

## THE TRANSFORMATION OF ZAKAT LAW: An Analysis of *Ijtihād Maqāsidī* in the Modernisation of Zakat Practices in Indonesia

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### *Abstract*

*Zakat is not merely a category of normative worship but also an aspect of mu'amalah characterised by its adaptability. This notion is evident in the efforts of the National Zakat Agency (BAZNAS) of Kendal District to modernise zakat law, going far beyond what is stipulated in classical naş and fiqh. The modernisation of zakat law at BAZNAS Kendal, the main focus of this article, is explored through empirical juridical research using a philosophical re-actualisation approach, extensive interpretive analysis, and the theory of maqāsidī ijtihād. The study finds that modernisation is*

*apparent in initiatives to mandate zakat from corporations as zakatable entities, with allocations for distribution in forms such as creative consumptive zakat for installing clean water facilities, creative productive zakat in the form of microfinance, and zakat for community development. Methodologically, Baznas Kendal employs the principles of maqāṣid al-sharī'ah, evident in its efforts to link normative zakat teachings (naṣ) with various dynamics of modern life (al-wāqī') and considerations of social welfare as the essence of shari'a presence. Therefore, this study contributes to the reconstruction of pre-modern zakat law formulations whose conceptualisation is no longer visible in the modern era into something more contextually meaningful, and it deepens the understanding of the conceptual framework for the modernisation of zakat law that adheres to maqāṣid al-sharī'ah.*

*Zakat bukan saja katagori ibadah kenormatifan yang given, melainkan juga mu'amalah dengan karakter adaptability (keberubahan). Anggapan ini terlihat dalam upaya Badan Amil Zakat Nasional (Baznas) Kabupaten Kendal memodernisasi hukum zakat jauh melampaui apa yang tertertuang dalam naṣ maupun fiqh klasik. Modernisasi hukum zakat di BAZNAS Kab. Kendal sebagai fokus utama dalam artikel ini menggunakan jenis penelitian yuridis empiris dengan pendekatan reaktualisasi filosofis dan analisis interpretatif ekstensif, dan teori ijtihād maqāṣidī. Penelitian ini menemukan bahwa modernisasi hukum terlihat pada upayanya mewajibkan perusahaan sebagai objek yang dikenai zakat, sementara alokasi distribusinya dalam bentuk: zakat konsumtif kreatif berupa pemasangan saluran air bersih, dan produktif kreatif berupa zakat micro finance, serta zakat community development. Secara metodologis Baznas Kendal menggunakan dalil maqāṣid al-sharī'a, hal ini terlihat pada upayanya mengaitkan antara ajaran normatif zakat (naṣ) dengan berbagai faktor dinamika kehidupan modern (al-wāqī'), serta pertimbangan kemaslatan sosial sebagai intisari kehadiran shari'a. Dengan demikian penelitian ini berkontribusi merekonstruksi formulasi*

*hukum zakat pramodern yang konseptualisasinya tidak lagi visible di masa modern menjadi lebih memberi makna aplikasi kontekstualnya, serta memperdalam pemahaman kerangka konseptional modernisasi hukum zakat berbasis maqāṣid al-sharī'ah.*

**Keywords:** *modernization, zakat law, baznas kendal, ijtihād maqāṣidī.*

## Introduction

The lack of robust access to zakat law has historically been a major hurdle in modernising Islamic jurisprudence (*fiqh*). According to Hashim Kamali, many volumes of medieval Islamic jurisprudence are inadequately classified and challenging to utilise, tending towards exclusivism and scholarly isolation<sup>1</sup>. As the dynamics of life evolve towards greater comfort and societal stability, the exclusivity of traditional *fiqh* no longer suffices to address the realities of modern settlements, which have crystallised into two distinct social classes, borrowing from Karl Marx: the bourgeoisie (*Aghniyā*) and the proletariat (*fugarā -masākīn*)<sup>2</sup>. In this context, *fiqh* faces the challenge of modernity, especially regarding global issues like science and technology, necessitating a restructuring to keep Islamic concepts up-to-date with contemporary Islamic issues.<sup>3</sup> This highlights the importance of modernising *fiqh* to break free from exclusivity, including zakat law, as pursued by figures like Ismail Syauqi Syahatih, al-Qarḍāwī,<sup>4</sup> and Masadar F. Mas'udi.<sup>5</sup>

<sup>1</sup>Mohammad Hashim Kamali, "Law and Society: The Interplay Of Revelation And Reason In The Shariah," in *The Oxford History of Islam*, John L. Esposito, vol. 3 (New York: Oxford University Press, 1999), 107.; M. B. Hooker, *Indonesian Islam: Social Change Thought Contemporary Fatāwā* (Australia: Asian Studies Association of Australia in Association with Allen & Unwin, 2003).

<sup>2</sup>The bourgeoisie are the modern capitalist class, owners of the means of social production who employ wage laborers. Unlike the proletariat, who are placed in the modern wage-worker class because they do not own their own means of production, they are compelled to sell their labour power in order to survive. see: Franz Magnis Suseno, *Pemikiran Karl Marx: Riwāyat Hidup*, Cet. 10 (Jakarta: Gramedia, 2016). 115-127.

<sup>3</sup> Abdul Hamid Abu Sulayman, *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought*, (Herdon, Virginia: IIIT, 1993).

<sup>4</sup> Yūsuf al-Qarḍāwī, *Fiqh Al-Zakah A Comparative Study of Zakah: Regulations and Philosophy in The Light of Qur'an and Sunnah*, Terj. Monzer Khaf, vol. 2 (Jeddah: Scientific Publishing Center King Abdul Azis University, t.t).

Additionally, countries like Sudan, Turkey, Egypt, Pakistan<sup>6</sup> and Brunei Darussalam lack modern scientific utilisation, which impedes the maximum potential of *zakāt al-māl*, as shown in research by Matahir Fuad<sup>7</sup>.

In Indonesia, which represents the largest Muslim population globally, the discourse on zakat *fiqh* oscillates between a spiritual *an sich* focus and viewing it through the lens of social reality as a national asset that must be managed and utilised professionally to bolster communal economic strength. The pressing question is how *fiqh* interprets divine law capable of eradicating poverty. Herein lies the urgency to formulate a new zakat law responsive to these issues, especially considering the influence of Western legal systems post-European colonisation on Muslim nations, including Indonesia, where sharia legislation finds its relevance as positive law. Therefore, the transformation from pre-modern zakat *fiqh* in Indonesia entails expanding the scope of zakatable assets<sup>8</sup> and their formal distribution as regulated in Law No. 23 of 2011. The National Zakat Agency (henceforth referred to as BAZNAS) of Kendal, Central Java, is one organisation moving in this direction.

BAZNAS Kendal stands out in its approach, being advanced and modern. It has broadened the meanings and coverage of zakat's objects and subjects beyond traditional pre-modern *fiqh*, such as corporate zakat (*syarikah*). In the context of expanding zakatable wealth, BAZNAS Kendal has innovated by including corporate assets, whereas in pre-modern *fiqh*, the zakat obligation applies only to *mukallaf*. The modern aspect<sup>9</sup> is not only in its

<sup>5</sup> Masdar Farid Mas'udi, *Pajak Itu Zakat: Uang Allah Untuk Kemashabatan Rakyat*, Baru (Bandung: Mizan, 2010).

<sup>6</sup> Salman Ahmed Shaikh, "Welfare Potential of Zakat: An Attempt to Estimate Economy Wide Zakat Collection in Pakistan," *The Pakistan Development Review* 54, no. 4 (2015): 1011–27, <http://www.jstor.org/stable/43831380>.

<sup>7</sup> Fuad Matahir, "Issues and Challenges of Zakāt Al-Māl Collection in Brunei Darussalam," *AJIS: Academic Journal of Islamic Studies* 7, no. 2 (December 29, 2022): 395, <https://doi.org/10.29240/ajis.v7i2.5346>.

<sup>8</sup> UU 23 2011 pasal 4 ayat 2 secara progresif menyebutkan 9 jenis objek zakat modern. telusuri Akmal Bashori, *Hukum Zakat Dan Wakaf: Dialektika Fikih, Undang-Undang Dan Maqasid Syari'ah* (Jakarta: Kencana, 2022). 161, 167-175.

<sup>9</sup> In several Muslim countries such as Turkey, Egypt, and Sudan, according to Layish's research, legal modernisation has occurred, making it seemingly difficult to distinguish between Islamic law and secular law. see: Aharon Layish, "Islamic Law in the Modern World: Nationalization, Islamization, Reinstatement," *Islamic Law and Society* 21, no. 3 (2014): 276–307, <http://www.jstor.org/stable/43304512>.

management, which now adopts modern management practices but also in the variety and breadth of its zakat allocation/distribution, which extends far beyond what is found in pre-modern *fiqh* zakat. For example: a) creative consumptive zakat distribution, such as installing clean water systems (PDAM); b) creative productive zakat distribution, where zakat assets are distributed to *mustahiq*, who then invest and re-lend them as business capital in “Baznas Micro Finance”; c) “Zakat Community Development,” which integrates long-term productive zakat funds with community development activities.

Based on the elaboration above, a question arises: is it not normatively true that the objects and subjects of zakat are limited. Similarly, zakat funds must remain allocated within the circle of the eight *ashnāf* (QS, [9]: 60)? Why then is BAZNAS Kendal District striving to expand the scope and coverage? This article will *first* discuss what forms the modernisation of zakat law at BAZNAS Kendal regarding zakat objects and the distribution patterns undertaken. *Second*, what methods does BAZNAS Kendal use to modernise zakat law? In considering the urgency and novelty of this research, it is pertinent to mention some previous studies. *First*, research related to the collection and distribution of zakat in general in Indonesia as conducted by Rijal Alama Harahap,<sup>10</sup> Haerul Jamal and Turasih,<sup>11</sup> Nashr Akbar, and Saim Kayadibi,<sup>12</sup> Firdaus;<sup>13</sup> *second*, management and financial aspects of Zakat as explored by Aris Puji Purwatiningsih, Muchlis Yahya<sup>14</sup>, Saidurrahman<sup>15</sup>,

<sup>10</sup> Rijal Alama Harahap, “Literature Study of Zakat Distribution in Indonesia,” *Jurnal Ilmiah Ekonomi Islam* 8, no. 1 (March 9, 2022): 618, <https://doi.org/10.29040/jiei.v8i1.4369>.

<sup>11</sup> Haerul Jamal and Turasih Turasih, “Mustahik’s Participation Model in the Productive Zakat Fund Distribution Program,” *Prosperity: Journal of Society and Empowerment* 2, no. 2 (December 31, 2022): 86–99, <https://doi.org/10.21580/prosperity.2022.2.2.12476>.

<sup>12</sup> Nashr Akbar and Saim Kayadibi, “Opportunity and Challenges to Integrate Zakat Into Indonesian Fiscal System in The Light of Siyasa Shariyyah,” *Global Review of Islamic Economics and Business* 1, no. 1 (May 4, 2015): 057, <https://doi.org/10.14421/grieb.2013.011-05>.

<sup>13</sup> Farah Arum Firdaus, Irham Zaki, and Sri Herianingrum, “The Role Of Generation Z Through Online Platform in Optimizing of Zakat Literacy and Fundraising,” *AZKA International Journal of Zakat & Social Finance*, March 28, 2023, 13–22, <https://doi.org/10.51377/azjaf.vol4no1.118>.

<sup>14</sup> Aris Puji Purwatiningsih and Muchlis Yahya, “Why Zakat Collection in Indonesia Is Not As Effective As It Is in Malaysia,” *Jurnal Penelitian* 14, no. 1 (June 30, 2020): 23, <https://doi.org/10.21043/jp.v14i1.6785>.

Muhammad Akram Khan,<sup>16</sup> Akmal Bashori;<sup>17</sup> *third*, research discussing the legal aspects of zakat such as studies by Muhammad Zaki, Amiur Nuruddin, Saparuddin Siregar,<sup>18</sup> Ridwan M. Sholeh<sup>19</sup>, Ayu Rahayu Nurhalizah, Sirajul Arifin, Aldi Khusmufa Nur Iman<sup>20</sup>, alfitri<sup>21</sup>, Kamaruddin<sup>22</sup>. Most of these studies primarily focus on management research. In contrast, the research in this article relates to the methodology of zakat law at the Zakat Management Agency in Kendal, Central Java, with a research focus on the study of zakat law modernisation in terms of expanding its objects and distribution. However, the above studies have laid the groundwork for this research, which has not been conducted by previous researchers.

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<sup>15</sup>Saidurrahman Saidurrahman, "THE POLITICS OF ZAKAT MANAGEMENT IN INDONESIA: The Tension Between BAZ and LAZ," *Journal Of Indonesian Islam* 7, no. 2 (December 1, 2013): 366, <https://doi.org/10.15642/JIIS.2013.7.2.366-382>.

<sup>16</sup> MUHAMMAD AKRAM KHAN, "Some Accounting Issues Relating to Zakāh," *Islamic Studies* 39, no. 1 (2000): 103–20, <http://www.jstor.org/stable/23076094>.

<sup>17</sup> Akmal Bashori, "Zakat Produktif Dalam Konteks Keindonesiaan: Fundraising Dan Distribusinya," *Manarul Qur'an: Jurnal Ilmiah Studi Islam* 21, no. 2 (January 1, 2022): 184–200, <https://doi.org/10.32699/mq.v21i2.2216>.

<sup>18</sup> Muhammad Zaki, Amiur Nuruddin, and Saparuddin Siregar, "Implication of Law Number 23 of 2011 On Zakat Institution Governance Based On Sharia Quality Management Principles; A Case Study in Baznas of Jambi Province," *Jurnal Cita Hukum* 8, no. 1 (March 19, 2020), <https://doi.org/10.15408/jch.v8i1.14481>.

<sup>19</sup> Ridwan M. Soleh, "Islamic Law and Society in Indonesia: Corporate Zakat Norms and Practices in Islamic Banks: By Alfitri, New York, Routledge, 2022, 272 Pp., £96.00 (Hardback), ISBN: 9781032019796," *Politics, Religion & Ideology* 24, no. 2 (April 3, 2023): 301–3, <https://doi.org/10.1080/21567689.2023.2196126>.

<sup>20</sup>Ayu Rahayu Nurhalizah, Sirajul Arifin, and Aldi Khusmufa Nur Iman, "The Legality Of Zakat Blockchain In Indonesia: In the Perspective of Islamic Law and Indonesian Positive Law," *Laa Maisyir: Jurnal Ekonomi Islam* 8, no. 2 (December 31, 2021): 224, <https://doi.org/10.24252/lamaisyir.v8i2.22260>.

<sup>21</sup> Alfitri Alfitri, "The Law of Zakat Management and Non-Governmental Zakat Collectors in Indonesia," *The International Journal of Not-for-Profit Law* 8, no. 2 (2006).

<sup>22</sup> Kamaruddin et al., "Disorientasi Zakat Cultural-Based Deviance on Islamic Law; Zakat Tekke Wale' Spending in Basala, Konawe, Southeast Sulawesi, Indonesia," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (January 9, 2024): 568–90, <https://doi.org/10.19105/al-lhkam.v18i2.10150>.

## Research Methods

This article employs an empirical-juridical method aimed at transforming the state of the law in society (*ex-ante*) in concrete terms<sup>23</sup> due to social dynamics, science, and technology, thereby placing the study on the empirical juridical side.<sup>24</sup> The primary data sources for this research are field data from BAZNAS in Kendal, Central Java, collected through semi-structured, in-depth interviews<sup>25</sup> with Ubaidillah, the Chairman of Baznas Kendal; Nunuk Sarah, the Fourth Chair; and Charlie Ibrahim Noech, the Head of Fundraising and Finance. These informants were chosen because they are part of the management structure, policyholders, and conceptualisers. Broadly, the questions formulated focus on how the objectification and distribution models of zakat are designed, what references are used (*naş*, classical *fiqh*, or other interpretations), and whether modern science is utilised, among other topics. The data generated were processed in three stages:<sup>26</sup> *First*, data reduction, which simplifies, organises, and systematises the collected data based on the core issues; *second*, data display, where collected data are mapped, tabulated, and modelled so that diverse data can be easily summarised in narrative text form; and lastly, heuristic data analysis, which sketches and tests hypotheses to enable the formulation of zakat law modernisation. This article also uses a philosophical-reactualisation approach to ground zakat as a system of values and Islamic teachings contextually and in an applicative manner.<sup>27</sup> Extensive interpretative analysis<sup>28</sup> was employed to expand the scope of zakat law and make it more adaptable to modern developments. The theory used as a

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<sup>23</sup> Abu Yasid, *Aspek Penelitian Hukum: Barat Dan Islam* (Yogyakarta: Pustaka Pelajar, 2014). 104; Afif Noor, "Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research," *Jurnal Ilmiah Dunia Hukum* 7, no. 2 (April 27, 2023): 98, <https://doi.org/10.56444/jidh.v7i2.3154>.

<sup>24</sup> Ananda Faisar and Marpaung Watni, *Metodologi Penelitian Hukum Islam*, 2<sup>nd</sup> ed. (Jakarta: Kencana Media Group, 2018). 41.

<sup>25</sup> Paul M. W. Hackett, Jessica B. Schwarzenbach, and Uta Maria Jürgens, "In-Depth Interviews," in *Consumer Psychology: A Study Guide to Qualitative Research Methods*, 1st ed. (Verlag Barbara Budrich, 2016), 55–58, <https://doi.org/10.2307/j.ctvddzsr12>.

<sup>26</sup> Mahsun Fuad, *Hukum Islam Indonesia: Dari Nalar Partisipatoris Hingga Emansipatoris* (Yogyakarta: LKiS., 2005). 23.

<sup>27</sup> Noeng Muhadjir, *Metodologi Penelitian Kualitatif*, Ed. Ke III. cet. VII. (Yogyakarta: Rake Sasasin, 1996). 263-265.

<sup>28</sup> Moh. Asikin and Marsidin, *Penelitian Hukum Normatif*, (Jakarta: Kencana, 2023). 32.



lens to view the modernisation of zakat law at Baznas Kendal is "*ijtihād maqāsidī*," a process of legal discovery that goes beyond textual meanings to delve into the essence of *shari'a* (*maqāsid al-shari'ah*) as indicated by *naṣ*, thus producing more beneficial laws. This theory is chosen because pre-modern Islamic jurists did not classify legal sources in a manner conducive to easing the deduction-induction of laws on modern issues. This pattern aims to discover new formulations of zakat law that dynamically evolve with human civilisation's development.

### *Ijtihād Maqāsidī* amidst Current Modernity

The emergence of *maqāsid al-shari'ah* (the essence of the presence of *shari'a*) in an academic context related to the modernisation efforts of Islamic law as a theory might prove effective for the modernisation agenda (zakat law). What is fascinating about the theory of *maqāsid al-shari'ah* an alternative to the *uṣūl* theory proposed by *al-Shāfi'i* (d. 204 H/819 CE)—is its effort to creatively and comprehensively link interpretations based on social objectives and benefits. In modern life, such a way of thinking proves to be highly effective. However, it is regrettable that the crystallisation of the ancient schools of law<sup>29</sup> and its standardisation into *fiqh* schools of thought<sup>30</sup> did not pay heed to this aspect, leading to negative impacts. Subsequent generations regarded it as the ideal model, and the notion of the closure of the door of *ijtihād* (*insidād bāb al-ijtihād*)<sup>31</sup> for centuries contributed to the Muslim community's reliance on intellectual references from this era, coupled with an inability to engage with constantly evolving realities.

*Fiqh*, in other words, was successfully codified and treated as a divine, universal law that did not require innovation<sup>32</sup> or, as it is more popularly

<sup>29</sup> Joseph Schacht, *An Introduction to Islamic Law*, (London: Oxford Press, 1971).

<sup>30</sup> Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005). 150-167.

<sup>31</sup> Wael B. Hallaq, "Was the Gate of Ijtihad Closed?," *International Journal of Middle East Studies* 16, no. 1 (March 1984): 3–41, <https://doi.org/10.1017/S0020743800027598>. Wael B. Hallaq, *Hal Sudda Bāb Al-Ijtihād?*, Terj. Said Khudri (Kairo: Namā libuhus wa al-dirāsāt, 2022).

<sup>32</sup>J.N.D. Anderson, *Islamic Law in The Modern World*, (New York: University Press, 1959). 1.



known, “*taqlīd*” (unquestioning acceptance).<sup>33</sup> Here, there appears to be a shift in values, where *fuqahā* are not required to extract laws directly from the sources but merely to emulate the thoughts of the school's imam of *an sich*.<sup>34</sup> This passive dependence on authority (*taqlīd*) eventually became a restraint on scholastic theology, and the tradition of writing in scholarship suffered a significant decline in vitality and freedom—*fiqh* thinking—that nearly lost all its originality.<sup>35</sup> Ironically, the study of *maqāṣid al-sharī'ah* has not been on the agenda of Muslim scholars for some time due to stagnation. This is particularly evident in the tug-of-war between a theological-dogmatic-deductive model dominated by Aristotelian logic that tends to approach problems in black and white, right or wrong, halal or haram terms. Such interpretations are not only ahistorical and deviate from the spirit of Islam, which emphasises the aspect of *maṣlahah*, but *fiqh* is often criticised for contributing to the image of Islam as a “normative” and “orthodox” religion. Existing thoughts are seen as narrow, inflexible, rigid, lacking in innovation, and not contextual, thus failing to respond to the dynamics of social development.<sup>36</sup>

Methodologically, many still employ the medieval tools and concepts of *ijtihād* from *uṣūl al-fiqh*, inherited from *al-Shāfi'ī*, which are deemed suitable only for that era and not relevant today. They are suspected of being less capable of grounding the transcendent values of Islamic law in the real world because they prioritise the linguistic approach in understanding texts, leading to a dominance of linguistics in the study of *uṣūl al-fiqh* over others.<sup>37</sup> On the other hand, the theory of *maqāṣid al-sharī'ah* is considered capable of addressing the challenges of modernity that continue to evolve dynamically to

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<sup>33</sup> Amir Syarifuddin, *Ushul Fikih*, Baru, vol. 2 (Jakarta: Kencana Media Group, 2011). 343.

<sup>34</sup> Ṭāhā Jābir al-Alwānī, *Islamic Thought: An Approach to Reform An Introduction to The Structures of Discourse in Islamic Thought* (USA: The International Institute of Islamic Thought, 2006).

<sup>35</sup> Ziauddin Sardar, *Kembali Ke Masa Depan*, (Jakarta: Serambi Ilmu Semesta, 2003). 81. Although many jurists are productive in producing works of *fiqh*, their productivity often does not extend beyond focusing on commenting (*Sharḥ*), expanding on comments (*ḥāshiyah*), or commenting on *ḥāshiyahs* (*ḥāmisah*), and summarizing (*mukhtashar*) issues found in the *fiqh* books of their respective schools.

<sup>36</sup> Such thinking is referred to by Abdullah Saeed as *The Theological Puritans*. See: Abdullah Saeed, *Islamic Thought: An Introduction*, 1st ed. (New York: Routledge, 2006). 142-150.

<sup>37</sup> Ahmad al-Raysuni and Muhammad Jamal Barut, *Ijtihad: Antara Tekes, Realitas, Dan Kemaslabatan*, Terj. Ibn Rusydi & Hayyin Muhdzar (Jakarta: Erlangga, 2002). 64.

this day, leading humanity to worldly well-being and eternal salvation.<sup>38</sup>

In this context, al-Raysūni states that *maqāsid* in scholarship represents an improvement over various models of *uṣūl al-fiqh* and simultaneously serves as the final model of the science of *uṣūl al-fiqh*. In other words, it emerges from the deadlock of the classical *uṣūl al-fiqh* model practised by fiqh schools, which focused their energy on *qiyās*<sup>39</sup> in determining sharia laws. Thus, it could be said that this science is a model of enlightenment that constitutes a revolution over classical models. This model led to an explosion in the quantity of *fiqh* productivity, which subsequently became a solid epistemological foundation in the development, advancement, and interaction of sharia with new realities.<sup>40</sup> Al-Shaṭībī, through his work "*al-Muwāfaqāt*," is considered by Raysūni to have contributed significantly to this framework by offering an epistemological break from the *uṣūl al-Shāfi'i* method,<sup>41</sup> which tended to rely on logocentrism and every *uṣūlliyīn* that followed.

In its dynamics, *maqāsid* as a doctrine and method<sup>42</sup> has been extensively developed by experts<sup>43</sup> across different fiqh schools such as al-Ghazālī (Shāfi'i school), al-Shaṭībī (Maliki school), *at-Tūfi* (Hanbali school), and Nuruddin Ibnu Mukhtar al-Khadimi whose theory (*ijtihād maqāsidī*) is adapted in this research. According to him, there are three key elements in operationalising *ijtihād maqāsidī*: the interconnectivity between the text (*an-nuṣūs*), reality (*al-*

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<sup>38</sup>Yudian Wahyudi, *Maqasid Syari'ah Dalam Pergumulan Politik: Berfilsafat Hukum Islam Dari Harvard Ke Sunan Kalijaga*, 2<sup>nd</sup> ed. (Yogyakarta: Pesantren Nawesea Press, 2007). 27.

<sup>39</sup> The emphasis of this method is on the search for 'illat, which can be guided by the principle "*al-ḥukm yadurru ma'a 'illati wujudan wa 'adaman*" (the ruling [Islamic law] always depends on the existence or non-existence of the 'illat that encompasses it). Wahbah al-Zuhaili, *Uṣul Al-Fiqh al-Islami*, vol. 2 (Damaskus, tt).

<sup>40</sup> Raysuni and Barut, *Ijtihad: Antara Teks, Realitas, Dan Kemaslabatan*,. 72.

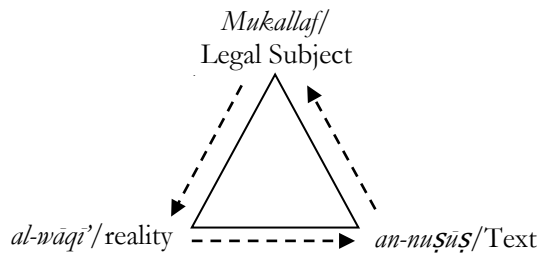
<sup>41</sup> Raysuni and Barut. 73.

<sup>42</sup> Yudian Wahyudi, "Maqashid Syariah Sebagai Doktrin Dan Metode," in *Re-Strukturisasi Metodologi Islamic Studies Mazhab Yogyakarta*, dalam M. Amin Abdullah dkk (Yogyakarta: Suka Press, 2007). 139-149.

<sup>43</sup> See: Felicitas Opwis, "Maṣlaḥa in Contemporary Islamic Legal Theory," *Islamic Law and Society* 12, no. 2 (2005): 182–223. Mohammad Hashim Kamali, "Maqāsid Al-Sharī'ah: The Objectives Of Islamic Law," *Islamic Studies* 38, no. 2 (1999): 193–208, <http://www.jstor.org/stable/20837037>.

*wāqī'*), and the subject (*mukallaḥ*).<sup>44</sup> The dialectical integration of these three components needs to be applied proportionately in every legal decision-making process so that the resulting products have a prescriptive basis and are compatible with societal development and scientific advancement.<sup>45</sup>

Figure 1: *Ijtihād maqāṣidi* dialectical scheme



Source: *Ijtihād maqāṣidi* al-Khadimi<sup>46</sup>

The figure indicates: First, in terms of *Mukallaḥ* (Legal Subject), *Ijtihād maqāṣidi* must consider the characteristics of the *mukallaḥ*'s reasoning as the subject that will directly contact and implement the law, besides the mujtahid must also improve the quality of his reasoning in viewing the text, reality, and *mukallaḥ* because Islamic law is intended to be known and implemented by the *mukallaḥ* (legal subject, the person who is subjected to the law), as reality occurs due to its relation with the legal subject. The most important aspect of this discussion is about the reasoning of *mukallaḥ* (*‘aqlaniyah al-mukallaḥ*). Each *mukallaḥ* has different reasoning about the *naṣ* (text), the law and its *maqāṣid*, and reality.

*Second*, regarding reality (*al-wāqī'*), *Fiqh* is influenced by reality as much as it influences reality; it draws from reality as much as it provides solutions for it, and it accommodates reality as much as it directs it. This does not mean that

<sup>44</sup> Nuruddin Ibnu Mukhtar al-Khadimi, *Al-Ijtihād al-Maqāṣidi*, (Qatar: Dar al-Muassasah, 1998). 147.

<sup>45</sup> Akmal Bashori and Mutho'am, *Nalar Fikih Kontekstual: Sebuah Pergumulan Wacana* (Yogyakarta: Pustaka Pranala, 2022). 4-5.

<sup>46</sup> Adapted from Khadimi, *Al-Ijtihād al-Maqāṣidi*.

*fiqh* should follow reality, but *fiqh* must be realistic, understand reality, and not ignore it, look at it and not turn away from it, lean on it and not lean on something empty. This will be achieved through several steps: 1) problem identification in the context of al-Khadimi, adapting al-Shaṭībī with two complex problem identifications hence need to be specialised (*taḥqīq al-manāṭ al-khās*); and general problem identification (*taḥqīq al-manāṭ al-‘ām*);<sup>47</sup> 2) considering the outcomes means looking at things that may be interpreted from actions and behaviours, which become *ijtihād*, fatwas, and calls, and then making them assumptions about the law and fatwa. This requires knowledge of what has happened and what will happen; 3) observing changes, the changing aspect, and the adaptive side of human life. In this case, jurists must understand the degree of change and the extent to which it influences the established law. Ibn Qayyim can be a standard that changing fatwa and its disagreement follows the rhythm of time, place, condition, intention, and the degree of its benefit.<sup>48</sup>

*Third*, the Text (Qur’an and Hadith) in the context of *ijtihād maqāṣidī* serves as evidence where the law, *‘illat* (cause), and its purpose (*al-maqṣad*) will be applied in a legal case. Al-Raysūnī states that every *maqāṣid* must be adapted with the principle "*lā taqṣid illā bidalīl*"<sup>49</sup> based on the universality of *naṣ* as long as there is no other evidence that specifies it. Here, since *naṣ* does not change, it is the interpretation and application that can be adjusted to each condition of life. This means the intended change is not textual but contextual, continuously evolving over time so that Islamic law remains relevant and actual, providing solutions for the common good because it can always engage with every change.<sup>50</sup> The point here is that *maqāṣid al-shari’ah* is not separate from linguistic rules (*qawā’id lughawiyyah*), as considerations of *maqāṣid* also need support from evidence in addressing legal problems. Thus, Islamic jurists should not be fixated on the text in establishing Islamic law but also think contextually by examining the socio-historical setting at the time and after each problem faced or even against the text itself. This approach is what is called the

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<sup>47</sup> Khadimi. 183.

<sup>48</sup> Ibn Qayyim al-Jauziyyah, *I’lām al-Muwāqqi’im an Rab Alamin.*, vol. 3 (Beirut: Dar al-Fikr, t.t). 3.

<sup>49</sup> Opwis, “Maṣlaḥa in Contemporary Islamic Legal Theory.”

<sup>50</sup> Muhammad Azhar, *Fikih Kontemporer Dalam Pandangan Neomodernis Islam*, (Yogyakarta: Pustaka Pelajar, 1996). 58-59.

reasoning of *maqāṣid al-shari'ah*.<sup>51</sup> Thus, all scientific achievements and modern knowledge systems must be utilised to perform *ijtihad*.

Thus, Islamic law can keep pace with modern developments and remain a valid reference to protect the five basic guarantees of human welfare, technically classified into three complementary priority scales: First, *darūrat*, or "necessities," which are essential for human survival. Without these, human life would certainly be devastated. The objectives of *daruri* are to preserve religion, life, intellect, wealth, progeny, and honour. For example, to preserve life, the Quran commands people to eat, but not excessively. Second, in terms of *hājjiyāt*, or "needs," which are required for the continuity of human life, their absence would not lead to destruction but would pose difficulties. For example, cooking requires tools. Without a stove, it is still possible to cook rice, but having a stove facilitates the process. Third, *taḥṣīniyāt*, or "ornamentals," whose absence does not destroy the objectives of *daruri*, but their presence beautifies the achievement of these objectives. For example, individuals are free to choose any colour for decorating their favourite stove. Here, artists are given the broadest opportunities.<sup>52</sup> From the above description, it can be simplified that *maqāṣid al-shari'ah* serves as a reference and primary evidence in addressing most contemporary issues, particularly regarding the relationship of Islam with modernity, social, political, and global economic issues, as well as the challenge of building global ethics in an effort to realise world peace.

### The Modernisation of Zakat Law: Creative *Ijtihād* of BAZNAS in Kendal Regency

In the midst of modernisation, BAZNAS of Kendal Regency innovates concerning the assets subject to zakat (*māl al-zakāh*), such as collecting zakat not only from government employees but also from private companies in Kendal Regency. Innovations in distribution include forming "Zakat Community Development" (ZCD) and "BAZNAS Micro Finance" (BMF). Due to its serious efforts, BAZNAS of Kendal Regency was the first to develop

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<sup>51</sup> Abdul Helim, *Maqāṣid Al-Shari'ah Versus Ushul Fikih (Konsep Dan Posisinya Dalam Hukum Islam)*, 2<sup>nd</sup> ed. (Yogyakarta: Pustaka Pelajar, 2023). 122.

<sup>52</sup> Wahyudi, *Maqasid Syari'ah Dalam Pergumulan Politik: Berfilsafat Hukum Islam Dari Harvard Ke Sunan Kalijaga.*, 27-28.

its own ISO standards. Consequently, in 2019, BAZNAS Kendal received an award in the best institutional category at the BAZNAS Award 2019.<sup>53</sup> Furthermore, on March 22, 2019, BAZNAS Kendal officially received the ISO 9001:2015 certificate based on the Initial Audit conducted by the WQA Certification Body from February 20-22, 2019.<sup>54</sup>

Modernising zakat law cannot be achieved without moving beyond the old legal framework and revisiting the texts (*naş*) with contemporary knowledge while adhering to new principles of Islamic jurisprudence (*uşūl fiqh*), as employing old tools yields suboptimal results.<sup>55</sup> BAZNAS Kendal has emphasised modern auxiliary sciences to help develop zakat law in Indonesia. The tools and concepts of medieval jurisprudence, suitable only for their time, are now irrelevant. Ijtihad must utilise all modern scientific achievements and knowledge systems. The development of zakat-eligible assets and contextual distribution strongly indicates that BAZNAS Kendal is modernising zakat law focused on the core presence of sharia (*maqāṣid al-shariah*), which is universal welfare. This certainly borrows from the principle of *at-Ṭufi* that human welfare should take precedence over divine law in transactions “*taqdim al-maslahat ‘alā al-naş fi al-muāmalāt*”.<sup>56</sup> As long as zakat distribution benefits the community, even if it contradicts the texts or, especially if classical jurists set no standard or ideal format, zakat distribution can be enacted.

BAZNAS Kendal seems to be testing the welfare (*maslahat*) in developing zakat-eligible assets and shifting its zakat distribution from traditional productivity to creative productivity,<sup>57</sup> as outlined in Law No. 23 of 2011. This is evident from several zakat products developed by BAZNAS Kendal, including, first, Zakat for Companies by BAZNAS Kendal, which

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<sup>53</sup> Nunuk Sarah, an interview with the Vice Chair-4 BAZNAS, Kendal Regency, 2023.

<sup>54</sup> Tim Penyusun, *Profil Badan Amil Zakat Nasional Kabupaten Kendal* (Kendal: BAZNAS Kabupaten Kendal, t.t.).

<sup>55</sup> Hasan Turabi, *Fikih Demokratis: Dari Tradisionalisme Kolektif Menuju Modernisme Populis*, Terj. Abdul Haris dan Zainul Am (Bandung: Arasy, 2003).

<sup>56</sup> Abdullah M. al-Husain al-Amiri, *At-Ṭufi's Refutational Muslim Juristik Sources of Law and His Views on the Priority of Regard for Human Welfare as the Highest Legal Sources or Principle* (Kanada: McGill University, 1993).

<sup>57</sup> In contemporary zakat fiqh, a distinction is made between traditional productive zakat distribution and creative zakat distribution. For more detail, see: Bashori, *Hukum Zakat Dan Wakaf: Dialektika Fikih, Undang-Undang Dan Maqasid Syari'ah*. 169-171.

adopts a creative consumptive distribution model. Zakat for Corporations or partnerships (*syirkah*) is a form of cooperation between two or more people in a business endeavour to earn a profit,<sup>58</sup> which includes various legal entities like Limited Liability Companies (PT), limited partnerships (CV), Foundations, Cooperatives, among others. These entities are obligated to pay zakat if they reach a profit (*niṣāb*) equivalent to at least 85 grams of gold per year (*ḥaūl*). In Bahrain, many corporations contribute zakat through Corporate Social Responsibility (CSR).<sup>59</sup> This model of corporate zakat is new since, in traditional *fiqh*, a corporation is not considered a zakat subject. However, modern *fiqh*, including BAZNAS Kendal, categorises it under zakat obligation, indicating this as modern *ijtihad* and a legal change in zakat law. Azman Mohd. Nor sees corporate zakat as relevant today, not as an individual obligation (*mukallaf*) but as focusing on the beneficiaries for the common good.<sup>60</sup>

Data from the Department of Labor and Transmigration in Kendal Regency shows 131 industries within the region.<sup>61</sup> These industries include corporations, CVs (limited partnerships), regional government-owned enterprises (BUMD), micro, small, and medium enterprises (MSMEs), and other small-scale businesses. Among all industries in Kendal Regency, several companies meet the criteria for corporate zakat,<sup>62</sup> with at least 94 companies qualifying. This study specifically focuses on the Regional Drinking Water Company (PDAM) of Kendal Regency, a government-owned enterprise involved in distributing clean water to the public. The corporate zakat process by BAZNAS Kendal for PDAM Kendal Regency is as follows: 1) Determining whether the company's profit has reached the stipulated requirement of 85

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<sup>58</sup> PUSKAS BAZNAS, *Fiqih Zakat Perusahaan* (Jakarta: Pusat Kajian Strategis Badan Amil Zakat Nasional, 2018). 1.

<sup>59</sup> Zakaria Ali Aribi and Thankom Arun, "Corporate Social Responsibility and Islamic Financial Institutions (IFIs): Management Perceptions from IFIs in Bahrain," *Journal of Business Ethics* 129, no. 4 (2015): 785–94, <http://www.jstor.org/stable/24702976>.

<sup>60</sup> Azman Mohd Noor and Muhamad Nasir Haron, "Imposing Zakāt on Legal Entities and Its Applications in Islamic Financial Institutions," *Arab Law Quarterly* 27, no. 1 (2013): 71–86, <http://www.jstor.org/stable/43294620>.

<sup>61</sup> Dinas Ketenagakerjaan dan Transmigrasi Kabupaten Kendal, Database Ketenagakerjaan Kabupaten Kendal Tahun 2015.

<sup>62</sup>Ibid. Companies meeting the standard of zakat obligation are listed in the following link. <https://docs.google.com/document/d/1JEZ65XsMuOZ2FLFEsAknQsOufgvTCZ1-/edit?usp=sharing&ouid=101792226337072277918&rtopof=true&sd=true>



grams of gold; 2) Calculating the amount of zakat to be paid. If the company's profit reaches the equivalent of 85 grams of gold, or approximately IDR 42,670,000, this amount is reduced by any liabilities. The resulting figure is then multiplied by 2.5% for calculations according to the Hijri calendar, or 2.275% for the Gregorian calendar;<sup>63</sup> 3) BAZNAS of Kendal Regency conducts surveys to identify potential zakat recipients to ensure that the zakat distribution is targeted correctly;<sup>64</sup> 4) Zakat collection is conducted by BAZNAS Kendal both directly and indirectly. Direct collection is facilitated through means provided by BAZNAS Kendal.

In practice, the direct management of corporate zakat by BAZNAS Kendal involves the collection, distribution, and utilisation of zakat funds. In Kendal Regency, the sole company performing corporate zakat with BAZNAS Kendal is PDAM Kendal. The zakat collection data from PDAM Kendal<sup>65</sup> by BAZNAS of Kendal Regency is as follows:

**Figure 2: Table of Corporate Zakat Collection<sup>66</sup>**

No	Year	Amount
1.	2019	Rp 67.500.000
2.	2020	Rp 73.500.000
3.	2021	Rp 82.500.000

Source: Processed Data from BAZNAS of Kendal Regency

The distribution of corporate zakat by the PDAM of Kendal Regency is carried out directly with the inclusion of representatives from the BAZNAS of Kendal Regency.<sup>67</sup> In this case, the distribution of corporate zakat implements

<sup>63</sup> Kasubbid UPZ, CSR dan Retail, Persentase Pengeluaran Zakat Perusahaan, An interview with National Zakat Agency of Kendal Regency, 2023.

<sup>64</sup> Potential mustahiq candidates are proposed by submitting attachments of photocopies of their Identity Card, Family Card, and a Certificate of Indigence. The data of mustahiq submitted to PDAM Kendal County are subsequently surveyed by the BAZNAS Active Service Team (LAB).

<sup>65</sup> Sarah, An interview with Vice-Chair-4 BAZNAS Kabupaten Kendal.

<sup>66</sup> Sarah. And Finance Division, An interview with the representative of PDAM Tirto Panguripan, Kendal Regency, 2023.

<sup>67</sup> Finance, An interview with a representative of PDAM Tirto Panguripan, Kendal Rgency.

a water pipeline installation program for families classified as poor *aṣnāf* throughout Kendal Regency.<sup>68</sup> The installation of water pipes between houses aims to distribute clean water to homes. This falls under sanitation and piping projects for clean water irrigation. This program was chosen to assist low-income families who need clean water. In 2019, 40 households received assistance for such installation; in 2020, there were 103 households; and in 2021, only one household received assistance.<sup>69</sup>

In its allocation, corporate zakat is distributed separately from other types of zakat.<sup>70</sup> The allocation of corporate zakat is based on contemporary zakat principles as directed by BAZNAS in Indonesia.<sup>71</sup> Here, the realisation of *maqāṣid ijtihād* by BAZNAS of Kendal Regency is evident in its efforts to meet the essential needs (*daruriyāt*) of the community, such as clean water, which falls under the category of *aṣnāf* eligible for zakat in Kendal Regency. According to the data obtained, corporate zakat from PDAM of Kendal Regency in 2019 amounted to IDR 67,500,000, in 2020 to IDR 73,500,000, and in 2021 to IDR 82,500,000. A portion of this total zakat was used for water installation and orphan support. For the water installation program, each household or family receives assistance according to the nominal amount of the installation, which is valued at IDR 1,500,000.<sup>72</sup> Based on this data, it is evident that the beneficiaries of water installation are not consistent. In 2020, zakat expenditures were not stable, with spending on the installations exceeding zakat income, and the shortfall was covered using other revenues. The management of corporate zakat is utilised according to community needs and specific procedures to avoid mismatches with *mustahiq*, ensuring optimal realisation as intended.

Secondly, in terms of BAZNAS's *ijtihād* in the field of "Micro Finance" Village, the idea of forming the Baznas Microfinance Village (BMF) came from

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<sup>68</sup> Nunuk Sarah, Vice Chair-4 BAZNAS Kendal Regency, December 12, 2022 An interview.

<sup>69</sup> Finance, An interview with the representative of PDAM Tirta Panguripan, Kendal Regency.

<sup>70</sup> Kasubbid UPZ, CSR dan Retail, Persentase Pengeluaran Zakat Perusahaan, An interview with the representative of National Zakat Agency of Kendal Regency.

<sup>71</sup> Sarah, An interview with Vice Chair-4 BAZNAS, Kendal Regency.

<sup>72</sup> Finance, An interview with the representative PDAM Tirta Panguripan, Kendal Regency.

Mohammad Musta'in, the executive chairman of Baznas of Kendal Regency.<sup>73</sup> The economic decline in Kendal Regency from year to year, the Gross Regional Domestic Product (GRDP) over the last three years based on market prices, where the GRDP figure in 2018 reached 8.29 per cent, while in 2020, it only reached 0.07. The poverty rate in 2018 was 94.70 per cent, while in 2020, it continued to rise to 97.50 per cent.<sup>74</sup> The BAZNAS Microfinance Village had already been established by the Central Baznas, but at that time, the BAZNAS of Kendal Regency only received information about the BAZNAS Microfinance Village label and program points without a specific system for program implementation. Mohammad Musta'in then saw economic growth potential in Penanggulan Village by empowering the existing MSMEs in Penanggulan Village.

BAZNAS Microfinance Village is a program that implements the utilisation of zakat for productive ventures for the community classified as *mustahiq* and committed to entrepreneurship in the form of capital, with the aim of improving the living standards of the lower middle class. The financing of Baznas Microfinance Village in Penanggulan Village provides financing facilities for members and non-members using Sharia-compliant contracts. The budget for the empowerment program for *mustahiq* in Penanggulan Village, Kendal, is IDR 60,000,000, with each *mustahiq* receiving IDR 2,000,000. BAZNAS's *ijtihad* in determining the criteria for *mustahiq* zakat as a condition for the formation of BAZNAS Microfinance Village in Penanggulan Village, Pegandon District, Kendal Regency is done selectively, including *first*, Baznas conducts assessments to find people who meet the criteria of low-income or impoverished individuals in Penanggulan Village. Then it is further selected from this *asnaf* those who have businesses, especially those with potential for development in productive economics;<sup>75</sup> *second*, BAZNAS of Kendal Regency determines the system of BAZNAS Microfinance Village, thus involving several Village Governments to become managers of BAZNAS Microfinance Village; as managers who then become

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<sup>73</sup> Charlie Ibrahim Noech, An interview with the representative of Baznas in charge of zakat collection, Kendal Regency, 2023.

<sup>74</sup>Economic growth in Kendal Regency year by year, see <https://kendalkab.bps.go.id/>.

<sup>75</sup> Noech, An interview with the representative of Baznas in charge of zakat collection, Kendal Regency.

*aṣnāf fi ṣabīlillah*,<sup>76</sup> *third*, determining the number of *mustahiq* who receive zakat distribution from BAZNAS of Kendal Regency. "*Mustahiq* who receive zakat distribution number 30 people, 23 asnaf of low-income individuals from the *Bakul Tetot* association, seven *fi ṣabīlillah* divided into 3 Sharia Supervisory Board members and four other managers; *fourth*, determining the number of *mustahiq* who receive zakat distribution from BASNAZ of Kendal Regency. "*Mustahiq* who receive zakat distribution number 30 people, 23 asnaf of low-income individuals from the *Bakul Tetot* association, seven *fi ṣabīlillah* divided into 3 Sharia Supervisory Board members and four other managers."<sup>77</sup>

This program, according to KH. Ubaidillah, the chairman of BAZNAS Kendal, involves the distribution of additional funding to the residents of Penanggulan through the BAZNAS Microfinance Village, under the management of UPZ, amounting to IDR 60 million for 30 members. Each member receives IDR 2 million,<sup>78</sup> distributed in two creative productive models: a) The Investment Model is fully managed by the *mustahiq*, involving funds rotation. The zakat distributed by BAZNAS Kendal to the *mustahiq* is intended to invest in BAZNAS Microfinance Village, making the zakat funds productive in the long term. According to Charlie, the investment system of BAZNAS Microfinance Village truly belongs to the *mustahiq*, and once invested, the zakat funds are transformed into equity, obliging members who borrow from BAZNAS Microfinance Village to return the principal loan and share profits.<sup>79</sup> The contract used is a *syirkah muḍārabah*, a partnership where the capital is provided by the capital owner (*ṣaḥībul māl*),<sup>80</sup> and the worker (*mudārib*) operates the business using this capital. This *syirkah muḍārabah* contract is based on the mutual desire of the parties (*mustahiq* and Baznas Microfinance Village) to enhance the value of their assets. The managers of Baznas Microfinance Village are known as *ṣāhib al-māl*, while the *mustahiq*

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<sup>76</sup> Noech.

<sup>77</sup> Noech.

<sup>78</sup> Ubaidillah, An interview with the Chairperson of Baznas Kendal regarding "additional financing," 2023.

<sup>79</sup> Noech, An interview with the representative of Baznas in charge of zakat collection, Kendal Regency.

<sup>80</sup> Hasanuddin Maulana and Jaih Mubarak, *Perkembangan Akad Musyarakah*, (Jakarta: Kencana Media Group, 2015). 351

receiving financing and managing the business is the *muḍārib*.<sup>81</sup>The profits from the member loans of BAZNAS Microfinance Village are largely allocated to stock profits, as explained by Charlie Ibrahim Noech: "From the profit-sharing of sales, there are also operational costs, but only about 10%. Most profit-sharing for stock gains range from 1,000 to 3,000 rupiah, as from the profit-sharing of their sales, they only give a little to BAZNAS Microfinance Village if, for example, they borrow 2,000,000, some might add a profit-sharing of 5,000 or 10,000 per month, and some might not add at all. Therefore, most of the profit-sharing from the *mustahiq* goes to stock profits. So, it is a 70/30 split for the *syirkah* contract, while the profit-sharing from the sales of the *mustahiq*/members has no fixed standard, adjusting to the capability and awareness of the members."<sup>82</sup>

b) Business Loan Model (*Syirkah Muḍārabah*). According to Cholie Ibrahim, *istitsmār*, which terminologically means an addition to capital in various forms, signifies both permanent and revolving capital. Capital loans can be made monthly as long as previous loan and *muḍārabah* obligations have been settled. The *muḍārabah* process occurs as borrowers gain profits from their ventures. This *muḍārabah* is not monitored by BAZNAS Microfinance Village; hence, the *muḍārabah* in BAZNAS Microfinance Village in Penanggulan Village is based on each borrower's conscientiousness.<sup>83</sup> The *muḍārabah* calculations vary for each borrower depending on their individual profits, with a 70/30 percentage split, where 70% is for the borrower and 30% for BAZNAS Microfinance Village, agreed upon by both parties at the start of the contract. Meanwhile, the loan repayment policy at BAZNAS Microfinance Village, since it is an investment from zakat distribution funds, means the zakat distribution has transformed into equity, making it a revolving loan model. Because it is revolving, members who borrow funds from Baznas Microfinance Village are required to return the principal and the *muḍārabah*. Loan repayments are not necessarily aligned with due dates. The managers of BAZNAS Microfinance Village only provide a grace period for payments to

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<sup>81</sup> Noech, An interview with the representative of Baznas in charge of zakat collection, Kendal Regency.

<sup>82</sup> Noech.

<sup>83</sup> Noech.

ensure borrowers are responsible for their loans.<sup>84</sup>

Thirdly, the *ijtihad* of BAZNAS Kendal in the field of "Zakat Community Development" (henceforth abbreviated as ZCD). BAZNAS Kendal has conducted surveys or observations on villages deemed suitable for the Zakat Community Development Program.<sup>85</sup> An assessment tool used to evaluate the condition of a village and determine its eligibility for support in village development using zakat funds is called the Village Zakat Index, commonly abbreviated as IDZ. The IDZ is not only used to determine the eligibility of a village but also as a tool to evaluate existing village development programs because it is process-oriented, as mentioned earlier. Therefore, the IDZ is utilised not only as a feasibility tester but also as a tool for monitoring and evaluating the management process of distributed zakat funds. This program was first launched in 2017 by the BAZNAS Strategic Studies Center, with five components: Economy, Health, Education, Social Humanity, and Dakwah. The eligibility of a research object to receive zakat funds depends on the final score obtained, as this study strictly adheres to guidelines issued by Baznas.<sup>86</sup>

One of the programs implemented is the Zakat Community Development program. Community Development is the process of facilitating beneficiary communities in accessing and controlling the development process so they can enjoy its benefits. The intent to facilitate communities to access and control all stages of the development process is based on the reality that until now, they have been unable to do so due to systemic social, political, and economic barriers, as well as limitations in the communities' abilities and skills. These barriers become the focus in the implementation of community development programs and activities, integrating aspects of *da'wah*, economy, education, health, and humanity comprehensively, funded by ZIS and DSKL (Zakat, Infaq/Sadaqah, and Other Religious Social Funds). The funds obtained by Baznas Kendal County are as follows:

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<sup>84</sup> Noech.

<sup>85</sup> Sarah, An interview with Vice Chair-4 BAZNAS, Kendal Regency.

<sup>86</sup> Wildan Mukahmmad, "*Toni seno aji, Indeks Desa Zakat Pada Desa Penabangan Kabupaten Sidoarjo 2015-2018*," (Sidoarjo, 2020). 169.

Figure 3: Table of Zakat Collection<sup>87</sup>

No	Year	Amount
1	2018	Rp. 2.500.000.000
2	2019	Rp. 6.385.000.000
3	2020	Rp. 9.341.673.385
4	2021	Rp. 9.201.785.766

Source: Processed Data from BAZNAS of Kendal Regency

The direction and strategy of zakat community development is about empowering communities to understand, explore, and utilise their potential and capacity to break free from the cycle of poverty. In this context, the community involved in empowerment efforts includes those in dire need as well as those with excess wealth.<sup>88</sup> According to the law, zakat fund management can be carried out in various ways to achieve the goals of productive zakat. One of these methods is through Zakat Community Development. The programs implemented by BAZNAS Kendal are created and planned by each department, corresponding to the organisational structure of Zakat Community Development. The economic sector is responsible for enhancing the economic welfare of *mustahiq*, such as 1) An-Nahl Cooperative. An-Nahl Cooperative was established by a group of *mustahiq*, mainly guava farmers, aimed at collecting the guava harvest to prevent price manipulation by middlemen during the harvest season. Additionally, the cooperative also engages in processing both red guava and original Mount Prau tea, cassava chips, and a mixture of rice and corn.<sup>89</sup> An-Nahl Cooperative consists of 20 groups; 2) Empowerment of the Fisherman's Village, which is necessary since many of the coastal community members in Kendal Regency earn their living as fishermen. This plan is not only for purchasing fishing equipment but also for empowering the processing of seafood into food (culinary) or crafts.<sup>90</sup>

<sup>87</sup> Sarah, An interview with the Vice Chair-4 BAZNAS, Kendal Regency.

<sup>88</sup> Tim Penyusun BAZNAS Kabupaten Kendal, Profil BAZNAS Kabupaten Kendal.

<sup>89</sup> Bukhori, An interview with a *Mustahiq* of Bringinsari Village., 2023.

<sup>90</sup> Sarah, An interview with Vice Chair-4 BAZNAS Kendal Regency.



3) Alif Livestock Group was founded by *mustahiq* who are engaged in goat and sheep farming with the aim to increase the income of *mustahiq*/members of the Alif Livestock Group to improve their welfare. Established on January 2, 2017, in RW 02, Sumilir Hamlet, Bringinsari Village, Sukorejo Subdistrict, Kendal Regency, Central Java, Alif Livestock Group consists of 20 members. The empowerment strategy of BAZNAS Kendal through Alif Livestock Group ensures the members empowered are among the *asnaf* of low-income individuals. This group is empowered through the capital provided by BAZNAS Kendal, initially comprising 350 goats<sup>91</sup> and sheep. In addition to the livestock, the group is also provided with business tools, such as grass cutters to support their operations. The community is further empowered through training and socialisation about goat care, goat pen maintenance, appropriate feed, handling diseases, fattening procedures, and care for sick goats.<sup>92</sup> Zakat Community Development is an activity that integrates programs to address health, education, economic issues, and other social problems.

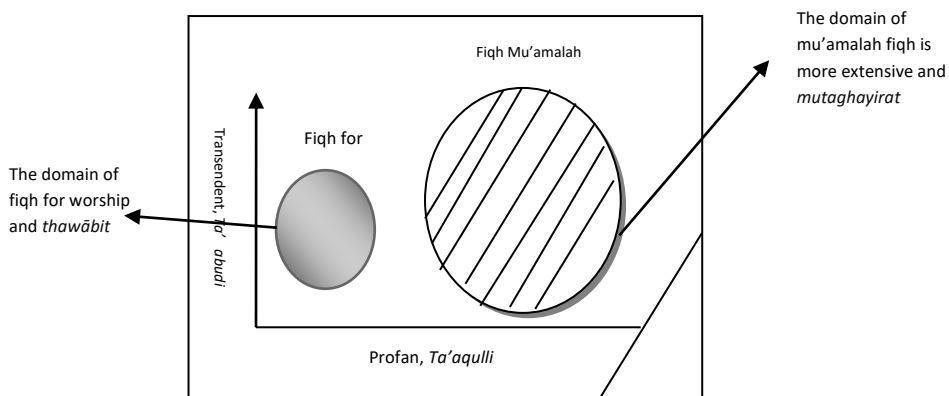
Thus, BAZNAS Kendal perceives zakat not as a static domain but as a dynamic historical law, moving with the times. By positioning zakat as a form of social worship, BAZNAS Kendal is freely able to evolve the law in practice, as demonstrated above. Did not Umar bin Khattab once engage in progressive *ijtihad* by dialoguing text with reality in the case of not giving zakat funds to the *mu'alaf*? This indicates a shift in the underlying reasons (*'illat*) over time. Following the Akmal Bashori scheme, the paradigm of legal change in the realm of zakat law within *fiqh mu'amalah* can be seen in the diagram below.

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<sup>91</sup> Sarah.

<sup>92</sup> Bukhori, An interview with a Mustahik, Bringinsari Village.

**Figure 4:** Scheme of Changing Zakat Law<sup>93</sup>  
Fixed Law (*Thawābit*) Changing Law (*mutaghayirat*)



Source: Adapted from Akmal Bashori

From this diagram, it can be explained that the circle of *fiqh* for worship is smaller, with block markings indicating its constant nature (*thawābit*), leaving no room for *ijtihad*. The upward-pointing arrow indicates that the *fiqh* of worship is transcendental (*hablun minallah*). Meanwhile, the larger circle, shaded, represents the nature of *fiqh mu'āmalah*, which has a broader scope, and the shading indicates that it is a law that can change (*mutaghayirāt*), and is rational in nature. The horizontal line illustrates that the character of *fiqh mu'amalah* is horizontal, pertaining to relationships among people. However, this horizontal line meets a vertical line (upwards), which signifies that although *fiqh mu'āmalah* has a sociological character, it cannot be detached from the theological aspect. This means in *mu'amalah*, there are elements that are unchangeable like the basic principle of welfare, concerning *maqāsid al-sharī'ah* (the essence of the law). Changes are made in accordance with changes in situations (*al-aḥwāl*) and conditions (*al-dhurūf*), concerning the format and operational techniques of its implementation. Thus, in principle, *fiqh*

<sup>93</sup> Akmal Bashori, *Fikih Nusantara: Dimensi Keilmuan Dan Pengembangannya* (Jakarta: Kencana Media Group, 2021). 47.

*mu'āmalah "al-jam'u bayna al-tsabāti wa al-murūnati"* (*fiqh mu'āmalah* combines rigidity and flexibility), ensuring there is always continuity and change, yet all within its theological roots<sup>94</sup>.

Here, BAZNAS Kendal recognises the importance of using reason when *naş* has ceased while social problems continuously and perpetually arise because reverting everything back to *naş*, without considering cultural realities, is tantamount to idolising the text. Was not the Prophet Muhammad himself a mediator, bridging between Allah's revelations and cultural realities, and when Allah's revelations were insufficient, he bridged with *ḥadīth*? After the Prophet Muhammad's death, this role was taken over by the companions, the followers, the followers of the followers, and Muslim scholars up to this moment.<sup>95</sup> Reason, as a mediator between text and reality, holds a crucial position in the continuity of the law itself because the texts are complete and finite, while life events are ongoing and infinite. Infinite questions cannot be answered by the finite. Therefore, intellectual creativity and analogical thinking are necessities.

### ***Maqāṣid*-based Zakat of Baznas Kendal: Interconnectivity of Text, Reality, and *Maqāṣid al-Shariah***

The modern zakat objectification undertaken by BAZNAS of Kendal Regency includes the expansion of modern zakat objects such as corporate zakat (*syarikah*), utilisation through BAZNAS Micro Finance (BMF), and Zakat Community Development (ZCD). These are modern *ijtihāds* that shift from being purely theological to Theo-anthropocentric, moving from old *maqāṣid* that emphasised protection and preservation to new *maqāṣid* that focus more on development and rights,<sup>96</sup> as part of developing modern zakat law that is more oriented towards social aspects. This approach is considered *maşlahah* because the principle of benefit dictates that economic activities must provide benefits for human life, individuals, groups, and broader

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<sup>94</sup> Bashori. 47-48.

<sup>95</sup> Bashori and Mutho'am, *Nalar Fikih Kontekstual: Sebuah Pergumulan Wacana*. vi.

<sup>96</sup> Jasser Auda, *Maqasid Al-Shari'ah As Philosophy of Islamic Law* (London: The International of Islamic Thought, 2008). 45.

communities, including the societal environment.<sup>97</sup> As al-Ṭūfī suggests, in the realm of *mu'āmalah*, *maṣlahah* can be understood without being bound to what is written in the text but rather through reason alone (*an sich*).<sup>98</sup> Once understood, the content and essence of the zakat distribution programs conducted by BAZNAS of Kendal Regency, which aim to enhance the welfare of *mustahiq*, can be said to align with the original goals of both statutory and shari'ah concepts.

In terms of expanding the scope of zakat subjects and its distribution, BAZNAS Kendal conducts reconstruction through comprehensive reading. From Khadimi BAZNAS Kendal's theoretical perspective, there is interconnectivity between *naṣ* (deductive-normative), reality (inductive-empirical), and the subject (*mukallaf*).<sup>99</sup> For instance, in the case of corporate zakat, it examines whether it falls under the legal subject category. In pre-modern *fiqh*, scholars like Wahāb Khallāf and Abū Zahra stated that the legal subject (*mahkūm 'alaih*) is a person (*mukallaf*),<sup>100</sup> while in the modern era, one type of legal subject includes corporations.<sup>101</sup>

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<sup>97</sup> Mursal, "Implementasi Prinsip-Prinsip Ekonomi Syari'ah: Alternatif Mewujudkan Kesejahteraan Berkeadilan," *Jurnal Prespektif Ekonomi Darussalam* 1, no. 1 (March 2015): 76.

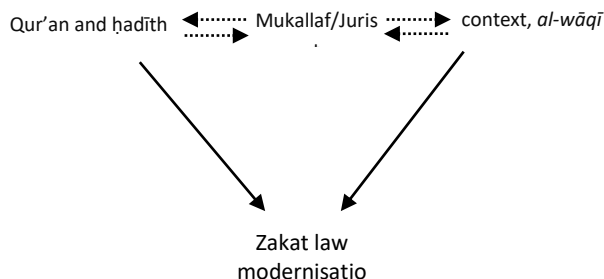
<sup>98</sup> Najmuddin Tuḥfī at-, *Syarh Arbain Nawawiyah Dalam Mustafa Zaid, al-Maslahat Fi Tasyri' al-Islami Wa Najm Ad-Din at-Tuḥfī*, 2nd ed. (t.tp: Dar al-Fikr al-Arabi, 1964).

<sup>99</sup> Khadimi, *Al-Ijtihād al-Maqāṣidi*.

<sup>100</sup> Abd. Wahāb Khallāf, *Ilmu Uṣūl Al-Fiqh* (Jakarta: Dar Khutub al-Ilmiyah, 2010); Muhammad Abu Zahrah, *Uṣūl Al-Fiqh* (Beirut: Dar al-Fikr, t.t.);

<sup>101</sup> Dawan states that a company is not considered a legal subject because a company does not engage in religious practices *mahdhab*. See: M. Dawan Rahardjo, *Islam Dan Transformasi Sosial di Kalimantan (Al-Hukumah Usuliyah)* 4875 No.1 Tahun 2024

**Figure 5:** Dialogic Scheme of Zakat Law Modernization



Source: Adapted from Modified based on Nusantara Fiqh<sup>102</sup>

The above scheme can be explained as follows: Fiqh is a product of its time, born, grown, and developed in harmony with the dynamics of the era that encompass it. Zakat law is thus very likely to differ according to the differences in the subject because what matters most is the intellect of the *mukallaf* (*‘aqlaniyah al-mukallaf*), the thinkers, formulators, and developers from one time to another, from one place to another.<sup>103</sup> In this case, BAZNAS Kendal as a *mukallaf* may have a different rationale about *naṣ*, law, *maqāṣid*, and also reality as BAZNAS Kendal is directly in contact and implements the law: *first*, the mention of names and types of wealth in the Quran (9: 103) and several ḥadīths of the Prophet, are not definitively stated, and are not an exclusive determination (*takhṣīṣ*), but because at that time the assets that were basic necessities of life for the community, especially for the communities in the Arabian Peninsula and its surroundings, were limited to such types of assets and wealth; *second*, in the present time although new types and names of assets not mentioned in the Quran and ḥadīths have emerged, these are not exceptions (*takhṣīṣ*)-various new types of assets and wealth have emerged, due to the rapid development of science, technology, and culture that produce new

<sup>102</sup> Bashori, *Fikih Nusantara: Dimensi Keilmuan Dan Pengembangannya*. 2.

<sup>103</sup>Said Aqil Siroj, “Fiqh Nusantara,” in *Fikih Indonesia: Kompilasi Hukum Islam Dan Counter Legal Draft Kompilasi Hukum Islam Dalam Bingkai Politik Hukum Indonesia*, Marzuki Wahid (Bandung: Marja, 2014).

creations and products that are more potential and productive. Although not explicitly, BAZNAS Kendal pays great attention to how the products run can be the results of an understanding of *naş* that can be understood literally and those complex understandings that require allegorical interpretation or others.

According to *al-Qarḍāwī*, *'illat* (causa) plays an important role in the formulation of zakat law; anything whose *'illat* develops by itself or is invested, if it reaches *nişāb*, then zakat is obligatory on it.<sup>104</sup> The determination of *maqāşid al-sharia*, according to *al-Shāṭibī*, cannot be separated from this *'illat*, which is found in reality (inductive-empirical).<sup>105</sup> Borrowing Syamsul Anwar's perspective, the *'illat* of zakat development, both in determining the object and its distribution, contains two matters, namely *al-'illah al-fā'illah* (efficient cause), and *al-'illah al-gā'iyah* (final cause).<sup>106</sup> *'Illat* which is the efficient cause is the reason for the establishment of a legal provision, which precedes the establishment of the law. In the case of corporate zakat at that time, it could not be applied in *naş* because the conditions at that time were still "*ummi*" (not technologically advanced). While *'illat* which is the final cause is the purpose (*maqāşid*) that is to be concretised through the establishment of a *shari'a* law. This *'illat* is realised after and preceded by the establishment of the law. Third, in this context, BAZNAS Kendal sees the legal subject in the form of a corporation (*syarikah*) from the *'illat* which is the final cause, which becomes an undeniable reality in the lives of Muslims. Therefore, the principles of *fiqh* need to expand the meaning of *mahkuḿ 'alaih* from solely human *mukallaf* to include corporations.

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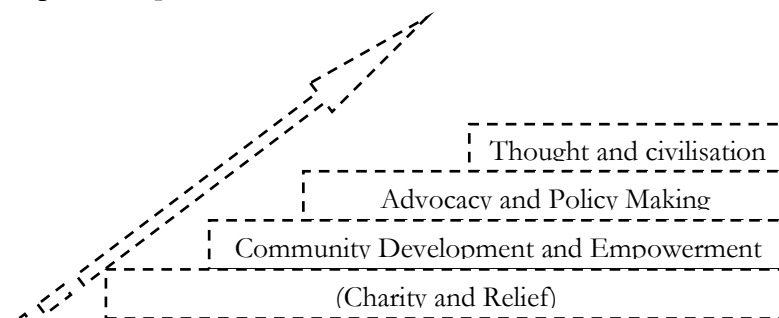
<sup>104</sup>Yūsuf al-Qarḍāwī, *Fiqh Al-Zakāb: Dirāsāt Muqāranat al-Aḥkām Wa Falsafatub Fi Dhan' al-Qur'an Wa al-Sunnab*, vol. 2 (Kairo: Maktabah Wahbah, 2006).

<sup>105</sup> Abū Ishāq al-Syaṭibī, *The Reconciliation of the Fundamentals of Islamic Law*, Trans. Imran Ahsan Nyazee, vol. 1–2 (Lebanon: International Press, 2012). Khadimi, *Al-Ijtihād al-Maqāşidī*.

<sup>106</sup> Syamsul Anwar, *Studi Hukum Islam Kontemporer Bagian Dua* (Yogyakarta: UAD Pess, 2019). 48-49

Meanwhile, although the allocation of zakat distribution has not yet reached the level of thought and civilisation, following the scheme of Yusuf Wibisono,<sup>107</sup> so far, the *ijtihad* of BAZNAS Kendal has transformed from the level of Charity and Relief to the level of Community Development and Empowerment. In this regard, *at-Ṭabari* states that Allah has made zakat to cover the needs of Muslims and support the empowerment of Islam. These two things, according to Syamsul Anwar, are the *maqāṣid* of zakat, namely achieving the above goals,<sup>108</sup> which are most essential (*daruri*). Thus, the 'illat of the existence of Baznas Micro Finance (BMF) and Zakat Community Development (ZCD) is Community Development and Empowerment itself as *al-'illah al-gā'iyah* (final cause). Now, there are signs of paying attention to the agenda of advocacy and policymaking, such as seminar activities and idea aggregation. In the future, this evolution is expected to continue into the agenda of zakat thought and civilisation, such as research and publications on zakat and the development of international networks up to zakat think tanks, as illustrated in the chart below:

**Figure 6:** Upward Trends in Zakat Orientation<sup>109</sup>



Source: Adapted from Yusuf Wibisono

<sup>107</sup> Yusuf Wibisono, *Mengelola Zakat Indonesia : Diskursus Pengelolaan Zakat Nasional Dari Rejim Undang-Undang Nomor 38 Tahun 1999 Ke Rejim Undang-Undang Nomor 23 Tahun 2011*, 2nd ed. (Jakarta: Kencana Media Group, 2016). 56-57.

<sup>108</sup> Anwar, *Studi Hukum Islam Kontemporer Bagian Dua*. 48.

<sup>109</sup> Wibisono, *Mengelola Zakat Indonesia : Diskursus Pengelolaan Zakat Nasional Dari Rejim Undang-Undang Nomor 38 Tahun 1999 Ke Rejim Undang-Undang Nomor 23 Tahun 2011*. 57.



From the above discussion, the BAZNAS Kendal seems to be engaging in consultative dialogue between text and context to achieve essential human well-being. The above scheme indicates a basic priority (*daruri*) involving the maintenance of religion, life, property, and intellect (Thought and civilisation) at its peak, although it still takes time to reach there. This signifies a conceptual shift in the BAZNAS Kendal from protection towards emphasising development,<sup>110</sup> especially in the aspect of Community Development and Empowerment as previously implemented. Thus, BAZNAS Kendal is seen as having modernised zakat law, evident in the conceptual shift from pre-modern zakat concepts, particularly in aspects of objects, subjects, and the allocation of zakat distribution moving from idealism towards a *fiqh* of zakat that more closely considers modern realities, viewed from the perspective of social change theory that posits change as the essence of society.<sup>111</sup>

This indicates a more dominant role of *mukallaf* than text in the creation of zakat law, evidenced by the presence of diverse and dynamically moving legal views, including in the creation of systems related to several actions already undertaken by BAZNAS Kendal. As a *mukallaf*, this institution appears to be re-engaging in *ijtihad*, considering: *first*, the existing and previously held conceptualisation of *fiqh* zakat is deemed no longer relevant. Not only because its conceptualisation is no longer relevant but also due to the vast dynamics of community problems that can no longer be adapted. *Second*, there are new *ijtihāds* that can serve as a more relevant foundation for the continuity of the pre-modern *fiqh* zakat thought heritage. *Third*, the institution also attempts to contextualise and integrate zakat texts with various dynamic factors of changing community life. *Fourth*, this institution sees the essence of zakat law not only as transcendent but inherently born for the context of human welfare and benefit throughout its history.

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<sup>110</sup> Auda, *Maqasid Al-Sbari'ah As Philosbophy of Islamic Law*. 45.

<sup>111</sup> Nanang Martono, *Sosiologi Perubahan Sosial: Perspektif Klasik, Modern, Postmodern Dan Postkolonial*, 3rd ed. (Jakarta: Rajawali Press, 2014).

## Conclusion

From the discussion above, this study concludes that, whether knowingly or not, BAZNAS in Kendal Regency has utilised *ijtihād maqāṣidi* as a theory for developing classical zakat within an *ijtihādiyyah* system. It is evident that BAZNAS Kendal conducts integral dialogues, contextualising the texts of zakat teachings on one side with various dynamic factors of the modern civilisation's life that have already changed. The efforts of this institution are not merely transcendental, as it strives to evolve textual Islamic teachings into more meaningful contextual applications. This institution clearly recognises that while the *naṣ* (texts) are limited, the phenomena of community development (*al-wāqī*) are unlimited, hence there is a felt need to reinterpret these texts to make them relevant and collaborative with various social factors. The expansion of modern zakat objects such as corporate zakat (*syari'kah*) is concrete evidence that BAZNAS Kendal is seriously engaging in this endeavour, while in the aspect of expanding the scope of zakat distribution allocation, namely creative consumptive distribution like installing clean water systems; and creative productive forms such as Baznas Micro Finance, and Zakat Community Development, BAZNAS Kendal is highly oriented towards modernising zakat law based on *maṣlahah*. Nevertheless, this research is limited in identifying products, especially since this institution is located in a regional area, so the products are derived either from the central BAZNAS or vice versa. This study also views things conceptually and does not observe how they manifest in society, thus the aspect of *maṣlahah* as the culmination of *maqāṣid* has not been well identified. Therefore, this article recommends a more comprehensive identification through empirical research.

## References

- Akbar, Nashr, and Saim Kayadibi. "Opportunity and Challenges to Integrate Zakat Into Indonesian Fiscal System in The Light of Siyasa Shariyyah." *Global Review of Islamic Economics and Business* 1, no. 1 (May 4, 2015): 057. <https://doi.org/10.14421/grieb.2013.011-05>.
- Alfitri, Alfitri. "The Law of Zakat Management and Non-Governmental Zakat Collectors in Indonesia." *The International Journal of Not-for-Profit Law* 8, no. 2 (2006).
- Alwānī, Ṭāhā Jābir al-. *Islamic Thought: An Approach to Reform An Introduction to The Structures of Discourse in Islamic Thought*. USA: The International Institute of Islamic Thought, 2006.
- Amiri, Abdullah M. al-Husain al-. *At-Thufi's Refutational Muslim Juristik Sources of Law and His View on the Priority of Regard for Human Welfare as the Highest Legal Sources or Prinsiple*. Kanada: McGill University, 1993.
- Anderson, J.N.D. *Islamic Law in The Modern World*. New York: University Press, 1959.
- Anwar, Syamsul. *Studi Hukum Islam Kontemporer Bagian Dua*. Yogyakarta: UAD Pess, 2019.
- Aribi, Zakaria Ali, and Thankom Arun. "Corporate Social Responsibility and Islamic Financial Institutions (IFIs): Management Perceptions from IFIs in Bahrain." *Journal of Business Ethics* 129, no. 4 (2015): 785–94. <http://www.jstor.org/stable/24702976>.
- Asikin, Moh., and Marsidin. *Penelitian Hukum Normatif*. Jakarta: Kencana, 2023.
- Auda, Jasser. *Maqasid Al-Shari'ah As Philosohphy of Islamic Law*. London: The International of Islamic Thought, 2008.
- Azhar, Muhammad. *Fikih Kontemporer Dalam Pandangan Neomodernis Islam*. Yogyakarta: Pustaka Pelajar, 1996.

- Bashori, Akmal. *Fikih Nusantara: Dimensi Keilmuan Dan Pengembangannya*. Jakarta: Kencana Media Group, 2021.
- . *Hukum Zakat Dan Wakaf: Dialektika Fikih, Undang-Undang Dan Maqasid Syari'ah*. Jakarta: Kencana, 2022.
- . “Zakat Produktif Dalam Konteks Keindonesiaan: Fundrising Dan Distribusinya.” *Manarul Qur'an: Jurnal Ilmiah Studi Islam* 21, no. 2 (January 1, 2022): 184–200. <https://doi.org/10.32699/mq.v21i2.2216>.
- Bashori, Akmal and Mutho'am. *Nalar Fikih Kontekstual: Sebuah Pergumulan Wacana*. Yogyakarta: Pustaka Pranala, 2022.
- BAZNAS, PUSKAS. *Fiqih Zakat Perusahaan*. Jakarta: Pusat Kajian Strategis Badan Amil Zakat Nasional, 2018.
- Bukhori. Wawancara Tim penulis dengan Mustahik Desa Bringinsari., 2023.
- Faisar, Ananda, and Marpaung Watni. *Metodologi Penelitian Hukum Islam*, 2nd ed. Jakarta: Kencana Media Group, 2018.
- Firdaus, Farah Arum, Irham Zaki, and Sri Herianingrum. “The Role Of Generation Z Through Online Platform in Optimizing of Zakat Literacy and Fundraising.” *AZKA International Journal of Zakat & Social Finance*, March 28, 2023, 13–22. <https://doi.org/10.51377/azjaf.vol4no1.118>.
- Fuad, Mahsun. *Hukum Islam Indonesia: Dari Nalar Partisipatoris Hingga Emansipatoris*. Yogyakarta: LKiS., 2005.
- Hackett, Paul M. W., Jessica B. Schwarzenbach, and Uta Maria Jürgens. “In-Depth Interviews.” In *Consumer Psychology: A Study Guide to Qualitative Research Methods*, 1st ed., 55–58. Verlag Barbara Budrich, 2016. <https://doi.org/10.2307/j.ctvddzsr.12>.
- Hallaq, Wael B. *Hal Sudda Bāb Al-Ijtihād?* Terj. Said Khudri. Kairo: Namā libuhus wa al-dirāsāt, 2022.

- . *The Origins and Evolution of Islamic Law*. Cambridge: Cambridge University Press, 2005.
- . “Was the Gate of Ijtihad Closed?” *International Journal of Middle East Studies* 16, no. 1 (March 1984): 3–41. <https://doi.org/10.1017/S0020743800027598>.
- Harahap, Rijal Alama. “Literature Study of Zakat Distribution in Indonesia.” *Jurnal Ilmiah Ekonomi Islam* 8, no. 1 (March 9, 2022): 618. <https://doi.org/10.29040/jiei.v8i1.4369>.
- Helim, Abdul. *Maqāṣid Al-Shari’ah Versus Ushul Fikih (Konsep Dan Posisinya Dalam Hukum Islam)*. 2nd ed. Yogyakarta: Pustaka Pelajar, 2023.
- Hooker, M. B. *Indonesian Islam: Social Change Thought Contemporary Fatāwā*. Australia: Asian Studies Association of Australia in Association with Allen & Unwin, 2003.
- Jamal, Haerul, and Turasih Turasih. “Mustahik’s Participation Model in the Productive Zakat Fund Distribution Program.” *Prosperity: Journal of Society and Empowerment* 2, no. 2 (December 31, 2022): 86–99. <https://doi.org/10.21580/prosperity.2022.2.2.12476>.
- Jauziyyah, Ibn Qayyim al-. *I’lām al-Muwāqqi’īn an Rāb Alamīn*. Vol. 3. Beirut: Dar al-Fikr, t.t.
- Kamali, Mohammad Hashim. “Law and Society: The Interplay Of Revelation And Reason In The Shariah.” In *The Oxford History of Islam*, John L. Esposito., 3:107. New York: Oxford University Press, 1999.
- Kamali, Mohammad Hashim. “Maqāṣid Al-Shari’ah’: The Objectives Of Islamic Law.” *Islamic Studies* 38, no. 2 (1999): 193–208. <http://www.jstor.org/stable/20837037>.
- Kamaruddin, Misbahuddin, Suprijati Sarib, and Syamsul Darlis. “Disorientasi Zakat Cultural-Based Deviance on Islamic Law; Zakat Tekke Wale’ Spending in Basala, Konawe, Southeast Sulawesi, Indonesia.” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (January 9, 2024): 568–90. <https://doi.org/10.19105/al-lhkam.v18i2.10150>.

- Kasubbid UPZ, CSR dan Retail. Persentase Pengeluaran Zakat Perusahaan, Wawancara Tim penulis dengan Badan Amil Zakat Nasional Kabupaten Kendal, 2023.
- Kuangan, Bagian. Wawancara Tim penulis dengan PDAM Tirto Panguripan Kabupaten Kendal, 2023.
- Khadimi, Nuruddin Ibnu Mukhtar al-. *Al-Ijtihād al-Maqāṣidī*. Qatar: Dar al-Muassasah, 1998.
- Khallāf, Abd. Wahāb. *Ilmu Uṣūl Al-Fiqh*. Jakarta: Dar Khutub al-Ilmiyah, 2010.
- Khan, Muhammad Akram. "Some Accounting Issues Relating to Zakāh." *Islamic Studies* 39, no. 1 (2000): 103–20. <http://www.jstor.org/stable/23076094>.
- Layish, Aharon. "Islamic Law in the Modern World: Nationalization, Islamization, Reinstatement." *Islamic Law and Society* 21, no. 3 (2014): 276–307. <http://www.jstor.org/stable/43304512>.
- Lestari, Eka Dwi. "Analisis Peran Program Zakat Community Development (ZCD) BAZNAS Dalam Mengurangi Kemiskinan Di Samarinda," n.d.
- Martono, Nanang. *Sosiologi Perubahan Sosial: Perspektif Klasik, Modern, Postmodern Dan Postkolonial*. 3rd ed. Jakarta: Rajawali Press, 2014.
- Mas'udi, Masdar Farid. *Pajak Itu Zakat: Uang Allah Untuk Kemaslahatan Rakyat*. Baru. Bandung: Mizan, 2010.
- Matahir, Fuad. "Issues and Challenges of Zakāt Al-Māl Collection in Brunei Darussalam." *AJIS: Academic Journal of Islamic Studies* 7, no. 2 (December 29, 2022): 395. <https://doi.org/10.29240/ajis.v7i2.5346>.
- Maulana, Hasanudin, and Jaih Mubarak. *Perkembangan Akad Musyarakah*. Jakarta: Kencana Media Group, 2015.
- Muhadjir, Noeng. *Metodologi Penelitian Kualitatif*. Ed. Ke III. cet. VII. Yogyakarta: Rake Sasin, 1996.

- Mukahmmad, Wildan. "Toni Seno Aji, Indeks Desa Zakat Pada Desa Penabangan Kabupaten Sidoarjo 2015-2018," 2020.
- Mursal. "Implementasi Prinsip-Prinsip Ekonomi Syari'ah: Alternatif Mewujudkan Kesejahteraan Berkeadilan." *Jurnal Prespektif Ekonomi Darussalam* 1, no. 1 (March 2015): 76.
- Noech, Charlie Ibrahim. Wawancara Baznas Kabupaten Kendal Bidang Pengumpulan, 2023.
- Noor, Afif. "Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research." *Jurnal Ilmiah Dunia Hukum* 7, no. 2 (April 27, 2023): 94. <https://doi.org/10.56444/jidh.v7i2.3154>.
- Noor, Azman Mohd, and Muhamad Nasir Haron. "Imposing Zakāt on Legal Entities and Its Applications in Islamic Financial Institutions." *Arab Law Quarterly* 27, no. 1 (2013): 71–86. <http://www.jstor.org/stable/43294620>.
- Nurhalizah, Ayu Rahayu, Sirajul Arifin, and Aldi Khusmufa Nur Iman. "The Legality Of Zakat Blockchain In Indonesia: In the Perspective of Islamic Law and Indonesian Positive Law." *Laa Maisyir: Jurnal Ekonomi Islam* 8, no. 2 (December 31, 2021): 224. <https://doi.org/10.24252/lamaisyir.v8i2.22260>.
- Opwis, Felicitas. "Maṣlaḥa in Contemporary Islamic Legal Theory." *Islamic Law and Society* 12, no. 2 (2005): 182–223.
- Purwatiningsih, Aris Puji, and Muchlis Yahya. "Why Zakat Collection in Indonesia Is Not As Effective As It Is in Malaysia." *Jurnal Penelitian* 14, no. 1 (June 30, 2020): 23. <https://doi.org/10.21043/jp.v14i1.6785>.
- Qarḍāwī, Yūsuf al-. *Fiqh Al-Zakah A Comparative Study of Zakah: Regulations and Philoshophy in The Light of Qur'an and Sunnah*, Terj. Monzer Khaf. Vol. 2. Jeddah: Scientific Publishing Center King Abdul Azis University, t.t.



- . *Fiqh Al-Zakāh: Dirāsāt Muqāranat al-Aḥkām Wa Falsafatuh Fi Dhau' al-Qur'ān Wa al-Sunnah*,. Vol. 2. Kairo: Maktabah Wahbah, 2006.
- Rahardjo, M. Dawan. *Islam Dan Transformasi Sosial-Ekonomi*,. Jakarta: eLSAF, 1999.
- Raysuni, Ahmad al-, and Muhammad Jamal Barut. *Ijtihad: Antara Teks, Realitas, Dan Kemaslahatan*,. Terj. Ibn Rusydi&Hayyin Muhdzar. Jakarta: Erlangga, 2002.
- Saeed, Abdullah. *Islamic Thought: An Introduction*. 1st ed. New York: Routledge, 2006.
- Saidurrahman, Saidurrahman. “The Politics Of Zakat Management In Indonesia: The Tension Between BAZ and LAZ.” *Journal Of Indonesian Islam* 7, no. 2 (December 1, 2013): 366. <https://doi.org/10.15642/JIIS.2013.7.2.366-382>.
- Sarah, Nunuk. Waket-4 BAZNAS Kabupaten Kendal, December 12, 2022.
- . Wawancara Tim penulis dengan Wakil Ketua-4 BAZNAS Kabupaten Kendal, 2023.
- Sardar, Ziauddin. *Kembali Ke Masa Depan*,. Jakarta: Serambi Ilmu Semesta, 2003.
- Schacht, Joseph. *An Introduction to Islamic Law*,. London: Oxford Press, 1971.
- Shaikh, Salman Ahmed. “Welfare Potential of Zakat: An Attempt to Estimate Economy Wide Zakat Collection in Pakistan.” *The Pakistan Development Review* 54, no. 4 (2015): 1011–27. <http://www.jstor.org/stable/43831380>.
- Siroj, Said Aqil. “Fiqh Nusantara,.” In *Fikih Indonesia: Kompilasi Hukum Islam Dan Counter Legal Draft Kompilasi Hukum Islam Dalam Bingkai Politik Hukum Indonesia*, Marzuki Wahid. Bandung: Marja, 2014.
- Soleh, Ridwan M. “Islamic Law and Society in Indonesia: Corporate Zakat Norms and Practices in Islamic Banks: By Alfitri, New York,

- Routledge, 2022, 272 Pp., £96.00 (Hardback), ISBN: 9781032019796." *Politics, Religion & Ideology* 24, no. 2 (April 3, 2023): 301–3. <https://doi.org/10.1080/21567689.2023.2196126>.
- Sulayman, Abdul Hamid Abu. *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought*. Herdon, Virginia: IIIT, 1993.
- Suseno, Franz Magnis. *Pemikiran Karl Marx: Riwayat Hidup*. Cet. 10. Jakarta: Gramedia, 2016.
- Syarifuddin, Amir. *Ushul Fikih*. Baru. Vol. 2. Jakarta: Kencana Media Group, 2011.
- Syaṭībī, Abū Ishāq al-. *The Reconciliation of the Fundamentals of Islamic Law*. Trans. Imran Ahsan Nyazee. Vol. 1–2. Lebanon: International Press, 2012.
- Tim Penyusun. *Profil Badan Amil Zakat Nasional Kabupaten Kendal*. Kendal: BAZNAS Kabupaten Kendal, t.t.
- Tufi, Najmuddin, at-. *Syarh Arbain Nawawiyah Dalam Mustafa Zaid, al-Maslahat Fi Tasyri' al-Islami Wa Najm Ad-Din at-Tufi*. 2nd ed. t.tp: Dar al-Fikr al-Arabi, 1964.
- Turabi, Hasan. *Fikih Demokratis: Dari Tradisionalisme Kolektif Menuju Modernisme Populis*. Terj. Abdul Haris dan Zainul Am. Bandung: Arasy, 2003.
- Ubaidillah. Wawancara kepada Ketua Baznas Kendal Tentang “penyaluran pembiayaan dana tambahan,” 2023.
- Wahyudi, Yudian. “Maqashid Syariah Sebagai Doktrin Dan Metode.” In *Re-Strukturisasi Metodologi Islamic Studies Mazhab Yogyakarta*, Dalam M. Amin Abdullah dkk. Yogyakarta: Suka Press, 2007.
- . *Maqasid Syari'ah Dalam Pergumulan Politik: Berfilsafat Hukum Islam Dari Harfard Ke Sunan Kalijaga*, 2nd ed. Yogyakarta: Pesantren Nawesea Press, 2007.

- Wibisono, Yusuf. *Mengelola Zakat Indonesia : Diskursus Pengelolaan Zakat Nasional Dari Rezim Undang-Undang Nomor 38 Tahun 1999 Ke Rezim Undang-Undang Nomor 23 Tahun 2011*. 2nd ed. Jakarta: Kencana Media Group, 2016.
- Yasid, Abu. *Aspek Penelitian Hukum: Barat Dan Islam*. Yogyakarta: Pustaka Pelajar, 2014.
- Zahrah, Muhammad Abu. *Uşûl Al-Fiqh*. Beirut: Dar al-Fikr, t.t.
- Zaki, Muhammad, Amiur Nuruddin, and Saparuddin Siregar. "Implication of Law Number 23 of 2011 On Zakat Institution Governance Based On Sharia Quality Management Principles; A Case Study in Baznas of Jambi Province." *Jurnal Cita Hukum* 8, no. 1 (March 19, 2020). <https://doi.org/10.15408/jch.v8i1.14481>.
- Zuhaili, Wahbah al-. *Uşul Al-Fiqh al-Islami*. Vol. 2. Damaskus, tt.