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The Position and Distributions of Zakat Asnaf Al-Riqab in Malaysian Zakat Institutions

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Abstract

This study will be discussing about the distributions of zakat to the asnaf based on the definition used by zakat institutions in Malaysia. The purpose of this study is to identify the interpretation used during the past and now. This is because asnaf al-Riqab is one of asnaf with various definitions for each states in Malaysia. In fact, this asnaf was excluded as one of the asnaf in zakat distributions by several states. This study consists of two objectives. Firstly, to explain the definition of al-Riqab used by zakat institutions in Malaysia. Secondly, to analyze the comparison of asnaf's definitions used between previous ulama' and Malaysian zakat institutions. The data for this study were collected from documents and analyzed by using content analysis method. The result showed that the interpretation of asnaf al-Riqab applied in zakat institutions were different. . Some maintained the classical definition, resulting in the failure to distribute the zakat due to the absent of al-Riqab these days. . Meanwhile a few were broadly defined. The contemporary way of definition can expand the interpretation of al-Riqab and ensure the role of a more effective zakat institution.

Keywords: Zakat Distributions, Al-Riqab, Malaysian Zakat Institutions, Servant, Asnaf.

Introduction

Zakat is a mechanism and a form of ibadah *maliyah* in distributing wealth for those who deserves. Zakat is a religious obligation in Islam. However during these days, the tasks regarding zakat were managed by the government. Zakat collection and distribution system in Malaysia was authorized by the state Islamic council but zakat institutions were always being criticized by muslims for not being able to do the task fairly and efficiently (Sharif, Hamid & Yaacob, 2013:41).

Furthermore, the issues about zakat distributions have been a talk of the town nowadays (Hamid, 2012:222). This is due to the unjust in management and distribution systems that caused distrusts

among zakat contributors (Ahmad, Wahid, Soh & Zainal, 2013:17). The question is, what is the cause of this issue? According to Ali (2013:270-271), in the context of zakat distribution in Malaysia, the difference in interpretation of zakat is very obvious among the states in Malaysia. The unstandardized zakat system has created confusions among the Malaysian citizens regarding the distribution of zakat. Centered zakat distribution or at least a management with the same base system should be applied as Malaysia is considered as a small country.

One of the asnaf that differs the most is asnaf *al-Riqab* (servant). This variation happens because of the conflict about the presence of this type of asnaf in these days to follow its original definition. Zakat distributions among the receivers or asnaf depends on the specific region in Malaysia since the zakat institutions in each states are different. There are 14 states in Malaysia and in certain states, zakat was given to asnaf *al-Riqab* such as in Terengganu, Kelantan, Selangor, Negeri Sembilan, Pahang, Perlis, Melaka, Kedah, Sabah and Sarawak, where it was distributed to eight categories of asnaf that are qualified to benefit from zakat funds just like what it is stated in surah at-taubah, verse 60. Meanwhile, the four other states which are Malacca, Johor, Penang and Perak does not give the zakat to asnaf *al-Riqab* and only distribute it to seven rightful asnaf.

Since there is unstandardized interpretation of asnaf *al-Riqab* in Malaysian zakat institutions, a research must be conducted to identify the factors causing this difference. So, this study can be considered as a way to generally explain the position of asnaf *al-Riqab* in distribution of zakat by Malaysian institutions based on their interpretations.

Methodology

Documentation method was used in this study to get a clear view about asnaf *al-Riqab* and the distribution method in Malaysian zakat institutions. Classical and contemporary fiqh references were used to find the informations related to the sharia of asnaf *al-Riqab* while documents and zakat distribution reports from every states were collected to acquire data regarding the distribution of zakat *al-Riqab* in Malaysia. According to Jasmi (2012), this document analysis method was used to get a comprehensible information in understanding certain concepts, issues and problems.

Next, results from the accumulated data will be analyzed using content analysis method. Content analysis used to observe and explain the interpretation in documents. According to Krippendorff (2004:18) and Yusof (2004:34), content analysis is a research technique by drawing conclusions in a systematic and objective way based on data in documented form. On the other hand, Marican (2005:170) and Lebar (2009:146), defined content analysis as an explanation that systematically identify about a certain content in text form. It is unambiguous with the data collected from related documents about asnaf *al-Riqab* which had been analyzed to see the position of this matter today.

Findings

This study consists of three things. Firstly, the implementation of zakat in sharia. Secondly, the definition of asnaf *al-Riqab* in islam and lastly, the definition of asnaf *al-Riqab* in Malaysian zakat institutions.

The Obligation of Zakat in Islam

Zakat is one of the five pillars of Islam. It is an obligatory form of worship (Ibadah) for bettering muslims economically and improves one's wealth (Khalid Abdullah, 2013:114). This shows that Allah has commanded the muslims to put their concern on the obligation of zakat. Some of the Zakat (Charity) related verses in the holy Quran:

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

Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah . And Allah is Knowing and Wise.

(Surah at-Taubah, 9:60)

In other verse in al-Quran, Allah declared zakat as an obligation in Islam:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ

Means: and keep up prayer and pay the poor-rate and bow down with those who bow down.

(Surah al-Baqara 2:43)

Meanwhile, in hadith which is the second source of Islamic law also mentioned about zakat:

بِنِي الْإِسْلَامِ عَلَى خَمْسٍ... مِنْهَا إِيْتَاءُ الزَّكَاةِ

It means: Islam is built on five things: (one of the) to give charity.

(The narration of the hadith al-Bukhari, Kitab al-Iman, hadith no. 8. and The narration of the hadith Muslim, Kitab al-Iman, hadith no.16.)

There are many obvious and hidden benefits of zakat. one of the hikmah of zakat was explained by Musa (2008:17-20) and Majid (1945:33-47). Their opinions about the benefits of zakat are , it helped people in need and assisted in the islamic socio economical system Giving zakat can bring out the feeling of gratefulness on what Allah has given to us.

According to al-Jurwawi (1994: 284), could cleanse ones self from arrogance and avidity. It also increases one's wealth. Besides, the function of zakat is to decrease jealousy between the less fortunate and the fortunate. Other than it calms the soul, zakat contributors will also be able to unite the muslims and increases economical and financial conditions (Ayub, 2003:503; Ibrahim, 2009:68). So it is clear that zakat is vital for the muslims to build a community, a peaceful country and building a complete life in many aspects.

Definition of Asnaf *al-Riqab* in Islam

As mentioned above, asnaf *al-Riqab* is one of asnaf in Islam based on certain verses in the al-Quran. The distribution of zakat to this asnaf has been done since the era of Rasulullah and was continued by the ulama'. Only the brief definition of asnaf *al-Riqab* was discussed in this study from the fiqh masterpieces regarding zakat.

According to al-Zuhayli (2011, 3: 285), madzhab Shafie defined asnaf *al-Riqab* as a muslim who wants to redeem himself by paying an amount of money in installments to their master. This is because they does not have enough wealth to continue their lives despite their hard work. In this case, zakat distributions will be given to the master in order to give freedom for the slaves.

Ridha (1999, 10:598) stated that asnaf *al-Riqab* are those who wanted to free themselves from colonialism and fight for their independence. this is because colonialism is worse and a more dangerous form of slavey for the humanity . So, the liberation of a muslim servant was included In asnaf *al-Riqab*. Syaltut (t.th.: 446) and Sabiq (2012, 132) agreed with this opinion. Both of them believed that asnaf *al-Riqab* are slaves of their master and their lives are restricted.

According to al-Qaradhawi (2011:416), *al-Riqab* means the liberation of slaves which is similar to releasing someone from their cuffs. The meaning of *al-Riqab* is to get people out of slavery that was causing their life to be restricted as they deserved to live their life freely.

In conclusion, *al-Riqab* according to ulama' represents the ppl who was living a restricted live due to the slavery system of jahiliyyah. This system requires payment from the slaves to free themselves. From the Islamic point of view, the cancellation of this system is necessary. So, Islam has one target zakat as a mechanism to redeem the slaves through asnaf *al-Riqab*.

Definition of al-Riqab in Malaysian zakat institutions

Asnaf *al-Riqab* is one of the asnaf that is still included in distribution of zakat these days. This includes the zakat distribution systems in Malaysia. However, the definitions for asnaf *al-Riqab* in every states are different.

Table 1: Definition of *al-Riqab* in different states.

State	Definition	Distributed to the <i>al-Riqab</i>
Terengganu	Free the muslims from various forms of slavery whether it is mentally or physically such as from jahiliyyah and being controlled by someone .	Expanded distribution
Selangor	<i>Al-Riqab</i> is someone trapped under someone else power or conditions that does not allow them to live a better life.	Expanded distribution
Malacca	Free the muslims from slavery and colonialism whether it is mentally or physically such as from the jahiliyyah or being controlled by other.people.	Not distributed
Johor	Those who was owned by their master, to allow the liberation of themselves.	Not distributed
Pahang	Free the muslims from slavery and colonialism ,mentally or physically under someone else's control.	Expanded distribution

(Source: Portal Majlis Agama in the Institution of Zakat Malaysia).

Terengganu, Selangor and Pahang distributed the zakat to asnaf *al-Riqab* and widened the definition of asnaf *al-Riqab*..Meanwhile, it is not distributed for Malacca and Johor because they hold on to the definition.. The table below shows the definition of al riqab that has been broadened according to the current fatwa:

Table 2: Definition of *al-Riqab* according to the recent fatwa the current state

State	The shackles of Ignorance	Social problems & Aqeedah
Selangor		<p>A)Social issues/problems</p> <p>(1) Misuse of drugs (drug addicts and the former drug addict)</p> <p>(2) Involved in crimes sharia (alcoholic, gambling, adultery, khalwat, illegitimate childbearing, remove child, incest, copulation, procuress, selling/giving childs to the non muslim, insulting al-Quran & Hadith and others related to enactment of sharia law Enakmen Jenayah Syariah (Negeri Selangor) 1995</p> <p>(3) involved in (neglecting prayer & fasting, suicide attempts and living with a prostitute.)</p> <p>(4) involved in (songsang) lifestyle (prostitute, lesbian, homoseksual, transvestite maknyah atau transsexual, bisexual, pengkid, tomboy, gigolo and cohabitation with non muslim)</p> <p>(5) involved in juvenile cases (gengster, Crimes involving properties, fights involving injuries, robbery, burglary, rape, weapons related crimes and harassment involving violence);</p> <p>(6) Fettered with chronic diseases (HIV/aids, cancer, tuberculosis and other).</p> <p>(B) The problem Aqeedah:</p> <p>(1) Shackled with the problem of shirk and superstition (doctrine, forged, pretending to be the prophet and insulting Islam)</p> <p>(2) Purify the aqeedah of the muslims that deflects (people who want to/ intend to renegade and people who are in the process of istitabah).</p>

Negeri Sembilan	(1) Aids for educational activities, Including the activities held by the schools, universities, etc. (2) programs to increase knowledge among the community. Including the cultural programme of the al-Quran. (3) Educational funds, Including bursaries study of the middle east. (4) Schooling assistance to primary and secondary school, the help of secondary religious, school of folk religion, religious classes evening, help school library religious. (5) Managing the secretariat of the middle east. (6) Allowance of supervisors KAFA. (7) A study aid for master's and phd.	
Terengganu	Funds for gaining knowledge (Religion)	i) Help improving akhlak & purification of the aqeedah. ii) Maintenance of assets and contingency/ many more.
Perlis	i) Exterminating ignorance ii) School of folk religion	

Source: Discussions (Muzakarah) zakat national level session 1, 2013

The results of zakat 'muzakarah' showed the expansion by Selangor, Negeri Sembilan, Terengganu and Perlis .without considering the interpretation, expanding the interpretation into two forms, ignorance and social problems & aqidah.

According to the previous discussion, these states are the ones that distribute zakat to asnaf *al-Riqab*. Yet, there are some state does not distribute the zakat to recipients of this. Their argument is, asnaf *al-Riqab* has been extinct and not remaining more time now as practiced in the days of Rasulullah s.a.w. and age-the early days of Islam. Consequently the state is Malacca, Johor, Pulau Pinang and Perak.

Analysis

Based on the discussions, there are several differences of zakat distributions for asnaf *al-Riqab* during the beginning of Islam and nowadays especially in Malaysia. A few has extended the definition due to the absence of asnaf *al-Riqab* and others excluded them.

One of the cause of this difference is the understanding of interpretations from previous ulama' in asnaf *al-Riqab*. This difference had caused Malaysian zakat institutions nowadays to not widen the interpretations for the rightful receiver. According to Ali (2013:270-271), Johor, Pulau Pinang and Malacca used a classical interpretation that caused the narrowing of zakat receivers, freeing only the rightful slaves.

Nevertheless, several states in Malaysia are using the contemporary interpretation to widen zakat distributions for the asnaf. The part of Asnaf *al-Riqab* was still distributed to new forms of slavery including those who struggled to free themselves from jahiliyyah. There are also a few states in Malaysia that distributed asnaf *al-Riqab* to save people from social problems and conflicts in aqeedah. It is necessary to widen the asnaf since there are people who requires money to free themselves (Wahid, Ahmad, Ishak & Cahyono, 2015:1).

The opinions from Islamic scholars such as Rashid Ridha and Yusuf al-Qaradhawi on this matter should be considered. Rashid Ridha stated that asnaf *al-Riqab* is those who wanted to free themselves from colonialism and fight for independence. This is because colonialism is an inferior form of slavery for the humanity. So, the liberation of muslims from colonization is also considered as asnaf *al-Riqab* (Ridha, 1999, 10: 598). According to al-Qaradhawi, *al-Riqab* means the liberation of slaves that is equal to releasing them from their cuffs (al-Qaradhawi, 2011: 416). Both of the scholars explained about the liberation of slaves but Rashid Ridha used a wider approach for his interpretation which is more contemporary compared to al-Qaradhawi.

This study shows the importance of expanding the definitions of zakat asnaf *al-Riqab* just like what has been done by certain zakat institutions in Malaysia without denying the usage of classical definition of asnaf. However, more attempts should be made for the standardization of asnaf definitions in Malaysia. Based on a research by Ali (2013:279), the lack of consistency of the law related to zakat had caused a lot of trouble. One of the problem is regarding the distribution of zakat for those who deserve it. For the uniformity in every states, he suggested the establishment of royal board of zakat to represent every states in Malaysia to manage zakat funds.

Conclusion

This study explains in detail about the position and distributions of zakat *al-Riqab* in Malaysian zakat institutions. There are several conclusions gained from this study such as :

1. The distributions of zakat for asnaf *al-Riqab* in Malaysia was not standardized. Several zakat institutions distributed zakat funds in the form of bondage new while others maintained the original definition of asnaf.

2. The difference of zakat asnaf definitions in Malaysia was causing a lot of problems considering Malaysia is a small country.
3. Some efforts have to be made as soon as possible in order to prevent confusions among muslims.

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