Enhancement of Zakat Institutions through Zakat Management of Gharimin Asnaf: Case Study in Malaysia and Indonesia

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ABSTRACT

Malaysia and Indonesia are among the countries dominated by Muslim population, hence there is a need to fully utilise and enhance their zakat institutions. Apart from that, zakat institution plays an important role to assist the Muslim indebted groups that are categorized as gharimin asnaf. Gharimin asnaf needs to be given serious attention to since indebted cases are found to increase each year. Unfortunately, studies on gharimin groups in Malaysia and Indonesia are still far behind compared to studies on the fakir and miskin group of asnaf. The purpose of this study is to investigate the differences in terms of definition and criteria of gharimin asnaf between Malaysia and Indonesia. At the same time, this study intends to examine the differences of zakat distribution management to gharimin in both zakat institutions in Malaysia and Indonesia. A case study was conducted between two zakat institutions in both countries which are Lembaga Zakat Selangor (LZS) which represents Malaysia, and Badan Amil Zakat Nasional (BAZNAS) which represents Indonesia. The data were collected through semistructured interviews with several key persons in both zakat institutions mentioned above. On top of that, this study also reviews secondary data such as annual reports and relevant documents extracted from both zakat institution office and official website. The result of the study shows that there is no difference between the definition of gharimin for both countries. However, there is slight dissimilarity on the criteria specified by both zakat institutions. An obvious comparison is that LZS specifies gharimin as one of the zakat recipients, whereas BAZNAS recognises gharimin as fakir and miskin group of zakat recipients. Other than that, both LZS and BAZNAS are found to exhibit their credibility in managing zakat distribution to *gharimin* with structured procedure. At the same time, this study also explores the practices in both zakat institutions and appropriate suggestions are made accordingly.

Keywords: zakat, gharimin, zakat institutions

INTRODUCTION

Zakat Institution is one of the oldest Islamic financial institutions in the world with a special role in the development of the Ummah in strengthening the Islamic economy which are to eradicate poverty and improve socio-economic aspects. Zakat institution is accountable in managing zakat collection and distribution to eight asnaf (fakir, miskin, amil, muallaf, fisabilillah, gharimin, ibnu sabil and riqab). Through this institution, many financial problems among Muslims can be facilitated and resolved. One of the major issues that can be addressed is indebtedness.

Malaysia and Indonesia are facing debt problems among their people. From the Malaysia context, Bank Negara Malaysia has reported that in 2018, the overall household debt remained increased at 83% of Gross Domestic Product (GDP), indicating that housing loan (53.2%) is the major contributor of the debt growth while the remaining includes personal consumption (46.8%) such as personal finance and credit cards. The risk is found to be higher in low-income borrowers who earn below than RM5,000 per month, especially those who are utilizing their finance to support the 'lifestyle choices'. This borrower group remains susceptible to financial distress given their limited financial buffers to weather potential shocks.

On the other hand, Bank Indonesia reported in 2018 that the overall household debt remained increased at only 10.3% of GDP. In addition, based on data from the Central Statistics Agency (BPS), the number of poor people in Indonesia in March 2019 amounted to 9.82 percent from the total Indonesia population. Criteria for the poor are that those who have per capita expenditure per month below the poverty line which reach 25.95 million people. These poor people are often under indebted situation to survive for daily life needs. Therefore, these issues need to be tackled effectively by both countries.

Malaysia and Indonesia have similarities in terms of both culture and tradition. From the Islamic aspect, both countries have similarities in terms of schooling system, which adheres to the Shafi'ie school of thought. The same goes in the field *muamalah* as well. There are several things related to *muamalah* that can be applied by both countries especially in the zakat management such as the distribution of zakat to *asnaf*. Therefore, this motivates researchers to conduct a study that may create in depth understanding on the particular areas.

Statement of Problem

Issues related to indebtedness need to be scrutinized seriously. Poverty will lead to several problems in the society, including fraudulent, robbery, marriage problems that may lead to divorce, corruption in a workplace, the need to acquire extra money by doing more than one job by sacrificing family time and more critical when one individual is finally declared bankruptcy.

Zakat institution plays an important role to assist the indebted groups that are categorized as *gharimin asnaf* groups who are eligible to obtain zakat. As reported by Malaysian Department of Insolvency (MDI), the highest indebted cases occur among Malay which also indirectly represents the Muslim in Malaysia. Based on this issue, thus, the role of zakat institution needs to be enhanced. Lembaga Zakat Selangor (LZS) as the most active zakat institution in Malaysia reported that zakat distribution for the year 2018 for *gharimin asnaf* is 8% which amounted to RM68,640,358 out of total amount of RM829,878,020. From the total amount of RM68,640,358, 38% were reimbursed for dialysis, 48% were reimbursed for medication and the remaining was debt caused by living necessities (Ringkasan Prestasi Kutipan & Agihan 2018). By comparing 2017 data, it shows that the distribution of zakat on *gharimin* had increased by 44% (Ringkasan Prestasi Kutipan & Agihan 2018, Ringkasan Prestasi Kutipan & Agihan 2017). Since, the rate of zakat distribution increases each year and

cases involving Malay or Muslim which consist of the majority group in the country, therefore the role of zakat institution is getting more critical.

On the other hand, studies of *gharimin* in Malaysia and in Indonesia are still far behind compared to studies of *fakir* and *miskin* group of *asnaf*. Study on *gharimin* which was conducted by Jamzuri, J., (2016) focused on the distribution of *gharimin*, as well as debt problems borne by *gharimin* (Aripin. J & Rahman, 2015). There are also several studies regarding zakat management and its strategy (Amymie, F., 2017; Maulana, M. R., Hidayat, A. R., & Malik, Z. A., 2016, Syahrul, H., 2015). Other studies have also been carried out in Malaysia such as (Ahmad, R. A. R., Othman, A. M. A., & Salleh, M. S., 2015; Mohammad, M., Engku Ali, E. M. T., & Md Harun, S. S., 2014). In addition, a comparative study on the management of zakat in regent of Bengkalis, Indonesia and province of Selangor was conducted by Nuryani, A., Al Mansur, M., and Nik Abdul Ghani, N.A.R., (2016). The comparative studies between zakat institutions in Malaysia and Indonesia are very limited and need more attention.

By considering the issues discussed above, the study aspires to investigate on how the zakat distribution for *gharimin asnaf* is managed and what are the recommendations proposed to enhance the role of zakat institution from the context of zakat institution in Malaysia and Indonesia. The previous discussion serves as a point of departure for the present investigation and thus leads to the formation of research objectives for this study.

Research Objectives

The specific research objectives are:

- 1. To identify any differences on the definition and criteria identification of *gharimin* asnaf between LZS and BAZNAS.
- 2. To investigate differences on the zakat distribution management of *gharimin asnaf* between LZS and BAZNAS.
- 3. To propose recommendations for zakat institutions in strengthening the zakat distribution management on the *gharimin asnaf* for both countries.

LITERATURE REVIEW

The Landscape of Zakat Institution in Malaysia and Indonesia

This section discusses the background of zakat institutions in Malaysia and Indonesia. The management and administration of zakat in Malaysia are subject to the authority of state government, provided that Islamic Affairs of each state is under the sultan's advisory council or royal institutions. In Malaysia, there are 14 State Islamic Regional Council (SIRCs) of which 13 of it belong to the states and one for Wilayah Persekutuan Kuala Lumpur. The purpose is to centralize all the Islamic religious activities at state level. In this case, the federal government has limitations in their involvement in state decision including any matters related to zakat.

Lembaga Zakat Selangor (LZS) has been mandated for the responsibility of doing promotion, collection and distribution of zakat in Selangor. LZS is an incorporated and trusted body with the role to ensure zakat management is in systematic organization, responsive, efficient and effective. Previously in 1995, the state of Selangor privatised its zakat institution, which was named as LZS, four years after Wilayah Persekutuan Kuala Lumpur privatised its zakat management institution in 1991. Razimi, M.S, Romle, A.R., and Edris, M.F. (2016) stated that the reason for privatization of zakat institutions in Malaysia is to enhance the capability and the effectiveness of zakat collection and the distribution of zakat under the State Islamic Religion Councils.

LZS has shown improvement on zakat management efficiency in terms of collection and distribution over the years. It is proven by the raise in collection year by year, in which the latest annual report of 2018 showed 5% increment with RM793.7 million collection compared to RM757.1 million in 2017. Same goes to the distribution efficiency which has succeeded in assisting eight beneficiaries (*asnaf*) with the increment of 35% from RM616.5 million in 2017 to RM829.9 million in 2018.

In contrast, in Indonesia there are 20 zakat institutions recognized by the Indonesian government through the tax directorate general (https://www.pajak.go.id/id) with the details that the agency/ institution designated as recipient of zakat or donations includes one National Amil Zakat Agency, 15 Amil Zakat Institution (LAZ), 3 Amil Zakat Institutions, Infaq, and Sadaqah (LAZIS). Whereas, the only zakat institution managed by the state is the National Amil Zakat Agency (BAZNAS) which is domiciled in the centre of Jakarta and every province to the region's or cities. BAZNAS reported that, in 2019 they received zakat amount Rp. 1,375,000,244, *infaq* and *sadaqah* Rp. 1,700,750,999, business or development results of Rp. 176,842,278 and non-*zakat*, *infaq* and *sadaqah* funds at Rp. 844,453,205.

This study focuses on the BAZNAS as a zakat institution representing Indonesia and LZS representing Malaysia.

Zakat and Asnaf

Zakat is one of the most important pillars of Islam and it is a mandatory for every Muslim who is financially eligible to contribute for the needs of eight categories of *asnaf*. Zakat is evidence of worship to Allah, as He says "Take *Sadaqah* (alms) from their wealth in order to purify them and sanctify them with it and invoke Allah for them. Verily! Your invocations are a source of security for them, and Allah is All-Hearer, All-Knower" (At-Taubah 9:103). The zakat distribution should be contributed to eight *asnaf* as emphasised in the Quran, as Allah says "*As-Sadaqat* (here it means *Zakat*) are only for the *Fuqara'* (poor), and *Al-Masakin* (the poor) and those employed to collect (the funds); and for to attract the hearts of those who have been inclined (towards Islam); and to free the captives; and for those in debt; and for Allah's Cause (i.e. for *Mujahidun* - those fighting in the holy wars), and for the wayfarer (a traveller who is cut off from everything); a duty imposed by Allah. And Allah is All-Knower, All-Wise" (At-Taubah 9:60). It can be summarised that the *asnaf* includes *fakir*, *miskin*, *amil*, *muallaf*, *fisabilillah*, *gharimin*, *ibnu sabil* and *riqab*.

This study focuses on *gharimin asnaf. Gharimin* is an Arabic word derived from the word *gharim*, which means the person who is bound by the agreement (Muhammad Ruwas Qal'ahji, 2010). In addition, Mujāhid rahimahullah said *gharimin* is a person who bears debts because his house is on fire, or his property is dragged down by flood, or to meet the needs of his family. The *gharimin* definition is different among schools of thought. According to the Hanafi school of thought, the meaning of *gharimin* is those who are in debt and do not have sufficient assets that exceed their debts. While in the Maliki school, *gharimin* is a person who owes and does not have the wealth to pay it where the debt does not involve any immorality elements (Wahbah az-Zuhaili, 2011). Meanwhile, the Syafie and Hanabilah schools categorise *gharimin* into two types; first, those who are indebted to themselves and others owe for virtue or immorality. Second, those who are in debt to reconcile disputes even if they are rich. In addition, Mohammad et al., (2014) discovered that some mazhab Shafi'ie scholars categorise *gharimin asnaf* into four groups:

- 1. People who are indebted to reconciliation,
- 2. People who are indebted to common causes such as celebrating guests, and
- 3. Erecting mosques and building bridges,

- 4. Debt for personal purposes,
- 5. Debt for being a guarantor.

Apart from the definitions above, Ibn Kathir mentioned several conditions of *gharimin* including first, the person who bears the cost of settling the dispute, thus spends his wealth. This kind of person is entitled to get Zakat. With his proposition from the hadith Qabishah bin Mukhariq al-Hilaly, "I took the debt, then I went to the Prophet S.A.W to ask for help". "Wait, until there is zakat, let me order it to be given to you" answered the Prophet S.A.W. Then when the zakat fund came, the Prophet S.A.W said, "O Qabishah, begging is not lawful, except for one of the 3 people, (among them); the person who bears the burden of resolving disputes, it is permissible for him to beg, until you can pay it off, then you can't ask again" (HR. Muslim 2451 and Abu Daud 1642).

Second, people who went bankrupt because of business failure thus bearing the debt. Companions of Abu Said R.A recounted, in the time of the Prophet S.A.W. where there was a merchant who experienced an accident and damaged his merchandise. At the end, he bore a lot of debt. Then the Prophet S.A.W. commanded the companions, "Give alms to him." Many friends gave their zakat, but that did not cover their debt obligations. Then the Prophet S.A.W. asked those who owed him, "Take the wealth that is in that person, and you have no right to take other than that" (HR. Muslim 4064, Abu Daud 3471 and others). Third, those who repent of immorality and that cause him to have a lot of debt. Other than that, *gharimin* who is entitled to zakat is also a person who is in debt to provide for his family's needs, food, clothing, and shelter (Tafsir Ibn Kathir, 4/168).

Generally, Mohammad et al. (2014) discovered that the definition of *gharimin asnaf* by zakat institution in Malaysia is adhered to the mazhab Shafi'ie, however in terms of eligibility, it differs among zakat institutions. In addition, that study stressed that the dissimilarity needs to be coordinated to ensure the effectiveness of zakat distribution. The dissimilarity among them exists to prevent the misuse of the zakat fund, thus, the details of distribution is needed as required by Islamic law. However, each state in Malaysia has its own justification and the uniqueness in handling the case of *gharimin*.

Zakat Distribution Management System

The expertise of zakat institutions in managing systems and distribution management provides impact on the community's trustworthiness. The effectiveness of zakat distribution management must be parallel with the Islamic principles. There are various researches conducted in this area. Hussain, M., and Hairi, M. (2009) formed a model of effective zakat distribution management through leadership, Islamic values and information technology. Abdullah (2017) listed eight principles of zakat distribution in Manual Agihan Zakat LZS, 2004 which comprise trust, inclusive, rights, adequate limits, immediate, priorities, transparent and surveillance. Mansor, N.H, Suyurno, S., Che Man N., (2014) introduced the theoretical framework of the distribution management by zakat institutions.

The framework explained the procedure whereby the zakat payer will pay their zakat to appointed amil or the zakat institution. Then, the zakat payment will be distributed either in the form of financial incentives or non-financial to eight categories of *asnafs* or recipient. The programs will be assisted through program development organized by the respective zakat institutions. At the same time, the programme conducted is monitored to ensure integrity. The development of zakat institutions can also be assessed based on reports and data which are updated from time to time. Zakat institution distribution reports are now accessible to be viewed only through the internet for facilitating the community to evaluate the reliability of management of the zakat institution.

It can be concluded that the zakat distribution by zakat institutions needs to be clearly defined, detailed and acknowledged to all Muslim because it brings the impact of zakat collection through institutions and is able to change the perception of some communities who previously more willing to pay zakat directly to *asnaf*.

RESEARCH METHODOLOGY

This study employs case study method, whereby data are collected through in-depth interview and support by reviewing secondary data such as annual reports and all relevant documents. A case study is a qualitative approach in which the investigator explores a bounded system (a case) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving multiple sources of information (e.g., observations, interviews, audio-visual material and documents and reports), and reports a case description and case-based themes (Creswell, 2007). Thus, the purpose of selecting participants in a small size is to gain in-depth and focused information which does not represent the population and cannot make any generalization (Patton, 1990). This study chooses one zakat institution representing each country where the selection made was based on the highest zakat collection and distribution thereby selecting LZS (Malaysia) and BAZNAS (Indonesia) in this study.

This study employs a semi-structured interview whereby the questions are predetermined, but the sequence and the wording can be modified and added (Myers, 2013; Robson, 2002). The interviews were conducted face-to-face at the zakat institution. Yin (2009) stated that interviews are an essential part of case study evidence. In addition, Eisenhardt and Graebner (2007) emphasized that data collected through interviews are highly resourceful in understanding particular phenomenon provided that the interviews were conducted with knowledgeable informants to preclude biases. The participants consist of two officers from LZS and three officers from BAZNAS. The interviews were conducted in the month of November and December 2019 where each of the session took around 3-4 hours. The thematic analysis was used by using six stages of Braun and Clarke (2006) analysis; transcription of verbal data as initial codes generations, themes searching, themes reviewing, defining and naming themes, and producing a report.

FINDINGS AND DISCUSSION

The discussion focuses on the similarity and dissimilarity which emerged from the findings across two zakat institutions in Malaysia and Indonesia.

Table 1: The Summary of the Findings

Description/ themes	LZS	BAZNAS
Definition of gharimin	Definition of <i>gharimin</i> is obtained from Al-Quran (At-Taubah 9:103, 9:60) and supported by hadith (HR. Muslim 2451 and Abu Daud 1642) according to Mazhab Shafi'ie.	
Identification of gharimin	The <i>gharimin asnaf</i> as a group of zakat recipient in which the criteria have been identified.	The <i>gharimin asnaf</i> as a group that consists of fakir and <i>miskin</i> .

Type of debt allowed for gharimin to apply	Disallowed loan made for personal matters for example personal loan, housing loan, hire-purchase, and loan from any illegal institutions.	
Zakat Distribution Management to gharimin	1.Application - Application for zakat is made through the LZS/ post/ online/ area/ amil assistant. 2.Review - The application documents submitted at any LZS branch will be reviewed. 3.Investigation - Investigations will be conducted to identify the actual needs of the applicants. 4.Report and support - A report with the proposed assistance to the applicant will be made. 5.Approval - The approval process will be conducted in accordance with the Zakat Distribution Eligibility Guidelines and LZS considerations. 6.Application status will be notified to the applicant	1. Complete the application 2. Certificate to proof that the recipient is poor from the village head 3. Proof of debt receipt 4. Gharimin who has completed the administration required by BAZNAS will receive alms assistance to pay off the debt 5. The distribution of zakat assistance is paid directly by the BAZNAS officer to the receivables such as hospital.

Table 1 shows the summary of the findings where it demonstrates the similarity in terms of the definition and the differences on the identification of *gharimin asnaf* and the management of zakat distribution. In general, the *gharimin* definitions used for both LZS and BAZNAS refer to the main sources of Al-Quran and Al-Hadith. The definition used is also according to the school of Imam Syafie which adheres to both countries.

Nevertheless, the criteria for selection of *gharimin asnaf* according to both zakat institutions in Malaysia and Indonesia are slightly different. The *gharimin* criteria in the LZS are determined by the Fatwa of the Selangor State Government, which differentiates the *gharimin* from other remaining seven *asnaf* groups. In terms of zakat distribution, in 2018, three schemes of *gharimin asnaf* were managed in LZS consisting of Dialysis Debt Relief Scheme, Medical Debt Relief Scheme, and Debt Relief Scheme for Life Necessities. On top of that, the criteria of *gharimin* selection were approved by the Department of Shariah in LZS.

Thus, study conducted by Mohamed, M. F., Mutalib, L. A., Awang, M. S., and Zahalan, N. M. H. (2018) uncovered that the assistance provided by LZS was accurate and appropriate under Islamic law, based on the requirement and characteristics set by LZS, which involved the financial problem faced by the chronic patients, hence the *asnaf gharamin* element is more explicit and practical. Therefore, this study supports the steps taken by LZS in helping the community from the point of easing the burden of hospital charges. However, LZS also considers any special cases application for example to support burial cost over the unclaimed body.

While in BAZNAS, there is no specific criteria in recognising *gharimin asnaf*, in which the *gharimin* consists of *fakir* and *miskin* group who needs medical assistance, a person who is unable to settle the medical charges as well as other unique cases. BAZNAS has also committed in channelling unplanned assistance several times for instance; to help a number of migrants from Java who were lost in the city of Medan. They became victims of labour broker scams, so they got lost in Medan and ran out of fees to return to Java. In summary, the identification of *asnaf* poses a challenge for zakat institutions. This was highlighted by Makhtar, A.S and Abdul Wahab, A., (2010). Each case is unique and has justification that requires investigation and scrutinization by zakat institutions.

In terms of zakat distribution, Table 1 shows that both zakat institutions have clear and systematic work procedure in the distribution for *gharimin*. The selection of *asnaf* was made properly through investigation and most distributions were made directly to parties involved such as hospitals. Both institutions have elements of investigating, screening, controlling and verification in managing their zakat fund. This shows the institutions' credibility in managing zakat fund. It is important to note that a systematic and effective distribution of zakat has a positive impact on society and the country (Mansor et al., 2014). The ability and efficiency of the LZS has been proven after its incorporation since 1995, which demonstrates the increase in zakat collection and optimal zakat distribution (Wahid, H., Ahmad, S., Nor, M. A. M., & Rashid, M. A., 2017). The study also reveals that LZS is expanding the zakat distribution significantly towards *asnaf al-riqab*, *asnaf ibn-sabil* as well as *asnaf gharimin*. Correspondingly, Makhtar, A.S and Abdul Wahab, A., (2010) discovered that LZS had embedded the corporate values into the management system which led to an increase in services that has transformed the image of the institutions into reputable organizations. This shows that the collection of zakat increases drastically every year.

It is important for zakat institution to be effective, efficient and transparent in managing zakat fund by improving and escalating the zakat collection. Although this study shows that there is establishment of standard operating procedure on zakat distribution in BAZNAS, however it is still not in optimal condition (Nasution, E. Y., Ismail, M. A., & Wahid, H., 2017). The study revealed that majority the people inMedan are not aware about BAZNAS' existence and roles. The people in Medan are also found to be paying their zakat to mosque or directly to *asnaf* which suggests that BAZNAS should improve their role in order to increase zakat collection through their organization. It is crucial for zakat institutions to initiate promotion of their roles to the community and at the same time strengthen their management system to gain *muslim*'s confidence, to exhibit the credibility in managing zakat collection and distribution; and at the same time enhance the zakat collection to be distributed to the *asnaf*.

RECOMMENDATIONS

Overall, there is room for improvement for both institutions. The recognition of *asnaf gharimin* should be clear identified, so that only qualified persons (*gharimin*) can receive such assistance. This will enhance the efficiency of zakat distribution specifically for *asnaf gharimin*.

Both institutions need an efficient and effective model in financing debt for *gharimin* so that the issues of indebtedness among Muslim can be well-managed and under good control. Specifically, BAZNAS needs to enhance the personal data of the *asnaf* through a reliable system whereby the system needs to integrate with other zakat institutions to avoid misuse of funds. At the same time, zakat institutions need to establish a robust financial management training model specifically for *gharimin asnaf* in collaboration with other agencies.

There is also a need for support systems for *gharimin* to manage their financial and emotional disruptions to survive the debt crisis. The gap between financial literacy as well as

lifestyle and demand for financial products from various financial institutions is also a major challenge for those living in debt for both countries.

Both countries need to emphasize early financial literacy education which can be strengthened through higher education system. In Malaysia, the government has taken various initiatives to raise public awareness on good financial management, including the establishment of the Agensi Kaunseling dan Pengurusan Kredit (AKPK), the implementation of the National Strategy for Financial Literacy 2019-2023 and the proposed enactment of the Consumer Credit Act which are expected to further strengthen household resilience and mitigate future risks.

In addition, both institutions should actively collaborate with other institution to seek Muslim debtors. This is because, a decent Muslim normally never ask for help because of embarrassment. Ideally, zakat institutions need to put an effort and initiate to find this particular group. As a summary, both institutions can adapt and adopt the best practices of zakat distribution management for their continuous improvement.

CONCLUSION

It can be concluded that there are similarities and differences on the definition, *gharimin* criteria and also zakat distribution between both zakat institutions. From the economics point of view, we can see the difference between household debt and poverty rates in both countries. The findings of this study clearly demonstrated that Malaysia, even with high indebtedness (83% of GDP) as well as low poverty rates can implement fair zakat distribution to the *gharimin* as well as other groups of *asnaf*. The higher household debt shows that Malaysians are eligible to make loans from financial institutions. This also is the cause of financial difficulties faced by Malaysian where it can lead to insufficient contingency money, which is exactly what *gharimin asnaf* always face.

In contrast, Indonesia with low rates of indebtedness (10.3% of GDP) and high poverty rates (9.82 percent from the total Indonesia population) do not specifically determine the *gharimin* as one of zakat recipients. However, they determine that *gharimin* is a part of *fakir* and *miskin* people. This is in line with the situation in which the *fakir* and *miskin* are given priority in zakat distribution. The zakat institutions which are supported by both governments can be enhanced by understanding the superior practices by each zakat institution thus, the contribution towards continuous improvement can be suggested for particular zakat institution.

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