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Integration of Fiqh and National Law in the Management of Infaq and Shadaqah

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Abstract. *Infaq and shadaqah are fundamental components of the Islamic economic distribution system that play a vital role in achieving social justice and community welfare. In classical fiqh, both are classified as voluntary charitable acts (tathawwu') that carry profound spiritual value and contribute significantly to economic circulation within society. This study aims to analyze the integration between fiqh principles and Indonesia's national legal system in the regulation and management of infaq and shadaqah. The specific objectives are to examine their legal foundations, assess their relevance within Indonesia's positive legal framework, and explore how these instruments can enhance social welfare and economic empowerment among communities. The research employs a descriptive-normative method using a library research approach, focusing on textual and legal analysis of classical fiqh literature, the Qur'an, Hadith, and national regulations, particularly Law No. 23 of 2011 on Zakat Management. Supporting data were obtained from academic books and scholarly journals to strengthen both theoretical and contextual perspectives. The findings indicate that fiqh principles related to infaq and shadaqah are consistent with Indonesia's national legal system, particularly in promoting justice, welfare, and economic equity. Nevertheless, challenges remain in institutional governance, transparency, and productive fund management. Therefore, strengthening the integration between Islamic and national legal systems is essential to optimize the role of infaq and shadaqah as instruments for economic empowerment and sustainable social development in Indonesia.*

Keywords: Infaq, Shadaqah, Classical Fiqh, National Law, Social Welfare

1. Introduction

In the Islamic economic system, *infaq* and *shadaqah* are essential mechanisms for wealth redistribution and social welfare enhancement. Both are voluntary charitable acts (*tathawwu'*) driven by sincerity and solidarity among Muslims. In classical *fiqh*, *infaq* and *shadaqah* are not merely devotional practices but also serve as economic tools that promote social justice through equitable wealth circulation (Suma, 2015).

The Qur'an emphasizes the virtue of *infaq* in Surah Al-Baqarah [2]:261, promising multiplied rewards for those who spend in the way of Allah. Similarly, Surah Al-Hadid [57]:18 underlines the spiritual and social dimensions of *shadaqah* given sincerely. A hadith narrated by Muslim states, "Charity does not decrease wealth," highlighting the concept of *barakah* (divine blessing) as an economic principle of justice.

From a legal perspective, Indonesia's Law No. 23 of 2011 on Zakat Management has expanded the scope of Islamic social funds to include *infaq* and *shadaqah* for public welfare.

Although voluntary in nature, this law establishes a legal framework for institutions such as BAZNAS and LAZ to manage and distribute social funds in a transparent and accountable manner (Fauzan et al., 2019).

This study aims to analyze the integration of classical *fiqh* values with Indonesia's national legal system concerning the governance of *infaq* and *shadaqah*. Using a normative-comparative approach, it explores the alignment of *maslahah* (public interest), *'adl* (justice), and *amanah* (trust) principles within state-regulated Islamic social finance practices (Wiza et al., 2024). The study contributes to developing a just, productive, and sustainable model for managing Islamic philanthropic funds in Indonesia.

2. Methods

This study employs a library research approach using a descriptive-normative method. The research focuses on analyzing *fiqh* and national legal perspectives regarding the management of *infaq* and *shadaqah* in Indonesia. Data were collected from both primary and secondary sources. Primary sources include the Qur'an, Hadith, and classical *fiqh* texts from renowned Islamic scholars that discuss the principles and legal dimensions of *infaq* and *shadaqah*. Secondary sources consist of academic books, peer-reviewed journal articles, and relevant legal documents, particularly Law No. 23 of 2011 concerning Zakat Management.

3. Results and Discussion

3.1 Definition of Infaq and Shadaqah

Infaq comes from the Arabic word anfaqa, which means spending wealth other than zakat for good causes. This is different from zakat, because infaq to a minimum amount of wealth (nisab) (Nasikhah, 2021). In terms of terminology, infaq is consciously spending some of one's wealth or income in accordance with one's wishes for a cause that is commanded in Islamic teachings (Dillawati et.al, 2025). According to the term fiqh, infaq means giving some of one's wealthto people who are prescribed by religion togive it to, such as the poor, the needy, orphans, relatives, and others (Uyun, 2015). According to lau No. 23 of 2011 co concerning the management of zakat, it is explained that infaq is is property that is given by a person or business entity outside of zakat for the public good. In Arabic, infaq means all money spent on anything, but in Islam, infaq means giving some of one's wealth for the public good or to people specified in Islam, with no specific requirements regarding the time and amount (Wiza et al., 2024).

Based on the various definitions given, infaq can be summarized as the voluntary act of giving away some of one's wealth for good causes. Infak aims to benefit the community, such as helping the poor, orphans, or relatives, without being bound by a minimum amount of wealth (nisab) like zakat. Thus, infaq is a form of Islamic philanthropy that is flexible in helping others and seeking the pleasure of Allah SWT.

Etymologically, the word Shadaqah {صدقة} is rooted in the word sidq {صقة}, which means truth or sincerity. Thus, the act of giving shadaqah is a manifestation of a person's sincerity and earnestness in doing good deeds.In terminology, Shadaqah is defined as a voluntary gift (whether material or non-material wealth) given to those in need with the primary intention of seeking reward and pleasure from Allah SWT. Shadaqah is a voluntary giving performed by a person to another person with the sincere intention of seeking the pleasure (ridho) of Allah SWT. The core purpose of Shadaqah is to gain reward, without expecting any compensation or exchange in return from the recipient. Shadaqah has a very broad definition, encompassing both material (wealth) and non-material things. Although Shadaqah is often equated with Infaq, there is a significant distinction: Shadaqah is more general than Infaq. Infaq specifically relates only to the giving of material things (wealth). Conversely, the scope of Shadaqah extends to non-material acts, such as the simple example of smiling at others, in addition to material giving (e.g., money to an orphan) (Uyun, 2015).

3.2 Legal Foundations of Infaq and Shadaqah

The legal foundations of *infaq* and *shadaqah* are derived from the Qur'an and the Sunnah of the Prophet Muhammad (peace be upon him).

1. Surah Al-Baqarah [2]:261

مَثَلُ الَّذِينَ يُنفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ اللَّهِ كَمَثَلِ حَبَّةٍ أَنبَتَتْ سَبْعَ سَنَابِلَ فِي كُلِّ سُنبُلَةٍ مِائَةُ حَبَّةٍ ۗ وَاللَّهُ يُضَاعِفُ لِمَن يَشَاءُ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

"The example of those who spend their wealth in the way of Allah is like a seed [of grain] that grows seven ears; in every ear there are a hundred grains. Allah multiplies [the reward] for whom He wills, and Allah is all-Encompassing and Knowing."

This verse indicates that *infaq* performed sincerely will be rewarded manifold, both in spiritual and material forms.

2. QS. Al-Baqarah ayat 272:

وَمَا تُنفِقُوا مِنْ خَيْرٍ فَلِأَنفُسِكُمْ وَمَا تُنفِقُونَ إِلَّا ابْتِغَاءَ وَجْهِ اللَّهِ ۚ وَمَا تُنفِقُوا مِنْ خَيْرٍ يُوَفَّ إِلَيْكُمْ وَأَنتُمْ لَا تُظْلَمُونَ

"Dan apa saja harta yang baik yang kamu nafkahkan, maka itu adalah untuk dirimu sendiri. Dan janganlah kamu berinfaq kecuali karena mencari keridhaan Allah. Dan apa saja harta yang baik yang kamu nafkahkan, niscaya kamu akan diberi pahala dengan cukup, sedang kamu sedikit pun tidak akan dizalimi."

Ayat ini menekankan pentingnya keikhlasan dalam berinfaq, bahwa manfaat dari infaq akan kembali kepada pelakunya sendiri.

3. Surah Al-Hadid [57]:18

إِنَّ الْمُصَّدِّقِينَ وَالْمُصَّدِّقَاتِ وَأَقْرَضُوا اللَّهَ قَرْضًا حَسَنًا يُضَاعَفُ لَهُمْ وَلَهُمْ أَجْرٌ كَرِيمٌ

"Indeed, the men who give charity and the women who give charity and [they who] have loaned Allah a goodly loan it will be multiplied for them, and they will have a noble reward."

This verse portrays *shadaqah* as a form of divine investment a "good loan" to Allah that will be repaid with multiplied blessings and eternal reward.

Additionally, the Prophet Muhammad (peace be upon him) said:

"Charity does not decrease wealth. Allah increases the honor of the one who forgives, and He elevates the status of those who humble themselves." (Hadith narrated by Muslim)

These sources collectively affirm that infaq and shadaqah are deeply rooted in Islamic law as voluntary acts that bring spiritual merit, social benefit, and economic impact.

3.3 Major Issues in the Management of Infaq and Shadaqah

1. Dominance of Consumptive Models: The majority of community economic empowerment programs focus on consumptive aid (such as scholarships, food, and health costs). While helpful, this model is less effective because its benefit is immediately exhausted and short-term, failing to create significant economic change or empower the community independently.
2. Limitations of Productive Distribution: The current productive distribution model is only limited to providing business capital. The implementation of in-depth mentoring methods (such as Participatory Action Research - PAR) has not been realized, and BAZ institutions have not provided essential supporting programs, such as coaching and entrepreneurship training for recipients (Nizar, 2016).

3.4 Review of the Maslahah Aspect

Maslahah etymologically (in language) comes from the words salahu, yasluhu, salahan, meaning something that is good, appropriate, and beneficial. In terminology, maslahah is synonymous with benefits that can bring pleasure (Hasan et al., 2022).

The principle of maslahah in infaq and shadaqah emphasizes that the funds must be able to provide significant benefits to the community, especially to the recipients. Therefore, the distribution of these funds must prioritize those who are most in need (Wiza et al., 2024).

3.5 The Economic Impact of Infaq and Shadaqah

According to the law, Infaq is defined as wealth given out by an individual or business entity outside of zakat, intended for the public good. Meanwhile, Shadaqah has a broader scope, referring to wealth or non-wealth given out by an individual or business entity outside of zakat, intended for the public good (Suma, 2015). Some programs or activities created with Infaq and Shadaqah funds are:

1. Education

IS (Infaq Shadaqah) funds can be utilized to provide scholarship programs for children in need of educational assistance. Furthermore, the funds can also be allocated to the development of campuses and schools. This utilization aims to create intelligent human resources who can compete in the job market and, consequently, increase the nation's intelligence quotient. By funding IS scholarship programs, those who give Shadaqah and Infaq directly contribute to enhancing the intelligence of Indonesian society.

2. Social Humanitarian

Infaq and Shadaqah (IS) funds play a vital role in social and humanitarian services to assist communities affected by natural disasters and other calamities. IS funds are utilized for disaster relief efforts following events such as earthquakes, floods, landslides, and tsunamis. n the distribution process, these funds are allocated for various essential support facilities, including the delivery of aid, medical treatment, shelters, and recovery/rehabilitation efforts. Furthermore, IS funds are also used to distribute basic necessities, such as food or staple goods, to the communities most in need (Ramadhan & Fadlirahman, 2022).

3. Health Program

Infaq and Shadaqah (IS) funds play an important role in providing health services to the community, especially the less fortunate. Its utilization includes general medical treatment, circumcision, and the implementation of healthy community programs. The role of IS became even more crucial during the COVID-19 pandemic in Indonesia, where IS funds were used to support public health by providing essential needs such as hand sanitizers and Personal Protective Equipment (PPE). Thus, IS has a significant role in ensuring that the underprivileged receive health assistance and access (Tho'in & Andrian, 2021).

4. Consumptive Assistance

Consumptive Assistance is a form of direct aid (such as the distribution of staple foods) given to eligible recipients (mustahik), particularly the poor. The distribution of consumptive aid funded by Infaq and Shadaqah (IS) enables recipients to meet their basic needs, thereby directly reducing economic problems like poverty and the rate of consumption deficiency in the community. In this way, Shadaqah and Infaq serve as crucial financial channels for the consumption sector, complementing or substituting state fund allocations in this area.

5. Productive Assistance.

In addition to consumptive aid (such as staple goods), Infaq and Shadaqah (IS) funds must also be used as productive assistance, primarily in the form of business capital, for the underprivileged. The objective is to enable recipients to become economically independent and self-sufficient, without relying on the state or others. However, the distribution of this productive funding must be supported by comprehensive business training so that the entrepreneurs succeed, increase their individual income, and contribute to the movement of the national economy. Based on the functions of zakat and infaq as state finance, the position of IS can be established as a separate source of state revenue due to its similar goal of achieving national objectives. Furthermore, Infaq and Shadaqah can be synergized with other state revenues, particularly taxation. However, a legal framework needs to be created to formally include IS as a separate component of state finance and to encourage Muslims to increase their contributions of Infaq and Shadaqah for the advancement of Indonesia (Fauzan et al., 2019).

According to Wibisono, the existence of Infaq and Shadaqah can increase consumption among the poor category, which in turn can trigger a rise in the production of goods and services. The result of this increase can move the economy widely (fostering economic growth) in the form of input toward production factors and intermediary input (Azka, 2020).

4. Conclusions

Infaq and Shadaqah (IS) are two complementary Islamic philanthropic instruments with distinct definitions: Infaq specifically refers to the giving of wealth (material) for the public good, without being bound by a specific time or amount. Shadaqah, on the other hand, has a broader scope, encompassing all forms of sincere giving (both material and non-material, such as a smile) with the intention of drawing closer to Allah SWT. Both practices are supported by strong legal foundations in the Qur'an (e.g., QS. Al-Baqarah: 261 and QS. Al-Hadid: 16) and the Hadith, affirming that giving wealth does not diminish it but rather increases its blessings. Economically, IS plays a significant role in addressing poverty by serving as a flexible instrument for wealth distribution. This not only increases the consumption of the poor but also stimulates the production of goods and services broadly. IS funds can thus be allocated to various strategic programs (such as education and social assistance).

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