

The framework of e-Sulh Zakat Distribution: Issues and Challenges

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Abstract

E-Sulh Zakat features an innovation product in zakat distribution system, which recognizes the role of zakat institutions as well as the role of zakat payers. With the choice to make a peace solution between two different parties, e-sulh applies as a mediating system between those two parties (zakat institution and zakat payer). In this regard, studies shown a different expectation between the institution and the zakat payer in term of the efficient way of distributing zakat fund, and this situation shall be resolved wisely. Previous studies also shown that these two parties play an important role in the distribution of zakat, which is the Baitulmal (Zakat Institution), which plays a role in identifying asnaf, while the payer, as the main contributor to zakat funds. However, previous studies also shown that zakat payers have high expectation that their zakat pays will channel directly to asnaf without going through complicated bureaucratic distortions. In resolving these different views and expectation between two parties (zakat institution and payer), E-sulh zakat appears to provide an alternative. Thus, E-Sulh Zakat features an innovation product in zakat distribution system, which recognizes the role of zakat institutions as well as the role of zakat payers.

Keywords: E-Sulh, Zakat Distribution

Introduction

Al-Sulh is derived from Arabic word which means reconciliation, discontinuance or stoppage of dispute or dissension and contention. In the legal connotation, al-Sulh means the termination or avoidance of a dispute or lawsuit between two parties (Rashid, 2000). However, in a bigger picture, al-sulh plays an important role as what Al-Raghib al-Asfahani states that it is to eliminate hatred among humans. (al-Asfahani: 2002 and al-Munim: 2009) 'Ali bin Muhammad al-Jumu'ah has described the types of al-sulh to the five parts which are discussed in the matter of jihad where making peace is applied between the Muslim and Non-Muslim during war, al-bughah (rebellion), al-shiqaq (dispute between husband and wife), qisas (retaliation) & diyat (fines) as well as property disputes. (al-Jumu'ah, 2000 : 357-358) While earlier Muslim Scholars' discussions regarding the implementation of *Sulh* in zakat distribution were not widely stated, previous studies have shown guidelines on how the two contradicting opinions can be harmonized.

The sholars from Syafi'is, Hanafis and some of Malikis agree that the rulers have the power to collect and distribute zakat from livestock, crops and fruits (Mustafa al-Khin, 1992), (al-Nawawi, 1996). When the government calls for the collection to be carried by them, it is obligatory for the people to fulfill the it (al-Syarbini, 676H). Nevertheless, some of Maliki's scholars opined if the people concern about the government's efficiencies such as being unfair or the property does not reach the asnaf, the zakat payers can distribute their zakat directly. The scholars of Hanbali viewed that the zakat payers may distribute the fund by themselves to increase the confidence that their zakat will reach the asnaf. This situation may derive from the Hanbali's scholars and Imam Ahmad as they given a freedom to zakat payers make a choice between irect or indirect distribution (through government). If the zakat to be distributed via government, zakat allocation fund for amil as well as the job opportunities will be established. (al-Zuhaily, t.th)

As zakat property like currency and business goods, the jurists from Syafi's allow the property owners to distribute their own zakat including zakat fitrah. (al-Syarbini, 676H). Allah says:"Take Sadaqah (alms) from their wealth in order to purify them and sanctify them with it, and invoke Allâh for them. Verily! Your

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invocations are a source of security for them, and Allâh is All-Hearer, All-Knower." (al-Taubah, 9: 103) In ensuring zakat can be reached to asnaf, the government needs to appoint an independent and representative (amil) as they shall protect the public fund (al-Zuhaili, t.th). Allah says: "And those in whose wealth there is a recognised right, For the beggar who asks, and for the unlucky who has lost his property and wealth, (and his means of living has been straitened)". (al-Maarij, 24-25) It shows that there is no absolute rule or opinion from the fiqh scholar that does not allow the zakat payer to distribute his zakat to asnaf and therefore, they are given a choice in distributing either directly to asnaf or through government.

Issues in Malaysia's zakat fund distribution

Zakat scholars have always highlighted the issues in zakat distribution. Although the amount of zakat collections is increasing every year because of the awareness of zakat payers, the amount of zakat funds that distributed to asnaf is not yet be able to fulfill sufficient needs. (Hussain, 2009). For example, zakat funds in four states (Selangor, Negeri Sembilan, Perak and Kedah) between 1990 and 2001 were not fully distributed (Zulkefly Abdul Karim). On average only 69% of zakat's funds in all four states fully distributed to asnaf. Selangor recorded a high percentage of distribution during the period as much of 80%. Meanwhile, the period of 2003-2007, there has been an increase in the percentage distribution of zakat in most states, especially in four states, which recorded the percentage of zakat distribution over 100% (Hussain, 2009).

According to Sanep Ahmad, the efficiency of zakat institution in managing zakat funds varies according to every different state. Inefficient management and unsupportive distribution methods are among the factors towards the people's dissatisfaction. Meanwhile, the frequent issues of distribution raised towards zakat institutions are the issue of bureaucracy and the amount difference in zakat fund received compared to the expected amount they would like to receive. These two issues are among the factors that zakat payers paid directly to asnaf. Although the percentage of zakat payers through formal institutions is higher (53%) than non-formal payment of zakat (47%) but this study shows that there is a tendency for muzakkiy to pay zakat through informal institutions (Wahid, 2005). This study also shows the feeling of satisfaction towards management of zakat institution had influenced the payment methods of zakat chosen by muzakkiy. The higher the level of muzakkiy's satisfaction towards the zakat management of zakat institutions, the higher the level of their compliance to pay zakat through zakat institutions.

The evidence of determining zakat asnaf has clearly stated in surah al-Taubah verse 60. In this verse, Allah SWT has explained eight groups of people entitled to receive zakat namely al-fuqara', al-masakin, amil, muallaf, al-gharimin, al-riqab, fi sabilillah and ibn sabil. Each zakat fund must distribute to these eight groups of asnaf. However, the question arises whether the zakat fund has distributed equally to all asnaf. The debate on this issue ruled into two opinions issued by scholars (Kasim, 2005). The Syafi'i school obliges the distribution of zakat to all asnaf groups as stated in surah al-Taubah. However, if there is a difficulty in amil in identifying the eight asnaf groups, the distribution of zakat can be done at least three asnaf including amil. Contrary to the views of the Hanafi schools, Maliki and Hanbali who say that zakat can be distributed only to a group of asnaf only whether poor or amil or ibn sabil and others. Based on this debate, the implementation of the opinion of the Syafie School is more applicable and therefore, the distribution of zakat may distribute to all eight asnaf or at least three asnaf.

If looking at the current context, the problem of identifying asnaf is no longer a big problem (Hairunnizam Wahid, 2010). This happens when zakat institutions are mostly a corporation body under a state government that make them efficient in making decision. Moreover, the growing use of technology has facilitated the identification of these asnaf groups. Thus, zakat institutions should have no problem in distributing zakat to all asnaf groups. Meanwhile, zakat payers will concern about zakat institution's ability if they do not distribute it fairly and thoroughly, and this will lead to leakage in zakat collection and distribution. The avoidance of this situation is necessary if the zakat institution want to avoid the payer to pay zakat directly to asnaf. If zakat payer distributed by themselves, a non-equitable distribution will occur,

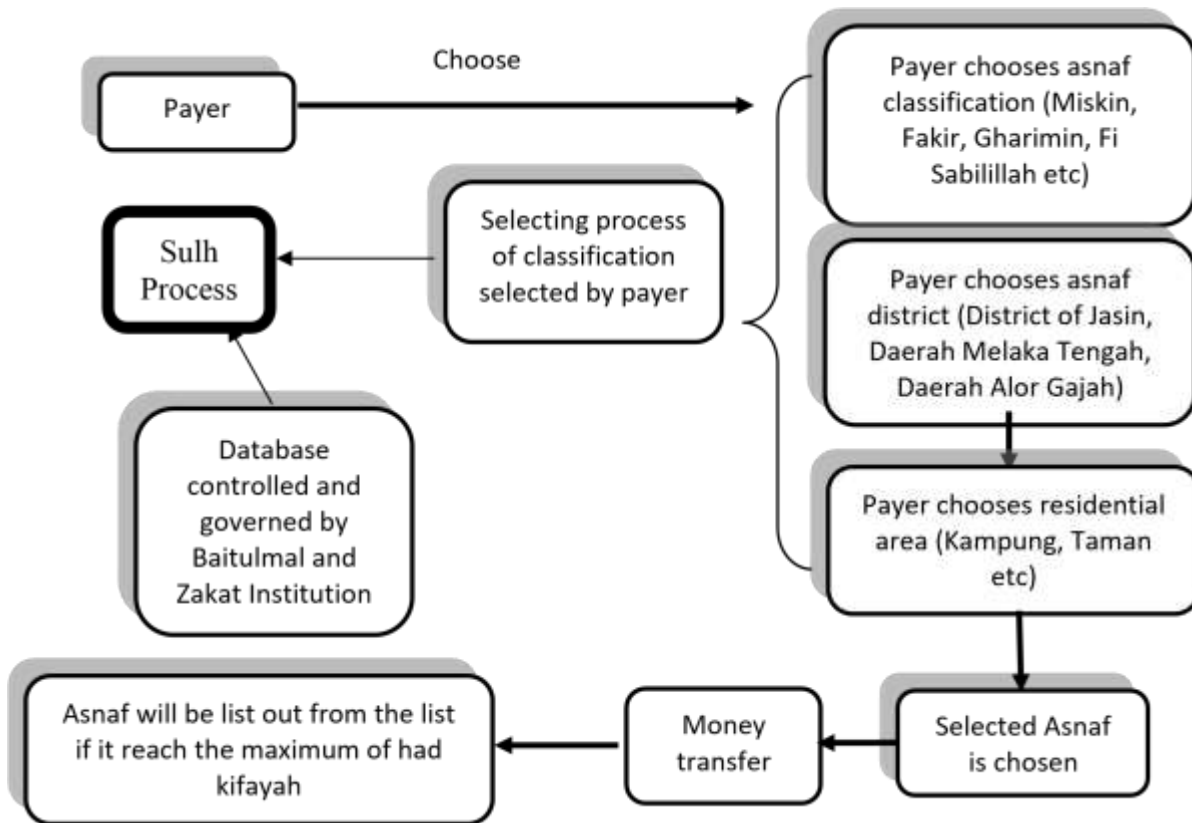
where the funds only focus on one particular group of asnaf and ignore the others. As a result, the main goal of zakat has missed and ignored. (Hairunnizam Wahid, 2010).

The perception of e-sulh zakat distribution

Based on a study conducted by Dziauddin et.al (2017), the perception of zakat distribution by Zakat Institution and Baitulmal mixed between satisfactory and unsatisfactory. The study also shown that 55% of respondents are less satisfied with the performance of Zakat Institution and Baitulmal as they view the need for both institutions to improve. This negative perception exists because of several factors such as the weaknesses of system and management, and the absence of coordination between regions in terms of collections and distributions. This happens when zakat institutions only involved in the collection process while other entity such as Baitulmal involved in the distribution. It also occurs due to the lack of promotion and the dubious management of zakat distributions. The study also found that weakness in distribution management was a major factor to the existence of this negative perception that influenced the propensities of zakat payers. For some people, satisfaction has fulfilled if they are able to know the reach of zakat funds distribution flow. This will also increase the tendency for them to continue engaged their commitment with zakat institution. In conclusion, the new concept of online zakat distribution received a positive response among UiTM staff when 85% of them agreed on its implementation. However, fundamental issues such as transparency, safety and the equitable distribution between regions and asnaf categories are a priority before they can implement. The respondents are averagely welcomed the concept as it enhanced the credibility and tendency of the payers towards zakat collection centres and at the same time, the payers have a freedom of choice to channel them directly to the asnaf.

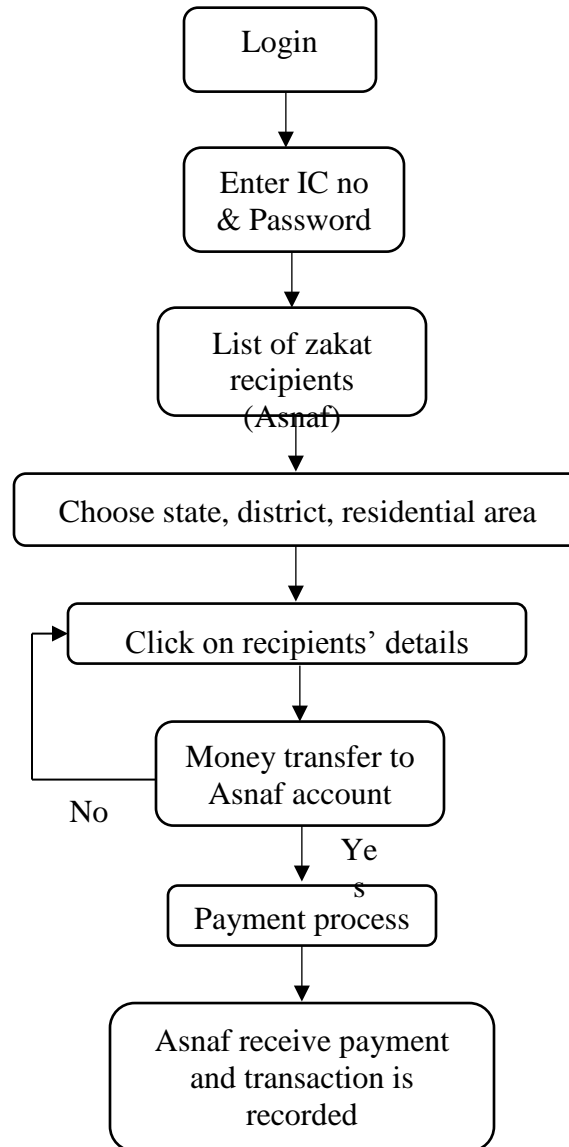
Framework of e-sulh zakat distribution

This framework uses the online money transfer method from muzakkiy account to asnaf account that based on profile that muzakkiy be able to choose by themselves however Baitulmal and Zakat Institution have the right about the preparation of the asnaf database. This transfer money adopts the same concept by applied through Internet banking facilities such Maybank2U, CIMB Clicks and the like. This money transfer concept gives a freedom of choice to muzakkiys to make a direct transfer payment to the bank account owned by the asnaf found in the system. They can choose their preferred profile, districts and residential areas in which they reside and settle down. Once they made the transfer fund process to the selected asnaf, the system will block asnaf from the asnaf list when it reaches the limit of its kifayah.



System Usage Flow

HTML and PHP are used together (hybrid) or mixed whereas SQL for manipulation of data to the database. Notepad ++ is used as code writing software whereas Google Chrome and Internet Explorer as software testing (for try or test run) Meanwhile, XAMPP is used as a hosting agent locally (in PC). XAMPP (Apache) is required for reading PHP language and execute PHP language. XAMPP (MariaDB) is also used as a database and an agent that manipulates data in a database based on SQL directives run by PHP. To enable others to access the system globally (anyone can access the prompts know the IP address or domain name, ie dimensikini.xyz)



Conclusion

Sulh is the process of reconciling the conflicting parties. In this paper, we have been discussing the dissatisfaction among the zakat payers against zakat institutions. Zakat payers are more likely to pay directly to zakat recipients (asnaf) to ensure the entitled parties receive that zakat. Hence, the e-sulh system intent to reconcile between zakat payers and zakat institutions. The existence of this e-sulh system does not mean to take over the role of zakat institutions, but instead it aims is to facilitate and assist zakat institutions. We hope that with this initiative, the zakat management distribution in Malaysia could improve, as well as to ensure more people paying zakat to zakat recipients through zakat institutions in Malaysia. There are many issues and challenges faced in the management of zakat in Malaysia, the authors hope that the introduction of this e-sulh system is one of the steps in establishing a better and more efficient zakat management. To reach the expectations of zakat payers and the Baitulmal in distributing process, the system gives the zakat payers the opportunity to transfer money to the selected zakat receiver from the database that provided by Baitulmal. With that, the distributing zakat system recognizes both parties. At this level, the system only focuses on transferring money to the poor and needy.

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