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Controversy over the Obligation of Professional Zakat for Civil Servants from the Perspective of *Maqashid Syariah*

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Abstract. *The discourse on the obligation of professional zakat for civil servants continues to be a hot topic of debate in Indonesia, both from the perspective of government regulations and contemporary fiqh discourse. This study aims to analyse the roots of the controversy surrounding the obligation of professional zakat for ASN and review it through the lens of Maqashid Syariah. The main focus of this study is to evaluate whether the policy of automatically deducting ASN salaries for zakat is in line with the basic objectives of sharia, namely to realise maslahah (benefit) and reject mafsadah (harm). The research method used is qualitative with a library research approach. Primary data is sourced from MUI Fatwa Number 3 of 2003 concerning Income Zakat and related government regulations, while secondary data is obtained from classical and contemporary literature on professional zakat. The results of the study show that the controversy arises from differences of opinion regarding the qiyas (analogy) used; whether professional zakat is analogous to gold zakat (due to the nature of the property) or agricultural zakat (due to the harvest time). On the one hand, those who require it argue that professional zakat is a form of social justice. On the other hand, those who oppose it highlight the legal uncertainty regarding the limits of nishab and haul, which have not been agreed upon absolutely in classical texts. Through the perspective of Maqashid Syariah, this study finds that the obligation of professional zakat for civil servants strongly supports the elements of Hifz al-Mal (protection of wealth) on a public scale and Hifz al-Nafs (protection of life) for the mustahik through wealth redistribution. However, its implementation must maintain the principles of voluntariness and transparency so as not to harm the interests of civil servants who have different financial burdens. This study concludes that legal certainty regarding professional zakat requires not only regulatory legitimacy, but also a deep understanding of the objectives of equitable social welfare. Harmonisation between state policy and sharia principles is necessary so that professional zakat is not seen as a double tax burden, but rather as an effective and sustainable instrument for poverty alleviation in Indonesia.*

Keywords*: Civil Servants; Controversy; Legal Certainty; Maqashid Syariah; Professional Zakat.*

1. INTRODUCTION

Zakat is one of the fundamental instruments in Islam that not only serves as a form of ritual obedience to Allah SWT, but also as a pillar of socio-economic justice for humanity. In the course of classical fiqh history, the objects of zakat were generally limited to the agricultural, livestock, trade, and gold and silver sectors. However, with the structural transformation of the global economy from an agrarian base to an industrial and service society, new sources of wealth have emerged through intellectual expertise and professionalism(Ekuitas et al., 2024). This phenomenon gave rise to the concept of professional zakat or zakat *al-mal al-mustafad*.

In Indonesia, the discourse on professional za(Ekuitas et al., 2024)kat has become increasingly heated as the government began to initiate regulations requiring the deduction of zakat from the salaries of civil servants (ASN). This step is seen as a strategic effort to optimise the enormous potential of national zakat to alleviate poverty. However, this policy has not been without obstacles(Graciano & Alhanif, 2025). On the one hand, there are groups that support it on the grounds of fairness (equity), given that professional incomes currently often far exceed those from traditional agriculture. On the other hand, there is resistance or scepticism from some quarters who view professional zakat as lacking a strong basis in classical texts and consider its deduction mechanism to disregard the principle of voluntary charity.

Despite the decline in the number of Muslims in Indonesia, Islamic teachings can still be applied in accordance with the constitution. Muslims can still believe in their faith in accordance with existing guidelines, perform their worship and *muamalah* (social interactions), except in the aspects of *hudd* (theft, adultery, robbery) and qisas (murder). Zakat, which is an integral part of Islamic teachings, has a legal basis in Indonesia with the issuance of Law No. 23 of 2011 concerning the management of zakat. Zakat is a potential source of funds that can be used for the general welfare of the entire community(Sari, n.d.).

This controversy becomes even more complex when faced with the heterogeneous economic reality of civil servants. Although they are state employees, the financial burdens and living standards of each individual vary. Direct deductions (payroll system) without careful consideration of debts or basic family needs are often considered burdensome. This is the crucial point where *Maqashid Syariah* (the objectives of Sharia law) must be present as an analytical tool. *Maqashid Syariah* does not only view the law from a formalistic textual perspective, but also considers the impact of maslahah (benefit) and justice resulting from a rule.

From the perspective of *Maqashid Syariah*, the essence of the obligation of zakat is the distribution of wealth so that it does not accumulate in the hands of a few (*li-kay la yakuna dulatan baina al-aghniya minkum*). The application of professional zakat for civil servants should not be seen as an additional burden, but rather as a mechanism for 'cleansing wealth' that aims to maintain social balance(Aibak, n.d.). However, in order for this objective to be achieved without causing harm, principles such as *Hifdzul Mal* (protection of wealth) and *Hifdzul Nafs* (protection of life) must go hand in hand. This means that zakat regulations must ensure that *muzakki* (zakat payers) are still able to meet their basic needs before this obligation is imposed.

Zakat can also be used to alleviate poverty and eliminate social inequality. In order to achieve maximum results, zakat needs to be managed professionally and responsibly.

This must be done simultaneously by the community and the government (Hizbullah, 2023). The government is obliged to provide protection, guidance and services to *muzaki, mustaḥiq* and zakat administrators. The aim is to raise public awareness of the obligation to pay zakat, as well as the services and management provided by the Zakat Agency. Thus, it is hoped that zakat will truly be able to bring about community welfare and social justice, as well as increase the effectiveness and efficiency of zakat.

The management of zakat is regulated in Law No. 23 of 2011. Article 1 paragraph (1) of this law stipulates that the management of zakat is the planning, implementation, and coordination of the collection, distribution, and utilisation of zakat. Paragraph (2) states that zakat is wealth that must be paid by a Muslim or business entity to be given to those who are entitled to receive it in accordance with Islamic law (Graciano & Alhanif, 2025).

Paragraph (5) states that a *muzakki* is a Muslim or business entity that is obliged to pay zakat. Paragraph (6) states that a *mustahik* is a person who is entitled to receive zakat. Paragraph (7) The National Zakat Agency, hereinafter referred to as BAZNAS, is an institution that manages zakat at the national level. Paragraph (8) The Zakat Agency, hereinafter referred to as LAZ, is an institution formed by the community with the task of assisting in the collection, distribution and utilisation of zakat. Paragraph (9) Zakat Collection Units, hereinafter referred to as UPZ, are organisational units formed by BAZNAS 24 to assist in the collection of zakat. Paragraph (10) Every person is an individual or a legal entity. Paragraph (11) Amil Rights are a certain portion of zakat that can be used for operational costs in the management of zakat in accordance with Islamic law.

Furthermore, the Government of the Republic of Indonesia issued Government Regulation No. 14 of 2014 concerning the Implementation of Law No. 23 of 2011. Article 1 paragraph (1) states that Zakat Management is the activity of planning, implementing, and coordinating the collection, distribution, and utilisation of zakat (Aibak, n.d.). Paragraph (2) The National Zakat Agency, hereinafter referred to as BAZNAS, is an institution that manages zakat at the national level. Paragraph (3) Zakat Management Institutions, hereinafter referred to as LAZ, are institutions formed by the community with the task of assisting in the collection, distribution, and utilisation of zakat. Paragraph (4) Zakat Collection Units, hereinafter referred to as UPZ, are organisational units formed by BAZNAS to assist in the collection of zakat. Paragraph (5) Amil Rights are a specific portion of zakat that can be used for operational costs in zakat management in accordance with Islamic law. Paragraph (6) The Law is Law Number 23 of 2011 concerning Zakat Management. Paragraph (7) The Minister is the minister who administers government affairs in the field of religion.

2. RESEARCH METHODS

This research is a legal-normative study using a qualitative approach with a library research method. This method was chosen based on the need to examine the doctrines, norms, and rules of Islamic law contained in classical and contemporary literature related to professional zakat. The main focus of this study is not on field statistical data, but rather on an in-depth analysis of legal texts and the thoughts of scholars contextualised with government policy regarding zakat for the State Civil Apparatus (ASN) in Indonesia. The data sources in this study are divided into three main categories. First, primary legal materials, which include official regulations such as Law No. 23 of 2011 concerning Zakat Management, Presidential Instructions related to zakat optimisation, and Indonesian

Ulema Council (MUI) Fatwa No. 3 of 2003, which forms the legal basis for income zakat. Second, secondary legal materials consisting of scientific literature, contemporary fiqh books such as the works of Yusuf Qardhawi, and journals on *Maqashid Syariah* thought by figures such as Asy-Syatibi and Jasser Auda. Third, tertiary legal materials in the form of legal dictionaries and encyclopaedias that provide additional explanations of technical terms. Data collection techniques were carried out through documentary studies by systematically searching, classifying, and recording relevant literature. After the data was collected, the analysis process was carried out descriptively and analytically using deductive logic. The researchers began by describing the phenomenon of the ASN professional zakat policy in general, then tested it using the *Maqashid Syariah* analysis tool. This analysis aims to evaluate whether the zakat deduction policy has fulfilled the principles of benefit (maslahah) and justice, or whether it has the potential to cause harm to muzakki. With this method, the study is expected to produce a harmonious synthesis between religious obligations and the protection of ASN economic rights within the framework of the rule of law.

3. RESULTS AND DISCUSSION

3.1. Legal Review of the Realisation of ASN Professional Zakat: Between Legality and Fairness

The issue of professional zakat obligations for civil servants (ASN) in Indonesia is a complex legal phenomenon, as it involves the intersection of religious doctrine (fiqh), state regulations (qanun), and the real economic conditions of individuals. A fundamental question arises when the mechanism of zakat deduction is applied on a massive scale and is mandatory for all ASN: What is the legal status if the deduction is still carried out even though the ASN is not actually in the category of those obliged to pay zakat (*muzakki*), or even if their economic condition is closer to the category of zakat recipients *(mustahik*)?

Normatively and theologically, professional zakat is a product of contemporary ijtihad. Scholars such as Yusuf al-Qardhawi argue that income from professional expertise (such as civil servant salaries) is wealth that must be zakat-ed because it is a real source of wealth in the modern era. In Indonesia, this is reinforced by MUI Fatwa Number 3 of 2003 (Hizbullah, 2023). However, this fatwa provides very clear limits regarding *nishab* or the zakat threshold, which is equivalent to 85 grams of gold per year. This is where the first legal issue lies. If a government agency requires a 2.5% deduction from all civil servants without verifying whether their net income after deducting basic needs reaches the *nishab*, then according to Sharia law, this policy has lost its legal basis as 'zakat' (Ekuitas et al., 2024).

According to both classical and contemporary Islamic jurisprudence, zakat can only be taken from wealth that is *fadhl* (excess) from primary needs (*al-hajah al-ashliyyah*). Primary needs include clothing, food, shelter, education, health, and maturing debts. In reality, many civil servants especially those in lower grades or those with large families and significant mortgage payments have salaries that may nominally be above the threshold, but in reality are 'used up' just to survive. If the state or zakat management institutions (BAZNAS) forcibly deduct their salaries, then such actions are no longer in line with the nature of zakat as a fair financial act of worship, but rather shift into forced levies that impose a burden.

From the perspective of *Maqashid Syariah*, the main purpose of zakat is to achieve *maslahah* (public interest) through the redistribution of wealth. One of its main pillars is *Hifdzul Mal* (protection of property). This principle emphasises that an individual's wealth must be protected from unlawful seizure or burdensome taxation. If the implementation of professional zakat is imposed on civil servants who do not meet the *mustahiq* criteria (in the sense that they are not economically capable), then the objective of *Hifdzul Mal* is compromised. Zakat, which should be a solution to poverty, risks creating a new group of poor people among civil servants themselves.

Furthermore, there is the principle of *Hifdzul Nafs* (protection of life) which demands that every human being be able to meet a decent standard of living. Cutting the income of someone who is struggling to meet their basic needs in order to 'pursue zakat collection targets' is an act that contradicts the spirit of sharia. In the rules of fiqh, it is stated that 'Al-Dararu Yuzal' (harm must be eliminated) (Graciano & Alhanif, 2025). Administrative obligations must not override the basic right of individuals to live prosperously from the fruits of their own labour.

From a formal legal perspective in Indonesia, although Presidential Instructions and various Regional Regulations encourage the optimisation of civil servant zakat, these regulations must not conflict with Law No. 23 of 2011 concerning Zakat Management (Ekuitas et al., 2024). This law emphasises the principles of protection and legal certainty for *muzakki* (those who pay zakat). Therefore, legally, the deduction of zakat for civil servants who do not meet the sharia requirements (due to economic burdens or not reaching the *nishab* clean threshold) can be considered a procedural flaw in sharia law. The status of the deducted funds cannot be categorised as 'zakat' that fulfils religious obligations, but rather as *infaq or sadaqah* if the person concerned is willing, or even as a covert 'illegal levy' if it is done without consent and without fulfilling sharia requirements.

As a fair legal solution, the ASN zakat deduction system (payroll system) should not be automatic and absolute. There must be room for ASNs to declare that they do not meet the *nishab* requirement after deducting living expenses. Transparency and education are key so that this policy is not only seen as an effort to collect large amounts of funds, but truly as an implementation of Islamic values of justice. Zakat must be collected from those who have wealth to be given to those in need, not collected from those who are struggling just to meet annual reporting targets. Thus, the sovereignty of Islamic law is upheld without neglecting the economic rights of civil servants, who are also part of the people that must be protected.

3.2. Analysis of *Maqashid Syariah* on the Implementation of ASN Professional Zakat: Between Benefit and Harm

The implementation of professional zakat obligations for Civil Servants (ASN) through an automatic payroll deduction system is a policy based on the noble intention of optimising the potential of the ummah. However, if this policy is examined using the instrument of Maqasid Sharia, particularly in the dimensions of *Hifdzul Mal* (protection of property) and distributive justice, a more complex picture emerges regarding whether this practice brings more benefit or harm to employees (Aibak, n.d.).

From the perspective of *Hifdzul Mal*, Islamic law not only commands humans to give away wealth (zakat), but also provides legal protection for individual property rights. A person's property is sacred and cannot be taken without a valid Sharia reason. *Maqashid*

Syariah emphasises that zakat must be taken from wealth that exceeds basic needs (al-hajah al-ashliyyah). When the professional zakat policy is applied at a flat rate of 2.5% of gross income without considering debt burdens, housing instalments, or children's education costs that are the responsibility of civil servants, the principle of Hifdzul Mal for employees is threatened.

When the professional zakat policy is applied at a flat rate of 2.5% of gross income without considering debt burdens, housing instalments, or children's education costs that are the responsibility of civil servants, the principle of *Hifdzul Mal* for employees is threatened. The protection of wealth in Islam should ensure that a *muzakki* (zakat payer) retains the financial resilience to maintain the dignity of their family's livelihood (Ekuitas et al., 2024). If deductions are enforced to the extent that the civil servant experiences an economic deficit, then the policy has violated the limits of wealth protection established by Islamic law.

Furthermore, from the perspective of distributive justice, zakat is philosophically intended to stimulate the economy so that wealth does not circulate only among the rich (*li-kay la yakuna dulatan baina al-aghniya*). Macroeconomically, the collection of zakat from civil servants in large amounts does indeed bring public benefit (*maslahah ammah*) because it provides fresh funds for poverty alleviation and community empowerment programmer. However, distributive justice must be two-way (Hizbullah, 2023). Fairness should not only be felt by the beneficiaries (*mustahik*), but also by the givers (*muzakki*). Policies that treat all civil servants equally in one obligation without considering their real economic strata tend to ignore the principle of proportional justice. A low-ranking civil servant with many dependents may in fact be closer to the poor category than the rich category. Therefore, collecting zakat from them to give to other poor people is a paradox in wealth distribution.

The assessment of the benefits versus the harms of this policy is highly dependent on the technicalities of its implementation. Benefit will be achieved (becoming *maslahah mu'tabarah*) if the professional zakat system has a ‘safety valve’ mechanism. For example, there is transparency in determining the *nishab*, which is dynamic and follows the latest gold prices, and there is room for civil servants to file objections if their financial conditions are not feasible (Aibak, n.d.). Conversely, harm will arise *(mafsadah*) if this obligation is seen as an additional tax burden that forcibly reduces the welfare of employees. This not only damages the mentality of zakat, which should be based on sincerity, but also creates resistance to the zakat management institution.

From a broader *Maqashid Syariah* perspective, individual interests (*maslahah fardiyah*) should not be sacrificed for the sake of collective interests arbitrarily if those collective interests can still be achieved through other, fairer means. Therefore, in order for the implementation of professional zakat for civil servants to remain within the corridor of *Maqashid Syariah*, the government and zakat institutions must ensure that the policy is not coercive and indiscriminate (Hizbullah, 2023). The fair distribution of wealth must begin with an accurate assessment of the economic capacity of the payer. Thus, professional zakat truly becomes an instrument for purifying wealth that brings peace of mind to employees, rather than an administrative policy that infringes on their economic rights and causes harm to household stability.

4. CONCLUSION

Based on an in-depth analysis of the obligation of professional zakat for Civil Servants (ASN), it can be concluded that this policy is a contemporary ijtihad that has a dual dimension: as an instrument of religious obedience and as a tool for socio-economic transformation. Substantively, professional zakat is in line with the spirit of *Maqashid Syariah*, particularly in realising the fair distribution of wealth so that assets do not only circulate among certain circles. However, its legal realisation is highly dependent on the accurate application of sharia requirements, especially those related to meeting the threshold (*nishab*) and the availability of wealth that exceeds basic needs (*al-hajah al-ashliyyah*). The controversy that has arisen regarding the obligation of zakat for civil servants who are not yet in the category of being able to pay shows that there is a gap between administrative regulations and the values of Sharia justice. From the perspective of *Hifdzul Mal* (protection of wealth), any policy of salary deductions must ensure that the economic rights of employees are not violated. The obligation to pay zakat should not be coercive and blind; it must respect the financial limits of the *muzakki* so as not to cause new harm to the stability of civil servants' households who are on the verge of poverty. Without room for clarification for employees regarding debt burdens and basic needs, a rigid payroll system policy risks violating the principle of proportional justice, which is the spirit of Islamic law. In summary, the public benefit generated from the collection of civil servant zakat will only be truly valuable if it is based on transparent governance that accommodates the real conditions of the payers. Civil servant professional zakat must be managed as a bridge of solidarity that honours the givers and helps the recipients. Therefore, a reorientation of regulations is needed that not only pursues quantitative collection targets but also prioritises education and verification of the eligibility of zakat payers. In this way, professional zakat can achieve its true purpose: purifying wealth, calming the soul, and building the welfare of the community without neglecting the basic rights of civil servants.

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