

# TURNITIN REPORT

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**Submission date:** 21-May-2024 11:28PM (UTC+0700)

**Submission ID:** 2362402021

**File name:** 8783-Article\_Text-26134-1-18-20240520.pdf (557.42K)

**Word count:** 8256

**Character count:** 47100

## ZAKAT FOR DISABILITIES: BRIDGING INDONESIAN STATE LAW AND ISLAMIC LAW

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DOI: 10.21154/invest.v4i1.8783

Received: 2024-01-08

Revised: 2024-05-16

Approved: 2024-05-21

**Abstract:** This study aims to disclose the impact of Islamic law and Indonesian state law on organizing zakat distribution for persons with disabilities. Utilizing a descriptive comparative methodology, this study analyzes how both Islamic law and Indonesian state law influence efforts to provide zakat funds to people with disabilities in Indonesia. We examined scholarly literature, reports, articles on Fiqh Zakat, zakat distribution, the rights of people with disabilities, and regulations to obtain pertinent background knowledge. A comparative analysis assessed the impact of the similarities and differences between these laws on the right to receive zakat. The findings evaluate the contribution of zakat distribution to addressing the needs of people with disabilities from the perspectives of both Islamic law and state law. This study emphasizes the importance of protecting individuals with disabilities in various countries, including those with secular legal frameworks, as a crucial aspect of social policies. It advocates equal access to education, healthcare, and employment opportunities, fostering inclusivity and eliminating discrimination.

**Keywords:** disabilities; Islamic law; Indonesian state law; zakat distribution; zakat impact

**Abstrak:** Penelitian ini bertujuan untuk mengungkap dampak hukum Islam dan hukum negara Indonesia dalam mengatur distribusi zakat bagi penyandang disabilitas. Dengan menggunakan metodologi deskriptif komparatif, penelitian ini menganalisis bagaimana hukum Islam dan hukum negara Indonesia memengaruhi upaya penyediaan dana zakat bagi penyandang disabilitas di Indonesia. Kami mengkaji literatur ilmiah, laporan, artikel tentang fikih zakat, distribusi zakat, hak-hak penyandang disabilitas, dan peraturan untuk mendapatkan latar belakang pengetahuan yang relevan. Analisis komparatif menilai dampak dari persamaan dan perbedaan antara hukum-hukum ini terhadap hak untuk menerima zakat. Temuan-temuan tersebut mengevaluasi kontribusi distribusi zakat untuk memenuhi kebutuhan penyandang disabilitas dari perspektif hukum Islam dan hukum negara. Studi ini menekankan pentingnya perlindungan terhadap penyandang disabilitas di berbagai negara, termasuk negara dengan kerangka hukum sekuler, sebagai aspek penting dalam kebijakan sosial. Studi ini mengadvokasi akses yang sama terhadap pendidikan, kesehatan, dan kesempatan kerja, mendorong inklusivitas dan menghilangkan diskriminasi.

**Kata kunci:** dampak zakat; distribusi zakat; hukum Islam; hukum Indonesia; penyandang disabilitas

## INTRODUCTION

Socioeconomic inequality is a major challenge faced by societies worldwide. Challenges faced by people around the world, not only by normal people like the majority but also by other people with disabilities<sup>1</sup>. People with disabilities are one of the groups that often face difficulties in accessing opportunities and groups who often face difficulties in accessing opportunities and rights. Discrimination towards individuals with disabilities occurs when a person is treated unfairly or fails to receive the same opportunities as others in a similar position because of their condition. It can also happen when an inappropriate law or policy applies to everyone, but has a disproportionate effect on those with a specific impairment<sup>2</sup>.

Many individuals with disabilities possess the potential and abilities necessary to fully engage in their communities, but they often encounter a variety of physical and economic barriers that hinder their access to education, employment, healthcare services, and inclusive social experiences<sup>3</sup>. These obstacles not only prevent individuals from fully participating in their communities but also have negative economic consequences for society as a whole<sup>4</sup>. Several studies have identified factors contributing to economic inequalities, such as the growing earnings divide between hard-skilled and soft-skilled laborers, and the issue of unequal income distribution based on limited access to education, healthcare, and job information<sup>5</sup>. Furthermore, a more recent study revealed that individuals with disabilities in the United Kingdom often work in low-paying jobs and are compelled to leave the labor force earlier than

<sup>1</sup> Tiun Ling Ta and Khoo Suet Leng, "Challenges Faced by Malaysians with Disabilities in the World of Employment," *Disability, CBR & Inclusive Development* 24, no. 1 (May 1, 2013): 6, <https://doi.org/10.5463/dcid.v24i1.142>; Zinabie Seyoum, "Employment Opportunities and Challenges of People with Disabilities in Dire-Dawa, Ethiopia: Policy and Practice," *Journal of Education, Society and Behavioural Science* 22, no. 4 (January 10, 2017): 1-11, <https://doi.org/10.9734/JESBS/2017/36201>; V. Ramanathan, M. Sanchez Sorondo, and P. S. Dasgupta, *Sustainable Humanity; Sustainable Nature; Our Responsibility* (Vatican City: Pontificia Academia, 2014), <https://www.pas.va/en/publications/extra-series/es41pas.html>.

<sup>2</sup> Ramanathan, Sanchez Sorondo, and Dasgupta, *Sustainable Humanity; Sustainable Nature; Our Responsibility*.

<sup>3</sup> Singh Pooja, "Persons with Disabilities and Economic Inequalities in India," *Indian Anthropologist* 44, no. 2 (2014): 65-80, <http://www.jstor.org/stable/43899390>.

<sup>4</sup> Pooja.

<sup>5</sup> Md. Hifzur Rahman, "Socio-Economic Inequality in the Occurrence of Disability in India: Evidence from a Large Scale Sample Survey," *SSRN Electronic Journal*, 2013, <https://doi.org/10.2139/ssrn.2334265>; Michelle Maroto and David Pettinicchio, "Disability, Structural Inequality, and Work: The Influence of Occupational Segregation on Earnings for People with Different Disabilities," *Research in Social Stratification and Mobility* 38 (December 2014): 76-92, <https://doi.org/10.1016/j.rssm.2014.08.002>; Zhuoni Zhang and Xiaogang Wu, "Occupational Segregation and Earnings Inequality: Rural Migrants and Local Workers in Urban China," *Social Science Research* 61 (January 2017): 57-74, <https://doi.org/10.1016/j.ssresearch.2016.06.020>; Nico Dragano et al., "Arbeit und gesundheitliche Ungleichheit: Die ungleiche Verteilung von Arbeitsleistungen in Deutschland und Europa," *Bundesgesundheitsblatt - Gesundheitsforschung - Gesundheitsschutz* 59, no. 2 (February 2016): 217-27, <https://doi.org/10.1007/s00103-015-2281-8>; Eddy Van Doorslaer, Xander Koolman, and Andrew M. Jones, "Explaining Income-related Inequalities in Doctor Utilization in Europe," *Health Economics* 13, no. 7 (July 2004): 629-47, <https://doi.org/10.1002/hec.919>; Devah Pager, Bart Bonikowski, and Bruce Western, "Discrimination in a Low-Wage Labor Market: A Field Experiment," *American Sociological Review* 74, no. 5 (October 2009): 777-99, <https://doi.org/10.1177/000312240907400505>; Seyoum, "Employment Opportunities and Challenges of People with Disabilities in Dire-Dawa, Ethiopia."

their non-disabled counterparts<sup>6</sup>. As a result, disabilities are a critical issue that must be addressed by all stakeholders in a given country to improve the socioeconomic quality of the community.

One instrument that has great potential to magnify the life advancement of people with disabilities is zakat. Zakat is one of the main pillars in Islamic teachings, which requires Muslims who are able to afford it to give a portion of their wealth to those in need, including people with disabilities<sup>7</sup>. In the contemporary context, zakat can be considered an effective tool for creating better access and opportunities for people with disabilities. In Islam, Zakat plays an important role in reducing social and economic disparities. Paying zakat is obligatory for Muslims who can give a portion of their wealth to those in need, including people with disabilities. The concept of zakat is not only about helping the less fortunate, but also about creating social equality and providing equal access to all individuals in society<sup>8</sup>.

Disability is also an issue that must be highlighted in conditions problems in Indonesia; based on the National Development Planning Agency (Bappenas) data in 2020, there are 22,977,017 people with disabilities in Indonesia. West Java Province has the highest population of people with disabilities (4,211,821). with the highest population of 4,211,864 people with disabilities, followed by the East Java Province with 3,468,000 people with disabilities. The East Java Province has 3,468,775 people with disabilities. The population with the lowest number of people with disabilities is North Kalimantan Province, with 60,962 people with disabilities. North Kalimantan has 60,962 disabled people<sup>9</sup>. The distribution of people with disabilities in Indonesia is illustrated in Figure 1.

<sup>6</sup> Allison Milner et al., "Employment Predictors of Exit from Work among Workers with Disabilities: A Survival Analysis from the Household Income Labour Dynamics in Australia Survey," ed. Stefano Federici, *DS ONE* 13, no. 12 (December 7, 2018): e0208334, <https://doi.org/10.1371/journal.pone.0208334>; Jon Swain et al., "Using a Life Course Perspective to Understand Early Labor Market Exit for People in Their Late 50s Living in the UK," *International Journal of Ageing and Later Life*, October 3, 2020, 1–30, <https://doi.org/10.3384/ijal.1652-8670.3285>; Roos Van Der Zwan and Paul De Beer, "The Disability Employment Gap in European Countries: What Is the Role of Labour Market Policy?," *Journal of European Social Policy* 31, no. 4 (October 2021): 473–86, <https://doi.org/10.1177/09589287211002435>.

<sup>7</sup> Zur Kefeli et al., "Factors Affecting Quality of Life of Medical Assistance Recipients of Zakat Fund in Malaysia," *International Journal of Economics, Management and Accounting* 25, no. 1 (May 31, 2017): 125–40, <https://doi.org/10.31436/ijema.v25i1.398>.

<sup>8</sup> Jill Hanass-Hancock et al., "'These Are Not Luxuries, It Is Essential for Access to Life': Disability Related out-of-Pocket Costs as a Driver of Economic Vulnerability in South Africa," *African Journal of Disability* 6 (May 31, 2017), <https://doi.org/10.4102/ajod.v6i0.280>; Herlin Hamimi, Abdul Ghafar Ismail, and Muhammad Hasbi Zaenal, "Strategic Role of Zakat in Multidimensional Quality of Life in Sijunjung, Indonesia," *The Journal of Muamalat and Islamic Finance Research* 15, no. 1 (June 1, 2018): 55–72, <https://doi.org/10.33102/jmifr.v15i1.101>; Azhar Alam et al., "The Role of the National Amil Zakat Institution in Helping the Economy of Poor People with Blind Disabilities Amid the Covid-19 Pandemic," in 2021: *The 5th International Conference of Zakat (ICONZ) Proceeding*, 2022, 369–78, <https://doi.org/10.37706/iconz.2021.253>.

<sup>9</sup> Badan Pusat Statistik, "Long Form Sensus Penduduk 2020," Sensus (Jakarta, Indonesia: Badan Pusat Statistik, 2020), <https://sensus.bps.go.id/main/index/sp2022>.

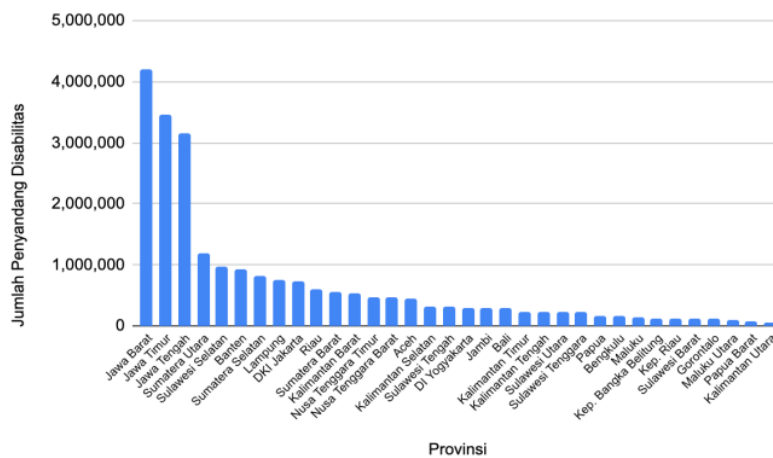


Figure 1. Number of people with disabilities by province

The significance of connecting zakat distribution to the utilization of people with disabilities in Indonesia has attracted increasing attention. Alam underscores the role of the National Amil Zakat Institution (LAZNAS) in supporting the economy of people with blind disabilities during the Covid-19 pandemic. This study finds that zakat is distributed in cash to improve the business and welfare of disabled individuals. It highlights the role of Rumah Zakat Solo, a LAZNAS, in supporting the economy of persons with disabilities when one of the LAZNAS helps the economy of people with disabilities when affected by the Covid-19 pandemic<sup>10</sup>.

Sari's 2020 study presents a policy brief that focuses on the Zakat and Disability framework, highlighting the exclusion and challenges faced by individuals with disabilities in Indonesia in accessing equal economic opportunities. This study proposes policy recommendations for the Organization of Zakat Management (OPZ) to increase the distribution of zakat to people with disabilities. Despite the potential aid provided by Islamic social instruments such as zakat, allocation to people with disabilities remains low (< 1%). Therefore, this study recommends policy suggestions to improve zakat distribution among disabled individuals<sup>11</sup>.

Rianto's research emphasizes the significance of offering support and empowerment to individuals with disabilities, who are entitled to the same rights as non-disabled individuals. This study aims to enlighten readers about the rights of

<sup>10</sup> Alam et al., "The Role of the National Amil Zakat Institution in Helping the Economy of Poor People with Blind Disabilities Amid the Covid-19 Pandemic."

<sup>11</sup> Aisha Putrina Sari, Adhitya Kusuma Zaenardi, and Dita Anggraini, "Zakat Dan Disabilitas," Policy Brief (Jakarta, Indonesia: BAZNAS, June 2020), <https://puskas.baznas.go.id/publications/published/policybrief/1252-zakat-dan-disabilitas>.

people with disabilities and the significance of their inclusion in society. Furthermore, it encourages readers to participate in providing assistance to people with disabilities through Zakat, *linfaq*, and Almsgiving (ZIS). Rianto used a qualitative method to review theories from various books and articles, with the results focusing on the empowerment and utilization of zakat funds to aid disabled Muslims in Indonesia. This study underscores the importance of offering assistance and support to individuals with disabilities, as they possess the same rights as non-disabled persons. Additionally, it addresses a substantial number of individuals with disabilities in Indonesia and highlights the need for their inclusion and support in society<sup>12</sup>.

Muhammad conducted a study in Gombe State, Nigeria, examining the role of Zakat in reducing poverty among people with disabilities. The study also aimed to explore Zakat as a financing tool for poverty reduction and to identify the challenges faced by Zakat institutions in the area. The study used a qualitative case study approach, collecting data through in-depth interviews and participatory observation of the Zakat program and poverty in the area. The results highlight the importance of zakat in reducing poverty and improving the socioeconomic development of people with disabilities. The study recommends that the government, religious organizations, and NGOs utilize the potential of zakat in poverty alleviation programs for people with disabilities in Gombe<sup>13</sup>.

These studies collectively show the progression from identifying the fundamental challenges of persons with disabilities to exploring the role of giving zakat to them and addressing the well-allocated zakat to disabilities. The next step in this progression is to examine the specific strategies and approaches that can be used to effectively distribute zakat to persons with disabilities, and ensure that it is being used to maximize the effect of improving their quality of life. One example of an effective strategy for distributing zakat to persons with disabilities is to partner with local disability organizations to identify and support individuals in need.

To further explore zakat disability, it is necessary to investigate the specific mechanisms through which Islamic law and Indonesian state law influence the provision of zakat funds for people with disabilities. To address this gap, this study aims to examine the specific mechanisms through which Islamic law and Indonesian state law affect the provision of zakat funds to people with disabilities, providing new insights into the ways in which these legal frameworks can be adapted to better

<sup>12</sup> Agus Rianto, "Pemberdayaan Masyarakat Muslim Penyandang Cacat/Disabilitas Melalui Pemanfaatan Zakat (Kajian Dari UU No. 23 Tahun 2011)," *Jurnal Rehabilitasi Dan Remediasi* 24, no. 1 (2016), <https://jurnal.uns.ac.id/JRR/article/view/1140>.

<sup>13</sup> Adamu Abubakar Muhammad et al., "Zakat and Poverty Alleviation Among People With Disabilities Gombe State Nigeria: A Critical Analysis," *ZISWAF: JURNAL ZAKAT DAN WAKAF* 9, no. 1 (June 25, 2022): 46, <https://doi.org/10.21043/ziswaf.v9i1.13184>.

support this vulnerable population. This study uses a descriptive comparative methodology to analyze the impact of both Islamic law and Indonesian state law on efforts to provide zakat funds for people with disabilities in Indonesia. This study examined the sources and features of both selected laws, focusing on their role in providing zakat for disabilities. A comparative analysis was conducted to assess the impact of similarities and differences between them in terms of their impact on the right of disability to receive zakat.

We conducted a thorough analysis of the scholarly literature, reports, articles on Fiqh Zakat, zakat distribution, the rights of people with disabilities to receive zakat, regulations of both Islamic and Indonesian state law, and case studies to obtain pertinent background knowledge and insights from previous publications that primarily originated from the largest institution of zakat distribution<sup>14</sup>. We will also examine data that are currently available from previous reliable publications and sources. The influence of the parallels and discrepancies between Indonesian state law and Islamic law was determined through a comparative study.

The interpretation of these findings will assess the contribution of zakat distribution towards addressing the impact on the right of disabilities to receive zakat from the perspective of Islamic law compared to state law. Based on this analysis, we draw conclusions about the role of zakat in fulfilling the needs of people with disabilities and provide recommendations for policymakers, related zakat institutions, and stakeholders to improve law implementation related to zakat distribution in persons with disabilities.

The research findings are discussed to clarify the characteristics and features of the content in both laws as a comparative discussion. This text addresses some differences from the perspective of legal interpretation. This study aims to disclose the impact of Islamic law and Indonesian state law in organizing zakat distribution for persons with disabilities.

## DISCUSSION

### 1.1 Zakat Fund for Disabilities Empowerment

The term "Zakat" derives from its etymology, which conveys the concept of sacredness and tidiness. Zakat, as defined in language, involves the allocation of property and essential food items, depending on a particular nishab (threshold), to be distributed to eligible recipients according to specific criteria. Zakat is a kind of worship that

<sup>6</sup> Nick Moore, "Desk Research," in *How to Do Research: The Practical Guide to Designing and Managing Research Projects* (Facet, 2006), 106-11, [https://www.cambridge.org/core/books/how-to-do-research/desk-research/A76DC90D8C63BA9BD9C648E3CD50FB46?utm\\_campaign=shareaholic&utm\\_medium=copy\\_link&utm\\_source=bookmark](https://www.cambridge.org/core/books/how-to-do-research/desk-research/A76DC90D8C63BA9BD9C648E3CD50FB46?utm_campaign=shareaholic&utm_medium=copy_link&utm_source=bookmark).

people engage in to show devotion to Allah SWT<sup>15</sup>. Performing zakat signifies fulfilling the third fundamental tenet of Islam, and plays a significant role in mitigating poverty.



Figure 2. Zakat for disabilities framework

Based on the framework above, these are the procedures that a zakat institution must follow to assist persons with disabilities in receiving their zakat rights, such as in the author's depiction of the process of distributing zakat to those with disabilities.

To demonstrate how this framework was implemented, stakeholders from the National Board of Zakat Republic Indonesia (BAZNAS RI) were involved in this program. In December 2019, the disabled mustahik group was a component of the Anggrek KCB BAZNAS group<sup>16</sup>, and was situated in Ujung Harapan, Bahagia Village, Babelan District, and Bekasi Regency. There are now ten handicapped members of the organization, each with different specific requirements. The majority of the aid they were given in 2019 went towards buying sewing machines, overlockers, and overdecks for their company. The KCB Anggrek Group has received considerable corporate support. Assistants for the BAZNAS program provide comprehensive support with the goal of enhancing attitudes and developing a sophisticated business mindset, helping Mustahik become successful entrepreneurs and transform them into muzakki.

The KCB Anggrek Group has grown its workforce and opened a Convection Stage House in the Kampung Beting, Pantai Bahagia Village, Muaragembong District, and Bekasi Regency. These new hires will be educated to become members of the

<sup>15</sup> Muhammad et al., "Zakat and Poverty Alleviation Among People With Disabilities In Gombe State Nigeria."

<sup>16</sup> Muhammad Hasbi Zaenal et al., "Menjembatani Kesenjangan: Peran Zakat Dalam Mewujudkan Akses Dan Kesempatan Untuk Penyandang Disabilitas," Policy Brief (Jakarta, Indonesia: Pusat Kajian Strategis – Badan Amil Zakat Nasional (Puskas BAZNAS), September 2023), <https://puskas.baznas.go.id/publications/published/policybrief/1252-zakat-dan-disabilitas>.



production staff. Training for production will eventually benefit the travel and tourism industries, as well as the creative economy.

The aforementioned examination contributes to the subject of zakat disabilities by presenting a comprehensive structure for zakat institutions to adopt to guarantee that individuals with disabilities are capable of receiving their zakat rights, as detailed in the portrayal of the distribution process. For instance, this structure could be employed by a zakat institution to ensure that a person with visual impairments is capable of receiving zakat rights by providing them with suitable assistive technology, as depicted in the illustration.

## 1.2 Exploring the Content of Indonesian State Law on Zakat Distribution for Disabilities

Various efforts have been made by the Government of Indonesia as well as ministerial regulations in the equalization of people with disabilities to have adequate facilities to participate in activities like the rest of society. One of the government's efforts can be seen in the issuance of the law on disabilities, namely State Law No. 8 of 2016, along with its derivatives, as shown in the table below.

**Table 1.** Indonesian Government Law on Person with Disabilities in Indonesia

No	Derived Regulation	Status	Initiator
1	Government Rules (PP) on the <sup>20</sup> plementation of Social Welfare for Persons with Disabilities	Legalized through PP 52/2019	<sup>26</sup> Ministry of Social Affairs
2	PP on Planning, Implementation, and Evaluation of Respect, Protection, and Fulfillment of Rights Persons with Disabilities	Ratified by PP 70/2019	National Development Planning Agency
3	PP on Proper <sup>22</sup> ommodation for Learners Persons with Disabilities	Enacted by PP 13/2020	Ministry of Education and Culture
4	PP on Reasonable Accommodation in Judiciary	PP 39/2020	Ministry of Law and Human Rights
5	<sup>16</sup> PP on Accessibility to Settlements, Public Services, and Protection from Disability	Enacted by PP 42/2020	KemenPUPR

6	Presidential Regulation on Ratification of Marrakesh Treaty	Ratified by Presidential Regulation 01/2020	Ratification of Marrakesh Treaty of the Moroccan Diplomatic Conference of Morocco
7	Presidential Regulation on Awards	Ratified by Presidential Regulation 67/2020	<sup>19</sup> Ministry of Social Affairs
8	Presidential Regulation on National Commission on Disability	Ratified by Presidential Regulation 68/2020	Ministry of Social Affairs
9	PP on Disability Service Unit	Enacted by PP 60/2020	Ministry of Manpower
10	PP on Habilitation and Rehabilitation	Enacted by PP 75/2020	Ministry of Social Affairs
11	PP on Incentives and Concessions	Discussion at Related Ministries	Ministry of Finance

The Indonesian government's PP Number 39 of 2020 concerning Adequate Accommodations for persons with disabilities and the Judicial Process regulates the specifics of what law enforcement agencies must provide to people with disabilities during the legal process<sup>17</sup>. Appropriate modifications to court processes or procedures tailored to the requirements of individuals with disabilities constitute a decent accommodation in the form of services. As stated in Article 6 PP Number 39 of 2020, suitable accommodations in the form of service facilities include nondiscriminatory treatment, satisfaction with a sense of security and comfort, efficient communication, and the fulfilment of information pertaining to the rights of individuals with disabilities and advancements in the legal system. Additionally, they encompass the provision of long-distance audiovisual communication facilities, the establishment of guidelines for the assessment of individuals with disabilities, the creation of standards for the provision of legal services, and the availability of Disability Companions and/or translators<sup>18</sup>.

However, based on the above explanation, no specific legislation governs the distribution of zakat to those with impairments. However, Indonesia has created specific rules pertaining to zakat to comply with Islamic law. This zakat is included in Law No. 23 of 2011 about Zakat Management in order for it to become a legally

<sup>7</sup> Rosa Pijar Cahya Devi and Ignatius Loyola Iswardatta Prasetyo, "Implementasi Akomodasi Yang Layak Bagi Penyandang Disabilitas Dalam Proses Penyidikan Di Kepolisian Kabupaten Sleman," *Jurnal Hukum & Pembangunan* 52, no. 2 (n.d.), <https://scholarhub.ui.ac.id/jhp/vol52/iss2/11>.

<sup>18</sup> Devi and Prasetyo.

binding statute created by the state with a number of more directed and orderly restrictions. If monies designated under Law No. 23 of 2011 and Islam are utilized to empower the vulnerable and in need of assistance, then zakat, infaq, and shadaqah fund<sup>19</sup>.

Moreover, actions to enhance the empowerment and well-being of individuals with disabilities are governed by Law No. 4 of 1997, specifically Article 16. In this instance, it is claimed that the state and/or society engage in activities such as rehabilitation, provision of social assistance, and maintenance of the current standards of social welfare.

Finally, see the explanation for the objective of social support for individuals with disabilities in Law No. 4 of 1997, Article 19. According to this article, social assistance is meant to support individuals with disabilities in their efforts to raise standards of social welfare.

Therefore, it may be said that rules exist concerning the administration of zakat, as well as its distribution, namely to the underprivileged. This definition includes those with impairments; thus, they are entitled to social aid such as zakat, infaq, and alms. This study emphasizes the importance of providing financial assistance to individuals with disabilities through zakat, infaq, and alms as they face unique challenges in their daily lives and require additional support to maintain their basic needs.

### **1.3 The Fundamental Cause of Disabilities qualifies for Zakat in accordance with Islamic law**

Islam views humans as equal. This is reinforced by referring to the syumuliyatul (comprehensive) values of Islam in the Qur'an, namely al-musawāh (equality), al-'adālah (justice), and al-ḥuriyyah (freedom). The Qur'an and hadith do not specifically define a single term to cover various meanings of disability. However, the Qur'an and hadith do use specific terms to describe a wide range of individuals with special needs, including blind ('amā), dumb (abkam), disabled ('araj), and insane (majnūn)<sup>20</sup>. The thing that distinguishes between human beings is their level of piety, as well as for people with disabilities. Allah Swt. said in Qur'an Surah An-Nur verse 61:

“There is not upon the blind [any] constraint nor upon the lame constraint nor upon the ill constraint nor upon yourselves when you eat from your [own] houses or the houses of your fathers or the houses of your mothers or the houses of your brothers or the houses

<sup>19</sup> Rianto, “Pemberdayaan Masyarakat Muslim Penyandang Cacat/Disabilitas Melalui Pemanfaatan Dana Zakat (Kajian Dari UU No. 23 Tahun 2011).”

<sup>20</sup> Vardit Rispler-Chaim, *Disability in Islamic Law*, vol. 32, International Library of Ethics, Law, and the New Medicine (Dordrecht: Springer Netherlands, 2007), <https://doi.org/10.1007/1-4020-5052-6>.

of your sisters or the houses of your father's brothers or the houses of your father's sisters or the houses of your mother's brothers or the houses of your mother's sisters or [from houses] whose keys you possess or [from the house] of your friend. There is no blame upon you whether you eat together or separately. But when you enter houses, give greetings of peace upon each other - a greeting from Allah, blessed and good. Thus does Allah make clear to you the verses [of ordinance] that you may understand.”

This verse explains social equality between people with and without disabilities. People with and without disabilities. The interpretation of the ahkam verse by Shaykh Ali As-Shabuni is as follows<sup>21</sup>.

يقول الله جل ذكره ما معناه: ليس على أهل الأعذار ولا على ذوي العاهات (والأعمى والأعرج والمريض) حرج أن يأكلوا مع الأصحاء، فإن الله تعالى يكره الكبر. والمتكبرين ويجب من عباده التواضع.

“The substance of this statement of Allah Ta'ālā (Surat An-Nūr: 61) is that there is no sin on those who have excuses and disabilities. There is no sin for those who have excuses and limitations (blind, disabled, and sickness) to eat with non-disabled people, because they can eat with them. Blind, disabled, and sick) to eat with non-disabled people, because Allah Ta'ālā hates pride and arrogant people. Allah loves the humbleness of His servants.”

From the perspective of Fiqh (Islamic law), practicing shari' ah is obligatory for people with disabilities, just as everyone else does. Shariah obligations are obligatory for persons with disabilities as well as other mukallaves in general, as long as their minds are still healthy in the sense that they are able to work properly. However, they are allowed to carry out these obligations within the limits of their abilities. Moreover, this also explains in the theory of ushul fiqh that Maqasid Shari'ah (the objectives of Islamic Shari'ah) is the basis of the law on disability issues. objectives of Islamic Shari'ah became the basis of the law on this disability issue. Maqasid Shari'ah (objectives in Islamic law) here aims to realize the good and leave the bad.

<sup>44</sup> From the perspective of Maqashid Shari'ah<sup>22</sup>, there is no difference in rights between people with disabilities and normal people in this world and hereafter, and between normal people in this world and hereafter. Islam organized as well as possible lives. Through the books on fiqh, people with disabilities have special guidance on matters of worship and life. Disabilities provide special guidance on

<sup>14</sup> Muhammad A. Sabuni, *Rawa'ī'u al-Bayan Tafsir Ayat al-Ahkam Min al-Qur'an* (Beirut: al-Maktabah al-Ishriyah, 1955), [https://digilib.ptiq.ac.id/index.php?p=show\\_detail&id=6722](https://digilib.ptiq.ac.id/index.php?p=show_detail&id=6722).

<sup>22</sup> Abdullah Fikri, “Resensi Buku: Fikih (Ramah) Difabel,” *INKLUSI Journal of Disability Studies* 1, no. 2 (2015): 1-10.

matters of worship, such as mu'amalah. This obligation was adjusted based on the ability to perform these tasks. Regarding the obligation to worship, the Word of Allah in Surah At-Taghabun verse 16 explains that Allah made it easier for his servants to worship. Allah has made it easy for his servants to worship when he cannot do it perfectly, then do as much as he can by carrying out it perfectly, and then carry out as much as you can.

People with disabilities are one group of community empowerment efforts and are likely to fall into the community empowerment and may fall into the category of mustahik zakat. In Islam, mustahik is a person who is entitled to receive zakat. Zakat in certain groups (asnaf) including fakir, poor, Ibnu Sabil and so on. These groups (asnaf) are based on Surah At-Taubah verse 60, which reads

“Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah. And Allah is Knowing and Wise.”

Based on the verse above, the distribution of zakat among people with disabilities is new in the Qur'an because there is no mention of zakat distribution among people with disabilities. Disabilities are something new in the Qur'an because there is no specification mentioning people with disabilities, including specifications mentioning persons with disabilities, including those entitled to receive zakat. Based on the definition of people with disabilities, they have limitations in activities that make them less able to fulfill their needs. Disability refers to people who have limitations in activities that reduce their ability to fulfill their needs. In this context, it can be said that people with disabilities belong to the group (asnaf) poor, which means mustahik (those entitled to receive zakat). Observing the meaning of the poor, Fiqh Ulama 4 Madzhab offers different perspectives on the definition of the poor<sup>23</sup>.

**Table 2.** Definition of poor from prespective fiqh four Madzhab

No	Name	Definition of Poor
1	Imam Hanafi	Someone who has no wealth even a little bit.
2	Imam Syafi'i	Someone who has property or income but not enough to fulfill their daily lives.
3	Imam Hanbali	Someone who has property or income but is only able to fulfill part of their needs.
4	Imam Maliki	Someone who has absolutely no possessions.

<sup>23</sup> Aini Syifa Mazida, "Pendistribusian Zakat Bagi Penyandang Disabilitas Melalui Program Diy Sehat Menurut Fiqh Zakat (Studi Implementasi Baznas Daerah Istimewa Yogyakarta)" (Thesis, Yogyakarta, Indonesia, Universitas Islam Indonesia, 2023), <https://dspace.uii.ac.id/handle/123456789/44355>.

Regarding the distribution of zakat among people with disabilities, Fuqaha (jurists) is of the opinion that it is permissible. Fuqaha (jurists) believes that they are permissible. Imam Yusuf Qardhawi said that a person who is not physically well does not have sufficient business so that he cannot afford clothes that cover the aurat and buy him some food<sup>24</sup>. This indicates that people with disabilities are weak and helpless; therefore, they cannot. People with disabilities are weak and helpless, so they cannot fulfill their daily needs properly well. Sayyid Sabiq<sup>25</sup>, a scholar who wrote the book *Fiqh Sunnah*, explains his opinion that people with disabilities are among those who are entitled to receive zakat by referring to one hadith:

Narrated Ubaydullah ibn Adl ibn al-Khiyar "Two men informed me that they went to the Prophet (ﷺ) when he was at the Farewell Pilgrimage while he was distributing the sadaqah and asked him for some of it. He looked us up and down, and seeing that we were robust, he said: If you wish, I shall give you something, but there is nothing spare in it for a rich man or for one who is strong and able to earn a living."

In addition to the opinions of Fiqh scholars, several hadiths reinforce the view that it is permissible for zakat to be distributed to people with disabilities, such as opinions on the permissibility of zakat being distributed to persons with disabilities.

Narrated Abdullah ibn Amr<sup>26</sup> "The Prophet (ﷺ) said: Sadaqah may not be given to a rich man or to one who has strength and is sound in limbs. Abu Dawud said: This tradition has been transmitted by Sufyan from Sa'd bin Ibrahim like the tradition narrated by Ibrahim. The version of Shu'bah from Sa'd has: "for a man who has strength and is robust." The other version of this tradition from the Prophet (ﷺ) have the words "for a man who has strength and is robust." Others have "for a man who has strength and is sound in limbs." 'Ata bin Zuhair said that he had met 'Abd Allah bin 'Amr who said: "Sadaqah is not lawful for a strong man nor for a man who has strength and is sound in limbs."

To link with the principles mentioned by the Four Madzhab Sunni, As we can see, one of the biggest organizations overseeing zakat for the Indonesian citizens has controlled the distribution and classification of ZIS-DSKL in Indonesia. The forms of Zakat, Infaq, and Almsgiving (ZIS) given to persons with disabilities are charitable (consumptive) and charity (consumptive). People with disabilities, namely, ZIS

<sup>24</sup> Yusuf Qaradawi et al., *Hukum Zakat: Studi Komparatif Mengenai Status Dan Filsafat Zakat Berdasarkan Quran Dan Hadis*, 39 ke 5 (Bogor, Jakarta: Litera Antar Nusa, 2007).

<sup>25</sup> al-Sayyid Sabiq, Abdurrahim, and Masrukhin, *Fikih sunnah* (Jakarta: Cakrawala Pub., 2008); Sulaymān Fifi, *Ringkasan Fikih Sunnah Sayyid Sabiq*, ed. Andi Wicaksono and Yasir Amri, trans. Abdul Majid, Umar Mujtahid, and Arif Mudi (Jakarta: Ummul Qura, 2013).

<sup>26</sup> Abu dawud Sulaiman Ash'ath, *English Translation of Sunan Abu Dawud* (Riyadh: Darussalam, 2008).

charity (consumptive) and empowerment (productive)<sup>27</sup>. Charitable ZIS (consumptive) focus more on the distribution of zakat fitrah and zakat for people with disabilities. on the distribution of zakat fitrah and zakat for scholarships, whereas ZIS empowerment (productive) is the capital of business. Empowerment (productive) for capital in a business. Therefore, the distribution of zakat among people with disabilities, who are still entangled with poverty, is one of the strategies of a country. Poverty is one strategy used by countries to create fair and stable economic growth.

However, there are still issues with zakat distribution among disabled individuals that need to be considered. One such issue is the inconsistent distribution of zakat among disabled individuals throughout Indonesia. Nonetheless, there are still issues with zakat distribution among disabled individuals that need to be considered. One such issue is the inconsistent distribution of zakat among disabled individuals throughout Indonesia. The national zakat potential aim has not been completely attained by the realization ratio, as seen by the disparity between the realization and potential of zakat during the last ten years or so. The national zakat potential aim has not been completely attained by the realization ratio, as seen by the disparity between the realization and potential of zakat during the last ten years or so<sup>28</sup>. Our analysis sheds light on the theme of zakat for disabilities by highlighting the need for a more effective and efficient distribution system to ensure that those with disabilities are not left behind in the realization of zakat. Our analysis provides valuable insights into the theme of zakat on disabilities, highlighting the need for a more comprehensive approach to ensure that those with disabilities are not left behind in the realization of zakat potential.

#### 1.4 The Impact of Varied Interpretations on Zakat Distribution for Disabilities

Table 3 show Indonesian state law does not have a specific provision for the distribution of zakat for disabilities, Islamic law provides a framework for the distribution of zakat that includes provisions for the needy, including those with disabilities. This comparison highlights the differences in approach between the two systems, with Indonesian state law focusing on the management of zakat as a whole, and Islamic law emphasizing the importance of zakat in providing for the needy, including those with disabilities<sup>29</sup>.

<sup>27</sup> Vivi Yulaswati et al., "Kajian Disabilitas: Tinjauan Peningkatan Akses Dan Taraf Hidup yang andang Disabilitas Indonesia: Aspek Sosio-Ekonomi Dan Yuridis," Policy Brief (Jakarta, Indonesia: Kementerian PPN/Bappenas, 2021), <https://www.bappenas.go.id/datapublikasishow?q=Policy+Paper&s=disabilitas&tahun=0>.

<sup>28</sup> Zaenal et al., "Menjembatani Kesenjangan: Peran Zakat Dalam Mewujudkan Akses Dan Kesempatan Untuk Penyandang Disabilitas."

<sup>29</sup> Suciyani Suciyani and Amrin, "Development of Sharia Economic Law in Indonesia (Positivation of Zakat Law," *LEGAL BRIEF* 11, no. 2 (2022): 1335-44, <https://legal.isha.or.id/index.php/legal/article/view/272>.

**Table 3.** Comparison between Indonesian State Law and Islamic Law on Zakat Distribution for Disabilities

	state law	islamic law
<b>SOURCE</b>	The law represented by State Law No. 23 of 2011 on Zakat Management	The law directly derived from Qur'an and Hadist on provision of zakat in Islam
<b>OBJECTIVE</b>	Emphasize the value of zakat in reducing poverty and increasing the welfare of the community, which may include people with disabilities.	Emphasizes the importance of zakat in providing for the needy, including those with disabilities.
<b>CHARACTERISTIC</b>	Does not have a specific provision for the distribution of zakat for disabilities.	provides a framework for the distribution of zakat that includes provisions for the needy, including those with disabilities
<b>INTERCONNECTION</b>	Complement each other in the context of improving the welfare of people with disabilities through the distribution of zakat	

The way Islamic and Indonesian state laws are interpreted in relation to zakat distribution to those with disabilities in Indonesia is an area of impact. One of the main tenets of Islam is zakat, an alarm that Muslims who can afford to donate must do. Islamic law, which places strong emphasis on aiding those in need, especially those with disabilities, governs the distribution of zakats.

Zakat is distributed to those with disabilities is heavily influenced by state legislation in Indonesia. The Indonesian government has put in place a number of laws and initiatives to facilitate the zakat distribution process, especially for underprivileged populations such as the disabled. For example, the National Amil Zakat Institution (BAZNAS) is responsible for handling and distributing zakat money. Law No. 38 of 1999 on Zakat Management in Indonesia lays out the structure of zakat distribution.



The way zakat is distributed to those with disabilities is also heavily influenced by the interpretation of Islamic law by academics and religious authorities. In Islamic law, the term "mustahik" designates persons who are qualified to receive zakat, especially those who are disabled. Islamic scholars claim that those who are unable to work because of their physical or mental limitations are classified as mustahiks. The idea of "asnaf" in Islamic law also affects how zakat is distributed to those with disabilities in Indonesia. The term "asnaf" describes the groups of individuals who may get zakat, such as the impoverished, the indigent, and those who owe money. Due to the fact that they often need financial help to maintain their everyday existence, people with disabilities are regarded as members of the asnaf.

Zakat is really distributed to those with disabilities in Indonesia via a variety of channels, including as BAZNAS, neighbourhood mosques, and non-governmental organisations. Together, these groups seek and help individuals with disabilities who require financial aid, giving them access to zakat monies to enhance their well-being and reduce poverty. Our analysis provides valuable insights into the theme of zakat on disabilities by highlighting the critical role of collaborative efforts in empowering disabled individuals to access financial assistance and improve their overall welfare.

## CONCLUSION

This study emphasizes the importance of protecting individuals with disabilities in various countries, including those with secular legal frameworks, as a crucial aspect of social policy. In conclusion, it is essential for both governments and society to prioritize the protection of individuals with disabilities in all countries, regardless of their legal frameworks. This encompasses ensuring equal access to education, healthcare, and employment opportunities as well as fostering inclusivity and eliminating discrimination in all aspects of life.

In addition, future research can also propose an integrated model of the zakat distribution program for disabilities with other forms of Islamic financial instruments, such as waqf, to enlarge the utilization of disabilities. Therefore, in this research, it is important to consider the various interpretations of both Indonesian State Law and Islamic law, as well as the best way to allocate zakat funds to provide maximum benefits to needy groups, including people with disabilities, in accordance with the principles of social justice taught by Islam.

## DISCLOSURE

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### Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

1

### Disclaimer Statement

This work is never part of a thesis submitted to any university for any award. This is an independent study carried out by two authors.

### Declaration of generative AI in scientific writing

No AI-assisted technologies or devices were used in this study.

### Funding Statement

No external funding was received for this study.

### Authorship and Level of Contribution

Chandra, Muhammad Fiqih Rizqi. Majorly wrote the paper with other authors providing necessary materials, vetting, and suggestions for recommendations..

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Muhammad Fiqih Rizqi Chandra is an undergraduate Usul Fiqh student from International Islamic University Malaysia. As a Usul Fiqh student, he is very passionate about Islamic law and Islamic financial practices. Well-organized, tenacious, and creative thinking are the principles in exploring the academic world.

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