

Zakat of Business Unions: Towards the Improvement of Concepts and Regulations

Husin Bafadhal, Fuad Rahman, Nurfitri Martaliah

UIN Sulthan Thaha Saifuddin Jambi

husinbafadhal@uinjambi.ac.id, fuadasia30@gmail.com,
nmartaliah@uinjambi.ac.id

Abstract: This article discusses zakat for business associations, which requires refinement of the concept and regulations if it is to be implemented in Indonesia. Although it has been discussed by scholars, how it becomes obligatory, what criteria must be met, and how the provisions of nisab, *haul*, the obligatory rate, and its implementation are still not receiving significant attention. Furthermore, the lack of clear and comprehensive regulations on zakat for business associations in Indonesia makes this discussion important. Focusing on zakat for business associations, this article will outline the Islamic legal review of zakat for business associations, the provisions of nisab, *haul*, the obligatory rate, and its implementation. This article is a literature study whose data is processed qualitatively using a normative-comparative approach. After reviewing relevant literature sources, this paper shows that assets in a business association are subject to zakat if they meet the nisab and haul requirements and are paid on behalf of the owners of the associated assets, not on behalf of the business association. Scholars differ in their opinions regarding the nisab requirements for zakat on business partnerships. Some argue that the nisab and haul should be determined based on the business partnership, while others argue that the nisab should be calculated based on the assets of each participant in the business partnership, not the partnership itself.

Keywords: Zakat, Business Union, Concept, Regulation

Abstrak: Artikel ini mendiskusikan zakat untuk serikat usaha yang memerlukan penyempurnaan konsep dan regulasi jika diterapkan di Indonesia. Meskipun sudah dibahas oleh para ulama, namun bagaimana ia menjadi wajib, apa kriteria yang harus dipenuhi, serta bagaimana ketentuan nisab, *haul*, kadar wajib, dan pelaksanaannya, belum mendapatkan perhatian yang berarti. Ditambahkan lagi belum jelas dan tegasnya regulasi zakat serikat usaha di Indonesia yang komprehensif, menjadikan diskusi ini penting untuk dilakukan. Berfokus pada zakat untuk serikat usaha, artikel ini akan menguraikan tinjauan hukum Islam terhadap zakat serikat usaha, ketentuan nisab,

haul, kadar wajib, dan pelaksanaannya. Artikel ini merupakan penelitian pustaka yang datanya diolah secara kualitatif menggunakan pendekatan normatif-komparatif. Setelah menelaah sumber-sumber pustaka yang relevan, tulisan ini menunjukkan bahwa harta yang terdapat dalam serikat usaha wajib dikeluarkan zakatnya bila telah memenuhi ketentuan nisab dan *haul* dan ditunaikan atas nama pemilik harta yang berserikat, bukan atas nama serikat usaha. Para ulama berbeda pendapat tentang ketentuan nisab zakat serikat usaha. Mereka berpandangan bahwa nisab dan *haul* dilihat dari serikat usaha dan sebagian berpandangan bahwa perhitungan nisab atas harta masing-masing peserta serikat usaha, bukan pada serikat usaha.

Kata Kunci: Zakat, Serikat Usaha, Konsep, Regulasi

Introduction

Zakat obligation for trade unions - an agency or association (institution/organization), both on a small scale, such as an individual business, and also an organization, or on a large scale that no longer has a visible form of person, such as a CV, and so on, not to mention gaining the legitimacy of classical *fiqh*. The shortcomings of this classic *fiqh* led contemporary scholars of *ijtihad* to find a concept of *zakat* that was suitable for business unions. The majority of scholars, such as Yūsuf al-Qaraḍāwī, Wahbah al-Zuhaylī, 'Alī al-Thalūs, Muhy al-Dīn al-Asfār, 'Abī'Ubayd Qāsim ibn Salām, Mustafā Aḥmad al-Zarqā', and others, oblige it.¹ Meanwhile, in Indonesia, the Indonesian Ulema Council (MUI) at the Ijtima' Ulama of the Third Indonesian Fatwa Commission in 2009 in Padang Panjang, West Sumatra² And Chapter I of the General Provisions of articles 1 and 4 of the Law of the Republic of Indonesia Number 23 of 2011 concerning the Management of *Zakat*, also requires it. The same is the case with the results of the International Seminar of *Zakat* I on 29 Rajab 1404 H / April 3, 1984, in Kuwait.

¹ Said Bouheraoua, "Zakah Obligations on Islamic Financial Institutions," in *Research Paper* (ISRA, 2012); Aznan Hasan, "Zakat on Legal Entities (Shakhsiyyah P'tibariyyah): A Shari'ah Analysis," *Al-Shajarah: Journal of the International Institute of Islamic Thought and Civilization (ISTAC)*, 2018, 255–82; Abdullah, Rosele, and Ahmad, "The Concept of Legal Entity from the Islamic Law Perspectives."

² Fatwa of the Indonesian Ulema Council in the Ijtima' Ulama of the Third Indonesian Fatwa Commission in 2009, in Padang Panjang, West Sumatra.

The problem is, who is responsible for issuing *zakat* to the business union? Can a business union (subject of law) be used as a *mukallaf* to issue *zakat*? If so, the consequences will have to do with sin and reward. While sin and reward are also related to heaven and hell. In addition, is the *zakat* of the business union issued on behalf of the business union and the owners of the capital, or is *zakat* given to the owners of the capital before the issuance of the *zakat*, as has been the case so far? In addition, what are the provisions of *nisab*, *haul*, and the mandatory rate of *zakat* that must be issued, as well as the conditions related to it?

The above questions are important to ask because studies on them have not been reviewed in depth by previous researchers. The existing studies revolve around the procedure of *zakat* for trade unions,³ Indeed, Aznan Hasan and Luqman Abdullah et.al have commented on it from the perspective of fiqh and offered the concept of *zakat* for trade unions; it's just that their studies dwell on the *istinbat zakat* of trade unions, which we should have taken steps towards perfecting the concept. If it is drawn in the context of Indonesia, we should have entered into the refinement of legal regulations, not debating the obligation of trade unions to *zakat* on the effect of the existence of trade union *zakat*.⁴

Other researchers who discuss *zakat* that do not focus on *zakat* from business include Hakim,⁵ Syakir et.al.,⁶ Ahmad et.al.,⁷ Alim,⁸

³ Imam Mustofa, "Zakat Lembaga Keuangan Syariah Sebagai Badan Hukum," *Millah: Jurnal Studi Agama* 14, no. 1 (2014): 171–200.

⁴ Tun Abdul Hamid Mohamad, "Obligation of Companies to Pay Zakat: Issues Arising from Effects of Separate Legal Entity," *The Law Review*, 2012, 481–98.

⁵ Muhammad Lutfi Hakim, "Islamic Law and Society in Indonesia: Corporate Zakat Norms and Practices in Islamic Banks, by Alfitri," *Bijdragen tot de taal-, land- en volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia* 179, no. 1 (2023): 115-118. <https://doi.org/10.1163/22134379-17901001>.

⁶ Muhammad Fahmi Syakir, Tastaftiyan Risfandy, Irwan Trinugroho, "CEO's social capital and performance of zakat institutions: Cross-country evidence," *Journal of Behavioral and Experimental Finance* 31 (2021). <https://doi.org/10.1016/j.jbef.2021.100521>.

⁷ Raja Adzrin Raja Ahmad, Ahmad Marzuki Amiruddin Othman, Muhammad Sufiyudin Salleh, "Assessing the Satisfaction Level of Zakat Recipients Towards Zakat Management," *Procedia Economics and Finance*, 31 (2015): 140-151. [https://doi.org/10.1016/S2212-5671\(15\)01141-7](https://doi.org/10.1016/S2212-5671(15)01141-7).

Saad et.al.,⁹ Ali et.al.,¹⁰ Muhammad et.al.,¹¹ Naz'aina,¹² Hasan et.al.,¹³ and Junus.¹⁴ Nevertheless, their works can add a treasure trove of references that are very useful for this and subsequent studies.

This paper discusses trade union zakat with a sample in Indonesia by focusing on how the review of islamic law on trade union zakat, the provisions of *nisab*, *haul*, mandatory level, and its implementation. This research is library research.¹⁵ The data is collected, then analyzed, classified, and then placed in a position that is in accordance with the discussion. In this study, the author collects and analyzes books that have been written by *fiqh* scholars about *zakat* and business companies, as well as the results of efforts that must be

⁸ Mohammad Nizarul Alim, "Utilization and Accounting of Zakat for Productive Purposes in Indonesia: A Review," *Procedia - Social and Behavioral Sciences* 211 (2015): 232-236. <https://doi.org/10.1016/j.sbspro.2015.11.028>.

⁹ Ram Al Jaffri Saad, Norazita Marina Abdul Aziz, Norfaiezah Sawandi, "Islamic Accountability Framework in the Zakat Funds Management," *Procedia - Social and Behavioral Sciences* 164 (2014): 508-515. <https://doi.org/10.1016/j.sbspro.2014.11.139>.

¹⁰ Nurul Nurhidayatie Muhamad Ali, Roshaiza Taha, Mohammad Rodzi Embong, Mohd Nazli Mohd Nor, "Developing a Multidimensional Performance of Zakat Collection System in East Coast Region," *Procedia - Social and Behavioral Sciences* 164 (2014): 84-90. <https://doi.org/10.1016/j.sbspro.2014.11.054>.

¹¹ Sani Adamu Muhammad, Ram Al-Jaffri Saad, "Moderating Effect of Attitude toward Zakat Payment on the Relationship between Moral Reasoning and Intention to Pay Zakat," *Procedia - Social and Behavioral Sciences* 219 (2016): 520-527. <https://doi.org/10.1016/j.sbspro.2016.05.029>.

¹² Naz'aina, "The Effect of Internal Control System and Amil Competence on the Financial Reporting Quality at Zakat Management Institution Active Member of Zakat Forum in Special Capital City Region Jakarta and West Java Provinces," *Procedia - Social and Behavioral Sciences* 211 (2015): 753-760. <https://doi.org/10.1016/j.sbspro.2015.11.100>.

¹³ Nubani Md Hassan, Abd Halim Mohd Noor, "Do Capital Assistance Programs by Zakat Institutions Help the Poor?," *Procedia Economics and Finance* 31 (2015): 551-562. [https://doi.org/10.1016/S2212-5671\(15\)01201-0](https://doi.org/10.1016/S2212-5671(15)01201-0).

¹⁴ Umar Junus, "The payment of Zakat al-Fitrah in a Minangkabau community," *Bijdragen tot de taal-, land- en volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia* 122, no. 4 (1966): 447-454. <https://doi.org/10.1163/22134379-90002922>.

¹⁵ Library Research is research that is done by reading books, magazines, and other data sources in the library. See: Suprpto, *Metode Riset dan Aplikasinya Dalam Pemasaran*, (Jakarta: Renika Cipta, 1992), 53.

given *zakat* by guiding the verses of the Qur'an, Hadith, Ijma, and Qiyas, as well as the experiences carried out by previous scholars and fiqh experts. The data that has been collected is processed using inductive, deductive, and comparative logic methods. The inductive method is to draw a conclusion from specific data to a general conclusion. The deductive method is to draw conclusions from general data to a specific conclusion. The comparative method is to discuss the problem by comparing a predicate contained in the subject at a broad, deeper, narrower, and equal level, as well as a decision that explains the comparison of predicates in a predicate.

An Overview of Islamic Law on Zakat of Business Unions

In Islamic law, it is stated that the essence contained in cooperation is the existence of a bond of cooperation carried out by two or more people in terms of trade or other activities. The existence of the agreement gives rise to the ability to take legal action against the property of the association and is entitled to profit in accordance with the agreement that has been agreed upon. In principle, business unions that are allowed based on Islamic law in carrying out cooperation activities of a business, which must be considered, among others: free from the element of usury, profits and risks are borne together, there is an element of cooperation, and transactions must be *halal*.¹⁶ A business union is a union engaged in the economic sector, namely, capital businesses that, if they have met the requirements of mandatory zakat, of course, must be issued *zakat*.

In the Islamic *mu'amalah* system, the forms of joint business activities are known as *shirkah* (شِرْكَة) or union (شَرَكَة), while the members of *shirkah* are called *shirk* (شَارِك), the plural form of *shuraka'* (شُرَكَاء). As for the meaning of *shirkah* etymologically (language), the word *shirkah* is the root word (*masdar*) of the word (شَرَك), which means to be united.¹⁷ Meanwhile, according to the term, *Shirkah* is a cooperation contract between two or more parties in the implementation of a business, where each party contributes business

¹⁶ Yusuf al-Qardawi, *Fiqh al-Zakab*, (Mesir: Dar al-Fikr, 1997), p. 184.

¹⁷ Muhammad ibn Makram ibn Manzur al-Afriqi al-Mishri, *Lisan al-Arab*, (Beirut: Dar al-Shadir), Cet I, Jilid XIV, p. 358; Wahbah al-Zuhaili, *Fiqh al-Islami wa Adillatuhu*, (Damsyik : Dar al-Fikr, 1989), p. 792.

capital or services (expertise), and based on mutual agreement, the benefits and risks are equally borne.

In the books of jurisprudence, it is stated that *Shirkah al-Uqud* (union in contract/trade union) is created due to the existence of a contract (contract) and this is also known as *shirkah ikhtiyariyah* (choice) or a trade union occurs by means of an agreement between two or more people who have agreed that each member will provide business capital for the business union. *Shirkah al-Uqud* (union in transaction) can be classified into several forms, namely: *mudharabah*, *shirkah al-'inan*, *al-'abdan*, *al-mufawadhah*, *al-wujub*, *al-muzara'ah*, *al-mukhabarah*, *al-musaqat*, and *al-mugharasah*.

Of all the business unions above, *mudharabah* is a business union between the owner of capital and the executor (manager). In running the business, the owner of the capital is not directly involved at all. Nowadays, trade unions in the form of *mudharabah* are generally enforced in *Sharia* banks. Meanwhile, a business union in the form of *shirkah al-'inan* is a business union carried out by two or more people. When viewed from the meaning of *shirkah al-'inan*, namely capital unions, then business unions and activities are carried out based on capital. Business unions in this form can be found in the cooperative system and the investment of shares in business entities.

From all the *shirkah* that have been stated, *shirkah al-'inan* is one of the unions that can be stated to be the same as a trade union. When viewed from the meaning of *shirkah al-'inan*, namely capital unions, then trade unions and activities carried out based on capital, in the sense that trade unions are capital cooperation, not labor cooperation.

In contrast to other *shirkahs*, which are more capital-oriented, *shirkah al-abdan* is a *shirkah* that is actually more dominant in the physique and abilities or expertise of its participants, both in the form of the same and equal level of expertise, as well as in the form of expertise that is not in the same rank but needs each other. Nowadays, *shirkah al-abdan* can be seen in the form of builders who have permanent laborers (subordinates) and certain professions that have partners.¹⁸ The third model of *shirkah*, *shirkah al-mufawadhah*, is

¹⁸ It is often seen that certain professional activities clearly mention 'and Associate' or 'and Fathner' which indicates that they are doing *shirkah* in carrying out the profession, for example Legal Advisor 'Any and Associate'.

that it requires the same in capital, management authority, receivables, and representation. While the fourth model of shirkah is shirkah al-wujuh, which is not oriented towards business capital, but rather on the credibility and prestige of the parties involved.

About cooperation in the agricultural sector above, whether in the form of *al-muẓara'ah*, *al-mukhabarah*, *al-musaqat*, or *al-mugharasah*, if what the landowner gives to the cultivator is a certain part or percentage of the agricultural products obtained, then this transaction is called the akad *al-muẓara'ah*, *al-mukhabarah*, *al-musaqat*, or *al-mugharasah*, and this is, of course, included in the business union. Meanwhile, if what is given by the landowner to the cultivator is not in the form of a certain part or percentage of the agricultural products obtained, and the nominal value is calculated from the services performed, then this transaction is called the *al-ijarah* contract, and this is certainly not included in the business union.

Cooperation as above, needs to be emphasized at the beginning of the transaction (akad), because it is important to know the zakat obligations that must be issued, because the obligation of agricultural zakat is essentially only charged to the owner of the land who provides the agricultural seeds, if the cultivator only receives wages that have reached nisab, then he is obliged to pay zakat from the business of profession, not zakat from agricultural products, Because in this case he is only a worker or farm laborer, while the so-called farmer is the owner of land and seeds.

Regarding the obligation of *zakat* of the trade union above, according to Ibn al-Arabi that the word of Allah SWT, which reads: "take *zakat* from part of their wealth", applies thoroughly to all wealth, regardless of its type, name, and purpose. A person who wishes to exclude one of their kind must be able to put forward a single foundation.¹⁹ Al-Qurthubi explained that everything that a person can have is called property, and the command "take *zakat* from some of their property" in the above verse, using an absolute sentence structure, is not associated with any conditions, either in terms of the giver of *zakat*, the property that must be *zakat*, or the amount that must be paid *zakat*. The details of the commandment

¹⁹ Ibnu al-Arabi, *Tafsir al-Thabari*, (Beirut: Dar al-Fikr, tt), juz IV, p. 134.

with such an absolute structure are found through the information of *hadith* and *ijma' ulama*.²⁰

In principle, all assets that develop and are sought to obtain additional are obligatory *zakat*, this is based on the words of Allah SWT in Surah al-Baqarah, verse 267. In the above verse, the word "*ma*" is a word that contains a general meaning, which means "anything." Thus, what is meant by the pronunciation and as something subject to the obligation of *zakat* is what is obtained from what is worked (the result of business) and what is obtained from the produce of the earth. In the first verse, it is stated with the pronunciation (أموالهم), their property. Their word (هم) here can mean everyone individually and can also be interpreted as a group of people. Although the *fuqaha* are more oriented towards individual property, it does not make the *zakat* must and must be issued only on individual property, because, for collective property, namely the property of several people who are still united in the form of inheritance and business *shirkah* property, *zakat* is also obligatory.

With regard to the *zakat* of the results of the business union indicated by the word "*kasabtum*," the business results in question, as also described above, can be grouped into two forms, namely, Businesses that are property (*maliyah*) and businesses that are beneficial or service management. In this verse, the sentence jama' *kasabtum*", the property of your business, is also used. Your word (كم) here can mean several individuals from you, and can also mean some individuals who are joined with you. Therefore, as previously discussed about the sentence 'they' (هم), the dimension and orientation of the sentence 'your' also includes the property of joint venture or also called the property of *shirkah* business.

The word "*ma kasabtum*", as mentioned in the above verse, is a common word that means to include all kinds of businesses. Thus, it means that all kinds of trade businesses or jobs and professions have been covered in the generality of the meaning of the verse. According to Muhammad Rasyid Ridha that the above verse is about property that must be *zakat*, namely, some of the property produced by

²⁰ Muhammad ibn Ahmad ibn Abi Bakar Al-Qurthubi, *al-Jami' li Ahkam al-Quran* (Tafsir al-Qurthubi), (Kairo: Dar al-Sya'b, 1372 H.), juz VIII, p. 246.

humans by means of business, such as trade, companies, and so on.²¹ Abu Ja'far Muhammad ibn Jarir al-Thabari commented on the sentence, stating the command of Allah SWT about the obligation to pay *zakat* from the results of trading or company businesses. Meanwhile, what is meant by the word "*tayyibat*" is the good substance and the *halal* way to get it.²²

The pronunciation of "*ma*" in Surah al-Baqarah verse 267 above does not mention in detail what materials are subject to the obligation of *zakat*; The verse is still global (*mujmal*). Regarding the object of *zakat* in more detail, it is stated in the *hadiths* of the Prophet Muhammad PBUH, as described in the previous discussion. Explicitly, the *hadith* of the Prophet Muhammad PBUH mentions several types of property that are included in the object of *zakat*, namely: gold and silver, crops and plants, livestock, hidden treasures, mining, and trade goods. While beyond that, it is not specified in the *hadith* of the Prophet Muhammad, PBUH. Even though in modern times there are many other forms of economic resources (businesses) that are not covered in the generality of the verses and details of the *hadiths* of the Prophet Muhammad PBUH.

In understanding the above *hadith*, jurists differ in their opinions about the meaning of the *hadith*, which also causes differences of opinion about the law taken from the *hadith*. Broadly speaking, there are two differences of opinion, namely, the opinion that the merger of property affects the provisions of *zakat*, and another opinion says that the merger of property does not affect the provisions of *zakat*. Based on the verses and *hadiths* that have been described above, the jurists conduct an interpretation of the law on them, and in turn there are similarities and differences of opinion between them. The opinions that develop based on these two postulates include:

First, the opinion that says that the merger of property does not affect the provisions of *zakat*. This opinion was pioneered by Imam Abu Hanifah and his followers, Imam Malik Bin Anas, Imam Ahmad Bin Hanbal, and Imam Ibn Hazm and his followers. From some of

²¹ Muhammad Rasyid Ridha, *Tafsir al-Manar*, (Beirut: Dar al-Fikr, tt), juz IV, p. 225

²² Abu Ja'far Muhammad ibnu Jarir al-Thabari, *Tafsir al-Thabari*, (Beirut: Dar al-Fikr, tt), juz IV, p. 234.

the opinions that have been expressed above, an understanding of the association's property *zakat* can be deduced. In principle, the opinion is that the property of the union must be *zakat*, if it has reached one *nisab*, it's just that the way to calculate the *nisab* of *zakat* is for each person (individual) who participates in the union, calculates his *nisab* according to the wealth that is a member of the union, then the wealth owned individually is calculated, then the *zakat* is calculated and issued. However, in essence, in this case, the obligation to pay *zakat* is still on the individual personally, not in the name of the union.

Second, the opinion that says that the merger of property affects the provisions of *zakat*. This opinion was pioneered by Imam al-Shafi'i and his followers. Based on the above opinion, it can be taken from the essence that in principle, the property of the union must be *zakat*, if it has reached one *nisab*, and the way to calculate the *nisab* of *zakat* is for each person (individual) who participates in the union, calculates his *nisab* according to the property that is a member of the union, then the *zakat* (wealth that belongs to the union) is issued which is calculated as the distribution according to the previous agreement (*'uqd*).

From some of the opinions that have been expressed above, an understanding of the association's property *zakat* can be deduced. In principle, the two opinions agree that the property of the union must be *zakat*, if it has reached one *nisab*, it is just that there is a difference in the way of calculating the *nisab*, some argue that the *nisab* is calculated from the total amount of the property of the union as a whole and there are those who calculate and view it as personal property (individual), so that in this difference of opinion it seems that the point of view in the merger of property affects the provisions of *zakat* or not.

Differences of opinion on how to calculate the *nisab* of the property of the union that affects the provisions of *zakat*: *First*, if the *nisab* of mixed property is considered the *nisab* of an owner or not; *Second*, whether the nature of the incorporation of property affects the provisions of *zakat*. Differences of opinion arise due to differences in understanding the *hadith* of the Prophet Muhammad, PBUH received from Anas bin Malik above.

From the statement of Imam al-Shafi'i in his book *al-Umm*, as explained above, the mixing of property that has an impact on the law of *zakat* is not limited to livestock only, but also includes mixing and sharing in the field of agriculture. In fact, according to Ibn Rushd, al-Shafi'i argues that the impact on the law of *zakat* applies to all types of partnerships.

Based on the description and analysis that have been explained above, the author is more inclined to the second opinion, namely that the property of the union must be *zakat* if it has reached one *nisab* and meets the provisions of the obligation of *zakat*.

Wealth on Which Zakat Must be Paid: Islamic Jurisprudence and Indonesian Regulatory Perspectives

Zakat is '*ibādah māliyyah* and *ijtimā'iyah*, namely worship in the form of property with social and humanitarian dimensions that can develop in accordance with the development of mankind. *Zakat* is also one of the pillars of Islam that is vital in building the welfare of Muslims. This can be seen from his active role in the economy since the time of the Prophet until now, because *zakat* is a levy that encourages economic life, until certain influences are created on it.²³

On this basis, contemporary scholars have *ijtihad* to oblige *zakat* on business unions owned by Muslims. The obligation of *zakat* for trade unions is only aimed at trade unions owned (at least by the majority) by Muslims.²⁴ Thus, both in terms of *fiqh* law and positive legal rules in Indonesia, trade unions that have met the requirements are obliged to issue their *zakat*, in addition to individual *zakat* from their directors, commissioners, and employees. However, it must be admitted that the obligation of *zakat* for trade unions is seen as *shakhsīyah hukmiyyah*; there are differences (*khilāfiyyah*) among contemporary scholars.

Assets owned by trade unions must be issued *zakat*, due to the existence of business unions, or what people consider. Therefore, between the individuals, there are transactions of borrowing, selling,

²³ Euis Amalia, *Keadilan Distributif dalam Ekonomi Islam, Penguatan Peran LKM dan UKM di Indonesia* (Jakarta: PT Raja Grafindo Persada, 2009), p. 118-119.

²⁴ Ismail Nawawi, *Zakat dalam Perspektif Fiqh, Sosial dan Ekonomi* (Surabaya: Putra Media Nusantara, 2011), p. 263.

relating to outsiders, and also establishing cooperation. All obligations and the end result are enjoyed together, including obligations to Allah SWT in the form of zakat.

The provisions on the form of zakat that are required on the property of the business union are included in the category of zakat of property (*māl*); it does not include infaq, alms, or obligations about zakat fitrah, because zakat fitrah is a worship related to individuals who fast as self-cleansing in addition to obligations related to the individual (individual). The provisions on the form of zakat that are required on the property of the business union are included in the category of zakat of property (*māl*); it does not include infaq, alms, or obligations about zakat fitrah, because zakat fitrah is a worship related to individuals who fast as self-cleansing in addition to obligations related to the individual (individual).

The obligation of *zakat* on the property of the business union can be analogized (*qiyās*) or equated with *zakat* on the property of trade/commerce, because it is seen as the legal and economic aspect of the activities of a business union is essentially based on trading or trading activities, then the calculation of *nisab* and other conditions, also refers to trade *zakat* which according to fiqh law is worth 85 grams of gold or 600 grams of silver.²⁵ Meanwhile, according to Baznas Jambi Province, it is worth 92 grams of pure gold. The *zakat* collection rate is 2.5%. The same calculation also applies to current assets consisting of banknotes, bank money, and bonds.²⁶

This is also mentioned in the Law of the Republic of Indonesia Number 23 of 2011 concerning the management of *zakat* in article 1 paragraph (2), which states: "*Zakat* is property that must be issued by a Muslim or business entity to be given to those who are entitled to receive it in accordance with Islamic law". Article 1 paragraph (5) also

²⁵ Gold *Nisab* = 1 dinar = 4.25 grams of gold, then 20 dinars x 4.25 grams of gold = 85 grams. While the silver *nisab* = 200 dirhams, 1 dirham = 2,975 grams of silver, (1 dinar = 10 dirhams), then 20 dinars = 20 x 10 = 200 dirhams, See: Yūsuf al-Qaraḍāwī, *Fiqh al-Zakah* (Egypt: Dār al-Fikr, 1997), p. 260; see also Muḥammad al-Shawkānī, *Nayl al-Auṭār*, Vol. IV (Beirut: Dār al-Fikr, 1973), p. 156.

²⁶ Anonim, *Panduan Praktis Amil Zakat* (Jambi: Bazda Provinsi Jambi, 2000), p. 10.

states that: "mudhakkī is a Muslim or business entity that is obliged to pay *zakat*."²⁷

Meanwhile, Article 3 of this Law also states that: "*Zakat māl* as referred to in paragraph (2) is property owned by an individual *muṣṭakki* or business entity".²⁸ Furthermore, article 4 paragraph (2) also states: "*Zakat māl* as referred to in paragraph 1 includes: a) gold, silver, and other precious metals; b) money and other securities; c) business; d) agriculture, plantations, and forestry; e) livestock and fisheries; f) mining; g) Industrial; h) income and services; and i) *rikāz*."²⁹

Provisions of *Nisab*, Compulsory Rate, *ḥaul*, and Implementation

In Islamic law, it is stated that the essence contained in cooperation is the existence of a bond of cooperation carried out by two or more people in terms of trade or other activities. With the agreement, it gives rise to the ability to take legal action against the property of the association and is entitled to profit in accordance with the agreement that has been agreed upon.

These forms of cooperation exist in the business union, both in terms of the capital owner, the person involved as the management and the distribution of the proceeds, it is clearly determined at the time the transaction is carried out and in general has been expressly stated in the Articles of Association (AD) and Bylaws (ART) of the business union or in the deed of agreement between the parties.

If the subject of *zakat* is the owner of property with the criteria of Islam, independence, puberty, reasonableness, and has *nisab* with perfect property, then the owner of the property who does not meet any of these criteria is not obliged to issue *zakat*, but if the subject of *zakat* is property owned, then all property owned by a person must be

²⁷ Law Number 23 of 2011 concerning Zakat Management article 1 paragraphs (2 and 5).

²⁸ Law Number 23 of 2011 concerning Zakat Management article 4 paragraphs (3).

²⁹ Law Number 23 of 2011 concerning Zakat Management article 4 paragraphs (2).

zakat, even though the owner is still a child, orphans, and insane people.

In issuing *zakat*, the *fuqaha* agreed to meet the provisions of *nisab* and *haul*. *Nisab* means a certain size or amount of property that is subject to compulsory *zakat*. Meanwhile, the *haul* provides for a full year of ownership. The minimum limit for each type of property that is subject to the obligation of *zakat* has been set clearly and firmly through the words of Allah SWT and the *hadith* of the Prophet PBUH and has been formulated by the *fuqaha* in their fiqh books.

The opinion of Imam al-Shafi'i and *fuqaha* al-Shafi'iyah is contrary to the above opinion, as the accumulation of their opinion is that it is obligatory to pay *zakat* on the property of children who have met the criteria for obligatory *zakat*. Their discussion seems to be more focused on the side of the property owned, not on the side of the property owner. The consequence is that every property that has met the criteria for mandatory *zakat*, namely has reached *nisab* and *haul*, and the owner is an independent Muslim, the property must be issued *zakat* without exception, whether owned by individuals or business unions.

Nisab and *haul* as described above are completely focused on the material or property that is in the hands of the owner. The provisions of *nisab* and the mandatory level of *zakat* for business unions are adjusted to the business carried out. If the business is in the form of gold and silver, then the *nisab* is worth 85 grams of gold or 600 grams of silver. Meanwhile, the *zakat* rate is two and a half percent (2.5% or 1/40), and there is a mandatory *haul* at the end of the year.³⁰

If the business union is in the form of crops and fruits that are daily food, from the type of fruits are dried and wine, from the type of grain are various types of beans, wheat, rice, then the *nisab* is five *wasaq* (652.8/653 Kg) of wheat.³¹ While the rate of *zakat* obligation is 10% if the plant depends on rainwater and spring water, and 5% if it uses irrigation costs and other burdens such as irrigation, insecticides, fertilizers and others, then the *zakat* level is as explained in the Hadith

³⁰ Yusuf al-Qardhawi, p. 260. Muhammad al-Syaukani, p. 156.

³¹ Sayyid Sabiq, p. 50.

of the Prophet Muhammad PBUH narrated by Ibn Umar, and there is no obligation to have a *haul* at the end of the year.³²

If the business union is in the form of livestock: goats, cows/buffaloes, and camels, then the *nisab* is as previously described about the *nisab* of goats, cows/buffaloes, and camels, and there must be a *haul* at the end of the year. If the business union is in the form of *rikaʿ* (found property) and *ma'din* (mineral property), then the *nisab* is one-fifth (20%). This opinion is based on the *Hadith* of the Prophet Muhammad PBUH narrated from Abi Hurairah, which says that the wealth of *rikaʿ* must be issued *zakat* one-fifth of the part (20%). If the business union is in the form of trading property, then the *nisab* is worth 85 grams of gold or 600 grams of silver. Meanwhile, the *zakat* rate is two and a half percent (2.5% or 1/40), and there is a mandatory *haul* at the end of the year.

Wealth in a business union (company) usually exists in the form of goods, money that is usually deposited or stored in the bank, and also in the form of receivables, which are usually also valued in money. The technique of determining *nisab* on assets owned by the trade union (company) is adjusted to the assets owned by the trade union (company) itself. Every trade union (company), at least, has three kinds of assets. *First*, assets in the form of goods, both in the form of facilities and infrastructure, and in the form of trading commodities. *Second*, wealth in the form of cash, which is usually kept in banks. *Third*, property in the form of receivables. The assets of the business union that must be *zakat* are the three forms of property, minus assets in the form of facilities and infrastructure, and other urgent obligations, such as debts that are due or that must be paid immediately.³³

The provisions on *nisab* on trade union *zakat* are analogous (*qiyās*) or equated with *zakat* on trade property, because it is seen as the legal and economic aspect of a trade union's activities is essentially based on trading or trading activities, so the calculation of *nisab* and

³² Muhammad al-Syaukani, p. 188.

³³ Didin Hafidhuddin, *Zakat Dalam Perekonomian Modern* (Jakarta: Gema Insani, 2002), p. 102.

other conditions, also refers to trade *zakat* which according to *fiqh* law is worth 85 grams of gold or 600 grams of silver.³⁴

Every wealth owned is partly owned by someone else or can be said to be in the public interest to support life. Wealth can also be interpreted as an asset, namely an item or property owned by an individual or a business union that has a monetary value.³⁵ Because a business union must have supporting facilities that can develop the business of the business union.

The determination of the mandatory rate (percentage) in the *zakat* obligation of the business union must pay attention to important things such as the trade union engaged in agriculture is adjusted to the *zakat* on the crops that are watered not with human labor, which is 10% of the income, not from the tools or capital. *Zakat* is taken from the net proceeds after the cost of living is issued. The basic consideration presented in this percentage is the analogy (*qiyās*) between industrial and land tools. Meanwhile, on the land, there will be no damage, period of destruction and exploitation. In contrast to machine tools and industrial tools that have limited power, they will definitely experience damage, have a period of destruction and depreciation every year. Therefore, it is issued first for damage costs or annual depreciation of 10% before *zakat* is issued from the annual net proceeds.³⁶

Regarding the mandatory rate of *zakat* on capital in trade unions and industries, which is 2.5% or 1/40 (according to *zakat tijarah*), which is taken from the profits of each capital, and the profit of the business union for a year. If the capital is not trading capital, then it is equated with deposits, then the *zakat* is at the price of capital that reaches *nisab*.³⁷

Regarding the size of the tariff or the rate of absolute *zakat* that must be paid by the community, the Prophet PBUH determined that

³⁴ Yūsuf al-Qarḍawī, *Fiqh al-Zakāh*, p. 260; lihat Juga Muḥammad al-Shawkānī, *Nayl al-Awtār*, Vol. IV, p. 156.

³⁵ Damos O.V.Y Sihombing, *Kamus Lengkap Ekonomi* (Jakarta : Erlangga, 1994), p. 22.

³⁶ Didin Hafidhuddin, *Zakat Dalam Perekonomian Modern*, p. 104.

³⁷ See Yūsuf al-Qarḍawī, *Fiqh al-Zakāh* p. 260; see also Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatuhu*, p. 785-790.

it is determined by the severity or lightness of the challenges of justice and welfare faced. In accordance with this very primary or strategic principle, the Prophet PBUH set the obligatory rate of *zakat* as a secondary rule between 2.5% and 10%.³⁸

In the provisions of the nisab of zakat for business associations engaged in plantations and agriculture other than staple foods such as pineapple, durian, apple, oil palm, cloves, chocolate, coffee, copra, tea, watermelon, and vegetables as well as the products of spice crops are the same as the nisab of commercial property (*tijarah*), that is, the zakat is issued, the price, after being sold.³⁹

Likewise, the produce of the earth in terms of its type, including the product of the crop, and from the nature of its obligation to *zakat*, including part of the *zakat* of trade (*tijarah*). Therefore, if you have income from the plantation and agriculture for 85 grams of pure gold, then *zakat* is issued at a *zakat* of 2.5%, and there is a mandatory *haul*.⁴⁰

Similarly, the nisab of zakat for trade unions engaged in fisheries, and livestock other than camels, cows, and goats, such as chickens, ducks, ornamental fish, birds, and so on, is 85 grams of pure gold. Meanwhile, the nisab of industrial companies such as textiles, the shoe industry, the cracker industry, and furniture is 85 grams of gold.⁴¹

When issuing *zakat* for a business union engaged in plantations, agriculture, and livestock, it is required to *haul* (reaching 1 year *hijriyah*), if the products of plantations or fisheries or chicken farms, for example, are sold and the results reach *nisab* or because they are sold gradually not all at once, if the amount of income has reached *nisab*, it is mandatory to continue to *zakat*, and must wait for one year.⁴²

³⁸ ‘Ādil Rashād Ghanīm, *Dalil al-Zakāh* (Cairo: Dār al-Mujtama‘ Li al-Nashr wa al-Tawzī‘, n.d), p. 11.

³⁹ Sa‘īd al-Qaḥṭāni, *al-Zakāh fī al-Islām* (t.tp: tp, th), pp. 87-88.

⁴⁰ Sa‘īd al-Qaḥṭāni

⁴¹ al-Qaḥṭāni

⁴² al-Qaḥṭāni

A business union has wealth and capital that function productively with businesses or activities that will obtain profits. In terms of business unions, the existence of Residual Business Results (SHU) is a development of the business union's assets. Wealth in the business union usually exists in the form of goods, money that is usually deposited or stored in the bank, and also in the form of receivables, which are usually also valued in money. In the implementation of *zakat* resulting from business unions, two versions of the opinion of scholars were found, namely between those who argued that the merger of property did not affect the provisions of *zakat* and those who argued that the merger did affect them. The details of the differences are as follows:

First, the opinion of the scholars of Hanafiyah, Malikiyah, Hanabilah, and Ibn Hazm is that: The merger of property does not affect the provisions of *zakat*, unless the wealth of each reaches its *nisab* individually and *zakat* is calculated on the property of an individual, not on the common property in the union. According to the opinion of the scholars above, if the wealth of each person who is a member of a business union reaches his *nisab* individually, then he is obliged to pay his *zakat* individually, not the total *nisab* of the union's property. For example, if a business union engaged in goat farming with a total of 120 heads, which is owned by three people, and each individual who is in the association has 40 heads, because each person who joins the association has reached 1 *nisab* individually, in this case each individual is obliged to pay *zakat* of 1 goat, in the sense that this union is subject to *zakat* of 3 goats, instead of counting one *nisab* charged to the three people. However, if the union has 117 goats, and each member only has 39 goats, then each individual who is in the union is not obliged to issue it, because the obligation to pay *zakat* is essentially imposed on each individual, not on their trade union.

Second, the opinion of the scholars of Shafi'iyah and Hanabilah that the property of the association in any form, even though each party does not have a share of up to one *nisab*, but as a whole the property of the union has reached one *nisab*, then the property is obligatory to be *zakat*, and the *zakat* is calculated on the common property (in the name of a union), not on the property of the individual in the union. Because the property of common property in a business union is the same as the property of one person. For example, if a business union engaged in goat farming with a total of

40 heads, which is owned by four people, and each individual who is in the association has 10 heads, because each person who is affiliated with the association has not reached *nisab* individually, but in a union (joint) has reached the one *nisab* which is imposed on the obligatory *zakat* whose *nisab* is charged to the four people, so in this case each individual is obliged to pay *zakat* for a quarter of a goat, in the sense that this union is subject to *zakat* of 1 goat, which is calculated as one *nisab* and charged to the four people, because the obligation to pay *zakat* is essentially charged to each individual, not to his business union.

From the two opinions that have been stated above, an understanding can be taken about the implementation of *zakat* on the property of the union. In principle, the two opinions agree that the property of the association must be *zakat*, if it has reached one *nisab*, only there is a difference in the way of calculating the *nisab*, some argue that the *nisab* is calculated from the total amount of the property of the association as a whole and there are also those who calculate and view it as private property (individual).

After paying attention to and analyzing the two opinions above, the author makes a comparison between the two opinions, that according to the Hanafiyah version in the implementation of *zakat*, the property of a person who is in a business union is calculated individually by each member of the union, with the provision that if it has reached one *nisab* and fulfilled the obligatory *zakat*, then each member is obliged to pay his *zakat* individually and in the same way calculating the *nisab* is for each person (individual) according to the wealth of the union members, then the *zakat* is issued individually, not in the name of a union. However, if the property owned by each member in the union has not reached *nisab*, then he is not obliged to pay his *zakat*.

Meanwhile, according to the Shafi'iyah version, in the implementation of *zakat*, the property of a person who is in a business union is calculated individually by each member of the union, provided that if the business union has reached one *nisab* and fulfills the mandatory *zakat*, then each member is required to pay his *zakat* individually according to the number of shares (capital) owned in the union, in the sense that it is not on behalf of a union.

According to the author's analysis of the two versions mentioned above, the obligation to pay *zakat* is only imposed on each individual who is a member of the business union, not on the business union itself. If the wealth owned by each individual in a business union and in a union has reached one *nisab* and meets the mandatory provisions of *zakat*, then he is obliged to pay his *zakat* individually, but if the wealth owned by each individual has not reached one *nisab* and collectively has reached one *nisab*, so he is obliged to calculate his wealth that is in the business union or property owned outside the union, if after calculating the wealth has reached one *nisab*, then he is obliged to disburse it, but if after calculating the total wealth it has not reached one *nisab*, then he is not obliged to disburse his *zakat*. And in essence, all assets owned by a person, both in a business union and outside a business union, if they have reached one *nisab* and meet the provisions of the obligation of *zakat*, then he is obliged to pay his *zakat*.

In another example, if a business union moves simultaneously (multi-business) in several types of businesses, with common capital, for example, of IDR 1,000,000,000, by issuing stock certificates @ IDR 100,000, which means that the business union has issued as many as 10,000 share certificates. 50% of its shares (IDR 500,000,000) are used for sub-oil drilling, 20% (IDR 200,000,000) for convection business, 15% (IDR 150,000,000) for agricultural business, and 15% (IDR 150,000,000) for trading business.

Each of the sub-businesses that were run turned out to make profits as follows: the oil drilling sub made a profit of IDR 400,000,000, the sub-kenvection made a profit of IDR 100,000,000, the agriculture sub made a profit of IDR 50,000,000, and the sub-trade made a profit of IDR 50,000,000.

The total *zakat* that must be issued by the business union is IDR 205,500,000,- divided by the number of shares that have been issued (10,000 shares), thus each *lfembar* share has a profit of IDR 60,000,- and is subject to mandatory *zakat* of IDR 20,550,- which means that the profit obtained after *zakat* is issued is IDR 39,450,-.

From the example above, it can be seen that a comparison of the two versions, according to Hanafiyah scholars, if each member of the union who has 467 pieces of stock certificates and above, he has been subject to compulsory *zakat*, and if each member of the union

has less than 467 pieces of stock certificates, then he has not been subject to compulsory *zakat*. Meanwhile, according to the Shaf'iyyah scholars, if the trade union has 467 shares of stock certificates or above in total, then each member of the union has been subject to mandatory *zakat* according to the number of stock certificates he has.

Methods of Calculating Zakat of Business Union's *Nisab*

After the author has paid attention and analyzed the above opinion, then as an important note for each business union in calculating its *zakat*, it must pay attention to capital (shares) and net profit after deducting the share of capital (shares) and profit for non-Muslim owners. This provision is basically like individual *zakat*, because the subject of *zakat* law (*muḥakkat*) is the owners of capital and the object of *zakat* income (dividend) is Muslim.⁴³ The effectiveness of cooperative *zakat* to increase national *zakat* accumulation has been felt by other Muslim countries such as Malaysia, Bahrain, and Pakistan. These countries have regulated the *zakat* obligations of trade unions, especially *sharia* banking.

In determining when the assets of a business union can be subject to *zakat* from the results of its business, it must meet the conditions that have been regulated in *fiqh*. Meanwhile, *fiqh* experts stated that the calculation of *zakat* by business unions still encountered difficulties, due to differences in the calculation format and elements of financial statements that were different from the current standard format according to *fiqh*. The difference is for example in calculating profits, calculating costs, fixed assets, and so on.

As for the pattern of calculating trade union *zakat* with trade zakat, this refers to the opinion of Abū'Ubayd in *Kitāb al-Amwāl*. In practice, the calculation method is based on financial statements (balance sheet) by reducing liabilities on current assets. That is, all assets (outside of facilities and infrastructure) plus profits, minus debt payments and other obligations. From there, 2.5% is issued as *zakat* for business unions.⁴⁴

⁴³ Yūsuf al-Qaraḍāwī, *Fiqh al-Zakāh*, pp. 262-267.

⁴⁴ 'Abū 'Ubayd Qāsim ibn Salām, *Kitāb al-Amwāl* (Cairo: Dār al-Fikr, 1975), pp. 19-25; lihat juga Shaikh Muḥammad ibn Šāliḥ al-'Uthaimin, *Fatwa Tentang Zakat*

Meanwhile, Yūsuf al-Qaradāwī himself has a somewhat different opinion from the above opinion. He said that if the business union's capital is in the form of goods or tools such as production machinery, buildings, means of transportation and others, then the company's shares are not subject to *zakat*. *Zakat* is only imposed on the net proceeds or profits obtained by the trade union, with a *zakat* rate of 2.5 percent. This law also applies to trade union assets owned by individuals. It is different if the capital of the business union is in the form of a traded commodity, *zakat* can be imposed on the capital and profits at the same time, because it is analogous to '*urūd tijārah*' (trading commodities). The amount of *zakat* rate is 2.5 percent. This also applies to similar assets (other securities) owned by individuals. This last opinion, as conveyed by Yusuf Qaradawi, seems to be easier in its application. For capital in the form of tools or goods, the *zakat* is on the profits obtained and not on the value of the shares themselves.⁴⁵

As a follow-up to Law Number 23 of 2011 concerning the management of *zakat*, the Ministry of Religion of the Republic of Indonesia has prepared Regulation of the Minister of Religion (PMA) Number 52 of 2014 concerning Terms and Procedures for Calculating *Zakat* which regulates the procedures for calculating *zakat*, including *zakat* for business unions. In the Regulation of the Minister of Religion (PMA) Number 52 of 2014 concerning the Terms and Procedures for Calculating *Zakat*, business union *zakat* is distinguished from business (business) *zakat*. Citations of the regulations include:

The *nisab* and *zakat* rate of the business union are the *nisab* of the *zakat* of the business union which is equivalent to the *nisab* of gold *zakat* and the *nisab* of the *zakat* rate of the business union is 2.5% per year. The way to calculate *zakat* for business unions is to determine and assess the assets (assets) that must be subject to *zakat* according to *sharia*, determine and assess the obligations that reduce the assets subject to *zakat*, and calculate the value of *zakat* at a predetermined rate.

Perusahaan (Zakah al-Muassasah), trans. Muhammad Iqbal Ghazali (Ttp: Islam House, 2009/1430), p. 2.

⁴⁵ Yūsuf al-Qaradāwī, *Fiqh al-Zakāh*, pp. 215-220; lihat juga Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatuhu*, pp. 785-790.

The business *nisab* is equivalent to the *nisab* of gold *zakat*. Meanwhile, the rate is 2.5% every year. The way to calculate it is to estimate the price from the beginning of the year to the end of the year (one year) to calculate the *nisab* and calculate the value of *zakat* at a predetermined rate.⁴⁶

Clearly in the language (term) of sharia economic experts as explained in the pattern of calculating zakat for business unions is based on the balance sheet, namely current assets minus current obligations (net asset method) and this method is commonly referred to by scholars with the sharia method. In Indonesia, the pattern of calculation of zakat for business unions is based on the financial statements (balance sheet) of the business union in a simple way by reducing current liabilities on current assets. It's just that in connection with the many differences in the calculation format and the elements that become financial statements, of course the way to calculate zakat rates will be many differences between one accountant and another. In addition, because what needs to be considered in the calculation of *zakat* for business unions is the importance of making various corrections to the value of current assets and short-term liabilities which are then adjusted to sharia provisions, such as corrections to interest income and haram income as well as other doubtful income. The stages of calculating *zakat* for business unions are as follows:

- a. The first stage is to determine the obligatory assets of *zakat*.
 - 1) Net asset method: Summing up *zakat* obligatory assets: Cash, net receivables (total receivables minus doubtful receivables, the calculation method can be read in the article on "receivables management"), traded assets (inventories/securities/real estate), financing, and others. Reducing the assets of *zakat* obligation by: current debt, unlimited investment capital, minority participation, government participation, participation in social institutions, endowments, and non-profit institutions.

⁴⁶Law Number 23 of 2011 concerning *Zakat* Management; see also Regulation of the Minister of Religion (PMA) Number 52 of 2014 concerning Terms and Procedures for Calculating *Zakat Mal* and *Zakat Fitrah* and Utilization of *Zakat* for Productive Businesses, articles 11, 12, and 13.

- 2) Net Invested Funds Method: Adding up *zakat* compulsory assets: Paid-up capital (additional capital), reserves, reserves not deducted from assets, retained earnings, net profit, and long-term debt. Reducing *zakat* compulsory assets by: fixed assets, investments, non-traded and losses.
- a. Second Stage: Assessing the assets of zakat obligation.
 - 1) Net Asset Method: Net Invested Funds Method. Third Stage: Calculating the assets of zakat obligation. Net asset model: $(\text{Cash} + \text{Net Receivables} + \text{Traded Assets} + \text{Financing}) - (\text{Current Debt} + \text{Unlimited Investment Capital} + \text{Minority Participation} + \text{Government Participation} + \text{Institutional Participation}) \times 2.5\%$.
 - 2) Net Invested Funds Method: $(\text{Additional Capital} + \text{Reserves} + \text{Reserves not deducted from assets} + \text{Retained earnings} + \text{Net Profit} + \text{Long-Term Debt}) - (\text{Fixed Assets} + \text{Non-Traded Investments} + \text{Losses}) \times 2.5\%$.⁴⁷

Those included in the current asset category are cash, banks (after interest is set aside), securities (with a value equal to the market price), receivables (i.e. those that may be collectible) and inventories, whether they are in warehouses, in show rooms, traveled at distributors in the form of consignments, finished goods, goods in process or still raw materials. All are valued at market prices.⁴⁸ Meanwhile, those included in the current liability category are union debts, money orders, tax debts, fees that still have to be paid, income received in advance, bank debts (interest debts are not included) and long-term debts that are due. To find out the value of property subject to *zakat* from a business union is current assets minus lancer obligations, after which *zakat* is issued at 2.5%.⁴⁹ Therefore, for the sake of *zakat*, the more relevant measurement used is net cost accounting or net realizable value or Continuously Contemporary Accounting (CoCoA) and does not use historical cost accounting." The provisions of *zakat* for business unions are to combine all trade assets at the beginning and end of one year, then the *zakat* is issued, which can be paid with money or goods, imposed on trade. How to

⁴⁷ Yūsuf al-Qarāḍāwī, *Fiqh al-Zakāh*, pp. 215-220;

⁴⁸ Muhammad, *Manajemen Keuangan Syari'ah* (Yogyakarta: UPP STIM YKPN, 2014), p. 128-130.

⁴⁹ Muhammad, *Manajemen Keuangan Syari'ah*, p. 128-130.

calculate: (Rotating capital + profit + disburseable receivables) - (debt + loss) x 2.5%, example: "Business assets, whether engaged in trade, industry, agro-industry, or services, are managed individually or in a trade union (such as CV and others). This means that if a business union at the end of the year (close the book) has wealth (working capital and profit) greater than or equivalent to 85 grams of gold (assuming that per gram is IDR 75,000 = IDR 6,375,000), then it is obliged to pay *zakat* of 2.5%.⁵⁰

For example, the context in calculating *zakat* for a business union is CV. Bintang Mas (for example) has cash of IDR 6,050,000,000,-, Bank (IDR 19,200,000,000 – interest of IDR 70,000,000) = IDR 19,130,000,000,-, Receivables = IDR 30,000,000,000, and Inventory = IDR 90,000,000. 000,-, Total IDR 145,180,000,000,-. The obligations that reduce the assets subject to *zakat* are business debt = IDR 30,500,000,000,-, salary debt = IDR 2,100,000. 000,-, income received in advance = IDR 1,000,000,000,-, Total IDR 33,600,000,000,-. The difference is IDR 111,580,000,000,-, while the *nisab* is 85 grams of gold (assuming @/gram IDR 300,000,-) = IDR 25,500,000,- *Zakat*: 2.5 % x IDR 111,580,000,000,- = IDR 2,789,500,000,-. Based on the example above, it means that CV. Bintang Mas is obliged to pay *zakat* for the business union because it exceeds the *nisab* (85 grams of gold = IDR 25,500,000,-). Assets that must be *zakat*: IDR 145,180,000,000,- – IDR 33,600,000,000,- = IDR 111,580,000.000,-. *Zakat* That must be paid: IDR 111,580,000,000,- x 2.5% = IDR 2,789,500,000,-.

Another example, if a business union moves simultaneously (multi-business) in several types of businesses, such as export and import, convection, property, and trade, then the *zakat* that must be issued from it is in accordance with the percentage of business carried out and the amount of funds used for each sub-business proportionally.

A business union that has a common capital, for example, amounting to IDR 2,000,000,000,- by issuing a share certificate @ IDR 100,000,- which means that the business union has issued as many as 20,000 share certificates. 50% of its shares (IDR 1,000,000,000,-) are used for sub-exports and imports, 20% (IDR

⁵⁰ Yūsuf al-Qardāwī, *Fiqh al-Zakāh*., p. 262-267.

400,000,000,-) for convection businesses, 15% (IDR 300,000,000,-) for property businesses, and 15% (IDR 300,000,000,-) for trading businesses. Each of the sub-businesses that were run turned out to achieve the following profits: sub-export and import achieved a profit of IDR 800,000,000,- sub-convection achieved a profit of IDR 200,000,000,- sub-property achieved a profit of IDR 100,000,000,- and sub-trade achieved a profit of IDR 100,000,000,-.

The calculation of *zakat* on the business results of the business unions that move simultaneously above is: sub-export and import which is Rp. 1,800,000,000,- x 2.5% = Rp. 45,000,000,-, sub-convection is Rp. 600,000,000,- x 2.5% = Rp. 15,000,000,-, sub-property is Rp. 400,000,000,- x 2.5% = Rp. 10,000,000,- and sub-trade is 400,000,000,- x 2.5% = Rp. 10,000,000,-. The total *zakat* that must be issued by the business union is Rp. 80,000,000,-. If a business union moves simultaneously (multi-business) in several types of businesses, such as in the fields of export and import, convection, and trade, then the *zakat* that must be issued is in accordance with the provisions of *zakat* on trade/business property proportionally.

However, as a note, it is important for property owners to always pay attention to the property they own, both in the business union and outside the business union, with the following provisions: *First*, for the property owned and in the business union, if the business union has issued *zakat* on its assets, then the capital owners no longer need to pay *zakat* on the assets that are in the business union, but if the business union does not issue *zakat* on its assets, then the capital owners are obliged to pay their own *zakat* combined with other assets outside the business union. *Second*, for property owned and outside the business union, if individually all of the property has met the *nisab* equivalent to 85 grams of gold or 600 grams of silver, then the owners of the property are obliged to issue their own *zakat* which is categorized as *zakat* on property, with a mandatory rate of 2.5% or 1/40 and the mandatory existence of *haul*.

Conclusion

This article concludes: *first*, the property contained in the business union must be issued *zakat* if it has fulfilled the provisions of *nisab* and *haul* in the implementation of *zakat*, the *zakat* is on behalf of

the owner of the property in the union, not on behalf of the business union. *Second*, the law of *zakat* on the property of the business union is mandatory. Although there are still differences of opinion among the *fuqaha* in determining the *nisab* and *haul* *zakat* of the property of the business union. This difference is based on their understanding of the law of *zakat* on the property of the business association as clearly and firmly stipulated in the Qur'an and Sunnah. *Third*, the *fuqaha* have different opinions about the provisions of the *nisab* *zakat* of business unions. The difference is between those who are of the view that *nisab* and *haul* are seen from the trade union and those who are of the view that the calculation of *nisab* is on the property of each trade union participant, not on the trade union. *Fourth*, the provisions of the mandatory rate of *zakat* on the property of the business union are adjusted to the type of business carried out. *Fifth*, the implementation of *zakat* by trade unions is adjusted to the field of business carried out by the trade union, according to the view of Hanafiyah scholars: the *nisab* that is calculated is the *nisab* of each individual participant of the trade union, not the trade union itself, therefore in a business union one or several of its participants may not be subject to the obligation of *zakat* because they do not achieve the *nisab* individually. According to the view of the Shafi'iyah scholars: the *nisab* that is calculated is the *nisab* in the trade union, if the union has reached the *nisab*, then each individual participant in the trade union is subject to compulsory *zakat*. Because it is not clear and strict about the *zakat* regulations for business unions in Indonesia regarding sanctions, a comprehensive method of calculating *zakat*, so this article is important as the basis for the offer to improve the *Zakat* Law. This can be done by adopting the model that has been applied by neighboring countries and other Muslim countries regarding the concept of cooperative *zakat* related to regulations and institutional authority combined with local wisdom.

Bibliography

- Abdullah, Luqman, Muhammad Ikhlas Rosele, and Wan Marhaini Wan Ahmad. "The Concept of Legal Entity from the Islamic Law Perspectives." *Pertanika* 28, no. 4 (2020): 3207–21.
- Adriano, Elvia Arcelia Quintana. "The Natural Person, Legal Entity or Juridical Person and Juridical Personality." *Penn State Journal of Law & International Affairs* 4, no. 1 (2015): 363–91.

- Ahmad, Raja Adzrin Raja, Ahmad Marzuki Amiruddin Othman, Muhammad Sufiyudin Salleh. "Assessing the Satisfaction Level of Zakat Recipients Towards Zakat Management." *Procedia Economics and Finance*, 31 (2015): 140-151. [https://doi.org/10.1016/S2212-5671\(15\)01141-7](https://doi.org/10.1016/S2212-5671(15)01141-7).
- Alim, Mohammad Nizarul. "Utilization and Accounting of Zakat for Productive Purposes in Indonesia: A Review." *Procedia - Social and Behavioral Sciences* 211 (2015): 232-236. <https://doi.org/10.1016/j.sbspro.2015.11.028>.
- Ayotte, Kenneth, and Henry Hansmann. "A Nexus of Contracts Theory of Legal Entities." *International Review of Law and Economics* 42 (2015): 1–12.
- Bottega, John A, and Linda F Powell. "Creating a Linchpin for Financial Data: Toward a Universal Legal Entity Identifier." *Journal of Economics and Business* 64, no. 1 (2012): 105–15.
- Bouheraoua, Said. "Zakah Obligations on Islamic Financial Institutions." In *Research Paper*. ISRA, 2012.
- Chan, Ka Kei, and Alistair Milne. "The Global Legal Entity Identifier System: How Can It Deliver?" *Journal of Risk and Financial Management* 12, no. 1 (2019): 1–29.
- Hadi, A Chairul. "Corporate Social Responsibility Dan Zakat Perusahaan Dalam Perspektif Hukum Ekonomi Islam." *AHKAM: Jurnal Ilmu Syariah* 16, no. 2 (2016): 229–40.
- Hakim, Muhammad Lutfi. "Islamic Law and Society in Indonesia: Corporate Zakat Norms and Practices in Islamic Banks, by Alfitri." *Bijdragen tot de taal-, land- en volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia* 179, no. 1 (2023): 115-118. <https://doi.org/10.1163/22134379-17901001>.
- Hasan, Aznan. "Who Needs to Pay Zakat: A Focus on Legal Entities." In *National Business Zakat Symposium, Hotel Istana, Kuala Lumpur*, Vol. 8, 2013.
- Hasan, Aznan. "Zakat on Legal Entities (Shakhsiyyah I'tibariyyah): A Shari'ah Analysis." *Al-Shajarah: Journal of the International Institute of Islamic Thought and Civilization (ISTAC)*, 2018, 255–82.
- Hassan, Nubani Md, Abd Halim Mohd Noor. "Do Capital Assistance Programs by Zakat Institutions Help the Poor?." *Procedia*

- Economics and Finance* 31 (2015): pp. 551-562.
[https://doi.org/10.1016/S2212-5671\(15\)01201-0](https://doi.org/10.1016/S2212-5671(15)01201-0).
- Junus, Umar. "The payment of Zakat al-Fitrah in a Minangkabau community." *Bijdragen tot de taal-, land- en volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia* 122, no. 4 (1966): 447-454.
<https://doi.org/10.1163/22134379-90002922>.
- Mohamad, Tun Abdul Hamid. "Obligation of Companies to Pay Zakat: Issues Arising from Effects of Separate Legal Entity." *The Law Review*, 2012, 481–98.
- Muhammad, Sani Adamu, Ram Al-Jaffri Saad. "Moderating Effect of Attitude toward Zakat Payment on the Relationship between Moral Reasoning and Intention to Pay Zakat." *Procedia - Social and Behavioral Sciences* 219 (2016): 520-527.
<https://doi.org/10.1016/j.sbspro.2016.05.029>.
- Mustofa, Imam. "Pelaksanaan Zakat Serikat usaha." *AKADEMIKA: Jurnal Pemikiran Islam* 20, no. 2 (2015): 295–322.
- Mustofa, Imam. "Zakat Lembaga Keuangan Syariah Sebagai Serikat usaha." *Millah: Jurnal Studi Agama* 14, no. 1 (2014): 171–200.
- Naz'aina. "The Effect of Internal Control System and Amil Competence on the Financial Reporting Quality at Zakat Management Institution Active Member of Zakat Forum in Special Capital City Region Jakarta and West Java Provinces." *Procedia - Social and Behavioral Sciences* 211 (2015): 753-760.
<https://doi.org/10.1016/j.sbspro.2015.11.100>.
- Porta, Rafael La, Florencio Lopez-de-Silanes, and Andrei Shleifer. "Corporate Ownership Around the World." *The Journal of Finance* 54, no. 2 (1999): 471–517.
- Prananingrum, Dyah Hapsari. "Telaah Terhadap Esensi Subjek Hukum: Manusia Dan Serikat usaha." *Refleksi Hukum: Jurnal Ilmu Hukum* 8, no. 1 (2014): 73–92.
- Rahim, Syamsuri. "Model Pengelolaan Zakat Perusahaan." *Jurnal Akuntansi Multiparadigma* 8, no. 1 (2017): 200–215.
- Saad, Ram Al Jaffri, Norazita Marina Abdul Aziz, Norfaiezah Sawandi. "Islamic Accountability Framework in the Zakat Funds Management." *Procedia - Social and Behavioral Sciences* 164 (2014): 508-515. <https://doi.org/10.1016/j.sbspro.2014.11.139>.

- Santosa, A A Gede D H. “Perbedaan Serikat usaha Publik Dan Serikat usaha Privat.” *Jurnal Komunikasi Hukum (JKH)* 5, no. 2 (2019): 152–66
- Syakir, Muhammad Fahmi, Tastaftiyan Risfandy, Irwan Trinugroho. “CEO’s social capital and performance of zakat institutions: Cross-country evidence.” *Journal of Behavioral and Experimental Finance* 31 (2021). <https://doi.org/10.1016/j.jbef.2021.100521>.
- ‘Abd al-Raḥmān al-Jazīrī. *Kitāb al-Fiqh ‘Alā al-Madhāhib al-Arba‘ah*. Beirut: Dār al-Rashād al-Hadīthah, n.d.
- ‘Abd Wahhāb Khallāf. *Uṣūl al-Fiqh*. Cairo: al-Ḥaramain li al-Nashr wa Tawzī‘, 1325 H/ 2004.
- Abdul Aziz Muhammad Azzam dan Abdul Wahhab Sayyed Hawwas. *al-Waṣīf fī Fiqh al-‘Tbādah*. trans. Kamran As‘ad Irsyadi. Jakarta: AMZAH, 2009.
- Abdullah Dirsyawi, Abdullah Ismail, and Muhammad Dirsyawi. *Dirāsat Iqtisādīyah Islāmīyah*. Riyāḍ: n.d.
- ‘Abū ‘Ubayd Qāsim ibn Salām. *Kitāb al-Awwāl*. Cairo: Dār al-Fikr, 1975.
- ‘Ādil Rashād Ghanīm. *Dalīl al-Zakāh*. Cairo: Dār al-Mujtama‘ li al-Nashr wa al-Tawzī‘, n.d.
- Al-Ghazālī. *Shifā’ al-Ghalīl fī Bayān al-Shabāh wa al-Mukhīl wa Masālik al-Ta‘līl*. Baghdad: Maṭba‘at al-Irshād, 1971.
- Al-Shāṭibī. *al-Muwāfaqāt fī Uṣūl al-Sharī‘ah*. Beirut: Dār al-Fikr, n.d.
- Anonim. *Panduan Praktis Amil Zakat*. Jambi: Bazda Provinsi Jambi, 2000.
- CST. Kansil. *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*. Jakarta: Balai Pustaka, 1989.
- Damos O.V.Y Sihombing. *Kamus Lengkap Ekonomi*. Jakarta : Erlangga, 1994.
- Didin Hafidhuddin. *Zakat Dalam Perekonomian Modern*. Jakarta: Gema Insani, 2002.
- Euis Amalia. *Keadilan Distributif dalam Ekonomi Islam, Penguatan Peran LKM dan UKM di Indonesia*. Jakarta: PT Raja Grafindo Persada, 2009.

- Ibn Manzur, Abi al-Fadhl Jamaluddin ibn Makram. *Lisan al-Arab*. Bairut, Dar al-Shadir, li al-Thiba'ah wa al-Nasyr, n.d., Vol. XI.
- Ismail Nawawi. *Zakat dalam Perspektif Fiqh, Sosial dan Ekonomi*. Surabaya: Putra Media Nusantara, 2011.
- M. Nur Rianto al-Arif. *Lembaga Keuangan Syari'ah*. Bandung: Pustaka Setia, 2012.
- Muhammad al-Shawkānī. *Nayl al-Auṭār*. Beirut: Dār al-Fikr, 1973.
- Muhammad ibn Idrīs al-Shāfi'ī. *al-Umm*. Beirut: Dār al-Fikr, 1983.
- Muhammad Ibn jarir al-Thabari. *Tafsir al-Thabari*. Beirut, Dar al-Fikr, tt, Juz IV.
- Muhammad ibn Ṣāliḥ al-'Uthaimin. *Fatwa Tentang Zakat Perusahaan (Zakah al-Muassasah)*. Trans. Muhammad Iqbal Ghazali (Ttp: Islam House, 2009/1430).
- Muhammad. *Manajemen Keuangan Syari'ah*. Yogyakarta: UPP STIM YKPN, 2014.
- Nasrun Haroen. *Perdagangan Saham di Bursa Efek Menurut Hukum Islam*. Padang: IAIN IB Press, 1999.
- Rachmat Syafe'i. *Fiqh Muamalah*. Bandung: Pustaka Setia, 2001.
- Ridha, Muhammad Rasyid. *Tafsir al-Qur'an al-Hakim*. Mesir, al-Manar, 1353.
- Sa'id al-Qaḥṭānī. *Al-Zakāh fī al-Islām*. t.tp: tp, n.d.
- Sayyid Sābiq. *Fiqh al-Sunnah*. Kuwait: Dar el-Bayan, 1968.
- Shalah al-Shawi. *Isu-Isu Fiqh Kontemporer*. Jakarta: Gema Insani, n.d.
- Shaikh Muhammad ibn Ṣāliḥ al-'Uthaimin, *Fatwa Tentang Zakat Perusahaan (Zakah al-Muassasah)*, trans. Muhammad Iqbal Ghazali (Ttp: Islam House, 2009/1430).
- Syaukaniy, Muhammad Aliy Muhammad, Al-. *Nail al-Autar*. Vol. VII, Mustafa al-Babiy al-Halabiy, Mesir, t. t.
- Tim LazisMU. *Saham dan Obligasi*. Jakarta: Penerbit LazisMU, n.d.
- Titik Triwulan Tutik. *Hukum Perdatadalam Sistem Hukum Nasional*. Jakarta: Kencana, 2008.
- Qurthubi, Muhammad Ibn Ahmad Ibn Abu Bakar Ibn Farh, Abu Abdullah, al-. *al-Jami' li Ahkam al-Qur'an*. Kairo, Dar al-Sya'ab, 1372, Cet. II, juz VII.

- Wahbah al-Zuhaylī. *Al-Fiqh al-Islāmī wa Adillatuhu*. Damshik: Dār al-Fikr, 1989.
- Yūsuf al-Qarḍāwī. *Fiqh al-Zakah*. Egypt: Dār al-Fikr, 1997.
- Yūsuf al-Qarḍāwī. *Hadyā al-Islām: Fatwa Mu‘āṣirah*. trans. al-Hamid al-Husaini. Bandung: Pustaka Hidayah, 2000.
- Zuhaili, Wahbah, Al-. *Fiqh al-Islami wa Adillatuhu*. Damsyik, Dar al-Fikr, 1989, Cet. III, Juz II.