

Maslahah Musalah Review of Online Zakat Practices in Baznas Malang City

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Abstract

The practice of zakat online is the answer to technological developments. The benefit is that it can help the community be easier to pay zakat by being distributed indirectly, the practice of zakat online does not as smoothly as expected there are concerns in the community about pros and cons, especially in online zakat payment methods. The purpose of this study is to find out the practice of online zakat in the National Amil Zakat Agency (BAZNAS) of Malang City and find out how the practice of zakat online from the review of *maṣlaḥah mursalah*. This research is a type of qualitative research using a normative approach. Data collection was used with literature studies and documentation. Based on the results of the study, it can be concluded that the practice of zakat online when viewed from the perspective of *maṣlaḥah mursalah* then it is classified at the level of *maṣlaḥah hajjiyah* (secondary needs) which is benefit as a refinement of primary needs that can facilitate can make it easier in muamalah relationships.

Keywords: Online zakat; Akad; *Maṣlaḥah Mursalah*.

Abstrak

*Praktik zakat online merupakan jawaban terhadap perkembangan teknologi informasi. Manfaatnya yaitu dapat membantu masyarakat agar lebih mudah dalam membayar zakat dengan disalurkan secara tidak langsung, praktik zakat online berjalan tidak semulus yang diharapkan terdapat kekhawatiran di masyarakat sehingga menimbulkan pro dan kontra terutama pada akad pembayaran zakat online. Tujuan penelitian ini untuk mengetahui praktik zakat online di Badan Amil Zakat Nasional (BAZNAS) kota Malang dan mengetahui bagaimana praktik zakat online dari tinjauan *maṣlaḥah mursalah*. Penelitian ini merupakan jenis penelitian kualitatif dengan menggunakan pendekatan normatif. Pengumpulan data yang digunakan dengan studi literatur dan dokumentasi. Berdasarkan hasil penelitian dapat disimpulkan bahwa praktik zakat online apabila ditinjau dari perspektif *maṣlaḥah mursalah* maka tergolong pada tingkatan *maṣlaḥah hajjiyah* (kebutuhan sekunder) yaitu kemaslahatan sebagai penyempurna dari kebutuhan primer yang dapat mempermudah dalam hubungan muamalah.*

Kata Kunci: Zakat online; Akad; *Maṣlaḥah Mursalah*.

INTRODUCTION

This research will examine the practice of online zakat, as one of the facilities of zakat amil institutions in the digital era for two reasons. Firstly, because of the differences in opinion of contemporary scholars Wahbah az-Zuhailī and Yusuf al-Qardhawi regarding whether or not the practice of online zakat is permissible, secondly, technological developments are developing rapidly which can make human life easier, including the life of worship. The practice of online zakat is not running smoothly as expected, some people consider online zakat to be contrary to the pillars and legal requirements of zakat, therefore the practice of online zakat has given rise to pros and cons and differences of opinion in contemporary society and ulama.

Wahbah az-Zuhailī, a contemporary cleric from Syria, is among the clerics who disagree with online zakat payments and question the online zakat contract. He expressed his opinion in the book *Fiqhu al-Islam Wa Adillatuhu* that the obligation of zakat must be given directly. Based on this opinion, BAZ or LAZ zakat management institutions are not allowed to end zakat distribution within a certain period to be included in the institution's calculations. He also believes that the agreement to pay zakat directly is included in the pillars and conditions of zakat, if the agreement is not carried out directly then it is considered sadaqah, not zakat (Wahbah az-Zuhaili, 2018).

Scholars who agree with the practice of online zakat include Yusuf al-Qardhawi, he thinks that in the zakat fiqhu book, it is explained that a muzakki does not have to declare and explain to the mustahik that the funds or goods given are zakat. This means that they can distribute zakat online through the desired zakat institution or agency because the contract or qabul agreement is not included in the legal requirements and pillars of zakat. Zakat is different from pawning, waqf, and the like where the

contract is a condition and harmony in its implementation (Yusuf al-Qardhawi, 2015).

As time goes by and technology advances, many people have used online services to meet their daily needs, including Muslims in Indonesia who tend to choose to distribute zakat using online platforms. During this pandemic, the government has issued Ministry of Religion Circular Letter Number 96 of 2020, an appeal to avoid the spread of COVID-19 to the public by not meeting face to face, physical contact, and crowding. So when viewed from the current context, the practice of online zakat is present in society, bringing opportunities and challenges, especially during the pandemic.

Zakat is a form of worship related to economic and social issues (*māliyah al-ijtimā'iyah*) which has an important function in Islamic law, therefore the Al-Quran emphasizes the obligation of zakat along with the obligation to pray in twenty-eight verses. As the main form of worship, zakat management must be managed in a trustworthy, professional, and transparent manner. Zakat management bodies or institutions in Indonesia at the national level include the National Amilo Zakata Agency (BAZNAS). According to government regulation number 23 of 2011, BAZNAS is a government institution that manages zakat which is independent and responsible to the President through the Minister of Religion.

BAZNAS Malang City is a regional-level zakat management institution in the Malang City area that is initiating online zakat in its collection. The efforts made are to facilitate zakat payments, so that there is an opportunity to increase the rate of zakat collection by the targeted amount of zakat funds. Apart from that, the practice of online zakat is also a challenge for zakat management institutions as the number of mustahik increases due to the impact of the pandemic and the small number of muzakki

who pay zakat due to restrictions on community activities.

Based on the problems above, the author is interested in studying matters related to the practice of online zakat, especially at BAZNAS Malang City because up to now there are still pros and cons regarding the validity of online zakat contracts because they are not carried out directly. If the need can eliminate difficulties then in this case the reason for using zakat payment services via online platforms is necessary and it becomes interesting if the author examines the practice of online zakat from the aspect of *maṣlaḥah mursalah*.

LITERATURE REVIEW

First, research was conducted by Laila Afni Rambe (2020) with the title "Review of Islamic Law Regarding the Use of Go-Pay in Paying Zakat". Research that discusses a review of Islamic law regarding the use of Go-pay in paying zakat. The results of this research can be concluded that Go-pay payments including conventional E-money cannot be used because they do not comply with the provisions of DSN MUI No. 9 of 2017. If electronic money cannot be used to pay zakat then Go-pay cannot be used either.

Second, research reviewed by Lukman Margiyanto (2021) entitled "Zakat Fitrah Through Online Applications in an Islamic Legal Perspective". This research discusses the problem of zakat fitrah through online applications, namely the final limits for muzakki making zakat fitrah payments, distribution in cash, and distribution of zakat outside the muzakki area. The results of this research specifically discuss in more detail zakat fitrah according to Islamic law scholars as well as the advantages and disadvantages of online zakat fitrah.

Third, research conducted by Tiya Larasati (2020) with the title "Implementation of the Online Zakat Payment Program to Make Muzakki Easier Reviewed by *Maṣlaḥah Murlah Wahbah az-Zuhailī*". This research discusses the online zakat program in making it easier for muzakki to pay zakat. The results of this research show that online zakat payments can make muzakki easier and prevent evil, namely reducing poverty according to religious commands. The conclusion of this research from the review of *maṣlaḥah mursalah* has fulfilled the principles held by *Wahbah az-Zuhailī*.

Fourth, research by Hamka (2020) with the title "Professional Zakat from the *Maṣlaḥah Murlah Perspective*". This research discusses the position of professional zakat, the origins of professional zakat in Islamic law, and the payment of professional zakat in terms of its problems and benefits. In this research, the position of professional zakat in Islamic law can provide benefits by synchronizing *maṣlaḥah mursalah*.

From the four pieces of the literature above, the differences between previous research and current research can be seen in the focus point to be studied. Previous research only discussed the management and distribution of zakat, while the current research discusses the practice of online zakat at BAZNAS Malang City in terms of *maṣlaḥah mursalah*, so that the author can guarantee the originality and novelty of the research.

RESEARCH METHODS

This research uses qualitative methods with a normative approach in the form of library research. The data sources used come from primary data obtained directly from reading results, namely the Al-Qur'an, hadith, and MUI fatwa regarding zakat and fiqh books

relating to online zakat at BAZNAS Malang City. Secondary data sources used are journals, theses, books, and various other literature. Data collection techniques used include literature studies that have relevance to research in the form of journals, theses, and Zakat books. Apart from that, also documentation. The data analysis technique used by researchers is through three stages, including data reduction, data presentation, and concluding.

THEORETICAL FRAMEWORK

Zakat Concept

By definition, the word zakat is the basic word (mashdar) of zakat which means holy, growing, and praiseworthy. It can be said with zakat if something grows and develops, someone is called zakat if someone is good and intelligent. The Hanafi school of thought interprets zakat as giving certain property to certain people. By definition, the word zakat is the basic word (mashdar) of zakat which means holy, growing, and praiseworthy. It can be said to be zakat if something grows and develops, someone is called zakat if someone is good and intelligent. Meanwhile, Hanbali school scholars interpret that zakat as an obligation for certain assets to be given to certain groups.

The meaning of rukun is something that must be done at the beginning before carrying out worship or work. The meaning of pillars of zakat are the elements that must be fulfilled before paying zakat. Zakat means a form of worship that can connect humans with Allah SWT (habluminallah) through interactions between humans (habluminannas) in society. The pillars of zakat are intention, meaning the heart is accompanied by action. The intention must coincide with the intention of the heart in carrying out actions. The difference between intentions and principles is slightly different, which only lies in their implementation. If

you read an intention, its implementation must coincide with your heart's intention. Azam is simply a plan, while the intention is based on its implementation. Zakat itself is classified as an act of worship whose intention is the same as its implementation (Ahmad Syafiq, 2018).

The next pillar is tamlik. Tamlik means that responsibility for assets must be handed over and ownership is given to the zakat recipient. The aim is that someone is not allowed to give food (to mustahiq) other than using this tamlik method. The last rukun is that there are items that can be given zakat, quoted from the book Fiqh Sunnah Dua by Sayyid Sabiq. Items that can include: Zakat on gold and silver, zakat on receivables, zakat on paper money, zakat on jewels, zakat on parts, zakat on trade, zakat on agricultural products, zakat on animals, zakat on speculation reserves, zakat on found goods.

The legal basis for the obligatory payment of zakat as stated in the verses of the Qurán is located in Surah al-Baqarah verse 110:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَمَا تُقَدِّمُوا لِأَنفُسِكُمْ مِنْ خَيْرٍ تَجِدُوهُ عِنْدَ اللَّهِ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ.

Meaning: And establish prayer and pay zakat. And whatever good you do will be rewarded by Allah. Indeed, Allah sees everything you do (Q.s Al-Baqarah (2): 110).

Based on the hadith, the law of obligatory zakat is found in the history of Ibn 'Abbâs, when the Messenger of Allah sent his friend, Mu'adz, to Yemen (Sayyid Sabiq, 2021):

إِنَّكَ تَأْتِي قَوْمًا مِنْ أَهْلِ الْكِتَابِ فَادْعُهُمْ إِلَى شَهَادَةِ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ فَإِنْ هُمْ أَطَاعُوكَ لِذَلِكَ فَأَعْلِمُهُمْ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ حَمْسَ صَلَوَاتٍ فِي كُلِّ يَوْمٍ وَلَيْلَةٍ فَإِنْ هُمْ أَطَاعُوكَ لِذَلِكَ فَأَعْلِمُهُمْ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ صَدَقَةً تُؤْخَذُ مِنْ أَغْنِيَاءِهِمْ فَتُرَدُّ عَلَى فُقَرَائِهِمْ

Meaning: "Indeed, you have come to a people of the People of the Book inviting you to monotheism that there is no god but Allah and that I am the messenger of Allah. If they obey your invitation, then tell them that Allah has made it mandatory for them to pray five times a day and night, if they obey. your invitation, then convey to them that Allah has made it mandatory for alms taken from those who have a lot of wealth from them to be given to the poor from them."

Online Zakat Agreement

Online zakat is zakat payment made using a digital system, where the muzakki does not meet directly with the zakat amil or mustahik to make zakat payments. Currently, several zakat institutions have provided zakat payment services with application or website features in the form of money transfers, therefore, to support the clarity of the contract, researchers will conduct a study on zakat payments via online platforms using the wakālah contract.

The meaning of wakālah means complete protection for dependent or authorized people. According to Hanafi scholars, the definition of wakālah is the placement of a person towards another person in his place in a legal taṣaruf and with the condition that the person representing him is a person who has the right to taṣaruf. Meanwhile, according to Hasbi as Siddiqie, wakālah is a contract of granting power, where someone appoints another person to take action.

According to several scholars, there are four pillars and requirements for wakālah, namely: "Muwakkil (the person who represents), representative, muwakkil (the object that represents), and lafadz of handover. Scholars have agreed that wakālah is permissible. Considering that this includes acts of mutual assistance (Ta'awun) based on piety and kindness.

Maṣlaḥah Mursalah

Maṣlaḥah mursalah is one of the legal istinbath in the ijtiḥad process of ulama whose provisions are not contained in the Al-Qur'an and Sunnah. The law contained in it is none other than to achieve goodness, and happiness and reject harm so that it becomes the basis for the revelation of sharia. Therefore, one method of legal istinbath that has been developed by Ushul Fiqh scholars is maṣlaḥah mursalah, legal propositions in dealing with new life problems and are answers to problems that are not explained and mentioned explicitly in the Al-Qur'an and as- Sunnah (Umar Hasbi, 2020).

The meaning, basis, conditions, and validity of maṣlaḥah mursalah as a legal basis. By definition, maṣlaḥah mursalah comes from the word Ṣālāhāh which means good. In its rational meaning, maṣlaḥah mursalah is a problem or part of an affair that results in something good. The plural form of maṣlaḥah mursalah is māṣāliḥ which is the opposite of mafsadaḥ which means damaged or bad. Meanwhile, the meaning of the word mursalah is a passive word or maf'ul, from the origin of the word arsalah which means free or detached. So, the meaning of the word maṣlaḥah mursalah is a legal theory (legal theory) towards an order that is based on benefits that are not obtained from texts or propositions.

Among the definitions of maṣlaḥah mursalah according to the opinion of ulama are:

1. Imam al-Ghazali defines the meaning of maṣlaḥah, namely efforts to achieve goodness and reject danger within the objectives of sharia. In the book of Mustafa it is explained:

المصلحة فهي عبارة في الإصلح جلب منفعة أو دفع
مضرة (المصالح الضروريات)

Meaning: "Maslahat is basically trying to realize and achieve benefits or avoid damage" (Abu Hamid Al-Ghazali, 1983)

Al Buthi in his book "Dawābith al Maṣlaḥah mursalah fi Šārī'at al Islamiyyah" interprets maṣlaḥah murlah as a benefit that brings joy or an activity that can provide benefits. Planned pleasure is a pleasure that can be felt immediately. Therefore, pleasure is a trait that is sought all the time by every individual because people will constantly try to find pleasure.

From many perspectives from scholars, it can be concluded that maṣlaḥah mursalah is a method of legal istinbath that is not written in the Al-Qur'an and Al-Hadith which has many beneficial elements. Maṣlaḥah mursalah is a method of legal istinbath to emphasize the benefit aspect in decision making. Imam Al-Syatibi divides the benefit based on the quality and importance of the benefit into three parts:

1) *Al-Maṣlaḥah mursalah adh-dharūriyyah*

Zakaria al-Birri said that maṣlaḥah mursalah dharūriyyah is the basis for ensuring human survival. This is the basis for ensuring human life. The scope includes five aspects related to the maintenance of religion, soul, mind, lineage, and property. According to ushul fiqh scholars, these five benefits are called al-masail al-khamsah. These aspects must be maintained and protected so that they can go hand in hand and provide happiness for society.

2) *Al-Maṣlaḥah mursalah Ḥājiyyah*

Benefits refer to things that humans need to eliminate difficulties as a complement to the main problem. In other words, this benefit is an al ḥājiyyah need (secondary need). As has been proposed by Hasbi Ash-Shiddieqy, namely that it can complete everything that humans need to make it easier and

able to endure the hardships and burdens of life. In terms of needs, maṣlaḥah murrasa ḥājiyyah is at a lower level than Maṣlaḥah murlah daruriyyah. If it is not realized in life, it is not detrimental to life itself, but its existence is necessary.

All provisions of the law of benefit are stipulated to advance common interests, not personal interests, including examples of maṣlaḥah murlah ḥājiyyah such as permitting travelers and sick people not to fast and pray Qashar during the journey.

3) *Al-Maṣlaḥah mursalah Tahsīniyyah*

This benefit is also known as the complementary benefit (takmiliyah). The nature of this benefit is to maintain the freedom and goodness of character as well as the beauty of the previous benefit. If this benefit cannot be actualized in life, it will not cause difficulties and shocks or damage the system of human life. This benefit is more concerned with goodness.

RESULT AND DISCUSSION

Profile BAZNAS of Malang City

BAZNAS Malang City is an institution that manages zakat, infaq and shadaqah (ZIS) at the city level. The existence of Malang City National Zakat Amil Agency (BAZNAS) was established in 2005 based on the decree of the Minister of Religion number 73 of 2003. In 2005, Malang City BAZNAS focused on finalizing legislation in the formation of regulations and guidelines for the management of zakat, infaq, and shadaqah. Apart from that, in 2005, the Malang City National Amil Zakat Agency created a structural supervisory board. In 2009, the advisory board and core management of BAZNAS Malang City utilized and distributed zakat funds to gain public trust in paying zakat.

BAZNAS Malang City's financial sources are based on BAZNAS letter No 08/BP/BAZNAS/IV/2014xx, on April 10, 2014, financial sources include the receipt of zakat funds from the UPZ of the Malang City Ministry of Religion office, infaq and sadaqoh receipts obtained through the collection unit zakat (UPZ) for Malang City government agencies and mustahik assisted by Baitul Mal and the regional income and expenditure budget (APBD). Meanwhile, in 2015 BAZNAS Malang City emphasized achieving the vision. The amount of zakat funds received by BAZNAS Malang City has increased gradually, namely at the end of 2019, this increase in zakat funds was due to the collection of zakat funds obtained in collaboration with the Ministry of Religion which were deposited in several BAZNAS Malang City zakat accounts and awareness of civil servants paying zakat also increased.

Online Zakat Practice at BAZNAS Malang City

BAZNAS Malang City in providing zakat services offers various options for muzakki, including paying directly/cash deposit and transfer. Cash payments are made by giving money directly to the BAZNAS office in Malang City, whereas in online zakat practice, muzakki can pay zakat via the website using virtual account payment tools, namely bank transfer, E-Wallet and M-Banking via conventional bank accounts and Islamic Bank. Services are accessed on the page <https://BAZNAS.malangkota.go.id/> with the following guidelines.

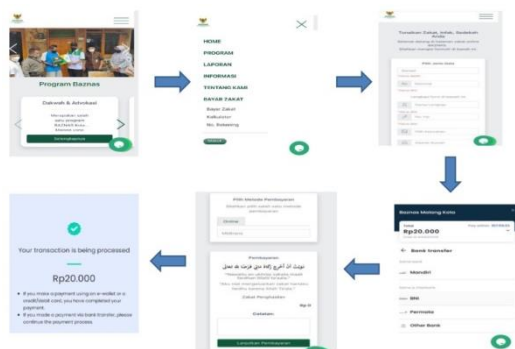


Figure 1. Online zakat payment practices

Contractual Problems in Online Zakat Payments

The practice of online zakat is implemented to make it easier for people to pay zakat without having to meet face to face or meet in person. However, the journey of online zakat has not gone as smoothly as expected, with many pros and cons occurring in society. Some people are doubtful and think that if they pay zakat using an online platform, there will be no zakat contract between muzakki and amil zakat. There are doubts about whether or not online zakat payments are valid based on several things:

First, some ulama still holds that zakat is a mahdlah worship, worship that is permanent and must be by the practice of the Prophet. Therefore, innovation in mahdlah worship is prohibited. When zakat is included in the realm of mahdlah worship, development in worship becomes something that is not permitted.

Second, the obligation to recite the agreement directly when giving zakat. Wahbah az-Zuhaili, who believes in this way, includes consent and qabul in the conditions for the validity of zakat. Among the pillars, the mandatory conditions and conditions for valid zakat according to Wahbah az-Zuhaili are as follows:

The pillars of zakat are giving assets that have fulfilled the conditions, have reached the nishab, and haul which are given to mustahik with the existence of an agreement between the zakat giver (Muzakki) and the zakat recipient (mustahik) or to their representative, namely amil.

The conditions for zakat include obligatory conditions as well as legal conditions, in Wahbah az-Zuhaili's view the explanation is as follows:

Mandatory conditions for zakat.

1. *Independent*; It is obligatory for independent people who can act freely, meaning that zakat is not obligatory for those who do not have much wealth.

2. *Islam*
3. *Mature and wise*; Zakat is not obligatory for immature children or people with mental disorders, they are not required to perform obligatory acts of worship, for example praying and fasting.
4. *Assets reach haul*; Haul is a one-year time limit for someone to pay zakat.
5. *Assets reach the nishab limit*; Nishab means the minimum limit of assets subject to zakat which has been determined by the sharia.
6. *These assets do not include assets resulting from debt*.

Conditions of valid zakat.

1. *Intention*; implementing zakat is the same as praying. Therefore, it is necessary to require intention in distinguishing between fardhu worship and nafilah worship.
2. *Tamlik*; is a valid condition for zakat, with the delivery of zakat funds directly to mustahik. A person is not allowed to pay zakat except by taking the tamlik route.
3. *Direct zakat agreement*; Wahbah az-Zuhaili in this case adds provisions regarding the legal conditions for zakat and believes that the goods being zakat must have a zakat contract and be given directly. It is not permitted to be given indirectly (online) because there is no contract between the zakat giver and the person receiving the zakat funds.

According to a review of jurisprudence, to mark the handover that has occurred, a contract is required, where in practice a Muslim pays zakat with two forms of handing over zakat, including:

1. Zakat distribution is given through intermediaries with zakat amil officers
2. Zakat distribution is given directly to mustahik

Public doubts regarding the practice of online zakat are related to the issue of whether or not there should be a direct

contract, so it is necessary to identify what contract is used in paying zakat regarding the practice of online zakat by BAZNAS Malang City, when the muzakki hands over zakat funds to the zakat amil, namely BAZNAS, it is a form of contract. wakalah, a contract in which a party gives trust to another party so that what is represented can be carried out properly. Dimyauddin Djuwaini in his introductory book to Fiqh Muamalah divides three types of wakalah, including:

- 1) *Wakalah al-Khassah* namely the contract given by the authorizer for a specific item. For example: Buying a Vario motorbike.
- 2) *Wakalah al-Mutlaqah* namely an agreement between the authorizer and the representative without being limited by certain pillars or conditions. For example: Selling a certain car without stating the desired price.
- 3) *Wakalah al-ammah* namely a contract in which the authorizer mentions goods in general terms without specifying them. For example: Buy me any shoes you find in the market (Dimyauddin Djuwaini, 2015).

Of these three types of wakalah, the granting of muzakki authority to BAZNAS is included in the form of wakalah al-Mutlaqah where the authority granted is not limited to the pillars and conditions of zakat. So in this case the goods or money given do not have to be specifically stated that it is zakat because the muzakki already intends to give zakat and the BAZNAS already knows that the goods or money that have been included in the zakat collecting platform automatically means the money is a zakat.

After understanding the types of contracts for online zakat payments, researchers next need to examine the validity of online zakat. The purpose of the elements of the contract is that there must be *sighat al-aqd* between the two parties to the contract, this can be known by words,

actions, signs and writing so it is called *ijabuqabul*. *Ijab* is a series of pronouncements in the form of sentences strung together in submission, while *qabul* is a sentence strung together as a form of acceptance which indicates that the contract has become valid. Consent to *qabul* (*sighat*) in an agreement can be achieved in several ways, including:

- 1) Written contract, it is permissible to have a written agreement for those who are able to speak, provided that the writing is neat, clear and easy to understand. Because taking notes according to the provisions of *fiqhiyah* is the same as saying things. A written contract is valid according to the opinion of the *Shafiiyah* scholars, however, if the agreement holder is present then it is not permissible to use a written contract.
- 2) An agreement with words, namely an agreement with the pronunciation used in the *ijab qabul*, which must be understood clearly and the *sighat* in the *ijab qabul* is done without hesitation and seriously. Therefore, if the *sighat* does not show the sincerity of the agreement, then the agreement is void.
- 3) Contract with deeds, meaning that there is no longer a need for a verbal and written contract, but only deeds that show mutual consent between the two parties are sufficient. This thing is common and we find it nowadays. So when answering this question, the scholars have a special view, including:

The *Hanabilah* and *Hanafiyah* scholars view that contracts of action are permissible for things that are generally known and to act with things that are known to humans without being written or spoken. And the *Maliki School* includes those who agree to a contract with deeds, this happens if both parties are happy with the items given, other than in the case of marriage.

Meanwhile, *Dzahiriyah*, *Shia*, and *Syafiiyah* ulama view that an agreement or contract with actions is not permissible because it does not contain any instructions regarding the contract. Another assumption is that consent is something that is not clear and cannot be easily recognized other than through speech. Contracts use signs. Agreements can be given to people who are unable to speak. As far as they may be able to talk and communicate they are not permitted to use signs.

Analysis of *Maṣlaḥah Mursalah* Review of Online Zakat Practices at BAZNAS Malang City

Maṣlaḥah mursalah is one part of the legal *istinbath* method used to find texts that do not have provisions in the *Al-Qur'an* and *hadith*. The opinions of ulama regarding *Maṣlaḥah mursalah* have pros and cons, with which some agree and disagree to accept it. Ulama does not agree with the existence of *Maṣlaḥah mursalah* because they are afraid of falling into sin by making new laws based on lust. Meanwhile, those who accept the existence of *Maṣlaḥah mursalah* are still careful by setting strict conditions so that the resulting *Maṣlaḥah mursalah* can become a legal basis (Didin Hafidhuddin, 2008).

The term *Maṣlaḥah mursalah* in the legal *istinbath* method process proposed by the ulama can be applied specifically, namely in the social field (*Muamalah*). In this field a person can accept rationality compared to the realm of worship. Therefore, researchers first identify whether zakat is a *muamalah* problem or not. As the social and economic life of modern society, especially Muslims, develops, zakat has become a pillar of the Islamic religion, with the socio-economic pattern of zakat becoming an interesting subject of discussion for researchers because it is a

form of worship that cannot be separated from prayer. This is very important in maintaining the economy and can also make rich and poor people live at the same level.

The renewal of zakat fiqh from the field of worship to muamalah has an impact on the principles of flexibility and rationality, identifying classes of property that are the subject of unlimited zakat as explained in several hadiths and propositions of the Qur'an. Zakat is the third pillar of Islam which is part of muamalah because zakat refers to society and humanity continuing to develop.

If seen from the legal provisions of *ijab* and *qabul*, the intention is a testament that strengthens the contract so that a transfer of ownership occurs. If consent and *qabul* are linked to marriage, then when the consent and *qabul* are fulfilled and have been carried out then indirectly the woman's obligations which were previously the obligations of the father or mother change to become the obligations of the married person. In zakat, if the consent and *qabul* have been completed, then the ownership rights and *taşarruf* (management) of zakat appear as *amil*'s authority to distribute or appear as *mustahik* assets so that it is loosely applied (Muhyiddin, 2019).

Zakat itself does not require consent or *qabul* in its provisions. *Muzakki* must have new consent and *qabul* when handing over zakat when represented through *amil* or representative. *Amil* himself, his function is similar to that of a *muzakki* deputy. So, the agreement to receive zakat from him was purely because of the *wakālah* (representative) agreement he had taken. Zakat in the fiqh review only emphasizes the need to include intentions when doing it. So, for example, if someone brings his wealth to one of the *asnaf* or groups, then he says that the property that has been given to the *asnaf* is zakat, then the property that is distributed is included in zakat.

If zakat is given to the *amil* who is in charge of collecting zakat, it is necessary to confirm the intention that he has given zakat assets. Thus, when handing over zakat to an officer, the handover is counted as an intention so there is no need to shake hands. Handing over zakat assets to officers is included in the category of handover or *qabul*. Based on the opinion of the *ulama* consent is not the basis for the basic provisions for the obligation to pay zakat. The most important thing in zakat is that zakat funds have been given to officers or groups of zakat recipients. There are no provisions regarding the terms of zakat regarding the form of consent, only the transfer of ownership with the intention of the owner included.

So in terms of the practice of online zakat, if viewed from the *maşlahah* *murlah* aspect, even though some people consider it invalid because there is no direct zakat contract, it can be legal because it can make it easier for people to pay zakat during the pandemic. This practice is beneficial to help each other, strengthens human dignity, and can improve the standard of people who are less fortunate so they can stand as equals.

If zakat payments are given directly during the pandemic, it will be dangerous due to the very fast transmission of the virus and will pose a threat to the safety of Muslims so this benefit becomes a basic human need both related to the world and the afterlife so that it can maintain the main thing, namely maintaining the benefit of religion. Online zakat collection is classified as *maşlahah* *hājiyyah*. If a person's needs have not been met it will give rise to *mafsadah*, his presence is needed to ensure ease of life (Kasdi, 2016).

This aspect of *hājiyyah* refers to the benefits of flexibility in the law to avoid difficulties and difficulties, this is by the provisions of the rules of fiqh in the Islamic law *al-masyaqqah tajlibut taisyir* "difficulty brings ease". This rule tells that difficulty is the cause of ease and that there must be

tolerance when there is narrowness in enforcing a religious command.

Online zakat payments can be done easily and can be done with flexible times to avoid delays due to many activities, so actions like this are by the holy verse of the Koran which means: "Allah has willed for you (humans) and not wish you trouble". (Q.S Al-Baqarah [2]: 185)

CONCLUSION

BAZNAS Malang City, in providing zakat services, provides various options, including indirect (online) zakat payments. The problem with the practice of online zakat lies in the zakat contract, where there must be an agreement directly at the time of handing over the zakat. Even though there are still pros and cons regarding whether the zakat agreement should be given directly or not, if this issue is viewed from a *maṣlaḥah mursalah* perspective then the law is permissible.

The practice of online zakat is classified at the level of *maṣlaḥah ḥājiyyah*, namely a benefit that can make it easier for people to do good deeds and is part of secondary needs as a complement to primary needs. Online zakat payments can provide benefits and benefits because the practice can increase the rate of zakat collection, muzakki can distribute zakat anytime and anywhere without having to meet directly with the zakat takers and finally, it can restore the mustahik economy quickly because the end of the day the number of mustahik is increasing. due to the impact of the Covid-19 pandemic.

BAZNAS must continue to exist to keep up with current technological developments, namely by providing and improving zakat management through online platforms transparently and professionally. Efforts that can be made by BAZNAS are to socialize online zakat massively and evenly in both cities/districts

and villages in the form of explaining the practice and validity of online zakat contracts. With many people knowing about online zakat services, the hope is that it will make it easier for muzakki to pay zakat. The public should be able to use the online zakat platform facilities provided by BAZNAS optimally because it can make it easier to pay zakat without having to meet in person.

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