

## Contextualization of Employment of Zakat Form The Perspective of Mafhum Muwafaqah

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|| Received: 01-01-2023

|| Revised: 03-03-2023

|| Accepted: 01-04-2023

|| Published On: 04-04-2023

**Abstract:** This study describes the contextualization of the utilization of zakat. The aim is to develop the utilization of zakat assets based on the current context so that zakat assets can be used as social instruments in overcoming various problems faced by modern Muslim society. The method used is the Mafhum Muwafaqah method, which extends the meaning of a text from the explicit meaning to the implied meaning as long as the meaning is still correlated with the explicit meaning. Until now, no research results have explained this object using the understanding of the muwafaqah approach, so this research contains an element of novelty. From the analysis of the problem, it is concluded that the eight ashnaf targets of zakat as mentioned in the verse in sura al-Maidah 63, are not limited in nature but can be expanded in the scope of meaning. Poor-poor Ashnaf can expand its scope to fund home renovations, pay mortgages/home loans, and pay BPJS Health and BPJS Employment contributions. Converts are not limited to people but can expand their reach to legal entities or social institutions, such as muallaf centres, efforts to stem Christianization, publishing books to enlighten people prone to apostasy and others. Freeing enslaved people can broaden the scope of its meaning by providing employment for migrant workers and providing legal assistance to migrant workers who are involved in legal problems in other countries. Gharimin can expand its scope to charitable and philanthropic institutions, Sabilillah can expand to strategic community projects, such as water pipe connections clean, and Ibnu Sabil can expand its reach to provide comfort to volunteers handling natural disasters.

Keywords: *Contextualization, Zakat, Mafhum Muwafaqah*

**Abstrak:** Penelitian ini menjelaskan tentang Kontekstualisasi pendayagunaan zakat. Tujuannya adalah untuk mengembangkan pendayagunaan harta zakat berdasarkan konteks kekinian, sehingga harta zakat dapat dimanfaatkan sebagai instrument sosial dalam mengatasi berbagai persoalan yang dihadapi masyarakat Muslim modern. Metode yang digunakan adalah metode Mafhum Muwafaqah, yaitu metode perluasan makna suatu teks dari makna yang tersurat kepada makna yang tersirat sejauh makna tersebut masih berkorelasi dengan makna tersurat. Sampai saat ini belum ditemukan hasil penelitian yang menjelaskan obyek ini dengan menggunakan pendekatan mafhum muwafaqah, sehingga penelitian ini mengandung unsur novelty. Dari analisis masalah ditemukan kesimpulan bahwa delapan ashnaf sasaran zakat sebagaimana disebutkan di dalam surat al-Maidah ayat 63 tidaklah bersifat terbatas, tetapi dapat diperluas cakupan maknanya. *Ashnaf* fakir-miskin dapat diperluas cakupannya untuk mendanai bedah rumah, membayarkan angsuran/kredit rumah, membayar iuran BPJS Kesehatan dan BPJS Ketenagakerjaan. Muallaf tidak dibatasi pada person, tetapi dapat diperluas cakupannya kepada badan hukum atau Lembaga sosial, seperti muallaf centre, upaya membendung kristenisasi, penerbitan buku-buku untuk mencerahkan masyarakat rentan pemurtadan dan lain-lain. Memerdekakan budak dapat diperluas cakupan maknanya kepada penyediaan lapangan kerja bagi TKI dan pemberian bantuan hukum kepada TKI yang tersangkut masalah hukum di negara lain, Gharimin dapat diperluas cakupannya kepada Lembaga charity dan vilantropi, Sabilillah dapat diperluas kepada proyek-proyek strategis masyarakat, seperti pemasangan sambungan pipa air bersih, Ibnu Sabil dapat diperluas cakupannya kepada pemberian akomodasi kepada para relawan penanganan bencana alam.

Keyword: *Kontekstualisasi, Zakat, Mafhum Muwafaqah*

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## Introduction

Using zakat as an instrument for social welfare<sup>1</sup> is still experiencing various obstacles<sup>2</sup>. Among these obstacles is the utilization of zakat, which is still fixated on textualist classical fiqh rules<sup>3</sup>. In understanding textual groups, the utilization of zakat is strictly limited only to the eight target groups (ashnaf)<sup>4</sup> mentioned in surah al-Taubah verse 60<sup>5</sup>. There is reluctance and understanding of this group to expand the scope of zakat target groups<sup>6</sup> to similar targets through scientific methods that can be held accountable<sup>7</sup>. The reluctance and fear are based on their fear that they will go beyond the texts or say something not said by the texts of the Qur'an and Sunnah<sup>8</sup>. Nash, for them, is everything. Nash is the source of all virtues, and there is no goodness outside the nash<sup>9</sup>. Therefore, all laws must be subject to the texts<sup>10</sup> and cannot be transgressed, no matter what the circumstances. They do not consider changing times as a factor in changing laws<sup>11</sup>. In fact, in Islam, it is known as nasakh, namely the recitation of old laws and replaced with new laws that are more maslahah and more relevant<sup>12</sup>. Indeed, the nasakh only applies during the *tanzil period*, the time when the revelation takes place<sup>13</sup>. After the Prophet Muhammad died, the revelation process automatically stopped, and thus the texts no longer apply to Islamic law. However, the essence of the text, namely legal reform, cannot be stopped and must even be revived to maintain the continuity of Islamic law<sup>14</sup>.

It is hard to imagine that Islam will survive until the Day of Judgment when the laws governing the affairs of Muslims do not meet their needs<sup>15</sup>. Islamic law reform aims to harmonize Islamic law with the context of space and time, loaded with values that live and develop<sup>16</sup>. From various studies conducted by scholars, Islamic law is enacted to ensure the upholding of human benefit in the worldly and hereafter dimensions<sup>17</sup>. The Prophet has consistently applied this goal throughout his life. Of the various cases that have occurred throughout the history of Islamic law, reform has never experienced death. Because the cessation of reform of Islamic law will be a sign of the death of Islamic law itself<sup>18</sup>. Likewise, various regulations relating to zakat also continue to experience

<sup>1</sup> Maula Nasrifah, 'Peran Zakat Dalam Menumbuhkan Kesejahteraan Masyarakat', *Iqtishodiyah : Jurnal Ekonomi Dan Bisnis Islam*, 6.2 (2020).

<sup>2</sup> Trisno Wardi Putra, Andi Syathir Sofyan, and Abdul Wahid Mongkito, 'Maqasid Zakat Dalam Mengentaskan Kemiskinan', *Tasamuh: Jurnal Studi Islam*, 12.2 (2020) <<https://doi.org/10.47945/tasamuh.v12i2.253>>.

<sup>3</sup> Dwi Astuti Nurhayati Wahyu and Novi Tri Oktavia, 'Relevance Of Al Mawardi's Reflection In The Development Of Islamic Economic Activities', *Nusantara Economy*, 1.1 (2022), 48–58.

<sup>4</sup> Aftina Halwa Hayatika, Muhammad Iqbal Fasa, and Suharto Suharto, 'Manajemen Pengumpulan, Pendistribusian, Dan Penggunaan Dana Zakat Oleh Badan Amil Zakat Nasional Sebagai Upaya Peningkatan Pemberdayaan Ekonomi Umat', *Jesya (Jurnal Ekonomi & Ekonomi Syariah)*, 4.2 (2021) <<https://doi.org/10.36778/jesya.v4i2.438>>.

<sup>5</sup> Moh. Syamsul Muarif, 'Efektivitas Pengelolaan Zakat Sebagai Langkah Mewujudkan Kesejahteraan Masyarakat Dan Penanggulangan Kemiskinan', *Minhaj: Jurnal Ilmu Syariah*, 3.1 (2022) <<https://doi.org/10.52431/minhaj.v3i1.854>>.

<sup>6</sup> Fazzan Fazzan, 'Perluasan Makna Fi Sabilillah Sebagai Mustahiq Zakat', *Al Mashaa'dir : Jurnal Ilmu Syariah*, 1.1 (2020) <<https://doi.org/10.52029/jis.v1i1.2>>.

<sup>7</sup> Andi Suryadi and Sultan Maulana, 'Mustahiq Dan Harta Yang Wajib Dizakati Menurut Kajian Para Ulama', *UIN Malang*, 19.01 (2018).

<sup>8</sup> Muzayyanah and Heni Yulianti, 'Mustahik Zakat Dalam Islam (Studi Pendekatan Sosio Kultural Masyarakat)', *Al-Mizān*, 4.1 (2020).

<sup>9</sup> Yassirly Amrona Rosyada, 'Dalalah Lafdzi (Upaya Menemukan Hukum)', *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*, 2.2 (2018) <<https://doi.org/10.22515/alakhkam.v2i2.1066>>.

<sup>10</sup> Taufiqur Rohman, 'Kontroversi Pemikiran Antara Imam Malik Dengan Imam Syafi'i Tentang Masalah Mursalah Sebagai Sumber Hukum', *International Journal Ihya' Ulum Al-Din*, 19.1 (2017) <<https://doi.org/10.21580/ihya.18.1.1743>>.

<sup>11</sup> Muhammad Kumaidi and Evi Febriani, 'Implementasi Kaidahla Yunkiru Tagayyur Al-Ahkam Bitagayyur Al-Azman Wa Al-Ahwal Dalam Ibadah Di Masa Pandemi', *ASAS Jurnal Hukum Ekonomi Syari'ah*, 12.1 (2020).

<sup>12</sup> Muhammad Husni dan Fathul Wahab, 'Teori Nasakh Mansukh Dalam Penetapan Hukum Syariat Islam', *Jurnal Pendidikan Islam*, 4.2 (2020) <<https://doi.org/10.37286/ojs.v4i2.70>>.

<sup>13</sup> Sefri Auliya and Hidayatul Azizah Gazali, 'Urgensi Kajian Nasikh Dan Mansukh Dalam Bingkai Generasi Kekinian (Upaya Membumikan Teori Klasik Untuk Masa Kini)', *Islam Transformatif: Journal of Islamic Studies*, 2.2 (2018) <<https://doi.org/10.30983/it.v2i2.750>>.

<sup>14</sup> Muhammad Al Fikri and Ahmad Mustaniruddin, 'Studi Kritis Terhadap Pemikiran Mahmud Muhammad Taha Tentang Konsep Nasakh Al-Qur'an', *Tajdid: Jurnal Ilmu Ushuluddin*, 20.2 (2021) <<https://doi.org/10.30631/tjd.v20i2.230>>.

<sup>15</sup> Adi Nur Rohman, 'Hukum Islam Dan Perubahan Sosial: Dinamisasi Perkembangan Metode Ijtihad Muhammadiyah', *Jurnal Hukum Perdata Islam*, 22.1 (2021).

<sup>16</sup> Salma Salma, 'Istihsan Dan Pembaruan Hukum Islam', *Jurnal Ilmiah Al-Syir'ah*, 13.1 (2016) <<https://doi.org/10.30984/as.v13i1.7>>.

<sup>17</sup> Abdul Hakim, 'Maxim Law Fiqh And Its Application During The Covid-19 Pandemic', *Nusantara: Journal Of Law Studies*, 1.1, 1–8 <<https://juna.nusantarajournal.com/index.php/juna/article/view/11>>.

<sup>18</sup> Ismail Ismail, 'Pembaruan Hukum Islam Di Indonesia', *Tajdid*, 26.2 (2019).

changes and developments<sup>19</sup>. This development shows that the rules regarding zakat are not fixed and are not anti-change<sup>20</sup>.

Rules and provisions concerning zakat are constantly evolving from time to time<sup>21</sup>. The concept of zakat that the priests of the madhhab have prepared has changed in many aspects<sup>22</sup>. So far, it has been changed by aspects of the obligatory zakat object<sup>23</sup> and the technical distribution/distribution of zakat to the target group (ashnaf eight), which has been mentioned in the al-Quran<sup>24</sup>. In the Hanafi school, some examples show the dynamics of rules regarding zakat<sup>25</sup>. As is known, Imam Abu Hanifah requires zakat on every plant, including vegetables, in his fatwa<sup>26</sup>. This fatwa was later corrected by his student, Imam Abu Yusuf al-Qadhi. This fatwa correction regarding zakat on vegetables was confirmed when Abu Yusuf performed the pilgrimage and met Imam Malik in Medina. At that time, Abu Yusuf asked whether, in Medina, all types of vegetables were subject to zakat. Imam Malik explained that since the time of the Prophet, Abu Bakr and other Khulafa' Rasyidun, vegetables have never been subject to zakat. Since then, Abu Yusuf has withdrawn from following Abu Hanifah's opinion on this issue and returned to the sunnah of the Prophet and the Khulafa' Rasyidun<sup>27</sup>. Within the Shafi'i school of thought, there is a shift regarding the technicality of distributing zakat to the target group/ashnaf eight. Imam Ibnu Ujail al-Yamani, as Sheikh Muhammad Nawawi al-Bantani mentioned three changes to the fatwa/rules regarding zakat: transferring zakat from the muzakki's residence<sup>28</sup>, transferring zakat from one person to one recipient and transferring zakat to only one target group. After explaining this change, he said: If Imam Shafi'i were still alive, he would have issued such a fatwa<sup>29</sup>. These shifts show that the rules regarding zakat in Islam are dynamic and responsive to change.

## Literature Review

There has been much research on zakat and its legal and technical developments. Among them are Miftah's research<sup>30</sup>, Afandi<sup>31</sup>, Mohammad Azli<sup>32</sup>, Mayyadah<sup>33</sup>, Abd. Khafidz<sup>34</sup>, and Bashori Akmal<sup>35</sup>. These studies examine the dynamics of zakat law from the aspect of obligatory zakat objects and zakat distribution techniques to zakat recipient groups. No research examines the expansion of the eight mustahiq zakat and the

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<<https://doi.org/10.36667/tajdid.v26i2.331>>.

<sup>19</sup> Husin Bafadhal, 'Zakat Harta Kekayaan Dalam Perspektif Tafsir Ayat Ahkam', *Islamika: Jurnal Ilmu-Ilmu Keislaman*, 21.01 (2021) <<https://doi.org/10.32939/islamika.v21i01.911>>.

<sup>20</sup> Azri Bhari and others, 'Analisis Literatur Kajian Zakat Dan Maqasid Syariah', *Journal of Fatwa Management and Research*, 2019 <<https://doi.org/10.33102/jfatwa.vol0no0.285>>.

<sup>21</sup> Asep and Ade Mulyana, 'Pandangan Ulama Tentang Zakat Perusahaan', *Jurnal Hukum Perdata Islam*, Vol. 22 No (2021).

<sup>22</sup> Maylen Fitria, 'Pergeseran Konsep Pengelolaan Zakat Dalam Peraturan Perundang-Undangan Di Indonesia', *Istinbath: Jurnal Hukum*, 16.1 (2019).

<sup>23</sup> Hamzah Hamzah and St. Umrah St. Umrah, 'Transformasi Ekonomi Zakat: Penerima Menjadi Wajib Zakat', *Al-Mizan: Jurnal Hukum Dan Ekonomi Islam*, 4.1 (2020) <<https://doi.org/10.33511/almizan.v4n1.1-16>>.

<sup>24</sup> Muhtadin Dg. Mustafa, 'Peningkatan Ekonomi Umat Melalui Zakat Profesi Dan Zakat Produktif', *Bilancia: Jurnal Studi Ilmu Syariah Dan Hukum*, 15.1 (2021) <<https://doi.org/10.24239/blc.v15i1.700>>.

<sup>25</sup> Akmal Bashori, 'Zakat Produktif Dalam Konteks Keindonesiaan: Fundraising Dan Distribusinya', *Manarul Qur'an: Jurnal Ilmiah Studi Islam*, 21.2 (2022) <<https://doi.org/10.32699/mq.v21i2.2216>>.

<sup>26</sup> Muhamad Firdaus Ab Rahman and others, 'Expansion of Agricultural Zakat Revenue in Malaysia on the Basis of the Current Masalah', *Al-Jami'ah: Journal of Islamic Studies*, 57.1 (2019) <<https://doi.org/10.14421/ajis.2019.571.231-256>>.

<sup>27</sup> Umar Sulaiman al-Asyqar, al-Madkhal ila Dirasah al-Madaris wa al-Mazahib al-Fiqhiyyah, (Oman, Dar al-Nafais, 1998), h. 78.

<sup>28</sup> Muhd Imran Abd Razak, 'Pemikiran Syekh Muhammad Arsyad Al-Banjari Berkaitan Isu Lokaliti Dan Pemindahan Zakat: Analisis Terhadap Kitab Sabil Al-Muhtadin', *E-Academia Journal UiTMT*, 5.1 (2016).

<sup>29</sup> Syekh Muhammad Nawawi al-Bantani, Nihayah al-Zain fi Irsyad al-Muhtadi'in, (Bandung: Dar al-Ma'arif, t.th), h. 182.

<sup>30</sup> AA Miftah, 'Pembaharuan Zakat Untuk Pengentasan Kemiskinan Di Indonesia', *Innovatio*, VII.14 (2008).

<sup>31</sup> Moch Yazid Afandi, 'Pembaharuan Pengelolaan Zakat', *Jurnal An Nur*, III (2011).

<sup>32</sup> Mohammad Azli Ab Rahman and Zaini bin Nasohah, 'Pembaharuan Metode Agihan Zakat Dalam Meningkatkan Ekonomi Golongan Fakir Dan Miskin Di Majlis Agama Islam Melaka', *Kolokium Siswazah Jabatan Syariah Pada 23 Disember 2013 Di Bilik Seminar Siswazah I, Fakulti Pengajian Islam, UKM Anjuran Jabatan Syariah, Fakulti Pengajian Islam, UKM*, 2013.

<sup>33</sup> Mayyadah Mayyadah, 'Praktik Manajemen Zakat Perspektif Hukum Islam; Analisis Komparatif Fikih Klasik Dengan Fikih Kontemporer', *Mazhabuna*, 2019 <<https://doi.org/10.24252/mh.v1i1.9673>>.

<sup>34</sup> Hasanah Abd. Khafidz and Irwan Mohd Subri, 'Hubungan Antara Teori Perubahan Hukum Dan Pelaksanaan Zakat Produktif Di Malaysia', in *The 4th ISDEV International Islamic Development Management Conference*, 2010.

<sup>35</sup> Bashori.

contextualization of their utilization, except for research by Sarbini<sup>36</sup> and Fazzan<sup>37</sup> which both examine the expansion of the meaning of *fi sabilillah* as one of the groups receiving zakat. The difference between the last two studies and this article is that this article examines the contextualization of the eight *asnaf* mustahik zakat, not limited to the *fi sabilillah* group. The second difference is also in the scientific method used to study it if the two previous studies were based on the perspective of *fi sabilillah* interpretation. In contrast, this article uses the understanding *muwafaqah* method in contextualizing the utilization of zakat in the eight groups

## Method

This research is literature research that is descriptive and analytical<sup>38</sup>. The approach used is the *Ushul Fiqh* approach<sup>39</sup> using the *Mafhum Muwafaqah* theory as an analytical knife. *Mafhum Muwafaqah* is a theory of text comprehension that explains that a word's meaning is not limited to the explicit meaning but can be extended to the implied meaning. Even the implied meaning can be stronger than the explicit meaning. Compared to the explicit meaning, the implied meaning is more dynamic because it can reach stronger, equally strong or weaker meanings.<sup>40</sup> Among the *Ushuliyun*, there are two views regarding understanding *muwafaqah*. The minority group believes that *mafhum muwafaqah* follows the *qiyas* scheme, whereas according to the majority group, it follows the *lafaz* scheme. These implied meanings are included in the scope of the meaning of a word based on the nature of the word itself<sup>41</sup>.

## Result and Discussion

### Contextualization of Asnaf and Zakat Utilization

Poor-poor *Asnaf* can expand its coverage to fund house renovations, pay mortgages/home loans, provide shares, and pay BPJS Health and BPJS Employment contributions. House renovation is demolishing uninhabitable houses and then rebuilding the house in a better shape. This program was initially started by a national private TV station and received an extraordinary response from the public. Currently, home renovation activities have become a national program. Every province in Indonesia has a house renovation program that aims to renovate the homes of low-income people so that they are livable and have health and safety standards. *Muallaf* are not limited to people but can expand their reach to legal entities or social institutions, such as *muallaf* centres, efforts to stem Christianization, publishing books to enlighten people prone to apostasy and others. Freeing enslaved people can broaden its scope of meaning by providing employment opportunities for Indonesian migrant workers and providing legal assistance to Indonesian migrant workers who are involved in legal problems in other countries. *Gharimin* can expand his reach to charitable and philanthropic institutions, *Sabilillah* can be expanded to strategic community projects, such as installing clean water pipe connections, and *Ibnu Sabil* can expand his reach to provide comfort to rescuers in handling natural disasters. In summary, the contextualization of *asnaf* can be seen in the following table.:

Table 1. Contextualization of Asnaf and Zakat Utilization

No.	Asnaf	Contextualization of Zakat Utilization
1	The poor	funding for house renovations, instalment/home loan payments, share grants, payment of BPJS Health and BPJS Employment contributions
2	<i>Muallaf</i>	<i>muallaf</i> centre, efforts to stem Christianization, publication of books to enlighten people prone to apostasy and others
3	Freeing enslaved people	Provision of employment opportunities for Indonesian Migrant Workers and provision of legal assistance to Indonesian Migrant Workers who are involved in legal problems in other countries
4	<i>Gharimin</i>	Charity and philanthropic institutions,
5	<i>Sabilillah</i>	community strategic projects, such as the installation of clean water pipe connections
6	<i>Ibn Sabil</i>	providing accommodation to volunteers for handling natural disasters

<sup>36</sup> Muhammad Sarbini, 'Tafsir Fī Sabilillāh Dan Implikasinya Bagi Cakupan Fī Sabilillāh Sebagai Mustahik Zakāt', *Al-Maslahah: Jurnal Hukum Islam Dan Pranata Sosial*, 06.01 (2018).

<sup>37</sup> Fazzan.

<sup>38</sup> Musda Asmara and Lilis Sahara, 'Problems with Choosing a Mate in Islam for People Who Choose a Mate through Social Media', *Nusantara: Journal Of Law Studies*, 1.1 SE-Articles (2022), 40–49 <<https://juna.nusantarajournal.com/index.php/juna/article/view/12>>.

<sup>39</sup> Kurtubi, 'View of Child Playing Online Game in the Sadd Al-Zari'ah's Perspective', 2022 <<https://juna.nusantarajournal.com/index.php/juna/article/view/16/7>> [accessed 16 December 2022].

<sup>40</sup> Evra Wilya, 'Mafhum Muwafaqah Dan Implikasinya Dalam Istibath Hukum', *Jurnal Ilmiah Al-Syir'ah*, 8.2 (2016) <<https://doi.org/10.30984/as.v8i2.5>>.

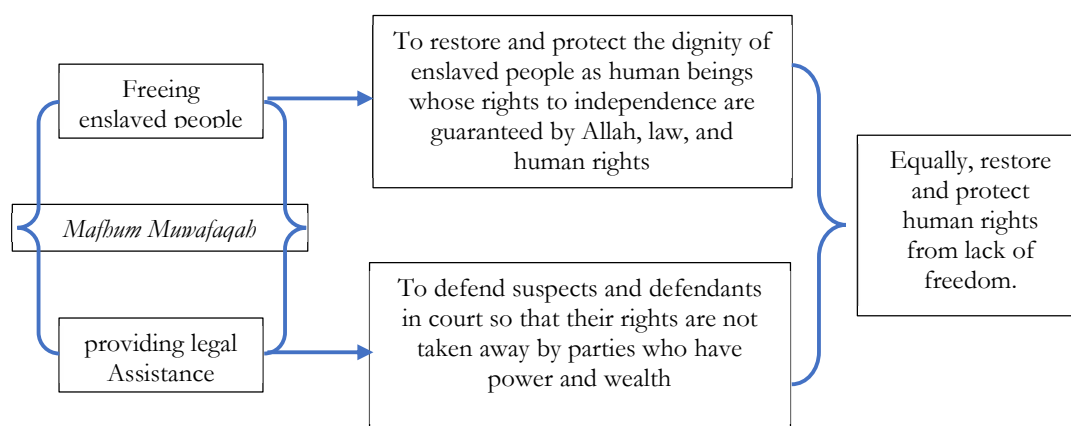
<sup>41</sup> Mawardi Mawardi, 'Mafhum Muwafaqah Dan Implikasinya Terhadap Masalah-Masalah Furu'iyah', *Hukum Islam*, 21.1 (2021) <<https://doi.org/10.24014/jhi.v21i1.10445>>.

### Distribution of Zakat to Provide Legal Assistance

The Constitution of the Republic of Indonesia, in article 28 D paragraph (1), states: 'Everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law'. Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) Article 56 paragraph (1) states: 'Every person must be allowed to obtain legal assistance at every level of limitation in the interest of defence'<sup>42</sup>. Based on the law above, the Government must assist citizens who cannot handle legal cases<sup>43</sup>. However, obtaining pro bono legal aid is not easy for people experiencing poverty. Legal counsel does not accompany many legal cases that are being investigated, prosecuted or imprisoned<sup>44</sup>.

It is common knowledge that the law is always on the side of those with wealth and power. Meanwhile, it is difficult for the poor and economically weak groups to obtain the billed justice. The principle of *equality before the law* (equality before the law) is still limited to slogans and ideals, not grounded in reality<sup>45</sup>. Therefore, it is necessary to make efforts to encourage justice to be felt by everyone, regardless of wealth and position. What is right must be declared right, and what is wrong must be declared wrong. Due to the difficulty in applying the principle of *equality before the law*, the idea arose to allocate zakat funds to provide legal assistance, to hire and pay *lawyers* who will accompany and defend their rights or protection so that they can obtain the fairest possible decision. The distribution of zakat funds to provide legal assistance to those in need can be justified based on the expansion of the scope of meaning ( *mafhum muwafaqah* ) of slave liberation ( *riqab* ) due to the characteristics of legal aid with slave liberation. The purpose of liberating enslaved people is to restore and protect the dignity of enslaved people as human beings whose freedom rights are guaranteed by Allah, law and human rights. While providing legal assistance aims to defend accusations and crimes in court so that parties with power and wealth do not take away their rights. Likewise, the liberation of enslaved people and the provision of legal aid are, in one sense, covered by the word *riqab* in surah at-Taubah verse 60.

Picture 1. Relationship between Freeing Enslaved People and Providing Legal Assistance



### Use of Zakat for Advocacy for Drafting Legislation

The power to draft laws rests with the legislature at every level. At the central level, laws are drafted and approved jointly between the People's Representative Council (DPR) and the president. At the provincial level, it is in the Regional People's Representative Council with the governor. At the district/city level, it is in the Regional People's Legislative Council and the Regent/Mayor. Drafting laws is a critical process. Because that law will become the rule that officially applies and binds all citizens, correctly and adequately drafted laws will have positive implications for the life of the nation and state. They will be able to create peace and justice for society. On the other hand, bad laws will cause chaos in the life of the nation and state.

<sup>42</sup> Claes Fornell and David F. Larcker, 'Undang-Undang Nomor 8 Tahun 1981 Tentang Kitab Undang-Undang Hukum Acara Pidana', *Peraturan Perundang-Undangan*, 18.1 (1981).

<sup>43</sup> Damara Wibowo, 'Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Menurut Hak Asasi Manusia Selama Proses Penyidikan', *Jurnal Usm Law Review*, 4.2 (2021) <<https://doi.org/10.26623/julr.v4i2.4187>>.

<sup>44</sup> Kirana Intaniasari, 'Akibat Hukum Para Terdakwa Yang Tidak Didampingi Penasehat Hukum Dalam Perkara Tindak Pidana Kehutanan', *Verstek*, 8.2 (2020) <<https://doi.org/10.20961/jv.v8i2.44088>>.

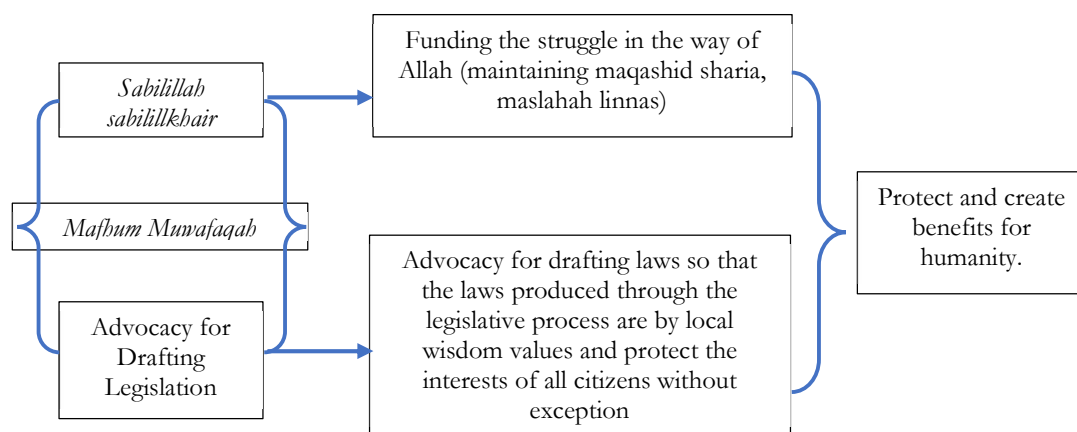
<sup>45</sup> Victoria Iturralde Sesma, 'Equality before Law: Analysis of Some Objections from Legal Philosophy', *Doxa. Cuadernos de Filosofía Del Derecho*, 42, 2019 <<https://doi.org/10.14198/DOXA2019.42.06>>.

Not infrequently, the process of drafting laws is influenced by many parties who have specific interests in the product of the law to be enacted<sup>46</sup>. One example of a controversial law drafting case is the drafting of an omnibus law or what is known as a work copyright law<sup>47</sup>. This law passed in 2022 during the Covid-19 pandemic, was passed in a hurry. The drafting process was allegedly not to the guidelines for drafting laws. This law is politically charged because it was passed during a pandemic, and the process for solving it was considered problematic. This law is considered unfriendly to Indonesian workers and more profitable for employers. It's as if this law was ordered by certain parties who want to take advantage of the pandemic to accommodate their interests. Some people who objected to the issuance of this law then submitted a judicial review to the Constitutional Court. Based on this judicial review, the Constitutional Court decided to cancel the Job Creation law<sup>48</sup>.

However, based on the Constitutional Court Decision, the Government issued a Regulation instead of a Law (Perppu) regarding work copyright which the DPR then passed as law. Upon the passage of the Perppu, the public is still questioning the good intentions of the Government and the House of Representatives to protect citizens' rights. These two cases opened people's eyes to the crucial process of drafting laws and sparked awareness of the importance of advocating for the process of drafting laws. The problem is that advocating for law drafting is not a simple matter. It takes serious and systematic efforts to be able to do this. In addition, the issue of financing also needs serious attention. One alternative source of financing to finance advocacy activities for drafting laws is zakat funds.

Classical scholars have never discussed the legal status of using zakat funds to advocate for the drafting of laws. Considering the two cases of drafting laws mentioned above, advocacy for drafting laws needs to be done. If no other financing sources are available, then zakat can be used as an alternative source of financing for these activities. This means that zakat can be used to advocate for the preparation of laws so that the laws produced through the legislative process are by local wisdom values and protect the interests of all citizens without exception. The allocation of zakat funds for advocating for the drafting of this law is in line with the utilization of zakat for *fisabilillah*, which extends its meaning to *sabil al-khair* (the path of goodness). This expansion is because the meaning of *fisabilillah* is a struggle in the way of Allah, to uphold Allah's Shari'a as it is known that the essence of Allah's Shari'a, is *maqasid Shari'a* which contains protection of religion, soul, mind, lineage, and human property. One of the ways to realize this *maqashid sharia* is to provide advocacy for drafting the law so that it is by the interests of Allah's law, namely for *maslahah linas* (benefit of humanity).

Picture 2. Relationship between *Fisabilillah* and Advocacy for Drafting Legislation



<sup>46</sup> Winda Wijayanti, 'Eksistensi Undang-Undang Sebagai Produk Hukum Dalam Pemenuhan Keadilan Bagi Rakyat (Analisis Putusan Mahkamah Konstitusi Nomor 50/PUU-X/2012)', *Jurnal Konstitusi*, 10.1 (2016) <<https://doi.org/10.31078/jk1018>>.

<sup>47</sup> Muhammad Fakhur Razy and Muhammad Fedryansyah, 'Konflik Gerakan Masyarakat Sipil Dan Pemerintah Dalam Proses Penyusunan Rancangan Undang-Undang Omnibus Law', *Jurnal Kolaborasi Resolusi Konflik*, 2.2 (2020) <<https://doi.org/10.24198/jkrk.v2i2.28147>>.

<sup>48</sup> Dirman Nurjaman, 'Penerapan Asas Keterbukaan Dalam Proses Pembuatan Undang-Undang Omnibus Law', *Kbazzanah Multidisiplin*, 2.2 (2021) <<https://doi.org/10.15575/kl.v2i2.13165>>.

## Conclusion

This article finds that the eight target ashnaf of zakat, as mentioned in sura al-Maidah verse 63, are not limited in nature but can be expanded in the scope of meaning. Ashnaf for people experiencing poverty can be expanded in scope to fund house renovations, pay mortgages/home loans, and pay BPJS Health and BPJS Employment contributions. Converts are not limited to persons but can be expanded in scope to legal entities or social institutions, such as convert centres, efforts to stem Christianization, publishing books to enlighten people prone to apostasy and others. Freeing enslaved people can broaden its scope of meaning to provide employment opportunities for migrant workers and provide legal assistance to migrant workers who are involved in legal problems in other countries. Gharimin can expand its scope to charity and philanthropy organizations, Sabilillah can expand to strategic community projects, such as installing pipe joints and clean water, and Ibnu Sabil can be expanded in scope to provide accommodation to volunteers for handling natural disasters.

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