

A FIQH REVIEW OF THE PROPORTION OF AMIL RIGHTS FOR OPERATIONAL FUNDS IN ISLAMIC PHILANTHROPIC ORGANIZATIONS

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Abstract

Philanthropic institutions including Islamic philanthropy, are now proliferating in Indonesia. This cannot be separated from Amil's role in managing operational funds in zakat, infaq, and sadaqah instruments. This includes the intentional misuse of funds by the ACT Foundation's philanthropic organization for the institution's operational funds. This study aims to review how fiqh law regulates amil rights that can be used for operational funds. This research was conducted using a descriptive qualitative approach to the literature review. Data was collected through by several sources such as scientific journals, books, news articles, legislation documents and others, etcg at the perspectives of the four madhhabs regarding amil zakat, they have in common that amil zakat is entitled to get a share of zakat and can be used for operational funds of it. There is a continuity between the violations committed by the ACT Foundation and the portion of amil rights in Islamic philanthropic institutions. This also shows the weakness of regulations in general philanthropy, which is different from the strict rules of Islamic philanthropy institutions in Indonesia. For further research recommendations, whether philanthropy regulations need uniformity or strict regulations to be made to prevent similar violations.

Keywords: Islamic philanthropy, Proportion of Amil rights, ZIS.

Introduction

Nowadays, more and more philanthropic organizations are growing in Indonesia. Significant developments and progress in philanthropy in Indonesia over the past two decades show an increase in public enthusiasm for philanthropy and an improvement in the quality and capacity of philanthropic institutions in fundraising, management, and distribution (Yulianti & et al, 2022). Indonesia is known for the generosity of its citizens when it comes to helping others. According to the 2024 World Giving Index (WGI) report from international non-profit organization Charities Aid Foundation (CAF), Indonesia is the most generous country globally. For 7 years, it ranks first among countries worldwide (CAF, 2024). Both general philanthropic institutions and religious, philanthropic institutions, including Islamic philanthropy, have similar generosity towards others.

There are several types of philanthropic institutions in Indonesia, namely general philanthropy, religious philanthropy, and Islamic philanthropy (Nurhasah, N & et al, 2024). From the many existing philanthropic institutions, an association called the Indonesian Philanthropy Association (PFI) was formed, which has a mission to increase the amount and quality of Indonesian philanthropy through institutional infrastructure and the development of space for philanthropy and the non-profit sector (Filantropi.or.id, 2025). This includes Islamic philanthropy institutions such as BAZNAS, LAZISMU, and Indonesia Waqf Agency (BWI) which contains Islamic instruments namely Zakat, Infak, Sadaqah and Waqf.

Every activity carried out by philanthropic institutions ranging from fundraising activities, open donation campaigns, collections of basic goods, distribution to disaster victims, and distribution of funds through social programs to programs to build public facilities, mosques, schools, hospitals, and so on. All of these activities are inseparable from the need for operational funds or operational costs. Similarly, Islamic philanthropic institutions such as BAZNAS, LAZ, BWI and others, also need operational funds and the role of Amil to carry out institutional activities ranging from fundraising to channeling funds and developing zakat funds or waqf funds (Nafis &et al, 2020, p. 9.11).

In the case of the philanthropic foundation Aksi Cepat Tanggap (ACT) there was a misuse of donation funds, in the form of deducting donation funds used for the organization's operational costs, which amounted to more than 10% of the total donation (PR Bureau of The Ministry of Social Affairs of the Republic of Indonesia, 2022). In Addition, using donations for the personal needs of ACT officials also added to the misuse of donation funds. In the end, the institution was sanctioned with the revocation of the institution's license and a criminal charge of 3 years imprisonment given to two ACT officials and 3,5 years imposed on the founder of ACT. This has become a polemic for other Islamic philanthropic organizations in Indonesia.

If examined more closely, the misuse of operational funds in philanthropic institutions, both general philanthropy and Islamic philanthropy, shows the weakness of the regulations or legal umbrella under which

philanthropic institutions operate (Rahmatina, A. 2022). In addition, it can also be related to the proportion of rights that can be used for costs /or operational funds from the amount of donations collected. This is due to the institution's position as a philanthropic organization that does not have a source of funds like a public company. Funding sources for philanthropic institutions can be obtained through funds from donors, CSR funds, or grant funds, while Islamic philanthropic institutions, get funds from zakat, Infak, Sadaqah and Waqf funds.

Islamic philanthropic institutions such as BAZNAS, LAZ and BWI have a much stricter legal umbrella and regulatory basis than general philanthropy. Under the auspices of the Ministry of Religious Affairs, through legislation, Decrees of the Ministry of Religious Affairs, MUI Fatwa, BAZNAS Regulations, BWI Regulations which derive their legal sources from the Al-Quran, Al-hadith, ijma' and fiqh from the scholars. If reviewed more deeply, Islamic philanthropic institutions have a variety of views from scholars. Starting from the basic philosophy, objectives, benefits, to regulating how the process of philanthropic activities is carried out following the sunnah and others of Allah SWT as it should.

The author prepared this research to examine how fiqh law answers the problem in Islamic philanthropy today. In previous research Ridwan, A (2023) found the opinions of several travelers regarding the share of amil rights, and according to him the adoption of the one-eight a share in KMA regulation No.606 and ijtihad efforts in MUI fatwa No.8 of 2011 in issue of operational funds for Amil. The more Islamic philanthropy institutions are developed in Indonesia, the greater the potential for managing zakat, ZIS, and Waqf funds. Research conducted by Hakim, R (2020) shows that amil rights depend on the employment status of amil, whether as a permanent amil, contract amil or even volunteer amil. Furthermore, it looks at how the proportion of Amil rights that can be used for operational funds in an Islamic philanthropic institution. This one of the factors causing the opportunity to misuse funds under the pretext of the institution's operating in distributing funds and philanthropic programs. Besides that, it necessary to be aware of always having ethics and conscience in managing people's fund through Islamic philanthropic institutions.

Research Methods

This study was conducted using a descriptive qualitative approach through a literature review. This was due to several supporting reason, namely: first, the limited time available for the research. Second, due to its elaborate nature, descriptive qualitative research can easily help researcher to explore more in-depth and detailed information related to a research topic through various data sources. Third, the purpose of this research is to review how the process of fiqh becomes a law or policy to be applied to an institution.

Literature study or literature study, according to M. Nazir (2011) in this book entitled *Research Methods*, namely data collection techniques by conducting a study of books, literature, notes, and reports that have to do with problem being solved. Literature reviews tend to be descriptive and focus on presenting comprehensive information about previous studies related to research topics. In Addition, the literature review method is general in nature that present a broad overview of the research being reviewed.

The data collected is secondary data obtained through analyzing several sources such as scientific journals, books, news articles, legislation documents and other sources. This method is done by reading various sources and connecting them the topic to be discussed. Through analyzing, understanding, and examining, the arguments and theories given by jurists. The authors compile and present the data in the form of descriptive data that can be used as discussion material for further research.

Discussion

Four Madhhab's views on Amil Zakat.

According to The Hanafi Madhhab. "Amil Zakat" is an officer appointed by the imam who receives and collects zakat. As for this, Amil Zakat may take part in Zakat according to what he does. A zakat Prayer or Muzakki has the right to give his zakat to one particular group, which is more appropriate if the zakat is less than the niqab, or to give his zakat to several specific groups. Muzakki is not allowed to give their zakat to groups that are not entitled to receive zakat, such as; usual, furu', spouse, someone who has more than one nisab, descendants of Bani Hasyim (family of the Prophet SAW) and also kafir dimmi (Al-Juzairi, 2015, p.473).

According to The Maliki Madhhab. "Amil zakat" is a person who is in charge of collecting, writing or distributing zakat. This zakat officer may be given zakat property, even if he is rich. this s because the blessing on the zakat is given for his services. If he is poor, then the blessing of zakat treasure doubles. The zakat officer who is allowed to receive zakat property must be free, Muslim, not a descendant of Bani Hasyim, understand the law of zakat and be fair. According to this school of thought, zakat property does not have to be distributed to all 8 mustahik groups, but it can be given to some of them, or even just one group. Except, specifically for zakat officials, it is not allowed to exceed the limit of their work wages. Zakat assets are not allowed to be transferred to another area, unless the area is in dire need of zakat assets. Provided that cost of the transfer is

taken from the Baitul Mal. If it is not available, the zakat treasure must be used by selling some of zakat treasure, the proceeds of which are used for the cost of the transfer (Al-Juzairi, 2015, p.477).

According to The Hambali Madhhab. "Amil Zakat" is a person who is required to collect zakat and give it to those who are entitled received it. This person is also entitled to receive a share of zakat following the wages of his work even if he is rich. Zakat money should not be given to other than the eight categories of mustahik. It cannot be given to a spouse, a non-Muslim, a slave, a close relative of muzakki and it cannot be given to Bani Hasyim. The collected zakat wealth maybe given to one of the eight groups or evenly to all eight groups. If a person gives his zakat to someone other than the rightful recipient out of ignorance, and the realizes it, his zakat is not valid and he may take it back from him (Al-Juzairi, 2015, p.480).

According to The Syafi'I Madhhab. "Amil Zakat" is a person who has a role in managing the wealth of zakat, whether it is the person who collects it, guards it, writes it down, distributes it and so on. Amil zakat only allowed to take part of the zakat treasure according to the ration given by the imam with the size of the wage of similar work and they are also not paid explicitly by the imam. The collected zakat is required to be distributed evenly to the eight groups entitled to receive it. In Addition, free person, not Bani Hasyim, not a person who is obliged to be supported by the person who gives zakat to him, and is able to manage the zakat property given to him (Al-Juzairi, 2015, p.482).

Amil Zakat portion amount based on Fiqh.

In QS At-Taubah verse 60, eight groups are mentioned who are entitled to zakat, one of which is Amil. Amil has the right and share of the collected zakat funds equal to the rights of the other 7 groups. However, the explanation of the amount of Amil's portion is not explicitly mentioned in QS; 9:60 below.

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ
وَاللَّهُ عَلِيمٌ حَكِيمٌ (٦٠)

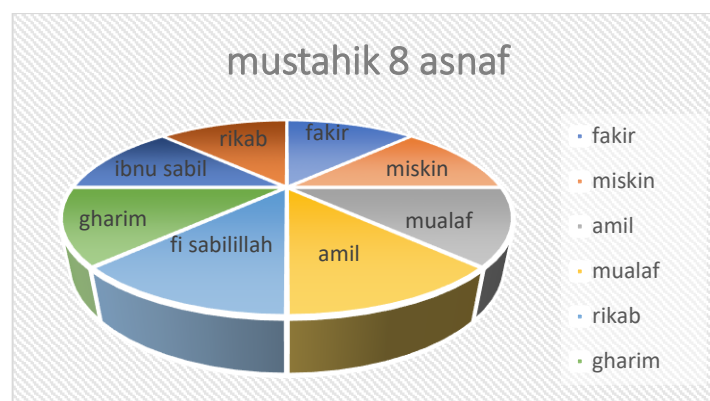


Figure 1.
Mustahik 8 Ansaf

According to the view of the Shafi'I madhhab (Qhardawi, 1986, p.556), Amil's right portion is one-eighth of the total zakat fund for one year. According to him, the amil is given zakat equal to the share of other groups and equalizes the share of 8 asnaf musathik zakat, so the amil gets 1/8 part or 12,5%. Many scholars agree with this view. However, if Amil's wage exceeds his share, it can be taken from funds outside of zakat. In line with the opinion of Nafis & et al (2020) two approaches can be used to determine the amount amil wages and salaries, namely: 1) The amil's salary is taken from one-eighth (12,5%) of all zakat collected. The amount of one-eighth is the maximum right of the amil in consideration of not taking the rights of other recipients. 2) Using the minimum adequacy standard approach for amil living. The amounts of wages following the minimum standard of living is adjusted to the provincial minimum wage or district minimum wage.

Unlike the opinion of Abu Ubaid, who studied fiqh directly under Imam As-Syafi'I and senior students of Abu Hanifah (madhhab Hanafi), namely Abu Yusuf and Muhammad Hasan As Syaibani, Abu Ubaid strongly opposed the opinion that zakat funds should be distributed equally among the eight category of zakat recipient. According to the principle he adopted, which is "each person should receive according to their individual needs". Abu Ubaid also identified three socio-economic groups related to zakat status: 1) the wealthy class obligated to pay zakat. 2) the middle class who are not obligated to pay zakat but are also not entitled to receive

it. 3) the class entitled to receive zakat. Regarding the ruler's policy on the amount of zakat given to zakat collectors, Abu Ubaid adhered to the principle that "each person receives according to their right" (Mahri, A. J. W. & et al 2023).

In contrast to the opinion of other scholars, in the interpretation of Ibnu Katsir QS; (9:60) the existence of 8 asnaf aims to facilitate the allocation of zakat funds. Zakat funds will be distributed to these 8 asnaf, but the practice does not have to be the same. Sometimes in some zakat distribution locations, the existence of these 8 asnaf is not complete. Some do not have converts because the area has been fully Muslim for a long time. The area also has no gharim group because almost the average population is well-off and wealthy. While the rikab group no longer exist today, because slavery has been abolished. So that only other groups remain. However, the amil section will always exist, because the role of Amil as a zakat officer will always exist in every process of Islamic philanthropy activities both in zakat, infaq and sadaqah instrument.

In the Amil rights section, it given in accordance with the proportion of performance as Amil. Amil is a zakat officer and administrator who is entitled to a wage for his efforts. In the wage of amil right, it is seen from the statues of the amil whether the amil is a permanent amil, contract amil or even a volunteer amil so that amil rights depend on the proportion of performance or one-eighth of zakat fund (Hakim, 2020). An Amil, even if he is rich, still get a share of the right. This is because the effort and performance during the Amil duties are given appreciation in a *bil ma'ruf manner* and not excessive. Hadith narrated by Malik from Atha bin Yassar, the Prophet said:

لَا تَجْلُ الصَّدَقَةُ لَغْنِيٍّ، إِلَّا لَخَمْسَةِ: لِغَارٍ فِي سَبِيلِ اللَّهِ، أَوْ لِغَامِلٍ عَلَيْهَا، أَوْ لِغَارِمٍ، أَوْ لِزَجَلٍ اشْتَرَاهَا بِمِلْهِ، أَوْ لِزَجَلٍ كَانَ لَهُ جَارٌ مُسْكِينٌ قَتَصَتْ عَلَى الْمُسْكِينِ، فَأَهْدَاهَا الْمُسْكِينُ لِلْغْنِيِّ.

"The wealth of zakat is not permissible for the rich except in five cases. The first is for fighting in the cause of Allah. Secondly, because he is a zakat collector. Thirdly, because he is in debt. The fourth is the one who buys zakat property with his money. Fifth, the one whose neighbor is a poor person who was given zakat property, then the poor person gave it as a gift to the rich person." HR. Malik kitabu Zakat (in Kahf,2022),

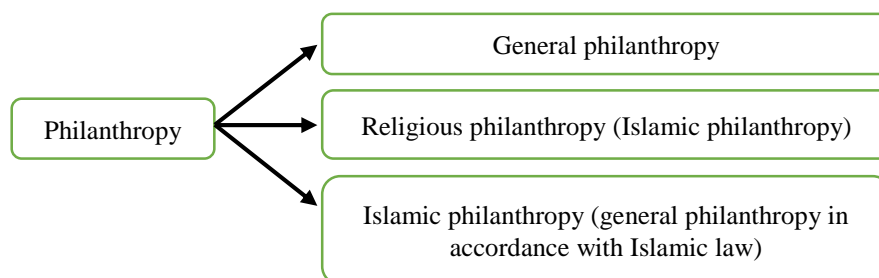
The above hadith is about the permissibility of a rich amil receiving a share of zakat, not because of his status as a rich person but as an amil who carries out his duties. There is a hadith that explains that zakat wealth should not be given to the rich. Meaning: Abdullah bin Amru reported that the Prophet (peace and blessing be upon him) said: "The rich are not entitled to received zakat nor are those who perfect limbs" HR Tirmidzi, Kitabu zakat (in Kafh,2022).

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا تَجْلُ الصَّدَقَةُ لَغْنِيٍّ وَلَا لِذِي مِرْوَةٍ سَوِيٍّ.

In Kitabu Fiqh Zakat (Qhardawi, 1986, p.562) state "Ibn Rushd said that the fiqh scholars allowed the amil zakat to take part of the zakat property, even though he was rich. The Fiqh scholars also allow the zakat property to be used by judges and people whose activities are for the benefit of the Muslims". Some fuqaha' have compared judges and those who work for benefit of the Muslims to amil. Therefore, the wages and salaries given to the amil should be taken from non-zakat revenues such as taxes, tribute and so on.

Philanthropic organizations in Indonesia.

Several types of philanthropic institutions have developed in Indonesia. In Indonesia, an independent institution has been established since 2007, namely the Indonesian Philanthropy Association (PFI). This institution oversees various philanthropic institutions in Indonesia (Filantropi.or.id, 2025). Philanthropic institutions are divided into several categories of philanthropy types, namely:



Source : Nurhasanah, 2024

According to Latief, H (2013) on philanthropy, he argues that the concept of philanthropy is closely related to a sense of care, solidarity and social relations between the poor and the rich, between the strong and the weak, between the lucky and the unlucky, and between the powerful and the powerless. Philanthropy can also

be defined as a form of love, generosity, solidarity and care for fellow human beings, where more fortunate people voluntarily help other less fortunate humans.

Regulation of operational funds in Islamic Philanthropy.

Unlike the ACT incident, Islamic philanthropic organization such as BASNAZ, LAZ, BWI and other Islamic philanthropic organizations have much stricter rules. The source of funds for Islamic philanthropy institutions that come from Zakat, Infaq, Sadaqah and Waqf instrument have different rules regarding the percentage that can be used for the institution's operational funds. Based on the Al-Quran and Al hadith as well as ijma' and ijtihad of the jurists through Fatwas and laws and regulations strictly regulate this matter.

There are several regulation governing Amil Zakat and especially regarding the rights of the Amil portion that can be used for the operational funds of Islamic philanthropic institutions, namely:

Tabel 1. Regulation of operational funds in Islamic Philanthropy

1	Law No.23 of 2011 on Zakat Management.	Article 32 "LAZ can use Amil rights to finance operational activities"
2	Government regulation No.14 of 2014 on the Implementation of law No.23 of 2011.	Article 67 paragraph 2 "the amount of amil rights that can be used for operational cost as referred to in paragraph 1 is determined under Islamic law by effectiveness and efficiency in zakat management"
3	MUI Fatwa No.8 of 2011 on Amil Zakat.	6) activities to build awareness of zakat such as advertising can be financed from zakat funds that are part of Amil or fi sabilillah within reasonable limits, proportional and following the rules of Islamic law. 7) amil zakat who has received a salary from the state or private institutions in his duties as amil is not entitled to receive part of the zakat funds are share of Amil.
4	Decree of the Minister of Religion of Republic of Indonesia No.606 of 2020 concerning sharia audit guidelines for report on the implementation of management of Zakat, Infaq, Sadaqah and other religious social funds at nasional Amil Zakat agency and Amil Zakat institution.	k) the use of amil rights from zakat funds does not exceed 1/8 or 12,5% of the total collection in year and there is no double taking of amil rights in the context of distribution. l) the use of infaq, sadaqah and other religious social funds for the purpose of amil operations at a maximum of 20% of the amount of funds collected.
5	BAZNAS regulation No.1 of 2018 on code of ethics of Amil Zakat, BAZNAS regulation No.2 of 2018 on certification Amil Zakat and BAZNAS regulation No.5 of 2018 on zakat financial management.	BAZNAS regulation governing Amil code of ethics, amil certification and zakat financial management.

The difference in regulation contained in Islamic Philanthropy institutions according to Law No.23 of 2011 and Government regulation No.14 of 2014 shows that amil rights can be used for amil operational costs whose amount is adjusted to Islamic law and in its management considers aspects of productivity, effectiveness and efficiency. The amount of portion of amil rights is regulated in the Decree of the Ministry of Religious Affairs contained in KMA No.606, which is 12,5% of the total zakat funds can be used for amil operations and 20% of sadaqah, infaq and other religious social funds outside of zakat funds to be used operational funds. Furthermore, MUI Fatwa No.8 of 2011 explains that amil who have received salaries from the state or private institutions are not entitled to get a share of zakat funds. This is to avoid amil getting a double share. These two regulations, both from the MUI Fatwa and the Ministry of Religious Affairs Decree, are ijtihad efforts so that zakat funds can be distributed and managed properly and professionally so that they do not become a loophole for misuse in the practice of distribution and management.

Misappropriation of Social Funds at The ACT Philanthropic Organization in 2022.

Aksi Cepat Tanggap (ACT) Foundation is a foundation engaged in social and humanitarian affairs and is included as a general philanthropic organization, it was established on April 21, 2005 (Dewi, R. K, 2022). In Addition, it also has several spiritually-based programs, namely qurbani, zakat and waqf. Making this institution fall under the category of Islamic philanthropic institutions, which are general philanthropic institutions that operate according to Islamic principles. ACT's funds come from community donors who have high concern for humanitarian issues and also from CSR funds from companies that partner with them. In 2012, ACT became a global philanthropic organization that reached 22 countries (Kompas.com). however, in mid-

2022, Tempo.co revealed the misappropriation of ACT's donation fund under the headline "Aksi Cepat Tanggap Cuan".

The misappropriation of funds committed by 4 executives of the ACT foundation, namely Ahyudin, Novariadi Imam Akbari, Hariyana Hermain dan Ibnu Khajar, began with the absence of financial reports since 2020. Until finally it was proven that the management of aid funds from *Boeing Community Investment Fund* (BCIF) was not in accordance with its allocation. In Addition, there was also misappropriation of funds in the form of making a policy of cutting donation by 30% of donations for benefit of ACT and cutting donation funds by an average of 13,7% which was used for the foundation's operational funds by salaries of foundation officials (PR Bureau of The Ministry of Social Affairs of the Republic of Indonesia, 2022). This clearly contradicts and violates Law No.9 of 1961 concerning the Collection of Money or Goods, and Government Regulation No.29 of 1980 concerning the Implementation of Collection of Donation article 6 paragraph 1 which reads "Financing the business of collecting donations is maximum of 10% (ten percent) of the proceeds of the collections concerned".

Since the ACT Foundation is a public charity or philanthropic organization that has an establishment permit under Ministry of Social Affairs, it is obligatory to obey and comply with the regulation governing institutions that collect donated money or goods. Such as the rules of Permensos No.8 of 2024 concerning Amendments to Permensos No.8 of 2021 concerning the Implementation of Collecting Money or Goods. As a consequence of the violations that have been committed, namely in the form of revocation of the operating license of the ACT Foundation PUB through the Degree of the Minister of Social Affairs of the Republic of Indonesia Number: 133/HUK/2022 dated July 5, 2022 (PR Bureau of The Ministry of Social Affairs of the Republic of Indonesia, 2022). In Addition, there are also criminal's sanctions for embezzlement in the form of sentences of imprisonment for founders Ahyudin for 3,5 years (in District Court Decision Number 864/Pid.B/2022/PN JKT.SEL), Hariyana Hermain for 3 years (in District Court Decision Number 864/Pid.B/2022/PN JKT.SEL) and also Ibnu Khajar for 3 years (in District Court Decision Number 864/Pid.B/2022/PN JKT.SEL).

Conclusion & Suggestions

In this study, the views of the four madhhabs on one of groups of zakat recipients, namely amil, are similar, namely amil is given a share of zakat according to the wages of their work. The portion of amil rights is adjusted to the type of work and workload even though they are classified as rich people. The opinion of the Maliki madhhab, zakat officers are not allowed to get a share of zakat in excess of their work wages. This is in line with MUI Fatwa No.8 of 2011 that if amil has been given a salary or wage from the priest, then it is not entitled to a share of zakat so as not get double share.

In Addition, the author finds a discontinuity between the violations committed by ACT Foundation and the portion of Amil rights in Islamic philanthropy. The difference in legal umbrella and regulations is also a difference. Regulatory provisions governing general philanthropic institutions under the Ministry of Social Affairs stipulate that the operational costs of the institution should not exceed 10 % of the total donations collected. Meanwhile, in Islamic philanthropy under the Ministry of Religion Affairs, its regulates that the portion of amil rights including zakat operational funds should not exceed 12.5% of total the total zakat funds, while in amil operational funds outside zakat funds, namely infaq, sadaqah and social religious funds should not exceed 20% of the total funds collected.

Recommendations for more in-depth research on the rules for the portion of amil to used operational funds in philanthropic institutions, both general philanthropic form Islamic, whether it should be uniformed with the rules used in Islamic philanthropy or have its own stronger rules with the aim of preventing loopholes for misappropriation of funds in the practice of channeling and managing funds.

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Acknowledgements

The researcher would like to thank teacher who have helped in completing this article, to M Fuad Hadziq S, M.SI. May Allah SWT give you multiple reward. Amen.