

## **Fiqh Muamalah Analysis of the Fundraising Zakah through Conventional Bank Accounts**

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### **Abstract**

Collecting zakah funds through conventional banks is vulnerable to elements of usury. Whereas, Islamic legal norms have strictly regulated that all assets must be protected from the element of usury, including Zakah funds. This research analyzes the collection of zakah funds by zakah fund collection institutions which is carried out by giving *muzaki* (zakah givers) the option to transfer zakah funds using conventional bank accounts. This paper discusses two schemes, i.e: first, the mechanism for collecting zakah funds through conventional bank accounts; second, analyzing the collection



of zakah funds from the perspective of *Muamalah Fiqh*, namely using the *Tabarru* agreement. The research method uses empirical juridical with a qualitative approach. The results show, the mechanism for collecting zakah funds through conventional bank accounts is that *muzakki* are given the option to transfer zakah funds to a conventional bank account or sharia bank, which is owned by the institution collecting zakah funds; then the institution collecting zakah funds separates the bank interest from conventional banks for the public needs, such as building roads, public toilets, bridges, etc; and finally distributing it to *Mustahiq*. According to Fiqh Muamalah, the factors that cause a transaction to be *haram* are *haram* because of its substance, *haram* in addition to its substance and the cancellation of the contract. Meanwhile, the permissibility of a *haram* transaction must be channelled for social benefit, because this action is better than entrusting non-*halal* funds to a Sharia Bank.

**KEYWORDS** *Conventional Banks, Fundraising, Usury, Zakah*

### **Abstrak**

Penghimpunan dana zakat melalui bank konvensional rentan terhadap unsur riba. Sedangkan, norma hukum Islam telah mengatur secara tegas bahwa semua harta harus terhindar dari unsur riba, termasuk dana Zakat. Penelitian ini menganalisis tentang penghimpunan dana zakat oleh lembaga penghimpun dana zakat yang dilakukan dengan memberikan pilihan kepada *muzaki* untuk mentransfer dana zakat dengan menggunakan rekening bank konvensional. Tulisan ini mendiskusikan dua skema, yaitu: *pertama*, mekanisme penghimpunan dana zakat melalui rekening bank konvensional; *kedua*, menganalisis penghimpunan dana zakat tersebut dalam perspektif Fiqh Muamalah yaitu menggunakan akad *Tabarru*. Metode penelitian menggunakan yuridis empiris dengan pendekatan kualitatif. Hasil penelitian menunjukkan bahwa, mekanisme penghimpunan dana zakat melalui rekening bank konvensional yaitu *muzakki* diberi pilihan untuk melakukan transfer dana zakat ke rekening bank konvensional atau bank syariah milik lembaga penghimpun dana zakat, kemudian lembaga penghimpun dana zakat memisahkan bunga bank dari bank konvensional untuk kepentingan umum seperti pembangunan jalan, toilet umum, jembatan, dan lain-lain dan terakhir membagikan kepada *Mustahiq*. Menurut Fikih Muamalah faktor penyebab haramnya suatu transaksi adalah haram karena substansinya, haram selain substansinya dan batalnya akad. Sedangkan kebolehan dari suatu transaksi yang haram adalah harus disalurkan untuk kemaslahatan sosial, karena tindakan tersebut lebih baik daripada menipkan dana yang tidak halal di bank Syariah.

**KATA KUNCI** *Bank Konvensional, Penghimpunan Dana, Riba, Zakat***Introduction**

In Islam, the activities of helping both materially and immaterially have all been arranged by God, one of which is the establishment of Zakat for every Muslim.<sup>1</sup> Zakat must be issued to a person who has met the minimum limit for issuing Zakat. In Zakat, there are generally activities for distributing and raising funds.

Zakat according to language means to cleanse, sanctify, increase, praise, and barakah. While after Syar'an zakat can have the meaning of spending certain assets to be given to certain groups or groups, Zakat is also one of the five pillars of Islam, in the hadith of the prophet Muhammad SAW.<sup>2</sup>

Fundraising can be interpreted as the activity of collecting sources of funds from the community (both individuals, groups, organizations, companies, and governments) which are used to finance the program and activities of the institution which in the end is to achieve the mission and objectives of the institution.<sup>3</sup>

The purpose of raising funds does not have to be money, but also goods or services that have commercial value. However, if, the activity of Zakat

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<sup>1</sup> Onagun Isiaka Abdussalam, Fuadah Johari, and Mohammad Alias, "Is Zakah Effective to Alleviate Poverty in a Muslim Society?: A Case of Kwara State, Nigeria," *Global Journal Al-Thaqafah* 5, no. 1 (2015): 33–41, <https://doi.org/10.7187/GJAT762015.05.01>.

<sup>2</sup> Jan A. Ali, *Zakat and Poverty in Islam, Islam and Development: Exploring the Invisible Aid Economy*, 2016, <https://doi.org/10.4324/9781315589893-11>.

<sup>3</sup> Ahmad Redi and Hartini Antasari, "Comparative Analysis on the Regulation of Substitute Heir's Position in the Civil and Islamic Inheritance Law Perspective," *Proceedings of the 3rd Tarumanagara International Conference on the Applications of Social Sciences and Humanities (TICASH 2021)* 655, no. Ticash 2021 (2022): 850–56, <https://doi.org/10.2991/assehr.k.220404.135>.

Fund Raising does not produce funds, then it means that this fund-raising activity fails and it cannot be said that this collection is a collection.<sup>4</sup>

In the implementation of zakat in Muslim countries, it can be categorized into 2 parts, namely: *first*, the mandatory zakat payment system where the zakat fund collection system is handled directly by the State and there are sanctions for those who do not pay zakat, and *second*, the voluntary zakat payment system where the responsibility to collect zakat funds is in the hands of the government and there are no sanctions for people who do not fulfill it, while in Indonesia zakat is intended to reduce existing poverty by helping those who need it.<sup>5</sup>

One of the institutions that are active and credible in the activities of collecting and utilizing the largest Zakat, *Infaq*, and Shodaqoh in Indonesia is the Yayasan Dana Sosial Al Falah Surabaya (YDSF) which has 6 office branches spread throughout Indonesia.

In practice, the Al Falah Surabaya Social Fund Foundation gives donors the option to transfer zakat funds using conventional accounts. This invites speculation that the receipt of zakat from *muzakki* through conventional bank transfers at certain times may have an element of bank interest (non-halal funds). While interest from conventional banks is part of *riba* and *riba* is prohibited by Islamic law. For this reason, it should be noted that one of the mandatory conditions in fulfilling zakat is the condition of the property must be holy and not mixed with debt or usury.

## Methods

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<sup>4</sup> Kartika Andiani et al., "Strategy of BAZNAS and Laku Pandai For Collecting and Distributing Zakah in Indonesia," *Al-Iqtishad: Jurnal Ilmu Ekonomi Syariah* 10, no. 2 (2018): 417–40, <https://doi.org/10.15408/aiq.v10i2.6943>.

<sup>5</sup> Amiruddin K., "Model-Model Pengelolaan Zakat Di Dunia Muslim," *Ahkam: Jurnal Hukum Islam* 3, no. 1 (2015), <https://doi.org/10.21274/ahkam.2015.3.1.137-164>.

This type of research uses qualitative research. Qualitative research is the collection of data on a natural background to explain the phenomenon that occurs where the researcher is a key instrument. This means that in this study to find meaning, about a phenomenon or event directly from human life, which directly analyzes the object or institution under study, and the researcher is directly involved in the preparation of data from the beginning to the end of the activity.

Primary data collection is a very active process. primary data is collected to find a solution to the problem at hand. Primary data sources include surveys, observations, experiments, Conversely, questionnaires, personal interviews, etc. The data obtained directly from the first source was mandated and recorded for the first time in this case the researcher made field observations by conducting interviews and documentation to the Yayasan Dana Sosial Al Falah Surabaya.

Secondary data analysis is the analysis of data that has already been collected by another for another primary purpose. The use of these Existing data provides a viable option for researchers who can have limited time and resources. Secondary data is data obtained directly. Additional data in the form of books, journals, and research results related to this research. In this case, secondary data on the collection of zakat funds can be found in several reference books such as the Islamic Fiqh Wa Adillatuhu juz 3 (2011) written by Wahbah Az Zuhaili and published by Gema Insani Jakarta and the Manajemen Zakat book (2015) written by Ahmad Furqon and published by UIN Walisongo, as well as about the use of bank accounts in the Perbankan Syariah book (2011) written by Drs, Ismail. MBA. published by Kencana Jakarta. Likewise, the book studies various theories in books about endowments, laws, and data obtained from the field. In addition, references to written works, journals, magazines, and other references are also included, as well as being reviewed from other sources, such as books.

## Discussion

This study aims to describe the mechanism of collecting zakat funds at conventional banks at YDSF Surabaya and explain the muamalah fiqh analysis of the mechanism of collecting zakat funds at conventional banks at YDSF. This research is qualitative and includes field studies. Data collection was conducted through *structured interviews*, *passive participation* observation, documentation, and triangulation. The data were further analyzed descriptively both in the field and after leaving the research field. Researchers use data analysis techniques with a *descriptive-analytical approach*.

Amil Zakat Institution of Yayasan Dana Sosial Al-Falah Surabaya provides zakat account services at conventional banks when carrying out their duties. Zakat Bank Account service is a service provided by the institution to *muzakki* who want to pay their zakat by transfer without the need to come to the institution. This Zakat account service is used to make it easier for *muzakki* to make Zakat fund payments. Traditionally, zakat funds are stored in a safe. Over time, using the bank as a place to store zakat funds.<sup>6</sup>

Yayasan Dana Sosial Al-Falah Surabaya applies the principles of amanah, professional, transparent, indented, fair, responsive, and cooperative to achieve its mission of collecting community funds or people up in the form of zakat, *Infaq* or alms, and other and distributing them with a mandate, effectively and efficiently to raise the degree and dignity of Muslims. In raising zakat funds, the Al-Falah Surabaya Social Fund Foundation targets individuals or individuals and groups, or companies. This is because YDSF Surabaya adheres to Law No. 23 of 2011 concerning zakat management which states that zakat is a property that must be set

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<sup>6</sup> Documentation at Yayasan Dana Sosial Al Falah Surabaya in "30 years of YDSF Magazine".

aside by a Muslim following religious provisions to be given to those who are entitled to receive it.<sup>7</sup>

Yayasan Dana Sosial Al Falah Surabaya is under the supervision of the sharia board so, to open a conventional bank, the institution has asked for permission to open a conventional bank account as a transit point for zakat funds and not to use non-halal funds for the benefit of the institution or distributed to 8 ashnaf. Eliminate conventional banks, the Amil Zakat Institution of the Yayasan Dana Sosial Al Falah Surabaya is still difficult because this conventional bank is a zakat account which makes it easier for *muzakki* to donate zakat funds to institutions.<sup>8</sup>

The Amil Zakat Institution of the Yayasan Dana Sosial Al Falah Surabaya is a zakat collection institution researcherized by the Minister of Religious Affairs of the Republic of Indonesia number B.IV/02/HK.03/6276/1989 which is researcherized and serves as the collection of zakat funds. The receipt of zakat funds at the Yayasan Dana Sosial Al Falah Surabaya from various circles, ranging from home *Muzakki*, *Muzakki* from companies, school *Muzakki*, hospital *Muzakki*, and even *Muzakki* from civil servants who directly deduct salaries as zakat payments.<sup>9</sup>

The Yayasan Dana Sosial Al Falah Surabaya provides 2 choices of methods to *muzakki* in making payments, namely by direct (cash method) or by indirect means (transfer). *Muzakki* will fill out a form for depositing zakat, via cash or transfer. If by direct Method (cash), can pay directly by coming to the institution or with the services of a collector. *Muzakki* who are in each school or company has their coordinator as a collection of zakat

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<sup>7</sup> Documentation at Yayasan Dana Sosial Al Falah Surabaya in "30 years of YDSF Magazine".

<sup>8</sup> Documentation at Yayasan Dana Sosial Al Falah Surabaya in "30 years of YDSF Magazine".

<sup>9</sup> Documentation at Yayasan Dana Sosial Al Falah Surabaya in "30 years of YDSF Magazine".

funds. After it is collected, the collector will take zakat funds and deposit them directly into the institution.<sup>10</sup>

If by indirect method (transfer), can make transfer payments through a bank account that has been provided by the institution. Bank accounts owned by institutions are conventional bank accounts and Islamic bank Bank accounts. This service is provided for *muzakki* who want to give their zakat by transfer to a bank without having to go to an institution or through the services of a collector. Zakat account service is a service that is given to *muzakki* by transferring their zakat funds to the Bank Account institution. The purpose of this service is to provide convenience to *muzakki* without the need to go to institutions and also follow *Muzakki*'s request.

At the beginning of the establishment of YDSF, the bank was first established as a conventional bank, namely the BCA bank, where everyone used the bank for transactions while the Islamic bank was still not established at that time. YDSF institutions use conventional bank services because of the increasing number of *muzakki* and also the demand to make payments by transfer so institutions open bank accounts.

This was supported by Mr. Roni Hariyanto a financial manager at Yayasan Dana Sosial Al-Falah Surabaya in an interview:

"Good service is something that institutions must provide to *muzakki* or donors so that institutions cannot abandon conventional banks as zakat fund accounts."<sup>11</sup>

The first conventional bank used by YDSF institutions was BCA Bank. In addition to making it easier for *muzakki* who pay zakat, it is also easier for institutions to reach *muzakki* who pay their zakat to institutions through banks. This is supported by the statement of Hj. Enik Cahyani as the head of the financial division of the Al-Falah Surabaya Social Fund Foundation in an interview:

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<sup>10</sup> Documentation at Yayasan Dana Sosial Al Falah Surabaya in "30 years of YDSF Magazine".

<sup>11</sup> Interview with Mr. Roni Hariyanto as Finance Manager at Al Falah Social Fund Foundation Surabaya on January 13, 2023.

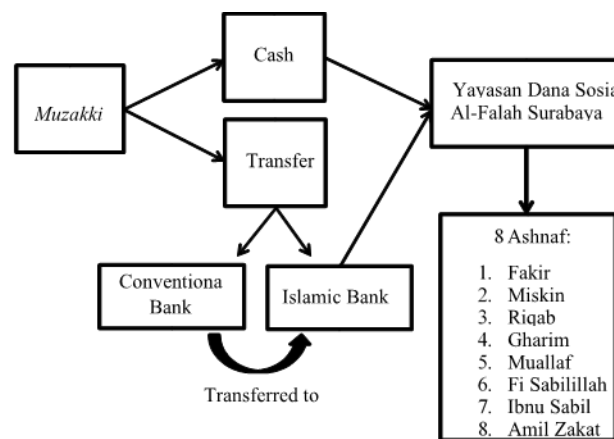


"From the beginning of the establishment of this social fund foundation, namely in 1987, the existing banks were conventional banks. The first conventional bank that appeared was BCA Bank, where everyone had a bank account. Meanwhile, Sharia Banks first appeared in 1992, namely Muamalah Bank."<sup>12</sup>

*Muzakki* who has deposited his zakat through Bank Account bank by transfer does not need to report to the Al-Falah Surabaya Social Fund Foundation institution, because the institution will get a report that *muzakki* has made transactions. The bank will issue a current account to the institution every month, which will then be taken by the institution.

In utilizing zakat funds in conventional banks, institutions must withdraw cash and then deposit back to BNI-Syariah banks which will then be distributed to 8 ashnaf. Conventional banks are, are only a place to hold zakat funds temporarily.

**Figure 1** Zakat Fund Flow



Source : Yayasan Dana Sosial Al Falah Surabaya<sup>13</sup>

From the Figure 1, it can be seen that funds from *Muzakki* and *muzakki* for the Social Fund Foundation institution will be distributed

<sup>12</sup> Interview with Enik Cahyani as Finance the head of the financial division at Al Falah Social Fund Foundation Surabaya on January 13, 2023.

<sup>13</sup> Documentation at Yayasan Dana Sosial Al Falah Surabaya

correctly and on target, namely, to 8 ashnaf who are entitled to receive zakat. All zakat funds paid by transfer to a conventional bank will be transferred to a Sharia bank and then received by the institution and utilized to 8 ashnaf.

In general, zakat funds received by the Surabaya Social Fund Foundation through bank accounts are from Civil Servants, and large companies and there are also several *Muzakki* or other *muzakki*. Every month, the employee and also the company will be deducted directly from the salary and will be deposited to the institution through the Bank Account bank. Zakat services using bank accounts, and the Al-Falah Surabaya Social Fund Foundation provides conventional bank accounts as well as Islamic banks. Table 1 is a list of accounts used by the institution:

**Table 1** List of Conventional Bank Accounts

Bank Name	Bank Code	Account Number	Account name
BCA	014	0883.8377.43	YDSF
Mandiri	008	1420007706533	YDSF
BNI	009	0049838571	YDSF
CIMB Niaga	022	800037406900	YDSF
BRI	022	009601000771307	YDSF
Bank Jatim	114	0011094744	YDSF

*Source: Yayasan Dana Sosial Al Falah Website*<sup>14</sup>

Zakat funds that have been received by the institution must be stored safely and managed with good management so that zakat funds can be distributed to those who are entitled to receive namely 8 ashnaf.

In addition, zakat funds must also be used properly and follow Islamic requirements. Large amounts of zakat funds are traditionally stored

<sup>14</sup> Yayasan Dana Sosial Al Falah Surabaya, “*Daftar Rekening Donasi*”, within the site <https://ydsf.org/page/rekening-donasi> (accessed on September 16, 2022 at 23:00 WIB).

in vaults or vaults. Modernly, using a bank as a safe depository also has convenience in terms of transfers.

Furthermore, as the researcher has obtained from the interview results, it is true that YDSF Surabaya even though they use the services of Islamic banks, also use the services of conventional banks, and either zakat or *Infaq* / alms funds will settle or be stored in the conventional bank account. As stated by the Head of the YDSF Surabaya Collection Division to the researcher during an interview, YDSF Surabaya will separate the funds so that they are separated from zakat funds and *Infaq* / alms funds then the non-halal funds will be distributed to public facilities such as bridges, culverts, and others following Islamic law.

This is supported by the statement of Mr. Widodo Satmoko the head of the division of the Al-Falah Surabaya Social Fund Foundation Association in an interview:

“Non-Halal Funds, are used for public facilities. For example, if there is a proposal for the construction of public toilets, construction of gates, gates, paving and others for the public interest, it will be explained that these funds are non-halal funds and cannot be used to pay workers but only for building materials and raw materials. Conventional bank accounts only hold and are still a mixture of non-halal funds (conventional bank interest) and Sharia profit-sharing funds, but more of them are from Sharia bank profit-sharing because there are more deposits in Sharia Banks.”<sup>15</sup>

Therefore, it is true that zakat funds that settle in conventional banks will get usury interest, but furthermore, in its use, the interest is not used for corporate or personal interests but for public purposes such as the construction of footpaths, village entrance gates, public toilets, and bridges, and it should be noted that the use of these funds is only for development materials and not to pay workers.

Amil Zakat Institution of Yayasan Dana Sosial Al Falah Surabaya is a zakat collection institution that uses conventional bank services as a place

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<sup>15</sup> interview with Mr. Widodo Satmoko as the head of the Gathering division at the Al Falah Social Fund Foundation Surabaya on January 13, 2023.

for zakat funds to operate and also a place to store zakat funds from *Muzakki*. Using the services of conventional banks cannot be separated from non-halal funds. Non-halal funds come from interest on a currency, services, and current accounts from conventional banks. YDSF Surabaya uses conventional banks for several reasons and also requests from *Muzakki* who pay their zakat at institutions.

Fundraising Zakat by collecting zakat is a service provided to *muzakki* who want to pay their zakat without the need to go to the institution and by transferring money to the institution. As time goes by and keeps up with the times, the zakat services provided by the institution are not only in cash. However, using the services of a Zakat account. With Zakat account services, receipt, and distribution are carried out safely, quickly, and also practically. The sooner you allocate Zakat funds, the better. Thus, zakat funds in conventional bank accounts will not stay in the bank account for long.<sup>16</sup>

The factors of YDSF Surabaya institutions using conventional banks as zakat account services are:<sup>17</sup>

1. Conventional Banks Established For A Long Time. Conventional banks were established earlier than Islamic banks which were only established in 1992. Conventional banks became the fastest, safest, and most trusted place for transactions at that time so institutions opened conventional bank accounts as a place to collect zakat funds.
2. *Muzakki's* request. Requests for *muzakki* who want to pay zakat through a conventional bank account. Conventional banks are more widely used by *muzakki* than Islamic banks, thus making institutions use conventional banks. Salary payments are more often paid to *muzakki*

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<sup>16</sup> Roki Ade Deswan, Rizal Fahlefi, and Zainuddin Zainuddin, "Penggunaan Bank Konvensional Pada Baznas Kota Solok," *Tamwil* 5, no. 1 (2020): 71, <https://doi.org/10.31958/jtm.v5i1.2268>.

<sup>17</sup> interview with Mr. Widodo Satmoko as the head of the Gathering division at the Al Falah Social Fund Foundation Surabaya on January 13, 2023.

through conventional banks, so when making a transfer it does not need to take a long time.

3. Civil Service Salaries. Most *muzakki* are civil servants and their salaries are transferred through conventional banks. The zakat payment used is debit, so the Yayasan Dana Sosial Al Falah Surabaya provides conventional bank services. For the elimination of conventional banks, it is still very difficult for institutions to do because of the conditions and situation.

The Social Fund Foundation institution such as YDSF Surabaya still finds it difficult to leave conventional banks as a place to collect zakat funds, due to conditions in the field that do use few Islamic banks. Institutions continue to consult Sharia boards for the use of conventional banks.

Zakat funds in conventional banks are still mixed with zakat principal funds and also interest from conventional banks. Institutions do not follow *muzakkis* who want to pay zakat funds by transfer to the bank or come directly to the institution. *Muzakki* in the Yayasan Dana Sosial Al Falah Surabaya totaled 16,238 and of the total number of *muzakki*, 57.6% paid their zakat to institutions using conventional banks. Receipts of zakat funds entering institutions using conventional banks amounted to Rp. 485,038,908.<sup>18</sup>

Revenues from conventional banks are more than those from Islamic banks. Interest on services from conventional banks, the Al-Falah Surabaya Social Fund Foundation institution receives the bank's interest. However, it is not channeled to the mustahik. Bank interest is used outside the needs of the institution and also mustahik. Bank interest must be distributed and utilized for the wider community, the institution is not entitled to use bank interest earned from repayment for the use of bank accounts.<sup>19</sup>

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<sup>18</sup> Interview with Mr. Roni Hariyanto as Finance Manager at Al Falah Social Fund Foundation Surabaya on January 13, 2023.

<sup>19</sup> Interview with Mr. Roni Hariyanto as Finance Manager at Al Falah Social Fund Foundation Surabaya on January 13, 2023.

Based on the previous explanation, we can know that the akad used in collecting zakat funds is the *Tabarru* contract, *tabarru`* contract is all kinds of agreements that concern not-for-profit transactions (non-profit transactions).

The function of *tabarru* contracts, these *tabarru* contracts are contracts to seek benefits hereafter, because they are not business contracts. So, this contract cannot be used for commercial purposes. Banks as financial institutions that aim to make a profit cannot rely on *tabarru* contracts to make a profit. If our goal is to make a profit, use commercial contracts, namely *tijarah* contracts. However, that does not mean that the *tabarru* contract cannot be used at all in commercial activities. The use of *tabarru* contracts is often very vital in commercial transactions because these *tabarru* contracts are used to bridge or facilitate *tijarah* contracts.

In *Fiqh Muamalah* the Fundraising Zakat uses *Akad tabarru'*. The implementation of *Akad Tabbaru'* in zakat fundraising activities is contained in the collection activity itself which involves banks and Amil Zakat institutions that collect *Muzakki* funds in banks.

Furthermore, YDSF Surabaya uses conventional banks as zakat fundraisers, although they will separate the non-halal funds from the zakat funds and *infaq* / alms, then the non-halal funds will be distributed to public facilities such as the construction of public toilets, and community footpaths, bridges, and village entrance gates.

In worship, the rule of law is that everything is forbidden, except for provisions based on the Quran and Hadith. While in the case of *muamalah*, everything is allowed unless there is a proposition that prohibits it. When a new transaction exists and has not been previously known in Islamic law, it is considered acceptable, unless there is an implication of the Qur'anic and Hadith propositions prohibiting it, either explicitly or implicitly. Thus, in the field of *muamalah*, all transactions are permissible except those that are prohibited. The cause of the prohibition of a transaction is caused by the following factors: 1) haram zat (haram li-dzatihi); 2) haram other than its

substance (haram lighairihi); 3) invalid (complete) contract.<sup>20</sup> In this case, one of the components of "Haram lighairihi" is that there is an element of riba in the process of collecting zakat funds. The haram law of usury has been regulated by the Hadith of the Prophet.

People who interact with usury are damned by Allah swt. and the Messenger of Allah saw. This can be seen in the following hadith:

“Jabir r.a. said, that the Messenger of Allah circumcised the one who ate usury, the one who gave it, the researcher, and his two witnesses, and He said, they are all the same.” (HR. Muslim)

Therefore, the Tabarru Agreement in the collection of zakat funds carried out by YDSF is an imperfect and void contract. The factors causing the prohibition of a transaction are haram because of its substance (haram lidzatihi), haram other than its substance (haram lighairihi), and invalid contract. One component of haram other than its substance is the presence of usury.

So based on the Verses of the Quran and the fatwa, we can say that the collection of YDSF Surabaya funds is contrary or not following this MUI fatwa, where they still use conventional banks, while the practice of interesting carried out by banks is a form of usury, and usury is illegitimate. In addition, it is not allowed to reconcile with conventional financial institutions, because, in the Surabaya city area, there are already offices/networks of Islamic Financial Institutions that are easily accessible so that they are not in an emergency/celebration condition as explained in the Indonesia Ulama Council Fatwa.

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<sup>20</sup> Supaino Muhammad Zuhirsyan, Nurlinda, Irwan Musriza, “Penghimpunan Dana Zakat Melalui Bank Konvensional Dalam Perspektif Fikih Muamalah,” *Jurnal Hukum Kaidah* 22, no. 3 (2023): 453–69, <https://doi.org/10.30743/jhk.v22i3.7017>. See to Zuhairoh Nasrin and Peni Haryanti, “Analisis Dana Infaq Non Halal Di Lembaga Keuangan Syariah Dalam Perspektif Fiqih Muamalah Studi Kasus LSPT Tebuireng Jombang,” *JIES: Journal of Islamic Economics Studies* 2, no. 3 (2021): 144–59, <https://doi.org/10.33752/jies.v2i3.395>.

However, Shaikh Ibn Jibrin argued, that it is permissible to take bank interest but to be distributed to social activities of the community, and not to be included or stored as personal property because he thinks this action is better than leaving it in the bank, which the bank will later use to build churches, support the mission of paganism, and hinder Islamic proselytizing.

Abu Muhammad Abdullah bin Abdurrahman bin Abdullah bin Ibrahim bin Fahd bin Hamd bin Jibrin is the real name of Shaykh ibn Jibrin, he is active and works at the Scientific Research Council and Fatwa, he is also active in issuing Fatwas related to Contemporary Muamalah. One of Shaikh Ibn Jibrin Opinion about bank interest :

“He may take advantage of the profit given by the bank some kind of interest, but it should not be included and kept as his property. But he channeled it for social activities, such as being given to the poor, mujahids, and the like. This action is better than leaving it in a bank, which will later be used to build a church, support the mission of paganism, and hinder Islamic proselytizing.”<sup>21</sup>

Following the opinion of scholars who allow taking riba from bank interest, it will then be channeled to religious social activities, such as building mosques, pesantren, or other da'wah activities. There are two opinions as well. First, it is not permissible to use usury money for religious activities. The usury money may only be channeled to public facilities or given to the poor. Second, it is permissible to use bank interest to build mosques. Because bank interest can be used by the community. Shaykh Abdullah bin Jibrin argues that if it can be used for public purposes, of course for religious purposes it will not be a problem.<sup>22</sup>

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<sup>21</sup> Abdullah bin Baz, *Fatawa Syaikh Abdullah bin Baz*; Syaikh Shalih al-Fauzan, *Al Muntaqa Min Fatawa Syaikh Shalih al-Fauzan*, jilid. IV, p. 137-138, No. 141; Yusuf AlQardhawi, *Fatawa Muashirah*, jilid II, 410-411.

<sup>22</sup> Ilham Basrian Jasuma Putra, “Meninjau Ulang Pernyataan Pandangan Fazlur Rahman Tentang Hukum Kehalalan Bunga Bank,” *Asyafina Journal: Jurnal Akademik Pesantren* 1, no. 2 (2022): 1–10.



So based on the explanation of the problem above, in practice the use of conventional bank accounts at the YDSF Surabaya zakat institution even though they in collecting or distributing them still use conventional bank accounts, where the zakat and infak / alms funds they collect will settle or be stored in conventional banks until the funds are distributed. We know if conventional banks adhere to an interest system, if the funds are stored or settled for a certain period, they will get deposit interest from conventional banks which is usury.

However, YDSF Surabaya as previously stated, if YDSF gets non-halal funds including those from bank interest, they will separate them so that the non-halal funds are separated and will not be mixed with zakat funds or infaq / alms funds. After the non-halal funds are separated, the non-halal funds will then be distributed for public interests following Sharia principles.

Based on all the descriptions and explanations above, the practical mechanism of using conventional bank accounts at the YDSF Surabaya Zakat institution is true if the funds they collect will be settled or stored in conventional banks, then they will get interested in deposits which we know are usury and this is contrary to sharia principles.

Although it is true as revealed that YDSF Surabaya will separate non-halal funds derived from the bank's interest and will be distributed to public facilities such as bridges, culverts, and others following PSAK No. 109 that the non-halal funds will be separated and distributed for the public interest so that both zakat and infaq / alms funds will be clean and free from the illicit property so that this is following Indonesia Ulama Council Fatwa Number 13 of 2011 concerning the Law of Zakat over Haram Property.

Considering that zakat collected using conventional banks still has some debates and differences of opinion, the researcher suggests that YDSF Surabaya should not use conventional bank services because it does not reflect zakat institutions with sharia principles, and using the services of

conventional banks is tantamount to supporting the practice of usury or conventional banks are growing so that it is not following sharia principles.

## Conclusion

The mechanism for collecting zakat funds through a conventional bank account at the Al Falah Social Fund Foundation is implemented directly where the *muzakki* transfers the funds to the foundation's conventional bank account and then the funds are distributed to Mustahiq. Meanwhile, funds entering conventional bank accounts are separated from bank interest (non-halal funds) for public purposes. The contract used in collecting zakat funds is the Tabarru contract, however, in its implementation, the Al Falah Social Fund Foundation uses a conventional bank which contains elements of usury so it cancels the tabarru contract because there are haram elements other than the substance (haram Lidzatihi). This is different from Indonesia Ulama Council Fatwa Number 13 of 2011 concerning Zakat Law on Haram Assets, which states that zakat which has been separated from non-halal assets for purposes is legally valid and non-halal assets are not obligatory objects of zakat.

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