



The Legal Studies Regarding Professional *Zakat* in Islam and for the Benefit of the *Ummah*

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Abstract.

This study aims to find out how the concept and application of professional Zakat in Islam are then harmonized with the concept of state taxation. This research is a qualitative research with an interpretive approach to the law that applies both in Islamic law and national tax administration law. The main sources in this study are the Al-Qur'an and Sunnah as well as laws and regulations regarding the Zakat system and taxation of the Indonesian State, then analyzed in depth to draw conclusions. The results shown that professional Zakat is special Zakat that is issued from the results of what is obtained from work and profession. For example, work that generates good money is work that is done alone without depending on other people, thanks to the dexterity of the hands or brain (professional).

Keywords: Concept; Profession; Zakat.

1. Introduction

In an era that is completely modern and instant like today, many people earn such a large amount of income by capitalizing on the knowledge obtained from formal education. Human education can be obtained from the education system programmed by the government, more or less can generate enormous incomes compared to agricultural, animal husbandry and plantation products¹.

Indeed, in one harvest with a period of one year, the three fields can generate large finances, but for an educated person, the financial income in one month is sometimes the same as the harvest income from the three fields. Because with

¹ Anwar, Muhammad, (1995), "Financing Socio-Economic Development With *Zakat* Funds", *Journal of Islamic Economics*, vol. 4 no. 1&2.

the education that humans get, they can have appropriate professions from the field of education that they have studied².

Every Muslim is required to give alms from the sustenance bestowed by Allah. This obligation is written in the Qur'an. In the beginning, the Al-Qur'an only ordered to give alms (giving that is free, not obligatory). However, in later times, Muslims were ordered to pay *Zakat*. *Zakat* has become obligatory since 662 AD. The Prophet Muhammad instituted this *Zakat* order by establishing a multilevel tax for those who are rich to ease the burden on the lives of those who are poor. Since this time, *Zakat* is implemented in Islamic countries. This shows that in the future there will be arrangements for giving *Zakat*, especially regarding the amount of *Zakat*.

2. Research Methods

This research is a qualitative research with an interpretive approach to the law that applies both in Islamic law and national tax administration law. The main sources in this study are the Al-Qur'an and Sunnah as well as laws and regulations regarding the *Zakat* system and taxation of the Indonesian State, then analyzed in depth to draw conclusions³.

3. Results and Discussion

3.1. Professional *Zakat* in Islam

Professional *Zakat* is *Zakat* that is issued from the results of what is obtained from work and profession. For example, work that generates good money is work that is done alone without depending on other people, thanks to the dexterity of the hands or brain (professional). Nor the work that a person does for another party, be it the government, a company or an individual, by receiving a given wage, with their hands, brains or both. Income from such work is in the form of salary, wages, or honorarium. That is, when the nisab is reached and the haul is the income that he earns, he must pay *Zakat*⁴.

Therefore, the discussion regarding the types of professional *Zakat* cannot be found with a level of detail that is equivalent to other types of *Zakat*. But that

² Saprida Saprida, (2016), *Zakat Profesi Menurut Pandangan Yusuf Qardhawi*, Vol 2 No 1 (2016): *Jurnal Ekonomika Sharia: Jurnal Pemikiran dan Pengembangan Ekonomi Syariah* - August 2016, DOI: <https://doi.org/10.36908/esha.v2i1.92>

³ Asmuni, Mth, (2005), *Zakat Profesi dan Upaya Menuju Kesejahteraan Sosial*, *Jurnal Ekonomi Islam La Riba*, Vol.1, No. 1. Tahun 2005.

⁴ Kahf, Monzer (1999), "*The Performance of the Institution of Zakat in Theory and Practice*", Paper presented in the International Conference on Islamic Economics in the 21st Century, held in Kuala Lumpur, 9-12 August 1999.

does not mean that income from profession is free from *Zakat*, because *Zakat* is essentially a levy on the wealth of groups who have excess assets to be given to those in need.

Every income, regardless of the type of work that causes this income, is required to pay *Zakat* when it reaches the nisab. This is based on the word of Allah SWT QS Al-Baqarah verse 267:

Meaning: "O you who believe, spend (in the way of Allah) some of the results of your good efforts and some of what We remove from the earth for you. and do not choose the bad and then spend from it, even though you yourself do not want to take it but by squinting at it. and know that Allah is Rich, Most Praised. "

Besides that, based on the purpose of giving *Zakat*, such as cleaning and developing assets and helping mustahik, professional *Zakat* also reflects a sense of justice which is the main characteristic of Islamic teachings, namely the obligation of *Zakat* on all income and income⁵.

In Islam, on property owned by a person there is the right of Allah there. This right is known as *Zakat* which is intended for eight groups as explained in the Al-Qur'an letter At-Taubah verse 60:

Meaning: "Indeed, the *Zakat* is only for the needy, the poor, the administrators of *Zakat*, the mu'allaf who are persuaded by their hearts, to (liberate) slaves, people who are in debt, for the way of Allah and for those who are on their way, as a decree obligated by Allah, and Allah is All-Knowing, All-Wise. "

Judging from its dimensions, *Zakat* worship is a very unique worship. Apart from having a vertical dimension, namely a form of devotion to Allah, *Zakat* also has a horizontal dimension to ease the burden on the poor. *Zakat* once raised the glory of the Muslims by alleviating poverty as during the time of Caliph Umar bin Abdul Aziz where no one was found willing to accept *Zakat*⁶.

From the social aspect, professional *Zakat* actually plays a very important role in the realization of social justice. According to Ahmad Gozali, financial planner for Safir Senduk and colleagues, sharing *Zakat* is a social investment in the magazine. In addition to the reward, it is stated explicitly in the Qur'an that for every property we spend, we will receive a return of 700 times, whether with the same

⁵ Kuran, Timur (2002), "*Islamic Redistribution Through Zakat: Medieval Roots of Contemporary Problems*", Paper presented at a Conference on Poverty and Charity in the Forthcoming in Conference Volume, Suny Press, 2002. Middle East, (held at the University of Michigan, Ann Arbor, on May 4-7, 2000).

⁶ Patmawati Hj Ibrahim, (2005), "*Pembangunan Ekonomi Melalui Distribusi Zakat: Tinjauan Emperikal*", Kertas Kerja pada Seminar *Zakat dan Cukai*, 22-24 May 2007. Kuala Lumpur.

property or in a different form that we are not aware of, by giving *Zakat* we have played an active role in fighting poverty. . Another advantage for people who give *Zakat*, in line with the decline in the poverty rate, the crime rate has also decreased so that the work and business environment is more conducive.

3.2. Legal Basis for Professional *Zakat*

The existence of *Zakat* orders is to create a sense of social and justice. If farmers who work on rice fields or fields are required to pay *Zakat* every time they harvest when they reach *nasab*, while those who work in the business and professional sectors earn more easily, they are not required to pay *Zakat*.

The reason for the obligation of professional *Zakat* can be interpreted from QS Al-Baqarah: 267

Meaning: "O you who believe, spend (in the way of Allah) some of the results of your good efforts and some of what we spend from the earth for you. and do not choose the bad and then spend from it, even though you yourself do not want to take it but by squinting at it. and Know that Allah is Rich, Most Praised. "

Sayyid Quthub in his interpretation of the Fi Zhilalil Qur'an when interpreting the word of Allah in Surah al-Baqarah verse 267 states that this text includes all the results of good and lawful human endeavors and includes all that is issued by Allah SWT from inside and above the earth, such as the results of - agricultural products and so on. Therefore this text includes all assets, both in the era of the Prophet and in the era after. Everything is obligatory to issue *Zakat* with the provisions and levels as explained in the Sunnah of the Prophet, both those that are known directly and those that have been given to him.

In line with the development of human life, especially in the economic field, earning activities through this expertise and profession will continue to grow from time to time. It will even become a major economic activity, as is happening in industrialized countries today. Determination of the obligation of *Zakat* to him, shows how Islamic law is very aspirational and responsive to the times. Afif Abdul Fatah Thabar stated that the rules in Islam are not only based on justice for all mankind, but are in line with the welfare and needs of human life, throughout the ages and circumstances, even though the era is different and develops from time to time.

3.3. Professional *Zakat* in Islam

Jobs that make money are of two kinds. The first is work that is done alone without depending on other people, thanks to the dexterity of the hands or the

brain. Income earned in this way is professional income, such as the income of a doctor, engineer, artist advocate, tailor, carpenter and others.

The second is work done by a person for another party - be it the government, a company, or an individual - by getting a wage, which is given, with hands, brains, or both. Income from such work is in the form of salary, wages, or honorarium.

Zakat on income and profession can be taken when it is a year old and it is enough for seniors. If we adhere to the opinion of Abu Hanifah, Abu Yusuf, and Muhammad that the nisab does not need to be reached throughout the year, but it is enough to be fully reached between the two ends of the year without being lacking in the middle, we can conclude that with this interpretation it is possible to oblige *Zakat* on income every year, because the results rarely stall throughout the year and mostly reach both sides of the end of the year. Based on this, we can determine income as a source of *Zakat*, because there is an illat (cause), which according to legal fiqh scholars, and nisab, which is the basis for obligatory *Zakat*.

And because Islam has a standard for a person to be considered rich, namely 12 golden junaih according to the old Egyptian junaih standard, that standard must also be met for someone to be subject to the obligation of *Zakat*, so that the difference between rich people who are obliged to pay *Zakat* and poor people who receive *Zakat* is clear.

In this case, the Hanafi school of thought is clearer, namely that the number of senisas is sufficient only at the beginning and end of the year without having to occur in the middle of the year. These provisions must be considered in obliging *Zakat* on the results of this income and profession, so that it can be clear who is classified as rich and who is classified as poor, a professional worker rarely does not fulfill these provisions.

1. General Requirements for Obligation of *Zakat*

Regarding the general conditions for obligatory *Zakat*, among others:

- Islam

Zakat is obligatory for Muslims and not obligatory for non-believers, this is based on the hadith of Rasulullah SAW to Muaz bin Jabal ra which stated that Muaz was not taught to call on Yemenis to issue *Zakat* before they embraced Islam.

- Independent

Zakat is only obligatory for those who are free, so the obligation of *Zakat* does not apply to slaves who are not yet free.

- Reach nisab

Assets that must be *Zakat* must reach a certain amount.

- Stay within nishab

The nishab of the property belongs to the person entitled to issue *Zakat*, or there is no other person's property.

- Passing one year (reaching haul) and reaching nishab.

2. Nishab, Time, Size and How to Calculate Professional *Zakat*

Nisab is the minimum limit or minimum amount of assets that are subject to *Zakat* obligations. Because this profession's *Zakat* is relatively new, its nisab must also be returned (figured out) to the nisab of other *Zakat*, which already has legal provisions.

There are two possibilities that can be put forward for the nisab size for this profession:

- a. Equated with the nisab of gold and silver *Zakat*, that is by alleging it to gold and silver as the standard value of money for which *Zakat* is obligatory, namely 20 dinars or 93.6 grams of gold. Based on the Hadith History of David: (There is no obligation for you from gold (which you have) to the amount of 20 dinars).
- b. Equated with agricultural *Zakat*, namely 5 wasq (about 750 kg of rice). *Zakat* is issued at the time of receipt of income from the profession in the amount of 5 or 10%, according to the costs incurred.

Because the profession itself varies in form, type and income, the authors tend to continue to use these two types of nisab *Zakat* standards in determining the nisab for professional *Zakat*, with the following considerations:

First, For types of professions in the form of payment for expertise, such as specialist doctors, accountants, advocates, contractors, architects, and similar professions, including high-ranking state officials, professors, and those on the same level, the nisab for *Zakat* is the same as *Zakat* agricultural products, which is worth approximately 750 kg of rice (5 wasaq). Even though it seems that the work is not a business that uses capital, it actually still uses capital, namely for

work equipment, transportation, communication facilities such as telephones, electricity bills, etc. 5%, and issued when receiving the payment. This is the same as agricultural *Zakat* which uses irrigation costs.

Thus, if the price of 1 kg of rice is Rp. 3200, while the nisab (minimum limit of obligatory *Zakat*) for plants is 750 kg, so for income that reaches Rp. 3,200 x 750 = Rp. 2,400,000., must pay *Zakat* as much as 5%, namely Rp. 120,000.

This kind of opinion is in accordance with the opinion of Muhammad Ghazali, as quoted by Yusuf Qardawi, that the basis and size of income *Zakat* regardless of capital, can be equated with agricultural *Zakat*, namely 5 or 10 percent. Ghazali said, anyone who has income not less than the income of a farmer, is subject to the obligation of *Zakat*. So the professional group is obliged to pay *Zakat* equal to the farmer's *Zakat*, without considering the condition of capital and other requirements.

Second, For professionals who work for the government, for example, or private agencies whose salaries do not reach the agricultural nishab as stated above, say teachers, for example, or doctors who work in hospitals, or people who work for a transportation company. *Zakat* is equated with gold and silver *Zakat*, which is 93.6 grams (approximately Rp. 8,424,000, if it is estimated that the price per gram of gold is now 90,000,) then the gold nishab value is Rp. Rp. 8,424,000, with a *Zakat* rate of 2.5%. If at the end of the year the amount reaches one nisab, *Zakat* is issued at 2.5 percent, after the basic expenses of the person concerned and his family have been taken out.

For example, a class III/c lecturer with 6 years of service whose family consists of a wife and three children,

a. Receive a salary Rp. 1,500,000

b. Honorium from several PTS Rp. 500,000+

Total Rp. 2,000,000

With expenses:

a. Basic necessities of life Rp. 500,000

b. Housing loan installments Rp. 500,000+

Total Rp. 1,000,000

So, acceptance: Rp. 2,000,000

Expenditure : Rp. 1,000,000 -

Remainder : Rp. 1,000,000 / every month

A year = Rp. 1,000,000 x 12 months = 12,000,000

Then the calculation of *Zakat* is $2.5\% \times 12,000,000 = 480,000$

With details like that, it means he has to pay *Zakat* Rp. 480,000 per year. So that the payment of *Zakat* is not burdensome to the muzakki (the obligatory *Zakat*), both in terms of the calculation, as well as the burden that must be incurred annually as *Zakat*, in the writer's opinion it is better to pay it every month, when receiving a salary. So this muzakki can issue his *Zakat* of Rp. $480,000 : 12 =$ Rp. 40,000 / month.

3. Procedure for Issuing Professional *Zakat*

There are two ways to issue *Zakat*:

1. According to Az-Zuhri that a person must issue *Zakat* after earning income before it is spent in the obligatory month of *Zakat* or *Zakat* is issued along with other assets in the month of *Zakat* if the money generated does not want to be spent.
2. According to Makhul that if a person has wealth other than income then he may issue his *Zakat* in the month of *Zakat*, while someone who does not have wealth then *Zakat* is issued when he earns without waiting for the month of *Zakat*.

This opinion gives relief to people who have other wealth and gives heavy burdens to people who have no wealth other than that income⁷.

In addition, there are also differences of opinion regarding the timing of the issuance of professional *Zakat*. Following are some differences of opinion of scholars regarding the timing of the issuance of professional *Zakat*:

1. The opinion of As-Syafi'i and Ahmad requires haul (one year is enough) to count from the wealth obtained.
2. The opinion of Abu Hanifah, Abu Yusuf, Muhammad, Malik and modern scholars, such as Muh Abu Zahrah and Abdul Wahab Khalaf stipulates whether haul is calculated from the beginning and end of the acquisition of assets, then

⁷ Inoed, Amiruddin, dkk. (2005). *Anatomi fiqh Zakat*, cet 1. Yogyakarta: Pustaka Pelajar

during that year the assets are totaled and when it reaches the nisab it is obligatory to pay *Zakat*⁸.

3. The opinion of modern scholars such as Yusuf Qardhawi does not require haul, but *Zakat* is issued immediately when the treasure is received. They justify the *Zakat* of Agriculture which is paid at each harvest time. (haul: length of deposition of assets).

Indeed, it is obligatory to immediately issue *Zakat* when the obligation to issue it from your assets has arrived. This is based on the word of Allah, "And give *Zakat*" (al-Baqarah: 43) This verse contains an absolute command, and an absolute command requires immediate implementation.

It was narrated from Aisha ra that Rasulullah SAW said, "*Zakat* is not mixed with wealth, unless it will damage it". In addition, because the needs of poor people demand that *Zakat* be given to them immediately. If postponed, it will harm and harm them. Also, because the person who is obliged to pay it out may be struck by a sudden disaster, such as loss and death, and this causes the obligation of *Zakat* to remain his responsibility. Likewise, by being hasty in issuing *Zakat*, it shows how far one is from miserliness and makes it possible to immediately be released from obligations. Besides, this brought him the pleasure of Allah.

On the basis of the things above, it is obligatory to pay *Zakat* immediately and not delay it, except in an emergency. For example, it will be given to people who need it more or when the treasure is not found and so on.

An employee or employees who receive a monthly or weekly salary cannot be separated from two conditions:

1. Have assets that have reached the nisab and can set aside a portion of their salary every month to be stored and added to these assets. A person like this must have a record of all his income, then record the amount of money set aside from his salary and accumulate it with the assets he previously owned. Then issue *Zakat* after reaching one year from the first time you have it. If you want to make it easier to prioritize the needs of the poor and those who are entitled to receive *Zakat*, you can pay *Zakat* all the money you have for one year all at once when you first reach the nisab. This method gives greater merit and leads to higher degrees. With this way, the additional money accumulated with the money already owned has been paid *Zakat* in advance, right when it reaches the nisab, even though it has not reached one year. This method is permissible, especially if there is a need and benefit. The third way is to directly issue *Zakat*

⁸ Yusuf Qardawi. (2006), *Hukum Zakat*, cet. IX, Bogor: Pustaka Litera AntarNusa.

from his salary every month. After cutting the daily needs, after reaching one year.

2. Do not have assets that reach the Nisab while the salary is used to meet daily needs. Such a person, even though he saves every month, is not obliged to pay *Zakat* unless his savings have reached the nisab or the accumulated savings with the money previously owned has reached the nisab. It was at that time that he started to count it up to one year in the future and his condition was the same as the first person's condition.

4. Conclusion

Professional *Zakat* is *Zakat* that is issued from the results of what is obtained from work and profession. For example, work that generates good money is work that is done alone without depending on other people, thanks to the dexterity of the hands or brain (professional).

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