



## INTERNATIONAL RESEARCH JOURNAL OF SHARIAH, MUAMALAT AND ISLAM (IRJSMI)

[www.irjsmi.com](http://www.irjsmi.com)



### DEVELOPING AN EFFECTIVE INDIVIDUAL AMIL CRITERIA

Mohamad Naimi Mohamad Nor<sup>1\*</sup>, Suhaimi Ishak<sup>2</sup>, Amirul Faiz Osman<sup>3</sup>

<sup>1</sup> Institute for Strategic and Sustainable Accounting Development, Tunku Puteri Intan Safinaz School of Accountancy, Universiti Utara Malaysia, Sintok, Kedah, Malaysia.

Email: [naimi@uum.edu.my](mailto:naimi@uum.edu.my)

<sup>2</sup> Tunku Puteri Intan Safinaz School of Accountancy, Universiti Utara Malaysia, Sintok, Kedah, Malaysia.

Email: [suhaimiishak@umk.edu.my](mailto:suhaimiishak@umk.edu.my)

<sup>3</sup> Islamic Business School, Universiti Utara Malaysia, Sintok, Kedah, Malaysia.

Email: [amirulfaiz@uum.edu.my](mailto:amirulfaiz@uum.edu.my)

\* Corresponding Author

#### Article Info:

##### Article history:

Received date: 28.02.2021

Revised date: 10.03.2021

Accepted date: 25.03.2021

Published date: 31.03.2021

##### To cite this document:

Mohamad Nor, M. N., Ishak, S., & Osman, A. F. (2021). Developing an Effective Individual Amil Criteria. *International Research of Shariah, Muamalat and Islam*, 3 (6), 38-44.

DOI: 10.35631/IRJSMI.36004.

This work is licensed under [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/)



#### Abstract:

Amil is the backbone of zakat activities which, in general, play a role in collecting and distributing zakat. However, some incidents of mismanagement involve amil raise concerns about the quality and role of amil. The question arises on the effectiveness of the amil and what should be done to minimize the case of mismanagement among amil. There should be some criteria that need to be met in the appointment of amil so that the appointed amil can fulfill the vision of the zakat institution. This study suggested five main criteria in determining effective amil, namely background of amil, appointment and replacement process, disciplinary action, expectations and targets: and reward. This paper contributes to the practice of forming good amil governance and can be used as a guide to amil and zakat institutions so that the objectives of zakat can be achieved.

#### Keywords:

Individual, Amil, Zakat, Governance, Effective

#### Introduction

Zakat activities involve the collection and distribution of zakat funds. Amil is an individual who is given responsibility and acts as a representative for the collection and distribution of zakat by the authorities. The success of zakat activities will depend on the effectiveness of amil. Good amil management determines the quality of governance of zakat institutions. This amil governance is important to ensure that efficient zakat management can be established.

However, it was found that there are amils who are careless in carrying out their duties. Among the incidents involving individual amils reported through the media are the existence of unlicensed amils (<https://www.bharian.com.my/berita/wilayah/2018/05/427696/mainj-kesan-amil-tiada-tauliah-kutip-zakat>), breach of trust zakat fitrah collection money (<https://www.mstar.com.my/lokal/semasa/2011/11/01/pecah-amanah-bekas-amil-dipenjara-empat-tahun-tiga-sebatan>) and amil appointed to collect zakat fitrah for others (<https://www.mstar.com.my/lokal/semasa/2017/06/19/zakat-tipu>). Such reports (e.g. breach of trust) can tarnish the image of zakat activities and affect public confidence in zakat institutions (Mohamad Nor and Abdul Kadir, 2020; Abdul Kadir, Mohamad Nor and Saad, 2020). Also, it will cause the society's expectations of zakat institutions, especially amil, will be affected as amil is one of the important pillars in this social financial activity.

Among the steps that can be taken to address this problem, a zakat institution must have a clear and effective amil related policy. Having a policy or charter related to amil will encourage good zakat governance practices. Further, a well prepared policy/procedures is one of the way to minimize risk in the organisation (Ali, Mohamad Nor, Shafie, & Wan Ahmad, 2019a; 2019b; Ishak, Mohamad Nor, Shuib, Osman & Saad, 2019).

Thus, it is a necessity for zakat institutions to have a clear guide on the amil profession. Zakat activities should be carried out in compliance with the guidelines / codes of the profession just like other profession such as accountants, engineers and lawyers. The guidelines can be used as a reference in achieving the objectives of the zakat institution. In fact, guidelines related to amil governance will help to protect the image of the zakat institution as well as fulfill the purpose of the prescribed zakat worship.

This paper contributes to the existence of an amil guide that is seldom discussed and can be used as a guide for the administration of zakat institutions. This is to ensure that the appointed amil is truly qualified and gives the amil an opportunity to see areas for improvement that should be done. Thus, it will boost amil's credibility as a critical element in zakat activity. In addition, it will elevate amil's position as an important economic driving agent on par with other professions in economics and finance.

### **Who Is Amil?**

Amils are the third category of zakah recipient. Amil is an individuals or organizations that are directly involved in the management and administration of the zakah affairs, including the collection, distribution and finance (Ahmad, 2009). Amils are defined as those who are assigned to carry out all activities related to zakat matters, from collection to distributions stage. They are divided into two basic units, namely the zakat collection unit and the zakat distribution unit.

Generally, amil will be appointed by the local zakat authority for a specified area/jurisdiction and sometimes amil is appointed to make a collection on a certain type of zakat. Amil is not only responsible for collection matters, but also responsible for the distribution of zakat. In performing his duties, amil must know the social and economic activities as well as the population of a place. This knowledge helps the planning and implementation of zakat collection and distribution as well as knowing those who are eligible to pay and receive zakat. In addition, amil is responsible for ensuring that zakat funds are protected from any irregularities and misuse. Therefore, the role of amil is very important to mobilize zakat activities in an area and the appointment of amil can be made after fulfilling certain criteria.

Among the main criteria in the appointment of individual amil are the person must be Muslim, the candidate must be sane, past the age of puberty, trustworthiness, has general and complete knowledge of zakat rulings and regulations. The person also must be efficient in their work and capable of achieving the targets of zakat and must not be one of the descendants of the Prophet Muhammad's family.

### **Issues and Problems**

Among the main issues related to amil is the incident of misappropriation of zakat funds. This incident occurs when the zakat money received by the zakat institution is not channeled or distributed to the eligible party (asnaf). In fact, the funds are used for activities that are inconsistent with the purpose of zakat. Therefore, this will cause the maldistribution of zakat funds. Apart from that, the issue of zakat collection that transcends regional boundaries is also discussed although such action is inconsistent with the requirements of religion and Syariah law (Ab Rahman et al., 2018).

This incident of mismanagement raises questions about the quality of amil. Amil who is responsible for collecting and distributing zakat money is one of the causes of such cases. Among the questions that arise are whether the amil appointed does not meet the prescribed conditions, what is the level of mastery of zakat knowledge among amil, to what extent the zakat institutions conducts monitoring/supervise amil activities and what are the criteria set in amil appointment. So, these questions need to be tackled by various parties; whether zakat institutions, the community and the authorities, so that the quality of amil will be preserved.

### **Developing an Effective Individual Amil**

In discussing the questions posed above, there are several criteria that need to be considered. Based on Core Principles for Effective Zakat Supervision (2016), this paper suggests the following criteria should be given attention, namely:

#### ***Background of Amil***

The appointment of amil must go through certain processes. Amil was not appointed randomly. The appointment of amil by the zakat authority must be made after fulfilling the conditions and through the required processes, such as has certain type of qualifications and skills (Wahid and Ahmad, 2014; Mohamad Zaki, Sulong and Nik Abdul Ghani, 2020). Among the qualifications are that amil must have a basic knowledge of zakat (zakat collection, zakat distribution and financial management) and ethics. This includes honesty, trust and good morals. In addition, amil should also be seen as an individual respected by the community and not necessarily someone who expert in religion affairs or holds important positions in a local organization.

#### ***Appointment and Replacement***

The zakat authority should have methods or efforts related to amil planning, replacement and development. This is to ensure that amil who has completed his service or is unable to perform his duties properly can be replaced as soon as possible. Thus, zakat activities will not be interrupted. Amil who has been appointed must also be provided with current knowledge and methods related to the collection and distribution of zakat. This will increase amil understanding and be able to act as an agent to further encourage zakat activities in the community.

### ***Disciplinary Action***

The amil appointment process must be made for a certain period of time. Zakat institutions can make changes in amil appointments or take action if it is found that amil agents fail to perform their duties as required. The action may consist of termination, suspension as well as wage restrictions. Termination of appointment can be made if the zakat institution is not satisfied with the amil either in terms of achievement or behavior. This is to avoid the risk of the image of the zakat institution being tarnished by amil. In fact, there is a provision under the Enactment No. 11 of 2013, Syariah Criminal Offences Enactment 2013, Part V - Miscellaneous Offences, which states that:

*Any amil who, having received or collected zakat and fitrah, fails to submit his collections or the account of his collections as required by the Administration Enactment or Rules made thereunder commits an offence and shall, on conviction, be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.*

Therefore, based on the above provisions, amil must be honest and trustworthy and the appointing party must take appropriate follow-up action (such as termination) when amil has done something undesirable.

### ***Expectations and Targets***

The zakat authority should set expectations and targets on amil and provide guidance on the methods of collection/distribution that should be carried out. Among the tasks that should be played by zakat institutions to help achieve the proposed target are:

- monitor the implementation of zakat collection activities by amil,
- ensure that amil has a proper record keeping process,
- ensure that amil management practices are carried out effectively and amil's behavior/actions are towards contributing to the development of zakat activities.

In order to achieve the expectations from zakat authority, the authority should provide recognition (Hasan et al., 2019), including good working environment (Mohamad Som and Ab Rahman, 2011), to improve the quality and performance of amil.

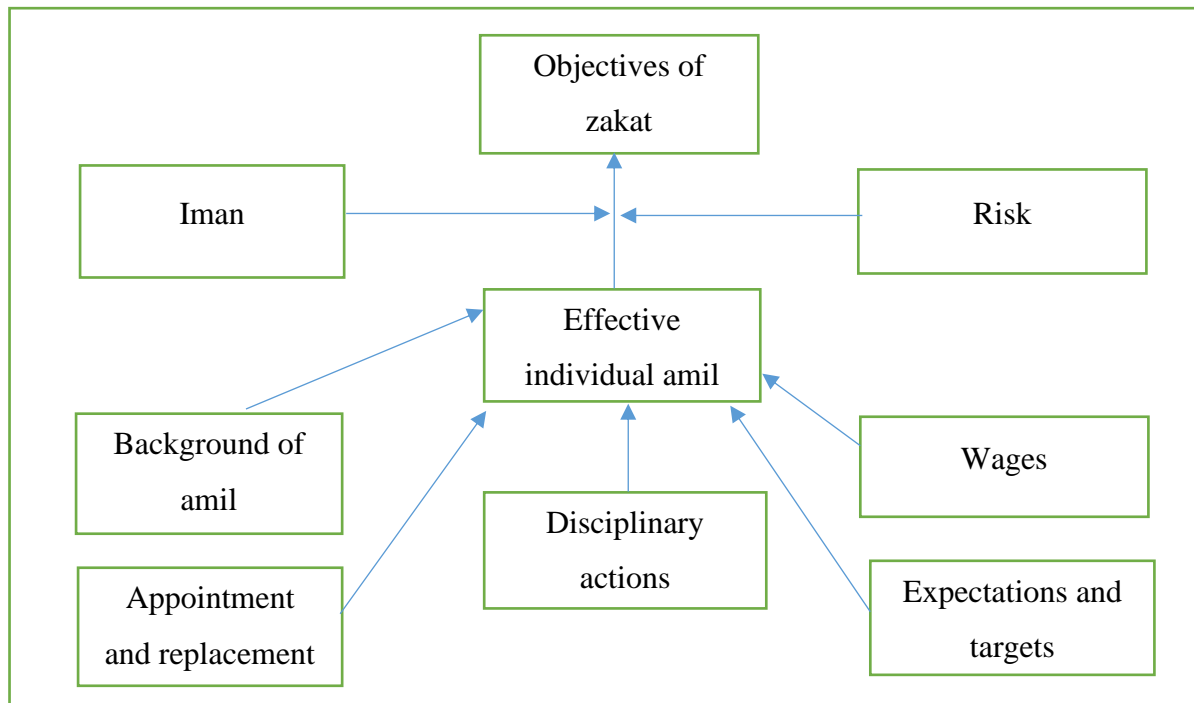
### ***Wages***

Amil is eligible to receive 1/8 of the total zakat as determined by the Syariah and certain allowances given to him (source: <https://muftiwp.gov.my/artikel/irsyad-fatwa/edisi-ramadhan/4482-irsyad-fatwa-khas-ramadhan-siri-ke-168-hukum-amil-ambil-duit-lebihan-zakat>). The provision of these allowances or wages is in line with the principle that every effort and task undertaken by amil should be appreciated. Giving wages, for instance, will further increase his motivation and work performance. Wages given to this amil can be taken from some portions of the amount zakat received by the zakat institution.

However, there is an in-depth discussion on wages, including the rate and source of allocation of wages given to amil, and what is important is that amil is entitled to wages (please refer to Mohamad Som and Ab Rahman, 2011; Abdullah, 2019). The wages rate also depends on the type of amil and the type of zakat collected such as zakat fitrah.

## Recommendation Framework

The results of the above discussion can be summarized through the following framework. Figure 1 shows the effective amil framework proposal.



**Figure 1: Effective Individual Amil Framework**

The above framework, however, should be used with caution since there are other factors in determining amil effectiveness. Among the other factors and contributors towards the effectiveness of amil are the legal structure, technology, enforcement, finance. In addition, it is important for amil to realize that this activity is part of worship with the element of faith in God. Also, amil needs to be aware that there are various obstacles and risks that he will face in carrying out this task.

## Conclusion

Amil is a person responsible for zakat collection and distribution. Some incidents of zakat mismanagement cause problems related to the quality and role of amil. The question arises on the effectiveness of the amil and what actions should be done to ensure that the problems associated with zakat distribution can be minimized. Therefore, there are some criteria that need to be identified to ensure that the quality of amil is protected. This paper proposes several aspects in determining effectiveness of an individual amil. Aspects that should be considered in creating an effective amil are background of amil, appointment and replacement process, disciplinary action, expectations and targets, and reward. These proposed criteria can help zakat institutions to improve their quality of services and meet stakeholders' expectations. This paper, however, has some constraints and only focuses on the amil aspect. In fact, performance of zakat institutions is not only influenced by amil but also determined by the internal and external factors. Further study can utilize the proposed criteria and investigate to what extent those criteria have been practiced in zakat institutions. In addition, the study can also be conducted by looking at the effect of these criteria on the performance of zakat distribution and collection.



## Acknowledgement

The authors would like to gratefully acknowledge the generous support offered by Institut Penyelidikan & Inovasi Zakat, Universiti Utara Malaysia and Lembaga Zakat Negeri Kedah in completing this study.

## References

- Ab Rahman, A., Abd Wakil, M.N., Syed Omar, S.M.N., Hashim, H., Mahad Musa, Z., Mohd Subri, I. & Mohd Faisal Yeap, M.J. (2018). Kutipan Zakat di Negeri Lain oleh Ejen dan Amil Tidak Bertauliah Menurut Syarak, *Jurnal Pengurusan dan Penyelidikan Fatwa, Special Edition*, 18-30.
- Abdul Kadir, D., Mohamad Nor, M.N. & Saad, S. (2020). Pelaporan Media Terhadap Fraud Zakat. E-Prosiding Seminar Kewangan Islam Kebangsaan (e-SKIK 2020), Lembaga Zakat Negeri Kedah, 21 April-28 Mei 2020, 448-456.
- Abdullah, S. (2019). *Kajian Syariah Tafsiran Mustahiq Sebagai Sifat Dan Kaitannya Dengan Upah Amil Zakat*. In: International Conference on Zakat, Tax, Waqf and Economic Development (ZAWED), 1st – 2nd December 2019, Adya Hotel Langkawi, Malaysia. 570-578.
- Ahmad, S. (2009). Agihan Zakat Merentasi Asnaf: Ke Arah Memperkasa Institusi Zakat. Prosiding PERKEM IV, 2, 62-74.
- Ali, A., Mohamad Nor, M. N., Shafie, R. & Wan Ahmad, W. N. (2019a). Amalan dan Hala Tuju Pengurusan Risiko di Lembaga Zakat Negeri Kedah. *Journal of Islamic, Social, Economics and Development*, 4(25), 24-35.
- Ali, A., Mohamad Nor., M.N., Shafie, R. & Wan Ahmad, W.N. (2019b). Pelaksanaan Amalan Pengurusan Risiko yang Baik bagi Institusi Zakat. *International Journal of Zakat and Islamic Philanthropy*, 1 (1), 45-52.
- Enactment No. 11 of 2013, Syariah Criminal Offences Enactment 2013, Part V - Miscellaneous Offences. [http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng\\_enactment\\_Ori\\_lib.nsf/f831ccddd195843f48256fc600141e84/9cd5734e127ba26848257d4d00132ecd?OpenDocument](http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_enactment_Ori_lib.nsf/f831ccddd195843f48256fc600141e84/9cd5734e127ba26848257d4d00132ecd?OpenDocument). Retrieved on 1 March 2021.
- Hasan, A., Hassan, R., Engku Ali, E. R. A., Engku Ali., E.M.T., Abduh, M. & Noordin, N. H. (2019). A Proposed Human Resource Management Model for Zakat Institutions in Malaysia. *ISRA International Journal of Islamic Finance*, 11 (1). 98-109.
- Irfan Syauqi Beik, Hudzaifah Hanum, Dadang Muljawan, Diana Yumanita, Astrid Fiona & Jhordy Kashoogie Nazar (2016). Core Principles for Effective Zakat Supervision. National Board of Zakat of the Republic of Indonesia (BAZNAS) and the Central Bank of the Republic of Indonesia, Indonesia.
- Ishak, S., Mohamad Nor, M. N., Shuib, M.S., Osman, A.F. & Saad, R. A. J. (2019), Corporate Governance Practice, Risk Management and Internal Control at Kedah State Zakat Board (LZKN). *International Journal of Innovation, Creativity and Change*, 6 (2), 389-404.
- Md Sani, M.S. (19 Mei 2018). MAINJ kesan amil tiada tauliah kutip zakat. <https://www.bharian.com.my/berita/wilayah/2018/05/427696/mainj-kesan-amil-tiada-tauliah-kutip-zakat>. Retrieved on 1 March 2021.
- Mohamad Nor, M.N. & Abdul Kadir, D. (2020). Fraud di Institusi Zakat: Jenis, Punca Dan Mekanisme Pencegahan. *Fraud Challenges in Zakat Institution: Types, Causes and*

*Prevention Mechanism. International Journal of Zakat and Islamic Philanthropy*, 2 (1), 11-21.

- Mohamad Som, H. & Ab Rahman, A. (2011). Konsep Amil dan Peranannya Dalam Pengurusan Zakat. *Kajian Syariah dan Undang-Undang*. 3, 1-17.
- Mohamad Zaki, M.M., Sulong, J. & Nik Abdul Ghani, N.A.R. (2020), Cabaran Amil Lembaga Zakat Negeri Kedah Dalam Revolusi Perindustrian 4.0 The Challenge of Amil in Kedah State Zakat Board in Industrial Revolution 4.0, *Journal of Contemporary Islamic Law*. 5 (1). 1-8.
- Mstar. 11 November 2011. Pecah Amanah: Bekas Amil Dipenjara Empat Tahun, Tiga Sebatan. <https://www.mstar.com.my/lokal/semasa/2011/11/01/pecah-amanah-bekas-amil-dipenjara-empat-tahun-tiga-sebatan>. Retrieved on 1 March 2021.
- Mstar. 19 Jun 2017. Awas! Jangan Tertipu Amil Palsu. <https://www.mstar.com.my/lokal/semasa/2017/06/19/zakat-tipu>. Retrieved on 1 March 2021.
- Pejabat Mufti Wilayah Persekutan (2020). Irsyad Fatwa Khas Ramadhan Siri Ke-168: Hukum Amil Mengambil Duit Lebihan Zakat. <https://muftiwp.gov.my/artikel/irsyad-fatwa/edisi-ramadhan/4482-irsyad-fatwa-khas-ramadhan-siri-ke-168-hukum-amil-mengambil-duit-lebihan-zakat>. Retrieved on 1 March 2021.
- Wahid, H. & Ahmad, S. (2014). Faktor Mempengaruhi Tahap Keyakinan Agihan Zakat: Kajian Terhadap Masyarakat Islam di Selangor (*Factors Influencing the Confidence Level of the Zakat Distribution: Study on the Muslim Community in Selangor*). *Jurnal Ekonomi Malaysia*, 48 (2), 41 – 50.