

## ZAKAT AS TAX CREDIT FOR HARMONIZE FISCAL SETTING IN INDONESIA

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### *Abstract*

*This study examines the harmonization of zakah and tax synergy through the payment of zakah as tax credit in Indonesia. The research method used is case study, with data taking through document studies, literature study and indepth interviews on zakah and tax practitioners in Bekasi and Jakarta. Zakah as a tax credit is a policy that can directly reduce the amount of tax payable. The result of integration of analysis found that the tax credit from zakah can increase the acceptance in zakat sector and tax, compared if zakah only as cost or as deductible of taxable income. Zakah as a means of tax payment control can recruit muzaki to enter groups paying zakah as well as taxes, without causing double burden for the Moslem population. The policy is in line with PSAK 101, where zakah is not involved in the income statement. The policy also helps the role of the state to allocate funds specifically to the poor in accordance with the mandate of the 1945 Constitution, which is not found in the provisions on tax allocations.*

*Keywords: zakah, taxes, credit*

### **INTRODUCTION**

Based on data of state financial profile in 2010-2016, state budget's revenue post from the tax sector, in the last 5 years, has been placed in the largest position; 64-78% of the total state budget in average. Every year, roughly a quarter of the state financial is allocated to pay interest and principal debt. One of its effects is that budget allocation for the public interest - particularly in subsidies and social

benefits must be pressed -whilst total debt repayment (principal debt plus interest keeps increasing in line with rising government debt). On the other hand, increasing tax revenue has significance, namely the people's burden will be even greater. The government only targeted non-tax revenue in 2016's state budget at about 25%.

Nevertheless, even though it happened an increase in tax revenues, Indonesia's tax ratio of 13.6% of GDP is still below the average tax ratio of European and American countries reached 33%. New 2.3 million residents out of the 210 million potential are listed as tax object (News Magazine, April 2003). This means that tax sources in Indonesia are large enough to be explored (Hamidiyah, 2007). Source this large amount of taxes are in the hands of the Moslem population, but in tax revenue is not directly proportional to the large number of Moslem population. This may be due to the Moslem population reluctant to pay taxes, because there has been a tax liability in the religion of Islam is usually called zakat (Muktiyanto dan Hendrian (2008).

In various countries, such as Germany, Puerto Rico, Japan, various types of social contribution is also used to reduce tax. Silk (1999); Bonke et al. (2011); Carmichael (2012) state that tax deduction policy is usually associated with the concept of treasury efficiency.

The governments in many countries deem tax deduction policy as charity is more efficient than direct subsidies; if it can stimulate the flow of private funds for the benefit of the public that would not exist without tax deduction. It is a part of the cooperation concept between the government and the charitable sector regarding tax deductibility to donation (which is charity in nature).

It is time to accommodate Zakah Integration to state finance by all stakeholders in Indonesia (Afriyandi , (2014); Bayinah (2015); Hafidhudhin (2011)). As a reference, zakah as a tax credit has been successfully applied in neighboring countries, Malaysia, in improving acceptance - not only in zakah sector, but also in the tax sector. It means that there is no trade off between zakah and taxation revenue, both sectors can increase (Hafidhudhin, 2011; Suprayitno et al.(2013)). The study on how zakah synergies with tax become essential, and this paper was drafted under the title Urgency Zakah As Tax Credits For Indonesia. The purpose of this study are understanding

definition of zakah as tax credits, the extent to which zakah as tax credits against the increasing development funds, describe how zakah as tax credits can provide a multiplier effect on the strength and integrity of Indonesia.

The research undertaken by IRTI-IDB economist, Ahmed, H (2010), revealed that the potential zakah in Indonesia has reached two percent of the GDP. With this assumption, zakah has the potential to reach no less than IDR 100 trillion annually (IMZ, 2010). Based on the many research conducted, such as Beik (2010); IMZ (2010); Tsani and Beik (2010); Anriani and Beik (2010); and Purnamasari, Hartayo and Beik (2010), it is proven that zakah funds managed by BAZ and LAZ are able to reduce *mustahik* poverty, *mustahik* poverty rates, and severity of *mustahik* poverty (IMZ, 2010). In Jabodetabek area, the number of *mustahik* households that can be freed from poverty has reached 10.79 percent in 2010. Meanwhile in Garut, this figure has reached 21.40 percent, higher than in South Lampung

Regency (18.60 percent) and Bogor (8.77 percent). It indicates that zakah management through *amil* institutions which are trustworthy and reliable has positive impact on poverty reduction.

The facts show that the figure of zakah collection remains very low. In 2010, zakah that can be collected nationally only reaches IDR 1.5 trillions, or increased by 25 percent from the previous year. This value is only reached by 1.5 percent of the total potential. If the growth trend at 25 percent can be maintained, zakah figure that can be collected in 2011 only reached IDR 1.88 trillions. Therefore, in order to make this potential realizable, zakah integration effort into the financial system and state policies must be improved. One effective way is via zakah policy as tax deduction (IMZ, 2010). In other countries, social donation is also used as tax deduction. For example, in Puerto Rico, the amount of donation that may be filed as tax credits ranges from three percent (lower limit) to 15 percent (the upper limit). If a person donates his/her

earnings within that range, then the tax incentives given amounted to one-third (33.33 percent) of the total donations. For instance, if a person had revenues of IDR 100 millions/ year, then he/she donated IDR 15 millions (the upper limit of the claim is 15 percent) for social needs. Thereby, the amount that can be claimed as tax rebate is the third of IDR 15 millions, i.e. IDR 5 millions; and if he/ she had a tax liability, say IDR 22 millions, then she/ he only needs to pay IDR 17 millions.

The study undertaken by Boris, Cordes, and Soto (2010) reveals that the social donation in Puerto Rico will significantly increase if the lower limit of the donations that can be claimed as a tax credit is reduced by one percent or eliminated altogether; and the upper limit is raised up a maximum of 50 percent of the total income of a person. From the simulations they did, this policy would boost the social donation revenue, far exceeding the potential loss of state tax revenue. In other words, the social donation value would be far greater than the amount of tax

lost to corruption and other leaks. Sumariwalla (2003) noted that one factor boosting the development of the nonprofit sector in various countries worldwide, especially in America and European countries, is their conducive taxation policies to the development of the nonprofit sectors. In addition, such policy is based on the premise that this sector has contributed to relieve the government from the burden or responsibility that they should take. They have provided goods and collective services needed by the community in the areas of health, education, and attention to the less fortunate; that cannot even be met by business sector with large profit. The nonprofit sector, according to Salamon (1999) is a sector that works outside the market and state system. This sector is known by several terms, such as the third sector, the civil society sector, the voluntary sector, and the independent sector.

## RESEARCH METHODS

The method employed was qualitative research with case study research approach. The research stages according to (Sugiyono, 2011) are as follows:

- a. Pre-field stage
- b. Field Work stage
  - 1) Interviews
  - 2) Participatory observation
  - 3) Documentation study
- c. Observation's Extension stage
- d. Data Analysis stage
- e. Evaluation and Reporting stage

### Case Study Research Procedure

#### 1) Types and Sources of Case Study

##### Data

- a. The primary data through interviews (depth interview) with experts and practitioners, having an understanding of the role and involvement of the issues being discussed.
- b. The secondary data were obtained from the literature, documents and official website from various related institutions.

#### 2) Research Subject of Case Study:

The subject of this research was public finance policy in Indonesia

**3) Informants:** Informants were determined by purposive sampling and snowball sampling. They were: academics, religious scholars and practitioners in zakah and taxation fields.

**4) Research Objects:** The research objects were zakah and taxation system in Indonesia.

**5) Research Sites:** The research sites were in Bekasi and Jakarta.

#### 6) Data Collection Method

The data collection was carried out in natural settings (natural condition). The data collection technique in this research is below:

- a. Interviews with informants with purposive and snowball samplings.
- b. Documents, i.e. study of these documents through the official government website, library, and secondary data showed directly by the informants.

- c. Forum Group Discussion, peers/ lecturers community, Association of Islamic Economists, Sharia economic community, Sharia Economic Studies Community.
- d. Data retrieval with literature study.

#### **7) Data Analysis Method on Case Study**

Data analysis technique employed in this case study was qualitative data analysis, following the concept given by Miles and Huberman. Miles and Huberman (1984) said that activity in qualitative data analysis should be conducted interactively and continuously at every stage of research until the completion and saturation of data were reached. The activities in data analysis were data reduction, data display, and conclusion drawing/ verification.

#### **8) Credibility Testing on Case Study**

##### **Data**

- a. Observation's extension
- b. Improving perseverance
- c. Triangulation

- d. Peer review

## **RESULT AND DISCUSSIONS**

### **Definition of Zakah as Tax Credits**

Unlike deduction or exemption, which reduces the amount of taxable income, a tax credit reduces the actual amount of tax levied (Crumbley, 1994). The National Seminar of Indonesian Ulama Council (MUI) on 1990 Zakah and Tax concludes Moslem Indonesian citizens are obliged to incur zakah as the realization of religious orders and they are also obliged to pay taxes as a realization of obedience to *ulil amri/* government, required by religion. Islam authorizes *ulil amri/* the government to manage zakah and tax (Hafidhudhin, 2015).

The method to harmonize zakah into the tax system is to recognize the payment of zakah as tax deduction/ tax credits, so that zakah seems to be equalized with tax payment/ tax credit. Thereby, at year end, the taxpayers can calculate zakah while computing the tax to pay. Zakah is tax credit that can directly deduce the amount of taxable

tax. Tax credit is a deduction upon the taxes paid by the taxpayers. It is supported by Gusfahmi (2007), Fidiana and Ngumar (2015), Muktiyanto and Hendrian (2008), Ma'mun (2017) suggesting that zakah should be a direct tax credit, similar with Malaysia, rather than as a deduction of net income; as if it becomes tax credit, then the amount (= tax + zakah) to be paid is smaller, but total revenue in zakah and tax sector equally increases. It has been empirically proven in Malaysia, where zakah and tax actually increased after the imposition of zakah as a tax credit policy. There is no trade off between tax revenue and zakah. Proposition for zakah as tax deduction is essential to be realized, since these instruments have similarity, i.e. the common interest. If the government encourages zakah, it can be a tax deduction, and these two instruments can support each other, without having to become a double burden for Moslem Indonesia.

Currently, the state has only accommodated the treatment of zakah as a deduction from taxable income or

Gross Income, as stipulated in Law on Income Tax, namely Law No. 36 of 2008, Law No. 23 of 2011 on Zakah Management, Government Regulation No. 60 of 2010 and its derivatives in the Regulation of Minister of Finance, and Regulation/ Circular Tax Director General. According to legislation, zakah on income paid to *amil zakah* organizations or other *amil zakah* agencies established or approved by the government may be deducted from taxable income as set forth in Law No.38 of 1999, and Law No. 17 of 2000.

### **The Urgency of The Synergy between Zakah and Tax in Accounting Perspective**

According to Wadji (2008), Suprayitno et al. (2013), the tax credit of zakah or religious charities can be a booster of tax revenues and increasing welfare of the poor through the distribution of zakah or religious charities, in comparison with zakah as fees or deduction of taxable income. It can be seen in the following simulation. Assume there are 10 taxpayers who

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have not paid zakah or religious obligations, and 10 people who have not paid taxes. Each person has an income of IDR 100 millions, single,

and without dependents. The description of calculation in brief can be seen in Figure 1.

**Figure 1. The Calculation of Zakah as Fees and Tax Credits**

Description	As fees	As tax credits
Net income	100.000.000	100.000.000
Zakah on income	2.500.000	-
PTKP (TK/0)	13.200.000	13.200.000
Taxable income	84.300.000	86.800.000
Payable Income tax	-5% x 25.000.000= 1.250.000	-5% x 25.000.000= 1.250.000
	-10% x 25.000.000= 2.500.000	-10% x 25.000.000= 2.500.000
	-15% x 34.300.000= 5.145.000	-15% x 36.800.000= 5.520.000
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Total	8.895.000	Total 9.270.000
Tax credit (zakah paid)	-	2.500.000
Underpayment income tax	8.895.000	6.770.000
a. Zakah as fees		b. Zakah as tax credit
- Amount of revenue from tax sector		- amount of revenue from tax
10 x 8.895.000 = 88.950.000		20 x 6.770.000 = 135.400.000
- Amount of revenue from zakah sector		- amount of revenue from zakah
10 x 2.500.000 = 25.000.000		20 x 2.500.000 = 50.000.000
- Total revenue from both		- total revenue from both
113.950.000		185.400.000

Source: Wadji, F, 2008. A Study on Implementation of Zakah as Tax Credit in Personal Income in Indonesia. Social and Political Science, Department of Administration Science, Undergraduate Program, University of Indonesia.

According to Kurnia and Hidayat (2009), Alchudri (2010), tax is only deductible to Zakah; not to net assets (zakah placement), if there is tax liability and it has not been paid. The

principle of zakah calculation performed after income deduced by expenses related to the income and debts to be immediately paid, the tax is then calculated to acquire net assets. In



relation to Law No. 17/2000, Kurnia and Hidayat (2009) suggest the need for government regulation governing the calculation in accordance with the Islamic Sharia. Therefore, zakah item in OP SPT cannot become a deduction of net income, as according to sharia, there is no obligation (tax) which must be repaid after zakah payment. Instead, income tax is as a deduction for net assets required to pay zakah. Here, it appears that the position of zakah is independent from SPT OP, and it is also consistent with PSAK 101, where zakah is also not involved in Income Statement. In the previous PSAK 59, net income was determined by the calculation of zakah and tax (Net income = (profit before zakah and tax - zakah) - tax). Whereas in PSAK 101, net income is determined by the calculation of tax only (Net profit = (profit before tax - tax) This indicates that the profit presentation of an entity has nothing to do with zakat.

In Indonesia, tax credit is only prepaid tax - paid in the current year - such as Income tax, Article 25 and

overseas fiscal. In Malaysia, Personal Allowance is given more to individual taxpayers and more detailed than Indonesia. In addition to prepaid tax, it can also be credited RM 350 for individuals whose income is below RM 35,000. The entire zakah, fitrah and religious obligations, a number of values paid to the government, and for taxpayers with personal disability will also be given with additional allowance up to 5,000 Ringgit. In Germany, single parent or low-income couples will receive a tax deduction ranging from 1,080 Euros to 1,500 Euros. It is done to care for children or pay the babysitters. In Canada, people who care for disabled children receive a tax deduction of 2,300 US \$. In Malaysia, parents sending their children to college receive non-taxable income facility (taxable income) four times greater than those whose children do not go to college, approx. 3,200 Ringgits per year. It is real support for education. Such provision is made to accommodate various socio-economic conditions of community so as to create

a sense of justice and the willingness to pay the taxes (Septriadi, 2008).

### **Zakah as Tax Credit Strengthens Economy of Indonesia**

Based on the description above, the factors below will be describe as urgency for zakah as tax credit, using basic consideration of Pancasila state, the mandate of the 1945 Constitution, as well as cultural values of kinship and mutual cooperation of Indonesian community, in addition to consideration of the advantages which are technical and mathematical in characteristics:

1. Zakah is the embodiment of state guarantee for the freedom of worship for every people, the embodiment of worship of religious people, first principle of Pancasila, public participation in accordance with second principle of Pancasila in improving people's welfare and social justice through religious institution which guarantee the 1945 Constitution.
2. Under the Tax Law; Law No.16 / 2000, Law No.19 / 2000, Law

No.20/ 2000, tax is only used as a source of cash income into to state treasury. Assertive and specific provisions concerning the tax allocation for the poor are not found. 1945 Constitution, Article 34, states the state is obliged to protect the poor; in which since independence day until today, the number of the poor in Indonesia is quite high (28.01 millions (10.86 percent), bps.go.id, March, 2016).

3. Zakah will greatly help to ease the burden of state budget in poverty alleviation. Tax allocations as revenue coming from the people, in the last 5 years, the largest portion is still reserved for government expenditure (officers, goods, capital) and the repayment of debt, which particularly beneficial for owners of foreign capital. Tax allocation to the poor average is still below 10% in the last 5 years. Islam asserts that the function of the state is public servant, as described by the informants as follows:

The government has the duty to give welfare to community. If it only puts burden on community, then it is definitely deviated. The word subsidy for the people is not right, because it is the duty of the government. Paradigm of government mindset must be changed. It has been their job. There is no term subsidy to the people; that's not true, just weird, that's their job. How can parents say they subsidize their child? As if the government is extremely saintly. It's their task indeed, their obligations. Handing out free stuffs is considered good, but in fact it is their job. The government in Islam is public servant (Hafidhudhin, 2015).

4. Zakah paid will increase taxes, due to transparency in the financial statements. Zakah serves as a mean of control in tax payments because muzaki is relatively honest. As an illustration, description of interviews with a national zakah figure can be seen as follows:

In Brau, Brau Regency, East Kalimantan, according to the regent, yes, when we would hand out funds from state budget, many people felt they belonged to the poor category, but when they were about to be given zakah, many of them refused. So they claimed they were not mustahiq. So it was different, the money from state budget and regional budget. Many people increasingly getting poorer, but when the zakah funds were about to be given, many refused. They felt they had no rights, as they were excluded from mustahiq category. So the reality was real, in Brau it was the regent. If I am talking about poverty, the data certainly come from BAZNAS, not the one created BPS or others. (Hafidhudhin, 2015, Baznas Central Office).

5. Zakah as tax credits will result in the increasing number of taxpayers & muzaki, with the following explanation: the group that originally only chooses to pay the taxes only, and those who choose to

pay zakah only, will be recruited to enter the group paying zakah and taxes at the same time, without posing double burdens for Moslems.

6. Taxes cannot become the only instrument that can be used to equalize the society welfare. The funds generated from tax collection are impossible to provide the entire social services or help to overcome the problems of society. Therefore, the state should be open to initiatives and involvement of various parties outside the administration to help overcome it.

Based on description of the chapter's background and discussions - fears over discrimination if zakah is applied as a tax credit on the grounds zakah is private, because the benefits are specially for the Moslems - is not proven in this study. Zakah and taxes are parallel and in accordance with the mandate of Pancasila and the 1945 Constitution in order to reach one aspect of the state's goal, i.e. the welfare of the people and reduce

poverty. Their funding synergy between zakah and tax will stimulate the state budget to further expand the scope of development that can be handled by the state. In addition, dependence on debts and taxes as a revenue source of state budget can be more proportional, not burdensome to the people; and maintain the dignity and sovereignty of the nation. welfare, benefits and advantages which are mathematically universal from zakah application as tax credits will create a transmission mechanism that will eventually strengthen Indonesia.

## CONCLUSIONS

1. The tax credit from zakah or religious charities may boost tax revenues and increasing welfare for the poor, by means of zakah distribution or religious charity.
2. In connection with the SPT OP (annual personal notification letter), both in terms of sharia and accounting provide a

complementary view. According to sharia, the income / property that is obligated to zakah is full and free of debt. According to accounting, taxes are debt or expense. Thus, in SPT OP zakat can not be deducted taxable income, because no more tax obligation after zakat is paid. Conversely, the tax is actually a deduction of net assets that zakat must be paid. Thus, in line with PSAK 101, zakah post as deductible of taxable income is also not included in SPT OP.

3. Zakah as tax credit has leverage to strengthen the economy and state budget.
4. Zakah as a tax credit is in line with the mandate of the 1945 Constitution, Pancasila and existing regulations, so as to strengthen the sovereignty of Indonesia.

#### **SUGGESTIONS**

1. Coordination between tax authority and zakah authority runs well; thereby they are able to identify the wealth sources of taxpayers and the zakah obligation effectively.

2. Zakah as a deduction of PKP (Taxable Income) must be appropriate and in line with sharia and accounting science
3. Zakah payment system should be designed in such a way and synergy with the tax payment system. Realistically, it can be pursued by organizing taxation policy that accommodates the interests of 88 percent of Indonesian population who are Moslems. Moslems taxpayers may not the largest taxpayers in our country at the present day, but they are the largest taxpayer populations

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