



THE NEED FOR REVITALIZING ZAKAH REGULATION TOWARD ZAKAH PRODUCTIVE

YUSUF QARADAWI PERSPECTIVE IN *FIQH AL-ZAKAH*

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Abstract

Zakah management needs to be revitalized as the results achieved are far from the goals set. The efficient collection of zakah will contribute to people's welfare. This study analyzes Yusuf Qaradawi's productive zakah perspective in *Fiqh al-Zakah* to examine the regulation of management zakah in Indonesia. Adopting Qaradawi's thought, the government should develop the zakahs' rules, management, and implementation. The government also needs to re-regulate zakah from Muslim communities, such as zakah of professions, agriculture, plantations, gold, silver, and the like. Likewise, if the zakah provisions have been reached (*nisab* and *haul*), the government must take zakah out from savings or deposits owned by Muslim communities in banks.

Keywords: *Regulatory Construction, Productive Zakah, Yusuf Qaradawi, Fiqh al-Zakah.*

Introduction

The collection of zakah funds in Indonesia should have been directed and optimal, but it has yet to be as expected. Various institutions can prove

that the results of the zakah collection still need to be closer to the predetermined target. The potential for zakah in 2020 reached IDR 327.6 trillion. However, its realization only reaches IDR



71.4 trillion, or around 21.7%.¹ The decline in the collection of zakah funds is due to missed management and a lack of awareness of obligatory zakah.

As a result of the decline in the collection of zakah funds, the totality of this instrument cannot be carried out optimally.² The assumption of zakah as a path to prosperity is just wishful thinking. Zakah should be the numerous significant incomes in Indonesia because it is relevant to the volume of the Muslim population of 236.53 million people, or about 86.88%.³

The prospect of substantial income from this zakah fund can be distributed to various fields for the community's actual needs.⁴ Zakah funds can be applied productively based on a compre-

hensive Islamic economy. Thus, zakah has an outstanding potential to alleviate poverty and prosper the community.⁵

Zakah has the main objectives of alleviating poverty, increasing income distribution and social security, and allocative efficiency in stimulating the growth economy. However, it cannot be achieved in an implicative setting if the policy is not evaluated.⁶

According to Hushnah,⁷ productive zakah can contribute to productive zakah management aims to prosper *mustahiq* (beneficiaries of zakah) optimally, and the management of productive zakah is by Islamic law, such as the perspective of Yusuf Qaradawi. Zakah funds can be loaned for productive purposes by providing benefits for an extended period and on the condition that they become must hiki by Islamic

¹ Fahreza Rizky, "New Realization of 21.7 Percent, Vice President: Implementation of Zakat in 2021 Needs to be Improved," *IDX Channel*, April 05, 2021, <https://www.idxchannel.com/syariah/realisasi-baru-217-persen-wapres-implementasi-zakat-2021-perlu-ditingkatkan>.

² Rozalinda, *Islamic Economics: Theory and its Application to Economic Activity* (Jakarta: Rajawali Press, 2014).

³ P. Utami, B. Basrowi & M. Nasor, "The Role of Digital Zakat Towards Economic Development at Slums in Indonesia," *Asian Journal of Business Environment* 11, no. 3 (2021): 45-51, DOI: 10.13106/ajbe.2021.vol11.no3.45.

⁴ E. Suprayitno, "The Impact of Zakat on Economic Growth in 5 States in Indonesia," *International Journal of Islamic Banking and Finance Research* 4, no. 1 (2020): 1-7, DOI: 10.46281/ijbfr.v4i1.470.

⁵ Y. Wibisono, *Managing Indonesian Zakat Discourse on National Zakat Management from the Regime of Law Number 38 of 1999 to the Regime of Law Number 23 of 2011* (Jakarta: Kencana, 2015).

⁶ M Zidny Nafi Hasbi & Ipuk Widayanti, "Zakah Contribution for Community Economic Development with Analytical Networking Process Method," *Bulletin of Islamic Economics* 1, no. 1 (2022): 39-49, DOI: 10.14421/bie.2022.011-04.

⁷ Z. Husnah, "Pengelolaan Zakat Produktif Perspektif Yusuf Qardhawi: Studi di Pusat Kajian Zakat dan Wakaf 'El-Zawa' Universitas Islam Negeri Maulana Malik Ibrahim Malang," *Sakina: Journal of Family Studies* 5, no. 2 (2021), <http://urj.uin-malang.ac.id/index.php/jfs/article/view/743>.

principles and appropriate zakah management.

In his research, Nurlaelawati⁸ explains that the implications of optimizing zakah can be realized by adopting the zakah system offered by Yusuf Qaradawi. She emphasized that the government needs to focus on more than voluntary zakah, which only fulfills the minimum life needs. Nevertheless, zakah should be the answer to cover all the community's needs—although most of Indonesia's revenue is generated from taxes.

In his research,⁹ Riyaldi stated that the principle of zakah in Islamic sharia in overcoming poverty aims to alleviate poverty: 1) Islam suggests working as the primary means of overcoming the problem of poverty; 2) Not all needy have the right to receive zakah. It means that there are poor and needy who are not entitled to receive zakah; 3) Some poor and needy are assisted with zakah funds to work to earn (productive) income, while others are given zakah funds in consumptive form.

⁸ E. Nurlaelawati, "Zakat and the Concept of Ownership in Islam: Yusuf Qaradawi's Perspective on Islamic Economics," *Al-Jami'ah: Journal of Islamic Studies* 48, no. 2 (2010): 365–385, DOI: 10.14421/ajis. 2010.482.365-385.

⁹ Muhammad Haris Riyaldi, "Kedudukan dan Prinsip Pembagian Zakat dalam Mengatasi Permasalahan Kemiskinan: Analisis Pandangan Yusuf Qardhawi," *Jurnal Perspektif Ekonomi Darussalam* 3, no. 1 (2017): 17–27, DOI: 10.24815/jped.v3i1.6989.

Iqbal's research¹⁰ results also strengthened Riyadi's research. It was based on Yusuf Qaradawi's opinion that the community's economic empowerment through productive zakah was aimed at the people's economic problems and steps to improve zakah management, involving individuals, communities, and government as implementing subjects. It is then distributed to *mustahiq* zakah with the principle of Priority Fiqh, which prioritizes the poor and is accompanied by theoretical-ideal operational steps to achieve the minimum and even maximum standards of people's economic welfare.

Qaradawi emphasized that zakah must go hand in hand with taxes to achieve people's welfare. Therefore, this study aims to analyze the zakah collection system for the government based on Qaradawi's perspective in *Fiqh al-Zakah*. He said that people entitled to take zakah do not work but focus on scientific fields that benefit society. Meanwhile, people who are not entitled to take zakah are people who can work but choose to be lazy and people who choose to focus on worship only.¹¹

¹⁰ Iqbal M Nur, "Pendayagunaan Zakat Produktif Dalam Pemberdayaan Ekonomi Umat Menurut Yusuf Qardhawi," *Jurnal Landraad* 1, no. 1 (2021): 22-42, <https://jurnal.islahiyah.ac.id/index.php/jes/article/view/27>.

¹¹ Yusuf Qaradawi, *Fiqh Jihad*, trans. Irfan Maulana Hakim, Arif Munandar Riswanto (Bandung: PT. Mizan Pustaka, 2010).

Zakah on Qaradawi's Perspective

Zakah means purifying oneself, soul, and property. A person who pays zakah implies that he/she has been blessed and purified her/his soul and wealth from the rights of others. Zakah also means *al-ziyadah* (growing and developing) and *al-barakah* (blessing or added goodness).¹² Be it zakah *fitra* or zakah *maal* must be carried out for Muslims who have met the requirements. These are then distributed to specific institutions or individuals included in the eight criteria determined.¹³ Thus, zakah is imposed on wealth that have the potential to be developed.¹⁴

Al-Qaradawi states that the zakah is a particular part of the property owned that Allah has obliged to be given to *mustahiq*. Zakah is always given in financial wealth, whether cash, crops, agricultural products, gold, or silver hoarded.¹⁵

¹² Abdul Rahmad al-Jaziri, *Al-Fiqh ala al-Madhahib al-Arba'a* (Lebanon: Dar al-Kutub, 1986).

¹³ R. Razali, S. Febriansyah & S. Darni, "Revitalization of Productive Zakat and Productive Waqf as Poverty Alleviation," *J-ISCAN: Journal of Islamic Accounting Research* 1, no. 2 (2019): 97–106. DOI: 10.52490/j-iscan.v1i2.704.

¹⁴ Chaidir Iswanaji et al., "Implementation of the Analytical Networking Process (ANP) of Zakat Distribution on Sustainable Community Economic Development," *Tabarru' Journal: Islamic Banking and Finance* 4, no. 1 (2021): 195–208, DOI: 10.25299/jtb.2021.vol4(1).6681.

¹⁵ Ahmad Sarwat, *Encyclopedia of Indonesian Jurisprudence 4: Zakat* (Jakarta: PT. Gra-

The well-known Pakistani writer and activist Abu al-A'la al-Mawdudi said that the Qaradawi's *Fiqh al-Zakah* is the most comprehensive work in zakah of Islamic jurisprudence (*fiqh*). According to Qaradawi, zakah means something holy that grows and develops. Growth and purification are not only linked to wealth but also to those who pay zakah.¹⁶

Zakah means to give a certain amount of wealth to those entitled. In this sense, scholars from various schools of Islamic law give different definitions of zakah. However, they agree that zakah is obliged to fulfill obligations on property that have reached one year (*haul*).¹⁷ The obligation of zakah in Islam lies in ownership (*al-milk*). The zakah *al-mal* (wealth and property) is then defined differently. The Shafi'i, Maliki, and Hanbali argue that *al-mal* includes results (*al-manafi'*) and material (*al-a'yan*). Hanafi states that *al-mal* only includes material because it only can be owned and utilized. Thus the results obtained cannot be considered as *al-mal*.¹⁸ In such a case, Qaradawi tends to agree with the definition of *al-mal* given by the Hanafis. For Qaradawi, the definition given by the Hanafis is closest to the literal meaning

media Pustaka Utama, 2019).

¹⁶ Yusuf Qaradawi, *Fiqh al-Zakah* (Cairo: The Maktabat Wahba Zuhaili, 1994).

¹⁷ Al-Zuhayli, *al-Fiqh al-Islam wa-Adilatuhu* (Damascus: Dar al-Fikr, 1997).

¹⁸ Qodariah Blessings, *Jurisprudence, Alms, and Waqf* (Jakarta: Prenademia Group, 2020).

of *al-mal*. This definition, depending on Qaradawi, can be related to the principle of the obligation of zakah. He claims that zakah is only applied materially (*al-a'yan*) and not proceeds (*al-manafi'*) because the proceeds cannot be stored in the general treasury (*bayt al-mal*), or they can be distributed to the beneficiaries of zakah.¹⁹

It seems clear that Qaradawi defines *al-mal* as a zakah obligation that can only be imposed on material owned by Muslims. Furthermore, zakah is not only aimed at fulfilling the *bayt al-mal* and helping the poor. However, the main goal is that wealth has a use value for welfare, and possessions do not enslave humans.

In his book, Qaradawi explains some of the goals and impacts of zakah as follows:²⁰

- a. Zakah purifies oneself from stinginess. Zakah, out of obedience to Allah, will purify oneself from sins. Zakah purifies from stinginess and is determined by generosity and joy when spending wealth only because of Allah. Zakah, which purifies oneself, will also escape from the shackles of worldly possessions.

¹⁹ Hasbi & Widayanti, "Zakah Contribution for Community Economic Development with Analytical Networking Process Method."

²⁰ Lukman Mohammad Baga, "Sari Penting Kitab Fiqh Zakat Dr. Yusuf Qadharawy," *Yusuf Qardhawi*, New Zealand: Dept. of Agr. Economics and Business, Massey University Palmerston North (1997): 1-33.

- b. Zakah teaches *infaq* and charity. Charity is the moral specialty highly praised in the Qur'an, which is always associated with faith and piety. People who are taught to be ready to spend their wealth as proof of love for their brothers in the context of the benefit of the *ummah*, of course, will be very far from wanting to take other people's property by looting and stealing or corruption.
- c. Zakah purifies the heart of profane. Immersion in worldly-minded can turn the soul away toward faith in Allah and the hereafter. It is an endless circle. The Islamic Shari'a breaks this circle by obliging zakah to erode the lust for the world.
- d. Zakah develops non-physical wealth. The practice of zakah encourages people to get rid of egoism, eliminate feelings of the weakness of the soul, and on the contrary, raise a big soul and foster optimism.
- e. Zakah attracts empathy. Zakah will make someone has empathy for the weak and the poor. Zakah dissolves the envy of the poor, who can threaten the rich by showing sincere prayers from the poor.
- f. Zakah can purify wealth from mixing with the rights of others, but zakah cannot purify property obtained by unlawful means.

g. Zakah can develop and provide wealth blessings. Allah will replace it many times. So, there is no worry that wealth will be reduced by zakah.

The method used in this research is normative research, using the legislation approach and figures' thoughts. Normative legal research is a process of finding the rule of law, legal principles, and legal doctrines to answer the issues or problems. This study's sources of data are secondary data obtained from legislation, scientific journals, and legal literature. The data analysis technique used in this research is qualitative analysis with a library research approach.



The flowchart above describes the phases of qualitative research in this literature study which was carried out by collecting and selecting primary and secondary references. This study classifies data based on the research formula. In the advanced stages, data processing and or reference citations are carried out to be displayed as research findings, abstracted to obtain complete informa-

tion, and interpreted to produce knowledge for conclusions to be drawn. The interpretation stage uses analysis or approaches, for example, philosophical, theological, Sufistic, exegesis or *sharah*, and others.

The Government Regulations Efforts towards Productive Zakah in Qaradawi's *Fiqh al-Zakah*

The relationship between the government and zakah is very close; this is based on the expression of the Prophet Muhammad that the government has the authority to collect and distribute zakah among Muslims.²¹ More technically, Rasulullah emphasizes the field of *'amil* (zakah), which consists of (1) *Katabah*, the officer who records the obligatory zakah, (2) *Hasabah*, the officer who assesses, and calculates zakah, (3) *Robes*, the officer who withdraws or takes zakah from *muzaqqi*, (4) *Khazannah*, an officer who collects and maintains wealth, and (5) *Qasama*, an officer who distributes zakah to *mustahiq*.²²

²¹ Chusainul Adib, "Peran Negara dalam Pengelolaan Zakat Umat Islam di Indonesia," *Jurnal Nestor Magister Hukum* 1, no. 1 (2017): 28, <https://jurnal.untan.ac.id/index.php/nestor/article/view/22564>.

²² Faisal, "Sejarah Pengelolaan Zakat di Dunia Muslim dan Indonesia: Pendekatan Teori Investigasi-Sejarah Charles Peirce dan Defisit Kebenaran Lieven Boeve," *Analisis: Jurnal Studi Keislaman* 11, no. 2 (2011): 241–271, DOI: 10.24042/ajsk.v11i2.612.

Many companions received a particular task from the Prophet Muhammad as zakah officers for each people and ethnic group who had converted to Islam, namely officers who collected zakah from the rich and distributed it to the mustahiq. The same is true for what the Khulafaur Rashidin has done. The Islamic jurists (*fuqaha*) have divided the wealth obligatory on zakah into physical (*zahir*) and non-physical wealth.²³

Az-Zahir asserts that others can know precisely, such as animal farming and agriculture. Otherwise, the non-physical wealth can only know by the owner, such as money, deposits, and the like—it is stated whether zakah from these two types of wealth should be handed over to the government. Some say it should be both, but some say that zakah on *zahir* wealth is enough, while zakah on non-physical wealth is left to individuals to distribute directly. The first opinion refers to what the Prophet, Abu Bakr, and Umar did. In contrast, the second opinion refers to what Usman bin Affan did, where the wealth of the Muslims had increased at that time. He saw the benefit of handing over the expenditure of zakah on the non-physical wealth to the owner, based on

²³ Z. Abdillah, "Telaah terhadap Fikih Zakat Konvensional: Upaya Rekonstruksi Fikih Zakat agar Lebih Fungsional dan Berdaya Guna," *Al Amin: Jurnal Kajian Ilmu dan Budaya Islam* 1, no. 1 (2019): 34–63, DOI: 10.36670/alamin.v1i1.2.

consensus companionship so that each wealth owner seems to represent the ruler.

Qaradawi draws a common thread in two points regarding differences of opinion among scholars and schools of thought:

1. Among the rights of the ruler is to demand his people to issue zakah in any kind of wealth, both physical and non-physical wealth, especially if the ruler knows the state of his country's people are lazy in issuing zakah, as has been commanded by Allah. The difference of opinion above arises because the authorities do not ask for it. As for if the ruler asks, then zakah must be submitted based on the consensus of the scholars.
2. If the government allows zakah affairs and does not ask for it directly, the zakah responsibility does not fall on the property owner. It is a definite issue (*kath'i*) in which there is no difference of opinion. In this case, the wealth owner must issue it himself to his must-hike because zakah is a worship and religious obligation.

Make it clear that the point of the difference is whether the government must demand and remind its people to issue zakah regularly because it is the obligation of every citizen for the

people. Vice versa, as a good citizen and understanding the benefit, it is obligatory to collect zakah, both physical and non-physical wealth, then submit it to the zakah institution that the government manages. So people should not just wait for the government to collect their zakah but must independently pay zakah.

Some modern scholars tend to rely on the role of the government in collecting zakah due to the following arguments:

1. Many people left zakah's obligation on all types of wealth, both physical and non-physical. Let the rulers take it by force.
2. In general, the types of wealths today are physical wealth, which can be known by people other than the owner himself; for example, other parties can quickly identify deposits in a bank.

Zakah is an individual right that Allah obligates to the Muslims that is intended for them, which in the Qur'an is called the poor and others. It becomes a sign of gratitude for the blessings of Allah and to draw closer to Him and purify themselves and their wealth.

However, the question is, can zakah and taxes go hand in hand in a country? Can this be applied in Indonesia, which is not a Muslim country, but most of the population is Muslim? Does it not burden the Muslim community because

they have to pay twice, namely zakah and taxes? Qaradawi explained that this could be done even though the nature of the two is different. Tax is an obligation imposed on taxpayers, which must be deposited to the state following the provisions, without getting the achievement back from the state and the proceeds to finance general expenses on the one hand and to realize some economic, social, political, and other objectives. Other things that the state wants to achieve are.

The following are some of the differences between zakah and taxes:

1. The terms tax and zakah have different meanings and purposes. Zakah means holy and growing, while tax or *dharana* means tribute. The nature and purpose of zakah are related to worship to get closer to Allah. In comparison, taxes are related to citizen compliance with government regulations.
2. Taxes and zakah have different procedures and conditions. The procedures, conditions, and amount (*nisab*) of zakah are determined by Shari'a which cannot be reduced or added, while taxes can change according to government policy.
3. The sustainability and continuity of zakah are fixed and continuous, while taxes can change.
4. Regarding the expenses, the target of zakah is clear—taxes for general

- state expenditures.
5. The relationship with the authorities The relationship between taxpayers is very close and depends on the authorities. The obligatory zakah relates to his Lord. If the ruler does not play a role, the individual can issue it individually.
 6. The intent and purpose of zakah have a higher spiritual and moral purpose than taxes.

Even though zakah and taxes are essentially different, the government makes its state revenue for the welfare of the people. Therefore, zakah must be applied under Shari'a and its primary function: to build social solidarity.²⁴

Zakah is not applied to build infrastructure facilities. If in the past, the Islamic government obtained income from the *kharaj* (spoils of war) to finance particular needs, then, for now, Qaradawi supports the opinion of the *ulama*, who argue that the government can force the rich to pay taxes.

The Role of Government Regulations in Zakah Management

Zakah is one of the pillars of Islam as the foundation of Islamic law. The position of Islamic law in Indonesia is

²⁴ M. Zidny Nafi' Hasbi, Chaidir Iswanaji, Aziz Muslim, "Ijarah Collaborative Service Model in Sharia Banking," *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)* 5, no. 2 (2022): 702–718.

explicitly stated in Article 29 of the 1945 Constitution, which states that the state is based on one God and guarantees the independence of each population to carry out worship based on their religion and beliefs

Islamic law in Indonesia applies normatively and formally juridically. Normatively applicable Islamic law is part of the Islamic law that has social sanctions if norms are violated. The strength of sanctions in society depends on the strength and weakness of Muslim awareness of the normative norms of Islamic law. Many Islamic laws apply normatively in Indonesia, one of which is zakah worship. Due to its nature, Islamic law emphasizes the awareness of Muslims' faith.

Seeing that the potential for zakah in Indonesia is enormous, it is regrettable if tax collection needs to be appropriately realized. Based on data and facts in the field, many Muslim residents leave their zakah obligations. Whereas for Muslims, zakah is an act of worship that must be done to purify their belongings. Furthermore, the potential of zakah in Indonesia should be considered. For this reason, the government should revitalize policies so that tax collection in Indonesia is more effective and impacts the country in general, especially the Muslims.

Adopting the Qardhawi's thoughts, the Indonesian government has the right

and obligation to manage zakah properly. The government does not only focus on voluntary zakah but also has to collect zakah from physical and spiritual wealth. Namely, the material owned by the Muslim population is produced by zakah from professions, agriculture, plantations, and livestock. In addition, the government must also directly issue zakah from savings in banks owned by Muslim people.

Nevertheless, the question is, what if the amount of Muslim savings is not known by the government? Qaradawi revealed that the zakah responsibility does not fall from the property owner. It is a definite issue (*kath'i*) in which there is no difference of opinion. The property owner must issue it himself to his must-hike because zakah is a worship and religious obligation. So the awareness of property owners also needs to be considered to assist the government in realizing prosperity.

Conclusion

In achieving efficient zakah management, the government has an important role and responsibility. Namely, the government must evaluate the policy for collecting zakah in Indonesia because it is felt that this needs to be appropriately implemented even far from the specified target. Adopting Qaradawi's thought, the government should develop regulations and management of zakah imple-

mentation. The government also needs to regulate zakah from Muslim communities, such as zakah for professions, agriculture, plantations, gold, silver, and the like. Likewise, if the zakah provisions have been reached (*nisab* and *haul*), the government must take zakah from savings or deposits owned by Muslim communities in banks.

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