



# PENA JUSTISIA

## MEDIA KOMUNIKASI DAN KAJIAN HUKUM

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## PENA JUSTISIA: MEDIA KOMUNIKASI DAN KAJIAN HUKUM



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## Zakat as a Deduction from Taxable Income (Effectiveness Study of Article 22 of Law on Zakat Management Number 23 of 2011 Banjarmasin City)<sup>1</sup>

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### Abstract

*This study aims to analyze Article 22 of Law on Zakat Management Number 23 of 2011, in which zakat paid to agencies/institutions authorized by the government can be deducted from taxable income in the city of Banjarmasin. The research method used is the sociology of law (socio-legal research) using an interdisciplinary approach between normative research aspects and a sociological approach that uses qualitative analysis. The result of the research is that in the practice of zakat as a deduction from taxable income, of course, zakat must be paid to an official body or institution that the government has approved. On this basis, the payment of zakat made by the taxpayer must be made to the agency or institution. Effectiveness of Article 22 of Law on Zakat Management Number 23 of 2011 concerning Zakat Management, there are several factors that do not affect and there are also several factors that do. There are 3 factors that do not affect the effectiveness of the regulation, namely the rule of law factor, the law enforcement factor, and the facility or facility factor. While the factors that affect the effectiveness of these regulations are community factors and cultural factors.*

## I. Introduction

Zakat and taxes are two compulsory levies that have different characteristics, Zakat is one of worship that contains both vertical and horizontal dimensions, namely the relationship between humans and God and the

<sup>1</sup> This paper is taken from research, funded by Universitas Islam Kalimantan, on March 2021

relationship between humans and humans. In addition to the similarities between zakat and taxes, zakat also has great potential in alleviating poverty, reducing unemployment, reducing the gap between the poor and rich, playing a role in economic growth and increasing the potential for state revenue. The potential is quite large but currently its management is not optimal.<sup>2</sup>

Payment of zakat for a Muslim is an obligation that is directly ordered by Allah SWT and is contained in the Qur'an and the Hadith of the Prophet in a *qath'i* an embodiment of the solidarity of a Muslim in social life<sup>3</sup>. All scholars agree on the obligation of paying zakat. As a citizen, he has the obligation to pay taxes as a source of income for the state. This is reflected in the definition of the tax itself which is stated in Law Number 28 of 2007 concerning general provisions of taxation, which states that tax is a mandatory contribution to the state that is owed by an individual or entity that is coercive under the law, by not getting direct rewards and used for the needs of the state for the greatest prosperity of the people.

Most of the taxpayers in Indonesia are Muslims, which is as much as 87% of the total population of Indonesia. This is because Indonesia is the largest Muslim country in the world. Based on these reasons, the government seeks to minimize the double obligation in the form of zakat and taxes which are considered burdensome for Muslim taxpayers in Indonesia. Based on the provisions of the elucidation of Article 9 paragraph (1) letter g of Law Number 36 of 2008 concerning Income Tax, zakat on income can reduce Taxable Income, provided that the zakat must be paid by an individual or corporate taxpayer whose owner is Muslim through National Zakat Agency or Zakat Amil Institute that the government has determined. This provision is also regulated in Article 22 of Law on Zakat Management Number 23 of 2011, which states that zakat that has been paid through the National Zakat Agency / Zakat Amil Institute can reduce Taxable Income by including proof of zakat deposit.<sup>4</sup>

Based on data from the Ministry of Finance, state tax revenues in 2018 were valued at IDR 1,618.1 trillion.<sup>5</sup> While data obtained from the National Amil Zakat Agency, the collection of zakat in 2018 only reached Rp. 8.1 trillion of Indonesia's zakat potential of Rp. 233.8 trillion.<sup>6</sup> This data shows a very striking difference in the receipt of tax funds and zakat. Based on the author's initial

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<sup>2</sup> Ibnu Fajarudin, "Kontribusi Zakat sebagai Pendapatan Negara dan Instrumen Penerimaan Pajak (Studi Interpretif)", *Journal Paradigma Accountancy* 2 (1) 2019, page 25.

<sup>3</sup> Nanda Suryadi, ZAKAT SEBAGAI PENGURANG PENGHASILAN KENA PAJAK. SYARIKAT: *Jurnal Rumpun Ekonomi Syariah* Volume 4, Nomor 2, Desember 2021

<sup>4</sup> Thamrin Logawali, Sitti Aisyah, Kamaruddin and Nurfiyah Anwar, "Peranan Zakat Sebagai Pengurang Penghasilan Kena Pajak Di Kantor Kementerian Agama Kabupaten Gowa", *Journal Laa Maysir* 5 (1), 2018, page. 148

<sup>5</sup> pajak.go.id

<sup>6</sup> baznaz.go.id

research by asking one of the Finance and Tax Staff of one of the companies located in the Banjarmasin City area, he said that taxes and zakat were different, the meaning here is that there is a double burden paid because zakat and tax payments have their respective regions.<sup>7</sup>

Then moving on to 2022 data from the Ministry of Finance, tax revenues up to August were at 58.1%, an achievement of IDR 1,171 trillion.<sup>8</sup> While data obtained from the National Amil Zakat Agency, zakat collection until May 2022 only reached Rp. 66,813,345,050 of Indonesia's zakat potential of Rp. 327 trillion.<sup>9</sup> The data above, shows that there is a very striking difference in the receipt of tax and zakat funds. In the zakat mechanism, the taxable income deduction is that the total income is presented for zakat payment first to the Amil Zakat Agency or Institution which is legalized by the government so that it gets proof of payment, then the zakat payment is deducted from the total income and from the results of the reduction it is presented to pay income tax. Zakat can only be deducted from taxable income with a note attaching proof of payment zakat on the Amil Zakat Agency or Institution authorized by the government. The basic mechanism for reporting zakat as a deduction from taxable income itself is contained in the Regulation of the Director General of Taxes Number PER-6/PJ/2011 of 2011 concerning Payment Implementation and Proof of Payment of Zakat or Religious Contributions that are Mandatory which can be Deducted from Gross Income.

There is also taxable income related to zakat which has been researched previously, such as TB. Mansur Ma'mun with the title Prospects of Application of Zakat to Reduce Income Tax as an Alternative to Fiscal Policy in Indonesia discusses the effect of zakat on state revenue if zakat is managed by the State and Prospects of applying zakat to reduce income tax as an alternative to fiscal policy in Indonesia.<sup>10</sup> Then there is Agus Salim Hr, Dewi Aprillah with the title Analysis of Zakat Treatment in Calculation of Personal Income Tax (Pph 21) at the Makassar City National Amil Zakat Agency, discussing the treatment of zakat in calculating personal income taxes at the Makassar National Amil Zakat Agency. as a deduction from individual taxable income, its management both from collection and distribution has increased in terms of capacity and quantity and its application has developed from year to year where the number of ASN paying

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<sup>7</sup> Interviews with Muhammad Yusuf, Staff Keuangan PT. Borneo Mega Sukses, thursday, 19 Oktober 2017

<sup>8</sup> pajak.go.id

<sup>9</sup> baznaz.go.id

<sup>10</sup> TB. Mansur Ma'mun, *Prospek Penerapan Zakat Pengurang Pajak Penghasilan Sebagai Alternatif Kebijakan Fiskal Di Indonesia*. Journal Riset Manajemen dan Bisnis (JRMB) UNIAT Vol.2, S1, September 2017: 187 – 200

zakat increases every year.<sup>11</sup> Erik Dwi Nugroho, et al. *Repositioning on Reduction of Taxable Income by Paying Zakat*, discusses the Repositioning of Reducing taxable income by paying zakat as an effort to increase public awareness of paying zakat, considering the low level of public awareness of paying zakat. People who initially objected to the double burden of obligations in the form of taxes and zakat can carry out their obligations to pay taxes and zakat in line.<sup>12</sup> research by Agus Budi Yuwono which examines the position of personal tax deductions on zakat that has been paid based on Law on Zakat Management number 23 of 2011 is that zakat that has been paid will reduce income gross on personal taxes. This means that zakat does not reduce the nominal personal tax, but in its calculation, zakat will be deducted from gross income so in this case, zakat will reduce taxable income.

The provision that zakat can reduce taxes, is expected to increase the awareness of Muslims to pay zakat so that the potential of existing zakat can be realized. Zakat will later be distributed to 8 as listed in the Qur'an, while taxes will go to the state budget which will be used for the benefit of the people and build public facilities<sup>13</sup>. This research is certainly different from previous research because basically, this research is to analyze the effectiveness of Article 22 of Law on Zakat Management Number 23 of 2011 in which zakat paid to agencies/institutions authorized by the government can be deducted from taxable income in the city Banjarmasin.

## 2. Research Method

This research uses *socio-legal research using* an interdisciplinary approach between normative research aspects and a sociological approach that uses qualitative analysis, namely by analyzing data in depth and holistically as stated by David M. Fetterman<sup>14</sup> that "*this description might include the group's history, religion, politics, economy, and environment*", in other words, *socio-legal research* represents an *interface with a context within which law exists*<sup>15</sup>.

In this study, the primary data informant was the head of the DGT Regional Office for South and Central Kalimantan and then the informant was

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<sup>11</sup> Agus Salim Hr, Dewi Aprillah. *Analisis Perlakuan Zakat Dalam Perhitungan Pajak Penghasilan Orang Pribadi (Pph 21) Pada Badan Amil Zakat Nasional (Baznas) Kota Makassar*. Ar-Ribh: Journal Ekonomi Islam Vol.3 Nomor 2 Oktober 2020

<sup>12</sup> Erik Dwi Nugroho, dkk. *Reposisi Atas Pengurangan Penghasilan Kena Pajak Dengan Membayar Zakat*. Journal USM Law Review Vol 3 No 2

<sup>13</sup> Agus Budi Yuwono, "*Kedudukan Potongan Pajak Pribadi Terhadap Zakat Yang Telah Dibayarkan*" Jurnal USM Law Review 1 (1), 2018, page 85.

<sup>14</sup> David M. Fetterman, *Ethnography Step by Step* (London: Sage Publishing, 1998).

<sup>15</sup> Sulistyowati Irianto, '*Memperkenalkan Studi Sosio-Legal Dan Implikasi Metodologisnya*' (Universtas Indonesia, 2009).



the head of the zakat collection division of the Banjarmasin National Zakat Agency as one of the agencies or institutions established or authorized by the government designated as zakat recipients. or religious contributions that are mandatory in nature that can be deducted from Gross Income.<sup>16</sup>

Secondary data are data obtained from books as complementary data to primary data sources: The secondary data sources of this study are data obtained from the National Zakat Agency Banjarmasin City and the Regional Office of the Directorate General of Taxes South Kalimantan, in the form of zakat fund collection documents, evidence deposit zakat, illustration of zakat reduction as a deduction from taxable income.

### 3. Results and Discussion

#### A. The Effectiveness of Zakat as a Deduction for Taxable Income in the city of Banjarmasin

Zakat is one of the best instruments in the economy of Muslims, where on the one hand it is the obligation of a Muslim to clean himself but zakat can also clean wealth and bring blessings and great benefits to the people, this has been practiced directly by Caliph Umar bin Abdul Aziz, whose leadership period was only 2 years 22 months 22 days was able to empower the people, even being able to transform mustahiq into muzakki, as well as an extraordinary zakat surplus, so that at that time the state budget posture was very well maintained, safe and stable, a blessing because of the impact of the zakat funds. itself, even extraordinary zakat funds must be transferred to a foreign country or outside, because there are no more asnaf or mustahiq who want to receive zakat funds, because all of them have become muzakki during the Caliph Umar bin Abdul Aziz<sup>17</sup>.

Zakat for Muslims is believed to be a staple of Islamic teachings that must be fulfilled.<sup>18</sup> So it is necessary to have a professional and responsible zakat management carried out by the community together with the government so that

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<sup>16</sup> General of Taxes Regulation Number PER-11/PJ/2017

<sup>17</sup> Ngatno Sahputra, "*Strategi Penerapan Zakat Sebagai Pengurang Pajak Penghasilan Terhutang (Taxes Credit) Di Provinsi Aceh*", Dissertation (Medan: Universitas Islam Negeri Sumatera Utara, 2020)

<sup>18</sup> Muhammad Raihan dan Kamilah, K, "Efektivitas Pemanfaatan Zakat Produktif oleh Mustahik di Badan Amil Zakat Nasional Provinsi Sumatera Utara pada Masa Pandemi Covid-19". Management of Zakat and Waqf Journal (MAZAWA) Volume 3, Nomor 1, September 2021; p-ISSN: 2684-7383, e-ISSN: 2746-3451, 13-28

it can become a source of funds that can be utilized for welfare<sup>19</sup>. The distribution of wealth for people who can afford it to people in need through zakat, infaq and alms is clearly regulated in the provisions explained in the Qur'an and Hadith. These provisions are complete and comprehensive and can be always used and are not bound by time.<sup>20</sup>

If managed properly, this potential for zakat will become a very large source of funding, so that it can become a driving force for empowering the people's economy and equal distribution of income. However, most scholars agree that the management of zakat should be carried out by the government. With management by formal institutions, it is expected to increase the effectiveness of collecting and allocating zakat funds to achieve the targeted goals. One form of the Indonesian government's efforts to institutionalize zakat management is the establishment of the National Amil Zakat Agency<sup>21</sup>.

The management of zakat in Indonesia has entered a new phase since the government officially enacted Law on Zakat Management Number. 23 of 2011 which revoked Law Number. 38 of 1999 because it was considered not in accordance with the times and legal needs of society. Law on Zakat Management Number. 38 of 1999 is considered not to provide a national zakat institutional regulatory framework for good governance. Institutionally, Law on Zakat Management Number. 23 of 2011 places the National Amil Zakat Agency as a Non-Structural Government Institution, National Zakat Agency has the authority to carry out zakat management tasks nationally. This law also provides guidance related to the direction of centralization of zakat management, where the government acts as a regulator and manager called the National Zakat Agency. Meanwhile, private amil functioned as partners and extensions of the National Zakat Agency. Therefore, this law also details in its definition the differences between the National Amil Zakat Agency, Zakat Amil Institute, and the Zakat Collecting Unit. Other things that are regulated in this law are more detailed arrangements related to planning, collection, reporting, and utilization as well as regulating the management of infaq, alms, and other religious social

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<sup>19</sup> Didi Suardi dan Jafar Abdul Hafidz, "Optimalisasi Pengelolaan Dana Ziswaf dalam Meningkatkan Kesejahteraan Ekonomi Anggota Koperasi Syari'ah Benteng Mikro Indonesia Cabang Cikupa, Tangerang", *Management of Zakat and Waqf Journal (MAZAWA)*, 2, 2 (2021): 171.

<sup>20</sup> Mulkan Syahriza, Pangeran Harahap dan Zainul Fuad, "Analisis Efektivitas Distribusi Zakat Produktif Dalam Meningkatkan Kesejahteraan Mustahik (Studi Kantor Cabang Rumah Zakat Sumatera Utara)", *AT-TAWASSUTH*, 4, 1 (2019): 138

<sup>21</sup> M Usman dan Nur Sholikin, "Efektifitas Zakat Produktif Dalam Memberdayakan UMKM (Studi Kasus Pelaku UMKM di Pedan, Klaten, Jawa Tengah)", *Jurnal Ilmiah Ekonomi Islam*, 7, 1 (2021): 175

funds as well as sources of operational financing for zakat management institutions. Law on Zakat Management Number. 23 of 2011 has provided legal protection and certainty for all parties involved in zakat management. Institutional strengthening of the National Zakat Agency as a representation of the state in dealing with the daily problems of citizens is a natural thing, state intervention in the pursuit of general welfare is necessary so that the management of zakat by the community becomes effective and efficient.<sup>22</sup>

Awareness of obligatory zakat grows significantly, in contrast to taxpayers. In religious communities, especially in Indonesia, the urge to enforce religious rules is stronger/preferred over state regulations. In a condition where most of the Indonesia's population is Muslim, incorporating the element of zakat as a source of encouragement for taxpayers is very appropriate. Thus, repositioning or putting back the awareness of taxpayers through compulsory zakat can be effectively carried out. On the other hand, the provisions of Articles 22-23 of the Zakat Management Act, it is expected to encourage public awareness of paying zakat.<sup>23</sup> The repositioning of zakat on taxes contained in the spirit of the Zakat Management Act, on the ground is not implemented properly. Evidently, there are still many people who do not know it. Many people who already understand do not take advantage of the relief from these regulations. Among several problems that become obstacles include not optimal socialization; Zakat payments are often made in mosques or even given directly to mustahik (zakat recipients) so they do not have proof of official deposit from Zakat Amil Institute / National Zakat Agency to be attached to the annual tax return, the value of zakat paid does not significantly reduce taxes, causing people to be reluctant to attach proof of deposit zakat on their annual SPT, as well as the effectiveness and efficiency in the process of paying zakat as a deduction from taxable income has not been maximized.<sup>24</sup>

In 2019 National Zakat Agency Banjarmasin City collected zakat, infaq, and alms funds of 2.86 billion. This revenue is the highest in the field of collecting National Zakat Agency Banjarmasin in the last 5 years, namely, in 2014 it was 792 million, in 2015 it was 940 million, in 2016 it was 1.1 billion, in 2017 it was 1.7 billion, in 2018 it was 2.4. Billion and in 2019 it was 2.8 Billion. This revenue figure consists of zakat funds, infaq, alms, and other religious social funds as well as reports from the Zakat Collection Unit of mosques in the city of Banjarmasin. Then in 2020, National Zakat Agency Banjarmasin City collected zakat, infaq, and

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<sup>22</sup> <https://kemenag.go.id/read/zakat-dalam-lanskap-ekonomi-ummat-18nj9>

<sup>23</sup> Agus Budi Yuwono, *Loc.cit*

<sup>24</sup> Alan Hidayati dan Elis Teti Rusmiati, *Sinergi Zakat Dan Pajak Sebagai Solusi Perbaikan Ekonomi Indonesia*, Prosiding Conference and Lokakarya quality Indonesia 2019, page. 143

alms funds of 8.1 billion, and in 2021 Banjarmasin City National Zakat Agency collected zakat, infaq, and alms funds of 8.6 billion.

In the words of Mr. Muhammad Nusri as Head of the Collection Division regarding the receipt of National Zakat Agency funds in Banjarmasin City, he stated that "Receipts from year-to-year Alhamdulillah have increased, we have experienced a very significant increase from 2015 to 2019. So, starting from 800 million who entered Alhamdulillah, in 2016 it reached 900 million, 2017 and 2018 the target is below 800 million. Now it is 2.9 billion from our target yesterday to reach 2.6 billion. From year to year from 2016 to 2019 it experienced a significant increase. Basically, zakat receipts were still relatively small, which was larger than infaq shadaqah. The percentage of revenue for this year specifically from zakat funds from the entrepreneur sector is around 20 to 25% from companies. There are more self-employed individuals, traders, and contractors but not from official institutions, let us say they are small housing developers. If we talk about big developers, they have not entered, there are more small developers but they are active in paying zakat to the Banjarmasin City National Zakat Agency.<sup>25</sup>

The National Amil Zakat Agency is the official and only body established by the government based on the Decree of the President of the Republic of Indonesia Number. 8 of 2001 which has the task and function of collecting and distributing zakat, infaq, and alms (ZIS) at the national level. The enactment of Law on Zakat Management Number 23 of 2011 further strengthens the role of the National Zakat Agency as an institution authorized to manage zakat nationally. In the law, National Zakat Agency is declared as a non-structural government institution that is independent and responsible to the President through the Minister of Religion. Thus, National Zakat Agency together with the Government is responsible for overseeing the management of zakat which is based on: Islamic law, trustworthiness, expediency, justice, legal certainty, integration, and accountability.

With the collection of zakat, tax revenue until August at 58.1%, the achievement is Rp. 1,171 trillion. While data obtained from the National Amil Zakat Agency, zakat collection until May 2022 only reached Rp. 66,813,345,050 of Indonesia's zakat potential of Rp. 327 trillion. thus, making the author feel the need to conduct more in-depth research to see how effective Article 22 of the Law on Zakat Management Number 23 of 2011 This research needs to be carried out considering that this policy has an impact on Muslims who are registered taxpayers. In addition, zakat is very important because it is one of the elements that make Islamic law enforceable. Therefore, zakat is obligatory for every

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<sup>25</sup> Interviews with Muhamammad Nusri, BAZIS Banjarmasin City, 17 January 2020.

Muslim who has fulfilled certain conditions. so, the role of the National Zakat Agency in carrying out its main task of increasing the awareness of the people to pay zakat is very vital.

The total collection of the National Zakat Agency in 2021 was recorded at 517.5 billion rupiahs, this figure experienced a growth of 34% compared to the collection in 2020. The highest growth occurred in other types of religious social funds, which amounted to 86.4% compared to 2020. Significant growth also occurred in the collection of unrestricted infaq funds, which was 62.5%, and the collection of individual zakat mall funds by 49%. Meanwhile, there was a decrease in the collection of CSR funds and bound infaq funds by 32.5% and 19.7%, respectively.

In terms of the level of utilization of zakat as a deduction from taxable income in the city of Banjarmasin, Mr. Muhammad Nusri explained that by building a PT or CV there will be directors, commissioners, and so on from which they get a salary. Salary comes from profit, right? However, at the end of the year, the profit from the company is paid zakat as zakat for business entities. For example, Kaltrabu and Wahdan Syabilana, are routine. The commissioner has determined your salary, if there is above 5.2 million zakats is immediately deducted, if below 5.2 million its will be infaq how much (by asking the employees). But business entities at the end of the year at the time of closing the book will see profits which are usually around April/May they submit to the Banjarmasin City National Zakat Agency. From there, the profit of the business entity issued by zakat is calculated at 2.5%.<sup>26</sup>

According to the narrative of Mr. Hendratna Sulistya as the Head of the Public Relations Section of the Regional Office of the Directorate General of Taxes in South and Central Kalimantan, he explained that taxes can be deducted by zakat, if it is paid through an official body. In addition to Islam, it is the same, because they also have an obligation to make religious contributions, but also must be in an official institution, if not in an official institution, then it cannot be a deduction from taxable income, and there must also be proof that the payment of zakat is an official body.<sup>27</sup>

From the knowledge of Mr. Muhammad Nusri, he added that Kaltrabu and Wahdan Syabilana, at the time of their Annual, attach the zakat paid to the Banjarmasin City National Zakat Agency to be reported as a deduction from

<sup>26</sup> Interviews with Muhamammad Nusri, BAZIS Banjarmasin City, 17 January 2020.

<sup>27</sup> Interviews with Hendratna Sulistya, the Head of the Public Relations Section of the Regional Office of the Directorate General of Taxes in South and Central Kalimantan, 06 February 2020.

taxable income. There are 2 business entities that are already active in using the zakat instrument to reduce taxable income, but the more active ones are Kaltrabu and Wahdan Syabilana, which are subsidiaries of Kaltrabu.<sup>28</sup>

According to the Head of the Public Relations Section of the Regional Office of the Directorate General of Taxes in South and Central Kalimantan, Mr. Hendratna Sulistya explained that there should have been individual and corporate taxpayers who reported Zakat as a deduction from taxable income. Surely someone has reported it, there are facilities, and those facilities must be used as well.<sup>29</sup>

In the opinion of Achmad Ali, when we want to know the extent of the effectiveness of the law, then we must first be able to measure the extent to which the law is obeyed by most of the targets that are the target of its obedience, we will say that the rule of law in question is effective. However, even though it is said that the rules that are obeyed are effective, we can still question the degree of effectiveness because a person obeys or does not obey a rule of law depending on his interests.<sup>30</sup>

The Amil Zakat Agency and the Directorate General of Taxes need to work together to be able to make zakat collection effective, Mr. Muhammad Nusri explained that the Banjarmasin City National Zakat Agency has not collaborated or synergized with the Central Kalimantan DPJ Regional Office, but there are already exploring future collaborations to carry out socialization in the form of socialization, the understanding of zakat and taxes is better understood. There have been approaches that still have not been implemented properly. The desire of the Amil Zakat Agency for the City of Banjarmasin can welcome and support these activities and we are ready to provide energy.<sup>31</sup> The discourse of working together since 2017 has made direct approaches and correspondence, but the response is still not, the reasons are classic, the funding is not available and on the other hand, there are limitations of our manpower.

In 2017 we discussed bringing together entrepreneurs because these entrepreneurs are closely related to taxes, so the intention of the Banjarmasin City Amil Zakat Agency before they end the tax deposit period, the Banjarmasin City

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<sup>28</sup> Interviews with Muhamammad Nusri, BAZIS Banjarmasin City, 17 January 2020.

<sup>29</sup> Interviews with Hendratna Sulistya, the Head of the Public Relations Section of the Regional Office of the Directorate General of Taxes in South and Central Kalimantan, 06 February 2020.

<sup>30</sup> Achmad Ali, *Menguak Teori Hukum (Legal Theory) dan Teori Peradilan (Judicialprudence) Termasuk Interpretasi Undang-Undang (Legisprudence)*, (Jakarta: Kencana, 2009), page. 376

<sup>31</sup> Interviews with Muhamammad Nusri, BAZIS Banjarmasin City, 17 January 2020.

Amil Zakat Agency assesses that there is an opportunity to jointly carry out socialization which may only be around 30 to 45 minutes. Many businessmen came at that time to deposit taxes. Well, opportunity. Now, there is a reason for limited manpower and various kinds of mentioning that the Central Kalimantan DGT Regional Office cannot yet, but the Banjarmasin City Amil Zakat Agency will continue to approach them to be able to work with them to carry out socialization related to zakat and taxes so that people really know that when they pay zakat there is an advantage, namely, on the one hand, to clean up their wealth from their wealth but on the other hand it will also be taken into account when paying taxes, that's what we will plant.<sup>32</sup>

Then Mr. Hendratna Sulistya explained that recently we have collaborated with the Amil Zakat Agency of South Kalimantan Province, namely voluntarily being allowed to issue zakat, collecting data on those who issue zakat which is deducted from the total salary or allowances later by the Amil Agency Zakat will be made proof of payment of zakat. So, in the Central Kalimantan DGT Regional Office, the Zakat Collecting Unit has been created. This is to prove that zakat can be deducted as a deduction from taxable income. So, every employee has made a statement letter for willingness to pay zakat, waqf, infaq, and shadaqah, and the funds are collected at the Zakat Collection Unit from us, then submitted to the Amil Zakat Agency. So, if later for a tax reduction, it can be recognized. But if it's a civil servant like us, the zakat can be given up without being counted as a deduction from taxable income. But other taxpayers can.<sup>33</sup>

Talking about the effectiveness of the law means talking about the power of the law in regulating and or forcing people to obey the law. The law can be effective if the factors that influence the law can function properly. The measure of whether an applicable statutory regulation is effective can be seen from the behavior of the community. A law or legislation will be effective if the community members behave in accordance with what is expected or desired by the legislation. If the objectives desired by the legislation have been achieved, then the legal effect of the legislation has been achieved.

## **B. Factors Affecting Legal Effectiveness**

The development of zakat potential is needed to optimize the role of zakat in the economy of a country, the greater the national income of a country means an increase in economic growth (*economic growth*). Economic growth will direct

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<sup>32</sup> Interviews with Muhamammad Nusri, BAZIS Banjarmasin City, 17 January 2020.

<sup>33</sup> Interviews with Hendratna Sulistya, the Head of the Public Relations Section of the Regional Office of the Directorate General of Taxes in South and Central Kalimantan, 06 February 2020.

the country towards prosperity and prosperity. The benchmark of zakat as a welfare regulator can really be used as a standard guideline, both in the context of micro and macroeconomics.<sup>34</sup> zakat as a deduction from taxable income, Mr. Muhammad Nusri explained with an example, he said that for example what we know that zakat as a deduction from taxable income is zakat is included as one component of expenditure from the company or individual expenditure, so let's say for example A have a company with an initial capital of 1 billion then for 1 year they spend goods and so on then there are profits that are taxable so that if A has paid zakat then it is one component of the expenses of the company so that at the time of tax, it counts as an expense. It is an expense or expenditure from the company or entity so that when it is time to pay taxes it will be considered how much of paying taxes is deducted from zakat.<sup>35</sup> Regarding the implementation of zakat management, of course it cannot be separated from a measure of the success or failure of zakat management. Success in managing zakat is determined from the strategy and benefits of zakat for mustahik.<sup>36</sup>

Factors that affect the effectiveness of the law, one of which is the rule of law in Article 22 of Law Number 23 of 2011 concerning Zakat Management. That the regulation of zakat as a deduction from taxable income Article 22 of Law Number 23 of 2011 concerning the Management of Zakat is felt to be quite clear because it has stated the point and can illustrate that zakat can be a factor in reducing taxable income, it just needs to be more elaborated so that the general public is more aware of it. I can understand. explanation of Mr. Muhammad Nusri as the Head of the Collection Division of BAZIS Banjarmasin, stated that Article 22 of Law 23 of 2011 concerning Zakat Management, in the law there should be a PP that is more elaborate. In fact, both the Ministry of Religion and the Directorate General of Taxes should be more active in this regard. Which to this day has not been published. As for the rules themselves, it depends on the person. If the reasoning from the person arrives, they will understand, but, people are not the same. It should be described in more detail, in more detail, because our society is not the same in terms of education and knowledge, so a clearer explanation is needed.<sup>37</sup>

The same thing was also conveyed by Mr. Hendra Sulistya as Head of the Public Relations Section of the Central Kalimantan DGT Regional Office, he

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<sup>34</sup> Anik, Iin Emy Prastiwi. 2019. *Peran Zakat Dalam Meningkatkan Pertumbuhan Ekonomi Melalui Pemerataan "Equity"*, Prosiding conference National & Call for Paper STIE AAS in acces <https://prosiding.stie-aas.ac.id/index.php/prosenas/article/view/35>

<sup>35</sup> Interviews with Muhamammad Nusri, BAZIS Banjarmasin City, 17 January 2020

<sup>36</sup> Nanda Suryadi, Zakat Sebagai Pengurang Penghasilan Kena Pajak. SYARIKAT: Jurnal Rumpun Ekonomi Syariah Volume 4, Nomor 2, Desember 2021

<sup>37</sup> Interviews with Muhamammad Nusri, BAZIS Banjarmasin City, 17 January 2020.



stated that the regulation was clear to illustrate that zakat could be a deduction factor for taxable income, only added regulations under it for what mechanism, which institution or agency only those who can accept it, as well as proof of payment how. If there is a transfer, there is also proof of the transfer, if it is manual, there is proof of receipt, in terms of atm receipts, you can, even my banking receipts are sufficient proof of payment. Now that the digital and cashless era has begun, just by banking and then in the screenshot and uploading it, we can trust it because there the name and purpose are clearly visible.<sup>38</sup>

The next factor is the Law Enforcement Factor in Implementing the Law in implementing zakat regulations as a deduction from taxable income, even if there are individuals in the Directorate General of Taxes of the South and Central Kalimantan Regional Offices who ask for payment, they will be dealt with directly for sanctions. Mr. Muhammad Nusri, the Head of the Banjarmasin City BAZIS Collection Division, stated that "Most of the Banjarmasin City BAZIS employees already understand. Usually, when we are accepted here, we are equipped with knowledge. Usually, the 'amilin here already know and can explain to others."<sup>39</sup>

Meanwhile, according to Mr. Hendratna Sulistya's statement, tax information is now very open, in terms of websites and social media, etc. There is also AR, he can consult any tax issues and it's free. When someone asks for payment, please report it, because it is transparent.<sup>40</sup>

The Facilities or Facilities factor also affects the effectiveness in the administration of zakat which is optimized by the Banjarmasin City BAZIS and the Directorate General of Taxes of the South and Central Kalimantan Regional Offices. As for the facilities and facilities provided by BAZIS, namely by opening accounts in various Islamic banks in order to facilitate access for muzakki to pay their zakat. There is also evidence that the reporting or payment of zakat provided by BAZIS to support the reporting of zakat can be accepted as a deduction from taxable income, therefore BAZIS always provides evidence of the payment of zakat by muzakki. Meanwhile, the facilities provided by the Directorate General of Taxes for the South and Central Kalimantan Regional Offices are the Tax Corner located at Duta Mall and Siring and there is an online

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<sup>38</sup> Interviews with Hendratna Sulistya, the Head of the Public Relations Section of the Regional Office of the Directorate General of Taxes in South and Central Kalimantan, 06 February 2020.

<sup>39</sup> Interviews with Muhamammad Nusri, BAZIS Banjarmasin City, 17 January 2020.

<sup>40</sup> Interviews with Hendratna Sulistya, the Head of the Public Relations Section of the Regional Office of the Directorate General of Taxes in South and Central Kalimantan, 06 February 2020.

reporting service so that taxpayers do not have to come to the office first, but can report it anywhere and anytime.

In addition, there are also cultural factors where culture itself is inseparable from the customs that apply in the community. Culture has a very large function for humans and society, namely regulating so that humans can understand how they should act, act, and determine their attitudes when they relate to other people.

Then the factor from the community is that there are only a handful of muzakki and business entities that reduce taxable income by reporting their zakat. This can be seen when Kaltrabu and Wahdan Syabilana are currently active in implementing zakat regulations as a deduction from taxable income.

Based on the results of the research that the author did, there are many people who still like to pay their zakat directly either to teachers, clerics, religious leaders, and others whom they consider to be entitled to receive zakat without going through an official body or institution appointed by the government. So that the zakat they give cannot be deducted from taxable income. Of the five factors described above, the regulatory factor has no effect because according to the author of the regulation, zakat is a deduction from taxable income in Article 22 of Law Number 23 of 2011 concerning Zakat Management which reads clearly. So it does not cause multiple interpretations in understanding the article. The factor of law enforcement/law enforcement and the factor of facilities or facilities also have no effect on the effectiveness of Article 22 of Law Number 23 of 2011 concerning Zakat Management. While community factors and cultural factors influence the effectiveness of Article 22 of Law Number 23 of 2011 concerning Zakat Management, this is due to the lack of public awareness in implementing these regulations, coupled with the culture or habits of the people who like to hand over their zakat directly without going to the Amil Agency. Zakat or Amil Zakat Institution.

Zakat is one of the pillars of Islam whose implementation is based on Islamic law. Aside from being ritual worship, Zakat is also a social worship because the distribution or distribution of zakat must be given to certain groups, namely to the 8 asnaf groups. On this basis, of course, the practice of zakat has been carried out since ancient times. In the practice of zakat as a deduction from taxable income, of course, zakat must be paid to an official body or institution that the government has approved. On this basis, the payment of zakat made by the taxpayer must be made to the agency or institution.

#### 4. Conclusion

Effectiveness of Article 22 of Law Number 23 of 2011 concerning Zakat Management, there are several factors that do not affect and there are also several factors that do. There are 3 factors that do not affect the effectiveness of the regulation: the rule of law factor, the law enforcement factor and the facility or facility factor. While the factors that affect the effectiveness of these regulations are community factors and cultural factors. So there is a need for more synergy or cooperation between National Zakat Agency and the Directorate General of Taxes, such as one-stop services to make it easier for the public to consult, deposit zakat, or even to obtain information regarding the application of zakat rules as a deduction from taxable income.

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