

ISLAM IN DIGITAL AGE: THE APPLICATION OF *MAQĀSID AS-SYARI'AH* ON DIGITAL ZAKAT

Umi Cholifah¹

¹ Jember University, East Java, Indonesia

* CORRESPONDENCE: ✉ umicholifah.feb@unej.ac.id

Abstract

The digital era is utilized by many institutions in facilitating consumers to transact. One of them is transaction for zakat. However, zakat is a worship commanded by Allah. Then, the use of digitizing zakat should also be submissive and obedient to the rules established by Allah. On the other hand, in the Islamic rules there is something very important which can be used to approach contemporary issues comprehensively. It is also the objectives of Islamic law contained in each rule. It is namely *maqāsid as-syari'ah*. Through descriptive normative study, this paper will offer concepts of *maqāsid as-syari'ah* which can be applied in zakat on digital finance. Finally, this study aims to explore the concepts of legality and strengthening strategies for zakat on digital finance based on *maqāsid as-syari'ah*. The results of this study is some verses that have the basic word zakat are in the first reference to explore the legal content of zakat on digital finance. From the legal basis, it appears that in legal concept, the provisions that exist in zakat on digital finance must be in accordance with the rules of zakat in Islam. As for steps to strengthen zakat in terms of two aspects, there are the scope of legal objectives and the subject.

Abstrak

Era digital dimanfaatkan oleh banyak lembaga dalam memfasilitasi konsumen untuk bertransaksi. Salah satunya adalah transaksi zakat. Namun, zakat merupakan ibadah yang diperintahkan oleh Allah. Oleh karenanya, penggunaan digitalisasi zakat juga harus tunduk dan patuh pada aturan yang ditetapkan oleh Allah. Di sisi lain, di dalam aturan Islam terdapat sesuatu yang sangat penting yang biasa digunakan untuk mendekati masalah kontemporer secara komprehensif. Hal ini juga merupakan suatu tujuan hukum Islam yang terkandung dalam setiap aturan, yang disebut dengan *maqāsid as-syari'ah*. Melalui studi normative deskriptif, tulisan ini menawarkan konsep *maqāsid as-syari'ah* yang dapat diterapkan dalam zakat pada keuangan digital. Akhirnya, penelitian ini bertujuan untuk mengeksplorasi konsep legalitas dan memperkuat strategi zakat pada keuangan digital berdasarkan *maqāsid as-syari'ah*. Adapun hasil dari penelitian ini adalah beberapa ayat yang memiliki kata dasar zakat ada dalam referensi pertama untuk mengeksplorasi konten hukum zakat pada keuangan digital. Dari dasar hukum, tampak bahwa dalam konsep hukum, ketentuan yang ada dalam zakat pada keuangan digital harus sesuai dengan aturan zakat dalam Islam. Adapun langkah-langkah untuk memperkuat zakat dalam dua aspek yaitu ruang lingkup tujuan hukum objek dan subjek.

Article Info

Article History

Received : 06-04-2019,

Revised : 30-06-2019,

Accepted : 30-06-2019

Keywords:

Zakat;

Digital Finance;

Maqāsid as-syari'ah

Histori Artikel

Diterima : 06-04-2019

Direvisi : 30-06-2019

Disetujui : 30-06-2019

Kata Kunci:

Zakat;

Keuangan Digital;

Maqāsid as-syari'ah

A. INTRODUCTION

If we refer to the term “*Zakat on Digital Finance*”, we are like entering into three different dimensions. The first dimension is religion which is represented by zakat. The second dimension is technology which is represented by digital. The last is financial dimension. Of course, these three terms have a very significant difference. However, if they are put together. then a unique system will appear. Then, it has been ascertained that the three systems must have functions and objectives

that can cover all three dimensions. This is a manifestation of a very dynamic condition of society. Because, it has become a necessity if humans want to feel easy and comfortable in any case.

On the other hand, if we observe what is happening around us today, we will find that the development of technology towards all digital is growing rapidly. It is characterized by technology which increases the speed and breadth of knowledge turn over within the economy and society.¹ The most prominent characteristic seen in the life style of people today. Generally, they cannot be separated from electronic devices. They feel that technology becomes a tool which can help their needs. It also used by human to do their task and job easier.

In fact, data in Indonesia shows that internet users have increased sharply in this decade. From 20 million users in 2007 increased to 143.26 million users in 2017. Later, when look at the user's habits, Indonesian internet users more often use smart phone or tablet than computer or laptop to access the internet. The comparison between the two is almost 1:10. Computer or laptop users reach 4,49 percent while smart phone or laptop users 44,16 percent.² This data is a representation of modern society who tend to be interested in the effectiveness and efficiency of a tool. The easier a tool is used, the more its users. Otherwise, the more difficult a tool is used, the fewer its users.

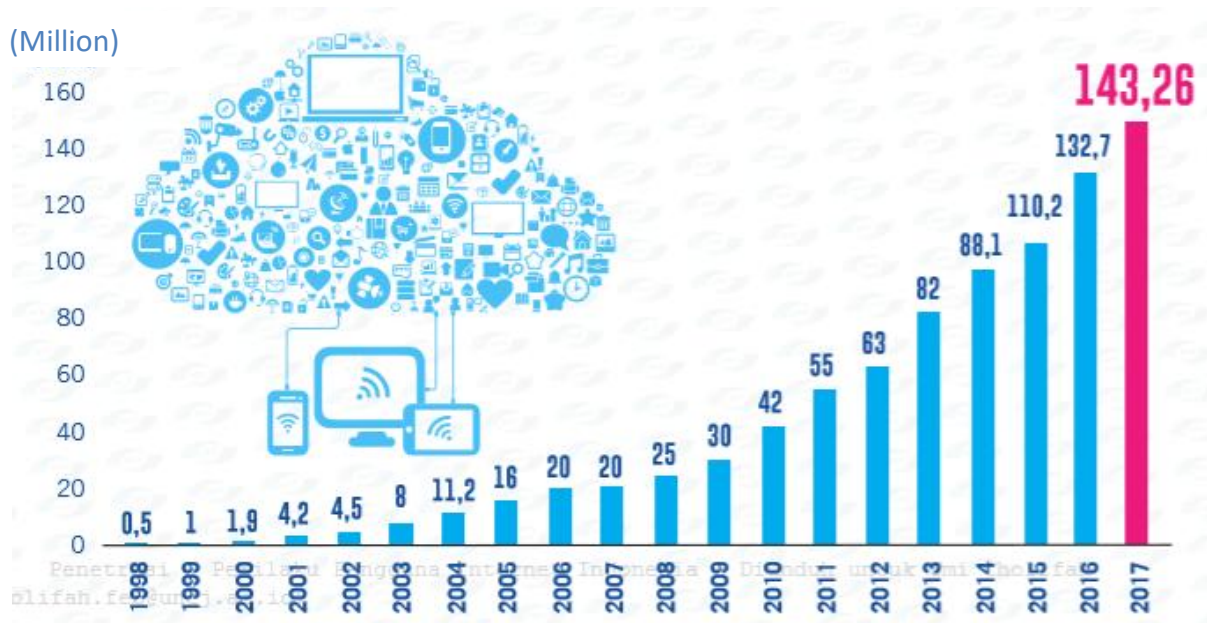


Figure 1: The growth of internet users in Indonesia

This phenomenon spreads to various sectors and afterwards it is known as disruptive innovation. This innovation is said to be "disruptive" because it succeeded in changing the existing system or market. The important points presented in this innovation are practical, easy to access, comfortable, and economical costs.³ The advantages of this innovation are also considered by

¹ J Shepherd, "Social and Economic Transformation in the Digital Era," in *Why The Digital Era*. In G. Doukidis, N. Mylonopoulos, & N. Pouloudi (Hershey: Idea Group Publishing, 2004), 1–18.

² APJII, "Indografis: Penetrasi Dan Perilaku Pengguna Internet Indonesia 2017" (Jakarta: Asosiasi Penyelenggara Jasa Internet Indonesia (APJII), 2017).

³ M. D Hadad, September 2018, www.ibs.ac.id. Retrieved from www.ibs.ac.id: <http://www.ibs.ac.id/img/doc/MDH%20-%20FinTech%20IBS%20June%202017.pdf>.

institutions of social finance to develop their product. One of them is zakat, which has a large potential for enhanced collection continuously. Then, it can be said that zakat on digital finance is a response from today's digital society.

Rachman and Salam⁴ in their article, *The Reinforcement of Zakat Management through Financial Technology Systems*, said that the fintech concept itself can create big data and transparency tools for zakat management ecosystems to provide more effective and efficient management. Practically, it was also agreed by Jamilah⁵ in her thesis, *Analisis Efisiensi & Efektifitas Zakat Payroll System dan Zakat Digital Terhadap Penerimaan Zakat pada Baznas Periode 2016-2016*. By using Data Envelopment Analysis (DEA) method, he concluded that the digital zakat efficiency score was 96-100 from the standard value of 85-97. It was very amazing, because it exceeds its highest standard.

From the set to studies, conventionally it has fulfilled the elements of the benefits of digitalization of zakat. However, we must also realize that zakat is a form of worship. Therefore, the rules of zakat are absolutely determined by Allah. Later, when conditions change in society and resulted in new things that did not exist before, then the role of reason is needed to address this case. Here in lies the *maqāsid as-syari'ah* study. The function of this study is to explore the purposes and objectives of the law set by Allah. Based on these descriptions, this research aims to become a meeting point between religious rules (zakat) and society development (digital finance). These points will provide strengthening strategies for zakat on digital finance based on *maqāsid as-syari'ah*.

B. METHODOLOGY

In this study, research eruses Islamic law research methods. Particularly, type of this study is normative descriptive research. Descriptive research means that researcher describe legal phenomena by looking for relationships between legal and non-legal variables. As for the first step taken by the researcher is looking at Islamic law as a social phenomenon that interacts with other social phenomena. In this case, the social phenomenon in question is the rapid advancement of digital technology. This situation makes all human affairs becomes easier. As a result, this convenience is also used as a tool for the development of one further Islamic philanthropy, namely zakat.

Meanwhile, as a normative research, this analysis also has the aim to investigate Islamic Law norms. This is used to find a good rule to be applied in a case. These norms are sourced from verses of Al-Qur'an and hadith which relevant to zakat. Considering that this study focused on the application of *maqāsid as-syari'ah*, and consequently researcher use philosophical analysis. With these steps, it was discovered basic values of zakat which can be used as a reference for the concept of its digital finance. Finally, this is where the balance point between a very dynamic social phenomenon and Islamic Law is found. This is called the purpose of sharia or *maqāsid as-syari'ah*.

⁴ M. A Salam, "The Reinforcement of Zakat Management through Financial Technology Systems," *International Journal of Zakat*, 2018, 57–69.

⁵ S Jamilah, "Analisis Efisiensi & Efektifitas Zakat Payroll Sytem Dan Zakat Digital Terhadap Penerimaan Zakat Pada BAZNAS Periode 2016-2017" (Jakarta: UIN Syarif Hidayatullah, 2018).

C. RESULT AND DISCUSSION

The Concept of *Maqāsid As-Syari'ah*

On the other side, sometimes *Maqāsid As-Syari'ah* is juxtaposed or used interchangeably with *maṣlaḥah mursalah* (مَصْلَحَةُ الْمُرْسَلَةِ). It is revealed by Imam al-Ghazali in his book, *Al-mustasfā*. He argued that *maṣlaḥah mursalah* is benefits which are not mentioned directly in the *nas* (holy Al-Qur'an and Hadith). Similarly with Abdul Malik al-Juwaini, the initiator of *maqāsid as-syari'ah* concept. He uses the term *maṣaliḥ 'ammah* (مَصَالِحُ الْعَامَّةِ) as a substitute for *maqāsid as-syari'ah*. He said that *maṣaliḥ 'ammah* means public benefits. Moreover, Najmad-dīnat-tūfi linked the relationship between *maqāsid as-syari'ah* and *maṣlaḥah* as something that fulfills the purpose of the creator, Allah.⁶ Even in the study of *uṣhul fiqh*, purposes or *maqāsid* become invalid if it does not deliver to benefit fulfillment and avoid the dangers or *mudharat* (مُضَارَات). The emphasis of *maqāsid as-syari'ah* is based on the content of verses of Al-Qur'an which shows that the law of Allah contains *maṣlaḥat* or benefit. One of its legal bases is stated in al-Anbiya 'verse 107 which reads: "And We have not sent you but as a mercy to the worlds."

To find out whether the legal provisions are still relevant to be applied in the next case or not, the purpose of the law must be known. This is caused by changes in the social structure of society is very dynamic. While on the *maqasid* concept, *maṣlaḥah* or benefit becomes the main element of the purpose of establishing a law. In the method of determining Islamic law, this concept is called by *istiṣlāḥ* (إِسْتِصْلَاح) reasoning method. The pattern of its reasoning is also based on the benefit which contained in texts or *nāṣ*. This pattern is carried out by collecting various related verses and hadiths, then a general principle is drawn. This general principle is deduced to cases that are not resolved through specific texts.⁷ This pattern is often used by scholars in establishing law of the contemporary cases.

Imam as-Syatibi⁸ sees *maqāsid as-syari'ah* from four aspects, they are: *first*, the main purpose of sharia is to achieve the benefit in the world and here after. *Second*, sharia is something that must be understood by people. *Third*, sharia is the law of *taklīf* (تَكْلِيفِي) that must be done. *Fourth*, the purpose of sharia is to bring people into legal protection. Therefore, *maqāsid as-syari'ah* can be reviewed from several aspects, such as: level of its necessity, scope of its legal purpose, its subject, and the last is its general level.

Necessity Level of *Maqāsid As-Syari'ah*.

In fact, the division of *maqāsid as-syari'ah* based on the level of necessity is an old concept. In traditional theory, *maqāsid as-syari'ah* is divided into three parts, namely: *darūriyyāt* (ضَرُورِيَّات), *ḥajjiyyāt* (حَاجِّيَّات) and *taḥsīniyyāt* (تَحْسِينِيَّات). *Darūriyyāt* means primary needs that must be met to ensure human survival. It is divided into five important points, they are: religious protection or *ḥifẓu dīn* (حِفْظُ الدِّين), life protection or *ḥifẓu naḥs* (حِفْظُ النَّفْس), property protection or *ḥifẓu māl* (حِفْظُ الْمَال), mind protection or *ḥifẓu 'aql* (حِفْظُ الْعَقْل), and descent protection or *ḥifẓu naṣl* (حِفْظُ النَّسْل). These five points have a very essential role for human life. If one of them does not exist, human life will be threatened. Humans will be in prolonged difficulties, subsequently bring them to extinction. For example, Islamic provisions regarding the procedure for obtaining property. As Allah says in al-Maidah verse 88: "And eat of the lawful and good (things) that Allah has given you, and be careful of (your duty to) Allah, in Whom you believe."

In Islam, property can be obtained through exchanges, inheritance, gifts, wills, natural additions, buying and selling, findings, endowments/ *waqf*, or other methods that are justified

⁶ J Auda, *Maqasid Al-Syariah as Philosophy of Islamic Law A Systems Approach* (London: The International Institute of Islamic Thought, 2007).

⁷ A Sodikin, *Fiqh Ushul Fiqh: Sejarah, Metodologi Dan Implementasinya Di Indonesia* (Yogyakarta: Fakultas Syariah dan Hukum Universitas Islam Negeri Sunan Kalijaga, 2014).

⁸ A. I.-L. as-Syatibi, *Al-Muwafaqat* (Dar Ibnu Affan, 790).

according to the Sharia.⁹ If there is no provision, then surely humans will use every means to get as much wealth as possible for themselves. Consequently, economic chaos will be rampant and social inequality will increase. With these conditions, it is very possible if poverty, hunger and crime are increasing. Then, the process of destroying a nation will only count for days.

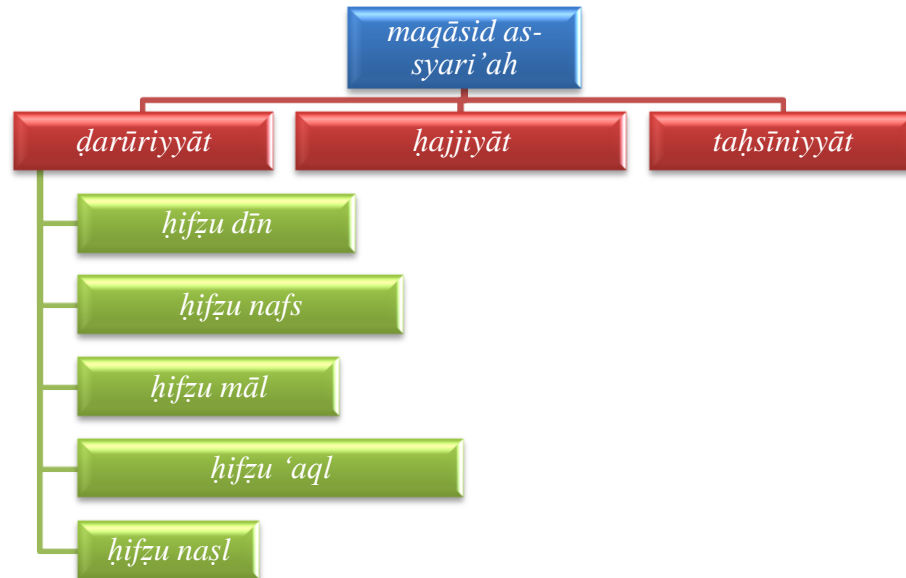


Figure 2: Necessity level of maqāsid as-syari'ah.

The second level is *hajjiyāt*. This level contains secondary needs. That means, if the needs at this level are not fulfilled, it will not threaten human safety. It might cause someone to get into trouble for a long time, but it will not cause the humans extinction.¹⁰ The thing that distinguishes it from *darūriyyāt* is its influence on human existence. However, its presence is needed to provide convenience and eliminates the difficulties in *mukallaf's* life. For Instance, buying and selling transaction. This transaction is needed by humans to be able to fulfill their needs, but if someone doesn't do this transaction it's fine. Perhaps, he could have replaced it with a barter system as anciently. This transaction will certainly complicate him. Because, we know that it is very difficult to determine the value of an item with goods today. Next, the third level is *taḥsīniyyāt*. It is a level form of tertiary or complementary needs. it functions for human life in ease, comfort, spaciousness.¹¹ For instance, in online business transactions, we choose a trusted marketplace to avoid fraud.

From those explanations, basically *darūriyyāt*, *hajjiyāt* and *taḥsīniyyāt* have a hierarchical relationship. *Darūriyyāt* is positioned as the foundation of *hajjiyāt*, and *taḥsīniyyāt*. It means, if damage occurs to *darūriyyāt*, then *hajjiyāt* and *taḥsīniyyāt* will be damaged too. Otherwise, if damage occurs to *hajjiyāt* or *taḥsīniyyāt*, *darūriyyāt* will not be damaged. However, *hajjiyāt* and *taḥsīniyyāt* still need to be protected and maintained to preserve *darūriyyāt*.

Legal Purpose Scope of Maqāsid As-Syari'ah.

In contemporary classifications, Nu'man Jugaim¹² divide the maqasid into three range, namely: *al-maqāsid al-'ammah* (المقاصد العامة), *al-maqāsid al-khāṣṣah* (المقاصد الخاصة), *al-maqāsid al-juz'iyyah* (المقاصد الجزئية). This opinion is the same as Aḥmad al Raissouni's notion which is described in his book, *nadẓāriyatul maqāsid indal imam as-Syatibi*.

⁹ KHES, *Kompilasi Hukum Ekonomi Syariah* (Bandung: Fokus Media, 2010).

¹⁰ Y Qardhawi, *Fiqh Praktis Bagi Kehidupan Modern* (Jakarta: Gema Insani, 2002).

¹¹ as-Syatibi, *Al-Muwafaqat*.

¹² N Jugaim, *Turuqul Kasyfi "an Maqasid as-Syari"* (Oman: Darul Nafais, 2002).

First, *al-maqāsid al-'ammah* is purposes taken by shariato determine all or most of the Shariah Law. This is stated in the rules *jalbu al-maṣāliḥ wa dar'u al-mafāsid* (جلبُ المصالح و دَرْغُ المفاسد). It means taking the advantages and rejecting the damages. Second, *al-maqāsid al-khāṣṣah* is purposes taken by sharia to determine certain legal groups or in similar small chapters. For example, *mu'amalah* which consists of inheritance and marriage law. Third, *al-maqāsid al-khāṣṣah* is purposes taken by sharia to determine meaning behind certain laws. For example, a legal case requires a number of witnesses as a measure of truth in that case.¹³ (a) Subject of *maqāsid as-syari'ah*. In classical theory, the concept of *maqāsid* subject only covers the individual scope. But, in modern concept, this scope is expanded into society, nation, even humanity.¹⁴ (b) General level of *maqāsid as-syari'ah*. In this concept, modern scholars introduce the general of *maqāsid* theory as something extracted directly from the texts, not from the literature of Islamic jurisprudence or *fiqh mazāhib*.

The Basic Concept of Zakat

Zakat is a religious institution that intends to improve justice and community welfare. Etymologically, the term of zakat is derived from *zakā* (زَكَى) which has the same meaning as *namā wa zāda* (نَمَا وَ زَادَ), growing and increasing. Terminologically, the four schools of thought have a different opinion to explain what is zakat. Hanafi school argues that zakat is a gift because of Allah in order to be owned by the indigent people of Islam, other than Bani Hasyim and his former slave. The benefits of its gift must be cut off, its mean the profit of the property does not flow again to the original owner in any way. Maliki school argues that zakat is removing certain parts of certain properties. This must reach *nisab* and given to who is entitled to receive it. This must be owned for a full year or reaching *haul*, except for mining and agricultural goods. Syafi'i school argues that zakat is certain property which is excluded from certain property and in certain way. Hanbali school argues that zakat is the right to be excluded from a property.¹⁵

From the explanation above, we can define that zakat is giving property because of Allah after reaching its *nisab* and its *haul*. It given to people who deserve it, as described in At-Taubah: 60.

"Alms are only for the poor and the needy, and the officials (appointed) over them, and those whose hearts are made to incline (to truth) and the (ransoming of) captives and those in debts and in the way of Allah and the wayfarer; an ordinance from Allah; and Allah is knowing, Wise."

Besides discussing to whom zakat is given, another thing that is very important to be studied is who can give zakat. Al-Qur'an says in surah At-Taubah:103. *"Take alms out of their property, you would cleanse them and purify them thereby, and pray for them; surely your prayer is a relief to them; and Allah is Hearing, Knowing."* Tafsir from the sentence *حُدِّمْتُمُوهُمْ* is command to the Prophet Muhammad to take zakat in the name of Allah. The properties should be handed over with sincerity and simplicity. It is taken from some of their property, not all, not most, and not the best. This is explained with the argument from hadith narrated by Al Bukhari and Muslim from Ibn Abbas, he says:

"Verily when the Prophet sallallaahu 'alaihiwasallam sent Muadz bin Jabal to Yemen, hesaid: Surely you will go to a people of ahlu kitab. Therefore, if you meet them, call them to the creed, no one is entitled to worship, except Allah and Muhammad is the Messenger of Allah. If they obey you in that, then teach them, that God has obliged them five daily prayers in a day and night. If they have obeyed you in that, then teach them, that Allah has obliged them shadaqah over their property, taken from their rich people and distributed to the poor of them. If they have obeyed you in that regard, be careful of

¹³ A. A Raissouni, *Nazariyatul Maqasid 'Indal Imam As-Syatibi* (Herndo: Al-Ma'had Al-'alami Lil Fikril Islami, 1995).

¹⁴ Auda, *Maqasid Al-Syariah as Philosopy of Islamic Law A Systems Approach*.

¹⁵ I Nawawi, *Zakat Dalam Perspektif Fiqh, Sosial Dan Ekonomi* (Surabaya: Putra Media Nusantara, 2010).

their beloved treasures and pious from the prayers of the oppressed, for there is no barrier from him with God."

Ulama have also agreed on the requirements of *muzakki* or people who are obliged to pay zakat such as Islam, independent, understand and baligh,¹⁶ reaching nisab,¹⁷ reaching haul.¹⁸ Afterward, basically, zakat is divided into two, namely zakat maal and zakat fitrah. According to classical fiqh, there are five types of property that must be issued of zakat. Zakat nuqud including jewelry, debt and money, minerals and findings, treasures trade, plants and fruits, and animals or live stock. But in this modern era, the kind of zakat maal is more varied than before. For example, securities and stocks which are one of the objects of modern zakat maal.

Digital Finance

Technology growth that penetrates the financial sector introduces us to digital finance. Basically, digital finance can be defined as a payment service system that is carried out through a non-physical office. This office uses technology tools, whether through mobile based or web based. The same thing with the understanding expressed by most practitioners of what a digital finance. They argue that digital finance is a financial service delivered through cell phones, personal computers, the internet or related to reliable digital payment systems.¹⁹

International Telecommunication Union²⁰ explains that the aims of digital finance are to contribute in poverty reduction and to deliver benefits recognized by financial inclusion in developing countries. At first glance, the first goal revealed was very strange. How can digital finance be able to contribute to poverty alleviation? Evidently, the characters of digital finance which are practical, easy to access, comfortable, and economical costs. These make it easy to adopt into the management of any sector. One of them is the non-profit sector that works for poverty alleviation, for example: Muzaki Corner application by BAZNAS.

Afterward, the second point of digital finance's goal that has been mentioned before is in line with World Bank report.²¹ They said that digital finance holds great opportunities for greater financial inclusion and expansion of basic services. Driving factor is the ownership of mobile phones nearly a half percent of the population in developing countries. Hence, it is not surprising that digital finance can be used as a mean to expand various services.

Moving onto the application concept. In every digital financial service (DFS), there are three main elements that should exist, such as: digital transactional platforms, retail agent, devices used by customers.²² Before using digital financial services, users must have a bank account. In their account there must be funds to make cash payments or to receive income through digital platforms including cellular devices, personal computers or the internet. It can be concluded that there are several players in digital financial practices, including: users, who have a need for digital financial products and services; providers, who supply these products and services through digital means; government and infrastructure that make them possible.²³

¹⁶ A.-S. A Al-Makhzanji, *Al Zakat Wa Tanmiyat Al-Mujtama'* (Makkah: Rabitah al-A'alam al-Islami, 1419).

¹⁷ S. M Al-Utsaimin, *Asy-Syarh Al Mumti' a'laa Zaadil Mustaqni'* (Maktabah Syameela). (Mesir: Darul Ummah, n.d.).

¹⁸ Nawawi, *Zakat Dalam Perspektif Fiqh, Sosial Dan Ekonomi*.

¹⁹ P. K Ozili, "Impact Of Digital Finance On Financial Inclusion And Stability," *Borsa Istanbul*, 2018, 1–12.

²⁰ ITU, "Inter Agency Task Force On Financing For Development: Digital Financial Inclusion" (Geneva: International Telecommunication Union, 2016).

²¹ M Rizzo, "Digital Finance: Empowering The Poor Via New Technologies" (Washington D.C: The World Bank, 2014).

²² T Lyman and K Lauer, 20 2018, CGAP. Retrieved from What is Digital Financial Inclusion and Why Does it Matter?: <http://www.cgap.org/blog/what-digital-financial-inclusion-and-why-does-it-matter#>.

²³ ITU, "Inter Agency Task Force On Financing For Development: Digital Financial Inclusion."

The Perspective of Digital Zakat Concept Based on *Maqāsid-Syari'ah*

Before we discuss “how is *Maqāsid As-Syari'ah* views the concept of digital zakat”, we must equate our outlook about what *Maqāsid As-Syari'ah* is. This term is derived from the word *Maqāsid* (مَقَاصِد) and *As-Syari'ah* (الشَّارِعَة). In Arabic, *Maqāsid* is a plural word form from *maqṣad* (مَقْصَد) which means aim, purpose, goal or destination.²⁴ Meanwhile, etymologically, *syari'ah* taken from the word *syar'un* (شَرْعٌ) which means springs²⁵ or something opened to choose what is in it.²⁶ Some scholars explain the definition of sharia as the rules set by Allah which is used as human guide lines. It regulates the relationship between human and Allah, each other, the universe, and all life.²⁷ This definition is complemented by Jaseer Auda, by adding a statement, that the form of Sharia is Al-Qur'an and Hadith. Therefore, if we combine those two words, it would appear the understanding that *Maqāsid As-Syari'ah* is the objectives contained in Al- Qur'an and Hadith.

On the other side, sometimes *Maqāsid As-Syari'ah* is juxtaposed or used interchangeably with *maṣlaḥah mursalah* (مَصْلَحَة الْمُرْسَلَة). It is revealed by Imam al-Ghazali in his book, *al-mustasfā*. He argued that *maṣlaḥah mursalah* is benefit which are not mentioned directly in the *nas* (holy Al-Qur'an and Hadith). Similarly with Abdul Malik al-Juwaini, the initiator of *maqāsid as-syari'ah* concept. He uses the term *maṣaliḥ 'ammah* (مَصَالِح الْعَامَّة) as a substitute for *maqāsid as-syari'ah*. He said that *maṣaliḥ 'ammah* means public benefits. More over, Najmad-dīnat-tūfī linked the relationship between *maqāsid as-syari'ah* and *maṣlaḥah* as something that fulfills the purpose of the creator, Allah.²⁸ Even in the study of *uṣhul fiqh*, purposes or *maqāsid* become invalid if it does not deliver to benefit fulfilment and avoid the dangers or *mudharat* (مُضَارَات). The emphasis of *maqāsid as-syari'ah* is based on the content of verses of Al-Qur'an which shows that the law of Allah contains *maṣlaḥah* benefit. One of its legal bases is stated in al-Anbiya 'verse 107 which reads: “And We have not sent you but as a mercy to the worlds.”

Next, how to apply this *Maqāsid As-Syari'ah* to review digital zakat concept? First, in Islamic law research method, Imam as-Syatibi²⁹ argues there are three stages of reasoning, such as: *bayānī* (بَيَانِي), *ta'līlī* (تَعْلِيلِي) and *istiṣlāḥī* (إِسْتِصْلَاحِي). These three levels are processual. The first step that must be taken is *bayānī*'s reasoning. This reasoning is a method that relies on linguistic rules. It functions to explain Sharia laws contained in the text or *nāṣ*. But, the law is still relative or *ẓannī* (ظَنِّي) both in terms of its determination and appointment.

According to the definition, if we count the word of *az-zakah* (الزَّكَاة) or zakat, it is mentioned explicitly in the Qur'an 32 times. The verses include Al-Baqarah verse 43, 83, 110, 177 and 277; An-Nisa verse 77 and 162; Al-Maidah verse 12 and 55; Al-A'raf verse 156; At-Taubah verse 5, 11, 18 and 71; Al-Kahf verse 81; Al-Maryam verse 13, 31 and 55; Al-Anbiya' verse 73; Al-Hajj verse 41 and 78; Al-Mu'minun verse 4; An-Nur verse 37 and 56; An-Naml verse 3; Ar-Rum verse 39; Al-Lukman verse 4; Al-Ahzab verse 33; Fushilat verse 77; Al-Mujadalah verse 13; Al-Muzammil verse 20; Al-Bayyinah verse 5.³⁰ Most of these verses accompany the command of zakat with *shalat*. Thus, if reviewed further then the aspect of religion (zakat) has already been obtained. This statement certainly leads to the conclusion that the law contained in zakat is absolute and not

²⁴ Auda, *Maqasid Al-Syariah as Philosophy of Islamic Law A Systems Approach*.

²⁵ Al-Ghazali, *Al-Mustasfa Fi 'ilm al-Ushul* (Beirut: Dar al-Kutub al-Ilmiyah, 1983).

²⁶ A. W Khallaf, *Ilmu Ushul Fiqh* (Beirut: Dar al-Fikr, 1987).

²⁷ M Syaltut, *Aqidah Dan Syariat Islam* (Jakarta: Bumi Aksara, 1994).

²⁸ Auda, *Maqasid Al-Syariah as Philosophy of Islamic Law A Systems Approach*.

²⁹ as-Syatibi, *Al-Muwafaqat*.

³⁰ M. F Baaqi, *Al Mu'jam Mufahrosy Li Alfadil Qur'anil Karim* (Beirut: Dar al-Fikr, 1992).

relative. Moreover, the main purpose of our discussion is "digital zakat", where digital will also dominate the rules and provisions of zakat itself. Then, this method is not enough to be used as a research entry point for this paper.

Turning into the second reasoning, *ta'lili*. Pattern interpretation of this method is done by finding reasons for determination of the law contained in the text or *nāṣ*. One of the conditions in this method is that there is a legal content implied in the *nāṣ*. Of course, this is because there is no explicit legal content in the *nāṣ*. Therefore, examining of digital zakat in unity, will not occur in this reasoning process. Considering that digital finance is a current development which did not exist before. While digital zakat is a response to the development of these technologies.

Consequently, to find out whether the legal provisions are still relevant to be applied in the next case or not, the purpose of the law must be known. This is caused by changes in the social structure of society is very dynamic. While on the *maqasid* concept, *maṣlahah* benefit becomes the main element of the purpose of establishing a law. For this reason, it becomes a necessity to turn into the last reasoning method, *istiṣlāhi*. This reasoning method that relies on *maṣlahah* benefit which contained in texts or *nāṣ*. This pattern is carried out by collecting various related verses and hadiths, then a general principle is drawn. This general principle is deduced to cases that are not resolved through specific texts.³¹ This pattern is often used by scholars in establishing law of the contemporary cases.

This method uses *al-maqāsid al-'ammah*, *al-khāṣṣah* and *al-juz'iyah* as the approach. Basically, this method refers to the rule *jalbu al-maṣāliḥ wa dar'u al-maf āsid* (جَلْبُ الْمَصَالِحِ وَ دَرْعُ الْمَفَاسِدِ). It means taking the advantages and rejecting the damages, but this is still based on sharia provisions. How this reasoning method works are: (1) Collecting verses and hadiths which have the possibility of linkage with digital zakat. (2) Classifying the purposes which is contained therein systematically. If we count the verses zakat viewed in terms of its language, we will find 59 verses of the Qur'an which have the basic words *zakā*. By meaning, these various changes are divided into two types, namely the nature and the object of action. The nature is represented by the word *zakaya* (ز, ك, ي) and its changes. The object of action is represented by the word *zakāta* (ز, ك, ة). From this side, we can find out the level of necessity of zakat in the *maqāsid as-syari'ah*.

From religious protection aspect or *ḥifzu dīn*. Zakat can be seen from the type "object of action" (by the word *zakāta*). This is reflected in several verses that reconcile zakat with sholat, such as: Al-Baqarah verse 43, 83, 110, 117 and 277; An-Nisa verse 162; Al-Maidah verse 12 and 55; At-Taubah verse 5, 11, 18 and 71; Maryam verse 31; Lukman verse 4; Al-Ahzab verse 33; Al-Mujadalah verse 13; Al-Bayyinah verse 5. Both commands in these verses, establishing sholat and paying zakat, united by the word *wa* (وَ). It means and. Consequently, sholat dan zakat have the same position. This similarity can be evaluated from the legal imposition or *hukmu taklīfī* which covers both, as well as explanatory laws or *hukm waq'i* that follow both.

From life protection aspect or *ḥifzu nafs*. It can be seen from the type "nature" (by the word *zakaya*). This type of word is interpreted as holy, clean and good. Ibnu Katsir³² said that the impact of the person who always purifies himself from despicable morality is to get good luck. It is represented by As-Syams verse 9 dan An-Najm verse 32.

³¹ Sodiqin, *Fiqh Ushul Fiqh: Sejarah, Metodologi Dan Implementasinya Di Indonesia*.

³² I Katsir, *Tafsi Ibnu Katsir Terj. M. Abdullah* (Jakarta: Pustaka Imam Syafi'i, 2007).

From property protection aspect or *ḥifẓu māl*. According to At-Taubah verse 103, it is known that Zakat is done by taking a portion of property, not all of them. We can argue that someone still has the right to his property. On the other side, in their property there is another person's right. Therein lies the balance of distribution. Where property is not only based on a few people, while others suffer. As for nature, the property that is given is a treasure that is liked, not that which is not liked (Al-Baqarah verse 177). In fact, besides the benefits of zakat which can purify property (Al-lail verse 18), Allah has also promised to double the wealth of *muzakki* (Ar-Rum 39).

From mind protection or *ḥifẓu 'aql*. This is explained in Al-Baqarah verse 277 which reads: "Surely they who believe and do good deeds and keep up prayer and pay the poor-rate they shall have their reward from their Lord, and they shall have no fear, nor shall they grieve."

From this verse there is the intention that zakat in eliminating worry and grief causes stress. Therefore, with zakat, the mind will be calm.

From descent protection aspect or *ḥifẓu naṣl*. This can be imagined that if there is an equal distribution of property, then how many lineages of the poor can be saved? therefore, zakat is intended to be distributed to poor people, including orphans. This is explained at Al-Baqarah verse 83 and 177. The fifth aspect of this is the start to be drawn things that could be the basis of the digital zakat. Which one of the digital platform on financial services goals is to alleviate poverty.³³

Strengthening Strategies Based on *Maqāsidas-Syari'ah*

Based on the legal basis described above, some strengthening strategies that can be used in digital zakat are as follows: (1) Strengthening based on the scope of legal objectives. The scope of the purpose of law in the *maqāsid as-syari'ah* is divided into three, there are: *al-maqāsid al-'ammah*, *al-maqāsid al-khāṣṣah*, and *al-maqāsid al-juz'iyah*. At the level of *al-maqāsid al-'ammah* there is a development of the idea of the terminology of *al-kulliyah al-khamsah* previously explained. In its implementation, when *zakat legal concept* integrated with digital, it will contain: the features that exist in digital zakat must be in accordance with the basic rules of zakat in Islam, both in *principles* and *terms*. This feature *reflects* the implementation of *ḥifẓu dīn* and will be *al-maqāsid al-'ammah*. Meanwhile, *al-maqāsid al-khāṣṣah* can be implemented in making zakat charts. The purpose of the graph is to make people more motivated to pay zakat. The last is *al-maqāsid al-juz'iyah*. In the digital zakat feature, it is supplemented by a verse or hadith of encouragement to do good. (2) Strengthening based on the subject. Seeing the potential of the internet market that is not limited to time and place, the *muzakki* market will be even wider. Therefore, the digital zakat feature must be advertised. Besides, the application must be made as light as possible. so that users of the digital zakat application are not constrained by the large costs of accessing them.

D. CONCLUSION

Some verses that have the basic word zakat are in the first reference to explore the legal content of zakat on digital finance. From the legal basis, it appears that in legal concept, the provisions that exist in zakat on digital finance must be in accordance with the rules of zakat in Islam. As for steps to strengthen zakat in terms of two aspects, there are the scope of legal objectives and the subject. (1) Strengthening based on the scope of legal objectives. The scope of the purpose of law in the

³³ ITU, "Inter Agency Task Force On Financing For Development: Digital Financial Inclusion."

maqāsid as-syari'ah is divided into three, there are: al-maqāsid al-'ammah, al-maqāsid al-khāṣṣah, and al-maqāsid al-juz'iyah. At the level of al-maqāsid al-'ammah there is a development of the idea of the terminology of al-kulliyah al-khamsah previously explained. In its implementation, when zakat legal concept integrated with digital, it will contain: the features that exist in digital zakat must be in accordance with the basic rules of zakat in Islam, both in principles and terms. This feature reflects the implementation of hifdzu diin and will be al-maqāsid al-'ammah. Meanwhile, al-maqāsid al-khāṣṣah can be implemented in making zakat charts. the purpose of the graph is to make people more motivated to pay zakat. The last is al-maqāsid al-juz'iyah. In the digital zakat feature, it is supplemented by a verse or hadith of encouragement to do good. (2) Strengthening based on the subject Seeing the potential of the internet market that is not limited to time and place, the muzakki market will be even wider. Therefore, the digital zakat feature must be advertised. Besides, the application must be made as light as possible. so that users of the digital zakat application are not constrained by the large costs of accessing them.

References

- Al-Ghazali. *Al-Mustasfa Fi 'ilm al-Ushul*. Beirut: Dar al-Kutub al-Ilmiyah, 1983.
- Al-Makhzanji, A.-S. A. *Al Zakat Wa Tanmiyat Al-Mujtama'*. Makkah: Rabitah al-A'alam al-Islami, 1419.
- Al-Utsaimin, S. M. *Asy-Syarh Al Mumti' a'laa Zaadil Mustaqni' (Maktabah Syameela)*. Mesir: Darul Ummah, n.d.
- APJII. "Indografis: Penetrasi Dan Perilaku Pengguna Internet Indonesia 2017." Jakarta: Asosiasi Penyelenggara Jasa Internet Indonesia (APJII)., 2017.
- Auda, J. *Maqasid Al-Syariah as Philosophy of Islamic Law A Systems Approach*. London: The International Institute of Islamic Thought, 2007.
- Baaqi, M. F. *Al Mu'jam Mufahrosy Li Alfadil Qur'anil Karim*. Beirut: Dar al-Fikr, 1992.
- Hadad, M. D, September 2018. www.ibs.ac.id. Retrieved from www.ibs.ac.id: <http://www.ibs.ac.id/img/doc/MDH%20-%20FinTech%20IBS%20June%202017.pdf>.
- ITU. "Inter Agency Task Force On Financing For Development: Digital Financial Inclusion." Geneva: International Telecommunication Union, 2016.
- Jamilah, S. "Analisis Efisiensi & Efektifitas Zakat Payroll Sytem Dan Zakat Digital Terhadap Penerimaan Zakat Pada BAZNAS Periode 2016-2017." Jakarta: UIN Syarif Hidayatullah, 2018.
- Jugaim, N. *Turuqul Kasyfi "an Maqasid as-Syari."* Oman: Darul Nafais, 2002.
- Katsir, I. *Tafsi Ibnu Katsir Terj. M.Abdullah*. Jakarta: Pustaka Imam Syafi'i, 2007.
- Khallaf, A. W. *Ilmu Ushul Fiqh*. Beirut: Dar al-Fikr, 1987.
- KHES. *Kompilasi Hukum Ekonomi Syariah*. Bandung: Fokus Media, 2010.
- Lyman, T, and K Lauer, 20 2018. CGAP. Retrieved from What is Digital Financial Inclusion and Why Does it Matter?: <http://www.cgap.org/blog/what-digital-financial-inclusion-and-why-does-it-matter#>.
- Nawawi, I. *Zakat Dalam Perspektif Fiqh, Sosial Dan Ekonomi*. Surabaya: Putra Media Nusantara, 2010.
- Ozili, P. K. "Impact Of Digital Finance On Financial Inclusion And Stability." *Borsa Istanbul*, 2018, 1–12.
- Qardhawi, Y. *Fiqih Praktis Bagi Kehidupan Modern*. Jakarta: Gema Insani, 2002.
- Raissouni, A. A. *Nazariyatul Maqasid 'Indal Imam As-Syatibi*. Herndo: Al-Ma'had Al-'alami Lil Fikril Islami, 1995.

- Rizzo, M. "Digital Finance: Empowering The Poor Via New Technologies." Washington D.C: The Word Bank, 2014.
- Salam, M. A. "The Reinforcement of Zakat Management through Financial Technology Systems." *International Journal of Zakat*, 2018, 57–69.
- Shepherd, J. "Social and Economic Transformation in the Digital Era." In *Why The Digital Era*. In G. Doukidis, N. Mylonopoulos, & N. Pouloudi, 1–18. Hershey: Idea Group Publishing, 2004.
- Sodiqin, A. *Fiqh Ushul Fiqh: Sejarah, Metodologi Dan Implementasinya Di Indonesia*. Yogyakarta: Fakultas Syariah dan Hukum Universitas Islam Negeri Sunan Kalijaga, 2014.
- Syaltut, M. *Aqidah Dan Syariat Islam*. Jakarta: Bumi Aksara, 1994.
- Syatibi, A. I.-L as-. *Al-Muwafaqat*. Dar Ibnu Affan, 790.