

Zakat for Business Entity According to Fiqh and Positive Law in Indonesia

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Abstract

This paper discusses zakat for business entity, which still require refinement of the concept if it is to be applied in Indonesia. Even though contemporary scholars have made it mandatory, an explanation is still needed regarding criteria, calculation of nisab, hawl, levels, procedures, including sanctions. This article uses qualitative data obtained through relevant literature sources. This article shows that there are differences in the views of scholars in viewing the obligatory zakat in this business association. Hanafiyah scholars are of the opinion that zakat on business entities assets is issued not in the name of the business entity, but on behalf of the owner of the property in the union, so that there may be business entity members who are subject to obligations and some are not because they do not meet the individual hawl and nisab standards. In the opinion of the syafi'iyah scholars, the benchmark is the business union, so that when the collective assets have reached the nisab, the zakat must be issued, even though if it is separated based on the rights of each individual there are still those who have not reached the minimum obligatory zakat.

Keywords: Business Entity; Zakat Regulations; Asset Zakat.

Abstrak

Tulisan ini mendiskusikan tentang zakat untuk serikat usaha yang masih memerlukan penyempurnaan konsep jika hendak diterapkan di Indonesia. Walaupun ulama-ulama kontemporer telah mewajibkannya, masih dibutuhkan penjelasan tentang kriteria, penghitungan nisab, hawl, kadar, prosedur, termasuk sanksinya. Artikel ini menggunakan data kualitatif yang diperoleh melalui sumber-sumber pustaka yang relevan. Artikel ini menunjukkan bahwa terdapat perbedaan pandangan ulama dalam memandang wajib zakat dalam serikat usaha ini. ulama hanafiyah berpendapat, zakat harta serikat usaha dikeluarkan bukan atas nama serikat usaha, melainkan atas nama pemilik harta yang berserikat, sehingga bisa jadi ada anggota serikat yang terkena kewajiban dan ada yang tidak karena tidak memenuhi standar hawl dan nisab secara individu. Pendapat ulama syafi'iyah, patokannya adalah serikat usahanya, sehingga ketika harta secara kolektif telah mencapai nisab, maka harus dikeluarkan zakatnya, walaupun jika dipisahkan berdasarkan hak masing-masing individu masih ada yang belum mencapai batas minimal wajib zakat.

Keywords: Badan Usaha; Regulasi Zakat; Zakat Harta.



Introduction

The obligation of zakat for a business union or an association (institution/organization) both on a small scale such as an individual business, or on a large scale such as a business whose perpetrators are still clearly visible yet to gain the legitimacy of classical fiqh (Santosa, 2019). This lack of classical fiqh led contemporary ijthad scholars to find the right concept of zakat for business unions. The majority of scholars such as Yūsuf al-Qaraḏāwī, Wahbah al-Zuḥaylī, Alī al-Thalūs, Muhy al-Dīn al-Asfār, Abī'Ubayd Qāsim ibn Salām, MustafāAḥmad al-Zarqā' and others require it (Hasan, 2013). Meanwhile in Indonesia, the Indonesian Ulema Council (MUI) at the third Ijtimā' Ulama of the Indonesian Fatwa Commission in 2009 in Padang Panjang, West Sumatra (MUI, 2009) and Chapter I General Provisions Articles 1 and 4 of the Law of the Republic of Indonesia Number 23 of 2011 concerning Zakat Management, also requires it. Similarly, the results of the International Seminar on Zakat I dated 29 Rajab 1404 H / 3 April 1984 in Kuwait.

The problem is, who is responsible for issuing zakat on the business entity? Can a business entity (legal subject) be used as a mukallaf to issue zakat? If so, the consequences will have to do with sin and reward. In addition, in whose name the business entity zakat is issued, is it in the name of the business entity and the owners of capital or assets given to the capital owner before the business entity zakat is issued? Then, what are the provisions for the time and amount of the obligatory level of zakat that must be issued, as well as the conditions related to it?

The questions above are important to ask because the studies on them have not been reviewed in depth by previous researchers. Existing studies revolve around the procedure for zakat business entities (Mustofa, 2014). Indeed, Aznan Hasan and Luqman Abdullah have reviewed it from a fiqh perspective and offered the concept of business entity zakat, it's just that their study focused on business entity zakat istinbat, even though the current study on entity zakat should have moved on to refine the concept. If it is drawn in the Indonesian context, it should have entered into perfecting legal regulations, not debating the obligations of business entity on zakat on the effects of the existence of business entity zakat. (Mohamad, 2012).

This paper wants to discuss two things. First, the fiqh conception of business entity zakat. Second, the opportunity to apply the concept of business entity zakat in regulations in Indonesia. This article is expected to contribute to the improvement of regulations regarding zakat in Indonesia, considering that zakat is worship that contains a social dimension, so adjustments need to be made based on changes in the social conditions that surround it.

Method

This article uses qualitative data obtained through documentation techniques on literary sources, both primary and secondary. Primary sources are fiqh books from various schools of thought, fatwas, and Law Number 23 of 2011 concerning Zakat Management and its derivatives. Secondary sources are books, articles, research reports, and other relevant documents. Data analysis used content analysis and narrative analysis techniques. Content analysis is to understand the ideas of business entity zakat contained in fiqh books, fatwas, and the Zakat Management Act, while narrative analysis is used to narrate the idea of business entity zakat as a whole.

Results and Discussion

Business Entity Zakat in the Concept of Fiqh

Unions engaged in the economic sector are known as business entity, namely cooperation in the field of capital business which, if it has fulfilled the mandatory zakat requirements, the zakat must be issued. Islam teaches that the element contained in cooperation is a cooperation agreement carried out by the actors of cooperation, either in trade or otherwise. With this agreement, the ability to act legally on the assets of the entity grows and is entitled to benefits in accordance with the agreed agreement. Basically, business entities that are allowed in Islam to cooperate in a business must pay attention to: freedom from elements of usury, risk and shared responsibility, there is an element of cooperation, and transactions are lawful.

In the context of muamalah, forms of cooperation carried out by two or more parties are known as syirkah (شِرْكَةٌ) or unions (شُرَكَاءُ), dasyarik members (شَرَاكٍ), the form of cooperation is called shuraka' (شُرَكَاءُ). Syirkah etymologically (language) comes from the word syirkah which is masdar from the word syaraka (شَرَك), which means association. (Manzur & Makram, n.d.). According to the term, Syirkah is a cooperation agreement between two or more parties in the implementation of a business, based on the agreement each party contributes business capital or services (skills), then the profits and risks are shared responsibility.

In fiqh books it is explained, Syirkah al-Uqud (union in a contract / business entities) is created because of a contract and this is also known as syirkah ikhtiyariyah (choice) or a business entity created because of an agreement between two or more people who have agreed that each member will provide the business entity's business capital. Syirkah al-Uqud (entity in transactions) can be classified into several forms, namely: mudharabah, syirkah al-'inan, al-'abdan, al-mufawadhah, al-wujuh, al-muzara'ah, al-mukhabarah, al-musaqat, and al-mugharasah. While syirkah al-Inan (capital entity) is a business entity carried out by two or more people, the activities carried out are based on capital. Business entities in this form can be found in the cooperative system and share investment in business entities. Of the various types of syirkah that have

been stated above, al-Inan's syirkah is one of the unions that can be declared the same as a business union. So it can be interpreted that cooperation in business union activities is not based on labor cooperation, but is based on capital.

In contrast to other syirkahs, which are more capital-oriented, syirkah al-abdanis syirkah which is actually more dominant in the physical and abilities or expertise of the participants, both in the form of the same and the same level of expertise, as well as in the form of skills that are not of the same rank but need each other. Nowadays syirkah al-abdan is seen in the form of construction workers who have permanent workers (followers) and certain professions that have partners. It is often seen that certain professional activities clearly mention 'and Partners' or 'and Fathner' which indicates that they do syirkah in carrying out the profession, for example Legal Advisor 'So and Partners'. The third syirkah model, al-mufawadhah syirkah, requires the same in capital, management authority, accounts receivable, and representation. Meanwhile, the fourth syirkah model is syirkah al-wujuh which is not oriented to venture capital, but rather to the credibility and prestige of the unionized parties.

With regard to cooperation in the agricultural sector above, both in the form of *al-muzara'ah*, *al-mukhabarah*, *al-musaqat*, nor *al-mugharasah*. If what is given by the land owner to the tenant farmers is a certain part or percentage of the agricultural products obtained, then this transaction is called *contract al-muzara'ah*, *al-mukhabarah*, *al-musaqat*, or *al-mugharasah*, and this of course includes a business union. Meanwhile, if what is given by the land owner to the tenant farmer is not in the form of a certain part or percentage of the agricultural produce obtained, and the nominal value is calculated from the services performed, then this transaction is called *contract al-ijarah*, and this is certainly not included in the business union.

Cooperation as above, needs to be emphasized at the beginning of the transaction (*contract*), because it is important to know the zakat obligation that must be issued, because the agricultural zakat obligation is essentially only borne by the land owner who provides the agricultural seeds, if the cultivator only receives wages that have reached the nisab, then he is required to pay zakat on the results of his efforts. profession, not zakat on agricultural products, because in this case he is only a worker or farm laborer, while what is called a farmer is the owner of land and seeds.

In connection with the zakat obligations of business unions above, according to Ibn al-Arabi that the word of Allah SWT which reads: "take zakat from some of their wealth", applies thoroughly to all wealth, regardless of its type, name and purpose. People who want to exclude one of its types, must be able to put forward a basis (Ridha, n.d.) Al-Qurtubi explains that anything that a person can own is called a treasure, and the command "take zakat from some of their property" in the verse above using an absolute sentence structure, is not associated with any conditions, both from the side of the zakat provider, property that is obligatory. zakat, as well as the amount that must be paid zakat.

Details of the orders with absolute structure are found through information on hadith and ijma' scholars (Qurthubi & Abdullah, n.d.)

Basically, all assets that continue to grow to get additional are assets that must be issued zakat, this is based on the word of Allah SWT. in Surah al-Baqarah verse 267. In that verse, the word "ma" is a word that has a general meaning, which means "anything". Thus, the purpose of the lafaz is the obligation to issue zakat from any form of business and whatever is obtained from the produce of the earth. In the first verse it is stated with pronunciation (أموالهم) which means their property. Their word (هم) here can be interpreted with each person individually and can also be interpreted as a group of people. Although the jurists are more oriented towards individual assets, they do not make zakat obligations only issued on individual assets.

The word "kasabtum" relates to zakat from business unions. The business results in question can be grouped into two forms, namely: business results that are property (malayah) and business results that are beneficial or service management. In this verse, the sentence jama' "kasabtum" is also used, the assets of your business. The word you (كم) refers to a number of individuals among you and can also mean several individuals who are joined among you. The word "ma kasabtum" in the verse has a general meaning that includes all forms of business. Thus, all forms of business, be it trade, agriculture or profession, are included in the general meaning of the verse.

Muhammad Rasyid Rida is of the opinion that the verse discusses assets that are obligatory to be paid zakat, such as trade, companies and so on (Ridha, n.d.). Meanwhile, Abu Ja'far Muhammad ibn Jarir al-Thabari commented that the verse states Allah's commandment regarding the obligation to issue zakat from the results of trading businesses or companies. Whereas what is meant by the word "tayyibat" is that which is good in substance and lawful how to get it (Al-Thabari, n.d.).

Lafaz "ma" in the letter al-Baqarah verse 267, does not explain in detail about what types of business are subject to obligatory zakat. So that the verse is classified as a verse that is still global (mujmal) and needs an explanation of the hadith to clarify the meaning of the verse. Explicitly in the hadith, the Prophet Muhammad. mentions several types of assets that are included in the object of zakat, namely; gold and silver, crops and plants, livestock, hidden treasures, mining and trading goods. Meanwhile, beyond that, no provisions are found in the hadith of the Prophet Muhammad. In fact, along with the development of the times, there are many forms of business or other economic sources that are not mentioned in the hadith of the prophet Muhammad SAW.

Because the verses that explain zakat are in the form of lafaz that mention globally (mujmal), then an explanation and details are needed from the hadiths of the Prophet Muhammad, which in this case serves as an explanation and affirmation (bayan). In understanding the above hadith, the fiqh experts have different opinions about the meaning of the hadith, which also causes different

views on the law taken from the hadith. Broadly speaking, there are two differences of opinion, namely; Opinions about the provisions of zakat have an effect on the amalgamation of assets and other opinions state that the provisions of zakat have no effect on the amalgamation of assets. Based on the verses and hadiths that have been described above, the fuqaha perform *istinbat* so as to bring up similarities and differences of opinion between them,

First, Opinions pioneered by Imam Abu Hanifa and his followers, Imam Malik Bin Anas, Imam Ahmad Bin Hanbal and Imam Ibn Hazm and his followers. This opinion says that the provisions of zakat have no effect on the amalgamation of property. In principle, the assets of the union must be *tithe*, when it reaches one *nisab*, it's just that there are different ways in calculating the *nisab* of zakat. The zakat of business unions is determined by calculating the *nisab* according to the assets belonging to the union, then calculating the assets owned by individuals, then calculating and issuing zakat. So it can be concluded that the assets subject to zakat are the assets of each individual who participates in a business union and the zakat remains as individual zakat individually, not on behalf of the union.

Second, Opinions pioneered by Imam al-Shafi'i and his followers (Al-Shāfi'ī, 1983) This opinion says that the provisions of zakat have an effect on the amalgamation of property. Based on the opinion above, it can be concluded that in principle the assets of the union must be *tithe*, when it reaches one *nisab*, by calculating the zakat *nisab* of each person (individual) who joins the association, calculating the *nisab* according to the assets belonging to the union, then issued zakat (wealth belonging to the union) which is calculated according to the previous agreement (*akad*).

From some of the opinions that have been stated above, it can be concluded that, in principle, the scholars agree that it is obligatory to pay zakat if it reaches one *nisab*, it's just that there are differences in how to calculate the *nisab*, some argue that *nisab* is calculated from the total union assets as a whole and there are those who count and view it as personal property (individual), so that in this difference of opinion it appears that their point of view in combining assets affects the provisions of zakat or not.

Differences of opinion on how to calculate the *nisab* of union assets that affect the provisions of zakat: First, if the *nisab* of mixed assets is considered the *nisab* of an owner or not. Second, does the nature of the combination of assets affect the provisions of zakat. Differences of opinion arise due to differences in understanding the hadith of the Prophet Muhammad SAW received from Anas bin Malik above.

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

Based on the description and analysis described above, the author is more inclined to the second opinion, namely that the assets of the union must be tithe, if it reaches one nisab and fulfills the obligatory zakat provisions. That way, zakat can function as an instrument to encourage economic life and improve people's welfare (Amalia, 2009).

It is on this basis that contemporary scholars practice *ijtihad* (excavating the law) to oblige zakat on business unions owned by Muslims. The zakat obligation of business unions is only addressed to business unions owned (at least in the majority) by Muslims (Nawawi, 2011). Thus, both according to *fiqh* law and positive legal rules in Indonesia, business unions that have met the requirements are obliged to issue zakat, in addition to individual zakat from the directors, commissioners, and employees. However, it must be admitted that, zakat obligations for business unions are seen as *shakhṣiyyah ukmiyyah*, there are differences (*khilāfiyyah*) among contemporary scholars.

The assets (assets) owned by the business union must be issued zakat, because the existence of the business union is considered by the community. Therefore, relationships and transactions arise between individuals such as borrowing, selling, dealing with outsiders, and also establishing cooperation. So that all obligations and the final result are enjoyed together, including obligations to Allah SWT. in the form of zakat.

As for the provisions regarding the form of zakat that is obligatory on the assets of business entities, it is included in the category of zakat assets (*māl*), it does not include *infaq*, alms, or obligations regarding zakat *fitriah*, because zakat *fitriah* is worship related to individuals who fast as self-cleaning. in addition to obligations related to personal self (individual).

The obligation of zakat on the assets of the business entity can be analogized (*qiyās*) or equated with zakat on commercial assets, because it is seen as a legal and economic aspect of the activities of a business entity, 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 (Syaukani & Ali, n.d.). Whereas according to the Jambi Province Baznas worth 92 grams of pure gold. The level of zakat collection is 2.5%. The same calculation also applies to current assets consisting of paper money, money in banks, and bonds.

This is also stated in the Law of the Republic of Indonesia Number 23 of 2011 concerning the management of zakat, which explains that 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. Zakat *mal* is property owned by *muzakki* individually or as a business entity which includes gold, silver and other precious metals, money and other securities, commerce, agriculture, plantation, forestry, animal husbandry, fishery, mining, industry, income and services, and treasure finds.

The forms of cooperation that exist in business entities, both in terms of capital owners, people involved as administrators and profit sharing, are clearly

determined at the time the transaction is carried out and in general have been explicitly stated in the Articles of Association (AD) and Bylaws. (ART) of the business entity or in the deed of agreement between the parties.

If the subject of zakat is the owner of the property who must meet the criteria: Islam, independence, puberty, intelligence, and If the nisab has perfect property, then it is not obligatory to issue zakat for those who do not have wealthful one of these criteria, but if the subject of zakat is owned property, then all assets must be subject to zakat, even though the owners are still children, orphans, and crazy people. In issuing zakat, the fuqaha agree that they must meet the provisions of nisab and haul.

The minimum limit for the types of assets for which zakat must be issued, some of the provisions has been determined clearly and unequivocally through the word of Allah SWT. and the hadith of the Prophet SAW and has been formulated by the jurists in their fiqh books. Imam al-Shafi'i and jurists al-Shafi'iyah have the opposite opinion with the opinion above, the accumulation of their opinion that zakat is obligatory on children's assets 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 asset that meets the criteria for obligatory zakat, i.e. has reached the nisab and haul, and the owner is an independent Muslim, must pay zakat on the property without exception, whether it is owned by an individual or a business entity.

Haul and nisab of zakat is focused on the property that is in the hands of its owner. As for the provisions of the nisab and the level of obligatory zakat for business entities, it is adjusted to the business which is conducted. If the business is in the form of gold and silver, the haul and nisab are the same as zakat on gold and silver, which is 85 grams of gold or 600 grams of silver. While the level of zakat is two and a half percent (2.5% or 1/40) and it is mandatory to have a haul at the end of the year (Al-Qardawi, 1997)

If the business entity is in the form of plants and fruits that is a daily food of the type of fruit is dried and grapes, from the type of grain is various types of nuts, wheat, rice, then haul and nisabnya equal to the nisab of zakat on plants and fruits, then the nisab of five wasaqs (652.8/653 Kg) of wheat (Sabiq, 1968). While the level of zakat obligation is 10% if the plant depends on rainwater and spring water, and 5% if it uses irrigation fees and other expenses such as irrigation, insecticides, fertilizers and others, then the zakat rate is as described in the Hadith. Prophet Muhammad SAW narrated by Ibn Umar, and it is not obligatory to have a haul at the end of the year (Syaukani & Ali, n.d.)

In the provisions of the zakat nisab, business entities engaged in plantations and agriculture other than staple foods such as pineapple, durian, apple, oil palm, cloves, cocoa, coffee, copra, tea, watermelon, and other vegetable and spice crops. is the same as the nisab of trading assets (tjarah), i.e. zakat is the price, after being sold (Al-Qahtani, n.d.). Likewise, the produce of the land in

terms of its type, including plant products and from the nature of the obligation to pay zakat, including part of the trade zakat (tijarah). Therefore, if you have income from plantations and agriculture for 85 grams of pure gold, then zakat is issued at 2.5%, and aul is obligatory. (Al-Qahtani, n.d.).

Determination of the level of obligatory zakat for business entities must pay attention to important things such as business entities engaged in agriculture are adjusted to zakat on plants that are watered not by human labor, which is 10% of income, not from their tools or capital. Zakat is taken from the net proceeds after the cost of goods is issued. The basic consideration presented in this percentage is the analogy (qiyās) between industrial tools and soil. Meanwhile on the land, there will be no damage, destruction and exploitation. In contrast to machine tools and industrial tools that have limited strength, they will inevitably be damaged, have a period of destruction and shrinkage every year. Therefore, (Hafidhuddin, 2002).

If the business entity is in the form of livestock: goats, cows/buffaloes, and camels, then the haul and nisab are the same as the zakat on livestock as previously described regarding the nisab of goats, cows/buffaloes, and camels, and haul is obligatory at the end of the year. . while the nisab zakat for business entities engaged in fishery and animal husbandry other than camels, cows and goats, such as chicken, duck, ornamental fish, birds and so on is 85 grams of pure gold.

In relation to the obligatory level of zakat on capital in business entities and industries, namely 2.5% or 1/40 (according to zakat tijarah) which is taken from the profits of each capital, and the annual profit of the business entity. If the capital is not trading capital, then it is equated with saving money, then the zakat is on the price of capital that reaches the nisab While the nisab for industrial companies such as textiles, shoe industry, cracker industry, furniture is worth 85 grams of gold (Al-Qahtani, n.d.)

If the business entity is in the form of trading assets, then the nisab is the same as the haul and the nisab of trading assets, which is 85 grams of gold or 600 grams of silver. While the level of zakat is two and a half percent (2.5% or 1/40) and it is mandatory to have a haul at the end of the year. The provisions regarding the nisab on the zakat of business entities are analogous to (qiyās) or equated with zakat on trading / commercial assets, because they are seen as the legal and economic aspects of the activities of a business entity 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 (Al-Qardawi, 1997).

When issuing zakat, business entities engaged in plantation, agriculture and animal husbandry are required to pay aul (reaching 1 year of hijriyah), if plantation or fishery or chicken farm products are sold, for example, and the results reach the nisab or because they are sold gradually, not all at once, if the

total income is has reached the nisab, must continue to be paid zakat, and must wait one year (Al-Qahtani, n.d.).

If the business entity is in the form of rikaz (found assets) and ma'din (excavated assets), then the haul and nisab are the same as the haul and nisab of the found assets, namely, one-fifth share (20%). This opinion is based on the Hadith of the Prophet Muhammad (PBUH) narrated from Abi Hurairah who said that the zakat of rikaz must be issued for one-fifth of the zakat (20%).

Regarding the absolute rate or level of compulsory zakat that must be paid by the community, the Prophet SAW determined that it was determined by the severity or lightness of the challenges of justice and welfare faced. In accordance with this very primary or strategic principle, the Messenger of Allah (PBUH) set the obligatory level of zakat as a secondary rule between 2.5% and 10% (Ghanim, n.d.).

Assets in a business entity (company) are usually in the form of goods, money which is usually deposited or stored in a bank and also in the form of receivables which are usually also valued in money. The technique of determining the nisab on assets owned by the business entity is adjusted to the assets owned by the business entity itself. Every business entity, has at least three kinds of assets. First, assets in the form of goods, both in the form of facilities and infrastructure as well as in the form of trading commodities. Second, assets in the form of cash, which is usually deposited in a bank. Third, assets in the form of receivables. The assets of a business entity that are obliged to pay zakat are the three forms of assets, minus assets in the form of facilities and infrastructure and other urgent obligations (Hafidhuddin, 2002).

From every The assets owned are partly owned by other people or can be interpreted as a public interest to support life. Every asset owned by an individual or a business entity that has a monetary value is defined as wealth (Sihombing, 1994). Because a business entity in it must have supporting facilities that can develop the business of a business entity.

Business entities have assets and capital that are functioned productively with businesses or activities that will earn profits. Assets in a business entity are usually in the form of goods, money which is usually deposited or kept in a bank and also in the form of receivables which are usually also valued in money.

As an important note for every business entity in calculating zakat, they must pay attention to the capital (shares) and net profit after deducting the share of capital (shares) and profits for non-Muslim owners. This provision is basically like individual zakat, because the legal subjects of zakat (muzakkī) are the owners of capital and the object of zakat is income (dividends) who are Muslim. (Al-Qardawi, 1997). The effectiveness of zakat The entity of efforts to increase the accumulation of national zakat has been widely felt by Muslim countries such as Malaysia, Bahrain, and Pakistan. These countries have regulated the zakat obligations of business entities, especially sharia banking.

To determine the time of issuance of zakat, business entities must meet the conditions specified in fiqh. Meanwhile, the jurists stated that there were difficulties in calculating business entity zakat, these difficulties occurred due to several factors including, due to differences in the calculation format and elements of financial statements that are different from the current standard format according to fiqh. The difference is for example in calculating profits, calculating costs, fixed assets, and so on.

The pattern of calculating business entity zakat is the same as trade zakat, this refers to the opinion of Abū'Ubayd in *Kitāb al-Amwāl*. In practice, the calculation method is based on the financial statements (balance sheet) by subtracting liabilities on current assets. Namely all assets (excluding facilities and infrastructure) plus profits, minus payment of debts and other obligations. From there, 2.5% is issued as zakat for business entities (Salam, 1975).

Yūsuf al-Qaradāwī himself has a difference of opinion with the opinion above. He said if the business entity's capital is in the form of goods or equipment such as production machines, buildings, transportation equipment and others, then the company's shares are not subject to zakat. Zakat is only imposed on the net proceeds or profits obtained by business entities, with a zakat rate of 2.5 percent. This law also applies to business entity assets owned by individuals. It is different if the business entity's capital 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 *urūḍ tijārah* (trading commodity). The amount of zakat rate is 2.5 percent. This also applies to similar assets (other securities) owned by individuals. This last opinion as stated by Yusuf Qaradawi it seems easier in 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 (Al-Qardawi, 1997).

Opportunities for the Application of the Zakat Business Entity Concept in Indonesia

Law Number 23 of 2011 concerning Zakat Management places the government as a regulator, executor, and supervisor in the management of zakat. The Indonesian Muslim community is obliged to comply with the provisions of the zakat law, because it has become a positive law. Politically, this law provides affirmative action on the provisions of zakat for the Indonesian Muslim community, for example by enacting the provision "zakat can reduce taxes". (Aisyah et al., 2020).

As a follow-up to Law Number 23 of 2011 concerning 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 Calculation of Zakat which regulates the procedure for calculating zakat, which includes zakat on business entities. In the Regulation of the Minister of Religion (PMA) Number 52 of 2014 concerning the Terms and

Procedures for Calculation of Zakat, the zakat of business entities is distinguished from commercial (business) zakat.

The nisab and level of zakat for business entity is the nisab for business entities, which is equivalent to the nisab for gold and the nisab for business entities is 2.5% per year. how to calculate the zakat of business entities 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 (assets) subject to zakat, and calculate the value of zakat with a predetermined level. The nisab of commerce is equal to the nisab of gold zakat. While the rate is 2.5% every year. How to calculate it is by estimating 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 with a predetermined level.

In the pattern of calculating zakat business entities are based on the balance sheet, namely current assets minus current liabilities (net assets method) and this method is known as the shari'ah method. In Indonesia, the pattern of calculating the zakat of business entities is based on the financial statements of the business entities in a simple way by subtracting current liabilities from current assets. It's just that in connection with the many differences in the calculation format and the elements that make up the financial statements, then of course the way to calculate the zakat rate will be a lot different from one accountant to another. In addition, because what needs to be considered in calculating the zakat of business entity is the importance of making various corrections to the value of current assets and short-term liabilities which are then adjusted to the provisions of sharia (Amalia, 2009).

The stages of calculating business entity zakat are as follows:

- a. The first stage is to determine the obligatory zakat assets.
 - 1) Net asset method : Summing up the obligatory zakat assets: Cash, net receivables (total receivables minus doubtful accounts, the method of calculation can be read in the article on "receivable management"), traded assets (inventory/securities/real estate), financing, and etc. Reducing obligatory zakat assets by: current debt, unlimited investment capital, minority participation, government participation, participation in social institutions, endowments, and non-profit institutions.
 - 2) Net Invested Funds Method: Summing up the assets that are obligatory on zakat: Paid-in capital (additional capital), reserves, reserves that are not reduced by assets, retained earnings, net income, and long-term debt. Reduce zakat obligatory assets by: fixed assets, investments, which are not traded and losses.
- b. Second Stage: Assessing the obligatory zakat assets.
 - 1) Net Asset Method.
 - 2) Net Invested Funds Method.
- c. Third Stage: Calculating the obligatory zakat assets.

- 1) Net asset model : $(\text{Cash} + \text{Net Receivables} + \text{Traded Assets} + \text{Financing}) - (\text{Current Debt} + \text{Unlimited Investment Capital} + \text{Minority Participation} + \text{Government Participation} + \text{Institutional Investment}) \times 2.5\%$.
- 2) Net Invested Funds Method: $(\text{Additional Capital} + \text{Reserves} + \text{Reserves that are not deducted from assets} + \text{Retained earnings} + \text{Net income} + \text{Long-term debt}) - (\text{Fixed Assets} + \text{Investments that are not traded} + \text{Losses}) \times 2.5\%$ (Amalia, 2009)

The current assets category includes cash, banks (after setting aside interest), securities (with a value equal to market prices), receivables (that is, those that may be collectible) and inventories, both those in warehouses, in show rooms, on the way in distributors in the form of consignment, finished goods, goods in process or still raw materials. All are valued at market prices (Muhammad, 2014). Meanwhile, the current liabilities category includes trade entity payables, notes payable, taxes payable, accrued expenses, unearned income, bank loans (interest payable is not included) and long-term debts that are past due. To find out the value of assets subject to zakat from a business entity is current assets minus current liabilities, after which 2.5% zakat is issued. (Muhammad, 2014) 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 entities are to combine all trading assets at the beginning and end of one year, then the zakat is issued, can be paid in money or goods, imposed on trade. How to calculate: $(\text{Capital rotated} + \text{Profit} + \text{receivables that can be disbursed}) - (\text{debt} + \text{loss}) \times 2.5\%$, for example: "Trade assets, whether engaged in trade, industry, agro-industry, or services, are managed individually as well as business entities (such as CV and others). (Muhammad, 2014).

As a concrete example in calculating the zakat of business entities is CV. Bintang Mas (for example) has cash of Rp. 6,050,000,000,-, Bank (Rp. 19,200,000,000 - interest Rp. 70,000,000) = Rp. 19.130.000.000,-, Accounts Receivable = Rp. 30,000,000,000, and Inventory = Rp. 90,000,000. 000,-, **Total Rp. 145,180,000,000,-**. Obligations that reduce zakatable assets are trade payables = Rp. 30,500,000,000,-, salary payable = Rp. 2,100,000. 000,-, income received in advance = Rp. 1,000,000,000,-, Total Rp. 33,600,000,000,-. Difference of Rp. 111.580.000.000,-, while the nisab of 85 grams of gold (assuming @/gram Rp. 300.000,-) = Rp. 25.500.000,- Zakat: $2.5\% \times \text{Rp. } 111.580.000.000,- = \text{Rp. } 2,789,500,000,-$. Based on the example above, it means CV. Bintang Mas is obliged to pay the business entity zakat because it exceeds the nisab (85 grams of gold = Rp. 25,500,000, -). Assets that must be paid zakat: Rp. 145,180,000,000,- - Rp. 33,600,000,000,- = Rp.111,580,000. 000,-. Zakat that must be paid: $\text{Rp. } 111.580.000.000,- \times 2.5\% = \text{Rp. } 2,789,500,000,-$.

As another example, if a business entity operates simultaneously (multi-business) in several types of businesses, such as exports and imports,

convection, property, and trade, the zakat that must be issued from it is in accordance with the percentage of the business being run and the amount of funds used to finance it. each sub-business proportionally.

A business entity that has a general capital of, for example, Rp 2,000,000,000 by issuing a share certificate @ Rp 100,000,- which means that the business entity has issued a total of 20,000 share certificates. 50% of its shares (Rp. 1,000,000,000,-) are used for sub-exports and imports, 20% (Rp. 400,000,000,-) for the convection business, 15% (Rp. 300,000,000,-) for the property business, and 15 % (Rp. 300,000,000,-) for trading business. Each of the sub-businesses carried out turned out to be profitable as follows: sub-exports and imports earned a profit of Rp. 800,000,000,- sub kenveksi earn a profit of Rp. 200,000,000,- sub property gain Rp. 100,000,000, - and the sub-trading made a profit of Rp. 100,000,000,-.

The calculation of zakat on the business results of the business entities operating simultaneously above are: sub-exports and imports, namely Rp. 1.800,000,000,- x 2.5% = Rp. 45,000,000, -, sub convection that 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 entity is Rp. 80,000,000,-. If a business entity operates simultaneously (multi-business) in several types of business, such as in the fields of export and import, convection, and trade, zakat must be issued in accordance with the provisions of zakat on trade/commercial assets proportionally.

However, as an important note for the owners of assets, to always pay attention to the assets they have, both those within the business entity and those outside the business entity, with the following provisions: First, on the assets owned and in the business entity. If the business entity has already issued zakat on their assets, then the owners of capital no longer need to pay zakat on assets that are in the business entity, but if the business entity does not issue zakat on their assets, then the owners of capital are obliged to pay zakat on their own. combined with other assets outside the business entity.

Second For assets owned and outside the business entity, if individually all of these assets have met the nisab equivalent to 85 grams of gold or 600 grams of silver, then the owners of these assets are obliged to issue their own zakat which is categorized as zakat on assets. with a mandatory rate of 2.5% or 1/40 and mandatory aul.

From the explanation above, it can be concluded that the implementation of zakat on business entity assets is that the assets of the business entity must be tithe, if it has reached one nisab, the method of calculating the nisab is calculated from the total assets of the business entity as a whole and aul is mandatory.

Conclusion

In the fiqh review, the assets contained in the business entity must be issued zakat if they have fulfilled the nisab and haul, although there are still differences of opinion among fiqh scholars regarding the technical provisions of the nisab and haul. This obligation is borne by the owner of the property, not to the business entity. This fiqh concept can be applied in Indonesia by first making adjustments or changes to the Zakat Management Act. The management model can be adapted to a model that is considered quite successful in being applied by Malaysia, namely by combining fiqh, laws, and local wisdom.

The study in this article is only limited to a literature approach to the fiqh treasures and the Zakat Management Act in Indonesia. For its implementation, further studies are needed on the opportunities for applying this concept in the sociological conditions of the Indonesian Muslim community, so that the regulation of business entity zakat will be relevant not only to the legal system and legislation, but also to fiqh and local wisdom.

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