Fiscal on Islamic View; How Does it Run in Modern Day Indonesia

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ABSTRACT

The fiscal mechanism is an important thing to discuss, because it concerns the lives of many people, but the question is whether all fiscal instruments are permitted in Islam? This research aims to discuss how fiscal instruments are carried out in the Islamic context and how Islam provides guidance for making a breakthrough. in this activity. The approach used is literature study, by comparing the opinions among moeslem scholar and others relevance study. The findings from this research answer that taxes are still a problem among fiqh experts, either another fiscal insrument were relevance with contemporary world , in the Indonesian context it can be done if; fair and other sources of funding have not met needs, since of the governments expenditure were could not be fulfilled by only using one fiscal instrument such as zakah.

Keywords: Fiscal, Fiqh Muamalah, Tax, Government

BACKGROUND

Fiscal as an instrument in macroeconomics plays an important role, effective fiscal performance is a representation of effective government performance as well. Heliany (2021) explains that fiscal policy is closely related to handling recessions, in the long term fiscal will also have an impact on a country's economic output and growth, apart from that fiscal will also have an impact on the monetary policy that will be taken by the country (Surjaningsih, et al. 2012), fiscal will also have an impact on the overall economic activity climate (Fathurrahman, 2012). The central role of fiscal in macroeconomic discussions originates from Keynes's thesis which states that government spending (fiscal policy) not only transfers private sector resources to the government sector, but will also create a multiplier effect on these activities (Surjaningsih, et al. 2012).

Muslim economist researcher Kahf (1987) also stated that fiscal is closely related to market balance, prosperity and economic growth. In line with this, Baqir Ash-Shadr also saw that state intervention in the field of economic life is very necessary to ensure harmony with Islamic norms. (Chapra, M. Umer, 2001: 63). Quoting the Hadith narrated by Bukhari and Muslim, "A khalifa is the custodian and regulator of people's affairs and he will be held accountable to his people." Making the presence of the state important in creating economic stability, one of which is through fiscal policy. However, fiscal as an economic instrument that makes the receipt and distribution of resources by the state a tool for achieving stability in an Islamic perspective cannot stand alone, it must be in accordance with the demands in the Koran (Jalili, et al, 2006).

Understanding the fiqh (islamic way of thought) view of fiscal and macroeconomics itself is important, especially in the Indonesian context. Because one of the fiscal instruments is tax, which in Islamic law is a sensitive issue because, there is a history that shows that the Prophet salallahu wa alaihi wassalam said "Indeed, the perpetrator/collector of taxes is in hell" (HR Ahmad 4/109 , Abu Dawud), with the majority of Indonesia's population being Muslim (87.08% or 245.9 million) from data from the Central Statistics Agency (2024) and 80% of state revenue comes from taxes, of which 50% is income tax (Ministry of Finance, 2023). Of course this will have an impact on the perception of the Muslim community, especially towards taxation, which has the potential to give rise to resistance to taxation, which will ultimately have an impact on the fiscal and macroeconomics as a whole. overall. Therefore, this next article will discuss how does fiscal policy been described by an Islamic perspective?, how to manage it and is there any relevance of the fiqh view to the construction of fiscal policy in the modern era, especially in Indonesia

Theoretical basis

a. Fiscal Affairs in the Early Islamic World

Muslims have guidelines in building their ethical and conceptual framework. The way a Muslim views life and gives judgment, both ethically and practically, stands on the foundation of the Koran and Hadith which are the most basic literature for every Muslim (Farsi, 2022). The Koran is believed to be the words of Allah conveyed verbally by Muhammad salallahu alaihi wassalam (PBUH), while the hadith is a compilation of the Prophet's actions and sayings which can be explanations and examples of what is written in the Koran (Esmaeili, 2015; Olalekan, 2018; Pa, Muhammad , & Mustard, 2016). In its development, as time progressed and the problems of Muslims became increasingly complex, understanding of these problems was not tied directly to referring to the Koran and hadith, but instead used a broader approach to understanding such as qiyas and ijma. The way the ulama understood texts and phenomena then developed into a more established methodology, so that it became a fundamental formula for understanding the context in the main Islamic literature (Kamali, 1996), this fundamental formulation is known as ushul fiqh. Ushul Fiqh then becomes the foundation for building judgment on the context of fiqh in various fields, one of which is the social field (muamalah). Muamalah fiqh provides guidelines for constructing laws relating to human actions in worldly matters, for example in matters of buying and selling, debts, trade cooperation, unions, cooperation in cultivating land and renting (Haroen, 2007). Likewise, in terms of state management, there are several issues that did not exist in the early era of Islam that must be discussed using a muamalah fiqh approach to obtain a frame of mind that is in accordance with Islamic teachings.

During the prophetic era as well as in the caliphate era, the state received funding from several sources, some of which were in the form of fixed income; zakat, kharaz, jizya, and ushr, and income that is not fixed; Ghanimah and Fay, ma'adin, and rikaz (Irkhami, 2019).

a. Ghanimah & Fai' are assets obtained from war, In the distribution aspect, each income item has different provisions, Fai' and Ghanimah require 1/5 of the income received for Rasulullah salallahuwa alaihi wassalam and 4/5 of it to be distributed to the community

b. Kharaj is a tax imposed on agricultural products to non-Muslim residents who live in areas controlled by Muslims through war, the amount of Kharaj can be 25%, 30%, or 50%,

c. Jizya, Irkhami (2019) added that the existence of jizya at that time was a form of contribution from non-Muslim people/communities living in Muslim countries, they paid jizya and the state provided facilities and protection, the amount of this jizya payment was determined on the individual's ability to pay and for women and children to be exempted from the burden of jizya , jizya to be distributed to the community.

d. Rikaz is property/assets obtained through the mining/excavation process (Muchtar, et al. 2020; Agustina, et al, 2021; Blannin, 2024), in general Rikaz is a limited commodity, not a public good that is mass owned and available in large quantities, the levy on Rikaz is large is 1/5 part or 20% of the rikaz value that must be paid to the State (Agustina, et al, 2021).

e. Ushr resembles import duties paid because of trade activities between Islamic countries and other countries. Ushr was first implemented by Caliph Umar. The amount of this import duty varies, it can be 10%, 25% to 50% (Gilani, 2023).

f. Next is zakat, Muhammad, et al (2013) explained that zakat is a portion of the assets taken at the end of the year (nisab) to be handed over to people in need, as commanded by Allah and the Prophet. Meanwhile, for zakat there are separate guidelines based on the type of asset;

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Table 1. Zakah Rule & Distribution

Situational Conditions legal Alms Being Obligatory:

Category of Wealth	Nisab	Rate of Zakat
Gold	7 ½ Tola or 87.50 grams approximately	2.5%
Silver	52 ½ Tola or 612.35 grams approximately	2.5%
Cash	If the amount of currency possessed by the person equals to the value of the Nisab for silver or 200 Dirhams	2.5%
Cattle (Sheep/Goat)	1. 40 to 120 goats or sheep	1. One goat of one year old
	2. 121 to 200 goats or sheep	2. Two ewes
	3. Above that, for every hundred	3. One ewes
Bull and cow	30 to 39	One calf of one year or older
	40 to 59	One calf of two years
	For every 60	Two years old calf
	For each additional 30	One year old calf
	For each additional 40	Two years old calf
Camel	5 to 9 camels	One goat
	10 to 14 camels	Two goats
	15 to 19 camels	Three goats
	44 camels or less	One ewe for every five camels
	On anything above that, up to Thirty-five camels.	A she-camel in its second year
Irrigated land	1. Naturally irrigated land	One tenth of the produce
	2. Artificially irrigated land	One twentieth of the produce
Mines		One fifth of the produce

Source: Malik (2009), Islam: beliefs and practices [09]

RESEARCH METHODOLOGY

This research uses a descriptive qualitative research method with data collection techniques, namely literature study. (Sarwono, 2006) states that literature study is the study of data from various reference books as well as the results of previous research that are relevant to the research to obtain a theoretical basis for the problem to be studied. Literature study is referred to as library research or library research

DISCUSSION

a. Sources of State Income

Public finance is a part of economics that studies government activities in the economic sector regarding its receipts and expenditures along with their influences on the economy (Suparmoko, 2016). An important object in public finance (fiscal) is a source of state income. In Indonesia, what is meant by sources of state income are taxes, levies, state company profits, fines, community donations (Syamsi, 1994). The following is an overview of Indonesia's income during the period 2022 - 2024. From the tabulation below it can be seen that the majority of state income comes from taxes at 77.4% - 82.2% with the largest percentage of tax revenue coming from tax revenue at 38% - 40.7% and VAT of 26%-29%.

Table 2. Indonesian Income 2022 - 2024

	2022		2023		2024	
Income	**Rp (In Billion) 2.630.147,00**	**%**	**Rp (In Billion) 2.801.862,90**	**%**	**Rp (In Billion) 2.801.862,90**	**%**
Tax Income	**2.034.552,50**	**77,4%**	**2.309.859,80**	**80,4%**	**2.309.859,80**	**82,4%**
Domestic Tax	**1.943.654,90**	**95,5%**	**2.234.959,30**	**96,6%**	**2.234.959,30**	**96,8%**
Tax Revenue	998.213,80	38,0%	1.139.783,70	39,5%	1.139.783,70	40,7%
VAT	687.609,50	26,1%	811.365,00	28,2%	811.365,00	29,0%
Property Tax	23.264,70	0,9%	27.182,20	1,0%	27.182,20	1,0%
Customs	226.880,80	8,6%	246.079,40	8,6%	246.079,40	8,8%
Other Tax	7.686,10	0,3%	10.549,00	0,4%	10.549,00	0,4%
International Trade Tax	90.897,60	3,5%	74.900,50	2,8%	74.900,50	2,7%
Customs	51.077,70	0,0%	57.372,50	0,0%	57.372,50	0,0%
Export Tax	39.819,90	0,0%	17.528,00	0,0%	17.528,00	0,0%
Non Tax Income	**595.594,50**	**22,6%**	**492.003,10**	**19,6%**	**492.003,10**	**17,6%**
Natural Resources	268.770,80	10,2%	207.669,60	8,5%	207.669,60	7,4%
Income from Separated State Assets	40.597,10	1,5%	85.845,50	3,1%	85.845,50	3,1%
Other Income Tax	196.324,30	7,5%	115.136,00	5,0%	115.136,00	4,1%
Service Income	89.902,30	3,4%	83.352,00	3,0%	83.352,00	3,0%
Grant	5.696,10	0,2%	430,60	0,1%	430,60	0,0%
Total	**2.635.843,10**		**2.802.293,50**		**2.802.293,50**	

Source; Indonesian Ministry of Finane, 2024

From the table above, it can also be seen that apart from taxes, the state also receives income from the processing of natural resources, management of other state assets, grants, and from service activities organized by the state, although the contribution percentage is much smaller than revenue from taxes. From the tabulation above, it can be understood that the country's dependence on taxes is so large, that in order to maximize economic growth through state spending and domestic demand, it is important to be able to improve effective tax policies (Ofoegbu et al. 2016; Gurdal et al, 2019)

b. Islamic View on State's Income & Expenditure

In the early prophetic period, the state's main income came from zakat, the state could impose penalties for people who did not want to pay it (Alhemiri, 2022), which then developed from other sources of revenue such as fai', kharaj, jizya, and ushr (Al-Dahla, 2003). Each reception post has its own spending allocation; Zakat is spent on the eight groups mentioned in the hadith, kharaz, fai', jizya and ushr are used to meet the needs of the community, for the Prophet and his family and for public facilities. Meanwhile, the allocation of grants or waqaf is in accordance with the agreement between the state and the waqif (person who has waqaf) (Muhammad, et al, 2013).

Managing the state is part of muamalah, which therefore cannot be separated from the guidelines of the Koran and Hadith, in contrast to a secular state which is based on rationality and materiality so that the basis for making decisions on state revenues and expenditures is based on ratios and available data. Islam does not Thus, Islam provides guidelines on how to manage a country's finances through instructions in the Koran, hadith, qiyas and the consensus of the ulama (Gilani, 2023). In the context of state income, there is an important issue that has become a polemic in Islam, namely taxes.

Contemporary taxes are different from state levies that occurred in the prophetic and caliphate eras (Alhemiri, 2022). Sidiqqi (1982), UmerChapra (1992), Zulkarnain (1994) and Abdul Hamid (1998) argue that tax rates depend on the country's economic conditions, while zakat does not, besides that the tax object has an ambiguous definition; income, 'additional enjoyment', 'assets' and is considered a commitment cost that must be paid in the relationship between the state and the people (Alhemiri, 2022; Jalili, 2006) therefore taxes are considered something that is not 'fair', because the subjects are the rich and poor and occurs in every line of economic activity in society, "Do not consume your neighbor's wealth in a false way" is a sentence from Surah An-Nisa verse 29. Apart from that, taxes are a sensitive issue for Muslims because of the ulama's fatwa regarding taxes, most of which are haram (Qaradawi, 2011; Peerzade, 2004; Kahf, 1983), while other forms of state levies/revenues (zakat, ushr, fai', ghanimah, kharaj, jizya) have clear fiqh sources (the Koran and hadith).

Table 3. Islamic Jurisprudence of Fiscal

Item	Object	Rate	Islamic Jurisprudence
Zakah	Gold, Silver, Cash Sheep/ Goat Bull Irrigated Land	2,50% 1 per 40 -120 Sheeps 1 per 30 - 39 Bulls 10% for naturally irrigated 5% for artificially irrigated	Quran & Hadits
Ushr	Import/ Trading	10% - 20%	Ijtihad
Kharaj	Land Taxation of Non-Muslim	10% - 20% of farming outcome	Hadits
Jizya	Non-Muslim	Depend on Whealtiness, woman and children are free	Hadits
Fai' & Ghanimah	Asset collected from war	20%	Quran & Hadits
Rikaz	Mining	20%	Hadits
Tax	Income & Consumption Activities	Various, it could be 2% - 25%	-

Source; (Alhemiri, 2022; Jalili, 2006; Irkhami, 2019)

However, the fatwa on whether taxes are haram is not absolute, some scholars have different ijtihad regarding this. Al-Ghazali, a scholar from the Hanbali, Maliki and Syafii schools of thought, is of the opinion that it is permissible to collect taxes if under certain conditions/the state treasury is empty or used for the interests of the state in order to improve the welfare of its people, such as providing education, security and health services and the amount of this tax levy not oppress the people (Pakeeza & Qadoos, 2017; Alhemiri, 2022; Nigamaev et al., 2018; Ahmed, 2019). The choice of ijtihad of the ulama to allow this tax is based on the fiqh principle 'Resisting damage must take precedence over efforts to take advantage of it.' . This fiqh rule originates from the Koran, Surah Al-Baqarah; 219 'They ask you about khamr and gambling. Say: "In both there are great sins and several benefits for humans, but the sins of both are greater than the benefits." That the sin that a leader must bear is greater if he cannot fulfill the basic needs of his community and the social impact that arises because of this That is, compared to if the ruler levied taxes on his people.

It can be understood that from an Islamic perspective, tax is the final fiscal instrument chosen as long as the country has other options as a source of funding, even when chosen as a policy instrument, tax must meet the following criteria; fair, which is interpreted as a means of distributing wealth from the rich to the poor, not the main policy instrument, carried out if there are no other sufficient sources of funding.

c. Tax Integration & Islamic Governance Perspective: Indonesian Case Study

As a country with the largest number of Islamic adherents in the world, Indonesia is faced with a dilemma when the issue of taxation must be confronted with the culture and culture of the Muslim community which gives many fatwas about the prohibition of taxes (Gustami, 2023), this is also in line with other research such as Budiarto , et al (2018) and Anggini, et al (2021) which state that religiosity can encourage and moderate awareness of tax compliance, thus if the opinions of ulama make taxes an object which is strictly prohibited absolute by religion, then of course it will be a challenge for the government to maximize state revenues through taxes.

Qiyas

According to Ibn Taymiyah, tax is a product that arises from ijtihad carried out by a scholar or leader (Alhemiri, 2019), as are waqaf and jizyah (Sharif, et al, 2019), meaning that not all activities are within the scope of muamalah (social) refers completely to the Koran and Sunnah, there is space for thought given in religion to be able to achieve the common good, this is as can be found from the Prophet Muhammad in the Hadith that narrated by Darami;

"From Mu'az, that the Prophet Muhammad saw. when sending him to Yemen, he said, "How will you decide a matter that people bring to you?" Muaz said, "I will decide according to the Book of Allah (Koran)." Then the Prophet said, "And if in the Book of Allah you do not find anything regarding that matter?" Muaz replied, "Then I will decide according to the Sunnah of the Prophet Muhammad." Then, the Prophet asked again, "And if you don't find something like that in the Sunnah?" Muaz answered, "I will use my own rational judgment (ijtihadu bi ra'yi) without the slightest hesitation." Then, the Prophet said, “Glory be to Allah SWT. Who gave guidance to the messengers of His Messenger in an attitude that was approved by His Messenger." (H.R. Darami)

In the context of Islamic jurisprudence, there is a method called qiyas which is generally defined as measuring, comparing, analogizing and equalizing (Haroen, 1997; Zakky, 1964). Qomarulzaman and Halim (2024) and Syahrastani (2007) define qiyas as a form of effort to explore/understand contemporary situations that have not been mentioned in the Koran and Sunnah in an analogical manner based on two premises that have similarities and indicators (in Islamic terms called illat/cause) so that a conclusion can be reached. Through this qiyas approach, new problems faced by Muslims after the death of the Prophet Muhammad can be resolved fairly. Likewise, taxes, which are a contemporary product, can be analogous to mandatory levies which also appeared in post-prophetic eras such as Ushr and Jizyah. The following is a tabulation of the differences and similarities between fiscal matters in the Islamic era and contemporary taxes.

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Table 4. Tax and Islamic Fiscal Different and Similiarity

Fiscal Item	Object	Rate	Distribution	Similiarity on Contemporary Tax	Different
Zakah	Gold, Silver, Cash Sheep/ Goat Bull Irrigated Land	2,50% 1 per 40 -120 Sheeps 1 per 30 - 39 Bulls 1/10 for naturally irrigated	8 groups that been mentione on Quran	-	-
Ushr	Import/ Trading	1/10 for artificially irrigated	For Fiscal Allocation	Customs 5% for Import	-
Kharaj	Land Taxation of Non-Muslim	10% - 20%	For Fiscal Allocation	Tax Land (Called PBB in Indonesia)	Non-Religious Bias
Jizya	Non-Muslim	10% - 20% of farming outcome	For Fiscal Allocation	Corporate Tax (Tax 25,Tax 26, Tax 23)	Non-Religious Bias
Fai' & Ghanimah	Asset collected from war	Depend on Whealtiness, woman and children are free	For Prophet and Distribute for people	-	-
Rikaz	Mining	20%	For Prophet and Distribute for people	Corporate Tax (Tax 25,Tax 26, Tax 23) Return on Investment from Mining Company	Non-Religious Bias

Source; (Alhemiri, 2022; Jalili, 2006; Irkhami, 2019)

Apart from the object and mechanism of levying and withholding, the difference in fiscal matters in the prophetic era and the contemporary era is distribution, in the prophetic era part of state income was earmarked for the Prophet Muhammad, whereas in the contemporary era all state income was used to meet state needs such as; Personnel spending, infrastructure spending, subsidies for the community, allocations for local governments and fiscal incentives (Ministry of Finance, 2024). Conceptually, the existence of this tax is in line with other fiscal forms (except zakat) that emerged in the early Islamic era, namely that it was used for the benefit of society and the welfare of society ((Pakeeza & Qadoos, 2017; Alhemiri, 2022; Nigamaev et al., 2018; Ahmed, 2019).

From this qiyas approach we can find that taxes, although not clearly mentioned in Islamic history, in practice similar practices have been carried out, the difference is that non-Muslim communities at that time were subject to levies in the form of; Ushr, Jizya, or Kharaj while the levy for Muslims is zakat. Thus, it can be understood that the differentiation of fiscal instruments was separated in that era based on the religion adhered to and economic capabilities. This will certainly be difficult to do in the Indonesian context, because if you look at the condition of state spending in 2022 - 2024, it shows that the state's spending needs are 2,300 trillion (Ministry of Finance, 2024) with a potential zakat requirement of 237 trillion (Hajar, et al 2023). it is still far from being fulfilled if it is not assisted through other fiscal instruments that have greater potential besides zakat. Seeing this, as mentioned in the previous paragraph (point b), tax instruments are permissible in cases where; fair, which is interpreted as a means of distributing wealth from the rich to the poor, not the main policy instrument, carried out if there are no other sufficient sources of funding, then this condition meets the requirements in the Indonesian context, although there are notes that from the point of fairness VAT is a tax instrument that is considered unfair, because the tax subject does not look at the economic condition.

CONCLUSION

From the discussion that has been carried out above, it can be found that fiscal policy is closely related to the decisions of the government, that the government can take ijtihad (thoughts) aimed at the good of the country, this is then related to the ability to collect taxes which previously did not exist in the era of the prophet and his companions. leaving problems for modern scholars today; is it halal or haram? However, tax as a fiscal instrument has several similarities with other fiscal instruments in the friendly era, which differentiates collection based on religious beliefs; non-Muslim communities; jizya, ushr, and kharaj, Muslim society; zakat. From the discussion in this article it can also be concluded that within certain limits taxes which in practice are still believed to be haram and unjust, may be carried out according to several criteria agreed upon by the ulama; fair in collection, has maximized other fiscal instruments, and is used for the benefit of society. In the Indonesian context, with a large Muslim population and the potential for good natural management to provide more diverse potential sources of state revenue, Indonesia can maximize state revenue not only from taxes but also Rikaz and Zakat. Specifically, rikaz in the Indonesian context takes the form of profit sharing for capital participation in mining exploration companies, where the results will certainly not be optimal, when compared with implementing rikaz as recommended by Islam, namely 1/5 (20%) of the results of management/exploration mine.

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