



Zakat and Tax Relations in Muslim Southeast Asian Countries (Comparative Study of Zakat and Tax Arrangements in Indonesia, Malaysia and Brunei Darussalam)

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ARTICLE INFO	ABSTRACT
<p><i>Article History:</i> Received November 14, 2020 Received in revised form November 30, 2020 Available online December 31, 2020</p> <p><i>Keywords:</i> Zakat, Indonesian Tax, Malaysia, Brunei Darussalam</p> <p>http://dx.doi.org/10.31332/lifalah.v5i2.2296</p>	<p>This study compares Zakat and tax relations in three countries in the Southeast Asian region, where most of the population is Muslim (Indonesia, Malaysia, and Brunei Darussalam). This type of research is normative, empirical legal analysis with a comparative approach. The results showed relational and functional distinctions in Zakat and tax positions in Indonesia, Malaysia, and Brunei Darussalam. In Indonesia, paying Zakat can reduce taxable income. Meanwhile, Malaysia uses Zakat as a deduction for individual taxes, even up to 100%. Meanwhile, in Brunei Darussalam, the Zakat and tax relationship are not interrelated.</p>

1. Introduction

As a form of obligatory worship and a pillar of Islam's pillars (Abdul Munir Mulkhan, 1994), Zakat contains two ownership function dimensions, including individual and social ownership (Euis Nurlaelawati, 2010). Behind these two dimensions of right, Zakat has many functions, including economic and social processes (Wan Sulaiman bin Wan Yusoff, 2008). Therefore, it is not surprising that Zakat is called the earliest Islamic teaching concept, which contains the value of shared social responsibility in realizing social justice (Euis Nurlaelawati, 2010).

In the history of Islamic civilization, Zakat has been a state income source, as happened during Khulafaur Rasidun (Nurma Sari, 2015). At that time, a government agency called *Baitul Mal* regulated state income and expenditure (Moh Ahyar Maarif, 2019). Zakat is a source of income for the Baitul Mal. There were seven state revenues during the reign of Khulafaur Rashidun, including Zakat, *waqf*, *jizyah* (taxes paid by non-Muslims for the protection they

received from the State), *ghanimah* (spoils of war), *kharaj* (land tax), *ushr* (trade tax). And others (Casnadi, 2019).

It stopped at the time of Khulafaur Rashidun. The existence of Zakat as state financial income also continued during the next Islamic reign, such as the Umayyah and Abbasiah dynasties (Iskandar Fauzi et al. 1, 2019). Thus it is not an exaggeration if the existence of Zakat in Muslim civilization's history can be said to have been an instrument in the country's fiscal policy (Ihda Aini, 2019).

However, over time, there have been changes in the constitutional system in various countries where the majority of the occupation is Muslim; the existence of Zakat is no longer the State's obligation. Still, it has become the obligation of an individual Muslim as a citizen. This obligation is because the tax system's birth has replaced the position of Zakat as the main element of state revenue. Consequently, taxes are an obligation that every Muslim must pay as a citizen. But on the other hand, he must still pay Zakat as a Muslim leader (Murtadho Ridwan, 2014).

The explanation above shows that Zakat and tax are two different entities in their source or collection basis—Zakat for the interests regulated in Islam. Meanwhile, taxes are handled for claims handled by the State through a process stipulated in the Law. However, from the source or basis of the collection, it is the same as collecting from the community for social interests (Ahmad Sarbini, 2013).

Based on the above background, this research will examine the relationship between the application of Zakat and taxes in three countries in Southeast Asia. The majority of the population is Muslim, namely Indonesia, Malaysia, and Brunei Darussalam. This study aims to describe and, at the same time, compare the distinctions of each of the three countries.

2. Research Method

This research is qualitative in a literature study (Lexy J. Moloeng, 2017). The data sources used are various scientific research results that explain the Zakat and tax management system in Indonesia, Malaysia, and Brunei Darussalam. This research approach is empirical normative research (Peter Marzuki, 2007). The research approach used is comparative (Bachtiar, 2018) is comparing the relationship between tax and zakat payment obligations in the countries of Indonesia, Malaysia, and Brunei Darussalam.

3. Results and Discussion

3.1 Understanding the Distinctions of Zakat and Tax

The word Zakat comes from Arabic, which is a noun (*masdar*), which means clean, holy, growing, and increasing (Zainudin' Abd al-'Aziz al-Malibari, 2006). Meanwhile, according to the term, Zakat, namely, a certain amount of property must be given to certain people with certain conditions (Abd al-Rahman al-Jaziri, 2010).

As for the Law on the obligation to implement Zakat, the scholars (*mujma'alaih*) have agreed upon it based on the argument of *qat'i*, both from the Koran, Hadith, and Ijma' (Ibn Rusyd, tt). Therefore, undoubtedly if the existence of Zakat for Muslims is also part of the pillars of Islam (Wan Mohd Khoirul Firdaus Wan Khoirudin, Mahadi Mohammad, 2013).

Exploratively, the wisdom of giving Zakat was expressed by al-Jurjawi as quoted by Ahmad Sudirman Abbas, among other things to establish a love and attitude towards those who are financially weak, to clean the soul of muzaki from dirt that sticks to property, a manifestation of gratitude for the blessings Allah, and the destroyer of stingy nature (Ahmad Sudirman Abbas, 2017). From this, it can be seen that the distribution of Zakat in Islam has a theocentric orientation and strongly emphasizes the anthropocentric orientation.

Then to whom is Zakat given? In Qs. At-Taubah verse 60 explains that eight people are included in the group of Zakat recipients (*mustahik Zakat*), among others, as follows. 1) destitute, namely people who do not have the property and energy to fulfill their livelihoods. 2) poor people whose financial conditions do not meet their lives and families needs. 3), *amil zakat*, namely those in charge of collecting and distributing Zakat. 4) converts to Islam, namely people who have recently converted to Islam whose faith conditions are still weak. 5), the person who frees the slave. 6), *gharim* is a person who owes a debt, not for the sake of immortality, but he is not able to pay the debt. 7), people who struggle in the way of Allah (*fi sabilillah*), namely, people who struggle for Islam and Muslims' benefit. 8), *Ibn Sabil* is a person who is on his way and is not immoral (Tika Widiastuti et al., 2019).

Meanwhile, what is meant by tax, experts have various definitions. However, the various definitions that exist can have the same purpose: taxes are mandatory and compulsory (imperative) people's contributions paid to the State Treasury based on Law without direct mutual service (Dwi Sulastiyawati, 2014).

It is important to know that a country's budget can be independent if it can finance all government spending. One of the government's steps is to make this happen through tax instruments imposed on citizens (Joko Waluyo, 2015).

The tax function can be classified into two parts: budgetary operations, namely taxes as a source of government funds to finance its expenses. This function is located in the public

sector. If the tax funds are surplus, they can finance government investment. Second, as a regular end, taxes are a tool to regulate or implement government policies in the social and economic fields (Dwi Sulastiyawati, 2014).

There are particular characteristics inherent in the existence of taxes, including the following. (1) Tax is levied and is compelling based on the applicable Law. (2) Payment of taxes cannot be aimed at the existence of individual contra performance by the government. (3) Taxes are collected by the government, both central and regional governments. (4) Taxes are used for government spending, and if there is a surplus, then to finance public investment. (5) Apart from being a source of state finance, taxes can regulate (Waluyo Wirawan B. Ilyas, 2002).

Cucu Solihah and Aji Mulyana explain the difference between Zakat and tax in state life. According to Cucu and Aji, the national tax system reflects the national values and values held by those who are indeed political power. In this context, to implement a taxation system, a country must make choices regarding the tax burden distribution, who will pay the tax and how much the tax rate should be paid, and how the taxes that have been collected are then spent.

Meanwhile, the awareness to pay Zakat is an implication of one's faith in the teachings of one's religion (Islam), which has been determined by the basis and all the provisions of the mechanism in religion. However, because the purpose of Zakat is to improve welfare and poverty alleviation, at the level of implementation, it involves the role of the State in managing and utilizing Zakat with all its potential (Cucu Solihah, Aji Mulyana, 2017).

Based on the description above, it can be concluded that several aspects indicate the distinction between Zakat and tax. First, Zakat is a manifestation of Muslims' obedience to religious teachings. Meanwhile, tariffs are the obedience of a citizen to his country's policies. Second, the amount of Zakat has been determined in the Koran and Hadith. Meanwhile, taxes are determined by the provisions of state law. Third, Zakat is only given by and to certain groups of Muslims.

Meanwhile, taxes are issued by every citizen regardless of their religious status. Fourth, taxes are used for state expenditures and economic, social, and political goals that the State wants to achieve. At the same time, Zakat is distributed to those individual Muslims who are entitled to receive Zakat (mustahik Zakat).

3.2 Zakat and Tax Regulations in Indonesia

As a law that comes from divine Law (Atakan Derelioglu, 2013), the existence of Islamic Law is not only a legal norm that is believed by Muslims (Dedi Supriyadi, 2007). However, it also becomes a legal norm that regulates all aspects of life, both individual, social, and even State life (Abu Bakar, 2016). Thus, it is not an exaggeration to say that the implementation of Islamic Law for Muslims' lives is a theological dimension and has a sociological, anthropological, and even political dimension.

In the context of zakat implementation in Indonesia, it has been going on since Islam came to the archipelago (Ali Sunarso, 2018). At the time of the Islamic kingdoms, the existence of Zakat was interpreted as a spirit that manifested itself in the form of paying taxes to the Islamic government at that time. During the Islamic Kingdom of Aceh, the community paid Zakat and taxes to the State. The kingdom plays an active role in collecting these zakats and taxes. The domain established institutions that royal officials handled to collect tax or Zakat. This obligation also happened to the Banjar Kingdom, which played an active role in collecting Zakat and taxes. This tax is imposed on all people, whether officials, farmers, traders, or others. The types of taxes in effect also varied, such as head tax, land tax, tenth rice tax, gold panning tax, diamonds, merchandise tax, and city tax. Interestingly, collecting taxes on various crops is carried out every year after the harvest season, in the form of money or crops. Everything follows the terms of agricultural zakat payments in Islamic teachings (Faisal, 2011).

Meanwhile, during the Dutch colonialism era, the implementation of Zakat was regulated in the Ordinance of the Dutch East Indies Government Number 6200, dated February 28, 1905. However, in this regulation, the government did not intervene in zakat management and left it entirely to Muslims (Widi Nopriadi, 2019).

Post-independence, to be precise, during the New Order government, the government began to be involved in Zakat's management to optimize Zakat's potential. This rule is stated in the Regulation of the Minister of Religion Number 4 of 1964 concerning the Establishment of the Amil Zakat Body and Regulation of the Minister of Religion Number 5 of 1964 concerning the Establishment of Baitul Maal. Since then, several amil zakat institutions in various regions have continued to emerge, known as the Amil Zakat, Infaq, and Alms (BAZIS) bodies (Triantini, 2015).

In subsequent developments, the Law in 1999 was born, namely Law Number 38 of 1999 concerning the management of Zakat. This Law is a milestone in the revival of zakat management in Indonesia and the most crucial turning point in the world of national Zakat. Currently, the zakat management institution is called BAZNAS (Badan Amil Zakat Nasional), which is assisted by the Amil Zakat Agency (BAZ) and the Amil Zakat Institute (LAZ). To

achieve more optimal goals in the management of Zakat for the welfare of the people (Saidurrahman, 2013).

Regarding the existence of taxes in Indonesia based on Law Number 16 of 2009 concerning General Provisions and Tax Procedures, it is stated that tax is a mandatory contribution to the State that is owned by an individual or a compelling entity based on Law without receiving direct compensation and used for state needs for the greatest prosperity of the people (Nur Hidayati, 2014).

Regarding the relationship between Zakat and tax, we can understand it from the explanation of Law no. 38/19991, which states that the position of Zakat is only a fiscal incentive for zakat payers, or Zakat is a deduction for taxable income (tax deduction). The Law also states that Zakat received by BAZ or LAZ and Mustahik is not included in tax objects. Individual Muslim taxpayers pay income zakat, and domestic corporate taxpayers owned by Muslims to BAZ or LAZ becomes a deduction factor in determining the amount of Taxable Income. This issue has also been regulated in Government Regulation Number 571 and Tax Law Number 17 of 2000 concerning Income Tax, which allows for rebates, namely income tax cuts for those who have paid Zakat (Murtadho Ridwan, 2014).

3.3 Zakat and Tax Regulations in Malaysia

Malaysia is one of the countries in Southeast Asia, which is unique in the arrangement and management of Zakat. In this country, the authority for collecting and distributing Zakat is in every region (Murtadho Ridwan, 2014). This fact causes the zakat management model in each area to have their respective policies in determining zakat management (Ahmad Wira, 2019). Therefore, it is not surprising that each region has different zakat management laws from other areas (Murtadho Ridwan, 2014).

The existence of a variety of zakat management model policies in each region as above in the practical realm has resulted in coordination problems between regions because there are differences in terms of the size of the nishab, the classification of assets that must be Zakat, even group users who are entitled to receive Zakat (*asnaf*). (Murtadho, Ridwan). Not only that, Aidit Ghazali, as quoted by Aidil Alfin, also stated that there were three different aspects of the administration of zakat management at that time. First, aspects of the types of Zakat can be collected by various official institutions. Second, the aspect of prosecution for various zakat errors. Third, aspects of the types of punishment and the number of fines imposed by each zakat law enforcement agency (Aidil Alfin, 2014).

However, social and political developments in Malaysia, changes, and advances in Malaysia's zakat institutions are often inseparable from the influence of changes in the

country's social, political, and economic situation. Zakat is an institution that is noticed, supported, and enhanced by the government (Suhaili Sarif, Nor 'Azzah Kamri, Azian Madun, 2013). Zakat institutions in Malaysia have an important role in alleviating the problem of poverty, especially for the Muslim community in that country (Azman Ab Rahman, Mohammad Haji Alias, Syed Mohd Najib Syed Omar, 2012).

In 1991, Malaysia established the Zakat Collection Center (PPZ) to socialize Zakat to raise public awareness of zakat payments' importance and impact. The result is effective. Zakat receipts have increased significantly up to six times from the previous amount. There are five main objectives of establishing PPZ as a zakat institution initiated by the Malaysian government, as follows. First, increase the amount of zakat collection. Second, increase the number of muzakki. Third, improve professional management in line with technology. Fifth, increase satisfaction with service—sixth, add a work environment by sharia (Murtadho Ridwan, 2014).

According to Muhsin Nor Paizin, the effectiveness of PPZ institutions in Malaysia in managing Zakat cannot be separated from the maximum use of communication media technology in services and socialization of zakat payments to the public (Muhsin Nor Paizin, 2017).

The relationship between Zakat and taxes in Malaysia can be seen from the regulations in the country, which stipulate that Zakat can reduce tax obligations. The Malaysian government has established a policy of providing deductions to individual zakat payers. The reduction is through a scheduled tax discount or monthly discount system. They will enjoy a tax deduction equal to the payment of Zakat, or Zakat can be used to reduce taxes by up to 100%. The purpose of this step is to avoid double tax payments to the income of the zakat payers (Eko Suprayitno, Radiah Abdul Kader, Azhar Harun, 2013). But it is important to know, and this applies if Muzaki pays his Zakat to zakat institutions recognized by the kingdom, such as the Punggtan Zakat Center (PPZ). (Murtadho Ridwan, 2014).

3.4 Zakat and Tax Regulations in Brunei Darussalam

Brunei Darussalam is one of the countries in Southeast Asia, where most of the population is Muslim and applies Islamic Law (Abdurrahman Raden Aji Haqqi, 2017). Brunei is one of the majority Muslim countries in the Southeast Asia region and is included in the top 10 countries with a high economic level globally. In other words, it can be said that Brunei is a country where the economic condition of its population is in prosperity (Surti Nurpita Sari, Herawati, 2018).

The management of Zakat in Brunei Darussalam is regulated by the Brunei Darussalam Islamic Ugama Council (MUIB) under the Ugama Department. The MUIB is authorized by Brunei law to collect and distribute zakat funds on behalf of His Holiness following the provisions of Islamic shari'ah (Aan Jaelani, 2015).

The exciting thing that happened in Zakat distribution in Brunei Darussalam was that MUIB had difficulties in distributing Zakat. This difficulty is rare to find Bruneians in the poor category (needy or poor). With a population of around 300 thousand people and a per capita income of 57 thousand U.S. dollars Brunei's, financial life is prosperous and prosperous.

The Brunei government's allocation of zakat funds is used for various forms of programs (Aan Jaelani, 2015). as follows:

1. Social services and people's welfare
 - Monthly subsidies that cover necessities of life, such as food
 - Holidays and year-end
 - Renting a house, building, repairing, and providing housing, electricity, and water payments).
 - Health includes the cost of transportation to the hospital center
 - Daily needs every month
2. The economic development of the people
 - Help to increase income
 - Business facilities assistance
 - Provision of venture capital
3. Improve the quality of education *Beasiswa pelajar*
 - Vehicle fees for schools
 - Provision of school uniforms and equipment
4. The benefit of preaching and spreading Islamic teachings
 - Construction and maintenance of mosques
 - Establishment of activity centers
 - Establishment of religious schools.
5. Assistance for Converts
 - Help for converts
 - Provision of courses to guide Muallaf
 - Hajj financing facility for selected Muallaf

Although Brunei Darussalam's main source of income comes from natural resources in oil and natural gas, the Sultan's efforts to diversify the economy also impacted. Economic diversification is an alternative source of income because oil and natural gas reserves in Brunei

are minimal. Therefore, the existence of taxes in the country is one of the essential discussions in fiscal policy. Several types of taxes are applied in Brunei, including corporate taxes, tobacco, tobacco industry taxes, land taxes, and special goods taxes (Surti Nurpita Sari, Herawati, 2018). The explanation is as follows.

1. Corporate Tax

Corporate tax is a tax imposed by the Government of Brunei on companies in the country's territory, both local and foreign companies. For Brunei residents, taxes are levied on all company income. In contrast, taxes are levied on income originating from Brunei or profits from branch businesses established in the country for foreign residents. The purpose of this tax determination is to control the company's existence to remain under government control.

2. Cigarette and Tobacco Industry Tax

Cigarette and tobacco industry taxes are taxes set by the Brunei government to control cigarette circulation. This Law is forbidden because health is a factor that the government of Brunei is concerned about. The Sultan made various efforts to maintain the people's living conditions to avoid diseases that were considered threatening. One of the diseases that are considered serious is a disease caused by smoking.

3. Land Tax

Another tax that the Brunei government has applied is the land tax. Land tax is made on several levels. The first-tier island with a value of BND3,000 to BND5,000 is subject to a tax of 1%. While

the second-tier island with a value of more than BND10 million is subject to a 20% tariff. Land tax is imposed on all immovable property in the country and various movable properties owned by a person residing in that country. Land tax is also imposed on goods living in Brunei Darussalam even though the owner does not reside in Brunei Darussalam. However, this land tax has been abolished since 2013

4. Other Taxes

Brunei is a country that exempts export duties and customs duties, especially on foodstuffs and goods for industrial purposes. For certain goods such as alcohol, that country has regulated it in the Excise Act of 2006. Although the sale of alcohol is prohibited, alcohol is not taxed. Another tax that is eliminated in Brunei Darussalam is the value-added tax.

Meanwhile, individual (personal) taxes and necessities are not taxed. Not only that, but Brunei also does not apply the value-added tax. Therefore, it is not surprising that Brunei's income tax rate is the second-lowest in ASEAN after Singapore, at 18.5% (Surti Nurpita Sari, Herawati, 2018).

4. Conclusion

Based on the discussion in this study, it can be concluded that the relationship between tax and Zakat in countries where the majority of the population is Muslim can vary. Zakat management in Indonesia applies a tax deduction system. Zakat paid can reduce taxable income. Meanwhile, Malaysia uses Zakat as a tax deduction because Zakat is paid in official government institutions. Zakat in Malaysia can be deducted from individual taxes, even up to 100%. Meanwhile, the relationship between tax and Zakat in Brunei Darussalam is not related; even in Brunei, there is no individual tax.

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