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## A Qualitative Analysis on the Definition of Zakat in the Turkish Tax System and Institutionalization of Zakat

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## **A Qualitative Analysis on the Definition of Zakat in the Turkish Tax System and Institutionalization of Zakat\***

### **Abstract**

Few studies research about zakat and tax system in Türkiye. This research discusses the institutionalization of zakat in Türkiye and the tax advantages that could be provided for zakat payments. A qualitative method and semi-structured interviews are preferred in the research. Accordingly, interviews are conducted with 21 income taxpayers who pay zakat. Participants were asked about their definition of zakat, methods they use when giving zakat, their perspectives on the definition and institutionalization of zakat in the tax system and their thoughts on tax advantages that could be provided for zakat. The results show that 14 participants consider the institutionalization of zakat necessary. All participants emphasized that the institutional structure should ensure trust and transparency principles. 13 out of 21 participants stated that institutionalization should be done by the state, while 10 stated that a different system established by the state should be implemented. 5 participants expressed views against the institutionalization of zakat by the state. 12 participants expressed their desire for zakat to be defined in the Turkish tax system but expressed hesitation regarding the provision of tax advantages; 8 participants emphasized the necessity of providing tax advantages. As a result, it is thought that the institutionalization of zakat in Türkiye may reduce the impact of social transfer expenditures on the budget.

**Keywords:** Zakat, Tax, Institutionalization of Zakat, Tax Advantage, Turkish Tax System

**JEL Codes:** E62, H20, H30

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## Türk Vergi Sisteminde Zekâtın Tanımı ve Zekâtın Kurumsallaşması Üzerine Nitel Bir Analiz

### Özet

Türkiye’de zekât ve vergi sistemi hakkında az sayıda çalışma yapılmıştır. Bu araştırmada Türkiye’de zekâtın kurumsallaşması ve zekât ödemeleri için sağlanabilecek vergi avantajları ele alınmıştır. Araştırmada nitel bir yöntem ve yarı yapılandırılmış görüşme yöntemi tercih edilmiştir. Buna göre zekât ödeyen 21 gelir vergisi mükellefi ile görüşmeler gerçekleştirilmiştir. Katılımcılara zekâtın tanımı, zekât verirken kullandıkları yöntemler, vergi sisteminde zekâtın tanımı ve kurumsallaşmasına ilişkin bakış açıları ve zekât için sağlanabilecek vergi avantajları konusundaki düşünceleri sorulmuştur. Sonuçlar 14 katılımcının zekâtın kurumsallaşmasını gerekli gördüğünü göstermektedir. Katılımcıların tamamı kurumsal yapının güven ve şeffaflık ilkelerini sağlaması gerektiğini vurgulamıştır. 21 katılımcıdan 13’ü kurumsallaşmanın devlet tarafından yapılması gerektiğini belirtirken, 10’u devletin oluşturduğu farklı bir sistemin uygulanması gerektiğini belirtmiştir. 5 katılımcı zekâtın devlet tarafından kurumsallaştırılmasına karşı görüş belirtmiştir. 12 katılımcı zekâtın Türk vergi sisteminde tanımlanmasını istediklerini ancak vergi avantajlarının sağlanması konusunda tereddütlerini dile getirmiştir. Ayrıca, 8 katılımcı vergi avantajlarının sağlanmasının gerekliliğini vurgulamıştır. Sonuç olarak Türkiye’de zekâtın kurumsallaştırılmasının sosyal transfer harcamalarının bütçe üzerindeki etkisini azaltabileceği düşünülmektedir.

**Anahtar Kelimeler:** Zekat, Vergi, Zekatın Kurumsallaşması, Vergi Avantajları, Türk Vergi Sistemi

**JEL Kodları:** E62, H20, H30

## Introduction

Zakat is an obligatory act of worship in Islam for every Muslim considered wealthy by Islamic standards. Regarded as a religious duty, zakat has played a significant role in Islamic states to maintain economic and social balance within society. Beyond being a personal act of worship, zakat can serve as a tool to promote income justice, social harmony, and a culture of mutual assistance. While there are countries that institutionalize zakat, it is seen primarily as an individual act of worship in most countries. Taxes constitute a significant portion of revenues required for public expenditures in modern states (Ballar, 2019, p. 12). Taxes refer to the revenues collected coercively and gratuitously by the state and/or institutions authorized by the state through taxation to meet the funding needs of public institutions and organizations (Şenyüz et al., 2016, p. 95; Şen & Sağbaş, 2020, p. 1).

Nowadays, each country has its own unique tax systems. In Islamic countries, Muslims being liable for both taxes and zakat can lead to double taxation. Put simply, in countries like Türkiye where zakat is not legally recognized, the assets and wealth subject to taxation by taxpayers can also be the same sources from which they give zakat. Some Islamic countries such as Sudan, Indonesia, Pakistan, and Malaysia aim to solve this problem by providing a legal framework for zakat. However, since taxes and zakat are different in many aspects, regulations regarding tax collection methods and other issues need to be addressed. This would enable transactions based on exemptions for both taxpayers and zakat payers. When examining countries that include zakat in their tax systems and provide tax advantages for zakat, particularly four different practices emerge. Hammad (2022) has categorized the implementation of zakat in the countries into four practices. These practices include considering zakat as a tax credit, deducting zakat from taxable income, deducting zakat from calculated taxes, and not correlating zakat with taxation

The implementation of zakat has been influenced by the social and political developments of Muslim societies. During the time of the Prophet Muhammad (peace be upon him) and the caliphs, zakat was collected under the institution known as the “Bayt al- Māl” (public treasury), but in subsequent periods, it witnessed various practices (Halimatusa’diyah, 2015, p. 82). In countries like Türkiye, where the management of zakat is not organized by the state, zakat activities are left to individuals’ own resources. In this case, these activities are organized privately by mosques, associations, foundations, or individuals. In some countries, such as Bangladesh, the zakat system has two practices. In Bangladesh, there is no obligation to pay zakat by the state. However, individuals can pay their zakat voluntarily either through the ‘Islamic Foundation’s Zakat Board’ established by the government’s religious affairs institution, or through private organizations or individuals not affiliated with the government (Jahangir & Bulut, 2022, p. 135).

One of the countries which has zakat institution is Saudi Arabia. The Kingdom of Saudi Arabia derives its laws and regulations from the Qur’an and the Prophet’s (Pbuh) Sunnah, as stipulated by the Basic Law, which serves as its Constitution. Consequently, the collection and

distribution of zakat are regulated under Saudi Basic Law (Sawmar & Mohammad, 2019, p. 26). The institution established in 1951 as the Department of Zakat and Income Tax. Following the approval of the Saudi Cabinet on May 4, 2021, the institution was restructured as the Zakat, Tax, and Customs Authority (ZTCA) (Tally Solutions 2023). According to the Zakat Law, the primary objectives of the ZTCA include calculating and collecting zakat from the business inventories of Saudi companies and individuals operating in the Kingdom. Additionally, the ZTCA is tasked with collecting taxes from non-Saudi businesses and administering the recently implemented Value-Added Tax (VAT). However, the distribution of zakat is carried out by a different institution, the Social Security Agency (SSA), under the Ministry of Social Affairs. The zakat revenues collected by the ZTCA are regularly transferred to a special account at the Saudi Central Bank (SAMA) before being allocated to the SSA. The SSA then distributes these funds, along with allocations from the public treasury, to Saudi citizens according to the specified purposes of zakat expenditures (Sawmar & Mohammad 2019, s. 26).

Unlike Türkiye, which has a secular system, Indonesia manages the zakat organization through the National Amil Zakat Agency (BAZNAS), established by the government, and the Zakat Collector Institution (LAZ), formed by Muslims. Another institution that assists BAZNAS in collecting zakat is the Zakat Collection Unit (UPZ). In Indonesia, zakat payments are based on voluntary participation according to the Zakat Law. Additionally, the law requires that all non-zakat aid funds be recorded separately to prevent mixing with zakat funds. According to Article 22 of the Zakat Law, zakat payments made to BAZNAS can be deducted from taxable income (Yahya, 2020, p. 205). Therefore, it is stated that payments should be made to BAZNAS and LAZ against receipt (Juwaini, 2017; Obaidullah, 2017; Selçuk & Görmüş, 2019).

Countries which have institutionalized the zakat system and defined it within their tax systems through necessary regulations meet certain social expenditures that could be financed through tax revenues with zakat revenues. For example, Indonesia, with a national income exceeding 1.1 trillion dollars in 2022, managed to collect 33 trillion IDR in zakat in 2023 through zakat institutions (BAZNAS, 2024, p. 3). Indonesia uses the collected zakat in combating poverty and in certain social expenditure areas. Although there is no tax classified as zakat within the Turkish tax system, individuals manage to distribute their zakat to the necessary places through their own efforts and/or via some associations and foundations. The exclusion of zakat from the Turkish tax system indicates that a significant financial resource is not utilized by the state. Demir & Cevahir (2021) determined that if the wealthiest 20% group in Türkiye were to pay zakat, the income of an average individual in this group would decrease by 2.5%, while the income of an individual in the poorest 20% group would increase by approximately 19% as a result of the transfer of zakat payments. If zakat were institutionalized in Türkiye, its potential could be used as a tool in the fight against poverty.

One of the factors that make the legalization and institutionalization of zakat important is the similarities between zakat expenditure items and transfer expenditures. Transfer expenditures involve the allocation of resources acquired through tax collection to specific objectives,

servicing as a form of income for the recipients and utilized by the state particularly to establish fairness in income distribution. These expenditures can only be included in the national income when consumption is carried out by the individual/institution/administration that receives the expenditure (Çetinkaya & Aslantaş, 2019, p. 43).

### 1. The Discussions about Zakat versus Tax

Ownership rights in Islam are not considered absolute for individuals; rather, it is emphasized that the ultimate right and authority over wealth belongs to Allah.<sup>1</sup> Surah Al-Baqarah (284-286) indicates that the outcome of economic activities and policies, including wealth distribution and taxes, should be fair and in line with the principles set forth by Allah (Jalili, 2006, p. 17). In Islamic law, zakat is not seen as the generosity of the taxpayer. Instead, it is regarded as the right of the state and society over the taxpayer (Kazıcı, 2021, p. 445).

Since the Qur'an mentions zakat but not taxation, Islamic scholars have stated that governments can impose taxes or different tariffs apart from zakat, under certain conditions (such as when the treasury lacks sufficient funds to cover expenses) (AbuBakar & Abdul Rahman, 2007, p. 28). Additionally, during the era of the Prophet Muhammad (Pbuh) and the caliphs, Muslims were obligated to pay zakat only when they reached the nisab threshold, while taxes were imposed on non-Muslims, leading to debates over taxation in Islamic countries in later periods. This situation has also sparked discussions in Islamic jurisprudence about whether taxation can be equated with zakat (Fahmi, 2010, p. 2043; Al Arif, 2013, p. 8-9).

In the early years of Islam, there were no disagreements regarding whether taxation and zakat were the same or separate, but later this issue has been debated both among jurists and academics (Mutlu, 2019). Those who argue that taxation and zakat are the same (Erkal, 2009; Tuğ, 2012; Enes b. Malik, Ibn Muflih, Ibn Taymiyyah cited in Düzenli, 2016) have mainly focused on the principle of obligation and the existence of a defined tax base in both. On the other hand, those who believe that zakat and taxation are different (Abu Bakr al-A'mash, Iliş, Nasir al-Lakkani, Ibn Hajar al-Haytami, Mashya'ahu Belh, Muhammad Abu Zahra, Qaradawi, Halil Günenç, Hayrettin Karaman, and the Presidency of Religious Affairs; cited in Düzenli 2016) argue that the taxpayer and the places where it will be spent are determined by sharia rules in zakat, the intention plays a significant role in zakat, there are different sources (the Qur'an and sunnah for zakat, primary and secondary sources for taxation), and different bases of justification (Yılmaz, 2020).

With the development of modern states Muslims living in Islamic countries have found themselves obligated to pay zakat as a religious duty on one hand, and facing the obligation to pay taxes to the state on the other. In fact, even in countries like Indonesia and Türkiye where the majority of the population is Muslim, taxes constitute the primary public revenue

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<sup>1</sup> To Allah 'alone' belongs whatever is in the heavens and whatever is on the earth. Whether you reveal what is in your hearts or conceal it, Allah will call you to account for it. He forgives whoever He wills, and punishes whoever He wills. And Allah is Most Capable of everything.

source, and Muslim citizens find themselves subject to double taxation by paying both zakat and taxes (Fahmi, 2010, p. 2043). This situation poses a problem for Muslims who strive to fulfill their religious obligations and meet the conditions for zakat, leading to the issue of double taxation for these taxpayers. Countries like Indonesia and Malaysia have attempted to address this issue by providing tax advantages for zakat payers.

Several states have managed to integrate zakat into their tax systems, facilitating its collection and distribution. One of the best examples of this practice is Malaysia, where zakat collection is carried out on behalf of the state by the State Islamic Religious Council (Alias, 2017, p. 451-452). In Indonesia, the administration of zakat has been brought under state administration by law, and it is managed by the LAZ and the BAZNAS. In Malaysia, zakat is based on a compulsory basis, and there is a penalty system in place for non-payment. Examples of other countries based on mandatory systems include Pakistan, Sudan, and Libya, while countries based on voluntary systems include Indonesia, Lebanon, and Egypt (Lorenz, 2013). However, in most countries, there is no compulsory zakat practice by the state, so Muslims strive to fulfill this religious duty individually or through charitable foundations (Shaikh, 2015, p. 1013; Mohsin, 2020, p. 56). In Türkiye, individuals fulfill the zakat obligation through their own efforts.

Zakat and taxes are two important sources of funds for the state in combating poverty (Famulia, 2020). Zakat, by covering all needy segments of society in terms of expenditure items and being levied on wealth, can be effective in reducing income inequality. In comparing zakat and taxation, scholars today are divided into two groups. Some scholars argue that zakat and taxation are separate obligations. Scholars who interpret the purposes and functions of zakat broadly argue that due to the social objectives of zakat and its role in public law, zakat and taxation should essentially be seen as the same. According to this view, a Muslim who is obligated to pay zakat should be willing to participate in all kinds of investments and expenditures made for the needs of the society and the provision of necessary services, and for the sake of social justice. Therefore, a Muslim should pay their zakat without delay to ensure that their state does not face resource shortages. Imam Nawawi and Ibn Taymiyyah have issued fatwas stating that zakat can be considered a form of taxation (Demirel, 2020, p. 87).

Scholars who argue that zakat and taxation should be considered under separate obligations have primarily emphasized that taxation is a legal debt relationship, while zakat primarily emphasizes its financial worship aspect. Although taxation shares some similarities with zakat, the creditor involved in taxation is the public authority with the power to impose taxes. The taxpayer, on the other hand, is the individual or legal entity liable for tax according to tax laws (Fakir, 2018, p. 15). While taxation is a public debt relationship arising within worldly affairs, zakat is a religious obligation and worship. Scholars advocating for the distinction between taxation and zakat argue that their obligations should be understood differently based on this reasoning.

For scholars who advocate for the distinction between zakat and taxation, the example of Caliph Umar (r.a.) imposing a poll tax (jizya) separately from zakat during his caliphate serves as an example. According to them, taxation based on justice was considered legitimate, and taxpayers were obligated to pay these taxes. Ibn Abidin stated that “even if intended as zakat, taxation cannot replace zakat.” el-Karadavi (1984) mentioned that many scholars during the classical period argued that taxes could not be offset against zakat. Ibn Hajar al-Haythami, Rashid Rida, Sheikh Shaltut, Celal Yeniceri, and Yunus Vehbi Yavuz also argued that taxation should not be considered as zakat. Those who hold this view emphasize the importance of intention in zakat, although zakat and taxation may coincide in some respects (Demirel, 2020, p. 84-87).

## **2. Qualitative Analysis: Institutionalization of Zakat**

A qualitative research approach was preferred to reveal thoughts on the institutionalization of zakat and providing tax benefits for zakat in Türkiye.

### **2.1. Research Sample and Method**

The research sample consists of 21 participants who are income taxpayers and also pay zakat in Türkiye. Selecting income taxpayers will provide insights into the potential for zakat and income tax in the country’s financial resources. Furthermore, these two financial resources are also important in terms of managing the country’s financial resources and increasing social welfare. On the other hand, income tax is one of the factors that determine individuals’ potential to benefit from tax advantages. Tax incentives, such as tax deductions and/or exemptions that can be introduced for zakat under income tax, can positively influence zakat payment attitudes and behaviors.

All 33 potential participants invited to the research agreed to participate in the interviews. The eight participants considered for pilot studies were employees of the Turkish Hard Coal Enterprises (TTK). Conducting pilot studies with these eight individuals, who work in different fields within the same institution, aimed to evaluate the interview questions within a short period. The clarity of the research questions and the evaluation of the content were tested in the pilot study. The interviews were recorded, transcribed, and then analyzed. Necessary adjustments were made based on the participants’ comments and criticisms. The actual participants selected different profiles (Table 1). Selecting profiles from different occupational groups aimed to comprehensively address the topic.



**Table 1: Participant Information**

Participant	Gender	Age	Occupation	City	Interview Duration, Minutes
G1	Woman	31	Academician	Zonguldak	47,21
G2	Man	72	Retired Teacher	Zonguldak	39,26
G3	Man	44	Academician	Zonguldak	25,46
G4	Man	33	Teacher	Zonguldak	38,53
G5	Man	47	Academician	Zonguldak	30,24
G6	Man	60	Financial Adviser	Zonguldak	60,4
G7	Man	57	Contractor	Zonguldak	43,1
G8	Man	45	Financial Adviser	Zonguldak	39,23
G9	Man	51	Packaging and cleaning products shop owner	Zonguldak	35,33
G10	Man	53	Baker	Zonguldak	26,25
G11	Man	71	Market Owner	Zonguldak	32,49
G12	Man	50	Market Owner	Zonguldak	19,18
G13	Man	68	Retired Financial Advisor/ Independent Auditor/ Advisor	Zonguldak	42,16
G14	Man	50	İHH Company Executive	Zonguldak	43,42
G15	Woman	38	Hairdresser	Zonguldak	16,3
G16	Man	55	Teacher	Zonguldak	20,43
G17	Man	35	Third Generation Food Retailer	Zonguldak	38,27
G18	Man	36	Operator of Hotel, Student Dormitory and Automotive Sector	Zonguldak	15,19
G19	Man	60	White Goods Tradesmen	Zonguldak	21,56
G20	Man	57	Lawyer/ Mediator	Zonguldak	32,13
G21	Man	49	Building Materials Company Owner	Zonguldak	14,25
Average Age: 51			Total Interview Duration: 11 hours 25 minutes		

**Source:** Prepared by the authors.

Within the scope of the research, interviews were conducted with 21 participants. The interviews were conducted with an average duration of 32 minutes. Two of the participants were female, and 19 were male. The average age of the participants was 51. The interview transcriptions were transferred to the Maxqda Analytics Pro 2020 software program due to its features, cost, and Turkish language package availability. Coding was done considering the conceptual framework of the research, and data that fell outside the conceptual framework were excluded from coding. Table 1 shows the interview numbers, genders, ages, occupations, cities of residence, and interview durations of the participants. The researcher contacted potential participants by phone to request interviews. Interviews were conducted with 21 participants by visiting their offices and workplaces. Participation in the study was entirely voluntary, and no information, including audio recordings, would be shared with third parties.

There are several reasons for choosing a qualitative research method for this study. Qualitative method seeks answers by examining individuals in different social settings (Berg & Lune, 2019, p. 20). Qualitative research emphasizes an interpretive perspective on research questions by focusing on interdisciplinary perspectives (Karataş, 2017, p. 71). Qualitative analysis data can be superior to mathematical data for examining words and social structures. Additionally,

the abundance of details in qualitative analysis allows for a realistic reflection of social life (Neuman, 2019, p. 807), making this method preferable.

Considering the necessity of examining phenomena and events in their own conditions in social science research (Gürbüz & Şahin, 2018, p. 408), a semi-structured interview method was preferred. This is because the study aimed to obtain comprehensive opinions from income taxpayers who also pay zakat. The ability to directly observe participants, allowing for interpretive responses, and enabling the researcher to control and guide the questioning framework (Creswell, 2017, p. 191) played a role in choosing this method. A draft interview form was prepared by the researcher to guide the interview. The interview form consists of two sections. The first section is the introduction instructions where information about the research is provided, and participant consent is obtained. The second section contains the interview questions. The interview questions were prepared based on the examination of two studies conducted for Türkiye (Terzi & Bilen, 2020; Gümüş & Şimşek, 2021).

## **2.2. Qualitative Analysis Findings**

This section presents the findings of the qualitative research conducted to reveal thoughts on the institutionalization of zakat, providing tax benefits for zakat, and the potential of zakat in Türkiye.

### **2.1.1. Institutionalization of Zakat**

Comparing zakat to tax and expenses is crucial in terms of institutionalization and its definition within the tax system. Institutionalization refers to the delegation of collection, distribution, promotion, and organizational powers to an organization determined by the state. This organization can be the state itself, a state institution, or a private institution. The noteworthy point here is particularly the organization's being subject to supervision and monitoring. Therefore, institutionalization has become an important issue for Islamic countries today, especially concerning the goals of zakat and the proper utilization of zakat resources. It was observed that many participants understood the concept of institutionalization as "the delegation of all collection, distribution, promotion, and organizational powers to the state." For this reason, some participants, when evaluating institutionalization, primarily drew attention to the political structure of the state. While some participants argued that a secular system would not serve the purpose of zakat, one participant expressed the opinion that a secular system is the best system for the institutionalization of zakat, suggesting that politicians should be kept away from the zakat institution.

*"(...) regarding how we position the state (...) if we have a state structure where we say the state should only regulate the general legal system, can we include the state in zakat in this state structure (...) (G3)"*

*"(...) zakat is a concept related to Islam (...) it is a worship that Islam commands (...) it should be in a state belonging to Islam (...) in a secular state, to use a colloquial term, it would be like*

*patching (...) let the state collect zakat (...) but (...) I am in favor of first changing the system (...) (G1)"*

*"(...) Politics should definitely be kept away, should not make statements (...) (G13)"*

Fourteen of the participants expressed that they find institutionalization necessary in our country. According to them, institutionalization will both facilitate the work of zakat payers and ensure that zakat reaches more people. Thus, the aim of zakat to provide social justice will be served. All of these participants emphasized the importance of trust in institutionalization and the need to be sure that their zakat goes to the right places. One reason for this is that they believe these conditions must be met because the places where zakat is given are mentioned in the verse. Because for the zakat worship to be accepted, its distribution must be from the places mentioned in the verse. The other reason is their concerns about possible abuses in the distribution of zakat, such as favoritism and giving more zakat than necessary to one person. Because this could lead to situations contrary to the conditions for the acceptance of zakat. Here are some of these participants' views on institutionalization:

*"I want the institutionalization of zakat and its fair distribution (...) in trustworthy hands (...) (G18)."*

*"(...) it should have a serious institutional structure, it should be centralized (...) (G6)."*

Participants who expressed the necessity of institutionalization also stated that this structure should meet criteria beyond trustworthiness. These principles can be summarized as justice, transparency, accountability, reliability and competence of the employees, traceability, and openness. The principle of justice signifies a fair approach to the segments to which zakat will be distributed. According to this principle, zakat should not be given to anyone more than they need, and zakat should reach everyone in need. Transparency, openness, and accountability principles are emphasized to ensure the realization of the principle of justice. The transparency principle requires access to every stage of expenditure in a correct and clear manner. The person giving zakat should be able to track where and how their zakat has been used. Here, accountability principle is also required to ensure transparency. The zakat institution should be responsible to society at every step and in every result of the zakat organization.

The reliability and competence of employees were also seen as important for ensuring institutionalization. The moral and spiritual feelings and thoughts of the individuals who will work in the zakat institution should be such as to inspire confidence in the zakat payers. Because these individuals will be responsible for delivering the trusts of the zakat payers to their rightful places. In order to deliver them correctly, they should be trustworthy individuals with knowledge about zakat. It was considered a sensitive issue that competent individuals who excel in their work at every stage of the zakat organization should be employed. These individuals should also be gentle and responsible towards both zakat payers and recipients,

using an open approach. Some of the principles that participants expressed as necessary for institutionalization are as follows:

*"(...) justice in distribution must be ensured (...) (G18)."*

*"(...) centralized and this should be transparent, openly and continuously informing (...) Transparency is very important (...) (G6)."*

*"(...) it should be a transparent, accountable institution that the society believes can organize this zakat issue well. It must be auditable (...) (G5)."*

Participants insistently expressed the importance of ensuring these principles in institutionalization in our country. According to them, only if these principles are ensured, zakat payers will choose this institution. Thus, they stated that the amount of zakat collected would increase, zakat could reach places it currently does not reach, and poverty could be reduced. These participants, who believe that they will be able to perform their worship more comfortably with the institutionalization of zakat, stated that they will give either all or part of their zakat to this institution. On the other hand, some participants stated that they would only give some of their zakat through this institution. It was observed that participants who used this expression preferred to start giving zakat to their family, relatives, and surroundings first. These participants stated that they could give the remaining amount to the institution after meeting the needs of the people around them. By doing so, they would behave in accordance with the spirit of zakat and prevent the current inability of zakat to reach the people they had already given it to. Participants' statements about how zakat could be affected by the institutionalization of zakat are as follows:

*"(...) If a reliable system is established, I think people will give much more (...) (G18)."*

*"(...) I think zakat will increase much more (...) (G6)."*

*"(...) if we can establish an institutional structure (...) through the state or that institution, it would be much better. It would be much more effective (...) (G5)."*

The zakat institution must have certain principles towards zakat payers, beneficiaries, and all other stakeholders. These principles can affect the long-term functioning, effectiveness, and the amount to be collected by the institution. These include transparency, accountability, trust, and justice, especially for beneficiaries and payers (Hammad, 2022, p. 27). Additionally, the zakat institution itself, the giver, and the receiver must be accountable to Allah (Saad et al., 2014).

The principle of transparency signifies a system where every stage of zakat can be tracked, providing correct information and an open system to all stakeholders. In an accountable system, the institution is responsible for ensuring the accuracy of information to all stakeholders on the one hand, and for presenting the reasons for each stage of the process on the other hand. The realization of accountability and transparency principles will also bring about the fair operation of the institution. Because having everything open will prevent

weaknesses in the institution. Moreover, ensuring these three principles will increase trust in the institution. Once the trust is established, people's participation in the zakat institution will be positively affected.

All participants emphasized particularly the principles of transparency and trust. Some participants mentioned the negative experiences in NGOs that previously operated zakat organizations in our country, stating that the establishment of these two principles would be effective in their preference for the institution. Although it is understood from the expressions of almost all participants that they value the principle of justice, three participants emphasized the principle of justice as an indispensable principle. In participants who especially emphasize their religious sensitivities, the principle of accountability of the zakat institution stands out. These participants emphasized that the institution should be accountable to both stakeholders and Allah, stating that being accountable to Allah is prioritized in the context. Therefore, they believe that the individuals working at every stage of the institution should have religious sensitivity, be competent in their work, and be trustworthy. Some statements of the participants regarding the principles that institutionalization should embody are as follows:

*"(...) If a reliable system is established (...) people will give much more (...) (G18)."*

*"(...) centralized (...) transparent, open, constantly informing (...) (G6)."*

*"(...) if this fund (...) operates in secret (...) if I can't ask for accountability, I won't give money there (...) (G4)."*

*"Should be fair (...) (G6)."*

According to the participants, another important principle is that the institution should be run with a traceable system. They believe that establishing such a system is necessary to ensure the three principles mentioned above. Six out of seven participants who value traceability have stated that both trust and transparency are indispensable principles. They emphasized that traceability is crucial for ensuring that zakat reaches the right places and thus increasing trust in the institution. Additionally, the qualifications of the personnel to work in the institution were also an important issue for the participants. While three participants argued that competent individuals should be selected, one participant stated that people from all walks of life should be employed. According to three participants, those who will work in the institution should be able to establish good relationships with people, have a thorough knowledge of religious teachings related to zakat, be knowledgeable about accounting, and be trustworthy. Some participants believe that people are equal in the sight of Allah, attributes this view to their beliefs. We see this matter from G6 statement as follows:

*"(...) should be done by competent people (...) (G6)."*

The principles that the zakat institution should adhere to can be summarized as follows. On the other hand, for the organization to function healthily by providing these principles, the state also needs to undertake certain duties. The existence of a structure that supervises the

Zakat institution serves as a reinforcing factor for the institution's accountability. Additionally, auditability is used as an effective monitoring tool in developing internal controls and increasing efficiency (Wahab & Abdul Rahman, 2011, p. 57). The state should also fulfill regulatory, organizing, and rule-setting functions. These responsibilities are essential conditions for an efficient organization.

Participants emphasize that institutionalization should first be based on a legal framework. All information regarding zakat must be expressed in laws. After the legal framework is established, the state should take on the roles of supervision, regulation, organization, and leadership. Half of the 22 participants consider supervision as an indispensable principle. These participants state that if the supervisory function is fully fulfilled, trust in the institution will be solidified. Thus, a trusted institution will operate more effectively. Three participants also believe that the state should be the organizing institution. These participants also advocate for the institutionalization process to be carried out by the state. The other two participants who demand supervision state that the state should take on the role of regulator. These participants express that institutionalization should be carried out by the state and find it appropriate. Some opinions about the role the state should play in institutionalization are as follows;

*"(...) with the condition that legal regulations are made to enable the supervision of Zakat's accessibility and to establish a control mechanism (...) (G20)."*

*"(...) It should be auditable (...) (G5)."*

*"(...) the state should be the regulatory, supervisory, and executive body in this matter (...) (G6)."*

The organization of the institution is also one of the important issues. How the institution will be organized is as important as the issues that the state should take responsibility for. Because the operational style determines the responsibilities attributed to the state. Studies examining countries with zakat practices, mostly consisting of Muslim populations, have indicated that zakat management and institutionalization can be categorized under four main headings (Hammad, 2022). These are systems run by the state, by charitable institutions, by mixed systems, and by dominant groups (militants). The responsibilities of the state in each system naturally vary. Therefore, answering how institutionalization will take place is crucial in positioning the state.

Participants agree that in order for institutionalization to take place in some way, the principles mentioned above must first be fulfilled completely. They have stated that an institution lacking in trust, transparency, or accountability, and with a malfunctioning audit mechanism, will not function. Moreover, they have emphasized the need for the employees of the institution to be competent and qualified. They prefer to answer questions about how institutionalization should take place assuming that they fulfill these principles.

One of the prominent issues in the participants' thoughts on how institutionalization should take place is the form of the state. The vast majority of participants have expressed their belief that the current form of the state (the secular system) is an obstacle to the functioning of this institution by the state. According to them, *zakat*, which is an act of worship, should be administered by a state that values Islamic principles. Therefore, those participants who advocate for institutionalization have stated that there should be methods that include different institutions, including the state.

On the other hand, one participant expressed the view that the current position of the state would provide the best supervisory mechanism for the institutionalization of *zakat*. According to this participant, who is a teacher, a secular state that treats everyone equally can collect and distribute not only *zakat* but also other types of assistance and donations. This way, more people can be reached. However, it is observed that this view does not meet some of the conditions necessary for *zakat* to be accepted. Because *zakat* is a mandatory act of worship for Muslims who fulfill its conditions, unlike assistance and donations in Islam. In the event of institutionalization as mentioned by the participant, various practices, such as creating separate funds, can be implemented, taking into account every aspect of the matter. This way, more resources can be collected.

Participants who support institutionalization by the state share a common view that *zakat* funds should be kept in a separate fund without being mixed with taxes. They emphasized the necessity of this condition and that the expenditure items should be in accordance with the places specified by Islamic rules, expressing it as follows:

*"(...) that money shouldn't be mixed (...) (G4)."*

*"(...) an act of worship prescribed by Islam should be in a state belonging to Islam (...) (G1)."*

*"(...) I believe (...) with modern, secular, and contemporary state systems, Zakat can be updated with foundations, controlled, and exploitation can be eliminated (G16)."*

Thirteen out of 22 participants stated that institutionalization should be done by the state. These participants emphasized that the state is the best institution to manage *Zakat* organization. They expressed that the love and respect for the state in our society will have positive reflections on institutionalization by the state. Those who trust the state will give their *zakat* to this institution, they said. Ten out of 22 participants stated that a different system established by the state should be implemented. What is noteworthy here is that although six participants stated that their priority is institutionalization by the state, they prefer a structure established by the state due to the current understanding of the state. The alternatives proposed by these participants are as follows: the state should collect and NGOs should distribute, the state should expand NGOs, the state and NGOs should carry out each stage together, it should be like the endowment system in the Ottoman period, and there should be a supreme council consisting of central and local administrations.

*"(...) the most beautiful (...) is the state that will do it properly (...) (G11)."*

*"(...) The state must definitely be involved in that (...) (G6)."*

There are three participants who argue that institutionalization should be in a structure separate from the state. These participants are all self-employed individuals. They stated that policies change with changes in governments. Moreover, the religious sensitivities of the people coming to power can also change. Therefore, the participants expressed that in order for the institution to ensure the principle of trust, it should be in an autonomous structure separate from the state. Furthermore, this could prevent actions based on the feelings and thoughts towards governments from the perspective of zakat givers.

*"(...) it should be in a separate point from the state (...) people at the helm of the state can change (...) Zakat is an obligation for every Muslim (...) an institution that operates independently of politics would be more reliable (...) (G18)."*

Five participants believe that zakat should not be institutionalized. One of these participants is a civil servant, while the others are self-employed individuals. Believing that the shortcomings in the current system would also occur in a state that does not adhere to Islamic principles, these participants prefer to give their zakat themselves. They believe that the state's involvement in this matter would also bring about abuses. They listed the following reasons as obstacles to institutionalization: bureaucracy, sluggishness in the state, zakat being based on voluntarism, the belief that there should not be an intermediary, the belief that paying salaries to civil servants is not correct, the necessity of not having the concept of working hours, the inability to be sure of where the money is spent, the desire for individual satisfaction, susceptibility to politics, and the necessity of the state not being religious.

Bureaucracy is one of the first things that should not be experienced in fulfilling a religious duty such as zakat. Because zakat should be based on voluntarism and delivered to the needy without delay. The sluggishness (also referred to as delay) that the state would demonstrate, especially in the distribution of zakat, contradicts this purpose. Moreover, it should not be forgotten that zakat goods given in kind, which have an expiry date, should be disposed of as soon as possible. Although zakat collectors are among the spending items listed in the verse, participants believe that paying salaries to employees from zakat is not correct. They explained the reasons for this as the necessity of voluntary work and the absence of a civil service mentality, that is, the absence of the concept of working hours.

Some participants who do not want institutionalization expressed their views as follows:

*"When it is institutionalized, there will be civil servants, they will receive these, they will eat them, the money will be divided." (G 12).*

*"When the circumstances change, there is a fear that a negative work done today will appear before us in the Hereafter." (G 14).*



Participants also stated that they believe institutionalization would be influenced by government policies. According to them, governments with a high level of religious sensitivity could be more organized and careful in managing this, while in the opposite case, the necessary conditions for zakat might not be met. For example, deviating from the spending items of zakat could lead to the non-acceptance of the worship. Additionally, participants do not welcome the use of zakat as a political propaganda tool. Because zakat should be an institution that embraces Muslims without discrimination. In fact, some participants emphasized that the equal treatment of all citizens by the state can only be achieved if the state is not religious, so they emphasized that institutionalization should not be done by the state.

### 2.2.2. Providing Tax Benefits for Zakat

Some countries, in addition to institutionalizing zakat, define it within their tax systems and provide certain tax benefits to encourage zakat and tax payments, thereby facilitating the transition to a formal economy. When asked about their thoughts on providing tax benefits such as tax deductions or reductions for zakat within the Turkish tax system, 12 participants expressed their desire for zakat to be defined in the Turkish tax system but stated that they were against providing tax benefits. Among these participants, only one was a civil servant, while the others were self-employed individuals. Emphasizing that zakat is an act of worship, these participants expressed concern that providing tax benefits would compromise this sensitivity. They pointed out that individuals who do not pay zakat would only give it to benefit from tax advantages. However, this would violate the requirement of giving zakat with the right intention, which would harm the spirit of worship. Additionally, these participants emphasized that this would not be appropriate in the current governance system. Here are some opinions of the participants regarding not providing tax benefits:

*"(...) I do not approve of associating the obligation, which I am required to fulfill due to my belief, with taxation (...) (G20)."*

*"(...) I do not look favorably upon the materialization of a matter related to faith (...) (G3)."*

Business owners who expressed their opposition to tax benefits stated that they wanted tax benefits for the zakat they paid for their businesses. These participants emphasized that they were against tax benefits for their personal zakat. Participants believe that this would prevent the "off-the-record cash outflow" in business accounts. Thus, many people who want to pay both their zakat and taxes would not have to resort to legal/illegal means to evade taxes.

*"(...) When you don't do this, you're revealing that money openly. When you reveal it, as much money as you've given as zakat will be visible in your cash register. You can't record it anywhere (...) (G7)."*

Eight participants, five of whom are civil servants and three are self-employed professionals, expressed that tax benefits should be provided.

*"(...) when donations are made to various charities, they can be deducted from the tax base (...) Zakat can also be (...) done in this way (...) (G5)."*

*"(...) should be encouraged so that there are no more victims of hardship (...) (G16)."*

*"(...) when it reflects on society (...) there will be an increase in the welfare level in society (...) (G4)."*

These participants, whose statements are given above, believe that institutionalization and providing tax benefits will be an encouraging factor for people to pay zakat and to pay their taxes in full. Indeed, participants stated that with the provision of tax benefits, tax evasion would decrease, societal welfare would increase, and the fight against the informal economy would be strengthened. Believing that there is a high zakat potential in Türkiye, these participants think that the income generated will be an additional income to the state's tax revenues and will reduce the tax burden on citizens. Thus, both the state and the citizens will have an advantageous situation in Türkiye.

## **Result**

In this study, the research addresses the institutionalization of zakat in Türkiye and the potential tax advantages that could be provided for zakat payments. The general population of the study consists of 21 income taxpayers in Türkiye who pay zakat. In qualitative analysis, it revealed that most participants perceive the concept of institutionalization as the transfer of all authority related to collection, distribution, promotion, and organization to the state. For this reason, some participants primarily emphasized the political structure of the state when evaluating institutionalization.

The majority of participants stated that institutionalizing zakat is necessary. According to these participants, institutionalization would not only facilitate the process for zakat payers but also enable zakat to reach more people. They highlighted the importance of principles such as trust, justice, transparency, traceability, and accountability in the institutionalization of zakat. Participants expressed that a state-regulated institutionalization that upholds these principles could play a significant role in addressing poverty and income inequality, thereby fulfilling zakat's purpose of achieving social justice.

One reason why participants emphasized trust is that the recipients of zakat are explicitly determined by Quran. Since the validity of zakat depends on its distribution to these specified recipients, participants preferred to respond to questions about how institutionalization should occur by assuming the implementation of the aforementioned principles. Accordingly, those in favor of institutionalization suggested that methods involving various institutions, including the state, should be applied. Participants generally agreed that the state should oversee the institutionalization process and that zakat funds should be kept in a separate account without being mixed with tax revenues.

When asked about potential tax benefits for zakat in Türkiye, 12 participants expressed that they wanted zakat to be formally defined in the Turkish tax system but opposed providing tax advantages for it. These participants voiced concerns that zakat revenues might not be used for their intended purpose. Two participants, who are business owners, indicated that they

support tax benefits for zakat payments made on behalf of their businesses. They believed that such measures would prevent "unrecorded cash outflows" in their business accounts and allow them to accurately calculate their income, revenue, and profit. Eight participants viewed tax benefits for zakat positively. These participants believed that tax benefits would increase both tax revenues and zakat collections. They suggested that this would enable tax revenues allocated to areas funded by zakat to be redirected to other public expenditures.

In conclusion, it can be said that the expenditure areas of zakat overlap with some transfer expenditures and social protection expenditures. If zakat is institutionalized and included in the tax system, it could be used as a tool to address social issues, particularly in the fight against poverty. In this way, zakat could also support the concept of a social state. Institutionalizing zakat can be seen as a significant step in combating the informal economy. Establishing a legal framework for zakat would also resolve the issue of double taxation for taxpayers who pay both zakat and taxes.

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