



## The Convergence of Islamic Law and Customary Law in the Management of Zakat in Indonesia and Malaysia

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Article info:	Abstract
<b>Keywords:</b> <i>Convergence, Customary law, Islamic political law, Substantive justice, Zakat management</i>	This study seeks to fill a gap in the literature, which has been overly focused on the dichotomy between Islamic law and the state, by offering a new perspective: zakat as a space for convergence and a social laboratory for the creation of inclusive, responsive, and adaptive governance in response to the complexities of Muslim societies in Indonesia and Malaysia. This study employs an exploratory-descriptive qualitative approach, focusing its analysis on legal documents, regulations, religious fatwas, and academic literature discussing zakat management in Indonesia and Malaysia. The results confirm that the convergence of Islamic law and customary law in zakat management in Indonesia and Malaysia is essentially a space for the search for meaning of justice that is never final, where the state, society, and religious authorities continuously negotiate the boundaries of universality and locality in the distribution of welfare for the people. In the dialectic between the egalitarian principles of Sharia and the nuanced kinship practices of customary law, zakat emerges as a social laboratory that tests the legitimacy, inclusiveness, and vitality of the legal system itself. The effectiveness and transparency of zakat governance are not solely determined by the state's courage to innovate or the sophistication of regulations, but by the success of all actors in fostering critical, reflective dialogue, providing genuine space for local community participation, and positioning zakat as an instrument of social liberation that challenges the status quo and opens new pathways to substantive justice.
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## Introduction

The problems surrounding zakat management in Indonesia and Malaysia are rooted in a protracted conflict and negotiation between Islamic law and customary law, which began long before either country gained independence. In Indonesia, historical evidence shows that during the era of Islamic kingdoms, such as the Sultanates of Aceh, Demak, and Mataram, zakat was managed through religious mechanisms integrated with local customary structures. Ulama, village chiefs, and customary leaders collaborated in defining, collecting, and distributing zakat according to local needs. Meanwhile, the Dutch colonial period brought significant changes by introducing Western legal systems and placing customary law and Islamic law in a subordinate position.<sup>1</sup> However, resistance from the Muslim community and the persistence of customary practices managed to preserve spaces of autonomy in the management of zakat. A similar situation occurred in Malaysia, where the Malay customary system and Islam have been intertwined for a long time, even before British colonisation, which later intervened in the legal system through a dualism between civil law, Islamic law, and customary law.<sup>2</sup>

The modernisation of nation-states in Indonesia and Malaysia after independence added to the complexity of zakat law. The state took over the central role in zakat management on the grounds of effectiveness, transparency, and accountability, but often encountered conflicts with local practices and deeply rooted customary authorities. In Indonesia, for example, a dualism has emerged between the National Zakat Management Agency (BAZNAS), which represents the state, and Zakat Management Institutions (LAZ), many of which have emerged from civil society and religious community initiatives, often rooted in customary law. At the local level, village heads, modins, or customary institutions remain vital in collecting and distributing zakat. Meanwhile, in Malaysia, the State Islamic Religious Council (Majlis Agama Islam Negeri) as a state institution formally manages zakat, but in practice, the influence of customs and local wisdom remains strong, both in determining mustahik (zakat recipients) and in distribution tailored to local needs and social structures.<sup>3</sup>

The convergence between Islamic and customary law in managing zakat in Indonesia and Malaysia is also inseparable from debates over authority and legitimacy. The state seeks to define 'zakat' within the boundaries of positive law, standardising definitions, procedures, and distribution targets. Still, on the other hand, indigenous communities and religious communities often propose alternative interpretations and practices that align with local conditions. The tension between homogenisation through state law and pluralisation through customary interpretations and community practices creates spaces for negotiation, and even conflict, which influence the effectiveness of zakat governance. Differences in interpretation regarding who is entitled to receive zakat, what is meant by haul and nisab, and the priority of zakat distribution between consumptive needs and economic empowerment reflect the pluralism of interpretation and practice in society.<sup>4</sup>

<sup>1</sup> Suud Sarim Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law," *Mazahib* 21, no. 2 (December 27, 2022): 213-44, <https://doi.org/10.21093/mj.v21i2.4800>.

<sup>2</sup> Ahmad Imam Mawardi, "Islamic Law and Imperialism: Tracing on The Development of Islamic Law in Indonesia and Malaysia," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 1 (2018): 1-24, <https://doi.org/10.19105/alihkam.v13i1.1583>.

<sup>3</sup> Ahmad Fathi Aminuddin, Hairunnizam Wahid, and Mohd Ali Mohd Nor, "Kecekapan Pengurusan Kewangan Dan Pengurusan Agihan Zakat: Kajian Terhadap Majlis Agama Islam Johor (Efficiency of Financial and Zakat Distribution Management: A Study at Johor Islamic Religious Council)," *UMRAN-Journal of Islamic and Civilizational Studies* 4, no. 3 (2017), <https://doi.org/10.11113/umran2017.4n3.163>.

<sup>4</sup> Suud Sarim Karimullah, "Implementasi Teknologi Green Economy Pada Bisnis Keluarga Modern," *Jurnal Relevansi: Ekonomi, Manajemen Dan Bisnis* 8, no. 2 (2024): 101-12.

Behind this complexity lies an interesting phenomenon of institutional adaptation and innovation. In Indonesia, for example, various hybrid models have emerged between state and customary institutions, such as cooperation between BAZNAS and customary leaders or local customary institutions to identify mustahik and expand the reach of zakat distribution. It is not uncommon for zakat management to be carried out through customary rituals infused with Islamic elements, or vice versa, Islamic practices ritualised customarily. A similar phenomenon is found in Malaysia, where official state institutions collaborate with village chiefs or traditional leaders to ensure that zakat distribution is targeted and does not cause social resistance. In some states, special units mediate between the state's wishes and the state's arbitrary practices of the Malay community, so that zakat management does not cause friction that could undermine social and political stability.

Previous studies on zakat management in Indonesia and Malaysia indicate that the interaction between Islamic law, customary law, and state policy is a highly dynamic, negotiation-driven domain that often gives rise to hybrid governance forms tailored to local contexts.<sup>5</sup> Other studies have identified that the convergence between Islamic law and customary law in zakat governance in the digital era presents opportunities for innovation, but also poses new challenges related to authority, participation, and the legitimacy of zakat distribution.<sup>6</sup> The main issues in zakat management in Indonesia and Malaysia are not only administrative implementation problems or incompatibility between religious and customary legal systems, but also issues of trust, legitimacy, participation, innovation, and the sustainability of socio-economic impacts. Most studies highlight that zakat management will be more effective and fair if the state can accommodate local wisdom and involve customary stakeholders, without neglecting Islamic sharia's universal principles of justice.<sup>7</sup> However, there are risks of overlapping authority, fragmentation of practices, and resistance to modernisation of governance if there is no harmonious synergy between formal, religious, and customary law.

This study aims to make a significant contribution in two main areas: first, critically and deeply examining the process of convergence between Islamic law and customary law in the management of zakat in Indonesia and Malaysia, from the perspectives of regulation, institutions, and social practices; second, offering models of zakat governance that are adaptive to the local context while maintaining the principles of

<sup>5</sup> Mukhlishin Mukhlishin et al., "Zakat Maal Management and Regulation Practices: Evidence from Malaysia, Turkey and Indonesia," *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 569-92, <https://doi.org/10.53955/jhcls.v4i2.204>; Evren Tok, Abdurahman J Yesuf, and Abdulfatah Mohamed, "Sustainable Development Goals and Islamic Social Finance: From Policy Divide to Policy Coherence and Convergence," *Sustainability* 14, no. 11 (2022): 6875, <https://doi.org/10.3390/su14116875>; Anicée Van Engeland, "The Balance between Islamic Law, Customary Law and Human Rights in Islamic Constitutionalism through the Prism of Legal Pluralism," *Cambridge International Law Journal* 3, no. 4 (2014): 1321-48, <https://doi.org/10.7574/cjcl.03.04.250>.

<sup>6</sup> Sherin Kunhibava et al., "Sadaqah, Zakat and Qard Hassan: Legal Framework," in *Islamic Social Finance: Law and Practice in Malaysia* (Springer, 2024), 23-43, [https://doi.org/10.1007/978-981-97-1410-0\\_2](https://doi.org/10.1007/978-981-97-1410-0_2); Sherin Kunhibava et al., "Islamic Social Finance from the Quran and Sunnah," in *Islamic Social Finance: Law and Practice in Malaysia* (Springer, 2024), 1-21, [https://doi.org/10.1007/978-981-97-1410-0\\_1](https://doi.org/10.1007/978-981-97-1410-0_1); Nur Insani et al., "Legal Protection for Personal Data Security and Muzakki Financial Transactions on Digital Zakat Platform," *Jurnal Hukum Novelty* (1412-6834) 15, no. 1 (2024), <https://doi.org/10.26555/novelty.v15i1.a27200>; Konstantinos Retsikas, "Reconceptualising Zakat in Indonesia: Worship, Philanthropy and Rights," *Indonesia and the Malay World* 42, no. 124 (2014): 337-57, <https://doi.org/10.1080/13639811.2014.951519>.

<sup>7</sup> Nuryanti Mustari et al., "Multipartner Governance and the Urgency of Poverty Alleviation Policy: Zakat Fundraising Management," *Cogent Social Sciences* 10, no. 1 (2024): 2361529, <https://doi.org/10.1080/23311886.2024.2361529>; Muhammad Ikhlas Rosele et al., "The Digitalized Zakat Management System in Malaysia and the Way Forward," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (2022): 242-72, <https://doi.org/10.19105/al-lhkam.v17i1.5365>; Azman Ab Rahman et al., "Professionalism and Competency of Amil Zakat in Malaysia and Indonesia: Strategies for Sustainability," in *Strategic Islamic Business and Management: Solutions for Sustainability* (Springer, 2024), 269-83, [https://doi.org/10.1007/978-3-031-61778-2\\_15](https://doi.org/10.1007/978-3-031-61778-2_15).

accountability, justice, and sustainability. This study aims to identify, map, and comprehensively analyse the dynamics of interaction between Islamic law, customary law, and state policy in zakat governance, including examining the opportunities, challenges, and social implications arising from the convergence process. The essence of this study lies in the effort to understand zakat not merely as a religious instrument or a state policy tool, but as a field of contestation, negotiation, and synthesis between various legal systems and social values that coexist in society.

## Methods

This study uses an exploratory-descriptive qualitative approach that analyses legal documents, regulations, religious fatwas, and academic literature discussing zakat management in Indonesia and Malaysia. This approach was chosen to comprehensively capture the dynamics of convergence between Islamic law and customary law in zakat governance, without getting caught up in case study narratives or the particular experiences of interview subjects. By utilising document analysis and comparative law, this study can identify patterns of intersection, negotiation, and even conflict between formal state regulations, Sharia norms, and customary practices that exist in society. Through content and thematic analysis, data is analysed to identify key themes such as institutional legitimacy, legal pluralism, digital innovation, and the sustainability of zakat's socio-economic impact. In its implementation, this study emphasises the importance of data triangulation, which involves comparing state regulations, fatwas, and customary documents, as well as referring to previous research findings that have been tested in the academic realm, thereby producing a valid and comprehensive analysis that can be accounted for.

This analysis is not based on a single theoretical perspective but integrates several relevant theories to map the complexity of legal convergence in zakat management. Legal pluralism theory examines how state law,<sup>8</sup> Islamic law, and customary law coexist and interact,<sup>9</sup> negotiate, and form distinctive governance patterns in each context. The political-legal framework provides the foundation for understanding the regulatory formation process and the power dynamics behind zakat policies. Meanwhile, legitimacy theory and institutional trust theory elucidate the foundations of social trust and recognition of zakat management institutions, both formal and customary. On the other hand, the theory of tradition and modernity synthesis, along with the actor network approach, provides an analytical framework for institutional innovation, digital transformation, and the interaction between key actors in the zakat management process. The integration of these methodological and theoretical frameworks produces a multi-dimensional and sharp analysis, while offering a more complex understanding of how the convergence of Islamic law and customary law is not only an arena of contestation but also a social laboratory for the creation of fair, inclusive, and sustainable zakat governance in Indonesia and Malaysia.

## Result and Discussion

<sup>8</sup> Hanisah Binte Abdullah Sani, "State Law and Legal Pluralism: Towards an Appraisal," *The Journal of Legal Pluralism and Unofficial Law* 52, no. 1 (2020): 82-109, <https://doi.org/10.1080/07329113.2020.1727726>.

<sup>9</sup> Arif Sugitanata, Suud Sarim Karimullah, and Rizal Al Hamid, "Hukum Positif Dan Hukum Islam: Analisis Tata Cara Menemukan Hukum Dalam Kacamata Hukum Positif Dan Hukum Islam," *JURISY: Jurnal Ilmiah Syariah* 3, no. 1 (2023): 1-22, <https://doi.org/10.37348/jurisy.v3i1.242>; Rizal Al Hamid, Arif Sugitanata, and Suud Sarim Karimullah, "Sinkronisasi Pendekatan Sosiologis Dengan Penemuan Hukum Islam Sui Generis Kum Empiris," *Bertuah Jurnal Syariah Dan Ekonomi Islam* 4, no. 1 (2023): 48-60, <https://doi.org/10.56633/jsie.v4i1.553>.

## The Convergence and Overlap between Islamic Legal Principles and Customary Law in the Mechanism of Zakat Management

The convergence between Islamic legal norms and customary law practices in zakat management produces innovative and adaptive practices and raises potential normative and operational conflicts. One source of tension arises when interpretations of who is entitled to receive zakat (*mustahiq*) are contested between sharia criteria and social categories recognised within the customary structure. For example, in the context of Minangkabau customary law, which strongly emphasises matrilineal principles and blood ties in determining the distribution of social assistance, preference is often given to members of the clan or immediate family who are considered a collective priority.<sup>10</sup> At the same time, sharia provisions require a broader and more equitable distribution across groups.

On the other hand, tensions also arise when the state, through formal institutions, attempts to standardise and modernise zakat management—for example, through the digitisation of mustahik data and bank account-based zakat distribution—which is not fully compatible with local customs that prioritise direct distribution and religious-customary rituals that have been practised for generations. Similar conflicts can also be found in Malaysia, especially when zakat policies at the state level are considered too rigid or neglect the aspirations of indigenous communities and local traditions, leading to resistance or even alternative practices outside the formal system.<sup>11</sup> However, it cannot be ignored that from this space of negotiation and potential conflict, productive synergies have emerged between universal Islamic legal principles and local customary practices.

One manifestation of this synergy is identifying mustahik, which is not only based on administrative data but also involves social mapping based on local knowledge of traditional leaders and local communities. Through this collaboration, zakat distribution becomes more responsive to the community's real needs and avoids the administrative biases often occurring in centralised systems. In many regions in Indonesia, for example, village heads, *modin* (religious officials), or customary institutions are strategically verifying beneficiary data, so that zakat distribution targets the most vulnerable groups per the principle of distributive justice in sharia.<sup>12</sup> Similar collaborationsharia Malaysia can be found in the cooperation between the State Islamic Religious Council and village heads or penghulu, where decisions on zakat distribution always consider customary considerations and the social dynamics of the local community. In some cases, this synergy also takes the form of institutional innovations, such as establishing customary-based beneficiary support units facilitated by state zakat institutions.

Synergy between Islamic and customary law is also evident in zakat management's ritualistic and symbolic aspects. In many Muslim communities in Indonesia and Malaysia, the payment of zakat is not merely understood as a religious transaction, but also as part of a social ritual that strengthens solidarity and community cohesion. In Aceh, for example, handing over zakat is often accompanied by traditional ceremonies

<sup>10</sup> Rosdalina Bukido, Muhammad Azhar Muslihin, and Suud Sarim Karimullah, "Family Economic Empowerment Strategies in Gangga II Village: A Maqashid Shariah Perspective," *Al-Mujtahid: Journal of Islamic Family Law* 5, no. 1 (2025): 1-12, <https://doi.org/10.30984/ajifl.v5i1.3438>.

<sup>11</sup> Dominik M Müller, "From Consultancy to Critique: The 'Success Story' of Globalized Zakat Management in Malaysia and Its Normative Ambiguities," *Globalizations* 14, no. 1 (2017): 81-98, <https://doi.org/10.1080/14747731.2016.1200309>.

<sup>12</sup> Akmal Bashori, Arif Sugitanata, and Suud Sarim Karimullah, "Dekonstruksi Pemaknaan Mualaf Sebagai Penerima Zakat Di Indonesia," *DIKTUM: Jurnal Syariah Dan Hukum* 22, no. 1 (2024): 11-23, <https://doi.org/10.35905/diktum.v22i1.5027>.

involving all village members, creating a sense of togetherness and social recognition of Muslim and Acehnese identity. Meanwhile, in Malaysia, especially in rural Malay communities, distributing zakat often becomes a moment for strengthening social networks, strengthening family ties, and reinforcing the role of adat as a social and spiritual mediator. Here, zakat is not merely an instrument of economic justice but also a mechanism for reproducing collective values and identity, integrating sharia and custom into a Sharia-based breath. Integrating Islamic law and customary law does not always run smoothly.

This convergence process often leads to overlapping authorities, causing fragmentation and even competition among zakat management institutions. In Indonesia, this phenomenon is evident in the emergence of dual authority between BAZNAS, which represents the state, LAZ, which means Islamic mass organisations, and customary institutions that have social legitimacy at the local level.<sup>13</sup> It is not uncommon for there to be a tug-of-war between state institutions that demand accountability and data integration, and customary institutions and religious communities that prioritise flexibility and the trust of the local community. The potential for conflict is also increasingly evident in the context of digital-based zakat management, where the involvement of technology has created a gap between zakat administrators and traditional communities that are not yet thoroughly familiar with digital systems. Disparities in access, understanding, and trust in formal state systems risk creating exclusive practices contrary to the principle of inclusivity in Sharia law.

In the Malaysian context, overlapping authorities are no less complex. With a federal structure, zakat policies are regulated by each State Islamic Council, which has autonomy in determining regulations, collection mechanisms, and zakat distribution. This situation opens up space for diversity but also creates challenges in coordination and standardisation of governance. When strong Malay customs in one state differ from the bureaucratic orientation in another, inconsistencies arise in treating zakat recipients and distribution priorities. In some states, preference is given to certain customary groups considered pillars of local identity, while in others, zakat distribution emphasises a universal Sharia approach and principles of good governance.

This reality confirms that the convergence of Islamic law and customary law in zakat mechanisms is always situational and contextual and requires continuous negotiation between religious aspirations, state interests, and the needs of indigenous communities. On a broader scale, the convergence between Islamic law and customary law in zakat management is also closely related to legitimacy and institutional trust issues.

The success of zakat governance is measured not only by compliance with formal regulations or the effectiveness of fund distribution, but also by the level of public trust in the managing institutions, both state and customary. In Indonesia, recent research shows that people are likelier to trust zakat management involving customary or religious leaders they know personally, rather than state institutions perceived as distant and lacking transparency. This has prompted the state to continue innovating and seeking common ground with customary structures through various collaborative programmes. In Malaysia, the legitimacy of state zakat institutions is relatively strong

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<sup>13</sup> Heru Susetyo, "Contestation between State and Nonstate Actors in Zakah Management in Indonesia," *Jurnal Syariah* 23, no. 3 (2015): 517-46, <https://doi.org/10.22452/js.vol23no3.7>.

due to their position as an integral part of the state's religious system.<sup>14</sup> However, they still face challenges in building trust among customary communities that want distribution to be more sensitive to local conditions.

The potential synergy arising from the combination of Islamic law and customary law also brings opportunities to strengthen the empowerment of mustahik and expand the scope of zakat. Integrating local knowledge about poverty structures, social relations, and the needs of mustahik can enrich the database and improve the verification mechanism for zakat recipients. Combined with the principles of transparency and accountability in sharia cooperation, in customary law can produce a more sharia-compliant model of zakat distribution. In some regions, institutional innovations based on collaboration between the state, Islamic organisations, and indigenous communities have proven to increase the effectiveness of zakat collection, accelerate distribution, and increase community participation in various productive economic programmes based on zakat.<sup>15</sup>

However, amid this potential synergy, there remains room for criticism of the tendency to domesticate universal sharia principles for the sake of customary interests, which has the potential to create exclusivity or discrimination. When customs are positioned too dominantly in zakat management mechanisms, the risk of group bias, nepotism, or marginalisation of minority groups cannot be avoided. Conversely, if the state or formal institutions impose rigid Sharia standards without considering local realities, resistance and rejection from the community arise, ultimately undermining the effectiveness of zakat governance.

The dilemma between the universality of sharia and the particular customary testing ground for stakeholders to find a dynamic, inclusive, and just balance. Another paradox that emerges is that, on the one hand, the fusion of Islamic law and custom can be a source of social innovation and community strength; on the other hand, it can also hinder the modernisation, integration, and professionalisation of zakat management. Hybrid models born from the convergence of sharia and custom must be Shariaally both in distributive justice, transparency, and the sustainability of their impact on the welfare of beneficiaries. This requires precision in formulating policies, social sensitivity, building dialogue among actors, and a willingness to evaluate and adjust existing mechanisms continuously.

### State Legal Policy in Harmonising Islamic Law and Customary Law in Zakat Policy

Indonesia's legal policy strategy in harmonising Islamic law and customary law in zakat policy cannot be separated from the government's expertise in building a bridge of dialogue between national interests and local aspirations. The state is aware that enforcing zakat law based solely on state bureaucratic logic tends to generate resistance, suspicion, and even rejection from communities with a strong traditional and kinship-based zakat management system. Therefore, the state has opened up space for dynamic negotiation in many derivative policies and implementation practices at the regional level. For example, in several regions in Java, West Sumatra, South Sulawesi, and Nusa Tenggara, local governments actively involve traditional leaders and religious figures in the structure of local zakat institutions. This participatory model not only enhances the

<sup>14</sup> Norazlina Abd Wahab and Abdul Rahim Abdul Rahman, "A Framework to Analyse the Efficiency and Governance of Zakat Institutions," *Journal of Islamic Accounting and Business Research* 2, no. 1 (2011): 43–62, <https://doi.org/10.1108/17590811111129508>.

<sup>15</sup> Huda Mohammad Hagawe et al., "A Unique Business Model for Microfinance Institution: The Case of Assadaqaat Community Finance (ACF)," *Cogent Business & Management* 10, no. 1 (2023): 2135202, <https://doi.org/10.1080/23311975.2022.2135202>.

legitimacy of the state in the eyes of the community but also allows for the adaptation of zakat policies that are more contextual and responsive to the specific needs of each community.

Harmonising Islamic law and customary law in zakat policy in Indonesia is not without problems.<sup>16</sup> There are serious challenges in the form of overlapping authorities, differences in interpretation of the categories of mustahik, mechanisms for collecting and distributing zakat, and dualism in reporting and accountability systems. The state, through regulations and bureaucratic apparatus, often faces a dilemma: on the one hand, it is required to build an integrated, measurable, and well-documented zakat system for the sake of public accountability; on the other hand, the state cannot ignore the need to respect and involve customary practices that are rich in kinship values, mutual assistance, and distribution flexibility. This tension has sometimes led to pragmatic compromises, such as adopting a dual reporting system or establishing consultative forums that bring together state, religious, and customary elements. However, in other cases, conflicts of interest and authority have resulted in the fragmentation of zakat governance, threatening the effectiveness and inclusiveness of the distribution of funds to the community.<sup>17</sup>

The success of the state's political strategy in integrating Islamic law and customary law into zakat policy in Indonesia is highly dependent on the quality of communication, capacity for dialogue, and sensitivity to the socio-cultural dynamics of local communities. Experience shows that the state's success in creating effective and inclusive zakat policies is due to its ability to encourage collaborative institutional innovation.<sup>18</sup> For example, village heads, traditional leaders, and local community organisations are involved as strategic partners of BAZNAS and LAZ in mapping, collecting, and distributing zakat. This practice expands the coverage of mustahik, speeds up the verification process, and reduces the potential for horizontal conflicts at the community level.

In fact, in some regions, a hybrid model of zakat management has emerged, combining modern digital-based mechanisms and customary principles in social verification and the deliberative process of determining zakat recipients. Meanwhile, Malaysia presents a different political strategy for integrating Islamic and customary law into zakat management.<sup>19</sup>

Malaysia positions Islam as the official religion through its religious federalism system with full autonomy at the state (province) level. The State Islamic Religious Council (MAIN) is the key institution in zakat management in each state and the foremost interpreter of sharia principles that must be adapted to the dynamics of local Malay customs and culture. Malaysia has developed a more centralised harmonisation model. Yet, it still provides room for local adaptation through the influence of Malay customary law and village community networks, particularly in the eastern states such as Kelantan, Terengganu, and Kedah.

<sup>16</sup> Muhammad Lutfi Hakim, "Islamic Law and Society in Indonesia: Corporate Zakat Norms and Practices in Islamic Banks, by Alfitri," *Bijdragen Tot de Taal-, Land-En Volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia* 179, no. 1 (2023): 115-18, <https://doi.org/10.1163/22134379-17901001>.

<sup>17</sup> Mohammad Qutaiba, Mohd Owais, and Abdus Salam Muhamar, "The Current Issue of Reporting Zakat in Indonesia: A Critical Analysis," *Journal of Islamic Economic and Business Research* 4, no. 1 (2024): 1-25, <https://doi.org/10.18196/jiebr.v4i1.227>.

<sup>18</sup> Mutamimah Mutamimah et al., "ICT-Based Collaborative Framework for Improving the Performance of Zakat Management Organisations in Indonesia," *Journal of Islamic Accounting and Business Research* 12, no. 6 (2021): 887-903, <https://doi.org/10.1108/JIABR-05-2020-0154>.

<sup>19</sup> Imam Yahya, "Zakat Management in Indonesia: A Legal Political Perspective," *Al-Ahkam* 30, no. 2 (2020): 195-214, <https://doi.org/10.21580/ahkam.2020.30.2.6420>.

The Malaysian government's legal policy strategy places zakat as one of the community's main pillars of socio-economic development, so all zakat management policies must comply with modern accountability and governance standards, while maintaining social legitimacy based on customs.<sup>20</sup> The state proactively encourages innovation and digitalisation of the zakat management system through online zakat payment platforms, transparency in reporting, and collaboration with educational institutions and local communities. However, the Malaysian government also understands the importance of recognising and preserving Malay customary traditions as the foundation of social cohesion.<sup>21</sup> Therefore, customary leaders, village heads, and kinship networks are involved in distributing and monitoring assistance in many zakat programmes.

The harmonisation of Islamic law and customary law in zakat policy in Malaysia appears to be more systematic and structured, thanks to regulatory autonomy at the state level, which allows each State Islamic Council to adapt policies to local conditions. However, this model is not entirely free from the problems of pluralism and potential conflict. In some states with highly heterogeneous populations or rapid urbanisation, tensions arise between the need for an efficient standardised zakat system and the desire of local communities to maintain more flexible, personalised customary practices.

The state has responded to these challenges by establishing a two-way consultation system, strengthening dialogue between zakat administrators, religious scholars, and traditional communities, and encouraging the development of productive zakat programmes that empower mustahik through multi-actor collaboration. The integration of Islamic and customary law in zakat policy in both countries is also closely related to the dynamics of identity politics and the struggle for legitimacy among zakat administrators.

As the primary controller, the state faces administrative and technocratic challenges and must also manage the symbolic politics inherent in zakat governance. In Indonesia, the emergence of large Islamic organisations such as NU and Muhammadiyah, each with its zakat institutions, as well as the presence of customary institutions with strong influence at the local level, has forced the state to update its integration and communication strategies continuously.

The state cannot be exclusive but must open up space for broad participation and, in some cases, decentralise zakat policy to make it more adaptive to local dynamics. Negotiations between Islamic law and customary law in zakat policy often place the state in an ambivalent position: on the one hand, as the guarantor of the universality and justice of Islamic law, and on the other, as the protector of the collective rights of indigenous communities.<sup>22</sup>

When interpretative conflicts arise, the state must prioritise deliberation, public consultation, and a deliberative approach. In this harmonisation process, the state often adopts compromise strategies, such as expanding the categories of zakat recipients based on local social considerations, establishing cross-actor consultation forums, or integrating customary rituals into the zakat distribution process. Such policies

<sup>20</sup> Shifa Mohd Nor et al., "Digitizing Zakat Distribution in Malaysia: A Case Study on Application Process at Kedah State Zakat Board," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (2024): 1901-27, <https://doi.org/10.22373/sjhk.v8i3.24158>.

<sup>21</sup> Sheng Lyu, Rachel Chan Suet Kay, and Eric Olmedo Panal, "Constructing Ethnic Consciousness: The Role of Cultural Heritage in Malaysia," *Ethnic and Racial Studies*, 2024, 1-23, <https://doi.org/10.1080/01419870.2024.2383724>.

<sup>22</sup> Alfitri Alfitri, "Islamic Law and Society in Indonesia: Corporate Zakat Norms and Practices in Islamic Banks," n.d., <https://doi.org/10.4324/9781003183112>.

strengthen the state's legitimacy in the eyes of the community and foster a sense of ownership and shared responsibility for the established zakat management system.

Harmonisation between Islamic law and customary law through state legal policy strategies is not without significant challenges, especially in the digital and globalised era, which has brought about changes in values, social relations, and public expectations regarding transparency and professionalism in zakat management. The state must be able to adapt its integration strategies to developments in information and communication technology, for example, by developing a digital zakat data system, building a database of mustahik based on locality, and providing a reporting platform that is easily accessible to all levels of society, including those living in remote customary areas.

This digital transformation must remain sensitive to the limitations of technological literacy in Indigenous communities and not neglect the critical role of local actors as bridges between the state and the community. In the context of oversight and accountability, the state's legal policy strategy must also anticipate the potential for misuse of zakat funds, overlapping reporting, and the risk of corruption that often arises due to fragmentation of the management system.

In Indonesia, harmonisation efforts are carried out by establishing a national coordination forum between BAZNAS, LAZ, and local governments.<sup>23</sup> This is accompanied by training and standardisation of online reporting that can be monitored in real time. On the other hand, Malaysia has established a system for periodic auditing and evaluating the performance of zakat administrators, as well as strict oversight of every stage of zakat collection and distribution through state institutions and oversight units at the state level.<sup>24</sup>

The success of harmonising Islamic law and customary law in zakat policies ultimately depends on the state's commitment to upholding the principles of justice, transparency, and inclusivity, without losing sensitivity to social and cultural diversity and local dynamics. A state that can act as a wise mediator, an innovative facilitator, and a fair protector will be more successful in creating a sustainable, participatory zakat management system that can respond to the challenges of the times. The state must also ensure that this harmonisation process does not end in a superficial compromise that merely unites the symbols of Islamic law and customary law on the surface, but instead results in a transformation of zakat governance that empowers and embraces all components of society and provides space for institutional innovation based on the real needs of the people.

Amidst the challenges of globalisation, urbanisation, and massive socio-economic transformation, the state's role has become increasingly strategic in maintaining a balance between the universal aspirations of Sharia and the particularities of indigenous values. The state must dare to take progressive steps, such as encouraging the development of productive zakat, community-based economic empowerment of mustahik, and cross-sector collaboration with the business world and international institutions. These steps will strengthen the role of zakat as an instrument of social justice and a tool for national integration, bridging the gap between traditional and modern groups, between local communities and the tide of globalisation.

<sup>23</sup> Hilmi Ridho, Ali Sodiqin, and Abdul Mujib, "The Evolution of Islamic Philanthropy in Indonesia's Digital Age (2016-2023)," *Al-Ahkam* 35, no. 1 (2025): 31-58, <https://doi.org/10.21580/ahkam.2025.35.1.23721>.

<sup>24</sup> Muhammad Iqmal Hisham Kamaruddin et al., "Exploring Shariah Audit Practices in Zakat and Waqf Institutions in Malaysia," *Journal of Islamic Accounting and Business Research* 15, no. 3 (2024): 402-21, <https://doi.org/10.1108/JIABR-07-2022-0190>.

The state's legal policy in harmonising Islamic law and customary law in zakat policy is not a linear process but a field of struggle, negotiation, and compromise that continues to evolve with the times. Every regulatory step, institutional innovation, and communication approach taken by the state will reflect the maturity and wisdom of legal policies that prioritise the welfare of the people, respect diversity, and ensure the sustainability of fair and inclusive zakat governance. Indonesia and Malaysia, with their unique histories and social structures, have an excellent opportunity to become global references for the Islamic world in building a harmonious, dynamic, and contextual zakat management system—provided that the state continues to maintain its commitment to listen, learn, and innovate in integrating Islamic law and customary law for a more prosperous and just future for the people.

### **The Impact of Convergence on the Effectiveness, Transparency, and Fairness of Zakat Distribution**

The convergence of legal systems in Indonesia and Malaysia has brought about institutional innovations, such as the involvement of local governments, traditional consultative forums, and community-based zakat verification units. However, efforts to achieve transparency have not been entirely smooth. The digitalisation of zakat management, promoted by the state as a solution to strengthen transparency and break the chain of informal bureaucracy, has also created new problems in the form of technological access gaps, limited digital literacy, and cultural resistance among indigenous communities. In many rural areas and indigenous communities, digital systems are seen as eliminating personal touch and reducing the significance of social rituals in zakat distribution. This leads people to prefer traditional mechanisms that are considered more fair and dignified, despite their lack of administrative transparency.

The fairness of zakat distribution is both a point of convergence and conflict between Islamic sharia ideals and customary practices. The main principle of justice in zakat law is the proportional distribution to eight categories of mustahik, without discrimination based on origin, ethnicity, or social status. However, customary systems deeply embedded in zakat management often prioritise certain groups based on social relations, seniority in the community, or closeness to community leaders.

While strengthening group solidarity, this phenomenon has the potential to negate the rights of vulnerable and minority groups entitled to receive zakat under Islamic law. On the other hand, neglecting customary practices can undermine social cohesion and reduce public compliance with state zakat policies. The implications of this convergence are becoming increasingly apparent in oversight and accountability in zakat governance.

With all its bureaucratic apparatus and regulations, the state strives to create a multi-layered oversight system, from establishing independent supervisory boards and financial audits to involving civil society in monitoring and evaluating zakat distribution.<sup>25</sup> However, the success of this system is highly dependent on the state's capacity to adapt and collaborate with established customary social structures. In many regions of Indonesia and Malaysia, community-based oversight has proven more effective in preventing the misuse of zakat funds, given the high level of social closeness and mutual acquaintance among community members. However, without synergy with the state's formal oversight system, this practice is prone to being exploited by local elites

<sup>25</sup> Haerunnisa Haerunnisa, Arif Sugitanata, and Suud Sarim Karimullah, "Analisis Strukturalisme Terhadap Peran Katalisator Instrumen Keuangan Syariah Dalam Mendorong Pembangunan Berkelanjutan Dan Tanggung Jawab Sosial," *Al-'Aqdu: Journal of Islamic Economics Law* 3, no. 2 (2023): 124-34, <https://doi.org/10.30984/ajiel.v3i2.2853>.

to strengthen their power base or become a formality that has no impact on improving the quality of governance.

Legal convergence also impacts the accountability of zakat management. On the one hand, the state demands standardised, publicly accessible, and legally accountable reporting. On the other hand, indigenous communities demand flexibility in reporting, prioritising principles of trust, deliberation, and local wisdom in distribution decisions. These differences sometimes lead to conflicts, especially when the state imposes digital reporting systems or online applications that are difficult for indigenous communities, unfamiliar with technology, to access. In some cases, compromises are made by combining formal and informal reports or providing training and assistance to help indigenous communities adapt to modern accountability requirements.<sup>26</sup> However, these practices require time, resources, and patience to avoid state and community tensions.

The long-term impact of integrating Islamic and customary law in zakat management depends heavily on the quality of synergy and institutional innovation developed by all stakeholders. A zakat governance model that is overly dominated by the state and ignores customary values risks creating alienation, reduced community participation, and even delegitimisation of zakat institutions.<sup>27</sup> Conversely, a model that overly emphasises customary law and ignores universal sharia principles can lead to discriminatory and unaccountable practices. In this case, ideal convergence is a normative compromise and a creative space for governance innovation that integrates modern technology, community participation, and institutional capacity building.

One of the most tangible positive impacts of the convergence of Islamic law and customary law in zakat governance is the increased socio-economic empowerment of the community. The involvement of customary communities in data collection and zakat distribution enables more accurate identification of mustahik needs, so that economic empowerment programmes—such as skills training, micro-business capital, and provision of production tools—can be tailored to local characteristics and have a higher success rate. In some regions, collaboration between BAZNAS/LAZ, customary institutions, and local businesses has created a productive zakat-based economic ecosystem that reduces structural poverty and strengthens the community's financial resilience to external shocks. However, this synergy also challenges the ongoing need to update management mechanisms to remain adaptive to social, economic, and technological changes.<sup>28</sup>

When legal convergence is not managed correctly, there is a risk of zakat being politicised, co-opted by local elites, and reproducing social inequalities within communities. This can reduce the long-term effectiveness of zakat programmes in alleviating poverty and building socio-economic justice. The state and indigenous communities must continuously reflect critically and evaluate existing systems and open spaces for dialogue to align zakat governance with the increasingly complex demands for justice, transparency, and accountability in the modern era.<sup>29</sup>

<sup>26</sup> Mu'adil Faizin et al., "Development of Zakat Distribution in the Disturbance Era," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 10, no. 2 (2024): 186–97, <https://doi.org/10.29300/mzn.v10i2.2997>.

<sup>27</sup> Suud Sarim Karimullah, "Konsep Dan Implementasi Zakat Untuk Pelestarian Lingkungan," *DIRHAM: Jurnal Ekonomi Islam* 6, no. 1 (2025): 51–65, <https://doi.org/10.53990/dirham.v6i1.396>.

<sup>28</sup> Suud Sarim Karimullah, "Analysis of the Influence of Political Power on the Implementation of the Islamic Economic System," *Jurnal Ekonomi Syariah, Akuntansi Dan Perbankan (JESKaPe)* 8, no. 2 (2024): 179–209, <https://doi.org/10.52490/jeskape.v8i2.4714>.

<sup>29</sup> Adamu Abubakar Muhammad et al., "Utilization of Zakat and Waqf in Address Dependency Challenges of The Vulnerable in Gombe State," *Al-'Aqdu: Journal of Islamic Economics Law* 4, no. 2 (2024): 135–50, <https://doi.org/10.30984/ajiel.v4i2.3307>.

In the context of globalisation and digital transformation, new challenges have emerged. Countries like Indonesia and Malaysia now face international pressure to adopt more open, accountable, and technology-driven governance standards. On one hand, this transformation can enhance efficiency and expand the reach of zakat, but on the other hand, it risks eroding the traditional social foundations that underpin community trust.<sup>30</sup> This duality between global and local demands must be managed with wise, innovative, and inclusive policies. The key to success lies in the capacity of the state and society to build a hybrid zakat governance system: combining the advantages of modern transparency and accountability while maintaining a personal touch, recognition of customs, and space for broad community participation.

In the future, the effectiveness, transparency, and fairness of zakat distribution in a system that converges Islamic law and customary law can only be maintained if all stakeholders—the state, religious institutions, customary communities, and civil society—are actively involved in the formulation, implementation, and evaluation of zakat policies. The state is not enough to merely act as a regulator and supervisor; it must also play a role as a facilitator of social innovation, a protector of cultural diversity, and a driving force for the economic empowerment of the community. Customary institutions must continue enhancing their capacity, transparency, and openness to reforms and transformations, prioritising justice and sustainability.

The convergence of Islamic and customary law is not an end goal but an ongoing journey towards building effective, fair, and inclusive zakat governance. This process is full of paradoxes, compromises, and even conflicts, but it also offers abundant opportunities for social innovation and economic transformation. Indonesia and Malaysia can serve as important laboratories for the Islamic world in creating a zakat management system that is not merely focused on normative compliance but truly impacts the strengthening of social justice, economic empowerment, and the reinforcement of solidarity among the community in facing the challenges of the times. This grand mission will only succeed if legal convergence is grounded in honesty, critical reflection, and collective commitment to building a more just, transparent, and prosperous future for all segments of society.

## Conclusion

The convergence of Islamic and customary law in the management of zakat in Indonesia and Malaysia reflects the results of regulatory adaptation. It demonstrates how Muslim communities in both countries negotiate identity, authority, and justice amid increasingly complex social change. Beyond the harmonious narrative often promoted by the state, integrating these two legal systems is a dialectical battlefield of power and resistance, where the universality of Sharia values clashes with the particularity of local interests. Through processes sometimes fraught with compromise and tension, zakat management can no longer be understood merely as fulfilling religious obligations or administrative policy, but also as a space for articulating interests, distributing benefits, and even contesting legitimacy at the grassroots level. In practice, the success of the zakat management system is not only determined by the sophistication of regulations or bureaucratic apparatus, but primarily by how flexible and open the system is to the involvement of indigenous communities, social creativity, and the state's ability to continue learning and negotiating with an ever-changing reality.

<sup>30</sup> Hussein Azeemi Abdullah Thaidi, Muhamad Firdaus Ab Rahman, and Ahmad Zaki Salleh, "Addressing Challenges, Unleashing Potentials: Towards Achieving Impactful Islamic Social Finance," *Ulum Islamiyyah* 35, no. 02 (2023): 63–85, <https://doi.org/10.33102/uj.vol35no02.554>.

From this point, the biggest challenge is not only to maintain the effectiveness, transparency, and fairness of zakat distribution, but also to ensure that the space for legal convergence does not become a battleground for the domestication of elite interests or merely a mask of inclusivity that loses its essence. The way forward lies in the courage of all stakeholders—the state, religious institutions, customary institutions, and civil society—to nurture critical dialogue, expand participation, and encourage institutional innovation that is not trapped in superficial formalism. The convergence of Islamic and customary law should not merely be a story of normative compromise, but a transformation of zakat governance into a pillar of social change that prioritises substantive justice, the empowerment of mustahik, and strengthening community solidarity. Only by reviving the courage to continuously evaluate, improve, and envision a more equitable governance system can zakat fulfil its prophetic mandate as an instrument of social liberation and collective hope for the future of humanity.

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The authors have no conflicts of interest to declare.

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