

Maqashid Sharia Analysis of Position The Poor Commercial Sex Workers as *Mustahik Zakat* in Indonesia

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Abstract. *The purpose of this study is to describe the maqashid sharia analysis of the position of poor prostitutes as Mustahik zakat in Indonesia. Zakat is a form of economic and social concern from muzaki to mustahik. But in the current era, many groups are considered worthy of zakat but are hindered by regulations, fiqh doctrines and stereotypes regarding certain professions. Especially in reaching marginalized groups such as prostitutes. Sex workers are part of a group that is marginalized and exploited both in terms of economic, moral and social. Using the statue approach and comparative approach, this research will look at the legal regulations in Indonesia and compare with the opinions of scholars regarding the position of prostitutes and see the extent of the opportunity for zakat distribution to prostitutes by analyzing it using maqashid sharia theory. The findings of this study reveal that the distribution of zakat to poor prostitutes can theoretically be done with various schemes including training, soft skill development and business capital injection. However, there is no regulation in Indonesia that allows this either in the law or fatwa. In terms of Islamic law, there are hadith and scholarly views that allow giving zakat as long as it is to help her get out of her profession as a prostitute, not to support her. From the maqashid sharia analysis, giving zakat to prostitutes can protect; First, the soul (ḥifẓ al-naḥs) by encouraging prostitutes to leave their profession as soon as possible so that they can prevent sexual diseases, violence and sexual exploitation that can threaten them. Second, honor (ḥifẓ al-'irdh) encourages recovery and rehabilitation in their social environment. Third, wealth (ḥifẓ al-māl), empowering the economy by providing training and business capital. Fourth, religion (ḥifẓ al-dīn), zakat becomes a means of da'wah to return to being a good Muslim.*

Keywords: *Commercial Sex Workers; Distribution; Zakat; Mustahik.*

1. INTRODUCTION

Zakat is one of the important instruments in Islamic teachings that has a strategic role in economic equality and empowerment of the poor. The *zakat* instrument is used in improving the quality of life by preventing human exploitation of other humans (Zainuddin, 2021). Therefore, *zakat* is considered to be one of the important instruments in realizing welfare. Data from the BAZNAS Center for Strategic Studies states that the potential for *zakat* in Indonesia in 2019 reached IDR 233.8 trillion. The two largest contributors in the Indicators of *Zakat* Potential mapping (IPPZ) are income *zakat* of IDR 139.07 T and money *zakat* of IDR 58.76 T. Then followed by agricultural,

livestock, and corporate *zakat* (Compiler, 2019). If managed properly, these funds can be a significant resource for poverty alleviation programs. This amount is clearly very large and at the same time gives an idea of how great the potential of *zakat* in national development, especially from the aspect of economic improvement and poverty alleviation. (Halim, 2024)

In the Indonesian context, *zakat* is regulated through Law No. 23 of 2011 on *Zakat* Management, which aims to optimally manage and distribute *zakat* to *mustahik* (*zakat* recipients) such as the poor, the needy and other groups in need. Although *Zakat* has been regulated in the law in Indonesia, but the law is more focused on administrative issues, rather than mandatory. Consequently, this law is only considered as bureaucratization-shari'ah in Indonesia (Fauzan & Fata, 2018). This can be seen from the implementation of *zakat* distribution which still faces challenges in reaching certain marginalized groups (Khairani, 2024). One of them is poor commercial sex workers (PSK). *Zakat* is considered to be able to overcome prostitution in Indonesia (Faisol Mubarak, 2022).

Data shows that the number of prostitutes in Indonesia is still significant, although their existence is often not formally recognized by the government. Based on data released by Komnasham in 2019, the number of prostitutes reached 230,000 people, spread across 168 locations in various regions in Indonesia, which does not include male and transgender prostitutes (Komnas HAM, 2019). Some of them live in poor economic conditions, with uncertain income and minimal access to social and health services (Zainuddi, 2019). This phenomenon reflects the gap between formal regulations and social reality. Although prostitutes are often categorized as vulnerable groups, they are often excluded from priority social assistance programs, including *zakat*.

In the perspective of Islamic law, there is room for academic discussion regarding the eligibility of prostitutes as *mustahik zakat*, especially in three categories, namely *asnaf miskin*, *fisabilillah* and *riqab*. FSWs are considered worthy of *zakat* if their condition is poor and repentant, FSWs in this condition can be included in the poor *asnaf* or *asnaf fisabilillah* (Agung Sasongko, 2015). Meanwhile, *asnaf riqab* can be intended for prostitutes who fall into the category of victims of sexual exploitation (Zainuddin, 2021). Because they are vulnerable to economic exploitation, it is difficult for them to get out and empower themselves (Zainuddi, 2019). *Asnaf riqab* is also intended for victims of *human trafficking* (Hendra, 2024). Generally, victims of *human trafficking* cannot get out of the shackles of their masters and they are usually poorly educated and economically weak (Matnin, 2022). Therefore, *zakat* plays an important role in improving people's welfare, especially by helping marginalized groups gain access to education, health, and economy (Suharto, 2024).

Another fact shows that the social and legal stigma against prostitutes often prevents them from getting access to proper assistance. In many cases, they are ignored in *zakat*-based economic empowerment programs that are supposed to be inclusive (Suharto, 2024). On the other hand, there are organizations and institutions that independently and focus on distributing *zakat* to marginalized groups with the aim of returning them to a more productive path and transforming *mustahik* status into *muzaki* (Fadhilah, 2017). Regarding the empowerment of marginalized groups, Malaysia is one step ahead of Indonesia in opening access to improvements for marginalized groups. Malaysia paved the way through the interpretation of the

meaning of *riqab* not just a slave or servant but *riqab* is also meant by someone who is in a state of bondage to social and moral problems and has the characteristics of being exploited so that they are enslaved, they are prostitutes, *pondan* and *gigolo* (Ibrahim, 2023). Apart from these three groups, the interpretation of the meaning of *riqab* includes the LGBT group (Zafirah, 2021). Through this research, a more inclusive approach to *zakat* distribution in Indonesia can be identified.

The identification of problems in this study are: *First*, the issue of open access to *zakat* for commercial sex workers. One of the main problems identified is how *zakat* distribution in Indonesia can cover commercial sex workers. The tradition of *zakat* in Indonesian society often does not touch this group directly, as it is considered as a group that falls outside the accepted social and moral norms. This research is important to identify whether commercial sex workers are entitled to receive *zakat* according to Islamic law and the society's view towards them. *Second*, the challenge of *maqashid sharia* perspective in *zakat* distribution. *Maqashid sharia* focuses on the goals and objectives of sharia to safeguard the welfare of the ummah, including the protection of soul, religion, reason, offspring, and property. This research will investigate whether the distribution of *zakat* for prostitutes is in accordance with the principles of *maqashid sharia*, which aims to prevent poverty, improve the welfare of individuals, and encourage them to return to a better path. Issues arise regarding how the application of *maqashid sharia* can be translated in this context, given that prostitutes are often considered to be outside of religious norms. *Third*, social and cultural perceptions towards giving *zakat* to prostitutes. Giving *zakat* to prostitutes will face strong social and cultural challenges, where people generally consider the profession as a form of ethical and moral deviation. The identification of this problem leads to the question of whether society is ready to accept the distribution of *zakat* to this group and whether the perception of morality can influence the decision of *zakat* distribution. *Fourth*, economic inequality and commercial sex workers' access to economic resources. Many commercial sex workers are in very depressed economic conditions, often engaging in such work due to limited economic options. Identifying this problem of inequality in access to *zakat* is important to address poverty among commercial sex workers. How *zakat* can function to improve their quality of life, both economically and socially, is an issue that needs to be considered. *Fifth*, government regulations and policies in the distribution of *zakat* to certain groups. Government regulations related to the distribution of *zakat* to groups that are less accepted in society, such as prostitutes, are also a big challenge. Is there any policy or institution that regulates the distribution of *zakat* to this group and how does the government and *zakat* institution adapt to the *maqashid sharia* principles in that context?

This research aims to examine the eligibility of prostitutes to receive *zakat* according to *maqashid sharia* principles. This research will assess whether the distribution of *zakat* to prostitutes is in line with the objectives of sharia which emphasize the protection of the interests of the soul, property, mind, and offspring, and how this can be translated in the current social and economic context.

2. RESEARCH METHODS

This type of research was normative legal research. The normative legal approach was used to investigate the provisions of Islamic law to find the rules, arguments and principles of *zakat* law as well as the category of *mustahik zakat* groups to determine the appropriate *asnaf* category for prostitutes. Meanwhile, *maqashid sharia* is used to analyze the distribution of *zakat* to prostitutes. The research method is descriptive

qualitative to provide norms, principles and legal doctrines regarding the distribution of *zakat* to prostitutes (Hadari Nawawi and Mimi Martini, 1996). Matters found during the research are then analyzed carefully and then described systematically to make it easier to understand and conclude. Using a *statute* approach and *comparative approach*. These two approaches will be used as an analysis for researchers to answer research issues related to legal provisions and legal comparisons with several existing legal rules (Soerjono Soekanto and Sri Mamudji, 1995). The specification of this research is to analyze whether the distribution of *zakat* to prostitutes can be accepted and implemented in accordance with *maqashid sharia* principles. This research will explore the extent to which the application of *maqashid sharia* which focuses on protecting the benefit of the soul, property, mind, offspring and religion can accommodate the rights of prostitutes as recipients of *zakat*. The method of data collection by conducting a study of primary and secondary and tertiary legal materials, by conducting literature studies, analyzing legal materials and legal interpretation to understand the purpose and objectives of *maqashid sharia*. The data analysis methods used are: *First*, normative legal analysis, namely analyzing the text of Islamic law and *zakat* regulations in Indonesia related to the status of prostitutes as *mustahik zakat*. *Second*, qualitative descriptive analysis, namely presenting and interpreting data from literature studies, analysis of legal materials and legal interpretation. *Third*, *Maqashid sharia* Analysis by describing five aspects of *maqashid* that must be maintained. *First*, *hifz al-din* is used to analyze whether giving *zakat* to prostitutes can help them return to a life that is more in accordance with Islamic values. *Second*, *hifz al-nafs* looks at whether *zakat* assistance can improve the welfare and safety of their lives from economic and health risks. *Thirdly*, *hifz al-aql* to examine whether the provision of *zakat* can help them get education or training in new skills. *Third*, *hifz al-nasl* examines the impact of *zakat* provision on the protection of their family and children. *Fourth*, *hifz al-mal* to analyze how *zakat* can help them shift to a more halal and sustainable source of income.

3. RESULT AND DISCUSSION

3.1. *Zakat* as an Instrument for Poverty Alleviation

Zakat is the third pillar of Islam, which certainly has a very important and decisive position for Muslims in the process of people's economic development. Law No. 23 of 2011 mandates the function of *zakat* as a means to reduce poverty, as explained in Article 3 letter b emphasizes that *zakat* management is focused on efforts to achieve community welfare and reduce poverty levels (Salsabila et al., 2024). Poverty alleviation is one of the roles of *zakat* in development, there are at least 4 (four) roles of *zakat*, among others: (1) moderating social inequality; (2) reviving the people's economy; (3) encouraging the emergence of breakthrough models in poverty alleviation; and (4) developing funding sources for the development of people's welfare outside the APBN and APBD (Murobbi & Usman, 2021).

As a social obligation, *zakat* provides a flow of wealth redistribution from the better-off to those in need. In this case, *zakat* becomes an effective tool to reduce the gap between the rich and the poor. This is in line with the principles of social justice in Islamic law which teach that wealth should not be concentrated in a few people. The 2024 *Zakat* and National Poverty Alleviation Report by BAZNAS noted that national *zakat* management has alleviated poverty by 1,350,227 people, contributing 5.61% to national poverty alleviation. This data indicates that the distribution of productive *zakat*

plays a significant role in improving the welfare of *mustahik*, characterized by increased income and reduced dependence on social assistance (Musnaeni & Khasanah, 2025). Poverty alleviation can be pursued in two approaches, namely a partial approach and a structural approach. Partial approach, namely by providing direct assistance in the form of *zakat* funds to those who are no longer productive (due to physical and spiritual disability). The structural approach, which is an approach that aims to resolve poverty in the form of eliminating the factors that cause poverty (Irawan, 2020).

If managed properly, *zakat* can encourage economic growth through community empowerment, capital distribution for small businesses, improving living standards, and social infrastructure development (Hidayati et al., 2025). Therefore, *zakat* is a very effective tool to improve consumption, production, and economic distribution patterns with the aim of improving the welfare of the people (Hadrian & Wijaya, 2023). By implementing *zakat* properly and maintaining transparency in its management, the potential of *zakat* to reduce poverty can be maximized (Hamran & Sudirman, 2024). If the obedience to pay *zakat* is comprehensive, *zakat* can become an economic potential as a source of funds for the development of socio-economic facilities and infrastructure needed by the people (Nafi'ah, 2021).

In terms of creative consumptive *zakat* realized in the form of scholarships, automatically poor people who cannot go to school due to limited costs can be reduced because they are assisted by these *zakat* funds (Jaya, 2022). *Zakat* also has the potential to be invested productively as business capital (Sugiarti & Aji, 2023) and can be done in an effort to improve the economy of *Mustahik*, especially the poor by focusing on empowering their resources through training that leads to their skills (Nadawi, 2024). *Zakat* also plays an important role in poverty reduction through the path of job creation (Fauziah et al., 2021).

Zakat will help create a more inclusive society, where the economic and social rights of all individuals are respected. By distributing a portion of wealth to those in need, *zakat* will play a role in improving the quality of life of the poor and marginalized. This also supports the goal of social justice that seeks to realize prosperity for all levels of society, without discrimination or a large gap between rich and poor. Overall, *zakat* serves as the foundation for realizing social justice in Islamic society. As an obligation that must be fulfilled by Muslims, *zakat* aims not only to purify wealth, but also to reduce social inequality, increase social solidarity and reduce poverty. By paying *zakat*, Muslims contribute to economic equality and the creation of a more just society, where every individual, whether rich or poor, obtains their rights in accordance with the guidance of Islamic law.

3.2. The Interpretation of the Poor as *Mustahik Zakat*

In defining the poor (*al-miskin*, plural *al-masakin*), the scholars of Shafi'iyah and Hanabilah explain the poor is a person who has or earns half or more of his needs, even if it does not meet his needs (Wahbah az-Zuhayli, 2002). Imam Abu Hanifah stated that a poor person is someone who has a steady job but cannot meet his daily needs. The majority of scholars say that the poor are people who have property or income worthy of meeting the needs of themselves and their dependents, but the income is insufficient. Another definition is expressed by Wahbah Zuhayli that the poor are people who are able to work to cover their needs, but not sufficient, such as

people who need ten and he only has eight, so that it does not meet the needs of clothing, food and shelter (Wahbah az-Zuhayli, 2002).

There is a difference of opinion among scholars regarding the criteria for being poor and needy. According to the scholars of Syafi'iyah and Hanabilah, the poor are worse off than the poor. A poor person is one who has no wealth and no work at all, or one who has wealth and earns less than half the needs of himself and those who are his dependents, without any extravagance and miserliness. Meanwhile, a poor person is someone who has or earns half or more of his needs, even if it does not meet his needs. The meaning of sufficiency in the rights of the working person is to meet the needs of one day with one day. While in the rights of others, namely the rest of his life which is generally 62 years (Wahbah az-Zuhayli, 2002). Meanwhile, the Hanafiyyah and Malikiyah scholars are of the opinion that the poor are worse off than the poor because the poor is a person who lives where he is (not fixed), because he has no fixed place (Wahbah az-Zuhayli, 2002). However, Imam Abu Yusuf and Ibn Qasim did not distinguish definitively between the two groups of people (poor and destitute). According to them, poor and poor are two terms that contain the same meaning (Rosalia et al., 2023).

A person is said to be poor if they are unable to earn a living. Indicators of inability to earn a living are as follows: 1. Has no business at all 2. Has a business but it is not sufficient for self and family, i.e. the income does not meet half or less of the needs 3. Is able to work and earn a living, and can provide for himself such as artisans, traders, and farmers. However, they lack carpentry tools or capital for trade, or lack land, agricultural tools, and irrigation 4. Unable to earn a living as a result of a non-material deficiency (physical disability, for example), such as paralyzed people, blind people, widows, children, and so on (Anwar & Handoyo, 2023).

To look at the interpretation of the poor in Indonesia, the Minister of Social Affairs Decree No. 262 of 2022 organizes the criteria for the poor into four main dictums. The first dictum sets out the purpose of these criteria, which is as an instrument for early detection of poverty conditions. The second dictum provides an explicit initial criterion: a person can be categorized as poor if they do not have a place to live or shelter on a daily basis. The third dictum reinforces the view that lack of shelter is the main indicator in the classification of extreme poverty. The fourth dictum expands the scope of poverty identification to those who still have a place to live, with eight additional indicators, such as the absence of a permanent job, the inability to meet food and clothing needs, and inadequate housing conditions (Setyawan et al., 2025).

3.3. The Economic and Social Background of Commercial Sex Workers in Indonesia

Becoming a prostitute is one method to make quick money that does not involve special abilities (Saputro, 2022). Economically, the need for people to seek income and allocate it to live their lives cannot be separated from humans as *homo economicus*. However, this is sociologically also driven by several causes, for example due to limited economic resources (Saleh et al., 2013). As stated by Kartono, one of the causes of someone working as a prostitute is due to economic pressure and economic considerations to fulfill their survival (A. N. Safira & Rahmandani, 2019).

Then one of the driving factors for someone to become a commercial sex worker is the influence of the friendship environment. Meanwhile, based on what Koentjoro

explained, the background of someone becoming a prostitute is due to the materialism factor, namely the subject wants to have a prosperous life with wealth. Then the modeling factor, namely the subject befriends many people who work in clubs and also become prostitutes (Anggraini et al., 2023). Most of them come from low economic and educational backgrounds. In fact, some of them also come from divorced families and do not receive compensation from their ex-husbands. So, in order to survive, they choose to work in prostitution. Another reason why they choose this path is their limited capacity and knowledge to get a job in the formal sector (Supraja & Artosa, 2023). In addition, family factors also influence them to enter the world of prostitution due to lack of attention, loss of harmonization and limited communication in the family which makes them then pursue work as prostitutes (Rakhmah & Putra, 2024).

3.4. Dynamics of Islamic Law on *Zakat* Distribution for Commercial Sex Workers

Zakat is an Islamic instrument that has great potential in preventing and reducing prostitution. If analyzed from the Shafi'iyah, then supporting prostitutes with *zakat* in the sense of giving *zakat* to prostitutes is permissible, because the Shafi'iyah interpret fakir and miskin as people who cannot meet their needs from halal work. So that even though the needs of life can be fulfilled from earning income as a prostitute, she is still categorized as poor or poor considering that the money generated comes from work that is not halal. In addition, MUI (Indonesian Ulema Council) also requested that *zakat* be given to prostitutes, both for those who are still active or those who have quit the job. This was conveyed by a member of the MUI Fatwa Commission, M Hamdan Rasyid, MA, who said that prostitutes are people who are categorized as weak, so they are entitled to get *zakat* for their empowerment, not only from BAZNAS but also from other *zakat* institutions in the hope that those who are still active as prostitutes, after getting *zakat* they will return to the right path, or stop practicing prostitution (Mubarak & M, 2022). Paying prostitutes with *zakat* is the right action to help them get out of the black valley.

In another opinion, prostitutes who are exploited by their pimps can basically be equated with slaves in the current context. The scholars of Selangor, Malaysia, also analogize (*qiyas*) victims of human trafficking as *zakat* recipients who fall into the category of *riqab* who can thus free themselves from modern slavery. Victims of sexual exploitation can be categorized as *riqab* who are entitled to receive *zakat* because in general, victims of sexual exploitation are people who are unable to free themselves from the shackles of pimps and in general also victims of sexual exploitation have a low educational background and weak economy. Therefore, the need for *zakat* management institutions and the government to contextually understand *riqab* as victims of sexual exploitation so that it has implications for *zakat* management that is able to alleviate poverty by preventing the occurrence of sexual exploitation which is a crime against human rights (Zainuddin & Sahban, 2021).

The classical scholars did not specifically discuss prostitutes, but the general principles indicate that ***zakat* can be given to the perpetrators of immorality if the gift can stop the immorality**. Imam al-Ghazali stated that preventing harm is preferable to bringing benefit (Al-Ghazali, 2005). So, if *zakat* is given to poor prostitutes with the aim of removing them from immoral practices, then it is included in the *maslahat* that is justified by sharia. From an Islamic perspective, even if the prostitutes are able to fulfill their needs after entering the occupation, they are still categorized as poor or

needy. This is based on the explanation in fiqh *zakat*, which states that fakir or poor are those who do not have enough income to fulfill their needs through halal work. In other words, the status of poverty cannot be eliminated only by income obtained from non-halal work (Wahbah az-Zuhayli, 2002).

According to some of the Syafi'iyah, giving *zakat* to prostitutes is permissible, because they define fakir and miskin as individuals who are unable to fulfill their needs with income from halal work. Therefore, even though prostitutes can fulfill their needs from this income, they are still considered poor or needy, because the income they get comes from unlawful work. Shaykh Nawawi al-Bantani states in the book *Nihayah al-Zain*, explaining that the *status of a person's poverty will not disappear with the wealth generated from haram work, such as prostitution* (Faisol Mubarak, 2022).

This opinion can be regarded as a development of the view expressed by some of the Shafi'iyah. Based on this view, prostitutes are still classified as poor or needy and are entitled to receive *zakat*. In fact, they are among those who are very entitled to receive *zakat*, considering the many great benefits that can be obtained by fulfilling their needs through *zakat* assistance. There is a potential that with this assistance, they will change and no longer become prostitutes, which is a positive impact of giving *zakat* to them. The above opinion is supported by the Hadith of the Prophet Muhammad which means:

"Indeed, your charity has been granted, the prostitute may have refrained from prostitution because of your charity to her, the thief may have had enough and refrained from stealing again, and the rich man may have learned a valuable lesson and given charity." (HR. Bukhari Muslim)

This Hadith indicates that it is permissible to give zakaah to a prostitute because she may have refrained from committing immoral acts with it. This situation is similar to a prostitute who is given zakaah and then leaves her job as a prostitute, so the zakaah is permissible and valid.

Contemporary scholars such as Yusuf al-Qaradawi in the book *Fiqh al-Zakah* also emphasized that the provision of *zakat* is not only permissible but **must be directed to foster and save those who live in conditions of despair**, including sinners who want to repent (Al-Qardhawi, 1999). Similarly, Wahbah az-Zuhayli's opinion states that the **poor are still poor**, and the conditions for receiving *zakat* do not depend on personal piety (Wahbah az-Zuhayli, 2002).

3.5. Maqashid sharia Analysis of the Position of Poor Commercial Sex Workers as *Mustahik Zakat* in Indonesia

The relationship between Maqasidh Sharia and *zakat* is close and complementary in an effort to create a just, sustainable and general welfare-oriented society. *Zakat* is one of the ways that has the aim of providing social security to groups of people who are deprived of poverty (Syahrani et al., 2024). In fiqh, a *masakin* is a person who does not have enough income to fulfill their needs. Many prostitutes find themselves in this economic situation due to lack of education and employment, economic duress (for example, being the breadwinner of the family), domestic violence and exploitation. Therefore, from the point of view of fiqh law, they can be classified as *masakin* and are entitled to receive *zakat*, even though their activities are against the norms of sharia. In terms of fiqh and maqashid, poor prostitutes can be categorized as *mustahik zakat*

in the *masakin* group, as long as the distribution aims to raise their dignity through economic and social empowerment. Thus, *zakat* is not just a means of assistance, but a means of transformation towards the goodness of life in this world and the hereafter.

In the context of poor prostitutes, the main aspects that are violated are **personal honor** and **religion**, but the aspects of **wealth and soul** are also very much related because poverty conditions are often a driving factor for someone to fall into prostitution. Giving *zakat* to poor prostitutes is not intended to allow, legitimize or even support their work, but as a form of **social intervention to save their souls and raise their dignity**, which is directly in line with the objectives of Maqashid Shari'ah. As said by Jasser Auda, Maqashid aims not only to maintain formal law but also to bring social change and justice (Jasser Auda, 2008). Because in the principle of *Maqashid sharia*, the essence of Islamic law is to realize human benefits, both in this world and the hereafter, by maintaining the five main objectives of sharia: religion (*al-din*), soul (*al-nafs*), intellect (*al-'aql*), offspring (*al-nasl*), and property (*al-mal*). Within the maqashid framework, helping poor prostitutes with *zakat* can be the first step to save their souls (*hifz al-nafs*) and minds (*hifz al-'aql*) from moral and social degradation, as well as pave the way for repentance and self-improvement through economic and spiritual assistance.

According to the author's analysis, in the context of *zakat* distribution to poor prostitutes with the *maqashid sharia* approach, it provides strong justification that: *First*, in protecting the soul (*hifz al-nafs*). Sex workers who live in poverty are threatened by disease, violence and exploitation and can threaten lives. Therefore, giving *zakat* helps maintain their lives physically and psychologically. *Second*, in maintaining honor (*hifz al-'irdh*) although not explicitly mentioned in the classical maqashid, but many modern scholars include *al-'irdh* (honor and dignity) as an important maqashid. By giving *zakat* to prostitutes, it can be a means of restoring their dignity and social rehabilitation. *Third*, safeguarding wealth (*hifz al-māl*). *Zakat* can empower the economy of prostitutes and enable them to earn halal income, leave prostitution and live economically independent lives. *Fourth*, safeguarding religion (*hifz al-dīn*). With the opening of access to religious and social education, *zakat* can be a medium for da'wah and a way back to Islamic life.

4. CONCLUSION

Based on the discussion and analysis above, it can be concluded that in the context of Islamic law, *Zakat* can be given to poor prostitutes. Poor is interpreted as a condition where a person is unable to fulfill his daily needs and those of his dependents. Therefore, *zakat* is seen as a solution for someone who is in a poor condition and does not have a halal job, in this case someone who becomes a prostitute. Some scholars such as Yusuf Qardhawi, Wahbah Zuhayli and others provide opportunities and opportunities for poor prostitutes to be given *zakat* with the provision that *zakat* encourages prostitutes to leave their jobs until they find halal jobs, not the other way around, supporting them to continue working as prostitutes. *Maqashid sharia* analysis of the position of poor prostitutes as *mustahik Zakat* in Indonesia, there are four maqashid categories. *First*, from the aspect of protecting the soul (*hifz al-nafs*), *zakat* can encourage prostitutes to leave the profession so as to prevent their lives from all diseases, violence and exploitation that can threaten them. *Second*, in the aspect of maintaining honor (*hifz al-'irdh*) *zakat* can be a means of restoring (rehabilitation) the

dignity of prostitutes in the social environment. *Third, in the aspect of protecting property (ḥifẓ al-māl), zakat* is useful for the economic empowerment of prostitutes by providing business capital, training and skills to open business opportunities. *Fourth, from the aspect of protecting religion (ḥifẓ al-dīn), zakat* becomes a means of da'wah and a way back to Islam.

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