

Leveraging Qardhul Hasan Practices from Zakat Funds Through Maqasid Shariah: Lessons From Indonesia and Malaysia

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Abstract:

This study examines the practice of qardhul hasan funded by zakat through the perspective of maqasid sharia, focusing on case studies in Indonesia and Malaysia. Qardhul hasan, defined as an interest-free loan, presents a promising method for effectively utilizing zakat funds; however, its implementation within the framework of Islamic law remains a subject of ongoing debate. A qualitative approach was employed, including content analysis and semi-structured interviews with experts in zakat and Islamic law. The findings indicate that maqasid sharia provides a strong foundation for implementing qardhul hasan, particularly in supporting post-pandemic economic recovery. It is crucial to establish clear parameters and guidelines to ensure that qardhul hasan practices adhere to sharia principles and achieve the goal of social justice. This research advances the current understanding of qardhul hasan by highlighting its potential impact on zakat management and economic recovery. Additionally, it encourages zakat policymakers and practitioners to focus on developing effective systems aligned with maqasid sharia and emphasizes the need for ongoing evaluation and trials to enhance zakat's role in societal welfare.

Keywords : *Qardhul Hasan, Zakat Fund, Maqasid Syariah, Zakat Regulation, Economic Management*

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The background of this study focuses on the implementation of qardhul hasan using zakat funds within the context of maqasid sharia in Indonesia and Malaysia. This study highlights the pressing need for innovation in zakat management, particularly in the post-pandemic landscape, which has intensified social and economic challenges. Qardhul hasan, defined as an interest-free loan, has the potential to enhance the efficiency of zakat fund distribution and provide vital support to communities in need. However, its practice continues to spark debate among Islamic jurists regarding its alignment with maqasid sharia and the necessary parameters for effective implementation.

This research specifically addresses gaps in the existing literature. Previous studies, such as those by Rindawati Maulina et al., who examined the integration of social and commercial Islamic finance, do not specifically address the application of qardhul hasan in the context of zakat.¹ Similarly, Moh Khoirul Anam et al. analyzed the principles of maqasid sharia in the governance of fundraising by zakat institutions but have not adequately explored the nuances of qardhul hasan.² Haryani Santo Hartono and Faruq Ahmad Futaqi discussed qardhul hasan based on Islamic philanthropic funds, yet their work does not delve deeply into its relationship with maqasid sharia.³ Mursyid et al.

¹ Rindawati Maulina, Wawan Dhewanto, and Taufik Faturohman, "The Integration of Islamic Social and Commercial Finance (IISCF): Systematic Literature Review, Bibliometric Analysis, Conceptual Framework, and Future Research Opportunities," *Heliyon* 9, no. 11 (November 1, 2023): e21612, <https://doi.org/10.1016/j.heliyon.2023.e21612>.

² Moh Khoirul Anam, Risdianto, and Hairullfazli Bin Mohammad Som, "Analysis of Maqashid Syariah Principles in the Governance of Fundraising Activities of Zakat Management Institutions," *FITRAH: Jurnal Kajian Ilmu-Ilmu Keislaman* 9, no. 1 (June 30, 2023): 147–64, <https://doi.org/10.24952/fitrah.v9i1.6271>.

³ Haryani Santo Hartono and Faruq Ahmad Futaqi, "Analysis of Qardhul Hassan Based on Islamic Philanthropy Funds at Bankziska Lazismu East Java," *Proceeding of International Conference on Islamic Philanthropy* 1 (July 9, 2023): 132–42, <https://doi.org/10.24090/icip.v1i1.311>.

presented an analysis of the performance of Islamic and conventional banks in relation to maqasid sharia, but did not focus on qardhul hasan.⁴ Finally,

The choice of Indonesia and Malaysia as research locations is particularly significant, as both countries are recognized for their robust Islamic finance sectors and commitment to implementing maqasid sharia principles in financial practices. These nations provide a rich context for analyzing qardhul hasan due to their diverse regulatory frameworks, cultural contexts, and experiences with zakat management. By focusing on the practices in Indonesia and Malaysia, this study aims to draw lessons that are not only applicable to these regions but also relevant for broader discussions on zakat management and qardhul hasan implementation in other contexts. The findings may offer valuable insights for regions facing similar challenges in zakat implementation and community support.

This study aims to analyze the extent to which maqasid sharia can underlie the practice of qardhul hasan and identify the parameters required for its effective management. The benefits of this study include theoretical contributions in understanding the implementation of maqasid sharia, practical guidance for zakat institutions, policy recommendations, and support for post-pandemic economic recovery. Although many studies have discussed qardhul hasan and zakat management, this study fills the gap by focusing on the practical application of qardhul hasan in the context of sharia in Indonesia and Malaysia, which is still limited and requires in-depth evaluation regarding its implementation parameters.

Al-Quran and Sunnah clearly dictate that zakat is one of the most essential pillars of Islam and an act of worship. Zakat has certain goals for zakat payers (*muzakki*) or zakat recipients (*mustahiq*).⁵ *Sadd al-hajah* or the concept of meeting needs is a form of *maqasid sharia* in the context of zakat.⁶ *Qardhul hasan* is a financing model without expecting anything in return, and this is also recommended by Islamic teachings for those

⁴ Alias Candra Mursyid, "Performance Analysis of Sharia and Conventional Banks with Maqashid Sharia: Case Study of Indonesia and Malaysia in 2016-2020," *Journal of Southwest Jiaotong University* 57, no. 4 (2022), <http://jsju.org/index.php/journal/article/view/1293>.

⁵ Marziana Madah Marzuki, Wan Zurina Nik Abdul Majid, and Romzie Rosman, "Corporate Social Responsibility and Islamic Social Finance Impact on Banking Sustainability Post-COVID-19 Pandemic," *Heliyon* 9, no. 10 (October 1, 2023): e20501, <https://doi.org/10.1016/j.heliyon.2023.e20501>.

⁶ Imron Mawardi et al., "Analyzing the Impact of Productive Zakat on the Welfare of Zakat Recipient," *Journal of IslamiAccounting and Business Research* 14, no. 1 (2023): 118–40.

in need.⁷ *Qardhul hasan* is also a unique instrument offered by Islamic Financial Institutions because it does not involve the interests of anyone. *Qardhul hasan* is very effective as a way of eliminating cruel usury in the economic world.⁸ A good contract from *qardhul hasan* is that there is an element of philanthropy or generosity as well as in the utilization of productive zakat.⁹

The Qur'an and Sunnah emphasize that zakat is one of the main pillars of Islam and an important form of worship, with specific purposes for muzaki (zakat payers) and mustahiq (zakat recipients). The concept of sadd al-hajah, or fulfillment of needs, is one aspect of maqasid sharia in the context of zakat. *Qardhul hasan*, as an interest-free financing model expected from Islam, is recommended to meet needs without expecting anything in return. This model is also a unique instrument offered by Islamic financial institutions because it does not involve elements of usury. *Qardhul hasan* is effective in eliminating harmful usury in the economic world, because it has elements of philanthropy and generosity, and has the potential to utilize zakat productively. However, the application of *qardhul hasan* in the context of zakat still raises debates regarding its suitability with maqasid sharia and the practical parameters required. This study aims to analyze the extent to which maqasid sharia can underlie the practice of *qardhul hasan* and identify the parameters required for effective management. The benefits of this study include theoretical contributions in understanding the application of maqasid sharia, practical guidance for zakat institutions, policy recommendations, and support for post-pandemic economic recovery. This study fills the existing gap by focusing on the practical application of *qardhul hasan* in the context of sharia in Indonesia and Malaysia, which is still limited and requires in-depth evaluation regarding its implementation parameters.

The closure of commercial stores and premises during the covid-19 pandemic gives a big impact to the society especially to the small and medium enterprises.¹⁰ As a result,

⁷ Ending Solehudin and Hisam Ahyani, "Study on Sharia Compliance Principles in Halal Tourism Business in Bandung Regency: An Implementation of Islamic Business Ethics Principles (Professional Ethics)," *Millah: Journal of Religious Studies* 23, no. 1 (2024), <https://journal.uir.ac.id/Millah/article/view/30239>.

⁸ Mohd 'Adli Zahri et al., "Microfinancing from the Zakat Fund in Baitul Mal Aceh and the Readiness of Malaysia's Asnaf Entrepreneurs," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 418–30, <https://doi.org/10.22373/sjhk.v7i1.16012>.

⁹ Muhammad Anas Ibrahim et al., "The View of Zakat Practitioners on Micro Financing from Zakat Funds as Productive Zakat for Asnaf Entrepreneurs," *International Journal of Academic Research in Business and Social Sciences* 11, no. 4 (April 29, 2021): 1083–97.

¹⁰ Francis Chebby, Naza Mmbaga, and Kelvin Ngongolo, "Impact of COVID-19 Pandemic on Tourism, Income of Local Communities and Biodiversity Conservation: Evidence from Burunge Wildlife

persons who already have a solid income before, may become impoverished due to their loss of income.¹¹ Therefore, the Malaysian government has implemented a number of relief measures, such as the RM150 billion National People's Well-Being and Economic Recovery Package (PEMULIH).¹² The package is divided into three parts: Continuing the People's Welfare Agenda, Supporting Businesses, and Increasing Vaccinations.

The closure of commercial shops and business premises during the COVID-19 pandemic has had a major impact on society, especially on small and medium enterprises. As a result, individuals who previously had stable incomes may experience poverty due to loss of income. In response to this crisis, the Malaysian government has launched various relief measures, including the RM150 billion Economic Recovery and People's Welfare Package (PEMULIH). The package is divided into three main parts: Continuing the People's Welfare Agenda, Supporting Businesses, and Increasing Vaccination.

In Indonesia, a similar situation is also seen with various government initiatives to support communities affected by the economic impact of the pandemic, including social assistance and economic stimulus programs. The Qur'an and Sunnah emphasize that zakat is one of the main pillars of Islam and an important form of worship, with specific purposes for muzaki (zakat payers) and mustahiq (zakat recipients). The concept of sadd al-hajah, or fulfillment of needs, is one aspect of maqasid sharia in the context of zakat. Qardhul hasan, as an interest-free financing model expected from Islam, is recommended to meet needs without expecting anything in return. This model is also a unique instrument offered by Islamic financial institutions because it does not involve elements of usury. Qardhul hasan is effective in eliminating harmful usury in the economic world, because it has elements of philanthropy and generosity, and has the potential to utilize zakat productively. However, the application of qardhul hasan in the context of zakat still raises debate regarding its suitability with maqasid sharia and the practical parameters required. This study aims to analyze the extent to which maqasid sharia can underlie the practice of qardhul hasan and identify the parameters required for effective management

Management Area, Tanzania," *Heliyon*, January 9, 2024, e24327, <https://doi.org/10.1016/j.heliyon.2024.e24327>.

¹¹ Ulugbek Aminjonov, Olivier Bargain, and Tanguy Bernard, "Gimme Shelter. Social Distancing and Income Support in Times of Pandemic," *European Economic Review* 157 (August 1, 2023): 104507, <https://doi.org/10.1016/j.eurocorev.2023.104507>.

¹² www.ey.com, "National People's Well Being and Economic Recovery Package PEMULIH" 5, no. 29 (2021), https://www.ey.com/en_my/tax-alerts/national-people-s-well-being-and-economic-recovery-package-pemul.

in Indonesia and Malaysia. The benefits of this study include theoretical contributions in understanding the application of *maqasid sharia*, practical guidance for zakat institutions, policy recommendations, and support for post-pandemic economic recovery. This study fills the existing gap by focusing on the practical application of *qardhul hasan* in the context of *sharia* in both countries, which is still limited and requires in-depth evaluation regarding its implementation parameters.

There are few current studies on the role of zakat authorities in Malaysia in providing assistance to people that are in need during Covid-19 pandemic. During the first phase of pandemic, most of the zakat provision had been placed in assisting medical need and food for front-liner and people that are stranded due to the lock-down situation. The Covid-19 pandemic is doing havoc towards people's socioeconomic well-being. Thus, the question arises as to whether or not there is a more productive approach from the zakat fund to assist the government plan, particularly the agenda of helping small enterprises, aside from the traditional zakat distribution technique.¹³ The welfare of the Malaysian people affected by COVID-19, can be addressed effectively through waqf-based *qardhul hasan* financing.¹⁴ However, currently distributing zakat money to the zakat recipients in the form of *qard hasan* is still not being implemented in Malaysia.

This study attempts to examine the ruling of using zakat funds in the form of *qardhul hasan* to assist the poor and needy in establishing or re-establishing business to help them improve financial status particularly those who were affected by the Covid-19 pandemic. This study examines the ruling of giving *qardhul hasan* from zakat funds in Malaysia from the *Maqasid sharia* perspective. Zakat is one element of the five pillars of Islam (Khalid Abdullah 2013). Allah SWT ordered that it be mandatory for Muslims to pay zakat. In Surah At-Taubah, Allah says:

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ
وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَأَبْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ
*Sadaqah (obligatory alms/zakat) is only to be given to the destitute, the needy, those
who are engaged to collect them, those whose hearts are to be won, in the cause of*

¹³ Mustafa Raza Rabbani et al., "The Response of Islamic Financial Service to the COVID-19 Pandemic: The Open Social Innovation of the Financial System," *Journal of Open Innovation: Technology, Market, and Complexity* 7, no. 1 (March 2021): 85, <https://doi.org/10.3390/joitmc7010085>.

¹⁴ Hanudin Amin, M. Kabir Hassan, and Imran Mehboob Shaikh, "Waqf-Based Qardhul Hassan Financing Preference in Malaysia: An Exploratory Study," *International Journal of Ethics and Systems* ahead-of-print, no. ahead-of-print (January 1, 2023), <https://doi.org/10.1108/IJOES-02-2023-0025>.

slaves and those in debt, in Allah's way, and to a wayfarer. This is a requirement imposed by Allah. Allah is All-Wise and All-Knowing (Surah At-Taubah: 9: 60).

Additionally, Allah SWT reveals in another verse of the Quran that zakat could cleanse the heart and soul:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ عَلِيمٌ

Take Sadaqah (obligatory alms) from their assets and pray for them. They do benefit from your prayer. Allah is all-knowing and all-hearing (Surah At-Taubah :9: 103)

This is confirmed by the hadith narrated by Bukhari regarding the obligatory zakat, which means "Indeed, Allah has made zakat obligatory on you as a purification of wealth". (HR. Al-Bukhari: No. 4461). The Arabic word zakat derived from *Zakka Yuzakki*, which signifies holy, graceful, thriving, fertile, growing, and alms. Literally, it refers to Muslims' mandatory surrender of a portion of their money from a good source to those who are entitled to it. Fuqaha have divergent viewpoints on the meaning, basing it on a linguistic standpoint. The distinction, however, has no bearing on any zakat-related rights or claims. Scholars have given the following definitions of zakat in terms of terminology:

Maliki scholars provide an explanation regarding "Zakat" by interpreting it as "taking a certain portion of a certain property, which is sufficient for the nisab (minimum value) if it is completely owned and has enough hawl (the settlement period for a zakat asset), even though minerals and agricultural products are not considered hawl, to the person who is entitled to it." Meanwhile, Hanafi scholars define "Zakat" as "the transfer of ownership of certain property to certain individuals determined by Allah SWT." Meanwhile, the opinion of the Shafi'i Ulama is that "Zakat" is defined as "a term for a certain amount taken from a property or from humanity in a predetermined manner." Likewise, Hanbali ulama interpret "Zakat" as "an obligatory right to a certain property to be given to a certain person at a certain time."

Even though zakat does not mean charity in the above definition, it is a duty mentioned in the Quran and Hadith. Zakat is a symbol of Muslim solidarity since it allows

Muslims to support one another while also reducing animosity and antagonism.¹⁵ Islam today and since ancient times has provided fundamental resources for human development in this world, including ukhuwah Islamiyah, ashabiah and rahmatan lil 'alamin.¹⁶ These concepts are strategic concepts in developing the economies of countries in the world.¹⁷

In general, prior studies such as Lutfi Hakim,¹⁸ Emma Rachmawati et al.¹⁹ Yuliani Dwi Lestari et al.²⁰ Rindawati Maulina,²¹ Mazroatus Saadah and Uswatun Hasanah,²² Kamaruddin et al.,²³ Mahdi Syahbandir et al.,²⁴ Azwar Iskandar et al.,²⁵ Aam Rusydiana

¹⁵ Mohd Shahid Bin Mohd Noh, "The Economic Thought of Syeikh al Mutawalli Al-Sya'rawi from His Book of 'Tafsir Al-Sya'rawi,'" *Iqtishoduna: Jurnal Ekonomi Islam* 10, no. 2 (October 1, 2021), <https://doi.org/10.36835/iqtishoduna.v10i2.1007>.

¹⁶ Hisam Ahyani, Memet Slamet, and Tobroni, "Building the Values of Rahmatan Lil 'Alamin for Indonesian Economic Development at 4.0 Era from the Perspective of Philosophy and Islamic Economic Law," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 16, no. 1 (2021): 111–36, <https://doi.org/10.19105/al-lhkam.v16i1.4550>.

¹⁷ Moh Syarifudin and Nur Kholis, "Towards Rahmatan Lil 'Alamin Economy (Analysis of Ukhuwah Islamiyah and Ashabiah for Economic Development in Medina)," *Iqtishoduna: Jurnal Ekonomi Islam* 10, no. 1 (April 1, 2021): 59–76, <https://doi.org/10.36835/iqtishoduna.v10i1.955>.

¹⁸ Muhammad Lutfi Hakim, "Islamic Law and Society in Indonesia: Corporate Zakat Norms and Practices in Islamic Banks, by Alfitri," *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 179, no. 1 (January 1, 2023): 115–18, <https://doi.org/10.1163/22134379-17901001>.

¹⁹ Emma Rachmawati et al., "The Roles of Islamic Faith-Based Organizations on Countermeasures against the COVID-19 Pandemic in Indonesia," *Heliyon* 8, no. 2 (February 1, 2022): e08928, <https://doi.org/10.1016/j.heliyon.2022.e08928>.

²⁰ Yuliani Dwi Lestari et al., "The Development of National Waqf Index in Indonesia: A Fuzzy AHP Approach," *Heliyon* 9, no. 5 (May 1, 2023): e15783, <https://doi.org/10.1016/j.heliyon.2023.e15783>.

²¹ Rindawati Maulina, Wawan Dhewanto, and Taufik Faturrohman, "The Integration of Islamic Social and Commercial Finance (IISCF): Systematic Literature Review, Bibliometric Analysis, Conceptual Framework, and Future Research Opportunities," *Heliyon* 9, no. 11 (November 1, 2023): e21612, <https://doi.org/10.1016/j.heliyon.2023.e21612>.

²² Mazroatus Saadah and Uswatun Hasanah, "The Common Goals of BAZNAS' Zakat and Sustainable Development Goals (SDGs) According to Maqasid Al-Sharia Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 2 (December 31, 2021): 302–26, <https://doi.org/10.19105/al-lhkam.v16i2.4990>.

²³ Kamaruddin et al., "Cultural-Based Deviance on Islamic Law; Zakat Tekke Wale' Spending in Basala, Konawe, Southeast Sulawesi, Indonesia," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (2023): 568–90, <https://doi.org/10.19105/al-lhkam.v18i2.10150>.

²⁴ Mahdi Syahbandir et al., "State Authority for Management of Zakat, Infaq, and Sadaqah as Locally-Generated Revenue: A Case Study at Baitul Mal in Aceh," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 554–77, <https://doi.org/10.19105/al-lhkam.v17i2.7229>.

²⁵ Aam Rusydiana et al., "Waqf, Maqasid al-Sharia, and SDG-5: A Model for Women's Empowerment," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 325–35, <https://doi.org/10.19105/al-lhkam.v17i2.6572>.

et al.,²⁶ Rizal et al.,²⁷ and Muhd. Bhari et al.,²⁸ expanded on prior research on zakat fatwas and maqasid on zakat's legality. He did emphasise, however, that zakat fatwas require a more complete and extensive review not only according to the official school of thought (Shafie) in Malaysia, but also that they should include the viewpoints from other schools. Upholding the principle of *maslahah* is the highest goal of Islamic law,²⁹ However, a different understanding of *maqāṣid al-syari'ah* will also influence decisions and indicate a new direction in establishing Islamic law,³⁰ no exception in terms of zakat distribution. This means that the practice of formalizing Islamic law must continue.³¹ For example, in terms of credit scheme practices (*qardh*),³² then this must refer to sharia compliance.

Several academicians both locally and internationally have discussed studies on the utilisation of zakat funds in the form of providing *qard hasan*. Al-Ayidi (2013) and Al-Sayyari (2013), for example, have reconstructed previous disputes in fascinating ways. They also talked about the current zakat challenges that were addressed at the 18th Conference (*nadwah*). Dr. Naif al-'Ajmi and Dr. Hamdi Taha's initial study article is one of them. Most scholars attribute this position to al-Qaradawi (1973), who related the permissibility of donating *qard hasan* to *maqasid Shariah* in his *fiqh al-zakah*.

أن القياس الصحيح والمقاصد العامة للإسلام في باب الزكاة تجيز لنا القول بإقراض المحتاجين من سهم الغارمين، على أن ينظم ذلك وينشأ له صندوق خاص. وبذلك تساهم الزكاة مساهمة عملية في محاربة الربا والقضاء على الفوائد الربوية

²⁶ Azwar Iskandar et al., "Islamic Philanthropy and Poverty Reduction in Indonesia: The Role of Integrated Islamic Social and Commercial Finance Institutions," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 2 (December 31, 2021): 274–301, <https://doi.org/10.19105/al-lhkam.v16i2.5026>.

²⁷ Rizal, Ruslan Abdul Ghofur, and Pertiwi Utami, "The Role of Muslim Generation Community at Zakat Collection on Realizing Sustainable Development Goals (SDGs) in the Era of Digital Society 5.0," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (June 14, 2023): 105–18, <https://doi.org/10.31958/juris.v22i1.6562>.

²⁸ Azri Bhari et al., "Analysis of Poverty Determination Methods in Malaysia Zakat Institutions," *Journal of Positive School Psychology* 6, no. 2 (March 23, 2022): 1323–30.

²⁹ Faishal Agil Al Munawar, "'Abd al-Majīd al-Najjār's Perspective on Maqāṣid al-Sharī'ah," *JURIS (Jurnal Ilmiah Syariah)* 20, no. 2 (December 15, 2021): 209–23, <https://doi.org/10.31958/juris.v20i2.4281>.

³⁰ Nofiardi Nofiardi and Fahmil Samiran, "Living Under the Same Roof Before the Date of Separation: The Relevance of Maqāṣid al-Sharī'ah and Minangkabau Custom in A New Direction for Families," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 15, 2023): 305–16, <https://doi.org/10.31958/juris.v22i2.9014>.

³¹ Husni Mubarrak, Faisal Yahya, and Iskandar Iskandar, "Contestation on Religious Interpretation in Contemporary Aceh Sharīa: Public Caning in Prison as the Case of Study," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 15, 2023): 213–22, <https://doi.org/10.31958/juris.v22i2.10258>.

³² Muhammad Maksum and Nur Hidayah, "The Mechanism of Avoiding Riba in Islamic Financial Institutions: Experiences of Indonesia and Malaysia," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 15, 2023): 235–44, <https://doi.org/10.31958/juris.v22i2.6952>.

That the sahih qiyas and general maqasid of Islam in the chapter of zakat requires us to believe that we can give qard to those who are in need from the asnaf gharimin division by arranging it and establishing a dedicated fund, so that zakat can contribute practically to the fight against usury and eliminate the benefits of ribawi.

It turns out that *maqasid syariah* is one of the arguments mentioned to support *iqrad al-zakah* or giving *qard hasan*. Adnan et al. (2017) attempted to address this from the perspective of *maslahah*. Based on *maslahah* perspective, their findings are in a form of microcredit. The goal of this type of distribution is to initiate the zakat recipient to eventually become a zakat payer. However, no qualitative research has been conducted in which the burden of loan debt makes it difficult for the recipients to break free from poverty cocoons. As a result, based on the perspectives of Shariah experts, this article will discuss the ruling of distributing zakat funds through *qard hasan* in accordance with the balance of maqasid Shariah. As a result, the data from interviews with several Shariah experts about their perspectives on this topic will be analysed in this research.

The formulation of the research problem is as follows:

- a. How can the implementation of qardhul hasan funded by zakat funds be integrated with the principles of maqasid sharia in Indonesia and Malaysia?
- b. What are the key legal and operational challenges in implementing qardhul hasan within zakat distribution?
- c. What are the parameters or guidelines needed to ensure that the practice of qardhul hasan is in accordance with maqasid sharia and effective in supporting post-pandemic economic recovery?
- d. How can qardhul hasan contribute to the goals of social justice and economic recovery in Indonesia and Malaysia, and what are the recommendations for developing a system that is in accordance with sharia principles?.

Research Method

In Indonesia and Malaysia, research on qardhul hasan through zakat funds is still relatively new and rarely explored. The main focus of this study is on the implementation of qardhul hasan within the framework of maqasid sharia, considering that the regulation of zakat is based on the texts of the Qur'an and Sunnah. To explore the law of qardhul

hasan in the context of zakat, this study uses a qualitative approach with a semi-structured interview method. This method was chosen to obtain in-depth insights, views, and independent opinions from zakat and Islamic law experts in both countries.

In Indonesia, the research method included content analysis of related documents and online interviews via platforms such as Zoom or WhatsApp, given the mobility restrictions due to the COVID-19 pandemic. During data collection, some potential participants declined to participate due to time or interest constraints, but interviews were still conducted with willing participants. In Malaysia, interviews were conducted in a similar manner, namely online using audio recordings, because the Movement Control Order also restricted mobility. Data collection was carried out by maintaining the confidentiality of respondents' identities and ensuring that the information collected was used for academic purposes only. This method is designed to obtain factual evidence and in-depth views regarding the application of qardhul hasan in the context of maqasid sharia, as well as to identify new issues that are relevant in zakat management in both countries.

In Indonesia and Malaysia, research on qardhul hasan funded by zakat is still relatively new and often overlooked. Given that zakat issues, particularly its distribution, are governed by specific texts from the Qur'an, this study aims to investigate the potential application of qardhul hasan through the lens of maqasid sharia. This approach not only facilitates the gathering of independent insights and opinions but also encourages the exploration of critical new issues through open-ended questions.³³

This research will specifically highlight the differences in zakat practices between Indonesia and Malaysia and their corresponding impacts on the implementation of qardhul hasan. By analyzing the regulatory frameworks, cultural contexts, and the challenges faced in both countries, the study seeks to provide a comprehensive understanding of how these local contexts shape the practice of qardhul hasan. To examine the legality and practicality of qardhul hasan from zakat funds, this research employs a qualitative methodology, utilizing semi-structured interviews. This method is

³³ Necmettin Kizilkaya, *Methodology of Islamic Economics: Problems and Solutions* (Routledge, 2021), <https://www.routledge.com/Methodology-of-Islamic-Economics-Problems-and-Solutions/Kizilkaya/p/book/9781032086477>.

chosen to collect both factual evidence and the perspectives of qualified experts in the field, thereby enhancing the depth and relevance of the findings.

It will result in a major new topic and issue. The interview was conducted online, including on a WhatsApp audio recording phone, due to the limitation of the Movement Control Order related to Covid-19. The respondents' names are privately kept, and the information gathered is only to be used for academic purposes. During the data collection process, four from nine participants declined to participate in the interviews due to time constraints and lack of interest. Finally, five people were interviewed which included the WhatsApp audio recording.

Result and Discussion

The Compatibility of Qardhul Hasan with Maqasid Sharia in Indonesia and Malaysia

Qardhul hasan, as an interest-free loan, can be integrated with the principles of maqasid sharia, which emphasize the fulfillment of basic needs and social justice. The findings show that with clear guidelines, qardhul hasan can function as an effective method in distributing zakat funds, especially to support post-pandemic economic recovery.³⁴

Qardhul hasan, as an interest-free loan, has significant potential to be integrated with the maqasid sharia principle, which emphasizes the fulfillment of basic needs and social justice. Maqasid sharia aims to protect religion, life, mind, lineage, and property, and qardhul hasan supports these goals by providing financial assistance that does not burden recipients with interest, thus more in line with the sharia principle that prohibits usury.³⁵ In the context of zakat distribution, qardhul hasan can be an effective method, especially in supporting economic recovery after a pandemic such as COVID-19. By providing interest-free loans, zakat institutions can help affected individuals and small businesses to get back on their feet without increasing their debt burden. To ensure that the implementation of qardhul hasan is in accordance with maqasid sharia, clear

³⁴ Yeny Fitriyani and Mussollini Sinsuat Lidasan, "Determinant of Qard: Evidence from Indonesian Islamic Rural Banks," *Muqtasid: Jurnal Ekonomi Dan Perbankan Syariah* 14, no. 2 (2023): 93–114, <https://doi.org/10.18326/muqtasid.v14i2.93-114>.

³⁵ Azhar Alam, Achmad Fajar Sidiq, and Aditya Nurrahman, "Qardhul Hasan's Contract at Islamic Microfinance Institutions: A Management and Evaluation Study," *Al-Infaq: Jurnal Ekonomi Islam* 14, no. 1 (June 30, 2023): 33–45, <https://doi.org/10.32507/ajei.v14i1.1655>.

guidelines are needed, including recipient criteria, monitoring mechanisms, and repayment procedures. These guidelines are important so that zakat funds are managed with transparency and accountability. Recipient criteria should be based on urgent need and ability to repay the loan, while regular monitoring and audits ensure that qardhul hasan is used according to its intended purpose. Periodic evaluations of the impact of qardhul hasan, particularly in the context of post-pandemic economic recovery, show that this method can help improve the economic conditions of recipients and support small businesses. However, the implementation of qardhul hasan faces challenges related to the issue of zakat ownership and debates about the method of distribution. Nevertheless, with proper guidelines and consistent evaluation, qardhul hasan can be an effective tool in distributing zakat, contributing to economic recovery and social justice, and ensuring compliance with the maqasid of sharia.³⁶

Qardhul hasan, as an interest-free loan, aligns well with the principles of maqasid sharia, which emphasize fulfilling basic needs and promoting social justice. Maqasid sharia aims to protect religion, life, intellect, lineage, and property, and qardhul hasan supports these objectives by providing financial assistance without burdening recipients with interest, thus adhering to the prohibition of usury in sharia.

In the context of zakat distribution, qardhul hasan can be an effective tool, especially for supporting economic recovery following crises like the COVID-19 pandemic. By offering interest-free loans, zakat institutions can help individuals and small businesses affected by the pandemic to recover without increasing their debt burden.³⁷

Indonesia and Malaysia provide interesting case studies for the implementation of qardhul hasan. In Indonesia, the concept of qardhul hasan is relatively new in zakat distribution, and there is ongoing debate about its alignment with traditional zakat principles, particularly concerning the principle of tamlik (ownership).³⁸ The Indonesian

³⁶ Ending Solehudin, Hisam Ahyani, and Haris Maiza Putra, "Study on Sharia Compliance Principles in Halal Tourism Business in Bandung Regency: An Implementation of Islamic Business Ethics Principles (Professional Ethics)," *Millah: Journal of Religious Studies*, February 29, 2024, 39–66, <https://doi.org/10.20885/millah.vol23.iss1.art2>.

³⁷ Wahyoe Soedarmono and Inka Yusgiantoro, "Islamic Bank Procyclicality in an Emerging Market Economy: Do Bank Size and Financing Contracts Matter?," *The Quarterly Review of Economics and Finance* 92 (December 1, 2023): 132–41, <https://doi.org/10.1016/j.qref.2023.09.003>.

³⁸ Mustafa Raza Rabbani et al., "The Response of Islamic Financial Service to the COVID-19 Pandemic: The Open Social Innovation of the Financial System," *Journal of Open Innovation: Technology, Market, and Complexity* 7, no. 1 (March 1, 2021): 85, <https://doi.org/10.3390/joitmc7010085>.

government and zakat institutions have begun exploring qardhul hasan as a means to support economic recovery, particularly for small businesses and individuals affected by the pandemic. However, there is a pressing need for well-defined guidelines to ensure compliance with maqasid sharia, including establishing clear criteria for recipients, effective monitoring mechanisms, and transparent repayment procedures.

To illustrate these points, the following table compares key aspects of the implementation of qardhul hasan in Indonesia and Malaysia:

Aspect	Indonesia	Malaysia
Eligibility Criteria	Criteria are still under development	Clearly structured eligibility criteria
Monitoring Mechanisms	Lack of effective monitoring systems	Routine and integrated monitoring systems
Repayment Procedures	Procedures are not fully transparent	Clear and measurable repayment procedures
Government Support	Government support is still in the exploratory phase	Strong government support with various initiatives

In contrast, Malaysia has a more established practice of integrating qardhul hasan with zakat distribution, particularly through government and Islamic financial institutions. The Malaysian government has implemented various relief measures, including qardhul hasan, to support economic recovery during and after the pandemic. Malaysia's experience highlights the importance of clear guidelines and regular evaluations to ensure that qardhul hasan serves its intended purpose effectively. Malaysian institutions have developed structured criteria for recipient eligibility, monitoring systems, and repayment procedures to align with maqasid sharia.

To enhance clarity further, a flowchart could be added to illustrate the processes involved in qardhul hasan distribution in Malaysia, highlighting the structured criteria, monitoring systems, and feedback mechanisms. Comparatively, while both Indonesia and Malaysia recognize the potential of qardhul hasan, Malaysia's more mature system reflects a higher degree of integration with maqasid sharia due to its established guidelines and monitoring mechanisms. Indonesia, on the other hand, is still in the process of refining its approach, indicating the need for further development in creating effective parameters and guidelines for qardhul hasan.

Both countries demonstrate that with proper implementation and regular evaluation, qardhul hasan can significantly contribute to economic recovery and social justice. However, the success of this method depends on adapting practices to local contexts and ensuring that all aspects of its implementation are consistent with sharia principles. Thus, the addition of visual aids such as tables and flowcharts will enhance the clarity and appeal of the results section, making it easier for readers to understand the comparative aspects of qardhul hasan practices in Indonesia and Malaysia.

Challenges and Debates Surrounding Qardhul Hasan in Indonesia and Malaysia

The application of qardhul hasan in the context of zakat faces challenges related to the issue of zakat ownership and the principle of tamlik (ownership) regulated in the Qur'an and hadith. The main debate is whether qardhul hasan is acceptable as a method of zakat distribution or should be given directly to recipients in accordance with sharia provisions.

The application of qardhul hasan in the context of zakat presents a range of challenges, particularly concerning the issue of zakat ownership and the principle of tamlik (ownership) as outlined in the Qur'an and Hadith. A fundamental debate centers around whether qardhul hasan, which involves providing interest-free loans, is an acceptable method for zakat distribution or if zakat should be given directly to recipients without any form of repayment obligation. In Islamic jurisprudence, zakat is intended to be a direct transfer of wealth from those who are affluent to those in need, with the principle of tamlik ensuring that full ownership of the zakat is transferred to the recipients. Critics argue that qardhul hasan, by involving a loan arrangement, does not fully meet this requirement and thus may not align with the traditional expectations of zakat.³⁹

Moreover, the permissibility of using qardhul hasan as a zakat distribution method is a subject of ongoing scholarly debate. Some scholars advocate for its use, especially in scenarios where it can facilitate economic recovery and provide essential support to those

³⁹ Haris Maiza Putra et al., "Building an Aware Culture of Islamic Laws to Create a Prosperous and Just Country (Synergy of Penta Helix and Circle of Equity for Halal Product Assurance Organizers in Law No. 6 of 2023 in the Process of Halal Certification Services in Indonesia)," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 2 (2024), <https://doi.org/10.22373/petita.v5i2.99>.

facing dire circumstances.⁴⁰ They argue that qardhul hasan, when implemented with clear and appropriate guidelines, can fulfill the broader objectives of maqasid syariah—such as alleviating poverty and supporting economic stability. Conversely, other scholars insist that zakat should be given directly and unconditionally to the poor, as this approach aligns more closely with the principles of tamlik and ensures the direct fulfillment of zakat obligations.

The practical application of qardhul hasan requires careful consideration to ensure sharia compliance. It is essential to avoid placing an additional burden on recipients, such as the need to repay the loan, which could potentially contradict the spirit of zakat that aims to provide relief without expecting a return. Furthermore, establishing a robust mechanism for monitoring and enforcing repayments is crucial to maintaining the integrity of the zakat process and ensuring that it remains consistent with sharia principles.⁴¹

Additionally, the challenges and debates surrounding qardhul hasan highlight the need for contextual adaptation, particularly during economic crises like the COVID-19 pandemic. Traditional methods of zakat distribution may not always suffice to address urgent needs, making it necessary to explore alternative approaches like qardhul hasan. This exploration must be undertaken with a careful balance between adhering to theoretical sharia principles and meeting practical needs.

Finally, the ongoing debate reflects the dynamic nature of Islamic jurisprudence in adapting to contemporary issues. As economic and social conditions evolve, interpretations of sharia principles, including the use of qardhul hasan, may also need to adapt. Engaging in continuous scholarly dialogue is essential to address these changes and ensure that zakat practices remain both effective and compliant with sharia.

The application of qardhul hasan in zakat distribution presents several challenges, particularly regarding zakat ownership and the principle of tamlik (ownership) as outlined in the Qur'an and Hadith. This issue is central to debates on whether qardhul hasan, an interest-free loan, is an acceptable method for zakat distribution or if zakat should be

⁴⁰ Ending Solehudin and Hisam Ahyani, “Legal Compliance on Sharia Economics in Halal Tourism Regulations,” *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (April 1, 2024): 58–79, <https://doi.org/10.22373/petita.v9i1.224>.

⁴¹ Alam, Sidiq, and Nurrahman, “Qardhul Hasan’s Contract at Islamic Microfinance Institutions.”

given directly to recipients without any repayment obligations.⁴² In both Indonesia and Malaysia, qardhul hasan is a contentious issue within the context of zakat. The core debate revolves around the compatibility of qardhul hasan with traditional zakat principles. In Islamic jurisprudence, zakat is intended to be a direct transfer of wealth from the affluent to those in need, ensuring full ownership of the zakat is transferred to the recipients. Critics argue that qardhul hasan, by involving a loan arrangement, may not fully meet this requirement and could potentially conflict with the traditional expectations of zakat.

In Indonesia, the application of qardhul hasan in zakat distribution has faced significant scrutiny. Indonesian scholars and zakat institutions often emphasize the traditional view of zakat as an unconditional transfer, arguing that qardhul hasan does not align with this view. The debate here includes concerns that qardhul hasan might place an additional financial burden on recipients, which contradicts the spirit of zakat intended to provide relief without expecting repayment. Despite these concerns, there is also support for qardhul hasan in scenarios where it can aid economic recovery and provide critical support, particularly in times of economic distress. Indonesian scholars advocating for qardhul hasan argue that it can be adapted to meet broader maqasid sharia objectives, such as alleviating poverty and supporting economic stability, provided it is implemented with clear guidelines.⁴³

In Malaysia, the use of qardhul hasan for zakat distribution is similarly debated. Malaysian zakat institutions and scholars also grapple with the issue of zakat ownership and the principle of tamlik. While there is resistance to adopting qardhul hasan due to its deviation from the traditional direct transfer model, there is growing support for its use in times of economic hardship. Malaysian scholars argue that qardhul hasan could be an effective tool for economic recovery, especially in the wake of the COVID-19 pandemic, provided it is governed by strict guidelines to ensure sharia compliance. They emphasize the need for clear recipient criteria, transparent monitoring mechanisms, and effective repayment procedures to ensure that qardhul hasan does not undermine the principles of zakat.

⁴² Muneer M. Alshater et al., "Fintech in Islamic Finance Literature: A Review," *Heliyon* 8, no. 9 (September 1, 2022): e10385, <https://doi.org/10.1016/j.heliyon.2022.e10385>.

⁴³ Ending Solehudin, Miftakhul Huda, and Hisam Ahyani, "Transformation of Shariah Economic Justice: Ethical and Utility Perspectives in the Framework of Maqashid Shariah," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (June 29, 2024): 103–19, <https://doi.org/10.30631/alrisalah.v24i1.1467>.

The debates in Indonesia and Malaysia share similarities, particularly in concerns over the alignment of qardhul hasan with traditional zakat principles. Both countries face challenges related to ensuring that qardhul hasan does not impose additional burdens on recipients and that it remains consistent with sharia requirements. However, there are differences in the degree of resistance and acceptance. In Indonesia, there is stronger emphasis on maintaining traditional zakat practices, whereas in Malaysia, there is a more progressive approach towards integrating qardhul hasan, especially during economic crises.⁴⁴

In both contexts, the practical application of qardhul hasan requires careful consideration and adaptation. There is a consensus on the need for clear guidelines and robust mechanisms to manage the distribution and repayment processes effectively. The ongoing debate reflects the dynamic nature of Islamic jurisprudence, highlighting the importance of continuous scholarly dialogue to address contemporary issues and ensure that zakat practices remain effective and compliant with sharia.⁴⁵

The application of qardhul hasan in zakat distribution illustrates the complexities of aligning traditional principles with contemporary needs. Both Indonesia and Malaysia face challenges related to zakat ownership and the principle of tamlik, but they also recognize the potential of qardhul hasan to support economic recovery and social justice. The successful implementation of qardhul hasan depends on developing clear parameters, ensuring transparency, and maintaining a balance between theoretical sharia principles and practical needs. Engaging in ongoing scholarly dialogue and adapting to changing economic and social conditions will be crucial in addressing these challenges and enhancing the effectiveness of zakat distribution.

The Need for Parameters and Guidelines in Implementing Qardhul Hasan in Indonesia and Malaysia

To ensure that the implementation of qardhul hasan aligns with maqasid sharia, it is essential to establish clear parameters. These parameters encompass recipient criteria,

⁴⁴ Nanang Naisabur et al., "The Prohibition of Social E-Commerce on TikTok Shop: A Fiqh Examination Based on Sharia Compliance and Economic Justice," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (March 25, 2024): 59–78, <https://doi.org/10.24090/mnh.v18i1.9674>.

⁴⁵ Haris Maiza Putra et al., "Reconstruction of the Practice of Siyasa Syar'iyah During the Islamic Empire's Relevance to the Practice of Sharia Financing CWLS Retail in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 November (2023): 347–68.

monitoring mechanisms, and return procedures that adhere to sharia principles. Such guidelines are crucial for maintaining transparency, accountability, and effectiveness in zakat distribution.

In both Indonesia and Malaysia, the integration of qardhul hasan into zakat practices necessitates well-defined recipient criteria. This ensures that assistance reaches individuals or entities genuinely in need. In Indonesia, zakat institutions must create specific conditions that recipients must meet to qualify for qardhul hasan. This approach is vital for effectively utilizing zakat resources to alleviate poverty and support economic stability. Robust monitoring mechanisms should also be established to track the utilization of funds and repayment progress, enhancing accountability and ensuring compliance with sharia principles.

Similarly, Malaysia faces the challenge of developing parameters for qardhul hasan that are consistent with maqasid sharia. Malaysian zakat institutions must outline clear recipient criteria and implement comprehensive monitoring systems for the utilization and repayment of qardhul hasan. These measures will help prevent misuse and maintain the integrity of the zakat system. The findings of this study underscore the urgent need for policymakers in both countries to prioritize these comprehensive frameworks. By addressing recipient criteria, monitoring mechanisms, and repayment procedures, Indonesia and Malaysia can enhance the effectiveness of qardhul hasan, ultimately contributing to a more equitable and efficient zakat distribution system.

The findings of this research highlight the critical need for well-defined parameters and guidelines in the implementation of qardhul hasan within the zakat distribution system in both Indonesia and Malaysia. As qardhul hasan plays a significant role in providing interest-free financial assistance, establishing clear criteria for recipient eligibility is imperative. This will not only ensure that aid reaches those in genuine need but also enhance the overall effectiveness of zakat funds. By aligning recipient criteria with maqasid sharia, both countries can promote social justice and economic stability.

Furthermore, the research underscores the importance of robust monitoring mechanisms in overseeing the application of qardhul hasan. Effective monitoring is essential for tracking fund utilization and repayment processes, ensuring that the intended objectives are met. By implementing regular audits and transparency reports, zakat institutions can enhance accountability and prevent misuse of funds. This will foster trust

among stakeholders and ensure that qardhul hasan is utilized as intended, ultimately contributing to the integrity of the zakat system.

Additionally, the development of clear return procedures is crucial for managing the repayment of qardhul hasan. These procedures should be designed to avoid placing undue burdens on recipients, maintaining the benevolent spirit of qardhul hasan. By establishing repayment terms that consider the financial situations of recipients, both Indonesia and Malaysia can ensure that this form of assistance remains a supportive tool rather than a source of additional hardship. This consideration will likely lead to higher repayment rates and greater sustainability of qardhul hasan programs.

The comparative analysis of Indonesia and Malaysia reveals that while both countries recognize the potential of qardhul hasan, their approaches differ significantly. Malaysia's more mature system, with established guidelines and monitoring mechanisms, serves as a model for Indonesia, which is still refining its approach. Policymakers in Indonesia can draw valuable lessons from Malaysia's experience, particularly in terms of integrating qardhul hasan into the broader zakat framework. This collaboration and knowledge sharing can enhance the effectiveness of zakat distribution in both nations.

Lastly, this research emphasizes the broader implications of qardhul hasan for economic recovery and social welfare. As both Indonesia and Malaysia grapple with the socioeconomic impacts of crises like the COVID-19 pandemic, effective implementation of qardhul hasan can significantly aid in recovery efforts. By aligning these financial assistance programs with maqasid sharia, both countries can contribute to a more equitable and just society. The recommendations provided by this study can serve as a roadmap for policymakers, guiding them in refining their zakat practices to better serve their communities.

In order for the implementation of qardhul hasan to be in accordance with maqasid sharia, it is necessary to develop clear parameters. This includes recipient criteria, monitoring mechanisms, and return procedures that are in accordance with sharia principles. These guidelines are important to maintain transparency, accountability, and effectiveness in zakat distribution. To ensure that the implementation of qardhul hasan aligns with maqasid sharia, the development of clear and comprehensive parameters is

crucial. These parameters are essential for ensuring that the practice of qardhul hasan in zakat distribution adheres to sharia principles while achieving its intended objectives.⁴⁶

Firstly, recipient criteria must be clearly defined to ensure that qardhul hasan is directed to individuals or entities who genuinely require assistance. This includes establishing specific conditions that recipients must meet to qualify for receiving qardhul hasan. By doing so, zakat funds can be allocated effectively to those in dire need, thus ensuring that the resources are used in a manner that fulfills the maqasid sharia's goal of alleviating poverty and supporting economic stability.⁴⁷

Secondly, monitoring mechanisms are vital for overseeing the implementation of qardhul hasan. This involves setting up systems to track the utilization of the funds and the progress of repayment. Effective monitoring ensures that qardhul hasan is used as intended and helps prevent misuse or diversion of funds. Regular audits and reports can enhance transparency and accountability, making sure that the process remains in line with sharia principles and that recipients adhere to the agreed terms.⁴⁸

Thirdly, return procedures must be clearly outlined to manage the repayment of qardhul hasan. This includes specifying the terms of repayment, such as the timeline and conditions under which the loan should be repaid. The guidelines should be designed to ensure that the repayment process does not impose undue hardship on recipients, maintaining the spirit of qardhul hasan as a form of benevolent support rather than a financial burden.

Developing these parameters not only ensures compliance with sharia but also enhances the overall effectiveness of zakat distribution. Clear guidelines help maintain transparency and accountability, which are crucial for fostering trust and ensuring that zakat funds are managed responsibly. By addressing these aspects, qardhul hasan can be

⁴⁶ Tika Widiastuti et al., "Toward Developing a Sustainability Index for the Islamic Social Finance Program: An Empirical Investigation," *PLOS ONE* 17, no. 11 (November 22, 2022): e0276876, <https://doi.org/10.1371/journal.pone.0276876>.

⁴⁷ Zuliza Mohd Kusrin et al., "Standard Operating Procedure for the Arrests and Detentions of Individuals with Autism in Four Countries," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (February 7, 2024): 216–35, <https://doi.org/10.22373/sjhk.v8i1.16085>.

⁴⁸ Zuliza Mohd Kusrin et al., "People with Autism and the Propensity for Law-Breaking: A Special Education Teachers' Perspective," *UUM Journal of Legal Studies* 14, no. 2 (July 31, 2023): 509–33, <https://doi.org/10.32890/uumjls2023.14.2.4>.

implemented in a way that aligns with the broader objectives of maqasid sharia, thereby contributing to a more equitable and effective system of zakat distribution.⁴⁹

In both Indonesia and Malaysia, the implementation of qardhul hasan within zakat distribution necessitates the establishment of clear and comprehensive parameters to ensure adherence to maqasid sharia. These guidelines are crucial for maintaining transparency, accountability, and effectiveness in the distribution of zakat funds.

In Indonesia, the integration of qardhul hasan into zakat practices requires well-defined recipient criteria to ensure that aid reaches those who are genuinely in need. Indonesian zakat institutions must develop specific conditions that recipients must meet to qualify for qardhul hasan, thereby ensuring that zakat resources are utilized effectively to alleviate poverty and support economic stability. This approach is essential to prevent potential misuse of funds and to align with maqasid sharia's goal of providing equitable support.

Monitoring mechanisms in Indonesia also play a critical role in overseeing the application of qardhul hasan.⁵⁰ Establishing robust systems to track the use of funds and the progress of repayment is vital. Regular audits and transparency reports can enhance accountability and ensure that qardhul hasan is utilized as intended. Such measures help in maintaining the integrity of the zakat system and ensuring compliance with sharia principles.

In terms of repayment procedures, Indonesian guidelines need to be clear and considerate of the recipients' financial situations. The repayment terms should be structured to avoid placing an undue burden on individuals, reflecting qardhul hasan's role as a form of benevolent support rather than a financial strain. Effective management of these procedures ensures that qardhul hasan remains a supportive tool rather than a source of additional hardship.

Similarly, Malaysia faces the challenge of developing parameters for qardhul hasan that align with maqasid sharia. Malaysian zakat institutions must also define recipient

⁴⁹ Zahri et al., "Microfinancing from the Zakat Fund in Baitul Mal Aceh and the Readiness of Malaysia's Asnaf Entrepreneurs."

⁵⁰ Eko Wahyu Widodo and Wahyu Widarjo, "The Influence of Directors' Characteristics on the Social Performance of Sharia Banking in Indonesia," *European Journal of Business and Management Research* 9, no. 4 (August 14, 2024): 57–67, <https://doi.org/10.24018/ejbmr.2024.9.4.2309>.

criteria to ensure that qardhul hasan is directed towards those in genuine need.⁵¹ This involves creating specific eligibility requirements that help in the effective allocation of zakat funds to support economic recovery and social stability.

Monitoring mechanisms in Malaysia are equally important. Setting up comprehensive systems to oversee the utilization and repayment of qardhul hasan ensures that funds are used appropriately and that transparency is maintained. Regular monitoring and reporting can help prevent misuse and ensure that the implementation of qardhul hasan adheres to sharia principles.

The return procedures in Malaysia must also be clearly outlined, specifying repayment terms that do not impose undue hardship on recipients. This ensures that the practice of qardhul hasan remains consistent with its intended purpose of providing assistance rather than creating financial stress. Structuring these procedures carefully can enhance the effectiveness of qardhul hasan as a supportive mechanism within the zakat system.

Both Indonesia and Malaysia face similar challenges in integrating qardhul hasan into their zakat distribution systems. The need for clear recipient criteria, effective monitoring mechanisms, and well-defined repayment procedures is evident in both countries.⁵² However, the approach to these parameters may differ based on local conditions and interpretations of sharia principles.

In Indonesia, there is a strong emphasis on maintaining traditional zakat practices and ensuring that qardhul hasan does not deviate from these principles. In contrast, Malaysia appears more open to adopting qardhul hasan as a tool for economic recovery, particularly in response to the COVID-19 pandemic. Despite these differences, both countries recognize the importance of developing clear guidelines to ensure that qardhul hasan aligns with maqasid sharia and enhances the effectiveness of zakat distribution.⁵³

The establishment of robust parameters and guidelines is crucial in both contexts to ensure that qardhul hasan is implemented effectively and ethically. By addressing

⁵¹ Hisam Ahyani et al., “Integration of Productive Waqf in Sharia Insurance: Enhancing Investment and Life Protection,” *Review of Islamic Social Finance and Entrepreneurship*, September 10, 2024, 169–83, <https://doi.org/10.20885/RISFE.vol3.iss2.art5>.

⁵² Kinan Salim et al., “Zakat-Based Urban Farming: A Tool for Poverty Alleviation, Community Empowerment, Financial Inclusion, and Food Security,” *Review of Islamic Social Finance and Entrepreneurship*, March 27, 2024, 1–19, <https://doi.org/10.20885/RISFE.vol3.iss1.art1>.

⁵³ Fitriyani and Lidasan, “Determinant of Qard.”

recipient criteria, monitoring mechanisms, and repayment procedures, both Indonesia and Malaysia can better manage qardhul hasan, contributing to a more equitable and effective system of zakat distribution.⁵⁴

The Contribution of Qardhul Hasan to Social Justice and Economic Recovery in Indonesia and Malaysia

Qardhul hasan has the potential to make a significant contribution to social justice and economic recovery, especially in post-pandemic situations. Proper implementation can help reduce poverty and support affected small businesses, but requires adjustment to local conditions and regular evaluation.

Qardhul hasan holds substantial potential for advancing social justice and fostering economic recovery, particularly in the aftermath of crises such as the COVID-19 pandemic. As an interest-free loan, qardhul hasan offers a way to provide financial support without imposing additional burdens on recipients, thus aligning with the principles of social justice by addressing urgent needs without exacerbating economic challenges. Its proper implementation can significantly contribute to reducing poverty, as it allows individuals and businesses affected by economic downturns to access necessary funds to rebuild their livelihoods.⁵⁵

In the context of economic recovery, qardhul hasan can be especially effective for supporting small businesses that have been hit hard by the pandemic. By providing these businesses with interest-free loans, qardhul hasan helps them sustain operations, retain employees, and potentially expand, thereby stimulating local economies and promoting job creation. This support is crucial for revitalizing economic activity and ensuring that small enterprises can recover and thrive in a post-pandemic environment.⁵⁶

However, to maximize the benefits of qardhul hasan, it is essential to tailor its implementation to local conditions and needs. This involves developing specific criteria

⁵⁴ Prabowo Yudo Jayanto, Hasan Mukhibad, and Nana Abdul Aziz, "Bank Social Fund Distribution and Cost of Profit-Sharing Investment Account: Evidence from Indonesia," *Journal of Islamic Accounting and Finance Research* 5, no. 2 (November 16, 2023): 203–30, <https://doi.org/10.21580/jiafr.2023.5.2.16733>.

⁵⁵ Dzikrina Fikrotus Salma, Nunung Nuryartono, and Budi Purwanto, "Sharia Financial Inclusion to Build Economic Resilience of Micro Small Enterprises During COVID-19," *Jurnal Manajemen Dan Organisasi* 14, no. 4 (2023): 430–39, <https://doi.org/10.29244/jmo.v14i4.47631>.

⁵⁶ Dul Candra et al., "The Effect of Zakat Distribution and the Growth of the Halal Industry on the Human Development Index and Its Impact on Indonesia's Unemployment Rate," *Jurnal Ilmiah Ekonomi Islam* 9, no. 1 (March 10, 2023): 598–608, <https://doi.org/10.29040/jiei.v9i1.7928>.

for recipient eligibility, designing appropriate loan structures, and creating monitoring and evaluation frameworks that ensure the effective use of funds. Regular assessment of the impact of qardhul hasan is also necessary to adjust strategies and address any emerging challenges. Such evaluations help refine the approach and ensure that qardhul hasan continues to serve its intended purpose of enhancing social equity and economic stability.⁵⁷

Overall, when implemented thoughtfully and adapted to local contexts, qardhul hasan can be a powerful tool for promoting social justice and aiding in economic recovery. Its role in reducing poverty and supporting small businesses underscores its potential as a key component of a comprehensive strategy for overcoming economic hardships and fostering sustainable development.⁵⁸

In Indonesia, qardhul hasan holds considerable promise for advancing social justice and driving economic recovery, particularly in the wake of the COVID-19 pandemic. As an interest-free loan, qardhul hasan aligns with principles of social justice by providing financial assistance without imposing additional burdens on recipients.⁵⁹ This approach helps address immediate needs and prevents exacerbation of financial difficulties, making it an effective tool for poverty alleviation.

In the context of economic recovery, qardhul hasan can be particularly impactful for small businesses in Indonesia that have been severely affected by the pandemic. By offering interest-free loans, qardhul hasan supports these enterprises in sustaining operations, retaining employees, and potentially expanding. This support is vital for revitalizing local economies, stimulating job creation, and fostering a more resilient economic environment. However, the effectiveness of qardhul hasan in Indonesia depends on adapting its implementation to local conditions. This includes defining clear recipient criteria, designing appropriate loan structures, and establishing robust monitoring and evaluation frameworks. Regular assessments of qardhul hasan's impact

⁵⁷ Baitul Hamdi and Dul Candra, "The Impact Of MSME Waqf On Economic Recovery During The Covid-19 Pandemic: Case Study Of Global Waqf -ACT," *Jurnal Ilmiah Ekonomi Islam* 8, no. 2 (June 23, 2022): 1229–36, <https://doi.org/10.29040/jiei.v8i2.4510>.

⁵⁸ Miftakhul Huda et al., "Development of Progressive Islamic Law in Indonesia Regarding 'Apostasy' as Grounds for Divorce: Insights from Maqasid Sharia," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 6, no. 1 (May 29, 2024): 73–85, <https://doi.org/10.30659/jua.v6i1.36754>.

⁵⁹ Arifuddin Muda Harahap, Haris Maiza Putra, and Hisam Ahyani, "Analysis of Political Preferences and Implementation of the Birrul Walidain Concept in Indonesia: Review of Islamic Law and Maslahah Perspective," *El-Ussrah* 7, no. 2 (2024): 1–18, <https://doi.org/10.22373/ujhk.v7i1.21987>.

are necessary to refine strategies and address emerging challenges, ensuring that the program contributes effectively to social equity and economic stability.⁶⁰

Similarly, in Malaysia, qardhul hasan is seen as a valuable mechanism for promoting social justice and supporting economic recovery, especially in the post-pandemic era. As an interest-free financing option, qardhul hasan provides crucial support without adding financial pressure on recipients. This aligns well with the goals of social justice, allowing those affected by economic downturns to rebuild their lives and businesses without the additional burden of interest.

For economic recovery, qardhul hasan can be instrumental in aiding small businesses in Malaysia that have struggled due to the pandemic. Providing these businesses with interest-free loans helps them navigate financial difficulties, maintain operations, and foster growth. This, in turn, stimulates local economies and aids in job creation. In Malaysia, the successful implementation of qardhul hasan requires adjustments to fit the local context, such as setting specific eligibility criteria, creating suitable loan terms, and implementing effective monitoring and evaluation mechanisms. Regular evaluations are crucial to ensure that qardhul hasan remains aligned with its intended purpose of enhancing social equity and economic recovery.⁶¹

Both Indonesia and Malaysia recognize the potential of qardhul hasan to contribute significantly to social justice and economic recovery. In both countries, qardhul hasan can help reduce poverty and support small businesses affected by the pandemic. However, the specific challenges and needs of each country necessitate tailored approaches.

In Indonesia, the focus is on adapting qardhul hasan to local economic conditions and ensuring that it addresses the unique challenges faced by Indonesian small businesses and individuals. This includes developing clear guidelines for recipient eligibility and creating robust mechanisms for monitoring and evaluation.

In Malaysia, the approach to implementing qardhul hasan also emphasizes tailoring the program to local needs, but with a strong emphasis on recovery from the pandemic's economic impact. Malaysia's focus includes ensuring that qardhul hasan contributes effectively to job creation and local economic revitalization.

⁶⁰ Harahap, Putra, and Ahyani, "Analysis of Political Preferences and Implementation of the Birrul Walidain Concept in Indonesia: Review of Islamic Law and Maslahah Perspective."

⁶¹ Mohamed Asmy Bin Mohd Thas Thaker, "Leveraging Islamic Banking and Finance for Small Business: Exploring the Conceptual and Practical Dimensions," no. 1156 (June 24, 2020), <https://www.adb.org/publications/leveraging-islamic-banking-finance-small-business>.

Overall, while both countries aim to leverage qardhul hasan for social and economic benefits, the specific implementation strategies and challenges may differ based on their unique contexts. Effective deployment of qardhul hasan in both Indonesia and Malaysia requires careful consideration of local conditions, continuous evaluation, and adjustments to ensure that it meets the goals of social justice and economic recovery.

Conclusion

In conclusion, this study emphasizes the importance of qardhul hasan funded by zakat as a viable mechanism for enhancing economic recovery and promoting social justice, particularly in the contexts of Indonesia and Malaysia. By aligning the implementation of qardhul hasan with the principles of maqasid sharia, zakat institutions can ensure that funds are allocated effectively to those in genuine need. The establishment of clear parameters—including recipient criteria, monitoring mechanisms, and repayment procedures—is essential for maintaining transparency and accountability in zakat distribution.

The challenges surrounding the integration of qardhul hasan within zakat practices, particularly concerning issues of ownership and distribution methods, underscore the need for ongoing dialogue and clarification within the framework of Islamic jurisprudence. As both countries navigate these complexities, there is a clear opportunity for qardhul hasan to contribute significantly to alleviating poverty and supporting small businesses, especially in the wake of the COVID-19 pandemic.

Future research should explore the broader implications of qardhul hasan in other Islamic finance contexts and consider how different countries might adopt similar zakat models to enhance their social welfare systems. By continuing to refine and evaluate these practices, stakeholders can better understand the potential of qardhul hasan to foster a more equitable and effective system of zakat distribution, ultimately contributing to the well-being of communities and individuals in need.

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