



ISSUES AND CHALLENGES OF ZAKAT INSTITUTIONS ACHIEVING *MAQASID SYARIAH* IN MALAYSIA

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ABSTRACT

Zakat institutions in Malaysia oversee the obligatory Islamic donations, which have improved the poor and needy's socio-economic conditions through innovative programs. These income-generating programs, which zakat recipients participate in, have enabled people to improve their livelihoods. These programs allow zakat recipients to become business owners with the ultimate goal of becoming zakat payers themselves. However, despite all assistance extended, the number of entrepreneurial failures among *asnaf* entrepreneurs is quite alarmingly high. Inadvertently, the fulfillment of *Maqasid Syariah*, the goals or objectives of Islamic law, is still lacking since identifying the rightful recipients from potential

recipients is quite challenging. A successful entrepreneur requires motivation, so recipients should be motivated. If the best recipients are not identified, then there must be flaws in the system, so pinpointing those areas for improvement becomes critical. Not only that, once motivated recipients are found, which of these recipients will follow *Maqasid Syariah* to become zakat payers? In view of these issues, this paper proposes three main pre-selection areas for *asnaf* entrepreneurs, including a look at the three participants, namely, the zakat recipients, the zakat institutions, and the zakat payers. A thorough understanding of these participants, for future successful zakat process implementation, is crucial. However, the main areas discussed are based on a participant's pre-selection which (1) measures their entrepreneurial intent, or motivation, by using an entrepreneurship index to identify true potential *asnaf* entrepreneurs, (2) a proposal to appoint village headmen who collaborate with local imams to verify potential recipients for better zakat management, and (3) an allocation of capital for targeted Millennial *Asnaf* who would use the money to initiate their entrepreneurial ventures on a small scale so they can increase the success of the Islamic zakat system.

Keywords: Zakat Institution; *Asnaf* Entrepreneurial Program; *Maqasid Syariah*

INTRODUCTION

Zakat institutions in Malaysia have been recognized as an Islamic body that ensures social balance in Muslim communities (Ali et al., 2015). Zakat institutions hold their positions by eventually achieving equitable income, after transmitting assistance, to the less fortunate through zakat (Rahman et al., 2012; Saad et al., 2014). Zakat is a tool that clarifies brotherhood, and by which the Muslim who is qualified by criteria is obligated to share a portion of their own wealth (Ahmad et al., 2015; Ali et al., 2015; Hapsari & Abidin, 2016). Meanwhile, the less fortunate Muslim is regularly given zakat assistance, thus enabling the poor households to move up to a higher *socio-economic* status through these donations (Abdullah et al., 2016; Kartini, 2016). In addition, special initiatives known as entrepreneurship programs have been introduced to develop entrepreneurship skills among the poor

households, particularly for the poor and needy *asnaf* communities (Rahman & Ahmad, 2011; Yaacob et al., 2015; Hassan & Rom, 2016).

The entrepreneurship program called Asnaf Entrepreneurial Program (AEP) was initiated to provide financial capital to rightful recipients to establish a new venture or expand an existing business (Muhamat et al., 2013; Hassan & Rom, 2016; Marzuki et al., 2019). The capital assistance was allocated to recipients based on the type of business as well as business capacity (Yaacob et al., 2015). The improvements made by zakat institutions throughout the entrepreneurship program have been to support *asnaf* who generate their own income to become independent, financially free, and who have improved their own livelihood (Ali et al., 2015; Muhammad & Saad, 2016; Marzuki et al., 2019). Besides this, the improvement in their living standard has enabled *asnaf* to transfer from being the recipient of zakat to becoming a contributor of zakat (Khalil et al., 2013), and thus close the gap in the cycle of poverty (Haron et al., 2010; Rahman et al., 2012). This is akin to *Maqasid Syariah*, which pertains to an ummah's challenge to improve the balance in socio-economic factors that can mend income disparity, establish human rights, create social justice, and empower the poor through poverty reduction (Ali et al., 2015; Muhammad & Saad, 2016).

Despite strategies that have emerged and assistance extended, the fulfilment of *Maqasid Syariah* is still greatly lacking since identifying the rightful recipients from the potential recipient database is quite challenging. Experience has shown that the percentage of recipients who are no longer in business among *asnaf* entrepreneurs is still frighteningly high since, from 85 participants selected in the program, only 24 percent can be deemed successful businesses which have moved the *asnaf's* status out of poverty (Hassan & Rom, 2016). It is feared that those no longer in business may break the motivation of other *asnaf* to start businesses the next time programs are offered (Raudha et al., 2011). This indicates that programs may end up being elaborately designed but, unfortunately, provide little to no benefit to the *asnaf* to change their life for the better (Muhamat et al., 2013). This also illustrates that those no longer in business still depend on zakat monthly assistance. This uses

potential business capital resources which could best be used to generate long term income for potentially the entire community, instead of being utilized as a hand-out. In this view, this article has sought the answers to the issues and challenges of zakat institutions in four areas to identify genuine future *asnaf* entrepreneurs through entrepreneurship index, motivation, improving zakat management, creating zakat payers, while achieving all through *Maqasid Syariah* in Malaysia.

DEFINITION OF ASNAF

Asnaf refers to the group of eligible people to receive alms called zakat from zakat institutions, which are for improving the socio-economic conditions of the poor and needy (Khairuldin & Mohammad, 2013). Out of eight groups mentioned in Surah al-Baqarah, the needy (*fuyqara*) and the poor (*masakin*) are the two main groups of *asnaf* eligible to receive aid, in Malaysia, through local and development agencies for poverty alleviation. According to the council of *ulama*, the meeting of Islamic Religious and Customs Council, the needy refers to a Muslim who does not even reach half of the income needed for *had kifayah*, for themselves or their dependents. *Had Kifayah* are the elements that allow a person to sustain key life needs such as food, shelter, clothing, medicine, transportation, and education. The poor are those who sustain fifty percent of needs for themselves and their dependents but still do not achieve *had kifayah*. From a Malaysian perspective, the poor are defined as those who receive income below the Poverty Line Income, while the needy or hard-core poor (*fuyqara*) refers to those who receive half the income or less of the Poverty Line Income (Lehar et al., 2014; Ali et al., 2015).

ASNAF RECIPIENTS AT GLANCE

Asnaf recipients receive zakat distributions from a relevant authority as a way to reduce their economic burden and poverty (Ibrahim, 2008; Ali et al., 2015; Muhammad & Saad, 2016). These charity recipients are often viewed as less visionary since they cannot change their lives (Khalil et al., 2013). Thus, creating entrepreneurs among *asnaf* is essential so that they can generate their own income through

entrepreneurial activity (Zakaria & Malik, 2014; Muhammad & Saad, 2016). This program is seen as a viable mechanism to convert the *asnaf* from being the recipients of zakat to becoming contributors of zakat (Khalil et al., 2013) so that they can escape the poverty trap (Muhammad & Saad, 2016; Azman et al., 2017). The program aims to improve the lives of the recipients involved in business through capital allocation to generate their own income without expecting more help from zakat (Abdullah et al., 2016). The program has a significant impact since *asnaf* can provide the social-economic solution for themselves (Din et al., 2019).

ENTREPRENEURIAL *ASNAF* DEVELOPMENT

The development of *asnaf* for poverty alleviation has seen the emergence of policies and plans which have been implemented so that the *asnaf* community would not be left behind in society. Despite a new program specifically for income-generating activities, zakat Institutions has supported economic development by producing entrepreneurs among *asnaf* so that their lives can change for the better (Muhamat et al., 2013; Meerangani, 2019). An entrepreneur is an individual who establishes and manages a business for the principal purpose of profit and growth. The entrepreneur is characterized principally by innovative behavior and will employ strategic management practices in business (Gartner et al., 1989). Thus, the productive *asnaf* are encouraged to generate their own income through an entrepreneurial program, which has been introduced, to establish an entrepreneurial venture within the *asnaf* community.

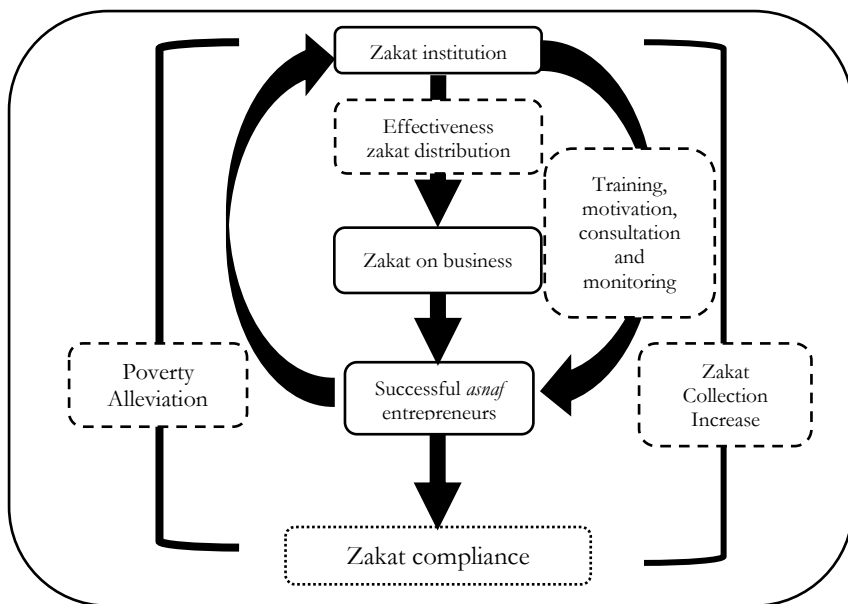


Figure 1: The Concept of *Asnaf* Entrepreneur

Figure 1 illustrates the continuity of entrepreneurial *asnaf* development through all means. In this regard, the zakat institution effectively distributes the business assistance scheme to the rightful *asnaf* to establish a new venture or to help established entrepreneurs expand their businesses. This scheme has exposed the needs of an entrepreneur for elements such as capital, facilities, motivation, consultation, and monitoring.

Also, zakat provides knowledge transfer, education, nurturing, and development to recipients to improve zakat compliance (Raudha et al., 2011). Since zakat compliance is essential to the programs' success, the attitude of the recipient is an aspect to be considered in a successful entrepreneur. A positive attitude with the right mindset would enable individuals who intend to start a business to take action by undertaking correct business preparation (Hassan & Buang, 2017). Successful entrepreneurs exist when they implement all new business needs, so by becoming a zakat contributor, they will fix the Turning Over Model, which aims to increase the collection of zakat. In addition, the development of entrepreneurial *asnaf* is a spotlight on

the importance of Islamic values to solve the ummah's issue of the success of the Islamic zakat system.

RESEARCH METHODS

As a starting point, the study reviewed journal articles specifically about zakat institutions and the recipients, as they relate to the issues and challenges in fulfilling the objectives of *Maqasid Syariah*. Based on the findings and recommendations from relevant articles, essential points of the issues and challenges were considered to be included in the current study. This paper combines and integrates issues raised by zakat institutions in their efforts to improve the socio-economic conditions of the poor and needy. At this stage, the primary method was a meta-analysis, a descriptive-correlation research approach to retrieve specific information relevant to the study, with help from local government, agencies, and village headmen so that the current issues and challenges could be adequately understood. Besides that, the discussion touched on the stakeholders' roles in overcoming the challenges and obstacles faced by the *asnaf* who are interested in starting a business. Since this information is crucial to the present study, the relevant issues and challenges, along with other control variables such as attitude and age of the individuals, have been included.

ISSUES AND CHALLENGES OF ZAKAT INSTITUTIONS IN MALAYSIA

Zakat institutions carry out the following responsibilities; promoting, collecting, and handling the distribution of zakat, along with the organization of assistance to the poor and needy and inclusion of other *asnaf* in accordance with guidelines prescribed by the *Syariah*. The administration of zakat is very crucial for ensuring that all-related matters of the collection and distribution of zakat can be carried out in the best possible way. Zakat administration, in various states and federal territories, has gone through phases of development and restructuring with a view toward strengthening the institution of zakat so that there is efficient service delivery throughout the community as a whole (Rahman et al., 2012).

Although the administration of zakat has undergone many improvements in terms of infrastructure, human capital, delivery systems, and governance transparency, there are still issues that need to be tackled to ensure that the administration of zakat is on the right track. No matter how good the system is, if it cannot cater to the community's needs, especially the poor and needy, such an institution is considered inefficient (Rahman et al., 2012). To empower zakat institutions in Malaysia, several issues need to be addressed. The following section presents four main challenges, namely, the achievement of *Maqasid Syariah*, increasing the motivation of *asnaf* to help themselves, targeting inefficiency within the system, and pinpointing prospective zakat payers.

Achievement of *Maqasid Syariah*

Maqasid Syariah is the part of the Islamic law that is embedded to gain benefit by performing social welfare, which maintains the objectives (*Maqasid*) that seek the betterment (*Masalih*) of humankind under the divine (one god: Allah) guidelines (Alam et al., 2015). *Maqasid Syariah* can measure financial and social performance by classifying performance according to certain levels of *Maqasid Syariah* that concentrate the focus of the zakat institutions toward change in the poor and needy communities to become entrepreneurs. In this way, the model of *Maqasid Syariah* takes into account the moral, social, and economic needs of the people by ensuring human wellbeing while providing steps toward change (Oladapo & Rahman, 2016). *Maqasid Syariah* generally has been classified into three main elements; *daruriyyat* (essentials), *hajiyyat* (needs), and *tahsiniiyyat* (embellishments) (Khan, 2002). These elements provide further specific details as follows:

- Preservation of faith/religion (*Din*)
- Preservation of life (*Nafs*)
- Preservation of lineage/descendants/procreation (*Nasl*)
- Preservation of property (*Mal*)
- Preservation of intellect/reason (*'Aql*)

The Relationship of *Maqasid Shariah* to Zakat Institutions

The effectiveness of the programs within zakat institutions has helped recipients to succeed in their businesses, thus improving their standards of living, as well as the quality of life of the community through income-generating activities (Said et al., 2014a; Said et al., 2014b; Muhamat et al., 2013). However, it should be a concern that the concept of *Maqasid Shariah* was not the focus of recent programs, even though the program generated income among the *asnaf* (Said et al., 2014a; Yaacob et al., 2015). Due to certain circumstances, such as the low achievement of *Maqasid Syariah*, this created a negative perception of Islamic institutions in implementing the program to the targeted *asnaf*, in the society at large.

The zakat institutions are making a greater effort to change the negative perceptions towards their management of funds used to assist the *asnaf*. Notwithstanding, *asnaf* in their present attitudes, mindset, and confidence could break the motivation of the entrepreneurs targeted in these various programs and dissuade them from carrying out new ventures (Said et al., 2014a; Hassan & Noor, 2015). Also, the non-payable aspect of capital assistance could affect recipients' commitment to performing business efficiently (Azman et al., 2017). At a very early stage, this failure in the new business venture could break the spirit of the *asnaf* entrepreneurs concerned and dissuade them from creating new ventures (Said et al., 2014a). These are the challenges of zakat Institutions when the right behavior is not engendered among recipients despite capital assistance being given for income-generating activities. Therefore, it is essential to review the possibility of achieving *Maqasid Shariah* within zakat institutions who are providing the capital assistance to *asnaf*, especially in the context of Preservation of the life (*Nafsi*) and Preservation of property (*Mal*).

Along with this, a tool called Entrepreneurship Index is available to identify potential recipients among *asnaf* who possess the characteristics (i.e., attitude, thinking, and behavior) of successful entrepreneurs to make better decisions and to improve the allocation of their resources (Said et al., 2014a).

Motivation of *Asnaf*

Lack of motivation among *asnaf* entrepreneurs ought to be examined rigorously. To date, a few researchers have expressed considerable doubt about the influential motivation remains the central issue that explains entrepreneurial behavior (Sahedan et al., 2019; Boldureanu et al., 2020; Hashim et al., 2020). A famous saying points out that rather than giving them a fish a day, it is better to teach them how to fish so that they can sustain themselves (Suntornpithug & Suntornpithug, 2008). Entrepreneurial activities in Malaysia get little attention, especially the *asnaf* entrepreneurs, due to the *asnafs*' lack of motivation and their dependence on government hand-outs. Low self-motivation and low self-confidence are also among the causes of failure in *asnaf* entrepreneur development programs (Azman et al., 2016). Unfortunately, the *asnaf*'s motivation is low due to an inherent short-sightedness since they have been programmed to presume business capital aid is a short-term financial hand-out, without seeing long-term opportunities to get out of poverty (Azman et al., 2016).

Hence, a thorough understanding of how *asnaf* utilize their resources and view the resources is important since this will lead to the development of new strategies, such as (1) ways to improve their innovation and growth processes and (2) strategies for governments to develop which support and direct economic growth for underprivileged groups. Understanding the obstacles and constraints confronting individuals as they explore new venture opportunities would enable service providers to develop better support programs and give better assistance.

Inefficiency

The effectiveness of zakat collection and distribution mainly depends on zakat institutions' good governance to distribute help to the right recipients according to the particular aid, in-kind, or money (Khairuldin & Mohammad, 2013). If zakat institutions fail in their duty to achieve the objectives of *Maqasid Syariah*, it could negatively impact the future development of the zakat institution (Ali et al., 2015).

The primary critical phase is in the pre-selection of potential recipients by the imam, who is responsible for assessing the character of potential recipients. This should be done in conjunction with the headman of the village, but which has sometimes been overlooked in the screening phase. This creates unsatisfactory feelings among the village headmen when the non-rightful prospects are on the list of *asnaf* recipients, as suggested by the imams. In addition to this, zakat institutions cannot trace the monthly recipients of zakat efficiently. Even in this day and age of computer technology, this happens because it is challenging to get much detailed information about the potential recipients, especially those who live deep in the village. Furthermore, the list of recipients is not updated regularly since some of the recipients are already dead or have moved to another place. All of these issues contribute to problems in the selection process of recipients, as well as why some unqualified recipients enjoy the monthly zakat. Finally, since there is no one best measure to identify whether the recipients give true information, this disrupts the zakat institutions' process to distribute the zakat efficiently. We must continually ask why this is not possible, in our current technology-driven society, to track this information efficiently.

Zakat distribution is an important element in the management and implementation of zakat (Khairuldin & Mohammad, 2013). There have been circumstances when the institution has not disbursed zakat to all zakat recipients fairly (Wahid et al., 2009; Razimi et al., 2016). This inefficiency leads to society, as a whole, feeling that the process of distribution is unfair and that there is no transparency in the information regarding zakat distribution. This perception, by zakat payers, has led them to pay zakat directly to *asnaf*, without going through zakat institutions (Wahid et al., 2009). Not only that, some recipients use the seed capital from the *Asnaf* Entrepreneurial Program (AEP) in improper ways, which prevents that capital from becoming the catalyst to start an income-generating activity that could help others. Zakat institutions have been criticized for not distributing the zakat collections effectively since there are still people living in poverty, yet zakat institutions still have excessive undistributed funds. The undistributed amounts of zakat could lead

to questions as to why the zakat money is not entirely distributed (Embong et al., 2013).

Another problem that has been recognized in Malaysian zakat institutions is the lack of staff in zakat institutions relative to the numerous tasks under their responsibility. This limitation may lead to inefficiency and ineffectiveness within the zakat management performed by the zakat institutions. This happens when there is not enough staff to handle all of the recipients, including their continuous monitoring, to ensure the recipients, who might need assistance, are not neglected (Hassan & Noor, 2015). In addition, zakat institutions could possibly utilize and train needed staff from the *asnaf* that they are supporting. Because of all of the foregoing reasons, it is crucial for the zakat authorities to review the existing zakat distribution methods and principles. It is expected that from zakat, the *asnaf*, or needy and poor groups, they would be able to free themselves from poverty and life's hardships via income-generating activities (Embong et al., 2013).

Prospective Zakat Payers

Zakat institutions provide an effective way for *asnaf* to enhance their quality of life in social and economic ways under the *Asnaf* Entrepreneurial Program (AEP). This group needs help because they lack the resources to move on their own (Balwi et al., 2008). Therefore, zakat institutions could collaborate with the *National Entrepreneurship Institute* (INSKEN) and Islamic Training Institute of Malaysia (ILIM) to monitor the knowledge and skills among *asnaf* entrepreneurs. However, in achieving the target, zakat institutions need to monitor the AEP recipients closely. Through monitoring, the AEP could track the success or flag possible needs and challenges of the recipients, which could propel them toward becoming payers. Since according to Azman et al. (2017), this objective of training can only be achieved when *asnaf* entrepreneurs under the AEP program are able to pay *zakat* based on their raised income once they are trained.

Unfortunately, there were circumstances when *asnaf* entrepreneurs did not disclose their actual business income, and the authorities were unable to get the exact information needed to verify

them as zakat payers and not recipients of zakat (Hassan & Noor, 2015). Hence, zakat institutions need to implement a system of reporting which monitors *asnaf* entrepreneur's activities. In addition, zakat institutions need to realize the importance of *asnaf* entrepreneurs collecting and distributing zakat. When the *asnaf* realize that the collection of zakat is what enables them to receive zakat for their businesses, they would be more likely to contribute. Therefore, *zakat* institutions need to strengthen their systems so that they can identify the qualified zakat payers among *asnaf* entrepreneurs, or whether they are known as prospective payers.

A new system created by zakat institutions would force the *asnaf* entrepreneurs to reveal the exact information on their status. Then, zakat institutions could process the information and identify whether the *asnaf* entrepreneurs should become a zakat payer or identify ways to help propel the *asnaf* in that direction. However, at the same time, *zakat* institutions need to take the initiative to provide better services to *zakat* payers. This is important to strengthen prospective payers' confidence to pay *zakat* at zakat institutions (Muhammad & Saad, 2016; Ghani et al., 2018). The transformation of zakat administration could only be done by improving zakat collection centers' ability to identify those who should pay zakat and trace down the prospective zakat payers (Rahman et al., 2012). The method of collecting zakat from waiting counters, to proactively organizing briefing sessions on the importance of zakat to *asnaf* entrepreneurs, is more effective. This initiative may raise awareness among prospective payers to fulfil their religious obligations in the future.

CONCLUSION AND RECOMMENDATIONS

In conclusion, prior studies have argued the necessity of improvement, in which programs initiated by zakat institutions overcome the issues and challenges through the achievement of *Maqasid Syariah*. The State Islamic Religious Council needs to continuously improve the existing programs that focus on sustaining the *asnaf* through three core elements involving the zakat institution itself, zakat distribution and collection, and zakat recipients. Some have argued that it is difficult for zakat institutions to identify those

rightful recipients, starting from selection to distribution and hence whether the aid given is then able to improve the socio-economic welfare of the *asnaf*. The efficient management of zakat funds is essential to curtail the zakat payers from channeling funds directly to the needy and poor (Ahmad et al., 2006), thus delimiting the role of zakat institution to manage the zakat collection and build entrepreneurial activities within these poor communities.

Some examples of change might be by expanding zakat institutions' scope to include village headman during the pre-selection of *asnaf*, which could improve the selection process. The two parties, the imam and village headman, would be involved together in determining the rightful potential recipients. This would also improve the distribution process by searching for qualified and motivated *asnaf* on a regular basis. In addition, those *asnaf* who are inclined towards entrepreneurship must have a positive attitude, positive thinking, good behavior, and strong motivation. These four characteristics are crucial in determining whether they have the potential to become successful entrepreneurs. Zakat institutions should take action towards these indications of potential, successful entrepreneurs among *asnaf* by using the entrepreneurship index measurements. The use of this index will lessen the occurrence of irresponsible recipients (Ibrahim & Ghazali, 2014).

Finally, pertaining to the perception that *asnaf* is no longer involved in business due to age (Azman et al., 2016), the AEP should be expanded to include *Millennial Asnaf* who are more inclined towards entrepreneurship. The young millennial generation, which comes from the *asnaf* community, should be given the technical and vocational training they need to form the backbone of the workforce (Hatta & Ali, 2013). This training could bridge Millennial Asnaf and their predecessors' gap by providing relevant knowledge and assistance to pursue entrepreneurship as a career option. This change and other positive measures can be achieved when *Maqasid Syariah* is at the core of the zakat institutions.

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