



**THE POLICY OF ZAKAT ON PROFESSION IN INDONESIA
IN THE PERSPECTIVE OF ISLAMIC FIKH: ANALYSIS OF
GUIDELINES FOR IMPLEMENTING ZAKAT ON PROFESSION
ACCORDING TO THE MINISTRY OF RELIGION, THE
INDONESIAN ULEMA COUNCIL, AND THE NATIONAL
ZAKAT AGENCY**

Reno Ismanto*, Muhammad Amin**

Abstrak:

Di Indonesia kebijakan pembayaran zakat profesi diserahkan kepada tiga lembaga yaitu Kementerian Agama, Majelis Ulama Indonesia, dan Badan Amil Zakat berdasarkan tinjauan Fikih Islam. Aturan tertulis mengenai kewajiban zakat profesi ini tertuang dalam Fatwa MUI nomor 3 tahun 2003 dan Peraturan Menteri Agama nomor 52 tahun 2014. Aturan tersebut diimplementasikan dalam pengumpulan zakat yang dilakukan oleh Badan Amil Zakat Nasional. Dengan menggunakan metode analisis komparatif, kajian ini menemukan adanya perbedaan antara aturan pelaksanaan zakat profesi di Indonesia dengan pendapat ulama fikih secara umum pada penentuan nishab. Perbedaan tersebut terletak pada penghitungan nishab berdasarkan pendapatan dikurangi kebutuhan pokok pada pendapat para ulama fikih. Aspek inilah yang tidak diperhitungkan dalam pelaksanaan zakat profesi di Indonesia. Dengan demikian, ada potensi seorang yang belum dikategorikan wajib zakat menurut jumhur ulama fikih menjadi kategori muzakki berdasarkan fatwa MUI dan PMA.

Kata Kunci: Zakat Profesi; Nishab; Haul; Kebutuhan Pokok.

* Institut Agama Islam Negeri Syaikh Abdurrahman Siddik Bangka Belitung, email: renoismanto@iainsasbabel.ac.id

** Institut Agama Islam Negeri Syaikh Abdurrahman Siddik Bangka Belitung, email: neima_hamada25@yahoo.com

Abstract:

In Indonesia, the policy of paying professional zakat is left to three institutions, namely the Ministry of Religion (KEMENAG), the Indonesian Ulema Council (MUI), and the Amil Zakat Agency (BAZNAS) based on a review of Islamic Jurisprudence. The written rules regarding professional zakat obligations are contained in the MUI Fatwa number 3 of 2003 and the Minister of Religion Regulation number 52 of 2014. These rules are implemented in the collection of zakat carried out by the National Amil Zakat Agency. By using a comparative analysis method, this study finds a difference between the rules for implementing professional zakat in Indonesia and the opinion of fiqh scholars in general in determining the nishab. The difference lies in the calculation of nishab based on income except basic needs in the opinion of fiqh scholars. This aspect is not taken into account in the implementation of professional zakat in Indonesia. Thus, there is the potential for someone who has not been categorized as obligatory for zakat according to the number of fiqh scholars to be categorized as muzakki based on the MUI and PMA fatwas.

Keyword: *Zakat on Profession; Nishab; Haul; Basic needs*

INTRODUCTION

Shari'a zakat has its own privileges because it contains two aspects, namely vertical and horizontal aspects. Vertically, zakat is seen from its characteristics as *mahdah* which is the obligation of a servant to Allah with conditions that must be fulfilled so it can be considered valid or has been fulfilled. While horizontally, zakat is seen as an instrument to create a fair and equitable distribution of wealth to establish a harmonious society.¹ This harmonious atmosphere happens because the poor are helped and the rich are not selfish or ignore the poor society groups.

With these two characteristics, zakat has a very important position as one of the pillars of Islam. Zakat is described as one of the pillars of Islam which if not properly maintained, it will destroy Islam itself. This is explained by the Prophet in the hadith: "*Islam is built on five (foundations);*

¹ Other instruments can be in the form of charity, the grants, and *qardh hasan*.

testify that there is no god but Allah and that Muhammad is the messenger of Allah, performing prayer, paying zakat, performing Hajj, and fasting in Ramadan.²

As one of the instruments of *ta'awun* (*tu'khuzu min aghniyaim wa turoddu a'al fuqaroihim*), some sources of Muslims' income are set as obligatory objects of zakat. In classical fiqh books, in general, there are five types of assets that are subject to zakat obligations. Al-Khatib Asy-Syirbini explains that the five types of assets are livestock, agricultural products in the form of staple foods, gold and silver currency, and trade.³

Along with the development of time, scholars see other sources of income can also be or are eligible for zakat. According to most contemporary scholars, one of the sources that must be paid for zakat is income or wages earned either through self-employment or from working with other people. This opinion was expressed by Shaykh Muhammad Al-Ghazali⁴, Dr. Yusuf Al-Qardhawi⁵, Dr. Wahbah Az-Zuhaili⁶, Didin Hafidhuddin⁷, and others.

The zakat profession began to be widely discussed and studied in Indonesia in the late 90s. One of the factors is the publication of the book of Fiqh Az-Zakah written by Dr. Yusuf Al-Qardhawi. In 1999, this book which discusses zakat comprehensively was translated into Indonesian by Didin Hafidhuddin. After the publication of this translated book, the discourse on zakat on profession began to be widely discussed by academics until the early 2000s.⁸

The high attention of academics, religious leaders, and the Muslim society towards zakat pushes the government to release various policies related to zakat in general and zakat on profession in particular. There are three government institutions that have concerns and feasibility in publishing rules or policies on zakat issues, namely the Indonesian Ulema Council, the Ministry of Religion and the National Zakat Agency (BAZNAS).

The policies published by these three institutions do not fully differ from the opinions of contemporary Islamic scholars who are concerned

² Muhammad bin Ismail Al-Bukhori, *Sahih Al-Bukhori*, I (Kairo: Dar Thauq An-Najah, nd), hlm. 11, hadis nomor 8

³ Syamsuddin Muhammad bin Ahmad Al-Khatib Asy-Syarbani, *Mughni Al-Muhtaj* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1994), hlm. 62

⁴ Muhammad Al-Ghazali, *Al-Islam Wa Al-'Awdha' Al-Iqtisodiyah* (Kairo: Dar As-Sohwah Linnasir, 1987), hlm. 166.

⁵ Yusuf Al-Qardhawi, *Fiqh Az-Zakah*, 2nd ed. (Beirut: Muassasah Ar-Risalah, 1973), vol. I, hlm. 487.

⁶ Wahbah bin Mustafa Az-Zuhaili, *Al-Fiqh Al-Islami Wa Adillatuhu* (Damaskus: Dar al-Fikr, nd), hlm. 1949.

⁷ Didin Hafidhuddin, *Zakat Dalam Perekonomian Kontemporer* (Jakarta: Gema Insani, 2002), hlm. 95.

⁸ Fuad Riyadi, "Kontroversi Zakat Profesi Perspektif Ulama Kontemporer," *Ziswaf: Jurnal Zakat Dan Wakaf* 2, no. 1 (2015), hlm. 113.

with the zakat issues. The differences are in the minimum amount of income subject to zakat obligation (*nishab*), the amount paid (*kadar*), and *haul* requirements.

Several studies on this theme indicate that there is no specific discussion on zakat on profession's policies in Indonesia from a fiqh perspective. Previous studies have focused more on comparing the views of scholars in general. For example, the study of Ali Trigiyatno,⁹ Fuad Riyadi¹⁰, M. Hasbi Umar and Zahidin,¹¹ describes the groups of proponents and opponents of zakat on profession and their arguments. Meanwhile, the study conducted by Ikbal Baidawi,¹² Aguss Marimin and Tira Nur Fitria¹³ only discusses about the law of zakat on profession in Islam and how to calculate it.

Other studies, such as Husni Fuadi's, highlight zakat on profession from the perspective of Islamic Economics¹⁴. Meanwhile, Firdaweri's study reveals the philosophical aspects or values contained behind the obligation of zakat on profession, including the spirit of giving and helping.¹⁵

The absence of a specific study related to the policies of the Indonesian government, both through the Fatwa of the Indonesian Ulema Council and the Regulation of the Minister of Religion in Indonesia about zakat on profession from the perspective of Islamic Fiqh, makes this study urgent to be carried out. By using the comparative analysis method¹⁶, this article seeks to find answers to several questions, namely: 1) how do the views of scholars and the decisions of fatwa institutions from various countries related to zakat on profession, 2) do the requirements for zakat on profession set by the government through the MUI and the Ministry of Religion accommodate the general values and rules of zakat obligations in Islamic Fiqh?

⁹ Ali Trigiyanto, "Zakat Profesi Antara Pendukung Dan Penentangannya," *Jurnal Hukum Islam* 14, no. 02 (2016)., hlm. 137-139.

¹⁰ Riyadi, "Kontroversi Zakat Profesi Perspektif Ulama Kontemporer.," hlm. 109-132.

¹¹ Muhammad Hasbi Umar and Zahidin, "Pendekatan Hukum Zakat Profesi Menurut Ulama Konservatif Dam Progresif," *Jurnal Literasiologi* 3, no. 4 (2020)., hlm. 89 – 100.

¹² Ikbal Baidawi, "Zakat Profesi (Zakat Penghasilan)," *Tazkia: Jurnal Keislaman, Kemasyarakatan Dan Budaya* 19, no. 1 (2018)., hlm. 135-151.

¹³ Agus Marimin and Tira Nur Fitria, "Zakat Profesi Menurut Hukum Islam," *Ziswaf: Jurnal Zakat Dan Wakaf* 2, no. 1 (2015)., hlm. 50 – 59.

¹⁴ Husni Fuadi, "Zakat Profesi Dalam Tinjauan Ekonomi Islam," *Jurnal Al-Anwal* 6, no. 2 (2017)., hlm. 1-13.

¹⁵ Firdaweri, "Aspek-Aspek Filosofis Zakat Profesi," *Ijtima'iyya: Jurnal Pengembangan Masyarakat* 7, no. 1 (2017)., hlm. 1-18.

¹⁶ Comparative analysis is a type of analysis that is carried out by comparing the similarities and differences in the data that has been obtained to find common ground between them. It can be seen on: Cartine Dawson, *Metode Penelitian Praktis Sebuah Panduan*, ed. M. Widodo and Saifuddin (Yogyakarta: Pustaka Pelajar, 2002)., hlm. 14-147.

DISCUSSION

Definition of Zakat on Profession

Currently, the groups of societies who work as employees and professional workers were privileged positions in various societies, including in Indonesia. One of the reasons is because the salary or income earned is usually higher than other groups of societies such as farmers, fishermen, and laborers. Therefore, scholars pay attention to establishing zakat obligations on these jobs because they are a great source of income in today's society.

Yusuf Al-Qardhawi divides jobs or professions that produce income into two types. The first type is work that is carried out directly by someone without being bound or subject to other parties. This first type is a job that relies on expertise and profession. Such as doctors, engineers, lawyers, artists, tailors, and craftsmen. The second is work that is bound or subject to other parties, either individuals or institutions. The income from this job is usually called salary, benefits, honorarium, and others.¹⁷

In fiqh terminology, the closest similarity to zakat on income or salary is zakat *al-Mal al-Mustafad* (acquired assets). *Al-Mal al-Mustafad* means anything that is obtained by a Muslim and becomes new ownership that is justified by the Shari'a, such as gifts, salaries, and others.¹⁸

The contemporary scholars give various definitions about zakat profession, including *zakat kasb al-amal wa al-mihan al-hurroh*, *zakat al-ujur wa arrowatib wa irodad al-mihan al-hurroh*. However, these different definitions do not have an impact on the difference in substance. Basically, professional zakat can be defined as zakat paid from income earned from work, whether it carried out themselves such as doctors, tailors, artists, lawyers, and others, or work that is bound to other parties who get paid in the form of salaries, wages, honoraria such as State Civil Apparatus and company employees.¹⁹

Among the propositions that are used as the basis by scholars who require zakat on profession, namely "generality of lafaz" contained in Surah Al-Baqarah verse 267. "O you, who believe, spend (in the way of Allah) some of the results of your good efforts and some of what We bring out from the earth for you. (Surat al-Baqarah [2]: 267)

Wajh Istidlal in verse 267 there is the phrase "results from good efforts" includes all efforts that provide income for humans. Therefore, the job or profession is included in this category and some of their wages or salaries must be paid for (*zakati*).

¹⁷ Al-Qardhawi, *Fiqh Az-Zakah.*, vol 1, hlm. 487.

¹⁸ *Ibid*, 1:490. dan Az-Zuhaily, *Al-Fiqh Al-Islami*, II, hlm. 1949.

¹⁹ Hannani, *Zakat Profesi Dalam Tataran Teoritik dan Praktik*, (Yogyakarta: Trust Media Publishing, 2017). Hlm. 34.

There is also a hadith of the Prophet narrated by Ibn Umar: “From Ibn Umar, said: Rasulullah s.a.w said: Whoever produces wealth, there is no obligation to pay zakat on that wealth until it is valid for one year”.²⁰

The obligation of zakat on profession is also seen from the justice and *maqasid sharia* terms. If zakat is imposed on farmers whose harvests are not every month and with a nisab that is smaller than other zakat of assets are burdened with zakat obligations, then it is considered an injustice if the income in the form of salaries, fees or wages, which sometimes the value is greater, is not subject to zakat. With the regulation that salary or work wages as the object of zakat, there will be greater potential and various sources of zakat that can be used to fulfill the needs of the poor and other groups of society who have right to receive zakat.²¹

The Policy of Zakat on Profession based on MUI, Ministry of Religion, and Baznas

In terms of zakat, Indonesia applies a mixed model. It means that the *amil* or zakat institution that collects and manages zakat consists of official institutions formed by the government and non-government or private institutions.

In Indonesia, policies related to zakat are published by three institutions, namely the Indonesian Ulema Council, the Ministry of Religion of the Indonesian Republic, and the National Amil Zakat Agency. These three institutions become references for zakat agencies in Indonesia, both those affiliated to the government and the private sector in the activities of collecting and managing zakat.

The Policy of Zakat on Profession at MUI

The Indonesian Ulema Council is an institution formed by the government that consists of scholars from various circles and organizations in Indonesia for the purpose of being a mentor, coach, and protector of all Indonesian Muslim communities.

In 2003, the MUI released a *fatwa* no. 3 concerning Zakat Profession. This *fatwa* was released based on several considerations, which is the verses of the Qur'an and Hadith regarding zakat, Yusuf Al-Qardhawi's opinion on zakat on profession, and questions from Muslims regarding the explanation of zakat on profession.²²

²⁰ Muhammad bin Isa bin Sauroh bin Musa bin Ad-Dhahak At-Turmudzi, *Sunan At-Turmudzi* (Kairo: Musthafa al-Babi al-Halabi, 1975)., vol. III, hlm. 3, hadits nomor 631.

²¹ Al-Ghazali, *Al-Islam Wa Al-'Awdha' Al-Iqtisodiyah.*, hlm. 166.

²² Majelis Ulama Indonesia, “Fatwa Majelis Ulama Indonesia Nomor 3 Tahun 2003 Tentang Zakat Penghasilan,” *Himpunan Fatwa MUI*, 2003, 205–9, <http://mui.or.id/wp->

There are four point decisions in the MUI *fatwa* no. 03, which are as follows:

First: General Provisions. In this *fatwa*, income is any earning such as salary, honorarium, wages, and others that are obtained lawfully, both routinely such as state officials, employees, and non-routine such as doctors, lawyers, consultants, and also income derived from other work.

Second, the law: all lawful income must be paid for zakat as it has reached the *nisab* in one year, which is 85 grams of gold.

Third, Spending Zakat

1. The zakat on income can be paid for at the time it is received when it has enough *nisab*.
2. If it does not reach the *nisab*, then all income is collected for one year; then zakat is paid for if the net income has reach *nisab*.

Fourth, the level of zakat: the level of zakat on income is 2.5%.

The Policy of Zakat on Profession at the Ministry of Religion

The Ministry of Religion of the Indonesian Republic releases zakat regulations through the Indonesian's Regulation of the Minister of Religion No. 52 of 2014 concerning Requirements and Procedures of Zakat Mal and Zakat Fitrah Calculation and Utilization of Zakat for Productive Business. This PMA has been revised twice; those are in 2015 with PMA No. 69 of 2015 and in 2019 with PMA No. 31 of 2019.²³

The PMA No. 69 of 2015 changed the attachment for *nishab* and levels of zakat for camels and goats. While PMA No. 31 of 2019 changed the *nishab* of zakat on income and profession which were previously based on *qiyas* to the *nishab* of agricultural zakat and the level of gold zakat, adjusted to MUI *fatwa* No. 3 of 2003 concerning zakat on income. With this revision, the *nishab* for zakat on income is 85 grams of gold with a grade of 2.5%.

The PMA which regulates zakat mal and zakat fitrah in Indonesia consists of four chapters, namely: Chapter I General Provisions which explains the definition of various types of zakat and the terms contained in this regulation. Chapter II contains the requirements for zakat mal and zakat fitrah. Chapter III contains the procedure for calculating zakat

content/uploads/files/fatwa/23.-Zakat-Penghasilan.pdf. diakses tanggal 20 Oktober 2021.

²³ Kementerian Agama Republik Indonesia, "Peraturan Menteri Agama Republik Indonesia Nomor 31 Tahun 2019 Tentang Perubahan Kedua Atas Peraturan Menteri Agama Nomor 52 Tahun 2014 Tentang Syarat Dan Tata Cara Penghitungan Zakat Mal Dan Zakat Fitrah Serta Pendayagunaan Zakat Untuk Usaha Produktif," 2019, [https://jdih.kemenag.go.id/list-regulation/detail/1860-Peraturan-Menteri-Agama-N ...](https://jdih.kemenag.go.id/list-regulation/detail/1860-Peraturan-Menteri-Agama-N...) diakses tanggal 20 Oktober 2021.

mal and distributing zakat fitrah. Meanwhile, Chapter IV regulates the Empowerment of Zakat for Productive Business.

Zakat profession in this PMA is called Zakat on income and Service, which is defined as zakat that is paid for from income obtained from work salaries. As in zakat mal, the obligation of Zakat on income and Service must fulfill four conditions, namely: full ownership, lawful, sufficient *nishab*, and *haul*.

In more detail, the rules regarding zakat on profession are in Chapter III concerning Procedures for Calculation of Zakat Mal and Distributing Zakat Fitrah, in Part One, namely Procedures for Calculation of Zakat Mal, Paragraph 8. This paragraph contains two articles, namely articles 26 and 27. Article 26: (1) The nisab of zakat on income is 85 (eighty five) grams of gold, (2) The level of zakat on income and services is 2.5% (two point five percent). Article 27: Zakat on income and services is paid when the income and services are received and paid through the official *amil* zakat.

The Policy of Zakat on Profession at Indonesia's National Zakat Agency

The National Amil Zakat Agency is an official institution based on the Indonesian Government which is obliged to carry out the mandate of Law Number 23 of 2011. BAZNAS was officially formed based on Presidential Decree no. 8 of 2001. BAZNAS has the job and function of collecting and distributing zakat, infaq, and charity (ZIS) at the national level.²⁴

The nishab and levels of zakat profession applied by BAZNAZ refers to the provisions in the MUI fatwa no. 3 of 2003 and regulations released by the Ministry of Religion, namely PMA No. 52 of 2014 which has been revised by PMA No. 31 of 2019. Therefore, the *nishab* for collecting zakat profession applied by BAZNAS is 85 grams of gold with a level of 2.5%.²⁵

Technically, the procedure of calculating the *nishab* of zakat profession is if a person's salary or income for a year reaches 85 grams of gold, then zakat must be paid for. To make it easy, this year's nishab can be divided into monthly nishab. If the gold price is Rp. 800,000/gram, then the annual nishab (*haul*) is Rp. 68,000,000 and the monthly *nishab* is the amount divided by 12, which is Rp. 5,666,666. Therefore, if a person's income reaches Rp. 5,666,666 or more, then he must pay zakat every month which is 2.5% of the income.

Due to the fluctuating price of gold, BAZNAS regularly sets the nishab standard or minimum amount of assets owned for those who are obliged to

²⁴ Profil Badan Amil Zakat, <https://baznaz.go.id/profil>. diakses tanggal 20 Oktober 2021.

²⁵ BAZNAS, "Zakat Penghasilan," Badan Amil Zakat Nasional, nd, <https://baznas.go.id/zakatpenghasilan>. diakses tanggal 20 Oktober 2021

pay zakat on income. The determination of nishab uses the average price of 24-carat gold in the last three months. In 2021, through the Decree of the Chairman of BAZNAS RI Number 14 of 2021 concerning the Nisab Value of Zakat for Income and Services in 2021, BAZNAS determined the nishab of zakat on income of IDR 79,738,415 per year or IDR 6,644,868 per month.²⁶

Comparative Analysis of Zakat on Profession Policy in Indonesia

In analyzing the policies or regulations published by MUI, Ministry of Religion, and BAZNAS regarding zakat on profession, the author will compare them with the views of contemporary scholars on this issue.

1. The Contemporary Scholars' Opinion About Zakat on Profession

Although the majority of contemporary scholars, including in Indonesia, require zakat on income, it cannot be denied that there are several problems in zakat on profession that are being debated. One of them is in determining the nishab and the level of salary or income that should be paid for, whether it is analogous to zakat on money, zakat on agricultural, or both at once.²⁷

In general, there are four opinions of contemporary scholars related to the nishab and the level of zakat on income. *The first opinion*: the zakat on income is analogous to zakat on money, so the nishab is 85 grams of gold, while the level is 2.5% (*rub'u al-'usyr*). This is the opinion of most contemporary scholars,²⁸ the decision of the first zakat congress in Kuwait in 1984,²⁹ and the Fatwa Dar Al-Ifta Al-Misriyyah.³⁰

According to this group, the way to calculate income zakat is to pay zakat of 2.5% after the salary or income that reaches the nishab is cut for basic needs. Meanwhile, income that doesn't reach the nishab when it is received, then it is calculated for one year, and what is left from the necessities of life and debt payments if it reaches the nishab, then the

²⁶Humas BAZNAS, "BAZNAS Tetapkan Standar Minimal Harta Untuk Zakat Pendapatan Dan Jasa Sebesar Rp79.738.415 per Tahun," 2021, BAZNAS Tetapkan Standar Minimal Harta untuk Zakat Pendapatan dan Jasa Sebesar Rp79.738.415 per tahun. https://baznas.go.id/Press_Release/baca/BAZNAS_Tetapkan_Standar_Minimal_Harta_untuk_Zakat_Pendapatan_dan_Jasa_Sebesar_Rp79.738.415_per_tahun/788 diakses tanggal 25 Agustus 2021

²⁷Al-Qardhawi, *Fiqh Az-Zakah.*, Vol. I, hlm. 487-520.

²⁸Siwar Musa Ismail Jazzar, "Zakat Ar-Rowatib Wa Al-Ujur Fi Al-Fiqh Al-Islami" (Universitas An-Najah Al-Wataniyyah, 2016)., hlm. 63.

²⁹Keputusan Mukhtar Zakat Pertama Kuwait 1984, "Mu'tamar Az-Zakat Al-Awwal," 1984, https://iei.kau.edu.sa/Files/121/Files/153904_Vol-2-1-10-Conference.pdf diakses pada 18 Februari 2021.

³⁰Fatwa Zakat Penghasilan dapat dilihat pada Dar al-Ifta' Al-Mishriyyah, "Fatawa Dar Al-Ifta Al-Mishriyyah," accessed February 18, 2021, <https://www.dar-alifta.org/AR/ViewVideo.aspx?CatID=19&ID=1915>. diakses pada 18 Februari 2021.

zakat is paid after one year has passed. So, the calculation of nishab is net income after it is cut for basic needs such as house expenses, meals, clothes, children, wife, parents, debt payments, and others.³¹

This term is based on the logic that someone is categorized as rich if someone has a number of assets after their basic needs have been fulfilled. In mazhab Hanafi, this is considered as one of the conditions for the object of zakat which is called *al-Fadhil 'an al-hajah*.³² In other mazhab, this condition is called *an-nama'*.³³ It means that only assets that are developed are subject to zakat, while assets that are for basic needs such as houses, vehicles, and others, are not. It includes the assets/income to fulfill the basic needs of life (*al-hadd al-adna lil ma'isyah*).³⁴

Scholars explain that the basis for this condition is that zakat is an obligation that is imposed only on the rich, which is marked by the ownership of nishab after all their needs (*al-hajat al-ashliyyah*) are fulfilled.

This principle, as described by Yusuf Al-Qardhawi, is in line with the values contained in the verses and hadiths regarding the obligation of zakat. The words of Allah explain that: "...And they ask you what they spend. Say: "something more than need..". (Surat al-Baqarah [2]: 219).

The hadith of the Prophet SAW: "From Abu Hurairah r.a., the Prophet s.a.w said: 'Charity is only paid by people who have excess wealth. The upper hand is better than the lower hand. Start (in spending wealth) with people who become your responsibility.'³⁵

Also the Prophet's hadith to Muadz bin Jabal when the Prophet sent him to Yemen: "From Ibn Abbas ra said, the Messenger of Allah said to Muadz bin Jabal when he sent him to Yemen: Actually, you will come to the people, so invite them to testify that there is no god but Allah and that Muhammad is the Messenger of Allah. Then if they obey you, inform them that Allah has made an obligation to pray five times a day. Then if they obey it, inform them that Allah has made an obligation for them to take zakat from among the rich and distribute it among the poor. Then if they obey it,

³¹ Al-Qardhawi, *Fiqh Az-Zakah.*, vol. I, hlm. 513. Lihat juga Ballah Al-Hasan Umar Musaid, "Zakat Ar-Rawatib Wa Al-Ujur Wa Iradat Al-Mihan Al-Hurroh," *Zakat Ar-Rawatib Wa Al-Ujur Wa Iradat Al-Mihan Al-Hurroh 2* (2002)., hlm. 689-693.

³² Ala' Ad-Din Abu Bakr bin Mas'ud bin Ahmad Al-Kasani, *Bada'iu As-Sana'i Fi Tartib As-Syaro'i* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1997)., hlm. 11.

³³ Muwaffiq Ad-din Abu Muhammad Abdullah bin Ahmad bin Muhammad ibn Qudamah, *Al-Mughni* (Riyad: Dar 'Alam Al-Kutub, 1997)., vol. IV, hlm. 222.

³⁴ Musaid, "Zakat Ar-Rawatib Wa Al-Ujur Wa Iradat Al-Mihan Al-Hurroh.", hlm. 690.

³⁵ Ahmad bin Hanbal, *Musnad Al-Imam Ahmad Bin Hanbal* (Beirut: Muassasah Ar-Risalah, 2001)., vol. XVI, hlm. 304, hadis nomor 10511.

then stay away from their valuable things and beware of the prayers of those who are insulted. There is no barrier for him from Allah.”³⁶

The second opinion is that zakat on income is analogous to zakat on agriculture. This is the opinion of Shaykh Muhammad al-Ghazali. Based on this view, if a person gets a salary of 5 *wasaq* of agricultural result or it same as 653 kg, then he is required to pay zakat. Because it follows zakat on agriculture, it is not required to *haul* or pass one year, but it is paid when the salary is received as the agricultures' zakat is paid for when the harvest period. By this analogy, according to Shaykh Muhammad Al-Ghazali, the value of zakat on a person's income can be 5% or 10% in line with the level of difficulty or workload.³⁷

The third opinion differentiates between routine income and non-routine income. Routine income such as salaries of employees and others are included in zakat on gold with a rate of 2.5%. Meanwhile, non-routine employees such as doctors, lawyers, consultants, artists, and other freelance workers are included in zakat on agriculture, with a *nishab* of 653 kg and a level of 5% if it is calculated as net or 10% if it is calculated gross.³⁸

The fourth opinion is the opinion of Yusuf Al-Qardhawi. According to him, the appropriate *nishab* for zakat on income is zakat *nishab* of the gold and silver, because salary or income is in the form of money. The levels are distinguished between income that does not require funds, such as employees, and income that requires funds, such as doctors, consultants, car rental businesses, boarding houses, and others. For the first type, the level is 2.5%, based on general rules regarding the level of zakat on gold and silver. While the income of the second type, the level is 10% before it is cut by costs or 5% of net income.³⁹

From these various opinions, it is concluded that the majority of scholars agree on the obligation of zakat on income from the work's result. This opinion is in line with the spirit of the zakat law in general, namely the spirit of *ta'awun* (helping each other) and *tadhamun* (solidarity) with others. The difference between them is in the determination of *nishab* and levels. From the four opinions above, the author tends to the first opinion that the *nishab* and the level of gold zakat are analogous to zakat on gold after it was cut by the basic necessities of life. This analogy accommodates the basic principle of zakat that zakat obligations are only imposed on people who have excess assets (*al-'afwu*) after fulfilling their life needs.

³⁶ Al-Bukhori, *Sahih Al-Bukhori.*, vol. II, hlm. 128, hadis nomor 1496.

³⁷ Al-Ghazali, *Al-Islam Wa Al-'Awdha' Al-Iqtisodiyah.*, hlm. 166.

³⁸ Husein Syahatah, *Muhasabah Az-Zakah, Mafhumat, Wa Nizaman Wa Tathbiqan* (Kairo: Dar at-Tauzi' wa an-Nasr, nd)., hlm. 258-259.

³⁹ Al-Qardhawi, *Fiqh Az-Zakah.*, vol. I, hlm. 519.

2. Analysis of Zakat on Profession Policy at MUI, KEMENAG, and BAZNAZ

The fatwa of MUI No. 3 of 2003 concerning zakat on income, the rules for zakat on income and services in PMA no. 31 of 2019, and also the zakat provisions at BAZNAS, which sets the nishab and level of zakat on income equal to zakat on gold, basically it is following the opinion of Yusuf al-Qardhawi in his book *Fiqh Az-Zakah*. This view is also expressed by great contemporary jurists such as Abdurrahman Hasan, Muhammad Abu Az-Zahrah, Abdul Wahhab Khalaf⁴⁰. In addition, it was the scholars' decision in the first zakat congress in Kuwait in 1984,⁴¹ as well as the Fatwa *Dar Al-Ifta Al-Misriyyah*.⁴²

The reason for determining zakat on income with qiyas to zakat on gold is because employees get paid or income in the form of money (*nuqud*). In addition, the rest of a person's salary after being used for basic needs and paying debts, is in the form of savings which are categorized as zakat on gold and silver. Therefore, salary or income is more appropriate if it is categorized to zakat on gold and silver.

However, when compared with the opinion of the majority of contemporary scholars, there is one major difference in the policy or regulation of zakat on income in Indonesia. The difference is related to the method of determining the income zakat *nishab* which does not include basic living needs as a deduction from the object of zakat. The differences related to how to determine nishab and levels of zakat on income can be seen from the following table.

Table 1
Ulama's Opinion on Nishab and Levels of Zakat on Income

Institutions	Nishab	Value of Zakat
The majority of contemporary scholars	Same as 85 grams of gold after it is cut for basic needs	2.5% for all types of income

⁴⁰ Al-Qardhawi, vol. I, hlm. 489.

⁴¹ Keputusan Mukhtamar Zakat Pertama Kuwait 1984 "Mu'tamar Az-Zakat Al-Awwal." https://iei.kau.edu.sa/Files/121/Files/153904_Vol-2-1-10-Confrence.pdf diakses tanggal 18 Februari 2021.

⁴² Fatwa Dar al-Ifta' Al-Mishriyyah, "Fatawa Dar Al-Ifta Al-Mishriyyah." <https://www.dar-alifta.org/AR/ViewVideo.aspx?CatID=19&ID=1915> diakses tanggal 18 Februari 2021.

Institutions	Nishab	Value of Zakat
Yusuf Al-Qardhawi's	Same as 85 grams of gold after it is cut for basic needs	2.5% from employees who work without funds 5% net income or 10% gross income for workers with funds or a combination of labor and fund
MUI Fatwa No. 3 of 2003, PMA No. 31 of 2019 and BAZNAS	Same as 85 grams of gold from net income	2.5% for all types of income.

The calculation of the zakat nishab without cutting for the required basic living costs has the potential to impose zakat obligations on those who are not obligated to pay zakat. It is because one of the principles in the zakat requirement is that someone is included in the rich category. It can be seen from the number of ownership of assets has reach the *nishab* after the needs of life are fulfilled.

On the other hand, the nishab determination of zakat on profession in the form of gross salary income without seeing the real condition of the cost of living or *haddul kifayah*, also has the potential to cause problems to be applied to all regions of Indonesia. It is because the cost of living or *hadd kifayah* in one area is different from another. With the same nominal salary, a person can be categorized as rich in one area, but can be categorized as not rich in another area, such as in a city where the cost of living is expensive.

Meanwhile, if zakat on profession is calculated based on the opinion of the majority of scholars by using *qiyas* of zakat mal and its nishab seen from the accumulation of the rest of assets/savings at the end of the hijri year in real terms or estimated by calculating the amount of salary after cutting for cost of living, then the obligation of zakat can be truly correct. target. Thus, employees or workers with small or standard salaries can be excluded from the obligation of zakat. And people who are subject to the obligation of zakat are those who match with the criteria for the obligation of zakat (having a *nishab* other than basic needs), as explained by scholars in the book of fiqh.

CONCLUSION

The policies or provisions of zakat on profession set by the MUI and the Regulation of Minister of Religion no. 31 of 2019 that became the basis for BAZNAZ in collecting zakat on profession; basically it was adopted from the majority of fiqh scholars' view. The difference happens because the element of basic needs is not included as a deduction of the nishab of zakat

on profession. In the view of majority of contemporary scholars, the nishab of zakat is calculated by cutting the net income for basic needs and debt. While the level is same as the gold of 2.5%, with the terms that salary or income received in the form of money.

This calculation of nishab accommodates one of the terms for the object of zakat (wealth) namely *an yakuna fadhilan* '*an al-hajah*' in the mazhab Hanafi and *an-nama*' in other mazhab such as Maliki, Syafii and Hanbali. The government policies need to pay attention to this rule so that the obligation of zakat on income is truly addressed at people who have been categorized as eligible for paying zakat, namely people who have assets that reach the nishab besides their basic needs. With this method, it is best solution between the opinion that there is no obligation for zakat on income and the opinion that makes an analogy between zakat on income and zakat on agriculture which has the potential to impose zakat obligations on the society with "medium" income.

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