

Maqasid-Based Regulatory for Good Zakat Governance in Indonesia

 Ahmad Hujaj Nurohim,^{1*}  Sultan Uy Ubpon,²

Authors'

Affiliation:

¹ UNU Yogyakarta,
Indonesia.

² Ateneo de Davao
University,
Philippine.

*Correspondences:
ahmad_hujaj@unu-jogja.ac.id

Abstract: Indonesia's national zakat governance continues to face institutional challenges that cannot be explained only by the gap between zakat potential and actual collection. The more fundamental issue lies in the legal design of Law No. 23 of 2011, which concentrates several functions within BAZNAS, places LAZ in a potentially subordinative position, leaves the accountability of UPZ insufficiently clear, and weakens public oversight. This article examines these institutional problems after Constitutional Court Decision No. 54/PUU-XXIII/2025 and formulates a more accountable model of zakat governance. It employs normative legal research with statutory, conceptual, and legal-policy approaches. The analysis combines regulatory governance, *siyāsah māliyah*, good zakat governance, and *maqāṣid al-sharī'ah*. The article argues that zakat reform should not stop at administrative adjustment, but must redesign institutional functions, ensure equal accountability among operators, strengthen public reporting, integrate fiscal incentives, and develop digital accountability. It proposes a *Maqāṣid*-Based Regulatory Governance Model that positions the state as regulator and supervisor, while BAZNAS, LAZ, UPZ, and community-based zakat managers operate within an accountable ecosystem oriented toward *mustahiqq* welfare.

Abstrak: Pengelolaan zakat nasional di Indonesia masih menghadapi persoalan kelembagaan berupa pemusatan fungsi, relasi BAZNAS-LAZ yang belum setara, posisi UPZ yang belum jelas, dan lemahnya akuntabilitas publik. Putusan MK No. 54/PUU-XXIII/2025 memberi momentum penting untuk membaca ulang desain UU No. 23 Tahun 2011, terutama karena pertimbangan hukumnya menegaskan perlunya pemisahan fungsi regulator, pembina, pengawas, dan operator. Artikel ini menganalisis kelemahan konstruksi hukum pengelolaan zakat nasional dan menawarkan model reformulasi tata kelola zakat yang lebih proporsional. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan politik hukum. Kerangka analisisnya memadukan regulatory governance, *siyāsah māliyah*, good zakat governance, dan *maqāṣid al-syarī'ah*. Temuan artikel menunjukkan bahwa reformasi zakat tidak cukup dilakukan melalui perubahan administratif, tetapi harus menyentuh pembagian fungsi kelembagaan, kesetaraan operator, akuntabilitas publik, insentif fiskal, akuntabilitas digital, dan pengukuran dampak berbasis *maqāṣid*. Artikel ini menawarkan *Maqāṣid*-Based Regulatory Governance Model sebagai model tata kelola zakat nasional yang menempatkan negara sebagai regulator dan pengawas, sementara BAZNAS, LAZ, UPZ, dan pengelola masyarakat bekerja dalam ekosistem akuntabilitas yang setara dan berorientasi pada kemaslahatan *mustahiqq*.

Keywords:
zakat; regulatory
governance;
siyāsah māliyah;
maqāṣid al-
sharī'ah; public
accountability.

Introduction

Reformulating national zakat governance is increasingly difficult to treat as a purely conceptual debate. Zakat begins as a religious obligation, yet its management has long operated as a social instrument that touches public trust, institutional data, reporting, distribution, and accountability. The BAZNAS Center for Strategic Studies still refers to an estimated national zakat potential of IDR 327 trillion, while the 2025 year-end National Zakat Management Report records national collection of IDR 44.698 trillion and distribution and utilization of IDR 44.288 trillion.¹ The same report shows that this management is carried out by 748 zakat managers, consisting of BAZNAS, 34 provincial BAZNAS offices, 508 reGENCY or municipal BAZNAS offices, 56 national LAZ, 44 provincial LAZ, and 105 reGENCY or municipal LAZ.² The gap between potential and realization does not, by itself, prove institutional failure. Zakat literacy, the choices of *muzakkī*, informal payment practices, the basis for calculating potential, household economic conditions, and public trust also play a role.³ Even so, the gap provides a strong reason to revisit the structural problems that affect coordination, collection effectiveness, reporting, and accountability in national zakat management.⁴

Law No. 23 of 2011 was built from the beginning on the assumption that zakat should be managed institutionally so that its effectiveness and usefulness for justice and public welfare can increase.⁵ Its institutional construction places BAZNAS (*Badan Amil Zakat Nasional* - the National Zakat Agency, a state-established body responsible for national zakat management) as the body responsible for zakat management at the national level. BAZNAS carries out planning, implementation, control, reporting, and accountability functions in zakat management and also occupies a determining position in relation to regional BAZNAS offices, LAZ (*Lembaga Amil Zakat* - Amil Zakat Institution, a community-based zakat institution authorized to assist in collecting, distributing, and utilizing zakat), and UPZ (*Unit Pengumpul Zakat* - Zakat Collection Unit, a unit formed by BAZNAS to assist in zakat collection). Article 16 allows BAZNAS, provincial BAZNAS offices, and reGENCY or municipal BAZNAS offices to establish UPZ. Article 17 states that the public may establish LAZ to assist BAZNAS in the collection, distribution, and utilization of zakat. This formulation shows that Law No. 23 of 2011 seeks to combine the role of the state with public participation, while still leaving

¹ Muhammad Fakhur Rasyid, "Evaluating the Institutional Effectiveness of BAZNAS for Poverty Alleviation in Indonesia," *Sinergi International Journal of Islamic Studies* 3, no. 3 (2025): 139-55, <https://doi.org/10.61194/ijis.v3i3.805>.

² BAZNAS Badan Amil Zakat Nasional, "Laporan Pengelolaan Zakat Nasional Akhir Tahun 2025," BAZNAS, 2026.

³ Saeed Awadh Bin-Nashwan, "Alms Tax (Zakat) Law Intricacies: An Institutional and Governance-Based Analysis," *Thunderbird International Business Review*, October 29, 2025, tie.70053, <https://doi.org/10.1002/tie.70053>.

⁴ Aldin Susilo, "Antara Kemiskinan, Potensi Zakat Dan Pembangunan Berkelanjutan (Menyelidik Problematika Zakat di Indonesia)," *Jurnal Pendidikan Indonesia* 6, no. 5 (2025): 2255-66, <https://doi.org/10.59141/japendi.v6i5.7775>.

⁵ Hilman Latief, "Islamic Philanthropy and the Private Sector in Indonesia," *Indonesian Journal of Islam and Muslim Societies* 3, no. 2 (2013): 175, <https://doi.org/10.18326/ijims.v3i2.175-201>.

questions about functional boundaries, equality among operators, and sufficiently independent oversight mechanisms.⁶

The central problem in this article is not simply whether the state should be present in zakat management. A more basic issue lies in how the functions of regulator, developer, supervisor, and operator are distributed among the state, BAZNAS, LAZ, UPZ, and community-based zakat managers. Regulatory governance helps to read this problem because regulation does not stop at rule-making.⁷ Regulation also concerns monitoring, enforcement, coordination, evaluation, and the control of conflicts of interest.⁸ At this point, zakat governance needs to be examined through a sharper question. Can one institution perform operational functions while also exercising strong influence over standards, coordination, recommendations, reporting, and the position of other institutions without creating an accountability deficit. The same concern also appears in the author's preliminary research notes, which highlight the centralization of authority, criticism of an institutional pattern perceived as a "superbody,"⁹ the need to separate regulator and operator, the integration of fiscal incentives, digital accountability, and *maqāṣid al-sharī'ah*-based evaluation as the horizon of reform.

Constitutional Court Decision No. 54/PUU-XXIII/2025 provides an important momentum for this re-reading. The Court did not grant the main petition of the applicants. The ruling declared the petition concerning Article 7 paragraph 1 letter b of Law No. 23 of 2011 inadmissible and rejected the petition in all other respects.¹⁰ This decision therefore cannot be read as an immediate change to existing legal norms. Its significance lies instead in the legal reasoning that connects the case to Constitutional Court Decision No. 97/PUU-XXII/2024. The decision directs lawmakers to revise Law No. 23 of 2011 by paying attention to the separation of regulatory, development, and supervisory functions from implementing or operational functions, the freedom of *muzakkī* (a person obligated to pay zakat) to choose trusted institutions, equal opportunity for operators, good zakat governance, and meaningful participation by stakeholders.¹¹ The decision is better understood as constitutional guidance for the legal politics of zakat, not as a direct annulment of norms.¹²

⁶ Saidurrahman Saidurrahman, "THE POLITICS OF ZAKAT MANAGEMENT IN INDONESIA: The Tension Between BAZ and LAZ," *JOURNAL OF INDONESIAN ISLAM* 7, no. 2 (2013): 366, <https://doi.org/10.15642/JIIS.2013.7.2.366-382>.

⁷ David Levi-Faur et al., "Regulatory Governance: History, Theories, Strategies, and Challenges," in *Oxford Research Encyclopedia of Politics*, by David Levi-Faur et al. (Oxford University Press, 2021), <https://doi.org/10.1093/acrefore/9780190228637.013.1430>.

⁸ Peter Mascini and Judith Van Erp, "Regulatory Governance: Experimenting with New Roles and Instruments," *Recht Der Werkelijkheid* 35, no. 3 (2014), <https://doi.org/10.5553/RdW/138064242014035003001>.

⁹ Eko Triyanto, "MK Tolak Gugatan UU Pengelolaan Zakat," *Nasional*, Kantor Kementerian Agama Kota Yogyakarta, September 1, 2025, <https://yogyakartakota.kemenag.go.id/mk-tolak-gugatan-uu-pengelolaan-zakat/>.

¹⁰ MK RI Mahkamah Konstitusi Republik Indonesia, "Putusan Nomor 54/PUU-XXIII/2025," Mahkamah Konstitusi Republik Indonesia, 2025.

¹¹ MK RI Mahkamah Konstitusi Republik Indonesia, "Putusan Nomor 97/PUU-XXII/2024," Mahkamah Konstitusi Republik Indonesia, 2024.

¹² Dwi Martiningsih, *PERAN ISLAMIC CIVIL SOCIETY DALAM PENGELOLAAN ZAKAT DI INDONESIA Studi Kasus Muhammadiyah Dan Nahdlatul Ulama* (2022; Yayasan Omah Aksoro Indonesia, 2022).

Previous studies have provided an important basis for this discussion. Studies on the relationship between BAZNAS and LAZ highlight the tension between state centralization and the autonomy of civil society.¹³ Research on productive zakat and *Maqāṣid al-sharī'ah* emphasizes that the success of zakat should be assessed through its impact on *mustahiqq* (a person entitled to receive zakat) welfare, rather than through administrative compliance alone.¹⁴ Studies on zakat digitalization discuss technology as a means of transparency and efficiency,¹⁵ while fiscal studies place zakat in relation to tax incentives.¹⁶ These four lines of research, however, often move separately. Few studies have formulated a regulatory governance model that connects the separation of institutional functions, public accountability, fiscal incentives, digital accountability, and *Maqāṣid al-sharī'ah*-based measures of success within one coherent design. This is the research gap addressed in this article.

This article offers a model for reformulating national zakat governance based on regulatory governance and framed by *Siyāsah māliyah*, good zakat governance, and *Maqāṣid al-sharī'ah*. Regulatory governance is used to examine the distribution of functions and oversight mechanisms. *Siyāsah māliyah* (Islamic fiscal governance) provides a normative basis for directing state involvement toward trust, justice, and public welfare. Good zakat governance translates institutional principles into transparency, audit, reporting, participation, and data protection. *Maqāṣid al-sharī'ah* is used to assess whether institutional reform genuinely strengthens the protection of wealth, independence, and welfare of *mustahiqq*. Two questions are raised in this article. First, how does the legal construction of Law No. 23 of 2011 reveal weaknesses in regulating the distribution of authority among the state, BAZNAS, LAZ, UPZ, and community-based zakat managers. Second, what model of national zakat governance reform can ensure the separation of institutional functions, public accountability, fiscal incentives, and the achievement of *Maqāṣid al-sharī'ah*. The article aims to analyze weaknesses in the design of national zakat regulation and to formulate a governance model that is more proportional, accountable, participatory, and oriented toward the welfare of *mustahiqq*.

¹³ Saidurrahman, "THE POLITICS OF ZAKAT MANAGEMENT IN INDONESIA"; Abdul Rokhim et al., "From Governance to Empowerment: Interpreting Maqasid Shariah in Local Zakat Institutions in Indonesia," *Journal of Cultural Analysis and Social Change*, January 12, 2026, 1855-67, <https://doi.org/10.64753/jcasc.v11i1.4194>.

¹⁴ Rokhim et al., "From Governance to Empowerment"; Hafizan Adhimllah and Yudi Gunawan, "Optimalisasi Penyaluran Zakat Dalam Perspektif Maqashid Syariah: Analisis Hukum Islam Terhadap Model Dan Efektivitas Pemberdayaan Mustahik," *Journal of Legal, Political, and Humanistic Inquiry* 1, no. 3 (2026): 59-67, <https://doi.org/10.65310/yhzm8k06>.

¹⁵ Irfan Syauqi Beik et al., "Utilization of Digital Technology for Zakat Development," in *Islamic FinTech*, ed. Mohd Ma'Sum Billah (Springer International Publishing, 2021), https://doi.org/10.1007/978-3-030-45827-0_13; Sapri Ali and Azzafa Nur Jadidah, "Peran Teknologi Dalam Optimalisasi Pengumpulan Dan Distribusi Zakat Dan Wakaf," *El-Faqih: Jurnal Pemikiran Dan Hukum Islam* 10, no. 2 (2024): 400-414, <https://doi.org/10.58401/faqih.v10i2.1495>.

¹⁶ Saini Saini and Zaenol Hasan, "Integrasi Zakat Sebagai Reformulasi Kebijakan Fiskal Indonesia Berbasis Syariah Dengan Prinsip Ekonomi Islam," *Journal of Economic and Business Law Review* 4, no. 2 (2024): 111, <https://doi.org/10.19184/jebrl.v4i2.52580>; Suptika Kancana et al., "Leveraging Digital Marketing for Sustainable Fundraising in Zakat Institutions: A Case of Badan Amil Zakat Nasional (BAZNAS) Yogyakarta City," *RSF Conference Series: Business, Management and Social Sciences* 5, no. 2 (2025): 105-12, <https://doi.org/10.31098/bmss.v5i2.956>.

Method

This study uses normative or doctrinal legal research. The choice of method follows the nature of the problem examined. The article does not study the behavior of *muzakkī*, the empirical effectiveness of zakat programs, or the performance of particular institutions through field data. It instead reads the legal construction of national zakat management, especially the distribution of authority among the state, BAZNAS, LAZ, UPZ, and community-based zakat managers. The main object of the study is the normative design of Law No. 23 of 2011 and the direction of its reform after Constitutional Court Decision No. 54/PUU-XXIII/2025.

The primary legal materials analyzed include Law No. 23 of 2011 on Zakat Management, Government Regulation No. 14 of 2014, Minister of Religious Affairs Regulation No. 19 of 2024 on Amil Zakat Institutions, BAZNAS Regulation No. 2 of 2016 on the Establishment and Working Procedures of UPZ, Constitutional Court Decision No. 54/PUU-XXIII/2025, Constitutional Court Decision No. 97/PUU-XXII/2024, and tax regulations governing zakat or mandatory religious donations as deductions from gross income. Official BAZNAS documents, especially the 2025 year-end National Zakat Management Report, are used to read the institutional map and developments in national zakat management. Secondary legal materials are drawn from books, journal articles, research reports, and doctrines discussing regulatory governance, *Siyāsah māliyah*, *Maqāṣid al-sharī'ah*, and good zakat governance.

This study employs statutory, conceptual, and legal-policy approaches. The statutory approach is used to examine the structure of norms, institutional functions, and relations among actors in the legal regime of zakat. The conceptual approach places regulatory governance as a lens for reading functional distribution and accountability, *Siyāsah māliyah* as a normative basis for state involvement, good zakat governance as an operational principle of institutions, and *Maqāṣid al-sharī'ah* as an evaluative measure for the protection of wealth, welfare, and independence of *mustahiqq*. The legal-policy approach is used to assess the direction of zakat regulatory reform after the Constitutional Court decisions.

The analysis proceeds in several stages. First, this study identifies norms governing duties, functions, licensing, development, supervision, reporting, and institutional relations in zakat management. Second, it reads the ruling and legal reasoning of Constitutional Court Decision No. 54/PUU-XXIII/2025 and its relationship with Constitutional Court Decision No. 97/PUU-XXII/2024. Third, those norms and considerations are mapped to identify overlapping functions, potential conflicts of interest, subordinative relations, and accountability deficits. Fourth, the mapping is used prescriptively to formulate a model for national zakat governance that is more proportional, participatory, accountable, and oriented toward the welfare of *mustahiqq*.

Results and Discussion

Zakat, Islamic Social Finance, and the Legitimacy of State Regulation

Zakat moves between personal piety and social responsibility. It arises from a religious obligation, but its effects do not end in the vertical relationship between human beings and God.¹⁷ Zakat touches a wider structure of life because it relates to wealth

¹⁷ Yusuf Qaradawi et al., *Hukum Zakat: Studi Komparatif Mengenai Status Dan Filsafat Zakat Berdasarkan Quran Dan Hadis*, Cet. ke 5 (Litera Antar Nusa, 2007).

distribution, protection for vulnerable groups, the strengthening of social solidarity, and the formation of an economic ethic that rejects closed accumulation of wealth. For this reason, zakat cannot be understood merely as an individual act of worship completed when a *muzakkī* transfers part of his or her wealth to a *mustahiqq*.¹⁸ Zakat is also a social institution that requires management, recording, distribution, supervision, and accountability.

The Qur'an itself gives an institutional indication when it mentions "*al-āmilīn 'alayhā*" as one of the recipients of zakat in Q.S. al-Tawbah [9]: 60.¹⁹ The presence of *amil* shows that zakat is not left only to individual moral awareness. It also needs a management apparatus that works in an orderly, trustworthy, and public-welfare-oriented manner. The command "*khuḏ min amwālihim ṣadaqah*" in Q.S. al-Tawbah [9]: 103 also shows that zakat contains dimensions of collection, management, and authority.²⁰ Discussion of state regulation in zakat management is therefore not a deviation from the spiritual character of zakat, but a consequence of the public character of zakat itself.

The history of Islamic legal thought places zakat within a broader horizon, namely the management of public finance for public benefit. Abū Yūsuf, in *Kitāb al-Kharāj*, treats fiscal affairs as part of the ruler's responsibility to uphold justice, prevent oppression, and ensure that levies and wealth distribution do not turn into instruments of domination. The work was written for Caliph Hārūn al-Rashīd and is known as one of the early treatises on taxation, land revenue, and public finance within Islamic law.²¹ It contains technical discussions on zakat levies in its time, but its greater importance lies in the principle that fiscal authority must be bound by trust, justice, and protection of the people.²²

A similar idea appears in *Kitāb al-Amwāl* by Abū 'Ubayd al-Qāsim ibn Sallām. Abū 'Ubayd discusses public wealth, state revenue, and the distribution of wealth as part of moral and legal responsibility. Public wealth cannot be managed carelessly because it contains the rights of society, especially vulnerable groups.²³ This principle matters for zakat because zakat raises questions beyond the amount of wealth collected. It also asks who has authority to manage it, how that authority is supervised, and to whom managers must be accountable. These questions become more relevant in the modern state because zakat institutions no longer operate within small and simple communities. They work within a national legal system, interact with state administration, face public expectations, and manage funds with broad social consequences.²⁴

Al-Māwardī, through *al-Aḥkām al-Sultāniyyah*, provides an important basis for

¹⁸ D. H. Norulazidah P.H. Omar Ali and Gareth D. Myles, "The Consequences of Zakat for Capital Accumulation," *Journal of Public Economic Theory* 12, no. 4 (2010): 837–56, <https://doi.org/10.1111/j.1467-9779.2010.01476.x>.

¹⁹ Ismā'īl ibn 'Umar ibn Kathīr al-Qurashī al-Dimashqī, *Tafsīr Al-Qur'ān al-'Azīm*, vol. 1 (Dār Ṭayba, 2002).

²⁰ Wahbah Az-Zuhaili, *Al-Tafsīr al-Munir Fi al-'Aqidah Wa al-Syari'ah Wa al-Manhaj* (Dar al-Fikr, 1991).

²¹ Abū-Yūsuf Ya'qūb Ibn-Ibrāhīm et al., *Abū Yūsuf's Kitāb al-Kharāj*, Taxation in Islam / A. Ben Shemesh, Vol. 3 (E. J. Brill, 1969).

²² Jonathan Benthall, "Financial Worship: The Quranic Injunction to Almsgiving," *The Journal of the Royal Anthropological Institute* 5, no. 1 (1999): 27, <https://doi.org/10.2307/2660961>.

²³ Abū 'Ubayd al-Qāsim ibn Sallām, *The Book of Revenue (Kitāb al-Amwāl)*, 1st ed, with Centre for Muslim Contribution to Civilization, The Great Books of Islamic Civilisation (Garnet Pub, 2002).

²⁴ Mohamad Syahmi Mat Daud and Hairunnizam Wahid, "Assessing the Role of Zakat Institutions in the Socio-Economic Sustainability of the Poor and Destitute in Malaysia," *International Journal of Sociology and Social Policy* 45, nos. 11–12 (2025): 1121–36, <https://doi.org/10.1108/IJSSP-01-2025-0036>.

understanding the relationship between state authority and the management of public affairs. In the framework of classical political jurisprudence, power does not stand for itself. It exists to preserve religion and regulate worldly affairs so that public life can proceed in an orderly way.²⁵ This principle means that the state may be present in zakat management to guarantee order, but that presence must serve public welfare, not closed institutional control. The tradition of *Siyāsah māliyah*, when read through Abū Yūsuf, Abū ‘Ubayd, and al-Māwardī, does not give empty legitimacy to the state. It gives conditional legitimacy. The state may regulate zakat as long as such regulation safeguards trust, ensures distributional justice, prevents abuse, opens space for participation, and strengthens protection for *mustahiqq*.

The legitimacy of zakat regulation must be read carefully in the modern state. The state has legal capacity to form regulations, set standards, accredit institutions, integrate data, and build oversight mechanisms. That capacity is not the same as authority to monopolize all practices of zakat management.²⁶ That capacity is not the same as authority to monopolize all practices of zakat management. Zakat has strong social roots in Muslim society. Before it appeared in the form of state regulation, zakat had long lived through mosques, Islamic boarding schools, social organizations, local communities, religious institutions, and networks of social philanthropy.²⁷ Regulation that is too centralized risks weakening the social energy that gives zakat its vitality. The issue is not whether the state should regulate zakat, but how the state regulates zakat without weakening public participation and without creating an authority structure prone to conflicts of interest.

The basic framework of *Siyāsah māliyah*, understood here as fiscal governance in classical Islamic thought on government, provides a normative basis for addressing this problem. The state may act as regulator, developer, facilitator, and supervisor because zakat concerns the public interest. Yet the state need not become the single center of all management functions. In contemporary governance terms, sound regulation requires a reasonable separation between rule-making, implementation, supervision, and evaluation. David Levi-Faur, in regulatory governance, places regulation within a broader system of governance that includes rule-making, monitoring, enforcement, and institutional coordination.²⁸ This framework is relevant for reading zakat because zakat institutions must be legally valid, open to supervision, accessible to audit, and protected from the concentration of too many functions in one center of power. If one institution acts at once as operator, coordinator, source of legitimacy, and controller of other institutions, the system may create an accountability deficit. Such a deficit is not merely administrative. It is also a problem of trust.

Yūsuf al-Qaradāwī, in *Fiqh al-Zakāh*, gives serious attention to zakat as an institution that must be managed carefully, not merely as a moral teaching dependent on individual spontaneity.²⁹ Strengthening zakat in the modern state, however, cannot rely only on normative exhortation. Zakat requires a system capable of building trust.

²⁵ Abu al-Hasan Al-Mawardi, *Al-Ahkam al-Sultaniyyah Wa al-Wilayat al-Diniyyah* (Dar al-Kutub al-Ilmiyyah, 1996).

²⁶ Rokhim et al., "From Governance to Empowerment."

²⁷ Micah A. Hughes and Shariq A. Siddiqui, "From Islamic Charity to Muslim Philanthropy: Definitions Across Disciplines," *Religion Compass* 18, no. 10 (2024): e70002, <https://doi.org/10.1111/rec3.70002>.

²⁸ David Levi-Faur, "Regulation & Regulatory Governance," *Handbook on the Politics of Regulation*, December 28, 2010.

²⁹ Qaradawi et al., *Hukum Zakat*.

Trust does not grow from centralization alone, but from transparent reporting, accessible data, accountable audits, certainty of institutional roles, protection for *muzakkī* and *mustahiqq*, and a clear relationship among the state, BAZNAS, LAZ, UPZ, and community-based zakat managers. Within this frame, state regulation gains legitimacy when institutions strengthen justice and trust, not when they narrow participation.³⁰

Law No. 23 of 2011 actually contains normative language that is consistent with these principles. Zakat is described as a religious institution aimed at improving justice and public welfare. Zakat management is also based on the principles of Islamic law, trustworthiness, benefit, justice, legal certainty, integration, and accountability.³¹ This formulation shows that Indonesian positive law does not view zakat merely as funds to be collected, but as a social-religious institution that must be managed in a trustworthy manner. For that very reason, the institutional design of zakat needs to be tested more carefully. Formal management is not necessarily accountable when institutional functions overlap, operators are not positioned equally, or society is placed only as a complement to an overly centralized structure.

Zakat as Islamic social finance ultimately reveals two sides that must be kept in balance. Zakat needs the state because religious public funds should not be left in a fully informal space without accountability standards. Zakat also needs society because its vitality grows from religious awareness, social closeness, and community trust.³² Between these two sides, the idea of trust and the limits of state authority in *Siyāṣah māliyah* becomes important. The state is not absent, but it also should not absorb the entire space of management. It is present to ensure order, justice, protection, and supervision. Society retains space to participate through lawful, transparent, and responsible institutions. In such a model, zakat regulation is understood as more than a legal instrument governing collection and distribution. It becomes an effort to build an ecosystem of trust that connects religious norms, state capacity, public participation, and the pursuit of social welfare. When zakat is placed within that ecosystem, state regulation gains a more substantive meaning as a guardian of distributional justice, not merely an administrative controller over the funds of the ummah.

The Legal Construction of Law No. 23 of 2011 and the Problem of Zakat Institutional Relations

Zakat funds collected by institutions no longer remain in a direct relationship between *muzakkī* and *mustahiqq*. Once zakat enters an institutional system, the funds require standards of management, recording, reporting, and supervision. This is the reason the presence of the state in zakat management can be understood. Law No. 23 of 2011 seeks to bring zakat into a more orderly and accountable system of governance. Zakat still begins from a spiritual obligation, but its management touches social distribution, protection for *mustahiqq*, and public trust.³³ The question that follows is no longer simply

³⁰ Saidurrahman, "THE POLITICS OF ZAKAT MANAGEMENT IN INDONESIA."

³¹ Republik Indonesia, "Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Zakat," Lembaga Sekretariat Negara, 2011, pasal 2-3.

³² Ali Murtadho Emzaed et al., "The Relationship Between the State and Muslim Civil Society in Zakat Management in Indonesia," *Transformatif* 7, no. 2 (2023): 153-68, <https://doi.org/10.23971/tf.v7i2.7450>.

³³ Muhamad Ulul Albab Musaffa et al., "Study the Philosophy of Islamic Law in Determination Percentage of Zakat Mal," *Az-Zarqa': Jurnal Hukum Bisnis Islam* 14, no. 1 (2022): 19, <https://doi.org/10.14421/azzarqa.v14i1.2589>.

whether the state may regulate zakat. The more decisive question is how law regulates the relationship among government, BAZNAS, LAZ, UPZ, and community-based zakat managers without removing institutional balance.³⁴

Article 5 of Law No. 23 of 2011 states that the government establishes BAZNAS to carry out zakat management. Article 6 gives BAZNAS the authority to perform national zakat management duties. Article 7 assigns BAZNAS the functions of planning, implementation, control, reporting, and accountability for the collection, distribution, and utilization of zakat.³⁵ This sequence of norms shows that BAZNAS is not merely established as a technical implementing body for zakat management. It is also positioned as the center of coordination and control within the national zakat system. This mandate may be read as an effort to build integration. Yet integration is not always the same as healthy governance when operational, control, and reporting functions are placed too closely within the same institution.

Table 1.
Mapping of Institutional Norms in Law No. 23 of 2011

Norm	Main Content	Institutional Function	Governance Problem
Article 5	The government establishes BAZNAS	Establishment of a national institution	The state becomes the main institutional entry point for zakat
Article 6	BAZNAS is authorized to carry out national zakat management duties	National mandate	Very broad national authority
Article 7	BAZNAS carries out planning, implementation, control, reporting, and accountability	Operator, controller, and reporting body	Operational and control functions overlap
Article 16	BAZNAS may establish UPZ	Extension of collection	UPZ is placed within the BAZNAS structural line
Article 17	The public may establish LAZ to assist BAZNAS	Public participation	The LAZ relationship tends to be subordinative
Article 18	LAZ licensing requires a BAZNAS recommendation	Licensing and legitimacy of LAZ	A state-linked operator helps determine the access of community operators

³⁴ Saidurrahman, "THE POLITICS OF ZAKAT MANAGEMENT IN INDONESIA"; Imam Yahya, "Zakat Management in Indonesia: A Legal Political Perspective," *Al-Ahkam* 30, no. 2 (2020): 195-214, <https://doi.org/10.21580/ahkam.2020.30.2.6420>.

³⁵ Republik Indonesia, "Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Zakat."

Article 19	LAZ must report the implementation of zakat management to BAZNAS	LAZ reporting	Reporting is directed to an institution that also operates as a zakat manager
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The relationship among the articles above shows that the problem of Law No. 23 of 2011 cannot be located in a single provision. Articles 5, 6, and 7 build BAZNAS as a national institution with a broad mandate. Article 16 extends the reach of BAZNAS through the establishment of UPZ. Article 17 recognizes LAZ, but it does so through the phrase “to assist BAZNAS.” Article 18 requires a BAZNAS recommendation in LAZ licensing, while Article 19 obliges LAZ to report the implementation of zakat management to BAZNAS. BAZNAS is not a formal regulator in the sense of a state policy-maker such as the Minister. Even so, this arrangement gives BAZNAS strong institutional influence over other actors that also carry out zakat management. This is where the problem of institutional relations begins to appear.

The phrase “to assist BAZNAS” in Article 17 appears simple, but it determines the position of LAZ in the legal architecture of national zakat. LAZ is recognized as an institution established by society, yet this recognition does not fully place LAZ as an equal operator. LAZ emerges from social space, but its legal position remains anchored in a relationship centered on BAZNAS. The state certainly has reasons to prevent fragmentation in zakat management. Excessive fragmentation can weaken standards, blur reporting, and complicate oversight. Yet the history of zakat in Indonesia did not grow from the state alone. Mosques, *pesantren*, Islamic organizations, social foundations, local communities, and philanthropic institutions have long been spaces where zakat lives. A relationship that is too subordinative risks narrowing the social energy that keeps zakat close to society.³⁶

UPZ is placed on a different track from LAZ, but the basic question is similar. BAZNAS Regulation No. 2 of 2016 defines UPZ as an organizational unit established by BAZNAS, provincial BAZNAS, or regency or municipal BAZNAS to assist zakat collection. The proximity of UPZ to government agencies, institutions, business entities, mosques, and other social units can expand collection reach. Its coordinative benefit is also visible because UPZ operates within a clearer reporting structure. UPZ, however, does not stand as an independent actor. Its structural line remains tied to BAZNAS. This model can create administrative discipline, but it can also pull zakat too far into bureaucratic logic. Zakat needs standards and reports, but it also needs local sensitivity, social closeness, and cultural trust.³⁷

Government Regulation No. 14 of 2014 reaffirms the position of BAZNAS as the institution that performs national zakat management duties. The regulation also states that zakat management guidelines prepared by BAZNAS serve as a reference for

³⁶ Amelia Fauzia, *Faith and the State: A History of Islamic Philanthropy in Indonesia* (Koninklijke Brill NV, 2013).

³⁷ Nabila Zettira Dzilkhaira, “The Role of Zakat Collection Unit (UPZ) as an Effort to Increase ZIS Collection in BAZNAS of West Java Province,” *Filantropi: Jurnal Manajemen Zakat Dan Wakaf* 6, no. 1 (2025): 46–54, <https://doi.org/10.22515/finalmazawa.v6i1.10105>.

BAZNAS, provincial BAZNAS, regency or municipal BAZNAS, and LAZ.³⁸ This formulation strengthens BAZNAS as the center of institutional reference. On one side, common guidelines can unify zakat management standards. On the other side, guidelines issued by an institution that is also an operator need to be placed within a clear oversight system. Common standards should not turn into instruments of institutional domination. Sound zakat governance needs coordination, while that coordination must still allow correction, audit, and participation.³⁹

Abū Yūsuf and Abū ‘Ubayd provide a normative basis for assessing this arrangement. Abū Yūsuf, in *Kitāb al-Kharāj*, emphasizes fiscal justice and the ruler’s responsibility in managing sources of public revenue.⁴⁰ Abū ‘Ubayd, in *Kitāb al-Amwāl*, places public wealth within the frame of trust, justice, and proper distribution.⁴¹ These two references do not merely justify state intervention. They also set ethical limits for the state. The wealth of the ummah must be managed by protecting the rights of those entitled to it, rather than by building authority that is difficult to supervise. The concept of *Siyāsah māliyah* can justify the establishment of BAZNAS, but it does not automatically justify centralization that reduces the social space of zakat. The state still needs to be present, but that presence must produce trust, oversight, institutional justice, and public participation.

The question of oversight distance becomes more important when Article 7 is read together with Articles 18 and 19. BAZNAS performs planning, implementation, control, reporting, and accountability. At the same time, LAZ requires a recommendation from BAZNAS and must report zakat management to BAZNAS. This arrangement does not in itself prove wrongdoing, but it is sufficient to reveal a potential accountability deficit. This is one of the weaknesses in the legal construction of Law No. 23 of 2011 regarding the design of supervision. Robert Baldwin, Martin Cave, and Martin Lodge emphasize that regulation concerns strategy, compliance, enforcement, evaluation, and institutional design.⁴² An institution that performs operational functions requires oversight with sufficient distance so that assessment can run objectively. Zakat management has high sensitivity because zakat funds carry religious and social meaning. Closure, inefficiency, or abuse does not merely harm administration. It can also damage the trust of the ummah.

The position of society deserves stronger attention. Law No. 23 of 2011 mostly places society as *muzakkī*, *mustahiqq*, or as a party that may establish LAZ under certain licensing requirements. Social reality shows that society is also a source of trust and a primary actor in Islamic philanthropy. Yūsuf al-Qaraḍāwī, in *Fiqh al-Zakāh*, stresses that zakat has strong institutional and social dimensions, so zakat management must protect justice and the interests of those who are entitled to receive it.⁴³ Strengthening the state without strengthening public participation can create distance between formal institutions and the social base of zakat. *Muzakkī* evaluate not only the legality of an

³⁸ Republik Indonesia, “Peraturan Pemerintah Nomor 14 Tahun 2014 Tentang Pelaksanaan Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Zakat,” Lembaga Sekretariat Negara, 2014.

³⁹ Republik Indonesia, “Peraturan Pemerintah Nomor 14 Tahun 2014 Tentang Pelaksanaan Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Zakat.”

⁴⁰ Abū-Yūsuf Ya‘qūb Ibn-Ibrāhīm et al., *Abū Yūsuf’s Kitāb al-Kharāj*.

⁴¹ Abū ‘Ubayd al-Qāsim ibn Sallām, *The Book of Revenue*.

⁴² Robert Baldwin and Martin Cave, *Understanding Regulation: Theory, Strategy, and Practice* (Oxford University Press, 1999).

⁴³ Qaradawi et al., *Hukum Zakat*.

institution, but also its trustworthiness, closeness, transparency, and accuracy in distribution. *Mustahiqq* need assistance, and they also need dignified treatment. The modernization of zakat law must maintain regulatory order without weakening the social vitality that roots zakat in Indonesian Muslim society.

The Deficit of Regulatory Governance in National Zakat Management

The gap between zakat potential and actual collection is often used as an entry point for reading the problems of national zakat. That reading is important, but it is not sufficient. The gap does not by itself explain the legal weakness in zakat management. A more basic problem lies in the institutional design that determines who holds authority, who performs operational functions, who supervises, and to whom accountability is given. Law No. 23 of 2011 brings zakat into a more orderly national legal system. An orderly system, however, does not necessarily have a healthy distribution of functions. The concentration of authority in BAZNAS, the tendency to place LAZ in a subordinative position, the status of UPZ within the BAZNAS structural line, and weak oversight mechanisms show that national zakat needs to be read as a deficit of regulatory governance, not merely as a technical problem of zakat administration.

Regulatory governance provides a sharper way to read this arrangement of authority. Levi-Faur understands regulation as governance that includes rule-making, monitoring, enforcement, coordination, and the distribution of authority among institutions.⁴⁴ Baldwin, Cave, and Lodge also place regulation as institutional design related to strategy, compliance, enforcement, evaluation, and corrective mechanisms.⁴⁵ The measure is not simply whether a statute exists. The measure also lies in whether relationships of authority can be inspected, corrected, and supervised. Law No. 23 of 2011 becomes problematic when operational, coordinative, control, reporting, and accountability functions move too closely along one institutional axis. National integration is needed, but integration without functional separation can create unclear accountability.

Article 7 of Law No. 23 of 2011 shows the starting point of that problem. BAZNAS performs the functions of planning, implementation, control, reporting, and accountability for the collection, distribution, and utilization of zakat.⁴⁶ This set of functions gives BAZNAS significant coordinative power. Such power is not automatically wrong because the national zakat system does require common standards. The problem emerges when implementing and control functions do not have sufficient distance. The institution that manages zakat also occupies a strong position in controlling and receiving reports from other actors. The theoretical framework of regulatory governance reads this situation as a risk of overlapping functions. In zakat management, that risk is more sensitive because the funds being managed are not merely social funds, but assets with religious meaning and the rights of *mustahiqq*.

The phrase "to assist BAZNAS" in the regulation of LAZ reveals another form of deficit. Law No. 23 of 2011 recognizes LAZ as an institution established by the public,⁴⁷ but the formulation does not fully position LAZ as an equal operator in the national zakat ecosystem. The state certainly has an interest in preventing fragmentation,

⁴⁴ Levi-Faur et al., "Regulatory Governance."

⁴⁵ Baldwin and Cave, *Understanding Regulation*.

⁴⁶ Republik Indonesia, "Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Zakat."

⁴⁷ Republik Indonesia, "Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Zakat."

strengthening standards, and ensuring that reports can be consolidated. A relationship that is too subordinative, however, can narrow the participation of civil society. Zakat in Indonesia has long lived through mosques, *pesantren*, foundations, Islamic organizations, local communities, and philanthropic networks. Social capital such as closeness to *mustahiqq*, the trust of *muzakkī*, and sensitivity to local needs cannot easily be replaced by bureaucratic structures.⁴⁸ Healthy governance should not pit national coordination against the vitality of society.

The BAZNAS recommendation in LAZ licensing adds another layer of concern. An institution that also performs management functions has influence over the institutional access of community operators. Administratively, a recommendation may be seen as a verification instrument to ensure that LAZ meets certain standards.⁴⁹ From a governance perspective, however, the instrument still needs to be tested because it may create a non-neutral relationship between state-linked operators and community operators. The problem does not lie in the need for licensing itself. It lies in whether licensing, recommendation, development, and supervision mechanisms have been placed within a structure sufficiently distant from operational interests. Without that distance, law may produce formal compliance, but it may not produce a sense of institutional justice.⁵⁰

Annual reports, financial audits, sharia audits, collection data, distribution data, and program achievements should not stop as administrative obligations. All of this information should be read as part of public rights because zakat comes from the trust of the ummah and is directed to groups determined by Islamic law. Vertical accountability connects zakat institutions with state authorities through formal reports and accountability. Horizontal accountability requires audits, sharia supervision, financial supervision, and inter-institutional evaluation at an adequate distance. Social accountability gives the public space to read reports, assess programs, submit criticism, and examine impact. These three forms of accountability remain weak when reporting emphasizes bureaucratic relations more than public transparency. *Muzakkī* may shift to informal channels when reports are difficult to read, program impact is unclear, or institutions seem distant from the social base.

Table 2.
Regulatory Governance Deficit Forms in National Zakat Management

Form of Deficit	Institutional Symptom	Governance Risk
Functional separation is not yet clear	Implementation, control, reporting, and coordination functions move along the BAZNAS axis	Conflict of interest and unclear distance for evaluation
Operator equality is not yet strong	LAZ is recognized, but positioned as assisting BAZNAS	Civil society participation may narrow

⁴⁸ Emzaed et al., "The Relationship Between the State and Muslim Civil Society in Zakat Management in Indonesia."

⁴⁹ BAZNAS RI Badan Amil Zakat Nasional, "Peraturan Badan Amil Zakat Nasional Nomor 2 Tahun 2016 Tentang Pembentukan Dan Tata Kerja Unit Pengumpul Zakat," BAZNAS RI, 2016.

⁵⁰ Levi-Faur, "Regulation & Regulatory Governance"; Helza Lita, "The Implementation of Waqf to Actualize Economic Justice Based on Islamic Law," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 07, no. 01 (2020): 1-18, <https://doi.org/10.22304/pjih.v7n1.a1>.

Independent oversight remains inadequate	Audits and reports are not yet fully built as mechanisms of public correction	Administrative compliance is not always followed by substantive accountability
Social accountability remains weak	The public does not always receive easily readable information on zakat performance and impact	<i>Muzakkī</i> trust may shift to informal channels
UPZ status depends on the BAZNAS structure	UPZ becomes an institutional extension of BAZNAS	Local initiatives may be absorbed into bureaucratic logic

Trust in *Siyāṣah māliyah* cannot be understood merely as the personal moral quality of managers. Trust must be institutionalized through functional distribution, audits, oversight with sufficient distance, and reports that can be examined. Abū Yūsuf, in *Kitāb al-Kharāj*, places the management of public wealth as the ruler's responsibility to uphold justice and prevent oppression.⁵¹ Abū 'Ubayd, in *Kitāb al-Amwāl*, also views public wealth through proper distribution and moral responsibility.⁵² These two references show that the state may indeed be present in managing religious social funds. That presence remains limited by trust, justice, and public welfare. Regulatory governance and *Siyāṣah māliyah* meet in the same idea. Authority over the wealth of the ummah must always be accompanied by mechanisms of correction.

Zakat law reform therefore needs to address the form of authority, not merely revise the wording of provisions. The state may remain regulator, developer, and guarantor of national standards. BAZNAS may carry a strategic role in national coordination and zakat management, but control and evaluation functions need clearer distance from operational functions. LAZ should be placed as a legitimate socio-religious operator subject to the same accountability standards, not simply as an extension of another institutional structure. UPZ needs clearer status and accountability mechanisms so that it does not become merely an administrative channel. Oversight should be strengthened through independent audits, credible sharia supervision, public reporting, complaint channels, and public involvement in assessing program impact. Zakat needs legal order, but zakat also lives from social trust. The tension between regulatory order and social vitality is what reform of national zakat governance must answer.

Constitutional Court Decision No. 54/PUU-XXIII/2025 and the Legal Policy Direction for Revising the Zakat Law

Constitutional Court Decision No. 54/PUU-XXIII/2025 should not be read only as a judicial event that rejected or declared inadmissible a petition for constitutional review. The decision is better understood as an important node in the long debate over the position of the state, society, and amil institutions within national zakat management. The case was filed by Muhammad Jazir, Chair of the Shura Council of Jogokariyan Mosque in Yogyakarta, and Indonesia Zakat Watch as a private legal entity concerned with zakat governance. The objects of review included several provisions in Law No. 23

⁵¹ Abū-Yūsuf Ya'qūb Ibn-Ibrāhīm et al., *Abū Yūsuf's Kitāb al-Kharāj*.

⁵² Abū 'Ubayd al-Qāsim ibn Sallām, *The Book of Revenue*.

of 2011, among them Article 1 numbers 7, 8, and 9, Article 6, Article 7 paragraph 1 letter b, Article 16, Article 17, Article 22, Article 23 paragraph 1, Article 24, Article 28 paragraph 1, Article 30, and Article 31. These norms were reviewed against Article 28C paragraph 2, Article 28D paragraph 1, and Article 29 paragraph 2 of the 1945 Constitution of the Republic of Indonesia, which respectively concern the right to collectively advance oneself, fair legal certainty, and the guarantee of religious freedom. From the beginning, the case shows that zakat can no longer be placed merely as an issue of devotional jurisprudence. It has become a constitutional issue concerning citizens' freedom, legal certainty, institutional justice, and the limits of state involvement in the religious practices of society.⁵³

The applicants' arguments rested on concern over the construction of Law No. 23 of 2011, which they considered too centered on BAZNAS. In the petition, Applicant I placed the experience of the Baitul Mal of Jogokariyan Mosque as a concrete example of community-based zakat management that grew from local trust, social closeness, and neighborhood empowerment. The applicant argued that the institution had developed from very limited zakat collection into significant fund management, but faced obstacles because it could not issue zakat payment receipts as a basis for tax deductions due to the absence of a LAZ license. In the construction proposed by the applicant, the issue was not merely a licensing procedure. It also concerned the independence of society in managing zakat according to its juristic convictions and local social needs. Applicant II even used strong wording by describing BAZNAS as both referee and player because it has functions considered too broad, including as an operator and as a party influential in LAZ licensing recommendations. In public law reasoning, such an objection can be read as a critique of concentrated authority and the deficit of functional separation in zakat governance.

The Constitutional Court did not fully follow the construction of unconstitutionality proposed by the applicants. Arguments regarding several norms were found legally groundless, while the petition concerning Article 7 paragraph 1 letter b was considered vague.⁵⁴ This position shows that the Constitutional Court did not declare the design of Law No. 23 of 2011 directly contrary to the 1945 Constitution. Constitutional Court Decision No. 54/PUU-XXIII/2025 therefore should not be read as a decision that removes norms or immediately replaces the institutional design of zakat. Its reading must be layered. The ruling does not annul norms. The legal reasoning gives direction for revision. Its legal-policy implication is that lawmakers need to improve the institutional design. The limit is also clear, namely that reform of zakat law still requires a legislative process.

Paragraph 3.18 of Constitutional Court Decision No. 54/PUU-XXIII/2025 is an important hinge because the Court quotes the legal reasoning of Constitutional Court Decision No. 97/PUU-XXII/2024, particularly paragraph 3.23. The relationship between the two decisions must be read precisely. Decision No. 97 first set out the direction for revising Law No. 23 of 2011.⁵⁵ Decision No. 54 then quoted, reaffirmed, and made that reasoning relevant again in the case filed by Muhammad Jazir and Indonesia Zakat Watch. In its conclusion, the Constitutional Court also stated that the legal reasoning of Decision No. 97 concerning Article 6, Article 16 paragraph 1, and Article 17 of Law No.

⁵³ Mahkamah Konstitusi Republik Indonesia, "Putusan Nomor 54/PUU-XXIII/2025."

⁵⁴ Mahkamah Konstitusi Republik Indonesia, "Putusan Nomor 54/PUU-XXIII/2025."

⁵⁵ Mahkamah Konstitusi Republik Indonesia, "Putusan Nomor 97/PUU-XXII/2024."

23 of 2011 applies *mutatis mutandis*, with necessary adjustments, in the reasoning of Decision No. 54. This relationship allows Decision No. 54 to serve as the main point of analysis in this article, while Decision No. 97 functions as a supporting basis that shapes the direction of revision.

The reasoning quoted by the Court contains an important statement. The unconstitutionality issues raised by the applicants were considered more as problems of norm application, yet the Court also stated that some application problems may arise from the formulation or construction of the norms themselves. This sentence opens a reading that is not binary. The Court did not annul the norms, but it also did not close the possibility that norm formulation may produce governance problems. For that reason, the Court emphasized that lawmakers should revise or amend Law No. 23 of 2011 no later than two years after the decision was pronounced.⁵⁶ This direction is better described as constitutional guidance for lawmakers, not as an immediate change to the norms in force.

The five directions for revision affirmed by the Constitutional Court show that the problem of national zakat lies not merely in the wording of norms, but in the design of authority. First, the revision needs to distinguish authority, duties, and functions between regulation, development, and supervision by the government and implementation, management, or operation by BAZNAS and LAZ. Second, *muzakkī* are given the freedom to choose the body or institution they trust for paying zakat. Third, all zakat operators should have equal opportunity to develop optimally and fairly without subordinative relations among institutions. Fourth, zakat management must be directed toward good zakat governance. Fifth, the revision of Law No. 23 of 2011 must involve meaningful participation by stakeholders, including *amil zakat* institutions that have in fact been involved in zakat management.⁵⁷

This direction is consistent with regulatory governance because the Constitutional Court speaks not only about administrative order, but about rearranging relations among functions. Modern regulation cannot rely only on statutes and formal institutions. It also requires the distribution of authority, monitoring, enforcement, evaluation, and corrective mechanisms.⁵⁸ A revision of zakat law that changes wording without improving the structure of authority will leave the same problems behind. Regulatory, development, supervisory, and operational functions need to be separated so that conflicts of interest can be reduced. The freedom of *muzakkī* to choose zakat institutions strengthens public trust and prevents zakat from becoming trapped in rigid bureaucratization. Equal opportunity for BAZNAS and LAZ shifts subordinative relations toward an ecosystem of operators subject to the same accountability standards.

At this point, *Siyāсах māliyah* needs to work as a reading device. In Abū Yūsuf's thought, the management of public wealth is not assessed only by whether authority is valid, but also by whether that authority is used justly. The ruler may regulate sources of public wealth, but such authority must not move without limits or correction.⁵⁹ The Court's direction that governmental functions be distinguished from implementing functions carried out by BAZNAS and LAZ is therefore consistent with modern governance and with the principle of *Siyāсах māliyah* that the management of the wealth

⁵⁶ Mahkamah Konstitusi Republik Indonesia, "Putusan Nomor 54/PUU-XXIII/2025."

⁵⁷ Mahkamah Konstitusi Republik Indonesia, "Putusan Nomor 54/PUU-XXIII/2025."

⁵⁸ Levi-Faur et al., "Regulatory Governance."

⁵⁹ Abū-Yūsuf Ya'qūb Ibn-Ibrāhīm et al., *Abū Yūsuf's Kitāb al-Kharāj*.

of the ummah should avoid concentrated authority that closes oversight. Through Abū ‘Ubayd, zakat can be read as the trust of the ummah that must reach those entitled to it through a credible mechanism. Such trust cannot be understood merely as the internal morality of managers. It must appear in fair institutional design, examinable reports, audits at an adequate distance, and protection for *mustahiqq*.⁶⁰ The freedom of *muzakkī* to choose trusted institutions does not mean allowing zakat to move without standards. It becomes part of protecting public trust, as long as *muzakkī* are directed toward institutions that are lawful, transparent, and responsible. BAZNAS, LAZ, UPZ, and community-based zakat managers need to be subject to the same accountability standards without being placed in subordinative relations.

Through al-Māwardī, the state obtains space to preserve order in public affairs, but order is not identical with sole control over the entire social space. The state is present to preserve religion and regulate public welfare.⁶¹ That presence should ensure that the zakat ecosystem runs in an orderly, fair, and protected manner, not close public participation that has long sustained zakat practice. Meaningful participation in the revision of Law No. 23 of 2011 should therefore include the experiences of LAZ, mosques, *pesantren*, Islamic social organizations, local communities, and grassroots institutions. They are not merely objects of regulation, but part of the social history of zakat in Indonesia.

The statement of the House of Representatives in this case shows that the revision of the Zakat Management Law is not merely an academic discourse. The House stated that the Bill amending the Zakat Management Law had been included in the 2025 to 2029 National Legislation Program as number 18, as an initiative of the House. The House also opened space for public participation in preparing the academic draft and the amendment bill. This information matters because the Court’s reasoning meets the national legislative agenda. The Constitutional Court decision then functions as a constitutional marker that gives normative direction to the legislative process. Revision of the zakat law should not become only an administrative agenda for adjusting a few terms. It should become a momentum for renewing the institutional model of national zakat.

From the institutional side, BAZNAS still needs to be placed proportionally within this direction of revision. Criticism of concentrated authority does not mean eliminating the role of BAZNAS as a national institution. BAZNAS remains important for coordination, standardization, strengthening national data, improving institutional capacity, and consolidating zakat management reports. The problem lies in the limits of the functions attached to it. Revision of the law may consider a design that places the government as the main regulator, developer, and supervisor; BAZNAS and LAZ as operators subject to equal accountability standards; and audit and public reporting mechanisms applicable to all zakat managers. Integration in this kind of model is not built through subordination, but through shared standards, data interoperability, objective audits, protection of *muzakkī* rights, and protection of the dignity of *mustahiqq*.⁶²

⁶⁰ Abū ‘Ubayd al-Qāsim ibn Sallām, *The Book of Revenue*.

⁶¹ Al-Mawardī, *Al-Ahkam al-Sultaniyyah Wa al-Wilayat al-Diniyyah*.

⁶² Fakhrudin Fakhrudin et al., “From Fiqh Al-‘Ibadat to Muamalat: Repositioning Zakat Management in Indonesia in the Perspective of Maqāsid Al-Sharī‘ah,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024): 495, <https://doi.org/10.22373/sjhk.v8i1.19637>; Mat Daud and Wahid,

Constitutional Court Decision No. 54/PUU-XXIII/2025 ultimately opens a space for reflection that is broader than a dispute over norms. Zakat law in Indonesia stands at the intersection between the need for national integration and the demand for institutional democratization. The state cannot be absent because zakat concerns religious public wealth and social welfare. The state also cannot ignore the reality that zakat lives from public trust, social networks, and philanthropic practices rooted in communities. The legal politics of revising the zakat law will have transformative value if it can move governance away from a model that relies too heavily on a single center of authority toward one that is more participatory, accountable, and institutionally just.⁶³ Zakat still needs to be managed in an orderly way, but order must not remove the social pulse that generates the trust of the ummah.

Reformulating Good Zakat Governance

Reformulating national zakat governance cannot be done simply by revising the wording of norms or softening the administrative relationship between BAZNAS and LAZ. A more basic problem lies in the need to build an institutional model capable of placing zakat as a public trust, not merely as religious funds managed through bureaucratic procedures. Zakat contains a devotional dimension. When it is collected, recorded, managed, distributed, and reported by institutions, however, it enters a space of public governance that demands transparency, accountability, supervision, and protection for the rights of *muzakkī* and *mustahiqq*. The Constitutional Court's reasoning in Decision No. 54/PUU-XXIII/2025 gives an important direction that the revision of Law No. 23 of 2011 should pay attention to the separation of authority among regulator, developer, supervisor, and operator; the freedom of *muzakkī* to choose trusted institutions; equal opportunity for all zakat operators without subordinative relations; good zakat governance; and meaningful participation by stakeholders. This formulation shows that zakat law reform must move from a centralized model toward an ecosystem that is fairer, more open, and auditable.

Good zakat governance should be understood as the translation of good governance principles into the context of zakat management. It should not stop as managerial marketing language, but must become an operational principle that regulates how authority is given, how institutions work, how funds are managed, how oversight is carried out, and how society obtains the right to information. In regulatory governance studies, Levi-Faur explains the importance of understanding governance as "governance beyond the state and governance via regulation."⁶⁴ This argument is relevant because zakat management cannot be handed entirely to the state, but it also cannot be detached from regulation. Zakat occupies a space between state and society. The state has legitimacy to regulate because zakat concerns religious public funds and the rights of *mustahiqq*, while society has participatory legitimacy because zakat lives from social trust, religious networks, and philanthropic practices that grow from below. Regulatory governance also stresses that modern regulation works through rule-making, monitoring, enforcement, coordination, and evaluation, not only through the

"Assessing the Role of Zakat Institutions in the Socio-Economic Sustainability of the Poor and Destitute in Malaysia."

⁶³ Yahya, "Zakat Management in Indonesia."

⁶⁴ Levi-Faur, "Regulation & Regulatory Governance."

creation of formal institutions.⁶⁵

The first principle in reformulating good zakat governance is the separation of institutional functions. This separation is not merely a technical administrative demand, but a prerequisite for preventing conflicts of interest. An institution that performs operational functions is not ideally positioned to also hold control functions over other operators in the same field. In zakat, BAZNAS may continue to play an important role as a national manager, but its position needs to be placed in a structure that does not create the impression that it regulates, implements, and controls at the same time. Robert Klitgaard, in *Controlling Corruption*, formulates the relationship between power and abuse through the well-known formula "corruption = monopoly + discretion - accountability."⁶⁶ This formula is quoted in the file of Constitutional Court Decision No. 54/PUU-XXIII/2025 to explain that broad monopoly and discretion without accountability can open space for abuse.⁶⁷ At this point, separating the functions of regulator, developer, supervisor, and operator becomes a rational way to preserve trust.

This functional separation can be formulated through several institutional layers. The government, especially the ministry with a mandate over religious affairs and socio-religious policy, is placed as regulator, developer, and guarantor of national standards. This function includes norm formulation, minimum standards, legal recognition of institutions, audit systems, national data integration, and protection for *muzakkī* and *mustahiqq*. BAZNAS and LAZ are positioned as operators with the same mandate to collect, distribute, and utilize zakat, and with equal accountability obligations. UPZ may continue to function as an operational instrument for collection and reporting, but its status and responsibilities should be made clearer so that it does not become a gray area between bureaucratic extension and social institution.

Public accountability in zakat cannot be understood simply as an institutional duty to submit reports to state authorities. Accountability must move in three directions at once, namely to the state as regulator, to *muzakkī* as those who entrust funds, and to *mustahiqq* as holders of social rights over zakat funds. Zakat is not an ordinary voluntary donation. Q.S. al-Tawbah [9]: 60 places zakat as the right of beneficiary groups determined normatively. Zakat managers are therefore responsible administratively, ethically, and socially. Governance indicators such as voice and accountability, regulatory quality, rule of law, and control of corruption help show that the management of public funds requires participation, regulatory quality, legal certainty, and controls against abuse.⁶⁸ For zakat, accountability needs to be realized through financial audits, sharia audits, distribution reports, social impact indicators, complaint mechanisms, and publicly understandable information disclosure.

Fiscal incentives provide another layer of reinforcement, as zakat and tax belong to different legal regimes but both touch citizens' responsibility toward public interests. Integrating zakat and fiscal policy must therefore be designed carefully so that it does not obscure zakat as an act of worship or weaken tax compliance as a civic obligation. Fiscal incentives are better placed as legal-administrative recognition, not as religious

⁶⁵ John Braithwaite et al., "Can Regulation and Governance Make a Difference?" *Regulation & Governance* 1, no. 1 (2007): 1-7, <https://doi.org/10.1111/j.1748-5991.2007.00006.x>.

⁶⁶ Robert Klitgaard, *Controlling Corruption*, Nachdr. (Univ. of California Press, 2009).

⁶⁷ Mahkamah Konstitusi Republik Indonesia, "Putusan Nomor 54/PUU-XXIII/2025,".

⁶⁸ Daniel Kaufmann et al., "The Worldwide Governance Indicators: Methodology and Analytical Issues," *Hague Journal on the Rule of Law* 3, no. 02 (2011): 220-46, <https://doi.org/10.1017/S1876404511200046>.

compulsion by the state. Zakat paid through official institutions can be connected to deductions from gross income under applicable tax rules, provided that payment receipts, institutional identity, and reporting systems can be verified. This mechanism can encourage *muzakkī* to pay zakat through accountable institutions while also requiring zakat institutions to improve recording and reporting.

Digital accountability should not be reduced to online payment services or technology campaigns. It should be directed toward the public's ability to trace fund flows, understand distribution patterns, assess program effectiveness, and ensure that data on *muzakkī* and *mustahiqq* are protected. Data governance concerns the delegation of authority, data quality, security, decision-making processes, and accountability throughout the data life cycle. This idea is important for zakat because the mapping of *mustahiqq*, validation of beneficiaries, integration of poverty data, and prevention of overlapping distribution depend heavily on data quality. Technology without governance can create new risks, such as privacy violations, the exclusion of poor groups that are not recorded, or the use of *mustahiqq* data without adequate protection.⁶⁹

A good digital system can strengthen social audit. Reports on zakat collection and distribution should be presented periodically, compared across periods, and traced down to program type and distribution area. Blockchain or artificial intelligence may be considered only as supporting instruments, not as the center of reform. Blockchain is relevant only if it truly strengthens transaction trails and supports audit.⁷⁰ Artificial intelligence is suitable only if it helps map *mustahiqq* needs more accurately without sacrificing the dignity and privacy of zakat recipients.⁷¹ Digitalization must therefore comply with prudence, personal data protection, interoperability, system security, and human oversight.

The reformulation of good zakat governance ultimately requires a change in how zakat is viewed, from a purely institutional matter to a matter of public trust. Functional separation prevents the concentration of authority. Public accountability ensures that zakat funds are not merely legally managed, but also examinable. Fiscal incentives strengthen compliance through convenience and administrative recognition. Digital accountability opens space for transparency, while it must remain controlled by data protection and the dignity of *mustahiqq*. Good zakat governance is not only a managerial concept. It is an ethical and legal design for preserving trust. Zakat will be stronger when the state acts as a guarantor of justice, institutions act as professional managers, and society remains present as a source of trust and moral oversight over funds intended from the beginning to dignify vulnerable people.

The *Maqāsid*-Based Regulatory Governance Model as a New Form of National Zakat Governance

Reform of national zakat governance requires a model that improves the legal structure and restores zakat to its character as a social trust that must be managed justly, openly,

⁶⁹ Marijn Janssen et al., "Data Governance: Organizing Data for Trustworthy Artificial Intelligence," *Government Information Quarterly* 37, no. 3 (2020): 101493, <https://doi.org/10.1016/j.giq.2020.101493>.

⁷⁰ Svein Ølnes et al., "Blockchain in Government: Benefits and Implications of Distributed Ledger Technology for Information Sharing," *Government Information Quarterly* 34, no. 3 (2017): 355–64, <https://doi.org/10.1016/j.giq.2017.09.007>.

⁷¹ Alfiatun Zahrah et al., "Digital-Based Zakat Management at the National Amil Zakat Agency," *General Multidisciplinary Research Journal* 2, no. 2 (2025): 52–59, <https://doi.org/10.63453/general.v2i2.42>.

and for public welfare.⁷² This article offers the *Maqāsid*-Based Regulatory Governance Model, a model of zakat governance that combines regulatory governance, good zakat governance, *Siyāṣah māliyah*, and *Maqāsid al-sharī'ah* within one working frame. These four elements are not placed as separate theories. Regulatory governance reads the distribution of institutional functions. Good zakat governance translates that reading into operational instruments. *Siyāṣah māliyah* sets normative limits for state involvement. *Maqāsid al-sharī'ah* becomes a measure of whether the entire design truly produces protection, independence, and welfare for *mustahiqq*.

The Constitutional Court's reasoning in Decision No. 54/PUU-XXIII/2025 provides a constitutional basis for this model. The Court directs the revision of Law No. 23 of 2011 to pay attention to the separation of regulatory, development, and supervisory functions by the government from implementing or operational functions by BAZNAS and LAZ. The Court also emphasizes the freedom of *muzakkī* to choose institutions, equal opportunity for zakat operators, good zakat governance, and meaningful participation by stakeholders. This direction shows that the problem of national zakat should not be read only as low collection or weak awareness among *muzakkī*. The deeper problem lies in the design of authority relations, the quality of oversight, space for public participation, and the measure of zakat success.

Regulatory governance forms the first layer because zakat requires a clear distribution of functions among rule-makers, developers, supervisors, and implementers. Levi-Faur reads regulatory governance as governance that moves beyond a single state actor while still working through regulation.⁷³ This reading matters because zakat stands between religious obligation, public interest, and social participation. The state cannot be absent because zakat concerns religious public funds and the rights of *mustahiqq*. At the same time, the state should not absorb the whole management space because zakat has long lived through mosques, *pesantren*, LAZ, social foundations, and local communities. The proposed model therefore does not reject the state. It rejects a concentration of functions that makes the state or a particular institution too dominant in the zakat ecosystem.

Good zakat governance works as the operational layer. Transparency, accountability, independence, amil professionalism, financial audits, sharia audits, public reporting, data protection, and complaint mechanisms must become instruments that can be implemented, not merely managerial language. Klitgaard's formula about corruption as the meeting point of monopoly, discretion, and weak accountability can be read as a warning about institutional design.⁷⁴ The formula need not be used as an accusation against any zakat institution. Its value lies in the message that every concentration of authority requires stronger oversight. The government may be placed as regulator, developer, and supervisor. BAZNAS and LAZ are positioned as operators subject to the same accountability standards. UPZ may remain a collection instrument, but its status and accountability should be clarified. Community-based managers may be recognized through proportional registration, development, and audit schemes.

Siyāṣah māliyah sets limits so that state involvement does not turn into unchecked

⁷² Ali Rajeh R. Zaari R. Zaari et al., "Siyāṣah Shar'iyah and State Governance in Zakat Management: A Case Analysis of Judicial Review on BAZNAS Authority Vis-à-Vis LAZ/BAZ Institutions," *JURNAL INDO-ISLAMIKA* 15, no. 1 (2025): 200–215, <https://doi.org/10.15408/jii.v15i1.47047>.

⁷³ Levi-Faur et al., "Regulatory Governance."

⁷⁴ Klitgaard, *Controlling Corruption*.

centralization. Abū Yūsuf, in *Kitāb al-Kharāj*, places fiscal affairs as the ruler's responsibility to prevent oppression in levies and wealth distribution. Abū 'Ubayd, in *Kitāb al-Amwāl*, emphasizes trust, propriety, and moral responsibility in managing public wealth. These two references show that the state may regulate the wealth of the ummah, but its authority must be directed toward justice and public welfare. In this model, the state is not the sole ruler over zakat practice. It functions to guarantee standards, prevent abuse, protect *mustahiqq*, maintain the trust of *muzakkī*, and open space for public participation. The legitimacy of the state arises from its ability to preserve trust, not from the breadth of its institutional control.

The principles of *Maqāṣid al-sharī'ah* become the evaluative layer in this process. Al-Shāṭibī, in *al-Muwāfaqāt*, affirms that the rules of the sharia are directed toward human welfare in this life and the hereafter.⁷⁵ From the perspective of *maqāṣid*, the protection of religion, life, intellect, lineage, and wealth does not stop as a normative list. It becomes a measure for assessing whether law truly produces social good. Jasser Auda later developed *maqāṣid* through a systems approach, emphasizing openness, multidimensionality, purposefulness, and relations among elements in Islamic law.⁷⁶ Seen from the zakat framework, *maqāṣid* shifts the measure of success from the amount of funds collected and distributed toward a more humane impact, such as reduced vulnerability among *mustahiqq*, stronger economic independence, protection of wealth, access to education and health, and the improvement of the social dignity of zakat recipients.

Table 3.
Working Layers of the *Maqāṣid*-Based Regulatory Governance Model

Model Layer	Analytical Function	Governance Instrument	<i>Maqāṣid</i> Measure
Regulatory governance	Distributes functions and authority	Separation of regulator, supervisor, and operator	Institutional justice
Good zakat governance	Operationalizes accountability	Audit, public reporting, complaints, data protection	Trust and credibility
<i>Siyāsah māliyah</i>	Limits state legitimacy	Standards, supervision, protection of <i>muzakkī</i> and <i>mustahiqq</i>	Public welfare
<i>Maqāṣid al-sharī'ah</i>	Assesses substantive impact	<i>Mustahiqq</i> welfare indicators	Protection of wealth, dignity, and independence

Through this evaluative layer, zakat success is not assessed only from institutional procedural compliance. Zakat needs to be measured through reduced vulnerability among *mustahiqq*, increased economic independence, protection of wealth, access to education and health, and the improvement of the social dignity of zakat recipients. Protection of wealth does not only mean protecting zakat funds from misuse.

⁷⁵ Abu Ishaq Al-Shatibi, *Al-Muwafaqat fi Usul al-Shariah* (Dar Ibn Affan, 1997).

⁷⁶ Jasser Auda, *Membumikan Hukum Islam Melalui Maqasid Syariah*, trans. Ali Abdelmon'im (Mizan, 2008).

It also means helping *mustahiqq* move out of economic vulnerability. Protection of life can be read through access to basic needs, food security, and health. Protection of intellect appears through educational support and capacity building. The dignity of *mustahiqq* is an important measure so that zakat distribution does not embarrass recipients, but restores their capacity to live.

Six pillars can be formulated from this model. The first pillar is the separation of institutional functions so that regulator, supervisor, and operator are not mixed within one center of authority. The second is equality among zakat operators, so that BAZNAS, LAZ, and community managers work under the same accountability standards without subordinative relations. The third is independent oversight through financial audits, sharia audits, public reporting, and performance evaluation. The fourth is fiscal integration that places zakat as a legal-administrative incentive through deductions from gross income, not as an instrument of religious coercion. The fifth is digital accountability through data integration, distribution tracking, prevention of overlapping assistance, and personal data protection. The sixth is *maqāṣid*-based impact measurement, which assesses zakat success through real changes in the lives of *mustahiqq*.

This model answers the weakness of zakat reform that often moves in separate directions. Institutional reform without *maqāṣid* can become a neat legal technocracy that lacks human orientation. *Maqāṣid* without regulatory governance can become a strong normative ideal but weak institutional design. Digitalization without accountability can create a new centralization of data. Fiscal incentives without oversight can encourage administrative compliance without guaranteeing distribution quality. Zakat needs lawful institutions, and it also needs trusted institutions. Zakat needs binding rules, and it also needs governance that honors *mustahiqq*. At this point, the reform of zakat law gains a more substantive direction as an effort to build an Islamic social finance system that is orderly in law, institutionally just, and alive within the movement of public welfare.

Conclusion

This article shows that the central problem of national zakat management lies not only in the gap between potential and actual collection, but in the legal construction and institutional design of Law No. 23 of 2011. The position of BAZNAS, which covers planning, implementation, control, reporting, and accountability, reveals a concentration of functions that may create a deficit of checks and balances. Relations between BAZNAS and LAZ, UPZ, and community-based zakat managers also remain tendentially hierarchical, so public participation has not been fully placed as part of an equal national zakat ecosystem.

Constitutional Court Decision No. 54/PUU-XXIII/2025 did not annul the main norms in the Zakat Management Law. The value of the decision lies in its legal reasoning, which gives a legal-policy direction for revising the zakat law. The Court emphasizes the need to separate the functions of regulator, developer, supervisor, and operator; the freedom of *muzakkī* to choose trusted institutions; equal opportunity among zakat operators; good zakat governance; and meaningful stakeholder participation. This decision becomes a constitutional momentum for shifting zakat governance from an

overly centralized pattern toward an ecosystem that is more participatory, accountable, and institutionally just.

The model offered is the *Maqāṣid*-Based Regulatory Governance Model. Regulatory governance is used to organize the distribution of functions and relations of authority. *Siyāsah māliyah* provides normative limits by placing the state as present to preserve trust, justice, and public welfare. Good zakat governance translates the principles of transparency, audit, public reporting, fiscal incentives, and digital accountability into institutional practice. *Maqāṣid al-sharī'ah* serves as a substantive measure for assessing the impact of zakat on *mustahiqq*. Zakat success is not sufficiently measured by administrative compliance or the amount of funds distributed, but by the protection of wealth, reduction of vulnerability, strengthening of independence, and recovery of the social dignity of *mustahiqq*.

This study remains limited by its normative and conceptual legal approach. Relations among BAZNAS, LAZ, UPZ, and community-based managers have not been tested through cross-regional field data. Future research needs to develop empirical studies through interviews with stakeholders, analysis of collection and distribution data, and evaluation of the impact of productive zakat programs. The design of digital accountability and fiscal incentives also needs to be tested so that zakat law reform does not stop at normative change, but truly produces governance that is trusted and oriented toward the welfare of *mustahiqq*.

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Conflict of Interest Statement

The authors declare that there is no conflict of interest regarding the publication of this article.

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