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Asnaf Riqab Zakat Distribution Mechanism in Today's World

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Abstract

This study is aimed at investigating the mechanisms that should be implemented on *asnaf riqab* by focusing at some aspects, which are to (1) suggest groups that fulfill *asnaf riqab*'s criteria as outlined by *fuqaha' mutaakhirin*. (2) to recommend the distribution of zakat funds to *asnaf riqab* in today's world. These aspects are vital to be examined in order to be clear of the existence of *asnaf riqab* which if literally translated, means servant. In this study, three major hospitals in the state of Johor were analyzed through the Social Service Department to detect the extent of slavery and abuse that had occurred in our society. Data received was analyzed by means of qualitative method, in which the survey approach was implemented as the design of this study. The results revealed that there are eligible recipients who can be categorized as *asnaf riqab* like victims of molestation and rape, victims of child abuse, victims of domestic violence and abandoned patients. Those employed to administer the *zakat* should use the allocation for *asnaf riqab* to assist these recipients free themselves from the shackles that they are facing, in conjunction with the *maqasid syariah* on the act of *zakat* itself.

Keywords: Zakat Distribution, Ar-Riqab, Criteria, Form of Aid.

Introduction

The issue of *asnaf riqab* in the management of *zakat* distribution continues to be debated to this day. Various seminars and papers were presented acting as recommendations, as well as new approaches in identifying these *asnaf* groups. Furthermore, to view the word "*riqab*" as slavery alone is no longer suitable nowadays and it is feared that the *maqasid* on the act of *zakat* as a social security to the *asnaf* in this group will perish (Nawawi, 2007; Rosman, 2013; Abd Rahman, 2014). This is reinforced with the views of *fuqaha muta'akhirin* whom have widened the meaning and definition of the *asnaf riqab* itself. It is their views that will be focus on throughout this study to ensure the fate of these groups continues to be defended.

The *fuqaha muta'khirin* have expanded the definition of *riqab* by relying on the basics associated with slavery i.e. the situation or nature of being stuck, the threat and the oppression in life. Reflecting on these principles, the forms of slavery today should be dealt with and addressed immediately by using the *zakat* funds. The downward slide of Muslims' economy, drop in education, rapid growth of social problems, drug addiction and deviation from outlined doctrine of Islam are the issues of the ummah that if are not curbed will eat its way like cancer (Mat & Bakar, 2004). Hence, in the turmoil of Muslims on such matters, the action made by most management and administration of *zakat* throughout the states in Malaysia on the definition of *riqab*, limiting it only to slaves, is therefore viewed as something detrimental to the Muslim community. Those who are plagued by such problems will not only suffer, but they may even be exposed to other forms of slavery by the enemies of Islam (Nawawi, 2007).

Additionally, this study proposes a form of assistance that can be channeled to those who have been identified to be categorized under *asnaf riqab*. The method for *zakat* distribution to the *asnaf* must fulfill the *maqasid syariah* which has been outlined, so as to free them from life's merciless shackles. This means that each distribution of *zakat* to the *asnaf* should conform to the circumstances of their situation. Nevertheless, it is likely to differ if we were to compare it with the form of distribution to other *asnaf* i.e. *asnaf fakir* and poor which are usually given in the form of financial aid (Othman & Fisol, 2017). Yet, for *asnaf riqab*, financial relieve might not be something to sort after, for it is the protection from oppression that is given the highest priority above everything else.

Literature Review

Previous studies have shown that one of the scholars, namely Sheikh Zainuddin ibn Abd Aziz Al-Malibari had defined *al-riqab* as a servant who has a valid written agreement with his owner to pay a sum of money for his freedom. Yet, if the slave is unable to settle the payment, he is therefore still be tied to his owner (Al-Malibari, 1987). This view had been practiced by the companions, as well as the *tabiin*. Among the *sahabah* who held on to this opinion were Abu Musa al Ash'ari and Ali bin Abi Tolib. While among the *tabiin*, were Ibrahim al-Nakha'i, Sa'id bin Jubayr, al-Zuhri, al-Layth bin Saad, Muhammad bin Sirin, al-Thawri, Umar Abd al-Aziz and Ali Musa al-Qummi. Based on the *dalil* of Allah SWT in the Qur'an which means:

"...And those who seek a contract [for eventual emancipation] from among whom your right hands possess - then make a contract with them if you know there is within them goodness and give them from the wealth of Allah which He has given you..."

(Al-Nur,24:33)

The *muta'akhir* scholars have used the *al-qiyas* method in the science of *usul fiqh* to establish the *hukum* relating to the *asnaf riqab zakat* distribution (Khallaf, 2009). For the *mukatib* slave defined by the *fuqaha'* back during the days is no longer in existence now. Nevertheless, the characteristics of *mukatib* slavery seem to have prevailed up until now. As explained by Al-Qardhawi (1997) in his *kitab* entitled "*Fiqhu Zakat*", he explains that *riqab* encompasses the liberation of all forms of slavery, both individual and nation. He even expanded the scope of *asnaf riqab* to the prisoners of war who needed a certain amount of funds to be liberated based on the

entitlement of *i'llah* in the acceptance of *zakat* for *riqab*, which is slavery. In Shaltūt (2004) kitab *al-Fatawa (Dirasah Li Musykilatil Muslim al-Muasir Fi Hayatihi al-Yaumiyah al-Ammah)* he clarifies that slavery in today's world is in the values of humanity. The shackle of enslavement towards Muslims can be seen in the colonization of their minds, properties, authorities and freedom. This is supported by Za'tari (2010) in his paper under the heading of "*Tatbiqat Mu'asarah Fi Masarif Al- Zakat*". He states that the definition of *asnaf zakat riqab* must be expanded so that the distribution can be made. An appropriate description of *riqab* for now is the liberation of a nation from the colonization of property, thought, government, and freedom of life in one's own country. *Zakat* funds should be mobilized to eradicate all forms of abuse against Muslims as a whole (Ismail & Hussain, 2017).

Ridla (1990) in *Tafsir al-Manar* also focuses on *riqab* and acknowledged that its interpretation on slave children or *mukatab* slaves is no longer relevant. However, the colonization of a nation or state is one of the forms of slavery that still exists today. Contrary to the views expressed by Al-Qurrah Daghi (1992) in his kitab entitled "*Nazarat Mutassilah Fi Masrifi al-Riqab*", where the kidnapped victim (*ikhtitof*) should be freed through the provision of *asnaf riqab*. This rationalization is based on the basis that kidnapping is one of the forms of captivity that causes the victims to be bound by the act. This opinion is further approved by Al-Uthaimin (2015), he claims that apart from slaves and those who are held captive, abducted Muslims are also eligible to receive *zakat* assistance through *asnaf riqab*, especially when the kidnappers refused to release the victims except after being given a certain amount of money. Hence, the researchers are of an agreement that *ijtihad* and views put forward by these *mutakhir* scholars need to be addressed primarily to the *zakat* management institutions in our country which are largely retaining the definition of *asna riqab* only to slaves. This is to ensure that *zakat* funds are fully utilized so as to ensure the welfare of Muslims as a whole.

Methodology

Through library search, researchers would first refer to the main printed materials such as books of *turath* (written by Muslim scholars back during the days), current books, journals and paperworks related to the debate on *asnaf riqab* to obtain explanations and descriptions by scholars concerning it. The study focuses on earlier as well as current Islamic masterpieces, especially in the discipline of *usul al-fiqh*, *fiqh al-Islamiy* and the interpretation of the *Qur'an*. Comparative analysis is done to look at the similarities and differences of views expressed by previous scholars with those views of current scholars in relation to *asnaf riqab*.

Furthermore, researchers conducted field studies through qualitative methods in order to understand and examine new forms of slavery that are relevant to the views drawn by Muslim scholars. According to Creswell and Clark (2007), qualitative research is applied to comprehend a phenomenon examined against individuals and communities to observe humanitarian elements such as emotion, motivation and empathy. Chua (2014) also supports this statement since according to him, the figures in the quantitative data are not enough to describe those elements.

The primary data collection was through semi structured interview method with interview transcript set. This interview centered on respondents who are heads of department for Medical Social Work at three major hospitals in Johor, namely Sultanah Aminah Hospital Johor Bahru, Sultan Ismail Hospital Johor Bahru and Nora Ismail Hospital Batu Pahat and have extensive experience in the field of social services. Through direct interview methods with respondents, the information that will be received is more transparent and the possibility of errors on the research questions can be reduced.

Data Analysis, Results and Discussions

Analysis of *Asnaf Riqab* Group

The findings have shown that there are some cases that are often referred to at the hospital's Department for Medical Social Work that can be categorized as *asnaf zakat riqab* which has been outlined by *muta'akhirin* scholars. *Asnaf riqab's* criteria which have been narrowed down by the scholars are such as fetters of thought, power, properties and of liberty are among the cases referred to in this department. Those who clearly have these criteria are the victims of molestation and rape, victims of domestic violence, victims of child abuse, women pregnant out of wedlock and abandoned patients.

Molestation and Rape Victims

It is also clear from the findings that molestation and rapes are worsening and have increased tremendously. Rape is one of the forms of sexual crimes in which the act has violated one's honor, moral conduct and is seen as abnormal. This includes juvenile less than 16 years of age, with or without free will still be classified under the crime of rape under Section 376 of the Penal Code and can be sentenced to imprisonment for a period of not less than 5 years and not more than 20 years, along with whipping when convicted.

Table 1: Statistics of Molestation and Rape Victims at JKSP Hospital for Year 2014-2016.

No	Hospital	Year 2014	Year 2015	Year 2016	Total
1	Sultanah Aminah Hospital Johor Bahru	100	151	58	309
2	Ismail Hospital Johor Bahru	94	79	89	262
3	Nora Ismail Hospital Batu Pahat	69	72	71	212

Based on the statistics displayed in Table 1, the rates of molestation and rape recorded in three major hospitals in the state of Johor over the last three years are very alarming. A total of 783 cases have been brought to the hospital's Department for Medical Social Work, yet such statistics are rarely highlighted and less discussed, still the fact remain unchanged that it is eating its way through our society. The public may assume the perpetrators of these crimes are those who are mentally ill and unable to control themselves. Nevertheless if the cases brought to this department are to be observed, it is lucid that these rape crimes were committed by those who are mentally fit and with careful planning. Furthermore, there are victims who were first beaten, strangled and even tied before the notable acts were performed on them.

The openness of mass media nowadays is seen to play a vital role in the contribution of crime rates. Besides the accessibility of porn sites by the public, some respondents of this study

have pointed out the environmental factors as one of the causes which had lead to this criminal act. Women provocative style of dressing, opting tight-fitting clothing is indirectly welcoming the predators' eyes unto them which resulted to sexual assaults. To make it worse, the failure of family members to play their roles in educating and shaping them, for everything starts at home, hence causes these women to be entangled in this virtuous cycle.

Victims of Domestic Violence

According to the Domestic Violence Act 1994 (Act 521), domestic violence refers to any behavior that causes physical injury to the victim, any sexual intimidation or harassment, as well as emotional and psychological abuse. The Royal Malaysian Police (PDRM) reports have shown that there are 4,123 cases of domestic violence recorded in year 2013, of which 3055 cases (74.1%) were female victims. The report also explained that there was an increased of 30.5% in the following year, 2014. A total of 4807 cases were recorded where 3545 (73.7%) of them involved women. While in year 2015, 3233 cases were documented until August, of which 2528 cases (75.6%) comprised of women. From this, it is clear that domestic violence cases occur almost daily throughout the country.

The study found that among the main factors contributing to the occurrence of this problem are directly linked with drug and alcohol intake by couples. Large and uncontrolled alcohol consumption increase aggression and other behavioral extremes, hence prompt an aggressive response, be it physically or verbally towards others. Other than that, the inability of husbands in managing anger and jealousy, constantly trying to dominate their spouses, including the tendency to become prejudice, is seen as the contributing factors to this issue. If not curbed, they will lead to stress and crisis to the couples which eventually give rise to physical abuse and others related to it.

Table 2: Statistics on Victims of Domestic Violence at JKSP Hospital for Year 2014-2016

No	Hospital	Year	Year	Year	Total
		2014	2015	2016	
1	Sultanah Aminah Hospital Johor Bahru	94	147	117	358
2	Ismail Hospital Johor Bahru	87	120	145	352
3	Nora Ismail Hospital Batu Pahat	104	129	157	390

Table 2 displays the number of domestic violence's victims recorded for year 2014 until 2016. The total number of victims for the three main hospitals in Johor is around 1100. The respondents informed that these statistics are only the cases that have been brought to the hospital's Department for Medical Social Work; the fact is that many cases of domestic violence go unreported and are kept hidden on the grounds of shame, the fear of losing anonymity and privacy.

Victims of Child Abuse

Child abuse and neglect are defined as any non-accidental physical injury to the child (Section 17 (2) (b) Children Act 2001). Statistics recorded by the Department for Medical Social Work at three

major hospitals in Johor are as shown in Table 3, where significant increment in number of victims was present each year. In year 2014 alone, the total number of victims was at 145. However, in the following year, 2015, there was a rise of 49% from the previous year, comprising the whole to 217 victims. Still, this figure continued to increase in year 2016, with 10% reflecting a total of 239 victims.

Table 3: Statistics on Victims of Child Abuse at JKSP Hospital for Year 2014-2016

No	Year	Sultanah Aminah Hospital JB	Sultan Ismail Hospital JB	Nora Ismail Hospital BP	Total
1	2014	63	51	31	145
2	2015	93	68	56	217
3	2016	116	82	41	239

The impact of stressful life events of parents is one of the contributing factors in child abuse. The burden imposed on a single parent, e.g. mother who needs to manage everything might caused her to act out of self-control at times, in an attempt to eliminate the stress and burden she felt. In addition, the lack of knowledge and understanding of religion is found to be an internal element affecting a person to abuse his or her children. They only claim to be Muslims yet do not fully practice the true Islamic way of life by unjustly releasing anger on their children.

There are basically three types of effects that often resulted from this crime, namely psychological perception, family environment and social problems. Child abuse often leads tensed relationship between abuser and victim that can trigger an urge to seek revenge later in life. Furthermore, this action will give a great impact on the family, especially when it involves death and permanent disability.

Unmarried Pregnancy

Table 4: Statistics on unmarried pregnancy at JKSP Hospital for Year 2014-2016

No	Hospital	Year 2014	Year 2015	Year 2016	Total
1	Sultanah Aminah Hospital Johor Bahru	686	1022	583	2291
2	Ismail Hospital Johor Bahru	682	859	821	2362
3	Nora Ismail Hospital Batu Pahat	281	273	203	757

Table 4 above shows the unmarried pregnancy statistics that are of great concern. These large numbers of cases revealed that we are indeed facing a social crisis that can affect the future of our country. A drastic and more comprehensive move needs to be applied to curb this problem. The use of *zakat* funds through *asnaf riqab* is seen as one of the mechanisms that can be taken to overcome the problems of unmarried pregnancies that are increasing every single day. The total of unmarried mothers at Sultanah Aminah Hospital in Johor Bahru for the last three years alone has reached 2291. Meanwhile, Ismail Hospital in Johor Bahru has a higher figure than that of Sultanah Aminah Hospital with 2362. Nora Ismail Hospital situated in Batu Pahat on the other hand has 757 unmarried pregnancies cases.

The unrestricted behavior between couples is among the main reasons which lead to sexual relation, adding to the number of unmarried mothers. Respondents further informed that these mothers at times even live under the same roof as their spouses like those of legitimate married couples. The lacks of parents' control as well as religious ignorance have been identified as the cause of fornication. Some of them think that cohabitation is common in the society. All the more surprising is there are parents who tend to protect and conceal their children's accursed deeds. When basically, they are supposed to educate and advice their offsprings of the boundaries between different genders as outlined by religion. The impact and aftermath suffered by these unmarried mothers are arduous to bear, for parents and guardians both rejected them. They seem to be unable to accept the fact that their daughters are pregnant out of wedlock. Thus, their daughters instead of repenting, prolonged with their sinful acts as there are unable to seek shelter from family, resulting with them being pregnant more than once. Most of them do not have any plans for baby care, to legally get married with their partners or life goals after experiencing this depressing moment. Consequently, they opted to hand over this illegitimate child to be taken care of by adopted family.

Abandoned Patients

Based on the findings, the number of patients abandoned at Sultanah Aminah Hospital since year 2014 until 2016 is around 330. In addition, the statistics at Sultan Ismail Hospital Johor Bahru for the same period amounted to 216. Meanwhile for Nora Ismail Hospital Batu Pahat, the stranded patients have gone up to 168 as shown in Table 4. They are those group of people left by their own family members in the government hospital wards. The dumping of patients every year is rather shocking and no matter what the given excuses are, statistics on it nevertheless is still not being put forth for discussion in the community.

Table 5: Statistic of Abandoned Victims at JKSP Hospital for Year 2014-2016

No	Year	Sultanah Aminah Hospital JB	Sultan Ismail Hospital JB	Nora Ismail Hospital BP	Total
1	2014	128	67	44	239
2	2015	84	71	58	213
3	2016	118	78	66	262

The reasons that are often addressed to officers in the hospital's Department for Medical Social Work to free themselves from responsibilities in taking care of their heirs are unreasonable. For the obligation is solely on them, especially when these patients are their own family members. Unfortunately, some of the heirs purposely filled in fake information of themselves, to avoid from being detected by the hospital. Internal family conflict is also one of the contributing factors for this abandonment. Perhaps the children themselves were neglected by these patients previously hence, caused the cycle to repeat itself. Other than that, religious education can again be seen as one of the contributing factors since religious education and proper methods of respecting as well as appreciating the elderly were not instilled in the children earlier in life. Basic things in religion, such as observing prayer, fasting, *zakat* and so on are not given priority in the family.

Most of the stranded patients will be referred to the Community Welfare Department to be placed in senior care centers located in the state such as the Sri Kenangan House owned by the government. The process was implemented after the efforts of the hospital's Department for Medical Social Work failed to track the patients' heirs. However, problem arises when these care centers are unable to accommodate the increasing number of inhabitants each year. The abandoned patients on the other hand, are not allowed to live in this elderly care center if they are not within the age group.

Suggestions and Basic Implications

Those who have the *asnaf riqab*'s criteria as outlined by the *fuqaha* are still present to this day. This is evident when the results of the study at the hospital's Department for Medical Social Work indicate that the shackles of thought, property, power and freedom are among the referred cases e.g. victims of domestic violence, child abuse, unmarried mothers, abandoned patients along with victims of molestation and rape. The overall findings of the survey from respondents who were interviewed also showed that the unmarried mothers recorded the highest number of cases as compared to other groups with a total of 4589 cases, a very disturbing number to be ignored without any proactive move to curb it. This is followed by the victims of domestic violence recorded at 1050 cases over the last three years. The third place is victims of violation and rape with a total of 605 cases. Whereas stranded patients are at the fourth position with a sum of 597 patients. Last but not least is the child abuse victims with 571 cases. With all of these taken into account, the role of *zakat* therefore must be intensified and activated immediately by applying the existing *asnaf ar-riqab* contained in the *Qur'an*.

The basic procedure for these victims is to hand them over to the Social Welfare Department and later placed at the protection centers. Still, the information received from the respondents is alarming as the existing shelters are unable to accommodate the growing number of victims. Some of them had to return to where they came from due to the lack of protection centers. As a result, these victims will be exposed to the risks they had faced before. Thus, it is not surprising if they were to return in committing immoral activities such as cohabitation in the case of pregnant mothers for example. Furthermore, it is risky for victims of molestation and rape to return home, since the level of prejudice and alertness for their own safety will be difficult to control. This is especially when the rapist are still roaming free in public instead of being behind bars.

The respondents strongly agreed that *zakat* management in particular, can take part in addressing the shortcomings of these shelters. Hence, with the accommodation being made available for the victims, it is hoped that the crisis facing these victims can be dealt with ease. The shelters serve as a center that provides protection within a certain period of time to restore the spirit and self-motivation of the victims. Moreover, religious education and learning can go hand in hand at the shelter to better equip these victims in facing the outside world. Apart from religious knowledge, shelters can also provide related skills such as sewing, cooking, farming and the like, so that trainees can be independent and start to work as soon as they leave the shelter.

The findings nevertheless have further identified several models that can serve as a basis for the mobilization and creation of these shelters. To illustrate, the efforts done by Selangor Islamic Religious Council to establish shelters like Baitul Ehsan Women's Protection Center located at Jalan Raja Chulan, Sabak Bernam. Most of the residents are under the jurisdiction of

syari'ah courts either convicted of offenses under section 2 and 4 of the Selangor *Syari'ah* Criminal Enactment no 9, year 1995 or under section 54 (2) of the same enactment who is obliged to go for rehabilitation after committing an offense and need to be detained while waiting for the date of trial. The shelter also receives voluntary admission to undergo recovery and protection from negative social exchanges.

The rehabilitation module used at this shelter is a specific module that has been built by *Ar Riqab* Rehabilitation Division from Selangor Islamic Religious Council. The module was officially launched on May 8th, 2017 and named as the "*Istitabah*" module. It starts with the early screening process which is the clinical screening, Islamic spiritual screening as well as measurement to look at one's *riddah* level. Besides that, it is equipped with a few post-recovery support services to ensure that trainees who are undergoing recovery through this module are completely free from external factors that they are facing. The researcher suggests that such a module should be initiated at the beginning of the establishment of a rehabilitation center, so that it can ensure the distribution of *zakat* on *asnaf riqab* reaches the goal as outlined by the *maqasid syariah*.

Conclusion

This study found a solution to the deadlock faced by *zakat* management in distributing *zakat* for *asnaf riqab*. The first step is to propose those who can be categorized as *asnaf riqab* based on the criteria that the *fuqaha* had come out with, such as the molestation and rape victims, child abused victims, victims of domestic violence as well as abandoned patients at the hospitals. Next is to suggest the form of aid that can be given out to those who have been identified to be categorized under this *asnaf riqab*. The success of this group to be free from life's shackles will have a great impact on the well-being of the citizen in this country, especially those who are Muslims since this is closely related to the image of Islam that is being viewed negatively by people across the globe.

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