The Position of Receivables as The Object of Zakat According to Madzhab Scholars

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ABSTRACT

This research aims to analyze the opinions of the disagreement of the madzhab scholars about the position of receivables as an object of zakat and find the most correct opinion among these opinions. Zakat is an essential element in the Islamic social framework. A lack of understanding of the assets included in the object of zakat will allow a muzakki to miss some of the zakat objects that he should pay. This research uses a qualitative method. The data collection technique used is literature review. The data collected in this research comes from reference books, scientific articles and official websites that contain information on the research topic, namely zakat and Islamic fiqh. The results of this research show that the fiqh scholars agree on the obligation of a muzakki to pay zakat on assets that have reached the niqāb. But, the madzhab scholars differed on the treatment of muzakki’s assets that are on loan or in the hands of another person. The most correct opinion is the opinion of Imam Ahmad, which is that if a muzakki receives the receivable back, he must pay zakat for each year that the asset is in the hands of another person.

Keywords:
Madzhab
Position
Receivable
Scholar
Zakat

1. INTRODUCTION

Zakat is an essential element in the Islamic social framework [1]. Indonesia is the country with the largest Muslim population in the world. The Muslim population in Indonesia is around 80% of the total population of around 220 million Indonesians. This means that around 180 million Muslims have the obligation to pay zakat, both zakat Al-Fiṭr and zakat of assets. This condition should have extraordinary zakat potential related to zakat collection efforts in Indonesia [2]. Zakat can stimulate the country’s growth by increasing consumption, investment, or government spending [3]. Zakat can also be an effective tool to reduce income inequality and poverty if properly implemented and monitored [4]. Zakat funds together with infaq and sadaqah funds are social financial instruments that have great potential to be increased [5]. ZISWAF funds are managed by amil zakat institutions that are responsible for distributing these funds to those entitled to receive them [6].

The amount of zakat paid by a muzakki (person who is obliged to pay zakat) is strongly influenced by the assets included in the category of the muzakki’s zakat object. The object of zakat is part of a muzakki’s assets
that must be taken into account when paying zakat. In Islamic Fiqh literature, the object of zakat is called *māl al-zakāh* (مال الزكاة). A good understanding of the assets included in the category will help a *muzakki* pay the zakat amount properly. Conversely, a lack of understanding of the assets included in the category will allow a *muzakki* to miss some of the zakat objects that he should pay.

The types of zakat objects in the classical period include gold, silver, livestock, agriculture, trade, and found goods. Along with the times, the objects of zakat in contemporary times are increasing. Among the contemporary zakat objects that are applied today include professional zakat, corporate zakat, securities zakat, animal production zakat, asset investment zakat, Islamic insurance zakat [⁷], this is inseparable from the differences of scholars that are interesting to research. The determination of zakat law for new objects resulting from this *ijtihād* uses a lot of analogical arguments (*qiyyās*) which is one of the arguments that are agreed upon by the scholars, or what is known as *al-adillah al-muttafaq ‘alā’ih* (الأدلة المتفق عليه) [⁸]. In addition, it also uses several rules of *fiqh* and the general objectives of sharia or *maqāsid al-siyārah* (مقاصد الشريعة) [⁹].

Among the assets that are disputed by the scholars in the context of the object of zakat is the assets of a *muzakki* that are in the hands of others. The author chooses the word "receivables" as an approach and becomes a term to mention the assets that are in the hands of others. This is done because there is no specific term in a language other than Arabic to mention these assets.

*Al-Qard* (القرد) is a contract that causes the transfer of ownership of asset from the owner of the asset (dā‘īn) to the borrower of the asset (madīn). The madīn has the right to spend the asset and is required to replace it with something similar, and the madīn replaces it if the asset is used up or damaged, whether intentionally or unintentionally, whether due to negligence or not [¹⁰]. These assets are called receivables. Receivables are transactions made in the past whose settlement (repayment) will be made at a later date (in the future). Meanwhile, in Islam, the future is an unknown matter [¹¹].

The receivables referred to in this research are the assets of a *muzakki* that are in the hands of others. The existence of these assets in the hands of others can be caused by various things, such as borrowing, buying and selling transactions, or because the *muzakki’s* rights have not been fulfilled such as the distribution of inheritance and so on. The existence of asset or loans in the hands of these people makes a *muzakki* not have full power to use and utilize the asset. In Islamic *fiqh* literature, the asset of a *muzakki* who is in the hands of others is called *māl al-da’in* (مال الدائن) or *al-māl fi zimmāti al-ghair* (المال في عهد الغير). This is as mentioned by Ibn Rusyd rahimahullah in Bidayatul Mujtahid, he said, 

وَأَمَّا المَالُ الَّذِي هُوَ فِي أَعْنِي : ذِمَّةَ الغَيْرِ

“As for asset that is in the hands of another person and is not in the hands of the owner...”

Four of Islam’s most famous scholarly madhhabs have played an important role in shaping Muslims’ religious views and practices. These are the Hanafi, Maliki, Shafi‘i and Hanbali madzhab, named after their founders. Each *mazhab* has its own methodology and approach in interpreting Islamic law. However, they all share the same basic principles and sources of Islamic law, namely the Quran, Hadith, *ijma*, and *qiyas* (analogy). The four *madzhab* scholars are highly respected by Muslims around the world, and their teachings continue to influence Muslim law and religious practice to this day [¹³].

The opinions of the four madzhab scholars are of great importance to Muslims. They are leading figures in the history of Islamic law and religious understanding. Their role is as developers of legal *madzhab* which is a source of guidance for Muslims in living their daily lives. Their opinions are used as references in matters of law, worship, and ethics. These four scholars also played a role in developing the methodology of Islamic law (*fiqh*) and providing guidance on how to properly implement Islamic teachings. Although they have differences of opinion in
some legal issues, their role is to provide a variety of viewpoints that allow Muslims to choose according to their context and situation.

This research aims to analyze the opinions of the disagreement of the madzhab scholars about the position of receivables as an object of zakat and find the most correct opinion among these opinions. The results of this research are expected to provide clearer legal clarification related to the position of receivables as an object of zakat in order to help Muslims to understand their zakat obligations more accurately and consistently, and can be a practical guide for muzakki in calculating the zakat they have to pay.

2. LITERATURE REVIEW

2.1 Definition of Zakat

The word "zakat" according to language terms has several meanings, including an-namā (النَّمَة) which means growth and development, at-tahārah (الطهارة) which means purity, al-barākah (البرَّاكَة) which means blessing, kasrātu al-khair (كَثْرَة الخِير) which means a lot of goodness, and as- salāḥ (الصَّلَاح) which means righteousness [14] [15] [16]. Something is "zaka", meaning growth and development, and someone who is given the attribute "zaka", means that person is good [17].

While zakat according to sharia terms, although the scholars expressed it with different editorials from one another, but in principle it is the same, namely the granting of ownership rights over certain assets to certain people who have been determined by sharia, solely for the sake of Allah subhanahu wa ta’ala [18].

Zakat according to the Quran is also called sadaqah [19], as Allah mentioned in the Quran Surah At-Taubah verse 60. Allah subhanahu wa ta’ala says,

إِنَّمَا ٱلصَّدَقَـٰتُ لِلْفُقَرَآءِ وَٱلْمَسَـٰكِينِ وَٱلْعَـٰمِلِينَ عَلَيْهَا وَٱلْمُؤَلَّفَةِ قُلُوبُهُمْ فِى سَبِيلِ ٱللََّّ وَإِقَامُ الصَّلاَةِ وَإِيتَاءُ الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ وَأَقِيمُوا الصَّلاَةَ وَآتُوا الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ

"Zakāh expenditures are only for the poor and for the needy and for those employed for it1 and for bringing hearts together [for Islām] and for freeing captives [or slaves] and for those in debt and for the cause of Allāh and for the [stranded] traveler - an obligation [imposed] by Allāh. And Allāh is Knowing and Wise.” [20]

Zakat will be a witness for the owner of the asset that he is a person who has true faith, as said by the Messenger of Allah shallallahu ‘alaihi wa sallam, he said,

الصدقة برهمة [21].

"Sadaqah is proof."

2.2 Law of Zakat

Zakat is an obligatory and is categorized as something that must be known or Al-Ma’ālim min Ad-Dīn ini bi Adh-Dhārūrah (الملوم من الدين بالضرورة). If a Muslim denies them, not because of ignorance or because he has just entered Islam, then he has disbelieved [22]. Among the evidence that indicate the obligation of zakat is the command to pay zakat in the Qur’ān Surah Al-Baqarah verse 43. Allah subhanallah wa ta’ala said,

وَأَفْنِى لِلنَّاسِ مَثَلَّ إِبِلٍ رَكَّضَ مِعَ الرَّاكِصِينَ فَأَسْلَفَهُ وَأَقَامُوا الصَّلاَةَ وَأَتَى الزَّكَاةَ وَأَصْبَحُوا غَيْبَانِ يَسْتَغْلِبُونَ وَخَيْجًا البَيْتِ

“And establish prayer and give zakah and bow with those who bow [in worship and obedience].”

[20] Another evidence that shows the obligation of paying zakat for a Muslim is the Hadith of Ibn ‘Umar radhiyallahu ’anhuma, who said that the Messenger of Allah shallallahu ‘alaihi wa sallam said,

جَاهَزِي لِلنَّاسِ عَلَى خَمْسٍ شَهَادَةٍ أَنْ لََ إِلَهَ إِلََّ اللََُّّ وَأَنَّ مُحَمَّد ا رَسُولُـهُ 

"Islam is based upon five: the testimony of La Ilaha Illallah, and that Muhammad is the Messenger of Allah, the establishment of the Salat, giving the Zakat, fasting (the month of) Ramadan, and performing Hajj to the House.”

2.3 Position of Zakat in Islam

In Islam, zakat is placed as an important pillar that is inseparable from other pillars. Even in its mention in the Qur’an it is always coupled with the pillar of prayer. Therefore, it is a real and undeniable mistake if in reality Muslims often separate the obligation to pray with the obligation to give zakat.

Zakat as an obligation should not be interpreted as a form of kindness from the rich (muzaki) to the poor (mustahik). If zakat is a form of kindness from the muzaki towards the mustahik then it is not impossible that it
will cause a feeling of inferiority in the mustahik, because they consider themselves as the lower hand. If this image occurs, then the purpose of the zakat ordinance to build and maintain the degree and dignity of humanity is not achieved [24].

Zakat is an act of worship that covers two-dimensional relationships in the life of a Muslim, namely the relationship between humans and Allah (hablun min Allāh), and the relationship between fellow humans (hablun min an-nās). Zakat is believed to be a solution to the problem of poverty, because in Islam, zakat is a solution to equalizing welfare, where people who are categorized as rich according to sharia (muzakki) help those who are poor who are classified asnaf (mustahik). Zakat is also one of the acts of worship reflected in the pillars of Islam [25].

2.4 Terms of Zakat Object

There are several terms for an asset to be included as an object of zakat, both agreed upon and disputed by the scholars. Among these conditions are as follows:

1. Halāl and Ṭaybeb, the asset must be obtained in a good and halal way. Haram assets, both the substance of the object and the way of obtaining it, cannot be subject to zakat obligations, because Allah subhanahu wa ta’ala will not accept it [26].

2. Full or perfect ownership, meaning that the asset is under the power of muzakki and can be utilized by him without being stuck with other people [27].

3. Reaching the niṣāb, meaning that the assets owned in addition to basic needs such as houses, clothes, vehicles, and jewelry worn have a value above the minimum limit required for zakat, which is 85 grams of 24-carat gold [27].

In addition to the conditions mentioned above, there are other conditions mentioned by the scholars as a condition for an asset to be categorized as an object of zakat.

2.5 Concept of Asset Ownership in Islam

Fiqh scholars divide asset ownership in Islam into two types, namely perfect ownership or al-tamm (الثامن) and imperfect ownership al-naqis (النقص). The two types of ownership refer to the fact that humans in their capacity as owners of an item can use and utilize the substance only, or the use value only or both simultaneously. Perfect ownership is a person's ownership of asset and also its benefits at the same time. Meanwhile, imperfect ownership is someone's ownership of asset imperfectly, either only owning the substance or the benefits. Both types of ownership will have different consequences in sharia when entering into muamalah contracts such as buying and selling, renting, borrowing and others [28].

3. METHODS

This research uses a qualitative method, which is a method with a research process based on the perception of a phenomenon with a data approach that produces descriptive analysis in the form of oral sentences from the object of research [29]. Qualitative research aims to gain a deep understanding of human and social problems, not just explain the surface aspects of reality [30]. Qualitative research is expected to find hypotheses and then these hypotheses will be tested in research using a quantitative approach [31]. Qualitative data focuses on events or phenomena that occur in their original environment. Qualitative data represents what actually happened and does not experience the impact of data reduction into numbers, as does data from quantitative research [32].

The data used in this research is secondary data, which is data that does not directly provide information to data collectors, for example through other people or through documents [33]. The data collection technique used is literature review, which is a study of theories, references and scientific literature related to culture, values and norms that develop in the social situation under study [34]. Literature review aims to solve problems through data collection and scientific papers sourced from related literature. This concept involves critical analysis of relevant literature materials [35].
The data used in this research comes from reference books, scientific articles, official websites, which have information relevant to the research topic such as regulations on zakat and Islamic fiqh.

4. RESULTS AND DISCUSSION

The scholars of fiqh agree on the obligation of a muzakki to pay zakat on assets that have reached the niṣab [36]. However, the scholars of fiqh differed on the treatment of muzakki’s assets that are on loan or in the hands of another person. They disagree on three basic issues:

1. Is the asset an object of zakat and is it obligatory to pay zakat on it?
2. If the asset is an object of zakat and zakat must be paid on it, then when should zakat be paid? Is it to be paid annually or when the asset is received by the muzakki?
3. When zakat on the asset is to be paid, then how much should be paid by a muzakki. Should it be paid at the amount for the current year, or should it be paid based on how long the asset has been owned by the muzakki and in the hands of others?

If a person has a debt or liability to another person, then that person is divided into two conditions:

1. Able to pay off the debt or what is called mülü’ (مليء).
2. Not able to pay off the debt or called ghairu mülü’ (غير مليء).

Based on this, the difference of opinion of the scholars in terms of the position of receivables as an object of zakat can be grouped into three categories:

1. The receivable is not an object of zakat. Some scholars said that no zakat is due on this asset. This view was narrated from ‘Abdullāh ibn ‘Umar, ‘Aa’ishah and ‘Ikrimah (may Allah be pleased with him). Ibn Qudamah rahimahullah said, وقال عكرمة ليس في الدين زكاة وروى ذلك عن عائشة وابن عمر؛ لأنه غير نام فلم تجب زكاته كعروض القنية [37].

   "And ‘Ikrimah said that zakat is not due on asset that is being borrowed by others, and this was also narrated by Ibn ‘Umar and ‘Aa’ishah (may Allah be pleased with her), because it is not productive, so zakat is not due on it like on merchandise."

   Another evidence for this opinion is that it is unproductive, and a person is enjoined to grow his asset so that it will not be depleted by zakat, and it will not grow because it is lying idle in someone else’s hands [38].

2. The receivable is an object of zakat, and it is obligatory for the muzakki to pay zakat even though it has not been repaid.

   Some scholars are of the opinion that zakat must be paid on such assets even if they are still in the hands of another person. This is if it is indicated that the other person has the ability to pay the debt to the muzakki. In this case, the muzakki can take the asset at any time, so it is as if the asset is in the hands of the muzakki [38].

3. The receivable is an object of zakat, and the muzakki must pay zakat after the receivable is settled.

   Some scholars say that zakat must be paid when the return of the asset is actually received by the muzakki. However, in the context of the object of zakat to be paid, the madzhab scholars disagree and are divided into four opinions, namely:

   a. The opinion of Imam Ash-Shafi’i

      This opinion states that if the person who borrowed the asset is not able to pay it back, then the muzakki does not have to pay zakat on that asset until the other person pays it back. When the asset is received back and is in the hands of the muzakki, then after one year has passed, the muzakki must pay zakat on the amount of zakat for one year, not the amount of zakat for the time the asset was in the hands of another person. But if the other person is capable of returning the asset, then the muzakki must pay zakat every year even though the asset has not been returned and is not in the hands of the muzakki.

      This is because the asset is owned by the muzakki and he has the right to utilize the asset, so the muzakki must pay zakat on the asset every year, if the other person is able to return the asset. But if it is proven that the other person is not able to return the asset,
then the *muzakki* is obliged to pay zakat on the asset after the asset is received back [36].

The consequence of this opinion is that if a *muzakki* lends his asset to another person, and the other person is indicated to have no financial capacity, then the *muzakki* is not obliged to pay zakat on that asset. However, if the other person is financially capable, then the *muzakki* is obliged to pay zakat on that asset every year even though he has not received the asset back.

b. The opinion of Imam Abu Hanifah

This opinion states that if the person who borrowed the asset is not able to pay it back, then the *muzakki* does not have to pay zakat on that asset until the other person pays it back. When the asset is received back and is in the hands of the *muzakki*, then after one year has passed, the *muzakki* must pay zakat on the amount of zakat for one year, not the amount of zakat for the time the asset was in the hands of another person. But if the other person is capable of returning the asset, then the *muzakki* must pay zakat every year after the asset is returned.

This is because if it is indicated that the other person is unable to return the asset, then the ownership status of the asset is not full ownership because the *muzakki* cannot utilize it when needed, so he is not obliged to pay zakat. However, if the other person is able to return the asset, then the ownership status of the asset is full ownership because the *muzakki* can use it when needed, so he is obliged to pay zakat for the years that have passed when the asset is received again [36].

The consequence of this opinion is that if a *muzakki* lends his asset to another person, and the other person is indicated to have no financial capacity, then the *muzakki* is only obliged to pay zakat on that asset for one year. However, if the other person is financially capable, then the *muzakki* is obliged to pay zakat on that asset when the asset is received back for all the years that have passed.

c. The opinion of Imam Malik

This opinion states that a *muzakki* must pay zakat on his receivables for only one year, even if the money has been in the hands of another person for many years, if the origin of the receivable is from an obligation or *'iwad* (عوض), such as borrowing and selling. This applies whether the other person is able to repay it or not. This is based on the fatwa issued by 'Umar ibn 'Abdul 'Aziz rahimahullah who said,

"لأنه لَ زكاة (الدين) إلَ لعام واح [39]."

"That is, there is no zakat (on a debt that is lent to another person) except for one year."

This is also because the owner of the asset cannot use the asset until it is returned, so the *muzakki* only has to pay zakat for one year on the asset when it is received. But if the debt comes from something other than *'iwad*, such as an inheritance that has not yet been divided, then the amount of zakaah to be paid is calculated from the time when the inheritance becomes due [38].

The consequence of this opinion is that if a *muzakki* has a debt owed to another person from lending or buying and selling, whether the other person is financially capable or not, when the money is received back, the *muzakki* must pay zakat on the debt for a period of one year.

d. The opinion of Imam Ahmad

This opinion states that a *muzakki* must pay zakat on his receivables for the amount of years that the receivables are in the hands of another person. This applies whether the other person is capable of returning it or not. The evidence used by the scholars who follow this opinion is the same evidence as that used by the opinion of Imam Ash-Shafi'i, and that is because the asset is still the *muzakki*'s asset, and the *muzakki* will be reimbursed if the asset is lost by the person who borrowed it [36].

The consequence of this view is that if a *muzakki* has a debt owed to another person, whether that other person is financially capable or not, when the asset is received back, the *muzakki* must pay zakat on that debt for the time that has passed while the asset was in the hands of the other person.

The difference of opinion above is due to the scholars' disagreement about whether
the muzakki’s asset that is in the hands of another person is included in the category of assets with full ownership or not full ownership which causes a muzakki cannot utilize the asset when needed.

Based on the analysis of the arguments of each opinion, the most correct opinion is the opinion of Imam Ahmad, which is that if a muzakki receives the receivable back, he must pay zakat for each year that the asset is in the hands of another person [36]. This is because the most correct opinion with regard to debts is that zakat is not obligatory on what a muzakki owes to another person. Therefore, the one who is obliged to pay zakat on the asset is the original owner of the asset, namely the owner of the receivable. If this is not the case, then the asset is exempt from zakat so long as it has not been returned.

5. CONCLUSION

The amount of zakat paid by a muzakki is strongly influenced by the assets included in the category of the muzakki’s zakat object. The object of zakat is part of a muzakki’s assets that must be taken into account when paying zakat. A good understanding of the assets included in the category will help a muzakki pay the zakat amount properly. Conversely, a lack of understanding of the assets included in the category will allow a muzakki to miss some of the zakat objects that he should pay. The scholars of fiqh agree on the obligation of a muzakki to pay zakat on assets that have reached the niqāb. However, the scholars of fiqh differed on the treatment of muzakki’s assets that are on loan or in the hands of another person. The most correct opinion is the opinion of Imam Ahmad, which is that if a muzakki receives the receivable back, he must pay zakat for each year that the asset is in the hands of another person.

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