Principles of Amil Zakat and Best Practice Recommendations for Zakat Institutions

Muhammad Hasbi Zaenal, Muhammad Choirin, Khonsa Tsabita, Amelya Dwi Astuti, Ayu Soliah Sadariyah

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Muhammad Hasbi Zaenal  
Center of Strategic Studies  
The National Board of Zakat (BAZNAS)  
Jln. Kebon Sirih Raya, 10340 Central Jakarta, Indonesia  
Fax: +6221 – 3913777  
Email: mohd.hasbi@puskasbaznas.com  
and  
Islamic Economic Studies and Thoughts Centre (IESTC)  
Universiti Kebangsaan Malaysia  
Bangi, 43600 Selangor D.E., Malaysia  
Email: mohd.hasbi@iestic.net

Muhammad Choirin  
Center of Strategic Studies  
The National Board of Zakat (BAZNAS)  
Jln. Kebon Sirih Raya, 10340 Central Jakarta, Indonesia  
Fax: +6221 – 3913777  
Email: muhammad.choirin@puskasbaznas.com  
and  
Center of Postgraduate  
As-Syafi’iyyah Islamic University  
Jl. Raya Jatiwaringin No. 12 Pondok Gede  
Email: choirin.um@gmail.com

Khonsa Tsabita  
Center of Strategic Studies  
The National Board of Zakat (BAZNAS)  
Jln. Kebon Sirih Raya, 10340 Central Jakarta, Indonesia  
Fax: +6221 – 3913777  
Email: khonsa.tsabita@puskasbaznas.com

Amelya Dwi Astuti  
Center of Strategic Studies  
The National Board of Zakat (BAZNAS)  
Jln. Kebon Sirih Raya, 10340 Central Jakarta, Indonesia  
Fax: +6221 – 3913777  
Email: amelya.astuti@puskasbaznas.com

Ayu Solihah Sadariyah  
Center of Strategic Studies  
The National Board of Zakat (BAZNAS)  
Jln. Kebon Sirih Raya, 10340 Central Jakarta, Indonesia  
Fax: +6221 – 3913777  
and  
Tazkia University College of Islamic Economics  
Bogor, 16810Jl. Ir. H. Djuanda No. 78 Sentul City Bogor, Indonesia  
Email: ayu.sadariyah@puskasbaznas.com
Abstract

Zakat is the third pillar of Islam. Difference with the other pillars of Islam, zakat has a personal and social dimension as a key economic pillar in the economic development and prosperity. In fact, urgency of zakat is the same as the urgency of prayer. In the aspect of zakat division, Islam has set eight groups of mustahiq. Among these group are the collectors and the distribution of zakat (Al-ʻAmil). Amilin has a strategic functions and duties for developing zakat in Indonesia. The aspects of how classical scholarly opinion regarding the terms of Amilin; the classification, duties, and functions of Amil; and best practice recommendations for zakat institutions will be the main themes of this paper.

Keywords: zakat, amil, good amil governance

JEL Classification: O150, R290, Z120, Z190

1. Introduction

Zakat is a particular treasure that must be issued by the Muslims and given to groups who deserve it. Zakat terms of language means clean, pure, lush, thanks and growing. Zakat starts to be obligated since the year 662 AD, when the Prophet Muhammad SAW institutionalize zakat for the rich to ease the burden of the poor. In the time of caliphate, zakat collected by the state employees and distributed to the groups (ashnaf) which has been mentioned in Qur'an.

Yusuf al-Qarakaw (1973) depicted Amil position as a heart in the human body: if the heart is good, then the whole body will get well, and if it is getting sick then the entire human body will get bad. Thus, it has a very strategic position and a determinant in the rise of zakat.

This paper aims to explain the terms of Amil based on the classical scholarly thoughts and to elaborate the classification, duties and functions in managing zakat. This paper also be used as a reference point for the authorities when developing their regulations for zakat operation, especially ones related with Amil activities. These objectives are in line with the discussion on the Zakat Core Principles (ZCP) and Technical Notes on Good Amil Governance document. These dimensions will be explained further in this paper.

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4The document was launched on the International Working Group on Technical Notes on Good Amil Governance for Zakat Institutions on October 29, 2016 in Surabaya, Indonesia.
2. The Origin of Amil

In the practice of zakat, the Prophet Muhammad SAW and his successors constantly formed Amil. The term of Amil used by the Prophet SAW is intended for people who collect and distribute zakat, as narrated below:

"The [obligatory] charity (zakat) is not permissible for any rich person, except for five: The fighter in the cause of Allah, or the amil of zakat, or the one in debt, or for a person who purchases an item given in Zakat from his own wealth, or for a person who has a neighbour that is poor to whom he gives his Zakat and then the poor neighbour gives the Zakat item as a gift to a rich man."

The word Amil derived from (عملا- يعمل- عمل) which means "[who] do, do [the activity], waiters". Amil defined as persons who collect and seek zakat, and who distributed it. Al-Suyuti (1990) stated that those who carry out the activities of zakat affairs are ranging from charities to the treasurer and guard, as well as recording until the counting out zakat and distributing it to the mustahiq.

The various Fiqh schools (mazahib) have tried to explain the definition: First, Al-Jaziri (1992), from Al-Hanafi and Al-Hanbali mazhab, said that Amil is a person appointed by a leader to collect zakat and will have a share in accordance with the content of his work. Second, according to Al-Maliki mazhab, Amil is a group/party that is trying to collect zakat, report, and share zakat funds. After finishing his duty, he is entitled to receive the zakat fund. However, Amil will get two parts if he were poor, which is from poor sections and Amil sections. Third, according to al-Shafi’i mazhab, Amil is the person who has contributed in zakat collection and allocation, included zakat collectors, writers, guards, and distributors.

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5Abu Dawud No. 1635 and Ibnu Majah No. 1841.
7Imam Jalaluddin al-Mahallyyand Imam Jalaluddin as-Suyuthi (1990), Tafsir Jalalain Translation and as-Babun Nuzul, Bandung: Sinar Baru, 786.
Al-Ghazali (2004) mentions that *Amil* is the party for zakat collecting, security officer, writer, counter, treasurer and also a carrier.⁹

Muhammad Rashid Rida (1368 H) defined *Amil* by interpreting QS. At-Tawbah verse 60 which stated that they are ones assigned by the government or the representative, to carry out the collection of zakat. They are called by *Al-Jubat*, while the people who save or maintain the zakat fund named *Al-Hazanah* (treasurer), including the herders and administration officers.¹¹ In line with the statement, Yusuf al-Qaradawi (1973) said *Amil* are those who work in zakat organizations, both the collector, the treasurer, the clerk, and person in charge of distribution and administrators.¹² In addition, Quraish Shihab (1992) defined *Amil* as a person who takes care about zakat with the skills on how to collect, record, and distribute to the people who are eligible to receive it.¹³

Regarding the various terms proposed by the previous scholars, the term of *Amil* zakat are those who carry out the activities of zakat operation, from collecting, storing, keeping, recording how the zakat comes and exits as well as channeling or distributing the zakat funds to *mustahiq* (zakat receivers). Thus, these perspectives indicate that the *Amil* has a significant role for implementing of zakat function. Similarly, it has been inaugurated by the leader/government to collect zakat from the owner of wealth by collecting, keeping, transporting, and managing it.¹⁶

3. **Principles of Amil**

One of the zakat function is to alleviate poverty. In this context, *Amil* not only has a responsibility to manage zakat funds effectively, but also has a primary task which all are related to the management of zakat funds, ranging from counting the number of properties and the amount of zakat, picking it up, carrying out to review the poverty minimum levels, and ensuring *mustahiq* to receive zakat fund. In the principles of zakat administrators, there are at least three aspects that needs to be explained in details, such as responsibilities of *Amil*, right of *Amil*, and some conditions issues.

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3.1  Responsibilities of Amil

In general, Amil has two major tasks, i.e. collecting and distributing zakat. The collecting tasks are observing and guiding the muzakki (zakat payers), determining the types of assets which are compulsory for zakat and the amount they have to pay (nisab), then taking and storing zakat funds to the disbursement division. With regard of these tasks, Amil requires a knowledge of Islamic laws and skills on the zakat management.

In order to realize a better zakat management, Amil must hold several requirements, such as strong (al-Quwah) and trustworthy (al-Amanah). The strong means they have a strong personal capacity, sufficient knowledge and experience to support a good zakat management. While the trustworthy means having the good nature, ethics and virtues which are reflected in the character and behavior of Amil. These qualities will be the barrier of fraud and irregularities in the zakat fund management. Both of these requirements are taken from the QS. Al-Qasas verse 26, Allah SWT said:

قَالَتْ إِحْدَيْنِيْهَا بَيْنَ أَسْتَجِرَتْنِ بِنَزَخِيْرٕ مِن أَسْتَجِرَتْ الْفُرْقَةِ الْأَمِينَ

“One of the women said, "O my father, hire him. Indeed, the best one you can hire is the strong and the trustworthy.”

Khalifah Umar ibn al-Khattab initially stating some requirement factors for Amil like collecting, distributing and avoiding the misuse of zakat funds. Completing this study, refer to Sahal Mahfudh (1994), Amil must be a skilled labor, dedicated, honest, trustworthy and able to control the problems associated with zakat such as problems related to muzakki, nisab, haul, and mustahiq. Didin Hafidhuddin (2003) requires Amil to have a sufficient understanding about zakat law properly, an ability to carry out the task given, and a full time

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18 Quraish Shihab (1992), Membumikan al-Qur’an: Fungsi dan Peran Wahyu dalam Kehidupan Masyarakat,. Bandung: Mizan, 328
work to fulfill his duties. In addition, Amil should actively disseminate zakat, organize it, then distribute it to the mustahiq.\(^{24}\)

Al-Qardhawi said that Amil has various tasks and jobs that are related to zakat regulation. Some of them are the census regarding muzakki, as well as the details of mustahiq who receive zakat funds, such as how many zakat funds to be allocated and can be given to mustahiq.\(^{25}\) Amil zakat is also obligated to pray for muzakki whenever they give their zakat through Amil, in order to distinguish them with non Muslim (dhimma expert) who pay jizyah, and to execute the commands of Allah. It is stated in the Quran as follows:

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رٌ  رِ رَ  رٌ رُذتۡ مرِ تۡ  رَمتۡ رَىٰلرِهرِ تۡ  رَدرَ رَةٗ ترُ رَهدِّررُهرُ تۡ  رَترُسرَ دِّ هرِ   رِهرَ   رَ رَلدِّ  رَ رَ تۡهرِ تۡ  إرِ نَّ  رَ رَ ىٰترَكرَ  رَ رَ ٞ لنَّهرُ تۡۡۗ  رَ للَّنَّرُ  رَ رِ ع
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“Take, [O, Muhammad], from their wealth a charity by which you purify them and cause them increase, and invoke [Allah ’s blessings] upon them. Indeed, your invocations are reassurance for them. And Allah is Hearing and Knowing.” (QS. At-Tawbah: 103)

Understanding to this verse “…and invoke upon them”, there are two opinions which can be concluded. First, Ibnu Abbas said that it is invoke forgiveness for them. Second, some ulama said it prays for muzakki goodness. While, the word “…Indeed, your invocations are reassurance for them”, there are four opinions. First, Ibnu Abbas said that they are closer to Allah SWT. Second, Thalhah stated that is a mercy for them. Third, Ibnu Qutaibah said that it led to the reinforcement of their faith. Fourth, it acts as a security for them.\(^{26}\)

3.2 Right of Amil

To ensure the zakat operation runs successfully, QS. At-Tawbah verse 60 described Amil or zakat administrators entitled to be part of the zakat recipient. However, scholars disagree about the number of decent portion, does each group in the verse gets one-eighth or get some amount. This is due to the differences opinion about the meaning of Lam in pieces of verse li al-fuqaraa’ which associated with the seven other groups. Ibn Al-‘Arabi in Ahkam al-Qur’an as cited by Quraish Shihab (1992) explained that the letter does not mean “own”, but means

\(^{24}\)Didin Hafidhuddin (2003), Panduan Zakat bersama Dr. KH. Didin Hafidhuddin, Jakarta: Republika, Cet. Ke-2, 147-148

\(^{25}\)Yusuf al-Qardhawi, Fiqh al-Zakah, 580.

lam al-Ajl defined as “to” as in "hadza al-Bab li al-Dar" (this is door of the house). This opinion embraced by Imam Malik and Imam Abu Hanifah; while Imam Shafi’i said that Lam is the lam attamlık that can be interpreted “own” as in the words "hadza al-Mal li Zaid" (Zaid is the owner of this wealth).

On this implication, Shafi’i argued that part of the Amil is the same right as the seven others. Meanwhile, Imam Ahmad considered submitting it to the government discretion to set a reasonable amount. Ibn Rushd (1995) in Bidayatul Mujtahid explained that the ulama who allows wealthy Amil to receive zakat also allow judges (al-Qadhi) and also the people who can benefit the Muslims to receive it even though they are rich. The excuse is ‘Illat which requires zakat to the eight groups mentioned in the Quran is not just a necessity but also the usefulness for Muslims. Quraish Shihab added that what is meant by the judge/qadhi and such that are considered to acquire a share of zakat are those who are indirectly involved as Amil. This means they are more like the consultants and ones who are involved in the implementation of zakat.

More explicit conditions are disclosed by Didin Hafidhuddin (2003) that Amil who are entitled to receive Amil’s part fully, that is one-eighth (1/8) or 12.5 percent of the total collected funds. According to him, Amil are more than trustworthy, honest, and understanding the law of zakat properly, but also undertaking the full-time duties instead of doing the job as freelancer and does not perform their duties perfunctorily. Besides that, Amil should not passively and quietly wait for muzakki, rather they should actively distribute the zakat funds, pick and administer it well, and then share it to right target. Meanwhile, people who are only acts as lajnah (committees) as what are common today, are not entitled to have full allocations from parts of Amil (12.5 percent), but simply receive for administration fee, transportation fee, or wage of 1 or 2 percent or probably half of the parts of Amil.

3.3 Some Conditions Issues

Some scholars have established certain terms and conditions of Amil. Therefore, the following will discuss some of these issues. First, does Amil should a Muslim? Refer to literatures, Amil must be a Muslim. However, it is permissible for a non Muslim to do the

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30M. Quraish Shihab, Membumikan Al-Qur’an, Op. Cit., page 329
33Didin Hafidhuddin, Op. Cit., page 140-142
basic tasks, as long as they are not within the scope of zakat collection and distribution. This is based on history, when Umar bin al-Khattab once reprimanded Abu Musa al-Ash‘ari who hires a Christian as a registrar administration on zakat affairs.\textsuperscript{34} Second, does Amil should be trusted? Amil has to be honest and trusted to manage the Muslims wealth. The nature of this mandate is very prominent characteristic of the Prophet Muhammad SAW and the caliphs.\textsuperscript{35} Third, does Amil should understand the fiqh zakat? As the most responsible for the zakat management, Amil must be understood the details of zakat rules and laws. These conditions related to Amil duties as managers of ummat wealth. If not, the failure to realize mustahiq welfare will most likely to happen.\textsuperscript{36}

Fourth, does Amil should be a man? Regarding the condition, it has been a long debate among scholars. Some scholars require Amil must be a man and forbid women to be involved. Basis of the prohibition, due to lack of information from the Prophet Muhammad SAW and his companions as the basis for permissibility women become Amil. Nevertheless, the majority of khalaf scholars stated that gender is not a requirement for Amil, which means women can be selected. According to al-Qaradawi (1973) the concept of men’s obligation to fulfill women’s needs is not proper to imposed women restrictions, as long as the job type is in line with the condition of women nature. Although there is a hadith which said that a country will not prosper in the women hand, but this proposition to restrict women as Amil is not right at all.\textsuperscript{37}

4. Best Practice Recommendations

The principles of Amil and some related issues elaborated in the previous section has justified the essential need of a good Amil. However, in a zakat institution, the term Amil does not only entitle to someone who manage zakat funds, but also to the whole zakat governance called as Good Amil Governance (GAG). This governance refers to a set of organizational structure and mechanism which are reliable to sustain transparency, accountability, independence, responsibility, and professionalism in decision making process\textsuperscript{38}. Also, the Amil term reflects the non-profit seeking orientation in the zakat operations.

\textsuperscript{35} Abdul Bari Shoim, Zakat Kita. Kendal: PDM Kendal, 155.
\textsuperscript{37} Yusuf al-Qardhawi, Fiqh al-Zakah, 588-589.
\textsuperscript{38} As described in the Technical Notes on Good Amil Governance for Zakat Institution.
With regard to this, previous efforts to create a standard regarding good amil governance have been made in an international working group that was designed to discuss zakat core principles for sound and effective zakat system. The efforts were summed up in the *Technical Notes on Good Amil Governance for Zakat Institution* document which was officially launched on October, 2016. This document includes several practical dimensions which can be implemented as the best practice recommendations regarding GAG for zakat institutions. As depicted in the Table 1, there are thirteen dimensions of GAG which are derived from the said technical note document as follows:

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Table 1. Dimensions of Good Amil Governance

Source: Technical Notes on Good Amil Governance for Zakat Institution (2016)

The first dimension provides essential criteria to identify the definition of *Amil* in the zakat act or related regulations. There are five indicators with regard to this dimension, namely: (1) the existence of zakat act and/or related regulation to govern the *Amil*, (2) the definition of *Amil* is clearly mentioned in that particular zakat act and/or related regulations, (3) the definition of *Amil* should cover general responsibility of zakat institution in managing zakat, (4) the requirements of zakat institution which are regulated by zakat act and/or related regulations, (5) in case of Muslim minority countries, where there is no legal recognition or zakat act or related regulations, the definitions of *Amil* should be clearly mentioned in the MoA (memorandum of association).
The second dimension aims to define the rights and obligations of Amil. Beside the detail explanations from the previous section, a zakat institution must have three indicators. First, the existence of regulation that is related with the rights and obligations of Amil. Second, those regulation must be governed by the act and/or memorandum of association (MoU) regulation related to zakat. Lastly, the existence of regulation that governs the utilization of infaq and sadaqah funds for Amil operational cost if the fund that comes from Amil right (12.5 percent) is not sufficient.

The third dimension is related with the guidance of GAG. There is a need for zakat institutions to have a guidance that governs GAG specifically. This guidance will be assigned by the board of zakat institution. Also, there are at least five aspects that should be included in this guidance, such as the guidance of collection, management, disbursement, responsibility and accountability mechanism, and code of ethics that regulates relation of Amil and other stakeholders.

The fourth dimension deals with the regular assessment of GAG policy. Some aspects are needed in every zakat institutions to ensure professionalism of zakat activities. Zakat institutions shall have three aspects: (1) assessment and supervision procedure of the GAG implementation, (2) indicators and measurement tools to assess and supervise the GAG implementation, and (3) reward and corrective actions system in implementing GAG.

The fifth dimension emphasizes on the special organizational structure responsible for GAG. In this context, a zakat institution should have a special division (organizational structure) which responsible for supervising GAG implementation. This special division must be appointed and regulated by the board/director of zakat institution. It should give periodic reporting regarding GAG implementation. Also, it is responsible for mitigating all risks due to a weak GAG implementation.

The sixth dimension is related with the role of the board and management of zakat institutions. There are at least five important roles of the board and management. First, they approve and actively oversees implementation of the zakat supervisory direction and strategy. Second, they establish and communicate Islamic norms and values through code of conduct. Third, they also establish fit and proper standards in selecting Amil officers who have good characters, integrity, and three basic knowledge (zakat collection, zakat disbursement, and financial management). Fourth, they create conflicts of interest policies and a strong control environment. Lastly, they ensure the effectiveness of Amil governance over the zakat institutions’ entire management.
As a follow up of the sixth dimension, the seventh one suggests the performance evaluation of the board of zakat institutions. There must be an authority that is responsible to supervise and evaluate the performance of zakat institution’s board. Here, the supervision function must be conducted independently and objectively, and must be governed by the Act or specific regulations. In case of zakat institution has branch or representative offices in various regions, the supervision must be conducted by the zakat institution’s board through the establishment of a special division. On the other hand, the eighth dimension discusses the performance evaluation of the management of zakat institutions. This evaluation is executed by the board of zakat institutions based on an objective, measurable, and reliable assessment system and procedure. Furthermore, the aspects on annual assessment and evaluation of management’s performance must be assigned in a regulation which can be accessed by all management staff within the zakat institution.

The ninth dimension provides the certification and development of Amil. There are four indicators in this dimension. First, the zakat institutions must have a program regarding the sustainable development of human resources. Second, there must be a certification to ensure the quality of human resources or Amil of the zakat institution. Third, the institution must provide the human resources or Amil performance assessment system which is transparent and objective. Fourth, it must be followed by a continuous training and capacity building of the zakat institutions.

The tenth dimension deals with the Standard Operating Procedures (SOP) of zakat institutions. Every zakat institutions should create a clear and comprehensive SOP which regulates the overall zakat process, including the zakat collection, management, allocation, reporting, and plan and measures in case of violation. This SOP shall be arranged by the board of the zakat institution. In addition, there should be a division of tasks and authority regarding the zakat collection, management, allocation, and reporting process. Here, the board of zakat institution is responsible to ensure the implementation of SOP to be inline with the institution’s mission. However, in the application, the board of zakat institution may appoint a special division which responsible for monitoring the overall implementation of SOP.

The eleventh dimension emphasizes on the risk mitigation of GAG. Zakat institutions must create a risk management procedure to prevent a failure on GAG implementation. Then, this procedure shall be defined in the regulations of each zakat institution. To ensure the GAG implementation of risk mitigation, there must be a special structure in charge for this
task. In completing the task, this special structure must also elaborate clear indicators and criteria regarding risk management.

The twelfth dimension elaborates the disclosure and transparency in the zakat institutions. As part of the responsibility to public, zakat institutions should submit the reports of zakat management transparently to the relevant stakeholders such as public, government, and parliament. They must assure the existence of a transparent and accountable zakat management standardization. Moreover, the reports shall include at least an annual audited financial report conducted by authorized auditors, collection and distribution report of zakat, and also Shariah audit report.

Last but not least, the thirteenth dimension proposes the Shariah compliant and regulations in the zakat institutions. At least three aspects, must be owned by each zakat institution regarding this dimension. These three aspects are as follows: (1) the existence of clear provisions regarding Shariah compliance aspects and zakat regulations, (2) the existence of measurable assessment regarding shariah compliance aspects and zakat regulations, and (3) the existence of annual report regarding implementation of shariah compliance aspects and zakat regulations.

5. Conclusion

Zakat is the third pillar of Islam after the confession of faith and prayer. It considers as the important obligation from the Muslim around the world in order to empathize with others and to develop the economy of ummah. In the implementation, Amil is plays a decisive part in managing the zakat. Amil can be defined as persons who collect and seek alms, zakat, and ones who distributed them to the right targets. There are various opinions from scholars regarding the definition of Amil. Each school of thoughts such as schools Al-Hanafi and Al-Hanbali, schools Al-Maliki, and schools Al-Shafi’i, has their own definition about the Amil.

In general, the main responsibility of Amil is to manage zakat funds effectively. There are at least six requirements that must be fulfilled by the Amil, namely: Muslims, sanity and maturity, trusted, understanding the fiqh of zakat, capable to complete the duties, and men. However, these requirements are not rigid to every Amil. There are pros and cons regarding to this and it mostly depends on the Imam or ulama or the government which has the authority to manage zakat. Other important points in this paper are the rights and obligations of Amil. Amil has a right to receive the zakat funds as he includes to the eight recipients of zakat (mustahik). However, the shared amount given to Amil is still debatable. Most of scholars
stated that the portion given to Amil is at least one-eight from total zakat funds. On the other hand, the main obligation of an Amil is to properly manage the zakat funds and organize it based on the zakat rules.

In the context of best practice recommendations for zakat institutions regarding good amil governance, there are thirteen dimensions as pointed out in the Technical Notes on Good Amil Governance for Zakat Institution document. These dimensions are definition of Amil in zakat act or related regulations; rights and obligations of Amil; guidance of GAG; regular assessment of good Amil governance policy; special organizational structure responsible for GAG; role of the board and management of zakat institutions; performance evaluation of the board of zakat institutions; performance evaluation of the management of zakat institutions; certification and development of Amil; SOP of zakat institutions; risk mitigation of GAG; disclosure and transparency; and Shariah compliant and regulations. All these dimensions are elaborated in the best practice recommendations as a guidance for the zakat institutions to implement the GAG.
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