

ZAKAT INSTITUTION AND MAQĀṢID AL-SHARĪ'A: A Study of a Community Empowerment-Based Zakat Program Run by the BAZNAS of Bengkulu Province

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Abstract: This paper discusses a community empowerment-based zakat program run by the BAZNAS (National Amil Zakat Agency) of Bengkulu Province as well as proves the flexibility of the classical *maqāṣid al-sharī'a* in responding to modern development that have not been analyzed by previous researchers. In addition, this paper argues that institutionalizing zakat is not a "bureaucratization of sharia" as stated by Asep Saepuddin Jahar. This paper uses principles of field studies that are corroborated with relevant literature sources. This paper shows that programs initiated by the BAZNAS of Bengkulu Province such as 'Bengkulu *takwa*', 'healthy Bengkulu', 'smart Bengkulu', and 'prosperous Bengkulu' are an implementation of *maqāṣid al-sharī'a* in responding to modern development. These programs demonstrate that preserving religion (*al-dīn*), soul (*al-nafs*), intellect (*al-'aql*), lineage (*al-nasl*), and property (*al-māl*) in the classical *maqāṣid al-sharī'a* discourse is not static, but dynamic. This dynamism can be interpreted as the prosperity of religion, soul, lineage, intellect, and people's property. Thus, this paper argues that institutionalizing zakat is neither a "bureaucratization of sharia" nor merely matching the classical *maqāṣid al-sharī'a* with the modern context. Furthermore, it is a *waṣīla* for the welfare of the people in a structured and measured manner.

Keywords: Zakat, *Maqāṣid al-sharī'a*, Community Empowerment, the BAZNAS of Bengkulu Province

Abstrak: Tulisan ini mendiskusikan program zakat berbasis pemberdayaan masyarakat pada BAZNAS (Badan Amil Zakat Nasional) Provinsi Bengkulu sekaligus membuktikan fleksibilitas *maqāṣid al-sharī'ah* klasik dalam merespon perkembangan zaman yang luput dari pembahasan peneliti terdahulu. Selain itu, ia juga membuktikan bahwa menginstitusikan zakat bukanlah "berokratisasi syariah" seperti yang dianggap oleh Asep Saepuddin Jahar. Untuk mencapai tujuan tersebut, tulisan ini menggunakan prinsip-prinsip kajian lapangan yang dikuatkan oleh sumber-sumber pustaka relevan. Tulisan ini menunjukkan bahwa

program-program BAZNAS Provinsi Bengkulu seperti 'Bengkulu takwa', 'Bengkulu sehat', 'Bengkulu cerdas', dan 'Bengkulu makmur' merupakan implementasi *maqāṣid al-sharī'ah* dalam merespon perkembangan zaman. Melalui program ini, terlihat bahwa memelihara agama (*al-dīn*), jiwa (*al-nafs*), akal (*al-'aql*), keturunan (*al-nasl*), dan harta (*al-māl*) dalam diskursus *maqāṣid al-sharī'ah* klasik tidaklah statis, melainkan dinamis. Kedinamisan ini dapat ditafsirkan dengan sejahtera agama, jiwa, keturunan, akal, dan harta umat. Karena itu, tulisan ini berargumentasi bahwa menginstitusikan zakat bukanlah "berokratisasi syariah" atau hanya sebatas mencocokkan *maqāṣid al-sharī'ah* klasik dalam konteks modern. Lebih dari itu, ia merupakan wasilah untuk mensejahterakan umat secara terstruktur dan terukur.

Kata Kunci: Zakat, *Maqāṣid al-sharī'a*, Pemberdayaan Masyarakat, Baznas Provinsi Bengkulu,

Introduction

Studies on zakat have thus far focused more on economic empowerment of the people,¹ poverty reduction,² human needs, zakat distribution,³ and philanthropy: zakat, justice and economic growth,⁴ zakat and Sustainable Development Goals (SDGs),⁵ and zakat management system.⁶ Although some re-

searchers have linked their studies with the theory of *maqāṣid al-sharī'a*, the studies are more about matching the *maqāṣid* theory with zakat,⁷ rather than examining the dy-

¹ Hafas Furqani, Ratna Mulyany, and Fahmi Yunus, "Zakat for Economic Empowerment (Analyzing the Models, Strategy and Implications of Zakat Productive Program in Baitul Mal Aceh and Baznas Indonesia)," *Iqtishadia* 11, no. 2 (2018): 391-411.

² Isahaque Ali and Zulkarnain A. Hatta, "Zakat as a Poverty Reduction Mechanism among the Muslim Community: Case Study of Bangladesh, Malaysia, and Indonesia," *Asian Social Work and Policy Review* 8, no. 1 (2014): 59-70.

³ Maheran Zakaria, "The Influence of Human Needs in the Perspective of Maqasid Al-Syari'ah on Zakat Distribution Effectiveness," *Asian Social Science* 10, no. 3 (2014): 165-73.

⁴ Bilal Ahmad Malik, "Philanthropy in Practice: Role of Zakat in the Realization of Justice and Economic Growth," *International Journal of Zakat* 1, no. 1 (2016): 64-77.

⁵ Eko Suprayitno, Mohamed Aslam, and Azhar Harun, "Zakat and SDGs: Impact Zakat on Human Development in the Five States of Malaysia," *International Journal of Zakat* 2, no. 1 (May 2017): 61-69.

⁶ Suhail Ahmad, "Developing and Proposing Zakat Management System: A Case of the Malakand

District, Pakistan," *International Journal of Zakat Vol.*, no. 4 (2019): 25-33.

⁷ Azri Bhari et al., "Analisis Literatur Kajian Zakat Dan Maqasid Syariah," *Journal of Fatwa Management and Research* 17, no. 2 (2019): 235-64; Siti Suhaida Suhardi and Wan Nazjmi Mohamed Fisol, "Zakat Aid Schemes Distribution at Lembaga Zakat Negeri Kedah (LZKN) Based on the Maqasid Shari'ah Framework," *International Journal of Advanced Research in Islamic and Humanities* 2, no. 3 (2020): 19-29; Norlizawati Abd Rahman and Mohd Abdullah Jusoh, "A Review of Board of Director, Shariah Supervisory Board and Zakat Distribution Performance in Malaysia," *International Journal of Academic Research in Business and Social Sciences* 8, no. 2 (2018); Ahmad Dakhoir et al., "The Construction of Law of Institutional The Management of Zakat Through Functions of Islamic Bankings Perspective Maqasid Al-Sharia," *International Journal of Education and Research* 2, no. 5 (2014): 89-98; Rahmatina A Kasri, "Maqasid Al-Shariah and Performance of Zakah Institutions (Special Feature: New Waves in Islamic Economics: Renovation of the Traditional Economic Institutions (Waqf and Zakat) and Reconsidering Early Generations)," *イスラーム世界研究* 9 (2016): 19-41; Ataina Hidayati and Achmad Tohirin, "A Maqasid and Shariah Enterprises Theory-Based Performance Measurement for Zakat Institution," *International Journal of Zakat* 4, no. 2 (2019): 101-10; Meri Indri Hapsari and Zainal Abidin, "Zakat

namism of the theory in responding to modern development, especially programs of zakat institution. On the other hand, a researcher like Asep Saepuddin Jahar argues that government interference in matters of zakat is considered "sharia bureaucracy" instead of "Islamization".⁸

This paper discusses a community empowerment-based zakat program run by the BAZNAS (National Amil Zakat Agency) of Bengkulu Province as well as proves the flexibility of *maqāṣid al-sharī'a* in responding to the reality of the people. In addition, this paper proves that through a *maqāṣid al-sharī'a* analysis, institutionalizing zakat is not "bureaucratizing sharia" as termed by Asep Saepuddin Jahar, but a process of Islamization within a structured and measured *maqāṣid* framework.

This paper argues that programs run by the BAZNAS of Bengkulu Province such as 'Bengkulu *takwa*', 'healthy Bengkulu', 'smart Bengkulu', and 'prosperous Bengkulu' are an implementation of *maqāṣid al-sharī'a* in the modern context that these programs demonstrate that preserving religion (*al-dīn*), soul (*al-nafs*), intellect (*al-'aql*), lineage (*al-nasl*), and property (*al-māl*) in the classical *maqāṣid al-sharī'a* discourse is dynamic, in line with modern development. This dynamism can be interpreted as the prosperity of religion, soul, lineage, intellect, and people's wealth. Thus, this paper argues that institutionalizing zakat is neither a "bureaucratization of sharia" nor merely matching the classical *maqāṣid al-sharī'a* with the modern context. Furthermore, it is a *waṣīla* for the welfare of the people in a structured and measured manner. *Li al-wasā'il ḥukm al-maqāṣid* or all the means that can fulfill the achievement of

an action, the law is the same as the goal (*al-maqāṣid*). That is, because bringing about prosperity to people is through, among other ways, institutionalizing zakat, the institutionalization then turns into mandatory.

To support the above arguments, this paper uses principles of field studies that are corroborated with relevant literature sources. Interviews were conducted with Bengkulu's BAZNAS officials. The results of the interviews were analyzed based on the theory of *maqāṣid al-sharī'a* to prove that the classical *maqāṣid al-sharī'a* discourse is dynamic in accepting modern development, not static.

This paper begins with a discussion of a community empowerment-based zakat of the Bengkulu's BAZNAS. Next, the paper reviews the classical *maqāṣid al-sharī'a* discourse in an effort to find a common ground between zakat and *maqāṣid*. Finally, before drawing a conclusion, this paper examines the wide scope of *maqāṣid al-sharī'a* practiced by the Bengkulu's BAZNAS in improving the welfare of the people.

Community Empowerment-Based Zakat

Literally zakat means blessing (*al-baraka*), evolving (*al-namā*), and purifying (*al-ṭahāra*). Terminologically zakat is the right of Allah in the form of assets given by *mudhakkī* (those who are obliged to pay zakat) to *mustahik* (those who are entitled to receive zakat) with the aim of purifying the soul of the *mudhakkī* and obtaining blessings.⁹ To achieve this goal, the government has established the BAZNAS and granted permission to the Amil Zakat Institution (LAZ / Private) to found a Zakat Institution in accordance with statutory regulations. Therefore, zakat institutions are allowed to create zakat programs to empower the community.

Distribution in Maqasid Al-Shariah Framework," *Journal of Islamic Financial Studies* 2, no. 2 (2016).

⁸ Asep Saepudin Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law," *Studia Islamika* 26, no. 2 (2019): 207–45.

⁹ Sayyid Sabiq, *Fiqh al-Sunnah*, Vol. II (Cairo: Dār al-Faṭḥ li al-A'lām al-'Arabī, 2017).

The concept of community empowerment tends to be associated with independence, participation, networking, work and justice. Thus, empowerment can be understood as an individual's understanding of social circumstances, political power, and rights according to law.¹⁰ In relation to zakat institution, community empowerment is a BAZNAS's policy to create independent and prosperous zakat recipients (*mustahik*) through four major agendas, namely economic, social, educational and da'wah programs.¹¹ In the BAZNAS of Bengkulu Province, these four programs are called 'Bengkulu *takwa*', 'healthy Bengkulu', 'smart Bengkulu', and 'prosperous Bengkulu'. The explanations are as follow:

First, the Bengkulu *Takwa* program aims to create a religious Bengkulu by distributing zakat to religious sectors such as assistance to places of worship and assistance for religious activities such as Islamic boarding school teachers, Al-Qur'an Education Park (TPA) teachers, as well as BPJS assistance for religious preachers.

The Bengkulu *Takwa* program is devoted to the construction of places of worship, assistance for Qur'an teachers at TPA / TPQ, assistance for Ponpes teachers, assistance for MDA teachers, and for da'wah activities such as providing health assistance through BPJS to *ustadz* and *ustadzah*.¹²

Second, the Healthy Bengkulu program is a special program for *mustahik* (those who are entitled to receive zakat) who need medical assistance such as medical expenses, medical transportation equipment and assis-

tance for other medical equipment according to their needs.

The Healthy Bengkulu program is devoted to medical treatment for *mustahik* such as medical expenses, medical devices such as wheelchairs, including transportation costs for treatment. There was a *mustahik* asking for help to go to Palembang, we got him a car and paid for the fee.¹³

BN further said that the Healthy Bengkulu program is as follows:

The healthy Bengkulu program is given in the forms of medical expenses and medical equipment needed by *mustahik* such as goods. *Mustahik* apply for the equipment needed, then if approved, the BAZNAS will purchase it and give it to the *mustahik*.¹⁴

Third, the Smart Bengkulu program is devoted to *mustahik* who have the potential to continue their education in the forms of education subsidies and scholarships.

The Smart Bengkulu Program, another name for scholarships, is initiated to help *mustahik* in the forms of school and university tuition fees. Included in this program is the newly launched SKSS (One Family One Bachelor) program.¹⁵

BN further explained:

The Smart Bengkulu is a program intended to help *mustahik* who experience financial difficulties in the education sector, at the elementary, junior high school, senior high school, and university levels. There are three forms of assistance; scholarship assistance, education aids, and education subsidies. There is also one program that has just started this

¹⁰ Julian Rappaport, "Terms of Empowerment/Exemplars of Prevention: Toward a Theory for Community Psychology," *American Journal of Community Psychology* 15, no. 2 (April 1987): 121-48.

¹¹ Fakhruddin, "Fiqh Dan Manajemen Zakat di Indonesia (Malang: UIN Malang Press, 2008).

¹² Interview with MB on 7 November 2019.

¹³ Interview with MB on 7 November 2019.

¹⁴ Interview with BN on 7 November 2019.

¹⁵ Interview with MB on 7 November 2019.

year, the One Family One Bachelor (SKSS) program.¹⁶

Fourth, the prosperous Bengkulu program runs in the economic sphere of the people by distributing productive zakat funds such as capital assistance and business equipment.

The Prosperous Bengkulu Program is a program targeting *mustahik* who need business capital assistance, whether they are to start a business or they already have a business as well as assistance with business equipment, such as carts or kiosks.¹⁷

Before deliberating the relationship between zakat and *maqāṣid al-sharī'a* and how the application of *maqāṣid* values by the Bengkulu Province BAZNAS in a modern context, the following discussion highlights discourse of the classical *maqāṣid al-sharī'a*.

The Classical *Maqāṣid al-Sharī'a* Discourse

Linguistically *maqāṣid al-sharī'a* means purposes or goals of Allah subhānahu wa ta'ālā in applying His syari'at. Meanwhile, terminologically the clear meaning of *maqāṣid al-sharī'a* is not found in the discussions of the previous *uṣūl al-fiqh* scholars, yet it is modern scholars, such as Ibn 'Ashur, 'Alāl al-Fāsī, and Wahbah al-Zuhaylī, who defined it. From their definitions, it can be concluded that *maqāṣid al-sharī'a* is the aims or secrets of *shari'ah* that have been determined by Allah subhānahu wa ta'ālā¹⁸ for the benefit of His

servants in the world and the hereafter that the benefit is found through inductive reasoning of *shari'ah* postulates (*al-istiqrā' al-sharī'ah*).¹⁹

The essence of the above definition is "benefit" which in the discussions of the *uṣūl al-fiqh* ulama is called *al-maṣlaḥa*. Therefore, Imam al-Juwaynī, al-Ghazālī, Fakhr al-Dīn al-Rāzī, Sayf al-Dīn al-Āmidī, Ibn Hājib, and al-Shāṭibī have formulated a *maṣlaḥah* theory in the discussion of *maqāṣid al-sharī'a*²⁰ on three levels, namely *darūriyya*, *ḥājiyya*, and *taḥsīniyya*. *Darūriyya* is something that must exist in human life, and if it is lost or does not exist, the safety of mankind will be under threat. This need is encapsulated in five main aspects: preserving religion (*al-dīn*), soul (*al-nafs*), intellect (*al-aql*), lineage (*al-nasl*), and property (*al-māl*).²¹ However, it should be noted that the above five aspects are results of *ijtihād* of the *uṣūl al-fiqh* ulama. They agree with these five aspects, thus it can be argued that they are definite (*qaṭ'i*), although it is still possible to make them six or seven as

¹⁶ Interview with BN on 7 November 2019.

¹⁷ Interview with MB on 7 November 2019.

¹⁸ See: Muḥammad al-Ṭāhir ibn 'Ashūr, *Maqāṣid al-Sharī'ah al-Islāmiyyah*, ed. Muḥammad al-Ḥabīb Ibn al-Khūjah (Doha: Wizārah al-Awqāf wa al-Shu'ūn al-Islāmiyyah, 2004), p. 165; 'Alāl al-Fāsī, *Maqāṣid al-Sharī'ah al-Islāmiyyah wa Makārimuhā* (Dār al-Gharb al-Islāmī, 1993), p. 7; Wahbah al-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī*, Vol. II (Damaskus: Dār al Fikr, 2011), p. 308.

¹⁹ Al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, ed. 'Abd Allāh al-Darrāz, Vol. II (Beirut: Dār al-Kutub al-'Ilmiyyah, 2005), p. 4.

²⁰ See, for example: Al-Juwaynī, *al-Burhān fī Uṣūl al-Fiqh*, Vol. II (Beirut: Dār al-Kutub al-'Ilmiyyah, 1997), pp. 79-80; al-Ghazālī, *Shifā' al-Ghalīl fī Bayān al-Shabah wa al-Mukhīl wa Masālik al-Ta'līl* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1999), pp. 80-83; al-Ghazālī, *al-Mustaṣfā Min 'Ilm al-Uṣūl* (Cairo: al-Maktabah al-Tawfiqiyyah, 2010), pp. 322-323; al-Rāzī, *al-Maḥṣūl fī 'Ilm Uṣūl al-Fiqh*, Vol. III (Cairo: Dār al-Salām, 2011), pp. 1247-1248; Al-Āmidī, *Muntahā al-Sūl fī 'Ilm al-Uṣūl* (Beirut: Dār al-Kutub al-'Ilmiyyah, 2003), p. 343; al-Āmidī, *al-Iḥkām fī Uṣūl al-Aḥkām*, Vol. III (Saudi Arabiya: Dār al-Ṣamī'ī, 2003), p. 343; Aḥmad al-Isfahānī, *Bayān al-Mukhtaṣar fī 'Ilmay al-Uṣūl wa al-Jadal*, Vol. II (Cairo: Dār al-Ḥadīth, 2006), p. 286; Al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, ed. 'Abd Allāh al-Darrāz, Vol. II (Beirut: Dār al-Kutub al-'Ilmiyyah, 2005), pp. 3-4.

²¹ Al-Ghazālī, *al-Mustaṣfā Min 'Ilm al-Uṣūl*, p. 322.

long as the addition is based on strong arguments.²²

Next is *ḥājīyya*, that is secondary needs that can ease human life. This means that if this does not exist, human safety will not be threatened, but will only experience difficulties. Therefore, to get rid of these difficulties, Islam offers *rukḥṣah* or relief in carrying out God's orders or prohibitions. For example, Islam permits travelers to break a Ramadan fasting day on a condition that they make up the missed day before the following Ramadan, and Islam also allows Muslims to shorten (*al-qasr*) or combine prayers. These reliefs (*rukḥṣāh*) are prescribed in order to facilitate human affairs.²³

Finally, *taḥsīniyya*, which are things that complement human life. That is, if they do not exist, then life will not be threatened or in difficulties, it is just like there is something missing in life.²⁴ These needs are in principle related to *al-makārim al-akhlāq*, as well as preserving manners in the fields of worship, customs, and *mu'āmalah*.²⁵ For example, in the field of worship, such as cleaning oneself from excrement, covering the required body parts, dressing up when going to the mosque, and performing circumcision and charity practices.²⁶ In the field of *mu'āmalah*, Islam prohibits wasteful, stingy and monopolistic behavior in trade. In the field of *'uqūbāt*, Islam forbids killing children, women, and *muslah* (torturing the dead) in battle, and Islam prohibits women from roaming

the streets wearing clothes that can stimulate sexual desire.²⁷

Meeting Points of Zakat and *Maqāṣid al-Sharī'a*

In its relation to *maqāṣid al-sharī'a*, zakat is a policy that cannot be avoided for the benefit of the people and welfare as well as prosperity of the poor. Based on the previous discussion, zakat is at the first level of *al-maṣlaḥa (ḍarūriyya)*, which is something that must exist in human life, otherwise human safety will be threatened. Something that must be there is the economic welfare of the people, education and health. Thus, the programs that have been arranged by the National Amil Zakat Agency (BAZNAS) or the Amil Zakat Institute (LAZ) cannot be separated from: preserving religion (*al-dīn*), soul (*al-nafs*), intellect (*al-'aql*), lineage (*al-nasl*), and property (*al-māl*)²⁸ formulated by previous scholars.

To achieve the above goals, the BAZNAS or the LAZ must strive for maximum and productive zakat management so that funds increase in amount. The increase and development of zakat funds is closely related to the people who pay zakat. As shown in the table (number 01) below, the zakat funds managed by the BAZNAS at the national, provincial and district / city levels are enormous from year to year. If the funds are channeled into consumptive forms, then poverty cannot be minimized, let alone eliminated. Therefore, the BAZNAS has a zakat policy based on community empowerment as shown in table 02.

²² Eko Saputra and Busyro Busyro, "Kawin Maupah: An Obligation to Get Married After Talak Tiga in the Tradition of Binjai Village in Pasaman District: A Maqasid Al-Shari'ah Review," *QIJIS (Qudus International Journal of Islamic Studies)* 6, no. 2 (2018): 193-94.

²³ Al-Ghazali, *Al-Mustasfa min 'Ilm al-Uṣūl*, p. 322-323.

²⁴ Eko Saputra and Busyro Busyro, "Kawin Maupah...", p. 196.

²⁵ Al-Ghazālī, *Al-Mustasfa min Ilm al-Uṣūl*, p. 322-323.

²⁶ 'Abd Al-Wahhāb Khallaf, *Ilm Uṣūl al-Fiqh* (Cairo: Dār al-Ma'ārif, 1997), p. 236.

²⁷ Al-Shāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, Vol. II, p. 9.

²⁸ Al-Ghazālī, *al-Mustasfa Min 'Ilm al-Uṣūl*, p. 322.

Table 01: National Zakat Funds

No	Detail	Unit	2015	2016	2017	2018	2019
1	Zakat on Individual Maal	In Billion Rupiahs	1,983.4	2,843.7	2,785.2	3,302.2	3,951.1
2	Zakat on Agency Maal	In Billion Rupiahs	157.8	620.5	307.0	492.4	306.7
3	Zakat al-Fitr	In Billion Rupiahs	168.1	274.0	1,101.9	1,112.6	1,406.1
4	Infaq / Alms and CSR	In Billion Rupiahs	1,177.3	1,001.5	1,764.9	2,517.4	3,383.6
5	Other Religious Social Funds	In Billion Rupiahs	163.8	277.6	265.3	692.9	1,173.1
6	Accumulation Growth	%	10.6	37.5	24.1	30.4	26.0

Source: National Zakat Statistics 2019²⁹

Table 02: National Zakat Distribution

No	Detail	Unit	2015	2016	2017	2018	2019
1	Education	In Billion Rupiahs	432.1	843.0	941.9	1,438.5	1,201.6
2	Health	In Billion Rupiahs	188.7	226.0	413.5	462.6	325.3
3	Social / Humanity	In Billion Rupiahs	846.0	714.3	1,124.2	1,749.0	2,296.7
4	Economy	In Billion Rupiahs	315.1	493.1	882.5	552.2	841.2
5	Da'wah	In Billion Rupiahs	303.6	418.5	979.5	1,288.1	1,553.7

Source: National Zakat Statistics 2019³⁰

²⁹ Badan Amil Zakat Nasional, *Statistik Zakat Nasional 2019* (Jakarta: Badan Amil Zakat Nasional, 2020), p. 7.

³⁰ Ibid., p. 8.

Table 02 describes the distribution of zakat nationally in the forms of community empowerment. This program is a BAZNAS's policy in zakat utilization aiming for a long-term impact to create independent and prosperous *mustahik* through four grand programs in the economic, social, educational and *da'wah* spheres.³¹ These four major programs are meeting points, in the form of implementation, between zakat and *maqāṣid al-sharī'a*. The relationship is described as follows:

1. Religious empowerment program (da'wah)

Programs that can be carried out by the Amil Zakat Agency in empowering *da'wah* (religion), include:

- Basic food assistance for converts
- Mental health program and rehabilitation of places of worship.
- Sakinah family club program
- Training and courses for *da'ī* and preachers
- Delivery of *da'ī* to remote and transmigration areas.
- Training for *majelis taklim*.³²

2. Social and health empowerment programs

Social and health programs prioritized by the Amil Zakat Agency are as follow:

- Humanitarian rescue through health assistance for refugees, basic food and proper clothing.
- Compensation funds for social services
- Social and health services in remote areas.
- Emergency assistance for areas of conflict by sending medical teams and medicines.
- Shelters for street children and mass circumcisions for *du'afā'*.
- Environmental education for students.³³

³¹ Fakhruddin, "Fiqh Dan Manajemen Zakat Di Indonesia - Google Buku," UIN Malang Press, 2008.

³² Fakhruddin, "Fiqh Dan Manajemen Zakat Di Indonesia - Google Buku."

³³ Ibid.

3. Educational empowerment programs

Educational programs that concern the Amil Zakat Agency are as follow:

- Broadening *mustahik's* potential in education to accelerate human resources quality.
- Providing scholarships, school rehabilitation programs, and alternative education for refugees.
- Caring for basic education (smart package) and foster parents programs.
- Providing information media for community education.
- Managing libraries and distributing religious books.
- Donation for orphans, scholarships for *du'afā'* and street children.
- Training in management and applied technology.³⁴

4. Economic programs (assets)

The economic empowerment programs for the community that have been approved by the government include:

- Empowerment of local agribusiness sector.
- Empowerment of Islamic-based financial institutions.
- Empowerment of community farmers and craftsmen.
- Empowerment of microfinance and real sector businesses such as the rice industry, drinking water, farms, agriculture and tree crops.
- Empowerment of the economy of the poor.
- Cash *waqf* program for health cards and economic empowerment.
- Economic empowerment of small businesses with mentoring and guidance programs.
- Sewing, mechanic and business management training packages.
- Empowerment of the people's economy through entrepreneurship training

³⁴ Ibid.

programs and business funds for traders and entrepreneurs.

- j. Developing investment funds for consumptive projects and capital assistance to escape *riqab* and *gharimin*.
- k. Empowerment of the people's economy through capital participation, as well as industry and revolving funds.³⁵

Expansion of *Maqāṣid al-Sharī'a* Coverage

In the previous discussion the author has shown the relationship between zakat and *maqāṣid al-sharī'a*. This section aims to prove the expansion of the classical *maqāṣid al-sharī'a* coverage in responding to the development of the ummah in a modern context by the Bengkulu's BAZNAS.

1. The Bengkulu Takwa Program

As previously described, the Bengkulu *takwa* program aims to create a religious society for Bengkulu. This is undertaken by distributing zakat to religious sectors such as assistance to places of worship and for religious activities. Referring to BAZNAS's documents, this program consists of assistance to houses of worship, Qur'an Education Park (TPQ) teachers, Islamic boarding school teachers, Madrasah Diniyah Awaliyah teachers (MDA), non-State Civil Apparatus (ASN) Quran teachers, as well as assistance to lecturers and training for mosque management.

In conjunction with *maqāṣid al-sharī'a*, this program is one of the *darūriyya* needs which is directly related to preserving religion (*hifẓ al-aql*). While classical *uṣūl al-fiqh* scholars regarded preserving religion only limited to upholding religion in a formal form such as implementing *qishāṣ* for apostates, due to the complexity of today's ummah problems,

however, its scope can be expanded in accordance with changes in social realities.³⁶ Thus, in this program, religion is a top priority, because it is the essence of a person's life, both in this world and in the hereafter. Therefore, in its realization, the program is carried out in several forms, such as providing basic necessities to converts, mental health program, rehabilitation of places of worship, *sakinah* family club programs, training and courses for lecturers as well as sending them to remote and transmigration areas and nurturing *majelis taklim*.³⁷

2. The Healthy Bengkulu Program

The Healthy Bengkulu Program is an initiative targeting *mustahik* who need medical assistance. In reality, this program provides medical assistance for *mustahik*, medical devices such as wheelchairs, including transportation costs for treatment. In *maqāṣid al-sharī'a* this program is related to preserving the soul (*hifẓ al-nafs*). This program should be expanded to other regions. Not only providing medical assistance, medical equipment, and transport for medical treatment, the Bengkulu's BAZNAS also collaborate with related parties who have competence in the wellbeing sector and with educational institutions that have programs and health departments to provide health education to the community.

It is true that in the classical *maqāṣid al-sharī'a* discourse discussions of *hifẓ al-nafs* are focused on, for example, expecting the *qishāṣ* law for murderers.³⁸ Yet more complex prob-

³⁵ Ibid.

³⁶ Edi Kurniawan, "Early Marriage, Human Rights, and the Living Fiqh: A Maqasid Al-Shari'a Review," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 20, no. 1 (2020): 8.

³⁷ Fakhruddin, "Fiqh Dan Manajemen Zakat Di Indonesia - Google Buku," UIN Malang Press, 2008.

³⁸ Edi Kurniawan, "Distorsi Terhadap Maqasid Al-Syari'ah Al-Syatibi Di Indonesia," *Al-Risalah* 18, no. 2 (2018): 178-79.

lems of the Ummah require new *ijtihād* for solutions. Therefore, to solidify the concept of *ḥifẓ al-naḥs* in this program, it can be developed as follows:

- a. Humanitarian rescue through health assistance for refugees, basic food and proper clothing.
- b. Compensation funds for Social services
- c. Social and health services in remote areas.
- d. Emergency assistance for areas of conflict by sending medical teams and medicines.
- e. Shelters for street children and mass circumcisions for *ḍu'afā'*.
- f. Environmental education for students.³⁹

Therefore, the Bengkulu Province's BAZNAS develops zakat utilization programs in the social and health sectors in the forms of health assistance, basic necessities and suitable clothing for disaster-affected refugees, providing health service funds in areas with a shortage of medical personnel in partnership with nearby health departments, hospitals and *puskesmas*.

In addition, zakat funds are channeled into riot victims by sending medical personnel and medicines. The funds also provide health protection to street children through open shelters in Bengkulu, mass circumcision events for *ḍu'afā'*, and environmental education for students who will become BAZNAS's cadres in campaigning a clean and healthy environment.

3. The Smart Bengkulu Program

In a Bengkulu's BAZNAS's document it is stated that protection of *mustahik's* intellect through the Smart Bengkulu program is carried out in the forms of scholarships and educational subsidies for Elementary School (SD), Junior High School (SLTP), Senior High School (SLTA) and College students

(Interviews with MB, BN, and NS on 7 November 2019 and BAZNAS's documents).

Hence, the relationship with *maqāṣid al-sharī'a* is preserving intellect (*ḥifẓ al-'aql*). This is because seeking knowledge is obligatory for every Muslim, men and women. The process of learning is not only in formal education, but also when a child is still in the womb.

It is true that discussions among the *uṣūl al-fiqh* classical ulama on *ḥifẓ al-'aql* are focused on matters that can threaten or damage human intellect such as *khamar* and the like.⁴⁰ However, in today's context, *ḥifẓ al-'aql* can be broadened its meaning to education as *waṣīla*, a means to educate human intellect. Therefore, the BAZNAS of Bengkulu Province plays an important role in providing intellectual protection through this smart Bengkulu program in the forms of scholarships and education subsidies. Through education *mustahik* are able to increase religious and other knowledge including entrepreneurship because sharia encourages Muslims to always improve and develop intellectual capacity to achieve independence.

4. The Prosperous Bengkulu Program

The Prosperous Bengkulu program runs in the people's economic sector by distributing productive zakat funds such as business capital and business equipment assistance. In the program document of the Bengkulu's BAZNAS, this program is called the Bengkulu prosperous program in the form of capital or business equipment.

Empowerment in the *mustahik's* economic sector means the BAZNAS of Bengkulu Province's goals have been in line with the objectives of zakat management based on *maqāṣid al-sharī'a* in the form of preserving property (*ḥifẓ al-māl*), since zakat is an instrument of poverty alleviation through

³⁹ Fakhrudin, "Fiqh Dan Manajemen Zakat Di Indonesia - Google Buku," UIN Malang Press, 2008.

⁴⁰ Al-Ghazālī, *al-Mustaṣfā min 'Ilm al-Uṣūl*, p. 322.

community empowerment in the economic sector.

It is true that in the classical *maqāṣid al-sharī'a* discourse discussions of *ḥifẓ al-māl* are focused on, for example, expecting the *qisās law* for people who steal and seize the rights of others.⁴¹ Yet due to more complex problems of the Ummah *ḥifẓ al-māl* can be developed into things that can protect human assets widely, including the prosperity of the people through economic empowerment.

Therefore, economic empowerment program for the ummah can be carried out by developing community industries, empowering micro and macro financial institutions, training craftsmen, providing capital assistance to the poor, and providing mentoring and guidance as well as entrepreneurship training. The goal is to create an independent society, including in religious, health, educational and economic aspects. The Bengkulu's BAZNAS has implemented these aspects, although it is still not optimal.

From *Maqāṣid al-Sharī'a* to the Welfare of the People

The expansion *maqāṣid al-sharī'a* coverage practiced by the Bengkulu's BAZNAS aims to place benefit as the main essence of *maqāṣid*. Benefit in the context of zakat is the welfare of the people in religion, soul, lineage, intellect, and property. Therefore, the welfare of these five things depends on the level of public awareness of zakat, BAZNAS's strategy in attracting people to pay zakat, government policies, and the distribution of zakat itself. This discussion only deliberates the final part, the distribution of zakat by the Bengkulu's BAZNAS. The goal is to see how the BAZNAS creates prosperity for the people.

Based on data from the BAZNAS of Bengkulu Province in 2018, the distribution of zakat based on community empowerment is described in the following table:

Table 03: the distribution of zakat based on community empowerment

Pro-gram	Mustahik Category	Type of Assistance	Amount (IDR)
Bengkulu <i>Takwa</i>	The poor	1. Assistance to TPQ / Ponpes / MDA teachers	7.600.000
		2. Assistance to Mosque Officials	500.000
	<i>Fisabilillah</i>	1. Assistance to house of worship	7.700.000
		2. Assistance to contract preachers	1.000.000
		3. Assistance to <i>muballigh</i> and <i>muballighah</i>	13.500.000
		4. Assistance for MDA operational	48.200.000
		5. Assistance to mosque/mushalla officials	15.00.000
Health Bengkulu	The poor	6. Assistance for events	8.500.000
		7. Compensation for Quran teachers	188.000.000
		1. Medical assistance	119.559.000
Smart Bengkulu	The poor	2. Medical equipment assistance	78.922.000
		3. Health transportation assistance	13.729.000
		1. Scholarships	205.750.000
		2. Educational assistance	484.714.000
		3. Education subsidies	563.000.000

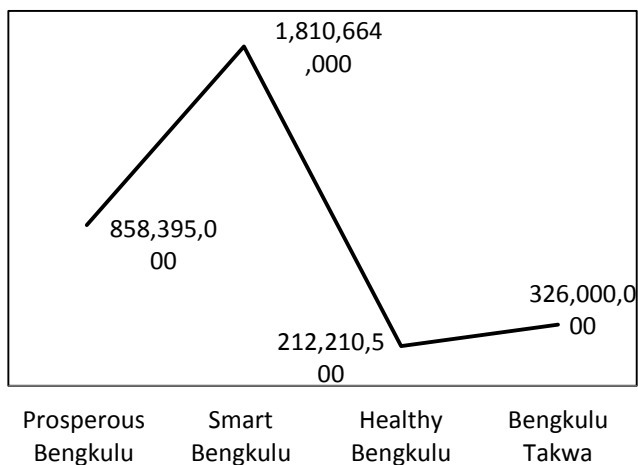
⁴¹ Ibid.

		4. Distribution through UPZ UNIB	557.200.000.
Prosperous Bengkulu	The poor	1. Assistance for business capital	493.500.000
		2. Assistance for Business equipment	364.895.000
		Total	3.207.269.000

Source: Bengkulu's BAZNAS 2018 Report

Zakat distribution for community empowerment as revealed in the table above shows that the Bengkulu *takwa* program has channeled IDR 326,000,000 (Three Hundred Twenty-Six Million Rupiah) to the poor and *fiṣabilillah*. The Healthy Bengkulu program has given Rp. 212,210,000 (Two Hundred Twelve Million Two Hundred and Ten Thousand Rupiah) to *mustahik* of the poor category. The Smart Bengkulu program has allocated IDR 1,810,664,000 (One Billion Eight Hundred Ten Million Six Hundred Sixty-Four Thousand Rupiah) for the poor. Meanwhile, the prosperous Bengkulu program has transferred Rp. 858,395,000 (Eight Hundred Fifty-Eight Million Three Hundred Ninety-Five Thousand Rupiah) to the poor. The forms of distribution are explained in the graph below.

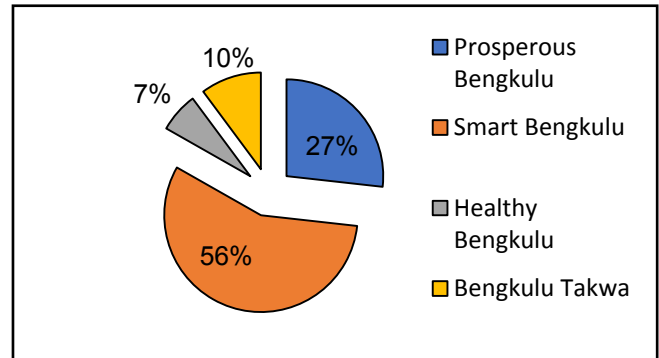
Figure 01: Zakat Distribution Based in 2018



Source: Bengkulu's BAZNAS 2018 Report

Based on the amount of zakat distributed by the National Amil Zakat Agency (BAZNAS) of Bengkulu Province in 2018, it is clear that the Smart Bengkulu program topped the trend, followed by the prosperous Bengkulu program, the Bengkulu *takwa* and the healthy Bengkulu programs. In percentages they are described as follows:

Figure: Percentages of Zakat Distribution in 2018



Source: Bengkulu's BAZNAS 2018 Report

The pie chart above displays clearly the amount and percentage of zakat distributed in the community empowerment sector. The Bengkulu smart program distributed the highest zakat amounting Rp 1,810,464,000 with or 56%, the Bengkulu prosperous program came second position with Rp. 858,395,000 or 27%, Bengkulu *takwa* ranked third with Rp. 326,000,000 or less than 10 %. The healthy Bengkulu program was the lowest with Rp. 212,210,000 or 7%.

Therefore, the data above shows that in the perspective of *maqāṣid al-sharī'a*, instituting zakat is not "sharia bureaucratization" or merely reconciling the classical *maqāṣid al-sharī'a* with the modern context. It is a spiritual welfare for the people in a structured and measured manner.

Conclusion

The BAZNAS of Bengkulu Province's programs have applied the classical *maqāṣid al-sharī'a* theory dynamically in responding to the reality of the ummah. This implementation can be seen in the community empowerment-based zakat programs in the forms of 'Bengkulu *takwa*', 'healthy Bengkulu', 'smart Bengkulu', and 'prosperous Bengkulu', which in 2018 managed to collect Rp. 3,207,269,000. Through 'Bengkulu *takwa*', the BAZNAS of Bengkulu Province has provided assistance to houses of worship, Quran Education Park (TPQ) teachers, Islamic boarding school teachers, Madrasah Diniyah Awaliyah (MDA) teachers, non-Civil Servant (PNS) teachers, religious preachers and assistance for mosque management training with the amount of funds allocated being Rp. 326,000,000. The Healthy Bengkulu focuses on medical assistance and all things related to it, channeling IDR 212,210,000. The Bengkulu Smart focuses on scholarships and education subsidies for students, from elementary school (SD) students to university students, giving Rp. 1,810,464,000. Finally, the prosperous Bengkulu focuses on improving the economy of the people with assistance amounting Rp. 858,395,000.

The efforts of the Bengkulu's BAZNAS in collecting zakat funds above and distributing them to those who are entitled show that the expansion of *maqāṣid al-sharī'a* by the BAZNAS of Bengkulu Province is intended to solve problems of the people, which in the context of zakat is the prosperity of religion, soul, lineage, intellect, and property. Thus, in this perspective, instituting zakat is not "sharia bureaucratization" or merely reconciling the classical *maqāṣid al-sharī'a* with the modern context. It is a *waṣīla* for the welfare of the people in a structured and measured manner.

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