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"REVIVAL OF ISLAMIC SOCIAL FINANCE TO STRENGTHEN
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REVOLUTION"**

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“REVIVAL OF ISLAMIC SOCIAL FINANCE TO STRENGTHEN ECONOMIC
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TABLE OF CONTENT

FOREWORDS.....	v
TABLE OF CONTENT	xiv
ISLAMIC SOCIAL FINANCE	
TYPES OF CHICANERIES REGARDING MURABAHA CONTRACTS IN ISLAMIC BANKS: AN ANALYTICAL STUDY	
Abdulmajid Obaid Hasan Saleh ¹ , Anwar Hasan Abdullah Othman ² and Abdoul Razzak Kaba ³	1
القرآن الكريم ودوره في تنمية الإقتصاد Husaini Yusuf Baban	2
مظاهر عناية الإسلام بالمعاملات الاقتصادية والمالية Musa Bala Mahmud	3
الوقف وأهمية تفعيله كأداة في التمويل الاجتماعي المعاصر El Fedil Abdullah Eldersevi ¹ and Fatime Muhammed Cuneyt Eldersevi ²	4
ZAKAH EXECUTION AND ITS INFLUENCE ON THE RECIPIENTS AS PERCEIVED BY THE FIRE PERSONNEL OF LANA O DEL SUR	
Naim S. Noor and Dr. Monara M. Maruhom	5
ESTABLISHING WAQF STUDENT HOUSE	
Furqonul Haq ¹ and M. Zainul Wathani ²	6
SOCIAL ACTIVITIES EFFECT ON HOUSEHOLD ENTERPRISE, A DESCRIPTIVE ANALYSIS FORM EAST INDONESIA	
Riswanti Budi Sekaringsih ¹	7
AWARENESS OF MAIN OBJECTIVE OF ZAKAT TO ALLEVIATE POVERTY	
Muhd Zaki Hj Zaini	8
ISSUES AND CHALLENGES IN FINANCING THE POOR: LESSONS LEARNED FROM ISLAMIC MICROFINANCE INSTITUTIONS	
Salina Kassim ¹ and Norizan Satar ²	9
A MODEL TO IMPROVE ISLAMIC COMMUNITY SOCIAL IDENTITY AND SMES PERFORMANCE	
Ardian Adhiatma, Riski Aska Nafsian	10
CRITICAL THINKING FRAMEWORK OF ZAKAT REGULATION TO SUPPORT TAX COMPLIANCES: COMPARISON OF INDONESIA AND MALAYSIA	
Provita Wijayanti ¹ , Wahyu Setyawan ² , and Dian Esa Nugrahini ³	11

INCREASING THE ACCEPTANCE OF ZAKAT BASED ON ZAKAT LITERACY AND GOOD CORPORATE GOVERNANCE	
Mochammad Tholib ¹ and Mutamimah ²	12
IMPACT OF WAKAF IN THE PEOPLE'S ECONOMIC WELFARE	
Syamsuri and Amin Fitria ²	13
THE INSTRUMENTATION OF SHADAQAH FUNDS AS A MEANS OF MOSQUE BASED COMMUNITY EMPOWERMENT	
Widiyanto bin Mislan Cokrohadisumarto ¹ and Yuli Indah Sari ²	14
ISLAMIC SOCIAL REPORTING DISCLOSURE : SHARIA ENTERPRISE THEORY (SET) PERSPECTIVE	
Hani Werdi Apriyanti.....	15
ACHIEVING ISLAMIC SOCIAL FINANCE GOALS THROUGH ZAKAT, WAQF, AND SADAQA IN SELECTED COUNTRIES: ISSUES AND CHALLENGES	
Dzuljastri Abdul Razak ¹ & Qosdan Dawami ²	16
SOCIAL ENTERPRISE AND WAQF: AN ALTERNATIVE SUSTAINABLE VEHICLE FOR ISLAMIC SOCIAL FINANCE	
Noor Suhaida Kasri ¹ and Siti Fariha Adilah Ismail ²	17
WAQF PRACTICES AND ITS SUSTAINABILITY: THE CASE OF UNIVERSITI SAINS ISLAM MALAYSIA	
Mariam Saidona Tagoranao ¹ , Alizaman D. Gamon ² and Lutfi Muhammad Zain ³	18
A REVIEW OF ZAKAT PRACTICES OF ISLAMIC FINANCIAL INSTITUTIONS IN MALAYSIA	
Moutaz Abojeib ¹ , Burhanuddin Lukman ² , Mezbah Uddin Ahmed ³ and Mahadi Ahmad ⁴	19
PROFILING THE COMPETENCY OF NAZHIR WAQF: A CONCEPTUAL PAPER	
Yayan Firmansah ¹ , Lathiefa Rusli ² , Hartomi Maulana ³	20
KAMISEDEKAH: AN INNOVATION PROGRAM IN ISLAMIC SOCIAL FINANCE INSTRUMENTS	
Nihayatul Masykuroh ¹ and Asep Dadan Suganda ²	21
ZAKAT COMMUNITY DEVELOPMENT AS THE KEY OF PRESSING POVERTY NUMBERS IN BANYUASIN REGENCY, SOUTH SUMATERA (MAQASHID SYARI'AH APPROACH)	
Abdullah Sahroni.....	22
EXPLORING POLICY FORMULATION IN INDONESIAN WAQF SECTOR: AN ORGANIZATIONAL LEGITIMACY PERSPECTIVE	
Lisa Listiana ¹ , Syed Musa Alhabshi ² , Ahmad Zamri Osman ³	23
EFFORTS TO FULFILL SHARIA HOUSE OWNERSHIP; BANKLESS SOCIAL SYSTEM (STUDY ON 2 SHARIA HOUSING IN BOGOR, INDONESIA)	
Asfi Manzilati ¹ , Fawri Nashr ²	24

THE INFLUENCING OF WAQF UNDERSTANDING THROUGH INTERNATIONAL CENTER FOR AWQAF STUDIES INDONESIA

Ahmad Fanani¹ and Norhazlin Muhammad².....25

A CONCEPT OF ZAKAT IN ISLAMIC ECONOMIC PERSPECTIVE (HISTORICAL STUDY)

Soritua Ahmad Ramdani Harahap¹, Muhammad Ulul Azmi², Dadang Irsyamuddin³,
Mohammad Ghozali⁴, Syamsuri⁵.....26

ROLE OF FAY 'IN BUILDING THE ISLAMIC PUBLIC FINANCE (SHARIA ECONOMIC HISTORICAL STUDY)

Mohammad Ghozali¹, Syamsuri², Muhammad Ulul Azmi³, Dadang Irsyamuddin⁴,
Soritua Ahmad Ramdani Harahap⁵.....27

ANALYSIS ON STRATEGIES IN OPTIMIZATION ZAKAT AS DEDUCTION OF TAXABLE INCOME AT BAZNAS YOGYAKARTA

Salsabilla Ayu Wardhana.....28

ISLAMIC ECONOMICS

INVESTIGATING THE LEVEL OF INTEREST TO LEARN ISLAMIC ECONOMIC PRINCIPLES IN LANA O DEL SUR

Asst. Prof. Jawad Z. Salic¹ and Asst. Prof. Shahid Q. Manalundong².....29

HOUSEHOLD SAVINGS, INDEBTEDNESS, AND ECONOMIC GROWTH: HOW ISLAMIC ECONOMIC IMPLEMENTED IN OECD COUNTRIES

Galuh Tri Pambekti¹ and Rizaldi Yusfiarto².....30

ISLAMIC POLITICAL ECONOMY AND SUSTAINABLE SOCIAL DEVELOPMENT POLICIES: AN ANALYTICAL STUDY

Auwal Adam Sa'ad¹, Sayed Musa Alhabshi² & Salina Kassim³.....31

ENERGIZING INTELLECTUAL CONCEPT : ON THE PERSONALITY ULUL ALBAB SOLUTION TO ECONOMIC CRISIS

Zulkifli¹, Tatiek Nurhayantie², Widodo³, and Ayu Widya Wardiani⁴.....32

IMPACT OF ISLAMIC RELIGIOUS REVENUES ON ECONOMIC DEVELOPMENT ACROSS STATES IN MALAYSIA

Abdul Ghafar Ismail, Syahrul Annuar Ali, and Muhammad Hasbi Zaenal33

THE INFLUENCE OF ISLAMIC ECONOMIC LITERACY ON THE PURCHASING POWER OF UNIDA'S STUDENTS IN UNIT USAHA UNIDA (U3)

Ahmad Lukman Nugraha¹, Arie Rachmat Soenjoto², and Adib Susilo³.....34

POTENTIAL OF SHARIA FINANCIAL INSTITUTIONS IN SUPPORTING INDONESIA'S ECONOMIC GROWTH

Annas Syams Rizal Fahmi¹ and Fikri Muhammad Arkhan².....35

DEFINITION OF ISLAMIC MUTUAL FUNDS AS AN INDICATOR OF THE ECONOMY OF THE UMMAH

Annas Syams Rizal Fahmi¹, May Shinta Retnowati², Muhammad Ilham Amrullah³.....36

DISTRIBUTION AND COLLECTION'S ETHICS OF KHARRAJ FOR ISLAMIC PUBLIC FINANCE (A HISTORICAL STUDY OF LAND TAX FROM THE ROMAN EMPIRE TO THE ABBASID ERA)

Mohammad Ghozali¹, Dadang Irsyamuddin², Muhammad Ulul Azmi³, and Soritua Ramdhani Harahap⁴37

THE INFLUENCE OF MONETARY INSTRUMENT TOWARD MONEY DEMAND M2 UNDER DUAL BANKING SYSTEM IN INDONESIA PERIOD 2015-2018

Imam Haryadi¹ and Vinny Kurniati²38

ISLAMIC BANKING, FINANCE, AND CAPITAL MARKET

POTENTIAL OF ISLAMIC DEBT SALE-BASED FINANCING IN A FORM OF BA'BITHAMAN AJIL (BBA) AND MURABAHAH IN RECONSTRUCTING AND REBUILDING MARAWI CITY AFTER THE SIEGE

Minombao Ramos-Mayo, Salma Esmael and Abdulcader M. Ayo39

SUKUK FINANCING: A VIABLE STRATEGY TO FINANCE THE RECOVERY AND REBUILDING OF MARAWI AFTER THE SIEGE

Abdulcader M. Ayo¹, Atty. Saaduddin M. Alauya, Jr.² and Minombao Ramos-Mayo³..40

AWARENESS ON ISLAMIC ACCOUNTING AMONG FIRST YEAR ACCOUNTANCY STUDENTS IN MARAWI CITY, PHILIPPINES

Papala P. Masorong41

SHARIAH AUDIT FOR ISLAMIC FINANCE INDUSTRY IN REVOLUTION INDUSRTY 4.0: A PART OF RELIGIOUS CONFESSION

Abdurrahman Raden Aji Haqqi42

DETERMINANTS OF ATTITUDE AND INTENTION OF BANK EMPLOYEES TOWARDS CONVERSION TO FULL-FLEDGED ISLAMIC BANKING IN LIBYA

Mohamed A. M. Abdelrahim El-Brassi¹, Syed Musa Alhabshi², Anwar Hasan Abdullah Othman³.....43

THE ESTABLISHMENT OF ISLAMIC FINANCE AND ITS IMPACT IN THE BANGSAMORO AS PERCEIVED BY SELECT ULAMA AND PROFESSIONALS IN LANA DEL SUR

Anwar M. Radiamoda44

KNOWLEDGE AND ATTITUDES TOWARDS ISLAMIC BANKING IN THE PHILIPPINES

Sahraman D. Hadji Latif.....45

DO BANK CUSTOMERS PREFER PROFIT SHARING INVESTMENT ACCOUNTS? A PROPOSED CONCEPTUAL FRAMEWORK

Romzie Rosman, Isah Ya'u and Anwar Hasan Abdullah Othman46

AN ANALYSIS ON THE CHANGING OPERATIONAL NATURE OF BAITUL MAAL INSTITUTIONS IN INDONESIA	
Adi Saifurrahman ¹ and Salina Kassim ²	47
CHALLENGES FACED BY MALAYSIAN ISLAMIC BANKS IN TREATING SHARIAH NON-COMPLIANCE EVENTS	
Hani Nabila Omar ¹ and Prof. Dr. Rusni Hassan ²	48
ISSUES AND CHALLENGES IN ISLAMIC ESTATE PLANNING IN MALAYSIA	
Azi Haslin Abdul Rahman ¹ and Rusni Hassan ²	49
ACHIEVING THE MAQASID OF ISLAMIC FINANCE THROUGH SOCIAL IMPACT BONDS (SIB) AND SUSTAINABLE AND RESPONSIBLE INVESTMENT (SRI) SUKUK	
Syed Marwan ¹ , Aslam Haneef ² , Engku Rabiah Adawiah ³ and Suhaiza Ismail ⁴	50
EXTERNAL FINANCING AND FINANCIAL LITERACY THE IMPLICATIONS FOR PERFORMANCE IMPROVEMENT (A CASE STUDY IN FURNITURE SMES CENTRAL JAVA JEPARA INDONESIA)	
Ibnu Khajar.....	51
RETHINKING THE PARADIGM OF ISLAMIC BANKING: INTEGRATED OF PROFIT AND SOCIAL ORIENTED	
Nurizal Ismail ¹ and Siti Aisyah ²	52
ZAKAT MANAGEMENT FOR POVERTY ERADICATION	
Budhi Cahyono.....	53
PREDICTING RENTAL YIELD FOR THE BENCHMARK PRICING OF EQUITY HOME FINANCING	
Nur Harena Redzuan ¹ , Salina Kassim ² , Rosylin Mohd Yusoff ³ , and Anwar Hasan Abdullah Othman ⁴	54
THE EFFICIENT FINTECH OF INDONESIAN ZAKAT INSTITUTION BASED ON MUZAKKI'S PSYCHOLOGY	
Farikha Amilahaq.....	55
THE ROLES OF SHARIAH GOVERNANCE AND REGULATORY FRAMEWORK FOR DEVELOPMENT FINANCIAL INSTITUTION: THE CASE OF EXPORT-IMPORT BANK OF MALAYSIA (MEXIM)	
Hafiza Harun ¹ and Muhammad Hafiz Shmsuddin ²	56
COMPARATIVE ANALYSIS OF FINANCIAL PERFORMANCE OF ISLAMIC BANKS AND CONVENTIONAL BANKS	
Bahrain Pasha Irawan.....	57
DOES ISLAMIC FINANCING REALLY BENEFICIAL FOR MSMEs IMPROVEMENT? – EMPIRICAL EVIDENCE OF MSMEs IN SEMARANG, INDONESIA	
Mutoharoh ¹ and Naila Najihah ²	58

ANALYSIS OF SHARIAH ENTERPRISE THEORY IN FINANCIAL STATEMENT FOR ISLAMIC ENTITIES (BASED ON SHARIA FINANCIAL REPORTING STANDARD IN INDONESIA)

Naila Najihah ¹ , Mutoharoh ² and Maya Indriastuti ³	59
AN ANALYSIS OF FACTORS AFFECTING ISLAMIC SOCIAL REPORTING (EMPIRICAL STUDY ON JAKARTA ISLAMIC INDEX (JII) IN INDONESIA ON 2014-2016)	
Sri Dewi Wahyundaru ¹	60
COMPARATIVE ANALYSIS OF CALCULATION OF INCOME TAX ARTICLE 21 AND ZAKAT	
Tutut Adiningsih, MSi ¹ and Ronan Roby Cahyandi, SEI ²	61
THE ROLE OF THE INTERNATIONAL ORGANIZATION OF SECURITIES COMMISSION (IOSCO) AND ISLAMIC FINANCIAL SERVICES BOARD (IFSB) IN PROGRESSING SUKUK IN BRUNEI DARUSSALAM	
Haji Suhaili Bin Haji Momin	62
ANALYSIS OF TOP UP BANKING TRANSPARENCY REVIEWED FROM ISLAMIC ECONOMICS	
Rahma Yudi Astuti.....	63
BUILDING THE OPTIMAL LEVEL OF PRESSURE FOR THE RESILIENCE OF ISLAMIC BANKING IN INDONESIA	
Dimas Bagus Wiranatakusuma, Jarita Duasa and Satria Malik	64
OPERATIONAL RISK ANALYSIS IN ISLAMIC MICRO FINANCIAL INSTITUTION BASED ON GRAMEEN MODEL	
Hana Maulina Musyirah ¹ and Ascarya ²	65
TRADING OF SHARES VIA SALAM CONTRACT: AN EXPLORATORY STUDY	
Silmi Binti Mohamed Radzi ¹	66
THE CHOICE BETWEEN BOND AND SUKUK: EVIDENCE FROM ASEAN-3 COUNTRIES	
Ryan Kusuma Wardhana ¹ and Rahmat Heru Setianto ¹	67
ISLAMIC MANAGEMENT AND FINTECH	
IMPACT OF DIGITAL SHARIA BANKING SYSTEMS ON CASH WAQF AMONG MILLENNIAL GENERATIONS	
Izra Berakon ¹ , Hendy Mustiko Aji ² , and Muhammad Riza Hafizi ³	68
THE RELATIONSHIP BETWEEN ENTREPRENEURSHIP AND IMPROVING YOUTH EMPLOYMENT: A STUDY OF EAST AND SOUTH ASIA	
Nurul Nabilah Haji Ali.....	69
SERVICE QUALITY ON CUSTOMERS' SATISFACTION AND LOYALTY: SURVEY EVIDENCE ON MEDIATION ROLE OF TRUST IN ISLAMIC BANKS	
Razali Haron ¹ , Noradilah Abdul Subar ² and Khairunisah Ibrahim ³	70

ISLAMIC LONG-LIFE LEARNING (I3L): A POWERFULL STRATEGY TO INCREASE ADAPTIVE SELLING CAPABILITY	
Ken Sudarti ¹ , Olivia Fachrunnisa ² , Wahyono ³	71
SPIRITUAL-INNOVATIVE LEADERSHIP AS A DRIVER FOR KNOWLEDGE SHARING AND EMPLOYEES SPIRITUAL WELL-BEING IN THE DIGITAL ERA	
Nurhidayati ¹	72
INTEGRATED SUKUK BASED WAQF IN PESANTREN: A MODIFIED GENERIC MODEL	
Atika Rukminastiti Masrifah ¹ and Khoirul Umam ²	73
THE DETERMINANT OF EARNING PERSISTENCE IN COMPANIES LISTED ON JAKARTA ISLAMIC INDEX	
Winarsih ¹ and Rachmadu Krissie ²	74
THE ROLE OF ISLAMIC CORPORATE GOVERNANCE IN PREVENTING FRAUD	
Nunung Ghoniyah ¹ and Sri Hartono ²	75
NEW INTEGRATED FINANCIAL TECHNOLOGY MODEL ON ISLAMIC SOCIAL FINANCE FOR ECONOMIC DEVELOPMENT	
Mutamimah ¹ and Hendar ²	76
THE INGREDIENTS OF MARKETING MIX (4C'S) AND COMPLIANCE SHARIA IN CONJUNCTION TO CUSTOMER PURCHASE INTENTION ON THE PRODUCT OF SMALL MEDIUM ENTERPRISE (AREA OF RESEARCH IN CULINARY)	
Sutopo ¹ , Yaser Syamlan ² , and Syamsul Huda ³	77
EYE CATCHING PROMOTION, ALLIGNING HUMOUR ENDORSEMENT TOWARDS PURCHASE INTENTION OF MOSLEM MERCHANDISE	
MA Irfan Rahmana ¹	78
OPTIMIZATION OF HUMAN RESOURCES PERFORMANCE WITH INFORMATION TECHNOLOGY AS MODERATING VARIABLE	
Diah Ayu Kusumawati.....	79
THE ROLE OF MUSLIM FAMILY AWARENESS FOR HUMAN DEVELOPMENT: A CASE STUDY OF SOKOTO STATE, NIGERIA	
Sambo Shehu.....	80
THE EFFECT OF BUDGET CLARITY, ACCOUNTING CONTROL AND REPORTING SYSTEM ON ACCOUNTABILITY OF GOVERNMENT PERFORMANCE IN PATI	
Ahmad Rudi Yulianto ¹ and Osmad Muthaher ²	81
ROLE OF ISLAMIC LEADERSHIP ON TEACHER PERFORMANCE	
Siti Sumiati ¹ and Erni Yuvitasari ¹	82
DEVELOPMENT OF THE EQUILATERAL AGILITY CONCEPT TO IMPROVE THE ADVANTAGES OF COMPETITIVE SHARIA BANKS IN SEMARANG CITY	
Lutfi Nurcholis ¹ and Budhi Cahyono ²	83

AN EMPIRICAL STUDY OF TAX WILLINGNESS

Devi Permatasari 84

ROLE OF ISLAMIC WORKING ATTITUDE IN MODERATING THE RELATIONSHIP BETWEEN REGIONAL FINANCIAL ACCOUNTING SYSTEM AND INTERNAL SUPERVISION ON LOCAL GOVERNMENT PERFORMANCE

Khoirul Fuad¹ and Retno Tri Handayani² 85

SERVICE-DOMINANT ORIENTATION ON MARKETING CAPABILITY AND BUSINESS PERFORMANCE

Hendar¹ 86

ENABLING SUSTAINABILITY THROUGH KNOWLEDGE MANAGEMENT OF ISLAMIC SOCIAL FINANCE: THE EXPERIENCE OF UNIVERSITAS DARUSSALAM GONTOR, INDONESIA

Suhaimi Mhd Sarif¹, Yayan Firmansah², Muhammad Kurnia Rahman Abadi³ 87

PERFORMANCE ASSESSMENT OF EMPLOYEE ON LIBRARY AT UNIVERSITY OF IBNU SINA USING THE GAP FUZZY ANALYSIS METHOD BASED ON EXPERT SYSTEM

H. Mustaqim Syuaib¹ and B. Herawan Hayadi² 88

HUMAN RESOURCE DEVELOPMENT AND EMPLOYEE PERFORMANCE IN UNIVERSITY OF IBNU SINA

Sabri¹, Sumardin², and Mulyadi³ 89

ANALYSIS OF MACROECONOMICS FACTOR AFFECTING JAKARTA ISLAMIC INDEX

Tri Wijayanti Septiarini¹, Muhamad Rifki Taufik¹, Mufti Afif¹, and Atika Rukminastiti Masrifah¹ 90

COMPARISON OF ACCOUNTING STUDENT PERFORMANCE HAVING PERSONALITY INFLUENCE ON TYPE A AND B IN UNIVERSITY OF IBNU SINA

Andi Auliya Ramadhany¹, Andi Hidayatul Fadlilah², and Muhammad Sapuan³ 91

BUSINESS MODEL IN ISLAMIC MICROFINANCE : SUPPORTING BMT INNOVATION

Fajar Surya Ari Anggara¹ and Roghiebah Jadwa Faradisi² 92

THE INFLUENCE OF ISLAMIC BUSINESS ETHICS ON PARTNERSHIP PERFORMANCE (CASE STUDY ON OMAR SMART BRAIN COMPANY 2018)

M Arief Hidayat¹, Abdul Latif², Azidni Rofiqo³, and M. Alfian Rumasukun⁴ 93

FINTECH CHALLENGES IN INDONESIA AND CONTRIBUTIONS TO FINANCIAL INCLUSION

M. Kurnia Rahman Abadi 94

DOES RELIGIOSITY MODERATE THE INFLUENCE OF TRUST ON THE INTENTION TO USE SHARIA BANKING PRODUCTS

Budi Setyana¹ and Dhika Amalia Kurniawan² 95



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NOTIFICATION OF ACCEPTANCE

Dear Ms. Provita Wijayanti,

On behalf of the 7th AICIF Committee, we are pleased to inform you that your submitted abstract (AICIF 2019: 051-032) entitled "Critical Thinking Framework Of Regulation Zakat To Optimize Zakat And Tax Compliances: Comparison of Indonesia and Malaysia", has been reviewed and accepted for 6th ASEAN Universities International Conference on Islamic Finance.

Congratulation! Therefore;

You are requested to **SUBMIT THE FULL PAPER** for reviewing process before **Wednesday, October 23rd, 2019**.

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You are advised to adhere to the submission guidelines which can be downloaded from the conference website (full paper template).
We do not accept submission not according to the paper template.

We look forward to receive your full paper very soon. Thank you very much for your submission.

Yours sincerely,

AICIF 2019 Secretariat

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CRITICAL THINKING FRAMEWORK OF ZAKAT REGULATION TO SUPPORT TAX COMPLIANCES: COMPARISON OF INDONESIA AND MALAYSIA

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ABSTRACT

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

Keywords: Zakat regulation, zakat and tax compliance

Accepted:

This is a great topic to be discussed. Please kindly being clear in the method as well as the analytical tools used in this research. It would be better if all respondents are muzakki who also apply zakat as a tax deduction.

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I. INTRODUCTION

1.1. Background

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

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

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

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

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

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

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

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

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

Zakat in Malaysia is managed by the federal state with full rights and authority. So Zakat is not compiled and distributed centrally, each federal state has a private company-of zakat private management and Baitull Maal or zakat institution under the state Islamic religious council. In some states the zakat collection

and channelling is implemented by these two institutions. Zakat collection is done by a private company that is under the Minister of Islamic religion, while the distribution is done by Baitull Maal.

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

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

1.2. Objective

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

II. LITERATURE REVIEW

2.1. Zakat

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

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

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

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

2.2. Tax

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

1) Yusuf Qardhawi stated:

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

2) Gazi Inayah suggested:

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

2.3. The Comparison Between Zakat and Tax

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

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

2.4. The Development of Zakat in Indonesia

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

BAZNAS is an institution formed by the central government to carry out the task of managing zakat nationally. It is institutionally independent, non-structural, domiciled in Jakarta and responsible to the President through the Minister of Religion. Provincial and district BAZNAS were formed to support the implementation of zakat management at the provincial and district/ city level. In carrying out its duties and functions, BAZNAS, provincial BAZNAS, and district BAZNAS can establish a Zakat Management Unit/ Unit

Pengelola Zakat (UPZ) in government agencies, state-owned enterprises, regionally owned enterprises, private companies, and representatives of the Republic of Indonesia abroad. They can also form UPZ at the sub-districts, villages, and other places.

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

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

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

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

2.5. The Development of Zakat in Malaysia

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

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

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

The campaign and socialization of zakat intensively result in the rise in the level of collection of zakat maal. Nevertheless, there is an opinion that the government should apply a penalty mechanism to optimize the collection of zakat maal. In general, the Law imposes a penalty of 1,000 ringgit and/ or imprisonment for

six months if it is proven that there is fraudulent payment of zakat. However, the results of a study show that people are more likely to choose to pay penalties rather than pay zakat periodically. This certainly needs to be overcome with a variety of policy frameworks and more effective law enforcement. Therefore, in 2004, Malaysia inaugurated the Department of Zakat and Hajj (JAWHAR) under the auspices of the Prime Minister's Department.

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

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

2.6. Taxation System Development in Indonesia and Malaysia

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

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

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

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

LHDN or tax office. The implementation of the self-assessment system influences the changes in the issue of compliance payment and late fees.

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

2.7. Zakat as Tax Deduction in Indonesia and Malaysia

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

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

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

Table 1.
Zakat Calculation as Tax Deduction

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

2.8. Previous Research

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

Table 2.
Previous Research

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

Source : Previous research (2019)

III. RESEARCH FRAMEWORK

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

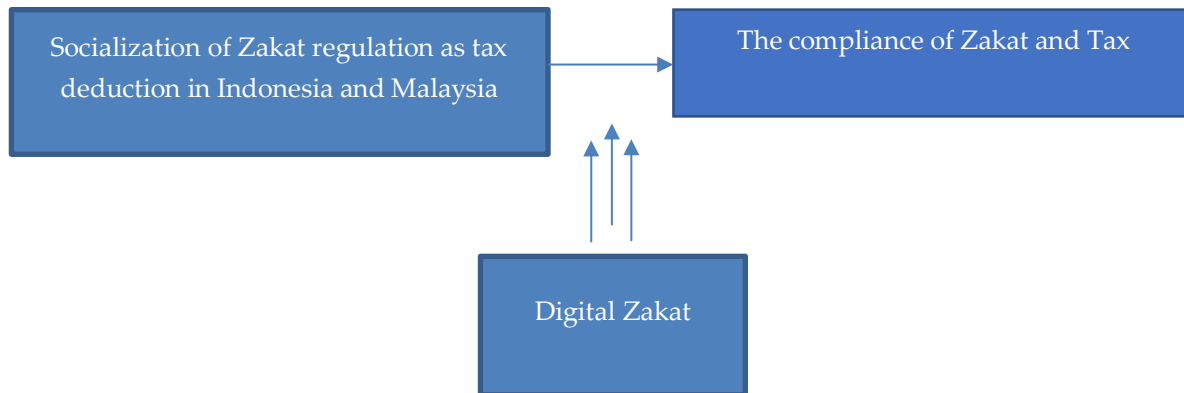


Figure 1.Research Model

IV. CONCLUSION

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

The strategy to increase zakat and tax revenue in Indonesia has several factors which become obstacles. The factors are **first**, lack of socialization from both the tax officer and zakat officer that zakat can be used to reduce taxable income. When reporting the annual tax return, the tax officer often does not ask the taxpayer whether the income reported has been paid for zakat or not. Moreover, when submitting the proof of Zakat deposit, the zakat officers does not explain to muzakki that the proof can be used to reduce the taxable income. **Second** is the psychological factor in Indonesia society. There are still many Muslims who feel reluctant to disclose the amount of zakat that they paid. It is because they are fearful that it will affect the level of sincerity in carrying out one of the Islamic pillars. Instead of including the Taxpayer Identification Number (NPWP) in the Zakat Proof Form, the taxpayers tend to not reveal their real name to avoid *riya'* (show off). **Third**, there is no clear statement about the type of zakat that can be deducted by taxable income. In the explanation of the income tax law, it is explained that the meaning of "zakat" is as referred to in law governing zakat. Meanwhile, in the law about zakat management, it is mentioned that zakat which can be deducted from taxable income covers all types of zakat, both Zakat Maal and Zakat Fitrah. While in practice, the type of zakat that can be deducted from taxable income is only the type of zakat on income (zakat profession). Therefore, it needs to implement rules which confirm about zakat profession that can be used as a deduction. It also needs example of the correct calculation to minimize doubts in the community. **Fourth**, zakat has not been managed as modern as tax revenue. All the time, any tax paid by the taxpayer is recorded in the State Acceptance module (MPN) and obtain a national acceptance number (NTPN), then it is expected that the zakat fund paid by Muzakki is recorded in the Admission of Zakat Module (MPZ). The muzakki can monitor where the zakat funds they have paid.

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

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