

Ethics of Sharia Auditors in Zakat Management Organizations: An Analysis of Fiqh Rules

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ABSTRAK: Tujuan penelitian ini adalah untuk menganalisis kaidah fiqh yang berkaitan dengan etika auditor syariah pada Organisasi Pengelola Zakat (OPZ). Penelitian ini penting dilakukan sebagai upaya mewujudkan tata kelola zakat menuju keberlanjutan ekonomi umat. Hasil penelitian ini adalah terdapat satu perbedaan prinsip dasar auditor dan auditor syariah berdasarkan Standar Audit (SA) 200 dan Keputusan Menteri Agama (KMA) No 733 Tahun 2018 yaitu akuntabilitas. Akuntabilitas termasuk dalam salah satu asas good corporate governance (GCG) menurut Komite Nasional Kebijakan Governance (KNKG). Penelitian ini mengemukakan tiga kaidah fiqh yang secara spesifik berkaitan dengan etika auditor syariah pada OPZ, yaitu likulli maqoolin maqoomun wa likulli maqoomin maqoolun (setiap tempat ada ucapannya dan setiap ucapan ada tempatnya, maa laa yudraku kulluhu laa yutraku kulluhu (apa yang tidak bisa digapai semua tidak boleh ditinggalkan semuanya), serta tafriqul halal 'anil haram (memisahkan suatu yang halal dari yang haram). Penggunaan ketiga kaidah fiqh ini berdasarkan Qur'an dan Hadist yaitu Surat Yusuf ayat 55, Hadist riwayat Imam Muslim, serta Hadist riwayat Imam Muslim dan Imam Abu Daud. Saran untuk auditor syariah adalah diharapkan bisa menerapkan ketiga kaidah fiqh tersebut sebagai pondasi dalam beretika ketika melakukan pemeriksaan pada OPZ. Penerapan prinsip akuntabilitas sebagai bagian dari tata kelola yang baik juga perlu diperhatikan dengan berkeyakinan bahwa semua yang diperbuat senantiasa dilihat oleh Allah SWT. Keberlanjutan ekonomi umat akan terjamin dengan tata kelola zakat yang baik serta auditor syariah yang memiliki etika berdasarkan kaidah fiqh. Sedangkan saran untuk peneliti selanjutnya adalah tidak hanya menggunakan review literatur melainkan menggunakan pendekatan kualitatif dengan wawancara mendalam kepada auditor syariah, ulama, dan juga amil zakat. Penelitian ini berkontribusi dalam memperkaya wawasan auditor syariah serta pengambil kebijakan maupun keberlanjutan ekonomi umat yang tentu akan berdampak apabila tata kelola zakat yang baik dapat terwujud.

Kata kunci: Akuntabilitas, Etika, Auditor Syariah, Kaidah Fiqh, Tata Kelola Zakat

ABSTRACT: The purpose of this research is to analyze the fiqh rules related to the ethics of sharia auditors at the Zakat Management Organization (ZMO). This research is important to do as an effort to realize zakat governance towards the economic sustainability of the people. The result of this study is that there is one difference in the basic principles of auditors and Sharia auditors namely accountability. This study suggests three fiqh rules that are specifically related to the ethics of sharia auditors in ZMO, namely likulli maqoolin maqoomun wa likulli maqoomin maqoolun (every place has its speech and every speech has its place), maa laa yudraku kulluhu laa yutraku kulluhu (what cannot be reached all cannot be left all), and tafriqul halal 'anil haram (separating something halal from the haram). The use of these three fiqh rules is based on the Qur'an and Hadith, namely Surah Yusuf verse 55, Hadith narrated by Imam Muslim, and Hadith narrated by Imam Muslim and Imam Abu Daud. The suggestion for Sharia auditors is that they are expected to apply these three fiqh rules as a foundation in ethics when conducting audits at ZMO. The suggestion for further researchers is not only to use a literature review but to use a qualitative approach with in-depth interviews with Sharia auditors and scholars. This research

contributes to enriching the insights of Sharia auditors and policymakers as well as the economic sustainability of the people which will certainly be affected if good zakat governance can be realized.

Keywords: Accountability, Ethics, Fiqh Rules, Sharia Auditor, Zakat Governance

1. INTRODUCTION

Zakat plays an important role in the economic sustainability of the people (Wahab & Rahman, 2011). The main purpose of zakat is to balance between people who have excess funds and people who lack funds (Rahayu, 2015). Zakat is expected to provide socio-economic justice for the community (Kahf & Yamai, 2015). Therefore, zakat governance must be developed with good ethics. In developing ethics related to zakat, it is necessary to understand that zakat is not a personal matter whose implementation is left only to personal awareness because zakat is a right and obligation.

Zakat management has been regulated based on Law No. 23 of 2011 and Government Regulation No. 14 of 2014 concerning technical guidelines for zakat management in Indonesia (Asdiansyuri, 2016). The latest Zakat management guidelines were officially launched on May 26, 2016, in the form of Zakat Core Principles (ZCP) in Turkey. ZCP is not only applicable in Indonesia but also as an international zakat management guideline. This program was initiated by Bank Indonesia and the National Amil Zakat Agency (BAZNAS). Broadly speaking, ZCP contains 18 core principles that discuss the efficiency of zakat. The discussion of the 18 core principles is classified into:

Table 1. Zakat Core Principles (ZCP) Dimensions

No.	Dimensions	ZCP
1.	Legal Foundations	ZCP 1 – ZCP 3
2.	Zakat Supervision	ZCP 4 – ZCP 6
3.	Zakat Governance	ZCP 7 – ZCP 8
4.	Intermediary Function (Collection and Distribution)	ZCP 9 – ZCP 10
5.	Risk Management	ZCP 11 – ZCP 14
6.	Shariah Governance	ZCP 15 – ZCP 18

Source: Beik (2015)

Regarding the governance of zakat, Allah SWT says:

"Take zakat from some of their wealth, with which you cleanse and purify them and pray for them. Indeed, your prayers (become) peace of mind for them. And Allah is All-Hearing, All-Knowing." (QS. At-Taubah: 103)

Based on this verse, it is explained that zakat is taken from those who are obliged to give zakat (muzakki) and then given to those who are entitled to receive it (mustahiq). Imam al-Qurthubi when interpreting the verse, explained that those who take and pick up are zakat officers, namely people assigned by the government to take, write down, count, and record the zakat they take from muzakki to then be given to mustahiq (Hafidhuddin, 2012).

Indonesia has unique characteristics in the management of zakat. Indonesia is included in a country that adheres to the voluntary principle in collecting zakat funds. And can be done by government and non-government institutions (Nursechafia & Beik, 2014). Unlike countries in the Middle East, namely Saudi Arabia, Sudan, Libya, Yemen, Kuwait, and Pakistan, which are required and fully managed by the government. This can be seen in the following table:

Table 2. Characteristics of Zakat Management in Various Countries

	Character of collection	
	Compulsory	Voluntary
Full Government	Saudi Arabia, Pakistan, Kuwait, Yemen, Sudan, Libya	Bangladesh, Bahrain, Indonesia, Jordan
Government-linked Corporation	Malaysia	Singapore, Egypt
NGO	-	Algeria, Indonesia, South Africa

Source: (Nursechafia & Beik, 2014)

Then about mustahiq, Allah SWT says:

"Indeed, the charity (zakat) is for the poor, the administrators of the zakat, the persuaded converts, for (freeing) slaves, the debtors, for the cause of Allah and those on a journey, as a decree which Allah has decreed, and Allah is All-Knowing and All-Wise." (QS. at-Taubah: 60)

The word "innama" at the beginning of the verse means "hasyr" which means only or limited. This means that zakat is only given to the eight categories mentioned in the verse, and no others. Then "lam" in the phrase "ilifuqoro" means "lam al milk" which means belonging, so it can be said that the zakat funds fully belong to the eight asnaf. The eight asnaf in the verse are grouped into two groups. The first group consists of four asnaf that begin with the word "lii", namely fakir, miskin, amil, and muallaf. The second group consists of the next four asnaf starting with the word "fii" namely riqab, gharim, fi sabilillah, and ibnu sabil (Nadzri et al, 2012). The distribution of zakat to the first group means that it must be direct, or in other words consumptive. The distribution of zakat to the second group can mean indirect or indirect, meaning that it can be used for certain purposes. For example, the provision of fixed assets or other facilities (Alim, 2015).

Islamic law and the rules of fiqh in the field of muamalah are closely related, this is because the dynamism of Islamic law manifested in fiqh is highly dependent on the rules of fiqh, and the generality of the rules of fiqh can make Islamic law easily applied to all situations at all times and places (Muhammad, 2018). The rules of fiqh are a discipline that supports to description of a law that cannot be found in the nash (Sofwan, 2018).

The rules of fiqh simplify various problems in the branches (furu') of Islamic Jurisprudence. The rules of fiqh save the mujtahids from falling into the pit of contradictions that occur because if a mujtahid only continues to look for commands or prohibitions separately in the nash without connecting them with collective principles. This makes it easy for people who are not experts in Islamic law to understand most fiqh themes but through a concise methodology (Shettima et al., 2016).

The need for certainty of sharia fulfillment has led to the emergence of a new audit function, namely sharia audit. In this case, sharia auditors play a crucial role in ensuring the accountability of financial statements and the fulfillment of sharia aspects. So that stakeholders feel safe investing and funds owned by Islamic Financial Institutions can be ensured that they have been managed properly and correctly according to Islamic law (Mardiyah & Mardiyah, 2016).

The current audit is part of a conventional financial system that assesses only economic aspects. Along with scientific and technological developments, aspects outside the economy began to be highlighted to be assessed in audits. This is characterized by the emergence of other audit scopes such as performance audit, social and environmental audit, and currently sharia audit is also starting to develop (Thompson, 2004). In 2019, a phase I sharia audit was conducted on the Zakat

Management Organization (ZMO) in Indonesia by the Ministry of Religious Affairs. The indicators used are:

- a. Sharia compliant opinion, score 91.00-100.00
- b. Sharia-compliant opinion with notes, score 51.00-90.00
- c. Unable to provide an opinion, value 0.00-50.00 (due to not being able to provide sufficient convincing audit evidence).

The scope of sharia audits in ZMO includes planning, implementation, and reporting (Ministry of Religion, 2018). This research will explore fiqh rules related to the ethics of Sharia auditors at ZMO. The analysis is carried out by looking for fiqh rules that are by the basic principles of sharia auditors based on the Decree of the Minister of Religious Affairs (KMA) Number 733 of 2018, namely arguments from the Al-Qur'an and Hadith to then be described in detail. Previously, the differences between the auditor's principles based on Auditing Standard (SA) 200 and the principles of Islamic auditors were explained. Furthermore, the principle is connected to the governance of ZMO.

2. METHOD

The research method used in this article is the literature review method. The research object used in this research comes from various collections of literature, including information about fiqh rules. Therefore, the approach used in this research is a literature study because the data collection method used is tracing historical data from various kinds of literature (Bungin, 2007).

The author first identifies the basic principles of Sharia auditor ethics. Reviewing various literature on fiqh rules and then identifying fiqh rules that are expected to overcome the ethical problems of auditors. The author concludes that it is important for auditors to apply the rules of fiqh in their work. Therefore, the research method with a literature study approach is the most suitable method for this research (Zed, 2004). The type of data used comes from secondary sources obtained from various literature. In addition, the literature is in the form of verses from the Quran and Al Hadith that explain ethics.

3. RESULT AND DISCUSSION

3.1 Ethics of Sharia Auditors

The results of this study, starting from describing the differences in the basic principles of auditors based on Auditing Standards (SA) 200 with the principles of sharia auditors Decree of the Minister of Religion (KMA) Number 733 of 2018 and then connected to the principles of Good Corporate Governance (GCG) put forward by the National Committee on Governance Policy (KNCG), obtained the following results:

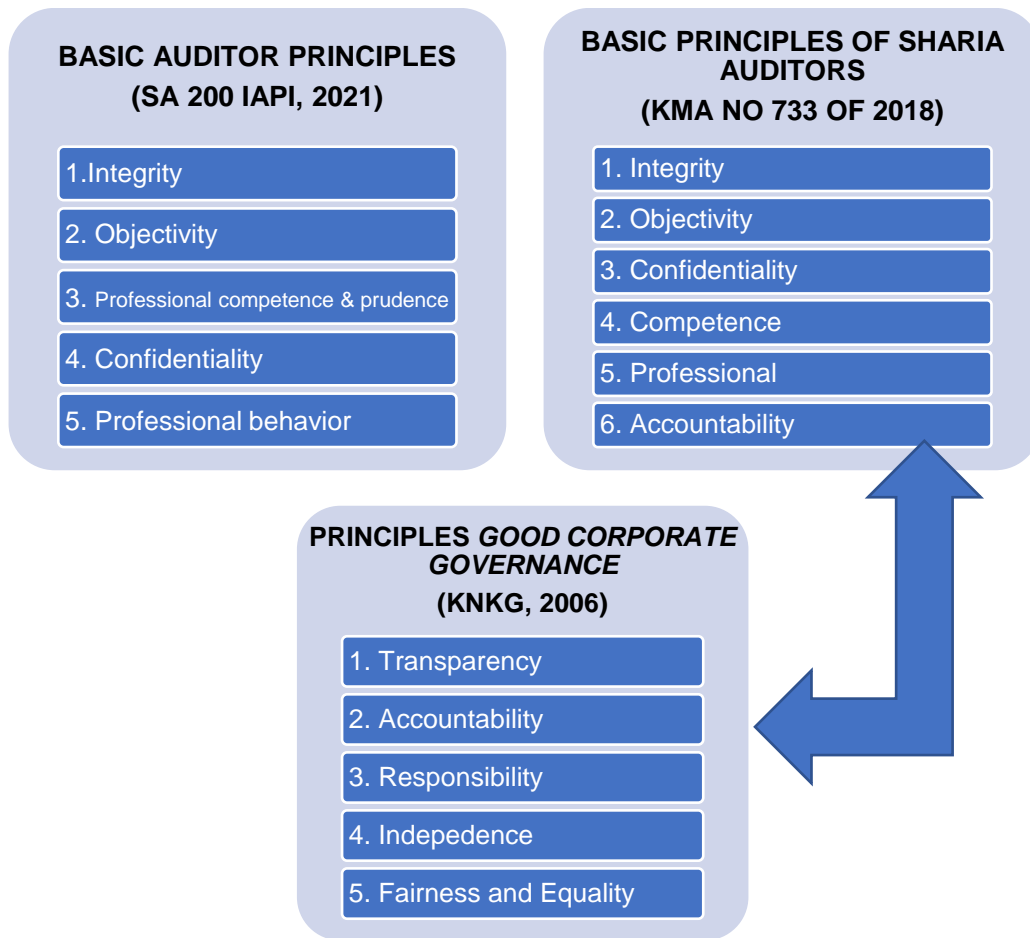


Figure 1. Model of the relationship between Islamic auditor ethics and good governance

Based on Figure 1, it is known that there is only one difference in the basic principles of auditors and Sharia auditors based on SA 200 and KMA No. 733 of 2018, namely accountability. Therefore, the discussion will first describe accountability. The discussion of accountability will be described based on the concept of Sharia Enterprise Theory.

Then, regarding the ethics of Islamic auditors, fiqh rules related to the auditor profession, in general, will be described first (Bastina et al., 2020). After studying the results of this previous study which outlined four fiqh rules, this study added three fiqh rules specifically related to the ethics of Islamic auditors at ZMO. The second result of this research can be seen in the following figure:

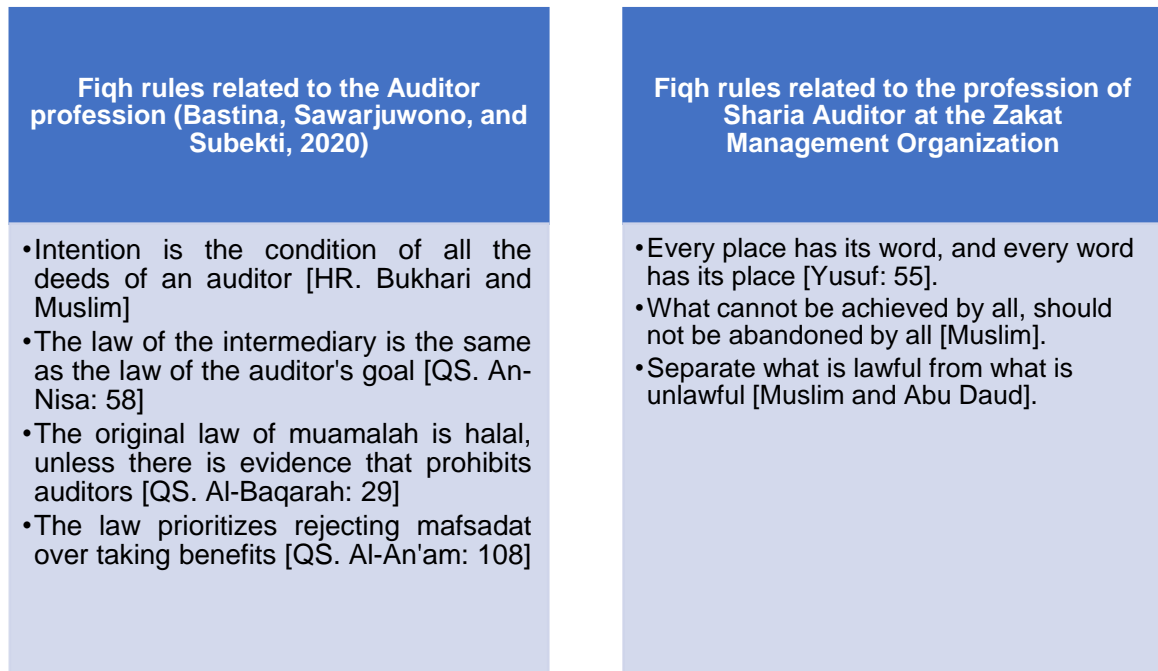


Figure 2. Fiqh rules related to the profession of Sharia Auditors and Auditors in ZMO

3.2 Accountability on sharia accounting

The understanding of accountability in Islamic accounting has a more complex form of responsibility, namely the manager of the organization is not only responsible to the owner, but also to stakeholders, socially responsible, responsible to nature, and responsible to God. This theory is often known as *Sharia Enterprise Theory*. The understanding of accountability in this theory is also implied in QS. Al-Baqarah verse 282, which is the obligation to record every transaction activity (Triyuwono, 2009).

Accountability in the context of Islamic accounting is not only done to carry out God's mandate but must also be perfected by performing tazkiyah (continuous purification of the human self). Tazkiyah is a dynamic process to encourage individuals and society to grow through continuous purification. Tazkiyah is a way offered by Islam to reduce the basic anthropocentrism of humans and society, through continuous self-purification with full submission to God. The existence of the tazkiyah process will enable them to realize devotion so that humans will submit and obey in carrying out the mandate according to Allah's rules (Mulawarman et al., 2011).

Several accountability issues are faced by ZMO. Research results show overlapping empowerment programs between ZMO, inaccurate muzakki data and mustahiq data, limited ZMO partnerships, government policies that conflict with utilization programs, inexpensive promotion models, and limited professional amil personnel (Huda & Sawarjuwono, 2013). Accountability in the zakat perspective becomes two parts, consisting of primary accountability, namely responsibility to Allah SWT, and secondary accountability, namely responsibility to society. This concept can be described as follows:

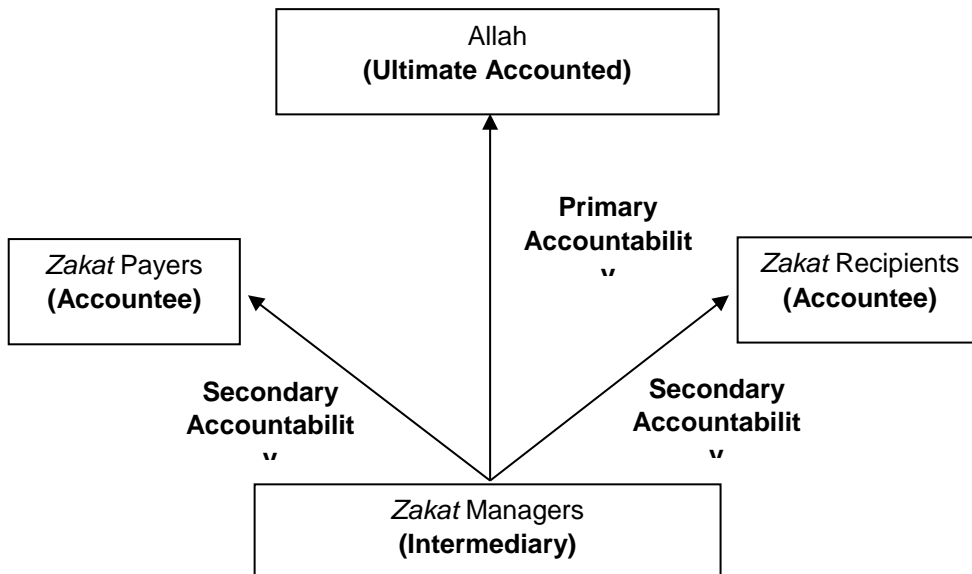


Figure 3. The Concept of Accountability in Zakat Governance

Accountability in Islam is divided into two segments. First, the concept of tawhid, is shown by believing in the day of reckoning. Humans will be rewarded for what they have done in the world. Second, is the concept of ownership in Islam. Humans are appointed as caliphs on earth to manage entrustments from Allah SWT. So, in essence, everything belongs to Allah and will be taken back whenever Allah wants (Lewis, 2001). Therefore, a sharia auditor must be honest in the sense of having integrity. The Prophet Muhammad SAW said:

"Be honest, because honesty leads you to goodness and goodness leads you to heaven." (HR. Imam Bukhari)

Accountability within the framework of agency relationships between principals and agents often experiences disharmony in opportunistic behavior on the part of agents which is a manifestation of egoistic, materialistic, and utilitarian nature. Some agents act for their personal interests/welfare, not for the benefit of the principal. This is where the role of accounting is needed as a tool for agent accountability to the principal (Rahmayati, 2015).

Accountability concerns the belief that goals have been achieved (Buckmaster et al., 2004). Accountability is important in organizations to improve service quality (Caulfield, 2009). The accountability of the Amil Zakat Agency is reflected in the efficiency of the management of Zakat funds. Accountability requires good quality. Accountability is not only embedded in the relationship between individuals and God but also between individuals and others. From the perspective of zakat, Islamic auditors must also have accountability to muzakki and mustahiq in addition to Allah SWT. Based on these concepts, a sharia auditor must believe that what is done is always seen by Allah SWT. As the following words of Allah SWT:

"Allah knows what is before them and behind them, and they know nothing of Allah's knowledge but what He wills." (QS. al-Baqarah: 225)

That means, a sharia auditor must be trustworthy. Amanah in principle is a form of accountability to Allah SWT as the Trust Giver to use in the specified manner and purpose. In examining the use of zakat funds, trustworthiness is a form of responsibility of Islamic auditors to Allah to examine the use of zakat funds whether in accordance with

Islamic sharia, namely the Qur'an and Hadith or not. The threat to Islamic auditors who are not accountable in the sense of not being trustworthy is clearly stated in the following hadith:

"If the mandate is wasted, then wait for the time of destruction. Abu Hurairah asked: How is the mandate wasted, O Messenger of Allah?, He replied: If a matter is handed over to someone who is not an expert." (HR. Imam Bukhari)

Full accountability will only be achieved if it is carried out by professionals. This is because they really know and are experienced in their respective fields. A Sharia auditor should also examine the process of reliable amil governance including Sharia compliance, strategic tools, environmental control, knowledge of zakat management, and accountability of the zakat institution's board. Compliance with Sharia law and regulations, as well as to the zakat supervisory board as a determinant that the concept and limitations or meaning of amil can still be applied in the zakat institution. Amil is entitled to obtain zakat funds with a portion not exceeding 1/8 part or twelve and a half percent (12.5%) of the total zakat funds that are successfully obtained by Amil. If the share of zakat is insufficient to fulfill their wages, it can be paid from other non-zakat funds. Do not take the rights of other asnaf. Then one of the Ministry of Religion's Sharia audit points for amil zakat institutions emphasizes that amil distributes all zakat funds received in the current year. The essence of this Sharia audit point is that there is no delay in the distribution of zakat. This is what Sharia auditors need to pay attention to, not only paying attention to their own accountability but also the accountability of the ZMO being audited because zakat funds are public funds so their sustainability must be considered.

3.3 *Likulli maqoolin maqoomun wa likulli maqoomin maqoolun* (Every place has its speech and every speech has its place)

This rule is used in making the terms Islamic banking, Islamic insurance, Islamic tourism, Islamic accounting, Islamic stock market, Islamic hedging, Islamic letter of credit, Islamic governance and others. In zakat governance, the term Zakat Core Principle (ZCP) is known, which refers a lot to the Basel Core Principles (BCP) which regulates the core principles in banking. Related to sharia auditors, the Prophet Yusuf AS once issued a statement immortalized in the Qur'an as follows:

"Make me (Yusuf) the treasurer of the state (Egypt), indeed I am a trustworthy and knowledgeable person." (QS. Yusuf: 55)

The skills of a sharia auditor in his interactions with Allah SWT, fellow humans, and nature, will be easier when the sharia auditor really has expertise in the field he is working on. Therefore, sharia auditing, based on the verse above, will be achieved if the sharia auditor is an expert and competent person in his field. Parties related to the management of zakat funds will certainly trust and feel more secure when zakat funds are examined by experts or people who really know about zakat law so that the possibility of misappropriation of fees can be minimized.

3.4 *Maa laa yudraku kulluhu laa yutraku kulluhu* (What cannot be reached all cannot be left all hat cannot be reached all cannot be left all)

Rasulullah SAW said in a hadith:

"What I prevent you from doing is avoiding, and what I command you to do as much as you can, indeed what destroyed the people before you were many useless questions and disputes with their prophet". (HR. Imam Muslim)

Zakat is a religious obligation, so it is appropriate for a sharia auditor to have a paradigm that what they do is a form of worship and even jihad fi sabilillah. Rasulullah SAW said:

"Amil alms (zakat) who works on the basis of Al-Haq is like a soldier fi sabilillah until he returns to his home." (HR Abu Daud, Tirmidhi, Ibn Majah, Ibn Khuzaimah, and Imam Hakim)

Indeed, the hadith can be intended for zakat officers will get a great reward even like people who fight in the way of Allah SWT. How noble the degree of the amil if they carry out their duties with trust. However, a sharia auditor will certainly get no less great reward if they are also trustworthy in checking the performance of amil. Sharia auditors must be guided by KMA No. 733 of 2018 in making opinions, either opinions in accordance with sharia, in accordance with sharia with notes, or unable to provide opinions.

This is in accordance with the fiqh rule "maa laa yudraku kulluhu laa yutraku kulluhu" (What cannot be reached all, must not be left all). This also includes assessing the ability of ZMO. Sharia auditors must have the ethics that realize that what is called efficient does not have to be 100%. There is a ratio called Disbursement to Collection Ratio (DCR), which assesses the ability of ZMO to distribute its zakat by dividing the distributed zakat funds by the collected zakat funds. The DCR criteria are as follows:

- a. > 90% : highly efficient
- b. 70% - 89% : efficient
- c. 50% - 69% : fairly efficient
- d. 20% - 49% : below expectation
- e. <20% : unjust

3.5 Taфриquhal halal 'anil haram (Separating something halal from the haram)

Rasulullah SAW said in a hadith:

"Whoever among you I appoint as Amil Zakat, then he embezzles a needle or more, then on the Day of Resurrection he will come as a traitor. Then a black man from among the Anshar stood up and said: O Apostleallah explain to me the work you are referring to. The Prophet replied: What is the matter with you? He said: I heard you say so. So the Prophet replied: Well I say now, whoever among you I appoint to be the executor of a job let him report the results of his work, whether he earns a little or a lot. Then he takes what I give and what I forbid not to take." (HR Imam Muslim and Abu Daud)

Good zakat governance requires skilled personnel, mastering issues related to zakat, full of dedication, honesty and trustworthiness. It is unimaginable if the zakat manager does not master the issues related to zakat, such as muzakki, nisab, haul and mustahiq zakat. It is also hard to imagine if the zakat manager is not full of dedication, working lillahi ta'ala. Moreover, if the zakat manager is not honest and trustworthy. The possibility that will happen is that zakat does not reach mustahiq, and may also only be used for personal interests. Therefore, skilled personnel, mastering issues related to zakat, honest and trustworthy are needed in realizing zakat governance towards the sustainability of the people.

Good zakat governance needs to be checked by a professional and ethical person. With a good zakat mechanism, it is expected that the increase in people's purchasing power can remain stable. So zakat has a significant role to maintain economic stability. But all of that does not feel maximized, if the sharia auditors who oversee the management of zakat in zakat institutions are not professional people (Muhammad, 2015).

Ethical Islamic auditors will make the best decision using their professionalism (Hsu & Petchsakulwong, 2010). They must be accountable to all stakeholders. They are responsible for protecting the funds. Thus, the urgency of the existence of amil personnel in zakat management is something that cannot be ignored. So is the Sharia auditor, whose existence is expected to guard Amil in separating halal funds from haram ones. One example of a Sharia auditor must understand the existence of standards or criteria in the distribution of zakat, namely zakat funds must be distributed immediately in less than one year. Do not let the zakat funds be hoarded into the following year so that the ZMO is declared unjust. The criteria are:

- a. < 3 months: fast
- b. 3 - 6 months: good
- c. 6 - 9 months : reasonable
- d. 9 - 12 months: slow
- e. < 12 months: unjust

4. CONCLUSION

There is one difference in the basic principles of auditors and Sharia auditors based on Auditing Standard (SA) 200 and Minister of Religion Decree (KMA) No. 733 of 2018, namely accountability. Accountability is included in one of the principles of good corporate governance (GCG) according to the National Committee on Governance Policy (KNKG). This study suggests three fiqh rules that are specifically related to the ethics of sharia auditors in ZMO, namely *likulli maqoolin maqoomun wa likulli maqoomin maqoolun* (every place has its speech and every speech has its place, *maa laa yudraku kulluhu laa yutraku kulluhu* (what cannot be reached all cannot be left all), and *tafriql halal 'anil haram* (separating something halal from the haram). The use of these three fiqh rules is based on the Qur'an and Hadith, namely Surah Yusuf verse 55, Hadith narrated by Imam Muslim, and Hadith narrated by Imam Muslim and Imam Abu Daud.

The suggestion for Sharia auditors is that they are expected to apply the three fiqh rules as a foundation in ethics when conducting audits at ZMO. The application of the principle of accountability as part of good governance also needs to be considered by believing that everything that is done is always seen by Allah SWT. The sustainability of the people's economy will be guaranteed by good zakat governance and Islamic auditors who have ethics based on fiqh rules. Meanwhile, suggestions for future researchers are not only to use literature reviews but to use a qualitative approach with in-depth interviews with Sharia auditors, scholars, and also amil zakat. This research contributes to enriching the insights of Islamic auditors and policymakers as well as the economic sustainability of the people which will certainly be affected if good zakat governance can be realized.

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The 1st International Conference on Islamic Economics (ICIE) 2024

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