



Prodi Ekonomi
Syariah

Ekobis: Jurnal Ekonomi dan Bisnis Syariah

Journal homepage: <http://jurnal.ar-raniry.ac.id/index.php/ekobis>

Volume 8, Number. 1
January - June 2024
Page: 1-9

The Mechanism for Calculating the Nishab of Zakat for Civil Servants' Income According to MUI Fatwa No 3 Year 2023

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INFO ARTICLE

History:

Submit : 13 October 2023
Revisions : 01 November 2023
Accepted : 27 February 2024

Keywords:

Zakat on Income, Nishab Calculation,
MUI Fatwa No. 3 Year 2003

ABSTRACT

Civil servants are one of the subjects of zakat, which is called income zakat, and each zakat is issued if it has reached the nishab. The Indonesian Ulema Council regulates zakat in the MUI Fatwa Number 3 of 2003 concerning Zakat Income. The UPZ of the Regional Office of the Ministry of Religion of Bengkulu Province takes zakat on income every month from all groups of civil servants, even though some of the income of certain groups of civil servants has not reached the nishab. Determining the income nishab value is based on the Decree of the Chairman of BAZNAS No. 14 of 2021 concerning the income and services zakat nishab in 2021. The income nishab value is 85 grams of gold multiplied by Rp.938,099,- amounting to Rp.79,738,415,-. The research method used is descriptive analytical method with a qualitative approach. The results of this research show that: 1) the calculation of the zakat nishab on civil servant income applied by UPZ at the Regional Office of the Ministry of Religion of Bengkulu Province is taken from the basic salary of civil servants which is then paid out at 2.5% every month. 2) The calculation of the zakat nishab on civil servants' income by UPZ at the Regional Office of the Ministry of Religion of Bengkulu Province is not in accordance with MUI Fatwa Number 3 of 2003 because zakat is imposed on all groups of civil servants, zakat is taken from all gross income, and zakat is issued even though it has not yet reached the haul time.

ABSTRAK

Pegawai Negeri Sipil merupakan salah satu subjek zakat yang disebut zakat penghasilan, dan setiap zakat dikeluarkan apabila telah mencapai nishab. Majelis Ulama Indonesia mengatur zakat penghasilan dalam Fatwa MUI Nomor 3 Tahun 2003 Tentang Zakat Penghasilan. UPZ Kantor Wilayah Kementerian Agama Provinsi Bengkulu mengambil zakat penghasilan setiap bulan dari semua golongan PNS, meskipun sebagian penghasilan PNS golongan tertentu belum mencapai nishab. Penentuan nilai nishab penghasilan didasarkan pada Keputusan Ketua BAZNAS No 14 Tahun 2021 tentang nishab zakat pendapatan dan jasa tahun 2021. Nilai nishab penghasilan adalah senilai 85 gram emas dikali Rp.938.099,- sebesar Rp.79.738.415,-. Metode penelitian yang digunakan adalah metode deskriptif analitis dengan pendekatan kualitatif. Hasil penelitian ini menunjukkan bahwa: 1) Perhitungan nishab zakat penghasilan PNS yang diterapkan oleh UPZ di Kantor Wilayah Kementerian Agama Provinsi Bengkulu diambil dari gaji pokok PNS yang kemudian dikeluarkan sebesar 2,5% setiap bulannya. 2) Perhitungan nishab zakat penghasilan PNS oleh UPZ di Kantor Wilayah Kementerian Agama Provinsi Bengkulu tidak selaras dengan Fatwa MUI Nomor 3 Tahun 2003 sebab zakat dikenakan kepada semua golongan PNS, zakat diambil dari seluruh penghasilan kotor, serta zakat dikeluarkan meskipun belum mencapai waktu haul.

How to Reference:

Asri, Juinda., et.al. (2024). The Mechanism For Calculating The Nishab Of Zakat For Civil Servants' Income According To MUI Fatwa No.3 Year 2003 *Jurnal Ekonomi dan Bisnis Syariah*, 8(1), 1-9 .

1. INTRODUCTION

Zakat is one of the most important instrumental values for Muslims. This is because zakat is one of the pillars in the

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pillars of Islam that has its own privileges when compared to other pillars of Islam. Zakat is also one of the worship services that has two dimensions at once, namely the vertical dimension in the form of creature obedience to God and also the horizontal dimension which is evidence of concern for fellow human beings. In other words, besides having a spiritual dimension, zakat also has a socio-economic dimension at once. (Karim 2015)

Zakat itself is divided into several types, one of which is income zakat. The issue of income zakat, indeed, has just emerged in this day and age, this is due to the number of certain experts who get income from their expertise. However, it should be noted that at the time of the Prophet Muhammad SAW there were various professions, but the conditions were different from today in terms of income. In that era, the income is quite large which can make someone become rich contrary to today. Among them are trading, farming, and ranching. In fact, in general, farmers and ranchers were among the poor whose lives were still deprived. On the other hand, certain professions that had existed in the past, but in terms of income at that time were not jobs that brought in large amounts of material.

This social change is what underlies the *ijtihad* of the scholars today to look back at our perspective in determining who is rich and who is poor. This includes MUI issuing MUI Fatwa No. 3 of 2003 on income zakat which aims to equalize the economy of Muslims in Indonesia so that those who have a large income pay zakat according to the *nishab* that has been determined.

When talking about the implementation of income zakat, it is also related to the mechanism of calculating the *nishab* of income zakat that can be realized optimally. To optimize the realization of the potential of income zakat, it is necessary to have a clear and binding regulation for all Indonesian citizens who are Muslims. Basically, the regulation on zakat contains a number of provisions, sanctions, prohibitions, and other matters surrounding zakat management activities, so that it is expected to avoid illegal and deviant management practices. The estuary of the formation of these regulations is the establishment of a zakat management system through professional institutions and *Amil* who are trustworthy in managing zakat funds.

In 2003 the Indonesian Ulema Council (MUI) issued a fatwa on Zakat on Income in accordance with the decision of the fatwa explained that what is meant by income is any income such as honorarium salaries, wages, services, and so on that is obtained by lawful means, both routine such as state officials, employees, consultants, notaries, engineers, doctors, lawyers, civil servants and other free work. In the MUI fatwa it is also explained that all forms of halal income must be issued zakat provided that it has reached the *nishab* one year, which is worth 85 gr of gold. The rate of income zakat is 2.5%.

One type of profession that is carried out by Muslims today is the profession of Civil Servants (PNS). In Islam, every income earned must be issued zakat according to *nishab* and haul which is zakat income. Civil servants in the regional office of the Ministry of Religious Affairs of Bengkulu Province amounted to 177 people with details: 19 civil servants of class I, 48 civil servants of class II, 60 civil servants of class III, and 50 civil servants of class IV. The income / wages / salaries earned also varies according to class and level from level "a" to level "d". The income of civil servants in class I, II, and some of class III does not reach the *nishab* of income zakat so they are not obliged to pay zakat. In its implementation, zakat is issued from the civil servant profession every month by 2.5% in which it is explained that all forms of halal income must be issued zakat provided that it has reached the *nishab* in one year worth 85 grams of gold for all classes of gross income (income that has not been reduced by anything including the basic needs of *muzaki*) which is assisted by the Zakat Collection Unit of the Bengkulu Province Ministry of Religion Office.

Based on the description above, the author intends to conduct research and examine more deeply about the calculation of *nishab* on zakat income of civil servants according to MUI Fatwa No. 3 of 2003 among civil servants of the Regional Office of the Ministry of Religious Affairs of Bengkulu Province, starting from the mechanism for calculating the *nishab* of zakat income and how the calculation of the *nishab* of zakat income is reviewed according to MUI Fatwa No. 3 of 2003 which the author then raises into a title "Mechanism for Calculating the *Nishab* of Zakat Income of Civil Servants According to MUI Fatwa No. 3 of 2003 (Case Study of Employees of the Regional Office of the Ministry of Religious Affairs of Bengkulu Province)".

2. LITERATURE REVIEW

1. Zakat on Income

a. Definition of Zakat on Income

The term Income in Arabic Terminology does not have a clear word match. This is because Arabic is a language that is very minimal to absorb foreign languages. In modern Arab countries, the notion of income has a term that is translated and developed with two Arabic vocabulary. First, Al-Mihnah. The word used and often used for jobs that prioritize brain performance. Therefore, a group that has a personal income or personal income in a job is called Al-Mihaniyyun or Ashab Al- Mihnah. For example, lawyers, writers, doctors, legal consultants, and so on. Second, Al-Hirfah. The word used and addressed to the type of work that prioritizes the performance of hands or muscle power. Such as, craftsmen, blacksmiths, designers, construction workers and so on. They are called Ashab Al-Hirfah.(Sarwat 2009)

Although income zakat has never been a topic of thorough discussion, it does not mean that Islamic scholars in the past did not discuss zakat similar to income zakat.(Muhammad 2002) In the Kamus Besar Bahasa Indonesia, income is a field of work that is based on with education that has expertise, skills, vocations, and so on. Personal income is linked to income, which requires special intelligence to be able to carry out.

As according to Fachrudin: "Income is everything that is halal that brings results in the form of money in large amounts in a short and easy way, whether it has certain skills or not". From some of the definitions that have been mentioned, income zakat is zakat issued from the results of work or business obtained in a halal way that brings results in the form of money obtained in a short and easy way, through an expertise and skills possessed by each person. From this definition, there are several things that are underlined related to the income work in question(Mahjuddin 2005):

- 1) Having a halal and clear business or occupation.
- 2) Wages or salaries earned have a large amount.
- 3) Obtained in an easy and short way.
- 4) Having a certain expertise or skill

From the several criteria that have been mentioned, there are types of businesses that are continuous with a person's income or work, which in terms of its form, the income business in question can be in the form of:

- 1) Physical endeavors, such as employees and celebrities.
- 2) Businesses that use the mind, such as designers, lawyers, legal consultants, psychologists, and doctors.
- 3) Businesses that use capital, such as investment, affiliate marketing, translators, content writers and so on.

Meanwhile, when viewed from a salary or wage income:

- 1) Regular and definite salaries, received every month, every week such as salaries for employees and employees both working in government and private sectors.
- 2) Salaries or wages that are not fixed and cannot be predicted with certainty from what is received every month or every week, such as contractors, lawyers, traders and so on.

From some of these businesses or jobs, there was no existence in the era before the industrial revolution or pre-industrialization. Due to the work of the community at the time of the Prophet Muhammad SAW was still very simple, and in contrast to today's modern times, various job incomes have sprung up along with the times. Work or income that brings considerable and abundant fortune in modern times is now very much in number.

Therefore, there is a problem with the words “having a large amount” as in point b in the definition of income. So it must get a firm measure, knowing that later there will be differences of opinion that are in accordance with the conditions, time and place in modern times today. Meanwhile, according to the researcher, the definition of income zakat is zakat paid from the results of business owned in a halal manner, and acquired with expertise or skill in an easy way.

2. Conditions for Paying Zakat on Income

Some of the terms and conditions when paying zakat on income include the following:

- a. Entirely private property. In this case, the assets used to pay income tax must be owned and under one's control, and there must be no connection with the rights of others in it.
- b. It has reached the nishab, size and haul. This means that the amount to be paid as income zakaah may be compared to agricultural zakaah, trade zakaah, and hidden assets. If zakaah on income is compared to zakaah on trade, then the nishab of zakaah, the amount and the time taken to pay zakaah are compared to zakaah on gold and silver. The nishab is equivalent to 85 grams of gold with a zakat rate of 2.5% and the time for zakat to be paid is only once a year. However, if it is compared to agricultural zakat, then the nishab is equivalent to 653 kg of rice or wheat with a 5% zakat rate and is spent every month when you get a wage or salary 20% is expended without any nishab and is expended or paid when it is received. (Suyitno 2005)

3. Provisions on Nishab, Zakat Rate, and Time to Pay Zakat on Income

a. *Nishab on Zakat on Income*

The nishab for zakaah on income can be measured by the nishab which is equated with the nishab of gold worth 85 grams. The amount of gold zakat nishab is equivalent to twenty mitsqal of agricultural produce which has been explained in several traditions. From some contemporary fiqh scholars assume that the nishab for income zakat can be analogized to the category of financial zakat obligatory assets which is 85 grams of gold or 200 dirhams of silver with the condition that ownership has passed the perfection of the haul period. Meanwhile, for income from work done by a person or passive income, some fiqh scholars think that the nishab of zakat can be analogous to agricultural zakat or the results of plantations owned, which is equivalent to 653 kg or 5 saa'. But the obligation of the nishab is multiplied by 2.5% as a rate or fee per haul period. (Qardhawi 1996)

Zakat on income or known as zakat on income when analogous to zakat on crops, has 3 reasons, namely:

- 1) Agricultural crops are the main occupation, while people who have professional skills do not work for themselves, but work for business entities both government and private so that they get a salary every month that is certain.
- 2) Salaries or wages held on agricultural products are paid periodically or regularly, just as agricultural products are harvested periodically.
- 3) Since harvesting occurs periodically, the provisions of zakat on agricultural products only require nishab and no haul (one year) of ownership, as well as zakat on income or known as zakat on income.

b. *Volume Rate of Zakat on Income*

The provisions of the percentage of zakat on income or zakat on income that must be paid to pay zakat are as follows: (Arief Mufraini 2006)

- 1) For zakat that has an active income with the percentage rate of zakat that is paid is 2.5% of the remaining assets stored and has reached nishab at the end of the haul period (ownership for 1 year).
- 2) For zakat that has passive income from the results of the profession carried out in order to fulfill the zakat issued is 10% obtained from gross income, or 5% obtained from net income that has been reduced for primary and operational expenses.

c. Calculation of Nishab Zakat on Income

The income of zakat on income is seen from the aspect of being in the form of money. From this point of view, it is contrary to crops, and more sustainable with gold and silver. Therefore, the rate for zakat on income is equal to the zakat on gold and silver, which is 2.5% of all gross income received. The Hadith that proves that the rate of zakaah on gold and silver is: "If you have 20 dinars of gold, and it has reached one year, then the zakaah to be paid is half a dinar (2.5%)" (HR, Ahmad, Abu Dawud and Al-Baihaqi). Based on the calculation of income zakat proposed by Yusuf Al-Qardhawi is divided into two ways, namely:

- 1) Directly, zakat is paid directly on 2.5% of gross income, either annually or monthly. This method is more accurate for those who are given excess sustenance by Allah SWT. Indirectly or after deducting daily necessities, zakat is calculated at 2.5% of wages or salaries owned. This method is more objective for those whose income is minimal each month.
- 2) Calculation obtained from active income that is fixed salary or periodic. For ASN employees who make zakat payments at the end of the haul period which is calculated from the rest of all income or income. If the income has reached the nishab, it is obligatory to pay income zakat with a zakat rate of 2.5%, but if ASN employees have made zakat payments by paying in installments or accelerating the time to pay zakat, then ASN employees do not need to make income zakat payments again at the end of the haul so that there is no double in paying income zakat.

Calculation obtained from passive income that is not fixed. Zakat on income or this income, the calculation is taken from the income earned of income that have passive and irregular salaries such as lawyers, accountants, tailors, and so on. (Hannani 2017)

The calculation of income zakat can use two ways, namely:

- a. Using the nishab of 85 grams of gold, as for the time to spend it can also be done in two ways:
 - 1) $\text{Income when received (if it reaches the nishab)} \times 2.5\% = \text{zakat}$
 - 2) $\text{Income received} \times 12 \text{ months} \times 2.5\% = \text{zakat (if up to nishab)}$
- b. Using nasab (663 kg of grain/524 kg of rice) $\times 5\%$ or $10\% = \text{zakat}$

If you have already paid zakaah on your income, salary, services or the like when you receive it, then you are no longer obliged to pay zakaah when the year comes, so there is no obligation to pay zakaah twice on one wealth in one year (in the same year). Rather, it is obligatory to pay zakaah on the income and its growth if it reaches the nisaab during the second period (in the following year).

4. MUI Fatwa No. 3 Year 2003 on Zakat on Income

The Fatwa Commission of the Indonesian Ulema Council has issued a fatwa on zakat on income in Fatwa Decree of the Indonesian Ulema Council Number 3 Year 2003 on Zakat on Income. In this fatwa, what is meant by "Income" is any income such as salary, honorarium, wages, services, and others obtained by lawful means, whether routine such as state officials, employees or employees, or non-routine such as doctors, lawyers, consultants and the like, as well as income obtained from other independent work. This fatwa has a legal context regarding income zakat that all forms of halal income must be issued zakat provided that it has reached the nishab in one year, which is worth 85 grams of gold.

As explained above, zakat on income is obligatory if the conditions have been met, namely that it has reached the nishab in one year. If the nishab is reached, then zakat must be paid. The nishab is determined based on the nishab of gold and silver or money, equivalent to 85 grams of gold.

MUI's fatwa is a middle way between the many differences of opinion in determining the nishab of income tax. Because if using the nishab of agricultural zakat of 653 kg of grain or 524 kg of rice, the zakat rate that should be 5% or 10%, of course this will be very burdensome for muzakki, although the zakat rate of 2.5% is the minimum

zakat rate not the maximum. Then regarding the time of zakat expenditure, the MUI Fatwa states that income zakat can be issued at the time of receipt if it is enough nishab. If it does not reach the nishab, then all income is subject to zakat. It is collected for one year, then zakat is issued if the net income is enough nishab.

In this case, MUI does not require that there must be a one-year ownership period. If the amount of income reaches the nishab, then zakat must be paid immediately. (Riyadi 2015) Whereas if we refer to the opinion of the majority of scholars, then the zakat on income must be paid when it must meet the haul, if it has not reached the haul then the zakat obligation is not there. However, the majority are of the opinion that it is permissible to hasten (*ta'jil az-zakah*) on a voluntary basis, provided that the wealth has reached the nishab. (Sulaiman 2016) Furthermore, the rate of Zakat on Income determined in the MUI Fatwa is 2.5%. From the provisions of the fatwa above that all that is considered income both routine and non-routine must be issued zakat with nishab worth 85 grams of gold with a rate of 2.5% can be done when receiving the income or accumulated at the end of the year. Professional income in terms of its form is money. From this point of view, it is different from crops, and closer to gold and silver. Therefore, the rate of zakat on income is equated with zakat on gold and silver, which is 2.5%. In this fatwa, the object of zakaah is all income also by looking at the burden of consumption of the muzakki.

3. METHODOLOGY

This research uses a qualitative approach. By using phenomena about what is experienced by research subjects such as behavior, perception, motivation, action and others, by means of descriptions in the form of words to make it easier for researchers to carry out the research to be carried out.

This research began in October 2022 and ended in February 2023. The research was conducted at the Regional Office of the Ministry of Religious Affairs of Bengkulu Province. This research location was chosen based on preliminary observations of the calculation of zakat income of civil servants of the Regional Office of the Ministry of Religious Affairs of Bengkulu Province.

In this study, the selection of research informants used the Purposive Sampling method (Juliensyah 2017), which is a sampling technique with certain considerations. The number of informants in this study were 10 people.

Informants in this study were 10 employees of the Bengkulu Province BAZNAS Office, and mustahik who received ZIS fund assistance in the form of business equipment and business capital for 3 years. The number of informants in this study were 10 people.

The data collected in this study are primary data and secondary data. The data obtained was collected directly by researchers from the object of research, the source in the field, namely sources from the Regional Office of the Ministry of Religion of Bengkulu Province, then the data was collected and processed by themselves. While the data obtained is collected indirectly by researchers in other words in a finished form such as zakat books with various concentrations, theses, journals, and the internet related to the issues discussed.

The techniques used in collecting data in this study are direct observation, interviews and documentation. And in this study, data analysis was carried out, namely data collection, data reduction, data presentation, and conclusion drawing.

4. RESULT AND DISCUSSION

1. Calculation of Nishab Zakat on Civil Servants' Income at the Regional Office of the Ministry of Religious Affairs of Bengkulu Province.

a. *Nishab Zakat on the Income of Civil Servants of the Ministry of Religious Affairs of Bengkulu Province*

In determining the nishab of income zakat, UPZ of the Ministry of Religious Affairs of Bengkulu Province refers to the existing zakat regulations, namely Law No. 23 of 2011 concerning zakat management, BAZNAS Decree No. 14 of 2021 concerning the nishab value of income and service zakat in 2021 and regulations from MUI Fatwa No. 3 of 2003 concerning income zakat with the provision that the nishab of income zakat is 85 grams of gold.

The determination of income zakat is seen from the income received in a year, whether it meets the nishab or not. The application aims to maintain that all State Civil Apparatus who are already muzakki are certain to fulfill their obligations to pay zakat every month. Based on the above calculation, it is known that the nishab of income zakat at the Ministry of Religious Affairs of Bengkulu Province is 85 grams of gold.

b. *Time of Issuance of Zakat on Civil Servants' Income in the Regional Office of the Ministry of Religious Affairs of Bengkulu Province*

Directly, zakat is issued directly from gross income worth 2.5%, whether issued annually or monthly. Meanwhile, indirectly or after deducting daily necessities, zakat is calculated at 2.5% of wages or salaries owned. The Office of the Ministry of Religious Affairs of Bengkulu Province, some of the ASNs in paying income zakat have not fully fulfilled the receipt of zakat in accordance with the percentage of nishab zakat collection of 2.5%, only focused on issuing from some of the assets they have and do not meet the nishab zakat. There are several differences that have been related to how to calculate income or professional zakat obtained from salaries, wages, and honorariums.

c. *Income of Civil Servants at the Office of the Ministry of Religious Affairs of Bengkulu Province*

The calculation of income zakat used in the Office of the Ministry of Religious Affairs of Bengkulu Province is based on gross income, namely without first deducting their needs and expenses each month, so that the zakat on civil servants' income collected by UPZ of the Ministry of Religious Affairs of Bengkulu Province is from gross income, meaning that zakat on income that reaches the nishab of 85 grams of gold in a year is issued 2.5 percent directly when receiving income before deducting any expenses.

If in one month the salary received is Rp 5,900,000, the performance allowance is Rp 4,975,680, then the income is summed up to a total of Rp 10,875,680, then the calculation of the income zakat is as follows:

Unknown:

The current price per gram of gold is IDR 938,099, - X 85 grams of gold = 79,738,415.

Gross Income of Rp. 18,688,420 X 12 Months = Rp. 261,637,880, - (annual income) then issued directly 2.5 percent of Rp. 261,637,880, - which is Rp. 6,540,947, - or paid every month in the amount of Rp. 545,079, -

d. *Calculation of Zakat on Civil Servants' Income at the Office of the Ministry of Religious Affairs of Bengkulu Province*

Zakat on civil servants' income collected by the UPZ of the Ministry of Religious Affairs of Bengkulu Province is deducted 2.5% of the basic salary each month. Whereas from the field facts it is found that the monthly income of civil servants does not only come from the basic salary, but can be in the form of additional performance allowances, THR and other allowances. In addition, income zakat can be calculated by accumulating income for 1 year and deducting 2.5%. If the income for 1 year exceeds the nishab limit of 85 grams of gold, which is in the Decree of the Chairman of BAZNAS No. 14 of 2021 concerning the nishab of zakat on income and services in 2021. The nishab value of income worth 85 grams of gold multiplied by IDR 938,099, which is IDR 79,738,415 per year, so it is obligatory to pay zakat on income of 2.5%.

If the income in 1 year does not reach the nishab price of 85 grams of gold, it is referred to as infaq and sadaqah funds with a written agreement. The provisions for spending infaq and sadaqah funds are not only 2.5%, but can change according to the giving of civil servants. Therefore, the calculation of zakat income for civil servants at the Ministry of Religious Affairs of Bengkulu Province is not considered appropriate. This is based on the awareness and understanding of civil servants in the importance of fulfilling their obligations in paying income zakat.

2. Calculation of Nishab Zakat on Civil Servants' Income in the Regional Office of the Ministry of Religious Affairs of Bengkulu Province According to MUI Fatwa No. 3 Year 2003

a. *Nishab Zakat on Income in MUI Fatwa No. 3 Year 2003*

In MUI Fatwa No. 3 Year 2003, it is explained that if the income of a Muslim has reached the value of 85 grams of pure gold then he becomes obliged to pay zakat. In sharia guidance, of course this is wrong. Because in the Shari'ah guidance as we have discussed in the second discussion in the third point that the zakat object is not an object that is consumed or used for daily needs, but a saving object.

Based on this, the income that can be used as the object or object of zakat is only the remainder of consumption (the original needs of the owner of the property). After the income is used for consumption purposes, then the remainder is calculated for one haul, and if it is sufficient, then he is obliged to pay zakat.

Therefore, based on the facts on the ground, this does not agree with MUI who determines that the object of income zakat is the entire income without deducting the consumption allowance. Because the consumption allowance is not a zakat object.

b. *Haul of Zakat on Income in MUI Fatwa No. 3 Year 2003*

Fatwa issued by MUI in Fatwa No. 3 of 2003. Zakat on gold has a haul of one year (approximately 354-355) days. If the zakaah item is in our possession and control for one haul then it becomes zakat obligatory. But if it is less than that, it does not become zakaah. The question that arises is: If the first month's income/salary is 354 days old (1 haul), then what about the second month's salary and so on until the twelfth? Aren't the salaries of the months after that not yet one haul? Therefore, the fatwa is not in line with the haul rule in the hadith. Mr. Arsan only becomes zakat obligatory if the excess of the remaining consumption in that year is kept for a year (354-355 days). It means that the remaining income can only be issued zakat in the following year (if there is no reduction at all). The same applies to income in subsequent years. The third dictum of the fatwa states:

- a. Zakat on income can be issued upon receipt if it is sufficient nishab.
- b. If it does not reach the nishab, then all income is collected for one year; then zakat is issued if the net income is enough nishab

3. *Ijtima' Ulama of MUI Fatwa Commission in 2018 on Zakat on Income*

As explained by the MUI Fatwa Commission: "The component of income subject to zakat includes any income such as salary, honorarium, wages, services, and others obtained by halal means, whether routine such as state officials, employees or employees, or non-routine such as doctors, lawyers, consultants, and the like, as well as income obtained from other independent work, such as allowances attached to basic salaries, performance allowances, and other fixed monthly income."

The nishab amount of income zakat according to the fatwa when converted into rupiah is equal to IDR 934,000/gram or equivalent to IDR 79,390,000 for 85 grams. This means that the monthly income zakat nishab is Rp 6,615,833. Although the nishab used by the Regional Office of the Ministry of Religious Affairs of Bengkulu Province is the nishab of gold zakat, where the nishab is the same as the nishab determined in the fatwa, but in practice the nishab of income zakat for civil servants in the Regional Office of the Ministry of Religious Affairs of Bengkulu Province does not follow the provisions as contained in the Fatwa, but whatever the income obtained from group I to group IV in principle will still be subject to zakat without spending it first from the income to meet their daily needs.

The income of civil servants is income that is earned regularly every month with a fixed amount. Therefore, zakat on civil servants' income can be paid every month when they receive their income as long as it reaches the monthly nishab. The issuance of zakat on civil servants' income in general does not wait for haul when issuing it, including civil servants at the Regional Office of the Ministry of Religious Affairs of Bengkulu Province. In fact, this income zakat, which is equated to gold zakat, should equally pay attention to haul, which means that it can be issued after one year, provided that the income is not less than the nishab during that time.

Then regarding the rate of income zakat determined in the fatwa is 2.5%, which is due to the object of zakat or the form of income than zakat income received is money. In essence, money as a medium of exchange

and a standard of price is considered a valuable asset, just as gold and silver are considered a standard of price and value. The amount of income zakat determined in the fatwa with the practice of zakat income of civil servants in the Regional Office of the Ministry of Religious Affairs of Bengkulu Province is the same, which is 2.5%.

5. CONCLUSIONS

1. In determining the nishab of income zakat, the Bengkulu Province Ministry of Religious Affairs refers to the existing zakat regulations, namely BAZNAS Decree No. 14 of 2021 and MUI Fatwa No. 3 of 2003 with the provision that the nishab value of income is worth 85 grams of gold multiplied by Rp. 938,099, - amounting to Rp. 79,738,415, -. Time of Issuance of Zakat on Civil Servants' Income in UPZ Regional Office of the Ministry of Religious Affairs of Bengkulu Province is carried out directly from the basic salary along with a performance allowance of 2.5%, every month. The deduction of zakat on civil servants' income in UPZ of the Regional Office of the Ministry of Religious Affairs of Bengkulu Province is considered not in accordance with what should be. Where income zakat should be accumulated by income earned for 1 year which is then issued at 2.5%. Income that has not reached the nishab of 85 grams is not obliged to pay income zakat and vice versa if it has been deducted then it goes to infaq and sadaqah funds.
2. Based on MUI Fatwa No. 3/2003 on Zakat on Income in this fatwa, it isqiyas-kan to gold zakat whose nishab is determined at 85 grams of gold. Although the nishab used by the Regional Office of the Ministry of Religious Affairs of Bengkulu Province is the nishab of gold zakat, which is the same as the nishab determined in the fatwa which is equivalent to the price of 85 grams of gold, but in practice the nishab of income zakat for civil servants in the Regional Office of the Ministry of Religious Affairs of Bengkulu Province does not follow the provisions as contained in the Fatwa, but whatever income is obtained in principle will still be subject to zakat without spending it first. This provision is based on the willingness of civil servants through a statement letter of willingness to deduct income zakat of 2.5% of gross income. This aims to increase the awareness of civil servants in fulfilling the obligation to pay zakat from the work done.

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