

Wealth and its Relationship with Zakat: Receiving and Giving a Jurisprudential Study

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Abstract

Zakat is one of the obligations and is the third pillar of Islam. Allah SWT ordained it and made it a financial act of worship in relation to wealth and poverty. Wherever a person possesses wealth that reaches a specific level and meets the conditions for zakat, it becomes obligatory for the person to pay zakat. This is because the person is considered wealthy at that point and is required to perform the zakat. Conversely, the wealthy person is not entitled to receive zakat, as they do not need it, except in some instances in which scholars have allowed the rich to take zakat, such as fighters in the way of Allah SWT or those working with zakat funds. This research seeks to examine this issue by explaining the concept of wealth as understood by scholars, its various classifications, and the jurisprudential rulings on zakat of wealth, whether in receiving or giving, whether agreed upon or disputed. This will be done within a descriptive-analytical framework.

Keywords: Wealth, Zakat, Poverty, Debtor, Amil

Introduction

The obligation to pay Zakat has played a significant role in the lives of Muslims, where it stands as a mechanism of financial worship aimed at purifying the human soul and possessions. Moreover, it has been ordained by Allah SWT regarding wealth and poverty. Wherever a person possesses wealth that reaches a specific level and meets the conditions for zakat, it becomes obligatory for the person to pay zakat. This is because the person is considered wealthy at that point and is required to perform the zakat.

Thus, in most cases, the wealthy person is not entitled to receive zakat, as they do not need it. However, in some instances, scholars have allowed the rich to take zakat, such as fighters in the way of Allah SWT or those working with zakat funds.

This research seeks to examine this issue by explaining the concept of wealth according to scholars, its various classifications, and the jurisprudential rulings related to zakat on wealth, whether in receiving or giving, whether agreed upon or disputed. This will be done within a descriptive-analytical framework.

Discussion and Conclusion

Wealth (al-Ghinā) is a noun that denotes several meanings, including abundance, a large amount of money, sufficiency, and being free from need. It is said, “the man is wealthy”, meaning he has an abundance of money. To “become wealthy” means to acquire wealth. “Ghinā” also refers to self-sufficiency and adequacy, and to its opposite, poverty (Ibn Fāris, 1986).

As for technical terms, wealth (al-ghinā) has multiple definitions, including the following:

1. The presence of wealth in an amount that exceeds the basic needs to the extent that zakat becomes obligatory.
2. The presence of wealth is sufficient to meet one’s needs and go beyond the level of necessity.
3. The absence of the need for others.
4. One of its meanings in zakat is having enough wealth to cover a year’s expenses.

Wealth, in its general sense, is divided into two categories: (1) wealth of the soul, and (2) wealth of money. When the term “wealth” is used alone, it refers to financial wealth. Some scholars have divided wealth into three types (al-Baraktī, 2003):

1. A person who is self-sufficient and able to earn enough for their daily sustenance.
2. A person who owns an amount of wealth sufficient for obligatory acts such as fasting and making sacrifices, but not for zakat.
3. A person who owns wealth sufficient to require the payment of zakat.

When interpreting surah al-Taubah, verse 93:

﴿إِنَّمَا السَّبِيلُ عَلَى الَّذِينَ يَسْتَأْذِنُونَكَ وَهُمْ أَغْنِيَاءُ رَضُوا بِأَنْ يَكُونُوا مَعَ الْخَوَالِفِ وَطَبَعَ اللَّهُ عَلَى قُلُوبِهِمْ فَهُمْ لَا يَعْلَمُونَ﴾

Some contemporary exegeses assert that, when wealth is mentioned in a general sense, it refers to money. However, when used in a specific context, it takes on the meaning defined by the text. The one who does not have what to spend is exempted. Therefore, the one who has what to pay is considered wealthy in terms of food, and the poor person is exempted. Thus, the strong person is rich in strength, and the sick person is exempt. So, a healthy, wealthy person in terms of health. Moreover, the one who cannot find a means to travel to the place of jihad is exempted, so the one who owns a mount is wealthy in terms of their mount.

Jurisprudential Rulings Related to Wealth

Wealth in the context of zakat is associated with three main rulings:

1. Wealth that makes zakat obligatory: This refers to wealth that exceeds a certain threshold, obligating the owner to pay zakat.
2. Wealth that prevents one from receiving zakat: A wealthy person does not deserve to receive zakat, as they are not in need.

3. Wealth that permits one to receive zakat: In some instances, such as for those who are fighting in the way of Allah, or those working in zakat-related roles, a wealthy person may be allowed to receive zakat.

Wealth That Makes Zakat Obligatory

There is no disagreement among the scholars regarding the obligation of zakat for the wealthy if the known conditions are met. This is because Allah SWT addressed the wealthy regarding zakat, as Allah SWT said in Surah al-Baqarah, verse 43:

﴿وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ﴾

The evidence for this is the hadith of the Prophet Muhammad, PBUH, to Mu'az ibn Jabal, when he sent him to Yemen, in which he said (Muslim, 1973):

"..... فَإِنَّهُمْ أَطَاعُوا لِدَلِيلِكَ، فَأَعْلِمُهُمْ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ صَدَقَةً تُؤْخَذُ مِنْ أَغْنِيَائِهِمْ فَتُرَدُّ فِي فُقَرَائِهِمْ..."

Moreover, it is being stated in the International Committee's Resolutions issued by the Global Zakat Organisation (Jurisprudential and Accounting), that the reason for the zakat obligation is as follows:

Article 1: Zakat is a financial obligation with a clear purpose: to assist the poor with the wealth of the rich. The meaning of worship in this context is secondary.

Article 2: Islamic law indicates that the reason for the zakat obligation is the description of wealth, as shown in the previously mentioned hadith.

Article 3: The wealth that makes zakat obligatory is a clear and well-defined characteristic; Islamic law has established it as a sign of its obligation.

Wealth That Prevents One from Receiving Zakat

If wealth is a characteristic of a person in general, it prevents them from receiving zakat. In fact, they are among those obligated to pay zakat, except in some instances to be mentioned later. This is based on the following evidence:

1. Allah SWT said in surah al-Taubah, verse 60:

﴿إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمَوْلَىٰ فُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ﴾

Point of evidence: The verse indicates that the poor (al-faqīr) and the needy (al-miskīn) are two categories eligible to receive zakat. The poor are the opposite of the rich, and the needy are similarly the opposite of the wealthy.

2. The previous mentioned hadith (Muslim, 1973):

فَأَعْلِمُهُمْ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ صَدَقَةً تُؤْخَذُ مِنْ أَغْنِيَائِهِمْ فَتُرَدُّ فِي فُقَرَائِهِمْ

Point of evidence: The hadith indicates that people are divided into two categories: those from whom zakat is taken, and those to whom it is given. If it were permissible to give charity to the wealthy, this division would be invalidated, and this is not allowed (al-Kāsānī, 1986).

3. The hadith of the Prophet PBUH (Daud, n.d):

لا تَجَلُّ الصَّدَقَةُ لَغَنِيِّ، وَلَا لَذِي مِرَّةٍ سَوِيٍّ

Moreover, in his saying (ولا لذي مرة سوي), the word "مرة" refers to strength and severity, and it also means vigour. While "السوي" refers to one whose body is healthy and free from defects or weakness, it also means someone with sound and proper physical health (al-Zabīdī, 1993).

Al-Samarkandi said that it is not permissible to give zakat to the wealthy; it is not permissible to give all obligatory and required charity to them. This includes obligatory expiations (al-kafārāt), the obligatory tithe (the one-tenth) prescribed in al-Quran, the obligatory alms (ṣadaqāt al-fitr), and vows of charity that are obligatory.

Wealth That Permits One to Receive Zakat

There are five situations in which a wealthy person may be required to pay zakat. Those are:

1. The fighter in the cause of Allah: According to the Maliki and Shafi'i schools, it is permissible for them to take zakat because they are taking it by virtue of jihad, not due to poverty (al-Ḥaṭṭāb, 1992). However, the Hanafi scholars disagreed, stating that a person may only take zakat if they are in actual need. This opinion is based on the general hadith (تؤخذ من أغنيائهم فترد على فقرائهم) (al-Kāsānī, 1986).
2. The debtor (al-ghārim): the debtor is allowed to receive zakat, even if they are wealthy.
3. The zakat collector (al-Āmil): Most scholars believe that the zakat collector can take zakat for their work, and they are entitled to receive it even if they are wealthy (Al-Sharnubalālāli, 1985).
4. The one who buys zakat with his own money: It is permissible for a person to take zakat if they purchase it with their own money (Al-Sharnubalālāli, 1985).
5. The wealthy person who is gifted zakat from a poor person: It is permissible for a wealthy person to accept zakat if a poor person gifts them their share of zakat. (Al-Sharnubalālāli, 1985). In these cases, it is allowed for the wealthy person to accept charity, as it is no longer considered charity once given to the recipient; it becomes their property, and they can dispose of it as they wish (Al-Subkī, 1934).

Other categories are also included by some scholars, such as the traveller (Ibn al-Sabīl), who may take zakat to help them return to their homeland, even if they are wealthy in their own country. This is the opinion of the Hanafi and Maliki schools (al-Ḥaṭṭāb, 1992).

Evidence for Wealth Allowing One to Receive Zakat

1. It was narrated from Ata' ibn Yasar that the Messenger of Allah (peace be upon him) said (Daud, n.d.):

لا تَجَلُّ الصَّدَقَةُ لَغَنِيٍّ إِلَّا لِحَمْسَةٍ: لِعَاِزٍ فِي سَبِيلِ اللَّهِ، أَوْ لِعَامِلٍ عَلَيْهَا، أَوْ لِغَارِمٍ، أَوْ لِرَجُلٍ اشْتَرَاهَا بِمَالِهِ، أَوْ لِرَجُلٍ كَانَ لَهُ جَارٌ مَسْكِينٌ فَتُصَدَّقُ عَلَى الْمَسْكِينِ، فَأَهْدَاهَا الْمَسْكِينُ لِلغَنِيِّ

Point of evidence: The hadith indicates that the obligatory zakat is not permissible for a wealthy person, except for the five categories mentioned. This is the consensus among scholars. (Al-Subkī, 1934).

2. The Consensus (Ijmā'): Ibn al-Qattan stated: "The scholars have unanimously agreed that anyone who distributes their charity to the categories mentioned by Allah SWT, in Surah al-Taubah, verse 60:

﴿إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ﴾

Conditions for Wealth that Requires the Payment of Zakat

There are conditions for the wealthy person to pay zakat, which are related to the passage of a full year (ḥoul) and reaching the niṣāb (minimum amount of wealth). These conditions are elaborated in the books of Islamic jurisprudence, especially when discussing the ḥoul, niṣāb, and the conditions for zakat.

The texts of the resolutions issued by the International Committee of the Global Zakat Organisation (jurisprudential and accounting) outline five conditions or criteria for justifying the obligation of zakat based on the description of wealth as follows:

Article 1: Islamic law defines the wealth that obligates zakat with four conditions:

- The wealth must be lawful (mubāḥ),
- Fully owned,
- Reach the niṣāb,
- A whole year must have passed.

Article 2: Islamic law leaves the criteria for wealth that prevent receiving zakat to the customary practices (the *urf*).

Article 3: Zakat is obligatory on anyone who possesses the characteristic of wealth, regardless of the person's identity or eligibility.

Article 4: A debt does not grant the creditor the status of wealth, nor does it remove the status of wealth from the debtor.

Article 5: The obligation to pay zakat remains in effect if its reason is present, unless there is evidence to the contrary.

Disputed Issues Regarding Wealth Affecting the Receipt of Zakat

The First Issue: Should Wealthy Mujāhidīn Be Given Zakat?

It is agreed that the mujāhidūn in the way of Allah (those fighting for the cause of Allah) or the traveller (Ibn al-Sabīl) are among the eight categories eligible to receive zakat. According to the most widely accepted interpretations of the term, it refers to the fighters, or mujahidin, in the way of Allah. Scholars have a consensus that the category "in the way of Allah" is the seventh of the eight categories mentioned in Allah's verse in Surah Al-Taubah (9:60):

﴿إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ﴾

As such, the mujāhidūn are entitled to zakat if the necessary conditions are met (al-Qaṭṭān, 2004).

There is no dispute among scholars about the entitlement to zakat for a mujāhid if they are poor. However, the disagreement arises when the mujāhid is wealthy: Is it permissible for them to receive zakat under the category "in the way of Allah"?

There are two opinions on this matter:

1. The first opinion: A mujāhid does not need to be poor or in need to receive zakat. They are entitled to zakat if they meet the conditions for jihād, such as being a Muslim, free, of legal age, and obligated.
2. This is the view of most scholars, including the Maliki.
3. The second opinion: It is required for the mujāhid to be poor or in need to receive zakat. A wealthy mujāhid should not be required to pay zakat. This is the view of the Hanafi.

The Second Issue: Should a Wealthy Zakat Collector Receive Zakat?

It is well known that the zakat collector is entitled to receive zakat as one of its legitimate recipients. He receives it as compensation for his work, and all scholars agree upon this. However, the question arises: What if the zakat collector is wealthy? Does he still deserve to receive zakat?

There are two opinions on this matter:

1. The first opinion: A zakat collector is entitled to receive zakat for his work, whether he is wealthy or poor. This is the view of most scholars in all four schools of thought.
2. The second opinion: A zakat collector should only receive zakat if he is in need. This opinion is attributed to Imam Al-Hasan Al-Basri, one of the Tabi'īn.

The most widely accepted view is the first, in which a zakat collector is entitled to receive zakat regardless of whether he is wealthy or poor.

The Third Issue: Can a Wealthy Debtor (Ghārim) Receive Zakat?

It is known that a ghārim (debtor) is one of the legitimate recipients of zakat. A debtor is entitled to receive zakat to pay off debts, and there is no disagreement on this if the debt is for the debtor's personal needs (i.e., if the debtor has borrowed money for personal expenses or to support his family, such as his children or spouse). However, what is the ruling if the debtor is wealthy and has borrowed money for the benefit of others, such as borrowing to reconcile between disputants?

Here, there are two opinions:

1. The first opinion: A debtor should only receive zakat if he is poor, regardless of whether the debt is for his own needs or for someone else's benefit. This is the opinion of the Hanafi, Maliki, some Shafi'i, and Hanbali. Their evidence is based on the general description of the poor in the verse about the recipients of zakat and the general hadith: "لا تَجِلُّ الصَّدَقَةُ لِعَنِيٍّ، ولا لذي مِرَّةٍ سَوِيٍّ"; The exclusion of the wealthy from zakat implies that poverty is a condition for receiving zakat.
2. The second opinion: If the debt was incurred for the benefit of others, such as to reconcile between people, a wealthy debtor is allowed to receive zakat. The generally preferred

opinion is the majority view, which holds that a wealthy debtor should not receive zakat because they can repay their debts from their own resources.

Conclusions

Here are the main conclusions of the research:

- i. Wealth is a description of someone whose financial situation allows them to be independent of others in terms of expenses, with enough wealth to cover their needs and more. When this wealth reaches a certain threshold (niṣāb), zakat becomes obligatory.
- ii. As mentioned earlier, the wealthy person is not generally entitled to receive zakat, except in specific cases identified by the scholars. These cases include categories such as the zakat collector and the mujāhid in the way of Allah, as described by some scholars.
- iii. If a wealthy person is obligated to pay zakat but refuses, they incur a legal sin. The ruler has the right to take zakat from them by force if they refuse to pay.
- iv. It is permissible to give zakat to those working on its collection, even if they are wealthy, if they have dedicated themselves fully or partially to this task. The reason for giving zakat to them is their work, not their wealth.
- v. It is permissible to give zakat to those fighting in the way of Allah, regardless of their financial status or division. This applies to any form of jihād, whether it is physical, spiritual, or intellectual, in defence of the faith of Allah.
- vi. Zakat should not be given to a debtor who borrowed money for the benefit of someone else if they are wealthy, as they can repay their debts with their available wealth.

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