



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 54/PUU-XXIII/2025**

**Concerning**

**Amendments to the Definition and Functions of the Badan Amil Zakat Nasional (BAZNAS or National Zakat Agency), Lembaga Amil Zakat (LAZ or Zakat Collection Agencies), and Unit Pengumpul Zakat (UPZ or Zakat Collection Units)**

<b>Petitioners</b>	: <b>Muhammad Jazir and the Indonesia Zakat Watch, represented by Barman Wahidatan Anajar as Chairperson of the Executive Board of Yayasan Indonesia Zakat Watch and Yusuf Wibisono as Secretary General of Yayasan Indonesia Zakat Watch</b>
<b>Type of Case</b>	: Judicial review of Law Number 23 of 2011 concerning Zakat Management (Law 23/2011) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
<b>Subject Matter</b>	: Article 1 point 7, point 8, and point 9, Article 6, Article 7 paragraph (1) letter b, Article 16, Article 17, Article 22, Article 23 paragraph (1), Article 24, Article 28 paragraph (1), Article 30, and Article 31 of Law 23/2011 are contrary to Article 28C paragraph (2), Article 28D paragraph (1), and Article 29 paragraph (2) of the 1945 Constitution
<b>Verdicts</b>	: <ol style="list-style-type: none"><li>1. To declare that the Petitioners' petition with respect to Article 7 paragraph (1) letter b of Law Number 23 of 2011 concerning Zakat Management is inadmissible</li><li>2. To dismiss the remaining petition of the Petitioners</li></ol>
<b>Date of Decision</b>	: Thursday, August 28, 2025
<b>Overview of Decision</b>	:

Petitioner I is an Indonesian citizen who initiated zakat collection at the Jogokariyan Mosque in Yogyakarta and is currently the Chairperson of the Shura Council of the Jogokariyan Mosque in Yogyakarta. Meanwhile, Petitioner II is a private legal entity in the form of a foundation. The Petitioners argue that the norms of Article 1 point 7, point 8, and point 9, Article 6, Article 7 paragraph (1) letter b, Article 16, Article 17, Article 22, Article 23 paragraph (1), Article 24, Article 28 paragraph (1), Article 30, and Article 31 of Law 23/2011 hinder Petitioner I from, among other things, implementing the zakat management mechanism he has carried out so far, and hinder efforts by Petitioner II to encourage the people to participate in the policy-making and monitoring process to realize good governance in zakat management, thereby violating the Petitioners' constitutional rights guaranteed by Article 28C paragraph (2), Article 28D paragraph (1), and Article 29 paragraph (2) of the 1945 Constitution.

Regarding the Court's authority, since the Petitioners' petition is a review of statutory norms, *in casu* Law 23/2011 against the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

Regarding legal standing, the Petitioners have explained their constitutional rights considered to have been specifically and actually, or at least potentially, violated due to the enactment of the norms of Article 1 point 7, point 8, and point 9, Article 6, Article 7 paragraph (1) letter b, Article 16, Article 17, Article 22, Article 23 paragraph (1), Article 24, Article 28 paragraph (1), Article 30, and Article 31 of Law 23/2011. In the Petitioners' opinion, BAZNAS's too broad authority (super-agency), its intervention against Petitioner I to become a BAZNAS UPZ, and the articles being petitioned for review have hampered efforts by Petitioner II to achieve its organizational goals. Accordingly, the alleged constitutional loss as described by Petitioner I and Petitioner II has a causal relationship (*causal verband*) with the norms being petitioned for review. The Court is of the opinion that Petitioner I and Petitioner II (hereinafter, the Petitioners) have the legal standing to act as Petitioners in the petition *a quo*.

Whereas regarding the Petitioners' argument challenging the constitutionality of the norms of the articles being petitioned for review on the basis that they have denied original intention from the Academic Paper of Law 23/2011 by still using the definition of BAZNAS, not BPZ, resulting in BAZNAS being a super-agency with the functions of zakat regulator and operator, being contrary to Article 28C paragraph (2), Article 28D paragraph (1), and Article 29 paragraph (2) of the 1945 Constitution. Regarding the Petitioners' arguments *a quo*, the Court considers the definition of BAZNAS used in the Law *a quo*, instead of using the definition of BPZ, as stated in the Academic Paper of the Law *a quo*, in the Court's opinion, although an academic paper is a reference for Bill drafting and deliberation, this does not necessarily mean that the inclusion of matters not discussed in the Academic Paper into the Law will result in the Law being unconstitutional. Likewise, even if the matters are discussed in the Academic Paper and later changed or removed during Bill drafting and deliberation, this does not render the Law unconstitutional. This stance is in accordance with the Court's consideration in Constitutional Court Decision Number 73/PUU-XII/2014 and Constitutional Court Decision Number 49/PUU-XX/2022, which, until now, the Court believes that there is no convincing reason for the Court to take a different stance from what it has considered in these decisions *a quo*. Thus, the Petitioners' argument that the norms in the articles being petitioned for review have denied original intention from the Academic Paper of Law 23/2011 by still using the definition of BAZNAS instead of BPZ, thus being contrary to Article 28C paragraph (2), Article 28D paragraph (1), and Article 29 paragraph (2) of the 1945 Constitution, is unfounded.

Whereas regarding the Petitioners' argument in submitting a review of Article 1 point 7, point 8, and point 9 of Law 23/2011, which are the subject matter of the petition *a quo*, and have an impact on other articles in the body of the Law *a quo*, namely Article 6, Article 7 paragraph (1) letter b, Article 16, Article 17, Article 22, Article 23 paragraph (1), Article 24, Article 28 paragraph (1), Article 30, and Article 31 of Law 23/2011 as articles further regulating the authority of BAZNAS as a zakat collector, which, in the Petitioners' opinion, are contrary to Article 28C paragraph (2), Article 28D paragraph (1), and Article 29 paragraph (2) of the 1945 Constitution, the Court considers the following:

First, the Court will consider the Petitioners' argument regarding the review of Article 7 paragraph (1) letter b of Law 23/2011. In the Court's opinion, there has been an inconsistency between the reasons for the Petitioners' petition and the Petitioners' *petitum*, since in the *posita* section, the Petitioners review Article 7 paragraph (1) letter b of UU 23/2011, but the substance of the *petitum a quo* is about the review of Article 7 paragraph (1) of Law 23/2011. Thus, in the Court's opinion, the Petitioners' argument regarding the review of Article 7 paragraph (1) letter b of Law 23/2011, referring to the provisions of Article 74 of the Constitutional Court Regulation 2/2021, is unclear or obscure (*obscuur*).

Furthermore, the Petitioners argue that Article 1 point 7, point 8, and point 9 of Law 23/2011, which are the subject matter of the petition *a quo*, in the Petitioners' opinion, are contrary to Article 28C paragraph (2), Article 28D paragraph (1), and Article 29 paragraph (2) of the 1945 Constitution. Regarding the Petitioners' argument *a quo*, which in principle challenges the meaning or definition of the National Zakat Agency, hereinafter referred to as BAZNAS [*vide* Article 1 point 7 of Law 23/2011], the definition of Zakat Collection Agencies, hereinafter referred to as LAZ [*vide* Article 1 point 8 of Law 23/2011], and the definition of Zakat Collection Units, hereinafter referred to as UPZ [*vide* Article 1 point 9 of Law 23/2011], the Court needs to emphasize that the norms of the articles being petitioned for review are part of the general provisions of the law which contain, among other things, the limits of meanings or definitions, abbreviations or acronyms which are set out in the limits of meanings or definitions and/or other matters of a general nature which apply to the following article or articles, including provisions which reflect the principles, intents, and objectives without being formulated separately in articles or chapters. This means that if the Petitioners' *petitum* regarding the review of the norms of Article 1 point 7, point 8, and point 9 of Law 23/2011 is granted, this will automatically have implications for the validity of all norms in Law 23/2011 that refer to or are related to the general provisions being petitioned for review. Moreover, the norms of Article 1 point 7, point 8, and point 9 of Law 23/2011 are the basis reference for most of the norms regulated in Law 23/2011, including those which are then regulated in Article 6 of Law 23/2011 concerning the general provisions of the BAZNAS institution, as well as the reference for other articles in the body of the Law *a quo*. In other words, the amendment to or replacement of BAZNAS with BPPZ, as argued by the Petitioners, means replacing Law 23/2011 with a new nomenclature. In this regard, because in the hearing, the House of Representatives has explained that Law 23/2011 has been included in the 2025-2029 National Legislation Program and the draft of the Bill Amending Law 23/2011 has been prepared as an initiative proposal of the House of Representatives, therefore, in the Court's opinion, the Petitioners can push for the amendment to be prioritized for deliberation and convey their aspirations to the lawmakers, *in casu* the House of Representatives.

Whereas in arguing the unconstitutionality of the norms of Article 1 point 7, point 8, and point 9 of Law 23/2011, the Petitioners correlate them with the norms of Article 6, Article 16, and Article 17 of Law 23/2011 which give BAZNAS with the authority to carry out the duties of managing zakat nationwide, give BAZNAS with tasks and functions to enable it to form UPZ BAZNAS, preventing LAZ from developing and treating LAZ only as BAZNAS assistance in managing and distributing zakat, thereby creating a conflict of interest for BAZNAS which also functions as an operator, and therefore not in accordance with the principles of constitutionalism, separation of powers, checks and balances, and accountability, and contrary to Article 28C paragraph (2), Article 28D paragraph (1), and Article 29 paragraph (2) of the 1945 Constitution. Regarding the Petitioners' argument *a quo*, after carefully examining it, the Court finds that the issue, in essence, is the same as what was raised in Constitutional Court Decision Number 97/PUU-XXII/2024, so that the Petitioners' petition *a quo* with respect to the norms of Article 6, Article 16 paragraph (1), and Article 17 of Law 23/2011 applies *mutatis mutandis* as a legal consideration in the decision *a quo*.

Whereas in arguing the unconstitutionality of the norms of Article 1 point 7, point 8 and point 9 of Law 23/2011, the Petitioners also correlate them to the norms of Article 16 paragraph (2), Article 22, Article 23 paragraph (1), Article 24, Article 28 paragraph (1), Article 30, and Article 31 of Law 23/2011, as norms affected by the amendment to the meaning or definition of BAZNAS, where the impacts in question have been explained previously. Regarding the Petitioners' argument, since the *posita* and *petitum* of the petition *a quo* amend the meaning or definition of BAZNAS by introducing new institutional arrangements, *in casu* BPPZ, the amendment to the institutional nomenclature will also affect the overall normative structure. In addition, in the Court's opinion, this matter falls within the lawmakers' authority, as discussed above. Therefore, regarding the Petitioners' argument that Article 16 paragraph (2), Article 22, Article 23 paragraph (1), Article 24, Article 28 paragraph (1), Article 30, Article 31 of Law 23/2011 are contrary to Article 28C paragraph (2), Article 28D paragraph (1), and Article 29 paragraph (2) of the 1945 Constitution, there is no longer any relevance for the norms of these articles to be further considered.

Whereas regarding the petition *a quo*, the Court needs to cite its legal considerations in Constitutional Court Decision Number 97/PUU-XXII/2024, which essentially emphasize that lawmakers must immediately revise or amend Law 23/2011, no later than 2 (two) years from the date the decision *a quo* was pronounced, to strengthen zakat management, taking into account protection and fair legal certainty for all parties, by referring to the decision *a quo*. Moreover, the plan to amend Law 23/2011 has been included in the 2025-2029 National Legislation Program. In this case, the amendment or revision in question shall be made by taking into account, among other things: (1) differentiation of the authority, duties and functions between regulators, guidance, and supervision (by the government) and implementers/managers/operators (by BAZNAS and LAZ); (2) giving freedom for zakat payers (*muzaki*) to determine the body/institution they trust to pay zakat; (3) provide equal opportunities for all zakat management operators to develop optimally and fairly without any subordinate relationship between zakat management institutions; (4) zakat management must be carried out to realize good zakat governance; (5) the process of amending or revising Law 23/2011 is carried out by involving stakeholders' meaningful participation, including zakat collection agencies that are factually involved in zakat management.

Accordingly, the Court subsequently passes down a decision with the following verdicts:

1. To declare that the Petitioners' petition with respect to Article 7 paragraph (1) letter b of Law Number 23 of 2011 concerning Zakat Management (State Gazette of the Republic of Indonesia of 2011 Number 115, Supplement to the State Gazette of the Republic of Indonesia Number 5255) is inadmissible.
2. To dismiss the remaining petition of the Petitioners.