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Effectiveness of the Economic System to *Zakat* and *Waqf* for Empowerment of the Ummah in Indonesia

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Abstract

The distribution of waqf and zakat is known only to consumptive objects, but in its development, the distribution of waqf and zakat is directed at more productive things, for example in the form of capital assistance aimed at improving the quality of goods production to meet the needs of the wider community, so they can compete with a market share of capitalists who deify interest (usury). This article describes the solution to economic problems by applying the Islamic economic system correctly, through the distribution of more productive waqf and zakat aimed at the welfare of the people. Endowments and zakat basically have the same principle as the Islamic economic system because in both economic activities the purpose of economic justice is based on the unity of God to Allah, which is one of the principles of Islamic economics. The Islamic economic system itself is an economic system that succeeded in shifting the capitalist economic paradigm that brought destruction to the world economy.

KeyWords: *Waqf, Zakat, Islamic Economic, Empowerment of the Ummah*

1. Introduction

Republic of Indonesia is a diversity country in which there are various culture, race, and religion. Therefore, Indonesia must apply a policy accommodating the whole needs of its citizens in order to achieve justice for every Indonesians. Discussing justice for everyone, one of the sectors to develop by the government is economy as one of the indicators of a developed country is the economic progress of its people (Veitzal Rivai & Antoni Nizar Usman 2012, 106).

Most of Indonesians are Muslim. Thus, it is inevitable that the believers want to do all the guidance given by Islam, including in conducting economic activities. Basically, Islam would like to apply a “healthy”, dynamic, and developing economy, yet it will not hinder the higher goals of Islamic teaching (Zamir iqbal & Abbas Mirakhor 2008, 39-40). The economy is stated as “healthy” if its system is appropriate with Islamic law.

The economic system that is appropriate with Islamic law is known as the Islamic economy. Different from the capitalist or socialist economic system, both economic systems are considered to be unable to bring stability of the world economy. It is proven that in 1997 both systems lead the world economy to monetary crisis, in which Indonesia also got the impact (Mustafa Edwin Nasution et. al. 2006, 261). Even though Indonesia applied democratic economy instead of those two systems, it still gave the capitalist economic system a chance to control the economy of Indonesia. That capitalist economic system is based on the concept of interest or in another word “riba”.

In the future, it is expected that Indonesia will not depend on its economic activities on the capitalists. The potential of sharia economy that has been advised in Al-Qur’an and practiced by the Prophet needs to be maximized, for instance, the fund management of zakat and productive waqf. Al-Qur’an has already given not only prohibition but also the solution in order to avoid violating the prohibition. Muslim economic experts called it as Islamic Economy. The distribution of waqf and zakat by using this Islamic economy can be the answer to the current economic challenge.

2. Methodology

The approach used in this paper is case study by analyzing effectiveness of the implementation of a productive *zakat* and *waqf* distribution which will bring the mutual benefit by nullifying the economic gaps among societies through a properties distribution based on Islamic economic system. Whereas the statute approach used by analyzing the legislation which regulates regarding zakat and waqf in Indonesia which is expected giving the benefit for ummah.

3. Islamic Economic System

The community view toward the economy and its goals in a country is highly dependent on the paradigm of the relevance between economics and the community real needs, which is the paradigm of Islamic economy (Muhamad 2007, 78-79). It is different from the capitalist economic paradigm which prioritizes personal needs, while the socialist one overly prioritizes the social interests.

Islamic economy appears as the mediator between the capitalist economic system and the socialist one, bringing balance between the individual (egoism) and community (altruism), the world (profane) and the hereafter (transcendent), as well as idealism and fact or dualism (Muhamad 2007, 78-79). Islamic economy contains a system philosophy having the main concepts as follows:

All wealth belongs to Allah SWT, and humans solely act as the "*Khalifah*" -leader- having no absolute ownership, everything is created to obey Allah, having the rights and obligations to maintain and prosper nature, as the source of economy and beauty for humans. The principles of Islamic economic philosophy are quite important in influencing the economic behavior of human so that a human believe that there will be retribution as the consequence of what has been done.

Basically, the aims of Islam are to give guidance for its believers to balance their physical and spiritual needs. Based on the elaboration of system philosophy above, it is concluded that Islamic Economic System is a set of institutions, which are formal and informal ethical codes and the enforcer characteristics, designed by the creator of law namely Allah SWT through several rules stated in Al-Qur'an, practiced by the Sunnah of Rasulullah SAW and extended for novice situations by the *ijtihad* to handle the limited resources allocation, production, goods and service exchange, as well as income and wealth distribution, which is appropriate with the principles of Islamic economy.

4. The Principles of Islamic Economy

Islamic economy is nowadays actualized in an activity to fulfill the daily needs of the community. That activity is reflected in the form of Islamic financial institutions. Those institutions are expected to change the cover of conventional financial institutions with the establishment of those financial institutions.

The Islamic economic principles according to Syed Nawab Heidar Naqwi (1985) are as follows: *Tauhid*. It is the principle of Islamic economic philosophy becoming the basic orientation from economics and practice of sharia banks whose paradigm is relevant to the logical, ethical, and aesthetical value that can be functionalized to the core of human economic behavior. *Tauhid* in economic sector guides the actors of the economy to believe that all wealth belongs to Allah SWT.

Balance. The principle of balance has the power to form someone's thought to be moderate (balanced). It can guide humans to a condition of social function for wealth. It means that the practice of monopoly of economic power centralization, the domination of market share, and such things must be avoided. As Allah SWT has reminded humans that the wealth should be distributed evenly, it should not be dominated by only an individual. The principle of balance in the Islamic economic system urges economic actors not only to minimize the welfare of margins but also to determine the income distribution evenly as the best first choice. The principle of balance is able to stimulate economic actors to acquire the social sense to provide assistance to those who need assistance (Muhammad, 82-84).

Free Will. It is the principle which leads humans to believe that not only does Allah have absolute freedom but He, who has the characteristics of Rahman and Rahim, provides an opportunity for humans to choose their way of life as stated in Al-Qur'an "Indeed, We guided him to the way, be he grateful or be he ungrateful" (Al-Insan: 3).

In the Islamic economic perspective, good humans are those who use freedom in the framework of monotheism and balance. Thus, human responsibility is born as individuals, society, and social awareness, which delivers sharing with others and need each other.

5. Empowerment of Zakat

Zakat pragmatically is pure, blessing, growing, and commendable (Ibrahem Mushtafa, 396, Muhammad & Ridwan Mas'ud 2005, 33-34). While in terminology,

According to Fiqh al-Hanafiyah scholars, zakat is a program to discharge the obligation of issuing assets by certain terms and conditions and reaching nishab (Al-Inayah Syarh al-Hidayah, 2-153). Whereas, the scholars of Fiqh al-Malikiyah reveal that zakat is issuing specific assets from specific assets (Al-Shawy, 1-571). Meanwhile, in Fiqh al-Syafiiyah scholars' perspective, zakat is an activity of taking particular properties from particular properties on specific characteristics for certain recipient (Al-Mawardy, 3-71, Al-Nawawy, 3-325). In addition, according to the scholars of Al-Hanabilah sect, zakat is a mandatory right in the wealth for certain recipients at particular times. (Fiqh al-Ibadat, 347).

Zakat aims to realize the social and individual welfare. It aims to meet primary needs, namely fulfilling the needs of the poor societies. Thus, they can live properly and nobly in carrying out their rights and obligations for religion and country, and achieving that goal is desire of every Muslim (Al-Nadwy 1999, 130).

So, zakat is a property that is distributed to the right person who deserves it according to the applicable terms and conditions based on Islamic law (KH. Didin Hafidhuddin 2002, 7). Based on this understanding, zakat is an activity to share some of one's assets to purge the assets that possessed as safekeeping of Allah, and it is able to multiply and improve our assets (Mila Sartika, 2008).

Every Islamic law has the aims to realize the benefits and prevent damages, including zakat. According to Imam Al-Ghazali *mashlahat* is protecting *maqashid shariah* values in five basic principles -*al-Kulliyah al-Khamsah*-, those are; protection of religion -*hifd al-Dien*-, protection of life -*hifdzu al-Nafs*-, Protection of Mind -*hifdzu al-'Aql*-, protection of lineage -*hifdzu al-Nasl*-, protection of property -*hifdzu al-Mal*- (Al-Ghazaly 1993, 1-174).

In Maqashid Shariah perspective, zakat has a function to protect five basic concepts -*al-Kulliyah al-khamsah*-. In protection of religion -*hifd al-Dien*-, zakat is one of five basic pillars of Islam which must be applied by every Muslim who has fulfilled the terms and conditions. Thus, discharging zakat is the implementation of the pillars of Islam (M. Saad Al-Youby 1436 H, 198). In this case, al-Shatiby has given signs regarding upholding and guarding religion -*Hifdu al-Dien*- namely; Islam, Iman and Ihsan which have primary source of Qur'an and supported by As-Sunnah -hadits of Prophet- in this case, zakat includes to the pillars of Islam (Al-Shatiby, 27).

In protection of life -*hifdzu al-Nafs*-, zakat has a function to purify the soul of Muslim from the stingy characteristic of zakat giver -*Muzakki*-, and from the envy characteristic of zakat beneficiary -*mustahik*-. Therefore, by improving and developing zakat, it will be created well social relationship between individuals and societies, and it is a tertiary value of -*hifdzu al-Nafs*-. This tertiary value is an extension of primary value which has a function as a preventive measure from the values that are unable to be achieved by primary value. In other words, zakat is considered as preventive measure from those negative things in order to avoid a wider crime and life-threatening in the social life of societies. (Al-Youby, 324-339).

The improvement and development of zakat in Protection of Mind -*hifdzu al-'Aql*- can be implemented in form of zakat distribution for education by establishing educational facilities and infrastructure, educators' welfare, scholarship distribution, and another activities which become media to protect the mind. It is since *majlis ta'lim*, Islamic boarding schools, Islamic schools, and universities are able to avoid negative thinking (such as radical thought, extreme, and terror) that can damage a mind order and social order. Thus, the existence educational media that have good quality and in accordance with Islamic moderation can provide correct understanding in carrying out the rights and obligations for religion and country. (al-Gadiry 1410H, 114).

In protection of lineage -*hifdzu al-Nasl*-, zakat has a purpose as preventive measure toward the consequence of economic inequality, such as moral damage, piracy, adultery, rape, and others. Those

are the main cause of economic inequality due to insufficient living costs or lack of property to get married, thus Islamic law requires Muslims to conduct zakat to avoid those economic inequalities and other negative things *-mafsadah-* (Al-Youby, 247).

The development and improvement of zakat has a large proportion in protection of property *-hifdzu al-Mal-*. Zakat is *syariat* which obligates to be discharged by Muslims who meet the terms and conditions in *fiqh* literature, it makes zakat as a main media in protection of property *-hifdzu al-Mal-* (Al-Youby, 279-285). In fact, among the five pillars of Islam, zakat is the only one which has implication to the economic development of ummah. Zakat has the benefit both individually and socially. Individually, zakat has benefit to meet the primary needs of the poor societies who have same human right in social order. Thus, it can place zakat as an alternative solution to achieve the goals of prosperous, civilized, religious, and state societies. (Al-Nadwy, 103).

Zakat is one of the five strategic instrumental values and it is very influential on human economic behavior and society as well as general economic development (Mila Sartika, 2008). The purpose of zakat is not only to conserve the poor in a consumptive manner but also to have a more permanent purpose to alleviate poverty. One of the many things that support the welfare of the world and supports life in the hereafter is the existence of socio-economic welfare. It is a set of alternatives for the prosperity of Muslims from poverty and destitution. Hence, it is necessary to establish social Islamic institutions in an effort to overcome these social problems.

Related to the statement above, the function of zakat is as a source of socio-economic funding for Muslims. It means that the empowerment of zakat managed by the *Amil Zakat* (Zakat Collectors) Agency is not only limited to certain activities based on conventional orientation, but also for mankind's economic activities, such as poverty and unemployment alleviation programs by giving the productive zakat to those who need it as venture capital.

Zakat has an exceptionally strategic role to alleviate poverty or economic development. Unlike other financial resources for development, zakat does not have any bad impact, except the pleasure and hope for a reward from Allah. It does not, however, mean that the zakat mechanism has no control system. The strategic value of zakat can be seen through: First, zakat is a religious calling. It reflects someone's faith. Second, the financial resources of the zakat will never stop. It means that people who pay zakat will never be poor, and those who have paid every year or another period of time will continue to pay. Third, zakat is empirically able to remove social inequality and conversely is able to create asset redistribution and equitable development. In addition to zakat funds, endowments also provide fresh air for people's economy through Islamic economic systems.

6. Empowerment of *Waqf*

Waqf literally means to restrain, to detain, to prohibit, and to stand still, its plural is *Awqaf* (M.J. Ibn Mundzir al-Anshari 1414 H, IX, 197.). According to Imam Abu Hanifah, waqf is detaining the property which still belongs to someone who donates it to be distributed some of its benefit. While, according to Ashab Hanafiah, waqf is holding the property which belongs to Allah based on Islamic law to be taken its benefit (Ibn Abidin 1992, III, 357-358, Ali ibn Abi Bakar al-Farghany, III, 13-14).

According to Ibn Arafah from Maliki sect, Waqf is the distribution of benefit which has durable characteristic (M.A. Alais al-Maliki 1989, IV, 34). Whereas, in Syafii sect's perspective, Waqf is holding the properties which have benefit and durable characteristic by the existence of the change of transaction status which were initially individual to general (Al-Khatib Al-Syirbiny 1994, II, 376). While, according to Hambali sect, waqf is the detention of durable assets to be transacted for getting closer to Allah (Alauddin al-Mardawy 1995, IV, 3).

Even though waqf is not included the five pillars of Islam, such as zakat, yet waqf also contains of *maqashid syariah*. In *maqashid* perspective, waqf consists of five basic principles *-al-Kulliyah al-Khamsah-*. In protection of religion *-hifd al-Dien-*, waqf is the implementation of *syariat* which is suggested by Rasulullah, in fact there are many companions of Rasulullah and sholars donates their

properties and their souls as waqf for Islam (Al-Shathiry 2007, 483-484). In this case, al-Shatiby has given signs regarding upholding and guarding religion -*Hifdu al-Dien*- namely; *Islam, Iman, and Ihsan* that have primary source of Qur'an and supported by As-Sunnah -hadits of prophet- in this case, waqf includes Ihsan category (Al-Shatiby, 27).

Waqf in protection of life -*hifdzu al-Nafs*-, has a function to purify the soul of Muslim from the stingy characteristic of waqf giver -*waqif*-, and from the envy characteristic of waqf beneficiary. Thus, by giving investment of waqf development, it will be created well social relationship among communities, and it is tertiary value of -*hifdzu al-Nafs*-. This tertiary value is an extension of primary value which has a function as a preventive measure from the values that are unable to be achieved by primary value. In other words, waqf is considered as preventive measure from those negative things in order to avoid a wider crime and life-threatening in the social life of societies. (Al-Youby, 324-339).

In Protection of Mind -*hifdzu al-'Aql*-, the investment and development of syariat waqf can be implemented in form of waqf distribution for educational facilities and infrastructure, educators' welfare, scholarship, and another activities which become media to protect the mind. It is because Islamic boarding schools, Islamic schools, schools, and universities are preventive measures to avoid negative things (such as radical thought, extreme, and terror) that can damage mind order and social order. Thus, the existence of educational facilities and infrastructure which have good quality and in accordance with Islamic moderation can provide true understanding in carrying out the rights and obligations for religion and country (al-Gadiry 1410H, 114).

Waqf also possesses the hidden potency in protection of lineage -*hifdzu al-Nasl*-, waqf has a purpose as preventive measure toward a consequence of economic inequality, such as moral damage, piracy, adultery, rape, and so on. Those are the main cause of economic inequality due to insufficient living costs or lack of property for getting married, thus Islamic law suggests to conduct waqf to avoid those economic inequalities and other negative things -*mafsadah*- (Al-Youby, 247).

On protection of property -*hifdzu al-Mal*-. Waqf is continues investment for the world and here after, and it makes waqf as secondary media after zakat on protection of property -*hifdzu al-Mal*- (Al-Youby, 279-285). Even the investments which are done by companions of Rasulullah are still useful until now, such as investment of water and date palm tree in Madinah. If waqf is managed in good way, it will provide benefit for both individual and societies. Individually, investment of waqf can be allocated for the poor societies who have same human right in social order. Hence, improving the investment of waqf is able to be an alternative solution in achieving the goal of societies that are civilized, just, and prosperous in the religious life, nation, and state (Al-Nadwy, 103).

Waqf has been popular since the *Jahiliyah* era with the purpose of pride. However, in Islam, waqf is done with the intention because of Allah. In a county, waqf becomes a sector that builds social and economic solidarity in the community. In Indonesia, waqf is perceived to be a customary law by the community. The practice of waqf is mostly in the form of immovable objects such as land to build Islamic boarding schools, schools, and so on. Therefore, endowments, especially in Indonesia, do not experience significant developments in achieving the purpose for the welfare of people.

The enthusiasm of waqf development was seen in 2001 in which the Muslim economy opened the horizons of people's thinking about the new concept of Money Waqf management to improve the welfare of people. The concept was eventually interesting and able to provide energy to stimulate the stagnation of waqf development. Then, the Indonesian Ulama Council (MUI) welcomed the concept by issuing a fatwa (the binding rule in the religious matter) that allowed Money Waqf (waqf al-nuqud) in 2002.

The fatwa of MUI was later strengthened by the presence of Law No. 41 of 2004 concerning Waqf which states that waqf is not only non-moving objects but also movable objects such as money. In addition, it also regulates the policy of the representative in Indonesia, from the formation of nadzir (The party who is responsible for maintaining and managing waqf objects) to the management of waqf assets. In order to carry out its functions, this Act still requires other tools, namely Government

Regulation and Minister of Religious Affairs Regulation on Money Waqf. They will become operational guidelines in its implementation as well as the Indonesian Waqf Agency (BWI) which will function as a central authority for waqf. After a long process, at the end of 2006, Government Regulation No. 42/2006 concerning Implementation of the Waqf Laws was issued. Afterward, the Presidential Decree of the Republic of Indonesia no. 75/M year 2007 was issued which decided and raised BWI membership for the period of 2007-2010 in July 2007 (Majelis Ulama Indonesia, 2002).

Besides, Indonesian Religious Leader has stipulated the fatwa related to an endowment of money on May 11, 2002; which states: (1) Money endowment (cash endowment/waqf al-nuqud) is an endowment done by individuals, group of people, institution or legal entity in the form of money. (2) Marketable securities are categorized as money, (3) Money endowment is allowed (jawaz), (4) Money endowment only channeled or utilized for syar'i matters and (5) The principal value of money endowment should be guaranteed, could not be sold, granted, or inherited

The ratification of the Laws No. 41 of 2004 about money endowment, the fatwa of Indonesian Religious Leader and all the derivative rules are the turning point of potential empowerment of waqaf in Indonesia in the frame of fiqh. These laws also act as productive momentum of waqaf since these laws lead to a comprehensive understanding and modern management of waqaf potential empowerment. In this new waqaf rules, the definition of waqaf is quite vast. It could be from immovable or movable property, including the vast use of money not only in term of religious material of social religious.

Based on those backgrounds, with the waqaf laws stipulated in Indonesia, the waqaf should be used to support the prosperity of ummat. The matter of social prosperity plays important roles in the process of regulation. The highlight of waqaf potential in productivity and professionalism echoed in waqaf laws should be utilized to support the prosperity of ummat on the economy, education, health or other social religious.

7. Zakat and Waqf Distribution for Religious Community-Interest

As the previous explanation, endowments and waqf whose benefit is more significant for society is productive goods, which will improve purchasing power and competitiveness in improving production quantity and quality. Therefore, fund currency or circulation of the society run averagely or dynamically without social gaps.

Endowments and Waqf dynamization can run well if the distribution, management is right. Hence, the endowments and Waqf will be right in its target for the poor society. The distribution of the two non-profit economic activities is carried out by them who have enough wealth appropriate with the condition in Islam law to be distributed to the poor society. Although for the human, logically, their wealth will be minus, but in contrary, by the faith to Allah promise that the wealth which is distributed appropriately with Allah desire, exactly that is the eternal savings that will be doubled.

8. Conclusion

The economic system is the association of institutions to operate economic transaction which tightly holds on the rules created by Allah with the oneness of God principles, free desire, and balance. Thus, it can avoid usury practice which is forbidden for the majority of Moslem scholars. Islam in its holy al-Quran and prophet said that is as-Sunnah has given the direction about the procedures in good muamalah and then practice it. In Islamic economic activity that is tithe and endowments, particularly the productive ones, will bring to the collective goodness by nullifying economic gaps between the society through wealth distribution with Islamic economic system, in which the wealthy people help the poor ones to obtain capital to make a trade and decrease unemployment level.

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