

# Legal Regulation of Productive Zakat for Empowering Entrepreneurs in Malaysia

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## ABSTRACT

Productive zakat has emerged as a strategic tool in Malaysia for promoting economic independence and poverty alleviation, particularly through the empowerment of entrepreneurs among eligible zakat recipients (asnaf). In addressing persistent socio-economic inequalities, this study examines the design and implementation of Malaysia's legal regulations on productive zakat to support entrepreneurial growth, with comparisons to regulatory approaches in other Muslim majority countries. Using a critical and comparative legal analysis, the study reviews key principles of Islamic jurisprudence alongside relevant statutory provisions and evaluates the alignment of Malaysia's regulatory framework with the objectives of maqasid al-shariah in fostering self-reliance and sustainable livelihoods. The findings indicate that Malaysia has introduced progressive legal measures and structured productive zakat programs that provide capital, equipment, and training to asnaf entrepreneurs to enhance their business capacity and reduce long-term dependency. Zakat institutions have incorporated entrepreneurship development strategies into their operational frameworks, reflecting a commitment to socio-economic transformation. Despite these advancements, the study identifies gaps in legal uniformity, enforcement mechanisms, and comprehensive monitoring of entrepreneurial outcomes. To address these issues, the study recommends refining zakat regulations to ensure greater transparency and accountability, strengthening inter-agency collaboration, and embedding mechanisms for active participation of asnaf entrepreneurs in program design and evaluation. This research contributes to the discourse on Islamic economic law by offering a legal analysis of Malaysia's productive zakat regulations and proposing enforceable and inclusive approaches to empowering entrepreneurs.

**Keywords:** productive zakat, asnaf entrepreneurs, Malaysia, maqasid al-shariah; legal analysis.

## INTRODUCTION

Due to persistent social and economic inequalities facing many Muslim majority countries, the promotion of economic self-reliance among disadvantaged communities has become an imperative that cannot be overlooked. Poverty alleviation is no longer a distinct or isolated concern (Rahayu, 2015). It has rather evolved into a fundamental component of the broader sustainable development agenda, which seeks to achieve a careful balance between social, economic, and moral dimensions (Wardoyo et al., 2016). In the Islamic context, the institution of zakat plays a pivotal role in this balance, ensuring that the needs of the present are addressed without undermining the capacity of future generations to build self-sustaining livelihoods (Othman et al., 2021).

Productive zakat, in particular, offers a mechanism through which economic empowerment can be achieved, enabling recipients (asnaf) to transition from dependency to independence through entrepreneurship (Ivan Rahmat Santoso et al., 2024).

Empirical evidence underscores the importance of this approach. Data from several zakat institutions in Malaysia reveal that structured productive zakat schemes, which combine financial assistance with training and business development support, have significantly improved income generation among selected asnaf entrepreneurs (Qamaruddin et al., 2019). However, the sustainability of these outcomes depends on the robustness of the legal and regulatory framework that governs the distribution, utilisation, and monitoring of zakat funds. From a Shariah perspective, productive zakat is rooted in the principles of *maslahah* (public interest) and *maqasid al-shariah*, aiming not only to fulfil immediate needs but also to promote long-term social and economic transformation (Sawmar & Mohammed, 2021). These objectives necessitate clear legislative guidelines and enforceable mechanisms to ensure that zakat is distributed effectively, transparently, and in a manner that maximises its developmental impact (Shiyuti et al., 2022).

The growing recognition of zakat as a development tool has led to increasing calls for the examination of laws and regulations designed to govern productive zakat and ensure its alignment with both national priorities and Islamic legal principles. This legal dimension is crucial, as the credibility and effectiveness of zakat distribution depend heavily on statutory provisions that define eligibility, permissible uses, and institutional responsibilities (Meiwanto Doktoralina et al., 2018). In Malaysia, each state's Islamic Religious Council is empowered under respective state enactments to manage zakat, yet differences in legal provisions and administrative practices can lead to disparities in programme outcomes (Azman et al., 2024). The need for legal harmonisation is further underscored by contemporary challenges, such as ensuring equitable access to resources, preventing misuse of funds, and fostering accountability in entrepreneurial support schemes.

Significant policy and legislative efforts have been made in recent years to address these concerns, with Malaysia introducing a range of productive zakat initiatives through formal programmes such as micro financing, equipment grants, and entrepreneurship training (Zahri et al., 2023). These efforts form part of the normative foundation for zakat governance in the country. However, while these frameworks set broad objectives, their successful implementation depends largely on the capacity and willingness of state level authorities to operationalise them in a manner consistent with Shariah objectives and good governance principles (Ridlwani & Sukmana, 2018). This raises the critical question of whether Malaysia's existing legal provisions on productive zakat are sufficiently comprehensive, enforceable, and harmonised to ensure consistency in empowering entrepreneurs across the country (Muhd Adnan et al., 2019).

Given the urgency of social and economic empowerment, Malaysia presents a compelling case study in this regard (Syahid M. A. A et al., 2024). As a rapidly developing nation with diverse economic sectors, Malaysia has sought to integrate zakat distribution into its poverty eradication and entrepreneurship development strategies. This integration is evident in initiatives led by zakat institutions such as Lembaga Zakat Selangor, Majlis Agama Islam Wilayah Persekutuan, and Majlis Agama Islam dan Adat Melayu Terengganu, all of which have incorporated productive zakat programmes into their annual operational plans (Abdul Majid et al., 2024). In addition to aligning domestic regulations with classical Islamic jurisprudence, these institutions have adopted modern management tools and key performance indicators to track programme effectiveness. Such developments reflect Malaysia's integrated approach to balancing religious obligations with contemporary social and economic goals (Nurul Hasanah & Abdul Hamid, 2024).

Despite these advancements, several critical challenges remain. Legal fragmentation across states, varying interpretations of permissible zakat utilisation, and the absence of standardised monitoring systems contribute to inconsistencies in outcomes (Said et al., 2014). Moreover, while institutions have demonstrated innovation in entrepreneurship support, persistent dependency among certain asnaf groups suggests that further refinement of legal and regulatory frameworks is needed (Said et al., 2014). Comparative experience from other Muslim majority countries, such as Indonesia and Brunei, illustrates that stronger enforcement mechanisms, enhanced inter agency collaboration, and greater beneficiary participation in programme design can strengthen the impact of productive zakat schemes (Ghofar et al., 2024).

Previous research on productive zakat in Malaysia has explored its conceptual basis, social and economic outcomes, and operational models. However, few studies have undertaken a focused comparative legal analysis to examine the extent to which Malaysia's zakat laws are aligned with both the principles of maqasid al-shariah and the practical requirements of entrepreneurship development (Al-Bohari et al., 2025). There remains limited explicit legal examination of whether existing state enactments sufficiently regulate the governance of productive zakat, including its disbursement, oversight, and integration with broader economic policies. This gap underscores the need for research that evaluates the compatibility of Malaysia's legal framework with Shariah objectives and development oriented governance standards (Mustofa et al., 2025).

Accordingly, this study examines the legal regulation of productive zakat in Malaysia with specific reference to its role in empowering entrepreneurs. It focuses on the legal measures undertaken to promote productive zakat distribution, including legislative provisions, institutional responsibilities, and policy mechanisms designed to enhance entrepreneurial capacity among asnaf (Mohd Sufian, 2018). The study aims to critically analyse both the strengths and limitations of the current legal framework, drawing comparative insights from other Muslim majority jurisdictions. The objective is to identify areas for reform that can ensure greater transparency, accountability, and effectiveness in zakat governance, thereby contributing to sustainable social and economic development and fulfilling the higher objectives of Islamic law (Nashirudin et al., 2025).

The scope of this research covers legislative enactments, administrative regulations, and institutional policies governing productive zakat, as well as their application in entrepreneurship development programmes. It examines the integration of these laws with Malaysia's broader social and economic strategies and assesses their alignment with Shariah principles, particularly in relation to poverty alleviation, economic empowerment, and social justice. The importance of this research is reinforced by Malaysia's ongoing efforts to strengthen its zakat institutions as vehicles for sustainable development (Hamid et al., 2024). This necessitates an evidence-based evaluation of the legal tools available to enhance zakat governance and ensure that productive zakat fulfils its potential as a catalyst for entrepreneurial empowerment and economic transformation.

## METHODOLOGY

This study utilises descriptive, analytical, and critical legal research methods to provide an accurate and detailed account of the legal regulation of productive zakat in Malaysia, with particular emphasis on its role in empowering entrepreneurs among eligible recipients (asnaf). The purpose is to analyse information relevant to the governance of productive zakat and organise it in a coherent manner by interpreting statutory provisions, Shariah principles, and institutional policies at both federal and state levels. The research adopts a comparative approach to highlight similarities and differences between Malaysia's legal provisions and those in selected Muslim majority jurisdictions, allowing for a comparative evaluation of best practices in zakat-based economic empowerment. The study also examines whether the relevant legal frameworks and policies in Malaysia have fulfilled their intended objectives in promoting entrepreneurship, reducing dependency, and achieving the broader maqasid al-shariah objectives related to social and economic development.

This research applies a qualitative legal research approach to interpret and systematically analyse legislative texts, fatwas, policy documents, and institutional guidelines governing productive zakat. Data collection covers both primary and secondary sources (Webley, 2010). Primary sources include state Islamic administration enactments, regulations issued by zakat authorities such as Lembaga Zakat Selangor and Majlis Agama Islam Wilayah Persekutuan, official programme reports, and Shariah rulings on zakat utilisation. Secondary sources consist of academic books, scholarly writings, and peer-reviewed articles from reputable journals accessed through databases such as Scopus, Google Scholar, and ResearchGate to ensure up-to-date coverage of developments. Official websites of zakat institutions, state religious councils, and relevant government agencies are also consulted. The study employs a systematic method to identify and analyse key legal provisions on productive zakat, critically examining their incorporation and enforcement in Malaysia. Using comparative legal analysis, the research evaluates similarities, differences, and gaps in Malaysia's approach relative to other jurisdictions. Analytical frameworks derived from maqasid al-shariah and Islamic economic governance guide the assessment, while comparative insights inform evidence-based recommendations for strengthening the legal and policy framework for productive zakat in empowering entrepreneurs.

## RESULT

The findings of the study reveal that Malaysia has undertaken progressive legal reforms and structured the implementation of productive zakat programs to address socio-economic disparities. These measures include the provision of financial capital, business equipment, and targeted training to asnaf entrepreneurs. Enabling them to enhance their entrepreneurial capacity and reduce long-term dependency on consumptive aid. Such initiatives demonstrate that zakat institutions in Malaysia have moved beyond the traditional role of providing temporary relief, instead positioning productive zakat as a developmental tool for fostering sustainable economic independence (Daud et al., 2025).

Moreover, the results indicate that zakat institutions have embedded entrepreneurship development strategies within their operational frameworks. This institutional shift reflects a deliberate commitment to socio-economic transformation, where asnaf are empowered not merely as recipients of assistance but as active participants in the economic landscape. By aligning these initiatives with the higher objectives of Islamic law (maqasid al-shariah), particularly the preservation of wealth (hifz al-mal) and the promotion of human dignity (karamah insaniyyah). Malaysia's zakat framework illustrates how religious obligations can be operationalized into long-term developmental outcomes (Abdul Majid et al., 2024).

At the same time, the findings highlight critical gaps that hinder the full realization of productive zakat's potential. These include the lack of legal uniformity across state jurisdictions, insufficient enforcement mechanisms, and limited systems for comprehensive monitoring of entrepreneurial outcomes (Hamid et al., 2024). Such shortcomings suggest that while Malaysia has made commendable progress, there is still a pressing need for more consistent regulations, stronger accountability measures, and participatory mechanisms that involve asnaf entrepreneurs in program evaluation (Mohd Radhuan Arif Zakaria et al., 2025). Addressing these issues would strengthen the overall effectiveness of productive zakat in achieving self-reliance and sustainable livelihoods.

## DISCUSSION

### 1. The Concept of Productive Zakat in Relation to Social and Economic Empowerment

Productive zakat has become one of the key strategies in Malaysia's zakat management framework aimed at eradicating poverty and promoting self-reliance among eligible recipients (asnaf). Unlike consumptive zakat, which provides short term relief, productive zakat seeks to transform recipients into active economic participants by supplying them with capital, equipment, and training to start or expand income generating activities (Arifin & Anwar, 2021). This approach aligns closely with the objectives of maqasid al-shariah, particularly the preservation of wealth (hifz al-mal) and the promotion of social and economic welfare. Productive zakat also contributes to national development goals by reducing dependency on welfare schemes, creating new entrepreneurs, and strengthening local economies. Official reports from several state zakat institutions, including Lembaga Zakat Selangor (LZS) and Majlis Agama Islam Wilayah Persekutuan (MAIWP), indicate measurable improvements in household incomes among productive zakat recipients who received integrated support packages that combined financial aid with skills training and mentorship (Sarif et al., 2024).

While some policymakers have raised concerns that channeling zakat funds into entrepreneurial ventures carries risks such as business failure or mismanagement, the evidence suggests that with proper regulatory oversight, these risks can be mitigated (Abdullah Thaidi et al., 2024). For example, states that have implemented structured monitoring systems, such as quarterly performance reporting and periodic business audits, have reported higher rates of entrepreneurial survival and profitability. These findings indicate that strong legal provisions governing beneficiary selection, permissible uses of zakat funds, and post disbursement monitoring are critical to ensuring the long term sustainability of productive zakat programmes. Furthermore, according to (Tika Widiastuti & Lina Nugraha Rani, 2020), the shift toward productive zakat has spurred innovation within zakat institutions, encouraging them to develop new financial instruments, strategic partnerships with government agencies, and training modules that enhance business viability.

## 2. Productive Zakat within the Scope of Malaysian Law

The regulation of zakat in Malaysia is decentralised, with each state Islamic Religious Council empowered under its respective Islamic Administration Enactment to manage zakat collection and distribution (Taufik et al., 2023). This decentralised model allows states to tailor productive zakat programmes to local economic needs, but it also results in variations in legal provisions, eligibility criteria, and operational practices. For instance, some states have enacted specific guidelines for productive zakat utilisation, clearly defining the categories of permissible business activities and stipulating capacity building requirements for recipients (Mohd Ali et al., 2018). In contrast, other states rely on broad discretionary powers vested in zakat administrators, leading to potential inconsistencies and gaps in governance.

Comparative analysis reveals that while Malaysia's legal framework provides a solid foundation for productive zakat, it does not yet constitute a uniform national policy (Hasbullah et al., 2024). In contrast, Indonesia's zakat law explicitly recognises productive zakat as a statutory distribution category and prescribes operational procedures for its implementation, including mandatory beneficiary training and transparent reporting mechanisms (Jumailah & Ahmad Fauzan, 2022). Similarly, Brunei has embedded productive zakat into its national economic development agenda, ensuring cross agency coordination in programme delivery (Roslee & Yussof, 2022a). Malaysia's absence of a coordinated national regulatory framework means that effective practices in one state are not always replicated in others, limiting the overall scalability and impact of productive zakat (Nazeri et al., 2023).

## 3. Challenges in Implementation

Despite notable achievements, the study identifies several challenges to the effective regulation and implementation of productive zakat in Malaysia. First, legal fragmentation among states leads to disparities in programme quality and monitoring standards (Riani et al., 2024). Second, in some jurisdictions, the absence of statutory enforcement mechanisms limits accountability for fund utilisation, making it difficult to ensure that recipients use zakat capital as intended (Mohd Shazilli et al., 2012). Third, there is a lack of consistent data collection and public reporting on the performance of productive zakat projects, which hinders evidence based policy reform (Sulaiman et al., 2015). In certain cases, recipients have reverted to dependency on consumptive aid due to inadequate training, insufficient market access, or weak post disbursement support.

These challenges are not unique to Malaysia, similar issues have been observed in other jurisdictions where decentralised zakat management operates without national harmonisation (Jamaludin et al., 2025). However, the absence of standardised legal provisions in Malaysia exacerbates disparities between states, with some demonstrating high levels of programme success and others struggling to achieve sustainable outcomes (Zaini Nasohah, 2007). Addressing these challenges requires a combination of legislative refinement, improved institutional capacity, and structured collaboration between zakat authorities, government agencies, and private sector actors.

## 4. Comparative Insights and Legal Reform Recommendations

Lessons from international experience indicate that strong legal frameworks for productive zakat should combine clear statutory mandates with robust governance mechanisms (Naim Nor-Ahmad et al., 2025). In Indonesia, for example, the codification of productive zakat provisions within national zakat legislation has enhanced transparency and ensured alignment with broader poverty alleviation policies (Munir, 2021). In Brunei, productive zakat initiatives are integrated into strategic development plans and supported by inter agency task forces, ensuring a holistic approach to entrepreneurial empowerment (Roslee & Yussof, 2022).

For Malaysia, the findings suggest the need for a hybrid regulatory model that preserves state level autonomy while establishing baseline national standards for productive zakat governance. This could be achieved through a federal level guideline or model law that sets out minimum requirements for beneficiary eligibility, permissible business activities, training and capacity building obligations, and post disbursement monitoring (Hairunnizam Wahid, 2017). Additionally, legal provisions should mandate the publication of periodic performance reports to enhance transparency and build public trust (Azman et al., 2025). Embedding maqasid al-shariah principles

explicitly into statutory and policy documents can further ensure that productive zakat remains aligned with its fundamental objective of promoting self-reliance, dignity, and social justice among the asnaf.

Table 1: Comparative Insights and Legal Reform Recommendations for Productive Zakat

Country/Context	Legal and Policy Features	Key Lessons/Recommendations for Malaysia
Indonesia	Codification of productive zakat within national zakat legislation, mandatory beneficiary training, transparent reporting mechanisms.	Enhances transparency and accountability, ensures alignment with national poverty alleviation policies.
Brunei	Productive zakat integrated into national development strategies, inter-agency task forces coordinate implementation.	Promotes holistic entrepreneurial empowerment through cross-sector collaboration.
Malaysia (Current)	Decentralised state-level governance under respective enactments, variation in guidelines and monitoring systems, no unified national policy.	Allows flexibility but results in inconsistencies, limited scalability, and gaps in accountability.
Malaysia (Proposed Reform)	Hybrid model: retain state autonomy but introduce federal-level guideline or model law with baseline standards (eligibility, business activities, training, monitoring, performance reporting). Embed maqasid al-shariah principles into law and policy.	It would strengthen governance, improve uniformity, build public trust, and ensure productive zakat fulfils its role in promoting self-reliance, dignity, and social justice.

Source: Prepared by the Authors

The comparative analysis presented in Table 1 highlights significant differences in the legal and policy approaches to productive zakat across jurisdictions. Indonesia's codification of productive zakat within national legislation demonstrates how statutory recognition and operational safeguards, such as mandatory training and transparent reporting, can enhance accountability and ensure alignment with national development agendas (Mukhlisin et al., 2024). Brunei's integration of productive zakat into its broader economic planning further illustrates the value of cross-sector collaboration through inter-agency coordination, which enables zakat to function not merely as a religious obligation but also as a structured instrument of economic empowerment (Pg Md Salleh, 2015).

In contrast, Malaysia's current decentralised model provides states with autonomy to design and administer their own productive zakat programmes (Azman Ab Rahman, 2012). While this approach allows for flexibility in adapting to local economic contexts, it has also led to inconsistencies in eligibility criteria, disbursement practices, and monitoring mechanisms between states. The absence of a unified national policy has resulted in fragmented governance, thereby limiting scalability and weakening the overall impact of productive zakat (Mohamed Esa, 2018).

The proposed reform in Malaysia, as indicated in Table 1, suggests a hybrid model that balances state autonomy with federal-level coordination. By introducing baseline national standards through a model law or guideline, the system could achieve greater uniformity in beneficiary selection, permissible business activities, and post-disbursement monitoring. Importantly, embedding maqasid al-shariah principles explicitly into statutory and policy frameworks would ensure that the legal regulation of productive zakat remains faithful to its higher objectives, particularly the promotion of self-reliance, dignity, and social justice among the asnaf (Al-Bohari et al., 2025). Such reforms would not only improve governance and accountability but also enhance public trust and ensure that productive zakat fulfils its intended role as a sustainable tool of poverty alleviation and entrepreneurial empowerment.

## CONCLUSION

The research concludes that there is a strong connection between the legal regulation of productive zakat and the empowerment of entrepreneurs among eligible recipients in Malaysia. It underscores the importance of

legislative measures and institutional policies implemented by state zakat authorities to align productive zakat initiatives with the objectives of maqasid al-shariah and national social and economic development strategies. While Malaysia has developed a substantial legal and administrative framework for zakat, the findings reveal that the current regulations are fragmented across states, leading to inconsistencies in implementation, beneficiary eligibility standards, permissible business activities, and monitoring mechanisms. These variations limit the uniformity of outcomes and hinder the full potential of productive zakat in achieving long-term economic transformation.

To address these gaps and ensure that productive zakat realises its intended objectives, the research recommends the establishment of a cohesive national policy framework that harmonises minimum legal standards while respecting state-level autonomy. This should include clear statutory provisions for eligibility criteria, mandatory capacity-building programmes, transparent reporting requirements, and stronger enforcement mechanisms to ensure compliance and deter misuse of funds. The study also calls for the explicit integration of maqasid al-shariah principles into statutory and policy documents to preserve the focus on self-reliance, dignity, and social justice. Furthermore, it emphasises the need to enhance community participation by involving recipients in programme design and evaluation, as well as improving training and business development support to equip asnaf entrepreneurs with the knowledge, skills, and resources necessary for sustainable success.

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