

# Productive Zakat Law Implementation in Mentor Empowerment for Entrepreneurial Character Building and Mustahiq Empowerment

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<b>Abstract</b>	This study examines the law of productive zakat and its implementation in the mentor empowerment program for the formation of entrepreneurial character and empowerment of mustahiq. This study uses a library method with a qualitative approach and descriptive analysis that examines various opinions and sources of law on productive zakat. The study's results indicate differences of opinion among scholars regarding the permissibility of productive zakat. One group argues it is forbidden based on the premise of direct distribution and ownership of zakat funds by mustahiq. Another group allows productive zakat because of its greater benefits and impacts. The third view, namely moderate, allows productive zakat after the urgent needs of mustahiq are met. This study is more inclined towards this third view because it is considered the most appropriate to the current era and needs. The implementation of productive zakat is analyzed through the instruments of mudharabah, murabahah, and qardhul hasan. Mentoring is considered beneficial for business growth and mustahiq welfare. This study provides insight for zakat institutions to improve empowerment strategies and strengthen productive zakat policies.	
<b>Keywords</b>	Productive Zakat; Law; Empowerment; Role; Entrepreneurship	
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## 1. INTRODUCTION

A classic problem in this country that continues to be a major concern for the government is poverty, which is part of the development problems of unemployment, underdevelopment, and deprivation. The core of the poverty problem is the deprivation trap, an element of which is powerlessness. Among the government's efforts to alleviate poverty is the Social Safety Net (JPS) program, which covers the decline in purchasing power. (Utama, 2014)

In Islam, efforts to alleviate poverty can be made through zakat, which Muslims must pay from the wealthy to brothers who are unable to create a fair and equitable life. In Indonesia, the state also manages zakat (Putra, 2018). During the reign of BJ Habibie, the zakat law was first enacted to coincide with the beginning of the wave of democratization. Civilians of various Muslims played an important



role in institutionalizing zakat and politically supporting the Ministry of Religious Affairs in proposing the RUUPZ (Zakat Management Bill) to the DPR (Emzaed, 2020).

Along with the times, zakat is not only consumptive but also productive. It becomes business capital for Mustahiq so they are not forever in poverty but can become rich and get out of poverty. This assistance is given to recipients of zakat assistance either through tamlik (owned by mustahiq) or in the form of qardhul hasan (loan), which is only a loan that must be returned to the capital provider. Scholars agree on the permissibility of providing business capital in tamlik because the zakat property belongs to consumptive and business capital assistance (Wasik, 2020).

In general, the distribution of productive zakat by providing qardhul hasan loans to mustahiq as working capital, which should not only be in the form of a qard contract that is limited to certain aspects but also requires innovations in the form of productive zakat distribution by Islamic law, so that it can be applied and by modern economic products that can maximize the utilization of productive zakat and more widely reach mustahiq (Daulay, 2022).

The lack of optimization of zakat in the community gave birth to the term productive zakat because, so far, much zakat has been given to the community in a consumptive form that is only given once a year, namely zakat fitri. This form of zakat is not unimportant, but it is not easy to use as a wasilah to minimize the amount of poverty in the community. Under these conditions, productive zakat is needed, as confirmed in Law No. 23 of 2011 Article 27; namely, zakat can be utilized for productive businesses in handling people with low incomes and improving the quality of the people (Saeful, 2019).

The existence of the law means that the community needs to understand it better. There are two reasons why the community still cannot accept the concept of zakat management based on the formulation of the law: (1) the traditional attitude of the community that is still strong in trusting in channeling zakat to the nearest mosque or distribution institution in the area because this method is considered more practical; and (2) there is still a crisis of confidence or sentiment in the performance of the bureaucratic system and good governance. There is still concern that zakat will be misused for political purposes, even though it is a form of religious obedience (Fitri, 2017).

Suppose the BAZ/LAZ gives zakat in a productive form. In that case, it must provide guidance and assistance to Mustahiq so that their business can run in the form of spiritual and intellectual religious guidance so that the quality of faith and Islam is increasing (Hafidhuddin, 2002). State support for the professional management of zakat is stated in Law No. 23 of 2011 (Prahest, 2018). BAZNAS stands for Badan Amil Zakat Nasional, which is the official and only body established by the government based on Presidential Decree No. 8 of 2001, with the task and function of collecting and distributing ZIS (Zakat, Infaq, and Sadaqah) at the national level. (BAZNAS, 2023).

Some relevant research related to mustahiq empowerment has been carried out by several BAZ/LAZs in Indonesia, including (Hamzah, 2015) (Dewi, 2017) (Nugrahani, 2019) (Khatimah H. &, Pemberdayaan dan Peningkatan Kemandirian Mustahiq Menjadi Muzakki, 2020) (Khatimah H. &, Pemberdayaan Mustahiq BAZNAS Kabupaten Sukabumi Melalui Program Bangkit Usaha Mikro Berbasis Masjid Desa Peradaban Zakat (BUMI DPZ), 2021) and the empowerment of muzakki by (Khatimah & Nuradi, 2020), but no one has focused specifically on empowering assistants, generally only on mustahiq, and there is one empowerment of muzakki.

This companion interacted most with program participants and understood their conditions better. According to (Khatimah & Nuradi, 2022), program participants are more familiar with the companion than the BAZNAS Kab. Sukabumi itself also plays a role not only from the material aspect but also spiritually, and this team struggles and deals directly with loan sharks in the community with makeshift facilities such as two-wheeled vehicles in monitoring fostered partners.

In addition, this research also examines the legal aspects of muamalat fiqh related to productive zakat in empowerment programs, especially regarding the qardul hasan system, which generally focuses only on the product. This research aims to determine how the law of productive zakat and its implementation in the companion empowerment program influence the formation of entrepreneurial character and empowerment of mustahiq.

## **2. METHODS**

The research method used in this study is library research with a qualitative approach and descriptive analysis. The qualitative approach with descriptive analysis is to describe and summarise various variables and their situations and conditions in the form of data reduction, data presentation and conclusion making (Miles et al., 2014). This approach aims to explore the law of productive zakat and its implementation in the companion empowerment programme in its role in the formation of entrepreneurship character and mustahiq empowerment. Data were obtained from various literatures, such as books, journal articles, legal documents, and BAZNAS annual reports related to zakat management, especially Law No. 23 Year 2011. The selection of literature was done purposively, focusing on works relevant to the topic of productive zakat, fiqh muamalat, and economic empowerment theory and practice.

## **3. FINDINGS AND DISCUSSION**

The Qur'an, Al-Hadis, and Ijma' do not explicitly relate to giving zakat either in a consumptive or productive way, which can also be called that there is no naqli and shariah evidence that regulates how to give zakat to mustahiq. Qur'an Surah At-Taubah Verse 60 is used as a legal basis by most scholars in

the distribution of zakat, but this text only mentions the categories of zakat allocation. It does not mention the procedure for giving it (Iqbal, 2022).

The utilization of zakat funds for productive matters is by the views of Umar Bin Khattab *Radhiyallahu 'Anhu*, who was followed by scholars from the Shafi'i and Hambali schools of thought; here are some criteria that must be met in the utilization of zakat for productive businesses: a. Has fulfilled the provisions of sharia; b. Produces economic added value for mustahiq; c. Mustahiq is domiciled in the working area of the zakat management institution; d. Beneficiaries are individuals or groups that meet the criteria of mustahiq, and Beneficiaries are individuals or groups that meet the mustahiq criteria; and e. Provide guidance or assistance to mustahiq from amil zakat in the mustahiq domicile area (Tim Penulis Fikih Zakat Kontekstual Indonesia, 2018; (Wasik, 2020)).

### 3.1. Qur'anic Foundation

The one who pays zakat because he has fulfilled the obligations set by his Lord and helps a brother in need will have his reward multiplied by Allah *Subhanahu Wa Ta'ala*, as he says in the Qur'an Surah Ar-Rum (30): 39.

وَمَا أَتَيْتُم مِّن رَّبٍّ لَّيْرَبُّوا فِي أَمْوَالِ النَّاسِ فَلَا يَرَبُّوا عِنْدَ اللَّهِ وَمَا أَتَيْتُم مِّن زَكَاةٍ تُرِيدُونَ وَجْهَ اللَّهِ فَأُولَٰئِكَ هُمُ الْمُضْعِفُونَ

"The usury which you give in order that it may grow on the wealth of others, does not grow in the sight of Allah. As for the zakaah which you give with the intention of earning the pleasure of Allah, (then) they are the ones who multiply (their reward)." (Kemenag 2019).

### 3.2. Al-Hadith Foundation

One of the ways to foster people's purchasing power for economic goods is by providing zakat assistance to mustahiq, which, of course, can be utilized to fulfill their life needs so that the benefits of growing wealth are not only felt by the muzakki but also mustahiq. From an economic perspective, the purchasing power of mustahiq can accelerate the rate of economic growth and form equilibrium through the interaction between producers and consumers.

This concept is still in the stage of consumptive utilization of zakat assets, as it is known that their ability is limited to the supply of zakat obtained. Then, how can the interaction equilibrium continue, of course, by making it productive? This is supported by the hadith of the Prophet *Sallallahu 'Alaihi Wasallam*:

عن سالم بن عبد الله بن عمر عن ابيه ان رسول الله صلى الله عليه وسلم كان يعطى عمر العطاء فيقول أعطه أفقر مني فيقول خذه فتموله او تصدق به وما جاءك من هذا المال وانت غير مشرف ولا سائل فخذ وما لا فلا تتبعه نفسك

"Salim ibn 'Abdullah ibn 'Umar reported from his father that the Messenger of Allah (peace and blessings of Allah be upon him) once gave charity to 'Umar, but 'Umar refused, saying: 'Give this charity to someone who needs it more than me'. Then the Messenger of Allah replied: 'Take it and develop it (productively) or give it away (to others). Indeed, the wealth that comes to you, while you are not ambitious and do not ask for it, then take it. And if it does not come to you, then do not follow your lust.'" (Al-Bukhari, n.d.)

The meaning of the words "then develop" in the Hadith is that the charity received if it exceeds the basic needs, should be produced so that it is more developed and useful.

### 3.3. Opinions of the Scholars Regarding Productive Zakat

Productive zakat is included in the realm of *ijtihad*, in the study of *ijtihad*, differences of opinion among scholars are inevitable and permissible even though they are based on the same foundation, namely the Qur'an and As-Sunnah. Errors in *ijtihad* do not cause sin, but rather gain reward for their efforts in examining a law, but based on knowledge and not lust, as said by the Prophet *Shallallahu 'Alaihi Wasallam*:

عن أبي هريرة قال: قال رسول الله صلى الله عليه وسلم إذا حكم الحاكم فاجتهد فأصاب فله أجران وإذا اجتهد فأخطأ فله أجر  
*Abu Hurayrah (may Allah be pleased with him) reported that the Messenger of Allah (blessings and peace of Allah be upon him) said: "A judge who makes ijtihad, if he is right, will receive two rewards, and if he is wrong, he will receive one reward". (Majah, n.d.)*

*Ijtihad* is an effort to exert the ability to produce a law that has not been determined with certainty in *shara*, 'which is sourced from the Al-Qur'an and As-Sunnah (Al-Jurjani, n.d.; Hakim, n.d.). The *fiqhiyah* rule states that an *ijtihad* result cannot be canceled by another *ijtihad* (Hakim, n.d.). Therefore, differences of opinion that are the result of *ijtihad* do not need to be contested with each other, which will lead to division and discord among Muslims, which should be used as Grace in Islamic law.

Based on this concept, differences in opinions about the application of productive zakat can be understood. The opinion states the impermissibility of producing zakat because zakat is a right that must be received by eight *ashnaf* groups whose basis is stated in the Qur'an Surah At-Taubah (9): 60.

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ  
*"Indeed, the zakat is only for the poor, the amil zakat, those who are softened (converts), for (freeing) the slaves, for (freeing) the debtors, for the way of Allah and for those who are on a journey (who need help), as an obligation from Allah. Allah is All-knowing, All-wise." (Kemenag, 2019).*

The letter lam (ل) in the phrase (للفقراء) and so on means *tamlik* (ownership), i.e. the zakat asset absolutely belongs to the *mustahiq* which cannot be used as capital in establishing a business whose profits are given to the *mustahiq*. This is because there is a concern that if there is a loss, then the *mustahiq* cannot obtain zakat assistance. Similarly, zakat assets are not allowed to be handed over to *mustahiqs* in a productive form with a certain system, and are required to return it.

Scholars have differing opinions regarding productive zakat, and the following arguments argue for the permissibility of the zakat system:

- a) Productive zakat has a great benefit to people experiencing poverty, as well as to the *muzakki* because the money given remains intact. At the same time, the profits continue to be utilized by

people experiencing poverty even though they pay zakat in a certain amount and for a limited time. However, the benefits continue to flow without reducing the property, so the reward continues to flow as the benefits flow.

- b) It is compared to the command to invest in orphans.
- c) The Hadith, in which the Messenger of Allah (peace and blessings of Allaah be upon him) collected camels in charity and fattened them up, is the basis for the permissibility of investing in zakah wealth.

Those who believe that zakat assets may not be produced are:

- a) Majma' al-Fiqh al-Islamy Rabithah al-Alam al-Islamy, at the 15th meeting in Makkah on 11 Rajab1419 / October 31, 1998, which is based on Qur'an Surah Al-An'am (6): 141.

...وَأْتُوا حَقَّهُ يَوْمَ حَصَادِهِ ۖ

"...and give its due at the time of harvest..." (Kemenag RI, 2019)

This indicates that zakaah must be paid immediately upon harvest, which means that it is forbidden to delay it, even if the reason is to invest it.

- b) The command to pay zakaah immediately and the prohibition of delaying it, as the ushul rule reads:

الأَصْلُ فِي الْأَمْرِ عَلَى الْفَوْرِ

"Basically, the order indicates that the implementation must be immediate".

- c) Hadith from 'Uqbah ibn al-Harist Radhiyallahu 'Anhu,

عَنْ عُقْبَةَ قَالَ صَلَّيْتُ وَرَاءَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْمَدِينَةِ الْعَصْرَ فَسَلَّمَ ثُمَّ قَامَ مُسْرِعًا فَتَخَطَّى رِقَابَ النَّاسِ إِلَى بَعْضِ حُجَرِ نِسَائِهِ فَفَرَعَ النَّاسُ مِنْ سُرْعَتِهِ فَخَرَجَ عَلَيْهِمْ فَرَأَى أَنَّهُمْ عَجِبُوا مِنْ سُرْعَتِهِ فَقَالَ ذَكَرْتُ شَيْئًا مِنْ تَبَرُّعِنَا فَكَرِهْتُ أَنْ يَحْسِنِي فَأَمَرْتُ بِقِسْمَتِهِ

'Uqbah reported: I used to pray 'Asr behind the Prophet (peace and blessings of Allaah be upon him) in Madinah. After the salutations, he suddenly stood up in a hurry, stepping over the necks of the people to some of his wives' rooms. The people were astonished at his haste. Then he went back out to meet the people, and he saw that they were astonished. So he said: "I remembered a piece of gold that we had with us. I was worried that it might disturb me, so I ordered it to be distributed." (Hadith Narrated by Bukhari)

Based on this evidence, the Messenger of Allah (peace and blessings of Allaah be upon him) rushed back home to distribute it to the rightful recipients even though he had just finished his prayer, which, if the delivery of zakat could be delayed, would not be hasty in delivering it.

- d) Basically, zakat assets belong to the eight groups of ashnaf, as stated in the word of Allah 'Azza Wajalla in the Qur'an Surah At-Taubah Verse 60, for that if invested, then returned to them not to the zakat management institution.
- e) The uncertainty of the results on the investment of zakat assets can be profit or loss; if there is a loss, those affected are mustahiq because they lose their rights.

In addition to the opinions that allow and prohibit absolutely, there is also a third opinion that

states that productive zakat is allowed when the needs of mustahiq have been met, then the rest can be invested in projects that can provide profits whose results can be immediately utilized by those entitled to zakat assistance.

This opinion combines the two previous opinions, which on the one hand do not harm the poor because they still get their rights as soon as possible to meet basic needs, while the remaining assets are invested in profitable projects so that the benefits return to them as well. Based on the decision of the OIC Majma al-Fiqh al-Islamy at its third meeting in Amman, Jordan held on 8-13 Shafar 1407 H / 11-16 October 1986 AD, No. 15 (3/3), which states that

يجوز من حيث المبدأ توظيف أموال الزكاة في مشاريع استثمارية تنتهي بتمليك أصحاب الاستحقاق للزكاة ، أو تكون تابعة للجهة الشرعية المسؤولة عن جمع الزكاة وتوزيعها ، على أن تكون بعد تلبية الحاجة الماسة الفورية للمستحقين وتوافر الضمانات الكافية للبعد عن الخسارة”

*"In principle, it is permissible to invest zakat funds in investment projects that ultimately belong to those entitled to receive zakat, or to affiliate with legal entities that are responsible for collecting and distributing zakat, provided that after meeting the urgent needs of the beneficiaries and providing sufficient guarantees to avoid losses. The beneficiaries and provide sufficient guarantees to avoid losses."*

This decision was reinforced at An-Nadwah Ats-Tsalitsah li Qadhaya Az-Zakat Al-Mu'ashirah in Kuwait in 1992. From the description of the differences in scholarly opinions regarding the law of productive zakat above, along with the arguments that are the source of reference for their groups, the opinion that is considered more appropriate and by the times and the needs of the community is the third opinion that combines the two previous opinions: Nowadays, there is often an ineffective distribution of zakat assets, the existence of tabzir (waste), not on the target, and the goal of not achieving poverty alleviation as the purpose of zakat itself. The existence of productive zakat can further help the mustahiq to receive this assistance on an ongoing basis, which will be difficult to implement if the assistance is given consumptively (An-Najah, 2013).

Differences in scholarly views regarding the law of productive zakat, especially about empowerment mechanisms, have significant implications for policies and practices in the field. This non-uniformity of opinion often leads to differences in interpretation among zakat institutions in determining the form and conditions of productive zakat distribution. For example, the view that allows productive zakat only in the form of tamlik (full ownership by mustahiq) can limit the creativity of zakat institutions in developing qardhul hasan-based empowerment programmes (interest-free loans) that emphasise sustainability. This diversity of opinions may need clarification for some institutions, especially in maintaining Sharia compliance while optimally responding to mustahiq needs. This indicates the need to formulate more uniform guidelines to minimize the diversity of interpretations that could affect the effectiveness of productive zakat policies.

### 3.4. Positive Law

In addition to adhering to Sharia law, there are also positive laws that regulate the management of zakat, and some rules related to zakat management have been issued by the government:

- a. Indonesian Law Number 23 of 2011 concerning Zakat Management
- b. Law of the Republic of Indonesia Number 38 of 1999 concerning Zakat Management
- c. Law of the Republic of Indonesia Number 17 of 2000 concerning the Third Amendment to Law No. 7 of 1983 concerning Income Taxes
- d. Decree of Minister of Religious Affairs Number 581 Year 1999 on the Implementation of Law No. 38 Year 1999 on Zakat Management
- e. Decree of Director General of Islamic Guidance and Hajj Affairs Number D/291 on Technical Guidelines for Zakat Management.

In Indonesia, the utilization of productive zakat is outlined in Law No. 23 of 2011 concerning Zakat Management Article 27, namely:

- a. Zakat can be utilized for productive businesses in the context of handling the poor and improving the quality of people.
- b. The utilization of zakat for productive businesses, as referred to in paragraph (1), is carried out if the basic needs of mustahik have been met.
- c. Further provisions regarding the utilization of zakat for productive businesses, as referred to in paragraph (1), shall be regulated in a Ministerial Regulation. Until now, the regulations of paragraph (3) have not been issued.

### 3.5. Productive Zakat Instrument

The following are some of the productive zakat instruments that are often used and are not final because they allow for development as long as they are still based on Islamic economic principles:

#### a. *Mudharabah*

*Mudharabah* comes from the word *dharb* which means hitting or walking, if adapted to this context it means a person who hits his cloth in running a business (Qal'aji, 1985). According to Fiqh, Ulama *mudharabah* is a form of business cooperation between the owner of capital and people who are experts in running a business, namely the owner of the capital hands over his capital to the manager to be managed, whose profits are divided based on mutual agreement, and the owner of the capital bears the loss, unless caused by the manager. If negligence and failure are caused by the manager then she will bear it.

This instrument is permitted in Islam because it has the purpose of *ta'awun* between *shahibul maal* and *mudharib*, which is based on the Qur'an Surah Al-Muzammil (73): 20.



...وَأَخْرُؤْنَ يَضْرِبُونَ فِي الْأَرْضِ يَبْتَغُونَ مِنْ فَضْلِ اللَّهِ..."

"...and others walk the earth seeking some of the bounty of Allah..." (Kemenag RI, 2019)

The word *yadhribun* in the verse comes from the same word as *mudharabah*, meaning traveling on a business. Similarly, in the hadith of the Messenger of Allah (peace and blessings of Allah be upon him), Shalih ibn Shuaib *Radhiyallahu 'Anhu* said: "Three things in which there is blessing: buying and selling on credit, *muqaradhah* (*mudharabah*), and mixing wheat with flour for household use and not for sale." (Majah, n.d.).

*Mudharabah* is divided into two types in terms of the transaction between the owner of the capital and the worker, namely *mudharabah muthlaqah* (unconditional transfer of capital), in which the worker is free to manage the capital with any business that he thinks can generate profits and in any area he wants and *mudharabah muqayyadah* (transfer of capital with conditions) in which the worker must follow the conditions put forward by the owner of the capital, such as having to trade in certain goods, in certain areas, and buy goods from certain people. The legitimacy of this second type of *mudharabah* is the previously mentioned Hadith narrated by Thabrani about the terms of *mudharabah* proposed by Abbas bin Abdul Muttalib *Radhiyallahu 'Anhu* and approved by the Prophet (peace and blessings of Allah be upon him).

The application of productive zakat in *mudharabah* is in the form of amil as *shahibul mal* (capital owner) and mustahiq as *mudharib* (manager), namely, amil distributes zakat assets to mustahiq to be used as business capital. If there are certain requirements in the contract, such as the type, region, and object of business, it is categorized as *mudharabah muqayyadah*; if there are none, it is called *mudharabah muthlaqah*.

This system is known as profit and loss sharing, so both parties must agree on the percentage of business profits; for example, 20% for amil and 80% for mustahiq, whose profits must be put into the amil treasury and can be distributed to other mustahiq. However, if there is a loss, it is borne together, meaning that amil cannot claim any assets, including the capital, against mustahiq and experience business losses.

#### **b. Murabahah**

*Murabahah* is the sale and purchase of goods at the original price with an additional agreed profit, i.e. the seller must tell the price of the product he bought and determine a level of profit as an addition. *Murabahah* can be carried out for purchases on an order basis which is commonly referred to as *Murabahah KPP* (To Order Purchasers), the basis is contained in the Qur'an Surah Al-Baqarah (2): 275,

...وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا...

"... Allah has justified buying and selling and forbidden usury..." (Kemenag RI, 2019).

Similarly, in the Hadith of Shalih ibn Shuaib *Radhiyallahu 'Anhu*, the Prophet (peace and blessings

be upon him) said: "Three things in which there is a blessing: buying and selling on credit, *muqaradhah* (*mudharabah*), and mixing wheat with flour for household use and not for sale." (Rasyid, 1988)

The application of the murabaha system in productive zakat is in the form of amil as a seller, while mustahiq as a buyer; that is, amil sells a product to mustahiq with payment in the amount of the capital price plus the profit that mustahiq can afford. The payment method should be in the form of installments or credit, the length of which should be adjusted to the mustahiq's ability to facilitate them. Suppose the amil does not have the product assets needed by the mustahiq. In that case, the amil can apply the *murabah al-Amir bi al-Syara'* (KPP) system, which shows that the amil in procuring the goods is only to meet the needs of the order, namely, the mustahiq.

### 3.6. *Qardhul Hasan*

Giving property to another person that can be collected or requested again, or in other words, a loan without expecting a return, is called *qardhul*. *Qardhis* is categorized as a *tathawwu* contract (mutual aid contract without commercial transactions), as mentioned in the classical fiqh literature, while *hasan* means kindness. Therefore, *qardhul hasan* is a loan that contains a lot of kindness and *samahah* (tolerance) in the form of a longer repayment period and several installments adjusted to the borrower's ability, which, in economics, is equated with the term soft and benevolent loan.

The sharia foundation of this system is contained in the Qur'an Surah Al-Hadid (57): 11,

مَنْ ذَا الَّذِي يُقْرِضُ اللَّهَ قَرْضًا حَسَنًا فَيُضَاعِفَهُ لَهُ وَلَهُ أَجْرٌ كَرِيمٌ

"Who will lend to Allah a good loan? He will multiply (the reward) for him, and for him (is given) a very noble reward (paradise)". (Kemenag RI, 2019).

This is also stated in the Qur'an Surah Al-Baqarah (2): 245,

مَنْ ذَا الَّذِي يُقْرِضُ اللَّهَ قَرْضًا حَسَنًا فَيُضَاعِفَهُ لَهُ أَضْعَافًا كَثِيرَةً وَاللَّهُ يَقْبِضُ وَيَبْصِطُ وَإِلَيْهِ تُرْجَعُونَ

"Who wants to give a good loan to Allah? 76) He will multiply (the repayment of the loan) for him many times over. Allah constricts and expands (provision). To Him are you returned." (Kemenag RI, 2019).

In addition to the Quran, the evidence for this system is also contained in the hadith of the Prophet (peace and blessings of Allah be upon him) from Ibn Mas'ud *Radhiyallahu 'Anhu*, who said: "If a Muslim lends another Muslim twice, the other will be considered as charity." (Majah, (n.d.))

The application of *qardhul hasan* in productive zakat through amil as the party who lends capital (owes) and mustahiq as the borrower (owes), which lends a sum of funds to mustahiq, which is used for business capital with the obligation to return the loan without any excess within a period and the number of installments adjusted to conditions and abilities. The opportunity to use muamalah contracts in productive zakat management in the form of *qardhul hasan*, *mudharabah*, and *murabahah*, but in its implementation, only the *qardhul hasan* system is used (Nurdin, 2022).

Productive zakat is needed in this country, and other developing countries, and *mudharabah*,

*murabahah*, or *qardhul hasan* systems are used to alleviate poverty and prevent mustahiq from usury. Ideally, productive zakat assistance is given without the obligation to return it. However, this concept cannot be realized considering that the mustahiq is more than muzakki, so zakat assets are insufficient if given absolutely to mustahiq. In addition, mustahiq is classified as a productive age (capable of doing business) that must be produced through poverty alleviation programs. If zakat assistance is given consumptively, the policy cannot be implemented because it will only create dependence and not utilize their potential (Fasiha, 2017).

### **3.7. The Role of the Facilitator**

(Nafiah, 2015) argued that supervision accompanied by assistance to zakat recipients could increase the effectiveness of achieving productive zakat mustahiq welfare (Ibrahim, 2014). (Widiastuti T. A., 2021) stated that utilizing productive zakat can improve mustahiq welfare by distributing zakat funds through coaching and mentoring. The productive Zakat program aims to transform the mindset of Mustahiq and provide valuable learning that Zakat is not only for consumptive purposes but also for short-term impact. Productive Zakat starts by selecting a suitable mustahiq, providing training and guidance, and developing their ability to have a better mindset and financial independence.

The assistants' four skills roles are facilitative, educator, representative or representative of the community, and technical. The obstacles experienced by assistants consist of internal and external factors. Internal factors include participants' difficulty in collecting data files and adapting to a new environment that takes a short time, while external factors are in the form of information from the center that is sudden, rarely travels to the location of the assistance that is far away, and the place of assistance is in a narrow alley. In addition to obstacles, supporters, such as the enthusiasm of beneficiaries and adequate facilities (Rahmawati, 2017).

### **3.8. Entrepreneurship Character**

Entrepreneurship in Islam is any form of business that is carried out based on the guidance of the Sharia, carrying out what is permitted and leaving what is prohibited by the Sharia based on righteous deeds in the utilization of available resources in the form of buying and selling on what comes from Allah and His Messenger, namely the Al-Quran and Al-Hadist as stated in the following statement (Mufti, 2016); (Bahri, 2018); (Fauzia, 2019); (Prasetyani, 2020)).

Entrepreneurship in Islam is not limited to the values or teachings of the sharia of this dien alone, but also the spirit of entrepreneurship in the form of innovation, creativity, responsibility, taking risks, and not giving up on achieving goals, all of which give birth to success not only in terms of material but also spiritual as a form of manifestation of obedience to Allah *Rabbul 'Alamin* (Musfialdy, 2016).

### 3.9. Mustahiq Empowerment

Groups are entitled to receive zakat. To determine the chances of success of the empowerment process and increase the independence of mustahiq, we must know the assessment indicators, namely, age, level of education (formal and non-formal), experience in running a business, and the number of dependents in the family (Hamzah, 2015); (Nugrahani, 2019)).

Empowerment through zakat can be done by anyone who has wealth that has reached nishab. Zakat recipients, who are eight groups of asnaf called mustahiq, can utilize gifts to meet their basic needs. However, the distribution of zakat for community empowerment could be better when given directly to them. Not a few immediately use assistance for tertiary needs even though their primary needs still need to be met. In addition, giving zakat directly indirectly affects the birth of *riya'* in an entrepreneur or muzakki, and the crowded recipients will also experience losses (Fauzia, 2019).

The mentoring process is beneficial to business growth, which has a positive impact on the level of mustahiq welfare, as well as a role in increasing mustahiq motivation to run their business better (Widiastuti T. A., 2021). For this reason, a program is needed to empower the companion first to direct the fostered residents or program participants to form the character of entrepreneurship and mustahiq empowerment. Of course, this case does not forget the important factor in empowerment itself, namely the educational background in developing the business of the fostered partners, so that the manager must be able to be more selective in choosing the level of education of the companion or even from mustahiq because it is expected that it will later become a companion to foster other mustahiq. As in the research (Khatimah H. &, Program Pemberdayaan Desa Peradaban Zakat BAZNAS Kabupaten Sukabumi Melalui Pembinaan Mitra Domba Garut, 2023) related to Garut sheep partners, only one high school graduate later became a companion for program participants, because they generally came from low education groups.

## 4. CONCLUSION

In the empowerment program, the process of empowering the assistants is needed first because they interact more directly with the program participants. The educational background of the assistants needs to be considered to direct them in shaping the entrepreneurial character and empowerment of Mustahiq. Likewise, the fostered partners' education level is expected to become assistants to foster other mustahiq.

This research shows that the differences in scholars' views on the law of productive zakat directly impact the diversity of policies and practices implemented by zakat institutions. These differences not only lead to variations in the form of programs provided but also affect mustahiq's perception of productive zakat, especially when associated with mechanisms such as *qardhul hasan* or ownership of

business capital (tamlik). In the presence of non-uniform policies, there is a potential for confusion among beneficiary communities and zakat institutions in interpreting the sharia-compliant form of productive zakat. This finding provides an important insight that uniformity of guidance in the practice of productive zakat can help minimize diverse interpretations so that implementation in the field is more consistent.

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