

Maqashid Al-Syari'ah Al-Syatibi: In the Paradigm Muslim Society as Methodology of Zakat Law

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Abstract

This research is collaborative research of library research and field research. Using a qualitative method with a normative legal approach, namely Islamic law (*usul fiqh*) and naturalistic phenomena. Research exploring the existence of Regional Regulations (Perda) on Zakat Management in Medan City is a necessity, to explore the potential for greater zakat, but the Perda in question has not yet been legislated. The many inhibiting factors, two factors need attention in this study, namely: First, the paradigm of the Muslim community in the city of Medan towards the Syafii fiqh legal methodology is since the majority of Muslims are based on the Syafii fiqh school, thus denying other legal methodologies such as Maqashid al-Syariah which are quite relevant to strengthening the zakat regulation. Second, the paradigm of the Muslim community in the city of Medan has not seen the urgency of Maqashid al-Syariah al-Syatibi as an element of strengthening the regional regulation on zakat in Medan City. The results of the study show that: First, the Muslim community of Medan city does not yet know and fully understand Maqashid al-Syariah al-Syatibi as a legal methodology, because of the strong and strong Syafii school of jurisprudence as a single majority school. Second, Maqashid al-Syariah al-Syatibi is urgent as a solution to strengthening the regional regulation on zakat in the city of Medan with the substance of high benefit aspects, starting from the position of regulation, management to positive benefits for the Muslim community in the city of Medan.

Keywords: *Maqashid al-Syariah, al-Syatibi, Methodology/Usul Fiqh, Zakat Management*

Abstrak

Penelitian ini adalah penelitian kolaborasi penelitian pustaka dan penelitian lapangan. Menggunakan metode kualitatif dengan pendekatan hukum normatif yakni hukum islam (*usul fikih*) dan

fenomena naturalistik. Penelitian mengeksplorasi terhadap eksistensi Peraturan Daerah (Perda) tentang Pengelolaan Zakat di Kota Medan menjadi suatu keniscayaan, guna menggali potensi zakat lebih besar, namun Perda dimaksud belum dilegislasikan. Dari sekian banyak faktor penghambat, terdapat dua faktor perlu menjadi perhatian penelitian ini yakni : Pertama, paradigma masyarakat muslim kota Medan terhadap metodologi hukum fikih Syafii disebabkan mayoritas umat Islam mayoritas berbasis mazhab fikih Syafii, sehingga menafikan metodologihukum lain seperti Maqashid al-Syariah yang cukup relevan terhadap penguatan Perda zakat dimaksud. Kedua, paradigma masyarakat muslim kota Medan belum melihat betapa urgensinya Maqashid al-Syariah al-Syatibi sebagai unsur penguat perda zakat di Kota Medan. Hasil penelitian menunjukkan bahwa: Pertama, masyarakat muslim kota Medan belum mengetahui dan memahami secara menyeluruh Maqashid al-Syariah al-Syatibi sebagai metodologi hukum, karena kuat dan kentalnya mazhab fikih Syafii sebagai mazhab single majority. Kedua, Maqashid al-Syariah al-Syatibi menjadi urgen sebagai solusi penguatan Perda zakat di kota Medan dengan substansi terkandungnya aspek masalah yang tinggi, mulai dari kedudukan regulasi, pengelolaan hingga manfaat positif bagi masyarakat muslim di kota Medan.

Kata Kunci: Maqashid al-Syariah, al-Syatibi, Metodologi/Usul Fikih, , Pengelolaan Zakat

INTRODUCTION

In terms of quantity, the potential for zakat collection in Indonesia is relatively high, including in the province of North Sumatra (see North Sumatra), where the administrative center of government is in the city of Medan (Sari, 2017; Amelia & Murtani, 2020). There are indicators of the magnitude of the zakat potential of the city of Medan seen from: 1). The population of the city of Medan (2022) is estimated at 2,524,321 people and has a population density of 9,522.22 people/km². Medan has an area of 26,510 hectares which is administratively divided into 21 sub-districts covering 151 urban villages. 2). Most adherents of the Muslim majority are around 64.53%.

The large potential of zakat, along with the growth and development of zakat management institutions in the city of Medan makes the existence of zakat institutions important and strategic (Hidajat, 2017; Fitrianna, 2021). Zakat funds are collected, managed, and redistributed to those in need. Even though the

amount of the gift is not considered optimal, through the teachings of zakat, it becomes social security for the poor (Arif, 2013).

There are several zakat institutions in the city of Medan that are quite concerned in the management of zakat , including: BAZNAS of North Sumatra Province, BAZNAS of Medan City, LAZ Dompét Waspada, LAZ Rumah Zakat Indonesia and so on (Darma et al., 2017; Ismail et al., 2018). The duties and functions of the institution as a religious institution that carries out zakat management are in the form of planning, organizing, implementing, and supervising the collection and distribution, and utilization of zakat.

The real role that is carried out is not only based on faith and piety, but also based on openness and legal certainty through Law No. 23/2011 concerning Zakat Management in Indonesia, which aims to: 1). Improving services for the community in paying zakat under religious guidance. 2). Improving the function and role of religious institutions to realize community welfare and social justice. 3). Increasing the yield and efficiency of zakat (Khoiri, 2012, p. 119). Although the existence of zakat collection institutions has given a real role to the wider community, problems that arise are still found, especially in the aspect of the amount of zakat potential that has not been explored and managed optimally, despite the presence of these institutions, in fact, the implementation of the zakat law. However, in terms of the number of collections, it does not appear to exist every year. For the North Sumatra BAZNAS, the amount of zakat collection in 2020 is around 2 billion. Even more, the amount of zakat collection at the Medan City BAZNAS is below 1 billion, even though the potential for zakat in Medan is estimated to be above 100 billion.

In this case, encouraging the legislation of the Zakat Regulation must accommodate other legal methodologies, namely Maqashid al-Syariah, although this is considered a methodology outside the methodology of Syafii jurisprudence which has been understood as the basis of the inference of Syafii jurisprudence is: *Al-Quran, al-Sunnah, al-Ijma ' , al-Qiyas and al-Istishab* (Talib, 1990). The views of the Ustadz/dai are further strengthened, in conveying his da'wah based solely on the Syafii school of jurisprudence, this is what they have learned, understood, and practiced since they studied at the basic level of Higher Education, so that they continue to form their understanding and practice included in the study of zakat

To encourage the progress of zakat, the community's paradigm towards understanding zakat fiqh proposals such as *Maqashid al-Syariah* is an important key to be directed to new things with no intention of abandoning fiqh proposals that have been considered established and permanent so far, namely those based on the fiqh proposals of the Syafii school. In other words, the paradigm shift in research thought is trying to lead and offer an understanding of the fiqh proposals called contextualization of the schools of jurisprudence through *Maqashid al-Syariah* and its importance as a zakat methodology including the regional regulations on zakat.

Maqashid al-Syariah is meant is *Maqashid al-Syariah al-Syatibi*, a legal theory introduced by Imam Syatibi (Bakri, 1996, pp. 25–26). This theory is seen as attractive to accommodate the dynamic needs of zakat law. One of the legal needs for zakat in question is the urgency of the need for a regional regulation on zakat management in the city of Medan which so far has not existed in the province of North Sumatra, especially in the city of Medan.

The purpose of the zakat regulation above, of course, provides a fairly high benefit aspect in zakat management. Perda is a necessity, like it or not, it must be supported by legal methodologies as the basis for the idea of a regional regulation on zakat. This means that in the paradigm of society, the importance of Perda based on the benefit aspect is quite high. The indicators of benefit are seen in the *Maqashid al-Syariah* methodology. This study is also considered interesting, to explore the urgency of the regional regulation on zakat and to measure the relationship between *Maqashid al-Syariah al-Syatibi* and the regional regulation as a legal argument that strongly supports the presence of the regional regulation on zakat in the city of Medan.

RESEARCH METHOD

This research is a combination of library research and field research, using qualitative methods with an Islamic law approach and naturalistic phenomena. Qualitative methods look more at the process side than just results and usually, qualitative research has a natural field as a direct source of data so that it is naturalistic. Using a legal research approach, scientific activity is based on a certain method, systematic thinking aimed at studying certain legal phenomena (Kadafi, 2016, p. 66). This research was conducted in the city of Medan with the data to be obtained from field data and library data. Data collection in this study was done in three stages. First, is the stage of collecting general and broad data

on interesting, important, and other things to be studied in more depth. Second, to explore data collection that is more focused by the focus of research, as well as knowing the data sources and informants that are computed. Third, conducting research focused on tracing and analyzing the public's view of Maqashid al-Syariah al-Syatibi and the urgency of the zakat regulation in the city of Medan based on the methodology of Maqashid al-Syariah al-Syatibi.

Data analysis is based on the interactive analysis model of the Miles and Huberman model, including Data collection, data reduction, conclusion drawing, and verification. First, data collection through observation, interviews, and documentation. These field data are recorded in field notes in the form of a description of what is seen, heard, experienced, and felt by the research subjects. Second, data reduction is a process of selecting, focusing, and simplifying raw data. Next, make a summary, code, and search for themes on events that are considered important. Third, the presentation of data in the form of text and narratives from data in the field to be categorized according to the topic of the problem. This stage is done to understand and take important actions. Fifth, verification and drawing conclusions in the form of trying to find the meanings and components presented by noting patterns, explanations, causal relationships, and others through peer discussions in the form of focus group discussions and others.

RESEARCH FINDINGS AND DISCUSSION

The strong understanding of the as-Shafii school of jurisprudence as the practice of the Muslim community in the city of Medan, makes this school an official school, as well as for the Muslim community of the archipelago. This is a historical problem that the missionaries who came first to spread the teachings of Islam in the archipelago generally came from South India (Gujarat) which was the majority of the Syafii school, then also became a school of jurisprudence for the Muslim community in the city of Medan. This can be seen from: First, the practice of daily practices, starting from aspects of worship, and others are products of the Syafii school of fiqh.

The practice crystallized in the life of the Muslim community in the city of Medan. Second, seen from the books-books of jurisprudence used by religious educational institutions such as madrasahs-madrasahs have referred directly to the books-books of jurisprudence Syafii, in addition to being held directly by the

Ustaz and scholars to be taught to the community, such as al-Umm, this book written directly by Imam Syafii (d. 240, H) when in Egypt contains various views on the jurisprudence of the practice of Islamic teachings. Then the works of other Shafi'i schools are: Fath al Muin, the work of Zain al-Din al-Malibari (d. 975 H), I'ana at-Talibin, the work of al-Bakri bin Muhammad ad-Dimyati (d. 1300 H), Taqrib, by Abu Syuja 'al-Isfahani, (d. 593 H), Fath al-Qarib, by Ibn al-Qasim al-Gazzi (d. 918 H), Kifayah al- Akhyar, by Taqi ad- Din ad- Dimasiqi (d. 829 H), Hasyiyah al- Bajuri , by Ibrahim al-Bajuri (d. 1277 A.D.) al- Iqna ' , by al-Khatib asy Syarbini, (d. 977 H), Minhaj at- Talibin, by Abu Zakariya an - Nawawi (d. 676 H) and others all became the strengthening authority of the Syafii school of jurisprudence.

Third , the city of Medan has historically been the birth of social and religious organizations, namely al-Jamiyatul al-Washliyah which is also based on the Syafii school of jurisprudence. /Ustaz/da'i based on al-Jamiyatul al-Washliyah participated in conveying religious knowledge and law based on Syafi'i fiqh.

The factors above make the Syafii school of jurisprudence the single majority in the city of Medan. This affects the public's perspective, not only at the level of fiqh practice but also to the methodology as the basis for legal istinbath. As mentioned earlier in performing legal istinbath, Imam Syafii set the steps, namely: *Al-Quran, al-Sunnah, al-Ijma', al-Qiyas, and al -Istishab* (Talib, 1990). Istihsan like Abu Hanifah even rejected al-Istihsan as a legal proposition as well as Maqashid al-Syariah. What is Imam Syafii's view is also the same view for the Muslim community in the city of Medan.

Everything that is not the basis of the inference of Syafii jurisprudence, does not become the belief of society, as Maqashid al-Syariah al-Syatibi is seen as a new legal methodology. Also in the view of the scholars or teachers who have read the book of al-Syatibi, explained that al-Syatibi is not part of the group of scholars Syafiiyah.

Based on the results of an interview with the Chairman of MUI North Sumatra Dr. H. Maratua Simanjuntak, said: "The strong understanding of Syafii jurisprudence follows with its legal evidence makes the Muslim community as well as religious figures quite strong on the practice of Syafii jurisprudence. Certainly, the methodology of Maqashid al-Syariah al-Syatibi is not understood and is rarely explained to the public. Moreover, Maqashid al-Syariah al-Syatibi is not one of the legal arguments used by Syafii jurisprudence. Religious studies in

mosques etc. delivered by Ustaz/Ustazah rarely touch on the study of Maqashid al-Syariah al-Syatibi, such studies are only found in studies-studies of Islamic law in universities such as UIN or IAIN. " He said! (Interview, 02/05/22).

The results of this interview show that it is natural that the Islamic community does not understand the concept of Maqashid al-Syariah al-Syatibi as a legal proposition in the study of Islamic law, including the issue of zakat. The same question was also asked to Ahmad Sampurna, one of the preachers of the city of Medan, according to him, "There is some understanding of the Muslim community in the city of Medan, especially those who often attend religious study assemblies about Maqashid al-Syariah, but only to the extent that they only know but do not understand its substance. . When associated with Maqashid al-Syariah al-Syatibi as an important argument for the need for a regional regulation on zakat management in the city of Medan, the Muslim community in the city of Medan emphasized that they did not understand Maqashid al-Syariah al-Syatibi, even though they were aware of the importance of the regional regulation on zakat in the city. Medan by looking at Maqashid al-Syariah al-Syatibi as a legal proposition.

According to the community, the role of the regional regulation on zakat is very important as a solution to optimize zakat funds and to this day the regional regulation on zakat has never been legislated in the form of regional regulation. This statement shows that the public's lack of understanding about Maqashid al-Syariah al-Syatibi to be used as a legal argument strengthens the regional regulation on zakat, especially Maqashid al-Syariah al-Syatibi outside of the Syafii fiqh argument. Syatibi, being one of the important factors in the dynamics of zakat studies, including the regional regulation on zakat, is less recognized as a new understanding.

In the context of the Zakat Regulation, for example, it has not been encouragement from the Muslim community to the legislature to legalize it as a form of optimizing the potential of zakat in Medan City. Perhaps in the minds of the people, the zakat regulation has become a political area and the power of the government does not need to be intervened by the people. If viewed from the aspect of benefits, it should be the concern of the Muslim community. The public needs to encourage the Muslim legislature to formalize the zakat regulation in question.

The Urgency of Maqashid al-Syariah al-Syatibi as a Methodology of Zakat Regulation

The existence of the Regional Regulation on Zakat Management is a normative regulation for zakat management both at the provincial and city and district levels referring to Law No. 23 of 2011 concerning Zakat Management in Indonesia as explained in part III article 15 of the Law, it is stated that in the context of implementing zakat management at the provincial level and regencies/cities are formed Provincial BAZNAS and district/city BAZNAS according to their respective levels. The presence of the Zakat Law and the explanation of the article above is not only limited to regulating the management of zakat in Indonesia but also provides the spirit of the power of Regional Regulations in zakat management at the regional level.

The principle of decentralization in the zakat paradigm is correlated with the implementation of regional autonomy, the goal is to build regional welfare. The existence of the Zakat Law No. 23/2011 is the realization of the arrangement of the system of laws and regulations based on people's welfare then must be implemented in regional regulations, especially the management of regional zakat.

In the context of the city of Medan, the issuance of the regional regulation on zakat is certainly important and strategic. This interest will be seen in the process of improving services for the community in paying zakat following the demands of Islamic law, increasing the function and role of religious institutions to realize community welfare and social justice, and increasing the results and efficiency of zakat.

Thus, the integration of zakat in the city of Medan is essentially the grounding of Islamic law on social reality in the Muslim community. Management of zakat is not limited to the demands of the subjective - normative basis of Islamic law which determines zakat obligations but is a re-actualization of the objective-empirical basis. That's why looking at zakat, it must be seen as a potential development instrument that is regulated by legislation. Moreover, then through Law No. 22 of 1999 concerning regional government, it is emphasized that there is a common thread between zakat and the implementation of regional autonomy including the democratic process, community involvement, equitable distribution of justice, siding with the weak, and so on.

The legislative process of the regional regulation on zakat must be supported by the high religious spirit of the Muslims themselves. It is not only limited to the fact that the regional regulation on zakat provides benefits in the management of zakat, but is also supported by a full understanding of the process of rolling out the regulation. Talking about the importance of regional regulations on zakat must be put in place with a strong legal methodology that is known and understood by the public. This is a motivation and enthusiasm in pushing the idea of a regional regulation on zakat legislation. The public's knowledge and understanding of legal methodology is its strength, even though the methodology is outside of the Syafii fiqh legal methodology. Because to lay down the legal argument for the regional regulation on zakat, its relevance has not been seen with the basics of istinbath Syafih fiqh.

Based on that basis, accommodating other methodologies or called contextualization of schools of thought is a necessity as a solution to strengthening regional regulations on zakat. Results of interviews with Prof. Asmuni, MA (Secretary of the North Sumatran MUI) said, if the city of Medan has a regional regulation on zakat, it is certain that the optimization of zakat collection will be maximized, but legislating the regional regulation is not easy, because this is a political and power area, namely the legislative and executive. However, the steps that must be taken are the importance of public understanding of the zakat regulation, especially in terms of its benefits.

When the Islamic community is given an understanding, it requires clear legal arguments seen from the aspect of benefit values. Talking about benefit must be oriented to arguments whose legal substance is to the totality of benefit and this is found in *Maqashid al-Syariah al-Syatibi*." He said! (Interview, 05/05 22)

"Maqashid al-Syariah al-Syatibi became part of the contextualization of schools. The use of this methodology is considered appropriate and gives urgency to the regional regulation on zakat management in the city of Medan. This interest can be seen from the masalah aspect, namely: 1)The Maqashid al-Syariah al-Syatibi methodology is a legal methodology that prioritizes the benefit of society. So the position of the Regional Regulation is increasingly strategic to encourage the amount of zakat collection to be explored to the maximum; 2) Perda is a further elaboration of higher laws and regulations by taking into account the characteristics of each region. If it is correlated with Maqashid al - sharia , it is certain that the zakat regulation will provide benefit the region and its Muslim community".

Maqashid al-Syariah al-Syatibi is a relevant methodology in upholding the importance of the Zakat Regulation in the city of Medan, this is seen from the substance of Maqashid al-Syariah al-Syatibi itself. Maqashid al-Syariah is defined by al-Syatibi: Indeed, the Syariah aims at the welfare of mankind and the hereafter. (Al Syatibi, 1996) In other words, it is said that laws are prescribed for human benefit. According to al-Syatibi that all obligations of taqleed were created to realize the welfare of the servant. Every law of Allah in the view of al-Syatibi must have a purpose, a law that has no purpose is the same as taklif ma la jutaq (burdening something that cannot be done).

Meaning: We have sent them as messengers, messengers of glad tidings and warners so that there is no reason for people to argue against Allah after the messenger was sent. (Qs an-Nisa: 165)

Various verses stated by al-Syatibi above, emphasize that God's laws contain benefits. Al-Syatibi also emphasized that it does not matter whether the Qur'an has given something detailed or not. However, in the description of the Qur'an itself Islam has been perfected as a religion for humans, accommodating the basic beliefs and practices of religion with various aspects. Therefore, according to al-Syatibi, the essence of Maqashid al-Syariah is to realize the human benefit.

Benefits will be obtained, when he obtains the five main elements, namely religion, soul, lineage, intellect, and property. To realize and maintain the five main elements, al-Syatibi divides them into levels, namely: Maqashid al-Dururiyat, maqshid al-Hajiyat, and maqashid al-Tahsaniyat (Jauhar, 2009). In other words, the burden of the Shari'ah benefits back to the maintenance of its goals in the creature (al-Qardhawi, 1997) as mentioned at the level in question.

If it is linked back to the context of the regional regulation of zakat, the existence of Maqashid al-Syariah al-Syatibi from the aspect of the argument will certainly reinforce the legislative process for the regional regulation of zakat in the city of Medan. The substance of Maqashid al-Syariah asserts that the Regional Regulation will provide benefits not only in terms of regulation and management but also positive impacts on the people of Medan, with the following aspects of benefit:

1. Zakat funds are managed based on regional regulations, making the zakat management regulatory system more transparent, trustworthy, and controlled

by the government and the public, so that zakat funds are properly managed and professionally.

2. Zakat funds that are managed based on regulations provide a benefit aspect to the management of zakat, the potential of zakat funds will be explored to the maximum. Some rewards and punishments require muzakki to pay zakat to institutions. The larger zakat funds collected can be used for the greater benefit of Muslims.
3. Zakat funds that are managed based on regulations will participate in maintaining the Islamic religion which is the role model of Muslims in the city of Medan. Zakat will certainly be explored maximally through a regional regulation. The collected zakat funds become an instrument of religious strengthening, with the teachings of zakat being truly measurable as social security for the poor. The poverty that makes a person an infidel must be resolved through the payment of zakat.
4. Zakat funds that are managed based on regulations will help maintain the soul of the Islamic community because the zakat issued will cleanse and nourish their souls. This is where the Regional Regulation provides the discipline to pay zakat which then makes the muzakki self and soul aware that in their assets there is other people's property that must be issued.
5. Zakat funds issued based on Regional Regulations will maintain a person's offspring. This means that the Regional Regulation disciplines muzakki to pay zakat which indirectly educates and influences their offspring as devout Muslims, as well as being education for their families and descendants.
6. Zakat funds that are managed based on regulations will make their minds healthy. Discipline in paying zakat will nourish one's mind to always be grateful and trustworthy towards the assets owned while avoiding greedy attitudes that can damage his soul.
7. Zakat funds that are managed based on regulations will maintain their assets. Discipline in paying zakat makes a muzakki's property holy, clean, blessed, and increased.
8. Zakat funds that are managed based on regulations will place the honor on the recipients of zakat, because the zakat received does not deal directly with the Zakat giver, but is channeled through zakat institutions.

The various aspects of the benefits above are the substance of Maqashid al-Syariah al-Syatibi. Thus the management of zakat through a local regulation

based on Maqashid al-Syariah al-Syatibi will truly guarantee the benefit for Muslims and the Medan city government, starting from the aspect of the regulatory position, management aspects to the positive impact felt by the Muslims of the city of Medan.

CONCLUSIONS

The community's paradigm towards Maqashid al-Syariah is not yet well acquainted with, moreover Maqashid al-Syariah al-Syatibi is a method of developing ijtihad. However, strengthening the regional regulation on zakat Maqashid al-Syariah al-Syatibi is a necessity and a solution. Initially, the community paradigm was quite thick with the methodology of Syafi'i fiqh law and did not know Maqashid al-Syariah al-Syatibi, for the benefit aspect of the regional regulation on zakat, maqashid al-Sharia al-Syatibi must be an inseparable part to strengthen the idea of the Perda in question. The community paradigm must begin to be directed at recognizing and understanding the maqashid al-Sharia al-Syatibi methodology by contextualizing schools in the form of socialization by ulama/ustaz and others, as well as strengthening the fiqh/fiqh proposal curriculum starting from low-level madrasas to universities.

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