

## Management of zakat funds as a source of qardh financing in baitul maal wat tamwil (BMT) in Indonesia zakat regulations

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### Abstract

This study will discuss Baitul Maal wat Tamwil's (BMT) ability in managing zakat funds as Qardhdi financing in Indonesia zakat regulations. This study uses normative research with a statutory approach and a conceptual approach to answering these research questions. Based on results, it is known that the use of zakat funds as a source of Qardh financing in Baitul Maal wat Tamwil (BMT) in Indonesia zakat regulations is not allowed. Based on Law No. 23 of 2011 concerning Zakat Management, there was no obligation for Mustahiq in returning the zakat it receives to Amil Zakat, and based on the DSN-MUI Fatwa Number 19 / DSN-MUI / IV / 2001 Regarding Qardh, zakat funds were not an allowed source for Qardh financing.

**Keywords:** zakat management, *Qardh*, BMT

### Introduction

Conceptually, Baitul Maal wat Tamwil (BMT) has two functions at the same time apart from conducting Baitul Tamwil (Business Institutions) activities in the form of financing productive business development and sharia-based investment, as well as Baitul Maal (Social Institutions), namely managing zakat funds and benevolence funds<sup>[1]</sup>. On the business side, BMTs have a similar pattern to Islamic banks: an intermediary institution that collects funds from the public and distributes them back to the community. Meanwhile, on the social side, BMT can manage zakat funds from muzakki and then distributed to mustahiq.

So far, many studies indicate that BMT uses zakat funds as part of social-based financing funds, including Qardh financing. Even though these studies do not include BMT's legal bases as the manager of zakat funds, which are then distributed through Qardh financing. Muhammad Fuad Yassir stated that the source of funds used in Qardh financing at BMT Harapan Bersama came from external funds, namely from zakat, infaq, and shadaqah<sup>[2]</sup>. Not only that, Rahma Afria Sari also said that the source of Qardh funding at BMT Al-Hasanah Sekampung also came from zakat, infaq and shadaqah funds which were obtained directly or indirectly from donors<sup>[3]</sup>.

BMT as a sharia financial institution that carries out social functions has a social-based financing product, namely Qardh. Qardh is a loan given to customers (Muqtaridh) who need it. In Qardh financing, customers as muqtaridh do not need to provide profit sharing or other extras to BMT because the nature of Qardh is a voluntary social loan. Regarding financing products and contract implementation at BMT, it must be guided by the National Sharia Council's fatwa of the Indonesian Ulema Council (DSM-MUI), including Qardh financing. In the DSN-MUI fatwa Number 19 / DSN-MUI / IV / 2001 concerning Qardh, it is stated that the source of Qardh funds is funds sourced from the capital of Islamic Financial Institutions, profits set aside by Sharia Financial Institutions, and those sourced from other institutions or individuals entrusting distribution infaq to the

Sharia Financial Institution.

Keep in mind that infaq is certainly different from zakat, Sri Nurhayati explained that infaq means issuing wealth as a manifestation of obedience to Allah SWT<sup>[4]</sup>. Meanwhile, according to Law No. 23 of 2011 infaq are assets issued by a person or business entity other than zakat for the general benefit. In line with that, Budiman said that infaq is a form of handing over assets in accordance with the guidance of the Sharia<sup>[5]</sup>. Thus infaq can be interpreted as something that is issued outside and in addition to zakat, which is voluntary taken from one's property or wealth for the general benefit or to help the weak. While zakat according to fiqh zakat is shodaqoh which is obligatory, based on the provisions of the nishab and haul zakat and given to those who are entitled to receive it<sup>[6]</sup>. Meanwhile, according to Law Number 23 of 2011 concerning Zakat Management, Zakat is defined as assets that must be issued by a Muslim or a business entity to be given to those entitled to receive it in accordance with Islamic law.

Until now there has been no research that discusses the permissibility of using zakat funds as a source of financing for Qardhdi BMT, even though as explained above that there are several studies that mention BMT doing Qardh financing which comes from zakat funds.

### Research Methods

Research that departs from the understanding that the management of zakat funds as a source of Qardh financing in BMT is a legal problem because there are no specific rules related to it, it is necessary to record or find legal findings so that it is clear and becomes a new source. In this case the researcher uses normative research, with the type of research in this study as a prescriptive type of research. The approach used in this research is a statutory approach and a conceptual approach. Because this research is a normative legal research, it uses secondary data that can be obtained from library research or library research. Namely review of written materials, official documents of regulations, books, and other written sources relating to the problem under study.

In this study, the legal material analysis technique used by the researcher is to use the deductive method, which is to conclude the discussion from general matters leading to specific matters. In short, the technique used in this study is a discussion technique that starts from general problems to specific problems.

## Discussion

### BMT's Authority in Managing Zakat in Indonesia

Based on Article 5 paragraph (1) of Law No.1 of 2013 concerning Microfinance Institutions, the status of BMT legal entities as microfinance institutions can only be in the form of cooperatives or limited liability companies. If it is a cooperative, it is subject to Law no. 25 of 1992 concerning Cooperatives and supervision under the Ministry of Cooperatives and SMEs. And if the legal entity is a limited liability company, the supervision will be carried out by the Financial Services Authority and subject to Law No. 21 of 2011 concerning the Financial Services Authority.

Law Number 21 of 2011 concerning the Financial Services Authority (OJK) regulates the existence and scope of the Financial Services Authority (OJK) authority. Given that in the article the transitional provisions of Law no. 1 of 2013 concerning MFIs explicitly states that BMT will be under Financial Services Authority (OJK) supervision, so BMT should also understand the institution, authority and scope of OJK supervision as a whole. In addition, the Financial Services Authority of MFI Law is given certain powers such as setting capital limits, MFI ownership, and microfinance institutions (MFI) business licensing. The OJK Law does not explicitly mention microfinance institutions including BMTs, but that does not mean that this law does not need to be considered by the BMT community. Although this law is not directly related and has direct consequences, the existence of this law will still be a limitation for BMTs at a certain level of interaction.

BMT cooperatives, which have the status of cooperative legal entities, are subject to statutory regulations:<sup>[7]</sup>

1. Law No. 25 of 1992 concerning Cooperatives
2. RI Government Regulation No. 9 of 1995 concerning the Implementation of Savings and Loans Business Activities by cooperatives
3. Decree of the State Minister for Cooperatives and Small and Medium Enterprises Number 91 / Kep / M. KUKM / IX / 2004 concerning Guidelines for the Implementation of Business Activities of Syari'ah Financial Services Cooperatives,

In Law Number 17 of 2012 concerning Cooperatives, BMT as a cooperative legal microfinance institution operates based on sharia principles, in this Law it is stated that.

"Cooperatives can run businesses on the basis of sharia economic principles ", furthermore in Article 87 Paragraph (4), that" Provisions regarding cooperatives based on sharia economic principles as referred to in paragraph (3) shall be regulated by a Government Regulation".

BMT in the form of Sharia Financial Services Cooperative (KJKS) according to Article 1 of the Decree of the State Minister for Cooperatives and Small and Medium Enterprises of the Republic of Indonesia Number: 91 / Kep / M.KUKM / IX / 2004 concerning Guidelines for Implementation of Sharia Financial Services Cooperative Business Activities, Sharia Financial Services Cooperatives

is a cooperative whose business activities are in the fields of financing, investment and savings according to the profit sharing pattern (sharia).

BMT, apart from operating as a financial institution that provides financial services in the form of deposit, investment and financing, BMT has special characteristics that are different from other financial institutions, namely regarding social value / non-profit activities. These social activities, based on the Decree of the Minister of Guidelines for the Minister of Cooperatives and Small and Medium Enterprises No. 91 of 2004 concerning Guidelines for Implementation of Sharia Financial Services Cooperative Business Activities (KJKS).

Sharia Financial Services Cooperatives / Sharia Financial Services Units in addition to carrying out financing activities or tamwil, can run mall activities and / or activities to collect and distribute Zakat, Infaq, and Shadaqah (ZIS) funds, including waqf.

Furthermore, it was reaffirmed in the Regulation of the Minister of Cooperatives and Small and Medium Enterprises No. 16 / Per / M.KUM / IX / 2015 concerning the Implementation of Business Activities for Savings and Loans and Sharia Financing by Cooperatives.

Maal activities are carried out through the collection and management of zakat, infaq, shadaqah, waqf and other social funds in accordance with statutory regulations and sharia principles.

With this provision, BMT must refer to their social activities in Law Number 23 Year 2011 concerning Zakat Management. Meanwhile, based on the Zakat Management Law, the management of zakat nationally is under the authority of Amil Zakat National Agency. Thus, the management of zakat carried out by BMT seems to contradict this law. However, based on Article 16 paragraph (1) of the Law on the Management of zakat, which reads:

In carrying out their duties and functions, Amil Zakat National Agency (BAZNAS), Amil Zakat National Agency (BAZNAS) of the province, and district / city Amil Zakat National Agency (BAZNAS) can form a Zakat Collection Unit (UPZ) in government agencies, state-owned enterprises state, regional-owned enterprises, private companies, and representatives of the Republic of Indonesia abroad and may form Zakat Collecting Units (UPZ) in sub-districts and other places.

From this article, it is explained that BMT can position itself as a Zakat Collecting Unit (UPZ) in the form of an Amil Zakat Institution that carries out zakat management to help BAZNAS roles and functions. But what is the concern of this step or strategy is that the scope of operations of BMT as UPZ Baznas must be adjusted to other laws.

Law No.23 of 2011 provides space that BMTs can position themselves as the Amil Zakat National Agency's Zakat Collecting Unit (UPZ) which carries out zakat management to assist the role and function of Amil Zakat National Agency. But what is the concern of this step or strategy is that the scope of operations of the BMT as the National Agency's Zakat Collection Unit of Amil Zakat must be adjusted to other laws. In Law No.23 of 2011 it is explained that to assist Amil Zakat National Agency in carrying out the collection, distribution and utilization of zakat, the community can form the Amil Zakat Institution.

## The Ability of BMT to Manage Zakat Funds as a Source of Qardh Financing in Indonesia Zakat Regulations

The management of zakat in Indonesia can be carried out by the Amil Zakat National Agency (BAZNAS), the Amil Zakat Institute (LAZ), and the Zakat Management Unit (UPZ). BAZNAS, LAZ, and UPZ have the main duty to collect, distribute and utilize zakat according to religious provisions. The purpose of zakat management in Indonesia are as follows

1. To increase the effectiveness and efficiency of services in managing zakat;
2. To increase the benefits of zakat to create community welfare and poverty alleviation.

This article replaces the provisions in Article 5 of Law Number 38 Year 1999 concerning Zakat Management which states that the purpose of zakat management is to improve services for the community in paying zakat in accordance with religious guidance, increasing the function and role of religious institutions in an effort to realize social welfare and justice. Social as well as increasing the use and efficiency of zakat. In Law No. 23 of 2011 on Zakat Management, explains the concept of zakat utilization, namely

1. Zakat can be utilized for productive efforts in the context of handling the poor and improving the quality of the people.
2. The utilization of zakat for productive endeavors as referred to in paragraph (1) shall be carried out when the basic needs of the mustahiq have been met.

Furthermore, regarding the utilization of zakat funds, there are several conditions that must be met by the zakat distributor or zakat management institution. This is regulated in the Decree of the Minister of Religion of the Republic of Indonesia No.373 of 2003 concerning the Implementation of Law No. 38 of 1999 concerning Zakat Management. The types of zakat fund utilization activities are as follows

### 1. Social based

This type of zakat distribution is carried out in the form of direct funds in the form of compensation as a form of fulfilling mustahiq's basic needs. This is also called the charity program (compensation) or consumptive grants. This program is the simplest form of distribution of zakat funds. The main objectives of this form of distribution include:

1. Maintaining the basic necessities of mustahiq,
2. Maintaining the dignity and honor of the mustahiq from begging,
3. Providing vehicles for mustahiq to increase income,
4. Preventing the exploitation of mustahiq's interests diverge.

### 2. Based on economic development

This type of zakat distribution is carried out in the form of providing business capital to mustahik directly or indirectly, the management of which may or may not involve mustahik. The distribution of zakat funds is directed at productive economic efforts, which are expected to result in a higher level of social welfare.

The utilization of zakat for productive business is based on

1. The results of data collection and research on the truth of mustahiq and its business feasibility.

2. Prioritizing mustahiks who are most economically powerless and in dire need of business assistance.
3. Prioritizing mustahiq in its territory.

The requirements for the utilization of zakat for productive business are

1. If the basic needs of the mustahik have been met and there is still an excess of zakat funds.
2. There is a real profitable business
3. Forms of business according to Islamic Shari'ah

The procedure for utilizing zakat for productive business is in accordance with the Decree of the Minister of Religion No. 373 of 2003 namely

1. Conducting a feasibility study.
2. Establishing the type of productive enterprises.
3. Providing guidance and counseling.
4. Monitoring, controlling and supervising.
5. Conducting evaluations, and
6. Creating reports.

Furthermore, the procedures for distributing zakat are regulated in articles 25, 26 and 27, namely

1. Zakat must be distributed to mustahiq in accordance with Islamic law.
2. The distribution of zakat as referred to in Article 25 shall be carried out based on a priority scale by taking into account the principles of equity, justice and territoriality.
3. Zakat can be utilized for productive efforts in the context of alleviating the poor and improving the quality of the people.
4. The utilization of zakat for productive business as referred to in paragraph (1) shall be carried out if the basic needs of the mustahiq have been met.
5. Further provisions regarding the utilization of zakat for productive business as referred to in paragraph (1) shall be regulated by ministerial regulations.

From the above discussion, it can be stated that in the regulations concerning zakat in Indonesia, zakat funds can be distributed consumptively and productively. The utilization of productive zakat according to Asrifin An Nakhrawie zakat can produce something later, zakat will give beneficial results and will continue to grow.<sup>[8]</sup> On the other hand, Isnaini gave the opinion that giving productive zakat can make the recipient produce something continuously, it is used to help their business so that they can meet their needs continuously.<sup>[9]</sup> Even Sahal Mahfudz highly recommends the utilization of productive zakat for capital purposes.<sup>[10]</sup> According to Saefuddin's view, zakat should be based on a structural approach, which is to prioritize continuous assistance which aims to overcome the problems of poverty.<sup>[11]</sup> Islam encourages each individual to play an active role in improving the quality of life and fostering a process of social togetherness through zakat, infaq and shadaqah.<sup>[12]</sup> Zakat is a pillar of Islam which reflects the determination to purify people from poverty.<sup>[13]</sup> In a conceptual study, the distribution of productive zakat is divided into two forms, namely: First, Zakat is given directly to mustahiq to be developed, where 'ayn al-zakah is attached to mustahiq so that the zakat becomes the full property of mustahiq. Second, the productive distribution of zakat which is developed in the form of investment, where

zakat is not directly handed over to mustahiq, meaning *mustawlad al-zakah* which is represented by mustahiq. Distribution of productive zakat with the form of investment, especially in the provision of capital which is given to all mustahiqs. This capital does not belong to individuals, but belongs to the mustahiqs, and also does not belong to amil or institutions. Because these funds are not allowed to enter the *Bait al-Mal* treasury to be kept, but the institution is only as a medium or tool to distribute zakat funds to mustahiq. This distribution system is more commonly practiced through 'aqad qard al-hasan,' aqad mudarabah and 'aqad murabahah<sup>[14]</sup>.

According to M. Arif Muftahin, *Qhardul Hasan* is a form of loan that determines that there is no return (profit sharing) from the principal of the loan<sup>[15]</sup>. Meanwhile, according to Antonio, the meaning of *Al-Qardh* is the giving of assets to other people that can be collected or asked to return, in other words lending without expecting anything in return. In classical fiqh returns, *qardh* is categorized as a mutual assistance contract and not a commercial transaction<sup>[16]</sup>.

Conceptually, there are several opinions that allow the management of zakat funds to be developed in the form of distributing productive zakat through investments, especially in the provision of capital given to all mustahiqs. This distribution system is more often practiced through 'aqad qard al-hasan. However, the law on zakat management in Indonesia does not find the ability to manage zakat funds with this distribution system.

However, in the regulations on zakat in Indonesia, there are no rules regarding the permissibility of using zakat with a loan pattern, only management permits with a productive zakat distribution pattern following Article 27 of Law No. 23 of 2011 concerning Zakat Management, meaning that there are no rules regarding the obligation of mustahiq to return the zakat funds that belong to him. In addition to complying with the regulations on zakat in Indonesia, Baitul Maal wat Tamwil (BMT) in managing zakat with a loan system need to pay attention to Islamic law because all operations in Baitul Maal wat Tamwil (BMT) activities must comply with sharia.

Fatwa is not a form of legislation as a hierarchy in a positive legal rule with binding power for all citizens, but fatwa can have binding power after being transformed into positive law into various forms of Prevailing Laws as needed. Based on Article 7 paragraph (1) of Law no. 12 of 2011 concerning the Formation of Legislation, types, and hierarchies of statutory regulations are as follows:

1. The Constitution of the Republic of Indonesia 1945;
2. The Decree of the People's Consultative Assembly (MPR);
3. Laws / Government Regulations
4. Government Regulations;
5. Presidential Regulation;
6. Provincial Regulations; and
7. Regency / City Regulations.

Then in Article 8 paragraphs (1 and 2) in lieu of Law; Law No. 12 of 2011 also states that the existence of types of laws and regulations other than those referred to in Article 7 paragraph (1) includes regulations stipulated by the People's Consultative Assembly, the House of Representatives, Regional House of Representatives, the Supreme Court, the Constitutional Court, the Supreme Audit Agency, the Judicial Commission, Bank Indonesia, Ministers, agencies,

institutions, or commissions at the same level as established by Law or the Government at the behest of the Law, Provincial Regional House of Representatives, Governor, Regency / City Regional House of Representatives, Regent / Mayor, Village Head or whose existence is recognized at the same level and has binding legal force as long as it is ordered by a higher level of legislation or is established based on authority.

Observing the regulations that can be issued by state institutions as mentioned above, the fatwa of the Indonesian Council of Ulema (MUI) is not one of the products of the Invitation Laws so that the fatwa of the Indonesian Council of Ulema (MUI) is not a binding regulation because MUI is an organization of Muslim scholars and scholars. is not a state-owned institution, so the fatwa of the Indonesian Council of Ulema (MUI) is not a state law that can be enforced and has no sanctions and must be obeyed by all citizens. The fatwa of the Indonesian Council of Ulema (MUI) is a religious opinion, not a positive law that can be followed and may not be followed so that those who violate the fatwa of the Indonesian Council of Ulema (MUI) cannot be sanctioned or punished. Fatwa is binding on oneself and is not regulated in law.

Juridically, the National Sharia Board (DSN) was initially recognized in the Decree of the Board of Directors of Bank Indonesia Number 32/34/1999 concerning Commercial Banks Based on Sharia Principles, namely as an agency that provides regulation of sharia banking products and operations, as well as the Sharia Supervisory Board in various financial institutions. sharia. Article 31 of the Decree stipulates that in order to carry out business activities, Sharia Commercial Banks are required to observe fatwas of the National Sharia Board.<sup>[17]</sup> The existence of the National Sharia Board (DSN) is also recognized in various Bank Indonesia Regulations (PBI), including PBI No. 11/15 / PBI / 2009 concerning Changes in Business Activities of Conventional Banks into Sharia Banks. In Article 1 point 7 of the PBI, it is stated that the principles of sharia are the principles of Islamic law in banking activities based on a fatwa issued by the National Sharia Council-Indonesian Ulema Board (DSN-MUI).

At the level of Law no. 21 of 2008 concerning Sharia Banking explicitly recognizes the existence of the National Sharia Board (DSN), namely that Islamic Banking is obliged to comply with sharia principles that are mandated by Indonesian Council of Ulema (MUI) and then the fatwa referred to is applied in Bank Indonesia regulations. The Indonesian Council of Ulema (MUI) mechanism in matters of sharia finance delegates to the National Sharia Board (DSN), so the process of sharia financial fatwa is carried out by the DSN which is then ratified by the MUI. So that it is fitting for BMT in carrying out business and social functions to be guided by the National Sharia Council-Indonesian Ulema Board (DSN-MUI) fatwa, including *Qard* financing, it must comply with the the National Sharia Council-Indonesian Ulema Board (DSN-MUI) fatwa No. 19 / DSN-MUI / IX / 2001 on *al-Qardh*.

The existence of the DSN-MUI fatwa increasingly shows its role in serving as guidelines for the implementation of sharia principles in BMT so that it requires stakeholders to pay attention to and adjust business activities according to the sharia principles stated in the Fatwa issued by the DSN-MUI. Regarding the issue of sharia compliance whose authority rests with the Indonesian Ulema Council (MUI)

which is represented through the Sharia Supervisory Board (DPS) which must be established at each BMT.

If you look at the position of the DSN-MUI fatwa contained in the Law, then the DSN-MUI fatwa is a set of rules for community life that binds BMT as an *amil zakat* institution so that there is an obligation so that the content contained in the MUI Fatwa can be absorbed and transformed into BMT products. . So that the DSN-MUI fatwa has legal force and is general binding. So that it must be obeyed by sharia economic actors. This legal force is based on several provisions that apply in statutory regulations, either directly or indirectly. Directly, it is clearly stated in the regulations that fatwas are a sharia principle that must be obeyed, if not obeyed, sharia economic actors will be subject to administrative sanctions. Indirectly is the mention of the role of the Sharia Supervisory Board (DPS) which must be in sharia banking institutions. In carrying out its role as a sharia supervisor, SSB must adhere to the fatwas issued by the DSN-MUI.

Based on Law No. 23 of 2011 concerning Zakat Management, Zakat must be distributed to *mustahik* in accordance with Islamic law. BMT as a Sharia Microfinance institution technically guarantees the value of sharia regarding *qardh* financing is subject to MUI DSN Fatwa No. 19 / DSN-MUI / IX / 2001 regarding *al-Qardh*. In this fatwa, it is stated that the source of *Qardh* funds is funds originating from the capital of Islamic Financial Institutions, profits set aside by Islamic Financial Institutions, and those sourced from other institutions or individuals entrusting distribution *infaq* it to Sharia Financial Institutions.

From the explanation above, in the DSN-MUI fatwa Number 19 / DSN-MUI / IV / 2001 regarding *Qardh*, it is clear that there is no *qardh* financing that comes from zakat funds. In practice in Islamic financial institutions, Ismail provides the definition of a *Qardh* contract, which is to provide customers with loan repayments according to a certain time with the same amount without any additions. This opinion was supported by Ascaya who argued that the *Qardh* contract was a loan without interest and was a virtue loan that was non-commercial but social in nature <sup>[18]</sup>.

*Qardh* is defined as a soft benevolent loan by Karnaen Pertaatmadja, because it is given on a social basis only and *Qardh* borrowers are not required to return anything except loan capital. Irma Devita Purnamasari described *qardh* as a virtue loan not intended for commercial transactions <sup>[19]</sup>. The source of *qardh* loans for virtue loans as revolving (social) funds comes from external banks originating from funds resulting from *infaq*, alms and non-halal sources of funds and from internal banks originating from equity or bank capital <sup>[20]</sup>. *Al-Qardh*di BMT facilities are provided to those who need short-term consumer loans for urgent and urgent purposes. In modern banking practice, it is given to small entrepreneurs who are short of funds, but have very good business prospects <sup>[21]</sup>.

*Qardh* is owned by handover, when it has been received by *mustaqridh* then it is fully owned (*milk taam*) and is in its responsibility. Meanwhile, the distribution of productive zakat by means of investment, especially in the provision of capital, is given to all *mustahiqs*. This capital does not belong to individuals, but belongs to the *mustahiqs*, and also does not belong to *amil* or institutions. Because these funds are not allowed to enter the *Bait al-Mal* treasury to be kept, but the institution is only as a medium or tool to distribute zakat funds to *mustahiq*. This means that the two social

components are difficult to form a single unit, let alone to be used for financing because both have their own legal consequences. In the MUI DSN Fatwa No. 19 / DSN-MUI / IX / 2001 regarding *al-Qardh* states that: If the customer is unable to return part or all of his obligations at the agreed time and the Sharia Financial Institution (LKS) has confirmed its inability, the Sharia Financial Institution (LKS) can: Extend the term of development, or write off part or all of its obligations.

In the pattern of distribution of productive zakat with *qardh* financing as stated above that zakat funds are shared property of the *mustahiqs*, if the BMT customer does not return the *qardh* financing, it means that the customer has taken rights from other *mustahiq's* zakat funds, which is sourced from the zakat funds above, it can be concluded that the use of zakat funds for *Qardh* financing carried out by BMT is not allowed. Because BMT as a sharia microfinance institution must comply with the regulations on zakat in Indonesia and in its operation it must comply with sharia, which must comply with the MUI DSN Fatwa No. 19 / DSN-MUI / IX / 2001 on *al-Qardh*.

In article 27 of Law no. 23 of 2011 concerning Zakat Management, explains the conception of the utilization of productive zakat, namely: Zakat can be used for productive efforts in the context of handling the poor and improving the quality of the people. The utilization of zakat for productive efforts is carried out when the basic needs of *mustahiq* have been met. However, this Law does not state that there is an obligation to return the funds channeled to *mustahik* to *Amil zakat* as *Qardh* financing. In the DSN-MUI fatwa Number 19 / DSN-MUI / IV / 2001 regarding *Qardh* it is also stated that zakat funds are not one of the permitted sources of funds for *Qardh* financing.

## Conclusions

From the above discussion, it can be concluded that: *Qardh* financing at BMT is tied to the guidelines for the DSN-MUI fatwa Number 19 / DSN-MUI / IV / 2001 concerning *Qardh* to guarantee its sharia value. The use of zakat funds as a source of *Qardh* financing in *Baitul Maal wat Tamwil* (BMT) in the regulations on zakat in Indonesia is not allowed because what is meant by productive zakat in Law No. 23 of 2011 concerning Zakat Management, there is no obligation for *Mustahiq* in returning the zakat he receives to *Amil zakat*. And in the DSN-MUI Fatwa Number 19 / DSN-MUI / IV / 2001 concerning *Qardh*, zakat funds are not an allowed source for *Qardh* financing.

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