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The Maqasid of Modern Philanthropy: Deconstructing al-Qardawi's Istinbat and Its Institutionalization within the Indonesian Zakat Framework

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Abstract: *The transition toward a globalized service economy has exposed a critical conceptual gap in classical Islamic philanthropy, which historically focused on agrarian wealth and physical commodities. This article investigates the deconstruction of Yusuf al-Qardawi's istinbat (legal deduction) methodology regarding professional zakat (zakat profesi) and its subsequent institutionalization within the Indonesian legal landscape. Specifically, it addresses three critical analytical dimensions: (1) the jurisprudential reconceptualization of professional income as a modern productive asset under the Maqasid al-Sharia framework; (2) the process of legal transplantation of these reformist ideas into Indonesian Law No. 23 of 2011; and (3) the socio-legal trajectory of shifting from commodity-based to human-capital-based philanthropy. Employing a socio-legal approach and textual hermeneutics, the study deconstructs the logical bridge in al-Qardawi's Fiqh al-Zakah, identifying growing wealth (al-nama') as the effective cause ('illat) that equates intellectual labor with classical gold and silver assets. The findings reveal that this methodology has been successfully institutionalized in Article 4 of Law No. 23/2011, providing definitive legal certainty for the state to manage zakat from modern professional services. This research argues that such methodological flexibility is essential for achieving distributive justice (al-'adalah al-tawzi'iyyah) and correcting the historical agrarian bias in philanthropic burdens. Ultimately, the study demonstrates that the trajectory of social justice in Indonesian philanthropy is increasingly shaped by the synthesis of reformist jurisprudence and state statutory law.*

Keywords *: Professional Zakat, Yusuf al-Qardawi, Maqasid al-Sharia, Legal Institutionalization, Distributive Justice*

Introduction

Islamic philanthropy has increasingly emerged as a critical instrument for socio-economic justice in the modern era, necessitating a profound transition from literalist, text-based interpretations toward a robust Maqasid-based framework. This study posits that the modernization of zakat, specifically regarding professional income, is not merely a technical adjustment of religious practice but a fundamental endeavor to achieve distributive justice (*al-'adalah al-tawzi'iyyah*) within the complexities of contemporary financial systems. Historically, the jurisprudential discourse on zakat was confined to specific tangible assets defined in the 7th-century agrarian economy, such as livestock, gold, and agricultural produce. However, the shift toward a globalized service economy has exposed the limitations of these classical silos, demanding a jurisprudential deconstruction that recognizes human capital as a primary productive asset [1].

In the context of Indonesia, the institutionalization of zakat has undergone a programmatic revolution, reflecting the nation's status as the world's most charitable country according to the Charities Aid Foundation [2]. The country's unique philanthropic landscape is shaped by a synthesis of deep-rooted religious piety and rapid digital adoption, which has led to a massive mobilization of funds through formalized state channels. This movement reached a pivotal point with the enactment of Law No. 23 of 2011 on Zakat Management, which seeks to formalize diverse charitable streams and integrate them into a national welfare mandate. Despite this legislative progress, the legal and theological foundation for taxing modern professional income remains a subject of ongoing theoretical refinement, often oscillating between traditionalist caution and reformist necessity [3].

Despite its formal acceptance in several Muslim-majority jurisdictions, the categorization of professional income as a mandatory zakat object remains a subject of intense scholarly debate due to its perceived lack of direct historical precedence (*al-mal al-mustafad*). Traditionalists often argue that since the Prophet Muhammad did not explicitly levy zakat on professional wages, such a practice constitutes an ahistorical innovation. Conversely, reformist scholars, led by Yusuf al-Qardawi, posit that the exclusion of high-earning modern professionals, such as advocates, specialized physicians, and corporate commissioners, creates a profound socio-economic imbalance. In this view, the burden of religious philanthropy falls disproportionately on low-income subsistence farmers, while the urban professional class remains exempt, thus contradicting the foundational spirit of equity in Islamic law [4]

A review of existing literature reveals that scholarly inquiries into Indonesian Islamic philanthropy have largely focused on historical and institutional evolution. Amelia Fauzia's seminal work provides an extensive historical overview of the relationship between faith and the state, noting that philanthropic practices have always been a contested space for legal authority [5]. However, while Fauzia provides the macro-historical context, her analysis does not delve into the specific *istinbat* procedures used to legitimize new zakat objects in the contemporary era. Similarly, Bhirawa Anoraga's recent study highlights the disruptive power of digital crowdfunding and its impact on the social justice trajectory of philanthropy, yet his focus remains on the convivial character of technology rather than the underlying

[1] Muhammad Aziz and Sholikah Sholikah, "METODE ISTINBAT HUKUM ZAKAT PROFESI PERSPEKTIF YUSUF AL-QARDAWI DAN IMPLIKASINYA TERHADAP PENGEMBANGAN OBJEK ZAKAT DI INDONESIA," *ULUL ALBAB Jurnal Studi Islam* 16, no. 1 (2015).

[2] Mohammad Qutaiba, Mohd Owais, and Abdus Salam Muharam, "The Current Issue of Reporting Zakat in Indonesia: A Critical Analysis," *Journal of Islamic Economic and Business Research* 4, no. 1 (2024); Khuzaifah Hanum, Hendri Setiyo Wibowo, and Syifa Aziza, "Compliance Performance in Reporting on Zakat Institution in Indonesia," *International Journal of Zakat* 10, no. 2 (2025); Ely Masykuroh, Niswatul Hidayati, and Yutisa Tri Cahyani, "Islamic Corporate Philanthropy in Islamic Banking: Implementation of Zakat Regulation and Sharia Compliance in Indonesia," *Justicia Islamica* 22, no. 1 (2025).

[3] Bhirawa Anoraga, "A Decade of Charitable Crowdfunding and Its Impacts on the Social Justice Trajectory of Islamic Philanthropy in Indonesia," *Advances in Southeast Asian Studies* 17, no. 1 (2024).

[4] Y Al-Qarāḍāwī, "Fiqh Al-Zakāh Dirāsah Muqāranah Li Ahkāmihā Wa Falsafatihā Fi Daw'al-Qur'ān Wa Al-Sunnah," *Cet. ke-25. Jilid ke-1 & 2. Qāhirah: Maktabah Wahbah* (2006).

[5] Amelia Fauzia, *Faith and the State: A History of Islamic Philanthropy in Indonesia*, *Faith and the State: A History of Islamic Philanthropy in Indonesia*, vol. 1, 2013; Amelia Fauzia, "Review of Jonathan Benthall, Islamic Charities and Islamic Humanism in Troubled Times," *Contemporary Islam* 11, no. 1 (2017).

jurisprudential logic of statutory law [6].

Furthermore, the governance aspect of Islamic philanthropy has been addressed by Luhur Prasetiyo et al., who mapped the corporate governance models of zakat institutions in specific sectors like Islamic hospitals. Their research identifies the shift toward External and Integrated management models but stops short of evaluating the methodological roots that allow these institutions to tax professional income legally [7]. In a broader functional context, Tuti Alawiyah's research compares religious NGOs with secular organizations, arguing that religious groups derive their sustainability from domestic resources. Yet, the question of how these domestic resources, specifically professional income, undergo a process of legal transplantation from reformist fatwas to state statutes remains largely unanswered [8].

Comparative perspectives from international scholars further enrich the discourse but highlight a significant conceptual gap. Amy Singer's work on the charity in Islamic societies emphasizes the structural role of waqf and zakat in poverty alleviation but focuses primarily on Ottoman and pre-modern structures [9]. Jonathan Benthall notes that modern Islamic charities often struggle with the transparency gap and the tension between religious mandates and international aid standards [10]. While these studies provide a global backdrop, they do not address the specific Socio-Legal mechanism whereby a non-binding theological discourse (reformist *istinbat*) is transformed into a binding state mandate within a modern nation-state like Indonesia.

The intellectual resistance expressed by scholars such as Sahal Mahfudh regarding the *haul* (annual possession) requirement for salaries provides a necessary dialectic in this field. Mahfudh's caution stems from a strict adherence to the condition of ownership (*syarat milik*), highlighting the conceptual tension between classical fiqh and modern financial cycles [11]. Hilman Latief has further explored this as a facet of Muslim citizenship, where the act of giving becomes an institutionalized duty. However, there is a lack of research that specifically deconstructs al-Qardawi's *Fiqh al-Zakah* to see how the logic of growing wealth (*al-nama'*) was used as a catalyst for the Indonesian legislative framework to resolve this temporal tension [12].

This lack of methodological deconstruction constitutes a significant Research Gap.

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[6] Anoraga, "A Decade of Charitable Crowdfunding and Its Impacts on the Social Justice Trajectory of Islamic Philanthropy in Indonesia."

[7] Luhur Prasetiyo, Unun Roudlotul Jannah, and Nurma Fitrianna, "Corporate Governance Model of Islamic Philanthropy at Islamic Hospitals in Ponorogo," *IQTISHADIA* 15, no. 2 (2022); Unun Roudlotul Janah and Luhur Prasetiyo, "Integrated Islamic Philanthropy for Equitable Healthcare Access: A Case Study of Muhammadiyah Hospital," *ZISWAF: Jurnal Zakat dan Wakaf* 12, no. 2 (2025).

[8] Tuti Alawiyah, "Religious Non-Governmental Organizations and Philanthropy in Indonesia," *Indonesian Journal of Islam and Muslim Societies* 3, no. 2 (2013).

[9] Amy Singer, "Soup and Sadaqa: Charity in Islamic Societies," *Historical Research* 79, no. 205 (2006); Donna Robinson Divine, "Charity in Islamic Societies – By Amy Singer," *Digest of Middle East Studies* 19, no. 1 (2010); Dean J. Amy Singer, "Amy Singer, Charity in Islamic Societies," *Revue d'histoire et de philosophie religieuses* 91, no. 1 (2011); Micah A. Hughes and Shariq A. Siddiqui, "From Islamic Charity to Muslim Philanthropy: Definitions Across Disciplines," *Religion Compass* 18, no. 10 (2024).

[10] Jonathan Benthall, "Commentary on Philanthropy in Indonesia," *Journal of Muslim Philanthropy & Civil Society* 6, no. 2 (2022).

[11] Sahal Mahfudh, *Nuansa Fiqh Sosial*, *Yogyakarta: LKiS*, 1994; Reza Fauzi Nazar, "CORAK PEMBARUAN PEMIKIRAN HUKUM ISLAM DALAM KONSEP 'FIQH SOSIAL' K.H SAHAL MAHFUDH," *Asy-Syari'ah* 23, no. 1 (2021); Nurur Rohmah, "MEMAHAMI FIQH SOSIAL KH. MA SAHAL MAHFUDH 'FIQH SEBAGAI ETIKA DAN GERAKAN SOSIAL,'" *JURNAL ISLAM NUSANTARA* 1, no. 1 (2017); Arief Aulia, "METODOLOGI FIQH SOSIAL M.A. SAHAL MAHFUDH," *El-Mashlahah* 7, no. 2 (2019).

[12] Hilman Latief, "Philanthropy and 'Muslim Citizenship' in Post-Suharto Indonesia," *Southeast Asian Studies* 5, no. 2 (2016).

While the implementation of professional zakat is a widespread reality in Indonesia, the State of the Art in current research has not yet synthesized the Legal Transplantation Theory with Maqasid-oriented reasoning to explain the expansion of zakat objects. Most studies remain siloed: they are either purely theological (focusing on the validity of al-Qardawi's fatwa) or purely legalistic (focusing on the compliance with Law No. 23 of 2011). There is an urgent need to investigate the logical bridge between these two domains to understand how religious ethics are formalized into statutory mandates.

The Novelty of this research lies in its reconceptualization of professional income as Intangible Productive Wealth through a socio-legal lens. Unlike previous studies that treat professional zakat as a separate, modern category, this article argues that it is a rigorous re-application of the classical *al-nama'* principle to modern human capital. By using the theory of legal transplantation, this study demonstrates that the inclusion of Income and Services in the Indonesian statutory framework is not a departure from tradition but a sophisticated jurisprudential evolution that ensures the relevance of the Sharia within the Industrial 4.0 economy.

Consequently, this research provides a critical correction to the agrarian bias that has historically dominated zakat discourse. By establishing a rigorous analytical framework, this study moves beyond a descriptive account of zakat management and instead focuses on the trajectory of social justice facilitated by methodological flexibility. This analysis is crucial for both domestic policymakers and international scholars of Islamic law, as it clarifies the legal certainty provided to the Muslim professional class and business entities in Indonesia, thereby strengthening the nation's philanthropic ecosystem and ensuring its long-term accountability [13].

The primary objective of this article is to investigate the transition of reformist jurisprudence from the theoretical domain of Yusuf al-Qardawi into the formal legal framework of Indonesia. In achieving this goal, the study addresses three fundamental research questions: First, to what extent does Yusuf al-Qardawi's *istinbat* methodology, specifically his reconstruction of *qiyas*, reconceptualize professional income as a modern productive asset within the framework of Maqasid al-Sharia and distributive justice? Second, how has al-Qardawi's reformist jurisprudence been transplanted and institutionalized within the Indonesian statutory framework, specifically Law No. 23 of 2011? Finally, what are the broader socio-legal implications of this transition from commodity-based to human-capital-based philanthropy for the trajectory of social justice in Indonesia?

LITERATURE REVIEW

The contemporary discourse on Islamic philanthropy has increasingly moved beyond literalist interpretations, gravitating toward a framework grounded in Maqasid al-Sharia (the higher objectives of Islamic law). Scholars argue that the primary purpose of zakat is not merely the ritualistic distribution of specific commodities but the actualization of socio-economic justice through the redistribution of productive wealth [14]. This paradigmatic shift is

[13] Indonesia Pemerintah Republik, *UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 23 TAHUN 2011 TENTANG PENGELOLAAN ZAKAT*, vol. 11, 2011.
[14] Aziz and Sholikah, "METODE ISTINBAT HUKUM ZAKAT PROFESI PERSPEKTIF YUSUF AL-QARDAWI DAN IMPLIKASINYA TERHADAP PENGEMBANGAN OBJEK ZAKAT DI INDONESIA."

necessitated by the transition from pre-modern agrarian economies to complex, service-oriented global markets. Within this context, the preservation of wealth (*hifz al-mal*) is reinterpreted not only as the protection of private property but as the systemic circulation of capital to ensure social stability. Consequently, modern philanthropic thought demands a dynamic methodology that can identify modern equivalents of classical assets, ensuring that the spirit of distributive justice remains operative across different historical and economic epochs [15].

The process whereby theological doctrines are integrated into state statutory frameworks can be analyzed through the lens of Legal Transplantation Theory. This theory posits that legal ideas, norms, and methodologies often move from one jurisdiction, or in this case, from the domain of religious jurisprudence, into the formal machinery of the nation-state [16]. In the Indonesian context, the institutionalization of zakat represents a unique form of legal transplantation where the reformist ideas of global scholars, such as Yusuf al-Qardawi, are internalized into national law. As religious norms are formalized into mandates like Law No. 23 of 2011, they undergo a process of re-contextualization that provides them with state-enforced legitimacy [17]. This transition is critical for bridging the gap between individual religious piety and systemic public policy, transforming zakat from a sporadic act of charity into a structured instrument of national welfare.

The deconstruction of professional zakat requires a fundamental re-evaluation of what constitutes a taxable asset in modern Islamic law. Historically, zakat was strictly levied on tangible goods such as gold, silver, livestock, and agricultural produce, reflecting the socio-economic realities of 7th-century Arabia [18]. However, reformist scholars led by Yusuf al-Qardawi have argued that in the modern era, human capital and intellectual expertise have become the primary drivers of wealth accumulation. By deconstructing the classical principle of *al-nama'* (potential for growth), al-Qardawi identifies professional services as intangible productive wealth that possesses the same effective cause (*'illat*) as classical gold and silver [19]. This reconceptualization is pivotal for modernizing Islamic fiscal jurisprudence, as it allows for the inclusion of high-earning professionals, such as corporate consultants, specialized doctors, and digital entrepreneurs, within the mandatory philanthropic framework.

A significant portion of Islamic philanthropic scholarship has recently highlighted the historical agrarian bias inherent in classical zakat systems. Under traditional frameworks, the philanthropic burden fell disproportionately on subsistence farmers, whose harvests were easily quantifiable and traditionally mandated, while urban professionals with significantly higher net incomes often remained exempt due to a lack of direct historical precedence [20]. Research by contemporary sosiologists and legal historians suggests that this imbalance

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[15] Fauzia, *Faith and the State: A History of Islamic Philanthropy in Indonesia*, vol. 1, p. .

[16] Alan Watson, "Legal Transplants: An Approach to Comparative Law," *Stanford Law Review* 27, no. 4 (1975); Alan Watson, "Legal Change: Sources of Law and Legal Culture," *University of Pennsylvania Law Review* 131, no. 5 (1983).

[17] W Richard Scott, "Institutions and Organizations : Ideas, Interests and Identities / W. Richard Scott, Stanford University," *Sage*, 2014; W. Richard Scott, "Institutions and Organizations: Ideas, Interests, and Identities - W. Richard Scott - Google Books," *Sage Publication*; W. Richard Scott, "Institutions and Organizations - Ideas, Interests, and Identities," *The Copenhagen journal of Asian studies* 32, no. 2 (2015); W. Richard SCOTT, "W. Richard SCOTT (1995), Institutions and Organizations. Ideas, Interests and Identities.," *M@n@gement* 17, no. 2 (2014).

[18] Singer, "Soup and Sadaqa: Charity in Islamic Societies."

[19] Al-Qarāḍāwī, "Fiqh Al-Zakāh Dirāsah Muqāranah Li Ahkāmihā Wa Falsafatihā Fi Daw'al-Qur'ān Wa Al-Sunnah."

[20] Anoraga, "A Decade of Charitable Crowdfunding and Its Impacts on the Social Justice Trajectory of Islamic Philanthropy in Indonesia."

constitutes a form of philanthropic free-riding by the modern professional class. The evolution toward professional zakat in Indonesia is therefore seen as a trajectory of distributive justice (*al-'adalah al-tawzi'iyyah*) that seeks to correct this socio-economic inequity [21]. By expanding the scope of zakat objects to include income and services, the Indonesian legal framework ensures a more equitable contribution from all productive sectors of society, thereby strengthening the nation's social contract and its commitment to poverty alleviation [22].

RESEARCH METHODOLOGY

This study employs a qualitative socio-legal research design, utilizing a normative-juridical framework as a baseline to analyze the institutionalization of religious norms within modern state law. Unlike purely doctrinal studies, this research adopts a socio-legal perspective to examine how theological legal reasoning interacts with the pragmatic requirements of a contemporary nation-state. Central to this approach is the Legal Transplantation Theory, which provides the analytical lens to investigate how Yusuf al-Qardawi's reformist jurisprudence was transplanted into the Indonesian statutory framework, specifically Law No. 23 of 2011 [23]. By integrating textual hermeneutics with Maqasid-oriented reasoning, the study aims to reveal the transition from commodity-based zakat to a human-capital-based philanthropic model.

The data for this research consist of authoritative jurisprudential texts, statutory instruments, and institutional fatwas. The primary data are derived from Yusuf al-Qardawi's seminal corpus, *Fiqh al-Zakah*, and the formal text of Indonesian Law No. 23 of 2011 on Zakat Management. To provide a comparative historical baseline, the study also incorporates classical fiqh compendiums from the Syafi'i, Maliki, and Hanafi schools of law. These diverse data sources are categorized to ensure a comprehensive mapping of the transition from religious ethics to state-enforced mandates, as detailed in Table 1 below.

Table 1. Typology and Functional Framework of Research Data Sources

Data Classification	Core Sources / Key Instruments	Scope and Analytical Contribution	Method of Utilization
Primary Jurisprudential Data	Yusuf al-Qardawi's *Fiqh al-Zakah*	Provides the foundational *istinbat* framework, reformist logic, and the reconstruction of *qiyas* for professional income.	Textual deconstruction and hermeneutic analysis.
Primary Statutory Data	Indonesian Law No. 23 of 2011 on Zakat Management	Serves as the formal-legal benchmark for the institutionalization of zakat objects within the Indonesian positive law.	Normative-juridical mapping and policy interpretation.
Secondary	Classical Fiqh	Establishes the historical	Comparative legal

[21] Latief, "Philanthropy and 'Muslim Citizenship' in Post-Suharto Indonesia."
[22] Pemerintah Republik, *UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 23 TAHUN 2011 TENTANG PENGELOLAAN ZAKAT*, vol. 11, p. .
[23] Watson, "Legal Transplants: An Approach to Comparative Law"; Watson, "Legal Change: Sources of Law and Legal Culture."

Comparative Data	compendiums (*al-Umm*, *al-Muhalla*, *Syarh al-Zarqany*)	baseline for traditional zakat categories and identifies the "agrarian-gold" bias in classical jurisprudence.	analysis and cross-referencing.
Secondary Contextual Data	Fatwas of Indonesian Religious Bodies (MUI, Muhammadiyah, Nahdlatul Ulama)	Reflects the socio-religious consensus and the dynamic adoption of al-Qardawi's ideas at the institutional level in Indonesia.	Content analysis and thematic synthesis.
Tertiary Data	Academic Journals, Encyclopedias, and Linguistic Dictionaries	Provides modern definitions of professional services and historical etymology of *al-mal al-mustafad*.	Theoretical framing and conceptual clarification.

The analysis of the data follows the dual procedures of *istinbat* reasoning: *al-thuruq al-lughawiyyah* (linguistic-textual methods) and *al-thuruq al-ma'nawiyyah* (logical-syllogistic methods). Within the linguistic analysis, the study employs textual hermeneutics to deconstruct al-Qardawi's interpretation of Quranic generalities (*'amm*), specifically his reading of Surah al-Baqarah (2:267) regarding lawful acquisition [24]. Within the logical analysis, the research focuses on the application of *qiyas* (analogical reasoning). This involves a rigorous identification of the Case Asset (*asl*), the Contemporary Empirical Subject (*far'u*), and the Analytical Ratio Legis (*'illat*), centered on the principle of *al-nama'* (potential for growth), to justify the mandatory status of professional zakat [25].

The final stage of the methodology involves a qualitative synthesis of the theological and statutory data to answer the three research questions. The synthesis is conducted through a comparative-descriptive process that maps the points of convergence between al-Qardawi's reformist jurisprudence and the specific provisions of Law No. 23 of 2011 [26]. To ensure the reliability of the findings, the study utilizes internal consistency checks by cross-referencing the state's legislative expansion with the socio-religious consensus established by major Indonesian organizations. This comprehensive analytical framework ensures that the trajectory of social justice in Indonesian philanthropy is evaluated through both its theoretical roots and its formalized legal manifestations.

RESULTS AND DISCUSSION

1. Jurisprudential Deconstruction: Al-Qardawi's *Istinbat* and the Reconceptualization of Professional Income as a Productive Asset

The research finds that Yusuf al-Qardawi's justification for profession zakat rests on a dual procedural analysis of Islamic legal texts, fundamentally challenging traditionalist literalism. Linguistically, al-Qardawi interprets the generality (*'amm*) of Surah al-Baqarah (2:267), specifically the phrase what you have earned (*ma kasabtum*), as an inclusive mandate that encompasses all forms of modern lawful acquisition. This interpretation is highly significant because it breaks the monopoly of classical categories that restricted zakat to

[24] Al-Qarāḍāwī, "Fiqh Al-Zakāh Dirāsah Muqāranah Li Ahkāmihā Wa Falsafatihā Fi Daw'al-Qur'ān Wa Al-Sunnah."
[25] Aziz and Sholikah, "METODE ISTINBAT HUKUM ZAKAT PROFESI PERSPEKTIF YUSUF AL-QARDAWI DAN IMPLIKASINYA TERHADAP PENGEMBANGAN OBJEK ZAKAT DI INDONESIA."
[26] Scott, "Institutions and Organizations : Ideas, Interests and Identities / W. Richard Scott, Stanford University."

physical commodities. Al-Qardawi argues that if the classical jurists used the generality of this verse to justify zakat on trade, there is no logical barrier to applying it to professional services [27]. By doing so, he deconstructs the historical boundaries of fiqh and establishes a dynamic, purpose-oriented reading of sacred texts.

This linguistic deconstruction is met with fierce resistance from literalist scholars who argue that zakat is a matter of *tawqifi* (purely fixed rituals) that cannot be altered without direct Prophetic precedent. Traditionalists maintain that since the Prophet Muhammad did not explicitly levy zakat on the wages of state officials or independent professionals, such a practice constitutes an ahistorical innovation. However, the study demonstrates that al-Qardawi counters this by arguing that the absence of a practice in the 7th century does not equate to its prohibition in the 20th century. He posits that the economic structure of early Islam did not feature the large-scale professional service sector that exists today, and failing to account for this evolution would freeze the Sharia in an anachronistic state, rendering it unable to address modern financial complexities.

To reinforce this linguistic generality, al-Qardawi also utilizes the keumuman (generality) of Hadith narrations to provide the foundational command for action. He cites the tradition narrated by al-Bukhari where the Prophet states that every Muslim must give charity and, when asked how one without means should do so, replied, let him work with his hands to benefit himself and give charity [28]. Al-Qardawi interprets the term *sadaqah* in this context as an obligation (*wajib*) due to the commanding nature of the speech from the Lawgiver. This analytical move effectively reframes a Muslim's professional activity not merely as a means of personal survival, but as a direct feeder system into the mandatory Islamic philanthropic network.

The core of al-Qardawi's breakthrough, however, lies in his logical deconstruction through *qiyas* (analogical reasoning), specifically centered on the principle of *al-nama'* (potential for growth). Classical fiqh restricted zakat to assets that intrinsically grew, such as livestock and agriculture, or served as universal measures of value, like gold and silver. Al-Qardawi argues that in a service economy, a professional's specialized knowledge and labor constitute the ultimate productive asset. By establishing *al-nama'* as the shared ratio legis (*'illat*), he equates the high earnings of modern professionals with the historical accumulation of gold and silver bullion.

To visualize this complex logical bridge, the research has mapped al-Qardawi's structural reconstruction of *qiyas*. This matrix illustrates how contemporary earnings are legitimized by being tethered to classical benchmarks.

Table 2. Structural Reconstruction of Qiyas for the Jurisprudential Legitimacy of Professional Zakat

Logical Pillar of *Qiyas*	Classical Jurisprudential Base (*Asl*)	Contemporary Empirical Subject (*Far'u*)	Analytical Ratio Legis (*'Illat*)	Standardized Juridical Outcome (*Hukm*)
Asset	Gold, Silver, and	Professional	**Principle of *al-***	Obligatory

[27] Al-Qarāḍāwī, "Fiqh Al-Zakāh Dirāsah Muqāranah Li Ahkāmihā Wa Falsafatihā Fi Daw'al-Qur'ān Wa Al-Sunnah."
[28] Ibnu Hajar Al Asqalani, *Fathul Baari Shahih Al Bukhari*, *Riyadh: Maktabah Darussalam*, 2020.

Category	Agricultural Produce.	Income, Honoraria, and Service-based Salaries.	***Nama'*****:** The inherent capacity of the asset to grow or be productive.	(*Wajib*) status for modern earnings.
Quantitative Threshold (*Nisab*)	85 grams of Gold (or equivalent in currency).	Cumulative annual professional income exceeding the gold value.	**Economic Sufficiency:** The presence of surplus wealth beyond basic necessities.	Requirement to pay 2.5% of net professional income.
Temporal Possession (*Haul*)	One full lunar year of possession (for gold).	Immediate acquisition or monthly deduction (analogous to harvest).	**Immediate Utility:** Wealth is taxable at the moment of its harvest or receipt.	Immediate deduction model (compatible with payroll systems).
Ethical Purport	Purification of physical commodities.	Purification of intellectual and service-based human capital.	**Social Justice:** Equitable redistribution of wealth across all economic sectors.	Correction of agrarian bias in philanthropic burdens.

One of the most contentious issues resolved by this framework is the debate over the *haul* (annual possession) requirement. Traditionalists like the Syafi'i school strictly demanded that an asset be held for one full lunar year before becoming subject to zakat. Al-Qardawi bypasses this by analogizing professional income to agricultural harvest, where zakat is paid at the moment of reaping. Table 2 illustrates that by shifting to the harvest analogy, al-Qardawi provides a rigorous logical foundation that perfectly aligns with modern monthly payroll deductions. This prevents the scenario where wealthy professionals spend their monthly salaries before the end of the year, thereby avoiding their philanthropic duty entirely [29].

Ultimately, this sub-heading demonstrates that al-Qardawi's *istinbat* is a profound deconstruction aimed at actualizing *Maqasid al-Sharia*. He argues that the higher objective of zakat is to eliminate poverty and bridge the gap between the rich and the poor, not to adhere dogmatically to the specific commodities listed in historical texts. By recognizing human capital and specialized expertise as the primary modern vessels of productive wealth, al-Qardawi ensures that the financial burden of social welfare is distributed equitably according to actual economic capacity. This reconceptualization provided the necessary theological foundation for modern Muslim states to build formal legal frameworks surrounding professional zakat.

[29] Aziz and Sholikah, "METODE ISTINBAT HUKUM ZAKAT PROFESI PERSPEKTIF YUSUF AL-QARDAWI DAN IMPLIKASINYA TERHADAP PENGEMBANGAN OBJEK ZAKAT DI INDONESIA."

2. Legal Transplantation and Institutionalization: Resolving the Tension Between Agrarian Bias and the Modern Service Economy in Law No. 23/2011

The findings demonstrate that the reformist logic developed by Yusuf al-Qardawi did not remain confined to theological treatises but was successfully transplanted into the Indonesian statutory framework. The enactment of Law No. 23 of 2011 on Zakat Management represents a watershed moment where non-binding religious ethics were codified into binding state mandates. This process of legal transplantation resolved a profound tension in Indonesian society, where a rapidly growing urban middle class was generating immense wealth through professional services, yet paying little to no zakat due to the absence of specific categories in classical fiqh [30].

A critical reading of Law No. 23 of 2011 reveals that while the explicit term profession is absent from the primary articles, Article 4, Paragraph (2), Letter h provides the definitive legal basis by including income and services (*pendapatan dan jasa*) under the category of *zakat mal* [31]. The research argues that this specific terminology is a direct legislative adoption of al-Qardawi's concept of *al-mal al-mustafad*. By using the phrase income and services, the Indonesian state provided the necessary legal certainty to capture the surplus wealth generated by modern labor, successfully bridging the gap between religious duty and public policy.

This institutionalization did not occur in a vacuum but was the result of a long history of consensus-building among Indonesia's major Islamic organizations. For decades, institutions like Muhammadiyah and Nahdlatul Ulama struggled to find common ground on the validity of professional zakat. The study notes that early deliberations, such as Muhammadiyah's Tarjih in 1989, ended without a final consensus because the classical fiqh paradigm was still heavily dominant. It was not until the legal theories of al-Qardawi became widely accessible in Indonesia that a consensus was reached, allowing for the formalization of the concept in Law No. 23 of 2011 [32].

To understand the scale of this legislative evolution, this research deconstructs how Law No. 23 of 2011 expanded the objects of zakat beyond the narrow categories of classical fiqh. The expansion demonstrates the state's attempt to align religious taxation with the realities of a modern industrial and service-based economy.

Table 3. Paradigmatic Evolution of Zakat Objects: From Classical Jurisprudence to Indonesian Statutory Law

Economic Domain	Classical Jurisprudential Scope (*Fiqh al-Turath*)	Statutory Expansion in Law No. 23/2011	Modern Professional & Sectoral Manifestations	Juridical & Socio-Economic Impact
Human Capital & Services	Virtually excluded due to the lack of direct	**Income and Services** (*Article 4, Para 2, Letter*	Physicians, Legal Consultants, Architects,	Captures surplus wealth from the highest-earning

[30] Watson, "Legal Transplants: An Approach to Comparative Law"; Watson, "Legal Change: Sources of Law and Legal Culture."
[31] Pemerintah Republik, *UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 23 TAHUN 2011 TENTANG PENGELOLAAN ZAKAT*, vol. 11, p. .
[32] {Formatting Citation}

	historical precedence.	*h*)	Corporate Commissioners.	modern sectors.
Financial & Securities	Restricted to physical Gold and Silver coins/bullion.	**Money and Securities** (*Article 4, Para 2, Letter b*)	Stocks, Bonds, Mutual Funds, Digital Assets, Insurance Dividends.	Modernizes the definition of liquid assets beyond commodities.
Extractive & Industrial	Limited to small-scale mining (*Rikaz*) and basic trade (*Tijarah*).	**Mining, Industry, and Manufacturing** (*Article 4, Para 2, Letters f & g*)	Oil and Gas extraction, Large-scale Manufacturing, Logistics.	Shifts the tax burden toward large-scale industrial productivity.
Agro-Industrial & Forestry	Restricted to staple grains (wheat, dates, raisins) and fruits.	**Plantation, Forestry, and Fisheries** (*Article 4, Para 2, Letters d & e*)	Palm Oil conglomerates, Timber industries, Industrial Aquaculture.	Reconceptualizes agrarian zakat from subsistence to commercial scale.

The data in Table 3 illustrates that the legal transplantation process effectively corrected what this study calls the agrarian bias of classical fiqh. For centuries, subsistence farmers were subjected to immediate deductions upon harvest, while wealthy urban professionals remained exempt because their income did not come from cattle or gold. Law No. 23 of 2011, by heavily leaning on al-Qardawi's deconstruction, corrects this inequity by ensuring that high-earning sectors like medicine, law, and corporate management carry their fair share of the philanthropic burden.

Furthermore, by integrating professional income under statutory law, the state took up the role of an enforcer and regulator of accountability. Prior to this, profession zakat was calculated arbitrarily by various local bodies using different methods. The law institutionalized a standardized rate (analogized to the 2.5% rate of gold) and pushed for transparency in collection. This structural transition addressed the accountability gap identified in previous studies of Indonesian grassroots philanthropy, moving the practice from the domain of informal charity to a disciplined financial system [33].

In conclusion to this second finding, the successful institutionalization of profession zakat in Law No. 23 of 2011 proves that Indonesian legal culture is highly adaptive. It shows that non-binding global reformist ideas can serve as the primary fuel for national legislative reform. By resolving the tension between classical fiqh and the modern service economy, Indonesia has managed to build a legal bridge that ensures the continuous relevance of Maqasid al-Sharia in the administration of the welfare state.

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3. Socio-Legal Trajectory: Shifting from Commodity-Based to Human-Capital-Based Philanthropy and the Pursuit of Social Justice in Indonesia

The final dimension of the results focuses on the broader socio-legal trajectory generated by the transplantation of al-Qardawi's ideas. The study asserts that the shift from

[33] Anoraga, "A Decade of Charitable Crowdfunding and Its Impacts on the Social Justice Trajectory of Islamic Philanthropy in Indonesia."

commodity-based to human-capital-based philanthropy represents a fundamental reorganization of the social contract among Indonesian Muslims. In the classical era, a person's religious duty to contribute to social welfare was measured by their possession of physical assets (gold, grain, animals). In the modern era, as mapped out by this research, that duty is now calculated based on the possession of intellectual value and specialized skills [34].

This shift toward human capital has profound implications for the concept of the *muzakki* (zakat payer) in Indonesia. Traditionally, becoming a *muzakki* carried a specific elite status associated with land ownership or merchant wealth. The democratization of zakat through the inclusion of professional services means that a corporate salary earner, a public accountant, or even a digital content creator now occupies the same religious status as a wealthy merchant. This democratization broadens the base of participants in national poverty alleviation, making philanthropy a collective identity marker for the modern Indonesian urban class.

Furthermore, the trajectory toward human-capital-based philanthropy directly supports the state's pursuit of distributive justice (*al-'adalah al-tawzi'iyyah*). Previous studies have criticized traditional zakat systems for perpetuating class divides by heavily taxing visible assets (like farms) while leaving invisible assets (like investment dividends or professional fees) untaxed [35]. By codifying al-Qardawi's methodology, the state has actively targeted these invisible but highly productive assets. This ensures that the wealth generated at the peak of the corporate ladder is systematically siphoned to the bottom of the pyramid.

However, the research also finds that this socio-legal trajectory is not without its modern challenges. The rise of the digital economy, the gig economy, and decentralized virtual assets poses a new threat to the current statutory framework. While Law No. 23 of 2011 successfully captured traditional corporate professionals, it struggles to quantify the fluctuating and sometimes anonymous income of digital entrepreneurs and influencers. There is an ongoing tension regarding how to apply the *haul* and *nishab* principles to individuals whose income may skyrocket one month and disappear the next.

This study argues that the resolution to these digital challenges lies in returning to al-Qardawi's original deconstructive spirit. Since the *'illat* of profession zakat is *al-nama'* (potential for growth/productivity), any asset generated through the gig economy that demonstrates sustained productivity should be subject to the same regulatory framework. The state and philanthropic bodies must collaborate to create more agile, digital deduction systems that can mirror the immediate utility of modern digital income.

Another significant socio-legal implication highlighted by the results is the declining trust in institutionalized philanthropy following recent scandals, such as the misuse of funds by prominent NGOs like ACT [36]. Netizens in Indonesia have begun to prefer direct, personalized giving over formal institutions. This research posits that the strict application of al-Qardawi's accountability standards, where expenses and deductions are heavily monitored,

[34] Bayu Mujrimin and Muhammad Aziz, "Epistemology of Islamic Law Determination in Bahsul Masail Nahdlatul Ulama," *Al-Aqwal: Jurnal Kajian Hukum Islam* 04, no. 02 (2025): 1–11; Latief, "Philanthropy and 'Muslim Citizenship' in Post-Suharto Indonesia."

[35] Sugeng Priyono, "Zakat Dalam Instrumen Kebijakan Fiskal," *Al Mashlahah Jurnal Hukum dan Pranata Sosial Islam* 01, no. 02 (2017); Didin Hafidhuddin, "Zakat Dalam Perekonomian Modern - Didin Hafidhuddin," *Gema Insani*, 2011.

[36] Anoraga, "A Decade of Charitable Crowdfunding and Its Impacts on the Social Justice Trajectory of Islamic Philanthropy in Indonesia."

must be rigorously enforced by the state under Law No. 23 of 2011 to regain public trust. If institutions cannot prove that they are more efficient than direct peer-to-peer giving, the institutionalized trajectory of zakat could revert to sporadic grassroots charity.

To conclude, the shift from commodity-based to human-capital-based philanthropy has successfully modernized the administration of Islamic social finance in Indonesia. It provides an ethical correction to historical biases and offers a dynamic framework for wealth redistribution. As long as the state continues to adapt its monitoring mechanisms to account for digital evolutions, this socio-legal trajectory holds the potential to serve as a sustainable model for social justice in the broader Muslim world.

Discussion

The findings of this study establish that Yusuf al-Qardawi's *istinbat* methodology serves as a critical bridge between classical jurisprudence and the modern economic necessity of redistributing wealth from the professional service sector. By deconstructing the linguistic generality of *ma kasabtum* (what you have earned), this research clarifies that the scope of zakat is inherently dynamic, shifting the focus from the form of the asset to its productive capacity. This interpretation provides the theological legitimacy required for modern nation-states, particularly Indonesia, to integrate professional income into a formalized philanthropic system. This study argues that the identification of *al-nama'* (potential for growth) as the foundational ratio legis (*'illat*) aligns perfectly with the Maqasid al-Sharia objective of *Hifz al-Mal* (preservation of wealth), which in a modern context must include the circulation of intellectual capital to prevent wealth stagnation among the professional elite [37].

The adoption of al-Qardawi's methodology in Indonesia serves as a prime example of Legal Transplantation Theory, where a non-binding theological discourse is transformed into a binding state mandate. This research demonstrates that the institutionalization process within Law No. 23 of 2011 did not merely replicate al-Qardawi's text but recalibrated it to fit the Indonesian socio-political landscape. As Article 4 of the Law captures Income and Services, it effectively formalizes a new social contract between the state and the burgeoning Muslim professional class. This study posits that such a transition is essential for state-building, as it allows the government to regulate and standardize religious taxation, moving it from the domain of sporadic individual piety to a structured instrument of national welfare [38]. This process confirms W. Richard Scott's theory that institutionalization occurs when a regulative pillar (the law) is reinforced by a normative pillar (religious ethics) [39].

This research contributes a much-needed jurisprudential layer to the existing international scholarship on Indonesian philanthropy. While Amelia Fauzia provided a macro-historical context of state-faith tensions and Hilman Latief explored the sosiological

[37] Muhammad Aziz, "Integrating Islamic Social Finance and Sustainable Development: A Critical Analysis of Sahal Mahfudh's Zakat Paradigm," *Journal of Sharia Economics* 7, no. 2 (2025): 263–286; Muhammad Aziz et al., "The Paradox of Halal Branding: Navigating Religious Sincerity and Market Commodification in Indonesia ' s Middle-Class Economy," *El-Qist: Journal of Islamic Economics and Business* 16, no. 1 (2026): 61–86; Al-Qarāḍāwī, "Fiqh Al-Zakāh Dirāsah Muqāranah Li Ahkāmihā Wa Falsafatihā Fi Daw'al-Qur'ān Wa Al-Sunnah."

[38] Watson, "Legal Transplants: An Approach to Comparative Law"; Watson, "Legal Change: Sources of Law and Legal Culture."

[39] Scott, "Institutions and Organizations : Ideas, Interests and Identities / W. Richard Scott, Stanford University"; Scott, "Institutions and Organizations - Ideas, Interests, and Identities"; W. Richard Scott, "Institutions and Organizations: Ideas, Interests, and Identities - W. Richard Scott - Google Books"; SCOTT, "W. Richard SCOTT (1995), Institutions and Organizations. Ideas, Interests and Identities."

dimensions of Muslim citizenship, neither study fully deconstructed the logical bridge used to legitimize modern zakat objects [40]. By focusing on the structural reconstruction of *qiyas*, this article fills the jurisprudential void in the current literature. Furthermore, it engages with the global critique offered by Jonathan Benthall regarding the transparency gap in Islamic charities [41]. The findings suggest that the formalization of professional zakat in Indonesia provides a regulatory solution to this gap, as statutory recognition mandates specific reporting standards that are often absent in informal grassroots charity.

A significant theoretical contribution of this study is its resolution of the temporal dialectic regarding the *haul* (annual possession) requirement. Traditionalist scholars, particularly within the Syafi'i school dominant in Southeast Asia, have historically viewed the one-year requirement as a sacred, immovable pillar. However, this study asserts that applying the harvest analogy to professional income is not only a pragmatic necessity but a jurisprudentially superior model for modern economies. As identified in the findings, requiring high-earning urban professionals to hold salaries for a full year is anachronistic and creates a loophole for philanthropic free-riding. By equating the receipt of a salary with the reaping of a crop, al-Qardawi's methodology provides the ethical correction needed to ensure that wealth purification remains immediate and socially impactful, a position that challenges the stagnation of literalist fiqh [42].

The most profound socio-legal implication of this study is the correction of the historical agrarian bias that has long characterized Islamic fiscal jurisprudence. For centuries, the philanthropic burden fell disproportionately on low-income subsistence farmers, while urban professionals remained exempt due to the lack of direct textual precedence in pre-modern records. This study maintains that the trajectory of Social Justice in Indonesia is directly tied to the state's ability to formalize intellectual human capital as a taxable religious asset. By harmonizing the *nisab* and rates between commodities and services, Law No. 23 of 2011 ensures a more equitable redistribution of wealth across all sectors [43]. This research asserts that this shift is a fundamental requirement for achieving distributive justice (*al-'adalah al-tawzi'iyyah*) in a contemporary Muslim society transitioning toward a value-based economy.

From a practical perspective, the findings offer a clear framework for zakat institutions (BAZNAS and LAZ) to refine their collection strategies. The research proves that legal certainty is the primary driver of donor compliance among the professional class. By utilizing the Income and Services mandate, institutions can develop more efficient, automated payroll-deduction systems that mirror modern tax architectures. This institutionalization addresses the accountability gap identified in previous studies of digital crowdfunding, where the lack of

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[40] Hilman Latief, "Islamic Philanthropy and the Private Sector in Indonesia," *Indonesian Journal of Islam and Muslim Societies* 3, no. 2 (2013); Hilman Latief, "Reconsidering Muslim Philanthropy and Sustainable Development in Indonesia," in *Philanthropy in the Muslim World: Majority and Minority Muslim Communities*, 2023; Fauzia, *Faith and the State: A History of Islamic Philanthropy in Indonesia*, vol. 1, p. ; Benthall, "Commentary on Philanthropy in Indonesia"; Latief, "Philanthropy and 'Muslim Citizenship' in Post-Suharto Indonesia."

[41] Benthall, "Commentary on Philanthropy in Indonesia."

[42] Aziz and Sholikah, "METODE ISTINBAT HUKUM ZAKAT PROFESI PERSPEKTIF YUSUF AL-QARDAWI DAN IMPLIKASINYA TERHADAP PENGEMBANGAN OBJEK ZAKAT DI INDONESIA."

[43] Priyono, "Zakat Dalam Instrumen Kebijakan Fiskal"; Hafidhuddin, "Zakat Dalam Perekonomian Modern - Didin Hafidhuddin."

standardized legal objects often led to the misuse of funds, as seen in the ACT scandal [44]. Consequently, the formalization of professional zakat strengthens the entire ecosystem of Islamic social finance by providing a stable, quantifiable, and legally enforceable stream of revenue for poverty alleviation.

Despite its comprehensive analysis, this study acknowledges certain limitations. The research focuses primarily on the textual deconstruction of al-Qardawi's work and its statutory adoption, rather than the empirical lived experiences of individual professionals or the quantitative impact of collection rates. Furthermore, while the study addresses traditional professions, the rapid emergence of the digital gig economy and virtual assets (cryptocurrencies and NFTs) presents a new conceptual challenge that Law No. 23 of 2011 has yet to fully quantify. Future research should investigate how the principle of *al-nama'* can be adapted to these decentralized and often anonymous income streams. There is an urgent need for a "Digital Fiqh" that can apply the same reformist logic to the 4.0 economy, ensuring that the trajectory of social justice remains inclusive as the nature of wealth continues to evolve into the virtual realm.

Conclusion

This study concludes that Yusuf al-Qardawi's reformist *istinbat* methodology, specifically through the rigorous application of *qiyas* (analogical reasoning), serves as a transformative framework for modernizing Islamic philanthropy. By identifying "growing wealth" (*al-nama'*) as the effective cause (*'illat*) that equates professional income with the classical categories of gold and silver, al-Qardawi effectively bridges the historical gap between the 7th-century agrarian economy and the contemporary service-oriented financial system. The institutionalization of this logic within Article 4 of Indonesian Law No. 23 of 2011 signifies a pivotal shift in the national legal paradigm, providing definitive legal certainty for high-earning professionals while correcting the long-standing socio-economic bias that previously placed a disproportionate philanthropic burden on the traditional agricultural sector. Ultimately, this methodological evolution ensures that the trajectory of social justice remains operative by reconceptualizing human capital as a modern productive asset within a formalized state framework.

The successful synthesis of reformist jurisprudence and state statutory law in Indonesia underscores the inherent flexibility of Islamic law to remain relevant within a globalized economy. By moving from a commodity-based to a human-capital-based philanthropic model, Indonesia has set a precedent for achieving distributive justice (*al-'adalah al-tawzi'iyyah*) through the formalization of religious ethics. However, the findings also suggest that the future of Islamic philanthropy faces new frontiers. While this research has deconstructed the legal basis for taxing established professions, the rapid emergence of the digital gig economy, influencers, and virtual assets presents a new conceptual challenge for existing regulations. Future scholarly inquiry should, therefore, investigate how the principle of *al-nama'* can be adapted to these decentralized and volatile income streams to ensure that the spirit of wealth purification continues to drive national welfare. To conclude, the evolution of professional zakat in Indonesia demonstrates that Islamic social finance is no

[44] Anoraga, "A Decade of Charitable Crowdfunding and Its Impacts on the Social Justice Trajectory of Islamic Philanthropy in Indonesia."

longer shaped solely by static classical interpretations but by a proactive alignment between religious piety and systematic state governance.

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