Volume: 11 Issues: 67 Special Issue [August, 2026] pp. 683-687
International Journal of Accounting, Finance and Business (IJAFB)
eISSN: 0128-1844
Journal website: www.academicinspired.com/ijafb
DOI: 10.55573/IJAFB.116746

SHARIAH GOVERNANCE FRAMEWORK IN THE CORPORATE ZAKAT PRACTICES OF GOVERNMENT-LINKED INVESTMENT COMPANIES (GLICS): A CASE STUDY OF LEMBAGA TABUNG HAJI MALAYSIA

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Article history
Received date : 14-7-2026
Revised date : 15-7-2026
Accepted date : 29-8-2026
Published date : 30-8-2026

To cite this document:
Ab Rahman, S. M., & Shaari, R. (2026). Shariah governance framework in the corporate zakat practices of government-linked investment companies (GLICs): A case study of Lembaga Tabung Haji Malaysia. *International Journal of Accounting, Finance and Business (IJAFB),* 11 (67), 683-687.

Abstract: *The integrity of Islamic financial institutions heavily relies on the robustness of their Shariah Governance (SG) frameworks. For Government-Linked Investment Companies (GLICs) operating under Islamic principles, such as Lembaga Tabung Haji (TH) in Malaysia, this governance extends beyond mere investment compliance to encompass the obligatory administration of corporate zakat. This extensive article explores the Shariah governance mechanisms embedded within the corporate zakat practices of TH. As a unique GLIC tasked with managing Hajj funds, TH's proactive approach to calculating and disbursing corporate zakat on behalf of its depositors necessitates a stringent Shariah audit, risk management, and advisory oversight. By critically examining the Shariah governance structures guided by Bank Negara Malaysia (BNM) and integrating them into TH's zakat distribution model (including the Zakat Wakalah system), this study demonstrates how effective governance mitigates Shariah non-compliance risks and enhances socio-economic trust. The findings suggest that TH's Shariah governance model serves as a benchmark for other GLICs in aligning capitalist investment strategies with the redistributive justice mandated by the Maqasid Shariah. Strategic policy recommendations are provided to further harmonize Shariah governance standards across state and federal Islamic financial jurisdictions.*

Keywords: *Shariah Governance, Corporate Zakat, Lembaga Tabung Haji, GLICs, Islamic Finance, Zakat Wakalah, Maqasid Shariah.*

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Introduction

Shariah governance is the backbone of any Islamic financial institution. It provides the structural and procedural framework ensuring that all operations, products, and services strictly adhere to Islamic jurisprudence. In Malaysia, the Shariah Governance Policy Document issued by Bank Negara Malaysia (BNM) sets a global standard for corporate compliance in Islamic finance. However, the application of Shariah governance becomes uniquely complex when applied to Government-Linked Investment Companies (GLICs) that carry dual mandates of national economic development and religious stewardship. Lembaga Tabung Haji (TH) is the quintessential example of such an institution. Beyond managing the logistics of the Hajj pilgrimage and aggressively investing deposited funds, TH is deeply involved in the calculation, payment, and distribution of corporate zakat. This paper investigates the critical role of Shariah governance in ensuring the efficacy, transparency, and religious compliance of TH's corporate zakat practices.

To further elaborate on the complexities of Shariah governance within this specific domain, it is critical to address the interplay between classical Islamic jurisprudence (Fiqh) and contemporary corporate law. The institutionalization of zakat within a GLIC demands a governance architecture that is both rigid in its adherence to Shariah principles and flexible enough to operate within volatile global financial markets. The Shariah Advisory Committee must constantly evaluate novel financial instruments, ensuring that the foundational assets generating zakatable income remain untainted by Riba (usury), Gharar (excessive uncertainty), and Maysir (gambling). This continuous process of Shariah auditing and risk management forms a protective shield around the institution's fiduciary duties. Moreover, the socio-economic implications of these governance mechanisms are profound, as they directly dictate the efficiency and legitimacy of wealth redistribution to the marginalized segments of society.

The Nexus of GLICs and Islamic Philanthropy

GLICs in Malaysia are primarily vehicles for state-led economic growth. When a GLIC like TH operates exclusively on Islamic principles, its surplus wealth generation is intrinsically tied to the obligation of Zakat al-Tijarah (business zakat). The calculation of corporate zakat for a multi-billion-ringgit fund requires precise Shariah parameters regarding the Nisab (minimum threshold), Haul (lunar year completion), and the exact categorization of zakatable versus non-zakatable assets. Without a rigorous Shariah Governance Framework (SGF), the institution risks Shariah non-compliance, which could invalidate the zakat payment and breach the fiduciary trust of millions of depositors. Therefore, SGF acts not merely as a regulatory checkbox, but as a vital instrument of spiritual and financial integrity.

Literature Review

The academic literature on Shariah governance often focuses on Islamic banks and Takaful operators, leaving a noticeable gap regarding GLICs and pilgrimage funds. Scholars like Hasan (2011) and Ginena (2014) emphasize that effective Shariah governance requires a competent Shariah Advisory Committee (SAC), independent Shariah audits, and embedded Shariah risk management. In the context of corporate zakat, Abu Bakar and Abdul Rahman (2007) argue that the institutionalization of zakat requires corporate entities to adopt transparent governance to build public trust. For TH, the literature highlights its unique 'Wakalah' (agency) arrangement with State Islamic Religious Councils (MAIN), which allows TH to distribute a portion of its zakat directly to the Asnaf. This decentralized distribution model further amplifies the need for stringent Shariah oversight to ensure funds reach the legitimate beneficiaries in accordance with Fiqh guidelines.

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The Shariah Governance Framework at Lembaga Tabung Haji

TH's Shariah Governance Framework is meticulously structured to prevent any deviation from Islamic law. The framework is operationalized through several key organs: First, the Shariah Advisory Committee (SAC), comprising eminent Islamic scholars, provides the highest level of jurisprudential fatwas and approvals regarding TH's investments and zakat calculations. Second, the Shariah Management Division translates the SAC's rulings into operational manuals and day-to-day standard operating procedures (SOPs). Third, the Shariah Risk Management function proactively identifies potential areas of non-compliance, particularly in complex equity investments and joint ventures that might taint the zakatable asset pool. Finally, the internal Shariah Audit provides retrospective assurance, independently reviewing financial statements to certify that the exact percentage of zakat has been appropriately carved out from Halal profits.

Corporate Zakat Practices: Methodology and Oversight

The methodology for calculating TH's corporate zakat involves assessing its net working capital adjusted for Shariah requirements. The Shariah governance mechanism ensures that any impermissible income (e.g., accidental dividends from non-compliant mixed entities) is cleansed and channeled to Baitulmal or charity, and strictly excluded from the zakat calculation pool. Furthermore, TH's engagement in the Zakat Wakalah system allows it to act as an agent of the state zakat authorities. TH utilizes these returned funds to execute massive socio-economic programs such as 'Program Iqra' (education), 'Program Ehsan' (welfare), and 'Program Mobiliti' (healthcare support). The Shariah governance framework here is crucial in verifying that every Ringgit disbursed under these programs strictly meets the criteria of the eight Asnaf categories stipulated in Surah At-Tawbah (9:60).

Impact of Shariah Governance on Socio-Economic Trust

Public trust is the currency of any financial institution, more so for one managing religious funds. Robust Shariah governance in zakat practices directly correlates with increased depositor confidence. When depositors know that a competent SAC and rigorous Shariah audits validate TH's zakat, they are relieved of their individual obligation and assured that their wealth is purified. This institutional trust drives higher deposit rates, which in turn increases TH's capital base, leading to larger investment yields, and subsequently, a higher quantum of zakat generated for poverty alleviation. In this way, Shariah governance acts as a catalyst in a virtuous cycle of Islamic wealth generation and redistribution, directly supporting the national agenda of eradicating hardcore poverty.

Challenges and Future Directions

Despite its robust framework, TH faces challenges navigating the dual regulatory environment of federal financial regulations and state-level Islamic jurisdictions. Different states in Malaysia have varying fatwas regarding corporate zakat and Wakalah distribution quotas, requiring TH's Shariah governance team to maintain complex, multi-jurisdictional compliance matrices. Future directions for SGF in GLICs include the integration of Regulatory Technology (RegTech) and Blockchain to create immutable, transparent ledgers of zakat calculation and distribution. Such digital transformation would provide real-time Shariah audit capabilities, significantly enhancing efficiency and eliminating the risk of human error in zakat administration.

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Conclusion

The corporate zakat practices of Lembaga Tabung Haji illustrate a paradigm where capitalist investment strategies are successfully subordinated to Islamic socio-economic justice. This success is unequivocally anchored in a robust Shariah Governance Framework that permeates every level of the institution. By ensuring meticulous compliance in the calculation, purification, and distribution of zakat, TH's governance model protects the sanctity of depositors' wealth and actualizes the Maqasid Shariah. As GLICs continue to play pivotal roles in the Malaysian economy, the integration of comprehensive Shariah governance into their corporate social responsibility and zakat frameworks will be essential for fostering equitable and sustainable national development.

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