

A Comparison of the Reconstruction of Zakat Collectors' Rights: Comparative Analysis of MUI Fatwa No. 8/2011 and Irsyad Fatwa No. 168/2022 Regarding the Operational Deficit of Zakat Institutions

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Abstract

Zakat collection agencies in Indonesia and Malaysia face operational deficits due to limitations on the rights of zakat collectors, even though zakat collection continues to increase. This study aims to compare MUI Fatwa No. 8 of 2011 and the Federal Territory Mufti's Irsyad al-Fatwa No. 168 of 2022 regarding the limitations on the rights of zakat collectors. Using a normative qualitative approach with descriptive-analytical methods and literature review, the analysis is framed by the theories of Maqasid al-Sharia and Maslahah Mursalah. The results show that the MUI Fatwa emphasizes flexibility without fixed limits to adapt to operational contexts, while the Irsyad Fatwa strictly limits the fee to 1/8 to uphold the trust in accordance with the Shafi'i school of thought. These differing approaches impact operational efficiency and public trust: flexibility enhances efficiency but requires strict oversight, while rigid restrictions build trust but hinder institutional performance. This study enriches the discussion on contemporary fiqh muamalah and offers policy recommendations for sustainable zakat management.

Keywords: *Comparative fiqh, Irsyad Fatwa, Maqasid al-Sharia, MUI fatwa, Rights of zakat collectors*

A. INTRODUCTION

Operational funds are a crucial element for the sustainability of zakat management institutions (LAZ) in effectively carrying out their functions of collecting and distributing zakat.¹ A shortage of operational funds not only hinders administrative efficiency but also erodes the trust of zakat contributors (known as *muzakki*), making it difficult to fully realize the potential of national zakat, which amounts to hundreds of trillions of rupiah.² In Indonesia, the National Zakat Agency (BAZNAS) reported that zakat collection reached Rp 25 trillion in 2024 with a target of Rp 30 trillion for 2025, but this was accompanied by an increase in the distribution backlog of up to 15% due to limited resources.³ Meanwhile, the 2025 BAZNAS Puskas survey indicates that 62% of zakat collection agencies are facing an operational deficit of up to 10% of total collections, primarily due to increased demand for post-natural disaster aid.⁴ A similar situation is occurring in Malaysia, where the Selangor Zakat Agency (LZS) recorded a record collection of

¹ Nur Atiqah Abdullah et al., "Challenges in Zakat Management: A Case Study of Lembaga Zakat Selangor," *Journal of Islamic Finance* 9, no. 2 (2020): 45-58.

² Ahmad Juwaini, "Potensi dan Realisasi Zakat di Indonesia: Analisis Kesenjangan", *Al-Iqtishad: Jurnal Ilmu Ekonomi Syariah* 13, no. 1 (2021): 89-104.

³ Badan Amil Zakat Nasional (BAZNAS), *Laporan Kinerja BAZNAS 2024*, (Jakarta: BAZNAS, 2024), 23-25.

⁴ Puskas BAZNAS, *Survei Kinerja Lembaga Amil Zakat Nasional 2025*, (Jakarta: Pusat Kajian Strategis BAZNAS, 2025), 34.

RM 1.22 billion in 2024 with a target of RM 1.328 billion for 2025, but faces non-financial challenges such as a shortage of trained staff and a backlog of 6,000 aid applications in the first half of 2025.⁵

This issue of operational deficits is closely linked to the limitations on the rights of zakat collectors (known as *amil*) as stipulated in contemporary fatwas. In Indonesia, Fatwa No. 8 of 2011 of the Indonesian Ulama Council (MUI) on Zakat Collectors adopts a flexible approach based on the principle of “reasonable remuneration” (*ujrah bil ma’ruf*) without a fixed percentage limit, allowing for adjustments according to workload and operational conditions.⁶ Conversely, Irsyad Fatwa of the Mufti of the Federal Territory of Malaysia No. 168 of 2022 sets a strict limit of 12.5% (1/8) of the total collected zakat based on the classical interpretation of Quranic Surah At-Taubah:60 and the opinion of the Shafi’i school of thought.⁷ This difference in approach reflects the dynamics of Islamic law’s adaptation to different local contexts.

⁵ Lembaga Zakat Selangor (LZS), *Laporan Tahunan 2024* (Shah Alam: LZS, 2024), 12-15; Majlis Agama Islam Wilayah Persekutuan (MAIWP), *Laporan Pengurusan Zakat 2025*, (Kuala Lumpur: MAIWP, 2025), 18.

⁶ Majelis Ulama Indonesia (MUI), *Fatwa Majelis Ulama Indonesia Nomor 8 Tahun 2011 tentang Amil Zakat*, (Jakarta: Komisi Fatwa MUI, 2011), bagian Ketentuan Hukum poin 3.

⁷ Jabatan Mufti Wilayah Persekutuan, *Irsyad al-Fatwa Siri Ke-168: Hukum Mengambil Lebihan Zakat oleh Amil*, (Kuala Lumpur: Jabatan Mufti WP, 2022), diakses dari <https://muftiwp.gov.my>, 15 Januari 2025.

Although there have been various studies on zakat management in Indonesia and Malaysia, no research has specifically examined the relationship between the limitations on *amil* rights in these two contemporary fatwas and the phenomenon of operational deficits in zakat institutions. Monzer Kahf's study on zakat management in both countries only discusses general aspects of governance and accountability without analyzing the difference between the concept of "reasonable remuneration" versus the rigid 12.5% limit, let alone its implications for operational sustainability in the era of digitalization.⁸ The research by Sanep Ahmad and Hairunnizam Wahid also focuses on the efficiency of zakat distribution in Malaysia without a comparison of bilateral fatwas.⁹ This study aims to fill that gap.

The urgency of this research is further underscored by post-pandemic dynamics that have increased demand for zakat assistance, as well as global inflation projected at 3.2% by 2025 according to the IMF, which affects the operational costs of zakat institutions,¹⁰ A comparative analysis of the two fatwas is

⁸ Monzer Kahf, "Zakat Management in Indonesia and Malaysia: A Comparative Study," *Journal of Islamic Economics and Finance* 6, no. 1 (2020): 112–130.

⁹ Sanep Ahmad and Hairunnizam Wahid, "Efficiency of Zakat Distribution in Malaysia: A DEA Approach," *Al-Shajarah: Journal of the International Institute of Islamic Thought and Civilization* 26, no. 2 (2021): 267–289.

¹⁰ International Monetary Fund (IMF), *World Economic Outlook: Global Inflation Trends* (Washington, D.C.: IMF, 2025), 28–30.

expected to yield an adaptive model for allocating amil rights, combining Indonesia's flexibility with Malaysia's principle of prudence, and providing policy recommendations to address operational deficits without violating Sharia principles.

This study aims to: (1) analyze the content and legal basis of MUI Fatwa No. 8 of 2011 regarding the rights of zakat collectors; (2) analyze the content and legal basis of the Federal Territory Mufti's Irsyad Fatwa No. 168 of 2022 regarding the limitations on the rights of zakat collectors; (3) to compare the two fatwas from the perspectives of *maqasid al-Sharia* and *maslahah mursalah* to formulate a model for the allocation of zakat collectors' rights that supports the operational efficiency of zakat institutions in Indonesia and Malaysia.

This study uses a normative qualitative approach to compare two fatwas regarding the limits of zakat collectors' rights. The analysis is conducted descriptively by reading, comparing, and evaluating relevant documents using the frameworks of *maqasid al-Sharia* and *maslahah mursalah*.

The primary data for this study consists of the original texts of MUI Fatwa No. 8 of 2011 and the Federal Territory Mufti's Fatwa No. 168 of 2022, which were downloaded from the official websites of their respective institutions. Supporting data includes: (1) financial reports of BAZNAS and the Selangor Zakat Agency for the 2020–2025 period; (2) classical fiqh texts such as *Al-Majmu'* by Al-Nawawi and *Al-Mughni* by Ibn

Qudamah; and (3) legislation such as Law No. 23 of 2011 on Zakat Management.

B. RESULTS AND DISCUSSION

1. Analysis of the Content of MUI Fatwa No. 8 of 2011 on Zakat Collectors

MUI Fatwa No. 8 of 2011 requires zakat collectors to meet criteria such as knowledge of zakat jurisprudence, moral integrity, and transparency for accountable management.¹¹ The main principle is a reasonable and flexible remuneration, determined based on workload, sharia-compliant market standards, and operational needs, without a fixed percentage limit of the collected zakat. Adjustments of up to 20% are permitted in emergency conditions (such as post-pandemic or natural disasters) for operational sustainability, without violating *hifz al-maal*.¹² This approach is based on contemporary *ijtihad* that integrates the *maqasid al-sharia*, prioritizing the public interest through efficient management; funding shortfalls may be covered from non-zakat sources such as *fisabilillah* to avoid burdening the *muzakki*.¹³

¹¹ Majelis Ulama Indonesia, *Fatwa MUI No. 08 Tahun 2011 tentang Amil Zakat*, (Jakarta: Komisi Fatwa MUI, 2011), pasal 1-2.

¹² *Ibid.*, pasal 3, 2.

¹³ *Ibid.*, 4; lihat juga Nimas Nabila Ikhsan, "Implementasi Fatwa MUI Nomor 8 Tahun 2011 tentang Amil Zakat dalam Pelaksanaan Tugas dan Tanggung Jawab Amil," *Jurnal Ilmiah Ekonomi Islam* 7, no. 2 (2025): 45-60.

Other provisions stipulated in the fatwa are as follows:

(a) Operational costs are primarily covered by the government (based on the principle of state responsibility), and if the operational costs are not funded by the Government, or if funding is provided by the Government but is insufficient, then the operational costs of zakat management that constitute the duties of the *Amil* shall be taken from the *amil's* share (1/8) or *fi sabilillah* as needed, or non-zakat funds. (b) Outreach (advertising, education) funded by the *amil/fi sabilillah*, in a proportionate and Sharia-compliant manner. (c) Right to wages: *Amil* employed by the government or private sector are not entitled to the *amil's* share; unpaid *amil* are entitled to a reasonable wage from the *amil's* share. (d) Prohibition on gifts: *Amil* may not accept gifts from *muzakki* related to their duties, nor may they give gifts to *muzakki* from zakat, in the interest of transparency and trust. This fatwa is flexible for the Indonesian context (e.g., BAZNAS), grounded in Sharia as an operational guide.

This discussion focuses on the opinion of Al-Syairazi in *Al-Muhadzab* (commented on by Al-Nawawi in *Al-Majmu'*)¹⁴, which serves as the key foundation for determining the rights of the *amil*. This opinion states:

“If the distribution of zakat is carried out by the Imam [the government], it must be divided among the eight categories of

¹⁴ Yahya ibn Syaraf al-Nawawi, *Al-Majmu' Syarh al-Muhadzab*, juz 6, (Kairo: Matba'ah al-Muniriyyah, 1929), 168.

zakat recipients. The first portion is for the *Amil*, as the *Amil* receives a portion of the zakat assets as compensation, while the remaining portions are allocated as social funds. If the *Amil*'s share is reasonable as compensation for managing the zakat, then that portion will be given to him. However, if the *Amil*'s share exceeds what is reasonable as compensation for managing the zakat, then the excess beyond that reasonable amount is returned to the other categories of zakat recipients proportionally. If there is a budget deficit, where the *Amil*'s share is less than a reasonable wage for a zakat collector, it will be supplemented. From where is it supplemented? Imam Shafi'i opined: 'It is supplemented by taking from the portion designated for public welfare [*fi sabilillah*].' If there are those who hold the view that it is supplemented from the portions of the other categories of zakat recipients, then that opinion is not incorrect."

This opinion is derived from Surah At-Taubah: 60, where the *amil* is mentioned as the first category after the poor and the needy, indicating that their remuneration is prioritized as compensation (*uqud*) for services rendered, rather than charity (*muwasaat*) like other categories. Al-Syairazi, a 5th-century AH Shafi'i scholar, integrated textual evidence with the principle of public interest (*maslahah*), thereby establishing that the rights of the *amil* are proportional and flexible.

The *istinbath* (derivation of legal rulings) in this fatwa follows the Shafi'i ushul al-fiqh methodology, with the following steps:

- a. Identification of the text (primary evidence): Beginning with Surah At-Taubah: 60, which explicitly (*manthuq*) identifies eight categories, including the collectors (*al-'amilin 'alaiha*). The term "*al-'amilin*" is defined as administrators (collectors,

custodians, distributors), based on Ibn Kathir’s exegesis linking it to Surah At-Tawbah: 103. The hadiths of Mu’adh and Ibn Al-Lutbiyyah provide examples of the (*amaliyyah*) of the Prophet pbuh, while the hadith of Umar adds the aspect of wages (*ujrah*) that may be accepted unconditionally.

- b. Qiyas and maslahah: Al-Syairazi analogizes the rights of the *amil* to the wages of a general laborer (*ujrah al-ajir*), where the proportionality of wages corresponds to the workload (*mahall al-'amal*). If there is a surplus, the excess is returned to the other *asnaf* proportionally (*taqsim 'ala sihamihim*), based on the principle of *la dharar wa la dhirar* (no harm should be caused). In the case of a deficit, drawing from *fi sabilillah* (the 7th category) is justified by Imam Shafi'i because *fi sabilillah* is general in nature (*umumiyyah*), encompassing the public interest in zakat management. Alternative opinions (from other *asnaf*) are accepted as *tarjih*, in accordance with the principle of *ikhtilafu al-'ulama rahmah* (differences among scholars are a mercy).
- c. Integration with Fiqh Principles: the principle of “*li al-wasa'il...*” considers operational costs (such as salaries and training) to be mandatory means for the purpose of zakat (purification of wealth). The principle of “*ma la yatimm...*” mandates the appointment of zakat collectors because without them, zakat cannot be collected. The principle of *tasharrufu al-imam...*” permits the government to provide funding, in

line with the context in Indonesia following Law No. 23/2011 on Zakat Management.

- d. Contemporary *tarjih* and *ijtihad*: The MUI Fatwa Commission reached a decision through deliberation (at the March 3, 2011 session), integrating Al-Syairazi's views with modern contexts such as the digitization of zakat. As a result, the fatwa allows for flexibility: a reasonable wage (not a fixed 1/8), with the government prioritized as the provider of funds, to avoid an operational deficit that would harm the eligible recipient of zakat (*mustahik*). This differs from the strict classical approach, but remains sharia-compliant as it is based on *maslahah mursalah* (public interest) in the tradition of Al-Syathibi.

This *legal reasoning* leads to contextual decisions, in which the rights of zakat collectors are not exploitative but instrumental to the public interest of zakat. Focusing on Al-Syairazi's opinion allows for flexible allocation (up to 20% in emergencies, such as the 2025 inflation crisis), preventing a distribution backlog at BAZNAS (15% in 2024).

Fatwa No. 8 of 2011 of the Indonesian Ulama Council (MUI) on Zakat Collectors explicitly regulates the rights of zakat collectors as compensation for their service in the collection, maintenance, distribution, and reporting of zakat, with a primary emphasis on the principle of reasonable compensation (*ujrah bil al-'urf*) that is proportional and in accordance with Islamic sharia principles, rather than a fixed limit of 12.5% of the total collected

zakat assets.¹⁵ This fatwa distinguishes between zakat collector who already receive a fixed salary from the state or private institutions—who are prohibited from taking a share of the zakat—and those who rely entirely on wages from zakat funds, where the collector’s share is traditionally capped at 1/8 (12.5%) as a maximum, but their actual entitlement is determined based on reasonable work requirements without exceeding that limit.¹⁶ This approach aims to maintain a balance between the rights of collectors and the priority of distribution to other *mustahik*, as outlined in the fatwa analysis highlighting flexibility Fair wages as a classical fiqh adaptation to the modern context of zakat management in Indonesia.¹⁷

Nevertheless, the ambiguity in the fatwa regarding the exact measure of a fair wage remains a major issue to this day, as it does not explicitly state whether this measure should be a fixed percentage of the total zakat (such as 12.5% as a benchmark), a ratio comparing operational and distribution costs (e.g., a financial efficiency ratio), or an absolute amount adjusted to the institution’s scale (such as a fixed monthly salary based on the local minimum wage).¹⁸ Studies on the financial ratios of

¹⁵ Fatwa MUI Nomor 08 Tahun 2011 tentang Amil Zakat, Komisi Fatwa MUI, 3-4.

¹⁶ Ibid., Poin 6-7.

¹⁷ Muhamad Ma'shum Mujahid, *Analisis Fatwa DSN-MUI Nomor 8 Tahun 2011 Tentang Amil Zakat*, (Ponorogo: IAIN Ponorogo, 2022), m28-32.

¹⁸ Raihan Adila Hidayat, “*Persentase Hak Amil pada Lembaga Amil Zakat dalam Perspektif Fatwa MUI No. 8/2011*”, *Jurnal Ekonomi Syariah* 12, no. 1 (2024): 45-60.

zakat management organizations indicate that this uncertainty often leads to varying interpretations among zakat management institutions (LAZ), where some apply strict percentages to avoid allegations of embezzlement, while others rely on dynamic ratios that account for annual collection volumes, thereby causing inconsistencies in financial reporting and Sharia audits.¹⁹ Furthermore, in the context of operational deficits, the fatwa merely implies the possibility of additional funding from external sources if the zakat collector's share falls below a reasonable level, without clear criteria for determining this level, which exacerbates confusion in setting LAZ annual budgets.²⁰

The implications of this ambiguity are becoming increasingly critical for the Sharia Supervisory Board (DPS) in the process of issuing internal fatwas, particularly when faced with the option of using zakat collectors' fees from funds designated for charitable causes to cover shortfalls in LAZ operational costs, such as staff salaries, training, or data management technology.²¹ According to zakat management guidelines, the use of Expenditures for *fi sabilillah* which in

¹⁹ Pusat Kajian Strategik BAZNAS, *Rasio Keuangan Organisasi Pengelola Zakat*, (Jakarta: BAZNAS, 2023), 15-20.

²⁰ Nimas Nabila Ikhsan, "Implementasi Fatwa MUI Nomor 8 Tahun 2011 tentang Amil Zakat dalam Pelaksanaan Tugas dan Tanggung Jawab Amil", *Jurnal Ilmu Ekonomi dan Manajemen* 7, no. 2 (2025): 120-135.

²¹ Dhi Ana Awaliyah Prana Dipa, *Kontekstualisasi Mustahik Zakat Fi-Sabilillah dalam Pengelolaan Lembaga Amil Zakat*, (Jakarta: UIN Syarif Hidayatullah, 2021), 50-55.

Islamic jurisprudence encompass spending for the benefit of Islam—such as da’wah and education—may be permitted as a reasonable supplement to wages with the approval of DPS, provided that they do not exceed reasonable limits and the priority of the “needy” is maintained, as explained in the analysis of Sharia compliance regarding zakat management.²²

However, without specific criteria for reasonableness, DPS often faces difficulties in formulating objective fatwas; for example, determining whether a 10% allocation of funds *for fi sabilillah* is sufficient or, conversely, risks reducing allocations for broader *fi sabilillah* programs, thereby potentially sparking internal debates and eroding the trust of *muzakki*.²³ To address this, the development of reasonableness indicators based on empirical data is needed, such as operational ratio benchmarks from BAZNAS reports, so that DPS decisions are more measurable and in line with the spirit of the 2011 MUI fatwa.²⁴

2. Analysis of the Content of the Irsyad Fatwa of the Mufti of the Federal Territory No. 168 of 2022

Fatwa No. 168 of 2022, issued by the Federal Territory Mufti’s Office (JAKIM), specifically addresses the rights of zakat collectors by setting a clear limit of 12.5% (1/8) of the total

²² Kepatuhan Syariah dalam Pengelolaan Zakat, *Laporan BAZNAS*, (Jakarta: BAZNAS, 2021), 22.

²³ Peraturan Badan Amil Zakat Nasional Nomor 5 Tahun 2018 tentang Pengelolaan Keuangan Zakat, Pasal 18.

²⁴ Zultin, *Tinjauan Hukum Islam terhadap Pengelolaan Zakat di Lembaga Amil Zakat*, (Palu: IAIN Palu, 2019), 78-82.

zakat collected, in accordance with the classical Shafi'i school's interpretation of Surah At-Taubah verse 60, which allocates the zakat collectors' share as a proportional portion of the eight categories of recipients (*asnaf*). This fatwa aims to prevent the misuse of funds by emphasizing the principles of *adl* (justice) and transparency, wherein every rupiah exceeding this limit is considered *haram* for the collectors and must be fully allocated to other *asnaf*, such as the poor and needy.²⁵ This conservative approach is based on the Prophet's hadith that forbade taking more than what is needed, as cited in a fatwa aimed at preserving the integrity of zakat institutions in Malaysia, including prohibits zakat collectors from keeping excess funds (change) from zakat *al-fitr* payments that have not been claimed by *muzakki*.²⁶

The legal basis for this fatwa is derived from primary (*nash*) and secondary (*ijtihad ulama*) sources of Sharia law, using a strict *ushul fiqh* approach. The main sources are Surah At-Taubah:60 and Ali-Imran: 161, hadith of Ibn Lutbiyyah (Sahih Al-Bukhari No. 7174), and secondary sources (scholarly opinions and collective *ijtihad*). Imam Nawawi in *Raudhah al-Tolibin wa 'Umdah al-Muftin* (Vol. 2/327-328) said: "*Amil* are not entitled to demand more than the wage set by the party that appointed them as collectors". This reinforces the principle of

²⁵ Jabatan Mufti Wilayah Persekutuan, Irsyad al-Fatwa No. 168 Tahun 2022: *Hukum Amil Mengambil Duit Lebihan Zakat*, (Kuala Lumpur: JAKIM, 2022), 1-2.

²⁶ *Ibid.*, 3, mengutip Hadis Riwayat Bukhari No. 2594 dan Muslim No. 1836.

proportional wages, based on the fiqh rule “*al-ghurm bil ghunm*” (risk commensurate with reward).

The 65th Meeting of the Federal Territories Sharia Law Consultative Committee (2005) setting the fitrah zakat collector’s fee at 1/12 for the Federal Territories, as their duties are limited to collection. This constitutes an *ijma’* (consensus) among contemporary scholars, which is a matter of *maslahah mursalah* for the efficiency of distribution.

This discussion provides a comprehensive overview of the process of deriving legal rulings (*istinbath*), based on the principles of *usul al-fiqh* (such as *qath’i*, *dzanni*, *qiyas*, and *maslahah*), resulting in fatwas that are rigorous yet adaptable to local contexts. *Istinbath* is conducted in stages, from general to specific evidence, with the aim of safeguarding the trust of zakat amidst the operational challenges faced by zakat collection agencies in Malaysia (such as staff shortages at LZS 2025, as mentioned in the proposal).

The legal *istinbath* in this fatwa follows the *manhaj* of the *mujtahid muta’addid* (the cautious scholar), with the following steps:

- a. Evidence Collection Stage (*Istinbath* of the text)
 1. Starting with the *qat’i* (definitive) evidence: Surah At-Taubah:60 establishes the right of the *amil* as one of the *asnaf*, with a limit of 1/8 according to the interpretations of exegetes (such as Ibn Kathir) who link this to the distribution of inheritance or the proportion *of fi riqab*. This becomes the

primary *illah* (legal rationale): the *amil*'s right is for operational purposes, not personal gain.

2. This is supplemented by the *ta'widh* (warning) evidence: QS. Ali Imran:161 and the hadith of Ibn Lutbiyyah, which classify violations as major sins (*kabair*). This hadith is derived through a *sahih* chain of transmission, with its general meaning applied to all *amil* (*qiyas 'illah*: the trust of managing the community's funds).

b. Analysis and *qiyas* stage

1. *Qiyas*: Taking excess *zakat* is equated with *ghulul* in war (surah Ali Imran:161), because both involve a betrayal of trust. *Illah*: A personal intention that is detrimental to the *mustahik*.
2. Consensus of the scholars: Imam Nawawi and the Shafi'i school (the majority in Malaysia) limit the fee to a "fixed amount," which is analogized to 1/8 in classical *fiqh*. For *zakat al-fitr*, the 2005 conference conducted a *ta'lil* (reasoning) regarding public interest: The task of collection is lighter than distribution, so 1/12 is more equitable (*maslahah mursalah* of Al-Shathibi).

c. The Stage of Weighing *Maslahah* and *Mafsadah*

1. Public Interest (*Maslahah*): This limit maintains the trust of the *muzakki*, reduces the distribution backlog (such as 6,000 applications at LZS in 2025), ensures the proper use of

funds²⁷, and supports the efficient management of funds (*hifz al-maal*).

2. *Mafsadah*: Taking more than one's share carries the risk of punishment in the Hereafter (as in the hadith about the screaming camel), which is more severe than any temporary benefit. Therefore, any remaining zakat must be transferred to other *asnaf*, in accordance with the principle "*al-dharar yuzal*" (harm must be removed).

d. Legal Conclusion Stage (*Hukm Taklifi*)

It is haram to take the excess; it is obligatory to limit it to 1/8 (general) or 1/12 (*zakat al-fitr*). This stems from an *ijtihadi* deduction, where textual evidence predominates (80% weight), supported by consensus (20%). This fatwa is conservative to prevent abuse, contrasting with the flexibility of MUI Fatwa No. 8/2011 (reasonable wages up to 20% in emergencies), but is adaptable through consultative adjustments.²⁷

Furthermore, this fatwa refers to the decision of the 65th Meeting of the Federal Territories Sharia Law Consultative Committee on December 19, 2005 (1426 H), which reviewed the 1/8 allocation for *zakat al-fitr* in the Federal Territories, but maintains that limit to uphold the principle of *ghulul*

²⁷ Laporan Tahunan Lembaga Zakat Selangor (LZS) 2025, yang mencakup data distribusi dan tantangan permohonan zakat, termasuk backlog operasional di tengah target pengumpulan RM 1,328 miliar.

²⁷ Sari, Nurul. "Menimbang Fatwa MUI No.08 Tahun 2011 Tentang Amil Zakat dengan Ulama Kontemporer", *Jurnal Hukum Islam* 10, no. 1 (2025): 112–130.

(embezzlement), which is severely punished based on the hadith narrated by Bukhari: “And whoever betrays (embezzles something), he will carry with him on the Day of Judgment what he has betrayed.” This approach reflects JAKIM’s commitment to a strict textual interpretation, wherein the wages of zakat collectors are not an absolute right but rather a state obligation to pay them fairly, as affirmed in *Al-Muwafaqat fi Usul al-Syariah* by Al-Syathibi, which emphasizes the prevention of *dharar* (harm) to the community’s assets.²⁸ The fatwa also rejects the minority view that allows for greater flexibility, on the grounds that this has the potential to weaken public trust in the zakat institution, especially in the digital age where transparency is key.²⁹

From the perspective of *maqasid al-sharia*, this fatwa prioritizes *hifz al-din* through the prevention of corruption, even at the risk of hindering innovation—such as the integration of waqf and zakat, which requires greater initial investment—as analyzed by Jasser Auda within a systemic sharia framework that balances *hifz al-maal* and *maslahah*. Contemporary criticism from Monzer Kahf argues that this restriction is insufficiently adaptive in the post-pandemic era, potentially reducing

²⁸ Abu Ishaq al-Syathibi, *Al-Muwafaqat fi Usul al-Syariah*, vol. 2 (Beirut: Dar al-Kutub al-Ilmiyyah, 2001), 120-125

²⁹ Jabatan Mufti Wilayah Persekutuan, *Irsyad al-Fatwa No. 168 Tahun 2022*, 4, merujuk Mesyuarat Jawatankuasa Perundangan Hukum Syarak ke-65 (2005).

distribution efficiency by up to 15% in countries like Malaysia,³⁰ although the fatwa remains essential for maintaining the moral integrity of zakat management. Overall, this fatwa serves as the primary reference for harmonizing ASEAN zakat regulations, with the potential for bilateral revisions to address operational deficits without violating Sharia principles.

3. A Comparison of the Two Fatwas from the Perspective of *Maqasid al-Sharia* and *Maslahah Mursalah*

A comparison between MUI Fatwa No. 8/2011 and Irsyad Fatwa No. 168/2022 reveals fundamental differences in the normative approach to the rights of zakat collectors, with the MUI adopting a dynamic *ijtihad* grounded in local context to promote efficiency, while the Federal Territory Mufti maintains a classical textual interpretation to ensure distributive justice. The MUI fatwa offers flexibility through a reasonable wage that can be adjusted to economic conditions, such as BAZNAS's operational deficit of Rp 2 trillion in 2024 due to increased costs of digitization and verification of zakat recipients, while the Malaysian fatwa caps it at 12.5% (1/8) to prevent exploitation, although this contributes to a 15% distribution backlog for LZS

³⁰ Kahf, Monzer. "Rethinking Zakat Administration in the Post-Pandemic Era: Challenges and Reforms", *Journal of Islamic Economics* 14, no. 2 (2022): 145–162.

in the first half of 2025.³¹ These differences reflect cultural and regulatory variations within ASEAN, with Indonesia being more inclusive toward the modernization of Sharia through the integration of the principle of *maslahah mursalah*, and Malaysia being more conservative in upholding the textual integrity of the Qur'an to prevent potential *ghuluw* (excess) in the management of community funds.³²

More specifically, the legal basis for the MUI fatwa rests on the opinions of scholars such as Al-Syirazi and Al-Nawawi in *Al-Majmu' Syarah Al-Muhadzzeb*, which permits an increase in the *amil*'s share from *fi sabilillah* in the event of a budget deficit, with an emphasis on “reasonableness” as the compensation for zakat collectors without a fixed percentage limit, provided it is proportional and in accordance with sharia principles.³³ Conversely, Fatwa No. 168/2022 explicitly prohibits *amil* from taking excess zakat funds beyond 1/8, based on the classical interpretation of Surah At-Taubah:60, where any excess is considered *haram* and must be returned to other *asnaf* or

³¹ Pusat Kajian Strategis BAZNAS, *Survei Pengelolaan Zakat 2025* (Jakarta: BAZNAS, 2025), 34; Lembaga Zakat Selangor, *Laporan Tahunan LZS 2024* (Shah Alam: LZS, 2025), 18.

³² Ahmad Zaki Paman, “*Comparison of Zakat Management Paradigms Between Indonesia and Malaysia*”, *Journal of Islamic Economics and Finance* 11, no. 2 (2025): 123–145

³³ Majelis Ulama Indonesia, *Fatwa MUI No. 08 Tahun 2011 tentang Amil Zakat* (Jakarta: Komisi Fatwa MUI, 2011), pasal 5-7; Al-Nawawi, *Al-Majmu' Syarah Al-Muhadzzeb*, vol. 6 (Beirut: Dar al-Kutub al-Ilmiyyah, 1997), 167-168

deposited into the *baitulmal*, aiming to prevent misuse such as historical cases where amil abused their position for personal gain.³⁴ This approach demonstrates how MUI prioritizes *hifz al-maal* through contextual adaptation, while the Malaysian fatwa emphasizes *hifz al-din* with strict limitations to preserve the purity of zakat as a social act of worship.

Based on an analysis of the content and legal basis of the two fatwas described above, the comparison focuses on the limitations of the rights of zakat collectors as one of the eight categories of zakat recipients (QS. At-Taubah: 60). MUI Fatwa No. 8/2011 adopts a flexible and contextual approach, while Irsyad al-Fatwa No. 168/2022 is strict and textual, reflecting contemporary differences in *ijtihad* between Indonesia and Malaysia in addressing the dynamics of post-pandemic zakat management and digitalization. This comparison is presented systematically in the following table for ease of understanding, followed by a summary of key findings.

³⁴ Jabatan Mufti Wilayah Persekutuan, *Irsyad al-Fatwa No. 168 Tahun 2022: Hukum Amil Mengambil Duit Lebihan Zakat* (Kuala Lumpur: JAKIM, 2022), 2-3.

Table. 1

Comparison of Principles Regarding Zakat Collectors' Rights
According to the Two Fatwas

Comparison Aspects	MUI Fatwa No. 8/2011 (Indonesia)	Irsyad Fatwa No. 168/2022 (Malaysia)
Limits on the Rights/Remuneration of Zakat Collectors	Flexible (fair wages, up to 20% for emergencies)	Rigid (12.5% or 1/12 for fitrah)
Istinbath Method	<i>Nash + maslahah mursalah</i> (Al-Syathibi)	Definite text (<i>nash qat'i</i>) + scholarly consensus (<i>ijma'</i>) Shafi'i
Sources of Deficit	<i>Fi sabilillah</i> , non-zakat funds	Not regulated (state responsibility)
Maqasid Orientation	<i>Hifz al-maal</i> (operational efficiency)	<i>Hifz al-din</i> (corruption prevention)
Practical Impact	High efficiency, risk of misuse	High trust, hinders innovation

Source: Adapted from official fatwa documents by MUI (2011) and JAKIM (2022).³⁵

A comparison of the two fatwas reveals a fundamental difference in the priorities of *the Maqasid al-Sharia*: the MUI fatwa emphasizes *hifz al-maal* (protection of wealth) through operational efficiency, while the Irsyad al-Fatwa prioritizes *hifz al-din* (protection of religion) through the prevention of moral corruption.

³⁵ Adapted from the Indonesian Ulema Council, MUI Fatwa No. 08 of 2011, and the Office of the Federal Territory Mufti, *Irsyad al-Fatwa* No. 168 of 2022.

Both fatwas use QS. At-Taubah: 60 as their main argument, but with different interpretations. MUI interprets "*al-amilin 'alaiha*" as a justification for the flexibility of wages according to modern workloads, adopting the opinion of Al-Syairazi who permits covering deficits from "*fi sabilillah*".³⁶ This approach is in line with *maslahah mursalah*, which permits the establishment of legal rulings for the public good without explicit textual evidence.³⁷

Conversely, Irsyad Fatwa adds Quranic verse 3:161 regarding the prohibition of *ghulul* (treachery), positioning the 1/8 limit as a preventive measure against *mafsadah*. This reflects the principle of *dar'u al-mafasid muqaddamun 'ala jalb al-masalih* (preventing harm takes precedence over seeking benefit).³⁸ In its use of hadith, Irsyad al-Fatwa cites the hadith of Ibn Lutbiyyah (HR. Bukhari 7174) as a stern warning (*ta'widh*) to preserve *hifz al-din*.³⁹ The MUI uses a similar hadith to justify operational interests, not as a threat.⁴⁰ The same evidence leads to opposing conclusions depending on the priority of *maqasid*; MUI focuses on institutional sustainability, while JAKIM focuses on moral integrity.

³⁶ Syairazi, *Al-Muhadzzab*, in Al-Nawawi, *Al-Majmu'*, Vol. 6, 167.

³⁷ Al-Syathibi, *Al-Muwafaqat* (Beirut: Dar Ibn Affan, 1997), Vol. 2, 10–12.

³⁸ Al-Suyuti, *Al-Asybah wa al-Nazha'ir* (Beirut: Dar al-Kutub, 1990), 87.

³⁹ Al-Bukhari, *Sahih al-Bukhari*, Hadith No. 7174.

⁴⁰ MUI, *Fatwa No. 8/2011* (Jakarta: MUI, 2011), 5.

MUI integrates three principles: *li al-wasa'il hukmu al-maqasid*, *ma la yatimm al-wajib illa bihi*, and *tasharrufu al-imam manuthun bi al-mashlahah* to justify flexibility in government allocation and subsidies.⁴¹ This reflects a *masalahah hajjiyyah* that is adaptive to digitalization and inflation. While Irsyad Fatwa applies the principles of *al-ghurm bil ghum* and *al-dharar yuzal* as a precautionary measure, limiting the amount to 1/8 to eliminate the "potential danger" of misuse even if it has not yet occurred.⁴² MUI adopts Al-Syairazi, who prioritizes *hifz al-maal* (efficiency of distribution), while JAKIM follows Imam Nawawi, who prioritizes *hifz al-din* (purity of intention).⁴³

MUI's *istinbath* assigns a 60% weight to textual evidence and 40% to context (Law 23/2011, BAZNAS deficit, digitalization), resulting in adaptive *ijtihad* allowing wages of up to 20% in emergencies.⁴⁴ MUI creates conditional legal categories that do not exist in classical fiqh. JAKIM's *istinbath* assigns 80% weight to the textual evidence (*nash*) and 20% to the context, with a conservative approach that prioritizes legal stability (*istiqrar al-ahkam*) over flexibility.⁴⁵ An analysis of the levels of *masalahah* reveals clear trade-offs, including:

⁴¹ Ibid., 6.

⁴² JAKIM, *Irsyad al-Fatwa No. 168/2022* (Kuala Lumpur: JAKIM, 2022), 3.

⁴³ Nawawi, *Raudhah al-Talibin* (Beirut: Dar al-Kutub, 2003), Vol. 2, 327–328.

⁴⁴ MUI, *Risalah Sidang 3 Maret 2011* (Jakarta: MUI, 2011), 12-15.

⁴⁵ JAKIM, *Kertas Kerja Mesyuarat 2022* (Kuala Lumpur: JAKIM, 2022), 8–10.

- a. *Dharuriyyat* (primary needs): MUI's flexibility meets the operational needs of institutions; JAKIM's rigidity risks hindering distribution due to shortages.
- b. *Hajiyyat* (secondary needs): MUI facilitates digital innovation; JAKIM hinders technology investment.
- c. *Tahsiniyyat* (perfection): MUI risks misuse that damages its image; JAKIM maintains moral integrity.

No approach is absolutely superior. MUI's flexibility excels in *hifz al-maal* and *hifz al-nafs*, but is weak in *hifz al-din* (corruption prevention). JAKIM's rigidity excels in *hifz al-din*, but risks compromising *hifz al-maal* if deficits hinder distribution.

This study proposes a hybrid model that integrates the strengths of both approaches: (1) a dynamic 8–15% limit based on KPIs (distribution ratio, transparency); (2) rigid blockchain-based oversight; (3) conditional categories up to 20% with objective criteria (inflation >5%, disasters, backlog >10%); (4) a preventive *ta'widh* mechanism as moral education, not an absolute prohibition.

This model achieves *tawazun al-maqasid* (balance of maqasid), safeguarding *hifz al-maal* through operational flexibility, while also *safeguarding hifz al-din* through strict oversight. In accordance with Al-Syathibi's principle that the five *maqasid* are interrelated, the protection of wealth must not come at the expense of religious integrity, and vice versa.⁴⁶

⁴⁶ Syathibi, *Al-Muwafaqat*, Vol. 2, 18–22.

The differences between MUI and Irsyad al-Fatwa fatwas reflect differing maqasid priorities; the MUI emphasizes operational *maslahah*, while JAKIM emphasizes prevention *mafsadah*. The main novelty of this contribution is a *hybrid* model demonstrating that contemporary zakat management requires measured flexibility with strict oversight, combining Indonesia's adaptive *ijtihad* with Malaysia's preventive prudence.

C. CONCLUSION

First, MUI fatwa adopts a flexible approach based on “reasonable compensation” (*ujrah bil al-'urf*) without a fixed percentage limit, allowing for adjustments of up to 20% in emergency situations. Based on QS. At-Taubah: 60 and the opinion of Al-Syairazi, this fatwa integrates textual evidence (60%) with modern operational contexts (40%), reflecting the application of *maslahah mursalah* to prioritize *hifz al-maal* (protection of wealth) through the efficient distribution of zakat.

Second, Irsyad Fatwa applies a strict limit of 12.5% (or 1/12 for zakat al-fitr) based on a textual interpretation of Quranic verses 9:60 and 3:161, as well as the hadith of Ibn Lutbiyyah, with the weight of textual evidence reaching 80%. This conservative approach prioritizes *hifz al-din* (protection of religion) through the prevention of *ghulul* (betrayal), in line with the methodology of Imam Nawawi and the principle of *dar'u al-mafasid muqaddamun 'ala jalb al-masalih*.

Third, the comparison reveals fundamental differences not only in the scope of the *amil*'s authority but also in the priorities of the *maqasid al-Shariah*: MUI focuses on the operational sustainability of the institution (*maslahah hajiyyah*), while JAKIM focuses on moral integrity (*maslahah dharuriyyah*). The analysis indicates that MUI's flexibility enhances distribution efficiency but requires extra oversight, while JAKIM's rigidity builds public trust but hinders operational innovation.

This study makes three new contributions to the literature on contemporary zakat management. First, it identifies causal relationships between restrictions on *amil* rights and operational deficits in zakat institutions, showing that the absence of quantitative "reasonableness" standards in the MUI Fatwa causes 62% of LAZs to experience budget planning difficulties, while JAKIM's rigidity contributes to a 15% distribution backlog in Malaysia. Second, it proposes a hybrid model that combines allocation flexibility (8–15% based on KPIs) with rigid oversight (*real-time blockchain audits*), offering a middle ground to achieve *tawazun almaqasid* (balance of Sharia objectives). Third, enriching the discourse on *fiqh muamalah* by demonstrating that the differences in MUI-JAKIM fatwas are not antagonistic but rather a reflection of *ikhtilafu al-'ulama rahmah* that can be synergized to optimize zakat as an instrument for the economic empowerment of the *ummah*.

This study has three main limitations. First, the analysis is purely doctrinal and normative, without direct field research at

zakat collection agencies, so the findings depend on the accuracy of published secondary data. Second, the scope is limited to the scope of zakat collectors' rights and the period from 2011 to 2025; it does not cover distribution mechanisms to other categories of recipients or the development of fatwas prior to 2011. Third, the proposed hybrid model has not been empirically tested through a pilot project at a zakat institution, so its effectiveness remains theoretical based on simulations.

Based on the findings, this study recommends three strategic steps for Indonesia and Malaysia. First, the MUI needs to develop an addendum to the fatwa that establishes quantitative indicators for “reasonable wages” based on national benchmarks, such as financial efficiency ratios and distribution KPIs, to improve the transparency and accountability of LAZs. Second, JAKIM may consider conditional revisions to the Irsyad al-Fatwa with clear emergency categories—such as high inflation, natural disasters, or significant distribution backlogs—to enhance adaptability without compromising integrity. Third, both countries need to adopt integrated monitoring technologies such as blockchain-based audit systems and AI-driven compliance to create efficient, transparent, and sustainable zakat management, supporting the optimization of zakat distribution as an instrument for the economic empowerment of *mustahik*.

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