zakat padi di negeri Kedah juga disumbang oleh perbuatan membayar zakat melalui saluran perseorangan dan tidak ke LZNK. Berdasarkan temu bual yang dijalankan dengan dengan pihak-pihak yang terlibat terutamanya golongan pesawah di negeri Kedah, mereka lebih cenderung untuk membuat pembayaran zakat padi secara terus kepada asnaf (fakir dan miskin) dan golongan tertentu berbanding pembayaran kepada LZNK. Jika perbuatan ini diteruskan, ia akan menimbulkan pelbagai masalah kepada pentadbiran zakat seperti kebocoran kutipan zakat dan pengagihan zakat yang tidak sekata antara asnaf seperti mana yang telah dibincangkan oleh Sanep, Hairunnizam dan Adnan (2006).

Selain itu, Abdul Rahim, Ahmad Razimi, dan Abdul Wahab (2020) menyatakan bahawa masalah kutipan zakat yang tidak berkesan turut berlaku akibat kurang kesedaran dalam kalangan petani-petani di negeri Kedah terhadap kewajipan membayar zakat atas hasil tanaman padi. Hal ini kerana pesawah tidak mempunyai pendedahan dan pengetahuan yang cukup terhadap zakat dan hanya mengambil mudah terhadap kewajipan pembayaran zakat. Ini termasuk pengetahuan berkaitan tempat pembayaran zakat padi di mana ada di antara pesawah membayar di negeri didiami dan bukan di negeri di mana hasil tuaian padi dikutip. Namun begitu, terdapat juga segelintir petani yang faham akan kewajipan berzakat, namun enggan untuk melaksanakan pembayaran zakat khususnya zakat padi kerana mereka hanya memahami zakat dalam konteks zakat fitrah sahaja. Faktor ini turut disahkan oleh staf LZNK semasa sesi temubual yang dijalankan bagi kajian ini.

STRATEGI MENINGKATKAN KESEDARAN MEMBAYAR ZAKAT PADI

Pihak pengurusan zakat di negeri Kedah perlu melihat semula faktor-faktor yang menyumbang kepada ketirisan kutipan hasil zakat yang agak ketara di kalangan pembayar zakat padi. Sejajar dengan faktor penyumbang tersebut, langkah-langkah yang lebih strategik perlu dipertimbangkan. Strategi meningkatkan kesedaran membayar zakat padi terus ke LZNK secara keseluruhannya boleh dicapai dengan lantikan amil di kalangan orang yang dipercayai atau amil professional; program kesedaran berkala kepada amil; dan pendekatan komunikasi yang lebih berkesan.

Lantikan Amil di Kalangan Orang yang Dipercayai atau Amil Professional

Pelbagai strategi boleh dilakukan untuk mencapai objektif bagi meningkatkan kesedaran membayar zakat padi terus ke LZNK. Antaranya ialah melalui pelantikan amil di kalangan broker yang dipercayai. Amil merupakan individu penting dalam proses pengutipan zakat. Oleh yang demikian, adalah penting untuk pihak LZNK melantik individu yang layak dan dipercayai untuk

memegang jawatan sebagai amil zakat. Malah, sekiranya mempunyai strategi jangka panjang untuk pengurusan yang lebih sistematik, maka amil professional disarankan. Walau bagaimanapun, latar belakang amil atau broker hendaklah disiasat terlebih dahulu sebelum melantik mereka menjadi amil rasmi untuk kutipan zakat. Hal ini perlu dilakukan bagi memastikan bahawa kutipan zakat padi akan disampaikan ke saluran rasmi dan mengelakkan masalah-masalah lain seperti penyelewengan kutipan zakat serta agihan zakat kepada pihak yang tidak sepatutnya.

Pelantikan amil juga boleh dibuat dalam kalangan ketua unit Pertubuhan Peladang Kawasan (PPK) kerana kebanyakan petani di negeri Kedah lebih selesa membayar zakat padi kepada amil-amil zakat yang terdiri daripada golongan tersebut. Ketua unit yang dilantik di kalangan staf PPK tersebut boleh dikategorikan sebagai amil professional. PPK merupakan tempat pertemuan dan berkumpulnya para pesawah untuk berurusan dengan aktiviti bersawah. Melalui amil PPK, proses kutipan zakat akan menjadi lebih mudah. Hal ini dapat membantu LZNK untuk meningkatkan kutipan zakat padi dengan wujudnya hubungan yang baik antara ketua-ketua unit PPK dan para pesawah.

Program Kesedaran Berkala Kepada Amil

Strategi untuk meningkatkan kesedaran adalah perlu bukan sahaja untuk membayar zakat padi menerusi LZNK di kalangan pembayar zakat, tetapi perlu bagi broker atau amil zakat juga untuk tujuan merangsangkan kutipan zakat padi. Antara strategi yang dapat dilakukan ialah dengan menganjurkan program kesedaran secara berkala kepada amil zakat seperti mengadakan ceramah atau khutbah di masjid untuk menekankan tanggungjawab sebenar golongan amil terhadap agama dan masyarakat, serta kepentingan melaksanakan tugas mereka dengan baik. Pada masa yang sama, pelbagai jenis latihan yang secukupnya boleh juga diberikan kepada amil supaya para amil zakat menjadi lebih proaktif, agresif dan lebih peka terhadap tugas mereka. Ini turut dilihat sebagai satu program pemantauan yang secara tidak langsung menerap elemen membimbing, menghargai, memotivasi golongan amil atau broker agar lebih bertanggungjawab dalam menjalankan amanah yang telah diberikan.

Di samping pihak LZNK memberikan insentif seperti komisen, penghargaan dan sebagainya kepada para amil yang mempunyai prestasi yang baik terhadap tugas yang diberikan, program kesedaran berkala dilihat sebagai keperluan tambahan. Bagi golongan amil yang menunjukkan prestasi yang kurang memuaskan, program atau khidmat konsultansi boleh diatur untuk meningkatkan semula hasil tugas supaya objektif LZNK dapat dicapai. Contohnya, dengan memberikan maklum balas terhadap tugas setiap amil, mengenalpasti kelemahan dalam operasi yang dijalankan, serta memberikan nasihat dan panduan untuk memperbaiki prestasi para amil yang bermasalah atau mengalami kesukaran dalam menjalankan tugas.

Pendekatan Komunikasi yang Lebih Berkesan

Komunikasi di antara LZNK dengan pembayar zakat adalah penting bagi memastikan segala aduan atau maklumat penting dapat disalurkan dengan segera dan tepat. Kaedah komunikasi secara konvensional mungkin tidak lagi sesuai di zaman ledakan teknologi ini (walaupun masih diperlukan). Kaedah komunikasi perlu dipertingkatkan seiring dengan pembangunan teknologi.

Medium sosial yang ada, seperti *Facebook, Instagram, Twitter* dan lain-lain perlu dimanfaatkan sepenuhnya. LZNK juga harus membangunkan *blog* dan laman sesawang yang lebih berinteraktif. Melalui penggunaan media-media ini sebarang aduan atau berita penting dapat disebarkan dengan segera. Bagi pembayar cukai yang tidak mempunyai akses kepada internet, sistem pesanan ringkas perlu diteruskan. Komunikasi berbentuk konvensional, walau bagaimanapun masih perlu dikekalkan kerana masih terdapat di kalangan pembayar zakat yang masih ketinggalan dengan perkembangan teknologi semasa.

Memandangkan penggunaan medium sosial adalah terhad, maka sistem pesanan ringkas amat membantu. Medium komunikasi ini juga agak efektif dalam menyalurkan maklumat yang terkini dan juga berbentuk berulang sebagai peringatan. Sistem seumpama yang digunakan oleh Majlis Keselamatan Negara (MKN) semasa pandemik Covid-19 dengan pesanan ringkas mungkin boleh membantu golongan pesawah juga. Pesawah dapat menerima maklumat berkaitan zakat padi serta peringatan tentang kepentingan membayar ke LZNK dari masa ke semasa. Peringatan yang kerap disalurkan pasti meninggalkan kesan kepada pesawah secara tidak langsung. Mekanisma ini boleh digunapakai dengan kesediaan data pesawah yang lengkap beserta nombor yang boleh dihubungi bagi memudahkan komunikasi disampaikan dengan lebih jelas, kerap dan boleh dipercayai. Malah platform tersebut lebih mudah dicapai walaupun tanpa telefon pintar setiap masa dan di mana sahaja.

KESIMPULAN

Zakat merupakan tuntutan Rukun Islam yang keempat bagi setiap Muslim. Zakat pertanian iaitu ke atas tanaman padi merupakan salah satu kategori zakat harta yang dituntut ke atas setiap pemilik Islam, pemilikan sempurna, merdeka, cukup nisab atau kadar yang ditentukan. Objektif pensyariatkan zakat bukan sekadar sebagai amalan ritual bagi penyucian dan perkembangan harta yang dimiliki, namun ia juga membantu dari segi ekonomi dan kewangan di mana asnaf terbelah secara tidak langsung. Ia dapat dilihat sebagai suatu mekanisma yang efektif bagi pembasmian kemiskinan, peningkatan taraf kehidupan Muslim secara keseluruhan dengan agihan kekayaan dari yang kaya kepada yang memerlukan.

Malaysia secara khusus berteraskan Mazhab Syafi'e berpegang kepada tuntutan ke atas zakat pertanian adalah merujuk kepada tanaman padi di mana ia merupakan makanan asasi (*qut*) yang dapat disimpan lama dan boleh dikeringkan. Setiap hasil tuaian yang cukup nisabnya adalah dituntut ke atasnya zakat padi dan ia bergantung kepada ketetapan negeri kerana setiap negeri mempunyai ketetapan yang berbeza dari segi tafsiran serta nisab. Walau bagaimanapun, tuntutan ke atas kewajipan mengeluarkan zakat padi adalah sama iaitu wajib dan digalakkan agar pembayaran dapat dilakukan ke saluran rasmi. Kaedah pembayaran ini adalah selaras dengan hasrat LZNK agar dapat memperkasakan agihan zakat yang lebih adil dan saksama bagi lapan golongan asnaf iaitu *fakir, miskin, amil, muallaf, riqab, gharimin, fisabilillah dan ibnu sabil*. Sejarar dengan hasrat tersebut, pengurusan zakat padi perlu diperkemaskan bagi memastikan tuntutan zakat padi, kaedah kutipan zakat padi serta agihan zakat padi akan lebih efektif and efisien. Malah dengan pengurusan yang lebih berstrategi mengambilkira cabaran serta

memantapkan pengurusan sedia ada, maka peningkatan kutipan zakat padi dapat dicapai secara keseluruhan.

PENGHARGAAN

Kami ingin mengucapkan terima kasih kepada penyemak yang telah memberikan nasihat dan komen yang sangat mendalam. Kami juga ingin mengucapkan terima kasih di atas sokongan Institut Penyelidikan dan Inovasi Zakat (IPIZ) dan Pusat Penyelidikan, Pengurusan Inovasi (RIMC) Universiti Utara Malaysia dan Lembaga Zakat Negeri Kedah (LZNK) dan pemberian Skim Geran Perundingan (Kod S/O: 14538).

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ZAKAT PADI: FAKTOR PEMILIHAN SALURAN PEMBAYARAN RASMI DAN TIDAK RASMI

(Zakat Padi: Factors In Choosing Official and Unofficial Payment Channels)

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Abstrak

Zakat merupakan dana penting dalam pembangunan sosio ekonomi masyarakat muslim di Malaysia. Zakat padi merupakan salah satu jenis zakat yang penting di negeri kedah di mana pengurusan zakat padi Kedah adalah di bawah bidang kuasa Lembaga Zakat Negeri Kedah (LZNK). Laporan LZNK menunjukkan tahap kutipan zakat padi adalah tidak memuaskan berbanding keluasan kawasan sawah di negeri ini. Justeru, kajian ini dijalankan bagi merungkai beberapa persoalan iaitu: (i) mengetahui punca sebenar pembayar zakat padi tidak membayar menerusi saluran rasmi; (ii) mengenal pasti faktor-faktor pembayar zakat padi membayar menerusi saluran rasmi; dan (iii) mengetahui tahap kesedaran pembayar zakat padi membayar melalui saluran rasmi. Data kajian diperolehi melalui tinjauan ke atas 163 individu yang terdiri daripada pesawah di beberapa daerah di Kedah. Dapatan kajian menunjukkan 49.7 peratus pesawah memilih saluran tidak rasmi dalam melaksanakan tanggungjawab membayar zakat padi. Sementara itu, seramai 41.7 peratus membayar zakat padi menerusi saluran rasmi dan selebihnya 8.6 peratus menerusi kedua-dua saluran iaitu melalui saluran rasmi dan saluran tidak. Limitasi kajian dan implikasi terhadap pembuat dasar turut dibincangkan.

Kata Kunci: Zakat Padi, Kesedaran, Saluran Rasmi, Saluran Tidak Rasmi.

Abstract

Zakat is an important fund in the socio-economic development of the Muslim community in Malaysia. Zakat on paddy is one of the important types of zakat in the state of Kedah where the management of Kedah zakat on paddy is under the jurisdiction of the Lembaga Zakat Negeri Kedah (LZNK). The LZNK report shows that the level of collection of zakat on paddy is

unsatisfactory compared to the area of paddy fields in the state. Therefore, this study was conducted to unravel several questions, namely: (i) to know the real cause of zakat on paddy payers not paying through official channels; (ii) identify the factors that payers of zakat on paddy pay through official channels; and (iii) know the level of awareness of zakat on paddy payers to pay through official channels. The study data was obtained through a survey of 163 individuals consisting of farmers in several districts in Kedah. The findings of the study showed that 49.7 percent of farmers chose informal channels in carrying out the responsibility of paying zakat on paddy. Meanwhile, a total of 41.7 percent pay zakat on paddy through official channels and the remaining 8.6 percent through both channels, namely through official channels and non-official channels. Limitations of the study and implications for policy makers are also discussed.

Keywords: *Zakat on Paddy, Awareness, Official Channel, Informal Channel.*

PENGENALAN

Kajian kesedaran membayar zakat padi di saluran rasmi iaitu Lembaga Zakat Negeri Kedah (LZNK) bertujuan untuk meningkatkan kesedaran umat Islam menunaikan zakat padi sekiranya mencukupi syarat. Ia juga dapat sekurang-kurangnya meningkatkan semula kutipan zakat padi di negeri Kedah. Ini adalah kerana kutipan zakat padi menunjukkan trend yang menurun semenjak tahun 2018. Walaupun mampu meningkatkan kutipan, namun sasaran kutipan RM5 juta yang diharapkan tidak dapat direalisasikan dalam beberapa tahun kebelakangan ini. Keseluruhan kutipan sekiranya semua pesawah padi di negeri Kedah membayar zakat padi di saluran rasmi, mampu mencecah RM30 juta (anggaran tidak rasmi dari LZNK dalam tahun 2020). Keadaan ini menunjukkan perbezaan ketara di antara realiti dan sasaran kutipan zakat padi di negeri Jelapang Padi, Kedah Darul Aman.

Secara dasarnya, falsafah serta perundangan bagi zakat padi adalah terang dan lengkap serta telah dipatuhi oleh penanam padi atau pemilik padi. Oleh yang sedemikian, kepatuhan ini mampu menjana kutipan di negeri Kedah sehingga RM30 juta (informasi komunikasi di LZNK, 2020) sekiranya setiap penanam padi atau pemilik sawah padi menjalankan tanggungjawab sebagai pembayar zakat padi di saluran rasmi iaitu di LZNK. Namun kutipan zakat padi yang diperolehi oleh LZNK agak menurun dari tahun 2016 sehingga 2020. Penurunan dalam kutipan lebih kurang RM5 juta ke RM3 juta menunjukkan perubahan dalam pematuhan pembayaran zakat padi di kalangan penanam padi atau pemilik padi telah berlaku.

Pelbagai kemungkinan boleh ditentukan berkaitan penurunan pematuhan pembayaran zakat padi di kalangan penanam padi menerusi saluran rasmi iaitu melalui pejabat zakat pada tahun 2018. Di antaranya adalah: (i) pembayaran ke saluran tidak rasmi (individu perseorangan yang dikenali/dekat); (ii) penangguhan pembayaran sehingga jumlah meningkat tinggi; (iii) pecahan asal telah menjadi kecil selepas pembahagian harta; dan (iv) sawah dipajakan. Kemungkinan hasil tuaian tidak menjadi juga antara faktor kutipan zakat padi menurun. Walau bagaimanapun, tiada faktor yang boleh disokong atau disandarkan kerana kajian berkaitan zakat padi agak terhad bagi membincangkan isu penurunan pematuhan pembayaran zakat padi (Alias & Mohammad Azam, 2017). Di pihak LZNK pula, pelbagai usaha telah dijalankan bagi memastikan kutipan zakat padi

setiap tahun diperolehi dan dapat dikutip semaksimum yang mungkin. Di antara usaha atau jentera yang dikerahkan adalah: (i) lantikan amil masjid/setempat; (ii) insentif saguhati; (iii) lantikan amil individu mendekati penanam padi atau pemilik padi; dan (iv) peringatan di dalam kuliah/khutbah Jumaat.

Isu pembayaran zakat menerusi saluran tidak rasmi sepatutnya tidak berlaku. Malah isu kurangnya kutipan hasil zakat padi di pihak bertanggungjawab iaitu menerusi saluran rasmi tidak akan wujud sekiranya Surah At-Taubah ayat 103 dijadikan panduan. Surah yang diterjemahkan sebagai:

“...Ambilah (sebahagian) dari harta mereka menjadi sedekah (zakat), supaya dengannya engkau membersihkan mereka (dari dosa) dan mensucikan mereka (dari akhlak yang buruk); dan doakanlah untuk mereka, kerana sesungguhnya doamu itu menjadi ketenteraman bagi mereka. Dan (ingatlah) Allah Maha Mendengar, lagi Maha Mengetahui...”

(Surah At-Taubah, ayat 103)

Berdasarkan terjemahan di atas jelas menyatakan tentang kewajipan zakat dan hak pungutan zakat oleh pemerintah. Selain itu, Surah An-Nisa ayat 59 juga perlu dijadikan pegangan. Surah tersebut yang diterjemahkan dengan:

“Hai orang-orang beriman, taatilah Allah dan taatilah Rasul (Nya), dan ulil amri di antara kamu...”

Sehubungan itu, dengan jelasnya menerangkan perlu ketaatan atau kepatuhan kepada Ulil Amri. Ulil Amri yang bermaksud umara iaitu pemimpin di mana di dalam konteks zakat merujuk kepada pejabat zakat itu sendiri. Pandangan ini telah diperhalusi mengikut pandangan para *fuqaha*. Pada asasnya kewajipan mengeluarkan zakat serta mentadbir kutipan zakat bukan sekadar urusan individu tetapi melibatkan soal tanggungjawab dan campurtangan pemerintah menerusi Baitulmal dan seumpamanya bagi pengurusan secara sistematik dalam urusan kutipan serta agihan wang zakat. Para *fuqaha* berpandangan bahawa pemerintah berkuasa memungut zakat dari harta-harta zahir dan sekiranya diminta untuk ditunaikan, maka wajib bagi rakyat membayar kepadanya. Malah Abu Bakar al-Siddiq r.a. pernah memerangi orang yang bukan sahaja ingkar ke atas kewajipan berzakat tetapi yang ingkar menunaikan zakat kepada pemerintah. Justeru kepatuhan pembayaran zakat di LZNK bukan lagi isu yang perlu diperdebatkan malah perlu diusahakan supaya pengutipan serta pengagihan hasil zakat padi secara khususnya boleh dijayakan dengan lebih meluas merangkumi asnaf yang sepatutnya. Secara umumnya, agihan akan lebih sistematik dan menyeluruh sekiranya dilakukan menerusi institusi amil seperti Baitulmal dan pihak berkuasa zakat negeri di mana pengurusannya tertakluk kepada pihak pemerintah mengikut panduan yang jelas dalam nas-nas yang sahih.

Kajian ini dijalankan adalah berkaitan dengan isu kutipan zakat padi yang agak rendah di mana timbulnya masalah kurang kepatuhan terhadap pembayaran zakat padi ke saluran rasmi (LZNK). Kajian ini mempunyai tiga objektif utama iaitu: (i) mengetahui punca sebenar pembayar

zakat padi tidak membayar menerusi saluran rasmi; (ii) mengenalpasti faktor-faktor pembayar zakat padi membayar menerusi saluran rasmi; dan (iii) mengetahui tahap kesedaran pembayar zakat padi membayar melalui saluran rasmi. Kajian ini ingin mengupas tingkah laku pesawah atau pemilik sawah disebalik tindakan membuat pembayaran zakat padi menerusi saluran rasmi iaitu ke LZNK atau sebaliknya menerusi saluran tidak rasmi. Justeru, sasaran kutipan zakat padi yang lebih tinggi boleh dicapai atau kemungkinan pelan strategi bagi kutipan zakat padi akan lebih realistik dengan bersandarkan kepada dapatan kajian awal yang dijalankan ini.

TINJAUAN LITERATUR

Zakat pertanian agak berbeza dari kategori zakat yang lain di mana ia wajib dikeluarkan tanpa mengira haul seperti mana yang telah dipersetujui oleh jumah berdasarkan firman Allah SWT di dalam Surah al-An'aam ayat 141. Ini bermaksud hasil tuaian perlu diberikan zakat tanpa mengira tempoh penuh setahun tetapi mengambilkira bilangan musim tuaian hasil. Namun ia perlu mencukupi kadar yang diwajibkan bergantung kepada kaedah penanaman sama ada pengairan semulajadi atau sendiri. Walau bagaimanapun, setiap negeri telah memutuskan kadar nisab yang dipersetujui bagi melaksanakan kewajipan pembayaran zakat pertanian ini tanpa perlu dipertikaikan hak serta tanggungjawab ke atas setiap asnaf di negeri masing-masing.

Nisab zakat padi ialah hasil padi bagi setiap tuaian mencapai kepada 5 ausuk bersamaan 2 kunca 2 nalih 6 gantang 1 cupak 2 kepul atau 1,300.49 kilogram. Zakat padi dikenakan mengikut musim tuaian iaitu dua kali di negeri Kedah. Setiap musim tuaian diwajibkan membayar zakat padi sekiranya nisab bagi setiap tuaian tercapai. Sekiranya hasil tuaian dalam musim tersebut tidak tercapai, maka hasil tuaian akan dicampurkan kepada hasil tuaian musim berikutnya untuk pengiraan zakat padi. Kaedah pengiraan zakat padi di negeri Kedah terbahagi kepada dua cara iaitu mengikut kaedah bersih atau secara kasar tanpa penolakan kos berkaitan kos pertanian.

Sejarah penubuhan Zakat Kedah (ZK) bermula dengan penubuhan berdasarkan tarikh Notis Memberi Nasihat Ketentuan Yang Bersangkutan dengan perkara zakat iaitu pada 5 September 1936. Pengemaskinian enakmen dari masa ke semasa telah membentuk Jabatan Zakat Negeri Kedah Darul Aman (JZNK) pada tahun 1955 di mana telah digantikan dengan Lembaga Zakat Negeri Kedah Darul Aman (LZNK) pada tahun 2015 (LZNK, 2021). Usaha untuk terus mengukuhkan institusi ZK melalui penambahbaikan undang-undang zakat terus dititikberatkan oleh Jawatankuasa ZK bagi memastikan satu undang-undang lengkap dan menyeluruh dicapai serta dipraktiskan.

Kewajipan mengeluarkan zakat tanaman di negeri Kedah dinyatakan di dalam Undang-undang Kedah yang dikeluarkan dalam tahun 1667M/1078H (Alias & Mohammad Azam, 2017). Malah, kewajipan membayar zakat kepada pemerintah ditekankan di dalam Fatwa negeri Kedah yang boleh dirujuk di Jabatan Zakat, Wakaf dan Haji (tiada maklumat tahun) seperti catatan berikut:

“...Kutipan dan bayaran zakat harta zahir seperti padi dan lain-lain bijian umpamanya terdapat 2 qaul, bagi Al-Imam Al-Shafie Rodiallah An-Hu iaitu Al-Qaul Al-Jadid yang mengharuskan dibayar kepada lain daripada imam (sultan)

dan Al-Qaul Al-Qodim yang mewajibkan dibayar kepada imam atau naibnya yang mana menurut qhul ini jikalau seseorang itu membayar zakat harta zahirnya kepada lain daripada imam tiada sah zakatnya dan wajib di atasnya membayar ganti kepada imam atau naibnya. Perselisihan (Khilaf) tentang sama ada wajib atau tiada wajib dibayar zakat harta zahir kepada imam itu selama tiada ada diperintah daripadanya supaya dibayar kepadanya akan tetapi apabila ada perintahnya maka ketika itu wajib dibayar kepadanya dengan tiada ada qolaf lagi sekalipun ia membelanjakan kepada bukan tempatnya dan menjadi tiada sah zakat itu jika dibayar kepada orang lainnya dan wajib dibayar ganti...”

Fatwa tersebut jelas menunjukkan kewajipan membayar zakat kepada pemerintah di negeri Kedah adalah diguna pakai di mana ia mewajibkan penggantian kepada pemerintah sekali pun ia dikeluarkan sendiri kepada bukan pemerintah. Peraturan tersebut terus terpakai sehingga kini sejak pembentukan Undang-undang Zakat Tahun 1955 apabila terdapat saranan kewajipan membayar zakat kepada pemerintah dilaksanakan. Penambahbaikan dalam struktur pentadbiran dari masa ke semasa turut memperkukuhkan pengurusan zakat di negeri Kedah dalam proses pembayaran zakat. Malah ia mampu mempertingkatkan sistem kutipan zakat dari secara manual kepada sistem berintegrasikan teknologi yang lebih telus dan cekap.

Selain daripada tanggungjawab pemerintah memastikan pembayar zakat melaksanakan tanggungjawab membayar zakat, Peraturan-Peraturan Zakat 1982 turut menekankan kesalahan mengingkari tanggungjawab tersebut. Kepelbagaian kategori kesalahan seperti peruntukan Seksyen 15 Peraturan Zakat 1982 (Alias & Mohammad Azam, 2017; Alias, & Mohammad Azam, 2016), menunjukkan kewajipan zakat padi dijelaskan kepada pemerintah. Kegagalan mengikut peraturan-peraturan tersebut seperti tidak memberikan maklumat di dalam Borang di Jadual A kepada amil dalam masa 30 hari; tidak atau enggan membayar zakat dengan sepenuhnya kepada amil; membayar zakat kepada orang lain selain amil; menerima zakat bukan sebagai amil; menghasut untuk tidak membayar zakat; tidak memberikan maklumat bagi Jadual C; atau menjual, memindah milik atau apa sahaja cara melepaskan tanaman padi dengan niat untuk melepaskan daripada tanggungjawab zakat adalah di antara kesalahan yang boleh dikenakan tindakan undang-undang oleh pentadbir zakat di negeri Kedah. Ketegasan ini menunjukkan kewajipan membayar zakat di negeri Kedah adalah kepada pemerintah di mana tanggungjawab tersebut diletakkan ke atas pengurusan LZNK.

METODOLOGI

Kajian berbentuk eksplorasi ini dijalankan melalui tinjauan soal selidik yang ditadbir secara berstruktur. Unit analisis untuk kajian ini terdiri daripada individu pesawah sama ada pemilik sawah padi atau penyewa sawah padi di negeri Kedah. Soal selidik diedarkan secara bersemuka di antara bulan Januari hingga Mei 2020 untuk mengetahui saluran pilihan dalam pembayaran zakat padi sama ada terus ke LZNK atau sendiri kepada asnaf terdekat. Pesawah di daerah Kubang Pasu, Padang Terap, Pendang dan Pokok Sena dipilih kerana mempunyai peratusan keluasan tanaman padi yang tinggi berbanding daerah lain di negeri Kedah. Kesukaran mendapat senarai pesawah yang menyeluruh di negeri Kedah menyebabkan pendekatan mudah telah diambil. Pendekatan

mudah tersebut adalah pemilihan sampel secara rawak di mana beberapa Pertubuhan Peladang Kawasan (PPK) telah dipilih mewakili daerah-daerah tersebut (Krejcie & Morgan, 1970). Setiap PPK disasarkan seramai 20 pesawah untuk didekati melalui kaedah soal selidik berstruktur. PPK terlibat yang dipilih secara rawak adalah PPK Asun, PPK Changloon, PPK Naka, PPK Kuala Nerang, PPK Pokok Sena, PPK Lubuk Batu, PPK Ayer Itam, dan PPK Kubur Panjang.

Kajian ini turut mengukur tahap kesedaran pembayar zakat padi membayar menerusi saluran rasmi. Tujuannya adalah untuk melihat sejauh mana kesedaran untuk pematuhan pembayaran ke saluran rasmi dituruti oleh pesawah tanaman padi di negeri Kedah secara amnya. Kesemua lapan soalan yang diajukan adalah bersifat terbuka di mana responden memberi respon melalui pengalaman dalam bidang tanaman padi. Namun soalan berkaitan kesedaran adalah berbentuk skala tiga (iaitu [1] tidak tahu; [2] tidak pasti; dan [3] tahu). Item yang diukur di antaranya ialah:

1. Adakah abang/pakcik sedar siapa amil di kawasan ini?'
2. Adakah abang/pakcik sedar keperluan membayar zakat padi kepada amil?'
3. Adakah abang/pakcik sedar yang peringatan tentang kepentingan membayar zakat padi kepada amil disampaikan di dalam kuliah/khutbah Jumaat?'

Data mengenai pemboleh ubah demografi dan konstruk utama yang dikumpulkan dianalisis menggunakan statistik deskriptif melalui perisian *SPSS (Statistical Package for the Social Sciences)*.

HASIL KAJIAN DAN PERBINCANGAN

Demografi responden dikumpul dari segi umur, pengalaman dan pemilikan sawah yang diusahakan. Responden yang bekerjasama dalam menjawab soal selidik adalah seramai 163 orang di sekitar daerah Kubang Pasu, Pendang, Padang Terap dan Pokok Sena. Majoriti pesawah padi yang didekati berusia di antara 60 hingga 69 tahun iaitu seramai 67 orang (41.1 peratus). Kumpulan pesawah lain yang diedarkan soal selidik adalah berumur di antara 50 hingga 59 tahun (20.9 peratus), bawah 40 tahun (20 peratus), dan 40 hingga 49 tahun (11 peratus). Selebihnya seramai 9 orang berumur 70 tahun ke atas dan 9.2 peratus responden tidak menyatakan usia mereka.

Dari segi pengalaman mengerjakan sawah, majoriti responden mempunyai pengalaman 20 hingga 29 tahun (22.1 peratus) dan 30 hingga 39 tahun (20.8 peratus). Selain itu, 31.3 peratus responden berpengalaman selama 19 tahun dan ke bawah dalam mengerjakan sawah. Seramai 14.1 peratus pesawah pula berpengalaman selama 40 tahun dan ke atas dalam bidang penanaman padi. Majoriti pesawah mempunyai pemilikan sendiri ke atas sawah padi yang diusahakan iaitu 61.3 peratus. Selebihnya mengusahakan sawah padi yang disewa iaitu seramai 63 orang pesawah (38.7 peratus) dari jumlah keseluruhan 163 responden.

Saluran Pembayaran Zakat Padi

Penemuan hasil soal selidik berstruktur mendapati majoriti pesawah melunaskan pembayaran zakat padi melalui saluran tidak rasmi iaitu seramai 81 orang (49.7 peratus). Seramai 68 orang

(41.7 peratus) membuat pembayaran zakat padi di saluran rasmi iaitu di LZNK atau kepada amil-amil zakat padi di kawasan setempat. Selain itu, seramai 14 orang pesawah (8.6 peratus) membuat pembayaran di kedua-dua saluran iaitu melalui saluran rasmi dan juga pada masa yang sama sebahagian diagihkan kepada penerima zakat padi secara saluran tidak rasmi.

Punca pesawah tidak membayar zakat padi ke saluran rasmi adalah disebabkan kebiasaan yang telah diamalkan sejak turun temurun dari generasi pertama pesawah tersebut. Melihat kesusahan masyarakat setempat juga merupakan punca di mana zakat padi di agihkan kepada kenalan sekeliling yang ditakrifkan sebagai miskin, susah, berpendapatan tidak menentu, mempunyai tanggungan yang ramai, janda, ibu tunggal dan yang memerlukan. Kepincangan maklumat yang diterima dari pemohon bantuan yang gagal serta desas-desus maklumat yang salah menyebabkan kepercayaan terhadap pejabat zakat hilang di mana turut menjadi punca zakat padi tidak dibayar ke saluran rasmi. Tidak dinafikan juga, ada segelintir kumpulan pesawah tersebut yang turut membayar sebahagian jumlah zakat padi ke saluran rasmi. Perubahan ini berlaku setelah kepercayaan terhadap amil-amil setempat meningkat dan cara pengagihan yang telus diketahui umum

Faktor pendorong pesawah di negeri Kedah membayar zakat padi ke saluran rasmi iaitu ke LZNK atau menerusi amil-amil yang dilantik adalah kerana kefahaman yang jelas. Kepercayaan penuh terhadap pihak pengurusan zakat negeri merupakan sebab utama di mana pesawah membayar ke saluran rasmi. Selain itu, faktor hukum dan kearifan dalam menentukan kelayakan asnaf juga tidak dipertikaikan. Pejabat zakat di katakan mempunyai mekanisma yang tidak diragui oleh kumpulan pembayar zakat ke saluran rasmi ini dan mempunyai data yang lengkap. Di samping itu, pengagihan yang menyeluruh mengikut kategori asnaf atau kumpulan asnaf yang memerlukan boleh dicapai dengan pengagihan dari LZNK. Namun demikian, beberapa pesawah tidak dapat mengelak untuk membayar keseluruhan jumlah zakat padi ke saluran rasmi disebabkan tidak dapat menghampakan penerima atau asnaf dipercayai yang berharap mendapat wang zakat sejak sekian lama pada musim menuai.

Tahap Kesedaran Membayar Zakat Padi ke Saluran Rasmi

Keseluruhan proses dapatan data telah menunjukkan tahap kesedaran pesawah membayar zakat padi melalui saluran rasmi adalah rendah iaitu 2.13 dari skor maksima 3. Perincian peratusan responden dalam skala 3 bagi setiap persoalan yang diajukan adalah seperti di dalam Jadual 1. Ketidakpastian tidak wujud bagi beberapa perkara yang dibangkitkan seperti tentang amil di kawasan; amil bergerak yang ditugaskan untuk mengutip zakat padi di kawasan; boleh membayar zakat padi di masjid/setempat; keperluan membayar zakat padi kepada amil; insentif saguhati yang diberikan oleh pihak pejabat zakat sekiranya membayar zakat padi kepada amil; dan peringatan akan kepentingan membayar zakat padi kepada amil disampaikan di dalam kuliah/khutbah Jumaat. Ini menunjukkan pesawah sedar tentang kewujudan amil-amil yang bertanggungjawab, insentif yang disediakan dan juga berkaitan peringatan yang disampaikan. Namun ketidakpastian amat tinggi bagi perkara-perkara seperti kesedaran tentang agihan secara adil dan menyeluruh apabila membayar zakat padi kepada amil dan juga berkaitan kesedaran pejabat zakat mengalakkan zakat padi dibayar kepada amil. Secara lebih terperinci, didapati pesawah tidak sedar berkaitan perkara

utama iaitu kewujudan amil bergerak yang ditugaskan untuk mengutip zakat padi di kawasan setempat. Selain itu, pesawah juga tidak menyedari tentang insentif saguhati yang diberikan oleh pihak pejabat zakat sekiranya membayar zakat padi kepada amil.

Jadual 1: Tahap kesedaran membayar zakat padi menerusi saluran rasmi (n=163)

No.	Item	Skala			Skor Min
		[1] Tidak sedar	[2] Tidak pasti	[3] Sedar	Skala 1 – 3
1.	Kesedaran tentang amil di kawasan.	14.1%	8.0%	77.9%	2.64
2.	Kesedaran amil bergerak ditugaskan untuk mengutip zakat padi di kawasan.	39.9%	11.7%	48.5%	2.09
3.	Kesedaran boleh membayar zakat padi di masjid/setempat.	16.0%	10.4%	73.6%	2.58
4.	Kesedaran keperluan membayar zakat padi kepada amil.	19.0%	4.3%	76.7%	2.58
5.	Kesedaran tentang agihan secara adil dan menyeluruh apabila membayar zakat padi kepada amil.	3.7%	24.5%	71.8%	2.68
6.	Kesedaran pejabat zakat mengalakkan zakat padi dibayar kepada amil.	11.0%	11.0%	77.9%	2.67
7.	Kesedaran tentang insentif saguhati yang diberikan oleh pihak pejabat zakat sekiranya membayar zakat padi kepada amil.	47.9%	9.8%	42.3%	1.94
8.	Kesedaran tentang peringatan akan kepentingan membayar zakat padi kepada amil disampaikan di dalam kuliah/khutbah Jumaat.	20.9%	4.9%	74.2%	2.53
Keseluruhan					2.15

Statistik deskriptif dengan penggunaan perisian *SPSS* menunjukkan keputusan kebolehpercayaan (*reliability*) dan kesahihan (*validity*) bagi instrument yang dibina. Sejalan dengan itu, konsistensi dalaman digunakan untuk menguji kebolehpercayaan instrumen. Keputusan analisis menunjukkan tahap konsistensi dalaman (*Cronbach's Alpha*) adalah tinggi iaitu 0.862 bagi lapan soalan yang telah digunakan dalam pengukuran tahap kesedaran pembayar zakat padi membayar melalui saluran rasmi. Kesahihan konstruk dipastikan berdasarkan hasil analisis faktor seperti Jadual 2. Tahap kesedaran pembayar zakat padi melalui saluran rasmi boleh dikategorikan kepada dua kategori utama (rujuk Jadual 2). Kategori tersebut adalah berdasarkan amil dan pembayaran zakat; serta pegagihan dan insentif. Pemuatan faktor (*factor loading*) menunjukkan kesemua lapan soalan dalam tahap kesahihan yang agak tinggi iaitu di antara 0.671 dn 0.888 bagi kategori pertama serta 0.622 dan 0.930 bagi kategori kedua.

Jadual 2. Analisis Faktor Tahap Kesedaran ke Saluran Rasmi (n=163)

Tahap kesedaran (8 soalan)	Factor loading	KMO (BTOS)	Eigenvalue (% variance)
		0.781 (0.000)	
Amil dan Pembayaran			4.012 (50.146%)
<i>GalakanLZNK</i> Sedar pejabat zakat menggalakkan zakat padi dibayar kepada amil	0.888		
<i>AmilKawasan</i> Sedar siapa amil di kawasan	0.851		
<i>KuliahJumaat</i> Sedar yang peringatan tentang kepentingan membayar zakat padi kepada amil disampaikan di dalam kuliah/khutbah Jumaat	0.831		
<i>BayarMasjid</i> Sedar boleh membayar zakat padi di masjid/setempat	0.760		
<i>BayarAmil</i> Sedar keperluan membayar zakat padi kepada amil	0.751		
<i>AmilBergerak</i> Sedar amil bergerak ditugaskan untuk mengutip zakat padi di Kawasan	0.671		
Pengagihan dan Insentif			1.394 (17.424%)
<i>AgihAdil</i> Sedar bila membayar zakat padi kepada amil, duit zakat akan diagihkan secara adil dan menyeluruh	0.930		
<i>Insentif</i> Sedar pihak pejabat zakat ada memberikan insentif saguhati sekiranya membayar zakat padi kepada amil	0.622		

Kategori pertama iaitu amil dan pembayaran zakat mengukur kesedaran tentang galakan LZNK agar zakat padi dibayar kepada amil setempat; mengetahui amil kawasan; menyedari berkaitan peringatan kepentingan zakat padi yang disampaikan di dalam kuliah Jumaat; mengetahui tentang dibolehkan membayar zakat padi di masjid atau setempat; menyedari keperluan membayar zakat padi kepada amil; dan mengetahui berkenaan amil bergerak yang ditugaskan untuk mengutip zakat padi di kawasan setempat. Kesedaran tentang enam perkara ini mampu menerangkan tahap kesedaran pembayar zakat padi melalui saluran rasmi setakat 51 peratus. Manakala 18 peratus diterangkan oleh kategori kedua iaitu pengagihan dan insentif melalui kesedaran membayar zakat padi kepada amil di mana duit tersebut akan diagihkan secara adil dan menyeluruh; dan mengetahui berkenaan insentif saguhati yang disediakan oleh pihak LZNK sekiranya membayar zakat padi kepada amil. Oleh yang sedemikian, tahap kesedaran melalui lapan soalan tersebut hanya mampu menerangkan sebanyak 69 peratus secara keseluruhan di mana 31 peratus lagi adalah faktor lain.

Keputusan analisis menunjukkan hampir 49 peratus pesawah tidak sedar akan kewujudan amil bergerak yang ditugaskan untuk mengutip zakat padi di kawasan setempat. Maka tidak hairan sekiranya keadaan tersebut menyebabkan kesedaran tentang peruntukan insentif saguhati agak

rendah juga. Perkara ini dapat dilihat sebagai sesuatu yang serius kerana ia mampu mengurangkan kutipan zakat padi dari semasa ke semasa apabila saluran tidak rasmi menjadi pilihan pesawah mengagihkan zakat padi kepada asnaf sekeliling sahaja. Namun, tidak dinafikan, pesawah sedar siapa amil di kawasan; tahu tentang galakkan pejabat zakat agar zakat padi dibayar kepada amil; dan sedar akan keperluan membayar zakat padi kepada amil. Walau bagaimanapun, untuk tidak menghampakan harapan penerima atau asnaf setempat yang sejak sekian lama mengharapkan zakat padi diberikan, peratusan kecil zakat padi dikeluarkan juga ke saluran tidak rasmi. Tahap kesedaran menunjukkan pesawah di daerah Kubang Pasu, Pendang, Padang Terap dan Pokok Sena khususnya maklum tentang amil di kawasan setempat serta hasrat yang sering diwar-warkan oleh LZNK tentang kewajipan membayar zakat melalui saluran rasmi dan dipermudahkan dengan ditugaskan amil setempat.

KESIMPULAN

Konsep zakat itu sendiri yang bertujuan untuk penyucian adalah diwajibkan ke atas pembayar zakat yang memenuhi syarat sahaja. Syarat wajib zakat adalah ke atas setiap Muslim yang memiliki harta dan sekiranya pemilikan bersama dengan pemilik bukan Islam, maka bahagian wajib zakat hanya ke atas pemilikan Islam yang merdeka sahaja. Di samping itu, kewajipan berzakat adalah ke atas Muslim yang waras (iaitu mampu berfikir) dan cukup umur (iaitu baligh). Dari segi harta itu sendiri, maka pemilikan adalah perlu secara sepenuhnya (*milk tam*). Ini bermaksud tanah pertanian atau sawah dalam konteks kajian ini perlu dimiliki oleh pesawah di mana ia diperolehi secara sah, mempunyai hak penuh untuk menggunakan, melupuskan, menjual, menghibah atau melabur bahagian yang dimiliki itu. Tanah tersebut juga perlu dikategorikan sebagai harta yang subur (*AnNama'*) bagi membolehkan kewajipan zakat diletakkan ke atas bahagian tanah tersebut. Harta yang subur bermaksud ia mampu menjana keuntungan sama ada secara hakiki (keuntungan perniagaan) atau secara tidak hakiki (potensi harta tersebut berkembang di tangan pemilik atau tangan orang lain). Maka kewajipan membayar zakat padi adalah jelas bagi setiap Muslim yang mempunyai atau mengerjakan sawah sekiranya mencukupi nisab yang ditentukan.

Kajian ini secara tidak langsung berhasrat dapat meningkatkan kesedaran pembayar zakat padi membayar melalui saluran rasmi iaitu ke LZNK atau melalui amil-amil yang dilantik. Penemuan hasil kajian ini selain dapat memberi idea kepada peningkatan pendekatan berkaitan zakat padi, ia dapat menambah ilmu dari segi teori kesedaran dan pematuhan secara umum. Walau bagaimanapun, masih terdapat ruang untuk penambahbaikan bagi mengurangkan jurang secara teori atau pengurusan untuk jangka masa akan datang. Cadangan kajian secara eksplorasi yang boleh diambil maklum, di antaranya adalah seperti (i) kajian yang sama boleh dijalankan di daerah atau negeri lain; (ii) menggunakan data "Perunding Zakat Kariah" yang sedang dalam proses pengumpulan yang lebih spesifik; (iii) skop berkaitan kepatuhan boleh diperkembangkan lagi dengan dimensi pengukuran yang lain; dan (iv) kajian secara perbandingan dengan negeri-negeri lain boleh dijalankan untuk mendapatkan gambaran menyeluruh dan menambahkan percambahan ilmu dalam zakat padi di Malaysia.

PENGHARGAAN

Kami ingin mengucapkan terima kasih kepada penyemak yang telah memberikan nasihat dan komen yang sangat mendalam. Kami juga ingin mengucapkan terima kasih di atas sokongan Institut Penyelidikan dan Inovasi Zakat (IPIZ) dan Pusat Penyelidikan, Pengurusan Inovasi (RIMC) Universiti Utara Malaysia dan Lembaga Zakat Negeri Kedah (LZNK) dan pemberian Skim Geran Perundingan (Kod S/O: 14538).

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PENERAPAN URUF DALAM ZAKAT: TINJAUAN FATWA ZAKAT KEDAH

(Application of Uruf In Zakat: A Review of Kedah Zakat Fatwa)

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Abstrak

Uruf merupakan salah satu mekanisme yang digunakan dalam proses pengeluaran hukum, Walaupun ia tidak setaraf dengan Al-Quran dan Hadith, namun peranannya dalam perkara cabang hukum adalah sangat penting sekali. Penelitian di dalam kitab fiqh akan mendapati bahawa ia sarat dengan konklusi yang dikeluarkan oleh para ulama' yang turut menjadikan uruf sebagai asas penilaian mereka. Penerapan konsep uruf dalam perbahasan zakat juga sangat menarik dan signifikan untuk ditinjau. Perbincangan berkenaan uruf ini akan melatih akal manusia dalam mengadaptasi realiti dengan hukum syarak sedia ada. Perbahasan ini dibincangkan oleh ulama' di dalam kitab usul fiqh dan kebanyakannya adalah dibahaskan aspek teori dan contoh klasik sahaja. Justeru, artikel ini bertujuan membincangkan teori ini dalam bentuk pelaksanaan di dalam realiti semasa. Penelitian terhadap beberapa fatwa zakat Kedah berjaya menzahirkan betapa uruf sangat signifikan dalam konteks hukum terutamanya berkaitan zakat. Perbincangan berkaitan uruf ini wajar diluaskan dalam pelbagai konteks hukum semasa agar ia dapat dimanfaatkan dengan lebih baik oleh setiap umat islam. Kajian uruf semasa perlu lebih komprehensif agar keindahan islam dapat dijelmakan kepada umat sejagat dengan lebih sempurna.

Kata kunci: Sumber Hukum, Uruf, Zakat, Fatwa Kedah

Abstract

Uruf is one of the mechanisms used in the process of decision making of Islamic law. Although it is not equivalent to the Qur'an and Hadith, but its role in matters of the branch of law is very important. With a deep research in fiqh studies books will find that it is loaded with conclusions issued by the scholars who also implemented uruf as the basis of their evaluation. The application of the concept of uruf in the discussion of zakat is also very interesting and significant to review. This discussion on uruf will train the human logic and mind in adapting to reality with existing Islamic law. This debate is discussed by ulama' in the book of usul fiqh and most of the discussion in terms of theory and classical examples only. Thus, this article aims to discuss this theory in the form of implementation in current reality. A study on several Kedah's fatwas of zakat has succeeded in disclose how significant uruf is in the context of law, especially related to zakat. The discussion on uruf should be extended in various contexts of existing law so that it can be better utilized by every Muslim. The current study of uruf needs to be more comprehensive so that the beauty of Islam can be manifested to the world precisely.

Keywords: Source of Law, Uruf, Zakat, Kedah Fatwa'

PENGENALAN

Sumber hukum Islam berpaksi Al-Quran dan Hadith. Tidak ada sumber lain yang boleh mengatasi dua sumber utama ini. Al-Quran merupakan kalam Allah yang diturunkan kepada Nabi Muhammad s.a.w dan kemudiannya disampaikan kepada sekalian manusia. Periwatyan Al-Quran dinaqalkan secara *mutawatir* sejak dari zaman awal sehingga ke hari ini. Hadith pula adalah kalam Rasulullah s.a.w yang bermanifestasi dari wahyu untuk menjadi huraian kepada Al-Quran. Kedua-dua sumber tersebut dijadikan rujukan utama dalam setiap perkara kepada manusia khususnya berkaitan hukum-hakam. Namun, dalam beberapa perkara teknikal dan perincian hukum tidak dijelaskan secara khusus oleh Al-Quran dan hadith. Kedua-dua sumber tersebut hanya menyentuh dasar hukum tanpa huraian spesifik. Justeru, mekanisme lain diperlukan bagi mendapatkan jawapan kepada persoalan tersebut. Berdasarkan amalan para sahabat, ulama' menggariskan kaedah lain yang boleh digunakan dalam mengistinbat hukum. Kaedah yang digunapakai adalah ijma' dan qiyas. Sehubungan itu, para ulama' bersepakat sumber rujukan utama kepada hukum terbahagi kepada Al-Quran, Hadith, Ijma' dan Qiyas.

Namun, berdasarkan pengamatan ulama' mereka mendapati bahawa masih terdapat method lain dalam menjadi sumber rujukan bagi sesuatu hukum. Khususnya pada perkara cabang yang tidak dijelaskan secara terperinci oleh Al-Quran mahupun Hadith. Di samping tiada kesepakatan ulama' melalui ijma' atau proses qiyas yang turut menemui jalan buntu. Sehubungan itu, beberapa sumber lain yang turut dijadikan rujukan adalah seperti teori *Istihsan*, *Masalih Murslah*, *Mazhab Sahabiy*, *Sad Zarai'I* dan lain-lain lagi⁶³. Keabsahan sumber ini adalah hasil dari pemerhatian para ulama kepada method yang telah digunakan oleh generasi sahabat dan tabiin yang merupakan kumpulan pertama yang terlibat dalam ijtihad setelah kewafatan Nabi s.a.w. Tetapi syarat dan kaedah penggunaan sumber ini tidaklah mendapat kesepakatan dalam kalangan ulama', di mana sebahagiannya menerima satu kaedah dan yang lainnya pula menolak. Contohnya mazhab Hanafi menerima *Istihsan* sedangkan yang lain tidak menerimanya. Begitu juga dengan *Masalih Mursalah* yang diterima oleh mazhab Maliki dan tidak dipersetujui oleh lainnya. Perincian kepada perbahasan ini dibahaskan ulama' di dalam kitab-kitab usul fiqh. Sumber hukum umpama ni dikira sebagai dalil *mukhtalaf 'alaiha* atau dalil yang berbeza ulama' pada menerimanya. Namun secara umum, sumber ini punya asas untuk digunakan dalam penelitian sesuatu hukum berdasarkan method ulama' islam secara umum⁶⁴.

Di antara sumber hukum yang turut berada dalam kategori tersebut dinamakan sebagai Al-'Urf atau uruf. Sumber ini walaupun ia dikategori sebagai sumber yang tidak disepakati, namun apabila diteliti sumber ini diterima pakai oleh semua mazhab cuma mereka berbeza pada syarat dan kaedah penggunaannya pada cabang masalah. Justeru, kajian ini adalah bagi meneliti teori uruf dan kesannya dalam pengalaman zakat khususnya di peringkat Lembaga Zakat Negeri Kedah.

⁶³ Waliyuddin Farfur, Madaarik Al-Haq, Maktabah Dar Farfur, Damsyiq, 1999. Jilid1/39

⁶⁴ Sumber sama

METODOLOGI KAJIAN

Kajian ini menggunakan kaedah kualitatif diskriptif melalui penelitian terhadap beberapa buku dan artikel yang berkaitan uruf. Di samping itu antara rujukan utama dalam kajian adalah koleksi himpunan fatwa zakat negeri Kedah yang dijadikan subjek analisa. Limitasi kajian adalah berkisar koleksi fatwa tersebut.

Unsur Ta'abbudi Dan Ijthadi dalam Zakat

Zakat merupakan sebuah sistem asas dalam kerangka kehidupan umat islam. Diletakkan sebagai rukun islam yang bersifat kewajipan harta menjadikannya sebagai antara teras utama masyarakat islam. Ini kerana reality kehidupan manusia tidak dapat lari dari keperluan harta terutamanya bagi menampung perkara asas dalam kehidupan. Pada masa yang sama reality kehidupan turut menyaksikan wujudnya orang yang kaya dan orang yang miskin. Justeru, syara' menetapkan system zakat sebagai memastikan keseimbangan hidup dalam kalangan manusia agar wujudnya kesalingan antara kedua-dua kelompok tersebut. Ini kerana kedua-dua kelompok ini adalah berhajat antara satu sama lain dalam melayari kehidupan di atas muka bumi ini (Khamis An-Naqib, 2010).

Zakat bukan sekadar ibadah bersifat peribadi yang harus dilaksanakan perindividu tetapi ianya merupakan sebuah sistem masyarakat yang perlu diurus dengan sebaiknya (Niamat Abdul Latif, 1993). Tanggungjawab merealisasikan maqasid zakat diletakkan di bahu pemerintah sebagaimana yang ditunjukkan di dalam at-taubah 103. Perkara ini turut dijelaskan melalui tindakan Nabi s.a.w dan kemudiannya diikuti oleh para khulafa' ar-rasyidin dan pemimpin-pemimpin islam setelah dari itu. Melihat kenyataan ini, timbul beberapa persoalan adakah zakat ini terbuka kepada ijthad dalam proses pelaksanaannya ataupun ianya hanya bersifat tauqifi. Contohnya, adakah harta zakat tidak boleh dikembangkan kepada selain dari yang disebut oleh Nabi? Adakah pihak pemerintah boleh mengadaptasi proses menguruskan zakat ini berdasarkan kaedah semasa yang dilihat perlu dan sesuai pada masa kini ataupun tidak? Dan lain-lain lagi.

Berdasarkan penelitian, didapati wujud pandangan ulama' yang menyatakan bahawa zakat ini merupakan ibadah yang mempunyai dwi ciri, iaitu ciri ta'abbud dan ciri ma'qulatul makna. Atau ianya bermaksud ada unsur yang mesti tunduk kepada zahir nass dan ada unsur yang boleh menerima ijthad. Sehubungan itu, bila dilihat kepada pelaksanaannya dapat di fahami bahawa teras kepada hukum zakat adalah bersifat tauqifi manakala beberapa unsur teknikal pelaksanaannya adalah menerima ijthad. Ianya seperti kewajipan zakat kepada harta yang bersifat berkembang seperti matawang emas dan perak dan perkara ini boleh dikembangkan lagi kepada semua jenis matawang yang diqiaskan kepada emas dan perak tersebut.

Zakat merupakan ibadah yang berkaitan dengan maal atau harta. Ianya membabitkan kewajipan mengeluarkan harta oleh muzakki dan diserahkan kepada asnaf. Sifat harta pula adalah berkait dengan kekayaan seseorang, dan konsep kekayaan dari harta adalah berbeza dari satu masa dengan yang lain. Justeru, antara alat yang perlu digunakan dalam pengurusan harta ini adalah adat dan uruf. Di mana sifat harta dan kekayaan manusia adalah dinamik sejak dari dahulu sehingga kini. Di samping itu juga penentuan asnaf yang lapan sebagaimana di sebut di dalam at-taubah 106

turut memerlukan elemen uruf adalah dalam menentukan perincian kepada asnaf-asnaf tersebut, sebagai contoh ketetapan asnaf fakir dan miskin serta proses mengenal pastinya. Sehubungan itu, teori uruf ini sangat diperlukan dalam proses pengurusan zakat terutamanya kepada institusi zakat bagi memastikan gerak kerja mereka berjalan lancar. Melalui hal ini juga timbul pertanyaan sejauh mana uruf ini dapat memberi kesan kepada institusi zakat terutamanya pada aspek perbezaan pandangan pada penentuan hukum dan SOP yang ditetapkan oleh mereka.

Maksud Uruf dan Pensyariatannya

Asal maksud uruf adalah diambil dari perkataan عرف atau معرفة yang bermaksud mengetahui atau pengetahuan (Ibnu Faris, 2011). Dari segi bahasa perkataan uruf tersebut boleh difahami sebagai sesuatu kebiasaan bagi sesebuah masyarakat.⁶⁵ Para ulama' turut memberikan beberapa penakrifan kepada uruf berdasarkan pra syarat penerimaannya sebagai sumber hukum. Antaranya disebutkan bahawa maksud uruf adalah 'sesuatu yang menjadi kebiasaan dan tradisi dalam sesebuah masyarakat yang ianya boleh diterima oleh akal di samping dapat diterima oleh orang yang mempunyai jiwa dan perasaan yang baik'⁶⁶. Pada sisi lain pula digambarkan maksud uruf adalah sesuatu yang menjadi kebiasaan majoriti masyarakat samada yang bersifat perkataan mahupun perbuatan (Rizal, 2019).

Berdasarkan penakrifan yang diberikan oleh kebanyakan ulama' boleh dirangkumkan bahawa ciri-ciri uruf adalah merangkumi empat elemen utama. Pertama; sesuatu perkataan atau perbuatan yang menjadi kebiasaan dan berulang-ulang bagi sesebuah masyarakat sehingga boleh dianggap sebagai tradisi. Kedua; kebiasaan tersebut adalah sesuatu yang boleh diterima secara logik dan akal. Ketiga; Tradisi tersebut bukanlah perkara yang ditolak oleh orang yang mempunyai hati dan perasaan yang baik, iaitu bermaksud jika sesuatu tradisi yang bertentangan dengan norma biasa manusiawi adalah tidak boleh diterima dan yang keempat; kebiasaan yang dilakukan itu mestilah diamalkan oleh majoriti sesebuah masyarakat. Ini bermakna jika tradisi tersebut hanya diamalkan oleh individu atau sekelompok kecil sahaja dalam kalangan masyarakat maka ianya adalah ditolak. Dalil yang mengiktiraf uruf adalah berdasarkan firman Allah s.w.t:

“...Jadilah engkau orang yang pemaaf dan suruhlah orang mengerjakan yang makruf, serta jangan pedulikan orang-orang yang bodoh...”

(Surah al-Aaraf, ayat 199)

Az-Zuhaily menyatakan perkara makruf di dalam ayat bermaksud sesuatu perkara baik yang disuruh oleh syarak. Di samping perkara tersebut ia adalah perkara yang boleh diterima oleh kebanyakan manusia yang sihat akal⁶⁷ tanpa sebarang bantahan seperti menolong orang yang berada di dalam kesusahan, mengelakkan diri dari menganiayai orang lain dan seumpamanya. Perkara-perkara umpama ini secara tabiinya tidak ada orang yang menolaknya, bahkan setiap

⁶⁵ Mustafa Said al-Khin, al-Kaafi al-Waafi, Muassasah Ar-Risalah, Beirut, Lubnan, 2001, ms215

⁶⁶ Muhammad ma'sum Zainy al-Hasyimy, Sistematika Teori Hukum Islam (Qowa'id Fiqhiyyah) (Darul Hikmah Jombang dan Maktabah al-Syarifah Al-Khodijah, 2008), 79-80.

⁶⁷ Wahbah Az-Zuhaly, Tafsir al-Munir, Daar Al-Fikr, Damsyiq 2007. Jilid 5/230

manusia mengiktiraf bahawa perbuatan tersebut adalah perkara yang baik dan terpuji. Perkara makruf ini merangkumi segala muamalat dan juga adat kebiasaan bagi sesebuah masyarakat⁶⁸. Di dalam sebuah athar yang disandarkan kepada Abdullah Bin Mas'ud ada menyatakan bahawa “sesuatu yang dilihat oleh orang-orang islam sebagai baik, maka ianya adalah baik di sisi Allah, manakala sesuatu yang dilihat tidak baik oleh orang islam maka ianya tidak baik di sisi Allah”⁶⁹. Athar tersebut menjelaskan bahawa apabila majoriti umat islam berpandangan bahawa sesuatu perkara itu baik, maka ia adalah perkara yang boleh diterima di sisi syarak. Dan sebaliknya juga begitu, iaitu apabila majoriti umat islam beranggapan suatu perkara itu buruk maka perkara tersebut ditolak dan tidak boleh diterima. Konsep penerimaan dari majoriti umat islam ini dapat difahami berdasarkan sebuah hadith yang bermaksud “sesungguhnya Allah tidak menghimpunkan umat ku di dalam kesesatan, pertolongan Allah Bersama dengan Jemaah (kesatuan)” (HR At-Tirmidzi, 2167). Konsep ini mengesahkan bahawa sesuatu tradisi baik yang diamalkan oleh majoriti sesebuah masyarakat islam boleh diterima.

Pensyariatan Uruf

Berdasarkan ayat dan hadith yang dibincangkan sebelum ini jelas menunjukkan bahawa tradisi baik yang diamalkan oleh majoriti umat islam itu adalah diterima oleh syarak, namun tahap penerimaan tersebut adakah ia boleh diangkat sebagai perkara wajib secara perundangan ataupun tidak, terdapat perbahasan ulama' berkaitan dengannya. Secara asasnya teori uruf ini diklasifikasikan oleh ulama' sebagai sumber hukum yang tidak disepakati. Umum mengatahui bahawa sumber hukum yang disepakati adalah dari Al-Quran, Hadith, Ijma' dan Qiyas. Namun di sana terdapat beberapa sumber yang para ulama' berbeza pandangan samada menerimanya ataupun tidak, ia seperti *Istihsan*, *Istislah*, *Sad Zarai'I* dan termasuk perbahasan *uruf*.

Walaupun bagaimanapun dari segi praktikalnya majoriti ulama' menerima teori uruf ini, terutamanya pada perkara-perkara cabang atau teknikal bagi sesuatu hukum. Ia boleh dijadikan sumber rujukan khususnya pada perkara berkaitan muamalat ataupun hal ibadat yang perinciannya masih bersifat zhanniy. Sebagai contoh dalam hal ibadat adalah seperti di dalam perbahasan berkaitan pergerakan yang banyak yang akan membatalkan solat di dalam mazhab Syafie. Kadar kepada pergerakan yang dikira sebagai banyak oleh mazhab Syafie adalah pergerakan besar sebanyak tiga kali ke atas yang dilakukan secara berturut-turut. Maka sumber yang digunakan oleh ulama' mazhab Syafie dalam menentukan kadar tersebut adalah berasaskan uruf. Banyak atau sedikit pergerakan diukur berdasarkan kepada uruf manusia, di samping itu juga pemilihan tiga kali berturut-turut adalah berasaskan uruf. Justeru, di dalam hal muamalat tentulah lebih banyak perkara berkaitan uruf perlu digunakan sebagai sumber hukum, ini kerana kebanyakan perinciannya adalah terbuka kepada ijtihad. Di antara dalil yang digunakan dalam mensabitkan penggunaan uruf dalam menentukan hukum adalah seperti berikut:

⁶⁸ Sumber sama.

⁶⁹ Imam Malik, Muwatta' Malik, Tahqiq Dr. Taqiyuddin An-Nadwi, Dar Qalam, Damsyiq, 1991, jilid 1/355

“...Dan kewajiban bapa pula ialah memberi makan dan pakaian kepada ibu itu menurut cara yang sepatutnya (menurut kebiasaannya)...”

(Surat Al-Baqarah, ayat 233)

“...Dan isteri-isteri yang diceraikan berhak mendapat Mut'ah (pemberian saguhati) dengan cara yang patut (mengikut adat kebiasaan), sebagai satu tanggungan yang wajib atas orang-orang yang taqwa...”

(Surah Al-Baqarah, ayat 241)

Di dalam sebuah hadith yang diriwayatkan bahawa seorang sahabat yang dikenali sebagai Hind Binti Utbah r.a mengadu kepada Rasulullah s.a.w bahawa suaminya tidak membaeri nafkah yang cukup buat dirinya dan anaknya, lalu Rasulullah s.a.w memberi respon dengan bersabda:

“...Ambillah sesuatu yang mencukupi bagi diri mu dan anak mu secara yang baik (berdasar ukuran kebiasaan)...”

(Hadis Riwayat Al-Bukhari, 3825)

Syarat Uruf Sebagai Sumber Hukum

Asas kepada kepada syarat penggunaan uruf sebagai sumber hukum adalah ia tidak bertentangan dengan dalil syara' lain yang bersifat qatie. Perkara ini berdasarkan pembahagian uruf kepada (i) uruf yang saheh (diterima) dan (ii) uruf yang rosak (ditolak). Uruf yang saheh adalah merujuk kepada sesuatu kebiasaan atau tradisi yang berlaku dalam kalangan masyarakat dan ianya tidak bertentangan dengan mana-mana dalil syara' lain yang bersifat qatie. Ini bermakna uruf tersebut tidak boleh menghalalkan perkara yang haram dan tidak boleh pula mengharamkan perkara yang halal. Di samping itu uruf yang diamalkan tersebut tidak akan meluputkan maslahat atau mengundang mafsadah. Manakala uruf yang rosak adalah sesuatu kebiasaan dalam kalangan masyarakat yang secara jelas bertentangan dengan dalil syara' yang qatie. Ataupun uruf tersebut akan menghasilkan kemudharatan dan mengelakkan maslahat. Contohnya apabila sesebuah masyarkat sudah menjadi kebiasaan mereka mengamalkan riba dalam akad hutang piutang, maka uruf tersebut tidak boleh diterima yang walaupun ia sudah menjadi keperluan kepada masyarakat tersebut. Ini kerana riba adalah suatu perkara yang haram secara qaite oleh syarak. Begitu juga dalam hal berkaitan beberapa tradisi dalam perkahwinan seperti solekan melampau dan tidak menutup aurat di kalangan pengantin dan tetamu. Uruf tersebut adalah tidak boleh diterima kerana ia bertentangan dengan dalil syara' yang jelas.

Menurut al-Zarqa pula,⁷⁰ sesuatu uruf boleh dijadikan sebagai dalil dalam menetapkan hukum adalah apabila memenuhi syarat-syarat sebagai berikut:

- a. Uruf tersebut harus berlaku secara umum. Ianya bermaksud, tradisi itu berlaku dan difahami oleh sebahagian besar masyarakat sesebuah tempat.

⁷⁰ Madhkal Fiqhiy 'Aam, Syeikh Mustafa Zarqa, jilid 2/839

- b. (2) Uruf yang hendak dibina dalil hukum tersebut mestilah sesuatu yang telah berjalan sejak sekian lama di dalam sesebuah masyarakat.. Ia juga bererti bahawa tradisi itu telah dimaklumi dan diamalkan sebelum wujudnya persoalan hukum yang dibangkitkan, atau dalam kata lain jika timbul sesuatu permasalahan lalu pihak masyarakat bersetuju untuk mengamalkan sesuatu yang baru supaya dijadikan tradisi ke hadapan, maka uruf tersebut tidak boleh digunakan sebagai sumber hukum.
- c. (3) Uruf yang digunakan sebagai asas hukum tersebut tidak bertentangan dengan kontrak atau kesepakatan yang jelas antara dua pihak. Contohnya, apabila penjual dan pembeli ketika melakukan transaksi jual-beli telah bersepakat dengan kesepakatan yang jelas bahawa barang yang dibeli tidak akan disertakan beg atau plastik. Walaupun secara uruf penjual akan menyediakan beg atau palastik bagi memudaahkan pembeli membawa barang, tetapi apabila telah disepakati bahawa tidak akan diberikan beg atau plastik tersebut, maka pihak pembeli tidak boleh mendakwa ke muka pengadilan dengan alasan penjual tersebut telah bertindak berlawanan dengan uruf setempat iaitu memberi beg atau plastik. Ini kerana kesepakatan antara dua belah pihak tersebut telah membatalkan pengamalan uruf dalam konteks akad jual beli antara mereka berdua.
- d. (4) Uruf yang hendak diguna pakai dalam permasalahan hukum tidak bertembung atau didahului oleh hukum lain yang sudah jelas nassnya. Ia bermaksud bahawa proses ijtihad yang bersandarkan uruf tidak boleh diterima pakai jika sudah wujud nass lain yang lebih jelas dalam permasalahan tersebut. Terdapat kaedah menyebutkan *لا إجتهد في مورد النص* iaitu tidak wujud sebarang ijtihad pada perkara yang sudah jelas dalil atau nass.
- e. Justeru berdasarkan kenyataan ini, uruf merupakan konsep yang boleh diterima pakai dalam berijtihad, namun sesuatu uruf yang akan dijadikan sebagai rujukan tersebut mestilah memenuhi paiawai maqasid Syariah iaitu mestilah iamendatangkan maslahat dan menolak keburukan berdasarkan kayu ukur syara'.⁷¹

Kaedah Fiqh Yang Bersumber Teori Uruf

Berdasarkan teori uruf ini telah terbit beberapa kaedah fiqh yang boleh digunakan sebagai pandu arah dalam beberapa perkara cabang di dalam fiqh. Kaedah utama yang muncul dari teori uruf tersebut adalah *العادة محكمة* maksudnya adalah sesuatu adat dan kebiasaan itu dijadikan sebagai salah satu penentu bagi mensabit hukum syara'.⁷²

Bersumberkan kaedah tersebut muncul lagi beberapa kaedah lain, antaranya seperti berikut⁷³ :

- 1) Sesuatu adat yang diguna pakai oleh manusia sebagai hujah wajiblah beramal dengannya.

Kaedah ini menjelaskan bahawa sebarang pengamalan yang sudah sehati dengan manusia ia akan menjadi dalil serta hujah yang wajib beramal dengannya. Namun ia haruslah tidak bertentangan dengan nass yang jelas. Antara contoh klasik kepada perkara tersebut adalah akad

⁷¹ Mustafa Said Al-Khin, Al-kaafi Al-Waafi, ms 215

⁷² Amin Al-Jarumi, Md. Amin Haji Abdul Rahman Al-Jarumi, Kaedah-kaedah Fiqah dan Aplikasinya Dalam Dakwaan Syarie, UniSHMAS Sdn. Bhd, 2021, ms114.

⁷³ Rujukan sama

bai' salam, iaitu jual beli sesuatu benda yang tidak ada pada penjual. Namun, penjual hanya menjelaskan sifat dan perincian barang yang hendak dijual itu sahaja. Akad jual beli seumpama ini pada asalnya adalah di larang kerana ia mempunyai unsur gharar (tidak jelas) dan berkemungkinan akan memabawa kepada perselisihan antar dua pihak. Namun, di sebabkan penjualan secara *bai' salam* ini telah menjadi sehati secara tradisi atau uruf, maka akad ini diterima dengan syarat diminimakan unsur gharar tersebut sebagaimana yang dibahaskan di dalam kitab-kitab fiqh.

2) Apa yang diambil kira ialah bagi sesuatu yang *Ghalib* dan biasa bukan sesuatu yang *nadir* atau jarang berlaku.

Kaedah ini menjelaskan tentang sesuatu adat dan kebiasaan itu perlulah dari perkara yang sudah menjadi sehati dalam sesebuah masyarakat. Di mana majoriti masyarakat mengetahui atau mengamalkan perkara tersebut. Adapun sesuatu tradisi yang jarang berlaku tidak akan diambil kira. Antara contohnya adalah kaedah penyerahan mas kahwin atau mahar perkahwinan. Bagi sebahagian negara seperti di timur tengah adat dan tradisi mereka adalah pemberian mas kahwin dibahagikan kepada dua fasa. Pertama dikenali sebagai *mu'ajjal* معجل atau segera. Dan yang kedua dikenali sebagai معجل atau tangguh. Ia bermaksud mas kahwin yang diberikan sewaktu akad perkahwinan adalah sebahagian sahaja, manakala yang tangguh akan diberikan kemudian. Jumlah dan pembahagian tersebut adalah berdasarkan kesepakatan kedua-dua belah pihak. Sehubungan itu, berdasarkan kaedah ini tradisi pembahagian mas kahwin kepada dua fasa tersebut hanya dikira relevan bagi masyarakat timur tengah yang sudah sehati mengamalkannya. Adapun masyarakat di Malaysia tidak boleh dijadikan adat tersebut sebagai hujah untuk mewajibkan amalan tersebut, ini kerana adat tersebut bukanlah menjadi tradisi bagi masyarakat di Malaysia.

3) Sesuatu yang diketahui secara uruf, ia samalah dengan sesuatu yang disyaratkan melalui penetapan syarat.

Kaedah ini bermaksud sesuatu perkara yang telah dimaklumi secara tradisi bagi sesebuah masyarakat ia mempunyai nilai dan kekuatan seumpama sesuatu syarat yang telah dimetraikan. Walaupun syarat secara jelas tidak dinyatakan tetapi tradisi yang wujud sudah memadai untuk dijadikan hujah dalam sesuatu perkara terutamanya berkaitan muamalat. Sebagai contoh, di antara tradisi mengadakan kenduri dalam masyarakat Malaysia adalah pihak tuan kenduri tidak menghadkan jumlah yang boleh dimakan oleh seseorang tetamu. Ini bermaksud jika seseorang tetamu itu boleh baginya untuk makan dengan satu jumlah yang banyak, ia tidak dikira bersalah yang walaupun tidak disyaratkan secara jelas dalam mana-mana pernyataan. Tradisi yang sedia ada sudah memadai dijadikan hujah kepada hal tersebut.

4) Tidak dinafikan perubahan hukum dengan berubahnya masa dan tempat

Hukum-hakam yang bersifat ijtihadi boleh berlaku perubahan apabila berubahnya sesuatu tempat mahupun waktu. Ia disebabkan latar dan tradisi sesuatu tempat dan waktu mungkin berbeza. Di sebabkan perbezaan ini maka hukum boleh berubah jika diperlukan sebagai meraikan tradisi setempat atau waktu terkini. Namun, perkara yang mungkin berubah tersebut mestilah bukan pada perkara-perkara yang telah wujud nass secara qatie samada pada sudut *thubut* (kewujudan) mahupun secara *dalalah* (kefahaman). Sebagai contoh, pengamalan solat berjemaah secara berjarak sekurang-kurangnya satu meter dalam tempoh covid-19. Pada asal hukum solat berjemaah adalah dengan merapatkan saf sebagaimana yang diajarkan oleh Nabi s.a.w. Namun, pakar-pakar perubatan telah mengesahkan bahawa virus covid-19 boleh menular dengan cepat dan mudah apabila tidak adanya penjarakan fizikal antara seorang dengan seorang yang lain. Sehubungan dengan itu, solat berjemaah telah diarahkan oleh pihak berkuasa agama negeri-negeri agar dilaksanakan dengan cara penjarakan saf sekurang-kurangnya satu meter. Arahan ini adalah bertujuan untuk mengurangkan risiko jangkitan virus tersebut di kalangan jemaah yang melaksanakan solat. Hukum ini berubah disebabkan berlaku penularan virus covid-19 tersebut. Ia bukannya bersifat kekal, namun pelaksanaannya harus diterima dan diamalkan dalam tempoh ia berkuatkuasa. Suatu masa nanti apabila pakar-pakar berkaitan dapat mengesahkan keadaan sudah kembali pulih, maka kaedah solat berjemaah secara rapat hendaklah dilaksanakan semula kerana ia merupakan sunnah yang diajarkan oleh Nabi s.a.w. Ini adalah sebahagian contoh dari kaedah yang dikonklusikan oleh para ulama' bersumberkan dalil uruf. Kaedah-kaedah lain boleh dilihat di dalam kitab-kitab qawaidh fiqhiyyah di samping contoh-contoh klasik yang turut dimautkan. Adapun contoh-contoh semasa bolehlah dikembangkan dengan penelitian kepada realiti yang wujud di tempat dan masa kini.

Kajian Uruf Dalam Pengamalan Zakat Berdasarkan Fatwa Negeri Kedah

Berdasarkan penjelasan di atas, dapat difahami bahawa perbincangan berkaitan zakat turut memerlukan uruf dalam menyelesaikan beberapa aspek berkaitan dengannya. Dasar-dasar utama zakat telah jelas bersumberkan keterangan Al-Quran dan Hadith, namun beberapa aspek teknikal dan perinciannya masih terbuka kepada ijtihad para ulama'. Justeru, uruf merupakan antara mekanisme yang boleh digunakan dalam proses ijtihad tersebut. Kajian ini akan mengemukakan beberapa contoh dan proses penggunaan uruf di dalam hukum zakat berdasarkan dokumen fatwa negeri Kedah. Namun, fatwa yang dirujuk ini bukan semestinya merupakan fatwa terbaru yang sedang diamalkan pada masa kini. Ini kerana kajian ini bukan mengfokuskan tentang fatwa terbaru, tetapi hanya sekadar menyoroti bagaimana proses fatwa zakat negeri Kedah dalam mengaplikasikan teori uruf ini. Di antara fatwa tersebut adalah seperti berikut;

Pembayaran Zakat Padi Menggunakan Wang – Fatwa Kedah Tahun 1970

Jika merujuk kepada surat yang dikeluarkan oleh Majlis Fatwa Negeri Kedah yang bertarikh 22 Julai 1970 menyatakan bahawa tidak boleh menggunakan wang untuk membayar zakat padi. Petikan fatwa menyatakan:

“...Tidak lulus di sisi syara’ mengutip zakat biji-bijian dengan harga mengikut mazhab Syafie. Dan ahli-ahli majlis fatwa berpendapat bahawa mengutip zakat padi dengan harga bertaqlid dengan mazhab lain adalah berlawanan dengan maslahat orang ramai...”

(Himpunan Fatwa Zakat Negeri Kedah, Lembaga Zakat Negeri Kedah, 2019)

Berdasarkan surat tersebut jelas dinyatakan bahawa zakat padi menggunakan wang adalah tidak dibenarkan. Antara alasan yang digunakan selain ia bertentang dengan mazhab Syafie, kaedah tersebut adalah tidak memenuhi maslahat orang ramai.

Elemen uruf

Di dalam kenyataan yang menyebut ‘maslahat orang ramai’ adalah memberi penjelasan berkaitan uruf pada masaitu. Di mana uruf pada zaman itu orang ramai lebih memerlukan beras berbanding dengan matawang. Maka hukum berkaitana pembayaran zakat menggunakan mata wang adalah tidak diterima dalam konteks fatwa 1970 tersebut.

Pembayaran Zakat Padi Menggunakan Wang – Fatwa Kedah Tahun 1973

Merujuk kepada surat yang dikeluarkan oleh Jawatankuasa Zakat Kedah yang bertarikh 12 Mei 1973 yang memohon kepada Majlis Ugama Islam Kedah agar Jawatankuasa Fatwa mengeluarkan pandangan berkaitan mengutip zakat padi menggunakan matawang. Perkara itu dibangkitkan adalah berdasarkan beberapa masalah yang timbul di pihak pesawah dan amil zakat. Dalam surat tersebut menyatakan seperti berikut :

“...Jawatankuasa Zakat dalam mesyuaratnya pada 26 April 1973 telah membincangkan berkaitan fatwa ini (fatwa larangan zakat padi menggunakan wang pada tahun 1970). Yang dibangkitkan yang mana banyak kesulitan telah dihadapi dalam mengutip zakat dengan padi; seumpama padi luar musim yang mana terjatuh pada musim hujan dan padi-padi zakat telah tertinggal dengan keadaan basah dan tumbuh dan tidak dapat dijual dengan harga yang tinggi. Sekiranya zakat ini dapat dikutip dengan wang ganti harga padi zakat maka dapatlah kesulitan-kesulitan yang dihadapi itu diatasi. Seumpaman seorang yang wajib memberi zakat dapat membawa padinya serta padi zakat, lalu iamenjual padinya serta padi zakat dan harga padi untuk zakat dapatlah diambil dan beri kepada amil...”

(Himpunan Fatwa Zakat Negeri Kedah, Lembaga Zakat Negeri Kedah, 2019)

Justeru, berdasarkan isi surat Jawatankuasa zakat tersebut dapat difahami mereka berhajat kepada satu fatwa baru yang membolehkan zakat padi dikeluarkan dalam bentuk matawang.

Kajian ini mendapati bahawa masalah ini timbul adalah apabila pesawah mula menanam padi dua kali setahun. Ini bermakna pesawah terpaksa menghadapi risiko tanaman mereka akan mudah rosak apabila ia ditanam dan dituai pada musim hujan. Proses menunggu pihak amil zakat

datang untuk mengutip zakat padi bermungkinan ia akan mengambil sedikit masa lebih. Ini bermakna jika hanya terlewat sekitar 24 jam saja, padi tersebut akan masam dan rosak serta akan mengakibatkan kerugian di pihak pesawah dan amil.

Justeru, hasil dari penelitian kepada permasalahan tersebut, Jawatankuasa Fatwa telah mengeluarkan pendapat berdasarkan surat yang dikeluarkan oleh Majlis Ugama Islam Kedah yang bertarikh 18 februari 1974 bahawa pengeluaran zakat padi menggunakan matawang adalah diharuskan. Surat tersebut turut menyatakan bahawa sandaran kepada keputusan tersebut adalah diambil dari pandangan salah seorang ulama' mazhab Syafie yang muktabar iaitu Imam Balqini. Di mana beliau menyatakan harus dikeluarkan zakat menggunakan duit tembaga⁷⁴

Elemen Uruf

Berdasarkan kes di atas fatwa larangan membayar zakat padi menggunakan matawang yang dikeluarkan pada tahun 1970 telah dinilai semula pada tahun 1974. Jika dilihat fatwa 1970 adalah merujuk kepada uruf dan maslahat pada ketika itu. Namun setelah dikemukakan beberapa hujah terutamanya berkaitan uruf penanaman padi yang sudah berubah iaitu sebanyak dua kali setahun. Di mana kaedah tersebut berisiko kepada padi jika ia lambat dituai. Padi akan masam dan rosak jika bergenang di dalam air disebabkan musim hujan. Menanti amil zakat untuk datang bagi tujuan penaksiran serta mengutip zakat akan membawa kemudharatan kepada pihak pesawah dan juga amil sendiri. Justeru, atas dasar uruf penanaman padi yang telah berubah itu di samping pertimbangan maslahat yang lain, Jawatankuasa Fatwa Kedah telah mengeluarkan pandangan baharu dalam isu tersebut iaitu membenarkan penggunaan matawang dalam mengeluarkan zakat padi.

Penukaran Kiraan Nisab Kepada Sistem Metrik

Nisab merupakan had minima kepada kewajipan zakat. Setaip harta yang diwajibkan zakat terdapat nisab tersendiri berdasarkan hadith Nabi s.a.w. Nisab yang telah ditentukan oleh syarak tersebut telah dijadikan panduan dalam perkiraan nisab berdasarkan alat ukuran bagi sesebuah masyarakat. Sebagai contoh, nisab emas telah ditentukan oleh syarak dengan hitungan 20 misqal. Namun, jumlah kepada 20 misqal tersebut harus dikira menggunakan alat ukuran yang wujud bagi setiap masyarakat. Ini kerana tidak semua tempat atau zaman masih menggunakan alat ukuran misqal seperti di yang ada pada zaman Nabi s.a.w. Justeru, Uruf semasa berperanan bagi menentukan alat yang sesuai bagi menghitung 20 misqal tersebut. Kajian mendapati bahawa kaedah kiraan nisab zakat bagi negeri Kedah adalah berdasarkan perkara berikut;

Jadual 1. Kaedah Kiraan Nisab Zakat Bagi Negeri Kedah

Bil.	Harta Zakat	Nisab Nabawi	Nilai Menurut Negeri Kedah
1.	Emas	20 misqal	20 mayam 4.765 saga
2.	Perak	200 dirham	64 mayam 2.328 saga
3.	Beras Fitrah	1 (Satu) sho'	3 cupak 1 kepol (5 kati)
4.	Padi	5 (Lima) ausuq	358 gantang 1 cupak 2 kepol

⁷⁴ Abdul Rahman Bin Muhammad Ba'lawi, Bughyah Al-Mustarsyidin, Dar Kutub Ilmiah, Beirut, 2016. Ms485

Kaedah kiraan ini diguna pakai oleh masyarakat negeri Kedah sejak beberapa waktu. Namun setelah penggunaan kiraan metrik diperkenalkan maka kiraan ini berhajat kepada ijtihad baru dalam menentukannya. Justeru, berdasarkan surat Jawatankuasa Zakat yang bertarikh 12 Mei 1981 telah memohon kepada Jawatankuasa Fatwa untuk memberikan pandangan berkaitan nisab tersebut berdasarkan sistem metrik. Hasil dari itu, pihak Jawatankuasa Fatwa Negeri Kedah telah mengemukakan keputusan berdasarkan surat yang di keluarkan oleh Majlis Ugama Islam Negeri Kedah yang bertarikh 9 Julai 1981 dengan menyatakan bahawa nisab zakat bagi negeri Kedah adalah seperti berikut;

Bil	Harta Zakat	Nisab Nabawi	Nilai Lama Negeri Kedah	Nilai Baharu Negeri Kedah
1.	Emas	20 misqal	25 mayam 2.7108 saga (20 mayam 4.765 saga – dimansuhkan)	85gram
2.	Perak	200 dirham	64 mayam 2.328 saga	Tidak dijelaskan (595gram perak –Selangor)
3.	Beras Fitrah	1 (Satu) sho'	3 cupak 1 kepol (5 kati)	3.024 kg
4.	Padi	5 (Lima) ausuq	358 gantang 1 cupak 2 kepol	1300.449 kg

Elemen uruf; berdasarkan huraian di atas dapat difahami bahawa alat ukuran nisab berubah mengikut uruf setempat. Di samping itu zaman dan waktu juga memberi kesan kepada perubahan uruf tersebut. Nabi s.a.w telah menjelaskan nisab menggunakan alat yang sedia ada dan dipakai pada zaman tersebut. Berpandukan asas yang ditetapkan oleh Nabi itu, setiap masyarakat akan menyesuaikan berdasarkan uruf dan tradisi masing-masing. Masyarakat Islam Kedah suatu ketika mempunyai alat tersendiri dalam menyukat nisab tersebut. Namun setelah itu, apabila seluruh negara mula menggunakan kaedah metrik, maka negeri Kedah turut melakukan perubahan dengan menggunakan sistem metrik sebagai ukuran. Ini membuktikan betapa uruf sangat memberi kesan kepada perbahasan berkaitan dengan zakat.

Bayaran Zakat Fitrah Menggunakan Wang

Berdasarkan Mazhab Syafie zakat fitrah hendaklah dikeluarkan menggunakan jenis makanan asasi yang dimakan di sesebuah tempat⁷⁵. Amalan itu telah menjadi sebatu dalam pengamalan zakat fitrah bagi negara Malaysia khususnya di Negeri Kedah. Pembayaran zakat fitrah adalah menggunakan beras kerana ia mengambil kira makanan asasi bagi masyarakat negeri Kedah adalah nasi ataupun beras. Berdasarkan kajian mendapati bahawa beberapa pihak termasuk Jawatankuasa Zakat Kedah telah menghantar pertanyaan dan permohonan fatwa berkaitan keharusan menunaikan zakat menggunakan matawang.

⁷⁵ Mausu'ah Fiqhiyyah Kuwaitiyyah, Kementerian Waqaf dan Hal Ehwal Islam Kuwait, jilid23/343

Sehubungan itu, melalui jawapan rasmi yang dikeluarkan oleh Majlis Ugama Islam Negeri Kedah yang bertarikh 10 Disember 1989 telah menyatakan seperti berikut:

“...Memandangkan masyarakat Islam masakini dan keperluan fakir miskin yang lebih tertumpu kepada wang dan bagi tujuan memudahkan usaha jawatankuasa-jawatankuasa kariah untuk mengumpul dan membahagikan fitrah kepada fakir miskin dalam kariah masing-masing dengan lebih teratur dan berjaya. Maka Jawatankuasa fatwa berpendapat adalah harus bagi kaum muslimin di dalam negeri ini membayar fitrah yang wajib di atas mereka dengan harga makanan (beras) yang biasa dimakannya iaitu dengan bertaqlidkan mazhab Imam Abi Hanifah rahimahullah taala...”⁷⁶

(Himpunan Fatwa Zakat Negeri Kedah, Lembaga Zakat Negeri Kedah, 2019)

Merujuk kepada fatwa tersebut maka zakat fitrah boleh dibayar menggunakan matawang dalam konteks negeri Kedah.= bermula dari Tarikh tersebut.

Elemen uruf;

Kenyataan Jawatankuasa Fatwa Kedah di dalam peranggan yang menyebut “Memandangkan masyarakat Islam **masakini** dan **keperluan fakir miskin....**” jelas menunjukkan bahawa fatwa tersebut turut mengambil kira elemen uruf dalam membuat keputusan. Walaupun mazhab setempat di nusantara adalah sinonim dengan mazhab syafie, dan pada masa yang sama pengamalan bayaran zakat fitrah menggunakan beras sudah diamalkan sejak sekian lama. Namun apabila perubahan uruf dan kehendak semasa telah berubah. Pihak jawatankuasa fatwa telah memberi pandangan dengan meraikan perubahan tersebut. Uruf semasa dijadikan sebagai kayu ukur dalam melakukan perubahan tersebut. Justeru, dengan fatwa ini ia telah memberikan kemudahan kepada rakyat negeri Kedah dalam proses mereka menunaikan zakat fitrah. Di samping ia memudahkan pihak amil dalam menguruskan agihan zakat tersebut.

Merujuk perbincangan di atas, ini hanyalah sebahagian kecil perbincangan uruf dalam zakat Kedah yang dipetik dari dapatan berdasarkan pengamalan fatwa zakat dalam negeri Kedah. Namun, jika dikaji lebih meluas akan terdapat banyak lagi fatwa-fatwa yang dikeluarkan adalah dengan meraikan konsep uruf dan tradisi semasa. Ia jelas menunjukkan bahawa teori uruf ini sangat penting difahami agar perkembangan fiqh dapat berkembang dengan baik. Hal ini jika tidak difahami dan dilaksanakan dengan baik, ia akan menatijahkan persepsi buruk kepada ajaran islam di samping akan mengundang kejumudan dalam kalangan masyarakat umat islam.

KESIMPULAN

Uruf merupakan sebuah mekasmisme istinbath hukum yang sangat penting. Perubahan tempat dan waktu amat mempengaruhi perubahan adat dan budaya. Seorang alim fiqh harus memahami perubahan-perubahan ini agar pandangan yang mereka berikan adalah tepat dengan kehendak

⁷⁶ Himpunan Fatwa Zakat Negeri Kedah, Lembaga Zakat Negeri Kedah, 2019

syarak dan dapat diterima dengan selesa oleh masyarakat setempat. Perbahsan zakat yang sarat dengan isu-isu ijthadi turut tidak terlepas dengan elemen uruf tersebut. Bahkan lebih banyak persoalan uruf dalam konsep pemilikan harta dan sebagainya yang harus diterokai. Perkembangan zakat dalam bentuk pengurusan yang professional melalui institusi zakat sangat berhajat kepada penelitian aspek uruf ini. Uruf masakini harus diterokai dalam pelbagai dimensi agar sistem zakat kekal relevan dan mampu berkembang lagi. Sebagai sebuah sistem rukun bagi agama, zakat harus terus berkembang sesuai dengan zaman bagi memenuhi tuntutan maqasid zakat dalam mengimbangi ekonomi umat. Persaingan dari pelbagai sistem ekonomi lain seperti kapitalis dan sosialis seharusnya menjadi batu loncatan kepada pengemudi sistem islam ini untuk tampil lebih segar dalam pengurusannya. Keindahan Islam bukan sekadar retorika yang menyedapkan telinga, tetapi ia merupakan sistem islah yang mampu memberi kebahagiaan kepada manusia sejagat di dunia sehingga ke akhirat.

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**PENERAPAN *IHSAN* DAN *AMAL MAKRUF NAHI MUNGKAR* DALAM
POLISI ANTI FRAUD DAN POLISI PEMBERIAN MAKLUMAT
(*WHISTLEBLOWING*) DI INSTITUSI ZAKAT**

*(Implementation of Ihsan and Amal Makruf Nahi Mungkar In Anti Fraud Policy
and Whistleblowing Policy In Zakat Institutions)*

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Abstrak

Zakat merupakan instrumen penting dalam pembangunan ekonomi umat Islam terutama dalam membasmi kemiskinan. Institusi zakat (IZ) merupakan entiti unik yang dipertanggungjawab untuk mengurus dan mentadbir hal-ehwal zakat di Malaysia. Pengurusan dana zakat yang besar boleh mendedahkan IZ kepada pelbagai risiko terutamanya kejadian fraud dan ketirisan dana zakat. Oleh itu, bagi meningkatkan keyakinan masyarakat terhadap IZ dan sebagai satu langkah menguruskan risiko, mekanisme pencegahan awal fraud hendaklah diwujudkan. Artikel ini mencadangkan dua mekanisme khusus pencegahan awal fraud iaitu polisi anti fraud dan polisi pemberian maklumat. Selari dengan aspirasi zakat, mekanisme pencegahan fraud yang dicadangkan hendaklah dibuat atas konsep ihsan dan amal makruf nahi mungkar. Penerapan dua elemen ini diharap dapat menjadikan mekanisme pencegahan fraud tersebut lebih berkesan dan menepati objektif penubuhan IZ. Kertas kerja ini turut mencadangkan bidang kajian berkaitan mekanisme pencegahan fraud di IZ yang boleh diteroka pada masa hadapan.

Katakunci: Fraud, Polisi Anti Fraud, Institusi Zakat, Pemberian Maklumat.

Abstract

Zakat is an important instrument in the Muslims economic development, especially in eradicating poverty. The zakat institution (IZ) is a unique entity responsible for managing and administering zakat affairs in Malaysia. The management of enormous zakat fund may expose IZ to various risks especially the occurrence of fraud and leakage of the funds. In order to increase public confidence in IZ and as risk management measures, early fraud prevention methods should be established. This article proposes two specific mechanisms of early fraud prevention, namely anti-fraud policy and whistleblowing policy. In line with the aspirations of zakat, the proposed fraud prevention

mechanisms should be based on the concept of ihsan and amal makruf nahi mungkar. It is hoped that the inculcation of these two elements will make the fraud prevention mechanisms more effective and meet the objectives of the establishment of IZ. This article also suggests areas of study related to fraud prevention mechanisms in IZ that can be explored in the future.

Keywords: *Fraud, Anti-Fraud Policy, Zakat Institutions, Whistleblowing*

PENGENALAN

Zakat merupakan salah satu aktiviti ekonomi yang wajib ditunaikan oleh setiap umat Islam. Bagi memastikan aktiviti ini berjalan dengan sistematik, aktiviti ini dipertanggungjawabkan kepada badan pengurusan zakat atau institusi zakat (IZ). Peranan Institusi Zakat (IZ) adalah sangat besar kerana institusi ini secara umumnya berperanan untuk meningkatkan kualiti kehidupan dan memajukan ekonomi umat Islam.

Amalan pengurusan zakat di kalangan IZ negeri-negeri di Malaysia adalah berbeza. Walaupun begitu, setiap IZ perlu memastikan pengurusan dan pentadbiran berkualiti diamalkan demi memastikan kutipan zakat yang tinggi serta pengagihan yang optimum kepada penerima zakat. Pengurusan dan pentadbiran yang berkualiti serta berintegriti amat penting untuk meningkatkan keyakinan semua pihak terhadap IZ. Sebarang salah laku yang membabitkan ketirisan dan fraud atau kecurangan dana zakat akan menjejaskan keyakinan umum terhadap IZ serta mengurangkan jumlah kutipan zakat akibat dari pembayar zakat tidak lagi menunaikan zakat mereka di IZ.

Antara fraud yang dilaporkan oleh media membabitkan IZ adalah kes rasuah yang mencecah jutaan ringgit telah disyaki dilakukan pekerja dan pegawai atasan Pusat Zakat Pulau Pinang (ZPP) serta kontraktor pada tahun 2017. Manakala pada tahun 2019 telah berlaku penyelewengan sejumlah puluhan ribu ringgit oleh pegawai stesen penyiaran televisyen membabitkan dana Lembaga Zakat Selangor (LZS). Namun kejadian tersebut tidak melibatkan pekerja atau pegawai LZS (Abdul Kadir, Mohamad Nor & Saad, 2020). Insiden seperti yang dinyatakan di atas boleh memberi kesan negatif terhadap IZ terutamanya kemampuan IZ untuk mengendalikan dana penerimaan dan pembayaran zakat.

Oleh yang demikian, peranan pihak pengurusan untuk meyakinkan masyarakat tentang pengurusan dana zakat amatlah penting. Pihak atasan perlu memastikan kualiti kawalan dalaman organisasi berfungsi dengan baik supaya sebarang risiko yang tidak diingini termasuklah risiko fraud dapat dikurangkan (Zakaria, Nawawi dan Puteh Salin, 2016). Sebagai pihak yang bertanggungjawab dalam pengurusan zakat, pihak pengurusan IZ hendaklah mempunyai kaedah tertentu untuk mencegah aktiviti sebegini dari terus berlaku.

Maka, atas dasar impak fraud di IZ bukan sahaja memberi kesan buruk kepada organisasi malahan kepada umat Islam secara umum, kertas kajian ini membincangkan secara khusus mekanisme pencegahan fraud di IZ. Kertas kerja ini merupakan lanjutan daripada penulisan Mohamad Nor dan Abdul Kadir (2019) mengenai fraud dan mekanisme pencegahannya di IZ.

Berbanding penulisan tersebut, kertas kerja ini akan membincangkan secara spesifik kaedah yang patut dibangunkan untuk mencegah fraud. Dua kaedah utama dikenalpasti dan akan dibincangkan iaitu polisi anti fraud dan pemberian maklumat (*whistleblowing*). Melalui kewujudan polisi anti fraud serta pemberian maklumat sebagai mekanisme pencegahan fraud di IZ, diharapkan kredibiliti serta integriti institusi penting ekonomi umat Islam akan terpelihara.

FRAUD

Berdasarkan definisi oleh *Association of Certified Fraud Examiners (ACFE)*, fraud merujuk kepada perbuatan bercanggah dengan peruntukan undang-undang yang dilakukan dengan niat tertentu. Perbuatan tersebut dilakukan dengan tujuan untuk mendapatkan keuntungan kepada pelaku fraud dan boleh menyebabkan kerugian kepada pihak lain. Terdapat pelbagai pembahagian jenis-jenis fraud. Secara amnya ACFE membahagikan fraud kepada 3 jenis utama iaitu penyelewengan aset, pernyataan palsu atau salah pernyataan dan korupsi (Albrecht et al., 2016). Penyelewengan aset meliputi penyalahgunaan dan kecurian aset atau harta organisasi. Manakala pernyataan palsu atau salah pernyataan meliputi tindakan yang dilakukan oleh individu atau organisasi untuk mengaburi kedudukan sebenar kewangan dengan mengubah laporan kewangan. Di antara jenis-jenis korupsi yang sering berlaku seperti rasuah, ganjaran yang tidak sah, kepentingan peribadi dan yang terakhir iaitu ugutan. Contoh korupsi yang melibatkan pihak lain adalah seperti yang terjadi di ZPP di mana pekerja dan pegawai telah bekerjasama dengan pihak pembekal di dalam menyediakan keperluan asnaf.

Kebimbangan terhakisnya keyakinan umum terhadap IZ akibat berlakunya fraud dapat dilihat melalui kenyataan Mufti Pulau Pinang, Datuk Dr Wan Salim Wan Mohd Noor, di dalam wartanya yang menyeru orang ramai agar tidak meragui kredibiliti ZPP susulan berlakunya fraud di ZPP (Jabatan Mufti Negeri Pulau Pinang, 2017). Kesan negatif sebegini boleh melumpuhkan sesebuah organisasi seperti IZ sekiranya fraud tidak dibendung secara serius dari awal.

PENCEGAHAN FRAUD

Albrecht et al., (2016) telah menggariskan pencegahan sebagai salah satu daripada fasa utama untuk memerangi fraud. Melalui kaedah ini, insiden fraud dapat dikurangkan kerana ia menekankan kepada mewujudkan suasana pekerjaan yang dinaungi oleh mekanisme pencegahan serta unsur-unsur positif dalam organisasi seperti jujur, toleransi dan kebertanggungjawaban. Satu soal selidik telah dibuat terhadap penyiasat fraud, selaku responden, di syarikat tersenarai Bursa Malaysia. Soal selidik ini dibuat untuk menilai keberkesanan pencegahan fraud di kalangan syarikat milikan kerajaan. Daripada senarai 27 mekanisme pencegahan fraud yang diselidik, mereka berpendapat audit kejutan, talian aduan fraud, program dan latihan pencegahan fraud, polisi anti fraud, audit operasi, polisi pemberian maklumat, audit dalaman atau jabatan audit dalam dan pemeriksaan fraud, menetapkan bentuk dan jangkaan hukuman adalah kaedah pencegahan yang lebih berkesan berbanding dengan kaedah pencegahan yang lain (Omar & Abu Bakar, 2012). Maka, selari dengan dapatan tersebut dan kaedah pencegahan fraud, bahagian seterusnya dalam kertas kerja ini akan membincangkan dua mekanisme pencegahan fraud, iaitu

polisi anti fraud dan polisi pemberian maklumat.

POLISI ANTI FRAUD

Polisi anti fraud merujuk kepada dokumen yang menetapkan dasar dan prosedur pencegahan fraud serta sebarang bentuk ketidakjujuran lain. Polisi ini terpakai kepada pengarah, pegawai, dan kakitangan organisasi serta pihak luar yang berurusan dengan organisasi. Sesiapa yang berkaitan dengan organisasi dan melakukan penipuan, pencurian, ketidakjujuran lain, atau yang menyedari tetapi tidak melaporkannya, bakal dikenakan tindakan tatatertib yang setimpal. Dasar pencegahan fraud seperti itu harus disampaikan dengan jelas kepada semua pengarah, pegawai dan kakitangan organisasi. Pelbagai bentuk penyampaian dan penerapan polisi anti fraud boleh dilaksanakan agar ia betul-betul difahami dan diamalkan di dalam organisasi. Contohnya semasa orientasi pengambilan pekerja baru, seminar latihan pekerja dan penilaian prestasi tahunan. Pengakuan bertulis oleh setiap pengarah, pegawai dan kakitangan organisasi bahawa dasar tersebut telah dibaca dan difahami juga wajar dilaksanakan (Bierstaker, Brody & Pacini, 2006).

Berdasarkan Omar dan Abu Bakar (2012) dan Albrecht et al. (2016), polisi anti fraud merupakan salah satu mekanisme yang efektif untuk mencegah berlakunya fraud. Berdasarkan laporan fraud yang berlaku ke atas LZS pada tahun 2019, ia telah berjaya mengekang berlakunya fraud di kalangan kakitangan serta pegawainya. Mereka sentiasa menitikberatkan integriti semasa melaksanakan tugas dan tanggungjawab serta mengamalkan polisi langkah pencegahan fraud seperti prosedur khusus semasa berurusan dengan pembekal. LZS telah menetapkan polisi agar mana-mana pembekal atau individu untuk melaporkan sebarang cubaan atau salah laku rasuah kepada Suruhanjaya Pencegahan Rasuah Malaysia (SPRM) jika melibatkan kakitangan atau mana-mana pihak ketiga (Bebas News, 2019). Sungguhpun LZS mampu mengekang gejala rasuah dan salah guna kuasa di kalangan kakitangannya, namun ia bukan jaminan LZS bebas dari menjadi mangsa fraud oleh pihak luar seperti pembekal (Abdul Kadir, Mohamad Nor & Saad, 2020).

Dengan demikian, IZ sewajarnya merangka satu polisi anti fraud di institusi masing-masing serta memastikan ianya disampaikan dan diterapkan kepada semua pengarah, pegawai dan kakitangannya. Ini kerana IZ adalah sebuah institusi agama yang diamanah menguruskan dana zakat yang besar. Polisi anti fraud tidak lengkap sekiranya tidak disertakan dengan polisi pemberian maklumat yang berkesan.

POLISI PEMBERIAN MAKLUMAT (WHISTLEBLOWING)

Polisi pemberian maklumat merupakan antara kaedah yang sesuai digunakan untuk menangani kejadian fraud dan salah laku dalam organisasi seperti IZ. Melalui kaedah ini, seseorang yang mendapati berlakunya kejadian fraud dan salah laku boleh melaporkan insiden tersebut kepada pihak yang sewajarnya samada pihak pengurusan atau pengarah. Selain daripada pihak tersebut, pemberi maklumat atau *whistleblower* juga boleh menyalurkannya kepada pihak berkuasa luar atau penguatkuasa, antaranya Polis Diraja Malaysia (PDRM) dan SPRM.

Namun, terdapat beberapa halangan atau cabaran yang dihadapi oleh pemberi maklumat. Antara risiko yang dihadapinya ialah pendedahan identiti pemberi maklumat seperti nama, alamat

dan pekerjaan. Adalah menjadi harapan pemberi maklumat bahawa identitinya tidak diketahui dan menjadi tanggungjawab penerima laporan untuk memastikan maklumat peribadi dirahsiakan. Kegagalan pihak penerima maklumat merahsiakannya akan menghakis keyakinan pemberi maklumat untuk bekerjasama dalam siasatan yang bakal dijalankan. Malah, ia juga memendamkan hasrat individu lain untuk memberi maklumat sekiranya fraud berlaku lagi di masa depan. Oleh itu, IZ perlulah berintegriti demi menjaga kerahsiaan pemberi maklumat.

Selain dari itu, cabaran yang dihadapi ialah kemungkinan pemberi maklumat akan menanggung reaksi yang tidak menyenangkan dari pihak sekeliling ekoran daripada tindakannya itu terutama dari pihak atasan yang disyaki terlibat dengan fraud. Pihak sekeliling mungkin akan meminggirkan atau menjauhi daripada berinteraksi dengan pemberi maklumat dan tidak mustahil perjalanan kariernya akan tersekat. Malahan, pemberi maklumat akan turut menghadapi kesukaran untuk mendapat peluang pekerjaan baru di organisasi lain. Tindakbalas sebegini akan menyebabkan pemberi maklumat mendapat tekanan dan menyebabkan individu lain dalam organisasi turut enggan menjadi pemberi maklumat.

Untuk menggalakkan kakitangan IZ supaya melaporkan kejadian yang tidak diinginkan, beberapa inisiatif hendaklah dilakukan oleh pihak pengurusan atasan. Antaranya ialah menyediakan kaedah atau saluran pemberian maklumat seperti surat, telefon mahupun email. Pihak pengurusan juga hendaklah sentiasa bersedia untuk menerima maklumat yang diberi dan mengambil tindakan susulan di dalam tempoh yang sewajarnya. Kegagalan atau kelewatan untuk mengambil tindakan susulan akan menyebabkan timbulnya kurang keyakinan kepada pemberi maklumat tentang usaha pihak pengurusan untuk menangani aktiviti fraud di dalam IZ. Di samping itu, pihak pengurusan juga sepatutnya memaklumkan perkembangan kepada pemberi maklumat tentang hal yang telah disalurkan. Ini akan menyuntik semangat kepada pemberi maklumat untuk terus bekerjasama dengan pihak atasan bagi menangani fraud di dalam organisasi.

Bagi menggalakkan atau membudayakan aktiviti pemberian maklumat fraud, Akta Perlindungan Pemberi Maklumat 2010 (Akta 711) telah diperkenalkan. Umumnya, akta ini melindungi pemberi maklumat dari tindakbalas negatif oleh pelbagai pihak. Hal ini membolehkan pihak organisasi mendapat lebih banyak maklumat dan membantu proses siasatan yang lebih menyeluruh. Bagi pemberi maklumat, mereka akan lebih yakin dan berani untuk menyalurkan maklumat fraud. Dengan peruntukan yang diberikan di bawah akta tersebut, mekanisme pemberian maklumat sepatutnya menjadi satu agenda penting yang boleh direalisasikan oleh IZ untuk mengurangkan kejadian yang tidak diinginkan. Mekanisme ini bukan hanya bertujuan untuk mengenalpasti fraud yang berlaku tetapi mendidik kakitangan supaya mempunyai rasa tanggungjawab dan menjauhi aktiviti yang boleh mendatangkan mudarat kepada organisasi.

KONSEP IHSAN DAN AMAL MAKRUF NAHI MUNGKAR DALAM PENCEGAHAN AWAL FRAUD

Mekanisme pencegahan fraud yang dinyatakan oleh Albrecht et al. (2016) adalah berdasarkan tiga tanggapan utama kenapa individu terjebak melakukan fraud iaitu tekanan, peluang dan rasionalisasi. Namun kerangka tersebut perlu diubahsuai terutama di dalam organisasi kewangan

sosial Islam (Mohamad Nor & Abdul Kadir, 2019). Kerangka yang dibangunkan tersebut menumpukan kepada bentuk tindakan atau peranan yang perlu diamalkan oleh pihak pengurusan organisasi. Aspek kualiti pengurusan terutamanya unsur kerohanian seperti konsep *ihsan* dan *amal makruf nahi mungkar* kurang diberi perhatian di dalam aspek pencegahan fraud.

Seorang Muslim yang bertaqwa akan merasakan Allah sentiasa melihatnya dan memiliki rasa kebertanggungjawaban yang tinggi atas apa yang diamanahkan. Ini termasuk tidak melakukan fraud walaupun di dalam situasi tertekan atau wujudnya peluang dan rasionalisasi untuknya melakukan fraud. Islam juga menekankan amanah dan tanggungjawab dipikul oleh setiap individu dan tidak tertumpu hanya kepada ketua di dalam organisasi semata-mata. Ini memberi maksud bahawa untuk menjayakan visi IZ, semua individu seperti pengarah, pegawai dan kakitangan IZ perlu memiliki tahap *ihsan* yang tinggi untuk menjaga dana zakat. Hujah ini selari dengan mafhum dua hadith di bawah:

“...Ihsan adalah bahawa engkau menyembah Allah seolah-olah kamu melihat-Nya, jika kamu tidak dapat melihatnya, maka sesungguhnya Dia sedang melihat kamu...”

(H.R. Abu Hurairah)

“...Setiap kalian adalah pemimpin dan setiap pemimpin akan dipertanggungjawabkan atas yang dipimpinnya...”

(H.R. Bukhori)

Elemen *ihsan* ini bukan sahaja tertakluk kepada aktiviti individualistik yang berkaitan hubungan seseorang dengan Allah, malah melibatkan juga hubungan sesama manusia (*habluminallah dan habluminannas*). Bagi melengkapinya ini dan mengurangkan kekurangan yang berpunca daripada sikap manusia, Islam datangkan konsep tolong menolong ke arah kebaikan serta mencegah kemungkaran (*amal makruf nahi mungkar*) seperti tercatat di dalam Al-Quran bermaksud:

“...Dan saling tolong-menolonglah kamu dalam mengerjakan kebajikan dan takwa, dan jangan saling tolong-menolong dalam perbuatan dosa dan permusuhan. Dan bertakwalah kepada Allah, sesungguhnya Allah sangat berat siksaan-Nya...”

(Al-Maidah 5:2)

Kertas kerja ini menyarankan keperluan untuk mewujudkan suatu polisi anti fraud dan polisi pemberian maklumat yang mantap. Polisi anti fraud dan polisi pemberian maklumat tidak hanya tertumpu ke arah mencari kesalahan fraud tetapi yang lebih penting adalah konsep *amal makruf nahi mungkar*. Di samping itu, penerapan konsep *ihsan* dalam mekanisme pencegahan ini akan dapat membantu melahirkan kakitangan yang bertaqwa dan menanamkan sifat kejujuran terhadap tugas yang diamanahkan. Diharapkan gabungan mekanisme pencegahan yang diamalkan

di organisasi konvensional dan penerapan konsep *ihsan* dan *amal makruf nahi mungkar*, risiko berlakunya fraud boleh diminimumkan di IZ.

PENUTUP

Kejadian fraud yang berlaku memberi kesan buruk kepada organisasi dan masyarakat. Institusi zakat sebagai pemangkin kemajuan ekonomi umat Islam tidak terkecuali daripada menghadapi risiko ini. Kesan fraud dapat dikurangkan melalui mekanisme pencegahan tertentu. Oleh itu, satu polisi pencegahan fraud yang lebih menyeluruh dengan disokong oleh aspek ajaran Islam iaitu *ihsan* dan *amal makruf nahi mungkar* boleh dipertimbangkan oleh institusi zakat.

Berdasarkan mekanisme pencegahan fraud yang diterima umum, kertas kerja ini mencadangkan dua mekanisme khusus untuk mencegah fraud. Mekanisme tersebut ialah polisi anti fraud dan polisi pemberian maklumat. Kedua-dua mekanisme ini merupakan langkah awal bagi mengelak berlakunya fraud dan memberi kesedaran kepada semua pihak tentang kesungguhan institusi zakat untuk menjadikannya sebagai insituti yang bebas dari unsur fraud. Bagi menjayakan aspirasi ini, konsep *ihsan* dan *amal makruf nahi mungkar* perlu bergerak seiring. Polisi anti fraud dan polisi pemberian maklumat hendaklah dibangunkan atas dasar kebertanggungjawaban terhadap amanah yang diberikan serta berusaha untuk mencegah fraud.

Kajian lanjutan boleh dilakukan dengan melihat kesedaran IZ tentang mekanisme pencegahan fraud. Di samping itu, kajian juga boleh dilakukan dengan mengenalpasti mekanisme pencegahan fraud semasa yang diamalkan. Malah, kajian perbandingan di antara mekanisme fraud di IZ dengan organisasi yang bermotifkan keuntungan juga boleh dijalankan.

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DETERMINANTS OF CORPORATE ZAKAT PAYMENT DECISION AMONG CORPORATE INSTITUTIONS IN MALAYSIA: A CONCEPTUAL FRAMEWORK

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Abstract

Zakat is one of the main religious dues in Islam. Zakat does not only purify one's wealth but also a mechanism to uplift the socio-economy of the ummah. Zakat is one of the five pillars of the Islamic faith, which is an obligatory form of "charity", and every Muslim is expected to contribute. The use of zakat is not only to purify property but to purify the hearts of zakat payers from selfishness and wealth greed. According to National Fatwa Committee, business entities which formed under principle of syakhsiyyah i'tibariyyah (legal entity) are obliged to pay zakat under the principle of khultah (group ownership). However, factors which influence business entity's zakat payment are still not properly defined and very limited researches done on this. Malaysian zakat institution still faces several obstacles to increase the collection of business zakat. Most of the previous studies on this issue they do not explain more detail about the factor of imposed accountability, elective accountability and management capability. Hence, the purpose of this research is to proposed a conceptual framework on corporate zakat payment decision. This research also used the emulating of Institutional Work Theory (IWT) and Social-Resource Based View Theory (SRBV). The aim of this research is to identify zakat payment influencing factors in business entities and take Public Listed Companies (PLCs) as research subject and decision makers on behalf company in PLCs as a research object.

Keyword: *Zakat Collection, Institutional Work Theory (IWT), Social-Resource Based View Theory (SRBV), Zakat.*

INTRODUCTION

Zakat is a pillar of Islamic social finance. Moreover, tax on wealth and income, zakat is a kind obligatory aims-giving. Islamic social financial tools particularly wakaf (Islamic waqf) and zakat (it was compulsory donations or payments payable by all Muslims who have more than nisab wealth which is a threshold or exemption limit) can effectively support Sustainable Development Goals (SDGs) if developed properly, managed and utilized with transparency, accountability and efficiency by (Benedikter, 2011).

Zakat is the third and obligatory rule of Islam for Muslims who fulfil all the requirements. Zakat is “that portion of a man’s wealth is designated for the poor” by (Azeez, 2003). It is mandatory for every Muslim that have stable financial to pay zakat to the poor and also needy said (Afzal, & Akram, 2014). According to Islam, Zakat is known to paid to purify the wealth. Thus, Muslims that have enough wealth have to give a little amount of their wealth for example 2.5%. So, it is responsible for the rich people to help the poor by helping them in every way possible.

Companies or business entities are obligated to pay the zakat when the business owned by Muslims, the business owned by an Independent Muslim. perfectly owned, there is enough nisab. Quite haul (even a qamariah year or 354.3 days) and the zakat rate on the company is 2.5%. Therefore, the joint venture between Muslims and non-Muslims is compulsory on the number of shares owned by Muslims only based on the net income assessed after adjustment and rejection of the items.

When the Muslim giving zakat, it will acknowledge that everything that is owned by Allah s.w.t, and so that we can use it to remember Allah s.w.t. and help those in poor. Based on (Chapra, 1979), the benefit of zakat is it can clean one’s character from being a miser. Apart from compulsory payment, zakat also brings much importance because it will help us learn self-discipline, free from desire and excessive greed. The benefit the giving the zakat is it purifies their wealth as Allah says in the Qur’an, it keeps one away from sin and saves the giver from the moral ill arising from the love and greed of wealth and through zakah, the poor have cared for these include widows, orphans, the disabled, the needy and the destitute. According to (Ahmed, 2008) it helps in the purification of the heart. After that, zakat also helps in reducing poverty from society.

PROBLEM STATEMENT

Zakat is being paid by Muslim to reducing poverty and promotes equitable sharing of wealth said (Taheri, 2001). In addition, zakat on business is one of the zakat on wealth. Corporate zakat is a major contributor to zakat collection in Malaysia especially in Wilayah Persekutuan. According to (PPZ-MAIWP, 2017) total corporate zakat payment amounted to RM 106,303,269.21 zakat payment starts to decrease which is RM 118,140,629.41, and for the following year 2019 also decreases which are RM 114,096,123.42 based on (PPZ-MAIWP, 2019). Generally, corporate zakat is a responsibility performed by a business entity in fulfilling Islamic law. In Malaysia, the law of corporate *zakat* as a *'itibariyyah'* and not as a witness against ityah, has been repeatedly discussed in the past and contemporary fuqaha (Chik, M.Z & Tharin M., A.R., 2018). These differing perspectives may influence corporate management capability on the need to make zakat payment as one of the mechanisms for corporation to contribute towards socio-economic development.

The main issue based on this situation is the collection of zakat funds is yet to be effective and even though there are many businesses in Malaysia but still the zakat collection on business less and not optimal said (Zuraidah, 2019). This is because some of the companies are pay their zakat business and some of them not pay their zakat business. In motivating corporations to make zakat payment decision, past studies (Arshard et al.,2019) found that corporations are motivated to pay zakat due to tax exemptions given by the Inland Revenue. Another significant initiative is

known as *Wakalah* under the Islamic Religious Council, WP. In Malaysia, *Wakalah* is a (reinstatement) zakat refund policy by the Islamic Religious Council, WP for entities that pay zakat to PPZ- MAIWP to be distributed to eligible donors, including paying by companies. In Malaysia, *Wakalah* is a policy of returning zakat warfare by the Islamic Religious Council, WP to entities that pay zakat to PP MAIWP for distribution to eligible donors, including to corporate zakat payers (PPZ, 2019). However, based on the statistics on corporate *zakat* payment, these initiatives have not been able to sustain continued growth for corporate zakat contributions. Unfortunately, it still has the situation company pay and not pay *zakat*.

Corporations are accountable to demonstrate that the funds have been managed efficiently and effectively towards socio-economic development. In motivating corporations to voluntarily communicate their accountability performance (impose accountability and elective accountability), a mechanism needs to be in place to increase awareness among the public to demand information on the beneficial outcomes achieved. Based on this contention, this research proposes to Model of Corporate Zakat Payment Decision perspective on value based and focus for selected corporations. This research allows PPZ to act on behalf of the public to assess whether these public benefits are achieved. Concurrently, the research can also serve as a guide for corporations to provide the relevant information as past studies highlighted the challenges faced by organizations in understanding the public's information needs.

Most of the previous studies conducted on business zakat in Malaysia focus on various fields including theory (Mujaini, 1995; Mujitahir, 2003), legal and compliance, accounting (Rahim, 2003; Saad, 2010) and Islamic awareness and conduct (Abioye, 2012; Mohd et al., 2004; Sanep and Hairunnizam, 2005a). Many researchers have previously used planned behavior theory to see what factors influence corporate pay for zakat. However, there are very limited studies that examine the value that stakeholders and wellbeing can have on the back of the zakat payment by the company. What value will be created from their zakat payment? Therefore, this study attempts to fill this gap by focusing on capability management and institutional work (impose accountability and elective accountability) perspective on value based corporate zakat payment decision.

RESEARCH OBJECTIVE

This research attempts to attain a few objectives which are all these goals must be considered to make certain the finding is accurate with hat researchers are trying to find. The objective of the study as follows:

- i. To examine the relationship between imposed accountability and Corporate Zakat Payment Decision.
- ii. To examine the relationship between elective accountability and Corporate Zakat Payment Decision.
- iii. To examine the relationship between management capability and Corporate Zakat Payment Decision.

RESEARCH QUESTION

The following are the research question for this study:

- i. Does imposed accountability influence corporate zakat payment decision?
- ii. Does elective accountability influence corporate zakat payment decision?
- iii. Does management capability influence corporate zakat payment decision?

LITERATURE REVIEW

The Underpinning Theory of Institutional Work and Corporate Zakat Payment Decision

According to (Lawrence & Suddaby, 2006) stated that institutional work can be define as the purposive action of individuals and organizations aimed at creating, disrupting institutions and maintaining. The institutional approach to organizational theory is traditionally concerned with relationships among organizations and providing a firm account for the process through which institutions govern action and the areas in which they operate. Moreover, it is also known as an interesting direction for the study of organizational institutions, not because it represents a 'new' idea, but because it connects an earlier set of ideas, opens up new possibilities for conversation and in doing so points to new questions. Institutional work also highlights the intentional actions taken in relation to the institution, some of which are very visible and dramatic, as is often illustrated in institutional entrepreneurship research, but are mostly invisible and often lack of interest, such as compromises actors trying to maintain institutional arrangements.in daily adjustments, and adaptions.

Besides that, institutional work embraces these traditional concerns on expanding institutional entrepreneurship, shifting their focus to understanding how actions affect institutions, bridging, linking, and institutional change and innovation, and institutionalization, studies of institutional work related to practical actions in which institutions are, maintained, and disrupted. Then, much of the promise of institutional work as a research area is to establish a broader agency vision in relation to the institution, which avoids portraying the perpetrator as either "cultural dopes" trapped by institutional arrangements, or as hypothermic institutional entrepreneurs. Based on (Greenwood, Oliver, Sahlin & Suddaby, 2008) states that even though institutional theory has become a standard reference point in contemporary organizational theory textbooks, it has failed to influence the practical discussion of organizational managers and members outside the academy. words (Miner, 2003).

The studies on institutional work have the potential not only to positively influence scholarly discussions within the institutional community, but also to generate conversations that address the interests of those who those who work in them and who study institutions and organizations. This institutional work theory was applied in the present study to examine the factor of corporate responsibility and motivating corporate zakat payment on business.

The Underpinning Theory of Social Resource-Based View and Corporate Zakat Payment Decision.

According to (Nason Wiklund, 2018) is the resource-based view (RBV) is still one of the most successful theories in Management studies. More specifically, the Resource-Based View (RBV) argues that the use of the Organization's resources is optimum to achieve excellent performance through sustainable competitive advantage. Besides that, RBV consists of a comprehensive management literary body that is primarily related to the resource and resource nature and the strategic capacity of an organization said (Priem Butler, 2001). According to (Barney et al., 2011) the use of Research Based-View (RBV) as the basis of this research theory is guided, even in its evaluation by works such as (McWilliams and Siegel, 2010) and it addresses companies that gain competitive advantage by creating private and social values through corporate social responsibility strategies that leverage knowledge creation.

Social responsibility means that individuals and companies have the responsibility to act on the importance of the environment and their community as a whole. Social responsibility, as it relates to business, is known as Corporate Social Responsibility (CSR). Social responsibility has become increasingly important to investors and consumers who seek investments that are not just profitable but also contribute to the welfare of society and the environment. Moreover, corporate Social responsibility is the responsibility of an organization for the impacts of its decisions and activities on society and the environment environmentally responsible business behavior at competitive prices. Social resource-based view is about the corporate company to pay zakat on business because of their willingness and not because of the obligation. The decision also cannot make by one person only it involved many people. This theory was applied in the present study to examine the factor of corporate responsibility and motivating corporate zakat payment on a business.

Impose Accountability

The concept of trust, defined as 'a belief in the reliability, truth or ability of something or someone' (Hyndman and McKillop, 2018, p.7), has received considerable attention in accounting research. While it has been suggested that accounting can both complement and substitute for trust (Emsley and Kidon, 2007; Free, 2008), accounting has also been described as a trust-building technology (Vosselman and van der Meer-Kooistra, 2009) and there is much evidence that effective accountability can complement trust (e.g. Bogt and Tillema, 2016). Indeed, after reviewing 793 papers related to trust and accounting, Baldvinsdottir et al. (2011) concluded that accounting practices are crucial in influencing trust, both positively and negatively. For this study, under impose accountability pressure were choose as a factors that influence Corporate Zakat Payment decision.

H1: There is a positive relationship between the impose accountability and corporate zakat payment decisions.

Elective Accountability

Some elective modes of charity accountability are identified in the literature, although they are generally less well-researched. Unlike imposed accountability, which prioritises the information needs of high-salience stakeholders, elective accountability aims to connect with low-salience stakeholders such as small donors, beneficiaries and the public (Cordery and Baskerville, 2011). Often this elective accountability is less formal and structured in its form and content, and more mission-oriented in focusing on the long-term outcomes of charities' activities for beneficiaries and society (Laughlin, 1996; O'Dwyer and Unerman, 2007). It can also incorporate 'emotive disclosures' such as personal testimonies and photographs (Langton and West, 2016).

It has been suggested that 'grassroots' (or 'relational' or 'face-to-face') accountability can be an appropriate elective means of delivering performance accountability to stakeholders who have limited powers to hold charities to account (Awio et al., 2011; O'Leary, 2017; Nowland-Foreman, 2018). Grassroots accountability is less about formal reporting and more about informal, direct and participative interaction with stakeholders. Since it focuses on making charities' actions and outcomes observable, grassroots accountability effects 'accountability of a thousand eyes, rather than a thousand tick boxes' (Nowland-Foreman, 2018, p. 65). However, while such direct and informal modes of accountability are potentially useful in public accountability, it has been noted that they can prove ineffective due to difficulties in engaging the public and understanding what information will meet their needs (Hyndman and McConville, 2018). For this study, under elective accountability pressure were choose as a factors that influence Corporate Zakat Payment decision.

H2: There is a positive relationship between the elective accountability and corporate zakat payment decisions.

Management Capability

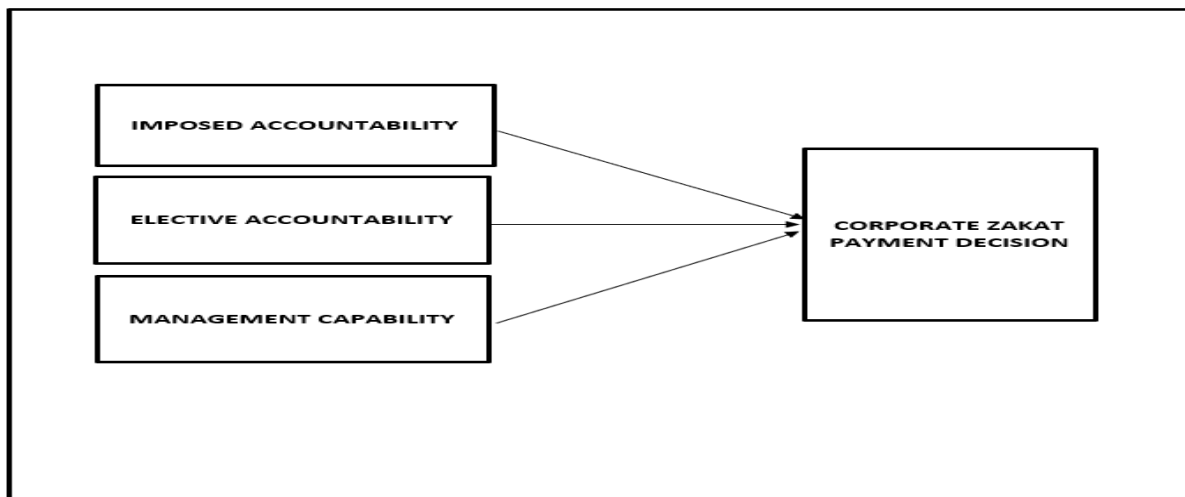
According Ahmad & Wahid (2017) MAIWP has accepted the concept of Al-Wakalah as the basis for the reinstatement of zakat money to the zakat payer to be distributed to eligible asnaf. The concept of Al-Wakalah is not a contract of ownership that gives freedom to manipulate zakat money. The payer is appointed a representative of MAIWP to carry out the distribution of zakat on behalf of MAIWP based on the terms and guidelines set by MAIWP. This wakalah policy is a catalyst in helping to increase zakat collection especially zakat of business, income and property in the Wilayah Persekutuan through payment of zakat to PPZ. For companies or organizations, the zakat money reinstatement policy is able to reduce the burden of corporate taxes since so far, companies or organizations have not received a tax rebate for business zakat payments over the implementation of zakat by individuals. The reinstatement policy of zakat money is subject to zakat payers who pay zakat to PPZ and submit a letter request. It is subject to the approval of MAIWP Chief Executive Officer or MAIWP Secretary Ahmad & Wahid (2017). As so, Islam has promoted wakalah concept in many kind of activities but in one condition the activities follow Shariah. (Isa, Abd. Rahim, Naim, & Haji Wahab, 2017)

Similar positive effects also seem evident for ‘sense and response’ capabilities. ‘Sense and response’ skills refer to the ability to rapidly sense changes in the environment, conceptualize a response to that change, and reconfigure resources to execute the response. Quinn (2000) argued that these skills are critical for continuous innovation, and Souder and Jensen (1999) confirmed the positive relationship in their study of Scandinavian and US telecommunication firms. Marketing skills also appear important for the implementation and exploitation of innovation. Several authors found a positive association between innovation and marketing competences examining US, European, and Japanese contexts (Song et al., 1997; Song & Parry, 1996, 1997; Hultink et al., 2000). Moreover, what constitutes perhaps a more important capability for the firm is the integration and interaction between marketing and R&D functions in order to facilitate information flow within and between departments, accelerate innovation process and achieve successful innovation output (Souder & Jenssen, 1999). Finally, Teece et al., (1997) have put forward the so-called ‘dynamic capabilities’ framework. Dynamic capabilities refer to the firm’s ability to integrate, build, and reconfigure internal and external competences to address rapidly changing environments. In their view, coordination/integration, learning and transformation are the fundamental dynamic capabilities that serve as the mechanisms through which available stocks of resources (e.g. marketing, financial and technological assets) can be combined and transformed to produce new and innovative forms of competitive advantage.

H3: There is a positive relationship between the management capability and corporate zakat payment decisions.

PROPOSED FRAMEWORK

There are three independent variables which are the imposed accountability, elective accountability and management capability while corporate zakat payment decision is used as dependent variables.



Sources: (Yang et al., (2017); Yang and Northcott, (2019); Arshard et al. (2019), Ab Wahab(2016).

Figure 1. Proposed Framework

HYPOTHESIS DEVELOPMENT

H1: There is a positive relationship between the impose accountability and corporate zakat payment decisions.

H2: There is a positive relationship between the elective accountability and corporate zakat payment decisions.

H3: There is a positive relationship between the management capability and corporate zakat payment decisions.

METHODOLOGY

This study examined the relationship between the research variables as described in the research framework (Figure 2.1) which can be categorized as a correlation study. Moreover, a survey along with quantitative analysis method is the most appropriate methodology for this study. As the purpose of this study is to predict and explain the nature of the relationship between variables and test the theory, this study chose to use a quantitative approach (Leedy & Ormrod, 2005). According to Creswell (2009), quantitative approach is very helpful to evaluate or verify theories, find out significant variables for future study, associate variables set by questions or hypotheses, employing criterions of validity and reliability and statistical processes. Additionally, a survey method provides a quick, efficient and accurate means of assessment of information about the population of interest. This method allows the researcher to gather data from the respondents who are geographically dispersed.

Quantitative research is defined as "Explaining phenomena by collecting numerical data that are analyzed using mathematically based methods (in particular statistics)" which is a method that describes the phenomenon by collecting data numerically and then analyzed using basic mathematical methods or more specifically statistics. The quantitative study will conduct in two phases, the first phase will be done to achieve the objective of this study which is to understand the business zakat payment scenario by corporate and select PLCs companies in Malaysia and make an analysis of the potential of zakat collection in PLCs companies segment in Malaysia. While the second phase involves a field study that is the backbone of this study to meet the first, second and third objectives of the study, namely identifying zakat payment factors, identifying the impact of imposed accountability, elective accountability and management capability on zakat payment tendencies and developing payment models zakat corporate payment decision.

CONCLUSION

This study proposed a conceptual framework where three factors that can drive the decision to pay zakat by corporate obtained, namely impose accountability, elective accountability and management capability. These factors have their respective indicators and are translated into the conceptual framework of the Corporate Zakat Payment Decision Model perspective on value based

as illustrated in Figure 2.1. This conceptual framework is translated in the form of a theoretical model adapted to the empirical method approach.

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PENGARUH PERSONALITI BIG FIVE TERHADAP PRESTASI KERJA DALAM KALANGAN KAKITANGAN DI LEMBAGA ZAKAT NEGERI KEDAH

*(The Influence of Big Five Personality on Job Performance Among Staff In Kedah
State Zakat Board)*

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Abstrak

Pengaruh personaliti Big Five terhadap prestasi kerja adalah suatu kajian yang memberikan penilaian personaliti pekerja dalam melaksanakan tugas bagi usaha memaksimumkan prestasi kerja dan memberi sumbangan kepada syarikat. Tujuan kajian ini adalah untuk mengenal pasti personaliti dan prestasi kerja kakitangan pada era kini serta untuk menganalisis pengaruh personaliti terhadap prestasi kerja. Seramai 27 kakitangan Lembaga Zakat Negeri Kedah telah terlibat dalam kajian ini dengan menggunakan kaedah persampelan kemudahan. Data kajian ini dikumpul menggunakan “Google Form” dan dianalisis menggunakan Statistical Package for Social Science (SPSS) versi 23. Dapatan kajian mendapati min tertinggi bagi tret personaliti adalah dimensi Agreeableness iaitu memperolehi skor min 4.10 diikuti dengan Extraversion, Conscientiousness, Openness To Experience dan Neuroticism. Seterusnya, tahap prestasi kerja kakitangan LZNK adalah berada pada tahap yang sangat tinggi iaitu skor min 4.16. Hasil kajian menunjukkan terdapat hubungan yang signifikan antara semua dimensi tret personaliti Big Five dengan prestasi kerja. Seterusnya, keputusan ujian regresi menyatakan bahawa dimensi Openness to Experience mempunyai pengaruh yang signifikan terhadap prestasi kerja iaitu menjelaskan bahawa kakitangan LZNK mempunyai nilai-nilai estetika yang tinggi, penerimaan idea baru serta liberalisme dalam berfikir dan bertindak bagi menghasilkan tugas dengan baik dan dedikasi. Oleh itu, kajian ini diharapkan dapat memberikan sumbangan dan pertanda aras kepada organisasi khususnya Jabatan Sumber Manusia untuk mengenal pasti personaliti dan tahap prestasi kakitangan Lembaga Zakat Negeri Kedah.

Keywords: Personaliti Big Five, prestasi kerja, kakitangan Lembaga Zakat Negeri Kedah

Abstract

The influence of Big Five personality on job performance is a study that provides an assessment of employee personality in performing tasks in an effort to maximize job performance and contribute to the company. The purpose of this study is to identify the personality and job performance of staff in the current era as well as to analyze the influence of personality on job performance. A total of 27 staff of the Lembaga Zakat Negeri Kedah were involved in this study using a facility sampling method. Data were collected using "Google Form" and analyzed using Statistical Package for Social Science (SPSS) version 23. The findings of the study found that the highest mean for personality traits is the dimension of Agreeableness which obtained a mean score of 4.10 followed by Extraversion, Conscientiousness, Openness To Experience and Neuroticism. Furthermore, the level of work performance of LZNK staff is at a very high level with a mean score of 4.16. The results showed that there was a significant relationship between all dimensions of Big Five personality traits with job performance. In addition, the regression test results stated that the Openness to Experience dimension has a significant influence on job performance which explains that LZNK staff have high aesthetic values, acceptance of new ideas and liberalism in thinking and acting to produce good assignments and dedication. Therefore, this study is expected to provide contributions and benchmarks to organizations, especially the Human Resources Department to identify the personality and level of performance of staff in the Lembaga Zakat Negeri Kedah.

Keywords: *Big Five personality, job performance, kakitangan Lembaga Zakat Negeri Kedah*

PENGENALAN

Pada era sekarang, terdapat pelbagai perubahan dan normal baru yang terjadi di Malaysia dan di seluruh dunia. Hal ini demikian kerana Penularan COVID-19 yang boleh membawa maut ini telah membawa perubahan drastik terhadap kehidupan semua pihak termasuk kehidupan para pekerja. Banyak aktiviti harian serta kerja yang terpaksa ditangguh dan dibatalkan sepenuhnya bagi membendung penularan virus berkenaan. Perkara ini kerana Penularan Covid-19 memberi kesan kepada kesihatan dan ketiadaan jaminan pekerjaan sehingga boleh mempengaruhi sikap pekerja dan prestasi kerja seperti minat bekerja menurun, hilang kepercayaan terhadap organisasi, dan peningkatan niat berhenti kerja. Oleh itu, penyelidikan yang berkaitan kajian personality dan prestasi kerja adalah amat penting dilaksanakan bagi mengenalpasti sikap dan prestasi para pekerja di dalam organisasi.

Seterusnya, personaliti merupakan sifat atau ciri kepribadian diri seseorang yang boleh membezakan seseorang individu dengan individu yang lain. Personaliti tidak dapat dilihat oleh diri sendiri tetapi mudah ditemui dan dilihat oleh individu lain (Seng, Theng, Ling, Siang & Yean, 2013). Mullins (2005) menyatakan bahawa tret personaliti dapat menjelaskan mengapa individu berkelakuan dengan cara yang tertentu. Barrick dan Mount (2005) menerangkan bahawa tret personaliti adalah penting kerana boleh meramalkan dan menerangkan tingkah laku di tempat kerja. Tret personaliti ditakrifkan sebagai bentuk emosi atau motivasi yang menerangkan tingkah laku dalam setiap situasi yang berbeza (Cook, 2005). Oleh itu, ujian personaliti adalah penting

untuk mengukur tingkah laku individu yang boleh membawa kepada potensi prestasi kerja yang tidak boleh dikenal pasti dengan teknik lain.

Schneier dan Beatty (1979) mendefinisikan Penilaian Prestasi sebagai satu proses mengenal pasti, mengukur dan membina prestasi manusia dalam sesebuah organisasi. Hal ini demikian kerana pekerja yang tidak berminat atau kurang bermotivasi untuk melakukan kerja mereka boleh menyebabkan prestasi kerja mereka menurun (Dehghanan, Abdollahi dan Rezaei, 2014). Dengan ini, prestasi kerja adalah penting dan bergantung kepada beberapa aspek tret personaliti individu tersebut agar dapat menyumbangkan kemahiran mereka untuk mencapai matlamat organisasi. Justeru itu, semua sektor tempat kerja yang ada dalam negara perlu menilai semula tahap prestasi kerana segala sasaran kerja serta tahap prestasi yang perlu dipenuhi oleh setiap pekerja pada tahun lalu tidak lagi boleh dipakai akibat daripada penularan Novel Koronavirus (COVID-19) (Dr. Muzaffar Syah Mallow).

Di samping itu, berdasarkan temubual dengan En. Mohamad Suraidi Bin Saad, menyatakan bahawa antara masalah utama pengurusan sumber manusia di Lembaga Zakat Negeri Kedah adalah, wujud pekerja yang tidak menunjukkan kesungguhan dan kepatuhan di dalam pekerjaan. Pada tahun 2020, terdapat beberapa pekerja yang telah ambil cuti kecemasan melebihi bilang cuti yang diberikan. Hal ini demikian kerana kemungkinan masalah berpunca daripada masalah sistem yang memerlukan permohonan cuti kecemasan 2 hari lebih awal, serta kemungkinan juga berpunca daripada masalah personaliti. Selain itu, personaliti seseorang kakitangan adalah amat penting untuk mengambil pekerja yang mempunyai dedikasi yang tinggi dalam melakukan pekerjaan. Oleh itu, kajian yang berkaitan personality adalah amat penting bagi menjadi suatu ukur kepada pihak Lembaga Zakat Negeri Kedah untuk mengambil pekerja atau kakitangan baru pada masa hadapan.

Sehubungan dengan itu, kajian berkaitan personaliti adalah amat diperlukan bagi mengenal pasti personaliti kakitangan Lembaga Zakat Negeri Kedah. Hal ini demikian kerana kajian tret personality kepada kakitangan yang sedia ada dapat memberi panduan dan membantu pihak Jabatan Sumber Manusia mengambil para pekerja baru dengan melihat personality mereka dengan lebih terperinci. Seterusnya, tret personaliti seseorang pekerja adalah mempengaruhi para tahap prestasi kakitangan untuk melakukan tugas mereka dengan efisien dan efektif. Oleh itu, kajian ini dijalankan bagi mengenal pasti pengaruh personaliti Big Five terhadap prestasi kerja dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah.

OBJEKTIF KAJIAN

Objektif kajian memberikan sesuatu kajian itu hala tuju yang diinginkan berkaitan dengan pertanyaan kajian dimana membolehkan pengkaji mencapai apa yang dikehendaki di akhir kajian nanti (Stokes, 2011). Bagi kajian ini beberapa objektif yang perlu dicapai seperti:

1. Mengetahui tahap personaliti Big Five (Openness to Experience, Conscientiousness, Extraversion, Agreeableness, Neuroticism) dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah.
2. Mengetahui tahap prestasi kerja dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah.

3. Mengkaji hubungan personaliti Big Five terhadap prestasi kerja dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah
4. Menganalisis pengaruh antara personaliti Big Five (Openness to Experience, Conscientiousness, Extraversion, Agreeableness, Neuroticism) dengan prestasi kerja dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah.

KAJIAN LITERATUR

Tahap Tret Personality Big Five dan Prestasi Kerja

Kajian daripada Chuchai Smithikrai (2007) yang bertajuk *Personality Traits and Job Success: An Investigation in a Thai Sample* adalah menganalisis setiap aspek Model Lima Faktor personaliti terhadap prestasi pekerjaannya. Sampel kajian ialah seramai 2518 orang yang terdiri daripada tujuh pekerjaan. Kajian ini mendapati bahawa semua kumpulan pekerjaan menunjukkan hasil negatif dalam dimensi penyesuaian terhadap prestasi kerja yang tinggi. Dimensi pergaulan dan kesungguhan menunjukkan hubungan positif kepada tahap prestasi pekerja. Selain itu, dimensi kesungguhan adalah satu-satunya sifat personaliti yang konsisten diramalkan sebagai tahap prestasi kejayaan dalam semua pekerjaan. Penyelidikan oleh Harper dan Irvine (2005) juga menjelaskan pengurus hotel menunjukkan bahawa selain melihat tahap pendidikan, mereka juga melihat tret personaliti sebagai salah satu faktor yang mempengaruhi masa depan pekerja. Seterusnya, personaliti stabil seperti pergaulan, persetujuan, kesungguhan, penyesuaian dan keterbukaan minda akan mempengaruhi individu dalam kognisi, motivasi dan tingkah laku (Dole & Schroeder 2001). Menurut Mohd Zakaria (2005), prestasi kerja merupakan keupayaan seseorang pekerja untuk mencapai tahap produktiviti daripada segi kualiti dan kuantiti. Di samping itu, Viswesvaran & Ones (2000) menyatakan bahawa prestasi kerja merujuk kepada bagaimana individu mengambil tindakan dan menyumbang kepada tingkah laku yang selaras dengan objektif organisasi. Menurut Vigoda (2000), prestasi pekerja merujuk kepada tanggungjawab dan tugas yang perlu dilakukan oleh seseorang sebagai tugas individu. Oleh itu, pendekatan di kalangan penyelidik untuk mengkaji personaliti adalah Model Lima Faktor yang berkaitan dengan langkah-langkah prestasi individu dalam tempat kerja (Trouba, 2007).

Hubungan Antara Tret Personality Big Five dengan Prestasi Kerja

Beberapa penyelidikan mendapati faktor personaliti lebih menyerlah berhubungan dengan prestasi kerja berbanding faktor kognitif (Caligiuri, 2006). Hal ini dapat dilihat melalui kajian yang dijalankan oleh Hofmann et al. (2005), Strang dan Kuhnert (2009), mendapati bahawa personaliti bagi dimensi kehematan berkorelasi secara kuat dan konsisten dengan prestasi kerja. Hal ini diakui melalui hasil kajian meta-analitik terhadap 36 kajian di Eropah yang menunjukkan dimensi kehematan adalah berhubungan dan menjadi peramal terbaik terhadap prestasi kerja (Salgado, 1997). Kajian Smithikrai (2007) di Thailand bersetuju dengan melaporkan dimensi kehematan menjadi peramal kepada kejayaan di tempat kerja dan mensifatkannya sebagai tret personaliti yang universal dan konsisten dalam pelbagai konteks pekerjaan (Witt, Burke, Barrick, & Mount, 2002). Namun berbeza dengan Tett et al. (1991), Shaffer (2004), Hofmann et al. (2005), menyatakan dimensi kesetujuan mempunyai hubungan yang paling menonjol dengan prestasi kerja. Ia

merangkumi sifat fleksibel, mudah percaya, bekerjasama, lembut hati dan toleran. Kesemua ciri-ciri tersebut menjadi nadi kukuh untuk berhadapan dengan pelbagai cabaran yang menuntut perubahan. Barrick, Mount & Judge (2001) mencadangkan bahawa kombinasi antara beberapa dimensi di atas dapat membantu untuk meramal tingkah laku tertentu. Sebagai contoh, gabungan dimensi kesungguhan dan persetujuan pada tahap tinggi akan meramal tahap integriti yang tinggi (Ones dan rakan, 1993). Gerhard (2007) mendapati ciri persetujuan dan ciri kesungguhan merupakan peramal kepada prestasi kerja manakala Paul (2009) mendapati ciri pergaulan merupakan peramal kepada prestasi pemimpin dalam bidang persekitaran latihan.

Pengaruh Tret Personality Big Five Terhadap Prestasi Kerja

Kajian yang dilaksanakan oleh Shaffer (2004) terhadap 116 pemimpin yang terlibat dalam pelbagai sektor termasuklah bidang pendidikan di Hong Kong mendapati bahawa peningkatan prestasi kerja berlaku melalui pemilikan personaliti tertentu iaitu hanya dimensi kesetujuan, ekstraversi dan kehematan yang memberi kesan kepada prestasi kerja. Sedangkan pemilikan kesemua dimensi personaliti tersebut bakal menghasilkan tingkah laku kerja yang lebih proaktif. Hal ini demikian kerana personaliti stabil seperti pergaulan, penyesuaian, persetujuan, keterbukaan minda dan kesungguhan jelas akan mempengaruhi individu dalam aspek kognisi, motivasi, pergerakan dan tingkah laku kepuasan (Dole & Schroeder 2001). Selain itu, dapatan kajian Chua Bee Seok (2011) terhadap 1,412 orang belia yang terdiri daripada pelbagai profession pekerjaan di pelbagai institusi dan organisasi sekitar Kota Kinabalu, Sabah menunjukkan daripada lima dimensi personaliti yang dikaji (menyumbang sebanyak 19.3% daripada varians dalam prestasi kerja belia), tiga daripadanya iaitu, penyesuaian (pengaruh secara negatif), persetujuan (pengaruh secara negatif) dan kesungguhan (pengaruh secara positif) merupakan peramal signifikan kepada prestasi kerja responden. Dapatan kajian menunjukkan belia yang dominan dalam personaliti kesungguhan maka prestasi kerja mereka adalah lebih baik. Sebaliknya, belia ini dominan dalam personaliti penyesuaian ataupun persetujuan maka prestasi kerja mereka adalah lebih rendah. Seterusnya, Bozionelos (2004) mendedahkan bahawa personaliti individu memainkan peranan penting dalam menentukan kepuasan kerjaya individu termasuk mampu memberi kesan dalam pembuatan sesuatu keputusan kerjaya

METODOLOGI KAJIAN

Reka Bentuk Kajian

Menurut Bhattacharyya (2006), reka bentuk kajian adalah satu perancangan dan pendekatan dalam penyelidikan untuk menjawab persoalan kajian dan mengawal pemboleh ubah kajian. Berdasarkan kajian ini kaedah kuantitatif digunakan dan reka bentuk kajian berbentuk deskriptif, korelasi dan analisis regresi iaitu kajian yang dijalankan ke atas kakitangan di Lembaga Zakat Negeri Kedah bagi mengenal pasti pengaruh personaliti Big Five terhadap prestasi kerja. Menurut Kasiram (2010), kajian kaedah kuantitatif adalah satu proses pengetahuan yang menggunakan data berbentuk angka sebagai alat menganalisis sesuatu pernyataan dan penjelasan dalam sesebuah kajian. Seterusnya, penyelidikan deskriptif digunakan untuk mengenal pasti tahap

personaliti dengan prestasi kerja dalam kalangan kakitangan Lembaga Zakat Negeri Kedah. Di samping itu, penyelidikan inferensi iaitu kajian korelasi digunakan bagi mengkaji hubungan antara personaliti Big Five dengan prestasi kerja. Analisis regresi juga digunakan dalam kajian ini bagi menganalisis pengaruh personaliti Big Five terhadap prestasi kerja dalam kalangan kakitangan Lembaga Zakat Negeri Kedah.

Populasi dan Persampelan

Populasi adalah kelompok besar individu yang merupakan peristiwa atau objek yang hendak dikaji serta mempunyai ciri-ciri yang sama (Kothari, 2004). Manakala, Babbie (2002) menyatakan definisi sampel adalah merupakan satu proses untuk memilih bilangan individu secukupnya dalam sesebuah populasi. Kajian ini ialah menggunakan persampelan kemudahan (Convenience sampling) iaitu merupakan persampelan bukan kebarangkalian (non-probability sampling). Menurut Saunders, Lewis, and Thornhill (2012), menyatakan bahawa kaedah persampelan ini ialah para peserta sukarela bersetuju untuk mengambil bahagian menjawab soal selidik. Oleh itu, kumpulan sasaran dalam kajian adalah terdiri daripada kalangan kakitangan pekerja di Lembaga Zakat Negeri Kedah. Penyebaran soal selidik akan dilakukan melalui Google Form. Pautan Google Form akan dihantar kepada responden melalui kumpulan Whatsapp yang mempunyai semua kakitangan di Lembaga Zakat Negeri Kedah. Responden akan diberi banyak masa untuk melengkapkan soal selidik. Oleh itu, pengkaji menggunakan persampelan kemudahan dengan mengedarkan borang soal selidik kepada populasi yang terdiri kalangan kakitangan di Lembaga Zakat Negeri Kedah dan jumlah responden adalah berdasarkan jumlah kakitangan pekerja yang menjawab borang soal selidik secara sukarela di atas talian mengikut masa yang telah ditetapkan.

Instrumen

Instrumen yang digunakan dalam kajian ini ialah untuk memperoleh data kuantitatif iaitu melalui borang soal selidik yang diedarkan menggunakan “Google Form” kepada kakitangan Lembaga Zakat Negeri Kedah. Berdasarkan kajian ini instrumen digunakan adalah satu set soal selidik. Soal selidik ini terdiri daripada tiga bahagian iaitu Bahagian A (soalan demografi), Bahagian B (soalan personaliti Big Five) dan Bahagian C (soalan prestasi kerja).

Bahagian A: Soalan Demografi

Responden dalam kajian ini dikehendaki mengisi maklumat berkaitan latar belakang diri mereka. Bahagian ini mengandungi empat soalan iaitu jantina, umur, tahap pendidikan dan tempoh pekerjaan di Lembaga Zakat Negeri Kedah.

Bahagian B: Personaliti Big Five

Soal selidik Big Five Inventory (BFI) yang telah dibina oleh John and Srivastava (1999) telah digunakan dalam kajian ini untuk mengenal pasti tahap personaliti kalangan kakitangan di Lembaga Zakat Negeri Kedah. Soal selidik ini mengandungi 44. Setiap soalan dalam soal selidik ini saling berkaitan dengan personaliti individu.

Bahagian C: Prestasi Kerja

Soal selidik Individual Work Performance (IWP) yang dibangunkan oleh Koopmans et al. (2013) yang mengandungi 23 soalan akan digunakan untuk mengukur prestasi kakitangan di Lembaga Zakat Negeri Kedah. Terdapat dua dimensi prestasi kerja dalam setiap soalan. Dimensi tersebut ialah prestasi tugas dan prestasi kontekstual. Dalam soal selidik ini ke semua item prestasi kerja adalah positif.

Analisis Data

Pengumpulan data dalam kajian ini adalah menggunakan borang soal selidik dan aplikasi Statistical Package for Social Science (SPSS) versi 23 digunakan bagi menganalisis data kuantitatif dan memudahkan pengiraan data soal selidik seperti statistik deskriptif dan statistik inferensi. Justeru itu, sebanyak 27 set borang soal selidik berjaya dikumpulkan dalam kalangan kakitangan Lembaga Zakat Negeri Kedah. Selain itu, pengkaji mengambil langkah inisiatif yang terbaik untuk mengedarkan borang soal selidik iaitu set borang soal selidik yang diedarkan oleh pengkaji melalui secara dalam talian (online) menggunakan aplikasi Google. Oleh itu, borang soal selidik yang dijawab oleh responden melalui “Goole Form” akan dikumpulkan dan direkodkan secara automatik oleh sistem aplikasi Google dan seterusnya pengkaji membuat analisis data bagi mengkaji kesan ketagihan permainan dalam talian terhadap tingkah laku agresif dalam kalangan mahasiswa Universiti Teknologi Malaysia.

ANALISIS KAJIAN

Maklumat Demografi Responden

Taburan maklumat demografi 27 responden yang terdiri daripada kalangan kakitangan Lembaga Zakat Negeri Kedah adalah mengikut jantina, umur, tahap pendidikan dan tempoh pekerjaan. Berdasarkan dapatan kajian yang diperolehi menunjukkan bahawa seramai 15 orang (56.6%) kakitangan lelaki dan 12 orang (44.4%) kakitangan perempuan telah menjawab soal selidik. Di samping itu, seramai 12 kakitangan (44.4%) responden adalah berumur sekitar umur 21 – 30 tahun. Kemudian, seramai 13 kakitangan (48.1%) responden adalah sekitar umur 31 – 40 tahun dan seramai 2 kakitangan (7.4%) responden adalah berumur sekitar 41 – 50 tahun. Oleh itu, berdasarkan kajian ini adalah kebanyakan responden adalah berumur sekitar 31 – 40 tahun.

Seterusnya, taburan responden mengikut tahap pendidikan menunjukkan bahawa seramai 7 orang (25.9%) kakitangan adalah tahap pendidikan peringkat diploma dan seramai 20 orang (74.1%) kakitangan adalah mempunyai tahap pendidikan peringkat Ijazah (Sarjana Muda / Sarjana). Manakala tahap pendidikan Sijil STPM / UEC tidak mencatatkan sebarang bilangan responden. Di samping itu, taburan responden mengikut tempoh pekerjaan adalah menunjukkan bahawa terdapat 3 orang (11.1%) kakitangan daripada jumlah responden mempunyai pengalaman kurang daripada 5 tahun tempoh pekerjaan. Manakala tempoh pekerjaan 5 – 10 tahun mencatatkan seramai 15 orang (55.6%) responden. Bagi tempoh pekerjaan 10 – 15 tahun dan lebih daripada 15 tahun, jumlah responden masing-masing adalah 7 orang (25.9%) dan 2 orang (7.4%).

Tahap Personaliti Big Five (Openness to Experience, Conscientiousness, Extraversion, Agreeableness, Neuroticism) Dalam Kalangan Kakitangan Lembaga Zakat Negeri Kedah.

Berdasarkan kajian ini, pemboleh ubah bebas adalah personaliti Big Five. Objektif pertama dalam kajian ini adalah untuk mengenal pasti tahap personaliti Big five dalam kalangan kakitangan Lembaga Zakat Negeri Kedah. Keseluruhan nilai min dan sisihan piawai dalam dimensi Big Five personaliti dengan menggunakan kaedah statistik deskriptif. Skor min dalam dimensi Openness to Experience adalah 3.57 menunjukkan tahap sederhana pada skala tersebut. Seterusnya, dimensi Conscientiousness, Extraversion, dan Agreeableness masing-masing menunjukkan skor pada tahap tinggi iaitu min 3.89, 3.71 dan 4.10. Manakala, dimensi Neuroticism menunjukkan skor min 2.33 iaitu pada tahap rendah. Kesimpulannya, kebanyakan kakitangan Lembaga Zakat Negeri Kedah menunjukkan tahap tinggi dalam dimensi personaliti Conscientiousness, Extraversion dan Agreeableness, manakala dimensi iaitu Openness to Experience pada tahap sederhana dan Neuroticism pula pada tahap rendah.

Tahap Prestasi Kerja Dalam Kalangan Kakitangan Lembaga Zakat Negeri Kedah.

Pemboleh ubah bersandar dalam kajian ini adalah prestasi kerja. Objektif kedua dalam kajian ini adalah untuk mengenal pasti tahap prestasi kerja dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah. Analisis deskriptif telah digunakan untuk mengenal pasti tahap prestasi kerja. Hasil penemuan mendapati skor min keseluruhan prestasi kerja responden adalah 4.16 iaitu memperolehi tahap tinggi.

Hubungan Antara Personaliti Big Five (Openness to Experience, Conscientiousness, Extraversion, Agreeableness, Neuroticism) Dengan Prestasi Kerja Dalam Kalangan Kakitangan Lembaga Zakat Negeri Kedah.

Hasil korelasi pearson (r) iaitu hubungan antara personaliti Big Five dengan prestasi kerja dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah. Berdasarkan daripada hasil korelasi pearson menunjukkan bahawa nilai signifikan ($0.01 > p < 0.05$) iaitu menjelaskan personaliti Big Five adalah mempunyai hubungan yang signifikan terhadap prestasi kerja. Berdasarkan hasil korelasi pearson juga menjelaskan bahawa hubungan positif yang paling tinggi antara personaliti Big Five dengan prestasi kerja adalah personaliti Openness to Experience iaitu ($r = 0.829$). Seterusnya, personaliti Conscientiousness mempunyai hubungan positif sederhana iaitu ($r = 0.649$). Manakala, personaliti Extraversion dan Agreeableness adalah mempunyai hubungan positif yang lemah dengan prestasi kerja iaitu nilai (r) masing-masing ialah ($r = 0.468$) dan ($r = 0.394$). Manakala, nilai korelasi bagi Neuroticism ialah ($r = -0.636$) iaitu menjelaskan personaliti Neuroticism mempunyai hubungan negatif dengan prestasi kerja.

Pengaruh Personaliti Big Five (Openness to Experience, Conscientiousness, Extraversion, Agreeableness, Neuroticism) Terhadap Prestasi Kerja Dalam Kalangan Kakitangan Di Lembaga Zakat Negeri Kedah.

Hasil analisis regresi personaliti Big Five (Openness to Experience, Conscientiousness, Extraversion, Agreeableness, Neuroticism) terhadap prestasi kerja dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah. Berdasarkan keputusan data daripada SPSS menunjukkan bahawa R^2 ialah .820, iaitu sebanyak 82.0% pengaruh yang diberikan oleh pembolehubah Openness to Experience, Conscientiousness, Extraversion, Agreeableness, dan Neuroticism secara bersama-sama terhadap terhadap variabel prestasi kerja. Selain itu, F test ialah 19.150 dengan probabiliti $0.000 < 0.05$ iaitu menjelaskan bahawa nilai koefisien determinasi R^2 adalah signifikan. Seterusnya, personaliti Big Five yang memberi pengaruh paling tinggi terhadap prestasi kerja ialah Openness to Experience ($\beta = 0.671$, $p = .000$), diikuti Extraversion ($\beta = 0.356$, $p = 1.364$), , Extraversion ($\beta = 0.178$, $p = 1.414$), dan Agreeableness ($\beta = -0.087$, $p = .620$), dan Neuroticism ($\beta = 0.027$, $p = .119$). Oleh itu, secara keseluruhannya hasil analisis regresi adalah personaliti Big Five dimensi Openness to Experience menunjukkan pengaruh yang signifikan, manakala Conscientiousness, Extraversion, Agreeableness, Neuroticism menjelaskan tidak mempunyai pengaruh yang signifikan terhadap prestasi kerja dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah

PERBINCANGAN, LIMITASI DAN CADANGAN

Perbincangan Mengenai Tahap Personaliti Big Five dan Prestasi Kerja

Secara keseluruhan, dapatan kajian menunjukkan min tertinggi bagi tret personaliti adalah dimensi Agreeableness (min = 4.10) diikuti dengan Extraversion, Conscientiousness, Openness to Experience dan Neuroticism. Hal ini menunjukkan bahawa kebanyakan tret personaliti dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah adalah Agreeableness. Menurut (John & Srivastava, 1999; Robert R McCrae & John, 1992) , Agreeableness merupakan individu yang mempercayai orang lain, empati, bertolak ansur, memaafkan orang lain, murah hati dan lemah lembut. Menurut Ones (1993), menyatakan bahawa dimensi Conscientiousness dan Agreeableness pada tahap tinggi akan meramal tahap integriti yang tinggi. Gerhard (2007) mendapati ciri Agreeableness dan ciri Conscientiousness merupakan peramal kepada prestasi kerja manakala Paul (2009) mendapati ciri Extraversion merupakan peramal kepada prestasi pemimpin dalam bidang persekitaran latihan. Oleh itu, dapatan kajian ini menjelaskan bahawa kebanyakan kakitangan Lembaga Zakat Negeri Kedah mempunyai personaliti dan sikap yang sopan, fleksibel, boleh dipercayai, baik hati, bekerjasama dan bertoleransi.

Seterusnya, dapatan kajian berkenaan prestasi kerja dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah secara keseluruhannya menunjukkan bahawa berada pada tahap yang sangat tinggi iaitu skor Prestasi Kerja (min = 4.16). Kajian ini menyokong kajian daripada Tett and Burnett (2003) yang menyatakan tahap prestasi kerja yang tinggi dapat mengurangkan masalah yang berlaku dalam organisasi dan mampu membetulkan kesilapan dengan cepat. Walau bagaimanapun, dalam tahap ini biasanya pekerja melakukan tugas melebihi jangkaan kerana lebih kerja keras, keupayaan, dan pengorbanan. Di samping itu, Colquitt, Lepine, and Wesson (2014) memberi kenyataan bahawa prestasi kerja adalah salah satu elemen dalam tingkah laku organisasi yang penting dalam mempunyai organisasi yang cekap. Menurut Weiss dan Adler

(1984), mendapati personaliti dikenal pasti sebagai faktor yang berpengaruh ke atas prestasi kerja. Malah, faktor personaliti berbeza dapat meramal tahap prestasi yang berbeza (Barrick & Mount, 2005).

Hubungan dan Pengaruh Personaliti Big Five Terhadap Prestasi Kerja

Hubungan personaliti Big Five pada semua dimensi Openness to Experience, Conscientiousness, Extraversion, Agreeableness, dan Neuroticism adalah menunjukkan terdapat mempunyai hubungan yang signifikan terhadap prestasi kerja. Hasil dapatan ini menyokong kajian Tett, Jackson, and Rothstein (1991) yang menunjukkan hubungan peribadi Big Five dengan prestasi kerja seseorang. Analisis Korelasi Pearson menunjukkan Openness to Experience mempunyai hubungan positif yang kuat terhadap prestasi kerja. Dapatan kajian ini mendapat sokongan daripada Rothmann dan Coetzer (2003) yang menjelaskan bahawa personaliti dimensi keterbukaan dan kesetujuan sahaja mempunyai hubungan dengan prestasi kerja dalam kalangan pemimpin. Hal ini juga mendapat sokongan daripada Costa and McCrae (1982) yang menunjukkan sifat keterbukaan hubungan yang kuat dengan prestasi kerjaya dan O'Neill and Xiao (2010) yang mencari pekerja yang mempunyai sifat keterbukaan berkaitan dengan prestasi kerja yang kuat. Manakala, Neuroticism menunjukkan hubungan negatif terhadap prestasi kerja dan sifat neuroticism yang berkaitan dengan dengan prestasi kerja Klang (2002). Oleh itu, kajian ini membuktikan terdapat hubungan antara tret personaliti dan prestasi kerja yang mana tret personaliti diperlukan untuk meningkatkan keberkesanan prestasi kerja (Askarian & Eslami, 2013; Chia, Chong, Lee, Tan, & Wan, 2013).

Di samping itu, berdasarkan keputusan ujian regresi menyatakan bahawa Openness to Experience sahaja yang signifikan mempengaruhi prestasi kerja kakitangan di Lembaga Zakat Negeri Kedah. Hal ini demikian kerana individu bercirikan Openness to Experience adalah fleksibel dan boleh menyesuaikan perilaku mereka mengikut keadaan dan budaya yang berbeza (Subramaniam, Ramalu, Wei, & Rose, 2011). Menurut R.R. McCrae and Costa (2003), individu ini mempunyai nilai-nilai estetika yang tinggi, penerimaan idea baru serta liberalisme dalam berfikir dan bertindak bagi menghasilkan tugas dengan baik dan dedikasi. Walau bagaimanapun, personaliti Conscientiousness adalah sangat penting dalam melaksanakan pekerjaan dan tugas kerana kakitangan LZNK perlulah mempunyai berdisiplin diri yang tinggi serta menjadi penyelesaian masalah (John & Srivastava, 1999). Selain itu, sifat extraversion juga penting kerana merupakan peramal yang boleh digunakan untuk meramal prestasi kerja dalam sektor yang mempunyai perhubungan dengan orang ramai (Lowery & Krilowicz, 1994). Menurut Barrick, Stewart dan Piotrowski (2002), menjelaskan bahawa peningkatan prestasi kerja dapat dicapai melalui penciptaan hubungan dengan jaringan sosial yang kukuh seterusnya menyokong dapatan hubungan antara dimensi extraversion dengan prestasi kerja. Hal ini demikian kerana kakitangan Lembaga Zakat Negeri Kedah perlulah yang mempunyai ciri-ciri peramah kerana terdapat kakitangan LZNK perlu keluar untuk membuat siasatan, mereka ini perlu bertemu dengan ramai orang bagi mendapatkan maklumat yang tepat. Oleh itu, kajian ini bertepatan dengan kajian oleh

Askarian and Eslami (2013) yang menyatakan bahawa tret personaliti mempengaruhi prestasi kerja dan meningkatkan kualiti kerja.

Implikasi Dapatan Kajian

Kepentingan mengkaji pengaruh personaliti Big Five terhadap prestasi kerja dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah adalah membolehkan pihak sumber manusia Lembaga Zakat Negeri Kedah mengetahui personaliti para kakitangan pekerja di Lembaga Zakat Negeri Kedah dengan lebih tepat. Seterusnya, kajian ini juga membantu pihak sumber manusia Lembaga Zakat Negeri Kedah untuk mengetahui tahap prestasi pekerja yang terkini pada era norma baru ini. Hal ini demikian kerana, pandemik Covid-19 dan norma baru telah mempengaruhi personaliti seseorang serta memberi kesan kepada prestasi kerja kakitangan kerana terdapat perubahan suasana bekerja pada masa kini seperti pekerja perlu bekerja di rumah. Oleh itu, kajian ini amat penting untuk mengetahui personaliti para pekerja agar kakitangan di Lembaga Zakat Negeri Kedah dapat menyelesaikan masalah dan melaksanakan tugas dengan dedikasi.

Seterusnya, implikasi kajian ini ialah kajian yang berkaitan personaliti adalah amat penting bagi menjadi suatu ukuran kepada pihak Lembaga Zakat Negeri Kedah untuk mengambil pekerja atau kakitangan baru pada masa hadapan. Selain itu, hasil daripada kajian ini pihak pengurusan dapat membuat perancang program latihan dan pembangunan yang sesuai dengan trait personaliti kakitangan bagi meningkatkan prestasi kerja dalam kalangan pekerja seterusnya meningkatkan prestasi Lembaga Zakat Negeri Kedah. Oleh itu, kajian ini memberi banyak sumbangan kepada organisasi dalam membuat pemilihan pekerja baru serta menjadi rujukan untuk merancang aktiviti dan latihan untuk meningkatkan prestasi kakitangan Lembaga Zakat Negeri Kedah.

KESIMPULAN

Pada era normal baru ini, semua sektor tempat kerja yang ada dalam negara perlu menilai semula tahap prestasi pada setiap pekerja mereka kerana tahap prestasi yang telah dirangka pada tahun yang lalu tidak lagi boleh dipakai akibat daripada penularan Novel Koronavirus (COVID-19) (Mallow, 2021). Justeru itu, kajian ini dijalankan adalah bertujuan untuk menganalisis pengaruh personaliti Big Five terhadap prestasi kerja dalam kalangan kakitangan di Lembaga Zakat Negeri Kedah. Tujuan kajian ini adalah untuk mengenal pasti tahap personaliti dan prestasi kerja kakitangan pada era kini serta untuk menganalisis pengaruh personaliti terhadap prestasi kerja. Hasil kajian ini mendapati bahawa personaliti kakitangan Lembaga Zakat Negeri Kedah paling tinggi ialah dimensi Agreeableness dan Conscientiousness, manakala tahap prestasi kerja berada pada tahap tinggi iaitu skor min 4.16. Tambahan pula, hasil kajian ini adalah berjaya menjawab setiap objektif kajian dan bertepatan dengan kajian-kajian lepas. Hal ini demikian kerana dapatan kajian ini menyatakan bahawa tret personaliti Big Five adalah mempunyai hubungan dan pengaruh yang signifikan terhadap prestasi kerja dalam kalangan kakitangan Lembaga Zakat Negeri Kedah. Oleh itu, kajian ini diharapkan dapat memberikan sumbangan dan pertanda aras kepada organisasi khususnya Jabatan Sumber Manusia untuk mengenal pasti personaliti dan tahap prestasi kakitangan di Lembaga Zakat Negeri Kedah.

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تفعيل دور الوقف لنشر الدعوة الإسلامية بين غير المسلمين في ماليزيا

(Activate The Role of Waqf to Spread Da'wah Among Non-Muslims In Malaysia)

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ملخص

الدعوة إلى الله - تعالى - ووظيفة الأنبياء والمرسلين ولأجلها بعثهم الله عزوجل وعلى هذا سار الرسول الكريم - صلى الله عليه وسلم- ومن بعده الصحب الكرام - رضوان الله عليهم - ولم يزل أهل الإسلام منذ ذلك الحين على هذا النهج وذلك السبيل، ولم يزل دين الله ينتشر حتى صار المسلمون يشكلون ربع الكرة الأرضية الآن، وبلغ تعدادهم اثنين مليار أو قريبا منها، وكان لابد وأصبح الإسلام أسرع الأديان انتشارا وذلك بفضل الله ثم بفضل جهود المخلصين من العلماء والدعاة والمصلحين. لهذا الجهد العظيم من رعاية ودعم، فالمال عصب الحياة، وبه قوام الدنيا والدين، ولقد أدرك المسلمون الأوائل هذه الحقيقة، فبذل الموسرون منهم رؤوس أموالهم في سبيل الدعوة إلى الله - تعالى - وتعليم العلم النافع، ويأتي هذا البحث مبينا وموضحا أهمية تفعيل دور الوقف في نشر دعوة الإسلام بين غير المسلمين في ماليزيا لإحداث توعية دينية وثقافية بينهم عن الإسلام عقيدة وشريعة وأخلاقا وخاصة في الولايات التي يكثر فيها غير المسلمين كولاية بينانج وصباح ويحتاج غير المسلمين فيها إلى جهود دينية حتى يتسنى لهم التعرف على العقيدة الإسلامية في أبهى صورها حيث لا زال غير المسلمين في ماليزيا يأخذون معلوماتهم عن الإسلام من خلال وسائل الإعلام الغربية رغم معيشتهم بين المسلمين هنا.

الكلمات المفتاحية: الوقف- الدعوة - غير المسلمين-ماليزيا.

Abstract

Da'wah to Allah SWT is the position of all the prophets and messengers, and for its sake He sent them. The Prophet Muhammad Peace be upon him and his honorable companions followed that path of the Prophets and messengers, and because of that Islam has not disappeared since then. It is spreading until Muslims make up a quarter of the globe now, and their population has reached two billion or close to it. Islam has become the fastest spreading religion by helps from Allah and by the efforts of Ulama', Duat and reformers. This great effort by them had to be sponsored and supported by money as its considered nowadays the backbone of life, and it has the strength of the world and religion. The Muslims in the past era of caliphate realized this fact, so the wealthy among them spent their capital for the Da'wah and teaching beneficial knowledges. This research focused about the role of the Waqf in spreading the Da'wah Islam among non-Muslims in Malaysia. And also to create religious and cultural awareness among them about Islamic belief, Sharia and morality. Especially in states where non-Muslims are abundant, such as Penang and Sabah. Witch non-Muslims need religious efforts so that they can get acquainted with the Islamic faith in its best form. While nowadays, Non-Muslims in Malaysia still receive their knowledge of Islam through the Western media, despite their livelihood among Muslims in Malaysia.

Keywords: Waqf, Da'wah, Non-Muslims, Malaysia

مقدمة

الدعوة إلى الله هي المهمة التي كلف الله بها رسوله -صلى الله عليه وسلم- كما أوضح ربنا في كتابه عندما قال تعالى: **{يَا أَيُّهَا الْمُدَّثِّرُ* قُمْ فَأَنْذِرْ }** [المدثر: 1-2] ، وكلف الله بها كذلك هذه الأمة في قوله تعالى: **{ كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ }** [آل عمران: 110] ، والدعوة إلى الإسلام ليست موجهة إلى صنف دون صنف، وليست موجهة إلى جماعة من الناس دون غيرهم، بل هي عامة إلى الناس كافة ، والدعوة تكتسب هذه الخاصية من الإسلام ذاته.

تعريف الوقف لغة واصطلاحاً

(Ibn الوقف بفتح الواو وسكون القاف، مصدر وقف الشيء وأوقفه بمعنى حبسه وأحبسه. وتجمع على أوقاف ووقف. وسمى وقفاً لما فيه من حبس المال على الجهة المعينة (Manzūr, 1414h) وفي الاصطلاح: ذكر الفقهاء تعريفات مختلفة تبعاً لأرائهم في مسائله الجزئية، إلا أن أشمل تعريف للوقف ؛ إذ يؤيده ما رواه عبد الله بن عمر رضي الله (Al-Zarakshī, 1993) هو: "تحبیس الأصل وتسهيل المنفعة" عنهما، أن عمر بن الخطاب رضي الله عنه أصاب أرضاً بخيبر ، فأتى النبي -صلى الله عليه وسلم- يستأمره فيها، فقال: يارسول الله: أصبت أرضاً بخيبر لم أصب مالا قط أنفس عندي منه، فما تأمر به؟ قال: "إن شئت حبست أصلها، (Ibn Bahūtī) ، وفي رواية: "حبس أصله، وسئل ثمرته". (Al-Bukhārī, 1422h, no. 2737, 3/198) وتصدقت بها" (Ibn Idrīs, 1951, no. 459, 2/139) من الحبس بمعنى المنع، ويقصد به إمساك العين ومنع تملكها بأي سبب من أسباب التمليك. (تحبیس): فقوله

أي: العين الموقوفة. وقوله: (الأصل)

(Al-Bahūtī) أي: إطلاق فوائد العين الموقوفة وعائنتها للجهة المقصودة من الوقف والمعنية به. وقوله: (تسهيل المنفعة)

تعريف الدعوة لغة واصطلاحاً:

يقول صاحب لسان العرب: "الدعوة تطلق ويراد بها النداء والطلب ، يقال دعا فلان فلانا ودعوت الرجل إذا صحت **وَمِنْ آيَاتِهِ أَنْ تَقُومَ السَّمَاءُ وَالْأَرْضُ بِأَمْرِهِ ثُمَّ إِذَا دَعَاكُمْ دَعْوَةً مِّنَ الْأَرْضِ إِذَا أَنْتُمْ } به واستدعيته قال تعالى:** (Ibn Manzūr, [الروم: 25]. وأحياناً تطلق ويراد بها الدعاء إلى الشيء بمعنى الحث على قصده" **{تَخْرُجُونَ** 1414h) .

(Al-Bayānūnī, 1991). والدعوة في الاصطلاح: تبليغ الإسلام للناس وتعليمه إياهم، وتطبيقه في واقع الحياة وتبليغ الدعوة للناس جميعاً لها أهداف من أجلها وأعظمها تعريف العباد بخالقهم، وحقه عليهم، وحقهم عليه.

ولأهمية تبليغ الدعوة جاءت النصوص القرآنية الكثيرة التي تدعو إلى ذلك منها:

أدْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِلْهُمْ بِالَّتِي هِيَ { الأمر الصريح بالتبليغ: وذلك كقوله تعالى: يَا أَيُّهَا الرَّسُولُ بَلِّغْ مَا أُنزِلَ إِلَيْكَ مِنْ رَبِّكَ وَإِنْ لَمْ تَفْعَلْ فَمَا بَلَّغْتَ { [سورة النحل : 125] ، وقوله تعالى: { أَحْسَنُ [سورة المائدة : 67]. {رَسُولُهُ وَاللَّهُ يَعْصِمُكَ مِنَ النَّاسِ

ومن الأحاديث النبوية قوله - صلى الله عليه وسلم-: "بلغوا عني ولو آية، وحدثوا عن بني إسرائيل، ومن كذب عليّ . ويؤكد النبي - صلى الله عليه وسلم - على (Al-Bukhārī, 1422h, no. 3461) متمعداً فليتبوء مقعده من النار".

واجب الدعوة إلى الله فيقول: "من دعا إلى هدى، كان له من الأجر مثل أجور من تبعه، لا ينقص ذلك من أجورهم شيئاً، ومن دعا إلى ضلالة، كان عليه من الإثم مثل آثام من تبعه، لا ينقص ذلك من آثامهم شيئاً". (Muslim, no. 2674)

الدعوة الإسلامية في ماليزيا:

شبه تقع ماليزيا في جنوب شرق آسيا وهي هلالية الشكل- قريبة من خط الاستواء- وتحتل منطقتين بارزتين الأولى : جزيرة ماليزيا وتضم أكثر ولايات ماليزيا يحدها من الشمال تايلاند ومن الجنوب سنغافورة، والمنطقة الثانية وتضم ولايتي صباح وسراوك وتقع على الساحل الغربي من جزيرة بورنيو ويفصل المنطقتين بحر الصين الجنوبي بحوالي

750 كيلو متر ، ومن خلال مضيق ملاكا تتصل ماليزيا بجزيرة سومطرة الاندونيسية كما تقع الفلبين في شمال شرقي (Mālīzyā Bi Ikhtisār, 1994) ولاية صباح.

تبلغ مساحة ماليزيا 330.434 كيلو متر مربعاً، وهذه المساحة تفصل بينهما مسافة 750 كيلو متر، المنطقة الأولى شبه جزيرة الملايو تبلغ مساحتها 587.131 كيلو متر مربعاً، وتضم إحدى عشرة ولاية، وشمال جزيرة بورنيو حيث يبلغ عدد سكان (Shākir, 1997) يوجد ولايتان صباح وسرواك تبلغ مساحتهما معا 198.874 كيلو متر مربعاً. ماليزيا 30.485.20 في احصائيات عام 2015 الصادرة من موقع وزارة الاعلام الماليزي.

ومن المعلوم تاريخياً أن الإسلام وصل إلى جنوب شرق آسيا وإلى ماليزيا على وجه الخصوص بالطرق السلمية وذلك عن طريق التجار العرب الذين وفدوا إلى الصين ومنها إلى الهند وإندونيسيا وقد اختلف العلماء على ثلاثة أقوال في تعيين الطريق الذي وصل منه الإسلام إلى ماليزيا:

القول الأول: أن الدعوة الإسلامية وصلت إلى ماليزيا عن طريق الهند وذلك في حوالي القرن الثاني عشر الميلادي، السادس الهجري تقريباً، حيث كانت العلاقة قوية بين شبه جزيرة الملايو وبين سواحل الهند الغربية التي انتشر فيها (Azmi and Dīn, 1985) 'الإسلام في ذلك الوقت نتجية حركة التجارة.

القول الثاني: أن الإسلام جاء إلى شبه جزيرة الملايو عن طريق جزيرة سومطرة الإندونيسية حيث قد وصل الإسلام (Shākir, 1997) إلى سومطرة في القرن السابع الهجري.

القول الثالث: يرى هذا الفريق أن الإسلام دخل إلى ماليزيا عن طريق الصين، وقد دخل الإسلام الصين عن طريق بري من شبه الجزيرة العربية إلى الصين، وقد ظهر الإسلام بين الصينيين في القرن السابع الميلادي تقريباً. (Azmi and Dīn, 1985)

وقد تطورت الدعوة الإسلامية في ماليزيا، وانتشر الإسلام بصورة أكبر وتكونت بعض الحكومات التي كان لها دور بارز في انتشار الإسلام في منطقة جنوب شرق آسيا بصفة عامة، ولكن الاستعمار الصليبي لم يغفل عن هذه المنطقة فدبر لها المكائد وأوقع بها الدمار والهلاك، وقد صمدت الدعوة الإسلامية كثيراً أمام الحملات المعادية لأصول الإسلام الحنيف، وبعد استقلال ماليزيا عن بريطانيا في عام 1957م نشطت الدعوة إلى الإسلام بصورة كبيرة في هذه (Azmi and Dīn, 1985) 'البلاد.

دعوة غير المسلمين إلى الإسلام في ماليزيا:

هناك تطورات إيجابية لجهود الدعوة في ماليزيا بشكل عام خاصة مع ظهور مؤسسات وجمعيات الدعوة المختلفة التي يُنظر إليها على أنها نشيطة في نشر الدعوة الإسلامية في ماليزيا. ولكن لا يزال، التركيز الرئيسي إلى حد كبير يُنظر إلى جمعيات الدعوة على أنها أكثر تركيزاً على الدعوة للمسلمين وأقل تركيزاً على التركيز بشكل خاص على أنشطة الدعوة تجاه غير المسلمين. هذا الأمر ليس غريباً بالنظر إلى أن تركيبة المسلمين في ماليزيا تبلغ حوالي 60٪. لذلك من المؤكد أنه سيتم التركيز على مجموعة الأغلبية أكثر من الأقلية. ولكن المفترض جهود الدعوة لغير المسلمين يجب أن تكون أيضاً على رأس جدول أعمال هذه الجمعيات الدعوية، ولا يقتصر العمل الدعوي فقط على المسلمين حتى تصل الدعوة ويمتد صوتها إلى غير المسلمين، وذلك هدف الإسلام وهو محاولة توصيل الإسلام إلى جميع البشر بغض على المسلمين حتى تصل الدعوة ويمتد صوتها إلى غير المسلمين، وذلك هدف الإسلام وهو محاولة توصيل الإسلام إلى جميع البشر بغض (Khairul Azhar Meerangani, 2019) النظر عن خلفيتهم وموقعهم وعرقهم

لكن هناك العديد من الأسباب التي أدت إلى ضعف قبول الإسلام من قبل غير المسلمين في ماليزيا منها، الاعتقاد بأن الملايو هم الإسلام والإسلام هم الملايو، وهذا أمر راسخ في أذهان غير المسلمين إلى يومنا هذا. أدى هذا إلى أن الذين يعتنقون الإسلام يقال لهم اعتنقوا الملايوية. علاوة على ذلك، توجد فروق أساسية بين تعاليم الإسلام والديانات الأخرى من بينها مسائل الألوهية، الحلال والحرام من الأطعمة، والعلاقات بين الأفراد رجالاً ونساء مما أدى إلى الفكر السلبي عندهم تجاه الإسلام. وزد على هذا، قضايا أخرى مثل تغيير الأسماء والنسب، اللباس، وثقافة الحياة اليومية عند المسلم والحفاظ على العلاقات مع العائلة الأصلية لا تزال تضغط على غير المسلمين قبول الإسلام. بالإضافة إلى ذلك، غالباً ما تُعزى الصور والتصورات السلبية إلى العرق الملايو مثل الكسل، الفساد، الصراع الحزبي للحصول على السلطة، وعدم القدرة على الكسب نفسه بنفسه، نقاط الضعف توصف بأنها انعكاس لتعاليم الإسلام. جزء منهم يثيرون مخاوف بشأن إمكانية استيعابهم في ثقافة الملايوين، التي تجعلهم يفقدون هويتهم الأصلية العرقية. عدم وجود مراجع دينية بلغات أخرى بكثرة غير الملايوية والعربية كذلك تعيق جهود الوصول إلى تعاليم غير المسلمين الإسلام. وكذلك قلة الدعاة المسلمين من غير العرق الملايو أدت إلى ترسيخ هذا المخاوف في أذهان

غير المسلمين. بالإضافة إلى ذلك، يُنظر إلى تأثير السياسات العنصرية على أنها تلعب دورًا غير مباشر، لأن عمل وأفعال بعض الأحزاب السياسية يُنظر إليها على أنها مرتبطة بالدين المرادف لعرق معين. وعلى الرغم من وجود أحزاب سياسية تركز على العناصر الدينية والعقائدية وليست العرقية، ولكن لا يزال التأثير العرقي وصورة هذه الأمور، على الرغم من اعتبارها البعض قضايا. العنصرية تهيمن على تشكيل الحزب في صورة المجتمع فرعية، إلا أنه بدأ يتجذر إلى حد ما ويتأثر في فهم غير المسلمين مما يؤدي إلى تعزيز شكوكهم حول مفهوم الانفتاح . (Khairul Azhar Meerangani, 2019) الإسلامي

دور الوقف في كفاءة الدعاة لتوجيه جهودهم لدعوة غير المسلمين:

يحتاج الداعية الذي يمارس العمل الدعوي مع غير المسلمين في ماليزيا إلى تهيئة وتأهيل علمي وخلق حتى يباشر مهامه المنوطة به وفق مناهج علمية صحيحة.

ونعني بالمناهج العلمية هنا المناهج التي خطها الرسل -عليهم السلام- فهي الصراط الذي تستوي عليه الإنسانية صاعدة إلى الكمال بعيدة عن مزلق الفتن، حيث تثير هذه المناهج الفطرة السليمة من خلال ما تقدمه من مناقشات دعوية.

كذلك تحتاج الأنشطة الدعوية المتعددة مع غير المسلمين في ماليزيا لمبالغ مالية ضخمة حتى تستطيع القيام بأدوارها ووظائفها على الوجه المطلوب، والوقف كمؤسسة اقتصادية دعوية قادرة على مواجهة تلك المتطلبات.

حسن اختيار الدعاة الذي يعملون مع غير المسلمين:

إن اختيار الداعية أمر مهم للغاية، ولهذا فلا بد أن تحسن المؤسسات الإسلامية في ماليزيا اختيار الشخص الذي سيدعو الناس للإسلام ويفقههم فيه، لأن اختياره أمر خطير له أثره على الدعوة والمدعويين، وإذا كانت بعض المؤسسات تعقد اختبارات لاختيار المتقدمين للعمل فيها وبعض الكليات تقيم اختبار هيئة ولا تقبل إلا من توافرت فيه شروط خاصة، فليس العمل في الدعوة بأقل من هذا، بل أهم، فإن الدعاة وخاصة مع غير المسلمين هم لسان الأمة وقلبها النابض ومظهر عزتها وكرامتها.

وأول الأمر بعد حسن الاختيار تأهيل الداعية وإعداده فكرياً حتى يتسنى له القيام بوظيفته مع غير المسلمين على بصيرة ونعني بالإعداد الفكري تصحيح وترتيب أفكاره عن دين الإسلام وهدفه وغايته، وكذلك إعداده فكرياً فيما يتعلق بالأديان والثقافات والمذاهب الأخرى وهذا يتطلب دراسة علمية على يد المتخصصين مدة من الزمان قبل أن يمارس الداعية عمله مع غير المسلمين.

وتأهيل الداعية لحمل رسالة الإسلام لغير المسلمين يقوم على ثلاثة أركان:

- 1- **التأهيل الشرعي:** ونعني به تأهيل الداعية في كل ما يحتاج إليه من العلوم الشرعية سواء كانت علوم آلة كاللغة العربية والمنطق أم علوم غايات كالعلوم المتعلقة بالقرآن الكريم والسنة النبوية المطهرة.
 - 2- **التأهيل المهاري:** ونقصد به تأهيل الداعية في كل ما يحتاج إليه من مهارات في ذاته ليطورها، وفي علاقاته مع الآخرين ليستثمرها، وفي إدارته لعمله الدعوي ليتقنه ويجوده، ولخطابه الإعلامي ليضبطه.
 - 3- **التدريب التقني للدعاة:** الوصول بالداعية إلى درجات الامتياز والالتقان للمهارات المطلوبة في الدعوة عموماً والدعوة الإلكترونية خصوصاً من خلال تقديم تدريب تقني تطبيقي احترافي.
- وهذا التأهيل بحاجة إلى إنفاق فيمكن الاتجاه نحو الأوقاف على الدعاة وتأهيلهم حتى يتسنى لهم القيام بدورهم في دعوة غير المسلمين.

ولقد كانت أفعال الرسول-صلى الله عليه وسلم- واستجابة صحابته الكرام ومن بعدهم من السلف الصالح في القرون الأولى للإسلام للنصوص الشرعية التي ترغب في الوقف والصدقة قوية جداً، بل فيها أعظم الصور وأقواها دلالة على حب الإنفاق والمسارة في الخيرات؛ فقد أوقف الرسول الهادي والقُدوة الحسنة للمؤمنين-صلى الله عليه وسلم- سلاحه ودابته وأرضاً له كما ورد في بعض الأحاديث.

ولأهمية المال في طريق الدعوة ورد في الحديث عن أبي هريرة -رضي الله عنه- قال: قال رسول الله-صلى الله عليه وسلم: (ما نفعتي مال قط، ما نفعتي مال أبي بكر، قال فبكى أبو بكر وقال: يارسول الله: هل أنا ومالي إلا لك يارسول الله). (Ibn Mājah, 2009, no. 94).

"ولقد جاء السلف الصالح من هذه الأمة في قرونها الأولى فاقتدوا بالصحابية وساروا على نهجهم؛ فأوقفوا الأوقاف الكثيرة وتنعوا فيها بحسب حاجة زمانهم وظرف عصرهم وبيئاتهم فأوقفوا الأوقاف على المساجد لصيانتها ودفع (Ibn Fawzān, 1426h) مرتبات الأئمة والوعاظ والعاملين بالمساجد".

تفعيل الوقف للخدمات الإنسانية لغير المسلمين في ماليزيا ودوره في الدعوة:

الدعوة الإسلامية دعوة عالمية، وصالحة لكل زمان ومكان فهي تحوي مقومات الصلاحية والملائمة لكل عصر ومصر، ولما كانت الدعوة الإسلامية عالمية، فإن الله سبحانه أناط بالأمة الإسلامية مسؤولية إبلاغها للناس كافة بالوسائل والأساليب المشروعة.

يقول الله تعالى: { وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ } [الأنبياء: 107]

وقال تعالى: { وَمَا أَرْسَلْنَاكَ إِلَّا كَافَّةً لِّلنَّاسِ بَشِيرًا وَنَذِيرًا وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ } [سبأ: 28]

من هذا المنطلق ينبغي العناية بدعوة غير المسلمين سواء أكانوا أهل كتاب أم غير ذلك من الوثنيين والماديين ومن ضلوا وممن لا يدينون بالإسلام.

وقد حرص النبي-صلى الله عليه وسلم- على دعوة الناس كافة فعندما نظر إلى سيرته المطهرة نجده كان يدعو في جميع الأماكن والأزمان والأحوال، ودعا جميع أصناف الناس كما استخدم جميع الأساليب والوسائل المشروعة المتاحة له.

ويظهر من سيرته -صلى الله عليه وسلم- أن أهم ما ينبغي التركيز عليه في دعوة غير المسلمين هو الإيمان بالله وقرص العقيدة في القلوب.

ودعوة غير المسلمين كما تكون بالأقوال الحسنة تكون بالأفعال الحسنة كذلك من خلال الأعمال الخيرية والإغاثية التي يتم من خلالها بيان محاسن الإسلام، كإغاثة الملهوف، وإرشاد الضال، ونصرة المظلوم. والإحسان إلى غير المسلمين بتقديم الخدمات الإنسانية والإغاثية لهم، وعلاج مرضاهم، ومساعدة فقرائهم له أصول شرعية منها:

1- قوله تعالى: { لَا يَنْهَأُكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ } [المتحنة: 8]

(Al-Tabarī, 2000) قال الإمام الطبري في هذه الآية: " من جميع أصناف الملل والأديان أن تبرؤهم وتصلوهم، وتقسطوا إليهم".

2- مرَّ عمر بن الخطاب-رضي الله عنه- عند مقدمه من أرض الشام بقوم مجذومين من النصارى فأمر أن يعطوا من (Al-Balādhurī, 1988) الصدقات وأن يجري عليهم القوت.

3- روى الترمذي أن عبدالله بن عمر-رضي الله عنهما- دُبح له شاة في أهله، فلما جاء قال: أهديتم لجاننا اليهودي؟ سمعت رسول الله-صلى الله عليه وسلم- يقول: (مَا زَالَ جَبْرِيلُ يُوصِيَنِي بِالْجَارِ حَتَّى ظَنَنْتُ أَنَّهُ سَيُورَثُهُ).

(Al-Tirmidhī, 1998, no. 1943)

إن هذه النصوص الشرعية تؤكد على الإحسان إلى غير المسلمين والعدل فيهم وتوظيف المال في إعانة الفقراء منهم والإهداء إلى أغنيائهم، كل ذلك طمعا في إسلامهم.

ولما كان المال من الأهمية بمكان فإن الوقف الإسلامي يمكن أن يؤدي وظيفة عظيمة في مجال دعوة غير المسلمين في ماليزيا ويكون له الأثر الكبير في استمالة قلوبهم عن طريق الأعمال الإغاثية والمدعومة، فإن النصارى قد قطعوا

شوطا كبيرا في تقديم الخدمات والمساعدات للمتكويين من المسلمين ومن غير المسلمين بهدف إدخالهم في

النصرانية، وإن المسلمين أولى بذلك؛ حيث إن الإسلام يأمر بإعانة غير المسلمين من المحتاجين لأجل دعوتهم من خلال تأليف قلوبهم.

معوقات الوقف الإسلامي لدعوة غير المسلمين في ماليزيا وسبل العلاج:

يوجد في ماليزيا آلاف الأقدنة من الأراضي الوقفية الغير مفعلة. وهذا يرجع إلى عدم المساواة في المعاملة من قبل القانون وسوق العقارات. والأراضي الوقفية حتى الآن تطورت بشكل تقليدي. وبصرف النظر عن ذلك، فالمجلس الأعلى للشؤون الإسلامية هو الجهة الوحيدة المسؤولة عن إدارة الوقف في ماليزيا، وهو في أداء دوره يتصف

بالتقصير حيث لم يتوفر في دوره الاستباقية ولذلك يُنظر إلى المجلس على أنه السبب في ترك الممتلكات الوقفية غير . (Institusi Wakaf Dan Pembangunan Ekonomi Negara, 2011) منتجة وفعالة

وتواجه مؤسسات الوقف في ماليزيا مشكلة عدم كفاية التمويل الداخلي لتطوير أملاك الوقف. لذا فإن الأموال المتوفرة في مؤسسة الوقف لا تكفي لتغطية التكاليف اللازمة. ولهذا عدم توفير تخصيص الأموال المناسبة للتطوير والبناء على أرض الوقف ستعيق تنمية أرض الوقف. وقد أدى هذا إلى وجود الأراضي الوقفية المهجورة التي لم يتم تطويرها (Pengurusan Wakaf Di Malaysia, 2017).

وكذلك من بين التحديات التي تحدث في إدارة الوقف في ماليزيا الرقابة الداخلية لمؤسسات الوقف نفسه. فمن بين العناصر التي تم تحديدها هو الجانب التدريبي وهو جانب أنشطة الرقابة بين الموظفين فهذا الجانب ليس شاملاً لجميع . (Pengurusan Wakaf Di Malaysia, 2017) الإدارات

علاوة على ذلك، مشكلة عيوب قاعدة بيانات الوقف هي مشكلة لم يتم حلها بعد إلى هذا اليوم. يحدث هذا الموقف بسبب النظام القديم ليس به نظام قاعدة بيانات شاملة. والجدير بالذكر لقد ضاعت بعض قواعد البيانات وكذلك الأمناء على الأراضي الوقفية من الجيل القديم. بالإضافة إلى ذلك، كان نظام الوقف القديم يتضمن القاضي أو العمدة كحامل الأمانة للأرض الموقوفة. لذلك عندما يموت حامل الأمانة، يحدث مشكلة في سجلات الأراضي الوقفية وهي أن السجلات غير مكتملة وبعضها ليست مسجلة. وقد أصبحت آثار هذه المشكلة إلى يومنا هذا عندما يكون هناك ورثة وأفراد ويتم التسائل في الأراضي الوقفية التي بأسمائهم فلم يستطع مجلس الشؤون الإسلامية اتخاذ أي إجراء بسبب عدم وجود معلومات كافية تتعلق بالأرض. فضلا عن ذلك، كما أنه سيكون له تأثير سيء على وجود بعض الأطراف . (Pengurusan Wakaf Di Malaysia, 2017) التي تدعي وتطالب بالأرض ملكاً لهم

في رأي الباحث بعض عرض هذه التحديات، المؤسسات الوقفية يجب الاهتمام بها بشكل شامل وإعادة النظر في دورها بشكل جديد كي ينتفع بها المسلمون وغير المسلمين من المدعوين.

المصارف الوقفية في ماليزيا

التي تحت Yayasan Waqaf Malaysia من خلال الاطلاع على الموقع الرسمي للمؤسسة الخيرية الوقفية ماليزيا إشراف فرع الوقف والزكاة والحج وتحت إدارة وزارة الشؤون الدينية الماليزية، يتبين المصارف التي يركز عليها (Portal Rasmi Yayasan Waqaf Malaysia) الوقف منها تطوير الدين الإسلامي، تطوير التعليم، تطوير الإسكانات، الأطفعة، والمجال الصحي .

وأما المشاريع الكبيرة التي تم رصدها لمؤسسة زكاة ماليزيا خلال عام 2015 من خلال برنامج وقف الجوهر للتطوير RM290.62 العقاري، مجموعه 17 مشروعاً فعلياً واسع النطاق وعالي التأثير يتضمن تكلفة

(Pembangunan Wakaf Menerusi Pendanaan Kerajaan Dan Kerjasama Institusi Kewangan Dan Korporat, 2015) منها

1. 8 وحدات مساحات بيع بالتجزئة بقيمة 1.6 مليون رينجيت ماليزي لرجال الأعمال المسلمين في موكيم أولو كينتا تامبون بيراك.
2. 16 وحدة من المحل التجاري بسعر 4.24 مليون رينجيت ماليزي لرجال الأعمال المسلمين في Mukim Utan .Perlis Aji
3. تم تجهيز مجمع تعليمي بقيمة 41 مليون رينجيت ماليزي ومساكن الطلاب وكذلك مرافق التعليم يمكن أن يستوعب 1000 طالب يعرف باسم "مجمع التعليم" معهد المشهور في باليك بولاو ، بينانغ.
4. تبلغ تكلفة دار الأيتام والكتلة الإدارية 2.08 مليون رينجيت ماليزي في Mukim Derga ، Kedah التي تتسع لـ 50 طالباً فتاة يتيمة.

5. تبلغ تكلفة دار الأيتام والمجمع الإداري 1.5 رينجيت ماليزي مليون للأيتام الذكور في ماتشانج ، كيلانتان وتستطيع هذه الدار أن تستوعب 50 طالبًا. وغيرها من المشاريع العملاقة التي تساعد على تنمية وتطوير المنشآت والمرافق التعليمية وغيرها.

ومن خلال البحث في المواقع الرسمية للأوقاف والمجلات المختصة تعذر الحصول على ما يفيد أن جزءا من هذه المصارف ركزت في مشاريع دعوة غير المسلمين بشكل مركز. مما يجعلنا نسلم بأنه لم يتم توجيه صرف الأموال الوقفية في دعوة غير المسلمين، وإن كان هناك إجابة لسؤال سائل في الموقع الرسمي للمؤسسة الوقفية لولاية سلانجور عن سؤال الباحث، هل يجوز الوقف لغير المسلمين؟ ونص الإجابة كالتالي: "العلماء الشافعية قالوا يجوز الوقف لغير المسلمين أو الذمي، بشرط عدم نية الفاحشة، وذلك لجواز الزكاة على هذه الجماعة، كما يجب الوقف عليهم. فإن تبين أن الواقف يحتمل أن يرتكب الفاحشة بالمال، فلا يصح الوقف؛ لأن الفاحشة تنقض حكمة الوقف (SOAL JAWAB WAKAF) وغايته".

الخاتمة والتوصيات

مما سبق عرضه تخلص هذه الدراسة إلى ما يلي:

- 1- لا بد من تفعيل الوقف الإسلامي في ماليزيا والاستفادة منه في دعوة غير المسلمين.
- 2- تفعيل الوقف يكون عن طريق تدريب وتأهيل الدعاة، والإنفاق على البرامج الدعوية.
- 3- الإغاثات الإنسانية والخدمات المجتمعية لغير المسلمين يمكن الاستفادة من أموال الأوقاف للقيام بدور كبير فيها.

وتوصي الدراسة بالآتي:

- 1- توعية المجتمع المسلم في ماليزيا للقيام بدوره المنشود في وقف الأوقاف لدعوة غير المسلمين.
- 2- التواصل البناء والفعال مع غير المسلمين وعرضه عرضا صحيحا لهم عقيدة وشريعة وأخلاقا.
- 3- محاولة بناء مؤسسات متخصصة لدعوة غير المسلمين في كل ولاية من ولايات ماليزيا يكون لها من الأوقاف ما يقوم على شؤونها.

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دور الزكاة في التمويل الاجتماعي في ظل أزمة كورونا: ماليزيا نموذجا

(Role of Zakat In Social Finance In Light of Covid-19 Pandemic: A Malaysia Study)

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المخلص

تعتبر الزكاة من الموارد الأساسية للتمويل الإسلامي لأنها شكل من أشكال الثروة البحتة للواجب الديني أو العبادة. الزكاة حق في الثروة، والمال هو الحاكم الثاني للدولة الإسلامية. مثلما يؤدي الحاكم واجبه في إدارة الدولة، فإن الثروة تؤدي وظيفتها فيما يتعلق بفئات الفقراء والمحتاجين، وكذلك فيما يتعلق بتمويل المشاريع الصغيرة والمتوسطة. ومن هنا تأتي أهمية هذه الورقة في بيان دور الزكاة في أحكام التمويل والتنمية. مع "الكشف عن دور الزكاة في أحكام التمويل والحد من الفقر والبطالة من خلال تمويل المشاريع الصغيرة والمتوسطة الحجم" كبيان المشكلة، تحاول هذه الورقة الإجابة على الأسئلة التالية: ما هو تعريف التمويل الإسلامي، وما هي أنواعه؟ أو الجوانب، وأهميتها؟ ما هو دور الزكاة في عمليات التمويل؟ وما هي أشكال التمويل في عصر جائحة كوفيد-19 في ماليزيا؟ التزامًا بالمنهج الوصفي والاستقرائي والتحليلي، يعرض الباحث فكرته في الهيكل التالي: مقدمة، تفسيرات أولية للمفاهيم الأساسية: الزكاة، التمويل، الاستثمار، التنمية، والأزمات، الموضوع الفرعي 1 (تعريف التمويل الإسلامي وأهميته)، الموضوع الفرعي 2 (دور الزكاة في أحكام التمويل)، ونتائج البحث مع المناقشات

الكلمات المفتاحية: التمويل الإسلامي، الزكاة، التنمية، الاستثمار، المشاريع الصغيرة، المؤسسات المتوسطة

Abstract

Zakāt is considered as an essential resource for Islamic finance as it is a purely wealth form of religious duty or worship. Zakāt is the right of wealth, where wealth is the second ruler of an Islamic state. Just as the Ruler performs his duty in administering the state, similarly, wealth performs its function with regards to the classes of poor and needy persons as well as financing small and medium-sized enterprises. Hence there comes the importance of this paper, which is to demonstrate the role of Zakāt in Financing and Development Provisions. With "Revealing the role of zakat in financing provisions and curbing poverty and unemployment by financing small and medium-sized enterprises" as the problem statement, this paper attempts to answer the following questions: What is the definition of Islamic Finance, what are the types or aspects, and its

significance? What is the role of zakāt in financing operations? And what are the forms of financing in the era of Covid-19 pandemic in Malaysia? Adhering to the descriptive, inductive and analytical approach, the researcher presents his idea in the following structure: introduction, preliminary explanations on key concepts: zakat, financing, investment, development, and crises, subtopic 1 (Definition of Islamic Finance and its Importance), subtopic 2 (Role of Zakāt in Financing Provisions), and research findings with discussions.

Keywords: Islamic Finance, Zakāt, Development, Investment, Small-sized Enterprises, Medium-sized Enterprises.

مقدمة:

للزكاة دور كبير في عملية التمويل الإسلامي وما يترتب من أثر بالغ الأهمية في معالجة الركود الاقتصادي: خاصة في ظل وباء كوفيد-19، حيث يرى فقهاء الاقتصاد الإسلامي أن الزكاة هي الحل، ولها أثر واضح في توزيع الدخل والثروة، ومحاربة البطالة، كما لها تأثير دائم نحو الحد من الركود الاقتصادي وتشغيل رأس المال واستثماره. فالزكاة تعمل على سرعة دوران رأس المال، إذ إنها تشجع صاحب المال على استثمار أمواله حتى يتحقق فائض يؤدي منه الزكاة، وبذلك فقد استفاد صاحب المال من استثماره بالربح، وأفاد المجتمع بأداء حق المستحقين بالزكاة، والزكاة تعد وسيلة فعالة من وسائل إعادة توزيع الثروة بين أفراد المجتمع على أساس عادل، فلطالما نادى علماء وفقهاء الاقتصاد بضرورة أن يقوم الاقتصاد على الأخلاق الفاضلة، فالزكاة تؤخذ من الغني وتعطى للفقير كما قال تعالى (وفي أموالهم حق للسائل والمحروم) سورة الذاريات: 19 .

كما أن للزكاة أثر مهم في علاج الانكماش الاقتصادي، حيث يتكرر دفعها كل عام لمن يستحقها، فالإسلام قد حرص على عمل الفرد إلى جانب تسديد حاجته ليبس له الحياة الكريمة، ويجعله في وضع معيشي أفضل، كما وأن للزكاة تأثير على الاستهلاك، وعلى توزيع الدخل والثروة والاستثمار، ومنع الزكاة يؤدي إلى خلق مشكلات اقتصادية واجتماعية في المجتمع مثل السرقة والتسول وارتفاع معدل الجريمة.

فإلى جانب أنها تسد حاجة الفقراء والمساكين وتقوي روابط التكافل والتراحم بين المسلمين فهي كذلك تساهم في تحريك عجلة الحياة الاقتصادية، لأنها تساهم في تحريك الأموال وانتقالها بين الناس، وتساهم في زيادة الطلب على المنتجات، وهذا ما يشكل عاملاً مهماً في سرعة تصريف هذه المنتجات الصناعية الاستهلاكية وتحريك الأسواق ومعالجة الركود الاقتصادي وزيادة الاستثمار في الاقتصاد بدلاً من تراكم الثروات بأيدي فئة قليلة من الأفراد، وهذا ما سوف يحقق عدالة اجتماعية، ويساعد على تدني الجريمة والمشاكل الاجتماعية، لأن أكثر هذه المشاكل بسبب الفقر والحاجة، كما أن لها دوراً فعالاً في محاربة البطالة.

أخيراً فالزكاة هي إعلان حرب على الاكتناز وحبس الأموال والركود الاقتصادي، وتساهم في إرساء العدل في المجتمع وتقليل الفوارق بين الطبقات الغنية والفقيرة، وهي تعد من أفضل الطرق التي تحول المجتمع إلى مجتمع منتج اقتصادياً، وخال من البطالة والفقر، ولذلك فإن الزكاة إذا استخدمت بهذه الطريقة سوف تكون أداة فاعلة في تطهير الأموال وتوزيع الثروات والدخل على جميع طبقات المجتمع، وهذا هو أهم أهداف الاقتصاد في الإسلام، لقول الله سبحانه وتعالى (خذ من أموالهم صدقة تطهرهم وتزكّيهم بها . من هنا جاءت أهمية الموضوع: حيث تعد الزكاة مورداً أساسياً للتمويل الإسلامي باعتبارها عبادة مالية محضة؛ فالزكاة حق المال؛ والمال هو السلطان الثاني للدولة الإسلامية، وكما يقوم السلطان بوظيفته في إدارة الدولة يقوم المال بوظيفته رعاية للطبقات الفقيرة وتمويلاً للمشروعات الصغيرة والمتوسطة. من هنا تأتي أهمية هذه الورقة لبيان دور الزكاة في عمليات التمويل.

أسئلة البحث: ما مفهوم التمويل الإسلامي؟ ما أهميته وما أنواعه أو مجالاته؟ ما دور الزكاة في عمليات التمويل؟ ما أشكال التمويل في وقت أزمة كورونا بالمليزيا؟

إشكالية البحث : الكشف عن دور الزكاة في عمليات التمويل ومحاربة الفقر والبطالة وذلك بتمويل المشروعات الصغيرة والمتوسطة؟

وما مدى إمكانية مساهمة صندوق الزكاة في معالجة الأزمة الاقتصادية الناتجة عن انتشار فيروس كورونا COVID-19؟
منهج البحث : المنهج الوصفي و الاستقرائي التحليلي ، وذلك بوصف وبيان التمويل الإسلامي و باستقراء النصوص الشرعية وتحليل الأدلة لبيان أثر الزكاة في التمويل والتنمية.

خطة البحث : يتكون البحث من مقدمة وتمهيد ومبحثين وخاتمة وثبت للمصادر والمراجع؛ على النحو التالي:

المقدمة : أهمية الموضوع وأسئلة البحث وإشمالية الموضوع ومنهج البحث وخطة الدراسة.

التمهيد : مداخل حول مصطلحات البحث : الزكاة-التمويل –الاستثمار- التنمية- الأزمات.

المبحث الأول : مفهوم التمويل الإسلامي وأهميته.المطلب الأول : مفهوم التمويل الإسلامي.المطلب الثاني : خصائص التمويل الإسلامي. المطلب الثالث :مجالات التمويل الإسلامي.

المبحث الثاني: دور الزكاة في التمويل الإسلامي :المطلب الأول : دور الزكاة في تمويل المشروعات الصغيرة .

المطلب الثاني : دور الزكاة في تمويل المشروعات المتوسطة.

الخاتمة :نتائج البحث والتوصيات.

المصادر والمراجع.

التمهيد :مدخل أولية ومصطلحات البحث

تعتبر وظيفة الوساطة المالية-التي تقوم بها المؤسسات المالية مثل منارة الزكاة بولاية قدح – من أهم الوظائف التي تضطلع بها المصارف والمؤسسات المالية بمختلف أشكالها، حيث تقوم بدور الوسيط بين المزمكين والمستحقين (الأغنياء والفقراء)- كما يقوم البنك بدوره بين المدخرين والمستثمرين أو بين المقرضين والمقترضين، بل إن منارة الزكاة تفوق الدور الموجود لدي البنوك وتستمد أهميتها وجودها من هذه الوظيفة بالذات وغيرها تبع لها.

أقول : لقد أدركت المجتمعات الإنسانية أهمية هذه الوظيفة في نقل رؤوس الأموال من حيث الفائض إلى حيث العجز من أجل تمويل الأنشطة الاقتصادية المختلفة من خلال عملية تخصيص أمثل للموارد الإنتاجية نحو استخداماتها الجيدة. إن التحليل المعاصر ينظر إلى المؤسسات المالية كمؤسسات متخصصة في المعلومات وتتمتع بميزة اقتصاديات الحجم، وهو ما يجعلها قادرة على جمع المعلومات والمتابعة والتحصيل بكلفة ومخاطر أقل .

علاقة التمويل الإسلامي بعوامل الإنتاج :عرف الاقتصاديون عوامل الإنتاج بأنها ذلك الخليط من الموارد الطبيعية والإنسانية التي تساهم في إنتاج القيمة المضافة، أو كل ما يحقق منفعة مباشرة أو غير مباشرة للإنسان، وعناصر الإنتاج هي العمل ورأس المال والأرض والتنظيم، ويفرق الاقتصاديون بين رأس المال والنقود،فالنقود لا تنتج شيئاً بحد ذاتها،بل تعتبر وسيطاً للتبادل ومخزناً للقيمة، ولذا فهي لا تستحق مكافأة لذاتها.

مصطلحات البحث :

الزكاة: لغة التّطهير: فزكاة المال تعني تطهيره ممّا علق به من أدران الحرام التي تعلق به، ربّما دون قصد المسلم، وتصريفات هذا المعنى هي: رَكَى يُرَكِّي تَرْكِيَةً. الزَّكَاةُ : الصَّلَاحُ: يُقَالُ لِلرَّجُلِ: زَكِيَ؛ أيّ أنّه رجُلٌ تَقِيَ ذُو صَلَاحٍ، وجمعها أَرْكَِيَاءُ؛ أيّ أتقياء صالحون. الزَّكَاةُ : النَّمَاءُ: يُقَالُ: زَكَ الزَّرْعُ يَزْكُو زَكَاءً؛ أيّ ازداد وكثُر ونما، وكلّ شيءٍ ازداد ونما وكثُر؛ فهو زكيّ ويزكو زكاءً. الزَّكَاةُ: الأفضل أو الأليق أو الأنسب: يقول العرب: هذا الأمر لا يزكو؛ أيّ أنّه لا يليق، والأزكى: هو الأليق، والأفضل.(ابن منظور ،المصري . لسان العرب:10/ 245 مادة (زكو) . مجمع اللغة العربية :المعجم الوسيط : ص 411 –وانظر للفيروز أبادي، القاموس المحيط: ط الحلبي 1371 هـ : 341/4)

والزكاة اصطلاحاً: هي حصّة مُقدّرة من المال، فرضها الله عزّ وجلّ لمُستحقّيها، وقد ورد ذكرهم في القرآن الكريم، كما فصلتهم السُّنة النبويّة المُطهّرة، وقيل: هي القدر الواجب إخراجه لمُستحقّيه في المال الذي بلغ النِّصاب المُقدّر شرعاً، بشروط

معينة، وقيل: هي مقدار مخصص في مالٍ مخصصٍ لطائفةٍ مخصوصةٍ. (القرضاوي :دكتور يوسف ،فئة الزكاة : 38/1 . وقال نقلا" عن الزمخشري في الفائق : 536/1 . الزكاة فعلة كالصدقة ، وهي من الأسماء المشتركة ، تطلق على عين : وهي الطائفة من المال المزكى بها ، وعلى معنى : وهو الفعل الذي هو التزكية . أبو جيب ،سعدي القاموس الفقهي مادة زكو).

التمويل: التمويل لغة: مال – مولا – مؤلا: كثر ماله، ومال فلانا: أعطاه المال. وتعني مؤله: قدم له ما يحتاج من مال. والمال: كل ما يملكه الفرد أو الجماعة من تبايع، أو عروض تجارة، أو عقار أو نقود، أو حيوان. وقد أطلق في الجاهلية على الإبل ويقال: رجل مال: أي ذو مال. و الممول: من ينفق على عمل ما: أي دافع الضرائب محدثة. التمويل اصطلاحا: التمويل على أنه: "تدبير الاحتياجات المالية اللازمة للنشاط الاقتصادي". (العتري،دكتور محمد فتحي ،فقه المصارف الإسلامية بين المقاصد والوسائل ،ط1 دار المطبوعات الجامعية الإسكندرية مصر 2012م ص : 27-28 . نقلا عن :مجمع اللغة العربية ، المعجم الوسيط مادة (مول)ص1977 القاهرة).

الاستثمار: لغة المصدر من استثمر ويستثمر وهو يشتق من تحول ثمر الرجل فيقال أثمر الرجل في المال أي نماه وزوده، ويقال: ثمر المال أي: كثره ؛ فهو في اللغة يطلق على طلب الثمر والاستثمار في المال والعمل على نتاجه ونماؤه . (العتري ،دكتور محمد فتحي ،مقاصد الزكاة التنموية بحث منشور ضمن أعمال المؤتمر الدولي الأول لمنارة الزكاة بولاية قح 4-6 أغسطس 2019م السابق نفسه : 5-6).

واصطلاحا: التحصيل المتعلق بنماء المال شرعا ، بعيدا عن المضاربة والتوافق مع جميع الطرق الشرعية. ويطلق أيضا على التربح في الشركة ونشأة المشروع ونجاحه فهو يعرف بالاستثمار وهو حصول النمو في الشيء وتحقيق الزيادة فيه من خلال الوسائل والطرق الشرعية ، والبعض الآخر يعرفه اصطلاحا بأنه الزيادة في الدخل وتحقيق عدد من الإضافات الفعلية فيه ، عن طريق امتلاك الأصول وتحقيق العوائد. وقد يقوم الفرد بالتضحية على منفعة حالية من أجل منفعة المستقبل. كما عرفه بعضهم بأنه عبارة عن استخدام المال وغيرها من الممتلكات في المشروع المنتج من أجل الحصول على العائدات والأرباح ، وعند بعضهم عرفه بأنه الجزء الذي لا يستهلك من الدخل ولكنه يتم الحصول منه على العائد ، ليستخدم في العملية الإنتاجية ويتم المحافظة عليه ، ويعبر عن وجوه وفعاليات اقتصادية رئيسية. من هنا وجدنا العلاقة الوطيدة بين التمويل والاستثمار.

التنمية: لغة مصدر نَمَى الشيء، أو الحديث تتم : أنماه، وأصله من نما الشيء نماءً ونمواً:أزاد وكثر،يقال:نما الزرع ،ونما المال ،أي زاد وكثر.واصطلاحا:عملية التطوير والتقدم والارتقاء لمرحلة أفضل ، وقيل :مرحلة التطبيق العملي للنظريات والقواعد التنموية،وكانها الامتداد التطبيقي للجوانب النظرية والتخطيطية . (العتري (2019)،دكتور محمد فتحي ،مقاصد الزكاة التنموية السابق نفسه) .

الأزمة: يعبر مفهوم الأزمة عن حدث مفاجئ أو حالة طارئة يؤدي إلى حدوث الإخلال بالنظام وقيل :اسم مرة لأمر يمثل توترا وضيقا واضطرابا يقال : أزم يؤزم تازيما وتازما .

واصطلاحا له عدة معان باختلاف الجهة الاجتماعية أو السياسية أو الاقتصادية. فمن الناحية الاجتماعية: عبارة عن توقف للأحداث المتوقعة والمنظمة، وحدث اضطراب للعادات مما يضطرنا إلى التغيير بشكل سريع وذلك بغرض إعادة التوازن ولكي نقوم بتكوين عادات جديدة تكون أكثر ملاءمة مع التغيير الحادث. بينما تعريف الأزمة من الناحية الاقتصادية: فهو عبارة عن انخفاض في النمو الاقتصادي حتى يصبح لدينا انخفاض في الإنتاج، مما يؤدي إلى أزمة في الاستهلاك.من الناحية السياسية: تعد الأزمة عبارة عن مشكلة أو حالة تأخذ بعدا سياسيا، ولكي نقوم بمواجهتها لا بد من أن نقوم باتخاذ القرار المناسب سواء كان إداريا أو نظاميا أو اجتماعيا أو سياسيا أو اقتصاديا أو ثقافيا.

المبحث الأول: مفهوم التمويل الإسلامي

يقصد بالتمويل بالمفهوم العام : تقديم المال، ويقوم على علاقة تعاقدية بين طرفين أحدهما يملك فائضا في رصيده من الأموال والآخر يعاني عجزا، وعليه فجوهر العملية التمويلية هو تحويل المال من حيث الفائض إلى حيث العجز من أجل تلبية حاجة استهلاكية أو استثمارية وفق صيغة تنظيم العلاقة بين أطرافها . فمثلا المقرض عندما يقدم قرضا يقوم بعملية تمويل، كما أن رب المال في المشاركة يقوم بعملية تمويل، والمؤجر عندما يقوم بتأجير منفعة عينه المؤجرة يقوم بعملية تمويل كذلك، فإن أي عملية

يترتب عليها دين في الذمة هي عملية تمويل كالبائع الأجل والسلم والاستصناع والضمان ولكل ما تضمن تعهدا بالدفع. (رزيق: أد.كمال وآخرون، دور أموال الزكاة في تمويل المشروعات الصغيرة والمتوسطة، مجلة الاقتصاد والتنمية البشرية ASJP 7-32) نشر بتاريخ 2012/12/3: ص 13-18. (بتصرف)).

المطلب الأول: عناصر التمويل الإسلامي

تقوم العملية التمويلية على عدد من العناصر وهي:

1- المال: وهو محل العملية التمويلية، وهو في الاقتصاد الإسلامي كل ما جاز الانتفاع به من أعيان ومنافع، وتشمل منفعة الضمان والكفالة، وهو بهذا المعنى لا يختلف عن المال في مفهوم الاقتصاد الوضعي إلا في حصره في المباحات، كما ورد الاختلاف في النظر إلى بعض الأموال، وهي ما تسمى في الفقه الإسلامي الربويات، فنجد أن النظام الاقتصادي الإسلامي ينظر إلى هذه الأموال نظرة خاصة لأن جميع الناس مضطرون إليها في معاشهم دون استثناء، خصوصاً فيما يتعلق بالأثمان والنقود، فحرم فيها الربا لأنه يؤدي إلى الظلم والغبن، الأمر الذي يفسد على الناس حياتهم ومعاشهم، في المقابل نجد الاقتصاد الوضعي لا يفرق بين مال ومال، ففتح باب التبادل على مصراعيه بلا قيد أو شرط ودون اعتبار لمصالح الناس ومعاشهم وما يفسد وما يصلح، فالنقود سلعة كأى سلعة في التبادل يحددها عامل الطلب والعرض. (زكري، أحمد سيف سعد، المشروعات الصغيرة والمتوسطة في ماليزيا دراسة اقتصادية وشرعية (ماجستير عام 2011 الجامعة الإسلامية العالمية، ماليزيا. ص: 25-28) (بتصرف)).

2- المكافأة: وهي ما يستحقه رب المال (الممول) مقابل تخليه عن تلك الأموال ولا شك أن غاية المزكي هي الثواب من الله وتحقيق البركة في المال وهذا ما يميز العملية التمويلية الإسلامية، وينبدر هنا السؤال التالي: بم يستحق رب المال (الممول) المكافأة التي يحصل عليها؟ لقد اتفقت وجهات النظر بين النظام الاقتصادي الإسلامي والنظام الاقتصادي الوضعي في أن رب المال (الممول) يستحق مكافأة على تقديمه ماله في العمليات التمويلية المختلفة، فرب مال المشاركة يستحق ربحاً والباقي بالأجل يستحق الأجرة وهكذا، إلا أن الاختلاف ورد في إجابة السؤال أعلاه، أما الاقتصاد الوضعي فيرى أن الممول يستحق المكافأة مقابل مجرد تخليه عن المال لفترة معينة أو مقابل تأجيل استهلاكه الحالي، وربطوا بين أجل العملية التمويلية والمكافأة وجعلوا هذه العلاقة مدار العملية التمويلية، إلا أن وجهة النظر لدى الاقتصاد الإسلامي تقول إن الممول يستحق المكافأة مقابل المخاطرة (الضمان) وهو ما نص عليه الحديث: "الخراج بالضمان." أن قيمة المكافأة ومقدارها ليس له حدود في كل النظامين الإسلامي والوضعي .

3- الأجل: وهو المدة الزمنية التي تستغرقها العملية التمويلية حتى عودة المال للممول، والسؤال الذي يتبادر للذهن هنا هو: هل هناك علاقة بين الأجل والمكافأة التي يستحقها رب المال (الممول)؟ في الاقتصاد الوضعي نجد أن مدار العملية التمويلية يقوم على العلاقة بين الأجل والمكافأة، ليس في استحقاق الممول للمكافأة فحسب، بل في تحديد مقدار المكافأة وقيمتها أيضاً، ولا شك أن الاقتصاد الإسلامي لا يختلف مع هذا الرأي من حيث المبدأ، فجعل للأجل اعتباراً في التبادل، إلا أنه استثنى ذلك الاعتبار في الربويات، فلا قيمة للأجل حينئذ، لأن الأجل في الربويات يؤدي إلى الربا فضلاً أو نساء.

4- الصيغة: وهي العلاقة التي تحكم وتنظم العملية التمويلية، وينظر فيها إلى اعتبار الغرض والغاية، وبناء عليه يتم تحديد استحقاق المكافأة، هذا في النظام الاقتصادي الإسلامي، فما كان التعاقد فيه على سبيل المعاوضة أو المشاركة استحققت فيه مكافأة، وما كان التعاقد فيه على سبيل التبرع والإرفاق حينئذ لا تستحق فيه مكافأة، أما في النظام الاقتصادي الوضعي فإن العلاقة العقدية لا قيود عليها ولا تحدد مبدأ استحقاق المكافأة من عدمه، فالمكافأة استحققت بمجرد التمويل والتخلي عن الأموال، وعليه فليس للصيغة أثر في تحديد عناصر العملية التمويلية إلا بالقدر الذي يحفظ حقوق أطراف تلك العملية.

المطلب الثاني: خصائص التمويل الإسلامي

من أهم خصائص التمويل الإسلامي التي تميزه عن التمويل الوضعي المبادئ الشرعية والاخلاقية التي يقوم عليها في المصارف والمؤسسات المالية الإسلامية ومنها :

أولاً : تحريم الربا (تحريم القروض والفوائد الربوية).

ثانيا : تحريم المعاملات و الأنشطة المحرمة كبيع الغرر وبيع ما لا تملك وتجارة الخمر والقمار...الخ.

ثالثا: المشاركة الحقيقية في النشاط الاقتصادي حيث أن منتجات المصرفية الإسلامية تقوم على شراء السلع والخدمات وإعادة بيعها (على عملاء المصرف الإسلامي – المرابحة والتفويض) وكذلك المشاركة في المشاريع الاقتصادية كما في نموذج المشاركة والاستصناع..الخ مما يجعل المصرف الإسلامي أو المؤسسة المالية شريك حقيقي في الاقتصاد وتنمية المجتمع. (زكري السابق نفسه : 27-32).

رابعا : المشاركة في تحمل جزء من المخاطر التجارية بحكم مشاركة المؤسسة المالية –المصارف أو دار الزكاة- الحقيقية في النشاط الاقتصادي.

المطلب الثالث: مجالات التمويل الإسلامي

تقوم المؤسسات المالية الإسلامية بالتمويل في عدة مجالات أبرزها: المضاربة –المشاركة أو التمويل التشاركي مثل: تمويل المشروعات الصغيرة والمتوسطة –القرض الحسن – عقود السلم والاستصناع – التكافل الاجتماعي –المشاركة في الصناديق الاستثمارية التجارية منها والعقارية وذلك وفق الضوابط الشرعية التي ذكرناها في الخصائص بالمطلب السابق. حيث تحيط بعملية التمويل الإسلامي مجموعة القيم الأخلاقية الحاكمة. والتي تمثل في حقيقتها مجموعة الضوابط الشرعية للاقتصاد الإسلامي. (زكري السابق نفسه). (وأيضاً راجع رفيع يوسف وبهلول لطيفة، فعالية البديل الشرعي في تمويل عجز الموازنة العامة للدولة –قراءة في التجربة الماليزية ومحاولة الاستفادة منها في الجزائر- مجلة نماء للاقتصاد والتجارة، ع خاص، المجلد رقم 1، أبريل 2018، ص265). طيب الأسماء ،دكتور الإمام بله ،دور الزكاة في تمويل المشروعات الصغيرة والمتوسطة ومحاربة الفقر دراس قياسية على مصنع الملابس بمدينة عطبرة السودان من 2003-2015 بحث منشور بمجلة البحوث الاقتصادية المتقدمة جامعة الشهيد لخضر –الوادي بالجزائر بتاريخ ديسمبر 2018 العدد5 ص :145-162).

المبحث الثاني : دور الزكاة في التمويل الإسلامي بماليزيا

اهتمت ماليزيا بالزكاة اهتماما كبيرا، وتم تأسيس جهاز الزكاة الذي أسمته “بيت المال” سنة 1974، والغرض منه تكوين مؤسسة مالية إسلامية تهدف إلى بناء المجتمع والبحث عن الحلول للمشكلات الاجتماعية من خلال التخفيف من الفقر أو القضاء عليه، ومن الناحية الاقتصادية المساهمة في التخفيف من أعباء الموازنة العامة للدولة والمساهمة في دعمها، من خلال توفير مناصب عمل وتوفير مشاريع استثمارية، إذ أن الدخل التي يحققها الأفراد من جراء مزاوتهم لأعمالهم الجديدة ستزيد من الإنفاق، الشيء الذي يؤدي إلى زيادة الإنتاج، وهذا ما يؤدي إلى الإنعاش في الاقتصاد والحد من الانكماش الاقتصادي. ويتم توزيع الزكاة عن طريق مركز ومؤسسات وتحصيل الزكاة، الذي يقوم بتحصيلها من طرف رجال الأعمال أو من المؤسسات، ويستخدم في ذلك أساليب إحصائية دقيقة ونظم محاسبية متطورة، أما توزيعها فهو موكل لبيت المال تمثل المشروعات الصغيرة والمتوسطة الركيزة الأساسية للتنمية الاقتصادية لأي دولة سواء متقدمة أو نامية، نظراً لأهمية الدور الذي تلعبه في الاقتصاد. ولذلك تشكل ما نسبته 95% من إجمالي المشروعات في العالم، إذ تسهم في تحقيق عدة ميزات اقتصادية منها مكافحة البطالة وتعزيز معدل نمو الناتج المحلي الإجمالي وزيادة حجم الصادرات، وتحسين القوة التنافسية وزيادة النشاط الاقتصادي. وتلعب المشاريع الصغيرة والمتوسطة في مصر دوراً كبيراً في تحقيق التنمية الاقتصادية والاجتماعية. (زكري ،السابق نفسه : 27-32).

الأهمية الاقتصادية للمشروعات الصغيرة والمتوسطة :

- 1- جذب المدخرات وتوجيهها نحو الاستثمار والإنتاج وتخفيض نسب البطالة.
- 2- توفير النقد الأجنبي عن طريق فرص التصدير وإنتاج السلع البديلة.
- 3- توليد القيمة المضافة للمنتجات والثروات الوطنية وإضافة المد لصناعات تحويلية بالمواد الخام.

4- توليد فرص استثمارية أخرى تحتاجها هذه المشروعات. (طيب الأسماء: 147).

وحيث إن المشروعات الصغيرة والمتوسطة إحدى القطاعات الاقتصادية التي تستحوذ على اهتمام كبير من قِبَل دول العالم كافة والمشروعات والهيئات الدولية والإقليمية، والباحثين في ظل التغيرات والتحويلات الاقتصادية العالمية، وذلك بسبب دورها المحوري في الإنتاج والتشغيل وإدارة الدخل والابتكار والتقدم التكنولوجي علاوة على دورها في تحقيق الأهداف الاقتصادية والاجتماعية لجميع الدول. نتكلم في المطلبين القادمين عن دور الزكاة ومؤسساتها المالية في تمويل تلك المشروعات.

المطلب الأول: دور الزكاة في التمويل المالي للمشروعات الصغيرة والمتوسطة.

الفرع الأول: مفهوم المشروع الصغيرة والمتوسطة:

يقصد بالمشروعات الصغيرة أو المتوسطة "كل شركة أو منشأة تمارس نشاطاً اقتصادياً أو إنتاجياً أو خدمياً أو تجارياً ويتراوح رأسمالها المدفوع من 5000 رينجت إلى 1000000 رينجت، وتوظف عدد العمال يبلغ نحو من 5 أفراد إلى 200 فرد، ويقع حجم أعمالها السنوية المبيعات/الإيرادات السنوية) بين 50 ألف رينجت إلى 10 ملايين رينجت. وتساعد الصناعات الصغيرة على سد احتياجات السوق المحلي، كما تساهم في تقليل فاتورة الاستيراد نظراً لدورها في تحسين الإنتاجية وزيادة المعروض من بعض المنتجات في السوق الماليزية. كما إنها تقدم المزيد من فرص العمل وتساهم في تشغيل ملايين الشباب مما يقلل نسبة البطالة، وعلاوة على ذلك، يُمكن لتلك الصناعات أن تُشارك في زيادة الاحتياطي النقدي من خلال تصدير بعض السلع، خاصة المنتجات الحرفية والغذائية.

وتتميز المشروعات والصناعات الصغيرة بقدرتها على توظيف العمالة نصف الماهرة وغير الماهرة، كما تعطي فرصة للتدريب أثناء العمل لرفع القدرات والمهارات، وبالإضافة إلى ذلك، تتخفف نسبة المخاطرة فيها بالمقارنة بالشركات الكبرى، وأخيراً، فإنها تساهم في تحسين الإنتاجية وتوليد وزيادة الدخل. ويمكن لأموال الزكاة توفير التمويل اللازم للمشروعات الصغيرة من خلال محورين: الأول: تخصيص رؤوس الأموال اللازمة للتمويل.

الثاني: إنشاء جهاز تنمية المشروعات المتوسطة والصغيرة ومتناهية الصغر عبر مراكز مالية داخلية أو الإشراف المباشر بالتعاون مع المراكز المتخصصة خارجها.

الفرع الثاني: استثمار أموال الصندوق عن طريق صيغ التمويل :

تقوم فكرة استثمار أموال صندوق الزكاة على توجيه ما فاض من أموال الصندوق التي تم توزيعها على المستحقين لها أو نسبة محددة من أموال الصندوق للاستثمار بإحدى الصيغ التمويلية الربحية (إجارة، مشاركة، مضاربة..) أو غير الربحية) من خلال آلية القرض الحسن) إذ ترتبط صيغ التمويل بالإنتاج الحقيقي الذي يضيف شيئاً جديداً إلى المجتمع، إذ أن التمويل الإسلامي يقدم على أساس مشروع استثماري تمت دراسته ودراسة جدواه ونتائجه المتوقعة، وهناك عدة صيغ تمويل يمكن توظيفها لاستثمار أموال صندوق الزكاة، منها:

أولاً: الإجارة: الإجارة نوعان إجارة تشغيلية وإجارة منتهية بالتمليك وكلتاهما يمكن توظيفهما لاستثمار أموال صندوق الزكاة وفق الشكل التالي: (الإجارة في اللغة: هي الأجر على العمل وتستعمل على العقد الذي يرد على المنافع بعوض. ابن منظور، لسان العرب، ج الرابع، ص 10 واصطلاحاً: بيع منفعة معلومة بعوض معلوم إلى أجل معلوم-الدردير أبو البركات سيدي أحمد، الشرح الكبير، دار الفكر، بيروت، دون ذكر الطبعة والسنة، الجزء الرابع، ص 67. راجع: الراشدي، فاطمة الزهراء، دور صندوق الزكاة في معالجة أزمة كورونا بحث منشور بموقع مجلة القانون والأعمال الدولية فاس المغرب).

الإجارة التشغيلية: بموجب هذه الصيغة يؤجر صندوق الزكاة للمتمول شخص طبيعي، أو معنوي (مقاولات، المؤسسات الصغيرة أو المتوسطة (منقولا أو عقارا محددًا وفي ملكيته مسبقاً، أو تم اقتناؤه بناء على المواصفات التي يقدمها المتمول، لمدة معينة يحددها العقد، مقابل أجره محددة متفق عليها، ويظل الأصل في ملكية الصندوق طيلة فترة الإجارة، وتكون الملكية المادية للأصل وحق الاستعمال للمستأجر (الشباب المستثمر الفقير (وبعد انتهاء مدة الإجارة تنتقل هذه الحقوق للصندوق). (صيام، دكتور أحمد زكريا، دور الزكاة في صناعة تمويل المشروعات

الصغيرة ASJP بتاريخ 2012/6/30، ص 95-110. فراج نور الهدى ويعقوب آسيا، دور صندوق الزكاة في تمويل المشاريع الاستثمارية - دراسة حالة صندوق الزكاة بولاية البويرة، م س، ص 160، بتصرف.)

الإجارة المنتهية بالتملك: ويمكن تطبيق هذه الصيغة من قبل صندوق الزكاة، عن طريق تملك مؤسسة الزكاة لأصول معينة، قد تكون منقولات أو عقارات، ثم تقوم بتأجيرها للمتمول لفترة زمنية محددة مع بقاء الملكية للصندوق طيلة هته الفترة، وذلك مقابل أقساط دورية متفق عليها، وتكون هذه الأقساط من عائد الأصل الممول، على أن تنتقل ملكية الأصل المستأجر إلى المتمول في نهاية فترة الإجارة تلقائياً أو مقابل مبلغ متفق عليه، ويفضل هذا النوع من التمويل خاصة وأنه مرتبط بمبدأ التملك. (علاش أحمد وقراطمية زهية، تجربة صندوق الزكاة الجزائري في تمويل المشروعات الصغيرة - دراسة حالة صندوق الزكاة لولاية البليلة، المؤتمر العلمي الدولي الثاني حول دور التمويل الإسلامي غير الربحي (الزكاة والوقف) في تحقيق التنمية المستدامة، يومي 20-21 ماي 2013، مخبر التنمية الاقتصادية والبشرية، جامعة سعد دحلب بالبليلة، الجزائر، ص 10، بتصرف.)

ثانياً: المشاركة : المشاركة أحد الشكليات التاليين:

المشاركة الثابتة: يبقى الأطراف شركاء إلى حين انقضاء العقد الرابط بينهم. المشاركة المتناقصة: ينسحب بيت المال تدريجياً من المشروع وفق بنود العقد (المشاركة في اللغة: هي على وزن مفاعلة من الشركة، وتطلق على الاختلاط، أي خلط أحد المالكين بالآخر بحيث لا يمتازان عن بعضهما، ثم اطلقت عند الجمهور على العقد الخاص بها، لكون العقد سبب الخلط. واصطلاحاً فهي اشتراك بين طرفين أو أكثر لتمويل عملية، صفقة أو مشروع معين، إما مشاركة في رأس المال، أو مشاركة في المال والعمل، وتوزع الأرباح والخسائر بينهم حسب الاتفاق. أنظر: عبلة لمسلم، الدور الاقتصادي للمشاركة المصرفية - دراسة مقارنة، مذكرة لنيل شهادة الماجستير في العلوم الاقتصادية، جامعة منتوري قسنطينة، س ج 2006/2005، ص 15). .. من خلال هذين النوعين يمكن توظيف المشاركة لاستثمار أموال صندوق الزكاة، حيث يشترك بموجبه الصندوق مع المتمول الفقير بتقديم المال اللازم لمشروع ما أو عملية ما، على أن يتم توزيع عوائد الاستثمار بينهما حسب الاتفاق، ويصلح هذا الأسلوب لتمويل للعديد من المشاريع، كمشاريع الحرفيين الذين لا يملكون سوى محلاتهم مثل من يملك ورشة معينة لكنها يفتقرها للتجهيز، فيشارك مع الصندوق على أن يكون المال من صندوق الزكاة، والمحل من الحرفي المستحق للتمويل فضلاً عن مهنته وخبرته أو شهادته، وذلك وفق أحد الشكليات:

المشاركة الدائمة: يقوم صندوق الزكاة وفق هذه الصيغة بالمساهمة في رأس المال لأحد المشاريع الإنتاجية أو الخدمية، مما يترتب عليه أن يكون الصندوق شريكاً في ملكية المشروع ومن ثم في إدارته والإشراف عليه، فيستحق بذلك كل واحد من الشركاء نصيبه من الأرباح المحققة بحسب النسبة المتفق عليها، أما في حالة الخسارة فيتم تحملها كل حسب مساهمته في رأس المال (علاش أحمد وقراطمية زهية، تجربة صندوق الزكاة الجزائري في تمويل المشروعات الصغيرة - دراسة حالة صندوق الزكاة لولاية البليلة، م س، ص 9، بتصرف) .. وتقوم هذه المشاركة مادام المشروع قائم (فراج نور الهدى ويعقوب آسيا، دور صندوق الزكاة في تمويل المشاريع الاستثمارية - دراسة حالة صندوق الزكاة بولاية البويرة، م س، ص 161).

المشاركة المتناقصة: بموجب هذه الصيغة يساهم صندوق الزكاة في رأس مال المشروع مع المتمول الفقير، حيث يحصل كل منهما على نسبة من الربح المتفق عليها (فراج نور الهدى ويعقوب آسيا، السابق نفسه)، ويتحمل الخسائر حالة تحققها كل حسب حصته في الرأس مال، على أن يتنازل الصندوق عن حصته في المشروع أو الشركة إما دفعة واحدة أو على دفعات بحسب الشروط المتفق عليها وطبيعة العملية التمويلية لفائدة المتمول (علاش أحمد وقراطمية زهية، السابق نفسه، ص 9، بتصرف). وبذلك يخول هذا النوع من المشاركة للمتمول المستحق فرصة الاستئثار بملكية المشروع من خلال امتلاك حصة صندوق الزكاة فيه. وتعتبر هذه الطريقة حافزاً للمتمول الفقير الذي يتولى إدارة المشروع حتى يبذل كافة الجهود لإنجاحه وإنهاء المشاركة، وهي الطريقة المحبذة من طرف إدارة التسيير أيضاً لأنها تنتهي بالتملك (مسدور فارس ومحمد هشام، دور الهندسة المالية في تطوير أساليب استثمار أموال الزكاة في الجزائر - دراسة حالة القروض الحسنة المقدمة من طرف صندوق الزكاة في الجزائر، بحث مقدم إلى المؤتمر الدولي لمنتجات وتطبيقات الابتكار والهندسة المالية الإسلامية بين الصناعة المالية التقليدية والصناعة المالية الإسلامية، يومي 5 و6 رجب 1435 هـ / 5 و6 ماي 2014 م، ص 20).

ثالثاً: المضاربة : كل عقد يربط بين بنك أو عدة بنوك تشاركية (رب المال) تقدم بموجبه رأس المال نقداً أو عيناً أو هما معاً، ومقاول أو عدة مقاولين (مضارب) يقدمون عملهم قصد إنجاز مشروع معين. ويتحمل المقاول أو المقاولون المسؤولية الكاملة في تدبير المشروع. يتم اقتسام الأرباح المحققة باتفاق بين الأطراف ويتحمل رب المال وحده الخسائر إلا في حالات الإهمال أو سوء التدبير أو الغش أو مخالفة شروط العقد من طرف المضارب (المضاربة لغة: مأخوذة من الضرب في الأرض وهو السير فيها للسفر من أجل التجارة وابتغاء الرزق، كقوله تعالى: {وآخرون يضربون في الأرض يبتغون من فضل الله} سورة المزمل، الآية 20. واصطلاحاً: المضاربة اتفاق بين طرفين يبذل أحدهما ماله ويبذل الآخر جهده ونشاطه في الاتجار والعمل بهذا المال على أن يكون ربح ذلك فيما بينهما حسب ما يشترطان، وإذا لم تريح الشركة لم يكن لصاحب المال غير رأسماله وضاع على المضارب كده وجهده -محمود حسين صوان، أساسيات العمل المصرفي الإسلامي: دراسة مصرفية تحليلية مع ملحق الفتاوى الشرعية، دار وائل للنشر، عمان، 2001، ص 135).

يمكن توظيف صيغة المضاربة لاستثمار أموال صندوق الزكاة لمعالجة أزمة كورونا، أكثر من غيرها من الصيغ لأنها تتناسب مع الإمكانيات المنعدمة للفقراء والمساكين والذين لهم مؤهلات مهنية، حرفية، أو علمية، أو أفكار، الذين ليس لهم المال أو الذين فقدوا وظائفهم جراء أزمة كورونا. إذ يمكن لصندوق الزكاة تمويل أصحاب الشواهد من خريجي الجامعات والمعاهد، وحاملي الشهادات المتخصصة في: الطب، البيطرة، الهندسة المعمارية، الإلكترونيك والإعلام الآلي، الاستشارة القانونية، التحكيم.. وقد يكون المضارب من أصحاب شهادات التكوين المهني في: الخياطة، الحدادة، النجارة، الترخيص.. حيث تكون لهم الخبرة والفكرة وينقصهم التمويل. (مسدور فارس ومحمد هشام، السابق ماي 2014م، ص 20).

وبذلك يقدم صندوق الزكاة بصفته رب المال، الرأس مال اللازم للمشروع، على أن يقدم المضارب المتمول خبرته وجهده ووقته لاستثمار هذا المال، ويتم اقتسام الأرباح المحققة حسب الاتفاق، أما الخسائر فيتحملها كل حسب مساهمته، حيث يتحمل المضارب المتمول خسارة الجهد والوقت، ويتحمل صندوق الزكاة الخسارة المالية وحده مالم تنتج عن تعد أو تقصير من المضارب المتمول. ويمكن أن تكون المضاربة مقيدة كأن يشترط صندوق الزكاة على المضارب توظيف عدد معين من الأشخاص، وتأخذ المضاربة إحدى الصورتين:

مضاربة دائمة: هي التي يقدم بموجبها صندوق الزكاة، الرأس مال اللازم للمشروع، على أن يقدم المضارب المتمول خبرته وجهده ووقته لاستثمار هذا المال، ويتم اقتسام الأرباح المحققة حسب الاتفاق، ويتم تحمل الخسائر كل حسب مساهمته، وتستمر باستمرار المشروع.

مضاربة منتهية بالتمليك: هي التي يقدم بمقتضاها صندوق الزكاة، الرأس مال اللازم للمشروع، على أن يقدم المضارب المتمول خبرته وجهده ووقته لاستثمار هذا المال، ويتم اقتسام الأرباح المحققة حسب الاتفاق، ويتم تحمل الخسائر كل حسب مساهمته، على أن تؤول ملكية المشروع عند انتهاء مدة المضاربة إلى المضارب المتمول، مقابل تنازله عن جزء من أرباحه لصالح صندوق الزكاة بغية شراء نصيبه تدريجياً، وبذلك يستأثر المضارب بملكية المشروع بعد أن كان لا يملك إلا جهده (القرض الحسن: القرض لغة القطع، ويسمى السلف، كأن الإنسان يقطع قطعة من ماله المتسلف، والقرض ما قدمته لغيرك من إحسان. وشرعاً: دفع مال لآخر على وجه القربة لينتفع به، ثم يخير في رده بعينه أو رد مثله. الصادق عبد الرحمان الغرياني، أحكام المعاملات المالية في الفقه الإسلامي، الجامعة المفتوحة، طرابلس، الطبعة الأولى، 2002، ص 143).

رابعاً: القرض الحسن: يمكن توظيف آلية القرض الحسن لاستثمار أموال صندوق الزكاة، حيث يقوم الصندوق بمقتضاها بتخصيص قسط من أمواله للتمويل المستحقين في شكل قروض حسنة بدون فائدة، في إطار التمويل غير الربحي، ويلتزمون بردها عند نهاية المدة المتفق عليها لتكون عبارة عن وقف يستغل كأداة للاستثمار والتنمية باستمرار (برتيمة عبد الوهاب، تجربة الجزائر في التمويل غير الربحي: الزكاة والأوقاف، بحث مقدم إلى المؤتمر الدولي منتجات وتطبيقات الابتكار والهندسة المالية الإسلامية بين الصناعة المالية التقليدية والصناعة المالية الإسلامية، يومي 5 و6 رجب 1435هـ/ 6 و5 ماي 2014م، ص 20).. إذ سيكون القرض الحسن إذا ما تم توظيفه من خلال صناديق الزكاة

آلية للموازنة بين تحقيق الرفاه الاقتصادي وبين التنمية والتكافل الاجتماعيين، من خلال إقامة المشاريع ورفع مستوى التوظيف لاسيما في صفوف العاطلين من الشباب حاملي الشواهد. كما يمكن اللجوء لهذه الآلية لتوسيع وتطوير المشاريع القائمة التي تستهدف تشغيل الشباب عن طريق صندوق الزكاة بدل اللجوء إلى القرض بفائدة (فراج نور الهدى ويعقوب آسيا (2018)، دور صندوق الزكاة في تمويل المشاريع الاستثمارية - دراسة حالة صندوق الزكاة بولاية البويرة، م س، ص 166، بتصرف. عبد الحكيم الملياني و دلال سانة، تقييم دور الزكاة في تنويع الاستثمارات الاقتصادية - دراسة الحالة: تقييم أداء صندوق الزكاة لولاية برج بوعرييج - مجلة الاقتصاديات المالية البنكية وإدارة الأعمال، جامعة بسكرة، العدد 06/ مارس 2018م، ص 37 - مسدور فارس ومحمد هشام، دور الهندسة المالية في تطوير أساليب استثمار أموال الزكاة في الجزائر - دراسة حالة القروض الحسنة المقدمة من طرف صندوق الزكاة في الجزائر، م س، ص 9)...

المطلب الثاني : دور الزكاة في الدعم الفني وورش العمل للمشروعات الصغيرة والمتوسطة.

إلى جانب التوعية بأنواع المشروعات وطرق إدارتها وتطوير إنتاجيتها من خلال ورش عمل تثقيفية وتدريبية هناك العديد من التجارب والنماذج الدولية التي يمكن محاكاتها فقد نجحت العديد من الدول في الاستفادة من مزايا المشروعات الصغيرة والمتوسطة عن طريق تبنيها لهذا القطاع على المستوى القومي، باعتباره إحدى وسائل التنمية الاقتصادية، ووصل الاهتمام بهذا النوع من المشاريع في بعض الدول إلى الحد الذي تم فيه تشكيل وزارات خاصة بالمشاريع الصغيرة والمتوسطة. وفيما يلي تستعرض بعض التجارب الدولية الناجحة لمجموعة (الأيسان):

تجربة اليابان:

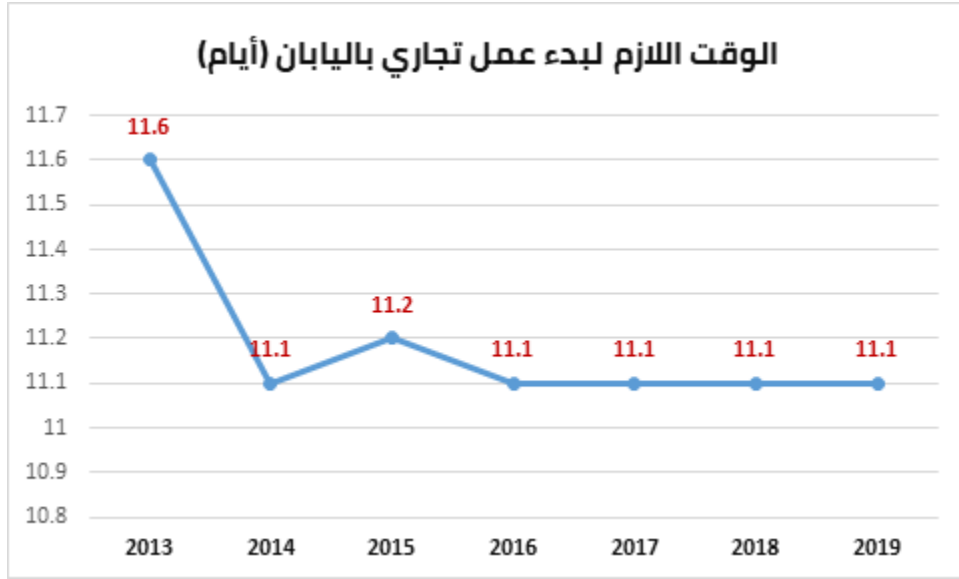
التجربة اليابانية في مجال إقامة المشروعات الصغيرة والمتوسطة نموذج يحتذى به كونها من أغنى التجارب العالمية في هذا المجال، وأقدمها حيث بدأت عام 1963 بوضع "القانون الأساسي للمشاريع الصغيرة والمتوسطة"، ثم وضعت الحكومة اليابانية تعريفاً واضحاً ومحدداً للمشاريع الصغيرة والمتوسطة، ثم توالى الإجراءات الحكومية التي هدفت إلى دعم هذا القطاع، ومنها: منح المشروعات الصغيرة والمتوسطة إعفاءات من الضرائب والرسوم، وتوفير المساعدات الفنية والتمويلية والإدارية والتسويقية لها، والسماح لها بالحصول على قروض بدون فوائد أو ضمانات لحمايتها من الإفلاس. وكان عام 1999 فارقاً بالنسبة لقطاع المشروعات الصغيرة والمتوسطة عندما تم إنشاء "الهيئة اليابانية للمشاريع الصغيرة والمتوسطة" كهيئة تنفيذية تهدف إلى توفير المساعدات الفنية والتمويلية والإدارية والتسويقية للمشاريع الصغيرة والمتوسطة عبر :

- إنشاء بعض المؤسسات التمويلية لتوفير التمويل والدعم اللازم للمشاريع الصغيرة .
- إلزام الشركات التي تحصل على مناقصات حكومية أن يكون نصيب الشركات الصغيرة والمتوسطة منها لا يقل عن 30% من قيمة المناقصة.
- تسهيل الحصول على قروض بنكية بشروط ميسرة وإيجاد نظام ضمان القروض الممولة للمشاريع الصغيرة.
- الإعفاء من ضريبة الدخل لفترات محددة وتوفير نظام ضريبي يشجع على الاستثمار في إدخال التكنولوجيا في المشاريع الصغيرة، ونظام ضريبي آخر يشجع على إقامة المشاريع الصغيرة في المناطق النائية.
- التأمين على المشاريع الصغيرة خوفاً من مخاطر الإفلاس.
- إعداد برامج تدريبية إدارية وفنية خاصة بالمشاريع الصغيرة والمتوسطة.
- إقامة المعارض الدولية لتسويق منتجات المشاريع الصغيرة.

إلزام جميع المنظمات الحكومية وشبه الحكومية بإتاحة الفرصة للمشاريع الصغيرة للحصول على العقود الحكومية. (جمال، بسنت وآخرون مقالة بعنوان (المشروعات الصغيرة والمتوسطة.. الأهمية الاقتصادية والتجارب الدولية)، كتب: بسنت

جمال - هبة زين - ماري ماهر. المرصد المصري. نت رابط <https://marsad.ecsstudies.com/45281>

(وقد ساهمت تلك الإجراءات في تسهيل إقامة المشاريع الصغيرة والمتوسطة، حيث قلصت الوقت اللازم لإنشائها إلى أيام قليلة، وهو ما يتضح من خلال الشكل:



كما أدت تلك السياسة إلى بلوغ إجمالي عدد المشروعات الصغيرة والمتوسطة في اليابان 99% من إجمالي عدد المشروعات، و99.5% من إجمالي المشروعات الصناعية، بما يوفر فرص عمل لـ 80% من العاملين في مجال الأنشطة المختلفة و74% للعاملين في مجال التصنيع. فضلاً عن اعتماد المشاريع الكبرى على إنتاج المشاريع الصغيرة بدلاً من استيرادها من الخارج، بل واتجهت بعض الصناعات الكبيرة إلى أسناد إنتاج الكثير من مكونات التصنيع إلى مصانع صغيرة أكثر تخصصاً، بما يحقق لها وفرة في تكاليف الإنتاج، بلغت نسبتها 91% في صناعة المنسوجات والملابس الجاهزة و85% في صناعة السيارات و88% في صناعة الآلات و87% في صناعة الأدوات الكهربائية.

ومن الجدير بالذكر أن المشروعات الصغيرة والمتوسطة في اليابان تتمثل في صناعات التعدين والنقل والإنشاءات والمشروعات التجارية والخدمية المتمثلة في تجارة الجملة والتجزئة.

تجربة كوريا الجنوبية:

بدأ الاهتمام بالصناعات الصغيرة والمتوسطة منذ الستينيات ضمن خطة التنمية الاقتصادية الخمسية الأولى عام 1962 والتي كان أهم ما يميزها هو ارتباطها بتنمية المشاريع الصغيرة والمتوسطة من خلال إنشاء بنك متخصص للصناعات الصغيرة والمتوسطة يهدف لتقديم قروض وتسهيلات ائتمانية لها وخدمات استشارية في الأعمال الإدارية والفنية.

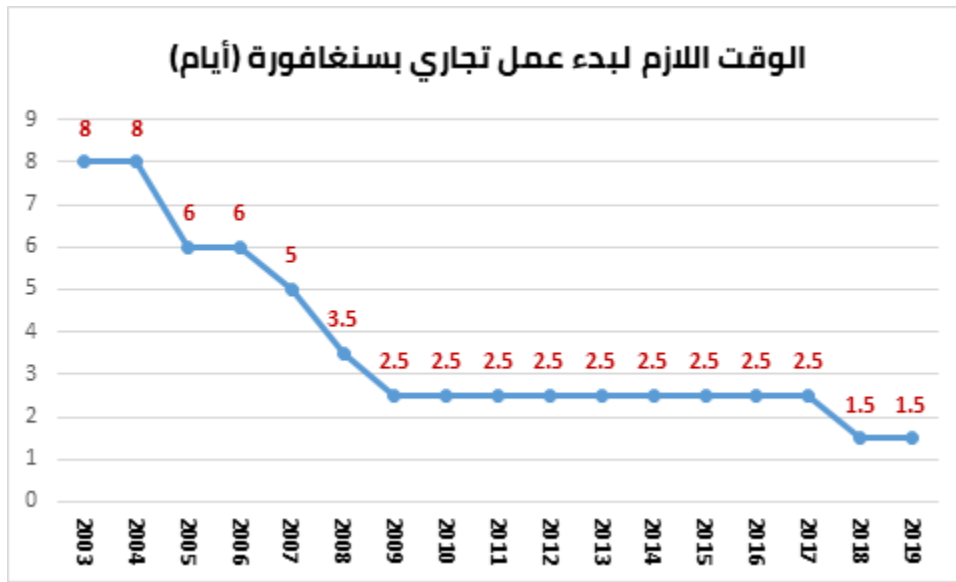
وفي السبعينيات ومع التحول إلى الصناعات الثقيلة والكيماوية ظهرت الحاجة إلى وجود صناعات مساندة قوية، لذا كثفت الحكومة جهودها لدعم المشروعات الصغيرة عبر:

- تقديم إعفاءات ضريبية وقروض بمعدلات فوائد مميزة وتخفيضات ضريبية للسنوات الأولى من عمر المشروع.
- إنشاء هيئة تشجيع الصناعات الصغيرة والمتوسطة عام 1978 توفر برامج متنوعة لهذا القطاع مثل المساعدة المالية وخدمات في الإدارة والتسويق والمعلومات وخدمات التدريب، كما تساعد الحكومة في وضع السياسات الاقتصادية المرتبطة بتنمية المشاريع الصغيرة والمتوسطة، وإنشاء مدن صناعية، وتوجيه الصناعات الصغيرة نحو التصدير.
- سن قانون تشجيع التعاقد من الباطن مع المشاريع الصغيرة عام 1975، والذي سمح للمشروعات الصغيرة بتزويد الشركات الكبيرة بنحو 60% من احتياجاتها من الأجزاء والمكونات اللازمة لصناعاتها.
- سن قانون يشجع شراء منتجات المشاريع الصغيرة والمتوسطة عام 1981، من خلال الشراء الحكومي لمنتجاتها.
- تقديم برنامج دعم للمشاريع الصغيرة والمتوسطة عام 1983 يتم بموجبه اختيار 1000 من المشاريع الواعدة كل عام وتقديم لها مختلف الحوافز والتسهيلات.

- وضع برنامج لتشجيع تصدير منتجات المشاريع الصغيرة والمتوسطة، عبر إقامة مراكز دعم للتصدير وإنشاء الوكالة الكورية لتشجيع التجارة والاستثمار.
- تمويل المشاريع الصغيرة والمتوسطة لتطوير تكنولوجيا جديدة. وعلى صعيد الحوافر المالية والضريبية، أنشأت الحكومة الصندوق المالي لضمان القروض عام 1976، وقدمت إعفاءً أو تخفيضاً ضريبياً للمشاريع الصغيرة والمتوسطة الجديدة التي تقام خارج المدن وفي المناطق الريفية، وتخفيض قيمة ضريبة الدخل بنسبة 50% في نهاية السنة الأولى من إقامة المنشأة ولمدة 5 سنوات. وقد أدى ذلك إلى أن أصبح الاقتصاد الكوري الجنوبي يعتمد بشكل كبير على المشروعات الصغيرة والمتوسطة، حيث تشكل 99.8% من إجمالي المشاريع العاملة في كافة القطاعات الاقتصادية بنحو 3 مليون منشأة توظف أكثر من 85% من القوة العاملة.

تجربة سنغافورة:

تستحوذ المشروعات الصغيرة والمتوسطة على 99% من هيكل الاقتصاد السنغافوري وتلعب دورًا كبيرًا لدعم وسد احتياجات المشاريع الكبيرة، حيث أولت الحكومة اهتمامًا كبيرًا بهذا القطاع ومن ذلك إنشاء قسم لتنشيط التجارة والصادرات تابع لها كانت مهمته مساعدة المصدرين وتقديم الدراسات عن الأسواق الدولية، كما يقوم بتنظيم المؤتمرات ووضع وتنظيم برامج تدريبية عن التجارة والأسواق الدولية واحتياجاتها. وتقليل المدة الزمنية اللازمة لإنشاء مشروع تجاري ما جعلها من أقل الدول في العالم من حيث الوقت اللازم لإنهاء إجراءات بدء عمل تجاري جديد، وهو ما يتضح من الشكل التالي:



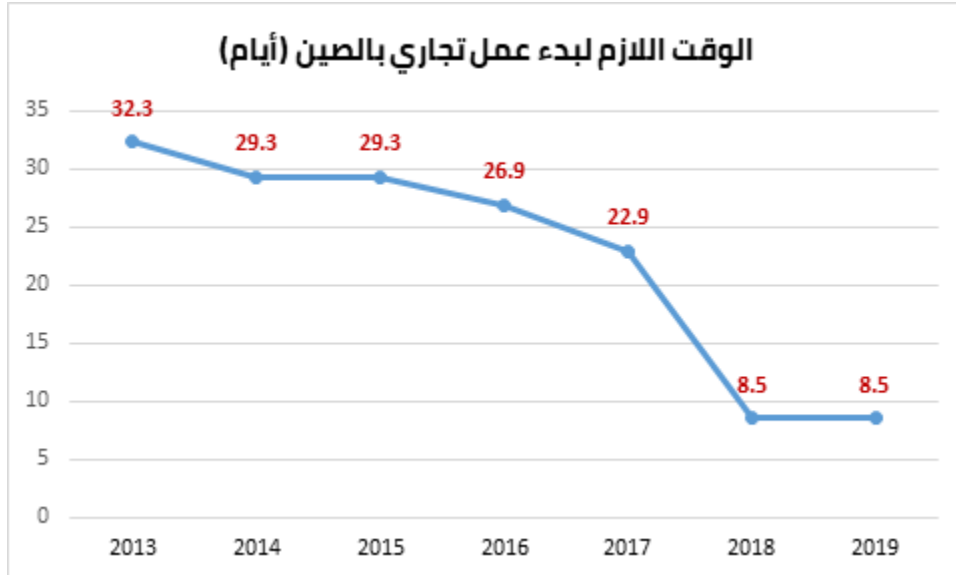
كذلك، يقوم بنك التنمية السنغافوري بتوفير المساعدات المالية للمشاريع الصغيرة والمتوسطة بسعر فائدة ثابت وأقل من الأسعار التجارية وانضم إليه بعد ذلك عدد كبير من البنوك الأخرى.

تجربة الصين :

شهدت المشاريع الصغيرة والمتوسطة في الصين خلال العقود الثلاثة الماضية عدة تحولات، من مرحلة الإهمال وغياب الدعم الحكومي إلى مرحلة لعب الدور التكاملي للاقتصاد فمرحلة العنصر المهم والرئيسي في الاقتصاد، بحيث أصبحت محركًا أساسيًا لنمو الاقتصاد الصيني، وتحول كل منزل إلى ورشة صغيرة. وقد قدمت الحكومة الصينية دعمًا كبيرًا لأصحاب هذه المشاريع من خلال:

- الفصل بين هيئة مكافحة التهرب الضريبي ومنافذ التجارة والتصدير والبنوك مما مكن ملايين الأشخاص من إنشاء شركات وورش صناعية بسيطة ضمن منازلهم ودون تراخيص ورأسمال فردي.

- تأمين عشرات مواقع التسويق المحلية والعالمية وبمستويات محترفة وتمكين المشاريع الصغيرة والأشخاص (حتى من لا يملك أي ترخيص) من التسجيل المجاني بها.
 - إزالة أي عائق أمام عمليات التصدير وتشجيع شركات الشحن بكافة اختصاصاتها من التواجد في السوق الصينية.
 - توفير مواقع البحث والإحصاء التي تقدم دراسات كافية ومجانية في هذا المجال.
 - توفير دورات ومراجع لتقوية من يرغب باللغة الإنجليزية وتقديم دورات احترافية وبأسعار رمزية لتدريب الصينيين على أصول التعامل مع الغريب والتعامل مع الشركات.
 - تقديم عائدات المرتجع الضريبي للمصانع والشركات المسجلة.
 - يمكن لأي مواطن صيني استيراد مواد أولية لإجراء التجارب دون أي ضرائب .
 - يمكن لأي مواطن صيني إيجاد ممول لمشروعه من خلال عرض فكرته الناجحة على البنوك المختصة.
 - تقوم الشركات المتخصصة بدراسة المشروع ورسم أفضل خطة بحيث تجنب صاحب المشروع من المطبات والمشاكل المحتملة.
- كما اتخذت الصين سياسة جاذبة للاستثمار والتشجيع على بدء مزيد من المشروعات من خلال تقليل الوقت اللازم لبدء أعمال تجارية جديدة فقد قلصت المدة من حوالي 32 يومًا عام 2013 إلى ثمانية أيام فقط في 2019، وهو ما يتضح من الشكل التالي:



هذا، وقد شكلت الطفرة التكنولوجية دفعةً كبيرًا لهذه المشاريع فـ 80% من المنتجات الجديدة في الصين تصدر من مشاريع صغيرة أو متوسطة، وفي مجال الاختراعات تسيطر هذه المشاريع على 65% من براءات الاختراعات. وهكذا أصبح قطاع المشاريع الصغيرة والمتوسطة يساهم بـ 59% من الدخل القومي، وهي نسبة كبيرة مقارنة بالدول المجاورة كاليابان والهند، كما تسهم أيضًا هذه المشاريع بـ 50% من مداخل الضرائب، وتشارك بنسبة 60% من الإنتاج الصناعي، وتشكل نسبة 68% من مجموع التجارة الخارجية للصين، وتستقطب 75% من العمالة في المناطق الحضرية.

الخاتمة: نتائج البحث والتوصيات.

في خاتمة البحث -نسأل الله تعالى حسن الخاتمة- توصل البحث إلى عدة نتائج أبرزها:

أولاً: أن للزكاة دوراً كبيراً في عملية التمويل الإسلامي وما يترتب من أثر بالغ الأهمية في معالجة الركود الاقتصادي: خاصة في ظل وباء كوفيد-19.

ثانياً: يقصد بالتمويل بالمفهوم العام: تقديم المال، ويقوم على علاقة تعاقدية بين طرفين أحدهما يملك فائضاً في رصيده من الأموال والأخر يعاني عجزاً، وعليه فجوهر العملية التمويلية هو تحويل المال من حيث الفائض إلى حيث العجز من أجل تلبية حاجة استهلاكية أو استثمارية.

ثالثاً: من أهم خصائص التمويل الإسلامي التي تميزه عن التمويل الوضعي المبادئ الشرعية والاخلاقية التي يقوم عليها. فلا مكان للربا أو الغبن أو الضرر بله التكافل والتضامن.

رابعاً: أن مجالات التمويل في المؤسسات المالية الإسلامية أبرزها: الإجارة- المضاربة- المشاركة أو التمويل التشاركي مثل: تمويل المشروعات الصغيرة والمتوسطة - والقرض الحسن - عقود السلم والاستصناع - التكافل الاجتماعي - المشاركة في الصناديق الاستثمارية التجارية منها والعقارية وذلك وفق الضوابط الشرعية.

خامساً: أن دور الزكاة في الدعم المالي للمشروعات الصغيرة والمتوسطة يمكن أن تقدم الدعم الفني وورش العمل للمشروعات الصغيرة والمتوسطة إلى جانب التوعية بأنواع المشروعات وطرق إدارتها من خلال ورش عمل تثقيفية وتدريبية هناك العديد من التجارب والنماذج الدولية.

التوصيات: توصي الدراسة بمراعاة المؤسسات المالية لأحوال الناس في ظل وباء كوفيد-19 خاصة أصحاب المشروعات الصغيرة والمتوسطة التي تضررت من الأزمة المالية وحالات الإغلاق بما ليزيا. كما توصي الدراسة بتبادل الخبرات بين المؤسسات المالية المعنية بتطوير وتمويل المشروعات الصغيرة والمتوسطة.. والله الموفق

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16-راجع : تعدد التعريفات الخاصة بالتمويل: مدونة اقتصاديات التعليم رابط :

<https://www.manhal.net/art/s/17637>

<https://www.almsal.com/post/562108>

<https://www.droitentreprise.com/19675/>

<https://marsad.ecsstudies.com/45281/>

المعرفة التكنولوجية والمعرفة التربوية ومعرفة المحتوى (TPACK) لدى محاضري الكلية الإسلامية التكنولوجية العالمية بينانج

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ملخص البحث

التي قدمها ميشرا وكوهلر (2006) لدى (TPACK) تهدف هذه الدراسة إلى مراجعة المعرفة التكنولوجية التربوية للمحتوى محاضري الكلية الإسلامية التكنولوجية العالمية بينانج من جوانب المعرفة التكنولوجية والمعرفة التربوية ومعرفة المحتوى في عمليتي التعليم والتعلم. تستخدم هذه الدراسة الوصفية المقطعية مجموعة من الاستبيانات التي طورتها زهرة حسيني وأناند كمال تشير نتائج هذه الدراسة مهمة لتحديد النوع المناسب من الدورات وورش SPSS. وتم تحليل النتائج باستخدام برنامج (2012) في المستقبل بما يتماشى مع أهداف الحكومة TPACK العمل والدورات التدريبية الاحترافية للمحاضرين في إتقان المهارات و في خطة تطوير التعليم الماليزية التي تساعد على تحصيل الطلاب، وكسب الرضا في القيام بالواجبات والتطوير المهني المستمر.

الكلمات المفتاحية: المعرفة التكنولوجية ، المعرفة التربوية ، معرفة المحتوى ومعرفة المحتوى التربوي التكنولوجي

Abstract

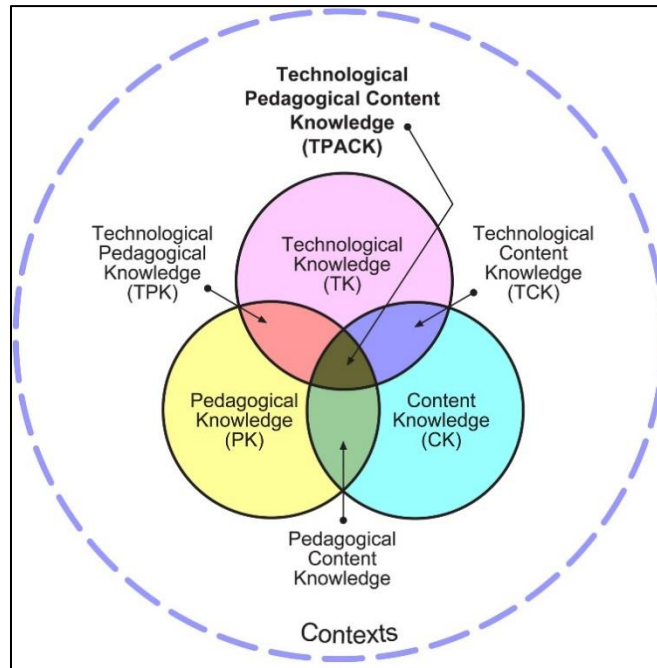
This study aims to review the technological educational knowledge of content (TPACK) presented by Mishra and Kohler (2006) among the lecturers of the International Islamic Technology College Penang from the aspects of technological knowledge, educational knowledge and content knowledge in the teaching and learning processes. This cross-sectional descriptive study uses a set of questionnaires developed by Zahra Hosseini and Anand Kamal (2012) and the results were analyzed using SPSS software. The results of this study are important to determine the appropriate type of courses, workshops and professional training courses for lecturers in mastering skills and TPACK in the future in line with the objectives of the government in the Malaysian Education Development Plan that helps student achievement, gain satisfaction in carrying out duties and continuing professional development.

Keywords: Technological Knowledge, Educational Knowledge, Content Knowledge and Technological Educational Content Knowledge

المقدمة

أحد الأطر⁷⁷ (Mishra & Koehler) التي اقترحها ميشرا وكوهلر ، (TPACK) تعد معرفة المحتوى التربوي التكنولوجي المهمة التي تم تطويرها لتحقيق كفاءات المعلمين في استخدام التكنولوجيا في الفصول الدراسية وكذلك وصف معارف المعلمين المطلوبة للاستخدامات الذكية لتقنية التربية.

يرتكز هذا الإطار على فكرة دمج تكنولوجيا المعلومات والاتصالات في علم أصول التدريس ، يحتاج المعلمون إلى الجمع بين (Pedagogical Knowledge) والمعرفة التربوية (Technological Knowledge) ثلاثة مصادر معرفية: المعرفة التكنولوجية (Content Knowledge) (Technological Pedagogical Knowledge) ، (Technological Pedagogical Knowledge) ، (Pedagogical Content Knowledge) ومعرفة المحتوى والتربوي ، (Technological Content Knowledge) ، (Technological Pedagogical and Content Knowledge) ومعرفة المحتوى التربوي التكنولوجي ، (Technological Pedagogical and Content Knowledge).



الصورة (1): مكونات المعرفة التكنولوجية والمعرفة التربوية ومعرفة المحتوى

لفهم المزيد حول كل من قواعد المعرفة الخاصة بـ TPACK ، يتم ذكر تعريفات مكوناته على النحو التالي:

الجدول (1): بيانات كل مكونات المعرفة التكنولوجية والمعرفة التربوية ومعرفة المحتوى

¹ Koehler, M. J., Mishra, P., Akcaoglu, M., & Rosenberg, J. M. (2013). The technological pedagogical content knowledge framework for teachers and teacher educators. *ICT integrated teacher education: A resource book*, 2-7.

المعرفة التكنولوجية	تصف المعرفة التكنولوجية (TK) المعرفة في استخدام الأدوات التكنولوجية مثل أنظمة التشغيل والبرمجيات بالإضافة إلى الاستخدام العام لمجموعات البرامج مثل معالجات النصوص وجداول البيانات والمتصفحات والبريد الإلكتروني.
المعرفة التربوية	المعرفة التربوية (PK) التي تشرح المعرفة حول طرق التدريس والتعلم التي تشمل الأغراض والقيم والأهداف التعليمية. إنها معرفة عميقة بعملية التدريب في التدريس والتعلم وكيفية ارتباطها بإدارة الفصل الدراسي وتطوير خطة درس وتنفيذها وتقييم الطلاب. كما يتضمن معرفة طرق التدريس وفهم النظريات المعرفية والاجتماعية والتنموية للتعلم وكيفية تطبيقها على المتعلمين.
معرفة المحتوى	معرفة المحتوى (CK) يصف المعرفة الفعلية للموضوع الذي سيتم تعلمه أو تدريسه. يشمل فهماً للمواد التي يتم تدريسها ، والحقائق الأساسية ، والمفاهيم ، والنظريات والإجراءات في المجال المعين
معرفة المحتوى التكنولوجي	معرفة المحتوى التكنولوجي (TCK) تشرح المعرفة بالموضوع الذي يتم تقديمه باستخدام التقنيات التي تغطي طرق إنشاء عروض تقديمية جديدة لمحتوى معين
المعرفة التربوية التكنولوجية	تصف المعرفة التربوية التكنولوجية (TPK) معرفة استخدام التكنولوجيا في إنتاج أنواع مختلفة من طرق التدريس والطرق التي يمكن من خلالها استخدام التقنيات في التدريس
معرفة المحتوى التربوي	معرفة المحتوى التربوي (PCK) هو يجمع بين معرفة المحتوى وطرق التدريس من أجل إنتاج ممارسات تعليمية أفضل في عملية التدريس بأكملها
معرفة المحتوى التربوي التكنولوجي	تصف معرفة المحتوى التربوي التكنولوجي (TPACK) المعرفة باستخدام التقنيات في تقديم طرق التدريس لمحتويات المادة بشكل مناسب

رحب الباحثون هذا الإطار في مجال التعليم التكنولوجي لأنها تساعدهم في استكشاف الموضوعات المختلفة المرتبطة بتكامل التكنولوجيا مثل معرفة المعلم ومعتقداته، وإعداد المعلم، وتخطيط دورات تكنولوجيا المعلومات والاتصالات، وتقييم المعرفة التكنولوجية للمعلمين منها دراسة أنجلي ووالانيدس⁷⁸، دراسة ميشرا وكوهلر⁷⁹، ودراسة كرامارسكي وميشالسكي⁸⁰. ومع ذلك ، فإن العديد من المحاضرين يفتقرون إلى الكفاءة في تكامل التكنولوجيا.

يرى ويسبروك وآخرون⁸¹ إذا تم تقديم جهود التطوير المهني ، فقد كانت متفرقة وضعيفة الموارد، وتركز على التقنيات الأساسية مثل معالجة الكلمات ، وجداول البيانات ، وبرامج العروض التقديمية ، أو الأدوات الخاصة بالمحتوى للعلوم أو الرياضيات. في بعض الحالات المحاضرون الذين ما زالوا غير واثقين من التعامل مع طلابهم من خلال التكنولوجيا التعليمية لأنهم قد يخشون أن تترك التكنولوجيا تأثيراً سلبيًا على نتائج الامتحانات. أضاف كالينجا أيضًا أن نقص التدريب في تكنولوجيا التعليم أصبح أحد التحديات في استخدام التكنولوجيا في المؤسسات التعليمية. العوامل الأخرى التي تساهم في عامل التدريس باستخدام التكنولوجيا التعليمية هي موقف المحاضرين تجاه تكنولوجيا التعليم ، والكفاءة الذاتية للمحاضرين في استخدام أجهزة

⁷⁸ Angeli, C., & Valanides, N. (2009). Epistemological and methodological issues for the conceptualization, development, and assessment of ICT-TPCK: Advances in technological pedagogical content knowledge (TPCK). *Computers & education*, 52(1), 154-168.

⁷⁹ Mishra, P., & Koehler, M. (2005). Educational technology by design: Results from a survey assessing its effectiveness. In *Society for Information Technology & Teacher Education International Conference* (pp. 1511-1517). Association for the Advancement of Computing in Education (AACE).

⁸⁰ Kramarski, B., & Michalsky, T. (2009). Investigating preservice teachers' professional growth in self-regulated learning environments. *Journal of educational psychology*, 101(1), 161.

⁸¹ Akyeampong, K., Lussier, K., Pryor, J., & Westbrook, J. (2013). Improving teaching and learning of basic maths and reading in Africa: Does teacher preparation count?. *International journal of educational development*, 33(3), 272-282.

الكمبيوتر، والخبرة التدريسية، والوصول إلى تكنولوجيا التعليم، والدعم الفني في استخدام التكنولوجيا التعليمية والدعم من الإدارة⁸².

يتكون هذا الإطار من إطار نظري يركز على المعلمين كيف يمكن دمج تكامل التكنولوجيا للتدريس في الفصل الدراسي مع الجمع بين المعرفة بهيكل المحتوى التربوي والمعرفة بالمادة. لا يمكن استخدام إطار عمل TPACK لتقييم معتقدات المعلمين حول التدريس باستخدام تكنولوجيا المعلومات والاتصالات فحسب، بل يمكن أيضاً أن يكون دليلاً لتحسين التدريس⁸³.

أداة البحث

استخدمت الباحثة الاستبانة لزهرة حسيني وأناند كمال⁸⁴ وكانت الاستبانة الأصلية باللغة الإنجليزية، لكن ترجمتها الباحثة إلى اللغة الملايوية قبل توزيعها لأفراد العينة. تنقسم الاستبانة إلى 8 أقسام كما يلي:

الجدول (2): أقسام الاستبانة

عدد البنود	الشرح	القسم
8	البيانات الديموغرافية	قسم A
10	المعرفة التكنولوجية (TK)	قسم B
7	المعرفة التربوية (PK)	قسم C
6	معرفة المحتوى (CK)	قسم D
6	معرفة المحتوى والتربوي (PCK)	قسم E
5	المعرفة التكنولوجية والمحتوى (TCK)	قسم F
9	المعرفة التربوية التكنولوجية (TPK)	قسم G
7	ومعرفة المحتوى التربوي التكنولوجي (TPACK)	قسم H
58	المجموع الكلي	

حددت الباحثة خمسة مستويات للإجابة لكل بنود الأسئلة المغلقة المرقمة من 1 حتى 5 مستخدمة صيغ ليكرت.

الجدول (3): صيغ ليكرت لتقويم الأسئلة

5	4	3	2	1
موافق بشدة	موافق	موافق إلى حد ما	معارض	معارض بشدة

وقد اعتمدت الباحثة في بيان النتائج على الإحصاء الوصفي للبيانات الديموغرافية والاستبانة. استخدمت الباحثة تفسير المتوسط الحسابي بناءً على منهج نونالي⁸⁵ كما في الجدول التالي:

⁸² Khine, M. S., Ali, N., & Afari, E. (2017). Exploring relationships among TPACK constructs and ICT achievement among trainee teachers. *Education and Information Technologies*, 22(4), 1605-1621.

⁸³ Koh, J. H. L., Chai, C. S., & Lim, W. Y. (2017). Teacher professional development for TPACK-21CL: Effects on teacher ICT integration and student outcomes. *Journal of Educational Computing Research*, 55(2), 172-196.

⁸⁴ Hosseini, Z, Kamal, A. (2012). Developing an Instrument to Measure Perceived Technology Integration Knowledge of Teachers. *IJITCS Journal*.

⁸⁵ Nunnally, J. C., Jr. (1970). *Introduction to psychological measurement*. McGraw-Hill.

الجدول (4): تفسير المتوسط الحسابي

التفسير	المتوسط الحسابي
منخفض جدا	2,00-1,00
منخفض	3,00-2,01
متوسط	4,00-3,01
مرتفع	5,00-4,01

البيانات الديموغرافية

الجدول (5) : التوزيع التكراري لجنس العينة

النسبة المئوية	التكرار	الجنس
52,6	10	الذكور
47,4	9	الإناث
100	19	المجموع

يلاحظ من الجدول السابق أن عدد الذكور 10 بالنسبة (52,6%) وعدد الإناث 9 بالنسبة (47,4%).

الجدول (6) : التوزيع التكراري للفئة العمرية

النسبة المئوية	التكرار	الفئة العمرية
15,8	3	30-25
42,1	8	35-31
5,3	1	40-36
36,8	7	40 وما فوق
100	19	المجموع

من حيث عمر عينة الدراسة، 3 من المحاضر يتراوح عمرهم بين 30-25 بالنسبة (15,8%)، (42,1%) يتعمر بين 31-35، وأكثرهم 40 وما فوق وذلك يمثل (36,8%).

الجدول (7) : التوزيع التكراري لمرحلة التعلم

النسبة المئوية	التكرار	مرحلة التعلم
31,6	6	البكالوريوس
63,1	12	الماجستير
5,26	1	الدكتوراة
100	19	المجموع

يشير الجدول إلى مرحلة التعلم لدى المحاضرين. 6 من المحاضرين (31,6%) يملكون شهادة البكالوريوس، واحد منهم (5,26%) حصل على شهادة الدكتوراة، ومعظمهم درسوا في مرحلة الماجستير بالنسبة (63,1%).

الجدول (8) : التوزيع التكراري لتخصصات دراسية المحاضرين

النسبة المئوية	التكرار	تخصصات
31,6	6	تحفيظ القرآن
31,6	6	الشريعة
5,26	1	أصول الدين
21,1	4	المالية والمصرفية
10,5	2	اللغة العربية
100	19	المجموع

يبين الجدول تخصصات دراسية لدى المحاضرين. 6 منهم يتخصصون في تحفيظ القرآن بالنسبة (31,6%) وكذلك تخصصات الشريعة بالنسبة (31,6%) ويلبها تخصص المالية والمصرفية بالنسبة (21,1%) وتخصص اللغة العربية بالنسبة (10,5%) وأخيراً واحد من تخصص أصول الدين.

الجدول (9) : التوزيع التكراري لخبرات التدريس

النسبة المئوية	التكرار	خبرات التدريس
10,5	2	أقل من 2
10,5	2	2-4
31,6	6	5-7
15,8	3	8-10
31,6	6	أكثر من 10
100	19	المجموع

يبين الجدول عن خبرات التدريس لدى المحاضرين. 6 منهم لديهم خلفية 0-5 سنوات التدريس بالنسبة (31,6%) وكذلك 6 من المحاضرين لديهم خلفية التدريس أكثر من 10 سنوات بالنسبة (31,6%). 3 منهم درسوا لمدة 8-10 سنوات يمثل (15,8%).

الجدول (10) : التوزيع التكراري لعدد دورات في المعرفة التكنولوجية التي حضرها طوال الخدمة

النسبة المئوية	التكرار	دورات المعرفة التكنولوجية
10,5	2	أقل من 1
57,9	11	1-2
26,3	5	3-4
5,3	1	5-6
-	-	أكثر من 6
100	19	المجموع

يشير الجدول (10) إلى عدد الدورات في المعرفة التكنولوجية التي حضرها المحاضر طوال فترة خدمتهم. 11 منهم حضروا الدورة لمرّة إلى مرتين بالنسبة (57,9%). 5 منهم حضروا الدورة 3-4 مرات بالنسبة (26,3%) ثم 2 منهم لا يحضر إلى أي دورة في التكنولوجيا ولا أحد يحضر إلى الدورة أكثر من 6 مرات. يؤكد الجدول أن للعينة خلفية قليلة لدورات التكنولوجيا.

الجدول (11) : التوزيع التكراري لعدد دورات طرق تدريس التي حضرها طوال الخدمة

النسبة المئوية	التكرار	دورات طرق تدريس
5,3	1	أقل من 1
63,2	12	2-1
26,3	5	4-3
5,3	1	6-5
-	-	أكثر من 6
100	19	المجموع

يبين الجدول عدد الدورات في طرق التدريس التي حضرها المحاضر طوال فترة خدمتهم. 12 منهم حضروا الدورة لمرّة إلى مرتين بالنسبة (63,2%). 5 منهم حضروا الدورة 3-4 مرات بالنسبة (26,3%) ثم 1 منهم لا يحضر إلى أي دورة في التكنولوجيا ولا أحد يحضر إلى الدورة أكثر من 6 مرات. يبين الجدول عدد دورات ليست كافية مقارنة بسنوات التدريس المحاضر كما في الجدول 9.

الجدول (12) : التوزيع التكراري لعدد دورات تخصصات المجال التي حضرها طوال الخدمة

النسبة المئوية	التكرار	دورات تخصصات المجال
10,5	2	أقل من 1
36,8	7	2-1
42,1	8	4-3
5,3	1	6-5
5,3	1	أكثر من 6
100	19	المجموع

يبين الجدول عدد دورات تخصصات المجال التي حضرها المحاضر طوال خدمتهم. 8 منهم حضروا الدورات 3-4 مرات بالنسبة (42,1%) ويليه 7 من المحاضرين حضروا 1-2 من الدورات بالنسبة (36,8%) واثنان منهم لا يحضر أي دورات في محتوى تدريسيهم.

الجدول (13) : المعرفة التكنولوجية TK

الرقم	الأسئلة	معارض بشدة	معارض	موافق إلى حد ما	موافق بشدة	المتوسط الحسابي
1	أعرف كيفية حل المشاكل التقنية المتعلقة بالتكنولوجيا	-	4	6	7	3,37
2	أستطيع أن أتعلّم الأشياء المتعلقة بالتكنولوجيا بسهولة	-	5	2	9	3,74

3.84	5	8	4	2	-	أواكب أحدث التطورات في تكنولوجيا التعليم	3
3.68	3	10	3	3	-	أحاول استخدام تقنيات تعليمية مختلفة لأغراض التدريس والتعلم	4
3.63	2	10	6	-	1	أعرف أنواع مختلفة من تقنيات التعليم	5
3.53	1	9	8	1	-	لدي فرصة كبيرة لاستخدام تقنيات التعليم المختلفة.	6
3.37	3	6	7	1	2	أستطيع أن أستخدم أجهزة تكنولوجيا التعليم لمعالجة البيانات	7
3.58	3	9	4	2	1	أستطيع أن أستخدم أجهزة تكنولوجيا التعليم لإعداد التقارير	8
4.11	7	10	-	1	1	أتمكن من استخدام الإنترنت بشكل جيد.	9
3.68	3	10	4	1	1	أفهم القضايا الأخلاقية المتعلقة بالتكنولوجيا	10
3.65							

الجدول (14): المعرفة التربوية PK

الرقم	الأسئلة	معارض بشدة	معارض	موافق إلى حد ما	موافق بشدة	المتوسط الحسابي
1	أعرف كيفية تقييم أداء الطلاب في الفصل	-	-	-	16	3
2	يمكنني تعديل طرق التدريس بناءً على مستوى فهم الطلاب	-	-	1	15	3
3	يمكنني استخدام مجموعة متنوعة من مناهج التعلم في الفصول (الطرق الصوتية - اللغوية ، طرق الاتصال ، الطرق التعاونية ، الطرق المتمركزة حول الطالب)	-	2	4	10	3
4	يمكنني اكتشاف الأخطاء التي يرتكبها الطلاب بسهولة	-	-	2	13	4
5	أعرف كيفية إدارة الفصل جيداً.	-	-	1	14	4
6	أعرف طريقة الحفاظ على إدارة جيدة للفصول	-	-	-	15	4

4,32	6	13	-	-	-	يمكنني تقييم تعلم الطلاب بعدة طرق	7
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4,12

الجدول (15): معرفة المحتوى CK

الرقم	الأسئلة	معارض بشدة	معارض	موافق إلى حد ما	موافق	موافق بشدة	المتوسط الحسابي
1	لدي معرفة كافية بالمجال الذي أدرسه	-	-	2	10	7	4,26
2	لدي معرفة كافية ببنية المجال الذي أدرسه	-	-	2	8	9	4,37
3	أعرف النظريات والمفاهيم والحقائق المتعلقة بالمجال الذي أدرسه	-	-	1	8	10	4,48
4	لدي معرفة كافية بمناهج المواد التي أدرسها	-	-	1	12	6	4,26
5	لدي طرق مختلفة لزيادة الفهم في تخصصي الدراسي	-	-	1	8	10	4,48
6	لدي معرفة كافية بالمفاهيم والمصطلحات التي لا بد على الطالب إتقانها	-	-	1	12	6	4,26

4,35

الجدول (16): معرفة المحتوى التكنولوجي PCK

الرقم	الأسئلة	معارض بشدة	معارض	موافق إلى حد ما	موافق	موافق بشدة	المتوسط الحسابي
1	أعرف كيفية اختيار أسلوب التدريس الفعال لتوجيه الطلاب	-	-	-	17	2	4,11
2	أعرف أهداف كل مادة في التدريس والتعلم	-	-	-	15	4	4,21
3	أعرف اكتساب الطلاب أثناء عملية التدريس والتعلم	-	-	1	15	3	4,11
4	لدي معرفة بمنهج كل مادة في التدريس والتعلم	-	-	2	12	5	4,16
5	أعرف استراتيجيات التدريس المناسبة لكل موضوع في المادة التي يتم تدريسها.	-	-	1	13	5	4,21

4,32	6	13	-	-	-	أعرف كل تقييم يجب تنفيذه في التدريس والتعلم	6
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4.19

الجدول (17): المعرفة التكنولوجية والمحتوى

الرقم	الأسئلة	معارض بشدة	معارض	موافق إلى حد ما	موافق بشدة	المتوسط الحسابي
1	أعرف تكنولوجيا تعليمية يمكن استخدامها لفهم مجال التدريس الخاص بي.	-	-	2	12	4,16
2	أعرف كيفية استخدام الإنترنت لفهم مجال الدراسة التي يتم تدريسها	-	-	2	10	4,26
3	يمكنني العثور على مواد ذات صلة بالمجال بمساعدة تكنولوجيا التعليم	-	-	1	7	4,53
4	يمكنني تقديم محتوى مجال التدريس باستخدام تكنولوجيا التعليم	-	-	2	7	4,42
5	يمكنني إدارة المعلومات المتعلقة بمجال استخدام تكنولوجيا التعليم	-	-	2	9	4,32

4.34

الجدول (18) : المعرفة التكنولوجية التربوية

الرقم	الأسئلة	معارض بشدة	معارض	موافق إلى حد ما	موافق بشدة	المتوسط الحسابي
1	أستطيع أن أختار التكنولوجيا التي تحسن جودة التدريس والتعلم	-	-	2	9	4,32
2	أفكر تفكيراً نقدياً في استخدام التكنولوجيا التعليمية في التدريس.	-	-	5	11	3,89
3	أستطيع أن أكيف استخدام التكنولوجيا التعليمية مع الأنشطة التعليمية المختلفة	-	-	4	10	3,89
4	أتمكن من استخدام التكنولوجيا التعليمية لتحفيز مهارات التفكير أثناء عملية التدريس والتعلم	-	-	5	10	3,95
5	أتمكن من استخدام التكنولوجيا التعليمية لرفع إنتاجية التدريس	-	-	2	12	4,12

4,32	8	9	2	-	-	يمكنني تطبيق تكنولوجيا التعليم في عملية التعليم	6
4,21	9	10	-	-	-	يمكنني استخدام التكنولوجيا التعليمية للتواصل مع الطلاب	7
4,12	6	10	3	-	-	يمكنني استخدام التكنولوجيا التعليمية للتعاون مع الزملاء	8
4,26	6	12	1	-	-	أعرف كيفية استخدام التكنولوجيا لتسهيل عملية التعلم	9

4,12

الجدول (19): المعرفة التكنولوجية والمعرفة التربوية ومعرفة المحتوى

الرقم	الأسئلة	معارض بشدة	معارض	موافق إلى حد ما	موافق بشدة	المتوسط الحسابي
1	يمكنني التدريس من خلال الجمع بين طرق التدريس والمحتوى وتكنولوجيا التعليم.	-	-	2	11	4,21
2	يمكنني العثور على مواد تعليمية بمساعدة تكنولوجيا التعليم واستخدامها في التدريس	-	-	-	12	4,37
3	يمكنني استخدام استراتيجيات التدريس التي تجمع بين محتوى المادة وتكنولوجيا التعليم وعلم التربية في الفصل الدراسي	-	-	3	11	4,63
4	يمكنني توجيه الآخرين لتنسيق المحتوى والتكنولوجيا وعلم التربية	-	1	5	8	3,89
5	يمكنني استخدام الإنترنت لفهم محتوى مجال عملي واستخدامه في الفصل	-	1	1	10	4,21
6	يمكنني اختيار المعلومات التعليمية والموارد التكنولوجية بناءً على ملاءمة العملية التعليمية	-	-	2	10	4,26
7	يمكنني تقييم المعلومات التعليمية ومصادر التكنولوجيا بناءً على ملاءمة العملية التعليمية	-	1	1	12	4,63

4,32

الجدول (20): المتوسط الحسابي لكل قسم من TPACK

الرقم	القسم	المتوسط الحسابي
1	المعرفة التكنولوجية (TK)	3,65
2	المعرفة التربوية (PK)	4,12
3	معرفة المحتوى (CK)	4,35
4	معرفة المحتوى والتربوي (PCK)	4,19
5	المعرفة التكنولوجية والمحتوى (TCK)	4,34
6	المعرفة التربوية التكنولوجية (TPK)	4,12
7	معرفة المحتوى التربوي التكنولوجي (TPACK)	4,32

يشير هذا الجدول إلى المتوسط الحسابي لمكونات معرفة المحتوى التربوي التكنولوجي لدى محاضري الكلية الإسلامية التكنولوجية العالمية بينانج. يتضح من الجدول أن أدنى الدرجة التي تم الحصول عليها كانت في "المعرفة التكنولوجية" ب (3,65)، ويليه المعرفة التربوية والمعرفة التربوية التكنولوجية ب (4,12). قسم معرفة المحتوى والتربوي حصل على متوسط الحساب (4,19). أعلى الدرجة التي تم الحصول عليها كانت في "المعرفة التكنولوجية والمحتوى" ب (4,34) وعلى حسب تفسير نونالي لمتوسط الحساب، الدرجة بين 4,00-5,00 تعتبر عالية. وأخيراً، درجة ل معرفة المحتوى التربوي التكنولوجي ب (4,32).

الخلاصة

أظهرت النتائج أن المحاضرين لديهم كفاءات TPACK جيدة في تنفيذ التعلم القائم على التكنولوجيا، وهم على استعداد لاستخدام التكنولوجيا التعليمية في ممارساتهم التدريسية. ومع ذلك، لا تزال هناك حاجة لتطوير الكفاءات في عملية تصميم التعلم القائم على التكنولوجيا. فإن الدعم الفني مثل الوصول إلى الإنترنت بشكل أسرع وأحدث مرافق الكمبيوتر مهم لتطبيق التدريس بشكل أفضل. يوصى أيضاً بالمؤسسات لتقديم تدريب أفضل للمحاضرين لصفقاتهم التدريسية باستخدام أحدث التقنيات التعليمية. خلال الدورة التدريبية، المحاضرون يستطيعون أن يطوروا معرفتهم لهذا الإطار ومهارات تقنية أخرى مثل إنتاج الفيديو، وتسجيل الشاشة، والتعلم النشط وغير ذلك. تماشياً مع أهداف الحكومة في خطة تطوير التعليم الماليزية التي تساعد على تحصيل الطلاب، وكسب الرضا في القيام بالواجبات والتطوير المهني المستمر.

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إخراج القيمة في الزكاة، حكمه، وحكمته، وسبب الخلاف فيه

(The Output of Value In Zakat, His Ruling, and His Wisdom, and The Reason
For The Disagreement)

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ملخص

فهذا بحث بعنوان: إخراج القيمة في الزكاة، حكمه، وحكمته، وسبب الخلاف فيه، يهدف إلى بيان حكم إخراج القيمة في الزكاة، والذي كان سبباً في اختلاف الفقهاء في إخراج القيمة في زكاة الفطر، هذه المسألة التي يكثر الحديث عنها، والخلاف حولها، والجدال فيها، مما يؤدي إلى تشرزم الأمة واختلافها. والزكاة من العبادات المعروفة، والأصل في العبادات التوقف، ولكن شاع بين المسلمين إخراج زكاة الفطر نقداً، خلاف ما عليه الجمهور، مما يحدث جدلاً بين الناس وطلاب العلم، وبخاصة في شهر رمضان. وبناءً على ذلك رأيت الكتابة في مسألة إخراج الزكاة نقداً، ومنها زكاة الفطر، وبيان الحكمة منها، وسبب الخلاف فيها. سيكون منهج البحث وصفيّاً تحليلياً، وذلك باستعراض أقوال الفقهاء وتحليلها، وبيان الراجح منها. وقد قسمت البحث إلى مقدمة، وتمهيد، وثلاثة مباحثٍ وخاتمة، بينت في المقدمة أهمية الموضوع، وسبب اختياره، والمنهج فيه .

كلمات مفتاحية: القيمة- الزكاة- حكم- حكمة- خلاف.

Abstract

This research, entitled the removal of value in zakat, its judgment, its wisdom, and the cause of the dispute, aims to indicate the ruling on the removal of value in zakat, which was the reason for the difference of jurists in the output of value in zakat al-Fitr, this issue, which is frequently talked about, disputed, and argued, leading to the fragmentation of the nation and its differences. Zakat is a well-known worship, originally in stop worship, but it is common among Muslims to produce zakat in cash, unlike the public, which causes controversy among people and students of science, especially during Ramadan. The research approach will be analytically descriptive by reviewing and analysing the statements of jurists, and the most likely statement. The research was divided into an introduction, a preface, three investigations and a conclusion, which in the foreground showed the importance of the subject, the reason for its choice and the approach. Boot: The concept of value in zakat.

Key words: Value, Zakat, Judgment, Wisdom, Disagreement.

مقدمة:

الحمد لله رب العالمين والصلاة والسلام على أشرف المرسلين، سيدنا محمد-ﷺ-وعلى آله وصحبه أجمعين، أما بعد: فهذا بحث بعنوان: إخراج القيمة في الزكاة، حكمه، وحكمته، وسبب الخلاف فيه، يهدف إلى بيان حكم إخراج القيمة في الزكاة، والذي كان سبباً رئيساً في اختلاف الفقهاء في مسألة إخراج القيمة في زكاة الفطر، هذه المسألة التي يكثر الحديث عنها، والخلاف حولها، والجدال فيها كل عام، مما يؤدي إلى تشرزم الأمة واختلافها. مع أن الاختلاف بين الفقهاء في إخراج القيمة موجود في الزكاة بأنواعها وليس في زكاة الفطر فقط، وبيان الحكمة منها، والتذكير بالقاعدة الفقهية التي تقول: "لا ينكر المختلف فيه وإنما ينكر المجمع عليه" (السيوطي-1999). والتي تدعو إلى عدم الإنكار في المسائل المختلف فيها، وإنما يكون الإنكار في المسائل المتفق عليها.

والزكاة من العبادات المعروفة لكل مسلم، والأصل في العبادات التوقف، ولكن شاع في هذه الأيام بين المسلمين، إخراج زكاة الفطر نقداً، خلاف ما عليه الجمهور، مما يحدث جدلاً بين الناس، حتى بين كثير من طلاب العلم، وبخاصة في شهر رمضان من كل عام. وبناءً على ذلك رأيت الكتابة في مسألة إخراج الزكاة نقداً، ومنها زكاة الفطر، وبيان حكمها، والحكمة منها، وسبب الخلاف، وبيان القول الراجح فيها.

سيكون منهج البحث وصفاً تحليلياً، وذلك باستعراض أقوال الفقهاء في المسألة، ومناقشتها وتحليلها، وبيان الراجح منها. وقد قسمت هذا البحث إلى مقدمة، وتمهيد، وثلاثة مباحثٍ وخاتمة، بينت في المقدمة أهمية الموضوع، وسبب اختياره، والمنهج فيه.

التمهيد: مفهوم القيمة في الزكاة.

المبحث الأول: حكم الزكاة، والحكمة من فرضها.

المبحث الثاني: حكم إخراج القيمة في الزكاة.

المبحث الثالث: القول الراجح في المسألة.

الخاتمة: وفيها أهم النتائج التي تم الوصول إليها.

التمهيد: مفهوم القيمة في الزكاة.

القيمة لغة: "بكسر القاف، الثمن الذي يقدره المقومون للسلعة أو الشيء"، (سعدي أبو حبيب-1988)، يقال: قَوَّم السلعة تقويماً: سعرها وثنمها. وعرف الفقهاء القيمة بعدة تعريفات منها: ما "يبتاع بها التجار السلع لا يتجاوزونها إلا لعة، وقيمة يبيع بها التجار السلع لا يحطون عنها ولا يتجاوزونها إلا لعة"، (ابن حزم- بدون طبعة وبدون تاريخ)، وقيل هي: "الثنم الحقيقي للشيء وكذلك ثمن المثل"، (علي حيدر- بدون تاريخ).

والزكاة لغة: "البركة والنماء والطهارة..."، (الجرجاني-1983). وهي شرعاً لها تعريفات متعددة منها: "المال المخرج حقاً لله تعالى"، (الزيلعي-1313هـ)، وقيل: "حق يجب في المال"، (ابن قدامة-1985)، وقيل: "اسم لأخذ شيء مخصوص من مال مخصوص على أوصاف مخصوصة لطائفة مخصوصة..."، (النووي- بدون تاريخ)، ويراد بزكاة الفطر: زكاة الخلقة، (الصاوي-1952)، وتسمى: صدقة الفطر، أو زكاة رمضان، أو زكاة الصوم، أو صدقة الرؤوس، أو زكاة الأبدان...، (الزرقاني-1978). وقد عرفها البعض بأنها: "إنفاق مقدار معلوم عن كل فرد مسلم يعيله قبل صلاة عيد الفطر في مصارف معينة"، (قلعجي، وقنبيبي-1988).

ويمكن القول: إن القيمة في الزكاة: هي مقدار ما يدفع من المال، مقابل الكمية المحددة شرعاً من المواد العينية، كزكاة مال أو صدقة فطر.

المبحث الأول: حكم الزكاة، والحكمة من فرضها

الزكاة عبادة مالية، وركن من أركان الإسلام، (العيني-2000)، وكذلك زكاة الفطر، ذهب جمهور أهل العلم في أنها واجبة فرضاً، أوجبها رسول الله-ﷺ-، (القرطبي-1980)، لحديث ابن عمر- رضي الله عنهما- قال: "فرض رسول الله-ﷺ- زكاة الفطر صاعاً من تمر، أو صاعاً من شعير على العبد والحر والذكر والأنثى والصغير والكبير من المسلمين..."، (البخاري-1422هـ)، وكذلك قال جمهور التابعين ومن بعدهم من أهل العلم على أن صدقة الفطر فرض، وهو كالإجماع من أهل العلم. وكان بعض المتأخرين من أصحاب مالك وداود، يقولون: هي سنة مؤكدة. وسائر العلماء على أنها واجبة، (ابن قدامة-1985)،

وهو الراجح لقوله تعالى: "خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا"، حيث بيّن الله تعالى العلة والحكمة من من الزكاة هي تطهير قلوب الأغنياء من الجشع وحب النفس، وتطهير قلوب الفقراء من الحقد والحسد، وتزكيتهم أي تنميتهم وسد حاجتهم. وأما الحكمة من زكاة الفطر، فتتعلق بالصائم، والأخذ لها، فهي طهرة للصائم من اللغو والرفث، (الشوكاني-بدون تاريخ)، لحديث ابن عباس- رضي الله عنهما- قال: "فرض رسول الله ﷺ- زكاة الفطر طهرة للصائم من اللغو والرفث وطعمة للمساكين..."، (أبو داود -2009). كما أن فيها إغناء للفقراء عن السؤال في يوم العيد.

المبحث الثاني: حكم إخراج القيمة في الزكاة.

اختلف الفقهاء في تلك المسألة على ثلاثة أقوال:

القول الأول: ذهب الإمام أبو حنيفة، وبعض التابعين منهم سفيان الثوري، وعمر بن عبد العزيز، والحسن البصري، وغيرهم، إلى جواز إخراج القيمة في كل زكاة، (العيني-2000). فلا يشترط عندهم إخراج العين في الزكاة، بل لو أخرج قيمتها مما هو أنفع للفقير جاز"، (قلعجي-1990). فإذا لزمه شاة فأخرج عنها دراهم بقيمتها، أو أخرج عنها ما له قيمة عنده كالطعام والثياب جاز. وحاصل مذهب أبي حنيفة: أن كل ما جازت الصدقة به، جاز إخراجها في الزكاة، سواء كان من الجنس الذي وجبت فيه الزكاة أم من غيره .

وهذا القول هو الرواية الثانية في مذهب الحنابلة، قالوا: "ولا يجزئ إخراج القيمة في الزكاة، (ابن قدامة-1985). هذا المذهب مطلقاً، سواء كان ثم حاجة أم لا، لمصلحة أو لا، لفطرة وغيرها، وعنه تجزئ القيمة مطلقاً، وعنه تجزئ في غير الفطرة، (بعض علماء نجد الأعلام-1349هـ)، وهو مذهب أبو عبد الله البخاري، جاء في الصحيح: باب العرض في الزكاة، وقال طاووس: قال معاذ لأهل اليمن انتوني بعرض ثياب خميص أو لبيس في الصدقة مكان الشعير والذرة، أهون عليكم، وخير لأصحاب النبي ﷺ- بالمدينة، (الجامع الصحيح، ترقيم فتح الباري- بدون تاريخ). فجعلت المرأة تلقي خرصها وسخابها. ولم يخص الذهب والفضة من العروض (ابن حجر-1379هـ)، ومما يؤيد هذا الفهم قول الحافظ بن حجر في الفتح، باب العرض في الزكاة، أي جواز أخذ العرض، والمراد به ما عدا النقدين. قال ابن رشيد: "وافق البخاري في هذه المسألة الحنفية مع كثرة مخالفته لهم، لكن قاده إلى ذلك الدليل"، (ابن حجر-1379هـ). وجاء في الهداية للمرغيناني قال: "ويجوز دفع القيم في الزكاة" عندنا، وكذا في الكفارات وصدقة الفطر"، (المرغيناني- بدون تاريخ).

واستدل الأحناف ومن وافقهم، على جواز إخراج القيمة في زكاة الفطر بعدة أدلة منها:

- 1- إن الأصل في الزكاة والصدقة المال، لقوله ﷺ-: "في خمس من الإبل شاة"، (البغدادي-1994)، ففي إخراج الشاة عن خمس من الإبل، دليل على أن المراد قدرها، لأن الشاة ليست من الإبل، (السرخسي-1978)، وعندما رأى رسول الله ﷺ- في إبل الصدقة ناقه كوماه فغضب على المصدق، وقال: ألم أنهكم عن أخذ كرائم أموال الناس، فقال الساعي: أخذتها ببيعيرين من إبل الصدقة، (الكاساني-1986). وفي رواية ارتجعتها ببيعيرين، فسكت رسول الله ﷺ-، (البيهقي-بدون تاريخ)، وأخذ البعير ببيعيرين، إنما باعتبار القيمة، (السرخسي-1978).
- 2- أن معاذ ابن جبل- رضي الله عنه _، قال لأهل اليمن: "انتوني بعرض ثياب أو لبيس في الصدقة مكان الشعير والذرة أهون عليكم، وخير لأصحاب النبي ﷺ- بالمدينة"، (البخاري-1422هـ)، وكان عمر بن الخطاب - رضي الله عنه _ يأخذ العروض في الصدقة من الورق وغيرها- الدراهم-، (ابن أبي شيبة-1409هـ).
- 3- أن رسول الله ﷺ- وخلفاءه الراشدين قبلوا القيمة في زكاة بعض الأعيان في حالات متعددة، مثل قبول الدراهم أو الدنانير مكان الفارق في العمر المطلوب في زكاة الإبل، حيث قدر الجبران بشاتين أو عشرين درهماً، (البابرتي-بدون تاريخ).
- 4- قوله ﷺ-: "في خمس وعشرين بنت مخاض، فإن لم تكن فابن لبون"، (ابن حجر-1379هـ)، قالوا: وهذا نص على دفع القيمة؛ لأن القيمة مال، فأشبهت المنصوص عليه، ولأنه لما جاز العدول عن العين إلى الجنس بالإجماع، بأن يخرج زكاة غنمه من غنم غيرها، جاز العدول من جنس إلى جنس."
- 5- ما رآه معاوية- رضي الله عنه _ وعرضه على الصحابة، من أن نصف صاع من سمراء الشام- القمح-، يعدل صاعاً من التمر، ووافقته الصحابة، وهذا دليل على جواز دفع القيمة؛ لأن معادلة نصف صاع من القمح بصاع لا تتحقق إلا من خلال القيمة.
- 6- إن أداء القيمة "أهون على الناس وأيسر في الحساب" (القرضاوي-بدون تاريخ)؛ "لأن رسول الله ﷺ- إنما فرض زكاة الفطر من الأطعمة، إما لندرة النقود عند العرب وإما أن قيمة النقود تختلف وتتغير قوتها الشرائية من عصر إلى عصر بخلاف

الصاع والطعام، فكان أيسر على الناس إعطاء الطعام، (القرضاوي-بدون تاريخ).
القول الثاني: ذهب جمهور، المالكية، والشافعية، والحنابلة، إلى أنه: "لا يجوز إخراج القيمة في الزكاة مطلقاً"، (أبو بكر بن العربي-2007)، فلا يجوز إخراج القيمة في شيء من الزكاة الواجبة، (ابن قدامة-1985)، "هذا في المذهب مطلقاً أي مذهب الإمام أحمد، أعني سواء كان ثم حاجة أم لا، لمصلحة أم لا، لفطرة وغيرها، وعليه أكثر الأصحاب،...وعنه تجزئ القيمة مطلقاً، وعنه تجزئ في غير الفطرة" (المرداوي-1980، وابن مفلح-1997).

واستدلوا على ذلك بأدلة منها:

- 1- أن الزكاة قربة إلى الله، والشرع نص في تحديد الزكاة على أعيان، مثل: بنت مخاض، وبنت لبون، وحققة، وجذعة، وغير ذلك من الواجبات، فلا يجوز العدول عنها إلى غيرها، كما لا يجوز في الأضحية ولا في المنفعة ولا في الكفارة وغيرها، لما علقها علي الانعام لم يجز نقلها إلى غيرها، (النووي- بدون تاريخ).
- 2- قوله ﷺ: "في خمس وعشرين من الإبل بنت مخاض، فإن لم تكن بنت مخاض فابن لبون" (البغدادي المالكي-1999)، ولو جازت القيمة لبينها.
- 3- قوله ﷺ: "في أربعين من الغنم شاة..." (ابن العربي المالكي-2007)، فلا يجوز العدول إلى القيمة إلا بدليل.
- 4- حديث معاذ بن جبل-رضي الله عنه، أن رسول الله ﷺ قال حين بعثه لليمن: "خذ الحب من الحب، والشاة من الغنم..."، (الحاكم-1990)، يدل على أخذ كل جنس من جنسه، ومن أدى القيمة فقد خالف هذا، (الزمخشري-بدون تاريخ). فهذا نص لا يجوز تجاوزه إلى أخذ القيمة؛ لأنه سيأخذ شيئاً غير المنصوص عليه، فلم يجز العدول عنها، كما لو أخرج القيمة؛ وذلك لأن ذكر الأجناس بعد ذكره الفرض تفسير للمفروض، فتكون هذه الأجناس مفروضة؛ ولأنه إذا أخرج غيرها عدل عن المفروض، المنصوص عليه فلم يجز، كإخراج القيمة، وكما لو أخرج عن زكاة المال من غير جنسه، كمن أخرج زكاة البقر غنماً، والإغناء يحصل بالإخراج المنصوص عليه، (ابن قدامة-1985). ورد عليهم الأحناف بأن الحديث السابق فيه ضعف ففي إسناده عطاء عن معاذ، وهو لم يسمع من معاذ.. وأن الإغناء يحصل بأداء القيمة كما يحصل بأداء الشاة وربما يكون سد الخلة بأداء القيمة أظهر، (السرخسي-1978).
- 5- أن مخرج القيمة قد عدل عن المنصوص فلم يجزئه، وحديث معاذ-رضي الله عنه الذي روه عن الجزية بدليل أن النبي ﷺ أمره بتفريق الصدقة في فقرائهم ولم يأمره بحملها إلى المدينة، (ابن قدامة-1985).

القول الثالث: يجوز إخراج القيمة عند الحاجة أو المصلحة الراجحة، ولا يجوز لغير ذلك، وهو ما ذهب إليه شيخ الإسلام ابن تيمية، وذكر أن نصوص الإمام أحمد تدل عليه، ونقل عنه مسألة: من تجب عليه شاة في زكاة الإبل، وليست عنده، ومن يبيع عنبه ورطبه قبل اليبس؛ قال: وهذا المنصوص عن أحمد صريحاً، وهو أعدل الأقوال. وقال: "يجوز إخراج القيمة في الزكاة، للعدول إلى الحاجة والمصلحة، مثل أن يبيع ثمرة بستانه؛ إذ قد ساوى الفقراء بنفسه، وقد نص أحمد على جواز ذلك؛ ومثل أن يجب عليه شاة وليست عنده، أو يكون المستحقون طلبوا القيمة لكونها أنفع لهم"، وقال: "وأحمد رحمه الله- قد منع القيمة في مواضع، وجوزها في مواضع، فمن أصحابه من أقر النص، ومنهم من جعلها على روايتين، والأظهر في هذا: أن إخراج القيمة لغير حاجة ولا مصلحة راجحة ممنوع منه؛ ولأن الزكاة مبناه على المواساة، وهذا معتبر في قدر المال وجنسه، وأما إخراج القيمة للحاجة أو المصلحة أو العدل فلا بأس به" (ابن تيمية-2005)، وقال الإمام الشوكاني: "الحق أن الزكاة واجبة من العين ولا يعدل عنها إلى القيمة إلا لعذر". وقال صاحب الروضة الندية: "ولا يسوغ إخراج القيمة إلا لعذر"، (القنوجي-1999). وأدلة القول الثالث، هي نفسها أدلة الحناف، مع التقييد بالمصلحة الراجحة، وبما هو أنفع للفقراء، وبالتالي فهو راجع إليه مع هذا القيد المذكور.

وكما اختلف الفقهاء في مسألة إخراج القيمة في زكاة المال، فقد اختلفوا أيضاً في حكم إخراج زكاة الفطر قيمة، على أقوال:
القول الأول: ذهب جمهور فقهاء، المالكية والشافعية، والحنابلة إلى أنه "لا يجوز إخراج القيمة في الزكاة مطلقاً"، (ابن العربي المالكي-2007)، ومنها زكاة الفطر، وقد تشدد الإمام ابن حزم في إخراج عين المنصوص عليه في حديث ابن عمر، واقتصر في ذلك على "التمر والشعير"، (ابن حزم-بدون تاريخ)، جاء في المدونة، أن الأصناف التي حددها مالك تسعة أصناف، ولم يتطرق لذكر القيمة (مالك-بدون تاريخ)، وإذا كان القوت واحداً من تسعة، فإنه يخرج ما غلب أقتياته، فإن لم يفتت شيء من التسعة واقتيت غيرها، فإنه يخرج مما غلب أقتياته من غير التسعة، أو مما انفرد بالاقتيات من غيرها، وهذا حيث لم يوجد شيء

من التسعة...، فإن وجد شئ منها أخرج منه إن كان الموجود منها واحداً، فإن تعدد فإنه يخير في الإخراج من أي صنف منها، وهذا هو المشهور عند المالكية، قالوا: "وقد روي عنه، وعن طائفة من أصحابه أنه تجزئ القيمة عنم أخرجها في زكاة الفطر، قياساً على جواز فعل الساعي إذا أخذ عن السن غيرها، أو بدل العين منها، والأول هو المشهور في مذهب الإمام مالك وأهل المدينة"، (القرطبي-1980).

وقال الإمام الشافعي: "ويؤدي الرجل من أي قوت كان الأغلب عليه من الحنطة أو الذرة أو العلس أو الشعير أو التمر أو الزبيب...، ولا يؤدي من يخرج من الحب إلا الحب نفسه، لا يؤدي سويقة ولا دقيقاً ولا يؤدي قيمته"، (الشافعي-1990)، وكذلك عند الحنابلة: أن النبي ﷺ - فرض صدقة الفطر أجناساً معدودة، فلم يجز العدول عنها، كما لو أخرج القيمة، (ابن قدامة-1985). وجاء أيضاً: "قيل لأحمد: "أعطى دراهم يعني في صدقة الفطر، قال: أخاف أن لا يجزئه خلاف سنة رسول الله ﷺ"، (ابن قدامة-1985) وجاء في الإنصاف: "ولا يجوز إخراج القيمة في الزكاة، هذا المذهب مطلقاً أي مذهب الإمام أحمد، أعني سواء كان ثم حاجة أم لا، لمصلحة أم لا، لفطرة وغيرها، وعليه أكثر الأصحاب،... وعنه تجزئ القيمة مطلقاً، وعنه تجزئ في غير الفطرة" (المرداوي-1980، وابن مفلح-1997)، وقصر ابن حزم إخراج زكاة الفطر عيناً على التمر والشعير فقط، ولا يجزئ عنده شئ غير ما ذكر، ولا قمح ولا دقيق قمح أو شعير أو خبز ولا قيمة ولا شئ غير ما ذكرنا"، (ابن حزم -بدون تاريخ). وقد اعتمد الجمهور المانعون لإخراج زكاة الفطر قيمة على نفس أدلتهم في منع القيمة في الزكاة، وأضافوا إليها أدلة أخرى، منها:

1- حديث ابن عمر- رضي الله عنهما- : "فرض رسول الله ﷺ - زكاة الفطر صاعاً من تمر... (البخاري-1422هـ)، "ولم يذكر القيمة، ولو جازت لبينها، فقد تدعو الحاجة إليها" (النووي- بدون تاريخ) وقال المانعون: بأن المراد بزكاة الفطر العين لا القيمة، (ابن قدامة-1985)، ولأن النبي ﷺ - فرض الصدقة على هذا الوجه، وأمر بها أن تؤدي، وكذلك ما يتعلق بصدقة الفطر، (ابن قدامة-1985) يجب أداء المنصوص عليه، وأن رسول الله ﷺ - عندما فرض زكاة الفطر، ذكر أشياء مختلفة القيم، فدل على أن المراد الأعيان لا قيمتها. وهذا ما يفهم من حديث أبي سعيد الخدري- رضي الله عنه - حيث قال: "كنا نخرج إذ كان فينا رسول الله ﷺ - زكاة الفطر عن كل صغير وكبير حر أو مملوك صاعاً من طعام، أو صاعاً من إقط أو صاعاً من شعير، أو صاعاً من تمر، أو صاعاً من زبيب" (مسلم-1334)، وقالوا: هذا الحديث يحدد المقدار ولم يحدد القيمة. ورد عليهم المجيزون: بأن ما ذكر في حديث ابن عمر- رضي الله عنهما- من أنواع في صدقة الفطر، كانت في زمنهم قوتاً معتاداً للناس، يدخر ويتداول كالدراهم، فالبر والشعير والتمر كانت نقوداً سلعية في ذلك الوقت لقياس قيم السلع الأخرى، لذا جاز إخراج القيمة في زكاة الفطر.

القول الثاني: ذهب الإمام أبو حنيفة، وبعض التابعين منهم سفيان الثوري، وعمر بن عبد العزيز، والحسن البصري، وغيرهم، إلى جواز إخراج القيمة في كل زكاة، (العيني-1997). فلا يشترط -عندهم- إخراج التمر أو الشعير أو البر في زكاة الفطر، بل لو أخرج قيمتها مما هو أنفع للفقير جاز"، (قلعة جي-1990). وفي رواية عن الإمام أحمد، أنه تجزئ القيمة مطلقاً، وفي أخرى تجزئ في غير الفطر، وعنه تجزئ للحاجة من تعذر العرض ونحوه، واختاره الشيخ تقي الدين، وقيل لمصلحة أيضاً واختاره الشيخ تقي الدين، (المرداوي-1980)، وجاء في الهداية للمرغيناني قال: "يجوز دفع القيم في الزكاة عندنا، وكذا في الكفارات وصدقة الفطر..."، (المرغيناني- بدون تاريخ). وقالوا: إن " الواجب في الحقيقة إغناء الفقير، لقوله ﷺ -: "أغنوهم عن المسألة في مثل هذا اليوم"، والإغناء يحصل بالقيمة بل أتم وأوفر، لأنها أقرب إلى دفع الحاجة وبه تبين أن النص معلول بالإغناء"، (الكاساني-1986).

ورغم جواز أداء القيمة زكاة الفطر عند الأحناف ومن وافقهم، إلا أنهم يفضلون أداء العين وقت الشدة. قال الإمام ابن تيمية: "والأظهر في هذا أن إخراج القيمة لغير حاجة، ولا مصلحة راجحة ممنوع منه، وأما إخراج القيمة للحاجة أو المصلحة أو العدل فلا بأس به"، (ابن تيمية-2005م).

واستدل الأحناف ومن وافقهم، على جواز إخراج القيمة بدلاً من العين في زكاة الفطر بنفس أدلتهم على جواز إخلاص القيمة في الزكاة، وأضافوا إليها ما يلي:

1- أنه كما يجوز أخذ القيمة في الزكاة المفروضة، فإنه يجوز أيضاً في صدقة الفطر، (المرغيناني- بدون تاريخ).

2- أن الواجب إغناء الفقير، وإدخال السرور على نفسه، لقوله ﷺ -: "أغنوهم عن المسألة في مثل هذا اليوم" (البيهقي بدون تاريخ). والإغناء يحصل بالقيمة؛ لأنها أقرب إلى دفع الحاجة، (الكاساني-1986)؛ لأن كثرة الطعام توجهه إلى بيعه بأقل الأثمان للحصول

على المال، والقيمة تمكنه من شراء ما يلزمه من الأطعمة والملابس وسائر الحاجات، (القرضاوي-بدون تاريخ). ولكن رد عليهم المانعون: بأن الفقير لا يعتمد في تأمين حاجاته على زكاة الفطر فقط؛ بل هناك زكاة المال والوقف والكفارات والنذور وغيرها... 3- حديث أبي سعيد-رضي الله عنه_ الذي ذكر فيه: "... حتى كان معاوية-رضي الله عنه_ فرأى أن مدين من برّ تعدل صاعاً من تمر" (مسلم-1334هـ). وفي رواية: "فلما جاء معاوية وجاءت السمراء قال: أرى مدأ من هذا يعدل مدين" (ابن حجر-1379هـ). ووافق الصحابة على ذلك، فهذا الاجتماع لجمهورهم دليل قوي على جواز دفع القيمة لأن معادلة نصف صاع من القمح بصاع لا تتحقق إلا من خلال القيمة. قال المانعون إن قول معاوية عارضه رأي أبي سعيد الخدري- رضي الله عنه_ وهو صحابي أقدم منه صحبه لرسول الله-ﷺ (مسلم-1334هـ).

4- أن أداء القيمة أهون على الناس وأيسر في الحساب، خاصة إذا كانت هناك إدارة أو مؤسسة تتولى جمع الزكاة، (القرضاوي-بدون تاريخ)؛ لأن رسول الله -ﷺ- إنما فرض زكاة الفطر من الأطعمة، إما لندرة النقود عند العرب وإما أن قيمة النقود تختلف وتتغير قوتها الشرائية من عصر إلى عصر بخلاف الصاع والطعام، فكان أيسر على الناس إعطاء الطعام، (القرضاوي-بدون تاريخ). وهذا ما فهمه الصحابة الكرام حيث لم يكتفوا بما قرره الرسول صلى الله عليه وسلم في عصره من التمر والشعير، والأقط بل جعلوها قمحاً، بل إن معظمهم جعل نصف صاع منه يعدل صاعاً من تمر أو شعير- كما سبق-.

القول الثالث: وهو قول وسط يراه شيخ الإسلام ابن تيمية، وهو أن إخراج القيمة لغير حاجة ولا مصلحة راجحة ممنوع، أما إن كان لحاجة أو مصلحة راجحة تعود على الفقير، فلا بأس به. قال: "وأما إخراج القيمة في الزكاة والكفارة ونحو ذلك. فالمعروف من مذهب مالك والشافعي أنه لا يجوز وعند أبي حنيفة يجوز وأحمد - رحمه الله - قد منع القيمة في مواضع وجوزها في مواضع فمن أصحابه من أقر النص ومنهم من جعلها على روايتين. والأظهر في هذا: أن إخراج القيمة لغير حاجة ولا مصلحة راجحة ممنوع منه ولهذا قدر النبي صلى الله عليه وسلم الجبران بشاتين أو عشرين درهما ولم يعدل إلى القيمة ولأنه متى جوز إخراج القيمة مطلقاً فقد يعدل المالك إلى أنواع رديئة وقد يقع في التقويم ضرر ولأن الزكاة مبناه على الموساة وهذا معتبر في قدر المال وجنسه وأما إخراج القيمة للحاجة أو المصلحة أو العدل فلا بأس به" (ابن تيمية-2005)، فالإمام ابن تيمية، يرى جواز إخراج القيمة عن زكاة العين، إذا كان ذلك هو الأصلاح، أو كان ذلك هو مقتضى الحاجة، وأما إذا لم يكن فيه حاجة ولا لمصلحة، فالأصل هو إخراج الزكاة عن العين من نفس المال الزكوي. وقال الإمام الشوكاني: "الحق أن الزكاة واجبة من العين ولا يعدل عنها إلى القيمة إلا لعذر". وقال صاحب الروضة الندية: "ولا يسوغ إخراج القيمة إلا لعذر" (القنوجي-1999). وأما أدلة المذهب الثالث، فهي نفس أدلة المذهب الثاني (المجيزين) مع التقييد بالمصلحة الراجحة، وبما هو أنفع للفقراء، وبالتالي فهو راجع إليه مع هذا القيد المذكور، وهو الراجح.

سبب الخلاف: ويعود هذا الخلاف في جواز إخراج القيمة في الزكاة، إلى التكييف الفقهي للزكاة، (القرضاوي-بدون تاريخ). هل هي عبادة محضة، أم أنها حق مالي فرضه الله تعالى على العباد لسدّ خلة المستحقين؟ فالذين قالوا: لا يجوز إخراج القيمة في الزكاة، حجتهم أنها قريبة لله تعالى، وفي الحديث بين الرسول صلى الله عليه وسلم المقادير بعينها فقال: "في كل أربعين شاة شاة، وفي كل خمسة من الإبل شاة . . ."، وقال صلى الله عليه وسلم لمعاذ رضي الله تعالى عنه: "خذ الحب من الحب، والشاة من الغنم، والبعير من الإبل والبقير من البقر"، ومثل هذه النصوص واضحة في أن التقيد بالعينية فيما فرضت فيه العينية أمر ضروري، مثله مثل الصلاة، حيث إننا أمرنا بأن نسجد على الجبهة والأنف مثلاً، فلا يصح السجود على الخد والذقن.

وأما الذين أجازوا دفع القيمة قالوا: إنها -مع كونها عبادة- حق مالي معقول المعنى، وينظر إلى علته ومقاصده، وقد قال تعالى: "خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا"، سورة التوبة:103، وقال معاذ لأهل اليمن: "انتوني بعرض ثياب آخذ منكم مكان الذرة والشعير...". فالآية واضحة بأن الزكاة حق مالي، والحديث يدل على جواز الأخذ بالأيسر، أو دفع ما هو أنفع للفقراء، بمعنى أن الهدف العام من الزكاة هو إغناء الفقير بسدّ حاجته، سواء كان بالعين أو بالقيمة. حيث بين الله تعالى العلة والحكمة منها، وهي تطهير قلوب الأغنياء من الجشع ونحوه، وقلوب الفقراء من الحقد ونحوه، وتركيتهم وسد حاجتهم، بالإضافة إلى أن القيمة النقدية لا تخرج عن دائرة الأموال التي أمر الله تعالى بدفع نسبة منها زكاة إلى المستحقين، وهذا ما فهمه الصحابة، حيث أخذ معاذ في اليمن الثياب لأهل المدينة، لأنهم كانوا بحاجة إليها مكان صدقتهم، لذلك رجح هذا القول الإمام البخاري. وأما سبب اختلاف الفقهاء في جواز إخراج القيمة في زكاة الفطر، فهو الاختلاف في تحديد علة الحكم.

فذهب المالكية والشافعية ومن وافقهم إلى أن الغرض منها هو الطعمة، ولذلك قاسوا غير المنصوص عليه مما يكون غالب قوت البلد على المنصوص عليه في الأحاديث لعله الطعمة، (الشافعي-1990)، لحديث ابن عباس- رضي الله عنهما: " طهرة للصائم من اللغو والرفث، وطعمة للمساكين"، فأجازوا كل ما يقتات به مما هو غالب قوت البلد، قياساً على المنصوص عليه، بجامع الطعمة.

وذهب الحنفية ومن وافقهم إلى أن العلة هي إغناء الفقراء في يوم العيد، وكما أن الإغناء يتحقق بالمنصوص عليه من الحبوب، فذلك يتحقق الإغناء بالنقود، (الكاساني-1986)، فقاسوا المال على الطعام بجامع الإغناء في كل منهما؛ لأن العلة في أفضلية القيمة كونها أفضل في دفع حاجة الفقير، لاحتمال أنه يحتاج غير الطعام مثلاً من ثياب ونحوها، وقوله-ﷺ: " وطعمة للمساكين" يدل على أن هذا هو الغالب، كما في قوله: " طهرة للصائم"، فإنه على سبيل الغالب، وإلا فزكاة الفطر واجبة على الأطفال الصغار الذين ليس لهم لغو ولا رفث.

المبحث الثالث: القول الراجح في إخراج القيمة في الزكاة

الخلافاً بين العلماء في هذه المسألة قديم، والأمر فيه سعة فلا تضيق واسعاً، ولا تشعلها معركة بين الناس، بل يجب أن ننشغل بقضايا أخرى محل اتفاق بين المسلمين، فقضايا المسلمين المتفق عليها أكثر من أن تحصى، فلا داعي للانشغال بالمعارك الجانبية التي لا تثمر إلا مزيداً من اختلاف الأمة وتفرقها.

وهذه هي مذاهب العلماء في حكم دفع القيمة في الزكاة وزكاة الفطر، ولم نسمع عن أحد منهم قد عاب على المخالفين لهم، أو فسقهم، أو اتهمهم بالبدعة في الدين، كما هو موجود في هذا الزمان. والمقصود من هذا أن نتعامل مع المخالفين بنوع من الأدب وحسن الظن، وينبغي أن يكون الرد في هذه المسائل مبنياً على أسس علمية سليمة، وتأصيل منهجي منضبط؛ لأن المسألة إذا كانت مما يسعها الخلاف، فالكل يعذر البعض، ما دام أنها مما يسوغ الخلاف فيه. وماذا علينا لو بينا للناس الرأيين في المسائل الخلافية، وتركانهم توسعة عليهم؟ أو إذا أردنا الترغيب في أحد الرأيين وترجيحه فلا ننكر الخلاف!!، وكان بعض السلف يطلقون على مثل هذه المسائل "مسائل السعة"، فلا ينبغي أن تصدر أحد الرأيين للناس على أنه الإجماع الذي لا يجوز خلافه، وهذا أمر عام في كل المسائل الخلافية.

بعد استعراض ما أمكن من الأدلة، والمناقشات العلمية الكثيرة حول هذه المسألة، يتبين لنا ما يأتي:

- 1- أنه لا خلاف بين الفقهاء أبداً في جواز الأخذ بظاهر النصوص، ودفع الزكاة عينا.
- 2- أن الخلاف في دفع القيمة في الزكاة خلاف قوي، فلا يجوز الاعتراض عليه، ولا اتهام من يأخذ بهذا الرأي، فهو خلاف مشروع يجوز لكل مسلم أن يستفتي قلبه في الأخذ بأحد الآراء، دون إحداث مشكلة بين المسلمين، وهذا هو منهج علمائنا في القبول بالخلاف المشروع.
- 3- إن هذا الدين يقوم على اليسر ورفع الحرج، وبالتالي فإن دفع قيمة الزكاة نقداً أيسر للطرفين، ومن جانب آخر نرى أن منهج الرسول صلى الله عليه وسلم في الزكاة وغيرها يقوم على التيسير على الناس، فمن لم يكن لديه الأصل الواجب في الزكاة يأخذ منه بدله، أو الفارق كما في زكاة الأبل.
- 4- أن مقاصد الشريعة في صدقة الفطر واضحة وهي إغناء الفقير عن حاجياته ومما لا شك فيه أن الاحتياجات اليوم غير محصورة في أكل التمر، والخبز من القمح، أو غير ذلك من الأمور، ولذلك فالنقود تحقق هذه الأغراض بصورة أفضل، لذلك فهي جديرة بقبولها إن لم يكن دفعها أفضل، ومن المعلوم أن الشريعة مبنية على رعاية المصالح بجميع أنواعها.
- 5- أن هذا القول بجواز دفع القيمة في الزكاة وزكاة الفطر، ليس قول الحنفية فقط على الرغم من أن هذا يكفي وزيادة، بل هو رأي جماعة من الصحابة والتابعين، فجميع الصحابة أو التابعين الذين قالوا بجواز دفع نصف صاع من القمح بدل صاع من شعير أو تمر، لا يتأتى إلا من خلال القول بالقيمة والتقويم بالقيمة، وبالتالي فهذا رأي معاوية، وجميع من أخذوا برأيه عندما عرضه عليهم في حجته أو عمرته، وهو قول ثابت عن عمر بن عبدالعزيز، وعن الحسن البصري، وأبي إسحاق، والثوري، وهو قول جماعة من المالكية كان حبيب وابن أبي جازم، وابن دينار، وابن وهب. قال أبو إسحاق: "أدرکتهم وهم يعطون في صدقة الفطر الدراهم بقيمة الطعام"، (ابن أبي شيبه-1409هـ) وهذا القول من هذا التابعي الذي أدرك علماً وجماعة من الصحابة رضي الله عنهم جميعاً، يدل على أن دفع النقود (أي القيمة) كان شائعاً في ذلك العصر، وفي خير القرون قرن الصحابة.

وعلى ذلك يمكن الجمع بين الأقوال الثلاثة السابقة كما يلي:

- 1- الأصل هو إخراج العين في الزكاة وزكاة الفطر، وهو المنصوص عليه في السنة النبوية المطهرة.

2- يجوز إخراج القيمة، إذا كانت هناك حاجة أو مصلحة راجحة تعود على الفقير، وقد يختلف ذلك باختلاف الزمان والمكان، وهذا ما ذهب إليه شيخ الإسلام، وتبعه فيه الشوكاني، "ومما يؤيد هذا المذهب الوسط أن أكثر العلماء على أن جانب التعلل في الزكاة مقدم على جانب التبعيد، يؤيد ذلك وجوبها في مال الصبي، ولو كان يتيماً، وصحة النيابة في دفعها...، فإذا كان السر في حكمها هو سد خلة الفقير، فلم لا تدفع قيمة إذا كان دفعها قيمة، أفضل للفقراء؟
ويبدل على جواز دفع القيمة في صدقة الفطر ما ورد في أحاديث صحيحة أن صحابة رسول الله صلى الله عليه وسلم قَوْمُوا صاعاً من تمر أو شعير المنصوصين فيها بنصف صاع من القمح، منها: قول ابن عمر: "فرض النبي صلى الله عليه وسلم صدقة الفطر-أو قال: رمضان-على الذكر والأنثى والحرّ والمملوك: صاعاً من تمر، أو شعير، فَعَدَلَ الناس به نصف صاع من بُرّ..." (البخاري-1422هـ)، (فَعَدَلَ الناس إلى نصف صاع من بُرّ) وقال: "حسن صحيح"(الترمذي-1975)، وهذه الآثار الصحيحة تدل على إجماع صحابة رسول الله صلى الله عليه وسلم على تقويم صاع من تمر، أو شعير بنصف صاع من القمح، وما ذلك إلا من اعتبار القيمة وعدها معياراً لهذه المعادلة.
ثم إنه لا يضر هذا الاجماع ما روى أن أبا سعيد الخدري لم يوافق معاوية في تعديل صاع من تمر أو شعير بنصف صاع من التمر.

الخاتمة:

مما سبق بحثه يتضح ما يلي:

- 1- أن حاصل مذاهب الفقهاء في المسألة ثلاثة أقوال:
الأول: لا يجوز مطلقاً وهو مذهب الجمهور من علماء المالكية والشافعية والحنابلة.
الثاني: يجوز مطلقاً، وهو مذهب أبي حنيفة واختاره الإمام البخاري صاحب الصحيح.
الثالث: يجوز إخراج القيمة عند الحاجة أو المصلحة، ولا يجوز لغير ذلك، وهو ما ذهب إليه شيخ الإسلام ابن تيمية رحمه الله.
2- حديث معاذ رضي الله عنه " :_خذ الحب من الحب... " ليس للحصر، وإنما لبيان أن الأصل في الزكاة أن يكون من العين.
3- إذا كان الهدف منها هو سد خلة الفقير، فلم لا تدفع قيمة إذا كانت أفضل للفقراء؟
4- أن إخراج القيمة هو النسب لهذا العصر، وأهون على الناس، وأيسر في الحساب، وأقرب إلى روح التشريع ومصلحة الفقراء، من حيث التوسعة عليهم وإغنائهم عن الحاجة في يوم العيد.

وصلّى الله على محمد وعلى آله وصحبه وسلم ، والحمد لله رب العلمين.

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الوسائل الحديثة لجمع الزكاة وتوزيعها في ضوء مقاصد الشريعة الإسلامية (تقنيات الذكاء الاصطناعي أنموذجا)

(Modern Means of Collecting and Distributing Zakat in Light Purposes Islamic Law Purposes (Artificial Intelligence Techniques As A Model)

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المخلص

الزكاة ركن أركان الإسلام، وتعمل مؤسسات الزكاة في جمع الزكاة وتوزيعها على الفقراء ، وأحيانا تواجههم مشكلات عديدة عند جمع الزكاة وتوزيعها، على سبيل المثال: الذين يدفعون الزكاة عددهم قليل إما لنسيانهم أو لجهلهم بمقدار الزكاة ، وقد يدفعون أقل من الواجب عليهم، وفي المقابل يوجد عدد كبير من المحتاجين، فتظهر المشكلة تحديد الأولى لإعطائه من مال الزكاة ، وكذلك مشكلة المقدار الذي يتم توزيعه على المستحقين، وهنا يمكن الاستفادة من الذكاء الاصطناعي لحل هذه المشكلات ومساعدة مؤسسات الزكاة على جمع الزكاة وتوزيعها بسهولة من خلال جمع البيانات وتحليلها، وخاصة ونحن نعيش في وقت التحول الرقمي والثورة الصناعية الرابعة، والإسلام يشجعنا على تجديد الوسائل لتحقيق مقاصد الشريعة من خلال حفظ الدين والنفس والمال والعقل والنسل، وقد استخدم الباحث المنهج الاستقرائي التحليلي ، وذلك بغرض تقديم رؤية مقترحة معاصرة للاستفادة من الذكاء الاصطناعي في خدمة الزكاة وحل المشكلات، وقد تكون هذا البحث من مبحثين وخاتمة: تعريف الذكاء الاصطناعي، جمع الزكاة وتوزيعها لتحقيق مقاصد الشريعة الإسلامية عبر تقنيات الذكاء الاصطناعي، تحديد الأولويات من المحتاجين لتحقيق مقاصد الشريعة الإسلامية عبر تقنيات الذكاء الاصطناعي، الخاتمة وفيها أهم النتائج والتوصيات، ومنها: تشجيع مؤسسات الزكاة لتطبيق تقنيات الذكاء الاصطناعي في جمع الزكاة وتوزيعها في ضوء مقاصد الشريعة الإسلامية.

الكلمات الدلالية: الزكاة، مقاصد الشريعة، الذكاء الاصطناعي، القواعد الفقهية، أصول الفقه

Abstract

Zakat is the pillar of Islam. Zakat institutions work in collecting and distributing zakat to the poor, and sometimes they face many problems when collecting and distributing zakat, for example: the number of those who give zakat is few, either because they forget or do not know the amount of zakat, they may pay less than they owe, and in return there are a number A large number of needy people, the problem arises who give him the first to give him from the zakat money, as well as the problem of the amount that is distributed, and here artificial intelligence can be used to solve these problems and help zakat institutions to collect and distribute zakat easily through data collection and analysis, especially as we live in a time of transformation Digital and the Fourth Industrial Revolution, and Islam encourages us to renew the means to achieve objectives of al-Shariah by preserving religion, life, money, mind and offspring, The researcher used the inductive-analytical approach, in order to benefit from artificial intelligence in the service of zakat, and this research may consist of two sections and a conclusion: the definition of artificial intelligence applications,

the role of collecting and distributing zakat to achieve the purposes of Islamic law through artificial intelligence, determining the priorities of those in need to achieve the purposes of Islamic law Through artificial intelligence, the conclusion contains the most important results and recommendations, Including: encouraging zakat institutions to apply artificial intelligence techniques in collecting and distributing zakat in light of the objectives of Islam (Maqasid al-Shariah).

Keywords: Zakat, the Objectives of Islam (Maqasid al-Shariah), Artificial Intelligence, Islamic Legal Maxims (qawaid Fiqhiyya), Principles of Islamic Jurisprudence (Usual Al Fiqh).

المقدمة

الزكاة ركن من أركان الإسلام وقرن الله تعالى بين الصلاة والزكاة في مواضع كثيرة في القرآن الكريم كقوله تعالى: ﴿وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ﴾ [البقرة: 43]، ووضح النبي أنها من أركان الإسلام فقد جاء عن ابن عمر، رضي الله عنهما قال: قال رسول الله صلى الله عليه وسلم: " بني الإسلام على خمس: شهادة أن لا إله إلا الله وأن محمدا رسول الله، وإقام الصلاة، وإيتاء الزكاة، والحج، وصوم رمضان " (i)

العالم يعيش الآن في عصر التحول الرقمي، وظهرت الثورة الصناعية الرابعة والتقدم السريع والهائل في الوسائل التكنولوجية والتقنية، وهذه الوسائل لا بد من استخدامها استخداما صحيحا لتحقيق مقاصد الشريعة الإسلامية، وقد أمرتنا الشريعة الإسلامية بالاستفادة من التقنيات الحديثة والمعاصرة وقد أخبر سبحانه بمخاطبة الناس بلسانهم ولغاتهم التي يفهمونها بالدعوة إلى الله قال تعالى: ﴿وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا بِلِسَانٍ قَوْمِهِ لِيُبَيِّنَ لَهُمْ﴾ [إبراهيم: 4] ولغة العصر حاليا هي لغة التكنولوجيا الحديثة، والتقنيات المعاصرة ومنها: تقنيات الذكاء الاصطناعي، ولذا نحتاج للاستفادة من هذه الوسائل العصرية في الطرق الحديثة لجمع الزكاة وتوزيعها وخاصة ونحن في عصر تكنولوجيا الذكاء الاصطناعي وانترنت الأشياء والبلوك تشين.

وقد ساعدت هذه الوسائل التقنية على حل كثير من المشكلات الإنسانية وما زالت تساعد على حل الصعوبات في المجال الطبي والتعليمي وغيرها، وفي نفس الوقت تظهر مشكلات لدى مؤسسات الزكاة في جمع الزكاة وتوزيعها على مصارفها واختيار الأكثر احتياجا من المستحقين، بالإضافة إلى مسألة تحديد الأولويات في توزيع مصارف الزكاة عند تراحم المستحقين وقلة أموال الزكاة، فالوارد من مال الزكاة محدد وأصناف الزكاة ثمانية، وقد لا يكفي مال الزكاة لتوزيعه على العدد الكبير من المستحقين، وهنا لا بد من تحديد الأولويات في إنفاق أموال الزكاة، وهذه الأولويات تتغير من مؤسسة لأخرى، ومن شخص لآخر ومن ولاية لأخرى ومن نظام لغيره، ولذلك لا بد من ارتباطها بقواعد فقه الأولويات بموضوعية وحيادية دون تعصب، وقد يحدث خطأ أو اختلاف في الآراء بين العاملين بمؤسسات الزكاة في تحديد الأولويات بالإنفاق والصرف من مال الزكاة، ولذا كانت فكرة البحث في مدى إمكانية الاستفادة من تقنيات الذكاء الاصطناعي في المساعدة على حل المشكلات المتعلقة بموضوع الزكاة مما يساعد إدارة الزكاة بالمؤسسات من علاج الصعوبات في جمع الزكاة وتوزيعها مع تحديد الأولويات مما يساعد على إعطاء الزكاة لمستحقيها، وذلك طبقا للبيانات التي يتم جمعها من المستحقين وتحليلها وتوجيه الأموال في الاتجاه الصحيح في الإنفاق لتحقيق مقاصد الشريعة الإسلامية بحفظ الدين وذلك بالحفاظ على تحقيق ركن من أركان الإسلام، وحفظ النفس بتقديم الأكثر احتياجا خاصة لأصحاب العمليات الجراحية العاجلة من الفقراء والمستحقين، ومقصد حفظ المال بحيث يتم صرف المال في مصارفه الشرعية مع مراعاة مصالح الناس، ومقصد حفظ العقل خاصة عند كثرة المدخلات وصعوبة تحديد الأولويات والأكثر حاجة، وذلك يمكن الاستفادة من هذه التقنيات بتوفير الوقت عبر تقنيات الذكاء الاصطناعي في التحقق من صحة البيانات وتحليلها مما يؤثر على العقل، ومقصد حفظ النسل بالحفاظ على الأسر الفقيرة وكفالتهم من مصارف الزكاة، ولذا كان هذا البحث لطرح هذه المسألة الجديدة للمساعدة في حل مشكلات مؤسسات الزكاة باستخدام تقنيات الذكاء الاصطناعي بما يساعد أيضا على تحقيق مقاصد الشريعة الإسلامية.

وتكمن أهمية هذا البحث في مساعدة مؤسسات الزكاة في حل مشاكلها وتحديد الأولويات بالإعطاء من مال الزكاة بحيادية تامة وبما يساعد على تحقيق مقاصد الشريعة الإسلامية وخاصة مقصد حفظ المال بلا إفراط ولا تفریط بالإضافة لباقي المقاصد الأخرى، مع التنبيه أنه لا يمكن الاستغناء عن العنصر البشري وعن العاملين على الزكاة؛ لأن دورهم مهم في استخدام

التكنولوجيا الحديثة وجمع الزكاة وتوزيعها، فما هي إلا وسائل لتحقيق مقاصد الزكاة بطريقة أسرع وأيسر وأدق مما يبسر على العاملين على الزكاة أداء مهامهم وقد استخدم الباحث المنهج الاستقرائي التحليلي وذلك بجمع ما يتعلق بالمشكلات التي تواجه مؤسسات الزكاة في جمع الزكاة وتوزيعها، وكيفية تحديد الأولويات للمستحقين للزكاة مع الحرص على الالتزام بالمصارف الشرعية للإنفاق من مصارف الزكاة وذلك بغرض الاستفادة من تقنيات الذكاء الاصطناعي في خدمة الزكاة. ويتعرض البحث لتحقيق عدة أهداف، ومنها: تعريف تقنيات الذكاء الاصطناعي، جمع الزكاة وتوزيعها لتحقيق مقاصد الشريعة الإسلامية عبر تقنيات الذكاء الاصطناعي، وتحديد الأولويات في مصارف الزكاة لتحقيق مقاصد الشريعة الإسلامية عبر تقنيات الذكاء الاصطناعي ثم خاتمة وفيها أهم النتائج والتوصيات. يتكون هذا البحث من تمهيد ومبحثين وخاتمة.

التمهيد: تعريف الذكاء الاصطناعي.

المبحث الأول: جمع الزكاة وتوزيعها لتحقيق مقاصد الشريعة الإسلامية عبر تقنيات الذكاء الاصطناعي. المبحث الثاني: تحديد الأولويات في مصارف الزكاة لتحقيق مقاصد الشريعة الإسلامية عبر تقنيات الذكاء الاصطناعي. خاتمة وفيها أهم النتائج والتوصيات.

التمهيد: تعريف الذكاء الاصطناعي.

أولاً: معنى الذكاء: الذكاء من ذكى أي حظي بالذكاء بكثرة تدريبه وومارسه لعمل ما وتستعمل في الفطنة مما يساعد على التحليل والتركيب والتمييز والاختيار للمواقف المختلفة(86). ثانياً: معنى الاصطناعي: منسوبة إلى اصطناع من الفعل صنع أي غير طبيعي كالقلب الصناعي والقمر الاصطناعي والتنفس الاصطناعي(87).

، ومنها: الاختراعات Artificial intelligence ثالثاً: المعنى المركب: وهناك تعريفات كثيرة للذكاء الاصطناعي والاكتشافات والأنظمة التي تحاكي القدرات البشرية (88)، ومنها: علم يحتوي على برامج حاسوبية تتسم بخصائص معينة تجعلها تحاكي القدرات الذهنية البشرية(89)، ومنها: الآلات يمكنها أداء المهام بطريقة ذكية ليست مبرمجة فقط (90)، ومن التعريفات أيضاً: التعلم الآلي يسمح للتقنيات البرمجية أن تصبح أكثر دقة في التنبؤ بالنتائج ويمكنها القيام بذلك بنفسها دون إشراف مستمر، وأيت بعدها التعلم العميق وهو عالي الدقة(91). ولذا يمكن تعريف تقنيات الذكاء الاصطناعي بأنها برامج يمكنها تقليد قدرات الإنسان الذهنية للقيام ببعض المهام.

وهذه التقنيات مهمة وكثيرة في حياتنا، ونحتاج للاستفادة منها في مجال جمع الزكاة وتوزيعها لتحقيق مقاصد الشريعة الإسلامية من حفظ الدين والنفس والمال والعقل والنسل، وذلك لحل العديد من المشكلات المعاصرة التي تواجه مؤسسات الزكاة وهذا ما سنعرضه في هذا البحث بإذن الله تعالى.

المبحث الأول: جمع الزكاة وتوزيعها لتحقيق مقاصد الشريعة الإسلامية عبر تقنيات الذكاء الاصطناعي: يمكن الاستفادة من تقنيات الذكاء الاصطناعي في مساعدة الأغنياء على إعطاء الزكاة لمستحقيها وذلك بعمل خوارزميات تعمل بشكل آلي على حساب أموال الأغنياء، وتكون بطريقة خوارزميات علمية لمساعدتهم على حساب الوارد والصادر وتنبههم

(86) لسان العرب (14 / 287) المعجم الوسيط (1 / 314)

(87) معجم اللغة العربية المعاصرة (2 / 1323)

(88) توظيف تقنيات الذكاء الاصطناعي في الدعوة إلى الله (20).

(89) تقنيات الذكاء الاصطناعي في التعليم من وجهة نظر تدريسي الجامعة، (298).

(90) تقنيات الذكاء الاصطناعي لتطوير التعلم الآلي الإحصائي (44).

(91) المرجع السابق (45).

بمجرد تحقق شروط الزكاة وأسبابها وانتفاء الموانع من الديون، مع الأخذ بالأقوال الراجحة لدى الفقهاء، وبذلك تساعد هذه التقنيات بتذكير من وجبت عليهم الزكاة بدفعها في وقتها مع احتساب دقيق لنسبة الزكاة بغض النظر إذا وجبت عليهم الزكاة في شهر رمضان أو غيره وذلك بمجرد حولان الحول وبلوغ النصاب وتوفر الشروط؛ لأن كثيراً من الأغنياء قد لا ينتبه لدفع الزكاة في وقتها أو في احتسابها ولا يتذكر إلا في شهر رمضان مما يؤدي لضياح حقوق الفقراء والمستحقين من مصارف الزكاة في حالة عدم إخراجها طوال العام، وكذلك قد تساعد على إخراج الزكاة على الدخل الشهري، وهناك من الأغنياء من يموت ولم يدفع الزكاة ولا يعلم الورثة مقدار الزكاة الواجبة عليهم إلا بالتقدير، فلعل تقنيات الذكاء الاصطناعي تساعد على دفع الزكاة عن أقاربهم من الموتى في حال صحة البيانات.

ولذا يمكن استخدام تطبيق للذكاء الاصطناعي في أتمتة الزكاة من حيث جمعها وتوزيعها؛ لأن هناك مشكلات كثيرة تواجه مؤسسات الزكاة في جمع الزكاة ويمكن حلها عبر هذه الوسائل الحديثة، ومن هذه التقنيات المفيدة تقنيات الذكاء الاصطناعي وذلك مع الالتزام بكافة القواعد والأحكام الشرعية المتعلقة بالزكاة.

من المشكلات أيضاً في جمع الزكاة هي تهرب بعض المسلمين من دفع الزكاة، ولذا تساعد تقنيات الذكاء الاصطناعي على عدم التهرب من دفع الزكاة، فكما أنه تتم محاسبة من لا يدفع الضرائب، فالأولى مساعدة من يرغب في دفع الزكاة عبر تقنيات الذكاء الاصطناعي، فتساعد هذه التقنيات الحديثة على مواجهة الحيل في التهرب من الزكاة، والزكاة لا تسقط بالحيل قول الله تعالى: { إِنَّا بَلَوْنَاهُمْ كَمَا بَلَوْنَا أَصْحَابَ الْجَنَّةِ إِذْ أَقْسَمُوا لَيَصْرُنَّهَا مُصْبِحِينَ (17) وَلَا يَسْتَأْذِنُونَ (18) فَطَافَ عَلَيْهَا طَائِفٌ مِّن رَّبِّكَ وَهُمْ نَائِمُونَ (19) فَأَصْبَحَتْ كَالصَّرِيمِ } [القم: 17 - 20] فقد عاقبهم الله بسلب النعمة عليهم لفرارهم من دفع الزكاة، وذلك من باب المعاملة بغير المقصود.

وقد أخبر الله سبحانه عن عقاب من يتهرب من الزكاة بقوله: { وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يُنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ } [التوبة: 34] ، وأعلن أبو بكر الصديق محاربتهم لمن يمنع الزكاة فقد جاء أن أبا هريرة رضي الله عنه، قال: لما توفي رسول الله صلى الله عليه وسلم وكان أبو بكر رضي الله عنه، وكفر من كفر من العرب، فقال عمر رضي الله عنه: كيف تقاتل الناس؟ وقد قال رسول الله صلى الله عليه وسلم: " أمرت أن أقاتل الناس حتى يقولوا: لا إله إلا الله، فمن قالها فقد عصم مني ماله ونفسه إلا بحقه، وحسابه على الله" فقال: والله لأقاتلن من فرق بين الصلاة والزكاة، فإن الزكاة حق المال، والله لو منعوني عناقاً كانوا يؤدونها إلى رسول الله صلى الله عليه وسلم لقاتلتهم⁽⁹²⁾ وقد لا تحتاج بعض الدول لفرض الضرائب في حالة دفع جميع الأغنياء لزكاة أموالهم وحل المشكلات.

من المشكلات أيضاً هي تراكم الزكاة عدة أعوام على المزمكي نظراً لجهله أو نسيانه، وعدم معرفته بمقدار الزكاة الواجبة عليه في الأعوام الماضية فيلجأ إلى التقدير الشرعي، ولكن قد يعجز عن التقدير، وهنا يأتي دور الذكاء الاصطناعي في تقدير الزكاة عبر البيانات السابقة عن حساباته المالية والمدخلات والمخرجات ومساعدته على تقدير نسبة الزكاة إن وجبت عليه في بعض الأعوام السابقة أو عن طريق إدخال البيانات التي قد يتذكرها، وتساعد تقنيات تعلم الآلة والتعلم العميق والشبكات العصبية على تقدير نسبة الزكاة.

وهذه التقنيات المعاصرة تساعد على تحقيق مقاصد الشريعة الإسلامية من خلال دفع الزكاة بتحقيق مقصد حفظ الدين وتطبيق ركن من أركان الإسلام وهو إيتاء الزكاة، وكذلك مقصد حفظ المال من الحرام فمن لا يدفع الزكاة الواجبة عليه فهو يأكل حراماً وقد لا يدري أنه وجبت عليه الزكاة، وكذلك مقصد حفظ العقل عند صعوبة تقدير نسبة الزكاة وخاصة إن كانت في الأعوام السابقة، وكذلك مقصد حفظ النسل بحفظ الأسر من أكل الحرام مما يساعد على حياة طيبة كريمة في ظل دفع فريضة الزكاة على من وجبت عليه.

والزكاة واجبة في الأموال النامية⁽⁹³⁾ ولذا تساعد تقنيات الذكاء الاصطناعي أيضاً مؤسسات الزكاة والمزمكين على تحديد الأموال النامية والقابلة للنماء من غيرها وذلك عن طريق جمع البيانات وتحليلها عن طريق الخوارزميات. وكذلك من المشكلات أنه قد تختلط الأموال الحلال بالأموال الخبيثة لدى المزمكي ولدينا قاعدة " لا تجب الزكاة في المال الخبيث"⁽⁹⁴⁾ فتساعد هذه التقنيات الحديثة قدر المستطاع من معرفة مصادر هذه الأموال والتمييز بين الحلال والخبيث عبر الخوارزميات الصحيحة وتحليل البيانات، فالعبد سيحاسب يوم القيامة عن مصادر أمواله، فقد قال رسول الله صلى الله عليه

(92) صحيح البخاري، كتاب الزكاة، باب وجوب الزكاة، رقم الحديث (1399)، (2/105).

(93) الإقناع للماوردي (60/1).

(94) حاشية ابن عابدين (317/2).

وسلم: لا تزول قدما عبد يوم القيامة حتى يسأل عن عمره فيما أفناه، وعن علمه فيم فعل، وعن ماله من أين اكتسبه وفيم أنفقه، وعن جسمه فيم أبلاه. (95) فنجد أن الله يسأل العبد يوم القيامة سؤالين عن المال: عن مصادر اكتسابه وطرق إنفاقه. كما تساعد هذه التقنيات في تحديد المال الذي تجب فيه الزكاة، "فما كان معدا لاستعمال مباح فلا تجب فيه الزكاة" (96) فمثلا الشقة التي يسكنها المسلم وسيارته التي يستعملها فلا تجب فيها الزكاة، وهذه التقنيات تساعد في تحديد ما هو من استعمال الإنسان بصفة طبيعية ضمن احتياجاته الضرورية المباحة من عدمه، وذلك بدراسة بياناته السابقة وتحليلها وخاصة في مسألة زكاة الحلي، وذلك في حالة إذا كانت المرأة تملك مقدار كثيرا من الحلي وتعمل على استعماله بنية للتهرب من دفع الزكاة. وأحيانا يحدث اختلاط في أموال الزكاة وهناك قاعدة: "لا يضم جنس إلى آخر في تكميل النصاب" (97)، فهناك زكاة النقدين بخلاف مقدار زكاة الزورع والثمار بخلاف زكاة الركا، وتساعد تقنيات الذكاء الاصطناعي في تحديد نسبة الزكاة في كل منهما دون اختلاط، فتساعد هذه التقنيات في تحديد الزكاة في المال المختلط بين عدة أشخاص، وهناك قاعدة "الخلطة تجعل المالك كالمال الواحد في حكم الزكاة" (98) فتجعل أموال الشركاء كمال الرجل الواحد في دفع الزكاة، لذا يمكن الاستفادة من هذه التقنيات فيمن يملك مالا باعتبارين مختلفين تجب فيهما الزكاة فتجب عليه زكاة واحدة ولا تجب زكاتين (99)، ولا تجتمع زكاتان في مال واحد" فمثلا من يملك خمس من الإبل السائمة وهي معدة للتجارة أيا فتجب في هذا المال زكاة واحدة.

وتساعد هذه التقنيات الحديثة في تحديد مسألة تعجيل الزكاة فقد أجازها العلماء بحلول السببين من الحول والنصاب " كل ما تتعلق الزكاة فيه بسببين - حول ونصاب - جاز تعجيل زكاته" (100) وهو رأي جمهور العلماء (101)، وماذا لو تغيرت حالته المادية بعد دفع الزكاة ولم تجب عليه في الحول التالي، فيمكن الاستفادة من خلال جميع البيانات وتحليلها من خلال تقنيات الذكاء الاصطناعي للتنبؤ والتوقع طبقا لفقه المآلات وحسب طبيعة البيانات وتحليلها. ومن المسائل المعاصرة أيضا: مسألة استثمار أموال الزكاة فقد نحتاج إلى استخدام تقنيات الذكاء الاصطناعي للإرشاد لمدى إمكانية استثمار أموال الزكاة من عدمه مع الحفاظ على المال دون إهداره تحقيقا لمقصد حفظ المال وذلك بموافقة مستحقي أموال الزكاة؛ لأن أموال الزكاة هي حق على الفور للمستحقين، وتساعد هذه التقنيات على معرفة مدى جدوى المشروعات التي سيتم استثمار أموال الزكاة فيها حفاظا عليها من الخسارة وإهدارها حرصا على حقوق الفقراء. وتظهر مشكلة أيضا لدى بعض مؤسسات الزكاة في مسألة إثبات الفقر حتى تتمكن من إعطائه الزكاة؛ لأن الغني لا يجوز أن يأخذ الزكاة، وهناك من يدعي الفقر أو أن ماله ضاع ويحتاج للزكاة فعليه بإحضار البينة. واختلف العلماء في عدد البينة، فقيل: لا بد من ثلاثة (102)، لما جاء في حديث قبيصة أن النبي قال له: أقم حتى تأتينا الصدقة فنأمر لك بها. ثم قال: يا قبيصة: إن المسألة لا تحل إلا لأحد ثلاثة. . . وذكر منهم: رجل أصابته فاقة حتى يقوم له ثلاثة من ذوي الحجا من قومه، لقد أصابت فلانا فاقة، فحلت له المسألة حتى يصيب قواما من عيش أو قال: سدادا من عيش (103) ولذا تقنيات الذكاء الاصطناعي قد تساعد في إثبات الفقر من عدمه.

كما يمكن الاستفادة من تقنيات الذكاء الاصطناعي في مسألة العاملين على الزكاة وذلك من خلال جمع البيانات وتحليلها مما يساعد العاملين على الزكاة من اتخاذ القرار المناسب، ولذا يدخل المبرمجون لتقنيات الذكاء الاصطناعي في سهم العاملين من مصارف الزكاة لما يقومون به من جهد في جمع البيانات والبرمج لتحويلها من أجل جمع الزكاة وتوزيعها، كما يمكن لهذه التقنيات المساعدة في المقدار الذي سيأخذه سهم العاملين عليها طبقا لمقدار مال الزكاة وعدد أصناف الزكاة.

المبحث الثاني: تحديد الأولويات في مصارف الزكاة لتحقيق مقاصد الشريعة الإسلامية عبر تقنيات الذكاء الاصطناعي: تظهر هناك عدة مشكلات في تحديد الأولويات عند توزيع الزكاة على مصارفها الشرعية، وقد وضحتها الشريعة الإسلامية بقول الله تعالى: { إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ } [التوبة: 60]

(95) سنن الترمذي، باب في القيامة، رقم الحديث (2417)، (4/190)، هذا حديث حسن صحيح

(96) تحفة المحتاج لابن حجر (271/3).

(97) المغني (315/2).

(98) تحفة المحتاج لابن حجر الهيتمي (259/3)، المغني لابن قدامة (248/2)

(99) الحاوي الكبير (362/4)، الأشباه والنظائر للسيوطي (444/1).

(100) المغني لابن قدامة (84/4).

(101) انظر: فتح القدير (516/1)، قواعد الأحكام (8/2)، المغني (630/2).

(102) المغني (663/2، 6/423)، الإنصاف (245/3)، المجموع (195/6).

(103) صحيح مسلم، كتاب الزكاة، باب من حل له المسألة، رقم الحديث (1044)، (722/2).

لذا تقنيات الذكاء الاصطناعي لها دور كبير في تطوير المنظمات مما يساعد على سهولة التعامل (104)، ومنها توقع عدد الفقراء وحل مشاكلهم قبل الوقوع في الفقر، فالوقاية خير من العلاج، فعلم المستقبل علم مهم تحتاجه الدول لترسم خططها الاقتصادية وتجنب المعوقات والفشل، ويمكن الاستفادة من تقنيات الذكاء الاصطناعي للتوقع وفقه المالات (105).

ومن هذه المشكلات التي تعاني منها مؤسسات الزكاة مشكلة تحديد الأولويات في توزيع الزكاة على مستحقيها، فقد تتزاحم عدة مصارف للزكاة كشخص فقير مريض، وآخر فقير يريد يكمل دراسته، وثالث غارم في أمر عاجل، ورابع يستحق الزكاة لإجراء عملية جراحية عاجلة، فكيف يتم تحديد الأولويات منهم بإعطاء الزكاة؟ قد يتم الاجتهاد البشري بدراسة حالتهم، وقد تقع نسبة من الأخطاء أو التحيز لفئة دون أخرى، أو يأخذ دراسة حالاتهم وقتاً طويلاً يؤثر على ظروف المستحقين، أو يغضب بعض الفقراء لعدم أخذهم من مصارف الزكاة القدر الذي يطلبونه، وهنا يأتي دور الذكاء الاصطناعي في مساعدة مؤسسات الزكاة على تحديد الأولويات بصرف الزكاة لهم وما مقدارها بحسب حالتهم مع الموضوعية والحيادية التامة من الخوارزميات الصحيحة مع الحرص على تحقيق المصالح المرسله وسد الذرائع.

لذا تساعد تقنيات الذكاء الاصطناعي في توضيح درجة الفقراء والمسكين حسب الأولوية، فقد اختلف الفقهاء في حد الفقير والمسكين، فعند الحنفية والمالكية: المسكين هو من لا يملك شيئاً، وعند الشافعية: هو من قدر على مال أو كسب يقع موقعا من كفايته ولا يكفيه، وعند الحنابلة: هو من يجد معظم الكفاية أو نصفها من كسب أو غيره (106) بالإضافة لاختلاف الفقهاء في أيهما الأشد حاجة، فيرى الشافعية والحنابلة إلى أن الفقير أشد حاجة من المسكين، واستدلوا بأن الله تعالى قدم ذكرهم في أصناف الزكاة، أما المسكين فليده مالا لقوله تعالى: { أَمَّا السَّعِيَّةُ فَكَانَتْ لِمَسْكِينٍ يَعْمَلُونَ فِي الْبَحْرِ } [الكهف: 79]، بخلاف الحنفية والمالكية فيرون أن المسكين أشد حاجة من الفقير لقول الله تعالى: { أَوْ مَسْكِينًا ذَا مَثْرَبَةٍ } [البلد: 16]. (107)

كما يرى الحنفية أن الفقير هو من له أدنى شيء وهو ما دون النصاب، فإذا ملك نصاباً من أي مال فهو غني لا يأخذ الزكاة، فإن ملك أقل من نصاب فهو غير مستحق، وكذا لو ملك نصاباً غير نام وهو مستغرق في الحاجة الأصلية، فإن لم يكن مستغرقاً منع، كمن عنده ملابس وأدوات وأشياء كثيرة مخزنة لديه لا يستعملها ولا يحتاجها ولو باعها لكان غنياً، فإن الزكاة تكون حراماً عليه، ويرى المالكية أن الفقير من يملك شيئاً لا يكفيه لقوت العام (108). وهذه مشكلة تواجه مؤسسات الزكاة في تحديد الأكثر احتياجاً من الفقراء والمسكين المستحقين للزكاة، ولعل تقنيات الذكاء الاصطناعي تساعد هذه المؤسسات في تحديد الأولويات بالإضافة إلى القدر الذي يعطاه الفقير والمسكين من الزكاة، فقد اختلف الفقهاء في هذه المسألة فيرى المالكية وقول للشافعية والمذهب عند الحنابلة إلى جواز إعطاء الفقير ما يكفيه لعام كامل؛ لأن الزكاة تنكرر سنوياً بخلاف الشافعية في قول والحنابلة في رواية إلى أن الفقير والمسكين يعطيان ما يجعلهما يخرجان من الفقر للغنى أي الكفاية الدائمة، ويرى الحنفية إلى أن من لا يملك نصاباً زكواً كاملاً يجوز أن يدفع إليه أقل من مائتي درهم أو تمامها. ويكره أكثر من ذلك، وقال زفر لا يجوز تمام المائتين أو أكثر. (109)

فيمكن العمل في ترتيب الأصناف طبقاً لترتيب الآية الكريمة، لذا نحتاج إلى برمجة تقنيات الذكاء الاصطناعي على عدة قواعد لأولويات مصارف الزكاة وقد تتعارض الحالات في المصرف الواحد، ومن هذه القواعد أيضاً: قاعدة: "الجميع بين المصلحتين أولى من إبطال إحداهما" (110)، وهذه القاعدة تساعد في حالة وجود أكثر من مستحق في نفس درجة المصلحة فيفضل الجمع بينها قدر المستطاع، وتساعدنا تقنيات الذكاء الاصطناعي على تحديد المقدار لكل مستحق لتحقيق المنفعة للجميع.

فإذا تعذر الجمع بين أصحاب المصالح والمستحقين فلنجا إلى الترتيب حسب درجة المصلحة ومن هذه القواعد: "قاعدة ترتب المصالح بحسب الأحكام الخمسة عند التعارض" (111) وذلك من خلال تحديد المصالح لكل حالة من الزكاة ويتم تحديد الأولويات حسب المصالح فالبدء بالواجب الإعطاء لهم ثم المندوب ثم المباح وذلك بحسب دراسة حالتهم ومدى الاستعجال في إعطائهم من خلال البيانات، بالإضافة قد تساعد هذه التقنيات على تحديد من يحرم إعطاؤهم أو يكره وذلك من خلال دراسة بياناتهم السابقة وكيفية تعاملهم مع المال، وإذا كانوا يتعاملون مع المال برشد أم سفه، ولذا جاء في الشريعة الإسلامية الحجر

(104) الذكاء الاصطناعي وانعكاساته على المنظمات عالية الاداء - دراسة استطلاعية في وزارة العلوم والتكنولوجيا، (89).

(105) استخدام الشبكات العصبية الذكاء الاصطناعي في التنبؤ المستقبلي بالنمو الاقتصادي في مصر، (1).

(106) حاشية ابن عابدين (2 / 59)، مغني المحتاج (3 / 108)، كشاف القناع (2 / 282).

(107) المغني (6 / 420)، فتح القدير (2 / 15 - 16).

(108) فتح القدير (2 / 15).

(109) شرح منتهى الإرادات (3 / 238)، المغني (6 / 665)، المجموع (6 / 194).

(110) فتح القدير (6 / 223).

(111) قواعد الأحكام (75/1) الفروق للقرافي (125/2).

على السفبه وقد قال تعالى: {وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَامًا} [النساء: 5] فأعطاء المال لمستحقة حسب الأحكام الخمسة يساعد على تحقيق مقصد حفظ المال وعدم الإسراف الذي نهى الله عنه، بقوله تعالى: {وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ} [الأعراف: 31]

ومن قواعد الأولويات في توزيع مصارف الزكاة : قاعدة: "تقديم المصلحة الغالبة على المفسدة النادرة" (112) وتستند هذه القاعدة على جملة الأدلة التي أرشدت إلى مشروعية العمل بالظن الراجح وترك الوهم المرجوح. وهذه القاعدة تساعدنا من خلال تقنيات الذكاء الاصطناعي على تحديد درجات المصالح والمفاسد الحالية والمتوقعة، ويتم تدريب التقنيات على تقديم المصالح الغالبة على المفاسد النادرة من خلال دراسة حالات المستحقين للزكاة .

فحتاج إلى الاستفادة من تقنيات الذكاء الاصطناعي في توزيع الزكاة في مصارفها الصحيحة طبقاً للأولويات وذلك من أجل تحقيق مقاصد الشريعة الإسلامية بإعطاء أصحاب الضروريات ثم الحاجيات ثم التحسينيات، وبذلك نقضي على مشكلة الفقر بالتدرج وتحويل الفقراء من أفراد يأخذون الزكاة إلى أغنياء يعطون الزكاة، كما أن هذه التقنيات ستساعد المؤسسات لتحديد المقدار الذي سيتم دفعه للمستحق من الفقراء والمساكين وذلك حسب البيانات التي يتم إدخالها وتحليلها لمعرفة الأكثر احتياجاً، وكذلك المقدار الذي يتم صرفه لهم، لذا تقنيات الذكاء الاصطناعي تساعد مؤسسات الزكاة في توزيع مصارف الزكاة، وذلك عن طريق حصر دقيق للمستحقين ونسبة التوزيع لهم عن طريق التقنيات ودراسة حالتهم، فحصر الفقراء والمساكين لمساعدتهم وتحديد الأشد احتياجاً والأولى منهم في الإنفاق أمر مهم، وكذلك مقدار الغارمين وعددهم ومدى حاجتهم والأسباب، وكذلك الحال لابن السبيل والمؤلفة قلوبهم مما يساعد مؤسسات الزكاة على كيفية الجمع والتوزيع الدقيق لزكاة المال، بالإضافة لمسألة أخرى وهي تحديد مدى الحاجة لنقل الزكاة لبلد أخرى أم لا عن طريق تفعيل نظام الزكاة العالمي وتقنيات الذكاء الاصطناعي والبيانات المتوفرة، ومدى الحاجة لفرض الضرائب ومقدارها في حالة صعوبة الاكتفاء بالزكاة، وكذلك صدقة الفطر وكيفية الاستفادة منها طوال العام، ومدى قبول المال الحرام والشبهات في الوقف والصدقات وغيرها من القضايا التي يمكن لتقنيات الذكاء الاصطناعي المساعدة في حلها.

ويقترح الباحث وضع ضوابط عند استخدام تقنيات الذكاء الاصطناعي في أمور الزكاة ومنها:
عدم الخروج عن المصارف الشرعية لمصارف الزكاة المحددة في القرآن الكريم حتى لا يؤدي ذلك لضياح أموال الزكاة، وتعاون المتخصصين في الزكاة مع المبرمجين لعمل خوارزميات بطريقة صحيحة تحقق مقاصد الشريعة من الزكاة حتى لا يؤدي لمفاسد مالية، وعدم التلاعب بالخوارزميات أو استخدامها استخداماً سيئاً يضر بمؤسسة الزكاة، واستخدام بيانات الأغنياء والمستحقين استخداماً صحيحاً دون التعدي على خصوصيات الآخرين ونشر بياناتهم إلا بإذنهم، مع الالتزام بمبادئ وأخلاقيات تقنيات الذكاء الاصطناعي.
الخاتمة وفيها أهم النتائج والتوصيات.

النتائج

- يمكن تعريف تقنيات الذكاء الاصطناعي بأنها برامج يمكنها تقليد قدرات الإنسان الذهنية للقيام ببعض المهام.
- هناك مشكلات كثيرة تتمكن تقنيات الذكاء الاصطناعي من حلها من خلال جمع الزكاة وتوزيعها.
- أهمية الالتزام بقواعد وضوابط الأولويات في تقنيات الذكاء الاصطناعي عند الترويج بين المستحقين للزكاة عند التزام على أن تكون تحت إشراف العاملين على الزكاة في المؤسسات المتخصصة، فهذه التقنيات ما هي إلا وسائل لمساعدة المؤسسات.

التوصيات:

- دعوة مؤسسات الزكاة لتطبيق تقنيات الذكاء الاصطناعي في جمع الزكاة وتوزيعها في ضوء مقاصد الشريعة الإسلامية.
- تعاون علماء الفقه مع المتخصصين في البرمجة عند تشغيل تقنيات الذكاء الاصطناعي مع التجريب قبل التعميم.
- عقد ندوات ومؤتمرات من أجل الاستفادة من وسائل التقنيات الحديثة في مسائل الزكاة، وتدريب العاملين على الزكاة على استخدامها بطريقة صحيحة.

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تقنين الزكاة بين المؤيد والمعارض وصورها من خلال عرض نماذج تطبيقية

(Legalization of Zakat Between Supporters and Opponents and Examples by Viewing Application Forms)

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الملخص

إلى يوم الدين وبعد:

فإن الزكاة فريضة من الفرائض العظيمة التي أوجبها الله على عباده المسلمين من خلال ثبوتها في الكتاب والسنة، وما لها من حكم رائعة نتج عنها تحقيق التكافل الاجتماعي بين أفراد المجتمع، وتطهير النفوس وتزكيتها من الذنوب والخطايا، ومما ورد في ذلك الآية الكريمة من سورة التوبة (خذ من أموالهم صدقة تطهرهم وتزكيتهم بها) ومن هذا المنطلق أردت أن أتناول في هذا البحث مسألة تقنين الزكاة الذي يعتبر جزءاً لا يتجزأ من قضية تقنين الفقه الإسلامي المترنحة بين مؤيد ومعارض، حيث أن لكل فريق حججه المعتمدة. مع اقتراح الرأي الراجح الخادم للشريعة الإسلامية في تطبيق التقنين لفريضة الزكاة وبناءً على ذلك قمت بوضع خطة تشتمل على هذا الموضوع وتتضمن ما يلي:

المقدمة، أهمية البحث، ومشكلة البحث، وحدود البحث، وأسباب اختيار الموضوع، وقد جاء هذا البحث في ثلاثة مباحث جعلت المبحث التمهيدي في المبحث التمهيدي التعريف بحقيقة التقنين بين المنع والجواز، أما المبحث الثاني التقنين الشرعي لمؤسسات الزكاة والأدلة الشرعية على ذلك، في حين يتحدث المبحث الثالث عن صور التقنين المعاصر للزكاة مع ذكر نماذج تطبيقية على ذلك، وخاتمه بها بعض النتائج والمراجع

Abstract

Zakat is one of the great obligations that God made obligatory on his Muslim servants through its confirmation in the Qur'an and Sunnah, and its wonderful rule that resulted in achieving social solidarity among members of society, purifying souls and purifying them from sins and sins, and what was mentioned in the noble verse from Surat Al-Tawbah (Take alms from their money to purify them and purify them with it. From this point of view, I wanted to address in this research the issue of legalizing zakat, which is an integral part of the issue of legalizing Islamic jurisprudence, vacillating between supporters and opponents, as each group has its own approved arguments. With the proposal of the most correct opinion serving the Islamic Sharia in the application of the legalization of the obligation of zakat, and accordingly. I have drawn up a plan that includes this topic and includes the following, The introduction, the importance of the research, the research problem, the limits of the research, and the reasons for choosing the topic, and this research came in three sections that made the preliminary research in the preliminary

research the definition of the reality of legalization between prevention and permissibility while the second topic talks about the legal legalization of Zakat institutions and the legal evidence for that, while the third topic talks On the contemporary legalization of zakat, with mentioning practical examples of that, and its conclusion with some results and references.

المقدمة

الحمد لله حمدا طيبا مباركا فيه، والصلاة والسلام على أشرف خلقه أجمعين، وعلي أصحابه الدر الميامين، ومن سار على نهجه إلى يوم الدين وبعد:

فإن الزكاة فريضة من الفرائض العظيمة التي أوجبها الله على عباده المسلمين من خلال ثبوتها في الكتاب والسنة، وما لها من حكم رائعة نتج عنها تحقيق التكافل الاجتماعي بين أفراد المجتمع، وتطهير النفوس وتزكيتها من الذنوب والخطايا، ومما ورد في ذلك الآية الكريمة من سورة التوبة (خذ من أموالهم صدقة تطهرهم وتزكيتهم بها).

ومن هذا المنطلق أردت أن أتناول في هذا البحث مسألة تقنين الزكاة الذي يعتبر جزءا لا يتجزأ من قضية تقنين الفقه الإسلامي المترنحة بين مؤيد ومعارض، حيث أن لكل فريق حججه المعتمدة. مع اقتراح الرأي الراجح الخادم للشرعية الإسلامية في تطبيق التقنين لفريضة الزكاة وبناء على ذلك قمت بوضع خطة تشتمل على هذا الموضوع وتتضمن ما يلي :

أهمية البحث

تتجلى أهمية هذا في كون الزكاة من أهم الفرائض الشرعية التي تنظم علاقة الإنسان بربه للحصول على رضاه، وتنظم أيضا علاقة الفرد بالمجتمع الذي يحيط به، وباعتبار أن الزكاة تقوم بدور كبير في نشر التكافل بين أفراد المجتمع كله وتقوي الروابط بين أفراد المجتمع الواحد هذا من جانب، ومن جانب آخر تهتم هذه الدراسة بقضية التقنين بين المؤيد والمعارض وبيان الرأي الراجح الذي يخدم الشريعة الإسلامية والحفاظ على نظامه الذي يكفل حق المسلم مع غيره، ويساعد في تنمية أموال الزكاة والاستفادة الشرعية منها في خدمة المجتمع والنهوض بأفراده.

مشكلة البحث

تتمثل مشكلة البحث في كيفية تقنين مؤسسات الزكاة في الدول الإسلامية، وطرق الاستفادة من تقنين احكام الشريعة الإسلامية عامة، واحكام الزكاة خاصة، مما يساهم في تنمية أموال الزكاة والاستفادة منها في القضاء على الفقر والمساعدة في إيجاد حلول للمشاكل الاقتصادية التي يعاني منها العالم كله بصفة عامة والعالم الإسلامي بصفة خاصة، وإظهار أهمية تقنين الزكاة في القضاء على الفقر.

أسئلة البحث :

- 1- ما المقصود بتقنين الأحكام الشرعية ؟
- 2- ما أهمية وجود مؤسسات الزكاة في العالم الإسلامي ؟
- 3- ما هي الأدلة على مشروعية تقنين مؤسسات الزكاة ؟
- 4- ما هي النماذج الرائدة في تقنين مؤسسات الزكاة في العالم الإسلامي ؟

حدود البحث:

موضوع الزكاة كبيرا وواسع النطاق ولكن اقتصر في بحثي على جانب مسألة التقنين للزكاة مع ذكر مؤيدها ومعارضها وحججهم والتوضيح ببعض النماذج التطبيقية على ذلك.

أسباب اختيار الموضوع

يرجع اختياري لهذا الموضوع لعدة أسباب منها :

- 1 – أهمية هذا الموضوع في كونه سبب في الحفاظ على تفعيل مسألة أداء الزكاة لمستحقيها الذين هم في أمس الحاجة لأموال الزكاة .
- 2 – بيان دور السلطة التشريعية في تطبيق الأحكام الشرعية الخاصة بفريضة الزكاة سعيا لتحقيق العدالة والمساواة بين أفراد المجتمع.

المبحث التمهيدي

التعريف بحقيقة التقنين بين والمنع والجواز

المطلب الأول : حقيقة التقنين

مصطلح "التقنين"

قَدْن يَقْننُ تَقْنِينًا: وضع القوانين، وهذا اشتقاق بني على ألفاظ مولدة اعتمدها المجامع اللغوية، وتداولتها الألسنة، وجرّت بها الأقسام⁽¹¹³⁾.

والقانون: مقياس كل شيء وطريقه، وهو في الاصطلاح: أمر كلّي ينطبق على جميع جزئياته التي تُعرف أحكامها منه. أما في المجال الاجتماعي فإنّ له دلالة خاصة ودلالة عامة⁽¹¹⁴⁾.

فدلالة القانون تكون خاصة: إذا أُطلق وأريد به بعض القواعد التشريعية الملزمة التي تُهدف إلى تنظيم وضع خاص أو جماعة معينة؛ مثل: قانون الخدمة المدنية، وقانون المرور.

ودلالة القانون تكون عامة: إذا أُطلق وأريد به مجموعة القواعد الملزمة التي تحكم سلوك الأفراد في المجتمع، وهذه الدلالة العامة هي التي تتبادر إلى الذهن عند إطلاق لفظ القانون في مجال العلوم الاجتماعية؛ سواءً اعتبرنا القانون علمًا أو فنًا أو مزيجًا منهما، فالقانون بهذا المعنى يتكوّن من قواعدٍ مجردةٍ وعامة، تهدف إلى تنظيم سلوك الأفراد في المجتمع، ويلتزم بها الكافة عن طريق توقيع جزاءٍ على من يخالفها.

فقد عرّف التاريخ حركة التقنين منذ أمِدٍ بعيد، ويمكن أن نذكر من ذلك على سبيل المثال: ⁽¹¹⁵⁾

- مجموعة "حمورابي": التي صدرت في بابل في القرن الثامن عشر قبل الميلاد.

- مجموعة "مانو": التي صدرت في الهند في القرن الثامن عشر قبل الميلاد.

بينما يذهب رأي آخر إلى القول بأن لفظ "القانون" عربي الأصل مادةً وشكلاً⁽¹¹⁶⁾؛ فأصل لفظ قانون (قن)، ويعني تتبّع أخبار الشيء للإمعان في معرفته، وأما من حيث شكله فهو من صيغةٍ عربية على وزن (فاعول)، وهي تدل على الكمال وبذل الجهد، إضافةً إلى أن لفظ "قانون" لم يرد في المجموعات العربية التي وُضعت للتنبيه على الألفاظ المستعربة، مثل كتاب أبي منصور الجواليقي: "المُعرب من الكلام الأعجمي"⁽¹¹⁷⁾.

ومهما يكن من أمر، فقد استعمل العلماء المسلمون لفظ "القانون" في معنّيه السابقين:

- في معناه العام: أمر كلي ينطبق على جميع جزئياته التي تُعرف أحكامها منه، ومن ذلك على سبيل المثال:

- ابن سينا (المتوفى سنة 428 هـ): القانون في الطب.

- البيروني (توفي عام 448 هـ): القانون المسعودي في الهيئة والنجوم.

ب- في معناه الخاص بالمجال الاجتماعي: مجموعة القواعد الملزمة التي تحكم سلوك الأفراد في المجتمع، من ذلك:

- ابن تيميّة (المتوفى سنة 728 هـ): "فتلك القواعد الفاسدة التي جعلوها قوانين... ثم إن هذه القوانين فيها ما هو صحيح لا ريب

فيه"⁽¹¹⁸⁾.

- ابن الجوزي (المتوفى سنة 597 هـ): "لم يزل على قانون السلف وقولهم: إن القرآن كلام الله غير مخلوق، حتى نبغت المعتزلة

فقاتل بخلق القرآن، وكانت تستر ذلك، وكان القانون محفوظًا في زمان الرشيد"⁽¹¹⁹⁾.

المطلب الثاني

التقنين بين المؤيد والمعارض مع ذكر حجة كل منهما

أولاً: حجج المؤيدين لتقنين الفقه الإسلامي مع ذكر مزايا التقنين:

المعجم الوسيط، بإشراف عبدالسلام هارون، القاهرة: 1380 هـ، 1960، ج 1 ص 11 ج 2 ص 769.113

إبراهيم أبو الليل ومحمد الألفي، المدخل إلى نظرية القانون ونظرية الحق، الكويت: 1406 هـ / 1986 م، ص 10 / 11.114

عبدالسلام الترماني، تاريخ النظم والشرايع، الكويت، 1975 م، ص 47 وما بعدها.115

سمير عالية: نفس الموضوع، نقلًا عن: عبدالله النقشبندى وعبدالباقي البكري.116

حققه: أحمد محمد شاكر، وطبع بالقاهرة: 1361 هـ.117

محمد عبدالجواد، التطور التشريعي في المملكة العربية السعودية، الإسكندرية 1977، ص 14، نقلًا عن مجموع فتاوى ابن تيمية، ط: 1381 هـ.118

المجلد الخامس، ص 341.

عبدالستار أبو غدة، دور الفقه الإسلامي في الوقت الحاضر، ضمن محاضرات الموسم الثقافي العاشر للكليات والمعاهد العلمية، الرياض: 1386 هـ.119

1966 م، ص 146.

- التقنين بهذا المعنى لا يعدو أن يكون تشريعاً تقوم بوضعه السلطة التشريعية، وتنسب إليه كل مزايا التشريع⁽¹²⁰⁾.
- هو وسيلة متطورة لوضع القواعد الشرعية/ القانونية.
 - هو وسيلة فعالة: لما يتميز به من السهولة والسرعة في سن القواعد الشرعية/ القانونية.
 - هو وسيلة لتوحيد القانون: مما يحقق العدل والمساواة بين أفراد المجتمع.
 - يترتب على التقنين: تيسيرُ البحث عن الأحكام المتعلقة بموضوع معين وتعدُّد الحلول في القضية الواحدة، مما يزيد ثقتهم بها⁽¹²¹⁾.
 - يترتب على تقنين أحكام الفقه الإسلامي: ضبط الأحكام الشرعية وبيان الرأي الراجح حيث أن أكثر القضاة المعاصرين لا تيسرُ لهم وسائل البحث في الفقه، ولا كيفية الوقوف على القول الراجح أو الرأي المعتمد في المذهب، أو الحكم المفنى به⁽¹²²⁾.
 - يعتبر التقنين ضرورة ملحة في الدولة العصرية: فكان من البديهي أن تنظم أعمالها المختلفة بقوانين واضحة المعنى سهلة التطبيق⁽¹²³⁾.
- ثانياً: حجج المعارضين لتقنين الفقه الإسلامي:**
- لم تمنع مزايا التقنين من ظهور من يُعارضه ويدعو إلى مقاومته⁽¹²⁴⁾، وذلك استناداً إلى الحجج التالية:
- القانون – كاللغة – يرتبط ارتباطاً وثيقاً بالبيئة التي ينشأ فيها، فإذا حُبس القانون في مدونة وُصِّب في قالب جامد شلَّت حركته⁽¹²⁵⁾.
 - لن يكون تدوين التشريع في مصلحة العدالة؛ إذ إنه سيضع القاضي أمام تشريع جامد⁽¹²⁶⁾.
 - إيقاف حركة الاجتهاد: حيث يقف النشاط الفكري والإبداع التشريعي، لتلبية مطالب الحياة المتغيرة، ومواجهة الأنظمة والأعراف والمعاملات المتجددة⁽¹²⁷⁾.
 - الشريعة الإسلامية صالحة للتطبيق في كل زمان ومكان، دون حاجة إلى وضعها في مواد، كما هو الوضع في الأنظمة أو القوانين الوضعية⁽¹²⁸⁾.

المبحث الثاني

التقنين الشرعي لمؤسسات الزكاة والأدلة

الشرعية على ذلك

من المسلم به أن الزكاة واجبة على كل فرد مسلم بالغ عاقل، اجتمعت فيه شروط وجوب الزكاة، ومن الأمور المجمع عليها أيضاً أن المسلم ملزم بدفعها، بمعنى أنه ليس مختاراً في دفعها من عدمه، بمعنى أنها ليست حقاً مخولاً له بدفعها من أراد ويمتنع عن دفعها لمن لا يرجوا ثواباً أو عقاباً، فإذا امتنع عن إخراجها فيجب على الحاكم أن يلزمه بدفعها رغماً عنه، كما أجمعت الأمة أيضاً على أن الزكاة فريضة دينية يجب على الحاكم النهوض بأمرها.

¹²⁰ إبراهيم أبو الليل ومحمد الألفي، المرجع، ص 71 - 73.

¹²¹ عبدالحى حجازي، نفس المرجع، ص 434.

وهبة الزحيلي، جهود تقنين الفقه الإسلامي، بيروت: 1408 هـ 1987، ص 28، عبدالناصر العطار، أحكام العقود في الشريعة الإسلامية والقانون المدني، (1) عقد البيع، القاهرة: 1976، ص 35/34، يوسف القرضاوي، مدخل لدراسة الشريعة الإسلامية، القاهرة: 1411 هـ 1991، ص 306 - 308.

¹²³ محمد عبدالجواد، المرجع، ص 70 - 73.

¹²⁴ أحمد حشمت أبو ستيت، التجميع وموقف الفقه إزاء المجموعات، مجلة القانون والاقتصاد، القاهرة، السنة الخامسة، ص 647 وما بعدها.

Morin. La revolte du droit contre le code K Paris 1945.

¹²⁵ عبدالحى حجازي، المرجع السابق، ص 435.

¹²⁶ نفس المرجع، ص 436.

¹²⁷ وهبة الزحيلي، المرجع السابق، ص 26.

¹²⁸ محمد عبدالجواد، كيف حاد العالم عن صراط الشريعة الإسلامية، وكيف يمكن العودة إليه، بحوث في الشريعة الإسلامية والقانون، المجموعة الثانية، مطبعة جامعة القاهرة: 1397 هـ 1977، ص 79 - 85.

كما اتفق الصحابة رضوان الله عليهم على قتال مانعيها ، ومن هذا المنطلق قاتل أبو بكر مانعي الزكاة وعاملهم معاملة المرتدين قاتلا قولته المشهورة (والله لأقاتلن من فرق بين الصلاة والزكاة، والله لو منعوني عقلا كانوا يؤدونه إلى رسول الله لقاتلتهم عليه¹²⁹ .

الأدلة على مشروعية مؤسسة الزكاة

يستدل على مشروعية إنشاء مؤسسة الزكاة من الكتاب والسنة وعمل الصحابة ومن المعقول

الأدلة على مشروعية إنشاء مؤسسة الزكاة من القرآن الكريم :

الدليل الأول : قوله تعالى (إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ)¹³⁰ .

يقول الإمام الرازي عند تفسيره لهذه الآية دلت هذه الآية على أن الزكاة يتولى أخذها الإمام أو نائبه ودلل على ذلك بأن الله جعل للعاملين سهما في الزكاة ، وتنصيهم لا بد أن يكون من قبل الإمام ، فدل هذا على أن الإمام هو الذي يأخذ الزكاة¹³¹ ، هذا وقد ختمت الآية السابقة بقوله تعالى (فريضة) ومن ذا الذي يجرو على تعطيل فريضة فرضها الله تعالى¹³² الدليل الثاني: قوله تعالى (خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ عَلِيمٌ)¹³³ ، فالخطاب في هذه الآية وإن كان موجها للنبي صلى الله عليه وسلم باعتبار أن الأمة مخاطبة في شخصه صلى الله عليه وسلم إلا أنه يشاركه فيه غيره وخاصة القائمين بالأمر من بعده¹³⁴ ، وإلى هذا ذهب كمال الدين بن الهمام حيث قال إن ظاهر الآية السابقة يوجب حق أخذ الزكاة مطلقا للإمام¹³⁵ ، وممن ذهب إلى هذا أيضا صاحب المجموع حيث قال " يجب على الإمام أن يبعث السعاة لأخذ الصدقة لأن النبي صلى الله عليه وسلم والخلفاء من بعده كانوا يبعثون السعاة ، ولأن في الناس من يملك المال ولا يعرف ما يجب عليه ومنهم من يبخل ، فوجب أن يبعث من يأخذ ، ولا يبعث إلا حرا عدلا ثقة لأن هذا ولاية وأمانة " ¹³⁶

الدليل الثالث: قوله تعالى (الَّذِينَ إِِنْ مَكَانَهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ وَلِلَّهِ عَاقِبَةُ الْأُمُورِ)¹³⁷ ، قال ابن كثير عند تفسير هذه الآية : قال الصباح بن سودة الكندي : سمعت عمر بن عبد العزيز يخطب وهو يقول (الذين إن مكناهم) الآية ثم قال : ألا إنها ليست على الوالي وحده ، ولكنها على الوالي والمولى عليه ، ألا أنبئكم بما على الوالي من ذلك وبما للوالي عليكم منه ، إن لكم على الوالي من ذلك أن يأخذكم بحقوق الله عليكم ، وأن يأخذ لبعضكم من بعض ، وأن يهديكم للتي هي أقوم ما استطاع¹³⁸

الأدلة على مشروعية إنشاء مؤسسة للزكاة من السنة :

الدليل الأول : أن النبي ﷺ بصفته رأسا للدولة الإسلامية تولى بنفسه الإشراف على جمع الزكاة ، وأرسل مبعوثيه إلى جميع القبائل التي تدين بالإسلام لجمع الزكاة فوجداء في صحيح البخاري أن النبي ﷺ أرسل معاذ إلى اليمن لجمع الزكاة

¹²⁹ سبق تخريجه .

¹³⁰ - سورة التوبة: الآية 60

¹³¹ - الرازي، فخر الدين محمد بن عمر، مفاتيح الغيب، ط دار الفكر، ط1، 1401هـ- 1981م، ج 16 ص 116.

¹³² - القرظاوي، فقه الزكاة، ط دار الرسالة العالمية، ط1، 1430هـ- 2009م، ج 2 ص 231.

¹³³ - سورة: التوبة الآية 103

¹³⁴ - القرظي، أبو عبدالله محمد بن أحمد الأنصاري، الجامع لأحكام القرآن، ط دار الكتب العلمية، بيروت، لبنان، ط1، 1426هـ- 2005م، ج 8 ص 156.

¹³⁵ - ابن الهمام، كمال الدين محمد بن عبد الواحد السيواسي السكندري، شرح فتح القدير، ط دار الكتب العلمية، بيروت لبنان، ط1، 1424هـ- 2003م، ج 8، ص 171 .

¹³⁶ - النووي، أبو زكريا يحيى بن شرف الدين، المجموع ، ط مكتبة الإرشاد، جدة، السعودية ج 6، ص 140، بدون تاريخ.

¹³⁷ - سورة: الحج الآية 41

¹³⁸ - ابن كثير، أبو الفداء إسماعيل بن عمر، تفسير القرآن العظيم، ط دار الحديث، القاهرة، 1426هـ- 2005م ج 5، ص 449.

قائلا له (أعلمهم أن الله افترض عليهم في أموالهم صدقة تؤخذ من أغنيائهم فترد على فقرائهم فإن هم أطاعوا لذلك ، فإياك وكرائم أموالهم واتق دعوة المظلوم فإنها ليس بينها وبين الله حجاب)¹³⁹

الدليل الثاني : ما روي أن النبي ﷺ : (بعث سعاته لجمع الزكاة ، فقال بعض اللامزين : منع ابن جميل ، وخالد بن الوليد ، والعباس بن عبد المطلب ، فخطب رسول الله فكذب عن اثنين : عن العباس ، وخالد بن الوليد ، وصدق على ابن جميل ، ومما قاله أنهم يظلمون خالدا ، إن خالدا احتبس أدراعه وأعدته في سبيل الله ، وأما العباس عم رسول الله ﷺ فهي عليه ومثلها معها) وفي رواية فهي علي ومثلها معها¹⁴⁰

الدليل الثالث : كما أرسل النبي ﷺ السعاة وجباة الزكاة إلى مختلف القبائل العربية وجاء في كتاب الطبقات لابن سعد أن النبي ﷺ أرسل عيينة بن حصن الي تميم وبريدة بن الحبيب إلى أسلم ، وعباد بن بشر إلى سليم ومزينة ، وعمرو بن العاص إلى فزارة ، والضحاك بن سفيان إلى بني كلاب ، وبسر بن سفيان إلى بني كعب ، والضحاك بن سفيان إلى بني كلاب¹⁴¹

الدليل الرابع : ثبت أن النبي ﷺ كان يحاسب عماله على الزكاة إذا قصرُوا أو ارتكبوا خطأ ما يوجب المحاسبة مما يؤكد سلطة الإمام أو الدولة على الإشراف على الزكاة فقد جاء في الحديث الصحيح عن أبي حميد الساعدي قال : استعمل رسول الله ﷺ ابن اللثبية - رجلا من الأزدي - على الصدقة ، فجاء بالمال فدفعه إلى رسول الله ﷺ ، فقال هذا لكم وهذا أهدي لي فقام رسول الله ﷺ على المنبر فحمد الله وأثنى عليه" وقال ما بال عامل أبعثه فيقول هذا لكم وهذا أهدي لي ، أفلا عدت في بيت أبيه وأمه ، حتي ينظر أيهدى إليه أم لا والذي نفس محمد بيده لا ينال أحد منكم شيئا إلا جاء به يوم القيامة يحمله على عنقه يعير له رغاء أو بقرة لها خوار أو شاة تيعر ثم رفع يديه حتى رأينا عفرتي إبطيه ثم قال اللهم هل بلغت مرتين " ¹⁴² الدليل الخامس : ما روي عن معاذ بن جبل رضى الله عنه أن النبي ﷺ قال : (من أعطى زكاة ماله مؤتجرا فله أجرها ، ومن منعها فإنها أخذوها وشطر ماله عزمة من عزمات ربنا ليس لآل محمد منها شيء)¹⁴³

دليل مشروعية إنشاء مؤسسة الزكاة من عمل الصحابة

ومما يستدل به أيضا على مشروعية إنشاء تلك المؤسسات التي تشرف على الزكاة ، عمل الخلفاء الراشدين الذي أمر النبي صلى الله ﷺ باتباعهم في قوله عليه السلام (عليكم بسنتي وسنة الخلفاء الراشدين المهديين من بعدي ، فقد كانوا يرسلون السعاة والرسل إلى الأمصار ، فقد فعل ذلك أبو بكر وعمر وكذلك فعل عثمان شطرا من حياته ثم لما كثرت الأموال في عهده جعل ملاك الأموال نواب عنه في إخراج زكاتهم ، إلا أن ذلك لا يسقط حق الإمام في أخذ الزكاة¹⁴⁴ ، وكان ذلك اجتهاد من عثمان رضى الله عنه ثقة بأمانة الناس ودينهم وأشفاقا عليهم من عنت التحصيل والتفتيش وتوفير النفقات الجباية والتحصيل والتوزيع وأن كان أدى بعد ذلك إهمال كثير من الناس لفريضة الزكاة عندما ضعف الوازع الديني بعد ذلك¹⁴⁵ .

يقول الكاساني في البدائع (كان يأخذها رسول الله صلى الله عليه وسلم وأبو بكر وعمر رضي الله عنه ، فلما كثرت الأموال في زمانه رأي من المصلحة أنه يفوض الأداء إلى أربابها بإجماع الصحابة ثم قال فهذا توكيل لأرباب الأموال بإخراج الزكاة ، فلا يبطل حق الإمام)¹⁴⁶ ، وكذلك فعل وعلي وغيرهم ممن جاء بعدهم ، حتى روي أن عمر بن عبد العزيز أرسل رسله إلى أفريقيا لجمع الزكاة وتوزيعها على المحتاجين عبدالله بن عبد الحكم¹⁴⁷ .

الأدلة من المعقول على مشروعية إنشاء مؤسسة الزكاة

¹³⁹ - البخاري، صحيح البخاري ، باب وجوب الزكاة ، برقم 1395 ، ج 1 ، ص 415 .

- النووي، أبو زكريا يحيى بن شرف الدين ، شرح صحيح مسلم ، كتاب الزكاة ، باب تقديم الزكاة ومنعها ، ط دار الحديث ، القاهرة ، ط 4 ، 1422هـ - 2001م ، ج 4 ، ص 63 ، صحيح البخاري ، كتاب الزكاة ، باب قول الله تعالى (وفي الرقاب ... وفي سبيل الله)

- ابن سعد ، محمد بن منيع بن سعد الزهري ، الطبقات الكبرى ، ط مكتبة الخانجي ، القاهرة ، ج 1 ، ص 259 ، بدون تاريخ ، الصالحى محمد بن يوسف ¹⁴¹ ، سبل الهدى والرشاد في سيرة خير العباد ، المجلس الأعلى للشئون الإسلامية ، وزارة الأوقاف ، مصر 1418هـ - 1997م ، ج 8 ، ص 525

- النووي ، شرح صحيح مسلم ، باب تحريم هدايا العمال ، ط المطبعة المصرية ، ط 1 ، 1347هـ - 1929م ، ج 12 ، ص 218 ¹⁴²

- الشوكاني ، نيل الأوطار ، ، برقم 1532 ، كتاب الزكاة ، باب صدقة الموراشي ج 1 ص 249 ¹⁴³

- ابن الهمام ، كمال الدين ، شرح فتح القدير ، ج 8 ، ص 171 ¹⁴⁴

- القرضاوي ، يوسف ، لكي تنجح مؤسسة الزكاة ، البنك الإسلامي للتنمية ، معهد البحوث والتدريب ، ط 1 ، 1415هـ - 1994م ، ص 30 ¹⁴⁵

- الكاساني ، بدائع الصنائع ، ج 2 ص 35 ¹⁴⁶

- عبد الحكم ، سيرة عمر بن عبد العزيز ، ص 65 ، بدون تاريخ ¹⁴⁷

الدليل الأول : أن في ذلك حفظ لكرامة الفقير ، فلو دفع الغني الزكاة مباشرة إلى الفقير فلربما شعر الفقير بالحرَج ،
والذلة ، والانكسار وجعله على شعور دائم بأنه أسير إحسان ذلك الغني الذي دفع إليه زكاته ، فدفع الزكاة إلى مؤسسات
متخصصة يجنب الفقير والغني كلاهما كل هذا الحرَج

الدليل الثاني : شدة الحاجة إلى وجود مؤسسة تقوم على أمر الزكاة فقد ذهب كثير من العلماء المعاصرين¹⁴⁸ إلى أن الحاجة
تشتد إلى إنشاء تلك المؤسسات في عصرنا الحاضر معللين ذلك بأن المسلمين تهاونوا في أداء الزكاة وأهملوا في حق الوكالة
الذي سنه عثمان بن عفان فينبغي الرجوع إلى الأصل الذي قرره الفقهاء وهو أن لولي الأمر الحق في أخذ الزكاة قهرا إذا علم
أن أهل جهة ما يمتنعون عن دفع الزكاة.¹⁴⁹ ، وقد أيد هذا الرأي العلامة يوسف القرضاوي في كتابه فقه الزكاة حيث يقول : (...ومن هنا يجب على كل حكومة إسلامية أن تنشئ "مؤسسة" أو "إدارة" خاصة تتولى شؤون الزكاة تحصيلها وتوزيعها ،
فتأخذها من حيث أمر الله ، وتصرفها حيث أمر الله¹⁵⁰ ، ومن هذا المنطلق نادي بعض العلماء المعاصرين بضرورة أن
تتولى حكومات الدول الإسلامية مهمة إنشاء إدارات خاصة تشرف على الزكاة تكون تابعة مباشرة للحكومة فقد جاء في
توصيات إحدى الندوات التي عقدت خصيصا من أجل مناقشة مستجدات الزكاة ما يلي : -

" تناشد الندوة حكومات الدول الإسلامية إصدار القوانين القاضية بتطبيق نظام الزكاة جباية وتوزيعا ، على أساس

الإلتزام ، وإقامة هيئات متخصصة لذلك تكون مواردها ومصارفيها في حسابات خاصة " ¹⁵¹

الدليل الثالث : أن قوانين أغلب الدول الإسلامية إن لم يكن جميعها تنص على أن الإسلام هو الدين الرسمي للدولة
وبذلك يعد الإشراف على الزكاة وتنظيمها تحصيلها وصرفا من صميم مهام الحكومات الإسلامية ، ولذلك يعتبر إنشاء مؤسسات
حكومية للإشراف على الزكاة ضرورة دينية خاصة في ظل التطور الذي معه أصبح ترك دفع الزكاة إلى الأفراد أو إسنادها
إلى لجان غير متخصصة أمر غير مقبول ، إضافة إلى ذلك ضعف الوازع الديني وعدم الاهتمام بهذه الفريضة لدى قطاعات
واسعة بين المسلمين يجعل قيام مثل هذه المؤسسات التي تشرف على الزكاة واجبا حفاظا على حق الفقراء والمساكين ، وما
لايتم الواجب إلا به فهو واجب¹⁵² . وختاما فالباحث يرى أن للدولة دورا هاما في إنشاء مؤسسات الزكاة والإشراف عليها ، فإن
الدولة هي الأمانة على تطبيق أحكام الشريعة الإسلامية القادرة على الأمر بالمعروف والنهي عن المنكر فهي وحدها لها حق
إكراه كل فرد على أداء واجباته الشرعية وامتثال التكاليف التي كلفه الله بها¹⁵³

المبحث الثاني

صور التقنين المعاصر للزكاة مع ذكر نماذج تطبيقية على ذلك

كانت الدولة الإسلامية منذ عهد النبوة تقوم بجمع الزكاة من المزمكين وصرفيها في مصارفها الشرعية التي حددتها آية
الصدقات؛ وفي عصر الدولة الحديثة صدرت عدة قوانين تسعى إلى تنظيم فريضة الزكاة، جمعا وصرفا؛ وتعتبر المؤسسات
التي تشرف على الزكاة في معظم الدول الإسلامية حديثة النشأة نسبيا حيث يرجع نشأة أغلب هذه المؤسسات إلى الثمانينات من
هذا القرن ويستثنى من ذلك عدد قليل من الدول الإسلامية التي تعتبر مؤسسات الزكاة فيها أكثر عراقة ومن هذه الدول الأردن
واليمن والسعودية ، ومنها أيضا مؤسسات الزكاة في ماليزيا وعلى الأخص مؤسسة الزكاة في ولاية قح دار الأمان حيث يعود
نشأتها إلى عام 1955م⁽¹⁵⁴⁾ ، ويمكننا تقسيم ذلك التقنين إلى:

أولا: التقنين الملزم بأداء الزكاة:

بعض النماذج التطبيقية على ذلك ، نعرض هنا بعض الأمثلة لدول نهجت بالفعل هذا النهج:

: قانون الزكاة السعودي

- أبوزهرة، محمد، التكافل الاجتماعي في الإسلام، ط دار الفكر العربي، القاهرة، 1991م، ص69. 148

- القرضاوي، يوسف، لكي تتجح مؤسسة الزكاة ، نقلا عن بحث مقدم لحلقة الدراسات الاجتماعية ، الدورة الثالثة ، بحث الزكاة¹⁴⁹

- القرضاوي، يوسف، فقه الزكاة، ج2 ، ص260¹⁵⁰

- فتاوى ندوات قضايا الزكاة المعاصرة ، الندوة الرابعة ، المنامة ، 1994م¹⁵¹

- الأمدي، علي بن محمد، الأحكام في أصول الأحكام، ط دار الصميعي، الرياض، السعودية، ط1 ، 1424هـ- 2003م ج3 ص339 .¹⁵²

- ظفر اسحاق أنصاري، محمود أحمد غازي ، الزكاة وتمويل التكافل الاجتماعي ، ضمن أبحاث الندوة الثالثة المقامة في عمان ، الأردن تحت عنوان¹⁵³

الزكاة والتكافل الاجتماعي في الإسلام ، من الفترة من 3 - 5 صفر 1415هـ - 12 - 14 يوليو 1994م

(¹⁵⁴) مقاصد مؤسسة الزكاة رسالة دكتوراة د سعد جمعة زغول ص31

٦// وتاريخ ٨٦٣٤ /٢٨ /١٧/٢ صدر أول نظام لجباية الزكاة في المملكة بالمرسوم الملكي رقم ١٣٧٠ ٢٩ استثنى وبمقتضاه المواطنين من ضريبة الدخل على أن يستوفي منهم الزكاة الشرعية وفقاً للأحكام الشرعية الإسلامية؛ ويدخل ضمن هذا النطاق :

الأفراد الذين يتمتعون بالرعوية السعودية ، ومواطنو دول مجلس التعاون عليهم، كانوا أو إناثاً، بالغين أو قاصرين أو - الخليجي على السواء ذكورا محجورا إذا كانوا يمارسون أنشطتهم داخل المملكة العربية السعودية الشركات سواء شركات الأشخاص أو الأموال المسجلة في المملكة أو في أية دولة من دول مجلس التعاون، ويكون كافة الشركاء فيها من السعوديين أو من غير السعوديين الذين يعاملون معاملة السعوديين، والتي تمارس أنشطتها داخل المملكة؛ وكذلك الشركات المختلطة المسجلة في دول الخليج أو المملكة وتمارس أنشطتها داخل المملكة حيث يخضع مجموع نصيب الشركاء السعوديين أو غير السعوديين الذين يعاملون معاملة السعوديين للزكاة الزكاة مفروضة على رؤوس الأموال وغلاتها وكل الواردات "ثم أوضح قانون الأموال الخاضعة لنظام الجباية، فبين أن والأرباح والمكاسب التي تدخل على الأفراد والشركات من مزاوله تجارة أو صناعة أو أعمال شخصية أو ممتلكات أو مقتنيات نقدية مهما كان نوعها وكانت صفتها بما في ذلك الصفقات المالية والتجارية وبيع الأسهم وبصورة إجمالية كل دخل نصت 155. الشريعة الإسلامية بوجوب الزكاة عليه

قانون الزكاة الليبي

صدر قانون الزكاة الليبي رقم (٨٩ سنة ١٩٧١م، وهو قانون ينظم شؤون الزكاة جباية وصرافاً، وقد صدر هذا القانون مطابقاً للشريعة الإسلامية، وهو يتكون من أربعة أبواب بها سبع وأربعون مادة، مفصلة على النحو الآتي : الباب الأول: خصص لأحكام الزكاة. الباب الثاني: خصص لإجراءات تحديد الزكاة وصرافه. الباب الثالث: للعقوبات. الباب الرابع: خاص بالأحكام العامة

وفي سنة ١٩٩٧م ألغى المشرع الليبي القانون رقم (٨٩) لسنة ١٩٧١م، واستبدله بالقانون رقم (١٣) ، ويقوم هذا القانون على نفس الأسس التي يقوم عليه القانون السابق؛ إلا أنه اعتمد مبدأ إلزام المكلف بدفع جميع الزكاة في الأموال الظاهرة والباطنة إلى الهيئة العامة لشؤون الزكاة عدا زكاة الفطر وعدل هذا القانون في سنتي: ٢٠٠٥ ، ٢٠٠٨. ثم صدر قرار مجلس الوزراء رقم (٤٩) لسنة ٢٠١٢م، بإنشاء صندوق الزكاة حيث نصت المادة (١) على أن: "ينشأ وفقاً لأحكام هذا القرار صندوق يسمى (صندوق الزكاة) يكون له الشخصية الاعتبارية والذمة المالية المستقلة، ويخضع لإشراف وزارة الأوقاف والشؤون الدينية¹⁵⁶

قانون الزكاة اليمني

أنشئت في اليمن سنة ١٩٧٥ مصلحة الواجبات بموجب قرار مجلس القيادة رقم (٣٣) لسنة ١٩٧٥ ، وهو قرار حدد اختصاصاته بالإشراف على تقدير وتحصيل وتوزيع الزكاة التي تفرضها الشريعة الإسلامية؛ ثم صدر قانون رقم (٢) بتاريخ: ١٣ /يناير/ ١٩٩٩ م ، وهو مجموع فيمادة موزعة على سبعة أبواب: الباب الأول في التسمية والتعريف، الباب الثاني الشروط العامة لوجوب الزكاة، الباب الثالث في الأموال التي تجب فيها الزكاة ومقاديرها ، الباب الرابع في تحصيل الزكاة ومصارفها الباب الخامس في العقوبات حيث نصت مادته (٣٠) يعاقب كل شخص يمتنع عن دفع الزكاة الواجبة عليه بغرامه لا تزيد على مقدار تلك الزكاة الواجبة عليهما يعاقب كل شخص يتحايل أو يتهرب عن دفع الزكاة الواجبة عليه شرعاً بغرامة لا تزيد على (٢٠%) من مقدار تلك الزكاة الواجبة عليه، وفي جميع الأحوال تحصل الزكاة المقررة شرعاً مع الغرامة جبراً¹⁵⁷

ثانياً : التفتين المخير بأداء الزكاة

وهي تلك المؤسسات تقوم على جمع الزكاة طواعية وتندرج تحتها أكثر مؤسسات الزكاة في الدول الإسلامية مثل ، مصر ، والكويت، والبحرين، والإمارات ،ومؤسسات الزكاة في ماليزيا ومنها مؤسسة الزكاة في ولاية قح على سبيل المثال (158) ، ونذكر بعض النماذج التطبيقية على ذلك

١. النشاط الاجتماعي والتكافلي للبنوك الإسلامية لنعمت عبد اللطيف مشهور ص: ٢٧ ، الطبعة الأولى: ١٩٩٦ -المعهد العالمي للفكر الإسلامي¹⁵⁵

٢. لجريدة الرسمية العدد (١٠) ص٣٨٦- ٣٩٤. قانون الزكاة الليبي - قراءة في الإشكاليات ص٢٠ -مجلة بحوث القانونية-العدد الثاني - ١٤٤٠/٢٠١٤¹⁵⁶

٣. الجريدة الرسمية اليمنية، العدد (١) لسنة ١٩٩٩¹⁵⁷

٤. مقاصد مؤسسة الزكاة (158) 37

قانون الزكاة المصري :

صدر قانون الزكاة المصري رقم ١٢٣ في تاريخ ٩ - سبتمبر - ٢٠١٤ ، في ثماني عشرة مادة؛ ونص في المادة الأولى على إنشاء صندوق يسمى «بيت الزكاة والصدقات» تكون له الشخصية الاعتبارية، ويتمتع بالاستقلال المالي والإداري، ويخضع لإشراف الأزهر .

ونص في مادته الثانية على هدف الإنشاء، وهو: قبول أموال الزكاة والصدقات والتبرعات والهبات والوصايا والإعانات التوعية بفريضة الزكاة ودورها في تنمية... الخيرية، وتنميتها، وصرفها في وجوهها المقررة شرعا وحسب أولوياتها المجتمعية، وبت روح التكامل والتراحم بين أفراد المجتمع

ونص في مادته الثالثة على أن موارد البيت تتكون من: أموال الزكاة التي تقدم طواعية من الأفراد أو غيرهم، والصدقات والتبرعات والهبات والوصايا والإعانات التي يقبلها مجلس أمناء البيت، مقابل الخدمات التي يؤديها البيت للغير وما يخص للبيت في الميزانية العامة للدولة من اعتمادات للصرف على النفقات الإدارية للبيت. عائد استثمار أموال البيت في الأنشطة التي لا تتعارض مع أهدافه؛ ويجوز بقرار من مجلس الأمناء إضافة موارد أخرى للبيت¹⁵⁹

قانون الزكاة الأردني:

أصدرت المملكة الأردنية أول قانون لجباية الزكاة عام ١٩٤٤م في عهد الملك المؤسس عبد الله الأول، واستمر الأمر كذلك حتى صدور قانون صندوق الزكاة عام ١٩٧٨م، ثم صدر قانون رقم (٨) لعام ١٩٨٨م، الذي أعطى الشخصية المعنوية والاستقلال المالي والإداري للصندوق، وحق التملك والتعاقد والتراضي.

كما هو مبين في المادة ٣ من نظام التنظيم الإداري لصندوق الزكاة رقم ١٨ لسنة ١٩٩٧ - في : - وتتلخص مهام الصندوق تولي الصندوق جمع الزكاة وتوزيعها على مصارفه، المساعدة في إنشاء المشاريع التأهيلية للأسر الفقيرة، المساهمة في مساعدة الفقراء المحتاجين من طلاب العلم والمرضى الفقراء والأيتام والغرباء، تقديم معونة شهرية لبعض الأسر الفقيرة ، وأخيرا تشكيل لجان جمع الزكاة والإشراف عليها ومتابعة أعمالها¹⁶⁰

قانون الزكاة البحريني:

نشأ صندوق الزكاة البحريني بواسطة المرسوم الأميري الصادر بقانون رقم (٨) لعام ١٩٧٩م، وكانت رسالته: "التوعية بأهمية ثم صدر المرسوم . " الزكاة كفريضة شرعية، وتنمية مصادرها، وتطوير آليات جمع وصرف الزكاة والصدقات للمستحقين بقانون رقم (١٢) لسنة ١٩٩٣م، والذي نسخ المرسوم السابق بعد أن تم التعديل على مواده، وفي ذات العام صدر قرار رقم بتشكيل مجلس إدارة للصندوق يضم في عضويته ممثلين عن مختلف القطاعات ذات العلاقة (٢٣) ثم صدر في يونيو ٢٠٠٤م القرار رقم (٢٣) القاضي بتشكيل مجلس إدارة جديد بعد أن انتهت مدة عضوية المجلس الأول؛ ثم توالى القرارات الوزارية وتشكيل اللجان واللجان الفرعية، لتكون بمثابة الجهة المساندة للهيكل التنظيمي للصندوق

الخاتمة وأهم النتائج والتوصيات

الحمد لله الذي بفضلته تتم الصالحات ، والصلاة والسلام على سيدنا محمد وعلى آله وصحبه وسلم

وبعد

فقد انتهينا من إعداد هذا البحث والذي جاء بعنوان: تقنين الزكاة بين المؤيد والمعارض وصورها من خلال عرض نماذج تطبيقية

وقد تناولنا الموضوع من خلال مقدمة وثلاثة مباحث ، بينا فيها حقيقة التقنين واقوال العلماء فيه بين المؤيد والمعارض ، ثم بينا في المبحث الأول حقيقة تقنين مؤسسات الزكاة والأدلة

الشرعية على ذلك وبيان القول الراجح في المسألة ، وفي المبحث الثاني ذكرنا نماذج تطبيقية على تقنين الزكاة في الدول الإسلامية

. الجريدة الرسمية، العدد ٣٦ مكرر (ب) ، الصادرة في ٩-٩ - ٢٠١٤م¹⁵⁹

. لوائح وأنظمة بيت الزكاة الكويتي، إصدارات بيت الزكاة، الطبعة الأولى: ٢٠١٠م¹⁶⁰

. موقع صندوق الزكاة الأردني¹⁶¹

ومن خلال الدراسة تبين لنا أن تقنين مؤسسات الزكاة مطلب شرعي ومقصد من مقاصد الشريعة الإسلامية الغراء ، وأن فوائد واثار التقنين كثيرة قد تساعد في حل الكثير من المشاكل الاقتصادية التي تعاني منها العديد من الدول الإسلامية وعليه نوصي القائمين على أمر التشريع في الدول الإسلامية بضرورة بحث ودراسة تقنين مؤسسات الزكاة والاستفادة من التجارب الإسلامية الرائدة في هذا المجال ومن بين هذه التجارب مؤسسات الزكاة في دولة ماليزيا

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نظرية الوقف في المذهب الشافعي

(Endowment Theory In The Shafi'i School)

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ملخص

هذه الدراسة بعنوان "نظرية الوقف في المذهب الشافعي"، وهي تهدف إلى إبراز النظرية في حدود المذهب الشافعي مذهب الكاتب والمجتمع الذي يعيش فيه، والدافع لهذا الإبراز أن البيئة الشافعية ربما اختارت من أقوال المذاهب الأخرى في بعض المسائل التي ترى أن المذهب ضاق بها من غير بيان للخروج عن المذهب فيظن الظان من طلاب العلم أن هذا الأمر الساري هو مذهب إمامنا الشافعي رحمه الله تعالى وليس الأمر كذلك، فكان هذا البحث ليحل هذه الإشكالية وليستنبأ اختيار المذهب من غيره، وانتهج البحث منهج الاستقراء في البحث والتقصي ومنهج التقليد لأهل المذهب في التقيد، وقد جاءت هذه الدراسة في خمسة وعشرين مطلباً موزعة على أربعة مباحث، أولها: مفهوم الوقف ماهية وحكما ومقصدا ونوعا، وثانيها: الأحكام المتعلقة بالتصرفات الواقعة على الوقف، وثالثها: الأحكام المتعلقة بالتصرفات الواقعة على الوقف، ورابعها: الأحكام المتعلقة بناظر الوقف، ولقد جاء المبحث الأول في سبعة مباحث ومثله الثاني والثالث، وجاء الرابع في أربعة مباحث، مع اشتغال كل مطلب على مسائل متعددة استوفت ما يحتاجه المرء من مسائل هذا الباب وتفرعاته .

كلمات مفتاحية: المدرسة الشافعية، المذهب، الوقف

Abstract

This study is entitled "The Theory of Waqf in the Shafi'i Madhab", and it aims to highlight the theory within the limits of the Shafi'i school of thought, the doctrine of the writer and the society in which he lives. A statement to depart from the sect, so the one who thinks of the students of knowledge thinks that this current matter is the madhhab of our Imam al-Shafi'i, may God Almighty have mercy on him, and it is not like that. This study came in twenty-five demands divided into four sections, the first: the concept of endowment: its essence, judgment, purpose, and type, and second: the provisions related to the conduct of the endowment, and the third: the provisions related to the conduct of the endowment, and fourth: the provisions related to the beholder of the endowment, and the topic came The first is in seven sections, the second and the third are similar, and the fourth is in four topics, with each requirement including multiple issues that fulfilled what one needs from the issues of this section and its branches.

Keywords: Shafi'i School, Madhab, Endowment,

المقدمة

الحمد لله رب العالمين، الهادي إلى طريقه القويم، والصلاة والسلام على نبينا وحبينا المبعوث للعالمين، سيدنا محمد وعلى آله وصحبه وسلم ومن تبعهم إلى يوم الدين... أما بعد:

فإن الحاجة إلى معرفة أحكام الوقف ماسة لاسيما ونحن في زمن كثر فيه الجهل وقُلْتُ فيه الأمانة وتصدر للحديث عن الفقه من تَزَبَّبَ قبل أن يَحْصُرَ، فليل بالغرائب وتحدث بالعجائب واتخذ الناس رؤوسا جهالا فأفتوا بغير علم فضلوا وأضلوا. ولأجل ذلك أحببت الكتابة في نظرية الوقف ضوء المذهب الشافعي مَرَجَعًا للراغب، ونبراسًا للمستوثق.

مشكلة البحث:

تكمن مشكلة البحث في مشكلتين: أحدها: عدم الاهتمام بأحكام الوقف وإنما الاهتمام الحاصل في مشهور بعض مسائله، وثانيها: أن كثيرا من الإدارات القائمة على الوقف تقوم باستحسان القول التي ترى فيه مصلحة لها ولتسيير أعمالها من غير إسناد تلك الأقوال إلى أهلها حتى ظن الناشئ في البلدة الشافعية الصرفة أن ما اشتهر من العمل في مسألة كذا وكذا من الوقف هو قول للمذهب، فيقول بهذا السائد وينسبه إلى المذهب الشافعي ولا يدرك أن المذهب على خلافه، فأردت أن أصيغ مسائل المذهب في هذا الباب على وفق النظم العصرية لتكون أقرب إلى التناول وأسوغ للمعرفة...

أهداف البحث:

يهدف هذا البحث إلى إبراز كثير من المعاني والأحكام والحكم والأسرار، وعلى وجه العموم فهو يبرز نظرية الوقف وفق المذهب الشافعي خاصة.

أهمية البحث:

تظهر أهمية البحث من أهمية موضوعه وحاجة طلاب العلم إلى معرفة تمييز قول المذهب الشافعي دون غيره لا سيما من ينتسبون إلى المذهب الشافعي.

منهج البحث:

يقوم منهج البحث على الاستقراء في الكتب المعتمدة في المذهب الشافعي وإظهار معتمد المذهب ولا يتعرض للخلاف المذهبي في المسألة إلا قليلا جدا، كما لا يتعرض لخلافات المذاهب الأخرى لأن حُدُودَ البحث بابُ الوقف من فقه الشافعية.

خطة البحث

وتحتوي على مقدمة وأربعة مباحث وخاتمة على النحو الآتي:

المقدمة

المبحث الأول: مفهوم الوقف ماهية وحكما ومقصدا ونوعا.

وفيه سبعة مطالب:

المطلب الأول: تعريف الوقف.

المطلب الثاني: حكم الوقف من حيث الحكم التكليفي.

المطلب الثالث: دليل الحكم.

المطلب الرابع: حكم الوقف بعد النفاذ.

المطلب الخامس: فضل الوقف ومقصده.

المطلب السادس: ما الذي يصح وقفه.

المطلب السابع: أنواع الوقف.

المبحث الثاني: أركان الوقف وشروطه والأحكام المتعلقة بنفقاته وبمنافعه وبانقراض جهته.

وفيه سبعة مطالب:

المطلب الأول: أركان الوقف.

المطلب الثاني: شروط صحة الوقف.

المطلب الثالث: استثناءات القاعدة الفقهية الوقفية.

المطلب الرابع: حكم منافع الموقوف.

المطلب الخامس: حكم انتفاع الواقف من وقفه.

المطلب السادس: الأحكام المتعلقة بالنفقة على الوقف.
المطلب السابع: الأحكام المتعلقة بانقراض جهة الوقف.
المبحث الثالث: الأحكام المتعلقة بالتصرفات الواقعة على الوقف
وفيه سبعة مطالب:

المطلب الأول: حكم اتلاف الوقف.
المطلب الثاني: حكم تعطل منافع الوقف.
المطلب الثالث: حكم استبدال الموقوف بعين مماثلة أو مغايرة.
المطلب الرابع: حكم تغيير هيئة الوقف.
المطلب الخامس: حكم نقل الموقوف من مكانه إلى مكان آخر.
المطلب السادس: حكم بيع الموقوف.
المطلب السابع: حكم الوقف إذا اندرس شرطه.
المبحث الرابع: الأحكام المتعلقة بناظر الوقف.
وفيه أربعة مطالب:

المطلب الأول: حقيقة ناظر الوقف وشرط أهليته وحق توليته.
المطلب الثاني: وظيفة الناظر على الوقف واستحقاقه.
المطلب الثالث: حكم يد الناظر على الوقف وأحكام عزله وما يحرم عليه.
المطلب الرابع: ما يترتب على صحة الوقف.

الخاتمة

المبحث الأول

مفهوم الوقف ماهيةً وحكمًا ومقصدًا ونوعًا

وسأتحدث عن المبحث في سبعة مطالب، أولها: تعريف الوقف، وثانيها: حكم الوقف من حيث الحكم التكليفي، وثالثها: دليل الحكم، ورابعها: حكم الوقف بعد النفاذ، وخامسها: فضل الوقف ومقصده، وسادسها: ما الذي يصح وقفه، وسابعها: أنواع الوقف.

المطلب الأول: تعريف الوقف

الوقف لغة: مصدر مشتق من مادة "وقف يقف وقفًا" بمعنى الحبس والمنع من الحركة⁽¹⁶²⁾، ومنه قول الله تعالى: {وَقَفُّهُمْ إِنَّهُمْ مَسْنُونُونَ} ⁽¹⁶³⁾، **واصطلاحًا:** حبس مال يمكن الانتفاع به مع بقاء عينه تصرف منفعه في وجوه البر⁽¹⁶⁴⁾.
والمقصود بتحبيس المال منع التصرف فيها ببيع أو هبة أو صدقة أو تملك أو إرث ونحو ذلك من التصرفات التي تخرجها عن الوقفية.

المطلب الثاني: حكم الوقف من حيث الحكم التكليفي

الوقف من أعمال البر الصالحة التي لا ينقطع أجرها إلا بفواتها، ولهذا فهو مندوب إليه، إلا إن كان نذرا في مباح أو واجب فهو واجب، وإن كان في معصية فهو حرام ولا ينعقد.

المطلب الثالث: دليل الحكم

استدل العلماء على ندبية الوقف بما روى نافع عن ابن عمر رضي الله عنهما: «أن عمر-رَضِيَ اللهُ عَنْهُ- أصاب أرضاً بخبير فأتى النبي-صلى الله عليه وسلم- فقال: يا رسول الله إني أصبت مالاً بخبير لم أصب مالاً قط أنفس عندي منه، فما تأمر به، فقال-صلى الله عليه وسلم-: "إن شئت حبست أصلها وتصدق بها"، قال: فتصدق بها عمر-رَضِيَ اللهُ عَنْهُ- أنه لا يباع

معجم مقاييس اللغة/6/135. (162)
سورة الصافات، الآية (24). (163)
كفاية الأخيار 303. (164)

ولا يوهب ولا يورث، وتصدق بها في الفقراء وفي القري وفي الرقاب وفي سبيل الله وابن السبيل والضيف، لا جناح على من وليها أن يأكل منها بالمعروف ويطعم غير متمول⁽¹⁶⁵⁾.

وكذلك استدلوا بفعل الصحابة رضي الله عنه، فقد وقف جمع من الصحابة رضي الله عنهم منهم عمر بن الخطاب وعثمان وزيد بن ثابت وعبد الله بن عمر وأنس وفاطمة والزبير بن العوام وحكيم ابن حزام والأرقم والمسور بن مخرمة وجبير بن مطعم وعمرو بن العاصي، حتى قال جابر رضي الله عنه: أنه قال: لم يبق في أصحاب النبي - صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ - من له مقدرة إلا وقد وقف، وروي: أن عمرو بن العاص قدم من اليمن إلى المدينة فقال: (لم يبق في المدينة لأهلها شيء إلا وهو وقف).

المطلب الرابع: حكم الوقف بعد النفاذ

يعتبر الوقف من عقود التمليك اللازمة التي لا يجوز لصاحبها فسخها أو إبطالها، ويلزم بالقول ولا يقتصر إلى القبض⁽¹⁶⁶⁾، وهو نوع من العبادات المندوب إليها، فيحرم التراجع عنه وقد قال النبي صلى الله عليه وسلم: (مثل الذي يتصدق ثم يرجع في صدقته، مثل الكلب يقيء ثم يرجع فيأكل قيئه)⁽¹⁶⁷⁾.

المطلب الخامس: فضل الوقف ومقصده

يعتبر الوقف من الصدقات الجارية التي يجري أجرها على الإنسان ما دامت قائمة، قال رسول الله صلى الله عليه وسلم: (إذا مات ابن آدم انقطع عمله إلا من ثلاث: صدقة جارية أو علم ينتفع به أو ولد صالح يدعو له)⁽¹⁶⁸⁾. ومقصده الإسلام ليكون مصدرًا من مصادر الرزق والدخل للأفراد والمؤسسات والدول، وهو باب من أبواب مغالبة الفقر وتقليله.

المطلب السادس: ما الذي يصح وقفه

يصح وقف كل عين مملوكة قابلة لنقل الملك يمكن الانتفاع بها مع بقاء عينها سواء كانت عقاراً أو منقولاً محدوداً أو مشاعاً، كالدار والأرضين والأثاث والسلاح والحيوان⁽¹⁶⁹⁾، واستدلوا بقول النبي صلى الله عليه وسلم لعامل الزكاة حينما اشتكى العباس وخالد رضي الله عنهما: (وأما خالد فقد ظلمتموه، قد احتبس أذراعاً وأغبده في سبيل الله)⁽¹⁷⁰⁾.

المطلب السابع: أنواع الوقف

يقسم الوقف إلى أقسام متعددة باعتبارات متنوعة، وسنذكر بعض تلك التقاسيم على النحو الآتي:
أولاً: ينقسم الوقف بالنظر إلى نوع الموقوف إلى قسمين، أحدها: عقاراً، وهي العين الثابتة التي لا تقبل النقل كالأرض والبيت والشجر ونحوه، وثانيها: منقولاً، وهي العين القابلة للنقل من مكان إلى آخر كالكتب والعبيد والسيارة ونحو ذلك.
ثانياً: ينقسم الوقف باعتبار فوائده المستفادة منه إلى قسمين، أحدها: وقف يراد لأعيان تُستفاد منه، كوقف الأشجار للثمار، والحيوان للبين، وثانيها: وقف يراد لمنفعة تستوفي منه، كالدار للسكنى والمسجد للصلاة.
ثالثاً: ينقسم الوقف بالنظر إلى ملك واقفه إلى ثلاثة أقسام، أحدها: مال منفرد الملك (مستقل الملك): وهي العين المستقلة عن بقية الأعيان لا اشترك لها مع عين أخرى، وثانيها: مال مشترك مقسوم: وهو المال المشترك الذي حددت فيه معالم كل شريك وحدود أملاكه، وثالثها: مال مشترك مشاع (غير مقسوم)، وهو العقار المشترك الذي لم تحدد فيه معالم كل شريك وحدود أملاكه وإن كان يعلم فيه حصة كل شريك على جهة العموم والشيوخ.

رابعاً: ينقسم الوقف بالنظر إلى الموقوف عليهم إلى ثلاثة أقسام، أحدها: وقف تحرير، وهو الوقف الذي يكون الحق فيه لله تعالى كالمسجد والمدرسة والمقبر، وثانيها: وقف معين، وهو الموقوف على من له وجود حال الوقف كالوقف على الزرية، وثالثها: وقف عام، وهو الموقوف على جهة شائعة كالوقف على طلاب العلم أو على الفقراء ونحو ذلك.

خامساً: ينقسم الوقف بالنظر إلى انقراض بعض الموقوف عليهم إن كانوا متعددين إلى ثلاثة أقسام، أحدها: وقف منقطع الأول، كما إذا قال: وفتت على عمرو ثم على نزية خالد ثم على المساكين، وكان عمرو قد مات. وثانيها: وقف منقطع الأوسط،

أخرجه البخاري (2737). (165)

البيان 57/8. (166)

أخرجه ابن حبان (5122). (167)

أخرجه الترمذي في سننه (1376). (168)

البيان 60/8. (169)

أخرجه البخاري، (1468). (170)

كما إذا قال: وقفت على عمرو ثم على ذرية خالد ثم على المساكين، وكان خالد لا ذرية له. وثالثها: وقف منقطع الآخر، كما إذا قال: وقفت على عمرو ثم على ذرية خالد ثم على مسجد القرية، وكانت القرية قد خربت وتهدم مسجدها.

المبحث الثاني

أركان الوقف وشروطه والأحكام المتعلقة بنفقته وبمنافعه وبانقراض جهته

وسأتحدث عن هذا المبحث في سبعة مطالب، أولها: أركان الوقف، وثانيها: شروط صحة الوقف، وثالثها: استثناءات القاعدة الفقهية الوقفية، ورابعها: حكم منافع الموقوف، وخامسها: حكم انتفاع الواقف من وقفه، وسادسها: الأحكام المتعلقة بالنفقة على الوقف، وسابعها: الأحكام المتعلقة بانقراض جهة الوقف.

المطلب الأول: أركان الوقف

للقف أربعة أركان، أحدها: **الواقف**، وهو من حبس ما يصح حبسه ليصرف في وجوه الخير حسبة لله تعالى، **ثانيها**: الموقوف، وهو كل عين معينة مملوكة ملكا يقبل النقل يحصل منها فائدة أو منفعة تستأجر لها. **وثالثها**: **الموقوف عليه**، وهو قسمان: **معين**، وهو أن يكون الموقوف عليه شخصاً معيناً أو جماعة معينين بالاسم كفلان وفلان أو بالوصف كأولاد فلان، وشرط الوقف عليهم وجودهم وإمكان تملिकهم حال الوقف. **وغير معين (جهة)**، وذلك كالوقف على المجاهدين والعلماء والفقراء وابن السبيل وطلاب العلم وأهل الذمة ونحو ذلك، وسمي وقفاً على الجهة لأن الواقف يقصد المعنى كالفقر أو المسكنة أو العلم لا شخصاً بعينه أو أشخاصاً معينين.

ورابعها: الصيغة، وهي لفظ الوقف المعبر عن نية صاحبه ومقصود فعله، وألفاظه الصريحة في العربية ستة هي: وَقَفْتُ، وَحَبَسْتُ، وَسَبَلْتُ، وَتَصَدَّقْتُ، وَحَرَّمْتُ، وَأَبَدْتُ⁽¹⁷¹⁾، ويصح بأي لفظ ولغة تدل على المقصود.

ولا يحتاج إيجاب الواقف إلى قبول الموقوف إلا في الوقف على معين، لأنه يبعد دخول عين أو منفعة في ملك شخص من غير رضاه⁽¹⁷²⁾، وإنما يشترط القبول من الموقوف عليه الأول أما من يأخذ الوقف عنه فلا يحتاج إلى قبوله لأنه كالوارث لكنه إن رده فقد بطل حقه فيه.

المطلب الثاني: شروط صحة الوقف

يشترط لصحة الوقف ثلاثة عشر شرطاً:

أحدها: أن يكون الواقف أهلاً للتبرع⁽¹⁷³⁾ فلا يصح من صبي ولا مجنون ولا من مبدّر ولا من مكاتب.

ثانيها: أن يكون الموقوف مملوكاً للواقف ولو كان مغصوباً عنه غير قادر على تسليمه في الحال لكنه يرجو استعادته⁽¹⁷⁴⁾.

ثالثها: أن يكون الموقوف عيناً معينة، فلا يصح وقف عين في الذمة كوقف عين في الذمة سلماً لم يحن زمن القبض، أو أن يقف أحد أفراد جنس معين كأحد العبيد أو أحد الدور.

إبعها: أن يكون الموقوف مما يدوم النفع به مع بقاء عينه، فلا يصح الوقف بما تستهلك عينه كالطعام والشمع ونحو ذلك.

خامسها: أن يعين الواقف مصرف الوقف، أي بيان الموقوف عليه، فلو قال: "وقفت هذا" ولم يعين الموقوف عليه بطل الوقف.

سادسها: أن لا يكون الموقوف عليه عين الواقف، فلا يصح أن يقف الإنسان على نفسه أو أن يشترط لنفسه الانتفاع به

والاستفادة منه إلا إن وقف على جهة قريبة وصار منهم فله أن يأخذ من هذا الوقف، كأن يقف على الفقراء ثم أصبح فقيراً أو

على طلاب العلم فصار منهم فالصحيح في المذهب جواز الأخذ حينئذ.

البيان للعمرائي 73/8، أما الثلاثة الأولى فصريحة، وأما الصدقة فكناية، وفي لفظ التحريم والتأييد وجهان: أحدهما أنها⁽¹⁷¹⁾ كناية وهو اختيار المحاملي، وثانيهما: صريحان وهو اختيار ابن الصباغ.

النجم الوهاج 480/5. (172)

والتعبير بالتبرع هنا أولى من التعبير بالتصرف، لأن المكاتب يصح تصرفه ولا يصح وقفه. النجم الوهاج 455/5. (173)

النجم الوهاج 455/5. (174)

سابعها: أن يكون الموقوف عليه أهلاً للتملك في الحال إن كان معيماً⁽¹⁷⁵⁾ أو جهة مباحة، فلا يصح الوقف على جنين في بطن أمه أو مجنون أو عبد أو جهة معصية أو على معدوم⁽¹⁷⁶⁾ ونحو ذلك⁽¹⁷⁷⁾ لعدم أهلية التملك.

ثامنها: أن يكون الوقف على أصل موجود وفرع لا ينقطع، فلا يصح الوقف على معدوم كالوقف على فقراء زمن الدجال مثلاً أو الوقف على أولاده الذين لم يولدوا بعد، أو على الميت.

تاسعها: أن يوقف على مباح لا على معصية، فلا يصح أن يوقف على كنيسة أو كتابة التوراة أو فرقة رقص أو غناء، وجاز أن يوقف على الأغنياء وأهل الذمة لأن المرعي في الوقف التملك مع عدم المعصية لا القرية.

عاشرها: أن تكون منفعة الموقوف مباحة، فلا يصح وقف أشجار التبغ مثلاً، ولا يشترط وجود المنفعة حال الوقف بل يصح إن كانت منتظرة كالإبل الصغير والأرض الخربة.

الحادي عشرها: أن يكون الوقف على جهة التأييد فلا يصح على جهة التوقيت بزمان، كأن يقول وفتت هذا مدة عام فقط.

الثاني عشرها: أن يكون الوقف على جهة التجيز فلا يصح بشرط الخيار أو التعليق، فلا يصح الوقف بشرط إذن الزوجة أو الزوج أو الوالدين مثلاً فهذا تعليق، أو بشرط أن أعود فيه متى أشاء أو حتى أجد له مشتر منصفاً فهذا الخيار في الوقف مبطل له.

الثالث عشرها: يشترط في الموقوف عليه المعين عدم الرد، وبكفي الأخذ دليلاً عليه، وهذا الشرط درج عليه كثير من المفتين وإن كان في أصل المذهب الخلاف في اشتراطه.

فذهب ابن حجر إلى عدم الاشتراط لأنه أشبه بالقرّب من العقود، وذهب الرملي إلى اشتراطه في المعين من أهل البطن الأولى حالاً إن كان حاضراً ومتراحياً إن كان غائباً أو إن لم يعلم وهو ما رجحه النووي في المنهاج، وسكتوا عن قبول المعلق بصفة كالأرشد أو الأعلم، قال الأذرعى: ينبغي القطع بعدم الاشتراط كالجبهة العامة⁽¹⁷⁸⁾، ولم يشترطوا القبول في أهل البطن الثاني لأن من شأن القبول الاتصال بالإيجاب وهو متعذر فيهم، وكذلك لا يشترط القبول في الوقف الموصى به لأنه ليس من شرط الوصية القبول.

والمقصود بالرد هنا: الرد العام، أما إن كان رداً خاصاً كغلة هذا العام مثلاً فلا يعتبر رداً إلا إن شرط الواقف أن من لم يقبل رد سهمه على كذا وكذا فقد سقط حظه في أصل الوقف⁽¹⁷⁹⁾.

المطلب الثالث: استثناءات القاعدة الفقهية الوقفية

استثنى فقهاء الشافعية صوراً يقتضي تخريجها على القاعدة العامة عدم الصحة لكنهم عدلوا بها إلى غير القاعدة العامة فقالوا فيها بالصحة لأدلة أقوى، ومنها: يصح الوقف على العبد إن قصد الواقف سيده رغم أن العبد لا يملك، ومنها: يصح الوقف على علف الدواب الموقوفة رغم أن الدابة لا تملك، ومنها: يصح الوقف المعلق إذا كان تحريراً، كوقفت داري إذا جاء رمضان أو كان معلقاً بالموت لأنه وصية فيصح الرجوع عنه حينئذ⁽¹⁸⁰⁾، وهاتان صورتان مُسْتَنْتَبَتَانِ بالصحة مع أن الأصل عدم صحة الوقف المعلق، ومنها: يصح الوقف مع تعليق صرف المنفعة، مثل وفتت داري على عمرو بشرط أن لا تصرف منفعته عليه إلا بعد سنتين بخلاف ما لو قال بشرط أن يمنع من منفعة السنتين الأوليتين، فإن وجه صرفها بالوقف لجهة أخرى صح الوقف وإلا بطل لأنه في حكم الوقف المنقطع الأول، ومنها: يصح الوقف على المعدوم إن كان تبعاً لموجود كقوله وفتت على زيد ثم ذريته من بعده ولا ذرية له بعد.

المطلب الرابع: حكم منافع الموقوف

يصح الوقف على موقوف معين ولو كان الموقوف عليه ذمياً والواقف مسلم قياساً على صدقة التطوع. النجم (175) الوهاج 464/5. ولصحة الوقف على الذمي شرطان، أحدهما: أن لا يظهر فيه قصد المعصية كخادم الكنيسة، وثانيهما: أن يوقف عليه ما يجوز أن يملكه فلا يوقف عليه عبد مسلم أو مصحف.

هذا إذا كان المعدوم غير ملتحق بموجود وهو بما يسمى منقطع الأول، لكن لو كان ملتحقاً بموجود كابن تبعاً للابن (176) صح الوقف.

يستثنى من ذلك الوقف على الخيل المسبلة للجهاد، وقال الغزالي: بجواز الوقف على حمام الحرم. النجم الوهاج 463/5. (177) تيسير الوقوف ص 80. (178)

تيسير الوقوف 82. (179)

الإمداد 444/8. (180)

منافع الموقوف وفوائده ملك للموقوف عليه يتصرف بها تصرف المالك من نحو بيع وإجارة وهبة وإعارة وصدقة ما لم يكن الواقف قد منع الموقوف عليه من بعض التصرف كالإجارة مثلاً أو هبة المنافع مثلاً.

المطلب الخامس: حكم انتفاع الواقف من وقفه

ويرى فقهاء الشافعية بأنه يحرم على الواقف الاستفادة من منافع وقفه إلا إن كان الموقوف عقاراً عاماً كنحو مسجد فله أن يصلي فيه أو كان الموقوف رباطاً علم وكان طالب علم فله أن يربط فيه أو الموقوف مقبرة فله أن يدفن فيها أو كان الموقوف بئراً فله أن يستقي منه ونحو ذلك أو كان قد اشترط لنفسه نظارة الوقف واشترط للناظر أجره معينة فله أخذ تلك الأجرة إن كانت كأجرة المثل فإن كانت أكثر من أجره المثل حرم عليه أخذ الزائد عن أجره المثل.

وللواقف الاستفادة من لبن وصوف الحيوان الموقوف إن كان موقوفاً للركوب فحسب، ومؤون الحيوان على الواقف لأنه لم يجعل منها للمستحق إلا الركوب فكأن ماعداً ذلك باق على ملكه⁽¹⁸¹⁾.

المطلب السادس: الأحكام المتعلقة بالنفقة على الوقف

يرى فقهاء الشافعية أن الوقف إن احتاج إلى نفقة أنفق عليه من حيث شرط الواقف وفاءً بشرطه، كأن اشترط نفقته على الموقوف عليه فيلزم بذلك إن لم يرد الموقوف عليه الوقف، أو كأن يقف وقفاً آخر لأجل النفقة على وقف يحتاج إلى نفقة فينفق عليه منه كأن يقف مزرعة لأجل صرف ريعها لصالح المسجد فإنه ينفق على المسجد من ريع هذه المزرعة وهكذا.

فإن لم يشترط الواقف شرطاً أنفق عليه من غلته إن كانت له غلّة كنحو مزرعة على الفقراء ويصرف الباقي إلى الموقوف عليه لأن ذلك من ضرورات الانتفاع به، ولأن عمارة الموقوف مقدمة على مصالح الموقوف عليهم.

فإن أراد متبرع النفقة على الموقوف وعمارته وفي ريعه ما يمكن النفقة عليه منه وعمارته فإنه يمنع لما فيه من تعطيل غرض الواقف في تحصيل الأجر، وكذا لو طلب- متبرع- شراء نحو آلة استقاء يمكن تحصيلها من الوقف فإنه يمنع⁽¹⁸²⁾، فإن قصرت النفقة فحينئذ يُمكن المتبرع من التبرع أو يُستدآن على ذمة الوقف، وشرط بعضهم للاستدانة على ذمة الوقف إذن القاضي.

فإن لم يكن للوقف غلة أنفق عليه من بيت مال المسلمين، فإن لم ينفق عليه من مال المسلمين رُغب مياسير المسلمين في النفقة عليه.

المطلب السابع: الأحكام المتعلقة بانقراض جهة الوقف

إذا انقراض الموقوف عليهم فإن الوقف لا يبطل بل يصرف إلى أقرب الناس إلى الواقف حين الانقراض من جهة الرحم لا الإرث إن كان الوقف معيناً أو وقف جهة.

فإن كان أقارب الواقف أغنياء أو كانوا مفقودين صرف الربيع لمصالح المسلمين أو على جهة الفقراء والمسلمين على جهة العموم⁽¹⁸³⁾ ولا يختص بفقراء بلده.

وإن كان الوقف وقف تحرير كالمسجد مثلاً حفظت غلته له إن توقع عودته ويصرف منها على مصالحه لإحيائه وعودته، فإن توقع عدم عودته صرفت إلى مثله القريب كأقرب المساجد إليه إن كان الوقف على مسجد.

المبحث الثالث

الأحكام المتعلقة بالتصرفات الواقعة على الوقف

وسأحدث عنه تبعاً لتلك التصرفات في سبعة مطالب، أولها: حكم اتلاف الوقف، وثانيها: حكم تعطل منافع الوقف، وثالثها: حكم استبدال الموقوف بعين مماثلة أو مغايرة، ورابعها: حكم تغيير هيئة الوقف، وخامسها: حكم نقل الموقوف من مكانه إلى مكان آخر، وسادسها: حكم بيع الموقوف، وسابعها: حكم الوقف إذا اندرس شرطه.

المطلب الأول: حكم اتلاف الموقوف

الإتلاف نوعان:

أحدهما إتلاف بغير تعدد، وهو عكس الإتلاف المتعمد، ولا يضمن المتلف الموقوف إن أتلفه بغير تعدد، ومثال ذلك كما لو وقع الموقوف عليه وبيده صحن موقوف فانكسر فإنه لا يضمن لعدم تعديده في الإتلاف.

نهاية الزين 266.(181)

واعترض هذا القول الزركشي وأيده الغزي كما في تيسير الوقوف.(182)

لا سيما إن كان موقوفاً من مال المصالح.(183)

ثانيهما: إتلاف بتعدٍ، وللتعدي صور، منها: صناعة فعل من شأنه إحداث التلف للعين، مثل وضع الكتاب في النار. ومنها: صناعة فعل لا يصنع على مثل تلك العين، مثل الجلوس على طاولة لم تهيأ للجلوس عليها، لأن الجلوس لا يكون إلا على كرسي. ومنها: استعمال الموقوف في غير ما وقف لأجله، كالشرب في الكأس الموقوف للماء البارد شرباً ساخناً، ومنها: استعمال الموقوف في غير ما وقف عليه، كإخراج المصحف الموقوف على المسجد من المسجد. ومنها: الغصب، فإذا غصب غاصب الموقوف فهلك سواء بفعل يوجب الضمان أو بفعل لا يوجب له لأن الغاصب متعدٍ. فمن أتلف الموقوف بتمامه بتعدٍ منه فإنه يجب عليه ضمان قيمة مثله، ولو كان المتلف هو الواقف، ولا يملك الموقوف عليه قيمة الموقوف بحال من الأحوال بل يشتري بقيمته مثله سناً وجنساً ليكون وقفاً مكانه مراعاة لغرض الواقف وبقية البطون. والذي يتولى شراء البديل هو الحاكم أو نائبه وإن وجد الناظر، ويلزم القاضي إنشاء لفظ جديد لأجل العين البديلة كأن يقول: هذه العين وقفاً بدلاً عن العين التي أتلفت، وإن أتلف بعضه وجب عليه أرش ما أتلف وهو ما بين قيمة الشيء على تمامه وقيمه على ما هو عليه بعد إتلاف بعضه ويعالج بذلك الأرش الجزء المتلف من الموقوف⁽¹⁸⁴⁾.

المطلب الثاني: حكم تعطل منافع الموقوف

إذا تعطلت منافع الموقوف بسبب لا يوجب الضمان فلا يبطل الوقف⁽¹⁸⁵⁾ بل يستفاد من منافع الموقوف ما أمكن ولو على وجه غير تام. ومثال ذلك: إن انكسرت عروة الكأس فإنه لا يبطل وقفه ويستفاد منه بغير عروة لإمكان ذلك الأمر، وكذلك العصا إن انكسرت نصفين فإنه يمكن الاستفادة من كل جزء منها على حدة ولا يبطل وقفها.

المطلب الثالث: حكم استبدال الموقوف بعين مماثلة له أو مغايرة له⁽¹⁸⁶⁾

لقد تقرر عند فقهاءنا رحمهم الله تعالى أنه لا يجوز استبدال عين الوقف بعين أخرى تماثلها في الجنس والنوع والمسمى كاستبدال مصحف بمصحف مثلاً أو بيت ببيت مثلاً.

ولا يجوز - كذلك - استبدال عين الوقف بعين أخرى مغايرة لها في الجنس والمسمى أو في النوع كاستبدال فرس بفيل أو مدرسة بمسجد أو فرس عربية بفرس أعجمية.

ويستثنى من ذلك: حصر المسجد⁽¹⁸⁷⁾ البالية وجذوعه المنكسرة أو قريبة الانكسار⁽¹⁸⁸⁾ فإنه يجوز بيعها ويشترى بثمنها مثلها خشية الضياع، وكذلك العين المتلفة بفعل يوجب الضمان فإنها تستبدل بما ضمننت به من القيمة.

يرى أهل المذهب الشافعي أنه لا يجوز تغيير العين الموقوفة على ما وقفت عليه كتغييرها من مسكن إلى مسجد أو من مزرعة إلى مسكن أو نحو ذلك إلا إذا جعل الواقف للناظر العمل بالمصلحة ورأى في ذلك التغيير مصلحة.

ويجوز تغيير العين الموقوفة في صورتها حيث بقي المسمى والجنس إذا اقتضت الضرورة ووجدت المصلحة بثلاثة شروط: **أحدها:** أن يكون التغيير لا يسلب مسماه ولا يغير جنسه، بمعنى إن كان الموقوف مسجداً، فلا يتغير عن المسجدية بل يوسع أو يرمم مع بقائه مسجداً، وشرط السبكي أن يكون التغيير يسيراً وكأنه اقتصر على التوسعة أو تعديل القبلة ونحو ذلك.

ثانيها: أن لا يزيل شيئاً من عينه، بل ينقل أجزاءه من جانب إلى جانب آخر فإن اقتضى زوال شيء من العين لم يجز لوجوب المحافظة على إبقاء المادة والصورة.

قلت: فإذا لم يمكن الحفاظ على المادة للضرورة فيستفاد منها قدر الإمكان كالاستفادة من كتل الجص والاسمنت بسحقها وتسوية الأرض بها ونحو ذلك، ولا يجوز التقريط بشيء يمكن الاستفادة منه وبه بوجه من وجوه الاستفادات.

ثالثها: أن يكون في ذلك التغيير مصلحة للوقف، وليس ناشئاً عن هوى، كتغييره المسجد مواكبة للعصر بحجة أنه قديم فقط، لما في ذلك من إبطال وقف الواقف أو جزء منه، والقدم مطلوب أيضاً كونه تاريخاً لحضارة أمة في زمن من الأزمان وتراثاً لها،

تيسير الوقوف 130. (184).

معنى عدم بطلان الوقف: أي أنه لا يفعل به ما يفعل بالأملك من بيع وهبة ونحو ذلك. (185)

ويغير عنها بعض الفقهاء بالمناقلة (186)

فرشه وسجاداته. (187)

يمكن أن يُخَرَّجُ عليه في زمننا منبر المسجد أو صوتياته ونحو ذلك من مرافقه المنقول له. (188)

لكن لو كان قد ضاق بأهله فيوسع فإن لم يمكن توسيعه إلا بهدمه فالضرورة تقدر بقدرها مع ملاحظة الاستفادة من أعيانه وأجزائه قدر الإمكان في العين الجديدة.

المطلب الرابع: حكم تغيير هيئة الموقوف

المسألة الثانية: شرط صحة أهلية الناظر للنظر على الوقف، لقد اشترط الفقهاء لصحة أهلية الناظر على الوقف ثلاثة شروط، أحدها العدالة، وثانيها: الأمانة، وثالثها: الكفاية⁽¹⁸⁹⁾، ومعنى الكفاية: أن يكون مؤهلاً للعمل المناط به في حفظ الوقف ورعايته والقيام بشرط الوقف.

المسألة الثالثة: حق تولية أمر الوقف، وقالوا: إن حق تولية أمر الوقف في الأصل للواقف، فإن شرطها لنفسه أو لغيره اتبع شرطه⁽¹⁹⁰⁾ وإلا فللقاضي، ولو شرط الواقف الولاية للموقوف عليهم اشتركوا في الولاية عليه.

المطلب الثاني: وظيفة الناظر على الوقف واستحقاقه

وسأحدث عنه في مسألتين:

المسألة الأولى: وظيفة الناظر على الوقف، لقد ذكر فقهاء الشافعية أن وظيفة الناظر على الوقف حفظ الأصول والغلات على وجه الاحتياط، وإجارة الوقف بأجرة المثل إن لم يمنع منها الواقف، وعمارته الواقف، وتحصيل الغلة وقسمتها على مستحقيها، ورعاية شرط الوقف.

المسألة الثانية: استحقاق الناظر على الوقف في مقابل نظره عليه، لقد ذكر فقهاء الشافعية أن ناظر الوقف يستحق من الوقف ما شرط له من الأجرة وإن زادت على أجرة المثل⁽¹⁹¹⁾ ما لم يكن الناظر هو الواقف، فإن كان الناظر هو الواقف فلا يستحق الزيادة على أجرة المثل، فإن لم يشترط الواقف للموقوف شيء فلا أجرة له، وحينئذ إما أن يقبل النظارة على الوقف متبرعاً أو يرفع الأمر إلى الحاكم ليطالبه في تعيين أجرة له.

ويشترط لصحة تعيين الأجرة للناظر من قبل الحاكم بأربعة شروط، أحدها: أن لا يزيد على أجرة المثل، وثانيها: أن يكون في عمل لا بد منه، وثالثها: أن لا يوجد متبرع موثوق به، ورابعها: أن تكون له الكفاية في النظارة.

قال السبكي: وليس للقاضي أخذ ما شرط للناظر إلا إن صرح الواقف بنظره كما أنه ليس له أخذ شيء من سهم عامل الزكاة، وقيده بما إذا كان له قدر كفايته.

وسأحدث عنه في ثلاث مسائل هي:

المسألة الأولى: حكم يد الناظر على الموقوف، لقد ذكر فقهاء الشافعية أن يد الناظر على الموقوف يد أمانة، فإن استعمل الموقوف في غير ما وقف فيه ضمن لتعديده، ومثله يد الموقوف عليه على الوقف فإنها يد أمانة فإن استعمل الموقوف عليه الموقوف في غير ما وقف له ضمن لتعديده.

المسألة الثانية: عزل الناظر، والناظر يعزل من قبل من ولاه على الوقف ولو من غير سبب وذلك إن كانت توليته منفكة عن شرط النظارة حين الوقف، ويعزل بالفسق كذلك.

فإن ولي بشرط الولاية له حين الوقف كقول الواقف: وقفت ببني هذه مأوى لابن السبيل بشرط أن تكون النظارة لزيد فلا يحق عزله بلا سبب كانهاء أمد نظارته المشروط أو فقدان شرط لصحة الولاية أو فسقه، وإذا امتنع عزله امتنع تولية غيره معه ولو لمصلحة، والناظر المتولي النظارة بشرط الواقف لا يعزل عن النظارة بعزل نفسه بخلاف من وليها من غير شرط.

المطلب الثالث: حكم يد الناظر على الوقف وأحكام عزله وما يحرم عليه

المسألة الثالثة: ما يحرم على الناظر في نظارته على الوقف، وقد ذكروا أنه يحرم على الناظر أخذ شيء من الوقف أو ريعه ولو على جهة الضمان أو إقراضه فإن فعل ذلك ضمن.

المطلب الرابع: ما يترتب على صحة الوقف

يترتب على صحة الوقف خروج العين الموقوفة من ملك الواقف وإضافتها إلى الله تعالى إضافة تشريف، ويملك الموقوف عليه المنفعة، وزوائد الموقوف المتولدة منه تكون وفقاً من غير حاجة لإنشاء لفظ جديد بالوقف، لأن التابع تابع، وذلك نحو ولد الحيوان الموقوف في سبيل الله فإنه وقف كأصله، والشجرة المتولدة من أختها أو من ثمار الوقف وقف.

الصحيح لغة أن يقال: الكفاية وليس الكفاءة لأن مجمع اللغة أقر استعمال الكفاءة بدلاً من الكفاية.⁽¹⁸⁹⁾

روضة الطالبين 347/5.⁽¹⁹⁰⁾

وتجوز أن تكون الأجرة مقدرة بنسبة من الغلة بشرط أن لا تزيد عن العشر، وسومح فيها تبعاً لرابع المستحقين وإلا فالأجرة لا تكون من معدوم، ولا⁽¹⁹¹⁾ تجوز أن تكون الأجرة أكثر من أجرة المثل إلا إن فرضت حال الوقف، فإن فرضت بعده فلا تصح إلا أن تكون أجرة المثل.

وشروط الواقف مرعية مالم يكن فيها ما ينافي الشرع، ولهذا قالوا: "نص الواقف كنص الشارع"، ويستثنى من ذلك: إذا شرط الواقف عدم إجازة الوقف فخرب ولا يمكن عمارته إلا بإجارته صحت إجارته للضرورة، والضرورة تقدر بقدرها، لأن المنع يفرضي إلى تعطيله وهو مخالف لمصلحة الوقف.

وإن شرط الواقف عدم الإجازة ووجدت الضرورة كأن لا يوجد غير المستأجر الأول وقد شرط أن يؤجر لإنسان أكثر من سنة أو أن الطالب لا يقيم أكثر من سنة ولم يوجد غيره في السنة الثانية فيهمل شرطه حينئذ كما قاله ابن عبد السلام. وشرط الواقف المخالف للشرع لا ينفذ كشرط العزوبة في سكان المدرسة مثلاً فلا يصح كما أفتى به البلقيني، ومنع السبكي وتبعه الزركشي العمل بالمفاهيم في كلام الواقفين لغلبة الذهول عليهم⁽¹⁹²⁾. وحيث أجمل الواقف شرطه اتبع فيه العرف المطرد في زمنه لأنه بمنزلة شرطه ثم ما كان أقرب إلى مقاصد الواقفين كما يدل عليه كلامهم، وتعرف العادة المطردة من خلال وقوف زمنه.

ولا يقسم الوقف بين الموقوف عليهم بحال من الأحوال، وإنما يُهَيَّأُ بينهم لأن في قسمته إبطال له وضياع لحق الآخرين. وثمرة شجرة المقبرة مباحة تبعاً لها، وصرفها في صالح المقبرة أولى، وإذا وقف على عمارة المسجد فإنه لا تصرف غلته إلى تزيينه ونقشه لأنه منهي عنه، ويصح وقف علو دون السفل والعكس، كبناء وقف أعلاه مسجداً وأسفله باقٍ على الملك أو العكس. والمستحب أن لا يؤجر أكثر من ثلاث سنين حتى لا يندرس بطول المدة، فإن مات الموقوف عليه في أثناء المدة انفسحت الإجازة لأن المنافع بعد موته للبطن الثاني فلا يصح عقده عليها من غير إذن، وإذا حكم على الوقف بالبطلان فإن كان موقفاً على معين فهو عليه صدقة، وإن كان على جهة عامة فهو باطل⁽¹⁹³⁾.

ولو كان الوقف على وظيفة كمن يشتغل بالعلم مثلاً فأحل بعض الأيام بتلك الوظيفة لم يستحق شيئاً للمتروك اتفاقاً، والمعنى الملاحظ في الوقف أن لا يكون في معصية ولم يلاحظ فيه معنى القرية ولهذا صح الوقف على الأغنياء، وإذا رد الموقوف عليه المعينُ الوقف أو حصته فيه أو الناظرُ النظارة ثم أراد الرجوع عما رده ابتداءً فلا يستحقها.

الخاتمة

في ختام هذا البحث نلخص إلى أهم نتائجه الآتية:

وبرزت نتائج هذه الورقة على النحو التالي:

1. الوقف تحبيس مال يمكن الانتفاع به مع بقاء عينه سواء كان عقاراً أو منقولاً محددًا أو مشاعاً تصرف منافعه في وجوه البر على جهة التخصيص أو على جهة العموم، وهو من أفضل الأعمال الصالحة المندوب إليها ويعد من الصدقات الجارية للمرء بعد مماته.
2. يعتبر الوقف من العقود اللازمة التي لا يجوز لصاحبها التراجع عنها ولا يفتقر إلى القبض، وقد مثل النبي صلى الله عليه وسلم الراجع في صدقته كالكلب الذي يقىء ثم يعود ليأكل قيئه.
3. المعنى الملاحظ في الوقف أن لا يكون في معصية ولم يلاحظ معنى القرية ولهذا صح الوقف على الأغنياء، وإذا رد الموقوف عليه المعين الوقف أو حصته فيها ثم أراد الرجوع إليها لم يستحقها.
4. يشترط لصحة الوقف ثلاثة عشر شرطاً مجموعها: أن يكون الوقف ممن هو أهلاً للتبرع في مصرف معين مباح أو على من هو أهل للتملك موجود وفرعه لا ينقطع غالباً على جهة التأبيد والتنجز وبعين مباحة معينة مملوكة للواقف يدوم نفعها مع بقاء عينها على أن تكون منفعتها مباحة وعلى أن لا يردّها الموقوف عليه المعين.
5. منافع الموقوف وفوائده ملك للموقوف عليه يتصرف بها تصرف المالك إلا أن يُقَيَّدَ الواقف التصرف.
6. ينفق على الوقف من حيث شرط الواقف، فإن لم يشترط الواقف له شرطاً فينفق عليه من غلته إن كانت له غلة لأن عمارة الموقوف مقدمة على مصالح الموقوف عليهم، فإن لم تكن له غلة فحينئذ يمكن المتبرعون من التبرع وإلا فمن بيت مال المسلمين أو استدين له لعمارتها على ذمته.
7. إذا انقرض الموقوف عليهم فإن الوقف لا يبطل ويصرف إلى أقرب الناس إلى الواقف حين الانقراض من جهة الرحم لا الإرث إن كان الموقوف عليه معيناً أو على جهة وإلا فعلى مصالح المسلمين أو جهة الفقراء والمساكين على جهة العموم،

تيسير الوقوف 105. (192)

السراج على نكت المنهاج/ 319. (193)

- أما إن كان الوقف وقف تحرير كالمسجد مثلا فتحتفظ غلته إلا توقع عودته ويصرف منها على إحيائه ومصالحه لإحيائه وعودته، وإن توقع عدم عودته صرفت إلى مثله القريب.
8. لا يضمن المتلف ما تلف من الوقف إن كان بغير تعد منه ويضمن المتعدي ولو كان الواقف نفسه، ويكون الضمان بقيمة مثله إن أتلفه كله والذي يتولى شراء البديل هو القاضي أو من ينيبه القاضي، ويلزم القاضي إنشاء لفظ جديد للوقف، وإن كان التلف في بعضه فيضمن قيمة أرشه ويعالج ذلك التلف بذلك الأرش.
9. إذا تعطلت منافع الموقوف بسبب لا يوجب الضمان فلا يبطل الوقف ويستفاد من منفعه ما أمكن ولو على وجه غير تام.
10. لا يجوز استبدال عين الوقف بعين أخرى تماثلها في الجنس والنوع والمسمى كاستبدال مصحف بمصحف، ولا يجوز استبدالها بعين مغايرة لها في الجنس والمسمى أو النوع كاستبدال مدرسة بمسجد، واستثنى من ذلك حصر المسجد البالية وجذوعه المنكسرة أو الأيالة إلى الانكسار.
11. لا يجوز تغيير العين الموقوفة على ما وقفت عليه إلا إذا جع الواقف للناظر العمل بالمصلحة ورأى الناظر أن في ذلك التغيير مصلحة.
12. يجوز تغيير العين الموقوفة في صورتها حيث بقي المسمى والجنس إذا اقتضت الضرورة ووجدت المصلحة بثلاثة شروط هي: أن يكون التغيير لا يسلب المسمى ولا يغير الجنس، وأن لا يزال شيء من عينه بل يجب المحافظة على أجزائه وأدراجها ضمن التغيير الجديد
- ما استطيع إلى ذلك سبيلا، ولا يجوز التفريط بشيء يمكن الاستفادة منه وبه بوجه من وجوه الاستفادة، وأن يكون في ذلك التغيير مصلحة للوقف وليس عن هوى لما في ذلك من إبطال وقف الواقف أو جزء منه.
13. لا يجوز نقل الوقف الثابت لأن في ذلك استبدال عينه بعين أخرى وهذا الصنيع غير جائز، ويجوز نقل الوقف المنقول إن احتاج الموقوف عليهم نقله من موضع إلى آخر لتنام المنفعة ولما في ذلك من المحافظة على قصد الواقف ما أمكن.
14. يحرم بيع الموقوف وإن خرب بل ينتفع به الموقوف عليه على ذلك النحو وإن لم يمكن الانتفاع به على الوجه الأكمل، فلو لم يمكن الانتفاع بالموقوف إلا باستهلاكه فيصير حينئذ ملكا للموقوف عليه وينتفع به بالاستهلاك ولا يجوز له بيعه أو هبته أو توريثه مطلقا، واستثنى من حرمة البيع صورتان يجوز بيعهما وهما: حصر المسجد البالية وجذوعه المنكسرة أو الأيالة للانكسار فإنها تباع ويستبدل بقيمتها مثلها، والحيوان المأكول اللحم الموقوف إن قطع بموته فإنه يذبح ويباع لحمه ويشترى بثمان اللحم مثله ويوقف مكانه.
15. إذا اندرس شرط الوقف وعلم الموقوف عليهم فإنه يسوى بينهم في منفعه إن وسعتهم وإلا تهايؤوا وأقرع بينهم في ترتيب الاستحقاق ما لم يعلم أطراد عادة في زمن الواقف فإن علمت عادة في زمن الواقف لمثل هذا الوقف اتبعت العادة.
16. يحرم على الواقف الاستفادة من وقف إلا إن كان الوقف عقارا عاما كمسجد فله أن يصلي فيه مع المصلين أو مقبرة فله أن يدفن مع الآخرين، أو كان قد اشترط لنفسه نظارة الوقف واشترط للناظر أجره معينة فله أخذ تلك الأجرة في مقابل النظارة إن كانت كأجرة المثل فإن كانت أكثر من أجره المثل حرم عليه الزيادة.
17. ناظر الوقف هو واليه ومن يتولى رعايته وهو قائم على حراسة الأوقاف ورعايتها من الضياع كولي اليتيم، وشرط صحة أهليته للنظارة على الوقف العدالة والأمانة والكفاية وهو أن يكون مؤهلا للعمل المناط به، وحق توليته للواقف ثم للقاضي وإذا رد الناظر النظارة ثم أراد أن يرجع لها فلا يستحقها.
18. وظيفة ناظر الوقف حفظ الأصول والغلات على وجه الاحتياط، وإجارة الوقف بأجرة المثل إن لم يمنع منها الواقف، وعمارة الوقف، وتحصيل الغلة وقسمتها على مستحقيها ورعاية شرط الواقف، ويستحق في مقابل وظيفته ما شرط له الواقف من الأجرة وإن كانت أكثر من أجره المثل، فإن لم يكن قد شرط له شرطا فلا أجره له لأنه قبل بالنظارة متبرعا أو يعين الحاكم له أجره مثله، وحكم يد الناظر على الموقوف يد أمانة فلا يضمن إلا بالتعدي ويعزل الناظر من قبل من ولاه ولو من غير سبب ويعزل بالفسق كذلك.
19. يحرم على ناظر الوقف أخذ شيء من الوقف أو ريعه أو إقراضه ولو على جهة الضمان، فإن صنع ذلك ضمن.
20. يترتب على صحة الوقف خروج العين الموقوفة من ملك الواقف وإضافتها إلى الله تعالى إضافة تشریف وزوائد الوقف المتولدة عنه تعتبر وقفا ولا تحتاج إلى لفظ جديد.

21. شروط الواقف مرعية ما لم يكن فيها ما ينافي الشرع، فإن كان فيها ما ينافي الشرع فالشرط لا ينفذ، وحيث أجمل الواقف شرطه اتبع العرف المطرد في زمنه ثم ما كان أقرب إلى مقاصد الواقفين، ولا يقسم الموقوف بين الموقوف عليهم بحال من الأحوال وإنما يهايؤوا بينهم لأن في قسمته إبطال له وضياع لحق الآخرين، وثمرة شجرة المقبرة مباحة تبعاً لها وصرفها في مصالح المقبرة أولى.
22. المستحب أن يؤجر الوقف أكثر من ثلاث سنين حتى لا يندرس بطول المدة، وإن شرط الواقف عدم إجارة الوقف فخرّب ولا يمكن عمارته إلى إجارته صحت إجارته للضرورة، والضرورة تقدر بقدرها.
23. إذا كان الوقف على وظيفة كطلب العلم مثلاً فأخل بعض الأيام بتلك الوظيفة لم يستحق شيئاً للمتروك اتفاقاً.

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إشكاليات عمل هيئة الزكاة الفلسطينية خلال الأعوام (2008-2021)

(Problems associated with working of the Palestinian Zakat Authority
during the years (2008-2021))

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ملخص البحث

الزكاة هي أحد أركان الإسلام الخمسة، وهي فريضة واجبة بالكتاب والسنة والإجماع، وتعتبر كذلك مورداً أساسياً من الموارد المالية في الدولة الإسلامية. ولقد اهتمت العديد من الدول الإسلامية بموضوع تنظيم الزكاة وأصدرت العديد من القوانين المنظمة للزكاة، وهكذا فعل المجلس التشريعي بغزة، حيث أصدر قانون رقم (9) لسنة 2008م كأول قانون منظم للزكاة في فلسطين، إلا أن هذا القانون صاحبه الكثير من الإشكاليات التي أعاقت تطبيقه. وبتابع المنهجين الاستقرائي والتحليلي يسعى هذا البحث إلى بيان تلك الإشكاليات بهدف الخروج بتوصيات تسهم في تفعيل قانون تنظيم الزكاة وتطبيقه في كافة أرجاء الوطن. وتوصل هذا البحث إلى أن هناك مجموعة من الإشكاليات السياسية والإدارية والمالية والقانونية التي أثرت على تطبيق قانون الزكاة، إلا أن مساعي تطوير العمل وإزالة العقبات لا تزال قائمة من قبل هيئة الزكاة الفلسطينية. ويوصي هذا البحث بتكاتف الجهود من جميع الجهات المسؤولة من أجل تطبيق قانون هيئة الزكاة الفلسطينية في كافة أرجاء فلسطين، وتحقيق التنسيق والتكامل بين هيئة الزكاة الفلسطينية ودوائر جباية الضرائب وكافة المؤسسات ذات العلاقة، وتذليل كافة العقبات التي تعيق عمل هيئة الزكاة الفلسطينية حتى تؤدي هذه الهيئة دورها الشرعي والمؤسستي على الوجه الأمثل.

الكلمات المفتاحية: إشكاليات، الزكاة، هيئة الزكاة، فلسطين، القانون الفلسطيني.

Abstract

Zakat is one of the five pillars of Islam, and it is an obligation according to the Qur'an, Sunnah, and consensus "Ijmā". It is also considered a basic financial resource in the Islamic state. Many Islamic countries have taken an interest in the issue of regulating Zakat and have issued laws organizing Zakat. Thus, the Legislative Council in Gaza issued Law No. (9) of 2008 as the first law regulating Zakat in Palestine, but this law was accompanied by many problems that hindered its implementation. Using the inductive and analytical approaches, this research seeks to clarify these problems in order to come up with recommendations that contribute to the application of the law regulating Zakat in all parts of Palestine. This research concluded that there are a number of political, administrative, financial and legal problems that affected the application of the Zakat Law, but efforts to develop the work of the Palestinian Zakat Authority and remove obstacles still exist. This research recommends concerted efforts from all responsible parties in order to implement the Palestinian Zakat Authority law in all parts of Palestine, and to achieve coordination and integration between the Palestinian Zakat Authority and tax collection departments and all relevant institutions, and to overcome all obstacles that hinder the work of

the Palestinian Zakat Authority so that this body can perform its role Legal and institutional in an optimal manner.

Keywords: Obstacles, Zakat, Zakat Institution, Palestine, Palestinian Law.

المقدمة

الزكاة هي أحد أركان الإسلام الخمسة، وهي فريضة واجبة بالكتاب والسنة والإجماع، وتعتبر كذلك مورداً أساسياً من الموارد المالية في الدولة الإسلامية، بل تعد جزءاً من النظام المالي والاقتصادي في الإسلام وقد تطور تنظيم الزكاة عالمياً، فاهتمت العديد من الدول في تنظيم الزكاة وصدرت العديد من القوانين المنظمة للزكاة في العديد من الدول العربية والإسلامية، وكان من أهم هذه الدول كل من: السعودية والسودان واليمن والكويت وماليزيا وغيرها. وقد واكب المشرع الفلسطيني غيره من التشريعات وأصدر قانون تنظيم الزكاة رقم (9) لسنة 2008م، كأول قانون منظم للزكاة في فلسطين، ونص القانون على إنشاء هيئة الزكاة الفلسطينية، وهي جهة تتمتع بالشخصية الاعتبارية والاستقلال المالي والإداري والأهلية القانونية، لمباشرة جميع الأعمال والتصرفات التي تكفل لها تحقيق أغراضها المتمثلة بالتنظيم والإدارة والإشراف على تحصيل وصرف الزكاة. إلا أن هذا قانون تنظيم الزكاة الفلسطيني اعترضه مجموعة من الإشكاليات والمعيقات التي حالت دون تطبيقه بشكل فاعل حتى الآن، فكان هذا البحث لاستيضاح هذه الإشكاليات والمعيقات، ولمعالجة بعض القصور الذي يعترض قانون تنظيم الزكاة وإجراءات تنفيذه بهدف تطبيقه على الوجه الأمثل في كافة أرجاء الوطن. وتنبع أهمية هذا البحث كونه يوضح الإطار التشريعي والتطبيقي لهيئة الزكاة الفلسطينية، ويحاول إيجاد حلول عملية من شأنها تفعيل قانون تنظيم الزكاة؛ ذلك أن هذا القانون منذ صدوره يواجه إشكاليات تحول دون تطبيقه. وسيتم استخدام المنهجين: الاستقرائي والتحليلي، وذلك من خلال استقراء وبيان وتحليل النصوص وآراء الباحثين المتعلقة بالزكاة، وتبسيط الضوء على الإشكاليات التي تحول دون تطبيق قانون تنظيم الزكاة بشكل فاعل، ومحاولة إيجاد حلول قانونية تساهم في تفعيل هذا القانون في كافة أرجاء الوطن. ومن الجدير بالذكر أن هذا البحث في نطاقه العام يبحث في موضوع شرعي قانوني، ألا وهو هيئة الزكاة الفلسطينية ومعيقات تطبيق قانون الزكاة الفلسطيني، وهذا الموضوع يعتبر من أهم المواضيع التي لم تأخذ حظها من البحث والتعمق؛ كون قانون تنظيم الزكاة حديث الإصدار نسبياً في فلسطين. أما فيما يتعلق بالحدود المكانية والزمانية للبحث، فإنه سيتناول الوضع في فلسطين (الضفة الغربية وقطاع غزة) منذ صدور قانون تنظيم الزكاة حتى يومنا هذا أي خلال الفترة (2008-2021).

واقع تنظيم مؤسسات الزكاة في فلسطين

تُعرّف الزكاة في الفكر الاقتصادي الإسلامي بأنها: "هي فريضة مالية تقتطعها الدولة أو من ينوب عنها من الأشخاص العامة أو الأفراد قسراً وبصفة نهائية، ودون أن يقابلها نفع معين، تفرضها الدولة طبقاً للمقدرة التكاليفية للمكلف، وتستخدمها في تغطية المصارف الثمانية المحددة في القرآن الكريم، والوفاء بمقتضيات السياسة المالية العامة الإسلامية" (Inayah, 1991). وقد نظمت الشريعة الإسلامية أحكام الزكاة وتفصيلاتها وشروط أدائها وكيفية إخراجها ومستحقّيها وجميع الأحكام المتعلقة بها. أما بخصوص تنظيم عمل مؤسسات الزكاة في فلسطين، ففي قطاع غزة تتولى مسؤولية جمع الزكاة وتوزيعها لمستحقّيها لجان الزكاة التابعة لوزارة الأوقاف والشؤون الدينية، والجمعيات الخيرية التي تشرف عليها وزارة الداخلية كالجمعية الإسلامية، والمجمع الإسلامي، وجمعية الصلاح الإسلامية، وجمعية الشابات المسلمات وغيرها. وفي الضفة الغربية كذلك تتولى لجان الزكاة التابعة لوزارة الأوقاف والشؤون الدينية والجمعيات الخيرية وصندوق الزكاة الفلسطيني مهمة جمع الزكاة وتوزيعها، وذلك يكون بشكل طوعي واختياري دون إلزام للمكلفين بدفعها (Muhanna, 2016). وفي عام 2008م أصدر المجلس التشريعي بغزة قانون تنظيم الزكاة رقم (9) لسنة 2008م كأول قانون منظم للزكاة في فلسطين، ونص هذا القانون في المادة (4/3) منه على أنه: "تلتزم جميع الشركات والمصارف والمؤسسات والأشخاص الاعتباريين ومن في حكمهم بدفع الزكاة جبراً لهيئة الزكاة طبقاً للنظام الذي يصدره مجلس الأمناء، ويكون دفع الزكاة للهيئة من الأشخاص الطبيعيين والجمعيات الخيرية والهيئات الأهلية جوازيماً (طوعاً)" (PLC, 2008). ويتضح من النص السابق أن الإلزام بدفع الزكاة ينصرف إلى الأشخاص الاعتباريين كالشركات والمؤسسات وليس إلى الأشخاص الطبيعيين.

غير أن قانون تنظيم الزكاة الفلسطيني قد اعترضه معوقات حالت دون تطبيقه بشكل فعال حتى الآن، أبرزها: الانقسام الفلسطيني، حيث انحصرت نطاق تطبيقه في قطاع غزة دون الضفة الغربية، وترتب على ذلك عدم فعالية تطبيق القانون على الوجه الأمثل، فالجهات المختصة بجباية الزكاة وتوزيعها في قطاع غزة بعد صدور هذا القانون هيئة الزكاة الفلسطينية بالإضافة إلى الجمعيات الخيرية ولجان الزكاة التابعة لوزارة الأوقاف والشؤون الدينية، أما الجهات المختصة في الضفة الغربية فلا تزال لجان الزكاة والجمعيات الخيرية دون إلزام أو جبر على المواطنين المكلفين بدفع الزكاة أو حتى المؤسسات والشركات والأشخاص الاعتباريين (Elshobake, 2016). أما فيما يتعلق بلجان الزكاة في الضفة الغربية، فقد اعتمد سماحة وزير الأوقاف والشؤون الدينية الأسبق الشيخ جمال بواطنة بعيد الانقسام الفلسطيني عام 2007م التشكيلة الجديدة للجان الزكاة في المحافظات الشمالية (الضفة الغربية)، معللاً ذلك بتصحيح مسار لجان الزكاة التي لم تكن تسيير حسب قانون الزكاة الساري المفعول، ولم تخضع لرقابة مالية أو إدارية منذ ما يزيد على الثلاثين عاماً، ولم تكن لوزارة الأوقاف أدنى معرفة بإدارة أموال هذه اللجان، علماً بأنها تتبع الوزارة مباشرة، ووزير الأوقاف هو صاحب الصلاحية الأولى والأخيرة في تشكيلها وفي حلها (Wafa, 2007). كما تم تشكيل صندوق الزكاة الفلسطيني في الضفة الغربية بعيد الانقسام الفلسطيني عام 2007م، وهذا الصندوق منصوص عليه في قانون الزكاة الأردني (Schaeublin, 2009).

ومن الجدير بالذكر أن كل لجان الزكاة والجمعيات الخيرية المحسوبة على التيار الإسلامي في الضفة الغربية منذ الانقسام معطلة ولا يسمح لها بالعمل كما في السابق؛ بسبب الانقسام السياسي الفلسطيني (Al-Ray, 2014).

التنظيم التشريعي لهيئة الزكاة الفلسطينية

نشأت هيئة الزكاة الفلسطينية بمقتضى قانون تنظيم الزكاة رقم (9) لسنة 2008م، وهي هيئة تتمتع بالشخصية الاعتبارية والاستقلال المالي والإداري والأهلية القانونية، لمباشرة جميع الأعمال والتصرفات التي تكفل لها تحقيق أغراضها، بما في ذلك تملك الأموال المنقولة وغير المنقولة اللازمة لسير أعمالها وممارسة نشاطها والتصرف فيها (PLC, 2008). ومن الضرورة الإشارة إلى الاستقلال لا يعني بأي حال من الأحوال الخروج الكامل عن القوانين والأنظمة المالية والإدارية النازمة لعمل المؤسسات العامة، أو تحصين القرارات الصادرة عنها وجعلها بمنأى عن الرقابة والمساءلة، بل على العكس من ذلك تماماً، فالاستقلال يعني ممارسة الأعمال والصلاحيات المنصوص عليها قانوناً بشكل مرن وبما يتفق مع طبيعة عمل الهيئة، فيكون لها صلاحية التعاقد والقيام بكافة الأعمال التي تحقق الأغراض التي أنشأت من أجلها المؤسسة، ووضع اللوائح الداخلية المنظمة لشؤونها المالية والإدارية بالقدر اللازم لممارسة أعمالها، وأن يكون لها موازنتها الخاصة والتي تكون موازنة ملحقة وتخضع لما تخضع له الموازنة العامة من قواعد وأحكام، وأن تعتبر أموالها أموالاً عامة تسري عليها الأنظمة القانونية التي تسري على المال العام، وأن يكون لها صلاحية تنظيم شؤون موظفيها وفق نظام خاص، وذلك بتشريع للأنظمة الإدارية والمالية الخاصة بها، وبخلاف ذلك يسري على أعمالها وموظفيها ما يسري على الموظفين العامين من قواعد وأحكام (Barghuthi, 2007).

ويكون المقر الرئيس لهيئة الزكاة في مدينة القدس، ويكون المقر المؤقت لها في أي مكان آخر يتخذه مجلس الأمناء (ومقرها حالياً مدينة غزة)، وله الحق في فتح فروع في المحافظات الأخرى (PLC, 2008). وتتمتع الهيئة بالإعفاءات والتسهيلات الممنوحة للوزارات والدوائر الحكومية وأية إعفاءات أخرى تمنح للهيئة بموجب القانون (PLC, 2008). وينظم عمل هيئة الزكاة الفلسطينية قانون تنظيم الزكاة رقم (9) لسنة 2008م وتعديلاته، وقرار مجلس الوزراء رقم (249) لسنة 2014م بشأن اللائحة التنفيذية لقانون تنظيم الزكاة.

ولقد حدد قانون تنظيم هيئة الزكاة الفلسطيني مهام الهيئة، وهي (PLC, 2008):

1- التنظيم والإدارة والإشراف على تحصيل وصرف الزكاة وفقاً لأحكام هذا القانون.

2- جواز استثمار الفائض من الزكاة والموارد الأخرى وفقاً للأصول الشرعية.

ويتضح مما سبق أن هيئة الزكاة مؤسسة تُعنى بإحياء وتطبيق فريضة الزكاة من خلال جمعها وتنمية مواردها، وإنفاقها في مصارفها الشرعية، تحقيقاً لمبدأ التكافل الاجتماعي عبر تبني أنظمة مالية وإدارية، تتوافق مع أحكام الشريعة الإسلامية ومعايير الجودة المؤسسية.

وعلى الرغم من أن تشكيل هيئة الزكاة تم بموجب القانون الصادر عام 2008م، وذلك بموجب قرار مجلس الوزراء بغزة رقم (144) الصادر بتاريخ 2/فبراير/2010م القاضي بتشكيل مجلس أمناء هيئة الزكاة الفلسطينية من نخبة من العلماء المتخصصين

في مجال الشريعة الإسلامية والاقتصاد والإدارة، إلى جانب مجموعة من رجال الأعمال والعاملين في المجال الخيري (AI- Ray, 2012). غير أن الإعلان عن بدأ الهيئة بتنفيذ أعمالها في شهر يوليو 2012م، وذلك بسبب الإشكاليات التي صاحبت صدور القرار سواء من الناحية السياسية؛ حيث واجه قانون تنظيم الزكاة رفضاً قاطعاً من السلطة الفلسطينية في الضفة الغربية، هذا بالإضافة إلى ظروف العدوان الإسرائيلي والحصار على قطاع غزة (DW, 2012). ومنذ عام 2012م حتى 2018م عانت هيئة الزكاة الفلسطينية من جملة من الإشكاليات التي أعاقت عملها بشكل كبير ولم تستطع من تنفيذ القانون بالشكل المطلوب، وقد تم تقليص عدد الموظفين في عام 2018م ليصبح أربعة موظفين فقط، مما أدى إلى توقف هيئة الزكاة وضعفها بشكل كبير (AI- Khatib, 2021).

غير أن هيئة الزكاة الفلسطينية لم تتوقف عن العمل رغم الكثير من المعوقات، وهي لا تزال تعقد اتفاقيات ولقاءات وتفاهات مع الجهات ذات العلاقة من أجل ترتيب أعمالها، آخرها جلسة نظمتها هيئة الزكاة الفلسطينية بتاريخ 21/ يونيو/ 2021م بالتعاون مع المجلس التشريعي الفلسطيني ووزارة المالية لمناقشة آليات تعزيز العلاقة والتعاون بين هيئة الزكاة الفلسطينية ووزارة المالية (Palestinian Zakat Authority, 2021).

وتقوم هيئة الزكاة الفلسطينية بعدد من المشاريع، مثل: دعم المشاريع الإنتاجية الصغيرة، ومشروع زكاة الفطر، ومشروع الماء حياتي، ومشروع تأهيل السجناء وعائلاتهم، ومشروع كفالة طلاب العلم، ومشروع الأضاحي، ومشروع الزي المدرسي، والحقيبة المدرسية، ومشروع المساعدات النقدية للأسر المتعففة، ومشروع صندوق المريض الفقير، ومشروع كفالة الفقراء المسنين، ومشروع الإغاثة الطارئة لمتضرري العدوان على غزة، وغيرها من المشاريع (Palestinian Zakat Authority, 2021).

إشكاليات عمل هيئة الزكاة الفلسطينية

تتمثل إشكاليات عمل هيئة الزكاة الفلسطينية فيما يلي:

1. الإشكاليات السياسية:

إنَّ من أبرز الإشكاليات التي تعاني منها مؤسسات الزكاة الفلسطينية محاربة الاحتلال الإسرائيلي لها؛ حيث تدَّعي سلطات الاحتلال أنَّ المقاومة الفلسطينية تستخدم لجان الزكاة لنقل الأموال إلى الضفة الغربية لاستخدامها في الأنشطة السياسية والعسكرية (Schaeublin, 2009).

وقد أثر الانقسام السياسي الفلسطيني بين السلطات الحاكمة في قطاع غزة، وبين السلطات الحاكمة في الضفة الغربية على عمل هيئة الزكاة الفلسطينية؛ حيث صدر قانون تنظيم الزكاة الفلسطيني صدر عن المجلس التشريعي بغزة، ونتيجة للانقسام الفلسطيني انحصر تطبيق هذا القانون على قطاع غزة دون الضفة الغربية، وترتب على ذلك عدم فعالية تطبيق القانون على الوجه الأمثل، فالجهات المختصة بجباية الزكاة وتوزيعها في قطاع غزة بعد صدور هذا القانون هيئة الزكاة الفلسطينية، أما الجهات المختصة في الضفة الغربية فلا تزال لجان الزكاة والجمعيات الخيرية (Elshobake, 2016).

2. الإشكاليات التشريعية:

وجهت انتقادات تشريعية لقانون تنظيم الزكاة خصوصاً في تنظيم الجهات الإدارية المختصة في هيئة الزكاة الفلسطيني، حيث نص القانون على وجود جسمين إداريين مجلس الأمناء، ومجلس الإدارة، ولكل منهم اختصاصات وصلاحيات (PLC, 2008)، غير أنَّه من الناحية التطبيقية أحدث وجود الجسمين الإداريين إشكالاً في تطبيق وتفعيل قانون تنظيم الزكاة. ولم يحدد القانون عدد مرات تجديد مجلس الأمناء حيث نص على أنه: "مدة مجلس الأمناء خمس سنوات وتجدد بالتنسيب ومصادقة جديدين" (PLC, 2008).

ووجهت إشكاليات أخرى في نصوص متعلقة بكيفية تحديد مقادير زكاة الأموال وما يقوم مقامها وفق قانون تنظيم هيئة الزكاة (Al-Agha & Al-Ashi, 2012).

ومن الإشكاليات التشريعية التي تعيق تطبيق قانون تنظيم الزكاة أن هيئة الزكاة لم تصدر الأنظمة الإدارية والمالية التي تحكم عملها، ولم تعدد دليلاً للإجراءات المالية الخاصة بها، ولم تصدر اللوائح الداخلية المتعلقة بعملها (Muhanna, 2016)، واللائحة الوحيدة التي صدرت هي اللائحة التنفيذية لقانون تنظيم الزكاة رقم (9) لسنة 2008م الصادرة بموجب قرار مجلس الوزراء رقم (249) لسنة 2014م.

3. الإشكاليات الإدارية والمالية:

إن من أبرز الإشكاليات في التنظيم الإداري لهيئة الزكاة تعدد المرجعيات الإدارية وعدم وضوح الأدوار وتعددتها، وعدم اكتمال الإجراءات الإدارية المحددة وفق قانون تنظيم الزكاة، وضعف الآليات والإجراءات الخاصة بجمع البيانات الخاصة بموارد الزكاة لدى هيئة الزكاة (Muhanna, 2016; Al-Khatib, 2021).

كما أن من أبرز الإشكاليات عدم كفاءة الطاقم الإداري في مجال تحصيل الزكاة وقلة عدد الموظفين في هيئة الزكاة مقارنة مع المهام الموكلة إليها؛ حيث لا يتجاوز عدد موظفيها الرسميين خمسة عشر موظفاً بالإضافة إلى بعض المتطوعين، وقد تم تقليص عدد الموظفين في عام 2018م ليصبح أربعة موظفين فقط، مما أدى إلى تفوق هيئة الزكاة وضعفها بشكل كبير (Al-Khatib, 2021).

هذا بالإضافة إلى تعدد الجهات القائمة على تحصيل الزكاة بخلاف هيئة الزكاة الفلسطينية، مثل: لجان الزكاة التابعة لوزارة الأوقاف والشؤون الدينية والجمعيات الخيرية وغيرها، مما أضعف دور هيئة الزكاة المركزي (Muhanna, 2016).

وعلى الصعيد المالي، تعاني هيئة الزكاة الفلسطينية من ضعف التمويل المطلوب لتنمية وتطوير قدراتها (Al-Khatib, 2021).

4. إشكاليات تطبيق قانون هيئة الزكاة:

إن من إشكاليات تطبيق قانون تنظيم الزكاة اختيار أعضاء مجلس الأمناء، فقد وضع القانون أنه يتكون من خمسة عشر عضواً بالتناسب من مجلس الوزراء للمجلس التشريعي، وقد شاب تشكيل مجلس الأمناء عدة إشكاليات، وقد شغل منصب العديد من أعضائه فترة طويلة بسبب الوفاة والمرض وعدم المشاركة (Legal Affairs Department, 2012).

وإن من الإشكاليات الأساسية أن القانون يطبق في قطاع غزة دون الضفة الغربية بسبب الانقسام الفلسطيني، وبالتالي فإن مجلس الإدارة ومجلس الأمناء لا يشمل أي أعضاء من الضفة الغربية، وتقتصر عضويته على فئة معينة في قطاع غزة دون مشاركة لفئات أخرى (Al-Khatib, 2021).

ووفقاً لمدير عام هيئة الزكاة الفلسطينية السابق فإن قانون تنظيم الزكاة لم يُطبق بشكل إلزامي حتى على الشركات والمؤسسات والأشخاص الاعتباريين على الرغم من أن القانون ينص على إجبار المؤسسات والأشخاص الاعتباريين بدفع الزكاة للهيئة، ونتج عن ذلك التزام عدد قليل من المؤسسات بدفع الزكاة للهيئة، حيث بلغ عدد المؤسسات التي تلتزم بدفع الزكاة للهيئة في قطاع غزة (300) مؤسسة فقط من أصل ما يزيد عن (5000) مؤسسة (Al-Khatib, 2021). كما أن الهيئة لا تقوم بتحصيل الزكاة من جميع مواردها وفق القانون رغم توفر غالبيتها مثل الشركات والمصارف الإسلامية والزراعة ومخرجات البحر (Muhanna, 2016).

وعلى حد قول مدير عام هيئة الزكاة الفلسطينية فإن عدم تطبيق القانون يعود إلى عدم وجود إرادة حقيقية لدى المؤسسات التشريعية والتنفيذية في قطاع غزة نحو تطبيق القانون وتفعيل آثاره، خصوصاً فيما يتعلق بمسألة خصم الزكاة المدفوعة للهيئة من ضريبة الدخل المستحقة للدولة؛ حيث يوجد ضعف في التنسيق وتبادل المعلومات بين هيئة الزكاة ودوائر جباية الضرائب، وعدم توحيد الجهود وتنظيم العلاقة لتكون علاقة تكاملية عبر توحيد النصوص القانونية بشكل واضح وصريح (Al-Khatib, 2021).

الخاتمة

تحدث هذا البحث عن واقع تنظيم الزكاة في فلسطين والتنظيم التشريعي لهيئة الزكاة الفلسطينية، وأبرز المعوقات والإشكاليات التي اعترضت عمل هيئة الزكاة الفلسطينية، وحالت دون تطبيق قانون تنظيم الزكاة الفلسطيني على الوجه الأمثل. وقد خلص البحث إلى أن الانقسام الفلسطيني أبرز تلك الإشكاليات؛ حيث صدر القانون عن المجلس التشريعي بغزة ولم يلق قبولاً من السلطة الفلسطينية في الضفة الغربية، الأمر الذي ترتب عليه تطبيق القانون في قطاع غزة فقط، كما أن غالبية أعضاء مجلس أمناء هيئة الزكاة الفلسطينية ومجلس إدارتها من جهة سياسية واحدة. ونظراً لظروف الانقسام والحصار والعدوان الإسرائيلي المتكرر على قطاع غزة فإن الهيئة لا تطبق سياسية الجبر والإلزام في دفع الزكاة بالنسبة للمؤسسات والأشخاص الاعتباريين على الرغم من أن القانون ينص على ذلك. ومن جهة أخرى فإن الكثير من المزمكين لا يلتزمون بالتعامل مع الهيئة إما لأسباب سياسية وإما لعدم ثقتهم في أن أموالهم ستُدفع لمستحقها. هذا بالإضافة إلى بعض الإشكاليات الإدارية وقلة عدد الموظفين في الهيئة ونقص التمويل اللازم لأدائها لدورها، وضعف التنسيق مع دوائر جباية الضرائب والمؤسسات الحكومية ذات العلاقة.

ويوصي الباحث بضرورة العمل على إنهاء الانقسام الفلسطيني فعلياً، وتطبيق قانون تنظيم الزكاة في كافة أرجاء فلسطين، والقيام بمراجعة شرعية وقانونية لنصوص هذا القانون وأحكامه، وتشكيل مجلس أمناء ومجلس إدارة لهيئة الزكاة من المختصين من جميع أطراف الشعب الفلسطيني، وتوعية المجتمع ودفعي الزكاة بدور الهيئة من الناحيتين الشرعية والقانونية، وزيادة عدد موظفي هيئة الزكاة وتدريبهم، وتوفير تمويل كافٍ للهيئة، والتكامل والتنسيق بين هيئة الزكاة ودوائر جباية الضرائب وغيرها من المؤسسات الحكومية ذات العلاقة، وتذليل كافة العقبات التي تحول دون تطبيق قانون تنظيم الزكاة الفلسطيني على الوجه الأمثل.

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تنظيم الزكاة في الجزائر (خلال 2003-2021) الواقع والتحديات

(Zakat Organization In Algeria (2003-2021) Actuality And Challenges)

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الملخص:

يهدف البحث إلى الكشف عن مراحل تطور تنظيم الزكاة في دولة الجزائر منذ نشأة صندوق الزكاة سنة 2003 إلى سنة 2021م حيث تم إنشاء الديوان الوطني للأوقاف والزكاة، مبرزاً في ذلك أهم التحديات التي تعوقه، بهدف إيجاد حلول لها. وقد اعتمد في ذلك المنهج الوصفي الاستقرائي التحليلي، بتتبع مراحل تطور الصندوق، ومحاولة استقراء أهم التحديات التي تواجهه، وكيف يمكن إيجاد حلول لها. وقد توصل إلى نتائج أهمها: أن مؤسسة الزكاة بالجزائر تجربة مهمة من حيث اهتمامها بهذه الشعيرة الروحية ذات الأبعاد الاجتماعية والاقتصادية، وقد تطورت عبر مراحل؛ بدءاً من تأسيس الصندوق، ثم إلغاء العمل بالقروض الحسنة، لما تزامن معها من إشكالات، ثم إنشاء الديوان الوطني للأوقاف والزكاة، على أنه إعادة هيكلة جديدة تتجه نحو العمل المؤسسي لإدارة الزكاة والأوقاف بأبعاد اجتماعية واقتصادية. كما تبين من خلال الدراسة أن تجربة الزكاة بالجزائر ينقصها المزيد من التفعيل في جوانب الإعلام والمتابعة، وكذا آليات تمويل مشاريع الزكاة المنتجة ومتابعتها، مما أدى إلى نقص الثقة وضالة حصيلة الزكاة. ويقدم البحث توصيات لتفعيل أداء الصندوق، لتحقيق أهدافه في تحقيق التنمية الروحية والاقتصادية، وتقليل الفقر والبطالة والانحرافات.

الكلمات المفتاحية: صندوق، ديوان، إدارة، تمويل، القرض، الحسن.

Abstract

This research aims to disclose the steps of growing Zakat regulation in Algeria; from the establishment of the Zakat Fund in 2003 to the year 2021 when the National Office of Endowments and Zakat was established. It highlights the most important challenges that are facing it, in order to find solutions to them. It adopted the inductive analytical approach. The research has reached important results, including Firstly; Zakat institution in Algeria has developed through stages; starting with establishing Zakat Fund, then suspending the good loans credits, because of some issues related to them, arriving recently to create the National Office of Endowments and Zakat (NOEZ). Secondly, NOEZ is considered as a new structure aiming to institutionalize the management of Zakat and Awqaf, with social and economic dimensions. Thirdly, the experience of Zakat in Algeria needs more activation in terms of marketing and follow-up, as well as the mechanisms of financing the productive Zakat projects, and their implementation. This situation led to a lack of confidence, and decreasing Zakat incomes. The research introduced recommendations to activate the performance of Zakat management in Algeria, in order to achieve its social and economic goals.

Keywords: fund, marketing, management, investment, loan.

مقدمة

لا تزال الهوة المادية بين الناس في المجتمعات تتسع، والتزايد في أعداد الفقراء والمحتاجين في وتيرة مستمرة، لذلك تعدّ الزكاة حلاً جديراً بالاهتمام لعلاج مشكلة الفقر والحرمان في المجتمعات الإسلامية وما يرتبط بها من أزمات نفسية واجتماعية واقتصادية وأخلاقية، كما أنها تعدّ الطريقة المثلى لتوفير الأمن والأمان في الأوساط، وتحقيق التكافل المجتمعي بين الناس. وقد حققت الأمة هذه المكاسب عندما طبقت فريضة الزكاة تطبيقاً جيداً، وأبدعت نظاماً دقيقة وخططاً عميقة من خلال الأحكام والتشريعات المنصوصة في القرآن الكريم والسنة المباركة؛ حتى كانت الزكاة نعم الرديف للإنسان في المجتمع، فحققت الاكتفاء الذاتي، وتضاءلت نسبة الفقر، وكثرت الأموال، حتى وصلت نسبة الفقر إلى الصفر في عهد الخليفة عمر بن عبد العزيز، وكان لأهل الكتاب منها نصيب في زمن الخليفة الراشد عمر بن الخطاب.

ولكي تحقق فريضة الزكاة أهدافها المنشودة ومقاصدها المنوطة بها لا بد من تطبيق منظم ومحكم لها، في تنظيم مبني على الأمانة والكفاءة العالية، والإحصاء الدقيق والمتابعة المستمرة، والفاعلية في تطبيق الأهداف والمقاصد. وفي هذا الصدد يسعى هذا البحث لدراسة حالة لتنظيم الزكاة في الواقع المعاصر، متمثلة في دولة الجزائر، من حيث المراحل التي مرّت بها والتحديات التي تواجهها.

مشكلة الدراسة:

الإشكالية الرئيسية للدراسة: ما هي مراحل تنظيم الزكاة في الجزائر، وما تحدياتها؟ وتدرج تحتها الإشكالات الآتية:

- ما واقع فريضة الزكاة في الجزائر؟
- كيف تطور تنظيم فريضة الزكاة في الجزائر؟
- ما هي التحديات التي تعيقه عن تحقيق أهدافه المنوطة به؟

أهداف الدراسة:

تهدف الدراسة إلى الكشف عن مسيرة تطور تنظيم الزكاة في الجزائر وتحدياتها وأفاقها. وتدرج تحته الأهداف الآتية:

- الكشف عن واقع الزكاة في الجزائر.
- استقصاء مراحل تطور تنظيم الزكاة في الجزائر منذ تأسيس الصندوق إلى الوقت الحاضر.
- الكشف عن أهم التحديات التي تواجه الصندوق وكيف يمكن أن يتفادها.

منهجية الدراسة:

اعتمدت هذه الدراسة البحثية على المنهج الوصفي عند تناول الجوانب التنظيمية لفريضة الزكاة، وعلى المنهج الاستقرائي التحليلي، للكشف عن أهم التحديات التي تعيق تنظيم الزكاة في الجزائر، وكيف يمكن التغلب عليها.

وقد تم تقسيم البحث إلى مقدمة، ومبحثين، وخاتمة كالآتي:

المبحث الأول: تطور نظام الزكاة بالجزائر خلال 2003-2021

المبحث الثاني: التحديات التي يواجهها تنظيم الزكاة بالجزائر

الخاتمة: وتشمل النتائج والتوصيات.

المبحث الأول: تطور نظام الزكاة بالجزائر خلال 2003-2021

مرّ تنظيم الزكاة بالجزائر عبر ثلاثة مراحل يمكن إجمالها فيما يأتي:

المطلب الأول: مرحلة تأسيس صندوق الزكاة وانطلاقه سنة 2003

بدأ تنظيم الزكاة في الجزائر سنة 2003 من خلال "صندوق الزكاة" وهو عبارة عن مؤسسة دينية اجتماعية تعمل تحت إشراف وزارة الشؤون الدينية والأوقاف، والتي تضمن له التغطية القانونية بناء على القانون المنظم لمؤسسة المسجد؛ ويتشكّل من ثلاث مستويات تنظيمية كما في هذا الجدول.

الجدول 1: المستويات التنظيمية لصندوق الزكاة

اللجان	أبرز مهامها	مكوناتها
اللجنة الوطنية	رسم السياسة الوطنية للصندوق ومتابعتها، النظر في المنازعات، التنظيم، الرقابة، البحث والتدريب	المجلس الأعلى للصندوق: رئيس المجلس، رؤساء اللجان الولائية لصندوق الزكاة، أعضاء الهيئة الشرعية، ممثل المجلس الإسلامي الأعلى، ممثلون عن الوزارات التي لها علاقة بصندوق، كبار المزمكين
		لجان المجلس الأعلى للصندوق: لجنة التحصيل والتوزيع، لجنة الإعلام والاتصال والعلاقات، لجنة الشؤون المالية والإدارية والتكوين، لجنة المراجعة والرقابة
		المكتب الوطني لصندوق الزكاة: رئيس المكتب الوطني لصندوق الزكاة، مجلس الإدارة ويتشكل من: الرئيس، مدراء، الأمين العام، رئيس الهيئة الشرعية، ممثلو الوزارات، رئيس الفدرالية الوطنية للجان المسجدية، الهيئة الشرعية، الأمين العام
اللجنة الولائية	إنشاء اللجان القاعدية، الرقابة، الصرف وتنظيم التوزيع	المكتب التنفيذي: رئيس المكتب (الأمر بالصرف)، الأمين العام، أمين المال هيئة المداولات: وكيل معتمد (يعينه وزير الأوقاف)، رئيس المجلس العلمي الولائي، الإمامان الأعلى درجة في الولاية، كبار المزمكين، ممثلو الفدرالية الولائية للجان المسجدية، رئيس المجلس العلمي للولاية، قانوني، محاسب، اقتصادي، مساعد اجتماعي، رؤساء الهيئات القاعدية، ممثلون عن الأعيان.
		لجان هيئة المداولات الولائية: لجنة التنظيم، لجنة المتابعة والمراقبة والمنازعات، لجنة التوجيه والإعلام، لجنة التوزيع والتحصيل
		المكتب التنفيذي: رئيس المكتب التنفيذي، الأمين العام، أمانة المال
اللجنة القاعدية	إحصاء المزمكين والمستحقين على مستوى الدائرة، التحسيس، التحصيل والتوزيع	هيئة المداولات: رئيس الهيئة، رؤساء اللجان المسجدية، ممثلو لجان الأحياء، ممثلو الأعيان، ممثلون عن المزمكين

المصدر: من إعداد الباحث اعتمادا على: وزارة الشؤون الدينية والأوقاف، خدمة الزكاة، <https://www.marw.dz/zakate/index.htm> أطلع بتاريخ 2021/1/27؛ منشور داخلي من الوزارة.

أولا: جمع الزكاة

يتمّ تحصيل الزكاة لدى الصندوق عبر عدة قنوات تسهّلا على المزمكين، ومنها: **الصك، والحوالة البريدية:** تُرسل إلى حساب صندوق الزكاة للولاية، وبالنسبة للجزائريين المقيمين في المهجر يتمّ الدفع إلى الحساب الوطني لصندوق الزكاة عن طريق حوالة دولية أو غيرها.

الدفع نقدا لدى الصناديق المسجدية: وقد وُضعت له مجموعة إجراءات تنظيمية لأجل الرقابة والشفافية، وللمزكّي أن يطلب من إمام المسجد قسيمة تدلّ على دفع زكاته، ويمكنه أن يساعد الهيئة في الرقابة بإرسال نسخة من القسيمة إلى اللجنة القاعدية أو الولائية أو الوطنية.

ويتمّ الترغيب لأداء الزكاة من طرف الأئمة، والدعوة إليها، وتبيين أساليب تحصيلها وتوزيعها كلما ساحت فرصة، وتكثّف الدعوة إليها في المواسم كأيام عاشوراء (وزارة الشؤون الدينية والأوقاف، 2019).

ويلاحظ بأن الصندوق اقتصر على التحصيل النقدي لسهولته، ولتفادي إجراءات تخزين ومتابعة الأنعام والزرورع في حال التحصيل العيني. ومن جهة أخرى قد يكون هذا مثبّطا لبعض المزمكين ممن يرغبون في أداء زكاتهم عينا؛ خاصة بالنسبة للأنعام والزرورع.

ثانيا: توزيع الزكاة

اعتمد الصندوق صرف الزكاة بطريقتين هما: أولاً؛ الإنفاق المباشر على العائلات الفقيرة، ثانياً؛ الاستثمار لصالح الفقراء. وقد حدّدت وزارة الشؤون الدينية والأوقاف أهمّ الأصناف المستفيدة من أموال الزكاة، حسب المنشور الوزاري رقم 2004/139 على أنه:

- في حال عدم بلوغ حصيلة الزكاة في الولاية الحد الأدنى للاستثمار المقدر بـ 500 مليون دج فإن توزيع الزكاة يكون بطريقة الدعم المباشر بتخصيص نسبة 87.5% من الحصيلة للفقراء والمساكين حسب الأولوية، بتقديم مبلغ يتراوح بين 2000 دج-5000 دج عن طريق الحوالات، سنوياً أو سداسياً (كل ستة أشهر)، أو ثلاثياً (كل ثلاثة أشهر)، وتخصّص 12.5% لمصاريف تسيير الصندوق.

- في حال بلوغ حصيلة الزكاة 500 مليون دج فصاعداً تخصّص منها 50% للفقراء والمساكين، و12.5% لمصاريف صندوق الزكاة، و37.5% للاستثمار لصالح الفقراء من خلال مشاريع مصغرة للشباب الحاصلين على الشهادات والقادرين على العمل وليس لهم إمكانيات مالية كافية من (تجار، حرفيين، فلاحين، وخريجي جامعات)، وذلك عن طريق القرض الحسن، أو شراء أدوات العمل (بن عزة و بوتلجة، 2018، ص 321، 322؛ وزارة الشؤون الدينية والأوقاف، د.ت).

توزيع زكاة الفطر: يتم إحصاء المستحقين لزكاة الفطر بالاستعانة بقوائم المستحقين للزكاة العادية، قوائم المستفيدين من زكاة الفطر للعام الماضي، وقوائم مصلحة الشؤون الاجتماعية بالبلدية، ثم تراجع هذه القوائم بالتنسيق مع لجان الأحياء. وكل مستفيد يمثلاً استمارة، ثم تُرتب القوائم حسب درجة الاحتياج، ويراعى عدد الأولاد، مع السعي للتنسيق بين مساجد المنطقة تقادياً للازدواج في الطلبات، وتوضع المبالغ الموزعة في أظرفة عليها اسم وعنوان المستفيد وتسلم له يداً بيد، وفي الأخير يحزّر محضر إجمالي لتوزيع زكاة الفطر، فيحول الإمام نسخة منه إلى مديرية الشؤون الدينية والأوقاف. (بوحجلة، 2006، ص 109)

تمويل المشاريع الاستثمارية: تخصّص من الصندوق نسبة 37.5% من موارده لتمويل المشاريع المصغرة للشباب العاطل عن العمل بقروض حسنة، وهذا عند تجاوز حصيلة الصندوق على مستوى الولاية مبلغ 05 ملايين دينار جزائري، ويتمّ تسيير هذه القروض باتفاقية بين وزارة الشؤون الدينية وبنك البركة على أن يكون البنك وكيلاً تقنياً في مجال استثمار الزكاة. (بزواوية و بن منصور، 2012، ص 95)

وتتراوح قيمة القرض الحسن بين 50.000 دج و 400.000 دج لمدة تتراوح بين 4 و 5 سنوات يدفعها المستفيد على أقساط شهرية أو ثلاثية، خلال فترة لا تتجاوز ثلاث سنوات، مع فترة سماح تمتدّ بين أربعة وستة أشهر حسب طبيعة المشروع (بن عزة و بوتلجة، 2018، ص 321، 322؛ ناصر و عواطف، 2011؛ وزارة الشؤون الدينية والأوقاف، د.ت).

المطلب الثاني: مرحلة توقف تمويل المشاريع بالقرض الحسن

يهدف الصندوق إلى الإسهام في النمو الاقتصادي، وإيجاد فرص عمل للشباب البطال، وتحسين الظروف المعيشية للأسر (وزارة الشؤون الدينية والأوقاف، 2019)، وهذا من خلال الاستراتيجية التي تبناها لدعم المشاريع الاستثمارية بهدف تحويل المستفيدين من فقراء إلى مزكين.

والمعنيون بالاستفادة من القرض كل قادر على العمل لم يجد إمكانيات لتمويل مشروعه، ويشمل خريجي الجامعة، ومراكز التكوين المهني، الحرفيون، الأسر المنتجة. وكذلك أصحاب المشاريع الممولة من الوكالة الوطنية لدعم وتشغيل الشباب، والمشاريع الممولة من الصندوق الوطني للتأمين على البطالة، والمؤسسات الغارمة الصغيرة والمصغرة. (مسدور و قبة، 2008، ص 13) وقد تنوعت المشاريع المدعومة بهذه الصيغة، فمثلاً في ولاية غرداية خلال 2007-2014م تمّ دعم مشاريع: تصليح السيارات، نسيج تقليدي، حدادة، ترصيص، حلويات، حلاقة، خياطة، تربية الماعز، ونحو ذلك. ويتراوح القرض بين 50 ألف دينار و250 ألف دينار؛ حسب المشروع وسنة تقديمه (مديرية الشؤون الدينية لولاية غرداية، 2016)، كما شمل التمويل الزكوي أيضاً النساء ربّات البيوت القادرات على العمل في نشاطات معينة كالخياطة وصنع الحلويات؛ مما يبرز دور الزكاة التمويلي لكلّ فئات المجتمع الفقيرة (بوهة، 2017، ص 79).

إلا أنه بداية من 2014م تمّ تجميد الاستثمار عن طريق القرض الحسن بسبب محاذير شرعية، وامتناع أغلب المدينين عن إرجاع القروض، فاقصر الصندوق على إقراض ما تمّ استرجاعه على شكل قروض حسنة جديدة. (شعور، 2018، ص 191؛ فلياشي، 2020، ص 85)

وعلى ذلك تمّ الاقتصر على توزيع الزكاة على صنفى الفقراء والمساكين من خلال الصرف المباشر بنسبة 87.5%، وكذلك سهم العاملين بنسبة 12.5%.

وسياتي المزيد عن التفصيل حول الإشكاليات المتعلقة بهذه الصيغة.

المطلب الثالث: مرحلة إنشاء ديوان الزكاة والأوقاف

في رمضان 1442-1443 مايو 2021 صدر المرسوم التنفيذي رقم 21-179 والمتضمن إنشاء الديوان الوطني للأوقاف والزكاة وتحديد قانونه الأساسي؛ على أنه مؤسسة عمومية ذات طابع صناعي وتجاري يتمتع بالشخصية المعنوية والاستقلال المالي، تحت وصاية وزير الشؤون الدينية والأوقاف، مقره بالعاصمة، مع إمكان فتح فروع ولائية أو جهوية، وملحقات خارج الجزائر.

من مهام الديوان: له عدة مهام أهمها:

- تحصيل الزكاة وجمعها، وتوزيع الزكاة وفق مصارفها الشرعية بما يسهم في التضامن والترحم الاجتماعي.
- تحيين ورقمنة البطاقة الوطنية لمستحقي الزكاة.
- وضع آليات ناجعة لتنمية موارد الزكاة.
- دعم ومرافقة الشباب في مشاريعهم ومؤسساتهم المصغرة، ومتابعة ذلك بالتنسيق مع الهيئات والمؤسسات المعنية.
- إبرام اتفاقيات مع المؤسسات المالية والاقتصادية التي تندرج في إطار نشاطه.
- الإسهام في الحملات الخيرية والتضامنية ذات البعد الوطني.
- الإعلام عن طريق الملتقيات والحملات الإعلامية لتوعية المواطنين وكسب ثقتهم بخصوص الزكاة.
- إيراداته: متعددة تتمثل في: الرصيد الأولي من قبل الدولة، مساهمات الدولة بعنوان تبعات الخدمة العمومية، إيرادات الأملاك الوقفية، مداخيل زكاة الأموال المحصلة لتوزيعها على مستحقيها، عائدات الأنشطة التجارية للديوان، المساهمات المحتملة من الجماعات المحلية والهيئات الوطنية، الصدقات، الهبات والوصايا.
- ويتم ضبط حسابات الأوقاف بشكل منفصل عن الحسابات الخاصة بالزكاة، كما يتم تحويل الأموال المودعة في الحسابات المركزية والولاية الخاصة بالزكاة إلى الديوان، وتُحول أيضا جميع المنقولات التي تم اقتنائها في إطار تسيير نشاطات صندوق الزكاة على مستوى المصالح الخارجية التابعة لإدارة الشؤون الدينية والأوقاف. (الجريدة الرسمية، عدد 35، بتاريخ 30 رمضان 12/1442 مايو 2021م، مرسوم تنفيذي رقم 21-179، 2021)

ويؤمل من هذا الديوان أن يكون له إسهامه في تفعيل الزكاة وتطوير أدائها في مختلف الجوانب من خلال المتابعة وحسن التسيير. ويشار إلى أن المنشور الوارد بخصوص هذا الديوان لم يحدد آليات جمع الزكاة وتوزيعها، وتوظيفها. ويحتمل أن تكون وفقا لما هو معمول به في صندوق الزكاة، مع إمكانية تطويرها بما يوافق الهيكلية الجديدة للديوان وأهدافه، مع إمكانية التكامل بين الزكاة والأوقاف من أجل تحقيق أهدافهما في التنمية وتقليل الفقر والبطالة والانحرافات.

المبحث الثاني: التحديات التي تواجه تنظيم الزكاة بالجزائر

رغم ما حققه تنظيم الزكاة في الجزائر من دعم اجتماعي للفقراء والمساكين، وتوفير فرص عمل، إلا أنه يعاني من إشكالات عديدة، في جانب جمع الزكاة وتوزيعها، وفي جانب تمويل المشاريع الاستثمارية.

المطلب الأول: ما يخص جمع الزكاة وتوزيعها

يعاني جمع الزكاة وتوزيعها من عدة تحديات؛ أهمها:

- نقص الثقة في الصندوق وابتعاد عدد من المزمكين عن إيداع أموالهم فيه بسبب أخبار في وسائل الإعلام عن سرقات لصناديق الزكاة في المساجد، إلى جانب الاختلاف الفقهي حول كيفية توزيع أمواله.
- دفع البعض زكاتهم للمستحقين مباشرة لأسباب منها قلة الوعي والمعرفة، وربما صعوبة التفرغ لدفعها للحسابات البريدية للصندوق. (فلياشي، 2020، ص.ص. 78-80)
- نقص التأهيل العلمي للعنصر البشري المسؤول عن جمع الزكاة وصرافها، وتقصير بعض الأئمة في توعية المزمكين بدفع زكاتهم إلى الصندوق، بحيث يلمح بها بعضهم دون إيراد فوائدها على الفقراء (منصوري و نقماري، 2013، ص 20).
- عدم تقيد أعضاء اللجنة الولائية أحيانا بمواعيد العمل مما يؤثر سلبا على دراسة ملفات المستحقين.
- نقص الموارد البشرية المؤهلة بالمعرفة الفقهية، والخبرة الاقتصادية، والكفاءة الإدارية.
- العصبية (العروشية) في توزيع مبالغ الزكاة في مناطق مما أدى إلى حرمان بعض مستحقيها.
- تدني مستوى الالتزام الديني وضعف الوازع و غياب الوعي، إلى جانب الجهل بوجود الزكاة، وبأحكامها، والجهل بأحكام الشريعة عموما. (خطاب، 2013، ص 91، 92)

- قلّة الوعي بأحكام الزكاة وبدور الإنسان في الوجود ووجوب امتثاله لكل أوامر الله تعالى؛ مما يؤدي إلى منع الزكاة أو التحايل للتهرب منها.
- وجود شركات استثمارية حكومية كبرى لا تدفع زكاتها للصندوق؛ جعل ذلك مبررا لدى عدد من الأغنياء في امتناعهم أيضا.
- نقص دعم الدولة لصندوق الزكاة، ونقص الجانب الإعلامي له كتوظيف أحدث التطبيقات الإلكترونية في ذلك، إلى جانب غياب التحفيز الحكومية للمزكين.

المطلب الثاني: ما يخص تمويل المشاريع

- يسعى تمويل المشاريع الاستثمارية إلى تحقيق أهداف مهمة، متمثلة في مساعدة المستحقين والإغناء الدائم لهم وتحويلهم إلى مزكين؛ إلا أنّ تطبيق هذه المشاريع عانى صعوبات أهمها:
- نقص الخبرة الكافية: لتحديد ومعرفة أصحاب المشاريع الفعالة والإيجابية القادرة على توفير فرص عمل.
- الإجراءات الإدارية الثقيلة: التي تعيق عمل الصندوق، فتصل المدة بين صدور قرار الاستفادة إلى استلام التمويل إلى أكثر من سنة بسبب الإجراءات مع البنك، مما يؤدي إلى انسحاب بعض طالبي القرض.
- ضالة حجم التمويل وضعف عدد المستفيدين: (خطاب، 2013، ص 91؛ ناصر و عواطف، 2011، ص 17، 18).
- عدم الدقة في التحري عن المستحقين: نظرا لقلّة الوسائل المساعدة على الزيارات الميدانية للتحقق من صدق المعلومات المقدمة من طالب القرض الحسن.
- غياب تكوين المستفيدين: مما جعل بعض المستفيدين لا يتحكمون في مشاريعهم، فتصل إلى الخسارة.
- الأعباء الجبائية: التي تثقل كاهل المستفيدين، فعلى الرغم من أنها قروض لمكافحة الفقر والبطالة مثل مشاريع دعم وتشغيل الشباب، إلا أنها ظلت غير معفية من هذه الأعباء. (مسدور و قبة، 2008، ص.ص. 14-15)
- الإشكال الفقهي في اعتماد صيغة القرض الحسن: إذ هو محلّ انتقاد كثير من العلماء، والذين أجازوه كالقرضاي أجازه قياسا على سهم الغارمين والمساوي للثمن (12.5%)، لكن الصندوق اعتمد نسبة 37.5% على أساس إضافة سهم الرقاب والمؤلفة قلوبهم إليها (ناصر و عواطف، 2011، ص 19).
- الاسترجاع الضعيف للأموال المقترضة: والتي لم تتعد نسبتها العشرة بالمئة، وتبعا لتوصية المجلس الوطني العلمي الذي لاحظ أن هذا القرض الحسن لا يوفر العدالة المطلوبة، حيث يتم منح 5000 دج للعائلة بهدف الاستهلاك، وتمنح عائلة أخرى 500000 دج للاستثمار لكنها في الأخير تستهلكها؛ مما استدعى التفكير في صيغة جديدة لاستثمار أموال الزكاة. (محمد عيسى : حصيلة الزكاة ستوزع على مستحقيها مع بداية الدخول الاجتماعي والمدرسي المقبل | الإذاعة الجزائرية، دت)
- وكل هذه الإشكالات تحدّ من فعالية هذه المشاريع وتؤدي إلى تراجع مصداقيتها، مما يستدعي ضرورة إعادة النظر في كيفية تفعيل تمويل المشاريع بطرق فعالة وناجحة.
- ولعل ديوان الأوقاف والزكاة الجديد سيقوم بدور كبير في تقادي هذه السلبات، والاستفادة من مختلف التجارب العالمية في إدارة الزكاة وتطوير أدائها، بما يحقق أهدافها الروحية والتنموية، ويسهم في علاج مشكلات المجتمع.

خاتمة:

في ختام البحث يمكن الخلوص إلى أهم النتائج والتوصيات المتمثلة فيما يأتي:

نتائج الدراسة:

- مؤسسة الزكاة بالجزائر تجربة مهمة من حيث اهتمامها بهذه الشعيرة الروحية ذات الأبعاد الاجتماعية والاقتصادية، وقد تطورت عبر مراحل، بدءا من تأسيس الصندوق، ثم إلغاء العمل بالقروض الحسنة، لما تزامن مع هذه الصيغة من إشكالات، ثم إنشاء الديوان الوطني للأوقاف والزكاة.
- يعدّ ديوان الأوقاف والزكاة إعادة هيكلة جديدة تتجه نحو العمل المؤسسي لإدارة الزكاة بأبعاد اجتماعية واقتصادية.
- تجربة الزكاة بالجزائر ينقصها المزيد من التفعيل في جوانب الإعلام والمتابعة، وكذا آليات تمويل مشاريع الزكاة المنتجة، ومنابتها، مما أدى إلى نقص الثقة وضالة حصيلة الزكاة.

التوصيات:

يوصي الباحثان بما يأتي:

- تحفيز الأئمة والدعاة وحضهم على الحث على الزكاة، وتوعية الناس بأهمية عمل مؤسسة الزكاة، وأدوارها وضرورة أداء الزكاة لها.
- ضرورة اختيار الكفاءات المتصفين بالأخلاق والأمانة، وتدريب العنصر البشري وتأهيله في جمع الزكاة وتوزيعها.
- توظيف أحدث التقنيات الإعلامية في الدعاية والإشهار لمؤسسة الزكاة، ومحاربة الشائعات الكاذبة التي تضعف ثقة المزمكين فيها.
- إيجاد الصيغة الفقهية المناسبة لتمويل المشاريع الاستثمارية للمستحقين وفق الضوابط الشرعية، وإيجاد آليات للتعامل مع القروض الزكوية غير المستردة.
- ضرورة الخبرة الكافية في اختيار المشاريع بناء على دراسات الجدوى، مع المتابعة الميدانية، ومحاربة البيروقراطية في تمويل المشاريع الاستثمارية.
- إمكانية إيجاد ضمانات تمويلية للمشاريع عن طريق العلاقات بين المستحقين وأرباب المشاريع الناجحة، ليكونوا أداة متابعة لإنجاح المشاريع الجديدة للمستحقين في مجالات تخصصهم..
- إيجاد صيغ أخرى من التمويل خارج إطار القرض الحسن، بحيث تستفيد من إيجابياته، وتتفادى سلبياته، كالمشاريع الجماعية التي يتبناها الديوان مع المتابعة إلى تحقيق نجاحها.

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استثمارُ الوقفِ العقاريِ بالطُّرُقِ التَّمَوِيلِيَةِ المُعَاَصِرَةِ حُكْمُهُ وَكَيْفِيَّتُهُ وَضَوَابِطُهُ

(Investing the real estate endowment using contemporary financing methods
Its rule, quality, and controls)

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ملخص

يعتبر الوقف قربة من القربات، وطاعة من الطاعات المالية المعروفة في الإسلام، والتي تقوم فكرتها على حبس شيء للاستفادة من منفعه في وجوه الخير مع بقاءه ومنع التصرف في أصله، وهو باب فقهي كبير له أحكامه التي تناولها الفقهاء في كتبهم عبر العصور المختلفة، ومن أشهر أنواعه وقف العقارات مثل المساكن، والأراضي، والبساتين ونحوها، والوقف يحتاج لرعاية واستثمار وتنمية ليحقق المنافع المرجوة منه، وقد اعتنى المسلمون بتنمية الوقف وتثميته عبر العصور المختلفة، وفي العصر الحاضر ظهرت طرق تنمية واستثمار متعددة منها الطرق التمويلية كسندات الاستثمار، والمضاربة، والاستصناع وغيرها، ويتناول هذا البحث بيان حقيقة الوقف العقاري وأهميته، وحكم استثماره بهذه الطرق التمويلية، والكيفية التي يتم بها الاستثمار، والضوابط التي تحكم عملية الاستثمار بهذه الطرق، ويتأني ذلك من خلال الدراسة الفقهية القائمة على الوصف والتحليل والاستدلال، وذلك في مقدمة ومطلبين، وخاتمة.

الكلمات المفتاحية: الوقف- الاستثمار- سندات المقارضة - المشاركة المتناقصة – الاستصناع.

Abstract

The endowment is considered an act of worship and obedience from the financial acts of worship known in Islam, the idea of which is based on locking up something to benefit from its benefit in charitable causes while remaining and preventing the disposal of its origin. Its types are real estate endowments such as housing, land, orchards and the like, and the endowment needs care, investment and development to achieve the desired benefits from it. Muslims have taken care of the development and investment of the endowment through different ages. This research deals with the statement of the reality of the real estate endowment and its importance, the ruling on investing in these financing methods, the manner in which the investment is carried out, and the controls that govern the investment process in these ways.

Keywords: Endowment, Investment, Muqaradah Bonds, Diminishing Participation, Istisna.

المقدمة

الحمد لله رب العالمين، والصلاة والسلام على أشرف الخلق وإمام المرسلين، ورحمة الله تعالى للعالمين، سيدنا محمد النبي الأمي الأمين، وعلى آله وصحبه، ومن تبعهم بإحسان إلى يوم الدين. وبعد.. فإن من فضل الله تعالى على الأمة الإسلامية، تعدد سبل الخير فيها، وتنوع طرق الإنفاق بما يحقق النفع لفئات المجتمع المختلفة، ويعود على الأمة بالخير الوفير في الدنيا، ويعود على صاحبه بالثواب في الآخرة. ومن هذه السبل الوقف الذي يمثل بابًا كبيرًا من أبواب الطاعات، ووسيلة من وسائل رفع الأعباء عن الكثيرين من أبناء الأمة الإسلامية عبر العصور المتعاقبة، حيث أسهم بنصيب وافر في رقي المجتمع وتقدمه وازدهاره، بالإضافة لكونه رافدًا من روافد المال والإبداع والقوة للأمة، ويلعبان دورًا كبيرًا في التمويل والتنمية.

والوقف متعدد الأنواع، ولكن من أشهر أنواعه الوقف العقاري الذي يشمل وقف المساكن والمدارس والبساتين ونحوها من العقارات، وهو معروف لدى الأمة الإسلامية منذ بدايات الدولة الإسلامية، وقد اهتم الأثرياء به، واهتم الفقهاء بدراسة أحكامه، نظرًا لما يمثله من ركيزة شرعية كبيرة، ولما يحتاجه من عناية ورعاية تتمثل في إصلاحه واستثماره وتنميته.

وفي العصر الحاضر ظهرت طرق تمويلية متعددة للاستثمار والتنمية أسهمت بنصيب كبير في تنمية الأموال وفقًا للشريعة الإسلامية، فيمكن الاستفادة من هذه الطرق في استثمار الوقف العقاري وتنميته وفق ضوابط شرعية تعود بالنفع على الأوقاف وتحفظها، وتحقق الثمار المرجوة منها.

ولما كانت مؤسسة الزكاة في ولاية قدح "دار الأمان" في ماليزيا وبعض الجهات الأخرى بصدد عقد مؤتمر الزكاة الدولي الثاني تحت عنوان "الابتكار في التمويل الاجتماعي الإسلامي من خلال أجنحة تحويل الزكاة" والذي يعقد خلال شهر أغسطس 2021 في مقر مؤسسة "منارا زكاة" بولاية قدح دار الأمان. لما كان الأمر كذلك فقد حرصت على الإسهام في هذه الفعالية بهذا البحث اليسير بعنوان: "استثمار الوقف العقاري بالطرق التمويلية المعاصرة حكمه وكيفيته وضوابطه"

والذي يتناول تعريف الوقف على جهة العموم والوقف العقاري على جهة الخصوص، وبيان أهميته، وحكم استثماره بطرق التمويل المعاصرة، وكيفية الاستثمار، والضوابط التي تحكم عملية الاستثمار هذه، مع سلوك المنهج الوصفي التحليل القائم على الاستدلال الفقهي، ومراعاة المنهج العلمي المعتاد في البحوث الفقهية ذات الصلة.

والله أسأل أن يجعل هذا العمل خالصًا لوجهه الكريم، نافعًا لمن قرأه ووقف عليه، إنه سبحانه وتعالى نعم المولى ونعم النصير، وهو على كل شيء قدير.

المطلب الأول: تعريف الوقف العقاري وأهميته:

الوقف العقاري مصطلح معاصر مركب من كلمتين "وقف" و"عقار"، ويتطلب الأمر تعريف الوقف إجمالاً ومشروعياً، وتعريف الوقف العقاري خاصةً، ثم بيان مكانة الوقف العقاري، وأهميته، وذلك على النحو الآتي:

الفرع الأول: تعريف الوقف ومشروعيته.

أولاً: تعريف الوقف لغة: الوقف لغة مصدر "وقف" يقال: "وقفه إذا حبسه ووقفاً، ووقفته الدار للمساكين ووقفاً، ولا يقال: أوقفته إلا في لغة تميم، ويسمى أيضاً الحبس، غير أن التعبير بالوقف أقوى من حيث المعنى، وأشهر من حيث الاستعمال، وإن كان اللفظان مترادفان في اللغة، يقال: وقفته وأوقفته، ويقال: حبسته، والحبس يطلق على ما وقف، ويطلق على المصدر، وهو الإعطاء وكذلك في العرف الشرعي (ii).

ثانياً: تعريف الوقف شرعاً: للوقف تعريفات متعددة عند الفقهاء، من أشهرها ما يلي:

أ - أن الوقف "حبس العين على ملك الواقف، والتصدق بالمنفعة"، وهو من تعريفات الحنفية.

ب- أنه "إعطاء منفعة شيء مدة وجوده لازماً بقاؤه في ملك معطيه ولو تقديراً"، وهو من تعريفات المالكية.

ج - أنه "حبس مالٍ يمكن الانتفاع به مع بقاء عينه بقطع التصرف في رقبته على مصرف مباح موجود". وهو من تعريفات الشافعية.

د - أنه "حبس الأصل وتسبيل الثمرة"، وهو من تعريفات الحنابلة (iii).

:«أحبس أصلها» في صدقته بنمغ (iv)، فقال: استنار النبي ﷺ، أن عمره و هذا التعريف الأخير مأخوذ من حديث ابن عمر وسئل ثمرتها» ... الحديث (v).

والملاحظ في كل التعريفات السابقة أن مدارها على أن الوقف يقع على عين يتم حبسها، والاستفادة من منفعتها، وهو ما يتحقق في العقارات بمختلف أنواعها.

ثالثاً: **مشروعية الوقف**: لا خلاف بين الفقهاء في مشروعية الوقف، وأنه سنة أو فُرْبَة مندوبٌ إليها، وأنه من أفضل القربات التي يتقرب بها المرء إلى ربه جل وعلا (vi).

وقد دلت على ذلك نصوص القرآن والسنة، وفعل الصحابة والتابعين والقياس، ومن ذلك ما يلي:

1 – قول الله تعالى: {وَمَا يَفْعَلُوا مِنْ خَيْرٍ فَلَنْ يُكْفَرُوهُ} [آل عمران: 115]، وقوله {وَأَفْعَلُوا الْخَيْرَ لَعَلَّكُمْ تُفْلِحُونَ} [الحج: 77].
وجه الدلالة: أن الوقف خير، فيندرج تحت هذا العموم الوارد في الآيتين (vii).

2 – حديث أبي هريرة، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: " إِذَا مَاتَ الْإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةٍ: إِلَّا مِنْ صَدَقَةٍ جَارِيَةٍ، أَوْ عِلْمٍ يُنْتَفَعُ بِهِ، أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ " (viii).

وجه الدلالة: هذا الحديث يدل على جواز الوقف على وجوه الخير واستحبابه، وهو المراد من الصدقة الجارية، حيث حمل العلماء "الصدقة الجارية" الواردة فيه على الوقف (ix).

الفرع الثاني: تعريف الوقف العقاري.

العين والقاف والراء مادة تدل على الثبات والدوام، أي ما له أصل ثابت، والعقارُ يفتح العين والقاف المخففتين، هو الأَرْضُ وَالضِّيَاعُ وَالنَّخْلُ أي البساتين، أو خو حلاف المنقول من الأموال (x).

وفي الاصطلاح له تعريفات عدة منها أنه " ما يملكه الإنسان من الأراضي والمنشآت عليها: من البيوت، والثور، والعمائر، والشقق، والدكاكين، ومحطات الوقود، والاستراحات، والأراضي، ونحوها" (xi).

وقد سبق تعريف كلمة "الوقف" والوقف العقاري بناء على ذلك هو: الوقف المختص بأحكام العقار، فالعقاري هنا صفة للوقف (xii).

ويعتبر وقف العقارات هو الصورة الشائعة من صور الوقف، فوقف العقار من الأراضي والبيوت والحوانيت ونحوها كان ولا زال شائعاً عند المسلمين عبر العصور المختلفة، وفي دراسة أكاديمية متخصصة شملت مساحاً لـ 104 حالة وقفية، على امتداد ستة قرون (1340-1947م) في مصر وسورية وفلسطين وتركيا وبلاد الأناضول، أثبتت أن 93% من الأوقاف عبر هذه المدة كانت أوقافاً عقارية، والباقي 7% أوقافاً لمنقولات (xiii).

وأثر عن الإمام الشافعي قوله: «لم يحبس أهل الجاهلية فيما علمته داراً ولا أرضاً تبريراً بحبسها، وإنما حبس أهل الإسلام» (xiv).
ولكن تبين أن نظام الوقف بصفة عامة في العقارات وغيرها قد عرف قديماً لدى الأمم السابقة (الفراعنة والرومان واليونان)، ومعروف الآن في فرنسا وألمانيا وأمريكا (xv)، وبالتالي فيمكن حمل عبارة الشافعي رحمه الله على أحد أمرين: **أولهما**: أن يكون مقصوده بأهل الجاهلية العرب فقط، وليس كل الأمم التي قبل الإسلام. **والثاني**: أن يكون مقصوده الأوقاف أو الأحباس التي على سبيل التبرير والتقرب لله تعالى، وذلك لأنَّ بناء قريش مثلاً للبيت العتيق لم يكن عن قربة وإنما كان عن تفاخر ومباهاة (xvi).

الفرع الثاني: أهمية الوقف العقاري.

يعد الوقف العقاري من أشهر صور الوقف التي تمثل أهمية كبيرة عبر تاريخ الأمة الإسلامية، حيث أسهم بنصيب كبير في رفع المعاناة عن طوائف المجتمع، واستفادت منه أجيال متلاحقة عبر التاريخ، وأشير هنا إلى طرف من أهمية هذا النوع من الأوقاف على هذا النحو:

أولاً: أن وقف العقارات من الأوقاف التي يدوم نفعها لقرون طويلة، ويستفيد من ريعها أجيال كثيرة نظراً لما تختص به العقارات من كونها معمورة، ولا تؤثر فيها عوامل الزمن إلا بعد مدة طويلة.

ثانياً: أنها تخلق مشروعات تنموية تفيدها قطاعاً كبيراً من الناس، فالأرض يستفيد منها الزراع وغيرهم، والمشافي وبيوت السكنى يستفيد منها العاملون فيها والواردون عليها، وهكذا.

ثالثاً: أنّ العقارات ينجم عنها مال وفير إذا كانت أراضٍ أو بيوت للإجارة ونحوها، وكلما زاد الاهتمام بها ورعايتها زاد نماؤها واتسع خيرها.

رابعاً: أنّ وقف العقارات يحقق المأوى للمحتاجين للسكنى (وقف بيوت الغرباء والفنادق)، والعلاج للمحتاجين للعلاج (وقف المستشفيات)، والتعليم (وقف الكتاتيب والمدارس) ونحوها.

خامساً: إسهام وقف العقارات وخاصة التعليمية منها (المدارس والكتاتيب والمكتبات)، والوقف على العقارات في تخريج أجيال من العلماء والفقهاء وغيرهم في شتى المجالات الشرعية وغيرها.

المطلب الثاني: حكم استثمار الوقف العقاري بطرق التمويل المعاصرة وكيفيته وضوابطه:

مدخل: أكثر مسائل الوقف المعاصرة تعتمد على الاجتهاد، وإذا نظرنا إلى ما يستجد من وقائع تتعلق بالوقف واستثماره سواء كان عقاراً أو غيره، نجد أن مجال الاجتهاد فيها مفتوح، إما بالتخريج على آراء الفقهاء القدامى أو باشتقاق أحكام جديدة اعتماداً على المصادر الاجتهادية الشرعية المقررة.

ونظراً لانتشار الكثير من طرق التخطيط المالي والنقدي المعاصرة، وظهور طرق تمويل وتنمية معاصرة، ووسائل إدارة أعمال حديثة، فإنه الأخذ بها في مجالات الوقف يعد أمراً جائزاً نظراً لما تحققه من منافع، وتعود به على الوقف من فوائد.

والأخذ بهذه الطرق من أجل تمييز الوقف على جهة العموم، والوقف العقاري على جهة الخصوص وتنميته، يرجع لاعتبارين: الاعتبار الأول: أن هذه الوسائل إجرائية، ولا تمس موضوع الوقف في ذاته بشيء؛ وهذا يبسر قبولها والعمل بها ما لم تخالف الشرع، كما أن الأخذ بها يدخل في باب المصالح المرسله، ولكن ينبغي مراعاة الجمع بينها وبين طبيعة الوقف، وتطويعها في بعض الأحوال لخدمة أغراض تنميته واستثماره، وهي طبيعة لا تعتمد على الجانب المادي الدنيوي وحده، وإنما تمتد للجانب الروحي الذي شرع الوقف أساساً لخدمته وإشباعه.

الاعتبار الثاني: أن هذه الوسائل تعتبر من الأعراف المعاصرة، والعرف الصحيح الذي لا يصادم الشرع يؤخذ به وبخاصة في الوقف الذي كثيراً ما اعتمدت أحكامه في السابق عليه (xvii).

والوقف نظام يقبل للتطوير بما يتوافق مع حاجات المجتمع في كل زمان ومكان، وبالنظر إلى مستجدات الحياة تبدو أهمية تفعيل دور الأوقاف مع حركة الاقتصاد بما يفيد الأمة في حاضرها ومستقبلها، وذلك بإعادة قدرة الوقف على أداء دوره الإيجابي في عملية التنمية الشاملة التي ينشدها المجتمع المسلم (xviii).

وفي هذا المطلب أتناول الحديث عن استثمار الوقف العقاري باستخدام بعض هذه الطرق، والضوابط المطلوب مراعاتها فيها، حتى تحقق منفعة الوقف، وتعم فائدته، وذلك في ثلاثة فروع على النحو الآتي:

الفرع الأول: استثمار الوقف العقاري عن طريق سندات المقارضة.

أولاً: حكم الاستثمار عن طريق سندات المقارضة وكيفيته:

سندات المقارضة صيغة استثمار مالي حديثة مقترحة ومعمول بها استناداً إلى سلامتها من الناحية الشرعية نظراً لأنها مضاربة وهي تسمية العراقيين، أو قراض وهي تسمية الحجازيين، والقراض أو المضاربة عقد قديم معروف في كتب الفقه الإسلامي.

وقد عرفها مجمع الفقه الإسلامي بأنها: أداة استثمارية تقوم على تجزئة رأس مال القراض (المضاربة) بإصدار صكوك ملكية برأس مال المضاربة على أساس وحدات متساوية القيمة ومسجلة بأسماء أصحابها باعتبارهم يملكون حصصاً شائعة في رأس مال المضاربة وما يتحول إليه بنسبة ملكية كل منهم فيه ويفضل تسمية هذه الأداة الاستثمارية (صكوك المقارضة) (xix).

ولكن الجانب المعاصر في هذه الصيغة أن رأس المال فيها يوزع لوحدة متساوية القيمة ومسجلة بأسماء أصحابها باعتبارهم يملكون حصصاً شائعة في رأس مال المضاربة، ويتم هذا بعد دراسة التكلفة المتوقعة لأي مشروع من المشروعات وحسابها لتمثل رأس مال القراض أو المضاربة، وعلى أن يأخذ أصحاب الصكوك من عائد الربح بحسب ما يتم الاتفاق عليه في نشرات الإصدار الخاصة بذلك، وبناء على هذه الصيغة فإن حملة الصكوك هم رب المال، وإدارة الوقف هي المضارب، وهذا في حالة الوقف (xx).

وزيادة في الإيضاح، فإن المبلغ في سندات المقارضة يتم توزيعه لوحدة متساوية القيمة، وكل من يملك وحدة منها، فإنه يملك حصة شائعة في رأس مال المضاربة، ويتم هذا بعد دراسة التكلفة المتوقعة في كل مشروع لتمثل تلك التكلفة رأس مال المضاربة،

ثم يتم توزيع رأس المال بعد تقديره إلى سندات وتعطى هذه السندات لمن يحملونها ويشتركون في المضاربة، ويأخذ أصحاب الصكوك من عائد الربح الذي يكون بعد ذلك بحسب ما يتم الاتفاق عليه حين الإصدار في النشرات الخاصة بذلك، وحملة الصكوك هم أرباب المال، وفي حالة سندات المقارضة في الوقف فإن إدارة الوقف هي تعتبر هي المضارب، وقد أجاز هذه الصيغة مجمع الفقه الإسلامي قبل هذا وضبطها بالشروط اللازمة التي تضمن سلامتها من الناحية الشرعية، وتطبيق هذه الصيغة على الوقف تكون واحدة من طرق استثماره^(xxi).

ثانياً: ضوابط الاستثمار عن طريق سندات المقارضة:

بناء على جواز العمل بسندات المقارضة، واستخدامها في استثمار الوقف بصفة عامة، والوقف العقاري بصفة خاصة، يمكن مراعاة الضوابط التي وضعها مجمع الفقه الإسلامي لهذا النوع من المعاملات، وأهمها ما يلي:

أولاً: أن يمثل الصك ملكية شائعة في المشروع الذي أصدرت الصكوك لإنشائه أو تمويله، وتستمر هذه الملكية طيلة المشروع من بدايته إلى نهايته، وترتب عليها جميع الحقوق والتصرفات المقررة شرعاً للمالك في ملكه من بيع وهبة ورهن وإرث وغيرها، مع ملاحظة أن الصكوك تمثل رأس مال المضاربة.

وأقول تعليقاً: مع الأخذ بذلك فإنه ينبغي استثناء الوقف من عملية البيع والهبة ونحوها من التصرفات التي تخرج الوقف عن مضمونه، لأن إخراج الوقف عن مضمونه بأي من هذه التصرفات يتنافى مع مقصوده.

ثانياً: يقوم العقد في صكوك المقارضة على أساس أن شروط التعاقد تحدها (نشرة الإصدار) وأن (الإيجاب) يعبر عنه (الاكتتاب) في هذه الصكوك، وأن (القبول) تعبر عنه موافقة الجهة المصدرة، ولا بد أن تشمل نشرة الإصدار على جميع البيانات المطلوبة شرعاً في عقد القراض (المضاربة) من حيث بيان معلومية رأس المال وتوزيع الربح مع بيان الشروط الخاصة بذلك الإصدار على أن تتفق جميع الشروط مع الأحكام الشرعية.

وأقول تعليقاً: هذه إجراءات تطبيقية ذات أهمية من الناحية العملية والاقتصادية ينبغي التأكيد عليها فيما يخص الوقف، باعتبار أن الوقف تتعلق به حقوق للغير، وهم الموقوف عليهم، فينبغي عدم المساس بها.

ثالثاً: أن تكون صكوك المقارضة قابلة للتداول بعد انتهاء الفترة المحددة للاكتتاب باعتبار ذلك مأذوناً فيه من المضارب عند نشوء السندات مع مراعاة الضوابط الأخرى التي تتعلق بمال القراض.

رابعاً: إن من يتلقى حصيلة الاكتتاب في الصكوك لاستثمارها وإقامة المشروع بها هو المضارب، أي عامل المضاربة ولا يملك من المشروع إلا بمقدار ما قد يسهم به بشراء بعض الصكوك؛ فهو رب مال بما أسهم به بالإضافة إلى أن المضارب شريك في الربح بعد تحققه بنسبة الحصص المحددة له في نشرة الإصدار وتكون ملكيته في المشروع على هذا الأساس، وإن يد المضارب على حصيلة الاكتتاب في الصكوك وعلى موجودات المشروع هي يد أمانة، أي لا يضمن إلا بسبب من أسباب الضمان الشرعية^(xxii).

الفرع الثاني: استثمار الوقف العقاري عن طريق الاستصناع.

أولاً: حكم الاستثمار عن طريق الاستصناع وكيفية:

الاستصناع هو التعاقد مع صانع على عمل شيء معين في الذمة، وتكون العين فيه والعمل من الصانع، وهو جائز استحساناً لتعامل الناس به وتعارفهم عليه، والقياس عدم جوازه لأنه بيع معدوم، وبيع المعدوم لا يجوز للنهي عن ذلك، والاستصناع بعضهم يعتبره من الوعود، وبعضهم يعتبره من العقود، وبعضهم يعتبره من البيوع، ولا يتسع المجال لذكر التفاصيل هنا^(xxiii).

وصيغة الاستصناع من الصيغ الاستثمارية التي يمكن استخدامها في الوقف العقاري، بأن تعلن إدارة الوقف على سبيل المثال عن استعدادها للسماح لجهة تمويلية بأن تقوم ببناء على صفة معينة على أرض الوقف، مع تحديد أجل يتم فيه تسليم البناء المنشأ، وتحديد الثمن الذي تشتريه به إدارة الوقف (المستصنع) ويمكن أن يكون ذلك الثمن مؤجلاً كله أو موزعاً على أقساط معلومة الأجل محددة^(xxiv).

وقد أوصت أعمال الندوة المشتركة بين مجمع الفقه الإسلامي، والمعهد الإسلامي للبحوث والتدريب التابع للبنك الإسلامي للتنمية في الفترة من 6-محرم 1408هـ الموافق 8/30-1987/9/2م؛ حول (سندات المقارضة وسندات الاستثمار) باستثمار الوقف من خلال الاستصناع وذلك في التوصية الرابعة حيث جاء في تكييفها: "أن تنفق الجهة المسؤولة عن الوقف مع طرف ملى كالمصارف مثلا على إقامة مبان ومنشآت على أراضي الوقف لقاء بدل مقسط يدفع للصانع من ريع المباني وغيره، على أساس الاستصناع وفق المقرر في المذهب الحنفي، ويمكن ضمان ذلك من جهة الدولة ويمكن أن يكون التزام الدولة بذلك على سبيل الهبة أو القرض الحسن" (xxv).

ثانياً: ضوابط الاستثمار عن طريق الاستصناع:

ينبغي مراعاة الضوابط العامة لعملية الاستصناع، ولا يتسع المقام لذكرها، حيث أوردها العلماء المعاصرون في كتابتهم عن الاستصناع، لمن أراد الوقوف عليها. ولكن فيما يتعلق باستثمار الوقف عن طريق الاستصناع تزداد الضوابط الآتية:

أ - إمكانية دفع إدارة الوقف الثمن، سواء كان مؤجلاً أو على أقساط، في أي عوائد أخرى للوقف كريع قديم مثلاً.

ب- في حالة عدم وجود ريع سابق للوقف يتم منه دفع الثمن يمكن تأجير العقار (البناء ونحوه) ويسدد منه الثمن على أقساط بنهايتها يؤول البناء والأرض إلى الوقف.

ج- أن تضمن الدولة هذه العملية حفاظاً على أموال الوقف من الضياع (xxvi).

الفرع الثالث: استثمار الوقف العقاري عن طريق المشاركة المتناقصة:

أولاً: حكم الاستثمار عن طريق المشاركة المتناقصة وكيفيته:

المشاركة المتناقصة صورة حديثة مشتقة من عقد الشراكة الذي هو عبارة عن عقد بين المتشاركين في رأس المال والربح، وصورة المشاركة المتناقصة التي يتم تمييز الوقف العقاري بها أن يشترك الوقف بأعيانه بعد تقييمها مع ممولين يتولون تكلفة الإنشاءات على أرض الوقف وبعد تنمته الإنشاءات تؤجر، ويأخذ كل من الممولين وجهة الوقف نصيبه من تلك الأجرة بحسب نصيبه في رأس المال، فجهة الوقف تأخذ نسبة تقابل الأرض أو الموجودات الأصلية التي دخلت بها الشركة، والممولون يأخذون نسبة تقابل المبالغ التي أنفقوها في التعمير، ويتم الاتفاق أيضاً بأن تقوم جهة الوقف بشراء المنشآت بأقساط مستخدمة في ذلك نصيبها من أجرة المنشآت ويستمر ذلك إلى أن تكتمل ملكية المنشآت لجهة الوقف فتكتمل لها ملكية الأرض والمنشآت (xxvii).

ثانياً: ضوابط الاستثمار عن طريق المشاركة المتناقصة:

يمكن استنباط تلك الضوابط من صيغة التمويل نفسها على هذا النحو:

أ - الاتفاق على قيام جهة الوقف بشراء المنشآت بأقساط مستخدمة في ذلك نصيبها من أجرة المنشآت ويستمر أن تكتمل ملكية المنشآت لجهة الوقف فتكتمل لها ملكية الأرض والمنشآت.

ب - ضرورة تقييم عين الوقف وبخاصة إذا كانت أرضاً - أولاً قبل الشروع في إنشاء عليها.

ج- توزيع نصيب الأجرة على الطرفين (الممول وجهة الوقف) بحسب نصيبه في رأس المال. فيكون نصيب جهة الوقف هو ما يقابل الأرض ونحوها، ونصيب الممول المبالغ التي أنفقها في الإنشاء (xxviii).

وأقول تعليقا على ما سبق: إن مراعاة الضوابط السابقة يحقق الصورة الشرعية الصحيحة لاستثمار الوقف عن طريق المشاركة المتناقصة، ويحقق الثمرة المرجوة منه.

هذا... وثمت طرق تمويلية أخرى معاصرة يمكن الاستفادة منها في استثمار الوقف العقاري وتنميته، بسط العلماء المعاصرون الكلام فيها وحولها في الندوات والمؤتمرات المختلفة التي تناقش قضايا الوقف، والتي لا يتسع المقام لاستيعابها في بحث وجيز كهذا البحث، وبهذا أكون قد وصلت إلى نهاية هذا البحث اليسير، وأتناول فيما يلي الخاتمة المشتملة على النتائج والتوصيات.

الخاتمة

بعد أن أنعم الله تعالى بكتابة هذا البحث نورد هنا أبرز ما فيه من نتائج وتوصيات:

أولاً: النتائج:

- الوقف قريبة من القربات المالية شرعت على سبيل السنية، عمل به الصحابة والتابعون ومن بعدهم من الموسرين، وتشريعه لحكم سامية وأهداف نبيلة، يعود أثرها على الفرد والمجتمع.
- يمثل وقف العقارات بأنواعها المختلفة ركيزة أساسية في الوقفيات التي عرفتها الأمة الإسلامية عبر قرون طويلة، نظراً لغزارة نفعه واتساع ريعه.
- قام الوقف بأنواعه المختلفة – وبخاصة وقف العقارات بعمليات التنمية الاقتصادية في المجتمعات الإسلامية، من خلال رفع الأعباء عن كاهل الدولة، والحد من انتشار البطالة والجريمة وغيرهما من الأمراض الاجتماعية.
- لما ظهرت الصيغ التمويلية المعاصرة اجتهد العلماء المعاصرون في إدخالها في الوقف كصيغ استثمارية فدخل منها ما يناسب الوقف العقاري في وقف العقارات، ودخل منها ما يناسب الوقف النقدي في موضعه وفق شروط وضوابط معروفة.
- أفرت بعض المجامع الفقهية ودور الفتوى والمؤسسات المالية صيغ التمويل الحديثة للاستثمار في الوقف لما رأته من تحقيقها للمصلحة، وتوافقها مع الشريعة الإسلامية.
- استثمار الوقف العقاري عن طريق الصيغ التمويلية المختلفة ينبغي أن يخضع للضوابط الشرعية، سواء كانت هذه الضوابط تتعلق بالوقف أو تتعلق بصيغة الاستثمار المستعملة فيه.

ثانياً: التوصيات:

- ضرورة الاهتمام بالدراسات المتعلقة بالوقف من كل النواحي وبذل مزيد من الجهود لاستنباط أحكام جديدة في الوقف تستمد من روح الشريعة الإسلامية وتحقق مصلحة الوقف.
- التنقيب في التراث الإسلامي في البلدان المختلفة عن الوقفيات القديمة والاطلاع عليها وتحليلها للوصول من خلالها إلى أحكام وضوابط ووقائع تفيد في الدراسات الوقفية المعاصرة.
- إعادة النظر في بعض الصيغ التمويلية المعاصرة بين الحين والآخر للاطلاع على سير العمل فيها وضبطها وفق الشريعة الإسلامية ضماناً لسلامتها لا سيما إذا تعلق العمل بها بقربة من القربات كالوقف والزكاة ونحوهما.
- الاهتمام بالمؤسسات الوقفية وإمدادها بالدراسات والخبرات التي تخدم عملها، والتنسيق الجيد بينها وبين المؤسسات الشرعية والمالية الأخرى.
- توعية الواقفين في العصر الحالي بقضايا الوقف وفقه الأولويات فيه، وطرح النظم الحديثة والسبل المعاصرة للتشجيع على الوقف. والحمد لله رب العالمين.

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- (i) صحيح البخاري، كتاب الزكاة، باب بني الإسلام على خمس، رقم الحديث (8) ، (11/1)
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**IMPAK BANTUAN ZAKAT TERHADAP PRESTASI AKADEMIK
PELAJAR DAN PENGHAYATAN AGAMA: KAJIAN KES SEMASA
ERA COVID-19**

*(Impact of Zakat Assistance on The Students' Academic Performance and
Religiosity: A Case Study During The Covid-19 Era)*

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Abstrak

Kajian ini bertujuan untuk mengenal pasti impak bantuan zakat terhadap prestasi akademik pelajar dan juga tahap penghayatan agama pelajar. Empat objektif kajian ini adalah pertamanya, untuk menganalisis impak pengagihan zakat kepada prestasi akademik mahasiswa di institusi pengajian tinggi semasa era penularan wabak Covid-19. Keduanya, untuk menganalisis impak pengagihan zakat kepada mahasiswa di institusi pengajian tinggi dari segi penghayatan agama Islam (iaitu amalan solat harian, amalan rukun iman dan amalan rukun Islam). Ketiganya, mengenalpasti kesan Perintah Kawalan Pergerakan kepada sosio-ekonomi pelajar di insitusi pengajian tinggi semasa pandemik wabak Covid 19. Ketua keluarga berdepan masalah terjejasnya punca pendapatan dan kos sara hidup yang semakin meningkat. Oleh itu, adalah signifikan kajian emperik ini dilakukan untuk mengumpul data mahasiswa terpilih masa era covid 19. Manakala maklumat yang diterima akan diproses menggunakan Statistical Package for the Social Sciences (SPSS). Metodologi kajian adalah dengan membuat analisis secara perbandingan frekuensi, analisis model ekonometrik, ujian t, ujian F, R^2 , analisis kos sara hidup dan analisis penghayatan agama responden. Hipotesis kajian ini adalah diramalkan wujud hubungan prestasi akademik (perubahan Purata Nilai Grade Kumulatif) dengan semua enam (6) pembolehubah bebas yang dikaji iaitu jumlah zakat diterima; jumlah pendapatan responden (dari punca Perbadanan Tabung Pendidikan Tinggi Nasional (PTPTN), biasiswa, bantuan keluarga dan lainnya); bilangan ahli keluarga tinggal serumah; penghayatan amalan solat; penghayatan amalan rukun iman; dan penghayatan rukun Islam. Seterusnya hipotesis lain yang turut diuji adalah diramalkan wujud hubungan penggunaan responden dengan pendapatan responden. Keputusan kajian emperik ini telah menemui jawapan yang pelbagai dan beberapa cadangan turut dikemukakan untuk pihak berkepentingan.

Kata Kunci: Impak bantuan zakat, Era COVID 19, Model ekonometrik, Isu sosio ekonomi.

Abstract

This study aims to identify the impact of zakat assistance on students' academic performance and also the level of appreciation of student's religion. The four objectives of this study are first, to analyze the impact of zakat distribution on the academic performance of students in institutions of higher learning during the era of the Covid 19 pandemic. Second, to analyze the impact of the distribution of zakat to students in institutions of higher learning in terms of appreciation of Islam (ie the practice of daily prayers, the practice of the pillars of faith and the practice of the pillars of Islam). Third, to identify the impact of the Movement Control Order on the socio-economy of students in institutions of higher learning during the Covid 19 pandemic. The head of the family is facing the problem having their source of income affected and the cost of living increasing. Therefore, it is significant that this empiric study was conducted to collect data on selected students during the Covid-19 era. The data collected was processed using the Statistical Package for the Social Sciences (SPSS). The methodology of the study is by frequency comparison, econometric model analysis, t test, F test, R2, cost of living analysis and analysis of respondents' religious appreciation. The hypothesis of this study is predicted to be a relationship of academic performance (change of Cumulative Grade Average Value) with all six (6) independent variables studied i.e. the amount of zakat received; total income of respondents (from Perbadanan Tabung Pendidikan Tinggi Nasional (PTPTN), scholarships, family assistance and others); number of family members living in a house; appreciation of the practice of prayer; the appreciation of the pillars of faith and the appreciation of the pillars of Islam. Subsequently, other hypotheses that were also tested are predicted to have a relationship between respondents' use and income. The result of this empiric study have found various answers and several suggestions were also submitted for stakeholders.

Keywords: *Impact of zakat distribution, Covid 19 era, Econometric Model, Socio Economic Issues.*

PENGENALAN

Bantuan zakat di kebanyakan insitusi pengajian tinggi adalah merupakan salah satu bentuk bantuan yang penting kepada para pelajar . Ini kerana pendidikan merupakan salah satu mekanisme penting yang berupaya mengubah taraf hidup dan mengeluarkan golongan asnaf penerima zakat dari sarang kemiskinan dan kejahilan ilmu pengetahuan. Dari sudut ukuran sosio-ekonomi Malaysia pula, kemiskinan di ukur had pendapatan garis kemiskinan (PGK) iaitu pada tahun Julai 2020 PGK nasional baru adalah RM2,208 sebulan untuk isi rumah 5 orang atau lebih. Ini bermakna pendapatan isi rumah yang dibawah RM2208 sebulan adalah dikategorikan sebagai miskin. Manakala golongan fakir adalah dibawah RM1104 sebulan atau kurang separuh PGK (Jabatan Perangkaan Malaysia). Islam melihat kemelaratan hidup sebagai sesuatu yang sangat berbahaya yang boleh mengancam akidah, akhlak, pemikiran, keharmonian keluarga dan juga masyarakat. Fakir dan miskin adalah dua perkataan yang sangat sinonim dengan ayat-ayat al-Quran dan hadith-hadith yang menyentuh tentang golongan yang perlu dibantu dan disantuni khususnya dalam konteks zakat serta pengagihannya. Firman Allah SWT:

“...Sesungguhnya sedekah-sedekah (zakat) itu hanyalah untuk orang-orang fakir, dan orang-orang miskin, dan amil-amil yang mengurusnya, dan orang-orang muallaf yang dijinakkan hatinya, dan untuk hamba-hamba yang hendak memerdekakan dirinya, dan orang-orang yang berhutang, dan untuk (dibelanjakan pada) jalan Allah, dan orang-orang musafir (yang keputusan) dalam perjalanan. (Ketetapan hukum yang demikian itu ialah) sebagai satu ketetapan (yang datang) dari Allah. Dan (ingatlah) Allah Maha Mengetahui, lagi Maha Bijaksana...”

(Surah al-Taubah: 60).

PENYATAAN MASALAH

Perkataan zakat / زكاة yang mengandungi maksud-maksud seperti berkat, subur, bersih dan bertambah kebaikan (Ibrahim Anis et al, 2004) menunjukkan hikmah yang seharusnya kelihatan serta terserlah dalam kehidupan pembayar serta penerimanya. Agak sukar untuk mengukur keberkatan dengan skala tertentu, tetapi manifestasi keberkatan mungkin boleh dilihat dari aspek pencapaian seseorang dalam bidang yang diceburinya seperti perniagaan, pendidikan, kehidupan sosialnya, sosio ekonomi dan lebih utama dari itu juga dari aspek penghayatan agama dalam kehidupannya. Zakat seharusnya mencetuskan impak terbaik terhadap kehidupan pelajar yang menerimanya samada dari segi pencapaian akademik mahupun dalam aspek pengamalan nilai-nilai agama. Para pelajar yang menerima zakat sepatutnya mempunyai kesedaran yang tinggi untuk mencipta kecemerlangan kerana menghargai bantuan yang diterima. Persoalannya sejauh mana wang zakat yang diterima pelajar ini mampu menyara mereka semasa belajar di universiti dengan cabaran era covid 19? Apakah impaknya kepada prestasi akademik mereka di universiti? Adakah wang Zakat yang diterima pelajar ini tidak berlaku ketirisan perbelanjaan dari tujuan asalnya? Dan, Sejauh mana hasil penerimaan wang zakat ini oleh mahasiswa ini lebih ke arah mendekatkan mereka kepada amalan taqwa kepada Allah s.w.t.? Ini selaras hasrat mencapai Al Falah iaitu kejayaan di dunia dan di akhirat. Isunya, wabak Covid 19 menyebabkan pihak kerajaan Malaysia melaksanakan iaitu perintah kawalan pergerakan (PKP), perintah kawalan pergerakan bersyarat (PKPB) dan perintah kawalan pergerakan pemulihan (PKPP) sebenarnya telah menjejaskan mobiliti faktor pengeluaran yang menjadi kunci pertumbuhan ekonomi keluaran negara kasar seterusnya menyebabkan ekonomi negara tidak menentu. Malah ini turut menjejaskan golongan penerima zakat khususnya mahasiswa di insitisi pengajian tinggi. Kesannya ia telah menjejaskan terutama keluarga-keluarga golongan fakir dan miskin khususnya dari aspek osio-ekonomi samada tidak dapat keluar bekerja, tidak dapat berniaga dan malah ada yang diberhentikan kerja atas sebab banyak syarikat perniagaan dan perkilangan terjejas oleh penguatkuasa PKP di negara ini bagi tujuan mengawal wabak covid 19. Sehingga 30 Jun 2021, kerajaan Malaysia telah menguatkuasakan perintah kawalan pergerakan pelbagai jenis dan fasa selama 14 bulan dan 14 hari di negara ini. Aspek keberkesanan kutipan dan agihan kerap kali menjadi fokus dalam kebanyakan kajian berkaitan zakat, namun jarang kedengaran kajian dibuat tentang kesan zakat ke atas penghayatan hidup beragama dalam kalangan para penerima. Apakah zakat meninggalkan kesan yang positif pada diri penerima dari aspek peningkatan kefahaman agama, pemantapan akidahnya serta praktis kehidupan beragamanya? Adakah aspek keberkatan terserlah dalam kehidupan mereka? Adakah diri mereka semakin dekat dengan Allah SWT?

MATALAMAT KAJIAN

Kajian ini bermatlamat mengumpul data-data secara empirik untuk mengujiimpak wang zakat kepada penerimanya dikalangan mahasiswa-mahasiswi di institusi pengajian tinggi semasa penularan wabak Covid 19. Objektif kajian ini adalah: pertamanya, untuk menganalisis impak pengagihan zakat kepada prestasi akademik mahasiswa di institusi pengajian tinggi semasa era penularan wabak Covid 19. Keduanya, untuk menganalisis impak pengagihan zakat kepada mahasiswa di institusi pengajian tinggi (IPT) dari segi penghayatan agama Islam (iaitu amalan solat harian, amalan rukun iman dan amalan rukun Islam). Dan ketiganya, untuk mengenalpasti kesan penguatkuasaan kawalan pergerakan kepada sosio-ekonomi pelajar di insitusi pengajian tinggi semasa pendemik wabak Covid 19. Hasil dari kajian boleh digunapakai oleh pejabat zakat dan wakaf negeri dan pihak institusi pengajian tinggi dalam membuat perancangan dasar dan strategi khususnya dalam aspek mengenalpasti keberkesanaan agihan zakat kepada mahasiswa di institusi pengajian tinggi.

SOROTAN LITERATUR

Maizatul Saadiah (2013) menjelaskan bahawa kutipan dan agihan zakat dapat meningkatkan ekonomi negara. Dalam kajian yang dijalankan oleh Othman Sahalan dan Luqman Hj. Abdullah (2014) pengurusan dan pengagihan zakat di negeri Johor adalah baik kepada golongan mualaf. Kajian Ili Diyana Yusop, Sanep Ahmad dan Hairunnizam Wahid (2013) tentang pengagihan zakat di negeri Melaka mendapati bahawa Majlis Agama Islam Melaka (MAIM) melalui Pusat Zakat Melaka (PZM) telah mengagihkan zakat secara efektif dan sistematik sesuai dengan objektif untuk menjadi pemangkin ekonomi Islam di Melaka. Manakala kajian yang dibuat oleh Azninainie Mohd Ghazi, Sanep Ahmad dan Harirunnizam Wahid (2013) mendapati kaedah pengurusan dana zakat oleh Majlis Agama Islam dan Adat Istiadat Melayu Kelantan (MAIK) adalah menjurus kepada membantu asnaf fakir dan miskin memandangkan golongan ini perlu diberi peluang mengubah keadaan hidup dan ekonomi melalui bantuan zakat. Ahmad Hidayat Buang dan Saidatul Badrul Mohd Said (2014) juga telah mengkaji tentang pengurusan dan pengagihan zakat di negeri Sabah. Mereka telah meneliti data sekunder tentang proses pengurusan and pengagihan zakat. Selain itu, satu kajian di negeri Sarawak oleh Pengiran Mohd. Faezul Fikri Awang Omar (2019) berkaitan kecekapan Tabung Baitulmal Sarawak dalam pengurusan dan pengagihan zakat.

Di dalam kajian tersebut, beliau membuat kesimpulan agar institusi zakat di Sarawak dapat memaksimumkan daya, tenaga dan kepakaran mereka dalam menjalankan tugas pengurusan dan pengagihan zakat agar ianya sempurna di sisi Islam. Muhibbuddin Abdullah (2017) pula membuat kajian tentang prinsip-prinsip agihan zakat dalam konteks Lembaga Zakat Negeri Selangor (LZS) untuk dijadikan garis panduan atau kayu ukur kepada institusi zakat bagi memastikan proses pengagihan berlaku secara efisien dan sistematik. Dalam kajian Hairunnizam Wahid dan Mohd Ali Mohd Noor (2004) mendapati bahawa bantuan zakat yang diberikan kepada penerima zakat perlu diperincikan dari segi bentuk dan jumlah kerana ia akan memberi impak yang signifikan kepada kualiti hidup penerima zakat fakir dan miskin ini. Mereka mencadangkan agar phak Majlis Agama Islam Negeri memikirkan nilai bantuan serta kaedah agihan zakat yang sesuai agar kualiti hidup penerima zakat dapat ditingkatkan.

METODOLOGI KAJIAN

Data dan maklumat kajian akan diproses menggunakan Statistical Package for the Social Sciences (SPSS) untuk menganalisis data primer dari kertas soal-selidik. Seterusnya, kajian ini juga akan membuat analisis perbandingan frekuensi data, analisis model-model ekonometrik iaitu analisis regresi, Ujian t, ANOVA – Ujian F, R^2 , analisis kos sara hidup dan analisis penghayatan agama responden-responden terpilih secara rawak.

Model (1)

Analisis impak pengagihan zakat kepada mahasiswa di institusi pengajian tinggi dari segi penghayatan agama Islam (iaitu amalan solat harian, amalan rukun iman dan amalan rukun Islam) adalah seperti berikut:

$$\Delta \text{CGPA} = \eta_0 + \eta_1 \text{ZA} + \eta_2 \text{Yd} + \eta_3 \text{JK} + \eta_4 \text{S} + \eta_5 \text{T} + \eta_6 \text{F} + u_t$$

Dimana, $\Delta \text{CGPA} = \text{CGPA}_t - \text{CGPA}_{t-1}$

- t = semester)
- ZA = Zakat diguna untuk tujuan pembelajaran di IPT;
- Yd = Pendapatan (sumber PTPTN/biasiswa/bantuan lainnya) satu semester;
- JK = Bilangan ahli keluarga mahasiswa ;
- S = Markah Penghayatan Amalan Solat Mahasiswa (Solat);
- T = Markah Penghayatan Amalan Rukun Iman (Tauhid) ;
- F = Markah Penghayatan Amalan Rukun Islam (Feqah);
- u_t = pembolehubah rawak.

Model (2)

Mengenalpasti kesan perintah kawalan pergerakan (PKP) kepada sosio-ekonomi pelajar di insitusi pengajian tinggi semasa pandemik wabak Covid-19 dari aspek gelagat perbelanjaan dan tabungan responden. Kajian menggunakan kaedah teori penggunaan Keynes iaitu:

$$C = \alpha + \beta \text{Yd} + u_t$$

- C = Penggunaan mahasiswa sebelum PKP/semasa PKP;
- Yd = Pendapatan (sumber PTPTN/Biasiswa/Zakat/Bantuan lain) mahasiswa/semester;
- β = MPC (Marginal Propensity to Consume) atau cerun keluk penggunaan;
- α = Autonomous consumption atau penggunaan autonomi;
- u_t = pembolehubah rawak.

Responden untuk kaji selidik ini golongan pelajar daripada asnaf fisabilillah, miskin dan fakir yang telah menerima bantuan zakat dan sedang menuntut di institusi pengajian tinggi (IPT) dalam tahun berlakunya penularan wabak covid 19 (tahun 2020 hingga tahun 2021). Kajian ini menggunakan kaedah pesampelan secara rawak. Jumlah saiz sampel adalah 80 responden dari jumlah populasi penerima zakat seramai 1726 orang dalam semester Mac 2020 dan semester November 2020 di UiTM Cawangan Kedah sebagai proksi IPT. Berikut adalah hipotesis kajian:

Hipotesis 1: Wujud hubungan prestasi akademik (CGPA) dengan semua 6 (enam) pembolehubah-pembolehubah bebas yang dikaji iaitu jumlah Zakat; jumlah pendapatan responden (dari punca PTPTN, Biasiswa, Bantuan keluargadan lainnya); Bilangan ahli keluarga tinggal serumah; Penghayatan Amalan Solat; Penghayatan Amalan Rukun Iman; dan Penghayatan Rukun Islam).

Hipotesis 2: Wujud hubungan penggunaan responden dengan pendapatan responden.

KEPUTUSAN DAN INTERPRETASI

Responden yang ditemubual menggunakan borang soal selidik adalah sebanyak 33.8% berasal dari negeri Kedah manakala 7.5% dari Perlis, 22.5 % dari Pulau Pinang, 21.5 % dari Perak, 2.5% dari Kelantan, 8.8% dari Terengganu dan 2.5% dari Selangor. Sementara itu, jantina pelajar responden yang dikaji adalah 16.3 % lelaki dan 83.8 % perempuan. Julat umur responden adalah diantara 19 tahun hingga 25 tahun. Program-program bidang pengajian responden yang terlibat dalam kajian ini adalah seimbang iaitu sebanyak 19 program yang berbeza dari pelbagai peringkat diploma dan ijazah.

Jadual 1: Prestasi Akademik Responden Dua Semester

	GPA t - 1	CGPA t - 1	GPA t	CGPA t
Bilangan	80	80	80	80
Min	3.4152	3.3713	3.4855	3.4130

Nota: GPA = Nilai Purata Keputusan; CGPA = Purata Nilai Grade Kumulatif; t = Semester semasa ; dan t - 1 = Semester sebelumnya.

Jadual 1 menunjukkan kajian ini wujud peningkatan purata prestasi akademik responden penerima zakat yang dikaji iaitu GPA sebanyak 2% dan CGPA sebanyak 1.2% bagi dua semester.

Jadual 2: Adakah Jumlah Bantuan Zakat Diterima Mencukupi?

Item	Frekuensi	Peratus (%)
Bantuan Zakat Tidak Mencukupi	45	56.3
Bantuan Zakat Mencukupi	35	43.8
Jumlah	80	100.0

Jadual 2 mendapati 56.3% responden menyatakan jumlah wang zakat RM300 untuk satu semester adalah masih tidak mencukupi. Majoriti responden mencadangkan jumlah zakat dinaikkan kepada RM350 untuk satu semester. Dari sebanyak RM300 yang diterima wang zakat. Secara purata responden menggunakan sebanyak RM227 untuk tujuan pembelajaran dan sara hidup di IPT. Manakala secara purata sebanyak RM53 wang zakat dikirim ke kampung oleh responden untuk membantu keluarga yang susah. Wang zakat yang diguna untuk tujuan selain untuk IPT oleh responden adalah secara purata sebanyak RM28. Bantuan kewangan yang diterima responden selain zakat adalah 3.8% biasiswa dari Jabatan Perkhidmatan Awam, 81.3 % dari Perbadanan Tabung Pendidikan Tinggi Nasional dan bakinya tiada punca bantuan

lainnya. Majoriti iaitu 73.8% responden mempunyai bapa sebagai ketua keluarga. Bakinya 26.3% ibu tunggal. Pekerjaan ketua keluarga adalah 12.5% sektor swasta, 42.5% bekerja sendiri, 21.3% pesara, 3.8% petani dan nelayan, 15 % tidak bekerja, 1.3% orang kurang upaya dan 3.8% suri rumah. Manakala, bilangan ahli isi rumah majoriti adalah 4 orang. Walau begitu pun, 28.8 % adalah keluarga besar lebih dari 6 orang serumah.

Analisis Model Prestasi Akademik

$$\Delta \text{CGPA} = -0.134 + 0.71 \text{ZA} + 0.118 \text{Yd} - 0.214 \text{JK} + 0.063 \text{S} + 0.205 \text{T} - 0.120 \text{F}$$

$$(-0.609)^* (0.574)^* (1.028)^* (-1.882)^* (0.403)^* (1.020)^* (-0.647)^*$$

$R^2 = 0.094$; Ajusted $R_2 = 0.190$; $F = 1.260^*$; Durbin Watson = 2.096; Ujian t = ()

* tidak signifikan pada aras keertian 5%.

Hasil analisis model di atas mendapati tidak wujud hubungan prestasi akademik (CGPA) dengan semua 6 (enam) pemboleh ubah-pemboleh ubah bebas yang dikaji iaitu jumlah Zakat; jumlah pendapatan responden (dari punca PTPTN, Biasiswa, Bantuan keluargaan lainnya); Bilangan ahli keluarga tinggal serumah; Penghayatan Amalan Solat; Penghayatan Amalan Rukun Iman; dan Penghayatan Rukun Islam.

Analisis Impak Pengagihan Zakat Kepada Penghayatan Solat, Rukun Iman Dan Rukun Islam

Jadual 3: Markah Penghayatan Solat, Rukun Iman dan Rukun Islam.

Perkara	Penghayatan Solat	Penghayatan Rukun Iman	Penghayatan Rukun Islam
Purata Markah (10)	7.9875	9.4375	9.4313
Jumlah (800)	639.00	755.00	754.50

Adalah didapati majoriti responden masih lemah dari segi penghayatan solat iaitu hanya 79.88%. Manakala dari segi penghayatan Rukun Iman adalah 94.38% iaitu dan Rukun Islam adalah 94.31% iaitu kedua-dua ini kurang dari 95%.

Analisis Sosio-ekonomi

Hasil analisa menunjukkan 53.8% ketua keluarga responden terjejas pendapatan masing-masing semasa perlaksanaan PKP. Ini kerana pendapatan kasar ketua keluarga telah menurun dari RM1230 sebulan kepada RM1126 sebulan. Ini menunjukkan wujud pengurangan pendapatan isi rumah responden sebanyak 8% kesan dari penguatkuasa PKP.

Jadual 4: Statistik Perbandingan Perbelanjaan Sara Hidup Responden Sebelum Perintah Kawal Pergerakan (PKP) dan Semasa PKP

Jenis-jenis Perbelanjaan	Belanja Sebelum 18 Mac 2020 (PKP) Purata RM/bulan	Belanja Semasa PKP Purata RM/bulan	Peratus (%) Perubahan
Belanja Makanan dan Minuman	RM181	RM51	-71.8%
Belanja Makanan dan Minuman	RM155	RM77	-50,3%
Belanja Beli Buku dan Alat Tulis	RM210	RM169	-19.5%
Sewa Rumah Kolej	RM148	RM48	-67.6%
Bil Tel Bil Letrik Bil Air	RM25	RM15	-40.0%
Bil Internet Wifi	RM48	RM57	+18.8%
Peralatan Kerja Kursus Akademik	RM46	RM40	-13.0%
Pakaian dan Kasut	RM82	RM40	-52.5%
Tambang Pengangkutan	RM86	RM17	-80.2%
Yuran Pengajian di IPT	RM578	RM589	+1.9%
Guna Zakat diterima untuk sara ibu/bapa/keluarga dikampung	RM33	RM52	+57.6%

Jadual 4 menunjukkan statistik perbandingan perbelanjaan sara hidup pelajar sebelum PKP dan semasa PKP. Adalah didapati wujud kenaikan perbelanjaan pelajar dari segi kos bil internet wifi, kos yuran pengajian dan guna wang zakat diterima untuk sara ibu/bapa/keluarga di kampung.

Analisis Model Perbelanjaan Semasa PKP

$$C = 2860.513 + 0.081 Yd$$

(6.374)** (0.713)*

$R^2 = 0.006$; Ajusted $R_2 = -0.006$; $F = 0.509^*$; Durbin Watson = 1.990; Ujian $t = ()$

* tidak signifikan pada aras keertian 5% ; ** signifikan pada aras keertian 5%.

Dalam keputusan analisis model diatas, ujian t menunjukkan semua pembolehubah bebas tidak signifikan pada aras keertian 5%. Ini bermakna tidak wujud perbelanjaan yang dirancang responden dengan pendapatan responden. Walau begitu ujian t menunjukkan wujud hubungan signifikan perbelanjaan autonomi (autonomous consumption= α) dengan pendapatan responden masa tempoh semasa PKP dikuatkuasakan.

RUMUSAN

Sebagai rumusan kajian ini mendapati wujud peningkatan prestasi akademik responden penerima zakat yang dikaji bagi dua semester pengajian di IPT. Walau begitu analisis model prestasi akademik yang dibentuk mendapati tiada hubungan di antara pemboleh ubah sandar dan pemboleh ubah bebas yang dikaji. Oleh itu prestasi akademik mahasiswa tidak ada kaitan dengan bantuan zakat yang diterima mereka. Ini menunjukkan bahawa pelajar masih belum terasa bermotivasi bila mana menerima wang zakat. Adalah di cadangkan perlu dibuat satu kursus motivasi akademik bermodul untuk memberi penerangan kepada setiap pelajar penerima wang zakat supaya meningkatkan semangat mereka belajar lebih cemerlang setelah menerima wang zakat. Semasa era Covid 19 didapati pendapatan kasar purata ketua keluarga responden turut menurun. Didapati wujud kenaikan perbelanjaan pelajar dari segi kos bil internet wifi, kos yuran pengajian dan guna wang zakat diterima untuk bantu ketua keluarga di kampung. Memandangkan satu sesi pengajian satu semester adalah 5 bulan. Jadi adalah wajar wang zakat yang diberikan kepada pelajar IPT adalah sebanyak RM500 satu semester. Ini memandangkan kos sara hidup semakin meningkat dan jumlah RM500 adalah wajar ini memberi impak pengganda (multiplier) untuk sesuatu bantuan kewangan. Kajian ini juga mendapati majoriti responden masih lemah dari segi penghayatan solat iaitu hanya 79.88%. Manakala dari segi penghayatan Rukun Iman adalah 94.38% iaitu dan Rukun Islam adalah 94.31% iaitu kedua-dua ini kurang dari 95% markah yang diharapkan. Kursus penghayatan solat, penghayatan rukun iman dan penghayatan rukun Islam wajar diberikan kepada pelajar penerima zakat khasnya dan pelajar IPT amnya. Analisis model perbelanjaan mendapati penggunaan autonomi mempengaruhi gelagat belanja pelajar di IPT. Jadi faktor bukan pendapatan seperti membeli kerana faktor harga, rasa, iklan, tabiat pemakanan dan seumpama dengan itu sangat mempengaruhi cara pelajar IPT berbelanja. Oleh itu, pihak IPT perlu memastikan harga makanan, barangan penggunaan, bahan-bahan pembelajaran dan lain-lain barangan serta perkhidmatan digunakan pelajar IPT perlu pada paras harga patut (lebih rendah 10% dari dijual diluar kampus). Kerajaan wajar mengimplikasi dasar fiskal bersasar contohnya bantuan subsidi harga barangan untuk pelajar IPT di dalam kampus atau kedai-kedai 5 kilometer radius dari kampus. Atau melaksanakan peraturan kawalan harga barangan tertentu disekitar 5 kilometer radius dari kampus.

PENGHARGAAN

Sekalung penghargaan kepada Lembaga Zakat Negeri Kedah dan Universiti Teknologi MARA Cawangan Kedah di atas pembiayaan projek penyelidikan ini. Terima kasih juga diucapkan kepada semua pihak yang terlibat sama ada dari aspek pengumpulan data mahupun sekadar perkongsian ilmu.


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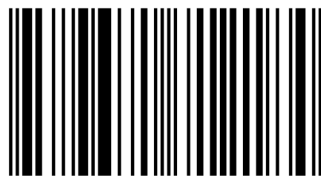
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e ISBN 978-967-17121-8-4



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