

## **The Effectiveness of the Implementation of the Norms for the Distribution of Zakat Funds in BAZNAS of Pekalongan City (Articles 25 and 26 of Law No. 23 of 2011)**

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### **Abstract**

This paper analyzes the effectiveness of implementing norms for the distribution of zakat funds and the implications of their distribution referring to Articles 25 and 26 of Law no. 23 of 2011 concerning Zakat Management and Article 3 PP Number 14 of 2014 concerning its Implementation. This regulation is a guideline for managing zakat funds carried out in Pekalongan City. Research location at BAZNAS Pekalongan City. This type of research is empirical juridical, data is collected from observations and interviews with BAZNAS managers in Pekalongan City. Analysis uses an interactive model. The research results show that the implementation of the distribution of zakat funds at BAZNAS Pekalongan City refers to the norms of Law no. 23 of 2011. However, in fact it is not effective, because to measure the effectiveness and success of law enforcement depends on three elements of the legal system, namely: First, the legal structure, the management of BAZNAS Pekalongan City has been formed. Second, the legal substance is supportive, namely the existence of statutory instruments that regulate Zakat Management. Third, the legal culture of the people of Pekalongan City is predominantly Muslim and they know the obligation to pay zakat, supported by the Mayor's circular about paying zakat at BAZNAS. In this case, efforts to change the position of mustahik into muzaki have not been achieved, but the economic conditions of the mustahik have become capable. Therefore articles 25 and 26 of Law no. 23 of 2011 is not yet effective.



**KEYWORDS:** *BAZNAS Pekalongan City, Distribution of Zakat Funds, Law no. 23 of 2011*

### **Abstrak**

Tulisan ini menganalisis efektivitas pelaksanaan norma pendistribusian dana zakat dan implikasi pendistribusiannya yang mengacu Pasal 25 dan 26 UU No. 23 Tahun 2011 tentang Pengelolaan Zakat dan Pasal 3 PP Nomor 14 Tahun 2014 tentang Pelaksanaannya. Regulasi ini sebagai pedoman dalam mengelola dana zakat yang dilaksanakan di Kota Pekalongan. Lokasi penelitian di BAZNAS Kota Pekalongan. Jenis penelitian ini adalah yuridis empiris, data dikumpulkan dari observasi dan wawancara dengan pengelola BAZNAS Kota Pekalongan. Analisis menggunakan model interaktif. Hasil penelitian menunjukkan bahwa pelaksanaan distribusi dana zakat di BAZNAS Kota Pekalongan mengacu pada norma UU No. 23 Tahun 2011. Akan tetapi faktanya tidak efektif, karena untuk mengukur efektif dan berhasil tidaknya penegakan hukum tergantung tiga unsur sistem hukum, yakni: *Pertama*, Struktur hukum, sudah terbentuk pengelola BAZNAS Kota Pekalongan. *Kedua*, substansi hukum sudah mendukung, yaitu adanya perangkat perundang-undangan yang mengatur Pengelolaan Zakat. *Ketiga*, budaya hukum masyarakat Kota Pekalongan mayoritas muslim dan mengetahui kewajiban membayar zakat, didukung adanya edaran Walikota untuk membayar zakat di BAZNAS. Dalam hal ini upaya untuk mengubah posisi mustahik menjadi muzaki belum tercapai, tetapi kondisi ekonomi para mustahik menjadi mampu. Oleh karenanya pasal 25 dan 26 UU No. 23 Tahun 2011 belum efektif.

**KATA KUNCI:** *BAZNAS Kota Pekalongan, Distribusi Dana Zakat, Undang-Undang No. 23 Tahun 2011*

## **Introduction**

Distribution according to Afzalurrahman is a way in which wealth is channeled or distributed to several factors of production that contribute to individuals, society and the state.<sup>1</sup> Islam stipulates that in private property there are other people's rights that must be fulfilled. In the letter adz-dzariyat verse 19 and surah al-Isra 'verse 26-27 it shows that Muslims are ordered to distribute part of the wealth obtained to meet the needs of close

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<sup>1</sup> Afzalur Rahman, *Doktrin Ekonomi Islam*, Jld 1. Yogyakarta: Dana Bhakti Wakaf. 1995. hlm. 215- 217.

relatives, poor people, and travelers and are prohibited from being extravagant. One of the means of distributing wealth in Islam is known as zakat.<sup>2</sup>

The Central Statistics Agency stated that Pekalongan City's poverty rate in 2020 reached 7.17 percent, while the unemployment rate reached 7.02 percent or 11,041 unemployed people. The data shows that the poverty and unemployment rates in Pekalongan City are in a fairly high category. BAZNAS Pekalongan City distributes zakat funds through the provision of business capital with the aim that the zakat funds received can grow. With the hope of changing the status of mustahik to muzaki.

Based on this information, it is explained that the Pekalongan City BAZNAS in the process of distributing managed zakat funds is intended for a productive economy in the form of providing working capital which is channeled to UMKM, both individuals and groups who meet the criteria for the poor in Pekalongan. The purpose of BAZNAS Pekalongan City to provide these funds to mustahik is for working capital with the aim that the business carried out can increase income so as to create economic prosperity for mustahik. Measurement of the welfare of mustahik is important to do which aims to determine the accuracy in the distribution of zakat funds. So that the distribution pattern is obtained in accordance with the environmental conditions of the community as an effort to empower the mustahik economy. Therefore, to create equity in the social and economic fields, a facilitator is needed, which in this case is BAZNAS.

Article 33 of the 1945 Constitution states that the people have the right to natural wealth owned by the state, but some people have limited access to these natural resources, some are even unable to access these natural resources. Therefore, it is necessary to distribute wealth evenly which is managed by the state. In Islam, it is regulated by the obligation to

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<sup>2</sup> Idri, *Hadis Ekonomi: Ekonomi dalam Perspektif Nabi*, cet. 1, (Jakarta: Prenadamedia Group, 2015), hlm. 132

pay zakat, which means the distribution of wealth from the excess wealth to the poor.<sup>3</sup>

In the Law on Zakat Management Number 23 of 2011 it is stated in articles 25 and 26 that zakat must be distributed to mustahik in accordance with Islamic law, which is carried out based on a priority scale by taking into account the principles of equity, justice, and territoriality.

BAZNAS Pekalongan City in carrying out its activities based on the reference to the work program that has been prepared as a distribution plan with a percentage system. Each program area that has been planned is based on a percentage, so that all programs compiled are priorities from the Pekalongan City BAZNAS to be realized.

From some of these distributions, the productive ones are in the form of business capital assistance that is prioritized for traders, with a submission system to the Pekalongan City BAZNAS, which is attached with a letter of application, a certificate of incapacity from the village, after that there is a survey from BAZNAS Pekalongan City officers to determine whether they are eligible. whether or not, and determine the amount of zakat fund assistance in the amount of between 1 million to 5 million rupiah, adjusted to the needs of the applicants based on the results of the officer's survey.

BAZNAS Pekalongan City has an aspiration that from the zakat funds that have been distributed to the mustahik, it is able to change the status of mustahik to muzaki. However, it turns out that there is no management control in the management of zakat funds that have been issued, so that the hopes / aspirations of changing mustahik into muzaki are not realized, because there is no track record of income obtained after the mustahiks get additional working capital from the productive zakat funds.

Likewise, the regulations contained in PP No. 14 of 2014 concerning the Implementation of Law No. 23 of 2011 concerning Zakat Management in Article 3 which regulates the planning, implementation, control in the

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<sup>3</sup> Adiwarman, *Ekonomi Mikro Islami* (Jakarta: Raja Grafindo Persada, 2015), hlm. 7

collection, distribution, and utilization of zakat funds. This regulation serves as a guideline in managing zakat funds, with the hope that the existence of zakat funds can help the economy of mustahik (zakat recipients), especially for productive zakat. Because with productive zakat, UMKM actors can get additional capital to develop their businesses. So that there is an increase in income, which then economic prosperity can be achieved. However, the existing management has not been able to measure the income level of mustahik, so the hope of converting mustahik into muzaki has not been achieved.

This paper wants to examine the effectiveness of the implementation of the distribution norm of zakat funds in BAZNAS Pekalongan City, because the regulation on zakat management stipulates that zakat funds are distributed to mustahik in accordance with Islamic law, which is carried out based on a priority scale by taking into account the principles of equity, justice, and territoriality. However, the productive nature of distribution has not been maximized, because the existing management has not been able to measure whether there is an increase in income or not after mustahik get additional working capital from zakat funds. Therefore, it is important to do proper management in the distribution pattern of the zakat funds.

There are several studies that examine the effectiveness of the implementation of the norms for the distribution of zakat funds in BAZNAS, namely:

First, the thesis of M. Iqbal Mubarak (2022) entitled Effectiveness of the Implementation of Zakat Distribution in Telanaipura District, Jambi City Judging from Law Number 23 of 2011 concerning Zakat Management, which contains the implementation of the distribution of zakat funds in Telanaipura District, Jambi City is still not effective due to lack of personnel in distributing these funds and the lack of collected zakat funds.

Although the amount of zakat funds is still lacking, the distribution is still done every month or every 3 months.<sup>4</sup>

*Second*, Ridya Musthofa Kamal in the *Effectiveness of Distribution of Zakat, Infaq and Alms (ZIS) funds in the midst of the Covid-19 Pandemic Study at BAZNAS Bandar Lampung City*. The National Amil Zakat Agency (BAZNAS) of Bandar Lampung City in distributing funds (ZIS) during the COVID-19 pandemic has not been maximized in carrying out its distribution activities, this can be seen from the approach used, namely Input-Process-Output and the impact on the environment. BAZNAS still lacks competent resources to process data and manage distribution (ZIS) it can be seen after analyzing that there is a discrepancy in the data displayed by BAZNAS in the distribution report, BAZNAS should be able to synchronize the distribution data in the form of programs and data in the form of distribution based on asnaf. In addition, BAZNAS is also not optimal in distributing (ZIS) during the covid-19 pandemic, this can be seen from the minimal allocation of ZIS distribution funds intended for the prevention of COVID-19 and its impact, BAZNAS should be able to adjust the existing programs with the allocation distribution during the COVID-19 response period.<sup>5</sup>

*Third*, Veti Melia Sari and Novira Nur Kamila in the *Analysis of the Effectiveness of Zakat Distribution at the Amil Zakat Agency at DKM Ar-Rahman Mosque Poris Pelawad Indah*, stated that the distribution of zakat was carried out by the Amil Zakat Agency at DKM Musholla Ar-Rohman in Poris Pelawan Indah, Tangerang City. shows that the managed zakat has been channeled properly to mustahiq, this is in accordance with the guidelines of the Qur'an and Hadith. So that the distribution of zakat

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<sup>4</sup> M. Iqbal Mubarak , *Efektivitas Pelaksanaan Pendistribusian Zakat di Kecamatan Telanaipura Kota Jambi Ditinjau dari Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Zakat*, Skripsi 2022. (<https://repository.unja.ac.id/id/eprint/32471>)

<sup>5</sup> Ridya Musthofa Kamal, *Efektivitas Pendistribusian Dana Zakat Infak dan Sedekah (ZIS) di tengah Pandemi Covid-19 Studi pada BAZNAS Kota Bandar Lampung*. Skripsi Fakultas Dakwah Dan Ilmu Komunikasi Universitas Islam Negeri Raden Intan Lampung.

which aims to jihad in the way of Allah SWT by dedicating religious knowledge is seen as effective and on target.<sup>6</sup>

*Fourth*, Iwan Setiawan in the Pattern of Distribution of Zakat Funds for Business Capital Among Members of the Misykat Cooperative by Daarut Tauhid Peduli Bandung stated that Daarut Tauhid Peduli and KOPMU Daarut Tauhid in distributing zakat funds begins with conducting a survey to ensure that a person meets the criteria worthy of receiving assistance. zakat funds, in this case they are included in the zakat mustahik group. Then, after it is confirmed that someone is in the mustahik group, the next step is to offer a program from Daarut Tauhid Peduli. If you are willing, you will be given zakat funds with a nominal value of 1.5 million as cooperative membership fees. This program is aimed at mustahik who are poor but productive. In its implementation, this program refers to the Law on zakat along with supporting regulations regarding the implementation of zakat. This activity is carried out with the aim that existing zakat funds can be distributed on target, the mustahik's needs in this case are met through productive zakat funds.<sup>7</sup>

*Fifth*, Senda Paradilla in *Revitalizing Zakat Management at the National Amil Zakat Agency (BAZNAS) of Palopo City In Improving Welfare Mustahik* stated that: 1. It is necessary to revitalize zakat collection by maximizing socialization that reaches all levels of society which is carried out continuously, making it easier to the payment system with a pattern of development in the collection of zakat whose main purpose is to maintain the trust of the muzakki so that in its implementation it needs to be carried out with transparency in financial reports. 2. In terms of distribution, there needs to be a shift in the system

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<sup>6</sup> Veti Melia Sari, dan Novira Nur Kamila dalam *Analisis Efektivitas Penyaluran Zakat Pada Badan Amil Zakat Di DKM Musholla Ar-Rahman Poris Pelawad Indah* ([https://www.researchgate.net/publication/357195715\\_1926-Article\\_Text-4900-1-10-20211203](https://www.researchgate.net/publication/357195715_1926-Article_Text-4900-1-10-20211203))

<sup>7</sup> Iwan Setiawan, *Pola Pendistribusian Dana Zakat Untuk Modal Usaha Dikalangan Anggota Koperasi Misykat oleh Daarut Tauhid Peduli Bandung, Tesis UIN Sunan Gunung Djati Bandung, 2019.*

that was originally used for voluntary loans, prioritizing working capital assistance. 3. In terms of utilization, namely by prioritizing the achievement of economic welfare for mustahik through productive zakat.<sup>8</sup>

*Sixth*, in Mujahidin's research entitled *Overview of the Distribution of Professional Zakat in Improving Community Welfare (Study on BAZNAS Maros Regency)* stated that BAZNAS Maros Regency has distributed zakat in consumptive and productive forms. Consumptive zakat is usually distributed in the month of Ramadan, except for study completion assistance which is given when informed of a request to apply through a study completion assistance proposal. Meanwhile, productive zakat funds are distributed every three months based on incoming requests for assistance.<sup>9</sup>

*Seventh*, Sarni Handayani Puspita Sari in the *Effectiveness of Receiving and Distributing Professional Zakat at the Amil Zakat Institution of Pupuk Kaltim in Bontang City*, the results of the study showed that in LAZ Pupuk Kaltim Bontang City received professional zakat effectively with an average effectiveness level of 88.13%. Meanwhile, in terms of the distribution of professional zakat funds that have been carried out at LAZ Pupuk Kaltim, Bontang City, it is classified as very effective. Therefore, from what has been done by LAZ Pupuk Kaltim Bontang City, it is considered effective because the program has been realized in accordance with what has been planned.<sup>10</sup>

*Eighth*, Dedy Setiawan in *Optimizing Professional Zakat Management in Improving Social Welfare Mustahik in the National Zakat Agency of Cirebon City* stated that the number of Civil Servants

<sup>8</sup> Senda Paradilla, *Revitalisasi Pengelolaan Zakat pada Badan Amil Zakat Nasional (BAZNAS) Kota Palopo Dalam Meningkatkan Kesejahteraan Mustahik*, *DINAMIS-Journal of Islamic Management and Bussines*, Vol. 2, No. 1 April 2019, hal. 23-36.

<sup>9</sup> Mujahidin, *Tinjauan Terhadap Pendistribusian Zakat Profesi dalam Peningkatan Kesejahteraan Masyarakat ( Studi pada BAZNAS Kab. Maros)* AL-TIJARY, Vol. 4, No. 2, Juni 2019, Hal. 155-168.

<sup>10</sup> Sarni Handayani Puspita Sari, *Efektifitas Penerimaan dan Pendistribusian Zakat Profesi pada Lembaga Amil Zakat Pupuk Kaltim Di Kota Bontang*, *Jurnal Ilmu Ekonomi Mulawarman (JIEM)*, Vo. 4 No. 2 (2019).

(PNS) in 2014 in Cirebon City was 6,334 people, so that the potential for professional zakat in Cirebon City reached Rp. 3,625,241,856 per year. Meanwhile, the reality stated in the ZIS report is that Rp. 263,737,800. Therefore, it is necessary to socialize the muzakki to be able to distribute their professional zakat whose main goal is to create income distribution.<sup>11</sup>

From these previous studies, only discussing zakat as a function of economic empowerment and on the effectiveness of the implementation of zakat in the perspective of Law Number 23 of 2011, no one has discussed the effectiveness of implementing the norms for distributing zakat funds at BAZNAS Pekalongan City (articles 25 and 26 of Law no. 23 of 2011), which is devoted to productive zakat.

## Methods

This study uses a type of empirical juridical research, namely legal research regarding the enactment or implementation of normative legal provisions in action on every particular legal event that occurs in society. Which in this case are articles 25 and 26 of Law no. 23 of 2011 concerning Zakat Management in the pattern of distribution of zakat funds at BAZNAS Pekalongan City. In addition, PP Number 14 of 2014 concerning the Implementation of Law Number 23 of 2011 concerning Zakat Management in Article 3 which regulates the planning, implementation, control in the collection, distribution, and utilization of zakat funds. This regulation serves as a guideline in managing zakat funds implemented at BAZNAS Pekalongan City. The approach used is a qualitative approach. Sources of data in this study were taken by means of observation, interviews with the manager of BAZNAS Pekalongan City and the parties involved in the distribution of zakat funds in the region. In addition, reference books related to zakat and research journals. The analysis in this

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<sup>11</sup> Dedy Setiawan, *Optimalisasi Pengelolaan Zakat Profesi dalam Meningkatkan Kesejahteraan Sosial Mustahik di Badan Zakat Nasional Kota Cirebon*, Vol. 1 No. 1, September 2016, *Syntax Literate : Jurnal Ilmiah Indonesia*, h.55-67.

qualitative research uses an interactive model from Miles & Huberman which consists of several stages that must be carried out by the author. The first stage, is the collection of some necessary data, both data obtained from observations, interviews, and documentation. The second stage, data reduction, is the merging or uniformity of the data that has been obtained in the previous stage into a written form that will be analyzed. The third stage, namely the data model (data display) contains data that is semi-finished or data that has been uniform and has a firm flow to determine the implementation of management in the distribution of zakat funds in BAZNAS Pekalongan City. From this method, it is expected to be able to organize and systematize data so that it is ready to be used as material for analysis. The fourth stage is drawing conclusions/verification, namely the researcher makes conclusions that are supported by strong evidence at the data collection stage.<sup>12</sup>

## **Discussion**

### **The Effectiveness of the Implementation of Zakat Distribution Norms**

Distribution is a procedure or act of distributing goods or services to other parties with a specific purpose. While the distribution of zakat is the distribution of zakat to people who are entitled to receive (mustahik), either consumptively or productively with the aim that the welfare of mustahik can increase. The target of zakat mustahik has been determined as stated in the letter at-Taubah verse 60, namely eight groups. From the verse it is quite clear that the distribution of zakat must reach the eight groups that have been mentioned, although in its development it has expanded its meaning because it adapts to the development of modern

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<sup>12</sup> Haris Hardiansyah, *Metodologi Penelitian Kualitatif untuk ilmu-ilmu sosial*, (Jakarta: Salemba Huanika, 2012), hlm. 180-181.

situations and conditions. There are two ways of distributing zakat assets by muzaki, namely it can be done directly to mustahik or through zakat institutions which will later be distributed to mustahik. The distribution of zakat sometimes only circulates in a certain place, namely when zakat is not managed institutionally and is distributed directly by muzaki to mustahik. This happened, one of which was caused by the lack of a professional zakat institution, which delivered the zakat funds to people in need, so that it had implications for improving the welfare of the community.<sup>13</sup>

To achieve maximum, effective and efficient results as well as the achievement of the goals and objectives of zakat, the utilization of zakat fund allocations can be classified into four categories, as follows:

1. Traditional consumptive nature, namely zakat is distributed to mustahik to be used directly, such as zakat fitrah given to the poor to meet their daily needs or zakat assets distributed to victims of natural disasters.
2. Distribution is creative consumptive, namely zakat is realized in other forms from the original goods, such as being given in the form of school equipment or scholarships.
3. Distribution in traditional productive forms, namely zakat which is given in the form of productive goods such as goats, cows, razors, and so on. The donation in the form of means of production is expected to create a business that opens up job opportunities for the poor.
4. Distribution in the form of creative productive, namely zakat is given in the form of capital either to build social projects or increase the capital of traders or small entrepreneurs.

BAZNAS Pekalongan City in carrying out its activities based on the reference to the work program that has been prepared as a distribution plan with a percentage system. Each program area that has been planned

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<sup>13</sup> Hasil wawancara dengan Ibu Laela Romadhiyah (Pengelola BAZNAS Kota Pekalongan), Kamis 23 September 2021.

is based on a percentage, so that all programs compiled are priorities from the Pekalongan City BAZNAS to be realized.

From the acquisition of zakat funds received by BAZNAS Pekalongan City, it is distributed through several programs that have been prepared in the program plan, including:

- ✓ Pentasarufan for the elderly regularly every month
- ✓ Pentasarufan for mosque custodians and teachers of the Koran recitation of kemisan
- ✓ Pentasarufan for underprivileged city government employees
- ✓ Pentasarufan for Ibn Sabil, Muallaf and Ghorim
- ✓ Restoration of uninhabitable houses (RTLH)
- ✓ Qur'an tahfidz scholarships for SD / MI, SMP / MTs, SMA / SMK / MA students
- ✓ Interest-free lending to small traders
- ✓ wheelchair assistance for the people of Pekalongan city

Tabel 1. Distribution of zakat funds at BAZNAS Pekalongan City<sup>14</sup>

No	Tahun/Program	2021	2020	2019	2018	2017	2016
1	Fakir Miskin Konsumtif	762.331.000	752.716.700	705.880.000	776.640.000	831.030.000	849.000.000
2	Fakir Miskin Produktif	4.000.000	104.400.000	673.350.000	96.000.000	142.500.000	88.000.000
3	Pentasarufan Daerah Terkonsentrasi Koordinasi dg Walikota	315.991.000	191.327.500	0	229.250.000	212.992.500	358.800.000
4	Sabilillah	170.074.000	244.500.000	277.300.000	326.000.000	326.220.000	365.200.000
5	Ibnu Sabil	7.600.000	7.200.000	4.950.000	1.870.000	100.000	200.000
6	Ghorim	2.600.000	5.000.000	0	0	5.999.000	0
7	Amil & operasional	260.000.000	227.650.000	101.338.632	104.000.000	53.500.000	58.104.000
8	Bantuan Covid	0	204.600.000	0	0	0	0
	<b>Total</b>	<b>1.546.672.100</b>	<b>1.738.521.200</b>	<b>1.346.858.632</b>	<b>1.534.260.000</b>	<b>1.577.341.500</b>	<b>1.739.304.000</b>

<sup>14</sup> Sumber data dari BAZNAS Kota Pekalongan diambil tanggal 5 November 2021.

From some of these distributions, the productive ones are in the form of business capital assistance that is prioritized for traders, with a submission system to the Pekalongan City BAZNAS, which is attached with a letter of application, a certificate of incapacity from the village, after that there is a survey from BAZNAS Pekalongan City officers to determine whether they are eligible. whether or not, and determine the amount of zakat fund assistance in the amount between 1 million to 5 million rupiah, adjusted to the needs of the applicants based on the results of the officer's survey.

If you look at table 1. the distribution of zakat funds in BAZNAS Pekalongan City from 2016 to 2021, namely in the productive poor column, the amount of zakat funds distributed is relatively unbalanced. This can be seen in the following table.

Tabel 2. Distribution of productive poor zakat funds at BAZNAS Pekalongan City

No	Tahun	Distribusi Dana Zakat Produktif
1.	2016	88.000.000
2.	2017	142.500.000
3.	2018	96.000.000
4..	2019	673.000.000
5.	2020	104.400.000
6.	2021	4.000.000

The imbalance in the distribution of productive zakat funds has implications for improving the welfare of the mustahik. Therefore, it is necessary to improve management regarding the allocation of funds to be channeled to the productive poor, so that efforts to reduce the number of needy and poverty can be implemented. Because based on the results of

interviews with sources from BAZNAS Pekalongan City, that the distribution of zakat funds is carried out based on work programs that have been prepared previously, so in this case it is necessary to observe that the allocation for the productive poor needs to be increased. It aims to improve the welfare of the mustahik.

## **Implementation of the Effectiveness of Zakat Distribution Norms**

### **1. Legal Effectiveness Theory**

According to the Big Indonesian Dictionary, the word effective means that it can produce results, comes into effect, has an effect. Effectiveness can also be interpreted as a measurement of success in achieving goals. According to Harbani Pasolong, effectiveness basically comes from the word "effect" and this term is used as a causal relationship. Effectiveness can be viewed as a cause of other variables. Effectiveness means that the previously planned goals can be achieved or in other words the goals are achieved because of the activity process.<sup>15</sup>

According to Sondang P. Siagian, effectiveness is the utilization of resources, facilities and infrastructure in a certain amount that is consciously determined beforehand to produce a number of goods for the services it carries out. Effectiveness shows success in terms of whether or not the targets have been achieved. If the results of the activity are closer to the target, the higher the effectiveness. According to Martani and Lubis effectiveness is the main element of activity to achieve predetermined goals or objectives. In other words, an organization is said to be effective if the predetermined goals or objectives are achieved.

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<sup>15</sup> Gunawan. K. Adi, *Kamus Lengkap*, Surabaya: Lima Bintang, 2006.

Lawrence M. Friedman argues that the effectiveness and success of law enforcement depends on three elements of the legal system, namely the legal structure (structure of law), legal substance (substance of the law) and legal culture (legal culture). The legal structure concerns law enforcement officers, which in this case is the manager of the Pekalongan City BAZNAS who has distributed zakat funds to the public. Managers in carrying out their duties at BAZNAS begin with planning an annual work program, then carry out in accordance with the reference to the work program plan that has been prepared. One of the obstacles faced is related to management, therefore it is necessary to know the steps in the management of the distribution of zakat funds, namely:<sup>16</sup>

*First, Planning / Planning Zakat Management.* Planning is formulated as setting goals, policies, procedures, budgets, and programs of an organization. In this case, there is a program that is projected to be implemented in the short term with a maximum time allocated of 1 (one) year, namely collecting and distributing zakat, by planning the collection and distribution time so that mustahik can enjoy the benefits of distributing zakat and determining the priority scale so that zakat not just at one point.

*Second, Organizing/Organizing Zakat Management.* Coordinate in the collection and distribution of zakat, namely dividing the work to collect and distribute zakat so that the distribution is right on target, both consumptive and productive zakat.

*Third, Actuating/Implementation of Zakat Management.* Zakat collection is carried out by the Amil Zakat Agency by receiving or taking from muzaki on the basis of orders from muzaki. The implementation of productive zakat distribution begins by analyzing the feasibility study of prospective zakat recipients and then

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<sup>16</sup> Musfirotun, Diktat Administrasi pendidikan (tidak diterbitkan).

establishing business and providing assistance to zakat recipients and monitoring and evaluating, as well as making reports on the use of zakat funds by mustahik.

*Fourth, Controlling/Supervision of Zakat Fund Management.* That is to check, match, and make sure that the activities carried out are in accordance with the plans that have been set and the goals to be achieved.

Of the four management functions, BAZNAS Pekalongan City has not implemented the controlling/supervising function of the management of zakat funds. So that zakat funds that have been distributed to mustahik are not checked whether they are used according to their purpose, whether there is an increase in income, whether the welfare of mustahik is achieved or not. In this case, there is no track record of income before or after receiving zakat funds.

While the legal substance includes legislation, which is regulated in Articles 25 and 26 of Law Number 23 of 2011 concerning Zakat Management and Government Regulation Number 14 of 2014 concerning Implementation of Law Number 23 of 2011 concerning Zakat Management in Article 3 which regulates the planning, implementation, control in the collection, distribution, and utilization of zakat funds. The existing legal substance supports the distribution of zakat funds. This can be seen from the existing norms, one of which is Law no. 23 of 2011.

The next is related to legal culture, which is a living law adopted in a society. In terms of legal culture, that the people of Pekalongan City are predominantly Muslim and know about the obligation to pay zakat, one of which can be done through the BAZNAS institution. The people of Pekalongan City pay zakat through BAZNAS, especially for Pekalongan City ASN. Because the socialization from the government supports it, there is even a Mayor's circular regarding the order to pay

zakat through institutions, which in this case is the Pekalongan City BAZNAS.

From some of the definitions of effectiveness above, it can be understood that the indicator of effectiveness is the achievement of the goals of an institution, so returning to the purpose of the distribution of productive zakat carried out by BAZNAS Pekalongan City is to be able to change mustahik zakat into muzaki. In this case the effort to change the position of mustahik into muzakki has not been achieved, but the economic conditions of the mustahik become economically capable with the assistance of the zakat funds. Therefore, articles 25 and 26 of Law no. 23 of 2011 has not been effectively implemented in the Pekalongan City BAZNAS.

## **2. Legal Norms**

Legal norms regarding the distribution of zakat are regulated in the Qur'an, including in the letter al-Maidah verse 60 which means "Verily, zakat is only for the poor, the poor, zakat administrators, converts who persuaded his heart, to (free) slaves, people who are in debt, for the way of Allah, and those who are on the way, as a statute ordained by Allah, and Allah is All-Knowing, All-Wise.

Regarding the distribution of zakat, it is also regulated in Article 33 of the 1945 Constitution of the 1945 Constitution which states that the people have the right to natural wealth owned by the state. Articles 25 and 26 of the Law on Zakat Management Number 23 of 2011 state that zakat must be distributed to mustahik in accordance with Islamic law, which is carried out based on a priority scale by taking into account the principles of equity, justice and territoriality. In addition, it is explained in PP Number 14 of 2014 concerning the Implementation of Law Number 23 of 2011 concerning Zakat Management in Article 3 which regulates the planning, implementation, control in the collection, distribution, and utilization of zakat funds.

If it refers to the legal norms regarding the distribution, then these norms already explain the procedure for the distribution of zakat funds. Therefore, if these norms are applied properly, the distribution of zakat funds can reach the right target. However, BAZNAS Pekalongan City does not yet have an organized management, so that the distribution of zakat funds, especially those that are productive in nature, has not been able to measure whether the income of mustahik after receiving the assistance of productive zakat funds increases or not.

### **3. Implications of the Distribution of Zakat Funds**

#### **a. Legal Substance**

Zakat is one of the means to provide social security to the community. Therefore, in distributing zakat funds, it relies on the concept of Maqashid Syari'ah (five basics) which aims to realize the benefit of the community.

Among the goals expected from the distribution of zakat carried out by BAZNAS Pekalongan City is to be able to change the status of mustahik to muzakki. So that the distribution of zakat will be more appropriate if it is distributed for productive economic purposes, one of which is aimed at UMKM, such as traveling traders in Pekalongan City. The distribution carried out through the UMKM is expected to be able to increase people's income. As regulated in the Qur'anic texts, zakat aims to improve the welfare of society. Likewise, Law no. 23 of 2011 concerning Zakat Management and Government Regulation Number 14 of 2014 concerning the Implementation of Law Number 23 of 2011 concerning Zakat Management. Thus, the existing legal substance already reflects support for the concept of distribution of zakat funds.

#### **b. Implementing Structure**

BAZNAS Pekalongan City is an official institution formed by the government in charge of managing zakat in Pekalongan City.

Those who are included in the structure at BAZNAS Pekalongan City are those who have competence in the field of zakat. So that the structure reflects the support in the implementation of zakat activities

c. Facilities and Infrastructure

The existence of BAZNAS in Pekalongan City as a means to realize the implementation of zakat activities. Support from the Mayor through a circular letter for civil servants to pay zakat through BAZNAS is also a form of government support so that zakat activities can be carried out. This is also supported by the establishment of a Zakat Collecting Unit (UPZ) in each agency, thereby maximizing the role of zakat institutions in accommodating zakat funds from the community.

d. Legal culture of society (officials)

Legal culture is the values contained in the circle of community life or norms that have become a habit of the community in carrying out their lives. Legal culture has the strongest contribution from substance and structure because no matter how good the substance or legislation is made and no matter how good the structure is formed, but when putting aside legal culture, the law itself can never run well. Because basically the law aims to regulate, change, or provide justice for the community, to ensure these goals, it is necessary what is desired by the community itself, because after all it is the community who implements the law itself. Therefore, the law works not only about legislation, but how the activities of the community in their actual form.

The results of the acquisition of zakat funds at BAZNAS Pekalongan City reach the range of 1.5 billion per year. This has not been calculated for the muzakki who channel their zakat funds without going through an institution. Seeing these gains, it can be said that the legal awareness of the people of Pekalongan City in

paying zakat is quite good, this is supported by the people of Pekalongan City who are predominantly Muslim. Although in practice it cannot be said to be optimal.

## Conclusion

The distribution pattern carried out by BAZNAS Pekalongan City in carrying out its activities is based on a reference to the work program that has been prepared as a distribution plan with a percentage system. Each program area that has been planned is based on a percentage, so that all programs compiled are a priority from BAZNAS to be realized. BAZNAS Pekalongan City distributes zakat funds that are productive in the form of business capital assistance that is prioritized for traders, with a submission system to BAZNAS Pekalongan City, which is attached with a letter of application, a certificate of incapacity from the village, after that there is a survey from BAZNAS Pekalongan City officers to determine appropriate or not, and determine the amount of zakat fund assistance in the amount of between 1 million to 5 million rupiah, adjusted to the needs of the applicants based on the results of the officer's survey.

BAZNAS Pekalongan City does not yet have control management after distributing zakat funds. Therefore, the ideal of making mustahik into muzaki is just an ideal without any support to make it happen. This is due to several factors, including the weakness of existing human resources, both in terms of a small number, and the quality of human resources that are not supported by training. So that most efforts to empower the mustahik economy have not been realized for productive ones.

The obstacle in managing zakat funds at BAZNAS Pekalongan City is the management of zakat funds that have not been organized. Because the Pekalonga City BAZNAS has the goal that from the zakat funds that have been distributed to the mustahik, it is able to turn the mustahik into muzaki. However, it turns out that there is no management control in the management of zakat funds that have been issued, so that the hopes /

aspirations of changing mustahik into muzaki are not realized, because there is no track record of income obtained after the mustahiks get additional working capital from the productive zakat funds. The absence of control from the Pekalongan City BAZNAS in the distribution of zakat funds makes the zakat funds that have been distributed cannot be measured against how much benefit or effect the mustahik receives. This causes the misuse of zakat funds that should be used for business capital but are instead used for other purposes. For example, for education or to buy daily necessities. In addition, the absence of control management also results in the BAZNAS of Pekalongan City not knowing the progress of zakat funds that have been distributed, so there is no clarity on productive zakat mustahik.

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