



INTERNATIONAL JOURNAL OF ACADEMIC RESEARCH IN BUSINESS & SOCIAL SCIENCES



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To Link this Article: <http://dx.doi.org/10.6007/IJARBSS/v11-i6/10107>

DOI:10.6007/IJARBSS/v11-i6/10107

Received: 13 April 2021, **Revised:** 16 May 2021, **Accepted:** 30 May 2021

Published Online: 09 June 2021

In-Text Citation: (Isa et al., 2021)

To Cite this Article: Isa, M. P. M., Senawi, A. R., & Husain, H. (2021). The Issue of Al-Hawaij al-Asliyyah (Basic Needs) and its Implementation on Zakat of Income in Malaysia: A Content Analysis between Mazahib (Muslim Jurist Sects). *International Journal of Academic Research in Business and Social Sciences*, 11(6), 173–185.

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Vol. 11, No. 6, 2021, Pg. 173 - 185

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The Issue of Al-Hawaij al-Asliyyah (Basic Needs) and its Implementation on Zakat of Income in Malaysia: A Content Analysis between Mazahib (Muslim Jurist Sects)

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Abstract

The issue of zakat on income has been discussed by scholars since those days of sahabah and tabi'in until today. Among the issues are hawl (lapse of a year), nisab (the capability line for zakat contribution) and al-hawa'ij al-asliyyah (basic needs). For the case of al-hawa'ij al-asliyyah, the practice of zakat institution in Malaysia is to directly convert the exempted amount of personal, spouse and children, which is similarly performed by Lembaga Hasil Dalam Negeri (LHDN). The practice has raised a question among scholars. They argue whether the exempted amounts are exactly representing the costs of al-hawa'ij al-asliyyah which are required by shariah. Thus, this paper aims to explore the discussion of shariah on al-hawa'ij al-asliyyah with the specific items which has been conferred in classical fiqh and investigate the suitable items which is currently customized in daily life. The study applied a library research methodology by gathering the data from classical fiqh which investigated the opinions of scholars across of four major mazahib. The analysis of the data was done through content analysis and only the selected opinion was considered. The study found that the Hanafi Jurists among those scholars who strongly propagate the inclusion of Hawa'ij al-Asliyyah in zakat calculation. The idea is about to serve the meaning of being wealthy and rich where the group has first to fulfill their basic need before paying the zakat, the study also found that the suitable amount to be exempted for al-hawa'ij al-asliyyah should be referred to the standard used in calculating the CPI (Consumer Price Index) as for the current application in Malaysia. The amount should be flexible in order to cater the unexpected need such as hospitality, education and others.

Keywords: Zakat, Zakat on income, Mal Mustafad, al-hawa'ij al-asliyyah, Zakat Institutions in Malaysia.

Introduction

Zakat on income is discussed as one of the zakat of al-mal al-mustafad which is zakat on earning income, where this type of zakat includes al-rawatib such as salary and allowance, al-

mihan al-hurrah as consultant income such as doctors, lawyers, consultant and the al-Mustaghallat such as factory, transportation and hotel (Al Jazawli, 2004; Sudan, 1990). The discussion on zakat on income, as what had been decided at the first meeting of Nadwah al-Zakat in Kuwait, 1414 hijrah was referring to al-mal al-mustafad. The contemporary jurists have different views on this obligatory. Some of them opined, it is obliged with no condition to hawl or one year circle (al Qaradawi, 1981; Salus, 1986; Syubayr, 1995; Zarqa, 1987). However the other scholars viewed that it requires hawl (A. A. Sa'di, 2002). With the condition of hawl, the zakat is no longer zakat on income but referring to zakat on wealth which calculated upon the end of every year. The calculation of zakat on income in Malaysia subscribes the first view, which based on non-hawl, the monthly salary and other incomes are all accumulated to the end of the year, and deducting the basic needs (hawaj al-asliyyah). Most of the zakat institutions in Malaysia used the rate of expenses adopted by the Lembaga Hasil Dalam Negeri (LHDN) as the base of deduction in the calculation; for personal needs is RM 9,000, wife is RM 3,000 and child is RM 1,000/per head (Lembaga Hasil Dalam Negeri, 2013).

The nisab rate is based on a gold price, which is 85 grams of weights and this implementation is among the latest and systematic. Islamic countries such as Kuwait, Jordan and Saudi Arabia do not implement the zakat collection of income, their focus is more on the collection of zakat. Otherwise, Sudan is akin to Malaysia, where, the enactment for zakat on income is an obligatory, and it is calculated without hawl. It will be taken into account after it exceeds the nisab and the deduction of hawaj al-asliyyah (Sudan, 1990; Juzaily, 2012). With this implementation, the zakat institutions in Malaysia have been able to double their collection year by years. In fact, it accounts for up to 80% of the total zakat amount collected as a whole (Jani, 2012). However, there is still room for discussion for in-depth research in terms of the implementation of Islamic law. This study aims to review the issues related to the implementation of zakat on income in the zakat institutions that includes the discussion on the basic rate of nisab between gold and silver, the issue of hawaj al-asliyyah, and hawl.

Literature Reviews

Principally, a study on nisab of zakat has been discussed by Al-Qaradawi in his studies, which result; nisab of zakat revenue is based on the nisab of gold zakat and without considering the hawl (al Qaradawi, 1981). Another study was done by Al Ghazali (1987), whose argued that the nisab of zakat revenue should be based on the nisab of agriculture, where the production is on the harvest date (earnings), similar to the zakat of agriculture. Another study was from Zahrah and Khallaf (1972), which could be considered as the earliest study regarding the issue and they argued that zakat on revenue is strict to nisab and hawl. In Malaysia, preliminary discussions were conducted by Dail (1984). He refers to the study of al-Qaradawi, and added some important points in the discussion, in particular, on the issue of hawl, where, the root of the differences emerged between the scholars. He explained that hawl had two meanings, which considers the term of period and the conditions imposed on the nisab. Dail (1984) also suggested the measurement of hawaj al-asliyyah in zakat, he supported the view of Ibn 'Ata' and Ibn 'Arabi, who outlined the main, the real and the nominal dependent to be considered in the calculation of zakat. The study of zakat in Malaysia also has done by Tarimin (1995) in his research. He consistently wrote articles to harmonizing the implementation of zakat institutions in Malaysia. He supports the views of al-Qaradawi on the usage of gold as a collateral of nisab, while on the issue of hawl, he tends to propose of non-hawl imposed on

the calculation. Furthermore, he believes that hawl is a mechanism to consolidate the income to be assessed with a quantity of nisab despite it is not continually connected (Tarimin, 1997)

Zakat on income Obligation

The jurists have different views on the obligation of professional zakat (kasb al-amal wa al-mihan al-hurrah). The differences are due to several key factors, i.e. no explicit texts about it, though professional income existed but did not reach the amount of nisab of zakat and the different views of the companions (r.a) on hawl in al-mal al-mustafad (Musa'id, n.d.). As for the key issue that brings the differences between jurists is whether zakat calculation taking into account the conditions of hawl or not. Calculations using hawl in fact, refers to zakat on savings, because the condition is hawl must be adequate storage of nisab conditions on the date of commencement of the hawl calculation. Thus, the views that requires the use of hawl on zakat revenue calculation are just considering the zakat on savings not the zakat of revenue. Then, the real fact to the discussion of zakat on revenue is when they come to the conclusion that zakat al-mal mustafad calculated based on the date of its receipt.

Those the Muslim jurist agrees with the zakat on income calculation without hawl is submitted with the following text;

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ [البقرة:267]

Meaning: O you who believe! Spend of the good things which you have (legally) earned, and of that which We have produced from the earth for you...

Imam al Razi (1994) views that apparently, the verse explains the duties of zakat is for all properties operated by humans, including zakat on trading, gold, silver, and livestock as it is produced by human effort. Another argument is based on the hadith of the Prophet (pbuh);

قوله - صلي الله عليه وسلم :- ... فَأَعْلِمُهُمْ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ صَدَقَةً فِي أَمْوَالِهِمْ، تَأْخُذُ مِنْ أَغْنِيَائِهِمْ، وَتُرَدُّ عَلَى فُقَرَائِهِمْ

Meaning: The Prophet Muhammad (saw) ... teaching them that Allah is incumbent upon them alms (zakat) on their property, taken from the rich and given to the poor among them (al Bukhari, 1989).

Generally, this hadith is to obligate the wealthy people to pay zakat. Al-'Uthaymin defines the rich are those who have the nisab, even he is not a wealthy man (Muhammad, 2011). Imam al Baji Abi Walid Sulayman (n.d.) mentioned that based on the hadis, zakat obligation was on all assets, then the Prophet (pbuh) has focused it into the zakat on property in other hadiths.

For the property of al mal al-mustafad, the jurist who obligates the zakat on income without hawl refers to the views and practices of the companions of the prophet (pbuh) as follows;

حَدَّثَنَا أَبُو أُسَامَةَ ، عَنْ هِشَامٍ ، عَنْ عِكْرِمَةَ ، عَنِ ابْنِ عَبَّاسٍ ؛ فِي الرَّجُلِ يَسْتَفِيدُ مَالًا ؟ قَالَ : يُزَكِّيهِ حِينَ يَسْتَفِيدُهُ

Meaning: from Ibn Abbas, may be the man who gets the property, she said; must pay zakat on it when acquiring (Abdullah, 1989).

Ibn Qudamah (1994) explained that Ibn Mas'ud, Ibn 'Abbas, Awza'i, Makhul and other opinion agree that zakat of al-mal al-Mustafad was a mandatory when acquiring the income. However, the consensus opinion of jurists, the real al-mal al-mustafad is only obligated after the hawl sufficient.

Views of the Jurists on Hawa'ij al-Asliyyah

Al-hawa'ij al-asliyyah or *al-hawa'ij al-asasiyyah* is the basic requirement for a person in their daily life. The definition is as narrated by al-Shatibi, explains that it's something that will release one's hardship, where normally it would lead to difficulties. For examples; it includes foods, drinks, clothing and shelter (al Shatibi, 1997; al Zayla'i, 1990; al Ghazali, 2008; Ibn Qudamah, 1994; Sharbani, 1997). Ibn Qudamah (1994) mentioned that hawa'ij is needed by himself and all of his dependents that comprised of clothing, shelter, maids, pay off debt. Al Mawsili (2005) clarifies the position of the rich that have to pay the zakat is when they have sufficient *nisab* and exceed the *al hawa'ij al asliyyah*. It not considers the property such as clothing, home furnishings, building and riding animal (mules) (al Mawsili, 2005). Al Kasani (1998) mentions the term of *al-hajat al-daruriyyah* which means the requirements that can prevent difficulties. Thus, *al-hajat al-daruriyyah* can be interpreted in economic terms as a basic need.

The Hanafi jurists discuss the issue of *al-hawa'ij al-asliyyah* as a condition of zakat calculation. Ibn Abidin and Ibn Nujaym clarify that *al-hawa'ij al-asliyyah* is something that can lead to difficulty (in his absence); it's like spending money, home and the tools of war (Ibn 'Abidin, 1992; Ibn Nujaym, 1997). Similarly, al Kasani (1998) gives his views on the position of the rich, who has gained pleasures and their wealth exceed the *al-hawa'ij al-asliyyah* and they enjoy their lives of luxury. He also explained that the purpose of pleasure was referred to (the needs) of the body and *al-hawa'ij al-asliyyah* realizing the basic needs (*al-daruriyyah*) and avoiding the great difficulties (al Kasani, 1998). Ibn 'Abidin (1992) also has further detailed on the matter required (*al-Muhtaj alayha*), such as a garment covering the body for hot and cold water, furniture and home appliances, as well as the needs to have books for learning and memorizing. It also considers the tools for a craftsman, where, it will not be taken into account for zakat. However, if it exceeds the requirements, then it is no longer included in the *al-hawa'ij al-asliyyah*. Ibn Nujaym (1997) clarifies that if a person owns a number of properties, and it intends to spend on the *al-hawa'ij al-asliyyah* then no zakat will impose on the property even it has enough *hawl*.

These views are dominated by Hanafi jurists, except al-Hamd. He argues that zakat should be removed when it exceeds the needs of himself, his family and dependents. He explained that *al-hawa'ij al-asliyyah* was the basic needs; a shelter, clothing and vehicles needed by the Muslims. It is not an alternative need (*far'iyyah*), then, zakat is not obligatory on this property (al Hamd, n.d.).

Ibn Qudamah and al-Sharbani also clarified that the basic needs of a person are not taken into account in calculating zakat. Al-Sharbani mentioned that it is not an obligatory for zakat on property owned such as cattle that being used to plow the land because it is not for *al-nama'* and same goes to clothing such as shirts and necessities in home (Sharbani, 1997). Ibn Qudamah mentions that the zakat does not apply to items that are available for usage because it is not considered as *al-nama'* (Ibn Qudamah, 1994).

Uthman Shubayr was among the contemporary jurists who discussed the terms of *al-hawa'ij al-asliyyah* in terms of *maqasid al-shariah*, where *al-hajat* is for convenience and to avoid hardship. It is between the needs of *al-daruriyyat* and *al-tahsiniyyat* (Shubayr, 1984).

Abdul Malik al-Sa'di stressed that each of the properties has its own duties and to give a solution on the needs of its owner. He divided the needs into two: *hajat mustaqbaliyyah* and *hajat hallah*. As for the example of *hajat mustaqbaliyyah* is the money collected to provide necessities such as paying dowry, build a house, buy a car, home appliance, etc. While *hallah* is the need to pay for current needs such as home, car, dowry, etc. (Sa'di, 2002).

Meanwhile, the jurists who incorporate the *al-hawa'ij al-asliyyah* in zakat calculation used the arguments as follows;

1. Hadith of the Prophet

حَدَّثَنَا يَعْلى بْنُ عَبَّيْدٍ حَدَّثَنَا عَبْدُ الْمَلِكِ عَنْ عَطَاءٍ عَنْ أَبِي هُرَيْرَةَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا صَدَقَةَ إِلَّا عَنْ ظَهْرٍ عَمَى وَالْيَدِ الْعُلْيَا خَيْرٌ مِنَ الْيَدِ السُّفْلَى وَأَبْدَأُ بِمَنْ تَعُولُ

Means: No charity except for the wealthy, hand over hand is better than below, start with the people in your dependent (Ibn Hanbal, 1999).

Al-Kasani considers *al-hawa'ij al-asliyyah* as the meaning of one's wealth. This will complete the meaning of wealth and enjoyment of property; it will also provide a relief to the tax payers. The absence of *al-hawa'ij al-Asliyyah* would discriminate the rich and the wealth he made (al Kasani, 1998). The jurists give the meaning of wealth as the main condition to zakat. In order to achieve the meaning of rich is by solving the basic needs for him and his family.

عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَيْسَ عَلَى الْمُسْلِمِ فِي عَبْدِهِ وَلَا فَرَسِهِ صَدَقَةٌ

Meaning: From Abu Hurayrah from the Prophet (pbuh) is not obligatory zakat on the believers on the slave, and the horse reared (Imam Muslim, n.d.). While, from Imam Ahmad reports (لَيْسَ عَلَى الْمُؤْمِنِ) (Ibn Hanbal, 1999)

Uthman Syubayr among the modern jurists who use this argument as a reason to the *al-hawa'ij al-asliyyah*. He explained that the slaves and horses were the basic requirement for someone who owns and it is not due to zakat (Shubayr, 1984). As for Imam al-Nawawi submitted; the property that been used for services and work skills are not subject to zakat, except for the goods that been used for business, then it becomes obligatory for zakat (Imam al Nawawi, 2002).

2. Hadith of the Prophet

عن أبي أمامة : عن النبي صلى الله عليه وسلم قال؛ وَأَدُّوا زَكَاةَ أَمْوَالِكُمْ طَيِّبَةً بِهَا أَنْفُسُكُمْ...

Meaning: Fulfill your charity with convenience and pleasure yourself (Ali, 1993)

3. Statement of Uthman Al-Affan (r.a)

Another piece of evidence that is based on the statement of Uthman on the exception of debt (al Kasani, 1998);

مَا رُويَ عَنْ عُثْمَانَ أَنَّهُ حَظَبَ فِي شَهْرِ رَمَضَانَ وَقَالَ فِي خُطْبَتِهِ : أَلَا إِنَّ شَهْرَ زَكَاةِكُمْ قَدْ حَضَرَ فَمَنْ كَانَ لَهُ مَالٌ وَعَلَيْهِ دَيْنٌ فَلْيُحْسِبْ مَالَهُ بِمَا عَلَيْهِ ثُمَّ لِيُرْكَ بَقِيَّةَ مَالِهِ ،

Meaning: Ibn Uthman (al-Affan) that he had preached during Ramadan, he mentioned in his sermon; Remember that production month charity had arrived, anyone with assets and debts must be incurred by it in arriving at (debt) on the property, then pay zakat excess of his wealth.

Al-Kasani clarifies that the statement of Uthman was done in front of other companions and they did not oppose it. They had a consensus that zakat did not apply to debts. Al-Kasani also interprets the debt is part of the basic needs (al Kasani, 1998). In specific, the Hanafi jurists have discussed the debt as part of the al-hawa'ij al-asliyyah, which rests on the shoulders of zakat payer. They need to consider the amount of debt they owned because the obligation is on their shoulders. The Hanafi jurists also suggest that the issue of al-hawa'ij al-asliyyah covers the other basic needs such as home, furniture, vehicles, weapons, clothing, the need of book reference for scholars and others. Ibn Nujaym considers the existence of these requirements in zakat is as the absence of property to pay zakat, such as in the case of lack of water, where it is only available for a drink, then, it is allowed to tayammum (Ibn Nujaym, 1997).

فَإِذَا كَانَ لَهُ دَرَاهِمٌ مُسْتَحَقَّةٌ لِيَصْرِفَهَا إِلَى تِلْكَ الْحَوَائِجِ صَارَتْ كَالْمَعْدُومَةِ كَمَا أَنَّ الْمَاءَ الْمُسْتَحَقَّ لِيَصْرِفَهُ إِلَى الْعَطَشِ
كَانَ كَالْمَعْدُومِ وَجَارَ عِنْدَهُ التَّيْمُمُ

Meaning: If someone has Dirham required to spend for basic necessities, it (the property) is removed, as the water needed to quench thirst, then it's like nothing and should do tayammum. (Ibn Nujaym, 1997).

Analysis for the Proposed Implementation of al-Hawa'ij al-'Asliyyah in Current Context

Based on the definition given by the Hanafi jurists, al-hawa'ij al-Asliyyah is very important requirement in everyday life, where, the requirement is intended to prevent al-Halak which means the great difficulty, from happening to others (Ibn Nujaym, 1997).

The Hanafi jurists also explained the situations that could serve as the basis for discussion of al-hawa'ij al-asliyyah in the current context. One of the situations in al-hawa'ij al-asliyyah that mentioned by Ibn Malik and al-Mawsuli is expenses, shelter, war equipments, clothes needed in summer and winter, work equipment, furniture, home furniture , vehicles and books (al Hamd, n.d.; Ibn 'Abidin, 1992; Ibn Nujaym, 1997). Based on the examples given by the jurists above, it can be categorized as follows;

The Hanafi jurist refers the issue of al-hawa'ij al-asliyyah from the view of Ibn Malik in his Sharh al-Majma ', in which he divides it into two key elements namely (al Mawsili, 2005; Ibn 'Abidin, 1992; Ibn Nujaym, 1997);

1. Something that can prevent difficulties and harm from happening such as living expenses, a house for shelter, war equipment, clothes in winter and summer, carpentry equipment and employment, household furniture, vehicles and educational books.
2. Debt; the debtor must settle its debt obligations. An excessive amount of the zakat is obligatory on him.

Shubayr (1984), the contemporary jurist has categorized the needs of al- hawa'ij al-asliyyah as follows:

- i. The basic requirements needed for someone to maintain the continuity of life, including he, himself, his wife, kids and family are; foods, drinks, shelter, clothing, home furnishings and vehicles. This is based on the hadith of the Prophet (s.a.w)

عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ سَمِعْتُ رَسُولَ اللَّهِ -صلى الله عليه وسلم- يَقُولُ: كَفَى بِالْمَرْءِ إِثْمًا أَنْ يُضَيِّعَ مَنْ يَقُوتُ

Means: Enough of the person is guilty when he neglects (support) to those under his care (Abu Dawud, 1994).

ii. Paying the debt; the majority of jurists from the school of thought of Hanafi, Maliki and Hanbali considered that zakat is not obligatory on the property which still has debts (al Zayla'i, 1990; Hafiz, 1993; Ibn Qudamah, 1994).

iii. Professional equipment and industrial equipment that used in workload; the jurists decided that the equipment used for the job with no intention of sales are excluded from the computation of zakat. In spite of the Hanafi jurist's condition that such equipment should be fixed in nature, if it is not fixed, then it should be included as zakatable item since zakat was taken from the item (zakat on trading) not from its workload (al Shawkani, 1995).

iv. Books for the knowledge, regardless of the maximum limit, because the book is the professional tools of the knowledge. However, the general books are not included in hawaij al-asliyyah (Shubayr, 1984). The author considers all modern educational equipment such as computers, software and others are all included as hawaij al-asliyyah.

v. Ornament worn by a person; the majority of jurists are of the opinion that the ornament worn by a person is excluded to zakat except Hanafi jurists.

vi. Property stored in the form of food and clothing for hawaij al-asliyyah. As the property is stored in the form of money, the majority of jurists decided that it is an obligatory on zakat except Ibn Malik (Hanafi jurist) exempt it from zakat (Ibn Nujaym, 1997).

Based on the views of the Hanafi jurists and some contemporary jurists, the author believes the jurists have agreed that these requirements are hawaij al-asliyyah, which covers the main requirements. Its absence can lead to difficulties in one's life. This need is not limited to the jurists view, but it must be in accordance with the current requirements needed by Muslims. These requirements will vary based on the time factor, country, and other locations. However, the priority is the need which considers its absence could bring a big trouble.

The implementation at the Diwan al-Zakah, Sudan, the al-hawa'ij al-asliyyah calculation is determined from time to time by the shariah committee of Diwan al-Zakah. It is based on the recent economic developments and it is included in the zakat law of Sudan (Enakmen Zakat Sudan, 1990; Juzaily, 2012).

In response to the current discussion and in the context of the study in Malaysia, the author refers to the items of Consumer Price index (CPI) as a source of measurement. CPI denotes Consumer Price Index, which measures the average price of goods and services of the population for a country. The items mentioned are the latest and can be measured for hawaij al-asliyyah. However, the report needs to refine in order to distinguish between the basic and non-basic needs in the view of jurisprudence. Among the items found in the CPI list that can be categorized as basic needs and at the same time its absence can lead to difficulty and harm are as follows;

Table 1. Consumer Price Index 2020 and Hawaij al Asliyyah Compliant

	Main Group	Hawaij al Asliyyah Specification	Weight/100
1	Foods and Drinks	Comply	29.5
2	Clothing and Footwear	Comply	3.2
3	Housing, water, electricity, gas and other fuels	Comply	23.8
4	Furnishing, Household Equipment and Routine Household Maintenance.	Comply	4.1
5	Health	Comply	1.9
6	Transportation	Comply	14.6
7	Communication	Comply	4.8
8	Education	Comply	1.3
9	Alcoholic Beverages and Tobacco	Not Comply	2.4
10	Restaurant and Hotel	Not Comply	2.9
11	Miscellaneous goods and services	Not Comply	6.7

Source - Department of Statistics Malaysia (2021)

The authors found that some of the items are not compliant as proposed by the jurists of the past. Therefore, the study proposed the items that are considered as appropriate for the needs of al-hawaij al-asliyyah for zakat calculation zakat in Malaysia as follows:

Table 2. The Adjusted Consumer Price Index 2020 and Hawajj al Asliyyah Compliant

	Main Group	Hawajj al Asliyyah Specification	Weight/100	RM ¹
1	Foods and Drinks	Comply	29.5	7300
2	Clothing and Footwear	Comply	3.2	791.86
3	Housing, water, electricity, gas and other fuels	Comply	23.8	5889.55
4	Furnishing, Household Equipment and Routine Household Maintenance.	Comply	4.1	1014.59
5	Health	Comply	1.9	470.17
6	Transportation	Comply	14.6	3612.92
7	Communication	Comply	4.8	1187.81
8	Education	Comply	6.7	1657.98
9	Debt (other than home, car and requirements referred to the above) ²	Comply	2.4	593.90
10	Expenses (others)	Comply	2.9	717.63
11	Jobs Equipment (such as book, computer and others)	Comply	4.8	1187.81
12	Miscellaneous goods and services	Comply	1.3	321.70
Total of Hawajj al Asliyyah			100	24745.92

Source – Modified by author from the table of CPI of Department of Statistics Malaysia (2021)³

However, the amount of each of the above items should be evaluated according to the actual basic requirements. The arrangement should also consider the costs of other liabilities such as wives, children and other costs that might be included, e.g.; medical, education and others.

Calculation of Hawa'ij al-Asliyyah Illustration

This calculation is proposed by Rubaiah (2011), College of Shariah, Yarmouk University.

He suggested that the rate of hawajj al-asliyyah should be taken one-half of the total income. He used a sample of workers earning at Yarmouk University, Jordan as an example of the calculations. Salary for lecturer = JD⁴2,106 per month and the nisab for 85 grams of gold = 1700 Dinar.

$2,106 \times 12 = 25,272$ (annually in lunar calendar)

$25,272/2 = 12,636$ (the balance after subtracting the hawajj al-asliyyah)

$(12,636 \times 2.5\%) = \text{JD}315.90$ (total of zakat payment)

¹ This is the amount of hawajj al asliyyah in RM (ringgit Malaysia) based on the CPI weight by assuming the living cost per day is RM20 for 365 days. e.g. $\text{RM}20 \times 365 = \text{RM}7300$ is for food and drinks, it is represented by 29.5. The clothing and footwear which is 3.2 in weight is equal to $\text{RM}791.86$ and so on.

² However, if there is a debt that involved the basic needs such as hospital bills, education fees, which are included in hawajj al-asliyyah then it must be calculated on the actual amount.

³ Item no. 9,10,11 and 12 might be combined

⁴ Jordan Dinar

Calculation of Hawa'ij al-Asliyyah Illustration in Malaysia Context⁵

Assuming the lecturer's salary = RM 4000 per month with a nisab of 85 grams (gold) = RM21,080⁶ and hawaj al- asliyyah rate is one-half of the total income.

$$4,000 \times 12 = 48,000$$

$$48,000 / 2 = 24,000$$

$$(24,000 \times 2.5\%) = \text{RM}600 \text{ (total of zakat payment)}$$

A Practice Calculation of Hawa'ij al-Asliyyah in Sudan

Nisab for 1,415 = 484,500 (Sudanese Pound), while al-hawaj al-asliyyah is 325,500 (Sudanese Pound),

$$484,500 \text{ (nisab)} + 325,500 = 810,000 \text{ (the total divided by 12 months)}$$

$$810,000 / 12 = 67,500 \text{ (monthly)}$$

In the event of total income exceeding 810,000 in one year or 67,500 (per month), then the zakat should be charged at 2.5% based on the price of gold.

If this practice executed in Malaysia, it will be as follows;

$$21,080 + 12,000^7 = 33,080$$

$$33,080 / 12 = 2,757 \text{ (monthly)}$$

$$2,757 \times 0.025 = \text{RM}68.92 \text{ (total zakat per month)}$$

If the amount of monthly income exceeding RM33,080 per annum or RM2,757 per month, then the zakat should be charged at 2.5% based on the price of gold.

Proposed Calculation of Zakat on Income in Malaysia

Based on the conclusions below, this study considers gold as a rate of nisab and it is still relevant due to the changes in value as what happened to the time of the companions. Likewise, for the condition of hawl, which is based on the view of Ibn Abbas that considers the obligation of zakat payment without hawl. Meanwhile, the total of hawa'ij al-asliyyah should adopt CPI rate to be the official rate of consumerism in this country. However, a few other urgent needs should be taken into account continuously, such as medical costs, education and other potential consequences that might increase over time. An example of zakat calculation is as follows:

$$21,080^8 + 24,745.92^9 = 45,825.92 \text{ (annually)}$$

$$45,825.92 / 12 = 3,819 \text{ (monthly)}$$

$$3,819 \times 0.025 = \text{RM}95.50 \text{ (total zakat for a month)}$$

⁵ Author's own

⁶ Current price of 999 gold/grams = RM248 (248 x 85g = RM21080). This is how the nisab of zakat determined.

⁷ Pusat Pungutan Zakat (PPZ) figures the zakat relief for own self in year 2021

⁸ The nisab of zakat (Current price of 999 gold/grams = RM248 (248 x 85g = RM21080).

⁹ Total of Hawaj al Asliyyah in Table 2

Conclusion

The obligations of zakat on income has been agreed by most of the contemporary jurists. It is based on the views of Ibn Abbas and Ibn Mas'ud, in which zakat is compulsory without hawl. This obligation really gives a big impact on the poor group in Malaysia. The study found that the jurists from the school of Hanafi includes hawaj asliyyah in the calculation of zakat. It is intended to give the real meaning of wealth to the zakat payer, where the amount should be spent the basic necessity for himself and his family first then to be released for zakat payment. The study also found that the appropriate amount should be based on the CPI issued by the Department of Statistics Malaysia. It is seen the most plausible and flexible in order to meet the contingency needs such as a hospital's expenses, education and others.

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