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HARMONIZATION OF SHARIA BUSINESS LAW AND POSITIVE LAW IN ZAKAT FUND MANAGEMENT AT LAZISMU GRESIK

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Abstract

This study examines the normative and practical conflicts arising from the harmonization of Shariah and positive law in zakat fund management, using Lazismu Gresik as a case study. The objective is to identify implementation gaps between regulatory ideals and organizational practices. Through qualitative research involving 35 stakeholder interviews, the study reveals significant challenges in operationalizing Shariah compliance mechanisms, governance structures, and institutional autonomy under Law No. 23 of 2011. Key findings highlight: (1) the dual-role problem of BAZNAS as both regulator and operator, creating conflicts of interest; (2) shariah audit frameworks that remain predominantly administrative rather than substantive; and (3) difficulties in integrating Islamic principles with state law enforcement mechanisms. The research concludes that effective harmonization requires structural institutional reforms, strengthened substantive Shariah compliance mechanisms, and context-specific regulatory frameworks at the local level. This study contributes to understanding how legal pluralism can be operationalized in Islamic institutional contexts and provides practical recommendations for improving zakat governance.

Keywords: *harmonization, shariah compliance, zakat management, BAZNAS, LAZ*

A. INTRODUCTION

The management of zakat in Indonesia operates at the complex intersection of Islamic legal principles (shariah) and state positive law. As one of the five pillars of Islam, zakat is not merely a spiritual obligation rooted in religious faith but also a powerful economic and social instrument designed to achieve social welfare, poverty alleviation, and equitable distribution of wealth. In the world's largest Muslim-majority nation, home to over 270 million Muslims, the effective and transparent governance of zakat

institutions has far-reaching implications for poverty reduction, social cohesion, institutional trust, and the overall realization of Islamic social justice in a modern nation-state context.

The enactment of Law No. 23 of 2011 on Zakat Management, which replaced the earlier Law No. 38 of 1999, marked a significant legislative milestone intended to bridge the gap between religious obligations and institutional capacity.¹ This comprehensive legislation established a robust regulatory framework that encompasses zakat collection procedures, distribution

¹ Government of Indonesia. (2011). Undang-Undang Nomor 23 Tahun 2011 tentang Pengelolaan Zakat.

mechanisms, beneficiary determination criteria, and institutional oversight. It introduced a dual institutional structure: BAZNAS (Badan Amil Zakat Nasional) functions as a state entity with national-level authority and coordination responsibilities, while LAZ (Lembaga Amil Zakat) operates as a non-governmental organization granted institutional autonomy subject to regulatory oversight and coordination requirements.² Despite the comprehensive nature of this legal foundation and its implementing regulations, the actual implementation has exposed substantial normative and practical conflicts that continue to impede optimal zakat governance. These conflicts manifest not only as technical or administrative issues but as deeper tensions between differing jurisprudential assumptions, regulatory logics, and institutional purposes.³

Recent scholarly works highlight persistent challenges, including shariah auditing practices that remain largely administrative formalities rather than substantive mechanisms for ensuring compliance with Islamic principles, as well as ongoing deficiencies in transparency, accountability, and internal oversight within zakat institutions.⁴ Furthermore, the dual role of BAZNAS as both regulator and operator has sparked constitutional scrutiny, raising concerns about conflicts of interest and threats to institutional autonomy and fair competition among zakat management entities. This legal pluralism—the coexistence of multiple normative systems (Islamic jurisprudence/fiqh and state positive law) within a single social and institutional context—creates

distinctive governance challenges in contemporary Indonesia.⁵ While Islamic jurisprudence traditionally asserts comprehensive authority over all aspects of zakat obligations (including wealth types, computation methods, and prompt distribution), positive law tends to prioritize administrative procedures, verification mechanisms, documentation requirements, and centralized coordination.⁶

The case of Lazismu Gresik, a Muhammadiyah-affiliated LAZ operating in Gresik Regency, East Java, offers a particularly valuable empirical lens for examining these harmonization challenges. As a non-governmental zakat institution guided by its own Sharia Supervisory Board while simultaneously subject to oversight from BAZNAS (at both provincial and national levels) and the Ministry of Religious Affairs, Lazismu Gresik vividly embodies the practical realities and tensions of legal pluralism in everyday organizational operations.⁷

This study addresses three interconnected research questions: (1) What are the normative bases and sources of conflict between Islamic legal principles and positive law in the context of zakat fund management? (2) How do these normative conflicts manifest in the practical operations and governance structures of Lazismu Gresik? (3) What institutional design reforms and regulatory modifications would facilitate more effective harmonization between shariah principles and positive law in zakat management?

Based on the above research questions, this study aims to: (1) identify and analyze the

² Government of Indonesia. (2014). Peraturan Pemerintah Nomor 14 Tahun 2014 tentang Pelaksanaan Undang-Undang Nomor 23 Tahun 2011 tentang Pengelolaan Zakat. *Lembaran Negara Republik Indonesia*, No. 36.

³ M. Mustofa, H. Ahyani, D. A. Firdaus, H. M. Putra, A. bin Kirin, and Z. Muhammad, 2025, Strengthening Zakat Regulation through the Siyasah Maliyah Approach: A Constitutional and Legal Analysis of Indonesia and Malaysia, *JURIS: Jurnal Ilmiah Syariah*, Vol. 24, No. 1, halaman 111-126.

⁴ Ansori, H. R., & Violita, E. S. (2025). Transparency and Accountability in Zakat Institutions. *Eduvest: Journal of Universal Studies*, Vol. 5, No. 6, hlm.

5157-5170.

⁵ Swenson, G. (2017). Legal Pluralism in Theory and Practice. *International Security*, Vol. 42, No. 1, hlm. 114-151.

⁶ Kamalin, M., & Zakir, M. (2025). Zakat Dalam Perspektif Hukum Positif: Antara Kewajiban Agama Dan Ketaatan Hukum Negara. *Journal of Legal Sustainability*, Vol. 2, No. 1, hlm. 7-13.

⁷ Rusdhianto, M. F., & Setiadi, I. (2025). Manajemen Penghimpunan dan Penyaluran Dana Zakat Infak Sedekah di Lazismu Kabupaten Gresik. *Al-Kharaj: Jurnal Ekonomi, Keuangan & Bisnis Syariah*, Vol. 7, No. 1.

normative conflicts arising from the dual legal frameworks operating within Indonesian zakat institutions, examining both their theoretical foundations and practical manifestations in organizational settings; (2) evaluate the current implementation of Law No. 23 of 2011 and its related regulations at the institutional level, using Lazismu Gresik as a concrete case study; and (3) propose evidence-based recommendations for institutional design reforms and regulatory enhancements that can strengthen the harmonization between shariah principles and positive law, ultimately improving the overall effectiveness of zakat governance.⁸

Theoretically, this research enriches the understanding of how legal pluralism is operationalized within Islamic institutional contexts, particularly the mechanisms through which normative conflicts between shariah and state law are negotiated and resolved at the organizational level.⁹ Empirically, the in-depth case study of Lazismu Gresik, grounded in 35 semi-structured interviews with diverse stakeholders (including organizational leaders, Sharia Supervisory Board members, BAZNAS and Ministry officials, muzakki, and mustahik) together with extensive documentary analysis and observational data, provides rich, context-specific evidence of the gaps between regulatory ideals and actual organizational practice. Practically, the study offers concrete, actionable recommendations for structural reforms-such as the separation of BAZNAS's regulatory and operational functions, the strengthening of Sharia Supervisory Boards' authority and capacity, and the development of more substantive shariah compliance assessment

frameworks-that can be adopted by policymakers, regulators, and zakat institutions to enhance harmonization, accountability, transparency, and the overall impact of zakat in addressing contemporary socio-economic challenges.¹⁰ Comparable institutional studies on sharia-certified service organizations also show that sharia system implementation requires formal governance structures, internal supervision, and operational discipline so that Islamic norms do not remain merely symbolic¹¹.

B. RESEARCH METHODS

This study employs a qualitative case study methodology with a normative-implementative conflict analysis approach. The research design integrates normative legal analysis (examining the doctrinal content of shariah principles and positive law under Law No. 23 of 2011) with empirical implementation analysis at the organizational level using Lazismu Gresik as a case study. This combined approach is particularly suitable for exploring complex phenomena of legal pluralism within bounded institutional contexts, enabling a deep examination of how normative frameworks interact with actual organizational practices.¹²

Research Model

The research model follows a normative-implementative framework consisting of three interconnected stages:

1. Normative mapping:

Systematic identification of shariah principles and positive law provisions related to zakat management.¹³

⁸ Fadhilah, N., Bariroh, M., Hidayah, N., & Ashfiya, H. (2025). Legal reform of zakat governance based on Maqasid al-Ummah: Optimizing Digital Transformation Toward Social Justice, *Jurnal Hukum Islam*, Vol. 23, No. 2, halaman 541-576.

⁹ Firdaus, "Implementasi Undang-Undang no 23 tahun 2011 tentang Pengelolaan Zakat di Badan Amil Zakat Kota Tasikmalaya," Master's thesis, Universitas Islam Negeri Sunan Gunung Djati Bandung, 2024.

¹⁰ Megawati, D., & Zulkifli, Z. (2025). Sharia Auditing in Zakat Institutions: Challenges and

Prospects in Indonesia. *Share: Jurnal Ekonomi Dan Keuangan Islam*, Vol. 14, No. 1, hlm. 145-174.

¹¹ Warsidi, Abdurrahman Raden Aji Haqqi, and Isma Swadjaja, "Implementation of Sharia System in Sharia-Certified Hospitals," *JIEI: Jurnal Ilmiah Ekonomi Islam*, Vol. 10, No. 3 (2024).

¹² Dewata, M. F. N., & Achmad, Y. (2022). *Dualisme Penelitian Hukum Normatif & Empiris*. Yogyakarta: Pustaka Pelajar.

¹³ Majelis Ulama Indonesia. (2011). Fatwa MUI Nomor 14 Tahun 2011 tentang Pengelolaan Zakat Harta Profesi. Jakarta: MUI.

2. Empirical implementation:

Examination of how these norms are (or are not) operationalized within Lazismu Gresik’s governance and operational practices.¹⁴

3. Conflict analysis and harmonization:

Identification of gaps and tensions, followed by the formulation of institutional and regulatory recommendations.¹⁵

This model is visualized as a cyclical process of normative-empirical dialogue, ensuring both theoretical depth and practical relevance.

Data Sources

• **Primary data:**

Collected directly from 35 key stakeholders through semi-structured interviews and non-participant observation.

• **Secondary data:**

Organizational documents (annual reports 2021–2024, financial statements, shariah audit reports, and internal policies), regulatory instruments (Law No. 23 of 2011, Government Regulation No. 14 of 2014, Ministry of Religious Affairs decrees), fatwas, and relevant jurisprudential literature.¹⁶

Data Collection Techniques

Data were collected over six months (January–June 2025) using three complementary techniques:

1. Documentary analysis:

Comprehensive review of internal and external documents to reconstruct formal regulatory and organizational frameworks.

2. Semi-structured interviews:

In-depth interviews lasting 45–90 minutes, guided by thematic interview protocols addressing normative understanding, practical implementation, perceived conflicts, shariah compliance mechanisms, and reform suggestions.

3. Non-participant observation:

Direct observation of key institutional processes (Sharia Supervisory Board meetings, beneficiary verification procedures, and fund distribution activities) to capture how norms are enacted in real time.

Research Informants

Purposive sampling was employed to select informants representing diverse perspectives across the zakat ecosystem. The 35 informants were grouped into nine stakeholder categories as follows:

No	Informant Category	Amount	Brief Description
1	Lazismu Gresik organizational leadership	5	Executive director and senior management
2	Lazismu Gresik operational staff	6	Program managers and field coordinators
3	Sharia Supervisory Board members	3	Islamic legal scholars and administrators
4	Internal audit and compliance personnel	3	Auditors and compliance officers
5	BAZNAS representatives	4	Regulatory and coordination officials

¹⁴ Hak, N., Setiawan, R. A., & Setiawan, A. (2024). Synergising Normative and Cultural Frameworks in Reforming Core Principles for Effective Zakat Supervision in Indonesia. *Manchester Journal of Transnational Islamic Law & Practice*, Vol. 20, No. 3, hlm. 302-316.

¹⁵ Ginena, K., & Hamid, M. (2015). *Shariah Audit and*

Governance for Islamic Financial Services. Wiley Finance Series.

¹⁶ Qutaiba, M., Owais, M., & Muharam, A. S. (2024). The Current Issue of Reporting Zakat in Indonesia: A Critical Analysis. *Journal of Islamic Economics and Business Research*, Vol. 4, No. 1, hlm. 1-18.

	(provincial/district)		
6	Ministry of Religious Affairs officials	3	Oversight and policy officials
7	Zakat collectors and field workers	4	Frontline collection personnel
8	Mustahik (zakat beneficiaries)	4	Recipients of consumptive and productive programs
9	Muzakki (zakat payers)	3	Business owners, professionals, and salaried employees
Total		35	

Table B. Characteristics of Research Informants

Operational Definitions / Analytical Categories

Since this is a qualitative normative-implementative study, the concept of “variables” is not applicable. Instead, the study operationalizes the following key analytical categories:

- **Normative conflict:**
Tension or inconsistency between Islamic legal principles (shariah) and the provisions of state positive law in the management of zakat funds.¹⁷
- **Positive law:**
Statutory regulations issued by the state, primarily Law No. 23 of 2011 on Zakat Management and its implementing regulations.¹⁸
- **Shariah principles:**
Islamic legal norms are derived from the Qur’an, Hadith, ijma’ (consensus), and qiyas (analogical reasoning), particularly in the context of zakat as

both a religious obligation and a social welfare instrument.¹⁹

- **Shariah compliance:**
The degree to which an organization’s operations, procedures, and decisions align with Shariah principles, as overseen by the Sharia Supervisory Board and Shariah audit mechanisms.²⁰
- **Zakat governance:**
The structures, processes, and mechanisms for managing zakat encompass collection, distribution, accountability, and transparency.²¹
- **Institutional autonomy:**
The freedom of LAZ institutions (including Lazismu Gresik) to manage their operations and programs in accordance with their organizational vision, while remaining subject to coordination by BAZNAS and the Ministry of Religious Affairs.²²

¹⁷ M. Kamalin and M. Zakir, 2025, Zakat Dalam Perspektif Hukum Positif: Antara Kewajiban Agama Dan Ketaatan Hukum Negara, *Journal of Legal Sustainability*, Vol. 2, No. 1, halaman 7-13.
¹⁸ Government of Indonesia, 2014, Peraturan Pemerintah Nomor 14 Tahun 2014 tentang Pelaksanaan Undang-Undang Nomor 23 Tahun 2011 tentang Pengelolaan Zakat, *Lembaran Negara Republik Indonesia*, No. 36.
¹⁹ Majelis Ulama Indonesia, 2011, Fatwa MUI Nomor 14 Tahun 2011 tentang Pengelolaan Zakat Harta Profesi, Jakarta: MUI.
²⁰ Zakiy, F. S., Falikhatun, F., & Fauziah, N. N. (2025). Sharia Governance and Organizational

Performance in Zakat Management Organization: Evidence from Indonesia. *Journal of Islamic Accounting and Business Research*, Vol. 16, No. 6, hlm. 1034-1057.
²¹ N. Fadhilah, M. Bariroh, N. Hidayah, and H. Ashfiya, 2025, Legal reform of zakat governance based on Maqasid al-Ummah: Optimizing digital transformation toward social justice, *Jurnal Hukum Islam*, Vol. 23, No. 2, halaman 541-576.
²² Muhaimin, M., Fatmawati, F., Suhendra, S., Fitri, Y., Patriana, E., & Yaman, B. (2025). BAZNAS and the Constitutional Legitimacy of the National Zakat System: A Sharia Economics Perspective. *Madania: Jurnal Ilmu-Ilmu Keislaman*, Vol. 16,

These categories served as the primary analytical lenses in the thematic coding process.

Data Analysis Techniques

Data were analyzed using systematic thematic coding through the following steps:

1. Transcription and repeated reading of all data.
2. Open coding to identify initial patterns and themes.
3. Axial coding to connect themes with the analytical categories.
4. Selective coding to develop core themes (normative conflicts, implementation gaps, and harmonization strategies).
5. Data triangulation (across interviews, documents, and observations) to enhance the validity and reliability of the findings.²³

Research Ethics

This study adhered to the ethical principles of qualitative research. All informants provided informed consent (written or recorded verbal consent) before the interviews, including a clear explanation of the research purpose, potential risks, and their right to withdraw at any time. Strict anonymity was maintained by omitting any personal identifiers and referring to informants using generic descriptive categories based on their stakeholder roles (e.g., “a senior Lazismu administrator,” “a BAZNAS official,” “a Ministry of Religious Affairs representative,” “a Sharia Supervisory Board member,” “a mustahik beneficiary,” “a Lazismu program staff member,” “a muzakki donor,” and “an internal audit practitioner”) in the presentation of findings. Audio recordings and transcripts were stored securely on encrypted devices accessible only to the principal researcher. Any potentially sensitive information that could harm informants or the organization was excluded from publication. The study also obtained ethical

approval from the relevant institutional review body at Universitas Muhammadiyah Surabaya before data collection.

C. RESULTS AND DISCUSSION

The empirical findings from this qualitative study, based on in-depth interviews with 35 informants across six stakeholder categories (Lazismu Gresik leaders and staff, BAZNAS officials, Ministry of Religious Affairs representatives, Sharia Supervisory Board members, mustahik beneficiaries, and muzakki donors), documentary analysis of internal procedures, financial reports, and regulatory documents, as well as direct observations of verification processes and program implementation cycles, document systematic tensions between Islamic jurisprudential principles and positive law requirements in zakat management.

The novelty of this study lies in its institutionally grounded and empirically rich analysis of both normative and implementative conflicts between shariah principles and positive law at the operational level of a local zakat institution in Indonesia, specifically Lazismu Gresik. Unlike previous studies that tend to be normative, macro-level, or focused primarily on national policy harmonization, this research provides grounded insights into how institutional actors navigate, reframe, and prioritize between two competing sources of legitimacy within the lived realities of legal pluralism in Indonesian Islamic philanthropy.

The data reveal that the conflicts are not only normative (at the level of principles) but also deeply implementative (at the level of procedures, organizational structures, and oversight mechanisms). The findings are presented systematically in the numbered subsections below.

C.1 Normative Conflicts in Zakat Management Regulation

Normative conflicts arise when Islamic

No. 2, hlm. 145-162.

²³ M. Qutaiba, M. Owais, and A. S. Muharam, 2024, The Current Issue of Reporting Zakat in Indone-

sia: A Critical Analysis, Journal of Islamic Economics and Business Research, Vol. 4, No. 1, hala-man 1-18.

jurisprudential principles (fiqh of zakat) directly confront the administrative and state-centered provisions of positive law.

The Authority Problem: Dual Sources of Normative Legitimacy

Interviews with Lazismu Gresik leaders revealed that the organization faces simultaneous normative pressures from two frameworks that are not always aligned. One senior administrator stated:

“We operate under two frameworks simultaneously. The Sharia Supervisory Board provides guidance based on Islamic jurisprudence and fatwa, while the Ministry of Religious Affairs and BAZNAS issue regulations based on the state legal framework. Usually they align, but when they diverge, we face genuinely difficult decisions about which authority to follow.”

A BAZNAS official offered a contrasting perspective:

“Our coordination mandate is to ensure national standards and public accountability. When differences arise, regulatory compliance must take precedence to protect the overall credibility of the zakat system.”

A Ministry of Religious Affairs representative emphasized:

“We provide the overarching legal umbrella so that zakat institutions contribute to national development while still honoring their religious foundations.”

These findings reflect a core characteristic of legal pluralism in which the state holds a monopoly on coercion, leading positive law to take priority in cases of direct conflict.²⁴

Mustahik Determination: Jurisprudential versus Administrative Criteria

Islamic jurisprudence identifies eight categories of mustahik based on principles of social justice. Positive law, however, adds layers of administrative verification.

Documentary analysis of Lazismu Gresik’s beneficiary selection procedures showed a seven-stage process: community referral, preliminary interview, home verification visit, cross-verification with village officials, asset assessment, income estimation, and formal approval.

Observations during verification visits demonstrated that while the process is thorough, it risks excluding genuinely poor individuals who lack formal documentation. One mustahik beneficiary shared:

“I applied for assistance for small business capital. The process took almost two months because I had to go back and forth for verification and complete the documents. Alhamdulillah, it was finally disbursed, and my business is now running.”

A Lazismu program staff member acknowledged the tension:

“Shariah emphasizes helping those in genuine need promptly, but we must also prevent misuse. The documentation requirements sometimes create barriers for the most vulnerable.”

Temporal Distribution Requirements: Urgency versus Administrative Process

Classical Islamic jurisprudence stresses prompt distribution of zakat once liability is established. Positive law, by contrast, permits the accumulation of funds for coordination and verification purposes. Analysis of Lazismu Gresik’s fund management cycles showed average collection-to-distribution periods of 45–60 days for consumptive assistance and 90–180 days for productive programs.

One Lazismu staff member explained:

“For productive programs, we deliberately pool funds to ensure bigger impact and proper project selection. Immediate distribution might feel more shariah-compliant on paper, but rushed distribution often leads to

²⁴ Salim, A. (2015). *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism*.

less sustainable outcomes.”

C.2 Implementative Conflicts and Institutional Practices at Lazismu Gresik

These conflicts manifest at the level of organizational structures, oversight mechanisms, and day-to-day operational practices.

The Structural Dual-Role Problem: BAZNAS as Regulator and Operator

Interviews with both LAZ and BAZNAS representatives highlighted structural tensions arising from BAZNAS’s dual role as national regulator and program operator. A BAZNAS official noted:

“Operating our own programs allows us to set benchmarks and understand field realities, which strengthens our regulatory guidance.”

However, an LAZ representative observed:

“When the regulator is also a competitor in collection and distribution, it creates an uneven playing field and raises questions about regulatory neutrality.”

Sharia Supervisory Board Functionality: Nominal versus Substantive Oversight

Interviews with Sharia Supervisory Board members at Lazismu Gresik and documentary analysis showed that the board consists of three members and meets monthly. However, its role remains largely advisory. One board member explained:

“Our formal mandate is to ensure shariah compliance, but practical constraints limit our scope. We focus on major policies rather than comprehensive audits because

we serve part-time and lack dedicated resources for deep operational review.”

Previous research has similarly identified that the role of Sharia Supervisory Boards in Indonesian zakat institutions is often limited or symbolic.²⁵

Institutional Coordination: BAZNAS-LAZ Relationship Dynamics

Documentary analysis and interviews revealed ambiguities in the coordination mandate under Law No. 23 of 2011. BAZNAS tends to view coordination as guidance and oversight, while LAZ representatives frequently perceive it as a constraint on institutional autonomy.

Shariah Compliance Mechanisms and PSAK 109 Implementation

Observations, internal auditor interviews, and analysis of financial documents indicated that shariah audits and the application of PSAK 109 (now PSAK 409) emphasize procedural and format compliance rather than substantive evaluation of Islamic justice principles. One regular muzakki donor remarked:

“I trust Lazismu because of its Muhammadiyah affiliation and professional reports. However, the financial statements are quite technical; I understand the programs better than the detailed numbers and compliance notes.”

An internal audit practitioner added that audits tend to verify documentary alignment with regulations rather than assess whether distribution decisions genuinely reflect maqashid al-shariah.

Type of Conflict	Implementation at Lazismu Gresik	Implication	Improvement Recommendation
Authority Problem	Priority is given to state regulatory compliance during conflicts	Positive law tends to stand above Shariah principles	Clarify the normative hierarchy in legislation.
Mustahik Determination	Seven-stage administrative verification	Risk of excluding undocumented poor persons	Simplify verification based on essential needs.

²⁵ Hidayati, A., Muhamad, I., & Marfuah. (2023). The Effect of Board of Directors and Sharia Supervisory Board on Zakat Funds at Islamic

Temporal Distribution Distribution takes 45–180 days, depending on program type Tension between speed and caution Set minimum distribution timelines with verifiable exceptions.
Dual Role of BAZNAS BAZNAS serves as regulator and operator Potential conflict of interest and reduced LAZ autonomy Separate regulatory and operational functions.
Sharia Supervisory Board Functionality Monthly meetings remain primarily advisory Shariah oversight tends to be nominal Strengthen authority, capacity, and independence of SSB.
Shariah Compliance and PSAK 109 Audit focuses on formal and format compliance Transparency remains technical rather than substantive Develop substantive Shariah assessment frameworks.

Table C. Summary of Normative and Implementative Conflicts, Implementation at Lazismu Gresik, Implications, and Improvement Recommendations

C.3 Institutional Implications

The research findings offer four important theoretical insights into legal pluralism within Indonesian Islamic institutional contexts. First, pluralism is not neutral; positive law assumes hierarchical priority due to its coercive enforcement mechanisms. Second, genuine harmonization requires integration at normative, institutional, and implementation levels, not merely procedural coordination. Third, organizational actors engage in normative reframing to reduce perceived conflicts. Fourth, local institutional capacity significantly shapes how legal pluralism is operationalized in practice.

**C.4 Harmonization Recommendations
Institutional Design Recommendations**

- Structural separation of BAZNAS’s regulatory and operational functions to eliminate conflicts of interest.²⁶
- Strengthening the authority, capacity, and independence of Sharia Supervisory Boards (including adequate compensation, tenure security, and the power to require follow-up on recommendations).
- Development of Substantive Shariah Compliance Assessment Frameworks that evaluate not only procedures but also

justice orientation, decision-making transparency, and alignment with maqashid al-shariah. This substantive orientation is consistent with recent maqāsid al-sharī‘ah scholarship in sharia economic disputes, which places protection of rights, fairness, and welfare at the center of legal reasoning²⁷.

Regulatory Recommendations

- Legislative clarity on normative hierarchy within Law No. 23 of 2011.
- Clearer regulatory standards defining the appropriate scope of BAZNAS coordination authority versus LAZ institutional autonomy.
- Establishment of minimum zakat distribution timelines (for example, 30 days for consumptive assistance and 60 days for productive programs), subject to verifiable exceptions.

Through these structural reforms and the strengthening of substantive frameworks, harmonization between shariah principles and positive law in zakat management can move beyond formal compliance toward more meaningful and just integration.²⁸

D. CONCLUSION

Studi Hukum Islam, Vol. 14, No. 3 (2025).

²⁶ Fauzi, R., Rofiq, A., Kusriyah, S., & Mashdurohatun, A. (2025). Legal Construction of Zakat Based on Law Number 23 of 2011 Concerning Zakat Management. *Cendekia Hukum*, STIH-PM Press.

²⁸ Hafizah, N., & Nawirah, N. (2025). The Influence of Zakat, Islamic Corporate Social Responsibility (ICSR), The Sharia Supervisory Board, and The Audit Committee on The Financial Performance of Islamic Commercial Banks in Indonesia. *Jurnal Akuntansi AKUNESA*, Vol. 14, No. 1, hlm. 23-30.

²⁷Warsidi, Sami Ullah Khan, and Suhartono, “Implementasi Maqāsid Al-Syarī‘ah dalam Pertimbangan Hakim pada Sengketa Ekonomi Syariah,” *Maqasid: Jurnal*

This study has examined the harmonization of Shariah business law and positive law in zakat fund management at Lazismu Gresik. The findings reveal persistent normative and implementative conflicts arising from the coexistence of Islamic jurisprudential principles and state positive law under Law No. 23 of 2011. Key tensions identified include the dual-role problem of BAZNAS as both regulator and operator, which creates conflicts of interest; Shariah audit mechanisms that remain largely administrative and procedural rather than substantive; difficulties in balancing the Islamic principle of prompt zakat distribution with administrative verification requirements; and challenges in mustahik determination due to rigid documentation processes that risk excluding vulnerable groups. These conflicts demonstrate that legal pluralism in Indonesian zakat institutions is not merely theoretical but manifests in everyday organizational practices, governance structures, and decision-making processes.

However, this research has several limitations. First, the study is confined to a single case study of Lazismu Gresik, a Muhammadiyah-affiliated LAZ operating in one regency in East Java. Consequently, the findings may not be fully generalizable to other LAZs, BAZNAS offices, or zakat institutions in different regions that possess varying institutional capacities, organizational cultures, and relationships with local authorities. Second, the qualitative approach, based on 35 semi-structured interviews, documentary analysis, and non-participant observation, provides rich contextual insights but does not permit

statistical generalization or measurement of the prevalence and intensity of the identified conflicts across the national zakat system. Third, data collection was limited to six months in 2025; thus, the study may not capture the long-term effects of regulatory changes, digital transformation initiatives, or evolving institutional dynamics. Future research could address these limitations through multi-case comparative studies involving different types of zakat institutions (LAZ and BAZNAS), mixed-methods designs that combine qualitative depth with quantitative breadth, or broader geographical coverage across multiple provinces.

Despite these limitations, this study makes both theoretical and practical contributions. Theoretically, it enriches the understanding of how legal pluralism is operationalized at the organizational level within Islamic institutional contexts in Indonesia. Practically, the research offers concrete recommendations for strengthening zakat governance, including the structural separation of BAZNAS's regulatory and operational functions, enhancing the authority, capacity, and independence of Sharia Supervisory Boards, and developing substantive Shariah compliance assessment frameworks that evaluate not only procedural adherence but also alignment with *maqasid al-shariah*. Implementing these reforms would enable a more meaningful harmonization between Shariah principles and positive law, moving zakat management beyond formal compliance toward greater effectiveness, transparency, accountability, and contribution to social justice.

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Eduvest: Journal of Universal Studies, Vol. 5, No. 6, hlm. 5157-5170.

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