

## Strengthening Zakat Regulation through the *Siyāsah Māliyah* Approach: A Constitutional and Legal Analysis of Indonesia and Malaysia

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**Abstract:** This study addresses the critical need to strengthen zakat regulation in Indonesia and Malaysia by developing a concrete regulatory model called the *Siyāsah* Zakat Regulatory Framework (SZRF). Both countries, with significant Muslim populations and distinct constitutional systems, face challenges in ensuring sustainable, accountable, and legally certain zakat governance. The SZRF model integrates constitutional values with Islamic legal principles derived from *uṣūl al-fiqh*, such as *maṣlahah* (public interest), *istihsān* (juridical preference), and *sad al-dharā'i* (blocking harmful means), to create a comprehensive framework for zakat administration. This framework delineates clear institutional roles, legal instruments, and governance mechanisms designed to enhance transparency, equity, and sustainability in zakat collection and distribution. Using normative legal analysis, this research demonstrates that implementing the SZRF can harmonize constitutional and Islamic legal norms, providing a robust foundation for modernizing zakat regulation in Muslim-majority countries. The study contributes to comparative Islamic legal scholarship and offers practical guidance for policymakers aiming to improve the governance of Islamic social finance.

**Keywords:** Constitutional Values; *Siyāsah Māliyah*; Zakat Regulation; Sustainability; Legal Protection.

### Introduction

Zakat, one of the five pillars of Islam, serves not only as a religious obligation but also as a socio-economic instrument aimed at reducing inequality and promoting public welfare (Adnan et al., 2021; Busari et al., 2021; Hanifuddin et al., 2024; Amri et al., 2025). In Muslim-majority countries such as Indonesia and Malaysia, zakat has been institutionalized within national legal frameworks, underscoring its dual function as a spiritual duty and a strategic policy tool for poverty alleviation. However, despite these institutional efforts, zakat management in both countries continues to face significant challenges related to sustainability, legal protection, transparency, and adaptability to changing socio-economic dynamics. Addressing these challenges requires more than administrative efficiency; it necessitates a governance framework that integrates Islamic legal ethics with contemporary constitutional principles. In this regard, *siyāsah māliyah*—a classical Islamic theory of fiscal governance—provides a focused normative foundation. Grounded in the objectives of Sharia (*maqāṣid al-sharī'ah*), *siyāsah māliyah* emphasizes equitable wealth distribution, public interest (*maṣlahah*), and accountability in managing public financial resources. Unlike broader political concepts such as *siyāsah syar'iyah*, this theory specifically addresses public finance, making it particularly relevant for zakat regulation (al-Māwardī, 1985; Arake et al., 2023; Putra et al., 2023; Ahyani et al., 2024; Ahyani & Mutmainah, 2024; Muharir, 2025; Ahyani, 2025; Azmi et al., 2025).

This study posits that integrating *siyāsah māliyah* with constitutional values — such as legal certainty, social justice, and religious freedom — can strengthen the legitimacy, adaptability, and sustainability of zakat governance. However, this integration is not without challenges. Modern constitutional frameworks emphasize individual rights and formal legal procedures, whereas Islamic fiscal governance prioritizes collective welfare and moral obligations. This study critically examines how these paradigms intersect, overlap, or diverge in the practical regulation of zakat. While previous studies have addressed administrative reforms or theological principles in isolation, few have examined the normative integration of Islamic fiscal ethics with state constitutionalism within a comparative legal framework. By focusing on Indonesia and Malaysia — two Muslim-majority countries with distinct legal traditions, namely Indonesia's mixed civil law system and Malaysia's dual legal system — this research offers original insights into how pluralistic states can harmonize Sharia-based zakat governance with constitutional mandates.

This article contributes to three key academic domains: (1) Islamic legal studies in contemporary state contexts, (2) comparative constitutional analysis in Muslim-majority jurisdictions, and (3) the development of sustainable and accountable Islamic social finance systems. Specifically, this study proposes a regulatory model called the *Siyāsah Zakat Regulatory Framework* (SZRF), which is firmly rooted in Islamic tradition through principles of *uṣūl al-fiqh* and supported by the constitutional legitimacy of both countries. The model is designed to promote justice, legal protection, and institutional adaptability in zakat management. A comprehensive explanation of the SZRF — including its instruments, system, and framework — will be detailed in the Results and Discussion section.

## Literature Review

This section critically examines existing scholarly works addressing the integration of constitutional values and *siyāsah syar'iyah* — particularly its fiscal governance subset, *siyāsah māliyah* — in the context of zakat regulation. The review centers on Indonesia and Malaysia, two Muslim-majority countries with plural legal systems, to establish the theoretical and comparative foundation of this study.

A growing body of literature emphasizes zakat's pivotal role in poverty reduction and economic redistribution. For example, Rizal et al. (2023) and Amri et al. (2025) argue that zakat can significantly contribute to achieving the Sustainable Development Goals (SDGs), especially poverty alleviation. However, their findings also highlight institutional weaknesses, such as outdated collection mechanisms and insufficient legal infrastructure, which limit zakat's transformative potential. This reflects a clear gap between modern socio-economic demands and current regulatory capacities.

Similarly, Dakhoir (2019), Al-Banna and Nurdany (2021), Hanifuddin et al. (2024), and Adnan et al. (2024) explore innovative uses of zakat through *al-Qard al-Hasan* initiatives, demonstrating how zakat can empower marginalized communities rather than merely providing consumptive aid. These approaches align with the *maqāṣid al-sharī'ah*, particularly its emphasis on economic independence and justice. Nonetheless, such practices remain fragmented and are yet to be fully integrated into national zakat regulatory frameworks.

The theoretical lens of *siyāsah māliyah* provides a valuable framework for interpreting these developments. As a sub-discipline of *siyāsah syar'iyah*, *siyāsah māliyah* focuses specifically on public finance and wealth governance within Islamic jurisprudence. It emphasizes principles such as *maṣlaḥah* (public interest), *istiḥsān* (juridical preference), and *sad al-dharā'i* (preventive policy), making it directly relevant to fiscal instruments like zakat (Sumiati et al., 2024; Ahyani, 2024; Rahman et al., 2024; Triswandani & Muhammad, 2024). While these principles offer strong normative legitimacy, their practical implementation within modern state systems remains underexplored.

From a legal-constitutional perspective, Ilmie and Anshori (2020), Hamzah et al. (2024), and Ahyani et al. (2024) analyze Indonesia's Law No. 23 of 2011, highlighting the dual role of the state as both regulator and executor of zakat. They emphasize constitutional mandates concerning religious freedom and social welfare as both facilitators and constraints for zakat governance. However, their studies do not fully address how Islamic governance models such as *siyāsah māliyah* can effectively bridge normative Islamic law and constitutional mandates.

Comparative insights from Malaysia reveal similar tensions. Adinugroho et al. (2024) observe that Malaysia's decentralized zakat administration—managed through the Majlis Agama Islam in each state—presents challenges related to policy coherence and institutional accountability. Despite Islam's constitutional status as the religion of the federation, inconsistencies in regulatory enforcement persist, undermining the legal certainty essential for sustainable zakat governance. In terms of jurisprudential development, Masrawan et al. (2022), Syahbandir et al. (2022), and Al-Hakim et al. (2024) stress the importance of *ijtihād* (legal reasoning) in evolving zakat regulations that faithfully adhere to Islamic principles while remaining responsive to modern contexts. Their call for a dynamic and contextual interpretation of zakat law highlights the potential of *siyāṣah māliyah* as a guiding framework for regulatory innovation grounded in justice and equity (Ahyani et al., 2021, 2024, 2025; Aziz et al., 2024; Bahtiar, 2020; Fuadi et al., 2024; Hamzah et al., 2024; Hannani et al., 2023; Harun & Hamzah, 2024; Lestianingsih et al., 2025; Muharir et al., 2022, 2025).

Nonetheless, the existing literature tends to treat constitutional law and Islamic governance as separate domains rather than exploring their integration. A significant gap remains in synthesizing how constitutional values—such as legal certainty, equality before the law, and protection of religious practice—can be reconciled with Islamic fiscal ethics that prioritize distributive justice and social harmony. Few studies propose a coherent model that blends these normative frameworks into actionable zakat policy. Moreover, *siyāṣah māliyah* remains under-theorized concerning contemporary legal systems. Although classical scholars like al-Māwardī and Ibn Taymiyyah discussed fiscal governance, their insights require reinterpretation within constitutional democracies (Mawardi, 2020; Rahman et al., 2024); Safitri et al., 2024; Prasetyo & Sukatin, 2024). The central challenge lies in contextualizing these concepts without diluting their ethical essence—especially in legal systems operating under secular constitutions that nonetheless accommodate Sharia-based practices.

This study seeks to bridge the identified gap by proposing an integrated framework that combines *siyāṣah māliyah* with constitutional principles. By doing so, it contributes to the ongoing discourse on sustainable and accountable zakat regulation, demonstrating how Islamic public finance ethics can coexist with and enhance modern legal systems within Muslim-majority democracies. In summary, while existing research acknowledges the socio-economic potential of zakat, it often lacks an interdisciplinary synthesis that brings together Islamic legal ethics and constitutional law. This literature review therefore lays the groundwork for a normative legal analysis that views zakat regulation as both a constitutional and Islamic legal institution—anchored in the values of justice, legal certainty, and public welfare. Such a dual-perspective approach is crucial for developing zakat systems that are not only religiously legitimate but also legally sound, socially adaptive, and economically sustainable.

## Method

This study employs a normative legal research method using a qualitative-descriptive approach, aimed at analyzing the integration of constitutional values with the principles of *siyāṣah syar'iyah* and *siyāṣah māliyah* into zakat regulation in Indonesia and Malaysia. The central objective is to develop a concrete regulatory model called the *Siyāṣah Zakat Regulatory Framework* (SZRF), which seeks to harmonize Islamic legal principles with constitutional legitimacy in both jurisdictions. This method enables in-depth doctrinal analysis of legal texts and facilitates the contextualization of Islamic governance principles within contemporary national legal systems.

The primary legal sources are clearly jurisdiction-specific. In Indonesia, the research analyzes Law No. 23 of 2011 on Zakat Management, Government Regulation No. 14 of 2014, and fatwas issued by the Indonesian Ulema Council (MUI). In Malaysia, the study includes relevant provisions of the Federal Constitution pertaining to Islamic affairs, state-level zakat enactments such as Selangor Enactment No. 3/1991, and fatwas from State Mufti Departments. Secondary sources consist of peer-reviewed academic journals, monographs, and policy reports on Islamic legal theory (*Uṣūl al-Fiqh*), constitutional law, and Islamic fiscal governance, providing the necessary theoretical and contextual depth (Ramli & Elatrash,

2021; Masrawan et al., 2022; Din et al., 2023; Solehudin et al., 2024; Mukhlis et al., 2024; Rahman et al., 2024; Hariyanto et al., 2025; Solehudin et al., 2025; (Munawar & Kotyazhov, 2025).

Data collection was conducted through an extensive literature review of legal documents, government publications, and academic literature, as well as official government and fatwa repository websites. Purposive sampling was employed to select the most authoritative and relevant legal texts for each country. Data analysis utilized qualitative content analysis within a deductive framework, focusing on key Islamic legal concepts—*maṣlaḥah* (public interest), *istiḥsān* (juridical preference), and *sad al-dharā'i* (blocking harmful means)—and their intersection with constitutional principles such as justice, legal certainty, and public accountability (Hasan, Blazhevich, & Abdul Mu'iz, 2024; Ahyani & Figueiredo, 2024; Kholili & Kuklienè, 2024; Duriyanto et al., 2025; Wazin et al., 2025). A comparative legal approach was used to identify regulatory gaps, institutional differences, and best practices between Indonesia and Malaysia. This methodological rigor underpins the formulation of the *Siyāsah Zakat Regulatory Framework* (SZRF), which is presented as a practical model for sustainable and constitutionally aligned zakat governance in the Results and Discussion section.

## Results and Discussion

### The Constitutional Role in Zakat Regulation in Indonesia and Malaysia

Zakat regulation in both Indonesia and Malaysia is fundamentally anchored in constitutional principles that uphold religious freedom and affirm the state's duty to ensure social welfare. In Indonesia, Article 29 of the 1945 Constitution guarantees freedom of religion, while Article 34(1) mandates that the state "shall care for the poor and destitute," thereby legitimizing zakat as both a religious obligation and a policy tool for achieving economic justice. This constitutional foundation is operationalized through Law No. 23 of 2011 on Zakat Management, which establishes BAZNAS (Badan Amil Zakat Nasional) as the national zakat institution under direct government supervision. The law not only institutionalizes zakat collection and distribution but also formalizes the state's active role as regulator and facilitator, integrating zakat into the broader framework of Indonesia's public welfare system.

In contrast, Malaysia operates under a federal system, where zakat administration is delegated to the State Islamic Religious Councils (Majlis Agama Islam Negeri, or MAIN). Article 3(1) of the Federal Constitution declares Islam as the religion of the Federation, while Article 11 guarantees religious freedom. Zakat regulation is implemented through state-level enactments and fatwas, resulting in localized systems that often face inconsistencies and coordination challenges across states (Gallien et al., 2024; Zami & Nurhaida, 2025).

Despite strong constitutional and legal foundations, both Indonesia and Malaysia continue to face challenges in achieving uniformity, accountability, and sustainable zakat impact. These challenges include overlapping institutional roles, limited digital integration, and insufficient fiscal planning, all of which constrain zakat's transformative potential in social and economic development.

A unified governance model rooted in Islamic traditions—particularly *siyāsah syar'iyah* (ethical public policy based on *maqāṣid al-sharī'ah*) and *siyāsah māliyah* (Islamic fiscal governance focusing on justice and adaptability)—can serve as a strategic response. Foundational principles such as *maṣlaḥah* (public interest), *istiḥsān* (juridical preference), and *sad al-dharā'i* (preventive legal reasoning) offer a normative basis for regulatory reform that is both legally robust and socially responsive (Jubaedah & Solehudin, 2025; Thalhah et al., 2025).

Institutionalizing these principles through statutory instruments, coupled with stronger legal enforcement, performance monitoring, and participatory oversight, is crucial for building accountable and future-ready zakat governance. The constitutional frameworks of both countries provide sufficient legal space for such innovations. When interpreted through the lens of *siyāsah māliyah*, zakat can evolve from a static religious duty into a dynamic fiscal tool aligned with social justice, poverty eradication, and national development objectives.

**Table 1. Comparative Overview of Constitutional and Legal Foundations of Zakat Regulation in Indonesia and Malaysia**

| Aspect                       | Indonesia   | Malaysia   |
|------------------------------|---|--|
| <b>Constitutional basis</b>  | Article 29 (Religious Freedom), Article 34(1) (State care for the poor)           | Article 3(1) (Islam as religion of federation), Article 11 (Religious Freedom)             |
| <b>Legal framework</b>       | Law No. 23/2011 on Zakat Management, Government Regulations, MUI fatwas           | Federal Constitution, State zakat enactments (e.g., Selangor Enactment No. 3/1991), fatwas |
| <b>Institutional model</b>   | Centralized (BAZNAS under government supervision)                                 | Decentralized (State Islamic Religious Councils - MAIN)                                    |
| <b>Implementation scope</b>  | National uniform system   | Varied by state; localized implementation  |
| <b>Challenges</b>            | Institutional overlaps, uneven digitalization, lack of integrated fiscal planning | Inter-state coordination issues, inconsistent legal standards                              |
| <b>Governance principles</b> | Integration of <i>Siyāṣah syar'iyah</i> and <i>Māliyah</i> via national policy    | Applied through state laws and fatwas; adherence varies by state                           |
| <b>Potential for reform</b>  | High – via national statutory oversight and regulatory innovation                 | Moderate – requires harmonization and stronger federal-state coordination                  |

### The Implementation of *Siyāṣah Syar'iyah* and *Siyāṣah Māliyah* in Zakat Management

The implementation of *siyāṣah syar'iyah* and *siyāṣah māliyah* provides a vital normative framework for transforming zakat from a purely religious obligation into a strategic policy instrument for achieving social justice. *Siyāṣah syar'iyah* emphasizes governance grounded in the *maqāṣid al-sharī'ah* (the higher objectives of Islamic law), ensuring that zakat distribution promotes public welfare (*maṣlaḥah*), justice, and equity. Conversely, *siyāṣah māliyah*, as a doctrine of Islamic fiscal policy, offers concrete mechanisms for transparent, accountable, and goal-oriented zakat management. This is operationalized through principles such as *istiḥsān*, *sadd al-dharā'i'*, and *takyīf fiqhī* (Khairuddin, 2024; Sukendar & Vidho, 2025; Ubaidillah et al., 2025; Nofrizal, 2025).

To illustrate the comparative application of these principles in Indonesia and Malaysia, the following table summarizes the key similarities and differences in zakat governance:

**Table 2. Comparison of *Siyāṣah Syar'iyah* and *Siyāṣah Māliyah* Implementation in Zakat Management**

| Aspect   | Indonesia   | Malaysia  |
|--|---|---|
| <b>Legal Framework</b>                         | Law No. 23/2011 on Zakat Management                                       | State-level Zakat Enactments (vary across states)                             |
| <b>Governance Model</b>                        | Centralized through BAZNAS and LAZ with national coordination             | Decentralized through State Islamic Religious Councils (SIRCs)                |
| <b>Zakat Distribution Focus</b>                | Primarily short-term, consumptive assistance                              | Emphasis on empowerment: micro-enterprises, education, vocational support     |
| <b>Integration of <i>Siyāṣah syar'iyah</i></b> | Limited; not fully aligned with <i>maqāṣid al-sharī'ah</i>                | Evident in socially impactful programs rooted in Islamic values               |
| <b>Application of <i>Siyāṣah māliyah</i></b>   | Weak: minimal fiscal planning and absence of measurable impact indicators | Stronger: data-driven planning, fiscal targeting, and <i>mustahik</i> mapping |
| <b>Key Weaknesses</b>                          | Fragmented implementation and weak inter-agency coordination              | Inconsistencies across states; lack of unified performance standards          |
| <b>Potential for Improvement</b>               | Cross-sectoral integration, performance indicators, institutional reform  | National standardization and harmonization of inter-state policies            |

In Indonesia, although the legal framework for zakat is well-established, its implementation remains largely consumption-oriented. BAZNAS, the national zakat authority, has yet to fully adopt empowerment-based strategies that foster long-term economic resilience for beneficiaries. This indicates a misalignment between the legal structure and the ethos of *siyāsah māliyah*, which emphasizes fiscal justice and socio-economic transformation.

Malaysia, in contrast, demonstrates a more advanced integration of these principles. Several State Islamic Religious Councils have implemented empowerment-focused programs – such as microenterprise development, educational assistance, and vocational training – that reflect the spirit of *siyāsah syar’iyyah*. Additionally, the use of fiscal planning and data-driven targeting in zakat distribution illustrates the application of *siyāsah māliyah*, aligning zakat with broader development goals.

Nonetheless, both countries face structural challenges. Indonesia struggles with fragmented institutional mandates and limited synergy with national welfare systems. Malaysia, while benefitting from decentralized governance, contends with disparities among states and lacks standardized mechanisms for performance evaluation and legal reporting.

Therefore, it is essential for both nations to embed zakat management within a robust Islamic fiscal policy framework that incorporates measurable indicators, inter-agency coordination, and adaptive legal instruments. Institutionalizing *siyāsah syar’iyyah* as an ethical governance principle and *siyāsah māliyah* as a fiscal doctrine can transform zakat from reactive charity into proactive development. This integration is crucial for establishing zakat as a legally grounded and socially impactful tool for reducing inequality and promoting sustainable national development.

### **The Relationship Between Zakat and Tax Within the Constitutional Framework: A *Siyāsah Māliyah* Perspective**

The relationship between zakat and taxation is a critical aspect of Islamic fiscal governance, particularly within constitutional systems such as those of Indonesia and Malaysia. From a *siyāsah māliyah* perspective, zakat should function not only as a religious obligation but also as an integrated fiscal instrument that complements taxation in achieving social justice, equitable wealth distribution, and poverty alleviation. This dual role aligns zakat with the broader objectives of the *maqāṣid al-sharī‘ah* and the principles of effective public finance management.

In Indonesia, zakat and taxation are managed under separate regimes. According to Law No. 23 of 2011, zakat payments do not reduce income tax liability, resulting in a dual financial burden for Muslim taxpayers. This institutional separation restricts zakat’s strategic potential as a redistributive tool in national fiscal policy. Consequently, zakat in Indonesia largely remains a personal religious obligation rather than a systemic socio-economic mechanism. This limits its potential fiscal impact and weakens its role in coordinated poverty reduction efforts (Nugraha et al., 2020; Widianingsih, 2024; Al-Hakim et al., 2024; Rizqiyah et al., 2025).

Conversely, Malaysia has adopted a more integrated approach. Under the Income Tax Act 1967, zakat payments can be deducted from taxable income, creating fiscal synergy that supports both religious observance and public revenue objectives. This model reflects the essence of *siyāsah māliyah*, wherein religious duties are aligned with the objectives of efficient and just fiscal governance. Malaysia’s decentralized system, managed through State Islamic Religious Councils, allows zakat to serve both spiritual and socio-economic functions that are consistent with constitutional mandates and national development goals (Widodo et al., 2025; Setiawati et al., 2025; Ismail & Bhatti, 2025).

Despite these structural differences, both countries face common challenges, including fragmented policies, limited inter-agency collaboration, and public mistrust regarding zakat and tax administration. Effective integration requires regulatory clarity, transparency, data sharing between zakat and tax authorities, and public education to enhance trust and compliance. Furthermore, Islamic legal theory supports *ijtihād* (independent reasoning) to adapt zakat and tax frameworks in ways that remain faithful to Sharia while responding to contemporary fiscal realities.

In conclusion, while zakat and taxation are distinct in origin and purpose, they can and should be harmonized within the framework of *siyāṣah māliyah* to strengthen national social welfare systems. Malaysia's model offers a practical example of aligning religious obligations with fiscal policy, whereas Indonesia must undertake legal and institutional reforms to better integrate zakat into its public finance system. This harmonization not only fulfills constitutional mandates for social justice but also advances the Islamic vision of equitable wealth distribution and sustainable development.

### Challenges and Opportunities in Sustainable Zakat Management

Sustainable zakat management is essential for transforming zakat from a mere religious obligation into an effective socio-economic policy instrument. Anchored in the principles of *siyāṣah māliyah*, zakat must be managed strategically, transparently, and inclusively to support long-term poverty alleviation, economic inclusion, and social justice. However, existing practices often remain short-term and consumptive in nature, lacking development-oriented approaches such as empowerment through education, entrepreneurship, and skills training.

Good governance—characterized by transparency, accountability, participation, efficiency, and equity—is central to improving zakat institutions. Digital technology also presents significant opportunities: e-zakat platforms, blockchain-based monitoring, and AI-powered beneficiary mapping can enhance efficiency, reduce leakage, and rebuild public trust. Nonetheless, digital exclusion remains a critical barrier. Many underserved communities lack access to technology, making it imperative to design inclusive, user-friendly systems supported by public-private partnerships.

The Pentahelix Model, which involves collaboration among government, society, academia, media, and business, has emerged as a valuable framework for multi-stakeholder engagement in zakat governance (Putra et al., 2024; Rahayu & Abbas, 2024; Mas'ud et al., 2024; Pangestu et al., 2024). This model supports innovation, resource mobilization, and collaborative governance, enabling zakat to fund sustainable initiatives like entrepreneurship incubators, vocational training programs, and scholarship schemes. Philosophically, zakat management must reflect both *siyāṣah syar'iyah* and *siyāṣah māliyah*—ensuring that it is ethically grounded in Islamic law while responsive to contemporary socio-economic challenges. Despite progress, both Indonesia and Malaysia face enduring issues. These include fragmented regulations, weak inter-agency coordination, competition between zakat institutions (e.g., BAZNAS and LAZ in Indonesia), and inconsistent standards across Malaysia's decentralized system. Furthermore, while digital innovation holds promise, limited infrastructure and digital literacy may exclude the most vulnerable.

**Table 3: Challenges and Opportunities in Sustainable Zakat Management**

| Aspect                           | Challenges   | Opportunities   | Explanation   |
|----------------------------------|--|---|---|
| <b>Management Paradigm</b>       | Focus on short-term, consumptive aid                                       | Transition to long-term empowerment through education and entrepreneurship                | Shifting focus can build lasting economic resilience rather than temporary relief.  |
| <b>Governance</b>                | Fragmented regulations, weak inter-agency coordination                     | Application of good governance principles: transparency, accountability, participation    | Strengthened governance enhances resource use, legitimacy, and institutional trust. |
| <b>Digital Technology</b>        | Digital exclusion, limited infrastructure in marginalized areas            | E-zakat platforms, blockchain, and real-time monitoring tools                             | Digitalization boosts efficiency, but inclusion must be prioritized.                |
| <b>Stakeholder Collaboration</b> | Institutional rivalry, decentralization inconsistencies                    | Adoption of Pentahelix Model for cross-sector collaboration                               | Synergistic partnerships improve impact and innovation.                             |
| <b>Philosophical Alignment</b>   | Lack of legal and normative integration with Islamic governance frameworks | Integration of <i>siyāṣah syar'iyah</i> and <i>siyāṣah māliyah</i> into regulatory models | Ensures spiritual legitimacy and strategic relevance.                               |

While these challenges are significant, they present corresponding opportunities to reimagine zakat governance as a development-driven, institutionalized system rooted in Islamic ethics and aligned with constitutional mandates. However, if fragmentation, digital gaps, and regulatory inertia persist, zakat’s transformative potential will remain underutilized.

Addressing these structural issues demands a shift from charity-based to empowerment-driven zakat models. This requires robust governance, inclusive digital strategies, and legally grounded stakeholder collaboration. Sustainable zakat governance cannot be realized through administrative efficiency alone; it must also be normatively anchored in *siyāsah māliyah*, legally enforceable, and socially transformative.

The widely promoted Pentahelix Model, while useful for mobilizing stakeholders, remains largely informal and project-based, lacking the normative and legal grounding necessary for institutional transformation. To address this gap, this study proposes the *Siyāsah Zakat Regulatory Framework (SZRF)*—a normative model rooted in *uṣūl al-fiqh*, *siyāsah māliyah*, and constitutional jurisprudence. The SZRF offers a formalized and integrative legal-institutional framework designed to enhance the accountability, sustainability, and adaptability of zakat management systems.

**Table 4. Comparison between the Pentahelix Model and the *Siyāsah Zakat Regulatory Framework (SZRF)***

| Aspect                   | Pentahelix Model                                     | <i>Siyāsah Zakat Regulatory Framework (SZRF)</i>  |
|--------------------------|--|---|
| Theoretical Basis        | Stakeholder and public administration theories       | Islamic legal theory ( <i>Uṣūl al-Fiqh</i> ), <i>Siyāsah Māliyah</i> , and constitutional law |
| Legal Status             | Informal and policy-driven                           | Formalized via statutes, fatwas, and constitutional interpretations                           |
| Stakeholder Involvement  | Government, civil society, academia, media, business | Includes Pentahelix actors plus religious scholars, sharia councils, and legislators          |
| Governance Focus         | Collaborative project implementation                 | Regulatory enforcement, strategic planning, and institutional harmonization                   |
| Fiscal Dimension         | Limited to resource mobilization                     | Integrated with national development plans and Islamic fiscal doctrines                       |
| Accountability Mechanism | Voluntary, partnerships                              | Legally mandated oversight, sharia-based performance evaluation, and impact metrics           |
| Outcome Orientation      | Programmatic and experimental                        | Systemic, scalable, and constitutionally aligned transformation of zakat institutions         |

This comparison highlights that while the Pentahelix Model facilitates collaboration, it lacks the structural, legal, and fiscal depth required for systemic zakat governance. The SZRF, by contrast, offers a robust, multidimensional framework that harmonizes Islamic legal ethics with constitutional mandates—providing the necessary scaffolding for long-term zakat reform.

To operationalize SZRF, zakat institutions must institutionalize transparency, public participation, and performance accountability. Digital inclusion must be actively pursued, particularly for underserved populations. At the same time, legal reforms must clarify institutional roles, enhance inter-agency coordination, and embed measurable impact indicators into zakat strategies.

By embedding the SZRF within national zakat governance strategies, both Indonesia and Malaysia can transcend fragmented, charity-based models and move toward zakat systems that are sustainable, legally coherent, and socially impactful. Properly implemented, this transformation would elevate zakat as a core component of Islamic social finance and a constitutional instrument for promoting inclusive development and social justice.

**Recommendations for Improving the Effectiveness of Zakat Regulations**

To enhance the effectiveness of zakat governance in Indonesia and Malaysia, it is imperative to deepen the integration of *siyāsah syar’iyyah* with contemporary constitutional principles. This process requires moving beyond normative idealism toward a pragmatic engagement with how Islamic fiscal governance can coexist with, complement, or—when necessary—challenge secular legal frameworks.

Strengthening zakat governance entails the establishment of mechanisms that are transparent, accountable, legally certain, and aligned with the rule of law, thereby fostering public trust and enabling effective oversight. Nevertheless, policymakers must carefully navigate the potential tensions between religious obligations and constitutional imperatives, ensuring that zakat regulation simultaneously honors Sharia norms and accommodates pluralistic, democratic values.

To enhance the effectiveness of zakat governance in Indonesia and Malaysia, it is imperative to deepen the integration of *siyāṣah syar'īyyah* with contemporary constitutional principles. This process requires moving beyond normative idealism toward a pragmatic engagement with how Islamic fiscal governance can coexist with, complement, or—when necessary—challenge secular legal frameworks. Strengthening zakat governance entails the establishment of mechanisms that are transparent, accountable, legally certain, and aligned with the rule of law, thereby fostering public trust and enabling effective oversight. Nevertheless, policymakers must carefully navigate the potential tensions between religious obligations and constitutional imperatives, ensuring that zakat regulation simultaneously honors Sharia norms and accommodates pluralistic, democratic values.

Fiscal integration of zakat into national tax systems represents another area of reform. Malaysia's provision allowing zakat contributions to be deducted from income tax liabilities demonstrates how Islamic fiscal obligations can be harmonized with state taxation, in line with the objectives of *siyāṣah mālīyah*. In contrast, Indonesia continues to treat zakat and tax as separate obligations, resulting in a dual burden on Muslim taxpayers and limiting zakat's utility as a redistributive fiscal tool. This divergence underscores the need for legal innovation that acknowledges zakat's dual character—as both a spiritual duty and a public finance mechanism—thus enabling its strategic use in promoting social equity and national development.

Moreover, zakat regulation should transition from a charity-based model to one grounded in strategic empowerment and aligned with the higher objectives of Sharia (*maqāṣid al-sharī'ah*). Long-term poverty alleviation can be more effectively achieved by supporting economic inclusion through education, vocational training, and entrepreneurship. However, realizing this transformation is contingent upon resolving persistent issues such as regulatory fragmentation, inconsistent institutional capacity, and limited inter-agency coordination. Future reforms should prioritize robust monitoring and evaluation systems, inter-institutional synergy, and capacity-building initiatives tailored to local socio-political contexts.

This study contributes to the evolving discourse on Islamic legal reform by bridging the domains of constitutional law and *siyāṣah syar'īyyah* within the context of contemporary zakat governance (Widyawati, 2022). It identifies both the normative aspirations, and the practical constraints involved in harmonizing religious fiscal duties with state obligations in pluralistic societies, drawing comparative lessons from Indonesia and Malaysia. Central to this discussion is the call for zakat regulations that are integrated, transparent, adaptive, and strategically aligned with Islamic social finance goals.

Rather than offering merely conceptual prescriptions, this study presents a concrete and operational model: the *Siyāṣah Zakat Regulatory Framework* (SZRF). This framework is designed to integrate *siyāṣah syar'īyyah* (Islamic governance principles) and *siyāṣah mālīyah* (Islamic fiscal policy) into contemporary legal and constitutional systems. The SZRF is grounded in three foundational pillars:

1. Constitutional Legitimacy – positioning zakat as a legitimate instrument of public policy anchored in constitutional mandates related to social justice, human rights, and the rule of law;
2. Islamic Normative Ethics – ensuring that zakat governance is guided by the values and objectives of *maqāṣid al-sharī'ah*, such as welfare, justice, and equity;
3. Collaborative Governance – institutionalizing multi-stakeholder participation through the Pentahelix model, which involves government, civil society, academia, the private sector, and media.

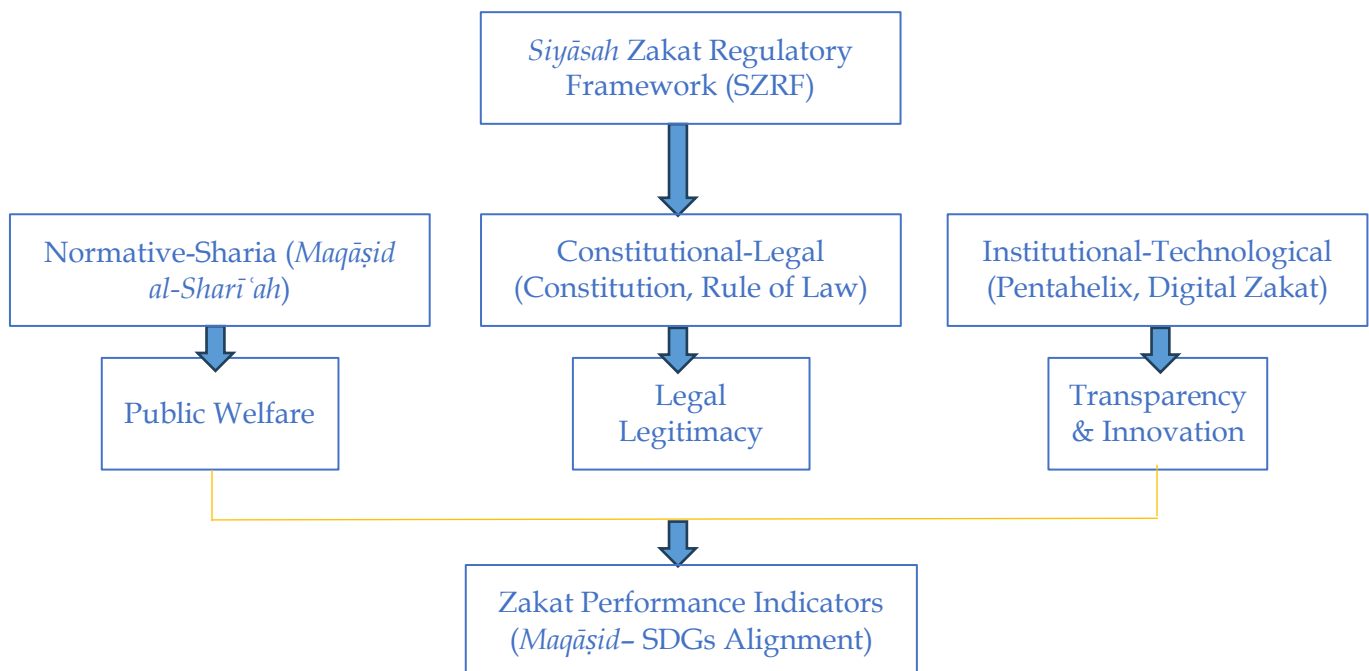
These pillars are operationalized through four interrelated components:

1. Normative-Sharia Dimension – establishes *maqāṣid al-sharī'ah* as the ethical and legal foundation of zakat governance, aligning policy design and implementation with public welfare, distributive justice, and Islamic legal principles;

2. Constitutional-Legal Dimension – harmonizes zakat regulation with national constitutional principles, embedding it within frameworks of social justice, equality, and democratic governance to ensure legal coherence and state accountability;
3. Institutional-Technological Dimension – promotes a digitally enabled, inclusive, and collaborative institutional model, leveraging public-private partnerships and technological innovation to enhance efficiency and participation;
4. Performance and Social Impact Dimension – introduces measurable performance indicators drawn from both Islamic objectives (*maqāṣid*) and national development benchmarks (e.g., the Sustainable Development Goals), enabling evidence-based policy reform and transparent impact assessment.

This integrated framework underscores the necessity of zakat governance that is not only normatively grounded in Islamic jurisprudence but also responsive to the structural and institutional demands of modern constitutional states. The SZRF offers more than a theoretical construct; it provides a policy roadmap that zakat institutions and state authorities in Muslim-majority contexts can adopt to improve institutional performance, enhance public trust, and elevate zakat's role in national development and social welfare systems.

**Figure 1. *Siyāṣah* Zakat Regulatory Framework (SZRF) – Conceptual Model**



This model illustrates that effective zakat regulation in the contemporary era must be adaptive, inclusive, and firmly rooted in Islamic jurisprudence, while also responding to the structural requirements of modern constitutional states. The SZRF provides not only a normative framework but also a practical roadmap for zakat institutions and policymakers across Muslim-majority contexts.

By institutionalizing transparency, legal enforceability, performance measurement, and stakeholder inclusion, the SZRF has the potential to transform zakat from a reactive, fragmented system into a strategic, rights-based fiscal instrument. This shift is critical for restoring public trust, addressing systemic poverty, and positioning zakat as a core component of sustainable Islamic social finance and national development policy.

## Conclusion

This study underscores the importance of integrating constitutional principles with the ethical framework of *siyāṣah syar'iyah* in the governance of zakat in Indonesia and Malaysia, positioning zakat

not merely as a religious obligation but as a strategic public instrument for promoting social justice and sustainable development. Grounded in constitutional guarantees of religious freedom and the state's duty to ensure social welfare, zakat has the potential to be embedded within national fiscal systems in a way that aligns with both Islamic and legal norms. The proposed *Siyāṣah* Zakat Regulatory Framework (SZRF) offers a conceptual model that bridges *maqāṣid al-sharī'ah*, good governance, and constitutional values, providing both theoretical depth and practical direction for policy reform. By advocating for institutional restructuring, inclusive digitalization, and empowerment-based distribution models, the study emphasizes the need for zakat management that is transparent, accountable, and socially impactful. While the normative-comparative approach has identified critical legal and implementation gaps, future empirical research is needed to validate and operationalize the SZRF, particularly in areas such as performance monitoring, stakeholder participation, and zakat-tax integration. Ultimately, this integrated approach aims to reposition zakat as a constitutionally legitimate, ethically grounded, and development-oriented fiscal tool that contributes meaningfully to the realization of equitable and resilient Muslim societies.

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## Conflict of Interest

The authors declare no conflicts of interest related to this manuscript.

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