

Reforming the Interpretation of Asnaf al-Riqab: An Analysis of Qiyas, Maqasid al-Shariah and Application in Malaysian Zakat Institutions

Muhammad Aliif Fadzilah & Amir Fazlim Jusoh Yusoff

Research Centre of Shariah, Faculty of Islamic Studies, Universiti Kebangsaan Malaysia
(UKM)

Email: aliif.fadzilah@gmail.com, amiry@ukm.edu.my

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Abstract

The zakat institution functions as both a financial act of worship (ibadah maliyyah) and a mechanism for wealth redistribution to achieve social justice. The eligibility of asnaf al-riqab (those under bondage) to receive zakat has sparked debate in the contemporary context, as the abolition of slavery raises questions about the relevance and implementation of zakat distribution for this category, resulting in diverse interpretations among Malaysian states. This article examines the linguistic and jurisprudential foundations of the al-riqab concept, evaluates the justification for expanding its meaning based on qiyas (analogical reasoning) and maqasid al-shariah (objectives of Islamic law), and analyzes the application of these interpretations in zakat administration across Malaysian states. The study identifies three main interpretative patterns: traditional, intermediate, and broad contemporary, each influenced by the legal approach and administrative structure of zakat in respective states. The analysis shows that broader interpretations, such as those practiced in Selangor and Johor, reflect courageous ijtihad grounded in maqasid, yet require thorough scrutiny of the validity of the underlying 'illah (effective cause) of "bondage" through tahqiq al-manat, to prevent misuse of zakat funds. This article asserts that the expansion of al-riqab's meaning is legally valid when based on sound qiyas, well-defined (mundhabit), and anchored in maqasid al-shariah.

Keyword: al-Riqab, Zakat, Qiyas, 'Illah, Maqasid

Introduction

Islamic law, which is comprehensive in nature, undoubtedly addresses social, economic, and political aspects. The institution of zakat is an institution that encompasses all three aspects as it involves efficient management in administering Islamic finance for the sustainability of Muslim society. Zakat is one of the pillars of Islam that plays a vital role in the socio-economic system of the Muslim ummah (Mansor et al. 2014). In principle, the objectives of zakat are to purify wealth, cleanse the soul, and establish social justice through distribution to the eight

categories of *asnaf* (beneficiaries) as stipulated in Surah al-Tawbah (9:60) (Ibrahim 2008). Allah the Almighty says:

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَأَبْنِ السَّبِيلِ
قَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

Translation: "Indeed, the *sadaqat* (zakat) are only for the poor (*fuqara'*) and the needy (*masakin*), and those employed to collect them (*amilin*), and for bringing hearts together (*mu'allafatu qulubihim*), and for freeing slaves (*fi al-riqab*), and for those in debt (*gharimin*), and for the cause of Allah (*fi sabilillah*), and for the wayfarer (*ibn al-sabil*). This is an obligation imposed by Allah, and Allah is All-Knowing, All-Wise."

One of these categories is *asnaf al-riqab*, which is terminologically understood as slaves who seek to free themselves from bondage.

However, following the abolition of slavery systems globally through the Convention on Slavery (1926) and the enactment of various national legislations such as the Anti-Trafficking in Persons Act 2007 in Malaysia (Arnakim & Zulhadis 2021), questions arise concerning the contemporary relevance of *asnaf al-riqab*. However, the abolition of the global slavery system and changes in social context raise critical questions: what is the meaning of *al-riqab* in the contemporary era, and how should the zakat allocation for this category be appropriately managed?

This issue has become a pressing dilemma in Malaysian zakat management. Zakat institutions face operational confusion regarding *al-riqab* funds—whether to freeze distributions, redirect to other *asnaf*, or reinterpret based on "modern slavery" forms. This has resulted in non-uniform practices: some states maintain literal interpretations while others expand to include human trafficking, drug addiction, or *aqidah* problems, creating inconsistency that disrupts management effectiveness and undermines public trust in syariah practice uniformity.

Simultaneously, contemporary social reality reveals forms of modern bondage absent in classical era—syndicate exploitation, human trafficking, extreme debt bondage, or *aqidah* constraints threatening faith. The critical question is whether these vulnerabilities can be subjected to *qiyas* with *riqab* based on *usul al-fiqh* methods such as *takhrij al-manat* and *tahqiq al-manat*. The lack of robust methodological frameworks causes contemporary discussions to remain intuitive, non-uniform, and inadequately grounded in valid *qiyas* principles. This methodological gap has practical consequences: zakat institutions requiring *syarak*-compliant criteria for transparent distribution; vulnerable groups—drug addicts controlled by syndicates, trafficking victims, debt-trapped individuals, Muslims with compromised *aqidah*—needing clarity on legitimate access to *al-riqab* assistance; Islamic scholars and fatwa committees requiring defensible frameworks within *usul al-fiqh* principles; and national coordinating bodies such as JAWHAR and the National Fatwa Council needing evidence-based recommendations for cross-state policy harmonization.

This study addresses these critical needs by providing systematic analysis combining linguistic foundations, classical *fiqh*, current administrative realities, and *usul al-fiqh* methodology to assess whether "modern slavery" forms constitute valid bases for expanding *al-riqab* meaning. By comparing state practices and evaluating approach strengths and weaknesses, this research contributes to formulating consistent, transparent, and authoritative guidelines that enable zakat institutions to balance *syarak* compliance with genuine social needs. This

study is significant academically, juridically, operationally, and socially, as it applies classical methodologies to contemporary issues, provides institutions with clear criteria for al-riqab, strengthens fatwa formulation, and enhances zakat's impact on vulnerable communities while maintaining public trust. Ultimately, this research demonstrates Islam's capacity for principled adaptation to contemporary realities without compromising textual integrity—a vital contribution to both scholarship and community welfare.

The Concept of Asnaf al-Riqab from the Shari'ah Perspective

The term *al-riqab* derives from the root word *raqaba* (رَقَبَ), which literally means "neck" or "guardianship" (Ar-Razi 1420 H). In classical Arabic usage, *raqabah* is employed as *majaz mursal* (metonymy) to represent the entire human body due to the neck's important and noble position in the body. Ibn Manzur in *Lisan al-'Arab* affirms that *raqabah* conveys the meaning of "slave" or "captive" because the neck symbolizes control and domination over a person (Manzur 1414 H). Thus, *al-riqab* in its plural form provides an image of individuals who are in a state of bondage and require emancipation.

From the perspective of *dalalah tarkibiyyah* (syntactic signification), the phrase *fi al-riqab* in the zakat verse (al-Tawbah: 60) is connected with the preposition *fi*, not *lam*, unlike the categories of the poor (*fuqara'*) and needy (*masakin*). Exegetes (*mufasssirun*) such as al-Baydhawi and al-Fakhr al-Razi explain that the use of *fi* conveys a *zharfiyyah* (locative) meaning, indicating that zakat funds are channeled to parties or institutions that administer the emancipation of slaves, rather than solely to the enslaved individuals themselves (Al-Baydhawi 1418 H). This demonstrates that *asnaf al-riqab* possesses a broader dimension of social welfare (*maslahah*) beyond mere personal ownership.

Within the *fiqh* tradition, scholars have differed in opinion regarding the precise meaning of *asnaf al-riqab* mentioned in Surah al-Tawbah. However, generally speaking, these differences do not depart from two principal interpretations: whether it refers to ordinary slaves (*qinn*) or *mukatab* slaves (slaves under manumission contracts).

The majority of jurists (*fuqaha*) from the Hanafi school, such as Ibn Abidin, al-Marghinani and al-Maydani, hold that *al-riqab* refers to *mukatab* slaves—slaves who have entered into a contract with their masters to pay a sum of wealth in exchange for their freedom (Abidin 1966). This opinion aligns with the position of Al-Bujairimi, which is based on earlier Shafi'i authorities such as Ibn Hajar and al-Nawawi (Al-Bujairimi 1995). They argue that there is no contextual indicator (*qarinah*) in the verse suggesting the meaning of ordinary slaves (*qinn*), and therefore the *mukatab* interpretation is stronger based on separate evidence (*dalil munfasil*) that specifies the general text—namely, that slaves have no property ownership (Al-Nawawi 1347H). Meanwhile, Imam Malik in *al-Mudawwanah* interprets *al-riqab* as ordinary slaves who may be ransomed through zakat funds. This opinion is followed by other Maliki scholars such as al-Dusuqi and al-Kharashi, who view the emancipation of slaves as the primary objective of zakat, without restricting it to the *mukatab* category (Al-Kharashi 1317 H). In *al-Mughni*, *al-riqab* is interpreted as *mukatab* slaves; however, Ibn Qudamah adds that zakat funds may also be used to free Muslim prisoners of war from the enemy (Qudamah 1968). This view demonstrates an early inclination toward expanding the meaning of *asnaf al-riqab* to encompass a broader humanitarian context.

Exegetes (*mufassirun*) have also made important contributions in elaborating the meaning of *al-riqab*. Their interpretations demonstrate continuity between *fiqh* understanding and the *maqasid al-Qur'an* (objectives of the Qur'an) concerning social justice and human freedom. According to the authoritative classical exegesis *Mafatih al-Ghayb* by al-Fakhr al-Razi, four views on the meaning of *al-riqab* are enumerated, and he affirms that the *mukatab* interpretation is the most preponderant (*rajih*) as it is supported by scholarly consensus (*ijma' al-fuqaha*). Meanwhile, *Tafsir Jami' al-Bayan* reinforces the position that zakat is used to assist slaves striving to ransom themselves, and al-Tabari rejects overly general interpretations. Additionally, al-Nasafi in *Madarik al-Tanzil* adds that zakat funds are given to help slaves settle the debts of their manumission contracts (*kitabah*). However, Ibn 'Ashur differs somewhat in *al-Tahrir wa al-Tanwir* by interpreting *al-riqab* as ordinary slaves, in keeping with the spirit of universal freedom outlined in the Qur'an.

Similarly, contemporary exegetes such as Wahbah al-Zuhayli in *al-Tafsir al-Munir* assert that *asnaf al-riqab* no longer exists in the modern era and such funds should appropriately be channeled to other categories (*asnaf*) more in need. Mahmud Hijazi in *al-Tafsir al-Wadih* also interprets *al-riqab* as assistance for liberating people from the grip of captivity and modern oppression. Indeed, Rashid Rida in *Tafsir al-Manar* expands this concept to encompass any form of human liberation from the clutches of injustice or enslavement, in accordance with Islamic humanitarian principles.

From this comparison, it can be observed that classical exegetes (*mufassirun*) tend to maintain the literal meaning of *mukatab* slaves, whereas contemporary exegetes introduce broader interpretations that are *maqasidi* (objectives-based) and contextual in nature. This shift in interpretation reflects scholars' awareness of modern social realities that continue to witness new forms of "enslavement" in the form of exploitation and control over human freedom.

Zakat Management and Administration in Malaysia

The zakat institution in Malaysia has undergone a lengthy evolutionary process, beginning in the pre-colonial era when traditional *amil* (zakat collectors) consisting of religious teachers and local headmen (*penghulu*) managed the collection of *zakat al-fitr* informally (Ibrahim 2016). Zakat management at that time was localized in nature, without formal administrative structures. This situation changed when British colonization introduced a secular administrative system that separated religious affairs from state governance. Consequently, the function of zakat as an Islamic socio-economic instrument declined and became confined solely to individual worship.

Following independence, zakat administration was reinvigorated through the Federal Constitution, which placed Islamic religious affairs under state government jurisdiction. Based on Item (1), Second List, Ninth Schedule of the Malaysian Constitution, matters relating to zakat, *sadaqah*, grants (*hibah*), and *waqf* fall under the authority of the State Islamic Religious Council (*Majlis Agama Islam Negeri* - MAIN) (Ismail et al. 2019). This grants each state autonomy in establishing policies for zakat collection and distribution, including the interpretation of *asnaf* categories.

In the early 1990s, a major transformation occurred in Malaysian zakat history when several states began corporatizing zakat institutions, beginning with the Federal Territory through the establishment of the Zakat Collection Centre (*Pusat Pungutan Zakat* - PPZ-MAIWP) (Paizin & Sarif 2021). This initiative was subsequently followed by other states such as Selangor, Penang, Kedah, and Melaka. The purpose of this corporatization was to enhance collection efficiency, distribution transparency, and zakat management professionalism (Lateff et al. 2014). However, this change also brought side effects—namely, the occurrence of diverse interpretations and distribution policies among states, as each institution operates under its respective MAIN.

Based on administrative approaches, zakat institutions in Malaysia can be categorized into three main systems (Paizin & Sarif 2021):

1. **Direct Administration System** – MAIN fully manages zakat collection and distribution without intermediaries (examples: Kelantan, Terengganu, Perlis, Perak, Johor, Negeri Sembilan, and Sabah).
2. **Indirect Administration System** – MAIN appoints specialized agencies or wholly-owned Islamic companies to manage zakat operations (examples: Selangor through *Lembaga Zakat Selangor*, Kedah, Penang, and Sarawak).
3. **Dual System** – collection is managed by corporate entities while distribution is handled directly by MAIN (examples: Federal Territory, Melaka, and Pahang).

These structural differences explain why the interpretation and application of *asnaf al-riqab* among states are not uniform. States that practice corporate systems tend toward broader contemporary interpretations, whereas states that maintain direct systems are more cautious and traditional in their legal (*hukum*) approach.

Interpretation and Evolution of the Meaning of Al-Riqab in Malaysia

The absence of slaves following the abolition of the global slavery system through the Slavery Convention (1926) prompted zakat institutions in Malaysia to reassess the meaning of *al-riqab*. New interpretations began to be introduced to ensure that zakat funds for this *asnaf* would not be neglected and would continue to benefit the Muslim community. The stated interpretations are as follows:

State	Interpretation of Al-Riqab
Kedah	Slaves or persons who are shackled and have no personal freedom, including the liberation of Muslims taken captive by unbelievers.
Pahang	Muslim slaves or persons who are shackled under a power that prevents their personal freedom.
Negeri Sembilan	Muslims who are shackled or exploited in terms of thought, property, power, and freedom, who are unable to free themselves from such bondage.
Sabah	Persons held as slaves or in bondage who require assistance to free themselves from any obligations imposed upon them (Sabah Enactment).
Melaka	Freeing Muslims from the grip of slavery and subjugation, whether in terms of physical or mental grip, such as the grip of ignorance and being shackled under control.
Sarawak	Groups eligible to receive zakat assistance from <i>asnaf riqab</i> , namely <i>mukatab</i> slaves, bonded slaves, or any form of bondage recognized by the <i>shari'ah</i> (Fatwa of Sarawak Islamic Council).

Kelantan	Freeing Muslims from the grip of slavery and subjugation, whether in terms of physical or mental grip, such as the grip of ignorance and being shackled under the control of certain persons.
Perlis	Freeing Muslims from the grip of slavery and subjugation, whether in terms of physical or mental grip, such as the grip of ignorance and being shackled under control.
Terengganu	Freeing Muslims from the grip of slavery and subjugation, whether in terms of physical or mental grip, such as the grip of ignorance and being shackled under the control of certain persons.
Federal Territory	Freeing Muslims from the grip of slavery and subjugation, whether in terms of physical or mental grip, such as the grip of ignorance and being shackled under the control of certain persons.
Penang	No data available
Perak	No data available

Meanwhile, the state of Selangor interprets *al-riqab* by listing the groups of *asnaf* categorized as *al-riqab* as shown in the table below:

Bondage in Faith Issues	
Enslaved with Issues of <i>Shirk</i> and <i>Khurafat</i>	To Purify the Faith of Muslims Who Have Deviated:
1. False doctrine.	1. Individuals who intend or desire to commit apostasy.
2. Claiming to be a prophet.	2. Individuals undergoing the process of <i>Istitābah</i> .
3. Insulting Islam.	
4. Wrongful worship.	
5. Mocking the Qur'an and Hadith.	

Meanwhile, groups shackled by social problems are as follows:

Bondage in Social Problems		
Category of Bondage	Types of Issues	
In Bondage to Drugs	Drug addict	Former drug addict
In Bondage to Syariah Criminal Offences	Consuming alcohol	Adultery (Zina)
	Gambling	Close proximity (Khalwat)
	Abandoning infants	Mocking the Qur'an and Hadith
	Pregnancy out of wedlock	Incest-related offences: 1. Unlawful sexual intercourse 2. Procuring (madam/pimp) 3. Selling or giving a child to non-Muslims
In Bondage to Wrong Islamic Practices	Neglecting prayer	Attempting suicide
	Not fasting	Living with prostitutes
	Abandoning infants	
In Bondage to Deviant Lifestyles	Prostitutes	Gigolo
	Lesbians	Bisexuals

	Transsexuals (Mak Nyah)	Pengkid
	Gays	Tomboys
	Homosexuals	Cohabiting with non-Muslims
In Bondage to criminal cases	Gangster	Fights involving injuries: <ol style="list-style-type: none"> 1. Robbery cases 2. Burglary/House breaking 3. Rape cases
	Crimes involving property	Crimes involving dangerous weapons
	Threats involving violence	
In Bondage to chronic diseases	HIV/AIDS disease	Tuberculosis (TB)
	Cancer	Hepatitis
	And others	

An examination of the above interpretations sourced from state *fatwas* and official documents reveals three main patterns of *al-riqab* interpretation in Malaysia:

(a) Traditional Interpretation (First Group)

This interpretation maintains the original meaning of *al-riqab* as found in classical *fiqh* texts—namely slaves, captives, or individuals who have lost their personal freedom. This interpretation is held by states such as Kedah, Pahang, Sabah, and Sarawak. They emphasize that zakat distribution to *asnaf al-riqab* is only rightfully given to those who are truly in a state of physical or legal bondage, including detainees and victims of human trafficking. While this interpretation appears narrow, it is considered closest to the original intent of the text (*nas*) and does not pose risks of overlap with other *asnaf* categories.

(b) Intermediate Interpretation (Second Group)

Several states such as Kelantan, Perlis, Terengganu, and the Federal Territory expand the meaning of *al-riqab* by adding the element of "ignorance" as a form of bondage recognized by the *shari'ah*. Those ignorant of fundamental *aqidah*, religious knowledge, or moral values are considered "imprisoned" in erroneous thinking and worthy of liberation through zakat fund assistance. This approach enables *al-riqab* funds to be used for Islamic education purposes, *aqidah* rehabilitation, and spiritual awareness programs.

(c) Broad Contemporary Interpretation (Third Group)

The states of Selangor and Johor emerge as pioneers of a more comprehensive and progressive new interpretation. Based on the *fatwa* of the Selangor State Fatwa Committee (2011) and the Johor Mufti Department (2019), *asnaf al-riqab* encompasses two major categories:

1. Groups shackled by *aqidah* problems, such as individuals inclined toward apostasy (*riddah*), polytheism (*shirk*), or deviant doctrines.
2. Groups shackled by social problems, including drug addicts, prostitutes, juvenile offenders, chronic patients, and individuals involved in deviant lifestyles.

This interpretation marks a paradigm shift in contemporary Malaysian zakat *ijtihad*. *Al-riqab* funds are no longer viewed merely as an instrument of physical liberation, but also as an instrument of *tazkiyah* (purification) and social reform (*islah*)—that is, liberating society from moral and spiritual bondage.

The comparison shows that the first group's interpretation places greater emphasis on the literal aspect and is cautious about legal changes, whereas the second and third groups highlight the spirit of *maqasid al-shariah* more prominently. States such as Selangor and Johor not only expand the meaning but also list detailed subcategories of recipients for more systematic management purposes. This approach reflects the flexibility of Islamic law in responding to changing realities; however, it simultaneously raises questions about legal consistency among states.

From an administrative perspective, these interpretational differences impact the coordination of zakat fund distribution at the national level. JAWHAR (Department of Waqf, Zakat and Hajj) and JAKIM (Department of Islamic Development Malaysia) as coordinating bodies only play a role in providing general guidelines without the authority to unify state interpretational policies. Consequently, the validity of using *al-riqab* funds for social programs remains a subject of debate among zakat institutions and academics. Some argue that this broad interpretation has the potential to strengthen the social function of zakat, while others emphasize that it needs to be reviewed to ensure that the principles of '*illah* (effective cause) established by the *shari'ah* are not disregarded.

The evolution of *al-riqab* interpretation in Malaysia reflects the dynamic nature of *fiqh ijthad* in response to changing social realities. From the concept of slave emancipation to liberation from *aqidah* and social problems, the interpretation of *al-riqab* continues to develop according to the context of the times and societal needs. However, this flexibility must be balanced with legal methodological discipline so that the principle of *taqyid bi al-'illah* (restriction by effective cause) is not set aside. Therefore, the next section will discuss the basis and justification for the expansion of the meaning of *al-riqab* and how *qiyas* (analogical reasoning) is applied as the foundation of legal deduction (*istinbat al-hukm*) in contemporary interpretation.

Analysis of the Basis and Justification for the Expansion of the Meaning of Al-Riqab

Contemporary *ulama* emphasize that the fundamental principle of *asnaf al-riqab* does not lie in the form of slavery itself, but in the '*illah* (effective cause) that underlies it, namely liberation from bondage. Sheikh Mahmud Shaltut in his work *al-Islam 'Aqidah wa Shari'ah* asserts that modern forms of slavery are more severe than historical slavery because they ensnare people in economic, intellectual, and moral exploitation (Meerangani 2017). Therefore, all forms of "new slavery" that negate fundamental human rights and freedom can be included within the scope of the meaning of *al-riqab*.

To understand the '*illah* of *al-riqab*, it must be distinguished from other *asnaf* categories. Scholars explain that the poor (*fuqara'*) and needy (*masakin*) receive zakat because they do not possess sufficient wealth for their living needs. However, this '*illah* also existed for *al-riqab* in the past context because they too were poor. Hence, poverty is not the primary factor that entitles *al-riqab* to receive zakat. Similarly with other *asnaf*—'*amilin* receive zakat as compensation for administration, *mu'allafatu qulubihim* to soften hearts toward Islam, *gharimin* to settle debts, *fi sabilillah* for all forms of charitable works, and *ibn al-sabil* due to travel difficulties.

From this foundation, *al-riqab* becomes a distinct *asnaf* because their factor of eligibility differs even though they may be poor, traveling, or engaged in charitable works. There are three main arguments supporting this distinction. First, the wisdom behind the change of the preposition (*harf jarr*) indicates that distribution to *al-riqab* serves the general public interest (*masalahah 'ammah*), not individuals. Second, the term *al-riqab* is conjoined to *al-masakin*, consistent with the Arabic grammatical rule *al-'atf yaqtadi al-mughayarah* (conjunction requires differentiation). Third, the choice of the term *al-riqab* rather than *'abdun* (slave) indicates a categorical difference between distribution to individuals and to specific parties. If *'abdun* were used, *qiyas* would not be permissible because the rule *ta'liq al-hukm bi al-mushtaq yush'iru bi 'illiyyah ma ushtaqaqqa minhu* (attaching a ruling to a derived term suggests its derivation as the *'illah*) affirms that a ruling tied to an attribute indicates its *'illah*.

In conclusion, Islam emphasizes advocacy for slaves and the welfare of the *ummah* by separating *al-riqab* from the poor, needy, and other *asnaf*. This illustrates Islam's concern for human freedom, to the extent that jurists (*fuqaha*) have established special chapters regarding slave emancipation in *fiqh* texts.

The original purpose of *al-riqab* is to free people from domination and oppression. Thus, in the modern era, this *maqсад* (objective) can be achieved by freeing individuals from the bondage of ignorance, extreme poverty, addiction, moral collapse, or social diseases that prevent them from living as Muslims with dignity. Contemporary scholars such as Sheikh Mahmud Shaltut emphasize that the fundamental principle of *al-riqab* lies in liberation from bondage, not in the form of slavery itself. In this context, the distribution of zakat to drug addicts undergoing rehabilitation, juvenile offenders, chronic patients requiring treatment, or those returning to Islam after their faith has gone astray can be considered consistent with the *maqasid* of liberation contained in *al-riqab*.

This approach also strengthens the function of zakat as a mechanism for human development in Islam. It expands the dimension of zakat from mere economic assistance to an instrument of spiritual and social rehabilitation, in line with the saying of the Prophet Muhammad SAW: "Whoever frees a Muslim slave, Allah will free every limb of his body from the Fire of Hell." (Narrated by al-Bukhari and Muslim)

This hadith demonstrates the spiritual value behind the act of freeing people from bondage—a value that is not limited to physical meaning alone.

In the discipline of *usul al-fiqh*, *qiyas* (analogical reasoning) is one of the sources of law agreed upon by scholars. It means equating the ruling of a matter without textual evidence (*furu'*) with a matter whose ruling has been established (*asl*) due to similarity in *'illah* between the two. In the context of *al-riqab*, classical scholars such as Ibn Qudamah have used *qiyas* to expand the meaning of this *asnaf* from slaves to prisoners of war, while contemporary exegetes have further expanded it to victims of trafficking and modern oppression.

The application of *qiyas* in this context can be elaborated as follows:

Element of Qiyas	Classical Interpretation	Contemporary Interpretation
<i>Maqis 'alayh</i> (original case)	<i>Mukatab</i> slaves	<i>Mukatab</i> slaves
<i>Maqis</i> (new case)	Prisoners of war	Victims of human trafficking, social oppression
Original ruling (<i>hukm asl</i>)	Entitled to receive zakat	Entitled to receive zakat
' <i>illah</i> (effective cause)	Shackled under the power of others	Shackled under the power of systems or syndicates

This form of *qiyas* is known as *qiyas awlawi*, which is a more prioritized analogy, because modern slavery involves forms of oppression more cruel than classical slavery (Adnan et al. 2023). Therefore, victims of human trafficking, war refugees, or unjustly detained political prisoners can be included in the *al-riqab* category with strong legal justification.

Based on this '*illah*, Malaysian zakat institutions subsequently made further expansions by including various new groups. The second group includes *muallaf* (new converts), prison inmates, persons with disabilities (OKU), drug addicts, chronic patients, and students. Meanwhile, the third group further expands to include those shackled by *aqidah* problems, *shari'ah* crimes, wrong Islamic practices, deviant lifestyles, and juvenile cases. Each of these new groups becomes a *maqis* (analogous case) that must be verified whether the '*illah* truly exists in them.

Usul al-fiqh scholars discuss '*illah* from various perspectives including its conditions and *masalik al-'illah* (methods of identifying the '*illah*) (Fuad 2016). This is to examine and ensure that the '*illah* is truly something *mundabit* (consistent). The researcher holds that determining the '*illah* of *al-riqab* is an *ijtihadi* (interpretive) matter, just as it is *ijtihadi* in determining the '*illah* of *asnaf mu'allafatu qulubuhim* (Ulum et al. 2025).

The principle of *qiyas* allows for the expansion of the meaning of *al-riqab* to modern contexts; however, the determination of '*illah* must meet certain conditions for it to be legally valid. The '*illah* must be consistent (*mundabit*), evident (*zahir*), and relevant to *maqasid al-shariah*. Because of this, there are criticisms stating that the '*illah* of "being shackled" is inconsistent and even contradicts *mafhum al-hasr* (restrictive implication) (Rosele et al. 2021). However, this can be addressed by emphasizing the need for the process of *tahqiq al-manat* (verification of the effective cause). Through this approach, only groups that truly possess the characteristic of being "shackled" will be eligible under *al-riqab*.

According to *usuli* methodological analysis, the bondage that forms the basis for the ruling of *al-riqab* is not merely life's hardships or psychological suffering, but rather a condition where an individual is controlled and powerless to free themselves from external power. This characteristic exists in prisoners of war, kidnapping victims, or drug addicts controlled by syndicates. However, it does not directly exist in groups such as perpetrators of sins, moral offenders, or ignorant individuals, because they still possess freedom of choice. Therefore, the use of *al-riqab* funds for these groups requires *tahqiq al-manat*—investigation of whether the '*illah* truly exists in specific cases.

State *fatwas* such as those of Selangor (2011) and Johor (2019) form the practical basis for contemporary interpretation of *al-riqab*. Both states detail the categories of *al-riqab* recipients into two main groups:

1. Shackled in Faith (*Aqidah*) – including individuals who intend to apostatize, are trapped in deviant teachings, or whose faith has gone astray.
2. Socially Shackled – encompassing drug addicts, juvenile offenders, prostitutes, and chronic patients.

In this context, the Selangor *fatwa* clearly states that:

"The ruling on using zakat funds for *asnaf al-riqab* for those shackled by social problems in safeguarding the *aqidah* of Muslims so they may return to the right path is permissible."

This decision reflects the application of *qiyas* in an *ijtihadi* manner based on *maqasid* considerations. While this interpretation is bold and progressive, it still needs to be reviewed and examined through the *tahqiq al-manat* approach to ensure that each recipient truly possesses the element of legitimate bondage according to *shari'ah*. This is because the condition of valid '*illah*' must fulfill the requirement of being *mundabit* (consistent).

The process of *takhrij al-manat* (*sabr wa taqsim* - enumeration and division) is needed to identify the precise '*illah*'. There are three possible '*illah*' for *al-riqab*: their status as slaves (*kawnuhu 'abdan*), absence of freedom (*'adam al-hurriyyah*), or the state of being shackled (*kawnuhu muqayyadan*). The first possibility is rejected because it invalidates *qiyas* to prisoners of war—prisoners are not slaves. The second possibility is also rejected because prisoners are free people, not slaves. Thus, the correct '*illah*' is being shackled, as the other two possibilities have been invalidated.

Deeper examination of the *maqasid* (prisoners and kidnapping victims) reveals that the '*illah*' of "being shackled" only occurs when there exists an additional attribute: ownership or control by a superior party over a subordinate party. Just as the '*illah*' of "intoxication" does not occur unless the attribute of "removing reason" exists, similarly "being shackled" requires the element of the subordinate being under the power and control of the superior. This characteristic exists in prisoners of war and kidnapping victims because they become the property of the superior party until they are freed.

Tahqiq al-manat is then applied to examine the existence of the original '*illah*' in each new group. Upon examining them one by one, it is found that all groups in the third category do not possess the '*illah*' as characterized. Those shackled by *aqidah* problems do not have a superior party controlling them. Similarly, those shackled by *shari'ah* crimes, wrong Islamic practices, deviant lifestyles, and juvenile cases—they are not controlled by a superior party. However, this differs with drug addicts, where they are bound and controlled by dealers and drug syndicates, thus fulfilling the '*illah*' criteria.

In this regard, the state of "being shackled" can be divided into two types:

1. Real bondage (*haqiqi*) – such as war detainees, victims of human trafficking, or drug addicts controlled by syndicates; they truly lose their freedom.
2. Figurative bondage (*majazi*) – such as ignorant individuals, social offenders, or practitioners of sin; they still possess free choice and are not coerced by external power.

Based on the above discussion, it is concluded that the first group adheres to the interpretation of classical scholars and does not perform *qiyas*, whereas the second and third groups perform *qiyas* by expanding the *asnaf* groups to several new groups. The precise '*illah*' is being shackled, which binds the subordinate group to obey the superior party. However, this '*illah*' does not exist in all new *maqis* cases in the second and third groups except for drug addicts. Therefore, the expansion of *al-riqab* interpretation requires national harmonization and systematic application of *tahqiq al-manat* to ensure that each recipient category truly meets the '*illah*' criteria established by *shari'ah*. Thus, only the first category fulfills the valid '*illah*' characteristics, while the second category requires further investigation through *tahqiq al-manat* to ensure whether the bondage experienced is coercive or voluntary. If the element of coercion does not exist, then zakat distribution to them is more appropriately placed under other *asnaf* such as *fi sabilillah* or *gharimin*.

Although *qiyas* serves as the main foundation in expanding the interpretation of *al-riqab*, the principle of *maslahah mursalah* (unrestricted public interest) also plays an important role in ensuring that formulated rulings truly bring benefit and resolve various problems (Harun et al. 2023). In the Malaysian context, the expansion of *al-riqab* interpretation to social and moral rehabilitation programs reflects efforts to realize *maqasid al-shariah*, especially the preservation of religion (*hifz al-din*) and honor (*hifz al-'ird*). However, the integration between *qiyas* and *maslahah* must be governed by *maqasidi* discipline to avoid *asnaf* overlap and ensure distribution transparency.

The differences in *al-riqab* interpretation among states demonstrate the flexibility of Islamic law but also expose weaknesses in terms of administrative coordination. States inclined toward contemporary interpretation such as Selangor and Johor demonstrate boldness in their *maqasidi* approach but face challenges in terms of '*illah*' justification and *shari'ah* oversight. Meanwhile, states that maintain traditional interpretation are more assured in terms of legal validity but face issues of fund distribution effectiveness.

Conclusion

This study finds that the concept of *asnaf al-riqab* in Islamic zakat has undergone a significant transformation from the emancipation of slaves to the liberation of humans from various forms of modern slavery. This expansion is legally valid as long as it is based on sound *qiyas* (analogical reasoning) and grounded in *maqasid al-shariah* (objectives of Islamic law). However, the determination of the '*illah*' (effective cause) of "being shackled" requires in-depth investigation to ensure that the interpretation is not misused or expanded in an uncontrolled manner.

Several key recommendations that can be put forward are: (a) formulating a standardized policy for *al-riqab* interpretation under the coordination of national bodies such as JAWHAR (Department of Waqf, Zakat and Hajj) or the National Fatwa Council (*Majlis Fatwa Kebangsaan*) to ensure uniformity of rulings and implementation; (b) establishing guidelines for *tahqiq al-manat* (verification of the effective cause) to ensure that each recipient of *al-riqab* funds truly meets the legal '*illah*' criteria; and (c) encouraging annual reporting that details the amount and categories of *asnaf al-riqab* recipients for *shari'ah* audit purposes and public monitoring.

References

- Abidin, I. (1966). *Radd al-Mukhtar ala Durriil Mukhtar* (Kedua ed.). Dar al-Fikr.
- Adnan, N. I. M., Adnan, H. M., Adnan, N. I. M., Kashim, M. I. A. M., & Ibrahim, M. A. (2023). Penentuan Hukum Agihan Zakat Kepada Pondan, Pelacur Dan Gigolo. *Borneo International Journal eISSN 2636-9826*, 6(3), 138–145.
- Al-Baydhawi. (1418 H). *Anwar at-Tanzil wa Asrar at-Takwil*. Dar Ihya Turath Al-Arabi.
- Al-Bujairimi. (1995). *Tuhfatul Habib ala Sharh al-Khatib*. Dar Fikr.
- Al-Kharashi. (1317 H). *Syarh Al-Kharashi ala Mukhtasar Khalil*. Matba'ah Kubra Amiriiyyah.
- An-Nawawi. (1347H). *Al-Majmuk Syarh Al-Muhazzab*. At-Tiba'ah Al-Muniriyyah.
- Ar-Razi. (1420 H). *Mafatih Al-Ghaib*. Dar Ihya' Turath Al-Arabi.
- Arnakim, L. Y., & Zulhadis, M. (2021). RESPON KERAJAAN MALAYSIA TERHADAP PEMERDAGANGAN MANUSIA, 2010-2015: THE RESPONSE OF MALAYSIAN GOVERNMENT TOWARDS HUMAN TRAFFICKING, 2010-2015. *SEJARAH: Journal of the Department of History*, 30(1 (June)).
- Fuad, A. M. (2016). Qiyas Sebagai Salah Satu Metode Istinbāt Al-Ḥukm. *Mazahib*, 42–60.
- Harun, M. S., Hasim, H. Z., Rosele, M. I., & Ali, A. K. (2023). Aplikasi Maṣlaḥah Mursālah Dalam Perluasan Takrifan Asnaf Zakat Dan Kesannya Dalam Mendepani Krisis Kemiskinan Di Malaysia:(The Application of Maṣlaḥah Mursālah in Expanding the Definition of Zakat Recipients And Its Impact on Addressing Poverty Crisis in Malaysia). *Online Journal of Research in Islamic Studies*, 10(2), 55–68.
- Ibrahim, M. F. (2016). Analisis Kaedah Bayaran Zakat Harta oleh Institusi Zakat di Malaysia. *The Journal of Muamalat and Islamic Finance Research*, 13(2), 109–124.
- Ibrahim, P. (2008). Pembangunan ekonomi melalui agihan zakat: Tinjauan empirikal. *Jurnal Syariah*, 16(2), 1–23.
- Ismail, A. H., Tubarri, M. F., Jamal, N. N., Othman, A., & Ab Hasan, Z. (2019). Aplikasi Kerangka Kerja Tadbir Urus Syariah Dalam Agensi Mengurus Zakat di Melaka: The Application of Shariah Governance for the Zakat Agency in Malacca. *Journal of Fatwa Management and Research*, 17(2), 396–412.
- Lateff, E. E. A., Palil, M. R., & Hassan, M. S. (2014). Prestasi kecekapan agihan kewangan dan bukan kewangan di kalangan institusi zakat di Malaysia. *Jurnal Ekonomi Malaysia*, 48(2), 51–60.
- Mansor, N. H., Suyurni, S. S., & Man, N. C. (2014). Pemeraksanaan Agihan Zakat Sebagai Medium Pembangunan Masyarakat Islam. Prosiding, Seminar Antarabangsa Dakwah dan Etnik, Manzur, I. (1414 H). *Lisanul Arab*. Dar Sodik.
- Meerangani, K. A. (2017). Model Agihan Dana Zakat al-Riqab Berteraskan Maqasid al-syariah: satu kajian awal. *Kolej Universiti Islam Melaka*.
- Paizin, M. N., & Sarif, S. (2021). Peranan Pengkorporatan Pentadbiran Zakat Terhadap Pengurusan Sumber Manusia: Kajian di Malaysia: The Role of Privatizing the Zakat Administration to Human Resource Management: A Study in Malaysia. *'Abqari Journal*, 25(1), 264–280.
- Qudamah, I. (1968). *Al-Mughni*. Maktabah Qaherah.
- Rosele, M., Abdullah, L., & Ahmad Nadzri, A. (2021). Perluasan Konsep Al-Riqab Dalam Pengurusan Zakat: Satu Penilaian Fiqh. *Labuan E-Journal of Muamalat and Society*, 15, 17–24.
- Ulum, K., Yahya, I., & Rofiq, A. (2025). MEMBACA ULANG ATAS MAKNA AL-MUALLAFAH QULUBUHUM SEBAGAI PENERIMA ZAKAT. *al-Mawarid Jurnal Syariah dan Hukum (JSYH)*, 6(2). <https://doi.org/10.20885/mawarid.vol6.iss2.art9>