

Application of Nishab of Zakat Profession at BAZNAS Tanah Datar Regency

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ABSTRACT

Zakat is a pillar of Islam that must be fulfilled by Muslims who have fulfilled the nishab. One of the zakat management entities in Indonesia is the National Amil Zakat Agency (BAZNAS) Tanah Datar Regency. This study aimed to determine the standard for determining the professional zakat nishab applicable in BAZNAS Tanah Datar Regency. This study uses a qualitative descriptive method with a case study and literature study. Data sources are from interviews with the Head and Executive Head of BAZNAS Tanah Datar Regency and the Zakat Collecting Unit (UPZ) management within the Tanah Datar Regency Government. Secondary data sources came from literature and documentation. The results showed that BAZNAS Tanah Datar Regency had two professional zakat nishab standards, namely 34 gold, equivalent to 85 grams of gold, and civil servants at least group 3A.

Keywords: zakat profession, baznas tanah datar, nishab, gold.

INTRODUCTION

Zakat, which is one of the five pillars of Islam, has a critical and particular position in the teachings of Islam. In the relationship between humans and their Creator, zakat worship is proof of obedience and love. However, in human relations, zakat becomes a tool to create socio-economic justice to develop the existing economic potential. In other words, zakat will make the rich richer and the poor richer (Qardhawi, 2004), (Sabiq, 2006), (Hafidhuiddin, 2007).

The discussion of zakat in the treasury of Islamic science has developed very dynamically. At least the development of the study of zakat fiqh can be divided into two classifications, namely classical zakat fiqh and contemporary zakat fiqh. There is no discussion of professional zakat or income zakat in classical fiqh studies. The study of professional zakat only emerged in the 60s after Muftahid Yusuf al-Qardhawi discussed it in a book entitled Fiqh Az Zakah, whose first printing was in 1969.

Whereas in Indonesia, the study of professional zakat only began in the late 90s, marked by the promulgation of Law number 38 of 1999 on Zakat Management and the translation of the Book of Fiqh Az Zakah by Didin Hafiduddin into Indonesian with the title Fiqh of Zakat which was published in 1999. Since then, the discussion about professional zakat has become more and more discussed, and the emergence of Zakat Management Organizations (OPZ) such as BAZNAS, BAZDA, and LAZ (Saputra, 2018), (Habibah, 2015), (Anggraini & Jahar, 2020), (Sutanto, 2020).

Apart from differences of opinion about the professional zakat law, the implementation of this worship in Indonesia has given rise to a lot of academic dialogue. Among other things, regarding the recommendation to pay zakat through amil zakat, regarding haul and how to pay professional zakat, to the determination of the professional zakat nishab. In Indonesia, there are at least three regulations regarding the decision of the professional zakat nishab, namely 1) Fatwa of the Indonesian Ulema Council (MUI) number 3 of 2003 concerning income zakat. 2)

Regulation of the Minister of Religion (PMA) Number 52 of 2014 concerning Requirements and Procedures for Calculation of Zakat Mal and Zakat Fitrah and Utilization of Zakat for Productive Businesses, and 3) Decree of the Chairman of the National Amil Zakat Agency Number 73 of 2017 concerning Nishab Value of Income or Professional Zakat. (Miftaakhul, 2019), (Bimasakti, 2019), (Resmi, 2016), (Yustisia & Susilowati, 2020).

The determination of the professional zakat nishab leaves problems, including the equating between the professional zakat nishab and salary. Employees who have a basic wage below the nishab feel they are not obliged to pay zakat. This understanding does not follow the nishab of professional zakat, which determines the nishab of non-salary income. This problem also occurs in Tanah Datar Regency. There are many understandings of the State Warden Apparatus. They argue that the calculation of professional zakat nishab is based on salary, not income (Yustisia & Susilowati, 2020) (interview with Ali Akbar, Wednesday 31 March 2021) (interview with Rita Afrianti, Wednesday 31 March 2021). It is certainly resolved. It relates to the determination of the profession's zakat nishab.

In terms of language, Zakat comes from Arabic and has many meanings. For example, the word Zakat comes from *zaka-yazku-zakatan*, which means growing or developing. This understanding is also expressed by Abu Hanifah, *zaka al-zar'u*, which means a growing plant. So, Zakat in the language is something that grows, develops, is good, holy, and a blessing. Meanwhile, the term *syara* is a name for the particular taking of certain assets according to specific characteristics of certain groups (Muin, 2020).

The Law of the Republic of Indonesia Number 23 of 2011 Article 1 concerning zakat management explains that zakat is an obligatory asset issued by a Muslim person or business entity to be given to those entitled to receive it following Islamic law. In the four schools of scholars, we find the definition of zakat in their books, with different purposes and limitations. According to Al-Hanafiyah, Zakat is the ownership of certain parts of the property from certain assets to certain people who have been determined by the maker of sharia (Allah) by expecting His pleasure. The Al-Malikiyah school emphasizes the necessity of nisab and the perfection of the property ownership status of the person who issues zakat and the provision of a haul (a year-round) that must be passed before zakat is given. And emphasizes the source of wealth, namely mining and rice fields.

The As-Syafi'iyah School defines *fiqh* as were for something that is removed from property and body in a certain way. According to Al-Hanabilah, Zakat is a property that must be removed from certain assets to be given to certain groups at a particular time. Profession or professional, in Arabic terminology, is known as *al-mihn*. This sentence is the plural form of *al-mihnah* which means work or service. A profession in terms of a job requires expertise, knowledge, and intelligence. Yusuf Qardawi said that a profession is a job or business that generates money or wealth, whether the work or business is carried out alone, without depending on other people, or by relying on other people, such as the government, private companies, or with individuals with wages, salaries, or honorarium. Professional zakat is zakat that is imposed on every profession or specific work, whether done alone or with other people/institutions, which brings income (money) that meets the nisab (minimum limit of assets to be able to pay zakat). (Qodariah, 2020, p. 123)

Professional zakat or also called income zakat, is zakat on assets issued from the income of a person or profession when it has reached the nisab, such as the income of employees, doctors, and notaries (Sahroni, 2018, p. 126). In the book of Jurisprudence *Az-Zakah*, professional zakat is referred to as *zakahawatib al-muwaqafin* (zakat on employee salaries) or *zakah kasb al-'amal wa al-mihan al-qurrah* (zakat from work and private professions).

Meanwhile, the Law of the Republic of Indonesia Number 23 of 2011 concerning the Management of Zakat (Zakat Law) calls the term zakat of income and services. In the derivative rules of this Law, the Regulation of the Minister of Religion of the Republic of Indonesia Number 52 of 2014 concerning the Terms and Procedures for Calculation of Zakat Mal and Zakat Fitrah and the Utilization of Zakat for Productive Business (Permenag Zakat 2014). Zakat income and services are explained, namely zakat issued from income obtained from professional results when receiving payment with a nisab of 653 kg of grain or 524 kg of rice, and the zakat rate is 2.5%. Slightly different from the MUI Fatwa No. 3 of 2003 concerning Income Zakat, which states that the nisab of professional zakat is 85 grams of gold and applies to haul (Nasution, 2019).

METHOD

The research method that the author uses is descriptive qualitative. The data sources are primary data sources and secondary data sources. The primary data sources are the Chief Executive, the Head of BAZNAS Collection in Tanah Datar Regency, while the secondary data the authors get from the study of literature and documents related to the determination of the professional zakat nishab.

RESULT AND DISCUSSION

Professional Zakat Regulations

Fatwa of the Indonesian Ulema Council (MUI) Number 3 of 2003 concerning Income Zakat

The Indonesian Ulema Council (MUI), after receiving many questions about the obligation to issue zakat for employees. Because they have a steady income, other professions, such as doctors, lawyers, consultants, lecturers, and other workers, issued a fatwa related to the application of Professional Zakat in Indonesia. The fatwa is based on the Surah al-Baqarah verse 267 and verse 219 and the letter at Taubah verse 103. Apart from the Quran, this fatwa is also based on the Hadith of the Prophet Muhammad, namely HR Muslim number 1631, HR Bukhari number 1338, HR Ahmad number 10.107, and Yusuf al-Qardhawi's opinion in the Book of Fiqh az Zakah.

In fatwa number 3 of 2003, the Indonesian Ulema Council (MUI) decided on a fatwa containing several things. First, what is meant by "income" is any income such as salary, honorarium, wages, services, and others obtained using halal. Whether routines such as state officials, employees or employees, or non-routine such as doctors, lawyers, consultants, and the like, income earned from other independent jobs. Second, all forms of halal payment must be issued zakat on condition. It has reached the nishab in one year, worth 85 grams of gold. Then, zakat on income is published at receipt if the nishab is sufficient. Suppose it does not reach the nishab. Then all revenue is collected for one year, and then zakat is issued if the net income is good. In the end, the level of zakat income is 2.5%.

Regulation of the Minister of Religion (PMA) Number 52 of 2014 concerning Terms and Procedures for Calculation of Zakat Mal and Zakat Fitrah and Utilization of Zakat for Productive Businesses

This Regulation of the Minister of Religion (PMA) explains Law number 23 of 2011 concerning Zakat Management. This PMA details the procedures for calculating zakat mal and zakat fitrah, including professional zakat. In this PMA, instructions are also explained on implementing efforts to utilize zakat funds for productive businesses. As a guide for

implementing the calculation of professional zakat, it is contained in paragraph 8 concerning zakat on income and services. Then, in article 26, it is explained that the nishab of zakat on remuneration and benefits is 653 Kg of grain or 524 Kg of rice. And the level of zakat income and services is 2.5%. Finally, article 27 explains that zakat on remuneration and benefits is paid when the payment and services are received and delivered through the official amil zakat.

Decision of the Chairman of the National Amil Zakat Agency Number 142 of 2017 concerning the Nishab Value of Zakat Income

The decision of the Chairman of BAZNAS RI Number 142 of 2017 is in the context of standardizing the calculation of income zakat because the current nishab value for income zakat is not following the times. Therefore, chairman Decree Number 142 of 2017, BAZNAS RI, decided several things, namely 1) the nishab value of zakat income in all regions of Indonesia in 2017 was Rp. 5.240,000, - (five million two hundred and forty thousand rupiahs). 2) Income zakat is paid when received and paid through the official amil zakat. 3) The level of zakat income is at least 2.5% (two points five percent) of gross income.

Decree of the Chairman of the National Amil Zakat Agency of West Sumatra Province Number 29 of 2021 concerning the Nishab Value of Zakat for Income in 2021/2022 (Beginning of Shawwal 1442 H to the end of Ramadan 1443 H)

The decision of the Head of BAZNAS of West Sumatra Province Number 29 of 2021 is a form of carrying out the task of collecting zakat on assets (zakat mal), which includes collecting zakat on income from muzakki, both from the State Civil Apparatus (ASN) and Private Employees and from the general public. (Non-ASN). To simplify the calculation of income zakat, the conversion value of the zakat income nishab is determined into rupiah. Therefore, the nishab conversion value of income zakat to rupiah that was applied previously was deemed necessary to adjust to the current gold price (post 'Idul Fitri 1442 H) to be enforced one qamariyah year ahead.

The Decree of the Head of BAZNAS of West Sumatra Province Number 29 of 2021 contains, 1) The income zakat nishab, is equal to the gold nishab, which is 85 grams of pure gold. 2) The nishab value of income in 2021/2022 with the standard selling price of gold in the city of Padang on 18 May 2021/6 Shawwal 1442 H is worth 85 grams of gold X Rp. 860. 711, - Rp. 73,160,435,- (seventy-three million one hundred sixty-four hundred thirty-five rupiah) or the average monthly income of Rp. 6,096,702, - (six million ninety-six thousand seven hundred and two rupiah). 3) The object of income zakat is gross income received for one year from various sources of income: Salary/wages, allowances, honorarium/activity incentives, overtime pay, and other income. 4) The level of income zakat is 2.5% (two point five percent) of gross income if it reaches the nishab or more. 5) The nishab value for income zakat is set for one qamariyah year, from the beginning of Shawwal 1442 H to the end of Ramadan 1443 H in 2021/2022 AD 6) Income zakat is paid at the time of realization of receipt and paid through official zakat amil.

Comparison of MUI Fatwa number 3 of 2003, PMA number 52 of 2014, Decree of the Chairman of BAZNAS RI Number 142 of 2017, and Decree of the Chairman of BAZNAS of West Sumatra Province number 29 of 2021

The calculation of the Professional Zakat Nishab refers to the four regulations, but with some differences. In detail, the comparison of the four can be seen in the following table.

Table 1. Comparison of Professional Zakat Regulations

No	Dimension	Fatwa of MUI No. 3 year 2003	PMA No. 52 of 2014	Decision of the Chairman of BAZNAS RI No. 142 of 2017	Decision of the Chairman of BAZNAS Prov Sum- Bar No.29 of 2021
1	Nishab	85 grams of gold	653 kg of grain or 524 kg of fallow	Rp 5.240.000	85 grams of gold worth Rp. 73,160,435 or an average of Rp. 6,096.702
2	Haul	1. Issued upon receipt if the nishab is sufficient. 2. If it does not reach the nishab, then all income is collected for one year; Then zakat is issued if the net income is sufficient.	Payable when income and services are received and paid through the official amil zakat	Payable when income is received and paid through the official amil zakat	Paid at the time of realization of receipt and paid through the official amil zakat
3	Kadar	2,5%	2,5%	2,5%	2,5%

Source: Processed data (2021)

From table 1, it can be seen that the differences in the MUI fatwa, the Minister of Religion Regulation, the Decree of the Chairman of BAZNAS RI on Professional Zakat, and the Decree of the Chairperson of the BAZNAS West Sumatra Province regarding Professional Zakat also affect the determination of the nishab value of professional zakat.

History of Determination of Professional Zakat Nishab at BAZNAS Tanah Datar Regency

Period of Application of Law 38 of 1999

After the 1998 reformation, it was the initial milestone of the movement of the zakat civilization in Indonesia. A new chapter of zakat management in Indonesia has begun with the promulgation of law number 38 of 1999 concerning zakat management. The spirit of zakat management that is so great is also felt in Tanah Datar Regency. At the beginning of its appearance, zakat was managed by a state institution called the amil zakat agency (BAZ). Like a new organization, BAZ has become a zakat management institution at the district level. BAZ seeks to realize its existence as an official institution for zakat management at the district level. However, in the absence of strong regulations, the efforts made by BAZ are less than optimal. In the early years of BAZ's establishment, this institution could only collect a few tens of millions in one year.

In this period, the regulation stipulates that the lowest zakat management is at the sub-district level, with the presence of the district BAZ. The district bus seems to be the coordinator of the sub-district BAZ in Tanah Datar Regency. However, various improvements are still being made, especially to the internal institutions themselves. The availability of appropriate offices and adequate human resources made the educational efforts undertaken by BAZ begin to be felt in Tanah Datar Regency. During this period, BAZ is like a social institution that collects funds from the community according to the wishes and the number of donations from the district. So the regulation on nishab and haul is only material for socialization and education without having binding power to Muzakki, who deposit their zakat to BAZ.

Transition Period of Law 38 of 1999 to Law 23 of 2011

In early 2011, the management of zakat nationally showed a significant improvement. Law number 38 of 1999, which is considered ineffective as a regulation of zakat management

in Indonesia, as amended. Law number 23 of 2011 was born, which became the new regulation of zakat management in Indonesia. This law is much more effective in regulating zakat management in Indonesia because it is different from the previous law. Law number 23 of 2011 was also accompanied by government regulation number 14 of 2014. So zakat management, the government's authority, becomes so felt at the district level. The new law brings several fundamental changes, one of which is that the lowest level of zakat management is at the district level. So that all sub-district BAZs change their functions into sub-district zakat collection units (UPZ) under the control of district BAZs.

In this period, the socialization of zakat, especially professional zakat, began to be seriously promoted. Civil servants are the main target in collecting zakat. All levels of regional leadership participate in the professional zakat campaign. Various kinds of socialization and education are intensively carried out, and the understanding of the rights of others in the salaries earned by civil servants massively campaigns. But uniquely, the Tanah Datar Regency BAZ campaigned for the professional zakat nishab, which was different from the existing regulations at that time. The rate used to calculate the nishab of professional zakat is not grams of gold, grain, or rice but uses a size of 1 gold.

The nisab of professional zakat, which was always socialized to civil servants, was 85 grams of gold, equivalent to 34 gold. Because the people of Tanah Datar Regency generally use a gold size of 1 to measure the gold content, the nishab value of professional zakat, which is so popular and understood by the public, is 34 gold. And this understanding has continued to develop over the years. The price of gold at that time was around Rp. 1.000.000,- up to Rp. 1.200.000.- so the nishab of professional zakat was in the range of Rp 40,000,000 - with such a profession's zakat nishab calculation, it becomes a different standard in deducting zakat for civil servants. So employees with salaries above 3 million are obliged to pay zakat or muzakki. This understanding persisted for years without any problems at all.

Period of Application of Law 23 of 2011

Four years after the promulgation of law number 23 of 2011 concerning zakat management. In 2015, BAZ Tanah Datar Regency changed its name to BAZNAS Tanah Datar Regency. This name change is also the beginning of the full implementation of zakat regulations. BAZNAS RI also provides rules regarding zakat management, one of which is about the nishab value of income or profession zakat. The law was marked by the chairman's decision of the National Amil Zakat Agency number 73 of 2017 concerning the nishab matter for income or profession zakat. An understanding of the professional zakat nishab of 34 gold was initially understood that Civil Servants who have salaries above Rp 3,000,000, already obligatory zakat began to reap problems.

BAZNAS Tanah Datar Regency is still adamant in socializing that a salary of 3 million and above is mandatory zakat because Civil Servants who have a salary of 3 million and above also have other income such as performance allowances, certification, and remuneration as well as other benefits. Therefore, the fundamental issue regarding the determination of the professional zakat nishab for Civil Servants in Tanah Datar Regency does not conflict with existing regulations. Still, the understanding of the professional zakat nishab measured only from salary does not follow fiqh rules and regulations in Indonesia. So that even now, BAZNAS Tanah Datar Regency has not dared to socialize the Decision of the Head of BAZNAS regarding the income or profession zakat nishab.

Application of Professional Zakat Nishab at BAZNAS Tanah Datar Regency

Nishab Zakat Profession of 34 gold

The determination of the professional zakat nishab of 34 gold is based on the calculation of 1 gold equivalent to 2.5 grams of gold. So that 85 grams of gold is equivalent to 34 gold. When converted to a gold price of Rp. 1.900.000,- per 1 gold, then the profession zakat nishab is Rp. 64.600.000,- for one year. While the nishab of professional zakat for one month is Rp 64.600.000:13 months = Rp. 4,969,230.

Nishab Zakat Profession is determined by Civil Servants at least group 3A

The professional zakat nishab is determined with a minimum of group 3 for Civil Servants because the zakat obligation income has been confirmed to be more than one nishab. The stipulation also aims to ensure that all civil servants who have muzakki fulfill their obligations to pay zakat every month.

CONCLUSION

Based on these findings, this article concludes that the professional zakat nisab at BAZNAS Kab. Tanah Datar does not use existing regulations but uses the 34 gold standard, and for the State Civil Apparatus (ASN), it is based on a minimum of group 3A..

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