Critical Thinking Framework of Zakat Regulation to Support Tax Compliances: Comparison of Indonesia and Malaysia

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Abstract: Indonesia and Malaysia have applied zakat regulation as an income tax deduction, but whether it has been effectively implemented or not, it has still a big question mark. This study aims to develop framework of zakat regulation to optimize zakat and tax compliances. Therefore, this study tries to deepen about how does the implementation of zakat regulation as an income tax deduction in Indonesia and Malaysia, and how does the response of people who are obliged to pay zakat and tax compliance with this regulation. The population in this study were academicians in the field of Islamic accounting and finance, Committee of Islamic Economic Society and Zakat management organization. Future research will include validating the proposal framework using an empirical data.

1 INTRODUCTION

Indonesia is the largest Muslim country in the world. Based on the data of Global Religious Future, the Indonesian population of Muslims in 2010 reached 209.12 million people or about 87% of the total population. Indonesian Muslims are expected to reach 229.62 million in 2020 and will be the world's largest possible zakat acceptance for 280 trillion Rupiah according to BAZNAS (zakat receiving institution). It was delivered by Wahyu to Kompas.com when the World Zakat Forum in Bandung, Tuesday (Kompas.com 5/11/2019).

Based the Ministry of Religious Affairs data, the potential of zakat in Indonesia reached Rp 217 trillion, but only accumulated Rp 6 trillion per year or 0.2 percent in 2018. On the other hand, as a good citizen, besides being a *muzakki* (zakat payer) Muslims also have an obligation to pay taxes (taxpayers). In the APBN (state budget) 2018, tax as the main source of targeted state revenue is accumulated at Rp 1,681.1 trillion. Both Zakat and tax, have an important role in community, that is to improve people's welfare and prosperity. However, people consider that if they have paid zakat, then they are no longer required to pay taxes. Indeed, the position of zakat and tax is not a substitute for each other, but they actually complement each other.

Islam has clear and strict rules to be implemented throughout the ages for government to govern the country fairly and wisely, in order to achieve the society welfare. Not only with zakat, but Islam also allows the government to obtain a source of funds to manage the country with taxes (Suprayitno, et al., 2013).

Tax is a source of the country's revenue that is very important to support the financing of development sourced from domestic. Zakat and tax have the same opportunities as state tools to achieve the country's goals. Both of them are significant for society welfare, because of the fact that the majority of Indonesian are Muslim and the other fact that the tax is the excellent revenue (Logawali, et al., 2018).

Many people try to equate between zakat and tax. So the consequence is when someone has paid the tax, it is considered a as paying zakay as well. In fact, zakat is one of the pillars of Islam and must be done by Muslims for those who meet the necessary criteria of wealth. Meanwhile tax is the obligation administered by the Government to the eligible person being taxed. Both payments in Islam must be paid to the government. Zakat is used to develop the Islamic economy and help poor people to live as they should. Taxes are used for the development of

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countries such as infrastructure development and others.

The fact that the largest tax subjects are Muslim that amounts to 75% of Indonesia's total population, the government seeks to minimize the incriminated double obligation. In order to solve this issue, the government makes tax and zakat as obligations that can be carried out by the Muslim without give them any burden. The government created a rule that could be a solution for the double obligation of zakat and tax. This is listed in article 22 of law number 23 of year 2011 on amendment of article 14 paragraph (3) of law No. 38 year 1999 about zakat management, as follows:

"*Zakat that has been paid to the body of zakat receiving institution is deducted from the profit/income of taxable waste from the taxpayers in accordance with the prevailing laws and regulations"*

This law shows that the government tries to play an active role in creating the implementation of its people's religious obligations by making the element of zakat as one of tax relief at the income tax (PPh) in Indonesia (Ghaffari, 2017).

In Malaysia, the government has also tried to integrate zakat and income tax by providing tax deductions on zakat that has been paid by Muslims, and it is unlimited. The amount of zakat paid will be deducted from the tax due, on condition, the zakat is paid in the same year of assessment and the proof / receipt is from the State Islamic Religious Department / Council in Malaysia (Suprayitno, et al., 2013).

Zakat in Malaysia is managed by the federal state with full rights and authority. So Zakat is not compiled and distributed centrally, each federal state has a private company-of zakat private management and Baitull Maal or zakat institution under the state Islamic religious council. In some states the zakat collection and channelling is implemented by these two institutions. Zakat collection is done by a private company that is under the Minister of Islamic religion, while the distribution is done by Baitull Maal.

The regulation of zakat as an income tax deduction conducted by the Government of Indonesia and Malaysia is expected to attract people to deposit zakat and taxes to the government and official zakat receiving institutions. So, the funds from zakat and taxes can be managed well for the benefit of the community.

Both Indonesia and Malaysia have adopted the regulation of zakat as an income tax deduction, but it has been effective or not in terms of its implementation is still a big question mark. Therefore, this research is trying to explore how does the implementation of zakat regulation as an income tax deduction in Indonesia and Malaysia, as well as how does the response of zakat payer toward this regulation.

The objective of this critical review is to analyze the zakat regulation as an income tax deduction towards the compliance of zakat payers and taxpayers in Indonesia and Malaysia.

2 LITERATURE REVIEW

2.1 Zakat

In terms of language, the word Zakat is the basic word (Mashdar) of *Zakaa* which means blessing, growing, clean, and good. The other meaning of the word *zakaa*, as used in the Qur'an is "chaste of sin". Zakat is a certain right that is obliged by God obliged toward some of the Muslims' wealth, that are allocated for the poor and Mustahik (people who are entitled to accept zakat) according to provisions that have been established by Islamic rules. Zakat is a sign of Gratitude for God's favour, a way for a servant to be closer to God and cleanse himself from his wealth (Ghaffari, 2017).

In general, Zakat is divided into two kinds: first, zakat related to the body or called Zakat Fitrah. Zakat Fitrah is an expense that must be done by every Muslim who has excess wealth, issued from the beginning of Ramadhan month until before Idul Fitri. Second, zakat related to property or Zakat Maal. A wealth must be issued for Zakat when fulfilling the obligatory provisions of zakat (when it fulfils nisab, rate, and time). The target of Zakat is addressed to eight groups or called asnaf. It is explained in the Qur'an (QS. 9: At-Tawbah: 60). The passage describes the target of zakat. Zakat is addressed to eight groups. The 8 groups are the needy, the poor, the Amil (people who administer zakat), the Muallaf (people who newly embraced Islam), the Riqab (people who are free from slavery), the Garim (people who suffer debt and need help), Sabilillah (people who strive for Allah for community) and Ibn Sabil (travellers on a permissible journey).

This writing focuses more on Zakat Maal (especially zakat income or profession) that has undergone development in the modern economy. Zakat income or profession is a zakat that is issued from a profession income (the profession) when it reaches the minimum amount of wealth to be eligible to pay zakat (nisab.) The examples of profession are civil servants, private employees, consultants, doctors, notary, accountants, artists, and entrepreneurs.

The rate of zakat of profession is based on the zakat of gold and silver, which is 2.5% of all gross income. The hadith that states the rate of zakat of gold and silver is: "If you have 20 gold dinar, and have reached one year, then the Zakat is a half of dinar (2.5%)" narrated by Ahmad, Abu Dawud, and Al-Bayhaqi.

2.2 Tax

Taxes are mandatory dues paid by taxpayers (people who pay tax) to the government under law and the results are used to finance the public expenditure of the government with no retaliation shown directly. According to sharia, tax in Arabic is called Dharibah, which means obliging, assigning, determining. The scholars used the expressions of Dharibah to refer to the wealth collected as liability. The two scholars who define tax are Yusuf Qardhawi in his books Fiqh az-Zakah and Gazi Inayah in his books Al-Iqtishad azZakah wa az-Dharibah, which is briefly described as follows:

1. Yusuf Qardhawi stated:

   Tax is an obligation towards the taxpayer, which must be deposited to the State in accordance with the provisions, without without getting reciprocity from the state, and the outcome is to finance the general expenditures on the one party and to economic, social, political and other objectives that the country wants to achieve.
2. Gazi Inayah suggested:

   Tax is the obligation to pay cash which is determined by the Government without any particular reward. These government provisions are in accordance with the ability of the wealth owner and allocated to suffice food needs in general and to meet financial political demands for the government.

2.3 The Comparison between Zakat and Tax

From the previous explanation about the definition of tax and zakat, it can be concluded that between zakat and tax there are similarities and differences. According to Ghaffari (2017), the similarity between zakat and tax are:

1. The element of coercion and obligation, which is a way to generate tax also exists in zakat which must be paid annually. If a Muslim is late in paying zakat because his faith and Islam are not yet strong, Islam will force him. Besides, Islam will fight those who are reluctant to pay zakat if they have power.\
2. The tax must be paid to the government through a central or regional institution. Zakat is also the case because it must be submitted to the government through amil zakat.
3. One of the tax provisions is the absence of certain benefits. Taxpayers only get various facilities to be able to carry out their business activities. Zakat is also the case. Zakat payers do not get a reward. They pay zakat as Muslims and only get protection, guarding and solidarity from the community. Zakat payers must give their wealth to help the community in overcoming poverty, weakness and life suffering. Also, zakat benefits for the sake of the upholding of Allah's sentence and truth on the face of the earth.
4. Tax in the modern era has social, economic, and political objectives in addition to financial goals. Zakat has farther and broader goals that are farther and broader on personal and community life.

2.4 Previous Research

In this study, researchers used several related references from previous researchers. These are summarized in table 2 below:

Table 1: Previous Research.

No	Re-searcher	Variable	Results
11	Logawali, et al. (2018)	Zakat as a deduction of taxable income	The implementation of zakat as a deduction of taxable income in the Ministry of Religion in the district of Gowa increases awareness and honesty of the society for paying zakat. Therefore, it has a beneficial impact on the state revenue.
22	Ghaffari, Muhammad Audi (2017)	Taxpayer's response Zakat as a deduction of taxable income	Taxpayer's response has a significant positive impact on zakat as a deduction of taxable income.
33	Obaidullah, Mohammed (2016)	An alternative method of calculating zakat in business	It does not require any transformation on issues of zakat incentives and disharmony between accounting and zakat-taxes in business because these issues have equally strong sharia fundamental.
44	Suprayitno, et al. (2013)	Zakat administration policy Tax revenue	Zakat has a significant positive impact on tax revenue.

Source: Previous research (2019)

2.5 Research Framework

Following is the research model in developing the optimization framework of zakat and tax compliance in Indonesia and Malaysia.

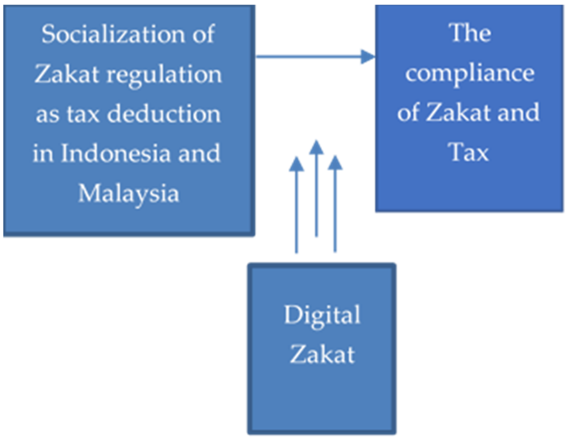

Figure 1: Research Model.

3 DISCUSSION

3.1 The Development of Zakat in Indonesia

According to Law No. 23 of 2011 about zakat management, there are two institutions in Indonesia which have the task of managing, distributing, and utilizing zakat, namely the National Amil Zakat Agency/ Badan Amil Zakat Nasional (BAZNAS) and the Amil Zakat Institution/ Lembaga Amil Zakat (LAZ).

BAZNAS is an institution formed by the central government to carry out the task of managing zakat nationally. It is institutionally independent, non-structural, domiciled in Jakarta and responsible to the President through the Minister of Religion. Provincial and district BAZNAS were formed to support the implementation of zakat management at the provincial and district/ city level. In carrying out its duties and functions, BAZNAS, provincial BAZNAS, and district BAZNAS can establish a Zakat Management Unit/ Unit Pengelola Zakat (UPZ) in government agencies, state-owned enterprises, regionally owned enterprises, private companies, and representatives of the Republic of Indonesia abroad. They can also form UPZ at the sub-districts, villages, and other places.

On the other hand, LAZ is a zakat management institution that formed on the initiative of the community. Currently, there are 17 national scale LAZs that have obtained licenses from the Ministry of Religion, including NU CARE LAZISNU (amil zakat institution under the auspices of NU), Lazismu (amil zakat institution under the auspices of Muhammadiyah), Dompet Dhuafa, DT Peduli, and Rumah Zakat.

Amil Zakat Institutions were confirmed, fostered and protected by the government. In carrying out its duties, LAZ must provide reports to the government according to their level. Inauguration of LAZ is carried out by the central government through the Ministry of Religion based on the proposal of LAZ, who has fulfilled the inaugural requirements.

Differences between LAZ and BAZNAS also shows on their operations. BAZNAS is funded by APBN/ APBD and amil rights to carry out its operations. Whereas LAZ is only financed by amil rights from the total collected zakat.

Zakat in Indonesia does not manage effectively yet. The Indonesian society, particularly the Muslim community, is still less aware of the role of zakat for the economy. According to Dompet Dhuafa, the potential of zakat in Indonesia to reaching Rp. 217 trillion. However, the realization of zakat is only around Rp. 2.73 trillion. It means that only about 1% of zakat is collected from the potential zakat in Indonesia. (Kompas.com 2/7/16). Therefore, the community must be re-encouraged regarding their understanding of zakat. Most of the community members understood that zakat is only in the form of zakat fitrah, which is issued only during Ramadan. In fact, types and purposes of zakat are more critical to be educated to the community.

3.2 The Development of Zakat in Malaysia

Malaysia is a unique example in the zakat management system, where the authority to collect and distribute zakat is placed in each region. According to the regional constitution, all religious issues, including the management of zakat are handed over to the jurisdiction of each of the 13 regions managed by a regional Islamic Religious Council. Thus, each region has different zakat management law from other regions (Suprayitno, et al, 2013). This turned out to cause some problems of coordination between regions. There were differences in the determination of nishb, zakah compulsory assets, and even the definition of eight ashnaf who were entitled to receive zakat. Nevertheless, judicially zakat legislation in Malaysia is one of the best in terms of clarity and detail regarding various methods and procedures that must be taken in the management of zakat.

Before 1980, zakat was only required for agricultural products such as rice, although the weight of the nishab was not equal in all areas of the fellowship. In 1989, the first zakat agency was established for 13 regional governments. In 1986, the implementation of zakat regulation was issued and became the foundation of zakat management for all regions of Malaysia.

Then Malaysia established the Zakat Collection Center (PPZ) in 1991. It aims not only to socialize zakat but also to foster public awareness of the importance and impact of zakat. The results were impressive, where zakat receipts jumped six times the amount previously collected. This result shows that the approach used is very effective. Before the PPZ, the community considered that the obligation to pay zakat had been paid off with the payment of zakat fitrah.

The campaign and socialization of zakat intensively result in the rise in the level of collection of zakat maal. Nevertheless, there is an opinion that the government should apply a penalty mechanism to optimize the collection of zakat maal. In general, the Law imposes a penalty of 1,000 ringgit and/ or imprisonment for six months if it is proven that there is fraudulent payment of zakat. However, the results of a study show that people are more likely to choose to pay penalties rather than pay zakat periodically. This certainly needs to be overcome with a variety of policy frameworks and more effective law enforcement. Therefore, in 2004, Malaysia inaugurated the Department of Zakat and Hajj (JAWHAR) under the auspices of the Prime Minister's Department.

In Malaysia, zakat is managed by each state with full rights and authority. It is not collected and distributed centrally. Each state has an institution of zakat in the form of a private company and baitul mall or zakat power agency. These institutions are under the authority of the State Islamic Religious Council with their respective basis, objectives and functions. In some states, the collection and distribution of zakat are carried out by these two institutions. Zakat collection is carried out by a private company under the Ministry of Religion, while the distribution is carried out by Baitull Maal.

The zakat management system in Malaysia can be categorized into three types. First, the corporate system, where the collection and distribution of zakat is managed by a corporation. This system was implemented in the regions of Selangor, Sarawak and Penang. Second, the semi-corporate system, where the company only manages the zakat collection process, while the distribution process is handled by the state government. This mechanism is applied in Malacca, Negeri Sembilan, Pahang, and the federal region. Third, the full management of zakat by the state government or the Islamic Religious Majlis. This system is applied to areas other than those mentioned. In the past few years, the regions of Selangor, Sarawak and Pahang have shown improvements in various aspects concerning the management of zakat. This shows that the zakat management system in the form of the corporate system is the most successful in Malaysia (Suprayitno, et al, 2013)

3.3 Taxation System Development in Indonesia and Malaysia

Since 1983, the Indonesian government has changed the tax collection system which initially used an official assessment system (used during the Dutch colonial era) into a self-assessment system. In Indonesia, tax is categorized based on three aspects. First, based on the class/ method of collection (direct tax and indirect tax). Second, based on their nature (subjective tax and objective tax). Third, based on the collection institution (central tax and regional tax).

Whereas in Malaysia, the initial tax collection system was the official assessment system. The government uses the concept of Preceding Year Base of Assessment to calculate the amount of tax. In this concept, the amount of income used as the basis for imposing a tax for the current year is the previous year income. In 1999 the tax collection system changed to the self-assessment system. Since 1 January 2000, the Malaysian government has replaced Preceding Year Base of Assessment with Current Year Base of Assessment.

Malaysia has 2 (two) authorized institutions to take care of tax issues, namely the Malaysian National Property Results Agency/ Lembaga Hasil Dalam Negri Malaysia (LHDN) and the Customs and Excise Department under the Ministry of Finance. LHDN is authorized to manage the types of direct tax such as corporate and individual income tax, income tax from oil and gas, tax on profits from the sale of land and buildings, and stamp duty. While, the Customs and Excise Department manages indirect tax, which consists of customs, import duties, sales tax, services tax, entertainment tax and several other types of tax.

Malaysia has experienced a rapid change in the country's taxation system through the introduction of a self-assessment system. The system has applied to limited liability companies (PT) and individuals since 2001 and to self-employed, CV and Cooperatives since 2004. In this system, the calculating of debt tax was transferred to taxpayers. It is different from the previous system where the calculating of debt tax is obliged to LHDN or tax office. The implementation of the self-assessment system influences the changes in the issue of compliance payment and late fees.

The tax rate applied to an individual depends on the individual status, which is determined by the period of stay within Malaysia (as stated in the 1967 Income Tax Deed). Permanent residents are subject to income tax at a rate between 2% and 30% after deducting from tax deduction fees. The tax rate imposed for an individual who has an income of less than RM 2,500 is 0%, while for those who have an income of more than RM 250,000 is 27%.

3.4 Zakat as Tax Deduction in Indonesia and Malaysia

In Indonesia, zakat paid to BAZNAS and LAZIZ will be deducted from profits/ taxable income based on Law No. 23 of 2011. In other words, zakat on income can be deducted from net income as stipulated in the decision of the General Director of Taxation No KEP-542 / PJ / 2001.

Whereas in Malaysia, the government ruled that individual zakat payment could be a tax deduction in 1978. In 1990, zakat as a tax deduction given to companies that pay zakat with very small deductions. If an individual zakat payment could be a 100% of tax deduction, in 2005, the Malaysian government issued a decision to accept corporate zakat as a tax deduction of only 25%. The Malaysian government still has not received a proposal for zakat companies as 100% of tax deduction.

The difference in the calculation of zakat as a tax deduction between Indonesia and Malaysia can be illustrated as follows:

Indonesia		Malaysia	
Salary Per-month	xxx	Monthly income	xxx
Allowance	xxx	Allowance	xxx
Insurance	xxx +	Insurance	xxx +
Gross Income (GI)	xxx	Gross Income (GI)	xxx
Deduction:		Deduction:	
- Position allowance (5%GI)	xxx	- Position allowance (5%*GI)	xxx
- Dues	xxx -	- Premium	xxx -
Monthly Net Income	xxx	Monthly Net Income	xxx
Annual Net Income	xxx	Annual Net Income	xxx
(-) Zakat (2,5% x annual GI)	xxx	(-)Annual non-taxable income (PTKP)	xxx -
(-) Annual non-taxable income (PTKP)	xxx -	Taxable Income (PKP)	xxx
Taxable Income (PKP)	xxx	Annual Income Tax	xxx
Annual Income Tax	xxx	(-)Zakat (2,5% x annual GI)	xxx -
		Final Annual Income Tax	xxx

Figure 2: Zakat Calculation as Tax Deduction.

4 CONCLUSION

In Indonesia and Malaysia, the role of zakat and tax is very potential so that it requires strategies to enhance the compliance of taxpayers and zakat payers. Zakat and tax revenue in Indonesia are lower than Malaysia. One of the factors is the different rules of zakat as a tax deduction. In Indonesia, zakat paid can be used as a deduction for taxable income, while in Malaysia the zakat paid can not only reduce taxable income, but also can be a deduction or tax credit.

The strategy to increase zakat and tax revenue in Indonesia has several factors which become obstacles. The factors are **first**, lack of socialization from both the tax officer and zakat officer that zakat can be used to reduce taxable income. When reporting the annual tax return, the tax officer often does not ask the taxpayer whether the income reported has been paid for zakat or not. Moreover, when submitting the proof of Zakat deposit, the zakat officers does not explain to muzakki that the proof can be used to reduce the taxable income.

Second is the psychological factor in Indonesia society. There are still many Muslims who feel reluctant to disclose the amount of zakat that they paid. It is because they are fearful that it will affect the level of sincerity in carrying out one of the Islamic pillars. Instead of including the Taxpayer Identification Number (NPWP) in the Zakat Proof Form, the taxpayers tend to not reveal their real name to avoid riya' (show off).

Third, there is no clear statement about the type of zakat that can be deducted by taxable income. In the explanation of the income tax law, it is explained that the meaning of "zakat" is as referred to in law governing zakat. Meanwhile, in the law about zakat management, it is mentioned that zakat which can be deducted from taxable income covers all types of zakat, both Zakat Maal and Zakat Fitrah. While in practice, the type of zakat that can be deducted from taxable income is only the type of zakat on income (zakat profession). Therefore, it needs to implement rules which confirm about zakat profession that can be used as a deduction. It also needs example of the correct calculation to minimize doubts in the community.

Fourth, zakat has not been managed as modern as tax revenue. All the time, any tax paid by the taxpayer is recorded in the State Acceptance module (MPN) and obtain a national acceptance number (NTPN), then it is expected that the zakat fund paid by Muzakki is recorded in the Admission of Zakat Module (MPZ). The muzakki can monitor where the zakat funds they have paid.

The proposal to include zakat in the structure of the State Budget (APBN) still faces many obstacles, because the allocation of zakat funds is limited to only eight groups: the needy, the poor, the Amil (people who administer zakat), the Muallaf (people who newly embraced Islam), the Riqab (people who are free from slavery), the Garim (people who suffer debt and need help), Sabilillah (people who strive for Allah for community) and Ibn Sabil (travellers on a permissible journey). However, the complementary synergy between zakat and tax must be continued in order to improve the welfare of the Indonesian people.

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