

CHALLENGES OF ZAKAH MANAGEMENT IN MUSLIM DEVELOPING COUNTRIES

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Abstract: *Most governments in Muslim developing countries have so far been managed Zakah only as a peripheral system and not as one of substantial components of the fiscal system. For instance, Yemen is predominantly one of the first Muslim countries in which Zakah was introduced during the early days of Islam as well as managed, collected and distributed orderly by government. However, the realization of noble socio-economic objectives of Zakah has remained a mirage in Yemen. More clearly, Zakah management is unable to bring out the destitute poor from the poverty trap and help the oppressed to be as self-reliant as possible. This study aims to present a conceptual examine for Zakah management in Yemen, particularly highlighting the main concerns and challenges in effective utilization of Zakah in the country include two key aspects; institutional and juridical aspects. It is therefore suggested that governments not only in Yemen but also in other Muslim communities must give crucial care and much consideration to Zakah management through logical and pragmatic responses to the concerns raised. Furthermore, it is recommended that researchers must empirically examine this phenomenon to find out more alternatives for a successful and effective management of Zakah.*

Keywords: Challenges, Poverty, Zakah Effectiveness, Zakah Management

INTRODUCTION

It is well-known that the objective of an organization varies according to the purpose of its establishment. Some organizations are set to obtain maximization profit and wealth while others are set for social harmony. *Zakah* is fundamentally set out with the purpose of achieving the noble aim of poverty alleviation and fair redistribution of wealth in society (Farouk, Idris & Saad, 2017). Therefore, a successful administration system of *Zakah* concentrates on the effective and efficient generation and utilization of *Zakah* funds to acquire the desired set targets of *Zakah* system.

Zakah is one of the fundamental principles of Islam endorsed with the major aim of equitable and fair redistribution of wealth to the unfortunate and less privileged people among the Muslim nation. Thus, it is widely acknowledged that *Zakah* institution is an integral part of

the Islamic socio-economic system (Rahman, Alias & Omar, 2012). Nevertheless, most Muslim governments have so far been managed *Zakah* as a peripheral system rather than being one of core elements of the fiscal system (Wahab & Rahman, 2011). There are various barriers to a vis-à-vis functional *Zakah* systems. Cases of such impediments exist, for example, in Malaysia where the ratio of population and *Zakah* payers is inconsistent (Razimi, Romle & Erdris, 2016), low levels of *Zakah* knowledge among Muslims in Indonesia (Sari, Bahari & Hamat, 2013) and inadequacy and incompetence of *Zakah* employees in Nigeria (Farouk *et al.*, 2017).

On the other hand, numerous and divergent managerial approaches have been adopted by some Muslim states in pursuit to achieve the set aims of *Zakah* based on their respective sphere and time realizing different degrees of success. In this regard, there are some prior studies have highlighted diverse approaches in order to tackle the challenges of *Zakah* management, for instance, establish a professional body for *Zakah* management (Adnan, 2017), *Zakah* effectiveness index (Abdullah, Yusop & Awang, 2012) and localization of *Zakah* distribution (Wahid & Kader, 2010).

In a typical Islamic set up like Yemen, being predominantly a Muslim State is one of the first communities in which *Zakah* was introduced during the early days of Islam as well as managed (collection and distribution) orderly by government (Bin-Nashwan, Abdul-Jabbar & Romle, 2016). Yet, it is still deemed one of the poorest low-income countries in the world. Recently, the poverty rate is a nation-wide phenomenon (Bin-Nashwan, 2018), with an estimated 62% of the population of 27.4 million people living in poverty (World Bank, 2017).

In such hard situation, *Zakah* has unfortunately not succeeded in realizing its set out objective(s) as a mechanism for reducing poverty and achieving economic prosperity in the country. Its performance has been adjudged by some scholars to be disappointing and weak compared to its potentially, the resources committed and results of similar effort in other Muslim communities (Farhan, 2008). *Zakah* collections have appeared consistently low (The General Directorates of *Zakah* Obligations GDZO, 2016) and expectedly disbursements to recipients (*Asnaf*) very negligible, accordingly, the desired target of poverty alleviation and other noble *Zakah* objectives remained unattained.

This kind of scenario has left many questions and queries about why the noble goal of *Zakah* remained a mirage in Yemen despite the resources pledged by the government in pursuit of its realization? In an attempt to answer these questions, this study aims at addressing and highlighting some issues that might be encountered in *Zakah* management in Yemen through referring to the relevant literature as well as outcomes from research and information sources. In the line of this, the paper begins with a brief overview of *Zakah* concept. Followed by laconic review of *Zakah* management in Muslim countries in Section Three. Section Four looks into the background of *Zakah* management in Yemen. Highlighting some challenges of *Zakah* management is discussed in Section Five. Finally, Section Six concludes the main points of the study.

ZAKAH AT A GLANCE

Zakah is constituted one of the fundamental pillars of the Islamic faith. The term “*Zakah*” lexically means cleanliness, growth and purification. Terminologically, it is a portion of wealth that Muslims are obliged to spend based on specific conditions at specific time, as spelt out in

the Islamic jurisprudence (*Quran and Sunnah*). Therefore, *Zakah* is a certain proportion of excess wealth must be taken from rich Muslims (surplus unit), as long as wealth has met the Zakatability conditions, and then given to poor Muslims (deficit unit) to eliminate the gap and inequality between rich and poor (Djaghballou *et al.*, 2018).

The collected funds of *Zakah* is be distributed to the eight categories of people known as *Asnaf* (recipients) as clearly stated in the *Quran*, namely, poor, needy, *Zakah* administrator, for Islamic propagation, for freeing the slave, debtors, those on the way of Allah and wayfarer (Imtiaz, Mannan, Niaz & Deria, 2000). Thus, *Zakah* plays an important role to be a cornerstone of Islamic social system and mechanism for eradicating poverty and injustice among Muslim society (Bin-Nashwan, Abdul-jabbar & Aziz, 2019).

ZAKAH MANAGEMENT IN MUSLIM COUNTRIES

In essence, *Zakah* management aims to accomplish the best possible outcome in timely *Zakah* collection and distribution as ordained in Islamic teachings (Johari, Ali & Aziz, 2015). In the modern Muslim world, *Zakah* governance could be classified into two main sets; Muslim countries that institutionalize *Zakah* and those countries without. The first category could be classified into further two groups; countries in which *Zakah* is legally enforced by statute on mandatory basis, containing six countries: Yemen, Saudi Arabia, Libya, Sudan, Malaysia and Pakistan. Secondly, those countries where *Zakah* is voluntary, such as Indonesia, Bahrain, Kuwait, Qatar, Oman, United Arab Emirates, Lebanon, Iran and Jordan (Powell, 2009). According to Powell (2009), of the forty Muslim-majority countries, twenty-four do not institutionalize system of *Zakah*, such as Turkey, Iraq, Tunisia and Algeria.

In Malaysia, for instance, *Zakah* management is strongly backing from government and regulated by law. State Islamic Religion Councils (SIRCs) are responsible for *Zakah* management of all the fourteen states in Malaysia. Each state is empowered to enact the *Zakah* laws and managed it as appropriate (Razimi *et al.*, 2016). However, Saudi Arabia has enacted regulations to administer *Zakah* affairs through the Department of *Zakah* and Income Tax (DZIT) as the only official body responsible for *Zakah*. The most recent version of the law states that all Saudi and Gulf Cooperation Council citizens and companies, who engage business activities in the Kingdom of Saudi Arabia are subject to *Zakah* (Alosaimi, 2018). Indonesia is a country with the largest Muslim population in the world and able to provide bigger potential of *Zakah* (Sari *et al.*, 2013). The Indonesian law stipulates that *Zakah* management in Indonesia is carried out through two models; government bodies, i.e., Badan Amil *Zakah* (BAZ) and Baitul Mal; and non-government bodies, i.e., non-government organizations (Amalia, Rodoni & Tahliani, 2018; Sari *et al.*, 2013).

ZAKAH MANAGEMENT IN YEMEN

Admirably, Yemen is the only Muslim country in which the government has retained the task of collecting *Zakah* and distributing without interruption since “the arrival of the first Muslim Governor, Mu’adh who was sent to Yemen by the Prophet (peace be upon him), around the ninth year after Hijrah (i.e. 630 CE)” (Kahf, 1999). In modern time, after the Yemeni unification took place on 22 May 1990 between the two former states “the People's Democratic Republic of Yemen in the south and the Yemen Arab Republic in the north”, all statutes and laws, including tax and *Zakah* laws, of the two states have been gathered together within a

particular law. Thus, the structure of *Zakah* authority, known as “Authority of *Zakah* Duties”, under the Ministry of Finance, has been restructured to fit the form of the Unified Yemeni State (Farhan, 2008). With its new structure, the *Zakah* authority persisted as a responsible formal channel for *Zakah* funds independently form until it was abolished in 2001. It was then replaced by “the General Directorates of *Zakah* Obligations (GDZO)” to be under the supervision of the Ministry of Local Administration (GDZO, 2010). That is, GDZO is the respective authority in *Zakah* administration carries out responsibilities such as assessment, collection, distribution and procedures of *Zakah*.

Perhaps, realizing the importance of *Zakah* management, many amendments and changes have been made to the legislative framework of *Zakah* management after 1990. For instance, in 1996, the first *Zakah* law has been issued “called *Zakah* Law No. (9) of 1996. This was then replaced by a new law, known “Law No. (2) of 1999”, however, some of its articles were revoked in accordance with the law of local authority “Law No. (4) of 2000”. In 2001, the Presidential Decree No. (265) has been enacted to establish authorized branches of the GDZO in all governorates and districts in the country as well as to consider GDZO as a part of organizational structural of local administration. Therefore, in a such situation, the functionality of *Zakah* system is getting distracted as there is lack of an agreed Islamic ruling on *Zakah* issues, especially after the repealing some articles of *Zakah* provisions based-*Shari'ah* by the enactment of local authority law (Farhan, 2008).

As stipulated by the local authority law, *Zakah* collection is disbursed in the place where collected from. Therefore, the *Zakah* collected is divided into two key levels: half (50%) of *Zakah* funds is used for the district’s collected from, while the other 50% is utilized for the governorate’s interest. From the foregoing, there could be a need to discover the position of GDZO, that falls within the organizational structure of the local authority at governorate and district levels, as illustrated in Figure 1 and Figure 2.

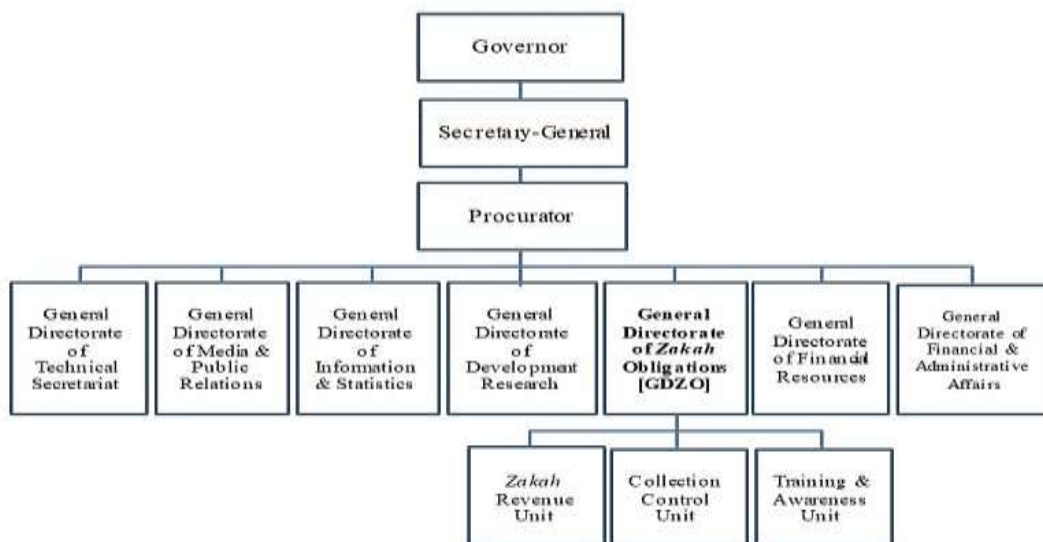


Figure 1. GDZO Position in the Organizational Structure at the Governorate Level

Source: The Presidential Decree No. (265) for the year 2001

Based on the Presidential Decree No. (265), the organizational structure of the local authority at the governorate level consists of seven General Directorates, one of them is GDZO. At the central level, there are twenty-one branches of GDZO across the country. For each branch in a governorate, GDZO has a number of tasks and identified in three basic units: (1) *Zakah* Revenue Unit, (2) Collection Control Unit and (3) Training and Awareness Unit (see Figure 1). On the other hand, the governorates in Yemen are subdivided into several districts. Therefore, the establishment of GDZO at the governorate level was then followed by other subsidiary offices in the districts. They can only carry out one task (collecting *Zakah*). Thus, there is simplicity in the tasks assigned to this sub-branch, as does not require an extensive organizational structure. Figure 2 depicts the position of the GDZO at the district level.



Figure 2. GDZO Position in the Organizational Structure at the District Level

Source: The Presidential Decree No. (265) for the year 2001

As for the distribution of *Zakah* fund, there are some Ministries involved in the distribution process such as social welfare, education and health as well as cooperative local and non-government committees assist the government entities in *Zakah* distributions in Yemen (Kahf, 1999).s

CHALLENGES OF ZAKAH MANAGEMENT

Given the important of *Zakah* to the Yemeni economy and society, GDZO organizes the process of *Zakah* at the national, governorate and local levels. Indeed, very little and negligible legal and administrative efforts to *Zakah* status in the country. Thus, there are still many issues need to be tackled to ensure that *Zakah* management is moving on the right track, in order to eliminate poverty that has extremely spread in the country and to upgrade individuals' standard of living nationally and internationally (Bin-Nashwan, Abdul-Jabbar & Romle, 2017). Regardless of how good the administration system is developed, if it could not cater to the society needs particularly the poor and needy, such management is considered as inefficient (Rahman *et al.*, 2012).

Statistically, *Zakah* institution in Yemen has recorded a distressed fact that the institution has a colossal loss of *Zakah* collection, referring to a deep gap has been captured between the ideal and reality performance of *Zakah* to be in the range of 3.5% to 40% during six consecutive years from 2011 to 2016 (GDZO, 2011, 2014, 2015, 2016). This in turn reflected the weak

effectiveness of *Zakah* management in combating poverty and unemployment in the state. In order to empower *Zakah* institution in Yemen a number of topical issues need to be addressed.

Institutional Aspects

As indicated earlier, GDZO is a subsidiary directorate to the organizational structure of the local authority at the governorate and district levels. Accordingly, there currently is no independent body of the *Zakah* institution in Yemen; where the local administration delegates the collection, development and planning of *Zakah* to the GDZO, this is considered one of the main challenges of *Zakah* institution (GDZO, 2015). Farhan (2008) argued that although *Zakah* in Yemen was the first institutionalized during the early times of Islam with the full responsibility of the government to collect and disburse *Zakah* funds, the current *Zakah* structure (as a part of local authority) has constituted a major setback for *Zakah* management in Yemen for two reasons. Firstly, the independent organizational structure of *Zakah* authority has been abolished and replaced with a subsidiary entity devoid of any level of independence. Secondly, revocation of some articles of the *Zakah* Law, which pertain to government's commitment to disburse the *Zakah* funds to its legally prescribed eight recipients (*Asnaf*). A similar conclusion was also reached by Thabet (2013). Thus, *Zakah* management has been heavily criticized of being less transparent and misusing *Zakah* funds in both collection and distribution.

Interestingly, Yemeni officials expect that reconsidering an independent and legal professional body of *Zakah* institution may perhaps increase *Zakah* funds to some YER200 billion (US\$930 million) annually compared to the actual revenues were ranged from YER10.5 billion (US\$49 million) to YER14 billion (US\$65 million) for six years 2011-2016 (Farhan, 2008; Saif, 2016; Thabet, 2013). Table 1 shows a relative annual growth of *Zakah* collection in Yemen for the period from 2005 to 2016. Apart from that, it has unabatedly remained low and unsatisfactory (GDZO, 2016).

Table 1. *Zakah* Collection in Yemen, 2005-2016

Year	<i>Zakah</i> Collection (YER)
2005	6,053,170,895
2006	6,866,414,082
2007	8,159,255,892
2008	9,899,295,210
2009	10,924,697,247
2010	12,080,689,394
2011	11,552,259,030
2012	13,419,745,260
2013	15,210,453,850
2014	15,064,790,320
2015	10,556,812,161
2016	14,076,062,466

Source: (GDZO, 2005-2016)

Lack of government support for *Zakah* institution is a serious challenge besieging *Zakah* administration (GDZO, 2015), where a very little and negligible effort is made for *Zakah* affairs by government. This has impeded its function effectively and generated shaky policies.

Eventually, it has frustrated the spirit of *Zakah* employees (*Amil*) in their daily operations (Farhan, 2008).

Furthermore, the adequacy, efficiency and competence of *Zakah* staff and management are also another administrative concern. A successful *Zakah* management requires employing the services of competent workforce. The operational staff and employees who are qualified to work in *Zakah* institution must be multi-skilled and knowledgeable in the field of accounting, finance and *Shari'ah* provisions on *Zakah*. However, in the present work, there is inadequate and lack the specialized committees and experts under GDZO structure to run the affairs of *Zakah* principles (Al-Majidi & Al-Siddiq, 2015). Farhan (2008) further asserted that the inadequacy of trained and skilled staff in *Zakah* institution has become more apparent recently through the *Zakah* performance gap documented between the desired and actual.

The survival strategy for *Zakah* institutions in Muslim countries is to generate trust in community. But if the *Zakah* institutions could not gain such performance among the public, it therefore will create skepticism and distrust among them (Mustafa, Mohamad & Adnan, 2013). This is considered as an institutional challenge for *Zakah* management in Yemen as well, especially, GDZO has documented that a shaky confident generated between *Zakah* payers, *Zakah* institution and beneficiaries (GDZO, 2015). Ultimately, without trust in *Zakah* institution, devoted *Zakah* payers may distribute *Zakah* directly to its recipients or hold payments until ideal *Zakah* administration is in place.

Juridical Aspects

Although the existence of laws and regulations, there are still many weaknesses and shortcomings, particularly in the application of Law No (2) of 1999 that seems to potentially inhibit the development of *Zakah* due to some reasons. For instance, the complexity of *Zakah* law in the country has become a serious challenge for both *Zakah* payers and *Zakah* institution; when *Zakah* payers are unable to interpret and understand *Zakah* rules to find out what is required of them, this in return might implicate in hindering the performance of *Zakah* institution (Al-Majidi & Al-Siddiq, 2015; Al-Zakri, 2009).

Moreover, the implementation of action for *Zakah* payer sentence in default or refusal to pay *Zakah* is questionable, although it has been identified as compulsory with sanctions imposed on offenders. Thus, lack of action enforced on *Zakah* payers to carry out their obligation expectedly, is another challenge to be addressed (GDZO, 2015). Researchers like Idris (2002) and Saad (2010) reinforced that the performance of *Zakah* management in terms of promotion of *Zakah* funds would be improved if the enforcement of *Zakah* law has a strict action power and penalty. *Zakah* law enforcement is essential for *Zakah* organizations to attain their objectives.

The geographic expansion and the expansion of wealth sources that have made modernity ever-changing, this requires the scholars to constantly alter the list of *Zakatable* items and eligible payers. Where new sources of wealth are not available in the past and still unfolding, especially in this computer age (Farouk *et al.*, 2017). Therefore, the serious challenge here is that the laws of *Zakah* do not provide a categorical explanation on this kind of wealth. The scholars and leaders must take the responsibility of continuously studying the changes and providing solutions accordingly. This is nobody's responsible other than that of *Zakah* management. In line with this challenge, Al-Zakri (2009) justified the fact that no institute for

Zakah research in Yemen to take care of these matters, additionally, the current accounting curriculums, in most of the public universities in Yemen, have been miserably neglected the subject of *Zakah* accounting. This may create an illiterate generation on such aspect (Al-Zakri, 2009).

CONCLUDING REMARKS

Muslim states are still struggling to tackle varying challenges of *Zakah* management in their various jurisdictions. Indeed, there is no Muslim community capable of achieving the optimum levels in efficient management of *Zakah* and thus remained dissatisfied with this status and are striving for improvement. Perhaps, that is why several scholars keep exploring ways to better address the obstacles facing *Zakah* management in various locations throughout the Muslim world.

Hard-core poverty is remained a very minute issue in Yemen, although it is probably the only Muslim country in which the government has orderly retained the task of managing *Zakah* since the early days of Islam. It has been agreed by scholars and officials that to increase the base of *Zakah* and achieve its desired economic goal, the effective and efficient *Zakah* management is inevitable essential. This study provides a review of some challenges of *Zakah* management in Yemen, dividing into institutional and juridical challenges, such as non-independent body of *Zakah* management, ineffective competent workforce and weaknesses and shortcomings of laws and regulations.

Consequently, it is recommended that Muslim governments in general, and Yemen in particular, must give crucial care and much consideration to *Zakah* management through logical and pragmatic responses to the concerns raised. Researchers could further empirically examine the phenomenon to develop more alternatives for a successful management of *Zakah*.

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