

Legal Vacuum in BAZNAS–DP3A Synergy: A Maqashid Analysis

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Abstract

This study aims to assess legal certainty in economic empowerment efforts for 11.5 million female heads of households in Indonesia who face poverty vulnerability due to double burdens and limited access to capital. In the broader context of institutional synergy, the collaboration between BAZNAS Kota Bandung and DP3A through the Program for Enhancing Women's Role Towards Healthy and Prosperous Families (P2WKSS) emerges as a strategic instrument. However, from a legal perspective, this practice faces a crucial challenge in the form of the absence of a formal legal basis (Memorandum of Understanding). This article aims to analyze the legal and operational obstacles arising from the absence of such a regulatory text through the lens of Maqashid Syariah and progressive law. Using a normative-empirical legal research method with a descriptive-analytical approach, the research findings reveal that the absence of an MoU is rooted in the bureaucratic assumption of "one government umbrella," which triggers ambiguity of roles and places BAZNAS merely as an incidental fund contributor without a strategic position in planning. As a transformative solution, this study recommends regulatory reconstruction through the drafting of a specific MoU that refers to PMA No. 16 of 2025 to realize accountable and balanced governance. This regulatory transformation is an absolute prerequisite for ensuring systematic welfare for female heads of households through the sustainable protection of property (hifzh al-mal) and offspring (hifzh al-nasl).

Keyword:

Legal Certainty; Legal Vacuum; Female Head of Household; Progressive Law; BAZNAS

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Introduction

Women heads of households in Indonesia currently face severe economic challenges. This is because they must struggle alone to meet their daily needs and provide for their children while shouldering the double burden of managing the household. Their vulnerability to poverty is exacerbated by limited access to financial resources and a lack of adequate entrepreneurial skills.

Many of them have to struggle on their own to meet their daily needs, provide for their children, and face discrimination in terms of access to employment and capital. Limited access to financial resources, such as bank credit, and a lack of entrepreneurial skills make them vulnerable to poverty (Lina, 2022). These challenges are exacerbated by discrimination in access to employment and capital, which hinders their capacity building. Furthermore, literature reviews show that without systematic intervention, this group will continue to experience structural vulnerabilities that threaten the welfare of future generations. Thus, research on this social fact is crucial to finding a systematic support model that can promote economic independence while improving family welfare in a sustainable manner.

Normatively, cross-sectoral collaboration in the distribution of productive zakat is not left unregulated. Article 27 paragraph (3) of Law No. 23 of 2011 on Zakat Management mandates that the utilization of zakat for productive enterprises be carried out in a planned, targeted, transparent, accountable, and sustainable manner. This mandate was further operationalized through Minister of Religious Affairs Regulation (PMA) No. 16 of 2025 on the Utilization of Zakat for Productive Enterprises, which explicitly requires four sequential stages—planning, implementation, control, and reporting—and opens a formal channel for collaboration between local government, zakat institutions, and the private sector. On the government side, the P2WKSS program itself is anchored in Minister of Home Affairs Regulation No. 26 of 2009 on the Guidelines for Improving Women's Roles Towards Healthy and Prosperous Families, and Minister of State for Women's Empowerment Regulation No. 1 of 2008 on Guidelines for Improving the Quality of Women's Lives. Read together, these instruments establish a clear *das sollen*: cooperation between a zakat institution and a regional women's empowerment agency should be structured, planned jointly, and evaluated through a written, accountable mechanism—not left to informal, incidental arrangements. It is precisely against this normative standard that the empirical practice described above—cooperation based only on verbal instruction and the assumption of a shared government umbrella—reveals a significant gap between what the law envisions and what occurs in the field. According to data from the Central Statistics Agency (BPS) in 2024, there are approximately 11.5 million families in Indonesia headed by women. This can be seen in the table below.

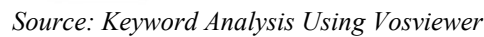
Table 1: Female Breadwinners

Number of Household Members	1	2-3	4-5	6	TOTAL
INDONESIAN	22.65%	48.34%	23.05%	5.96%	100.00%

Source: BPS 2024

Current literature studies have explored the effectiveness of productive zakat and women's empowerment programs (Abramuthiah et al., 2024; Ayuniyyah et al., 2022; Kurniawati et al., 2025; Muhammedi et al., 2024). Previous studies tend to dissect the internal performance of BAZNAS without looking at the functional connection between the synergy of this institution and the DP3A. This condition causes the dynamics of collaboration between structural and non-structural institutions within a regional authority to often escape in-depth legal analysis. The research by Masur et al. only focused on demonstrating the role of BAZNAS as a pillar in community economic empowerment without mentioning the integrative involvement of government agencies (Mashur et al., 2022). As indicated by Sopamena, in a cooperation contract, an MoU is an initial agreement resulting from negotiations conducted by the parties. If, at the initial agreement stage, there is a unilateral cancellation, then as a legal consequence, the party that cancels must be liable for the losses incurred (Sopamena, 2021). Studies on P2WKSS generally only evaluate technical success in the field without reviewing the legality aspects of integrating funding sourced from zakat funds (Indriani & Artisa, 2023; Noer, 2021). Thus, the novelty of this study lies in its critical analysis of the cooperation between BAZNAS and DP3A Bandung, which took place without a formal MoU, in order to provide alternative regulatory solutions that are more transformative and have legal certainty.

The author obtained developments related to BAZNAS and government programs in international literature through the Scopus database, which is the main reference in global academic research. The author chose Scopus because it has a wide range of high-quality publications that are strictly indexed, so that the results of the analysis can be used as a credible basis for observing the direction of research development. To read the research trends related to BAZNAS and Government Programs in the last five years, the author used the VOSviewer application, a software that functions to map the most prominent networks of keywords, authors, and citations in publications. This bibliometric analysis is important because it not only describes trends in topics that are currently being studied, but also reveals research gaps that are still rarely touched upon. Thus, the research map generated from Scopus can be a starting point in formulating new research, particularly related to the synergy between BAZNAS and Government Programs that focus on empowering female heads of households.



The results of the VOSviewer analysis of Scopus data show that the theme of zakat has shifted significantly from classic issues to more complex contemporary issues. The keyword network shows the relationship between zakat and concepts such as empowerment, welfare, sustainable development goals (SDGs), accountability, and the use of digital technology in zakat management. However, topics that specifically discuss the synergy between BAZNAS and non-religious government programs such as P2WKSS have not been widely discussed in the literature. This indicates a gap in international research, even though such synergistic practices are taking place in Indonesia. The absence of studies highlighting the relationship between productive zakat and women's empowerment programs also shows that the aspects of protection of property (*hifzh al-mal*) and offspring (*hifzh al-nasl*) for female heads of households are still rarely analyzed from a progressive legal perspective. Therefore, this study offers something new by filling this gap, while also presenting a conceptual framework that integrates *Maqashid Syariah* with socio-legal needs in the context of women's empowerment.

The focus of this research is to identify the legal and operational obstacles that arise as a direct consequence of the absence of a formal Memorandum of Understanding (MoU) between BAZNAS and DP3A Kota Bandung. The absence of explicit legal texts means that cooperation between these institutions is based only on verbal agreements or incidental

instructions under the umbrella of the Mayor's Decree, which is very general in nature. Without written authority limits, cross-sectoral coordination risks overlapping functions, which could ultimately weaken the effectiveness of women's empowerment programs in the field. This is reinforced by interview results revealing that BAZNAS had proposed the creation of an MoU, but it was rejected by the local government's legal department on the grounds that both institutions were already under the same administrative umbrella (Rambe, 2025; Rambe & Darma, 2026). As a result, BAZNAS is often only positioned as a contributor of funds to support agency activities without having an equal strategic position in the planning and evaluation stages of the P2WKSS program. Empirically, this legal uncertainty complicates the process of synchronizing *mustahik* criteria with agency targets, making it difficult to account for the use of productive zakat funds in a transparent manner. Therefore, this study raises a crucial question regarding the extent to which the absence of a legal text on cooperation affects the accountability and sustainability of programs in the field to formulate a regulatory model that guarantees legal certainty for both parties.

Literature Review

The obligation of maintenance refers to a person's legal, moral, and religious responsibility to provide adequate financial and material support to certain individuals under their care (Lovish, 2023; Munojiddinov, 2021). Etymologically, "*nafkah*" comes from Arabic and means expenses or the cost of living. In the context of family law, particularly within marriage, alimony is defined as everything necessary for a decent standard of living, including food, clothing, housing, health care, and education. This definition establishes that alimony is not merely a voluntary gift, but a binding obligation intended to ensure the well-being of those entitled to it, such as a wife and children (Schaubert & Köckeis, 2025).

The determination of alimony is an effort to clarify how this obligation is fulfilled, established, and characterized. Alimony can take various forms; the most common is in the form of cash (monthly payments), but it can also consist of goods (clothing, food) or services (provision of housing/rent, payment of utilities). Types of alimony are generally distinguished based on the recipient and the context, for example: Iddah Alimony (post-divorce during the waiting period), Child Support (costs of maintenance and education), and Spousal Support (during marriage). The main characteristics of alimony determination are flexibility and proportionality, meaning that the method of calculation must take into account the financial capacity of the party obligated to provide alimony and the reasonable needs of the recipient (Stonestreet & Cozza, 2020). Therefore, the determination does not use a single fixed value but is dynamic and adjusted to a decent standard of living.

Furthermore, the term female civil servants (*ASN*) refers to any female civil servant (PNS) or government employee under a work contract (PPPK) working in central or local government agencies. Conceptually, this term refers not only to their employment status but also to the dual roles they fulfill. As ASN, they are implementers of public policy, public servants, and the glue that binds and unites the nation, with rights and obligations governed by law (Subagja et al., 2024). This definition positions female ASNs as an integral and active part of the bureaucracy, whose presence and contributions reflect gender equality in public service and governance, while also facing gender-specific challenges in their bureaucratic careers.

Female civil servants (ASN) in Indonesia have so far largely highlighted issues of representation and the double challenges they face, which are reflected in gender disparities at the structural leadership level despite their significant numbers. The root causes of this problem include gender stereotypes, bias in leadership, domestic issues that require balancing career and family responsibilities, and inflexible policies (Nurussyahadah et al., 2025; Rahmawati et al., 2023; Yuliana & Hermawati, 2025). This phenomenon is important to examine because the low representation of female civil servants in decision-making positions can hinder the formulation of gender-sensitive policies that prioritize women's interests; therefore, the implementation of a merit-based system and more humane, family-friendly policies is necessary.

Based on existing studies, this research is grounded in the argument that formalizing cooperation through a Memorandum of Understanding (MoU) is a crucial instrument for ensuring administrative accountability and the sustainability of synergy between BAZNAS and DP3A Bandung. Cooperation that relies solely on the "single government umbrella" framework without a binding legal foundation tends to lead to an imbalance of roles and an unclear division of authority between institutions. Without a formal foundation, this synergy will remain incidental and highly vulnerable to bureaucratic obstacles and future changes in leadership policy. Theoretically, this study contributes to expanding the scope of progressive law to fill legal gaps in cross-sectoral cooperation between zakat institutions and the government. Furthermore, these findings provide a basis for the importance of general cooperation provisions to ensure that the proportion of aid and program requirements remain balanced in order to protect the assets and descendants of the mustahik. Thus, this study contributes by offering a transformative regulatory model to provide strong legal protection and ensure the systematic well-being of female heads of households within the PW2KSS program synergy.

Research Methodology

This study uses a normative-empirical legal research design to obtain a comprehensive picture of the phenomenon of institutional synergy under review. This approach was chosen so that researchers could examine written legal theory while also observing how the law works in social reality in the field. This method was chosen based on the need to compare the normative standards of zakat management with the practice of inter-institutional cooperation at the regional level. By combining these two aspects, the researcher was able to identify the lack of synchronization between formal regulations and the implementation of women's empowerment policies (Rambe et al., 2026; Wijayanti & Luthfi, 2025). The procedure began with an examination of the laws and regulations related to zakat management and the main duties and functions of the women's empowerment agency as a theoretical basis. Next, the researcher conducted direct verification in the field to see how these regulations were translated into coordination between BAZNAS and DP3A. Through this synchronization, the researcher was able to draw conclusions about the effectiveness of regulations in covering non-structural and structural cooperation.

The unit of analysis in this study focused on the dynamics of synergy between BAZNAS Bandung City and DP3A Bandung City in implementing the P2WKSS program. The object of study focused on the working relationship and legal position of the two

institutions in their efforts to optimize the protection of female heads of households. This unit was chosen because it reflects the interaction between zakat management institutions and government agencies that have similar targets but different organizational legal bases. A deep understanding of this unit is crucial to uncovering the root of administrative problems arising from the absence of a formal agreement in the form of an MoU. The researcher examined the P2WKSS program profile document to see how BAZNAS involvement was scheduled in the relevant agency's annual calendar of activities. The identification was carried out by mapping the division of tasks in providing productive business capital assistance compared to skills training conducted by DP3A. The entire process of observing this analysis unit was carried out to ascertain whether the interaction was based on written provisions or merely incidental policies.

The sources of data and information for this study were classified into two main categories, namely primary data obtained directly from the field and secondary data from legal documents. The use of this combination of data aims to create strong validity of findings through cross-checking between written sources and authoritative informants. Secondary data is needed as a legal basis for measuring institutional compliance, while primary data serves to provide a real picture of operational constraints that are not written in regulations. With the availability of these two types of data, researchers can build a critical argument regarding the need to update the legal text on cooperation for legal certainty. Secondary data collection was carried out by compiling Law No. 23 of 2011 concerning Zakat Management, MUI Fatwa No. 15 of 2011, and P2WKSS technical regulations (Yuzaini et al., 2024). Meanwhile, primary data was obtained through in-depth interviews with BAZNAS leaders and DP3A officials who handle technical coordination in the city of Bandung. Additional information was also collected from annual reports on the distribution of productive zakat targeted at female heads of households in the P2WKSS working area.

Primary data was obtained through in-depth interviews with three key informants from BAZNAS Kota Bandung, selected purposively based on their direct authority over the aspects of institutional synergy under review: (1) *Ustadz Irfan Farid Taufiq, Lc., M.A.*, Vice Chairman II, whose position gives him oversight of strategic and policy-level decisions regarding institutional cooperation; (2) *Ahmad Husein*, Head of the Monitoring and Partnership Division, who is directly responsible for managing external institutional relationships, including the technical coordination with DP3A; and (3) *Jamal Purnama, S.E.*, Head of the Distribution and Utilization Division, who oversees the operational disbursement of productive zakat funds to mustahik under the P2WKSS scheme. This combination of informants was chosen so that the data would capture the issue of institutional synergy from three complementary vantage points—policy authority, inter-institutional coordination, and operational implementation—rather than relying on a single perspective (Addzaky et al., 2025; Tanzilulloh & Agmar, 2024).

The data is analyzed qualitatively using a descriptive-analytical approach based on progressive legal theory and Maqashid Syariah. This stage of analysis is designed to transform raw data into a logical scientific narrative and offer transformative solutions to the legal vacuum issues identified. A qualitative approach was chosen because it is able to explain the phenomenon of the gap between formal regulations and operational practices in a deep and contextual manner (Amarini et al., 2023). Progressive law-based analysis allows researchers to go beyond rigid legal texts to achieve real benefits for the protection of the property and offspring of vulnerable groups. The process began with data reduction through coding the interview results related to factors hindering the creation of a formal

MoU. Next, the data is presented in the form of a comparison matrix between the ideal rules in the Zakat Law and the fact that there is no written basis for cooperation in the field. Conclusions are drawn by formulating recommendations for general cooperation provisions as a legal solution to maintain accountability and program sustainability in a systematic manner.

This study is based on the argument that formalizing cooperation through an MoU is a crucial instrument for ensuring administrative accountability and the sustainability of synergy between BAZNAS and DP3A Bandung. Cooperation that relies solely on the position of “one government umbrella” without a binding legal text tends to create role imbalances and unclear division of authority between institutions. Without a formal basis, this synergy will continue to be incidental and highly vulnerable to bureaucratic obstacles and changes in leadership policy in the future. Theoretically, this study contributes to expanding the scope of progressive law to fill the legal vacuum in cross-sectoral cooperation between zakat institutions and the government. In addition, these findings provide a basis for the importance of general cooperation provisions so that the portion of assistance and program requirements remain balanced to protect the assets and descendants of the mustahik. Thus, the contribution of this study is to offer a transformative regulatory model to provide strong legal protection and ensure the systematic welfare of female heads of households in the PW2KSS program synergy.

Results and Discussion

Normative Boundaries of Authority: BAZNAS and DP3A

Before examining the empirical practice of synergy, it is necessary to clarify the distinct legal basis and scope of authority of each institution, since the two operate under entirely different regulatory frameworks. BAZNAS derives its authority from Law No. 23 of 2011 on Zakat Management, which positions it as a non-structural institution mandated to collect, distribute, and utilize zakat funds, including for productive enterprises as specifically regulated under Article 27 paragraph (3) and further detailed in PMA No. 16 of 2025. Its institutional accountability runs upward to the Ministry of Religious Affairs, not to the regional government apparatus. DP3A, by contrast, is a structural regional government agency whose mandate to carry out P2WKSS derives from Minister of Home Affairs Regulation No. 26 of 2009 and Minister of State for Women's Empowerment Regulation No. 1 of 2008, both of which place the program's technical implementation under the regional government's administrative chain, ultimately accountable to the Ministry of Home Affairs and the Ministry of Women's Empowerment and Child Protection. Because BAZNAS and DP3A answer to different ministries, operate under different founding statutes, and are subject to different reporting obligations, neither institution's regulation grants it authority to unilaterally direct the other's resources or programming.

This is precisely why the "one government umbrella" reasoning used by the Bandung legal department to dismiss the need for an MoU is legally imprecise: the Mayor's Decree may place both institutions within the same administrative territory, but it does not—and cannot—substitute for the specific inter-institutional agreement that each institution's own regulatory framework presupposes when entering a cooperative arrangement with a body outside its direct chain of accountability. This distinction is what makes the absence of a formal MoU traceable as a concrete legal problem, rather than a mere administrative inconvenience, and it is this gap that the following findings illustrate empirically.

BAZNAS and DP3A Bandung Synergy Practices: Description Without Formal Ties

The results of the study reveal that BAZNAS Kota Bandung and the Office of Women's Empowerment and Child Protection (DP3A) have established active synergy in various women's empowerment agendas, particularly through the Program for Increasing Women's Roles Towards Healthy and Prosperous Families (P2WKSS). However, the most fundamental finding is the absence of a Memorandum of Understanding (MoU) or official memorandum of understanding that legally underpins this cooperative relationship. Although in fact both parties interact with each other in the implementation of programs in the field, the absence of a written agreement shows that this collaboration does not yet have a strong legal-formal basis to ensure accountability and clarity of authority between institutions in the long term.

The synergy between BAZNAS and DP3A is carried out based on verbal instructions or simply letters requesting contributions for activities sent by the agency to BAZNAS. The main basis used by both institutions to validate this cooperation is their position under the same "legal umbrella," namely the Bandung Mayor's Decree (SK). Based on the results of interviews, the local government's legal department considers that the creation of a specific MoU is no longer necessary because BAZNAS is seen as a non-structural institution that is automatically integrated into local government coordination. As a result, this cooperative relationship tends to be informal and highly dependent on the incidental policies of the leadership, rather than on an independently standardized regulatory system.

Operationally, this cooperation mechanism places DP3A in a strategic role in directing the target of underprivileged women, while BAZNAS contributes in the form of distributing business capital from productive zakat funds and providing skills training assistance. This collaboration aims to strengthen the economy of female heads of households through empowerment interventions, not merely consumptive ones. However, observations and interviews show that this cooperation is still limited to ad hoc or occasional requests for assistance, which usually occur about three times a year in accordance with the needs of the agency's agenda. This means that BAZNAS is often

positioned only as an additional “funding supporter” for government programs without balanced involvement in the overall program planning and evaluation process.

Analysis of Factors Contributing to the Absence of an MoU in Institutional Synergy

Interviews revealed that the main factor contributing to the absence of a formal MoU was the local government legal department's perception of BAZNAS's institutional position. Legal authorities considered that a written agreement was no longer necessary because BAZNAS and DP3A were already under the same administrative umbrella under the Mayor's Decree. This reasoning stems from the classification of BAZNAS as a non-structural government institution that is considered to automatically synergize with structural institutions without the need for additional contracts. However, this “one umbrella” logic tends to ignore the independent governance of each institution, which has different internal rules and operational standards. During the interviews, informants explained that a proposal to create an MoU had actually been formally submitted but was halted at the level of the head of the legal department. The legal department stated that integration into the local government structure already provided sufficient legitimacy for both parties to collaborate directly. As a result, to date, this cooperation has continued without detailed textual regulatory guidelines to govern the technical aspects of the partnership.

The systemic ambiguity of this legal text hinders the clear division of authority between BAZNAS and DP3A in their daily operations. This lack of binding rules also makes it difficult to create an integrated and accountable reporting system between the two parties. Without written boundaries of responsibility, each institution tends to carry out its administrative functions partially without strong data synchronization. This creates a gray area in strategic decision-making that often slows down the coordination process when obstacles arise in the field. Evidence in the field shows that activity reporting systems are still carried out separately according to each agency's standards without a common evaluation format. The absence of a unified reporting structure makes it difficult to audit the synergy's performance in measuring its real impact on alleviating poverty among female heads of households. This ambiguity is also reflected in the uncertainty of coordination procedures, which are highly dependent on the policies of individual officials rather than on a standard system.

Critical analysis shows that the absence of an MoU positions BAZNAS as merely a fund provider or contributor supporting the agency's activities without having a strategic position in planning. This imbalance closes the space for BAZNAS to be actively involved in formulating policies that are in line with the principles of zakat utilization. When synergy is not based on an equal position, structural institutions such as DP3A tend to dominate the

direction of the program, while BAZNAS is only reactive to requests for assistance. This condition triggers the risk of a mismatch between the target criteria of the 8 types of mustahik according to the Zakat Law and the criteria for underprivileged families according to the P2WKSS program. Based on data findings, the assistance distributed often depends entirely on the list requested by the relevant agency without going through a thorough joint verification process. As a result, the effectiveness of productive zakat in realizing *hifzh al-mal* is not maximized due to the absence of an evaluation mechanism that balances the demands of the agency's program and the capacity of BAZNAS assistance.

Optimizing Sharia Objectives: Toward Regulatory Synergy Transformation

The Qur'anic foundation for the productive use of zakat in empowering vulnerable groups is rooted in Surah At-Tawbah (9):60, which designates the *asnaf*—including the poor (*fuqara'*) and needy (*masakin*)—as rightful recipients of zakat, without restricting its use to consumptive distribution alone. This is reinforced by the hadith narrated on the authority of Mu'adz ibn Jabal, in which the Prophet ﷺ instructed that zakat be taken from the wealthy among a community and returned to its poor, establishing the principle that zakat functions as a redistributive and empowering instrument rather than a one-time charitable transfer. Building on this foundation, classical and contemporary jurists—most notably Yusuf al-Qaradawi in *Fiqh al-Zakah*—argue that productive zakat (*zakat produktif*), in the form of business capital or income-generating assets, is permissible and indeed preferable for mustahik who retain the capacity to work, since it moves them toward the status of *muzakki* (zakat payer) rather than perpetuating dependency. These fiqh foundations connect systematically to the maqashid principles adopted in this study: the protection of property (*hifzh al-mal*) is realized through capital assistance that enables female heads of households to generate sustainable income rather than merely meet immediate needs, while the protection of offspring (*hifzh al-nasl*) is realized through the derivative programs—health interventions and educational scholarships—that safeguard the next generation's welfare.

The synergy between BAZNAS and DP3A has great potential to optimize *hifzh al-mal* through the provision of productive business capital for female heads of households. In addition, this collaboration also targets the protection of *hifzh al-nasl* through health interventions for stunting prevention and the provision of educational scholarships for children from underprivileged families. The strategic use of zakat funds enables economic protection while ensuring the quality of the future generation of mustahik. This shows that the integration of zakat resources with local government programs can have a holistic impact that goes beyond mere consumptive assistance. Based on field data, BAZNAS Bandung City currently manages 50 derivative programs, many of which focus on economic empowerment and family health protection. Programs such as the Cendikia Bintang Talenta Scholarship are clear evidence of efforts to protect the intellectual quality of descendants, synergized within the scope of P2WKSS. Meanwhile, the distribution of

productive business capital serves as an instrument of asset protection that enables female heads of households to become financially independent.

A more robust legal transformation is urgently needed to ensure the systematic sustainability of these noble values of Maqashid Syariah in the future. Without a strong legal framework, protection of assets and offspring is feared to be only incidental and highly dependent on the policies of the current leadership. Formal legality serves as an anchor that ensures every empowerment program has operational standards that are not easily hindered by bureaucratic administrative obstacles. Regulatory certainty will transform the pattern of assistance, which was originally voluntary or ad hoc, into a well-planned institutional obligation. The interview findings indicate that cooperation has been carried out without standard guidelines, making it difficult to evaluate the achievement of Maqashid in a measurable and periodic manner. Informants stated that the challenges faced by the community in the modern era require zakat programs to be optimized through a professional collaboration system, not just non-binding inter-institutional relationships. Therefore, the shift from an informal cooperation pattern to a legally binding one is an absolute requirement for achieving consistent sharia objectives.

The implications of this study indicate that it is necessary to create “*General Cooperation Provisions*” that regulate the proportion of assistance so that it is balanced with the demands of the service program. This regulation aims to ensure that the accountability of zakat funds is maintained in accordance with sharia corridors and is not used solely to cover budget shortfalls in service activities (Tajrid, 2021). Through this instrument, BAZNAS will have a legal basis for negotiating a fair role based on the availability of funds and the criteria of the eight asnaf. This is very important to ensure that the rights of mustahik remain a top priority amid the demands of dynamic local government bureaucracy (Bercero & Nicolaïdis, 2022). A progressive legal approach provides flexibility to fill this regulatory gap in order to achieve a much broader and more tangible benefit for the community. In practice, informants suggest that students and academics contribute to more practical field mechanisms to create a “*super team*” through cross-sectoral collaboration. With this new regulation, the procedures for managing productive zakat as mandated in PMA No. 16 of 2025 can be implemented to the fullest to transform the status of mustahik into muzakki.

Transformation from Informal Cooperation to Legal Certainty Based on Maqashid Sharia

This study aims to explain the synergy between BAZNAS and DP3A Kota Bandung in the P2WKSS program and finds three important results related to the implementation of Maqashid Syariah. First, despite active synergy in the field, this

cooperative relationship is legally and formally fragile due to the absence of a binding memorandum of understanding (MoU). The absence of this legal document creates ambiguity in the division of authority and responsibilities between the two institutions (Rodríguez et al., 2022). Second, in the era of modern zakat management, the main challenge encountered is the lack of an optimal mechanism for measuring the impact of productive programs on real poverty alleviation (Aziz, 2024; Herianingrum et al., 2024). Third, BAZNAS position as a non-structural institution is often misunderstood by local government legal departments, resulting in its presence being positioned more as a “*funding supporter*” rather than an equal strategic partner in program planning (Bain, 2023; Rimanto et al., 2021).

The findings in this study differ from previous findings, which tended to view the effectiveness of zakat from an internal institutional perspective. Previous studies focused more on analyzing the effectiveness of internal training without touching on the aspect of cross-sectoral coordination with government agencies (Busa et al., 2025; Rasyid, 2025; Rifqiawan et al., 2025). In addition, much of the literature views the success of the program solely in terms of distribution figures without critiquing the legal basis that underpins it (Hartono, 2022; Khatimah et al., 2024; Nazarudin et al., 2025; Pericoli, 2023). This is what distinguishes this study, in which the effectiveness of empowerment is seen not merely as the result of a technical process, but rather as the result of the power of a “*legal position*” that should provide protection for the accountability and transparency of zakat funds in the public eye.

The ambiguity of the legal position in this synergy has broad implications for the fulfillment of the rights of 11.5 million female heads of households who are registered as vulnerable groups (Wang, 2020). Without impartial (progressive) legal intervention, the assistance provided risks being limited to consumptive aspects and failing to address the root causes of structural poverty. A deep understanding is needed that the protection of property (*hifzh al-mal*) and offspring (*hifzh al-nasl*) cannot be optimally achieved if there is no written coordination between zakat institutions and government agencies. The community or *mustahik* becomes increasingly fragile if the empowerment system is only incidental, where access to productive business capital and children's education scholarships depends on the “*goodwill*” of individual officials, rather than on a stable and sustainable legal system (DiMario, 2022; Perry, 2020; Rismilda, 2023).

The reasons for rejecting the MoU need to be explained as a basis for reconstructing regional cooperation policies. The legal department's view that an MoU is unnecessary because BAZNAS is already under the “*umbrella of government*” is a rigid interpretation of the regulations. This rigid legal interpretation of BAZNAS's non-structural position should be deconstructed to make room for administrative order (Hasan, 2020). State policy should not be used as an excuse to allow regulatory gaps, but rather should justify strengthening the legal framework to ensure that each portion of aid distributed is balanced with the requirements of the program being implemented.

The fragility of synergy caused by this legal uncertainty requires a deconstructive approach to current administrative practices (Aufa et al., 2023; Ezzerouali et al., 2024). To that end, a policy shift is needed from informal cooperation to the development of a “*legal bridge*” through the formulation of regional regulations or specific MoU. The main recommendation of this study is to encourage the synergistic formulation of productive zakat management procedures with reference to the spirit of Minister of Religious Affairs Regulation No. 16 of 2025, which focuses on the legality of cross-sectoral cooperation. With clear and binding rules, the portion of assistance and accountability of zakat funds can be maintained in accordance with sharia principles. This step is needed to build an open and fair women's empowerment system that is capable of transforming the status of mustahik (recipients) into muzakki (givers) in a sustainable manner.

Conclusion

This study shows that the success of the synergy between BAZNAS and DP3A Kota Bandung in empowering women is not only determined by technical factors such as the amount of zakat funds or the frequency of training, but is also produced and reproduced by the clarity of the legal basis underpinning it. The existence of empowerment practices in the field that have been carried out without a written legal basis (MoU) has eliminated the space for accountability and transparency, which should be the main foundation of inter-institutional cooperation. Synergy activities have become very limited in the form of incidental contributions that only fulfill the demands of official activities without any integrated strategic planning. Relationships that rely solely on the legal umbrella of the Mayor's Decree without specific regulatory texts have formed a fragile pattern of cooperation in which the boundaries of authority between structural and non-structural institutions have become blurred. The absence of a written basis not only limits the administrative activities of the zakat community, but more than that, it also contributes to weakening the spirit of professional and sustainable productive zakat management.

The findings of this study provide a new perspective on zakat governance in Indonesia, particularly regarding the integration of non-structural institutions into local government policies. A contextual and fundamental understanding of the urgency of binding legal texts can become a new treasure trove in proving that progressive law based on Maqashid Syariah can be used to break through bureaucratic rigidity in order to protect the property (*hifzh al-mal*) and offspring (*hifzh al-nasl*) of vulnerable groups. Theoretically, this study offers an important contribution by highlighting that in progressive law, rules should serve justice and benefit, not the other way around. In addition, this study also emphasizes the urgency of deconstructing rigid legal interpretations at the regional level, which have so far hampered the creation of regulatory certainty. The formalization of cooperation through MoUs, in turn, does not only function as a simple administrative requirement, but more than that, such legal limitations actually protect the rights of female heads of households to gain measurable access to empowerment while remaining within the corridor of Sharia law.

Based on the specific weaknesses identified above, this study offers four concrete, actionable recommendations. *First*, in response to the absence of a written basis for cooperation, BAZNAS Kota Bandung and DP3A should draft a specific *Perjanjian Kerja Sama* (PKS)—rather than relying on the general Mayor's Decree—that explicitly references PMA No. 16 of 2025 and Permendagri No. 26 of 2009 as its legal basis, and that should be finalized within one fiscal year cycle to align with the P2WKSS annual planning calendar. *Second*, to correct BAZNAS's current position as a mere incidental fund contributor, the PKS should formally allocate BAZNAS a seat in the P2WKSS planning and evaluation working group (*pokja*) at the *kelurahan/kecamatan* level, ensuring its involvement extends beyond fund disbursement to program design. *Third*, to resolve the absence of a unified reporting system, both institutions should adopt a joint semi-annual reporting format—consistent with the six-monthly reporting cycle already mandated for productive zakat under PMA No. 16 of 2025—so that program impact can be audited jointly rather than through two disconnected institutional reports. *Fourth*, to address the mismatch between the eight *asnaf* criteria and P2WKSS beneficiary criteria, a joint verification mechanism or shared mustahik–beneficiary database should be established prior to fund distribution, so that eligibility is cross-checked rather than determined unilaterally by the requesting agency. Taken together, these four measures translate the study's normative argument into a concrete institutional roadmap that Bandung's local government and BAZNAS can act on directly, rather than leaving the recommendation of regulatory reconstruction at the level of abstract principle.

This study has limitations in terms of data coverage, which focuses on qualitative analysis of administrative dynamics and legal obstacles, so it is not yet able to quantitatively capture the economic impact on a broader scale. The normative-empirical research model does have advantages in revealing the gap between rules and practices, but more detailed data on changes in mustahik income would make research on this issue more comprehensive. In this case, further contextual research using quantitative methods is needed to measure the long-term economic impact of this synergy on the change in the status of mustahik to muzakki. Practically speaking, BAZNAS and the Bandung City Government are advised to immediately formalize this cooperation in a clear legal text as a form of compliance with the mandate of Minister of Religious Affairs Regulation No. 16 of 2025. Therefore, further field research is needed to explore in greater depth the implementation of the “*General Cooperation Provisions*” and their relevance to the permanent economic independence of women.

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