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Zakat in Malaysia — Present and Future Status

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1 INTRODUCTION

Zakat is one of the five pillars of Islam. It is an act of worship and like any other act of worship it is solely for Allah. It ranks in importance immediately after the prescribed prayer. It is levied on definite kinds of property and its coverage is quite extensive.[1] It covers almost all forms of wealth and some forms of income as well as savings.

Zakat can be disbursed to eight categories *(asnaf)* of people or services. Four of which relate to the poor and needy i.e. the destitute, the needy, the wayfarers and the debtors. Three relate to promotion of and defense of the faith i.e. new converts, to free the slaves and in the cause of Allah. Lastly we have the cost of zakat administration i.e. zakat collectors.

The imposition of zakat is to purify oneself as well as one's own property. Allah says, "Take of their wealth alms to purify and cleanse them thereby" (*At-Taubah : 103*). Islam believes if a wealthy person is accustomed to paying Zakat, his infatuation for wealth will be softened and it will be a source of advantage to him and the society in the end. Avarice is the worst of moral attributes which can lead to many social problems.

In a wider perspective, Zakat is intended as a means to achieve social justice. Social justice implies that each and every individual in a community is assured of minimum means of livelihood. Al-Shafii, Malik and Ibn Hanbal stressed that the fulfilment of one's basic needs

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[1]Detail Zakat coverage can be broken up into:

(a) Capital assets liable to Zakat: Animal wealth, commodities meant for trade and all inventories of consumer of capital goods, machinery, factory, equipment and rented land and buildings representing such assets and/or shares and stock.

(b) Current income liable to Zakat: Mineral produce, agricultural produce, marine products etc.

(c) Savings, current as well as past liable to Zakat: Gold and silver, monies and jewellery etc.

is the main criterion for the distribution of Zakat. Failure to satisfy the basic needs of the masses can lead to the occurrence of poverty and wide disparity between the rich and the poor. The Prophet of Islam is reported to have prayed: "Ya Allah, I ask thy refuge from apostasy and poverty. Thereupon a person enquired, "Are the two similar?" The Prophet said "yes". (*Nasai*).

Beside being a *fard'*, Zakat is not just an individual responsibility. The state has the responsibility of collecting and disbursing Zakat in a well organised system as prescribed by Islam. Failure to carry out this responsibility is a grievous sin, as the basic thrust of mutual sharing of community's income between the affluents and the have-nots as prescribed by Islam will not be realised. The Islamic fiscal policy based on Zakat would provide the state with a reasonable amount of resources intended for social welfare.

This paper is an attempt to discuss the present practices of Zakat in Malaysia. The paper is divided into five sections. First it begins by discussing about certain aspects of the economics of Zakat. This is followed by exposing the Malaysian economy and the position of Zakat. The institutional set-up in administering Zakat in Malaysia will then be explored. Collection of Zakat and its problems will be highlighted in Section V. Section VI discusses about Zakat disbursement practices in certain state Religious Councils. Lastly the author provides some recommendations towards improving the Malaysian Zakat System.

2 SOME ASPECTS OF THE ECONOMICS OF ZAKAT

Zakat occupies a central place in Islamic fiscal policy and operation. At the same time it does not preclude the use of modern techniques of raising revenue for the state. In fact Islam provides its own comprehensive approach beside Zakat as to how the state can raise its revenue in line with its expenditure pattern. Islam requires Zakat to be collected from qualified Zakat payers regardless of whether there are Zakat recipients or not. It is a must. At the same time it is compulsory to disburse it according to Islamic principles. Other sources of revenue like taxes, borrowings etc. will depend on the country's requirement.

The collection and disbursement of Zakat have some economic implications. They may be discussed as follows:

2.1 *Savings and Investment*

Through the imposition and collection of Zakat, idle private savings above *nisab* (minimum exemption level) of individuals will be reduced if not completely eliminated. The Zakat levied will eat away their net savings unless they channel them into productive investments

that earn income. This punitive nature of Zakat though at a low rate of 2.5% on one's wealth would encourage one to invest. Thus, Zakat by imposing a penalty for keeping resources idle helps push resources into productive sector that earn income for individuals and community.

According to Monzer Kahf, since the amount of nisab is small, one who does not utilise his wealth in production and keeps it idle will lose one-fourth of his wealth in less than twelve years. The Prophet had earlier realised about this consequence and had urged those responsible for the management of the wealth belonging to the orphans to invest them so that it would not suffer gradual erosion due to Zakat. This request of the Prophet teaches the Muslims to make Zakat payments from the earnings generated from one's wealth rather than from idle wealth itself.

In the absence of interest-yielding assets in an Islamic system, the effect of Zakat would be to lower the expectation of returns to investment. The reduced profit expectations are likely to induce private capital to be deployed also in areas where currently only the public sector is obliged to venture. This will result in the expansion of private participation into the economic activities normally monopolised by the public sector; thereby promoting greater public-private sector co-operation in the development of the country.

2.2 *Equitable Distribution of Income and Wealth, and Employment*

Zakat provides a mechanism by which the resources belonging to the community are distributed to the needy so that each and every individual is assured of minimum means of livelihood. This does not imply that the unfortunate members of the society must always rely on Zakat fund forever. Islam imposes upon every able Muslim to work for his livelihood. Zakat transfers are only to supplement the income of the poor in order to satisfy the minimum requirement for decent living.

For a deeper understanding of the objectives of Zakat, in the light of the present economic situation, part of the Zakat transfers could be earmarked for the recipients to participate directly and actively in productive economic activities, relevant to their capacities. This helps create self-employment and independence. This strategy will not only help transform present Zakat recipients into Zakat payers over time but also will have positive multiplier effects on the economy.

2.3 *Consumption Level*

Consumption level of the community will be enhanced with equitable distribution of income and wealth among the members of the community since the marginal propensity to consume among the lower income level is higher than the upper income level. The upgrading of

the Zakat recipients to Zakat payers would boost domestic aggregate demand.

If Zakat is implemented in its comprehensive form, it will not only result in spiritual upliftment of the members of the community but also be able to contribute positively to the economic development of the community. As we have seen, the impact on the economy is far-reaching since the Zakat base is broad and wide. The inducement to mobilize idle savings and invest in productive activities would be widespread and encompassing, that the economy of the country would move and accelerate on its own accord. The benefit to the society and the country would be enormous.

This impact will also be felt even in a multi-religious society like Malaysia, though only the Muslims will have to participate in the Zakat scheme. This is due to the fact that Islam provides another mechanism specifically for the non-Muslims residing under an Islamic system to contribute towards the nation's revenue, that is through *Jizyah*. Unfortunately Muslim societies throughout the world including Malaysia at present do not have the legal and institutional framework in which the comprehensive Islamic fiscal policy based on Zakat could operate.

3 MALAYSIAN ECONOMY AND THE POSITION OF ZAKAT

Malaysia at the moment, practices a mixed economic system, consistent with the nation's philosophy of *Rukun Negara* (National Ideology). It is normal that the system of a country will be influenced by the ideology adopted by that particular country. An economic system is only a subset of a country's system. Other sub-systems like politics, judiciary etc. must work together in supporting each other as they are interdependent. In fact implicit in the term "system" is the notion that the various parts and components not only interconnect and interact but do so with a certain degree of mutual consistency and coherence. In other words, the system must be a functioning whole.

Under the Malaysian mixed economic system, a crucial role has been assigned to the public sector. A major aspect of this role is the fulfillment of the physical and financial targets by the public sector as contained in the development plan. We have seen that the public sector has been expanding at a rapid rate over the years. The share of public expenditure to Gross National Product (GNP) increased significantly from 27.5% in 1971 to 37.4% in 1985. During the same period, the share of public revenue to GNP grew from 19.2% to 29.4%.

Currently the government has realised that the role of the public sector needs to be gradually reduced as its ability to raise revenue either through common means like taxes or borrowings is limited.

In fact under the Fifth Malaysian Plan (1986 - 1990) the government anticipates the private sector to play a bigger role in the nation's commerce and industry. Towards this end the government has liberalised certain regulations and made a number of major adjustments in its investment and industrial policies. The most significant is the further liberalization of the guidelines on foreign equity participation, to make Malaysia a more attractive centre for foreign investment.

Despite the governments' efforts to reduce spending and participation in the economy, the role of fiscal policy in the Malaysian economy is still very prominent. The Ministry of Finance which manages the fiscal and monetary policies does exert a strong influence on the growth and the direction of the Malaysian economy.

Malaysia, despite practicing a mixed-economic system, provides certain provisions for a number of Islamic practices in line with Article 3 of the Malaysian Constitution which places Islam as the official religion. The Constitution provides that religious affairs are state matters with the ruler of the state having prerogative over Islam. For those states which have no rulers namely Penang, Federal Territory etc. matters pertaining to Islam will be under the jurisdiction of the King. Hence all aspects relating to the administration of Zakat are handled by the state through its respective *Majlis Ugama* (Religious Council).

While the administration of Zakat in Malaysia is a state religious affair, the fiscal management of the country is a federal matter. There is no synchronization between these two functions. The only relation between Zakat and the country's fiscal management is through the provision in the tax system that Zakat payers can obtain tax rebate for the amount contributed for Zakat. Thus, Zakat system has no significant place in the Malaysian fiscal system. Zakat system is only seen as solely a "religious" activity and the running of the economy is considered as a mundane responsibility. Islam is seen as a religion in the western sense and not as a complete system that governs the whole spectrum of the country's management.

4 INSTITUTIONAL SET-UP IN ADMINISTERING ZAKAT

The administration of Zakat falls under the state jurisdiction. In every state, there is *Majlis Ugama dan Istiadat Melayu* (Religious Council and Malay Custom). This Religious Council was established with the intention to centralise all religious administration at the state level, including the collection of Zakat. The Council is also required to advise the Sultan on all matters pertaining to Islam and Malay custom.

Kelantan which was the first to establish the Religious Council in 1915 provided the institutional framework for the administration of Islam under the colonial rule. This became a model for the other

states. The establishment of the Religious Council was backed by a statute or enactment giving it an institutional status, as well as the legitimacy to operate within the British colonial legal system. Thus the implementation of Islamic shari'ah for the Muslims in the Malay state started to become subservient to the Common Law of the British Colonial government. This condition has continued to prevail even after independence in 1957 until the present time.

Prior to the establishment of the Religious Council in each state, Zakat throughout the country had been administered by village Imams. In Kelantan for example, before the establishment of this Religious Council in 1915, the village Imams also had more "secular function". The Imam then was an unrivaled local leader competent to act in all matters of public concern. These Imams were independent from the control of the Sultan. For example, the attempt by Sultan Muhammad II, prior to the coming of the British, to create an effective civil administration and to restrict the Imam to his traditional 'religious' functions had failed.

The Kelantan Religious Council was able to further strengthen the subordination of the village Imams to the central authority. Despite this development the Village Imams refused to subscribe themselves to the Religious Council. This came to surface especially when the Religious Council in 1917 required the Imams to surrender seven-eighth of the Zakat al-fitr which they collected at the end of Ramadhan. The Imams realised that the Religious Council had deprived them much of their independence.

The significance of Zakat collection to the Religious Council's income then, cannot be denied. In 1916 for example, more than 95% of the income of the Kelantan Religious Council was derived from Zakat paid mainly by peasants. In 1938 the Kelantan Majlis Ugama Act was enacted to strengthen the position of council pertaining to the administration of Zakat. This Act among others stipulated for instance that Imams were now required to forward all proceeds to the Council. Only after this would their portion be disbursed.

For the Malay aristocratic and bureaucratic elites as well as the British officials, the Religious Council initially at least appeared as an instrument of progress or modernization or as a means of "indigenous social revolution". This was considered so because the revenues of the Majlis were devoted to "educational and philanthropic ends". In 1922 when the Council committed large funds for the construction of a new state mosque at Kota Bharu, those other expenditure by the Council were curtailed. This was strongly opposed by some Ulama, including a former mufti by the name of Haji Wan Musa. To them the activities of the Council were not in accordance with shari'ah. According to Muhammad Salleh and S. Othman Kelantan, in their article they wrote: "For Haji Wan Musa, Zakat and fitrah monies

were the right of the poor. If this right were to be taken away from them, or used for needs of other kinds, nothing at all would remain for them. This, he argued would be unjust and oppressive. His views on the subject prompted furious debate, and a state of enmity developed between him and the state officials in power at the time. True to his principles, however, he continued to refuse to accept the Majlis Ugama's position. Despite the fact that construction of the state mosque was begun in 1922, to the day of his death, in 1939, he declined to set foot inside the completed building".

At present as we can observe in Appendix 1A and 1B, Zakat in each state is administered by the Zakat division in the Religious Council. This division is responsible for formulating policies, collecting and disbursing Zakat monies. Hence the position of Zakat administration occupies a level too low even to have an influence on the economic and financial policy of the state, what more the entire nation. In fact the policies of the state as well as the country, pertaining to economic matters have no relation at all with Zakat. On top of that each state's Religious Council is an autonomous entity. It does not subscribe to any Zakat policy implemented by other states.

It has been observed that policy differences pertaining to Zakat matters between states used to happen. A glaring example is the *nisab* of Zakat on padi which ranges from 363 gantang in the state of Perak to 375 gantang in the state of Trengganu and Kelantan and to 480 gantang in Kedah. This policy differences naturally affect the credibility of the Council in the eyes of the Muslims.

5 COLLECTION OF ZAKAT AND ITS PROBLEMS

In the Malaysian experience, the data pertaining to Zakat collections and their disbursements are not always available. If they are available they are incomplete and sketchy. At the same time the format used in reporting data differs from one state to another. Only the latest figures are made available by some state Religious Councils. This problem of data gathering will restrict our ability to have a comprehensive and a comparative approach when analysing the individual sources of Zakat and how they are being disbursed. However with some data available, it is hoped that it will be able to highlight certain points pertaining to Zakat administration by some states.

In many states in Malaysia, Zakat collections cover the following areas of Zakat:

(a) Zakat al-fitr.
(b) Zakat on padi.
(c) Zakat on wealth.
(d) Zakat on businesses.

(e) Zakat on livestocks.
(f) Zakat on gold and silver.

In the compilation of data, we normally notice that in most state Religious Councils' reports, they only classified the data into Zakat al-fitr, Zakat on padi and just 'Zakat'. They lumped together all the data for the other coverage of Zakat as 'Zakat'. This classification is done because of the significance of Zakat al-fitr and Zakat on padi relative to the overall Zakat collections in most states. Only in the report of the Federal Territory Religious Council, Zakat on wealth and businesses are highlighted.

The importance of Zakat al-fitr cannot be denied. Table V-A clearly illustrates this point. In 1980, we notice that Federal Territory, Perak and Trengganu received most of the their Zakat collections from Zakat al-fitr. This was also true with other states like Negeri Sembilan (80%) and Selangor (84%). For Negeri Sembilan the amount collected from Zakat al-fitr was increasing from year to year. Table VB illustrates this point.

Zakat al-fitr contributes significantly to all states because it is easier to collect and administer. The amount involved for each Zakat payer is too small (hardly exceeds M$3) and generally everybody pays his due. The payment is made through the appointed amils, including village Imam at every mosque, in the month of Ramadhan.

The decline in the proportion of the contribution (not the absolute amount) by Zakat al-fitr to the total Zakat collections in Federal Territory, Perak and Trengganu in 1983 and 1985 respectively was mainly due to the increase in the number of payers of Zakat, especially Zakat on wealth and businesses. This was particularly clear in the case of Federal Territory as can be seen in Table V-C. The number of Zakat payers for Zakat on wealth and businesses has increased tremendously since 1978. For example in 1985, 1,749 paid their Zakat on wealth. This applies also to the amount collected.

The increased importance of Zakat on wealth and businesses in Federal Territory is also due to the increase in awareness about the responsibility of paying Zakat among the Muslims residing in this country's capital. Many Muslims who reside in the Federal Territory are also relatively well to do and enjoy a high standard of living. At the same time, the Zakat administration at the Federal Territory is the most advanced and efficient in the country.

Selangor was also able to increase its collection from Zakat on wealth and businesses. This can be seen in Table V-D.

For major padi producing states like Kedah and Perlis, Zakat on padi was the most important. Zakat on padi for Perlis contributed about $470,000 (75%) of the total collection in 1980. The importance of Zakat on padi for Perlis was also true for 1982 - 1985, as can be

TABLE V - A

PERCENTAGE OF ZAKAT AL-FITR TO TOTAL ZAKAT COLLECTION
FOR FEDERAL TERRITORY, PERAK AND TRENGGANU

STATE	1980			1983			1985		
	ZAKAT AL-FITR (AMOUNT M$)	TOTAL ZAKAT COLLECTIONS (AMOUNT M$)	% OF ZAKAT AL-FITR TO TOTAL ZAKAT COLLECTION	ZAKAT AL-FITR (AMOUNT M$)	TOTAL ZAKAT COLLECTIONS (AMOUNT M$)	%OF ZAKAT AL-FITR TO TOTAL ZAKAT COLLECTION	ZAKAT AL-FITR (AMOUNT M$)	TOTAL ZAKAT COLLECTIONS (AMOUNT M$)	% OF ZAKAT AL-FITR TO TOTAL ZAKAT COLLECTIONS
FEDERAL TERITORY	472,264.00	760,034.74	62%	572,110.00	2,155,737.54	27%	748,063.50	2,627,788.37	28%
PERAK	1,380,825.46	1,704,289.20	81%	1,626,226.63	2,289.135.2	71%	1,775,718.24	2,496,933.60	71%
TRENGGANU	461,446.48	693,837.85	66.5%	478,427	840,683	57%	540,183.74	1,132,833.26	48%

Source: Various State Religious Councils' Yearly Reports.

TABLE V-B

ZAKAT AL-FITR FOR NEGERI SEMBILAN (1980-85)

YEAR	1980	1981	1982	1983	1984	1985
AMOUNT (M$)	521,170	544,828	613,765	643,869	675,526	711,377

TABLE V-C

ANNUAL ZAKAT COLLECTED BY CATEGORIES 1974 - 1986
RELIGIOUS COUNCIL: WILAYAH PERSEKUTUAN

		ZAKAT AL-FITR		ZAKAT ON WEALTH		ZAKAT ON BUSINESS		
NO.	YEAR	NUMBER OF PAYERS	COLLECTION	NUMBER OF PAYERS	COLLECTION	NUMBER OF PAYERS	COLLECTION	TOTAL ZAKAT COLLECTION
1.	1974	866,005	$173,201.48	1	$1,068.15	1	$1,500.00	175,769.63
2.	1975	137,570	275,140.70	22	14,717.98	3	511.10	260,369.78
3.	1976	153,204	306,409.70	42	15,234.99	3	5,845.63	327,490.32
4.	1977	166,094	332,188.50	92	21,320.64	3	3,986.20	357,495.34
5.	1978	172,247	344,494.80	204	50,426.25	53	12,245.62	415,166.67
6.	1979	189,957	379,914.30	543	176,013.45	97	19,574.04	575,501.79
7.	1980	236,132	472,264.00	463	263,917.97	45	23,852.77	760,034.74
8.	1981	157,331	514,662.00	568	290,126.49	70	201,758.63	1,006,547.12
9.	1982	276,684	553,368.00	876	877,176.64	154	312,157.00	1,742,701.64
10.	1983	286,055	572,110.00	1,078	1,136,436.46	407	447,191.08	2,155,737.54
11.	1984	313,877	627,768.00	1,445	1,481,818.05	131	1,061,928.18	3,170,514.23
12.	1985	325,245	748,063.50	1,749	1,426,869.02	73	452,855.85	2,627,788.37
13.	1986*	296,852	682,761.03		983,151.71		490,860.19	2,111,772.80

*Statement ended 31 August, 1986.

Source: Briefing Book in conjuction with the visit of the Minister of Federal Territory to Baitul-Mal Federal Territory on 27/9/1986.

TABLE V-D

THE COLLECTION OF ZAKAT ON WEALTH AND BUSINESSES IN SELANGOR, 1975 - 1981

YEAR	NUMBER OF PAYER	AMOUNT ($)
1975	330	$ 23,843.54
1976	399	$ 30,386.59
1977	563	$ 47,388.47
1978	n.a	$ 88,501.47
1979	629	$120,170.01
1980	735	$179,571.03
1981	681	$384,841.17

Source: Majlis Ugama Islam Selangor.

observed in Table V-E. Its contribution was 62%, 62%, 48% and 74% for the years of 1982, 1983, 1984 and 1985 respectively.

The good collections of Zakat on padi in some states are due to the fact that Zakat on padi is relatively easy to administer and easy to enforce as compared to other forms of Zakat. A flat ad valorem rate of 10% is normally levied on the farmers producing in excess of

TABLE V-E

ZAKAT COLLECTION FOR PERLIS
1982 - 85 (M$)

YEAR	1982	1983	1984	1985
Zakat on Padi	455,120.20	448,246.77	543,486.58	755,202.37
Zakat Al-Fitr	192,267.40	199,819.50	204,038.50	211,530.00
Zakat on Wealth	88,102.09	76,297.59	369,953.99	58,216.29
TOTAL	735,489.69	724,363.86	1,117,479.07	1,024,948.6

Source : Zakat Division Briefing for Perlis 1986.

a minimum production level. In Malaysia the practice is for the tenants of the padi farm to pay the Zakat regardless of whether they are the landowners or not. This is because most of the tenancy arrangements contracted in Malaysia, place the responsibility of Zakat payment solely on the tenants.

From the limited data available above, we can safely summarise that Zakat al-fitr and Zakat on padi contribute substantially to the various Islamic Religious Councils of the states. This information may lead us to conclude that Zakat collections in Malaysia are mainly contributed by the lower income people. It is an irony to learn that incidence of poverty among padi farmers in Malaysia for 1984 was 57.7% (see Appendix 2) and yet these are the group of people who contribute to Zakat fund.

Zakat on wealth and businesses are becoming more important in term of the amount collected vis-a-vis other forms of Zakat. These are true for Federal Territory and Selangor. In term of the number of people paying Zakat on wealth and businesses they are still very insignificant. (see tables IV-C and IV-D).

Overall Zakat collection in Malaysia is not very impressive and encouraging. There are a number of reasons as follows:

(a) Public ignorance as to the concept and position of Zakat from Islamic point of view. The public is normally confused as to what is "Zakatable "and what is not. The people are not familiar with the calculation of Zakat especially on wealth and businesses. To most of the Muslims here, Zakat only refers to Zakat al-fitr.

(b) Administrative inadequacy and inefficiency: Administratively we cannot deny that the institutional set up and terms of reference of Zakat division in the respective Religious Council is very restricted. In fact the jurisdiction of the Religious Council itself is very limited vis-a-vis other departments in the state. This is the result of the separation between religion and state affairs. In fact within the organisational set-up of the Religious Council itself, it is surprising to notice that there is a separation between religious divisions and other divisions (refer Appendix 1A). For example, in the case of Kelantan in 1986, Zakat was administered at a unit level of the Council Development Department. There was only one officer at level A22 level and supported by seven clerical staff. With this organisational and administrative set-up it is not surprising that Zakat collection was not effective and efficient. This will continue if the status quo remains.

(c) Zakat coverage: The Religious Council itself is ignorant as to the Zakat coverage. The door to *Ijtihad* is still open. It is not fair to impose Zakat on poor padi farmers only while others in different professions escape from paying Zakat.

(d) Independent Payments: There is still the widespread practice by certain groups of people of paying Zakat (mal and nafs) independently to various categories of people who they consider eligible. Such a practice reflects the fact that people do not have full confidence in the Religious Council in implementing Zakat collections and disbursements. This reduces the potential amount of the Council's collections. There is a need for the Council to find ways to resolve this problem for more organised and effective implementation of Zakat collections and disbursements in the future.

6 DISBURSEMENT OF ZAKAT AND ITS IMPLEMENTATION

Islam specifies clearly the eight heads of Zakat recipients. It also provides the principles as to how Zakat collections should be disbursed. Among others the principles are as follows:

(a) Zakat collection must be disbursed as immediately as possible. There should not be any delay because the funds are the rights of the Zakat recipients and they are badly in need of the assistance.

(b) Zakat collected in a particular area must be spent preferably to the recipients residing in that area. This will strengthen further the bond of brotherhood and create a healthy atmosphere of mutual cooperation among the members of the society.

(c) The Zakat fund must be disbursed in such a way to maximise the benefits of the recipients spiritually and economically. The Zakat recipients must have their basic needs satisfied and to help them participate in the economic activities. They should not be Zakat recipients forever. They should ultimately be Zakat payers.

(d) Zakat expenditure must be aimed towards achieving economic equity, growth and stability. Appropriate Zakat disbursement must be able to influence the allocation of resources towards achieving the above objective. Being the most important fiscal instrument in the Islamic system, this role can be played by Zakat.

The accomodation of these principles in the disbursement of Zakat collections will provide a dynamism in the fiscal management of a country.

In the Malaysian experience, Zakat allocation is made according to either of the two following criteria. First, is to initially divided into eight equal amount assigned to each asnaf (for example in Negeri Sembilan and Pahang). Second, is to allocate according to needs and priorities of the Muslims in the state (for example in Perlis). In certain states they do not have any allocation for certain asnaf usually riqab.

In Table VI-A we can notice the allocation into eight equal amount assigned to each asnaf undertaken by Religious Council of

TABLE VI-A

STATE ZAKAT COMMITTEE, KEDAH:
DISTRIBUTION TO THE ASNAF*

	1980/1981	1981/1982	1982/1983
The Poor	183,864.93	148,598.46	156,142.89
The Needy	183,864.93	148,598.46	156,142.89
The 'Amilin	183,864.93	148,598.46	156,142.89
Muaalaf al qulub	183,864.93	148,598.46	156,142.89
Al-Riqab	183,864.93	148,598.46	156,142.89
Al-Gharim	183,864.92	148,598.45	156,142.89
Fi-sabil-allah	183,864.92	148,598.45	156,142.89
Ibn Sabil	183,864.92	148,598.45	156,142.89
	1,470,919.41	1,188,787.65	1,249,143.12
Income from land and buildings	196,648.56	197,906.87	251,630.67
Others	61,830.93	148,233.19	189,079.29
Total	1,729,398.90	1,534.927.71	1,689,853.08

Source: Penyata Zakat, Negeri Kedah (Zakat Report, Kedah) 1980-1983 Published by the State Zakat Committee, Kedah.

* This is purely a theoretical allocation to eash asnaf. What was astually distributed see Table.

Extrated from Abd. Aziz bin Muhammad, Zakat and Rural Development in Malaysia.

Kedah between the years 1980-1983. The real disbursement will depend on the availability of these asnaf.

Table VI-B illustrates the actual disbursement of Zakat revenue

TABLE VI-B

DISTRIBUTION OF ZAKAT
BY THE STATE ZAKAT COMMITTEE, KEDAH

Type of Recipients	1980/1981	1981/1982	1982/1983
Poor/Needy	183,105.00	197,735.00	213,750.00
Poor students of Religious Schools	59,676.10	63,300.00	6,460.00
Poor students from other than Religious Schools	510.00	610.00	250.00
Village Religious Teachers	29,475.00	43,500.00	29,225.00
Emergency Expenses	2,458.00	4,295.00	4,174.00
New Converts	7,448.91	9,632.11	11,996.39
Association of Religious Scholars ('Ulama), Kedah	2,000.00	5,000.00	6,000.00
Mosque Official's Fund	-	30,000.00	-
People's Religious Schools	114,775.00	161,078.30	128,360.00
Construction of mosques, suraus and religious Schools	137,119.05	275,989.06	103,666.80
Ibn Sabil (Wayfarer)	145.00	203.00	85.00
Scholarships	50,840.00	36,915.50	70,520.00
Kedah Fraternity in Egypt	-	-	2,000.00
Missionary works under the patronage of the Sultan	5,000.00	5,000.00	-
Contribution to Muslim Welfare Association of Malaysia	3,000.00	-	2,000.00
Total	$595,552.06	$833,257.97	$776,481.19

Sources: Penyata Zakat negeri Kedah (Zakat Report, Kedah) 1980-198 Published by the State Zakat Committee, Kedah. (Translation).

Extracted from Abd. Aziz bin Muhammad, Zakat and rural Development in Malaysia.

by the same Council during the same periods. We notice that, not all asnafs had been allocated and total actual amount disbursed exclusive of the administrative cost in 1980/1981, 1981/1982 and 1982/1983 were 34%, 54% and 46% respectively.

The administrative costs (inclusive of the share of the 'Amilin) were $452,155, $448,782 and $427,257 for the years 1980/1981, 1981/1982 and 1982/1983 respectively. This amounted for about 26% (1980/1981), 29% (1981/1982) and 25% (1982/ 1983) of the total disbursements. (refer Appendix 3 for detail expenditure on this asnaf). The allocation for this asnaf was rather too high. The amount allocated for the poor amounted to only 10.6%, 12.8% and 12.6% for the years 1980/1981, 1981/1982 and 1982/ 1983 respectively. This experience also took place in Perlis (see Table VI-C).

This clearly indicates to us that the costs of administrating Zakat were more than twice the allocation assigned to the destitute and the poor. This practice of allocating bigger proportion of Zakat funds to the administrative purpose prevailed for other states like Perak (see Appendix 4A). Negeri Sembilan (see Appendix 4B) and Federal Territory (see Appendix 4C). This practice is also common in other states. This is difficult fact for us to accept.

It is also very difficult for us to accept that the allocation for the destitute and the poor hardly exceed 15% of the total Zakat expenditure by some states, despite the fact that the Malaysian population

TABLE VI-C

DISBURSEMENT OF ZAKAT ACCORDING TO ASNAFS
IN PERLIS, 1982 - 1985

YEAR	1982	1983	1984	1985
Fakir/Miskin	120,120.40	121,668.40	125,642.00	127,076.20
Amilin	262,439.46	210,221.52	275,118.84	300,672.12
Mualaf	4,766.00	3,752.00	4,170.00	4,072.50
Rikab	-	-	-	-
Gharimin	-	-	-	-
Fisabilillah	308,080.17	362,780.96	489,437.22	453,432.25
Ibnusabil	-	-	-	195.20

who are below poverty line is about half a million (refer Appendix 2). The mode of disbursing Zakat fund to the destitute and the poor are normally in cash and they are too small an amount to have a significant effect. This can be observed in Table VI-D for the state

TABLE VI—D

THE DISBURSEMENT OF ZAKAT FITRAH TO FAKIR AND MISKIN OF MAJLIS UGAMA ISLAM SELANGOR, 1977—1982

Fakir :

Year	No. of Fakir	Amount/Head ($)	Total ($)
1977	4214	20.00	84,280.00
1978	5024	19.00	95,456.00
1979	5678	18.00	102,204.00
1980	5519	23.00	126,937.00
1981	5834	30.00	175,020.00
1982	5437	38.00	206,606.00

Miskin :

Year	No. of Miskin	Amount/Head ($)	Total ($)
1977	14,828	7.00	103,796.00
1978	14,726	7.00	103,082.00
1979	14,708	7.00	102,956.00
1980	13,625	9.00	122,625.00
1981	14,235	12.00	170,820.00
1982	13,9398	15.00	209,970.00

Source: Majlis Ugama Islam Selangor

of Selangor. This approach will not be able to eradicate poverty among the destitute and the poor. They should be assisted by developing their potentials and by providing economic opportunities on top of the present practices of giving small amount of cash.

From the above pattern of disbursement of Zakat collections for Kedah between 1980-1983, we also can notice that quite substantial proportion was not distributed. It was retained at the Council. This practice is also common for other states (see Appendix 5 for Negeri Sembilan). This practice is very strange. There are many eligible recipients and yet they are deprived of their rights. Safely we can mention here that there are vast room for improvement.

7 RECOMMENDATIONS AND CONCLUSION

Zakat's role in an Islamic economic system cannot be overlooked as it is one of the five pillars of Islam. From the religious point of view the failure to implement it in its comprehensive whole is a serious omission which tantamount to an act of disobedience to Allah. From the socio-economic view this will jeopardise the objective of promoting the welfare of the entire Muslim community. The seriousness can be related to the action taken by Abu Bakar R.A. who declared war against those who refused to pay Zakat during his Caliphate.

Zakat can only play its full pledged roles if it is being implemented in an Islamic system. Islamic injunctions including Zakat do not work in a vacuum. Indeed every injunction of Allah is interdependent.

The system of Zakat as implemented in Malaysia at present is far from perfect and consistent with the aspirations of Islam. It has no place in the country's economic or financial system other than a means of collecting religious due. Its institutional set-up and its jurisdiction are reflective of and represent a continuance of the colonialist intention of making Islam mere "ritual and ceremonial" religion. The establishment of the Majlis Ugama Islam dan Adat Istiadat Melayu Kelantan in 1915 was the beginning of the separation of power between state and religion in Malaysia.

In line with the present reawakening of the Muslims towards Islam and the government's undertaking to inject Islamic values in the government administration, an overall comprehensive restructuring of Zakat system in Malaysia need to be immediately looked into. I would like to believe that the governments intention to inject Islamic values in the administration is the beginning of the process of the Islamization of the whole Malaysian system.

In the case of Zakat system this process could be done in two stages namely:

(a) Transition stage.

(b) Implementation of comprehensive Islamic system.

7.1 *Transition Stage*

Since Malaysia's system of government is secular in nature, the system of Zakat has not received its due recognition as an important instrument of fiscal policy. As a first step towards elevating its status and role, the following measures need to be taken:

(a) Centralization of Zakat Institution.

Under the present constitution, Zakat matters is the prerogative of the state. Because of this there are a lot of differences in the administration of Zakat between states.

Even under the present constitution the Federal Government can initiate a law to centralize the Zakat administration at the federal level manned by qualified staff. This can be done by introducing new law pertaining to Zakat under Article 73 & 76 Clause 1(b) after it has consulted the state governments (Clause 2) and with the consent of Ruler's Council (Article 38 Clause 2(b)). This new institution should be given more legal jurisdiction and be affiliated to Inland Revenue Department.

By implementing this step during this transition stage it will result in more standardization of policy pertaining to Zakat throughout the entire nation and also it will be able to improve its efficiency and its effectiveness.

(b) Incorporation of Zakat Policy in the Country's Fiscal System

In this transition stage it will be good to incorporate Zakat policies in the country's fiscal framework. This will not only influence the country policy pertaining to raising of revenue but also it will be able to influence the pattern of public expenditure. This is so because the nation's tax structure will have to be adjusted in order to accomodate Zakat. The expenditure pattern also will have some changes since Zakat revenue can only be spent on specified programmes. Hence the role of government in the economic matters will have some Islamic flavours.

(c) Public Education on Zakat

Islamic approach in anything begins with education. Muslims and non-Muslims alike should be exposed academically

to the significance of Zakat system from the spiritual, economic and social aspects.

Muslims should first be educated. They should see Zakat as *fard* and part of the important aspect of government. Non-Muslims should be exposed so that they can appreciate and do not feel alien to Zakat. Thus regular talks, seminars and conferences need to be organised for this purpose.

7.2 *Comprehensive Islamic System*

Once Malaysia is able to transform the present system to an Islamic one, the position of Zakat in the country's system will be different. Zakat will then occupy a central place in the country's fiscal system.

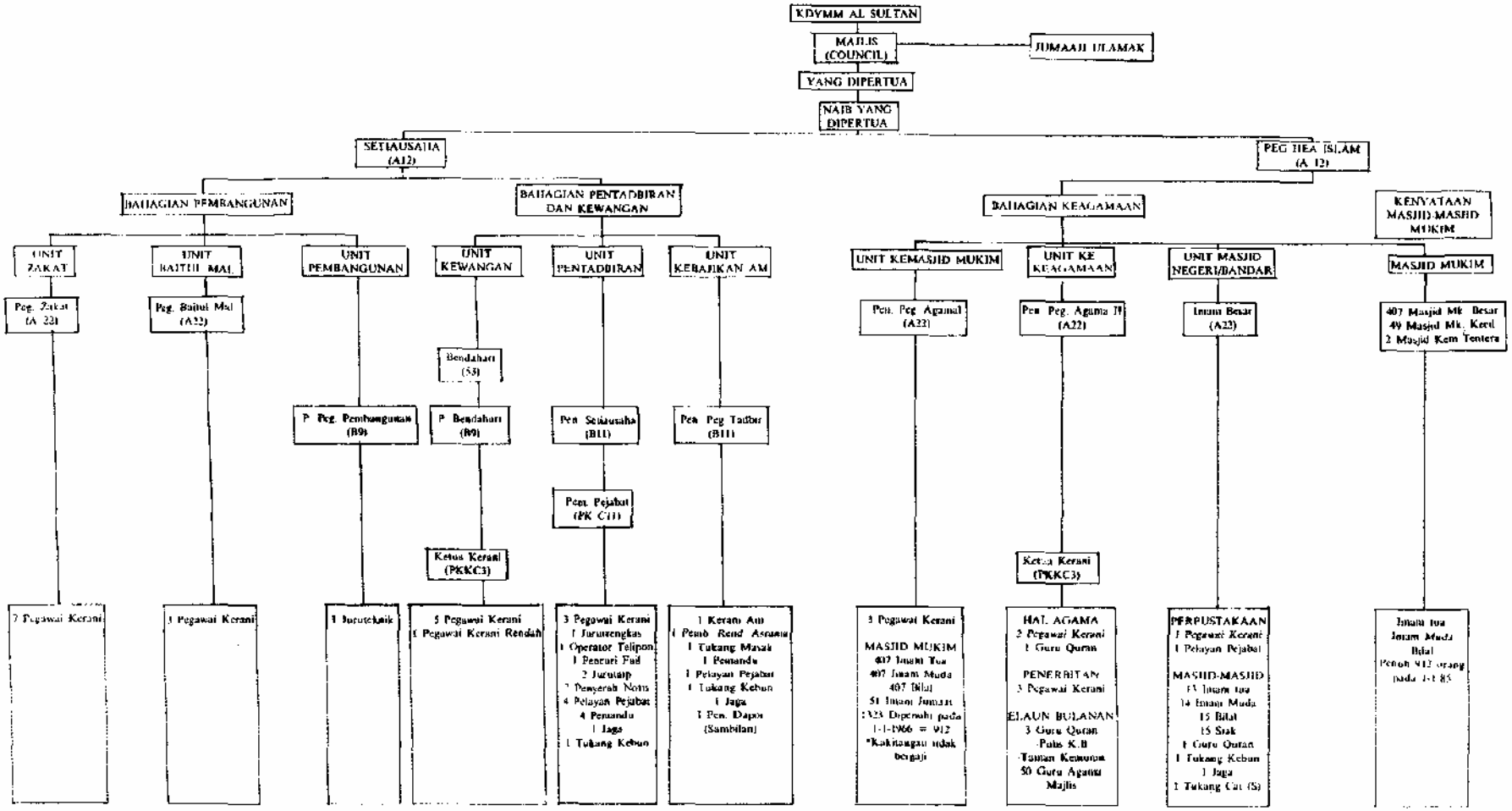
Under the Islamic fiscal system, the position of government pertaining to economic matters will be spelt out. So will also be the nature and pattern of raising revenue and conducting government expenditure. The Islamic strategy and policy towards developing a nation differ distinctively from the present materialist system. Islam has its own objectives and priorities in nation building where the emphasis is on the welfare of the whole population including the welfare of the non-Muslims.

Zakat is not the only instrument available for the formulation of Islamic fiscal policy. There are other instruments that can be incorporated together with Zakat. They are ushr, kharaz, jizyah, taxes, borrowing etc. The mixture of these instruments can be deployed in order to achieve the economic objective of the country.

The Islamic system provides a specific role for the government in the economy. This responsibility will have to be shouldered by the institution of Baitul Mal. In the present Malaysian set-up we can safely equate the Baitul Mal with the Ministry of Finance.

APPENDIX 1A

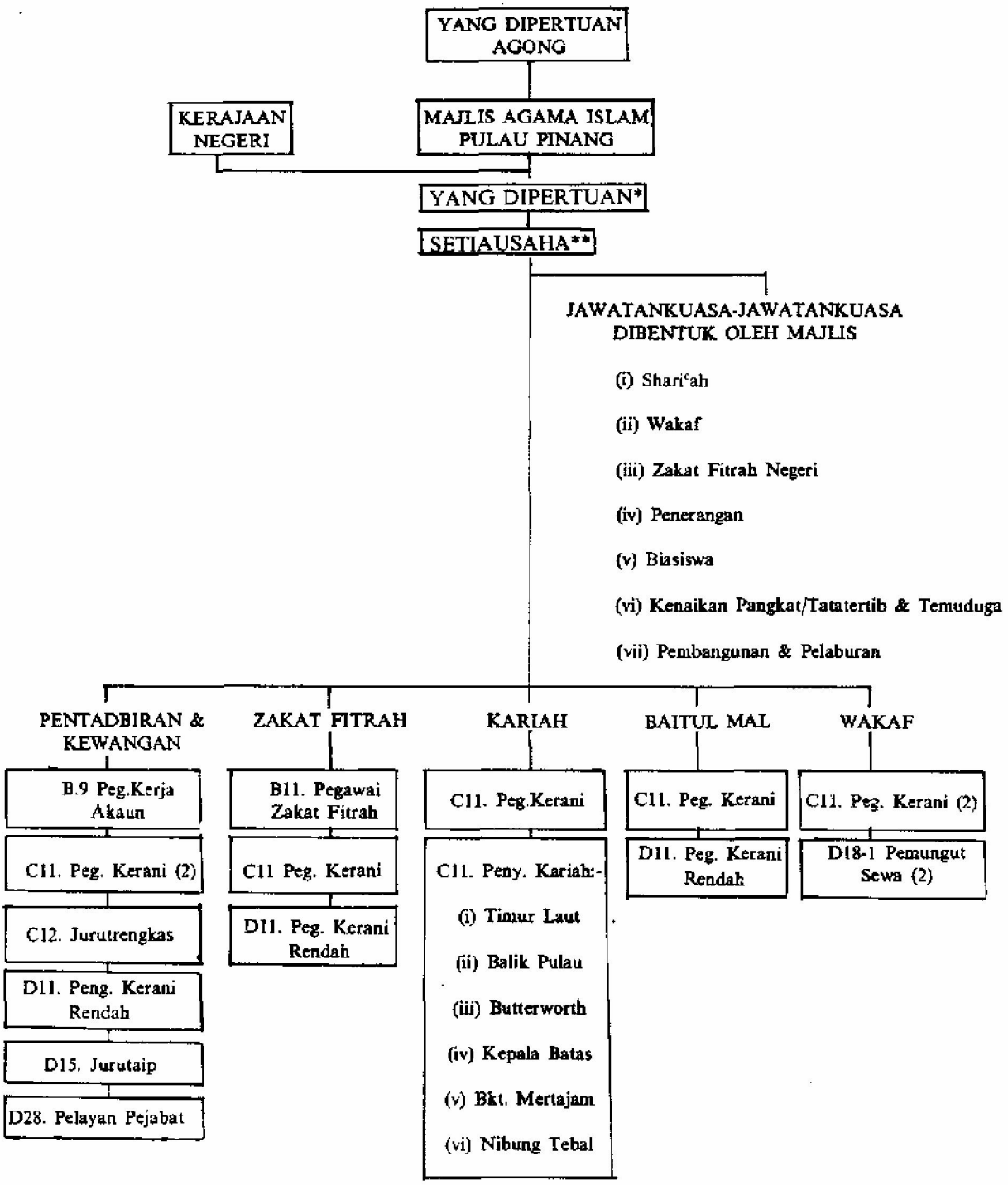
ORGANIZATIONAL CHART OF MAJLIS AGAMA ISLAM DAN ADAT ISTIADAT MELAYU KELANTAN



Source: Pengenalan Mengenai Pentadbiran Majlis Ugama Islam Kelantan,. Majlis Ugama Islam dan Adat Istiada Melayu Kelantan. 1986

APPENDIX 1B

ORGANIZATIONAL CHART OF MAJLIS AGAMA ISLAM
PULAU PINANG DAN SEBERANG PERAI



*YANG DIPERTUA JABATAN is Ex Officio YANG DIPERTUA MAJLIS
**SETIAUSAHA JABATAN is Ex Officio SETIAUSAHA MAJLIS

Source: Majlis Agama Islam dan Jabatan Hal Ehwal Agama Negeri Pulau Pinang, Taklimat Kepada Yang diPertuan Agong pada 27/1/1983.

APPENDIX 2

PENINSULAR MALAYSIA: INCIDENCE OF POVERTY[1] BY RURAL-URBAN STRATA, 1970, 1976, AND 1984

Stratum	1970[2]			1976[3]			1984[4]		
	Total households ('000)	Total poor households ('000)	Incidence of poverty (%)	Total households ('000)	Total poor household ('000)	Incidence of poverty (%)	Total households ('000)	Total poor households ('000)	Incidence of poverty (%)
Rural[5]	1,203.4	705.9	58.7	1,400.8	669.6	47.8	1,629.4	402.0	24.7
Rubber smallholders	350.0	226.4	64.7	126.7	73.8	58.2	155.2	67.3	43.4
Padi farmers	140.0	123.4	88.1	187.9	150.9	80.3	116.6	67.3	57.7
Estate workers[6]	148.4	59.4	40.0	—	—	—	81.3	16.0	19.7
Fishermen	38.4	28.1	73.2	28.0	17.6	62.7	34.3	9.5	27.7
Coconut smallholders	32.0	16.9	52.8	19.3	12.4	64.0	14.2	6.6	46.9
Other agriculture[7]	144.1	128.2	89.0	528.4	275.4	52.1	464.2	158.8	34.2
Other industries[8]	350.5	123.5	35.2	510.5	139.5	27.3	763.6	76.5	10.0
Urban	402.6	85.9	21.3	530.6	94.9	17.9	991.7	81.3	8.2
Agriculture	—	—	—	24.8	10.0	40.2	37.5	8.9	23.8
Mining	5.4	1.8	33.3	4.5	0.5	10.1	7.8	0.3	3.4
Manufacturing	84.0	19.7	23.5	55.3	9.5	17.1	132.3	11.3	8.5
Construction	19.5	5.9	30.2	34.7	6.1	17.7	86.6	5.3	6.1
Transport and utilities	42.4	13.1	30.9	53.2	9.1	17.1	73.9	2.7	3.6
Trade and services	251.3	45.4	18.1	242.0	33.7	13.9	472.7	21.9	4.6
Activities not adequately defined	—	—	—	116.1	26.0	22.4	180.9	30.9	17.1
Total	1,606.0	791.8	49.3	1,931.4	764.4	39.6	2,621.1	483.3	18.4

Source: Department of statistics, Post Enumeration Survey (PES) of the Population Census, 1970, Agricultural Census, 1977, and Household Income Survey, 1984.

Notes:

[1]The incidence of poverty for 1970 was based on the per capita poverty line income, while those for 1976 and 1984 on the respective gross poverty line incomes.

[2]PES is a sample survey covering 25,000 households in Peninsular Malaysia.

[3]The Agricultural Census, 1977 (for reference year 1976) covered 188,000 households in Malaysia.

[4]The Household Income Survey, 1984 is a sample survey covering 60,250 households in Malaysia.

[5]Households have been redefined on the basis of the industry and occupation of the head of household.

[6]Statistics on estate workers for 1970 were derived from indirect source and, therefore, not comparable with 1984. The PES did not make any distinction between estate workers and labourers on smallholdings. The Agricultural Census, 1977 did not cover estates, and therefore, estimates on estate workers are not available for 1976.

[7]Includes other agricultural farmers such as oil palm smallholders, pepper smallholders, pineapple and tobacco farmers, and livestock and poultry farmers.

[8]Includes households engage in mining, manufacturing, construction, transport and utilities, and trade and services sectors.

APPENDIX 3

ADMINISTRATIVE EXPENSES OF THE STATE ZAKAT CIMMITTEE, KEDAH

CATEGORIES OF EXPENDITURE	1980/1981	1981/1982	1982/1983
Information and Da'wa	1,946.90	14,047.10	8,939.40
Contribution to 'Amil and Chief 'Amil	144,978.86	120,836.38	116,771.96
Travelling Expenses	14,935.79	13,939.40	16,459,36
Miscellaneous Expenses	1,241.00	2,435.45	507.00
Office Furniture	1,141,80	140.00	310.01
Meeting Expenses	7,145.87	5,098.69	1,434.94
Uniform for Peon and Despatch Men	298.00	295.00	350.00
Telephone Bills	1,582.02	2,294.00	1,470.40
Maintenance of Vehicles	2,749.33	2,176.86	2,431.72
Maintenance of Zakat Building	8,922.44	12,612.68	7,152.24
Salary of Officers	222,767.74	229,977.08	230,422.15
Workers' Provident Fund	17,610.00	21,127.00	21,354.00
Payment to Workers' Social Security	663.10	1,806.30	1,321.70
Quit Rent	9,596.04	9,199.77	9,598.32
Printing of Zakat Report	4.750.00	-	-
Meeting allowances	1,973.55	2,435.45	2,172.55
Stamps and Other Postal Expenses	1,373.40	1,517.40	1,733.10
Water and Electricity	4,569.45	1,412.95	1,472.32
Solicitors' Fee for Legal Actions	550.00	1,000.00	50.00
Zakat Auditors' Fee	3,360.00	3,500.00	-
Office Security & Maintenance	4,372.40	2,930.00	3,306.00
TOTAL	$452,155.29	$448,781.51	$427,257.17

Source: Penyata Zakat, Negeri Kedah (Zakat Report, Kedah) 1980-1983 Published by the State Zakat Committee, Kedah. (Translation). Extracted from Abd. Aziz bin Muhammad, Zakat and rural Development in Malaysia.

APPENDIX 4A

MAJLIS UGAMA ISLAM DAN ADAT MELAYU PERAK
COLLECTION AND DISBURSEMENT OF ZAKAT AND FITRAH
FROM 1978-1981

	1978		1979		1980		1981	
	Amount ($)	%	Amount ($)	%	Amount ($)	%	Amount ($)	%
Collection:								
Fitrah	1,174,520.16	83.85	1,214,144.65	77.09	1,386,659.63	80.35	1,405,702.62	73.89
Zakat	226,226.59	16.15	360,789.99	22.91	339,099.79	19.65	496,807.24	26.11
TOTAL	1,400,746.75	100.00	1,574,934.64	100.00	1,725,759.42	100.00	1,902,509.86	100.00
Disbursement:								
Fakir & Miskin	254,821.27	18.19	294,854.08	18.72	283,753.67	16.44	317,542.06	16.69
Amil	282,337.58	20.16	297,214.92	18.87	321,069.30	18.60	348,336.11	18.38
Muallaf	36,291.61	2.59	27,882.00	1.77	26,194.65	1.52	20,640.33	1.08
Gharimin	4,495.06	0.32	17,202.20	1.09		-	6,909.65	0.36
Ibni Sabil	784.40	0.06	10,748.00	0.68	1,240.20	0.07	25,778.69	1.35
Fi-Sabilillah	399,662.53	28.53	296,984.57	18.86	393,342.41	22.79	383,634.44	20.16
TOTAL	978,392.45	69.85	944,885.77	59.99	1,025,600.23	59.43	1,102,841.28	57.95
BALANCE	422,354.30	30.15	630,048.90	40.01	700,159.20	40.57	799,668.58	42.05

Extracted from Hj. Jamil bin Osman, "Collection and Disbursement of Zakat: An appraisal of the Malaysian Situation".
Source : Majlis Ugama Islam dan Adat Melayu Perak.

APPENDIX 4B

MAJLIS UGAMA ISLAM NEGERI SEMBILAN
COLLECTION AND DISBURMENT OF ZAKAT AND FITRAH,
FROM DECEMBER 1978 TO DECEMBER 1982.

	1978		1979		1980		1981		1982		TOTAL	
	AMOUNT ($)	%	AMOUNT($)	%	AMOUNT ($)	%	AMOUNT	%	AMOUNT	%	AMOUNT	%
COLLECTION :												
FITRAH	474,429.61	86.938	496,346.90	81.859	520,573.40	80.174	543,925.35	71.416	613,390.70	67.564	2,649,255.96	76.309
ZAKAT	71,280.39	13.067	109,996.87	18.141	128,729.87	19.826	217,701.60	28.584	295,762.24	32.436	822,470.97	23.691
TOTAL	545,710.00	100.00	606,343.77	100.000	649,303.27	100.000	761,627.05	100.00	908,742.94	100.00	3,471,727.03	100.00
DISBURSEMENT :												
AMIL	66,971.41	12.272	70,673.18	11.656	77,871.58	11.933	80,655.18	10.590	93,095.35	10.244	389,266.70	11.212
FAKIR & MISKIN	62,141.75	11.387	62,970.55	10.385	62,361.75	9.604	61,954.25	8.134	90,658.02	9.976	340,086.32	9.796
MUALLAF	150.00	0.027	5,375.00	0.886	5,120.00	0.788	900.00	0.118	290.00	0.032	11,835.00	0.341
IBNI SABIL	498.00	0.091	652.00	0.107	449.00	0.069	411.00	0.54	464.00	0.051	2,474.00	0.071
TOTAL	29,761.16	23.778	139,670.73	23.035	145,802.33	22.455	143,920.43	18.896	184,507.37	20.303	743,662.02	21.420
BALANCE	415,948.84	76.221	466,673.04	76.965	503,500.94	77.545	617,706.62	81.103	724,235.57	79.696	2,728,065.01	78.580

Source : Majlis Ugama Islam Negeri Sembilan.
Extracted from Hj. Jamil bin Osman, "Collection and Disburment of Zakat: An appraisal of the Malaysian situation".

APPENDIX 4C

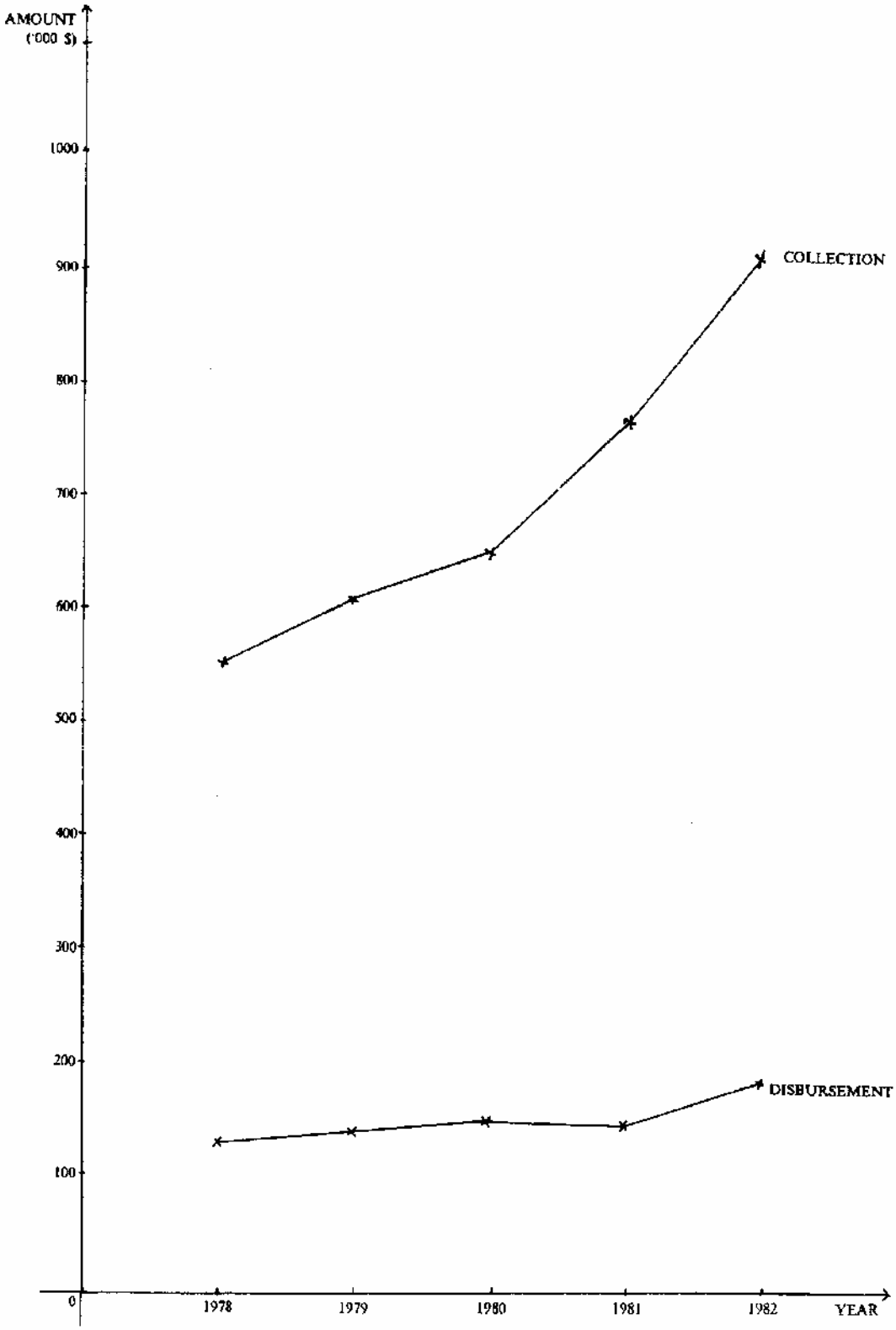
MAJLIS UGAMA ISLAM WILAYAH PERSEKUTUAN
COLLECTION AND DISBURSEMENT OF ZAKAT AND FITRAH
FROM 1978-1982

	1978		1979		1980		1981		1982	
	Amount ($)	%	Amount ($)	%	Amount ($)	%	Amount ($)	%	Amount ($)	%
Collection:										
Fitrah	334,498.80	79.40	379,914.30	66.0	472,264.00	62.14	514,662.00	51.17	553,005.00	31.73
Zakat	86,737.87	20.60	195,587.49	44.0	287,770.74	37.86	491,130.00	48.83	1,189,696.64	68.27
Disburment:										
Fakir	31,065.00	7.37	30,650.00	5.32	34,375.00	4.52	32,195.00	3.20	37,530.00	2.15
Miskin	30,130.00	7.15	37,515.00	6.51	38,070.00	5.01	40,428.00	4.00	88,337.00	5.07
Amil	43,060.00	10.22	47,848.77	8.31	60,350.00	7.94	71,292.00	7.09	71,015.00	4.07
Muallafah qulubuhum	10,906.50	2.59	26.10	0.004	600.00	0.08	3,252.00	0.32	30,126.00	1.73
Fisabilillah	2,872.85	0.68	49.90	0.008	29,071.00	3.82	61,061.00	6.07	44,255.00	2.54
Ibnussabil	1,454.95	0.34	49.90	0.008	90.00	0.01	545.00	0.05	27,462.00	1.58
Al Riqab	-	-	-	-	-	-	500.00	0.05	5.00.00	0.29
TOTAL	119,489.37	28.35	115,774.77	20.15	162,556.00	21.29	209,093.00	20.78	303,725.00	17.43
BALANCE	301,747.30	71.65	459,727.02	79.85	597,478.74	78.61	796,699.00	79.22	1,438,976.00	82.57

Extracted from Hj. Jamil bin Osman, "Collection and Disburment of Zakat: An Appraisal of the Malaysian situation".
Source : Majlis Ugama Islam Wilayah Persekutuan

APPENDIX 5

MAJLIS UGAMA ISLAM NEGERI SEMBILAN
COLLECTION AND DISBURSEMENT OF ZAKAT AND FITRAH
FROM DECEMBER 1978 TO DECEMBER 1982



Source: Majlis Ugama Islam Negeri Sembilan.

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