

Zakat initiatives for supporting victims of violence against women and children in Indonesia

Yulianti Muthmainnah

Institut Teknologi dan Bisnis Ahmad Dahlan Jakarta, Indonesia
E-mail: yulimuth@itb-ad.ac.id

Zakiyuddin Baidhawiy

Universitas Islam Negeri Salatiga, Indonesia
E-mail: zbaidhawiy@uinsalatiga.ac.id

Yusron Razak

Universitas Islam Negeri Syarif Hidayatullah Jakarta, Indonesia
E-mail: yusron.razak@uinjakarta.ac.id

Ilham Mundzir

Universitas Muhammadiyah Prof. Dr. Hamka Jakarta, Indonesia
E-mail: ilhammundzir@ubamka.ac.id
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The concept of utilising zakat to support victims of violence against women and children, introduced in 2020, is a groundbreaking new initiative in Indonesia and beyond. This idea has gained traction through the efforts of the Centre for Islamic Studies, Women, and Development (PSIPP) at the Ahmad Dahlan Institute of Technology and Business (ITB-AD) Jakarta. As the pioneer of this initiative, PSIPP has implemented programmes, advocacy campaigns, and collaborations

with diverse stakeholders. This study investigates PSIPP's role as the only gender-focused research centre within Muhammadiyah-'Aisyiyah institutions in Indonesia, highlighting its efforts in addressing sexual violence and promoting zakat for victims. Using qualitative methods, including literature reviews, interviews, documentation, and focus group discussions, the study applies a multidisciplinary framework comprising autoethnography, socio-legal systems, and *maqāṣid al-sharī'ah*. The findings reveal PSIPP's success in fostering partnerships and advancing universal humanitarian values through people-to-people diplomacy, advocacy campaigns, zakat fundraising, and policy development. These efforts have resulted in the issuance of local and national policies facilitating zakat distribution to victims. However, challenges persist, particularly a lack of support from community and religious organisations due to the absence of a formal fatwa endorsing zakat for this purpose. This research contributes to the theoretical discourse of *maqāṣid al-sharī'ah* by reinterpreting zakat recipient categories and offers practical recommendations for policymakers, zakat institutions, and administrators to include victims of sexual violence as eligible recipients, addressing this critical societal need.

Gagasan zakat untuk korban kekerasan terhadap perempuan dan anak, diluncurkan tahun 2020, merupakan isu baru di Indonesia, bahkan dunia. Ide ini menyebar luas atas peran strategis Pusat Studi Islam, Perempuan, dan Pembangunan (PSIPP) yang berkedudukan di Institut Teknologi dan Bisnis Ahmad Dahlan (ITB-AD) Jakarta. PSIPP sebagai inisiator, memiliki program-program, advokasi, kerjasama dengan banyak pihak. Tujuan penelitian ini menelaah PSIPP, satu-satunya pusat studi gender di kampus Muhammadiyah-'Aisyiyah se-Indonesia, fokus pada isu penghapusan kekerasan seksual dan berhasil menyebarkan gagasan zakat bagi korban di Indonesia dan dunia. Penelitian ini menggunakan metode kualitatif, menggabungkan kajian pustaka, wawancara, dokumentasi, dan *focus group discussion*. Penelitian menggunakan teori auto-etnografi, sistem hukum sosial, dan *maqāṣid sharī'ah*. Tiga teori memadukan multidisiplin melalui pengalaman personal (auto-etnografi) dan PSIPP saat melakukan perubahan keamanan golongan penerima zakat selama ini. Hasil penelitian menunjukkan keberhasilan PSIPP berkolaborasi dengan banyak pihak tentang kemanusiaan secara universal bukan hanya sektoral dengan cara *people to people (PtoP) diplomacy, campaign support quotes*, kampanye nasional, penggalangan dana zakat, dan penyusunan kebijakan. Sehingga menghasilkan kebijakan lokal (Surat Edaran Walikota) dan nasional (Standar Operasional Prosedur) zakat untuk korban. Hambatannya, belum mendapatkan respon positif dari organisasi kemasyarakatan/keagamaan karena belum ada fatwa zakat untuk korban. Secara keilmuan penelitian ini berkontribusi pada perkembangan *maqāṣid sharī'ah*, terutama re-interpretasi *aṣnaf* atau golongan penerima zakat. Secara praktis berkontribusi pada fikih zakat yakni penyantunan zakat untuk korban kekerasan seksual. Sehingga para pengambil kebijakan, lembaga/badan zakat, para *amil*, dapat menambahkan para korban sebagai golongan penerima zakat.

Keywords: *advocacy and policy development; ijtihad; maqāṣid al-sharī'ah; zakat for victims of violence.*

Introduction

The zakat movement for victims of violence against women and children represents a groundbreaking initiative. It was inspired by the publication of the book '*Zakat untuk Korban Kekerasan terhadap Perempuan dan Anak*' (Zakat for Victims of Violence against Women and Children), launched on December 11, 2020, by the Centre for Islamic Studies, Women, and Development or *Pusat Studi Islam, Perempuan, dan Pembangunan* (PSIPP) at the Ahmad Dahlan Institute of Technology and Business (ITB-AD) Jakarta. This launch was conducted in collaboration with the Ministerial Expert Staff and the Deputy for Coordination of Quality Improvement for Children, Women, and Youth under the Coordinating Ministry for Human Development and Culture (Kemenko PMK) (Muthmainnah, 2021b). PSIPP operates in parallel with the *Pusat Studi Gender dan Anak/PSGA* (Women and Children Study Center). However, PSIPP stands out as the only PSGA within Muhammadiyah-'Aisyiyah Universities (PTMA) in Indonesia that explicitly addresses the elimination of sexual violence and has successfully disseminated the concept of zakat for victims (Dien, 2023). This initiative is not only a pioneering concept in Indonesia but also a novel development across ASEAN and globally (IKa and PSIPP, 2023). No comparable idea or practice has been identified where zakat funds are specifically allocated to victims of violence against women and children, including those subjected to rape, incest, sexual slavery, marital rape, domestic violence, or human trafficking. This innovative approach highlights the potential for zakat as a tool to address critical social issues and expand its traditional application.

Zakat encompasses various dimensions, including its role as *māliyah ijtimaiyah* (Kurnia, 2008), an expression of Islamic ideology, and a philanthropic movement (Triatmo et al., 2020). It represents a social commitment to mutual assistance and support (Ali et al., 2020), a tool for eradicating poverty (Ubabuddin and Nasikhah, 2021), and a measure of societal welfare (Kusuma and Ryandono, 2016). Linguistically, the term *zakat* signifies purification, growth, or improvement (Manurung, 2014). The obligation of zakat is explicitly mentioned in several Qur'anic verses, including 90:12–18, 93:43–44, 51:19, and 107:1–3 (Al-Qaradhawi, 2005). Furthermore, the Qur'an specifies the eight categories of zakat recipients (*mustahik*) in verse 9:60, highlighting its structured and targeted approach to fostering social equity.

Previous research highlights an expansion in the categories of *mustahik* (zakat

recipients) to include victims of the COVID-19 pandemic. This is supported by Fatwa No. 23 of 2020 issued by the Indonesian Ulama Council (MUI), which permits the utilisation of Zakat, Infaq, and Sadaqah (ZIS) assets to combat the COVID-19 outbreak and its associated impacts. Following this directive, Badan Amil Zakat Nasional (BAZNAS), both at the central and regional levels, allocated zakat funds to support COVID-19 victims, including the provision of medicines (BAZNAS, 2021a), assistance to the economically disadvantaged affected by the pandemic (BAZNAS, 2020), and aid for those who experienced job terminations (BAZNAS, 2021b). The total zakat funds distributed by BAZNAS amounted to IDR 7,578,461,063 (Amanda et al., 2021). Similarly, the Majelis Tarjih and Tajdid (MTT) of the Central Board of Muhammadiyah issued a fatwa in February 2020, authorising the use of zakat funds managed by Muhammadiyah's Zakat, Infaq, and Sadaqah Institution (LAZISMU) to assist COVID-19 victims. This initiative also supported the Muhammadiyah COVID-19 Command Centre (MCCC), which involved 83 out of 116 Muhammadiyah-'Aisiyah hospitals and clinics in COVID-19 response efforts, engaged over 73,000 volunteers, and distributed more than IDR 1 trillion in funds (CNN Indonesia, 2021).

The scope of *mustahik* (zakat recipients) has undergone significant expansion in recent years to address evolving societal needs. For example, victims of COVID-19 and natural disasters have been categorised as eligible *mustahik* (Rahwan and Zukin, 2022). In Negeri Lha, Maluku, traditional baby shamans, known as *Mama Biang*, are considered part of the *fi sabilillah* category of zakat recipients (Hannani et al., 2023). Similarly, the head of *Baitul Mal Gampong* (BMG) in Aceh, who also serves as the village priest, is classified under the category of *'amil zakat* (Januddin, 2023). The category of *ibn sabil* has been extended to include street children (Malahayatie, 2016) and refugees displaced by conflict or war (Ali Jum'ah). The *fi sabilillah* category has also seen reinterpretation, encompassing individuals engaged in religious endeavours (Cokro, 2015), those defending their nation's independence (Jazuli, 2021), individuals performing public duties for the benefit of the state and the *ummah* (Mas'udi, 2010), and those undertaking community service without financial remuneration (Monica and Abidah, 2021). Furthermore, zakat has been utilised for infrastructure development projects, such as electricity provision in East Nusa Tenggara

(Author, 2019).

Despite the expansion of *mustābik* categories, women and children who are victims of sexual violence—including marital rape, domestic violence, incest, rape, and other forms of sexual harassment—remained excluded from receiving zakat funds until 2020. This exclusion was evident across major zakat institutions such as BAZNAS, LAZISMU, LAZISNU, Rumah Zakat, and Dompot Dhuafa. Reports indicate that none of the *mustābik* classified under *riqāb*, *fakir*, *poor*, or *sābilillāh* categories were victims of sexual violence, despite the dire circumstances they face. These victims are often deprived of essential healthcare due to their ineligibility for Social Security Administrative Body (BPJS Kesehatan) benefits. Under Article 52, Paragraph (1) of Presidential Regulation No. 82/2018, BPJS excludes coverage for victims of sexual violence, categorising them as “not sick”. This regulation fails to consider severe physical injuries such as reproductive organ damage, as seen in the case of rape victims in Parigi Moutong (Parimo), Central Sulawesi, where one victim required a hysterectomy. Moreover, the cost of forensic examinations (*visum et repertum*), reaching up to IDR 1,500,000 (ICJR, 2017), often imposes an additional financial burden. The slow legal response, such as delays in arresting perpetrators, exacerbates victims’ psychological trauma. For example, a victim in Bungkek Mojokerto Village, East Java, who faced prolonged threats from her assailants ultimately died by suicide (Kompas, 2020). The scarcity of accredited Legal Aid Organisations (OBH) further compounds the issue as victims struggle to access legal aid funds from the Ministry of Law and Human Rights, highlighting the intersection of legal, cultural, and social challenges that worsen their plight.

Sexual violence and harassment fundamentally contradict the core values and objectives of Islamic law (*maqāṣid al-sharī‘ah*) (Muhsin et al., 2021). Therefore, it is imperative to advocate for zakat as an emergency fund to support victims, complementing rather than replacing other legally mandated funding sources. Zakat can be allocated and disbursed directly to victims without unnecessary bureaucratic processes (Muthmainnah, 2021a). This approach is particularly relevant given Indonesia’s significant zakat potential, estimated at IDR 327 trillion—equivalent to 75% of the nation’s social protection budget (Zaenal, 2023). Properly managed, this immense zakat potential could serve as an effective social safety net, benefiting society at large (Muthmainnah, 2022) and addressing economic

constraints (Hariyanto et al., 2020). As Syira Iyer has noted, religious philanthropy, such as zakat, constitutes vital social capital that can stimulate national economic development (Iyer, 2010). The allocation of zakat for *mustāḥik* must incorporate sociological, anthropological, and socio-cultural approaches tailored to contemporary societal needs (Baidhaw, 2011). Furthermore, the distribution process should prioritise the humane and dignified treatment of victims, ensuring their protection and well-being (Muhsin et al., 2023; Rahmi, 2023; Auliyah, 2022; Mabruroh and Junaidi, 2023).

The gap between the significant potential of zakat funds and the lack of allocation for victims of sexual violence constitutes a critical issue. Furthermore, there is an absence of amil zakat institutions or bodies that direct zakat funds to these victims. The novelty of this research lies in the re-interpretation of victims of violence against women and children as eligible zakat recipients. These victims meet four key criteria: the poor (*fakir*), the needy (*miskin*), those in thralldom seeking manumission or suffering from modern slavery (*riqab*), and those struggling in the path of Allah (*fisabilillah*) (Muthmainnah, 2021a). The aim of this research is to examine the role of PSIPP, which has successfully advocated for the creation of local and national policies as well as the promotion of zakat distribution to victims. This is particularly significant as, previously, women and children victims of sexual violence were excluded from receiving zakat, but now, due to PSIPP's efforts, they are recognised as legitimate recipients.

Method

This research is a field study that explores the role of PSIPP ITB-AD Jakarta in advocacy, opportunities, challenges, and achievements over the past 2-3 years. Notably, the advocacy efforts are not led by a women's NGO or a government programme but by a research centre that surpasses the traditional role of PSGA, which generally focuses on gender mainstreaming within academic institutions. PSIPP, however, extends beyond the scope of the PSGA program. The research employs qualitative methods (Lester, 2023), including interviews with PSIPP administrators, focus group discussions (FGDs) with BAZ/LAZ, online FGDs with MUI's Fatwa Commission, hybrid policy-making FGDs, and reviews of book manuscripts, journals, and articles.

The informants are crucial in providing perspectives supporting or rejecting the issue of zakat for victims. Primary data were collected through interviews, FGDs, and documentation, while secondary data include the book “*Zakat untuk Korban Kekerasan terhadap Perempuan dan Anak*” (Zakat for Victims of Violence against Women and Children), which inspired the PSIPP movement, as well as journals, articles, and verified media reports on PSIPP’s activities to promote zakat for victims. The data were analysed using auto-ethnography theory (Cohn, 1987), Social Legal System theory (Friedman, 1975), and *maqāṣid shari’ah* theory (Audah, 2007) to reformulate the concept of *mustāhik* zakat to protect women’s fundamental rights in the context of contemporary civilisation, particularly for victims of violence.

The first theoretical framework used in this study is auto-ethnography, inspired by Carol Cohn’s work “*Sex and Death in the Rational World of Defence Intellectuals*” (1987). Cohn’s personal experiences with nuclear and U.S. defence security serve as a foundational theoretical basis for her critique. She sharply criticises the pervasive construction of masculinity and the positivistic strategic logic that, according to her, dehumanises the consequences of nuclear weaponry, removing real human emotions from their use. Cohn’s work has contributed significantly to the integration of gender perspectives and feminism in influencing policy and international security (Brigg and Bleiker, 2010; Neumann, 2007; Strausz, 2023). In this research, auto-ethnography is applied to explore the researcher’s personal experiences in initiating programmes and collaborating with various parties to advocate for zakat for victims, a relatively new issue in society. The researcher’s auto-ethnographic perspective, which includes her role as a victim’s advocate since 2003, has led to the understanding that *mustāhik riqāb* includes women and children who are victims of sexual violence, wives or children who endure domestic violence or incest but remain silent due to fear, as well as individuals subjected to human trafficking, domestic workers deprived of their basic rights, and other exploitative labour conditions. *Riqāb* can also be understood as a state of being constrained, under control, or facing threats, akin to modern slavery (Lewis, 2016; General Assembly resolution 48/104, 1993; Lewis, 2016). Additionally, *fiṣābilillāh* refers to victims who are fighting for justice in their cases (Muthmainnah, 2021c).

The second theoretical framework employed in this study is the social legal system

theory, specifically Lawrence Meir Friedman's triangle theory of legal dynamics, which highlights the interaction between the structure, substance, and culture of law. According to Friedman (1975), the structure refers to those with influence or policymakers, the substance pertains to the legal products or rules, and culture encompasses society and the environment that plays a crucial role in the implementation and interpretation of the law. The third theoretical framework is *Maqāṣid Shari'ah*, as outlined by Jasser Audah in *Maqāṣid Shari'ah as Philosophy of Islamic Law: A Systems Approach* (Audah, 2007). Audah argues that *Maqāṣid Shari'ah* must be reformulated to safeguard basic human rights in the context of contemporary civilisation, based on six guiding principles: 1) Islamic law is a complete unity (wholeness), requiring efforts towards synchronisation; 2) Islamic law must be viewed as a system where elements are interrelated; 3) it is multi-dimensional and should not be viewed from a single perspective; 4) it is a product of human reasoning that can be debated (cognitive); 5) it is open to reform and renewal with a new approach (openness); 6) it is focused on the ultimate objectives of the law (purposefulness) (Audah, 2007). Therefore, Islamic law must strive towards welfare, goodness, and protection rather than adhering rigidly to dogma or the thoughts of scholars that may constrain the people. In this study, the researcher applies *maqāṣid shari'ah* to advocate for zakat for victims. These three theories are employed as multidisciplinary approaches, providing a comprehensive framework for analysing the data. The theories integrate personal experiences and the role of PSIPP in redefining the categories of zakat recipients. All data are collected and analysed in relation to these theories to illustrate the connections between theoretical concepts, the advocacy process, and the outcomes of the study.

The implementation of contemporary ijtihad in zakat fiqh

PSIPP has been operational since October 18, 2019, with its management officially ratified through a Rector's Decree on October 19, 2020. As a study centre, PSIPP focuses on the intersection of Islam, women, and (economic) development by conducting research, studies, training, public education, and efforts to strengthen the economy of women who are victims of sexual or domestic violence through zakat or waqf funds. This work aligns with the achievement of SDGs Goals 1, 5, and 17. Currently, PSIPP has chosen to

focus on the issues of zakat for victims and cash waqf, as these initiatives complement the campus's focus on economic and business-related matters. PSIPP has been actively involved in advocating for the passing of the Sexual Violence Crime Law or UU TPKS (2019-2022), promoting the increase of the minimum marriage age for women through the "*Fikih Perlindungan Anak*" training (2019), and conducting various training sessions, public education campaigns, and efforts to eliminate sexual violence and support victims through Islamic philanthropy (2020-present). Notably, PSIPP is the only PSGA on the Muhammadiyah-Aisyiyah campus in Indonesia actively engaged in combating sexual violence, as most PSGAs typically focus solely on gender mainstreaming and incorporating a gender perspective into educational curricula.

The dissemination of *Zakat for Victims of Violence against Women and Children* was the result of a long process of reflection and consideration, drawing on approximately 20 years of experience assisting victims of violence against women and children. Utilising the theory of auto-ethnography, all activities were carried out by the researcher (Muthmainnah, 2007; 2011; 2012; 2016a; 2016b). In 2020, PSIPP launched the "*Dari Kita untuk Mereka*" programme as part of its support for discussions surrounding the Sexual Violence Law at that time. The book "*Zakat untuk Korban*" (*Zakat for Victims*) was the centrepiece of this programme, and its launch took place on December 11, 2020, organised by PSIPP in collaboration with the Kemenko PMK. The event was attended by notable figures, including Ghafur Akbar Dharmaputra, Special Staff to the Minister of Kemenko PMK, Zainut Tauhid Sa'adi, Deputy Minister of Religion, Mukhaer Pakkanna (Rector of ITB-AD), Amalia Fauzia (UIN Jakarta), Maria Ulfa (Komnas Perempuan), and Suhairi (Vice Rector of IAIN Metro). In summary, PSIPP's efforts involved:

Figure 1.
Photo courtesy of PSIPP



Source: This image has been used as media coverage material (Ariyanti, 2021; Pahdepie, 2022; Suara Muhammadiyah, 2024).

The dissemination of zakat for victims in 2021 was conducted through two primary approaches. The first approach utilised people-to-people (PtoP) diplomacy, a concept widely recognised in international relations theory. PtoP diplomacy involves establishing direct relationships between individuals from different countries to facilitate negotiations, reduce tensions, enhance cooperation, foster mutual understanding, and promote global peace. In contemporary contexts, PtoP initiatives are often implemented through citizen engagement, business interactions, and student exchange programs. To address zakat for victims—a relatively novel issue—collaboration with influential individuals, strategic figures, and individuals in key positions is essential. The initial PtoP support came from Abdul Mu'ti, General Secretary of the Muhammadiyah Central Board and Hilman Latif,

Chairman of LAZISMU. As part of this initiative, books were purchased by prominent public figures and officials. Subsequently, those who purchased the books were encouraged to take photographs with them, provide supportive statements or video endorsements, and share these materials on social media platforms as a form of advocacy. Drawing on Friedman’s theory, which identifies legal structures as being represented by public figures and officials, the integration of PtoP diplomacy and campaign advocacy by influential individuals underscores a multidisciplinary approach. This strategy, implemented by PSIPP, highlights the use of PtoP and public endorsements as effective tools for advocacy and social influence.

Figure 2
Documentation of PSIPP



Source: K16HAKTP flyer, PtoP and campaign support quotes from public figure (structure of law).

Second, to promote awareness of the significance of zakat for victims within the community, the initiative was implemented through the “16-Week Campaign of the National Zakat Movement (K16MGZN): Starting from Women *Muzaki* for *Mustahik* Women and Children Victims of Sexual Violence, Domestic Violence, and Incest”. This program,

abbreviated as K16MGZN, drew inspiration from the “16 Days of Activism Against Gender-Based Violence” campaign. It was conducted from August 27 to December 12, 2021. The campaign featured resource persons who were predominantly individuals actively engaged in PtoP diplomacy and campaign advocacy. A total of 84 resource persons (70% women and 30% men) and 41 institutions and organizations across Indonesia participated in the program. In addition to hosting discussions, the K16MGZN program facilitated zakat fundraising efforts, including the auctioning of zakat-related books to support victims. All funds were collected through designated accounts: the LAZISMU account, marked with the unique code “93” for zakat transfers, or the ITB-AD Baitul Izzah Mosque (DKM) account, identified with the unique code “37”. As PSIPP is a research centre without a philanthropic mandate, zakat funds were managed by LAZISMU and DKM. The involvement of mosques was strategically significant, as they serve as central community hubs. By engaging mosque administrators, the initiative aimed to raise awareness about victims and encourage mosques to become the first point of support for victims in their communities through zakat or *infaq* funds.

The 16-Week Campaign of the National Zakat Movement (K16MGZN) program was officially inaugurated by the Minister of Women’s Empowerment and Child Protection, Bintang Puspayoga. The program included 16 online activities, and nine offline events held in various cities, initiated by several organizations, including the Regional Leadership Council (DPD) of the Muhammadiyah Student Association (IMM) Surabaya-East Java, DPD IMM Bengkulu, Regional Leadership (PW) ‘Aisyiyah Bengkulu, PW Nasyiatul ‘Aisyiyah Riau, *Inilah.com* (an online media outlet), Amanah Institute, Community ‘Aisyiyah ITB-AD, and the Commissariat Leadership (PK) IMM Muhammadiyah University Jakarta. Several academic institutions also supported the campaign through seminars and lectures specifically addressing the topic of zakat for victims. For example, IAIN Ponorogo and STIQSI Lamongan-East Java hosted seminars, while the Postgraduate Faculty of Da’wah at UIN Jakarta integrated discussions into classroom lectures. Two religious recitation events also focused on this issue: the Orbit recitation by Dien Syamsuddin and an event organized by PD ‘Aisyiyah of Tegal City, Central Java. Additionally, the Bukhari Institute conducted a writing workshop centered about zakat for victims. The national seminar on

the elimination of sexual violence, organized by PSGA UIN Fatmawati-Bengkulu, also incorporated discussions on zakat for victims, highlighting its importance as part of broader advocacy efforts.

A significant observation from the K16MGZN campaign is that, although female speakers outnumbered male speakers, the latter often extended the initiative's impact beyond the campaign itself. Male speakers played critical roles in advancing the initiative through their active support for subsequent activities, included purchasing books in large quantities for redistribution within their communities. Notably, Abdul Rasyid, Chairman of the South Tangerang Regional House of Representatives (DPRD) and General Chairperson of the South Tangerang Healthy City Forum (FKS), endorsed the idea of raising the issue of zakat for victims to the level of city government policy (Muthmainnah, 2021b). Female speakers also contributed significantly beyond the K16MGZN seminars. For instance, Dewi Hisjam, Chairperson of PD 'Aisyiyah Tegal City, and PW 'Aisyiyah Bengkulu, both of them organized offline discussions and distributed books widely. Additionally, figures such as Damairia Pakpahan from Protection International and Ruby Kholifah from AMAN Indonesia emphasized the importance of interfaith philanthropy. They advocated for a broader perspective on supporting victims, as outlined in the book *Zakat for Victims, 2021*. Their approach suggested that support for victims should not be limited to Islamic practices like zakat but should also draw on philanthropic traditions from other religions (Pakpahan, 2022). Kholifah further proposed that the Indonesian Women Ulama Congress (KUPI) endorse the concept of zakat for victims through a Fatwa or Religious Deliberation (Kholifah, 2023). This, she argued, would solidify support for victims from female religious leaders. Building on these efforts, in 2022, Tunggal Pamesti from Hivos collaborated with PSIPP to train LAZ/BAZ administrators in South Tangerang City, further enhancing the capacity to address the needs of victims.

Referring to Friedman's legal triangle theory, which comprises legal structure (implemented by leaders and policymakers), legal substance (written policies serving as guidelines), and legal culture (the perspectives of law enforcement officials and the social fabric of the community), the success of legal systems relies on their consistent and daily application. K16MGZN aligns with Friedman's concept of legal culture. It

represents PSIPP's strategy for raising awareness and fostering acceptance of zakat for victims by engaging diverse stakeholders to shift societal paradigms. The campaign aims to normalize the idea of zakat as a means of supporting victims, thereby garnering broader societal support. Additionally, when analysed through the lens of Jasser Auda's *maqāṣid shari'ah* theory, K16MGZN reflects the principle that Islamic law should be multi-dimensional, striving to achieve benefit, goodness, and protection. This approach challenges traditional interpretations of zakat distribution, which have historically excluded victims. By advocating for victims' entitlement to zakat, the campaign seeks to expand the scope of zakat to fulfill its underlying objectives of justice and compassion.

The implementation of Friedman's legal substance theory and Auda's concept of Islamic law is evident in the development of local and national laws. PSIPP, led by Yulianti Muthmainnah (also Chair of Tatanan VIII FKS South Tangerang), engaged the Healthy City Forum (FKS) to propose zakat for victims as a local policy in South Tangerang. This led to a meeting with Mayor Benyamin Davnie on October 27, 2021, where the decision was made to host the seminar *Women-Friendly and Child-Friendly City: Optimizing the Function of Zakat for Victims of Violence Against Women and Children* on December 5, 2021. The seminar marked the first step in making South Tangerang the first city in Indonesia to implement zakat for victims, with commitments signed by key officials including the Mayor, DPRD Chairman, BAZNAS Chairman, MUI Chairman, and representatives from the Ministry of Women's Empowerment and Child Protection (PPPA), alongside Hamim Ilyas from LAZISMU Sharia Council (Triana, 2021). This initiative exemplifies Friedman's legal structure, highlighting the support of officials with the authority to drive legal and policy changes, thus aligning both central and regional government efforts.

In addition to the K16MGZN, another example of legal culture as proposed by Friedman (Horwitz et al., 1977) is the *Ramadhan (April) 2022: Eid Gifts for Children and Women Victims of Sexual Violence and Domestic Violence* initiative, a collaboration between PSIPP, Inilah.com, and Kitabisa.com (Pahdepie, 2022). To follow up on the commitment made on December 5, 2021, PSIPP and FKS met with BAZNAS South Tangerang on June 22, 2022, where they received a positive response. During the meeting, PSIPP emphasised the importance of distributing zakat to victims, highlighting that they meet the four indicators of *mustahik*

zakat: riqāb, fakir, miskin, and sabilillah. Furthermore, PSIPP encouraged BAZNAS South Tangerang to allocate zakat funds for victims, positioning it as the first BAZNAS in Indonesia to do so, thereby setting a precedent. The discussion also included dialogue between sharia perspectives and interpretations of Qur'an 9:60 (Yutegi, 2021).

Following the joint commitment, it was agreed to draft a Regional Regulation (Peraturan Daerah or known as Perda). However, due to the involvement of multiple parties and varying interests, including questions regarding the benefits for stakeholders if the Zakat for Victims Regional Regulation were enacted, the complexity of the issue led to the decision to replace the Perda with a Mayoral Regulation (Peraturan Wali Kota or Perwali). On July 7, 2022, the draft Perwali, prepared by PSIPP and FKS, was submitted to the Legal Bureau and the mayor's staff. Subsequently, a Focus Group Discussion (FGD) on the draft zakat for victims' regulation was held on August 1 and September 15, 2022, at the DP3AP2KB office.

During the FGD on August 1, 2022, the Regional Government Legal Bureau raised two significant questions. First, if the regulation were to be issued as a Mayoral Regulation, it would imply that the funds come from the APBD (Regional Budget), yet zakat funds are not sourced from the APBD but from the community fulfilling their religious obligations. The Legal Bureau questioned how the mayor could be held accountable for public money—specifically zakat funds—given that the mayor's mandate pertains to the use of the APBD. The second question concerned the role of the city government in monitoring and evaluating the institutions receiving zakat funds. What measures would be in place if zakat funds were misallocated, or if misappropriation occurred? Furthermore, how could the mayor be absolved of any potential corruption charges if zakat funds were misused under the administration's watch? Additionally, the Legal Bureau questioned why BAZNAS South Tangerang did not take the initiative to raise zakat funds independently and instead awaited the Mayoral Regulation. In response, Tarjudin, Deputy Chairperson of BAZNAS South Tangerang, explained that zakat for victims is a new issue, with his first exposure to it occurring on May 12, 2021 (during the seminar) and again on June 22, 2022 (during the PSIPP audience). He emphasized that this is a contemporary *fiqh ijtibad* that requires support, not only from BAZNAS but also from the local government.

In the FGD on September 15, 2022, it was decided to replace the problematic Mayoral Regulation (Perwali) with a Circular Letter (*Surat Edaran/SE*) from the Mayor of South Tangerang. The SE, signed on October 3, 2022 (No. 846/3727/DP3AP2KB/2022), supports the allocation and distribution of zakat funds for victims of violence against women and children. While zakat is specifically mentioned, the SE also invites all philanthropic institutions, including CSR programs, to contribute. In line with Friedman's concept of legal substance, the zakat circular has been formalized at the local level. Additionally, BAZNAS South Tangerang committed to allocating IDR 103,000,000 in zakat, infaq, and alms funds for victims starting in 2023, reflecting BAZNAS's positive attitude and aligning with both legal structure and substance.

The Circular was disseminated through the program "Ramadan 2023: Zakat, Caring for Victims of Violence", which also aimed to raise zakat funds during Ramadan. As per Friedman's concept of legal culture, this initiative contributed to the growing public awareness and support for victims through zakat contributions. Individuals participated in the campaign by sharing information on social media, while various organizations also lent their support. In Ramadan 2023, PSIPP, in collaboration with the Indonesian Foundation for Humanity (IKa), Mubadalah.id, Rahima, and KUPI, witnessed a significant increase in zakat funds compared to Ramadan 2021, when the concept of zakat for victims was still relatively new. During the K16MGZN 2021 program, PSIPP, together with LAZISMU and 41 other organizations, raised approximately IDR 55,276,969.00 over a 16-week period. In contrast, during Ramadan 2022, zakat collections reached approximately IDR 134,000,000 within just three weeks. This increase can be attributed to heightened public awareness, greater enthusiasm, multiple donation channels—such as LAZISMU with the unique code "93", Baitul Izzah Mosque ITB-AD with code "37", and KitaBisa.com's "Eid Gift" program—along with the involvement of public figures and campaigns on platforms like Inilah.com. The success of the national zakat movement reflects the effective implementation of legal culture, as evidenced by the substantial funds raised through these various channels.

Figure 3
Socialisation of Zakat for Victims by Various Organizations (Example of Legal Culture)



Source: These are from Instagram; We Lead and Canada, Puan Menulis, IKA, and Mubadalah.

In 2023, the “K16MGZN” program was replaced with the “Religion and Women’s Week”, held in November-December 2023, culminating on Mother’s Day, December 22. The shift in focus from “K16MGZN” to “Religion and Women’s Week” was driven by ideological considerations. First, the 16-day campaign, rooted in Western feminist ideology, came under scrutiny following the ongoing conflict in Gaza. It was observed that Western feminists, despite advocating for women’s rights through the 16-day campaign, did not extend their support to women and children in Gaza, who were experiencing genocide, rape, torture, and other violations of international law, including breaches of the CAT, CEDAW, CRC, the Rome Statute, and other human rights instruments perpetrated by Israel. Second, PSIPP sought to return to the nation’s historical context. December 22 marks a significant moment in Indonesia’s history: the celebration of the Indonesian Women’s Congress (Kongres Wanita Indonesia [Kowani]) in Yogyakarta, which led to the formulation of women’s rights that were not neglected by the leaders of that era. The commemoration of Mother’s Day (Peringatan Hari Ibu/PHI) serves as a reminder of the pivotal role women have played in the formation of the nation-state, from the struggle for independence to ensuring women and children are free from all forms of physical, sexual, economic, or psychological violence. “Religion and Women’s Week 2023” took place in

seven cities across Indonesia, employing offline, online, and hybrid formats, and involved approximately 800 participants.

The zakat fatwa for victims: a delayed achievement

Other legal substances include fatwas issued by religious organisations. These fatwas are essential for firmly embedding the issue of zakat for victims within state-government policies, transforming it into a collective moral responsibility. To this end, PSIPP sent an official letter to the Indonesian Ulema Council (MUI) requesting a fatwa on zakat for victims. In response, the MUI invited PSIPP to a Zoom meeting on August 19, 2022, from 06:00 to 08:30 WIB, followed by a limited FGD with the MUI Fatwa Commission at the Pan Pacific Hotel in Jakarta on October 19–20, 2022.

During the Zoom meeting, the MUI Fatwa Commission expressed the view that rape and sexual violence could be attributed to the victim's actions, such as going out at night or not dressing modestly. The Commission also argued that zakat, as a sacred act, should not be associated with something deemed "unclean". Following the FGD, the MUI decided not to issue a fatwa on zakat for victims, deeming it non-urgent and suggesting that existing fatwas could be used instead.

Similarly, PSIPP's request to the KUPI was not successful. At KUPI-2 in Jepara in November 2022, KUPI declined to issue a fatwa on zakat for victims, stating that the draft fatwa under consideration for ratification at the upcoming congress had already been discussed, and that the issue of zakat for victims was too new to be addressed so close to the congress. As of now, it remains unclear whether the fatwa on zakat for victims will be discussed at KUPI-3.

Thus, PSIPP has not succeeded in gaining support for a fatwa on zakat for victims from religious organizations. According to Friedman, the legal structure includes both support and rejection from public officials regarding a proposed policy. In this case, the rejection of the fatwa on zakat for victims by scholars, for the reasons outlined above, reflects a legal structure that is not functioning effectively.

Support from various parties

The movement and initiative to collect zakat funds for victims has been widely adopted and replicated by various institutions, as well as promoted by numerous individuals. Notably, Ervan Nurtawab commended “Yulianti Muthmainnah as the best young women scholar who has introduced a novel interpretation of the Qur’an, particularly regarding zakat for victimised women”. This recognition occurred during the Colloquium Tafsir in the Non-Arab Muslim World-I and II, organised by the Centre for Islamic Studies and Civilisation and the Islamic Studies Research Colloquium, via Zoom on Thursday, July 21, 2022, from 12:00 to 14:00 (AEDT). Additionally, Pahd Pahdepie, the founder of the ‘Eid Gift for Victims’ movement (Mubadalah, 2023), contributed through campaigns, such as Facebook posts encouraging people to donate zakat for victims. Similarly, figures like Faqih Abdul Kodir (Kodir, 2022) and Ahsan Jamet Hamidi (Hamidi, 2022) have actively participated in promoting the initiative by social media. Furthermore, Missiyah from KAPAL Perempuan has supported the movement by disseminating information through its organizational network.

Secondly, BAZNAS Tangsel City, led by the Chairman and Commissioners, committed on June 22, 2022, to establishing a dedicated bank account for zakat funds for victims. They affirmed their readiness to act as *amil* (those responsible for receiving and distributing zakat) and to provide public accountability regarding the use of these funds. As part of this commitment, BAZNAS Tangsel City pledged to allocate IDR 103 million in zakat funds for victims of sexual violence starting in 2023, as stated by Ahmad Rifai, BAZNAS Commissioner, during the ‘FGD on Strengthening Zakat Issues for Victims of Violence Against Women and Children for LAZ/BAZ, Philanthropic Institutions in Tangsel’, held on March 20, 2023, at ITB-AD.

Third, the UIN Jakarta Social Trust Fund, represented by Director Amelia Fauzia, expressed its commitment to opening zakat donations for victims during the seminar on ‘Economic Recovery and Empowerment of Victims of Sexual Violence’ held on Saturday, April 23, 2022, from 10:00 to 12:30 am. Fourth, on May 30, 2022, in the Alimat WA Group, Nyai Badriyah shared a message about a case of sexual violence in Bandung, where the victim, Neng, was experiencing depression, and her family was facing financial difficulties

for transportation to attend court hearings. In response, the group collectively committed to raising funds for the victim through the Alimat account. These funds were the initial step and were later managed responsibly as Alimat's alms fund for victims. Fifth, during the Ramadan Study session at UHAMKA Jakarta on April 1, 2024, speaker Atyatul Ulya, Secretary of the National Board of 'Aisyiyah, emphasized that rape victims fall under the *mustabik riqab* group and are entitled to zakat. Zakat should be used for the economic empowerment of victims and their families, and LAZISMU has collected zakat funds for victims of domestic violence, rape, and other forms of violence.

At the global level, the issue of zakat for victims gained wider dissemination when the author participated in the International Summit of Women 2023 in Abu Dhabi, held on February 21–22, 2023. The summit, titled “Role of Female Leaders in Establishing Peace and Social Integration, and Driving Prosperity” (Muthmainnah, 2023), provided a platform for promoting the cause. Additionally, the book on zakat for victims was distributed free of charge to key figures, including delegates from Japan, Norway, Vienna, the United Arab Emirates, and other countries. This effort was further extended during the author's attendance at the International Conference on Cohesive Societies (ICCS) in Singapore, from September 6–8, 2022, where proactive outreach (PtoP) was conducted, engaging delegates from England, Australia, and the Southeast Asia region. The author was also invited to participate in a Zoom discussion hosted by the Feminist Trust Fund and the Indonesian Humanitarian Foundation (IKa) on February 2, 2023, which was attended by representatives from multiple countries. This marked the beginning of an increasing number of invitations to engage in discussions on zakat for victims.

On September 9, 2023, PSIPP collaborated with the Pimpian Muhammadiyah Istimewa of Germany and the Indonesian Embassy in Germany to hold a hybrid discussion, with participants joining both online from Indonesia and offline at the Indonesian Embassy in Germany. The discussions focused on cash waqf for the economic empowerment of women, who serve as the backbone of families, alongside the promotion of zakat for victims of violence against women and children. Furthermore, on March 11, 2024, at the beginning of Ramadan, PSIPP presented the issue of zakat for victims to the NGO Musawa Malaysia in an offline session at their office, and to Suhakam (the Human Rights

Commission of Malaysia) in a hybrid format at the Suhakam office. These activities were conducted separately.

The distribution of zakat funds and the implementation of *maqāṣid shari'ah*

The collection and distribution of zakat funds to victims reflect the implementation of *maqāṣid shari'ah* through six approaches, which serve as the theoretical framework in this article (re-interpretation of *asnaf mustahik*). The methodology is as follows: First, victims eligible for zakat funds are those who have not received any other assistance. Second, victim data is sourced from organizations or individuals who support the victims. Third, PSIPP verifies the victim data while ensuring the confidentiality of the information, which is not made public. Fourth, zakat funds are directly transferred to victims in 27 cities and regencies across 13 provinces by BAZNAS Pusat, Inilah.com, and KitaBisa.com. Fifth, zakat funds are utilised for various purposes, including medical and psychological care (for victims in Medan, Bandung, Manado, Garut, and Jakarta), post-mortem expenses (for victims in Sidoharjo, Maluku, and Subang), relocation costs to safe locations (for victims in Padang, Pekanbaru, Bandar Lampung, and Lombok), and economic empowerment initiatives (such as buying chickens or goats for victims in East Java and supporting small businesses in East Nusa Tenggara, Makassar, West Nusa Tenggara, Jakarta, and South Tangerang). Sixth, PSIPP does not act as an *amil* and therefore does not take any funds for the *amil* category. As Tsani, the Secretary of PSIPP, stated:

“Ananul and I verified the victim’s data and submitted a zakat fund application to Inilah.com and KitaBisa.com, but Ka Yuli advised us that we are not zakat collectors, so we do not receive honorariums as collectors; the zakat funds are transferred directly to the victims” (Ariyanti, 2022).

In alignment with the successful collection and distribution of zakat funds to victims, the development of the “Standard Operating Procedure (SOP) for Zakat for Victims of Violence against Women and Children for Philanthropic Institutions in Indonesia” has become essential. This is necessary to prevent errors in the distribution process, maintain the confidentiality of victims’ and their families’ identities, and ensure the prompt processing of zakat distribution. The SOP was extensively discussed on two occasions at the ITB-AD campus (on Friday, 3/6 and 17/6/2022) and twice at the Indonesian Ministry of Women’s

Empowerment and Child Protection (KemenPPPA) (on Thursday, 13/10/2022 and Friday, 2/12/2022). These discussions were attended by administrators from LAZ, BAZ, mosque representatives, service providers, women's NGOs, media, victim advocates, and state human rights institutions. As a result, the SOP was ratified and received positive feedback from the Minister of Women's Empowerment (Bintang Puspayoga) and the Chairman of the LAZISMU Sharia Council (Hamim Ilyas). It was officially launched by the Minister on 3/18/2024 at the ITB-AD campus. Consequently, the SOP is considered a viable national-level policy, ready to be implemented by relevant stakeholders. Referring to Friedman's concept of legal substance, the SOP represents such a legal substance.

Conclusion

From a scientific perspective, this research contributes to the advancement of *maqāṣid shari'ah* as articulated by Jasser Auda, particularly in the re-interpretation of *aṣnāf* -the categories of zakat recipients. It posits that victims of violence against women and children qualify as part of the *mustahik* (zakat-eligible) group, meeting four specific criteria: *riqab* (liberation of captives), *fakir* (the destitute), *miskin* (the poor), and *sabilillah* (in the path of Allah). As such, they are entitled to receive zakat. Practically, this research offers significant contributions to the *fiqh* of zakat by advocating for the allocation of zakat funds to victims of violence against women and children. It provides a framework for policymakers, zakat institutions, and *amil* (zakat administrators) to include victims as an additional category of zakat recipients. This approach has already been implemented by institutions such as BAZNAS of South Tangerang City, LAZISMU, DKM Masjid Baitul Izzah ITB-AD Jakarta, *Inilah.com*, BAZNAS Pusat, and KitaBisa.com during the 2021–2024 period.

The concept of zakat for victims has gained traction in under three years, driven by PSIPP's innovative approach as the sole PSGA within PTMA in Indonesia. By focusing on eliminating sexual violence, PSIPP has effectively championed this initiative, exemplifying auto-ethnographic principles (Cohn). Using Friedman's social legal system framework, the advocacy led to key outcomes in legal substance, including the Circular Letter of the Mayor of South Tangerang Number 846/3727/DP3AP2KB/2022 and a national Standard Operating Procedure (SOP) for Zakat for Victims of Violence Against Women and

Children. Although fatwas from mass organizations remain pending, progress in legal structure includes PtoP diplomacy, campaign endorsements, and institutional commitments such as BAZNAS South Tangerang allocating IDR 103 million for victims starting in 2023. Legal culture was advanced through initiatives like the *16-Week Campaign of the National Zakat Movement (K16MGZN)*, *Lebaran Gifts*, and community contributions using unique codes (93 or 37), reflecting growing societal support. This research significantly contributes to the *fiqh* of zakat, offering a framework for policymakers, zakat institutions, and *amil* to include victims of sexual violence as zakat recipients, expanding its social impact.

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