

فقه الزكوة

Fiqh of Zakat

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الزكاة

Zakat

Definition, Wisdom, Status,
Consequences,
Glossary

Outline

This presentation is divided into 6 headings:

1. Definition
2. Wisdom
3. History
4. Obligation
5. Consequences for not fulfilling it
6. Glossary of necessary terms

1. Definition - Literal

- Literally means growth, to increase, to flourish
- Also used to denote purification (As-Shams: 9), (Al-A'la: 14)
- Also used to connote piety, purity and innocence in character (zaki)

Definition – Shar'i

- To transfer ownership of a specified portion of wealth from a specified amount of wealth to a specified person, subject to the conditions specified by the Shariah, for the sake of Allah.
- The wealth taken out for the payment of Zakat is also called Zakat because it increases, purifies and saves the remainder of the wealth or the payer from calamities. (At-Tawbah: 103).

Sadaqah

- It is also called Sadaqah, derived from sidq, because it indicates the person's truthfulness in fulfilling the command of Allah Almighty.
- There are 2 types of Sadaqah:
 1. Wajibah (mandatory)
 2. Nafilah (optional)

Sadaqaat Wajibah

1. Zakat
2. Sadaqah Al-Fitr, Fitrah, Zakat Al-Fitr
3. Al-Udh'hiyyah
4. Kaffaaraat – charity for sake of expiation

Sadaqaat Naafilah

- Any type of optional charity given for beneficial causes, e.g.
- Construction of Masjids, schools, hospitals etc
- Any charity beyond the mandatory amount of Zakat and other Sadaqaat Waajibah

2. Wisdom

- To decrease the difference between the wealthy and the rich
- To protect the wealth from all types of calamities
- To help the needy
- To purify the self of miserliness
- To create generosity
- To demonstrate gratitude to Allah for the wealth provided by Him

3. History

- Previous nations had to give it.
- Obligated in:
 - Shawwal, 2nd Hijrah before sawm
 - 9th Hijrah
 - Before Hijrah
- Scholars reconcile all 3 opinions by stating that Zakat as a general form of charity was obligated before Hijrah. In the 2nd year after Hijrah, it was obligated with details. In the ninth year, it was implemented by the state with appointed agents sent out to collect it.

4. Obligation

- One of the pillars of Islam
- Its obligation is proven by the Quran, Sunnah and Ijma
- In 32 places in the Quran, we have been ordered to give Zakat along with the command of offering salah.
- All books of Hadith have mentioned it.
- Consensus of the Sahaba to fight those who rejected it.
- Whoever denies its obligation, will leave the fold of Islam

5. Consequences for not Fulfilling Zakat

- Those who accumulate gold and silver and do not spend it in the path of Allah, convey them the glad tidings of a tormenting punishment. On the day it will be heated up in the fire of hell, then their foreheads, their sides and backs will be branded with it; this is what you accumulated for yourself so taste what you have been accumulating. (At-Tawbah: 33-34)

5. Consequences for not Fulfilling Zakat

- Abdullah bin Mas`ud (may Allah be pleased with him) reported Allah's Messenger (pbuh) as saying, "There is no owner of property who does not pay Zakat but it (his property) will turn into a bald snake and enclose his neck. The Prophet (pbuh) then recited, 'And let not those who covetously withhold of the gifts which Allah hath given them of His Grace, think that it is good for them: nay, it will be the worse for them; soon shall the things which they covetously withheld be tied to their necks like a twisted collar on the Day of Judgment.'" (Surah Aal `Imran 2: 180).

5. Consequences for not Fulfilling Zakat

- At-Tabarani relates, on the authority of 'Ali, that the Prophet (pbuh) said: "Allah has enjoined upon rich Muslims a due to be taken from their properties corresponding to the needs of the poor among them. The poor will never suffer from starvation or lack of clothes unless the rich neglect their due. If they do, Allah will surely hold them accountable and punish them severely." (related by At-Tabarani in Al-'Awsat and as-Saghir).

5. Consequences for not Fulfilling Zakat

- The Messenger of Allah (pbuh) said, “Allah will afflict the nation with drought who does not fulfill it’s obligation of giving Zakat.” (Bukhari)

6. Glossary of Necessary Terms

Possessions

- Possessions are of 3 types:
 1. Zakatable; upon which Zakat is due
 2. Non-Zakatable & part of basic necessities; e.g. one car, clothes for everyday wear, basic food supplies, basic kitchen utensils, fridge, stove, essentials for survival and job, etc.
 3. Non-Zakatable, but beyond one's basic necessities, e.g. extra cars, extra fridge, extra microwave, novelties etc.

Zakatable Items

- Items that are liable to Zakat are 7:
 1. Gold
 2. Silver
 3. Currency (in use)
 4. Business goods or stock in trade
 5. Agricultural produce
 6. Livestock grazing on unowned open pasture
 7. Treasure troves

6. Glossary

- Dinar/Mithqaal: A gold coin = 4.374g / 0.141oz (troy)
- Dirham: A silver coin = 3.0618g / 0.108oz

Note: In the era of the Messenger of Allah (pbuh) there was not much difference in the value of gold and silver.

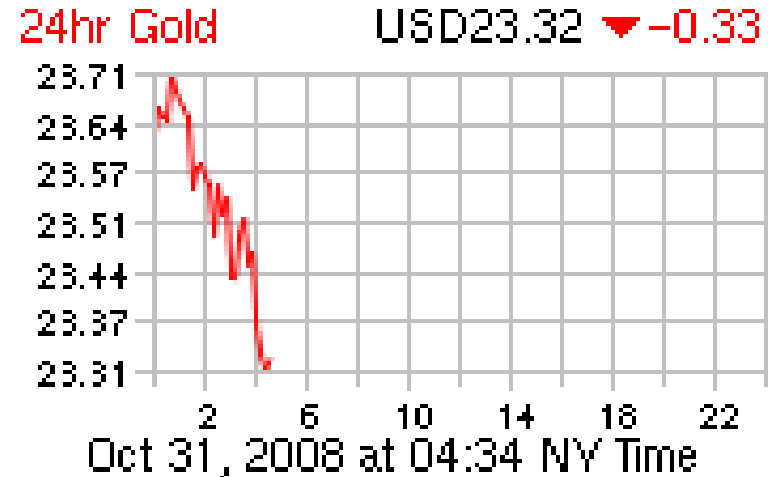
Nisab

- **Nisab** – The threshold for Zakatable assets at which Zakat becomes due. It is of 2 types:

20 Mithqals/ Dinars	87.48	3.08	2.8125	7.5
200 Dirhams	612.36	21.6	19.6875	52.5

How to Check Price of Gold and Silver

- Go to a website such www.goldprice.org or www.silverprice.org
- Click on the link for gold per gram
- Silver is mostly measured by ounce



6. Glossary

- Malik Nisab / Sahib Nisab
 - The possessor of the nisab. A person who possesses any one or a combination of any of the zakatable assets equivalent to 20 mithqaals/dinars gold or 200 dirhams silver after deducting debts.

6. Glossary

- People are of 3 types concerning Zakat:
 1. Sahib Nisab - Those who are obligated to give Zakat
 2. Those who are not obligated to give Zakat, and they are eligible to receive Zakat
 3. Those who are not obligated to give Zakat, but they are not eligible to receive Zakat
 - Such people, however are obligated to give Sadaqah Al-Fitr and perform sacrifice.

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Zakat

Part 2: An Explanation of
its Conditions in Detail

Outline

We will discuss the following:

1. Conditions of the one giving Zakat
2. Conditions of Wealth
3. Conditions of Giving Zakat
4. Conditions for the eligibility of receiving Zakat

1.1. Conditions for the one Giving Zakat

1. Freedom
2. Islam
3. Age of puberty according to Abu Hanifah, while the rest say the guardian must give it on behalf of minor if he/she possesses Nisab.
4. Sanity
5. Ownership of Nisab
6. Absence of exhaustive debts
7. Each adult must pay separately
 - Wife must calculate & pay her own Zakat

1.6. Absence of Exhaustive Debts

- Shafi: Absence of debts not necessary thus they are not deductible.
- Abu Hanifah & Ahmed: Absence of debts necessary, thus they are deductible.

1.6. Debts Payable

- Debts that may be deducted:
 - Price of goods purchased
 - Rent due
 - Utility bills of units already consumed
 - Wages due to employees
 - Mahr owed to wife
 - Taxes due
 - Personal debts
 - Commercial loans minus interest
 - If borrowed to buy Zakatable assets like raw materials or finished goods etc., they are deductible
 - If borrowed to buy non-zakatable assets e.g. machinery etc., they are not deductible

1.6. Debts Payable

- Debts that may be deducted:
 - Mortgages & Student Loans minus interest
 - If repayment is done monthly then only the amount due that month in which Zakat is due may be deducted
 - If repayment is done leaving barely any savings then the remaining principle amount may be deducted
 - In the case of Islamic Financing through Murabahah, the profit is to be included in the debt.

1.2. Conditions for the Wealth

1. Wealth must be Zakatable
2. The wealth must be equivalent to or greater than the Nisab (Zakat-payable amount) after deducting debts.
3. Lapse of a lunar year

1.2.1. Zakatable Wealth

1. Gold
2. Silver
3. Currency (in use)
4. Business goods or stock in trade
5. Agricultural produce
6. Livestock grazing on un-owned open pasture
7. Treasure troves

Gold & Silver

- In any form whether raw or in the form of coins, ingots, cutlery, utensils, jewelry etc.
- For whatever purpose whether it's for investment, novelty, decoration, personal use etc.
- Both must be at least 50% pure
- White gold is 75% pure
- There is no Zakat on any other metals regardless of their value e.g. diamonds, platinum

Currency

- For whatever purpose
- Whether at home or in banks
- Of any country as long as it is in use
- Cash deposited or set aside for marriage or Hajj
- Deposited in trusts
- Rent from real estate
- Debts receivable

Debts Receivables

- The following are Zakatable even before they are received:
 - Loans advanced with hope of repayment
 - Receivables from the sale of commercial goods
- One may however pay Zakat after they are received, but in that case, Zakat of the previous years will also have to be given.

Debts Receivables

- The following are not Zakatable unless they are actually received:
 - Loans advanced without any hope of repayment, and or without proof
 - Used personal belongings sold and awaiting payment
 - Wages, fees, remuneration of services
 - Mahr owed to wife
 - Inheritance shares
 - Amount deducted from wages without consent or choice from employee

Business Goods

- Anything bought with the intention of reselling.
 - If at the time of buying, the intention to resell was not made, it will not be a business good.
 - If the intention to resell was not made at the time of buying, but later on the person changed his intention and wanted to resell, it will still not be categorized as a business good.
- Raw material for manufacture
- Finished factory products

Stocks

- Shares bought for capital gain
 - Market value is Zakatable
- Shares bought for long term investment
 - The non-Zakatable assets of the company may be deducted from the market value

Market Value of Share					
\$100	\$30	\$30	\$15	\$15	\$10



Pension Funds

- 401Ks, IRAs are Zakatable because they are considered the ownership of the investor
 - This includes any such fund that an employee invests in by optionally having a portion of his wages deducted.
 - Taxable amount may be deducted.
- Pension plans are not Zakatable until received.
 - This includes any such fund that an employer invests in by deducting from wages without the employees' consent.

Trusts

- Whether family trusts or created under a will, Zakat is payable each year on the Zakatable assets of the trust less allowable liabilities.
- If a family trust is created solely for tax planning purposes, the Zakat is payable by the true donor i.e. the person whose assets are transferred into the trust.
- In all other cases, the Zakat is payable by the beneficiaries of the trust in proportion to their respective shares.
- Guidance must be sought

Pledges & Deposits

- Any Zakatable asset (cash, gold) that is pledged to a creditor as a security (rahn) is not Zakatable.
- Similarly the amount forwarded as deposit for rent or any other service is also non-Zakatable.

1.2.3. Lapse of a lunar year

- Abu Hanifah: If the Nisab is complete at the beginning and ending of the year, it will be considered as if he possessed the Nisab for the whole year regardless of whether it decreased during the year or not.
- Whatever is earned during this period is added to the existing Nisab and Zakat is paid on it at the end of the year if the Nisab is complete.
- However, if the Nisab reaches zero or minus zero, then Zakat will not be obligated again until he repossesses the Nisab and a whole lunar year elapses on it.

1.2.3. Lapse of a lunar year

- The day on which:
 - a person acquires the Nisab for the very first time, and;
 - after deducting his liabilities from his total Zakatable assets, he still remains a possessor of the Nisab, i.e. his Zakatable assets are not reduced to less than the Nisab;

is his valuation date for the purpose of giving Zakat.

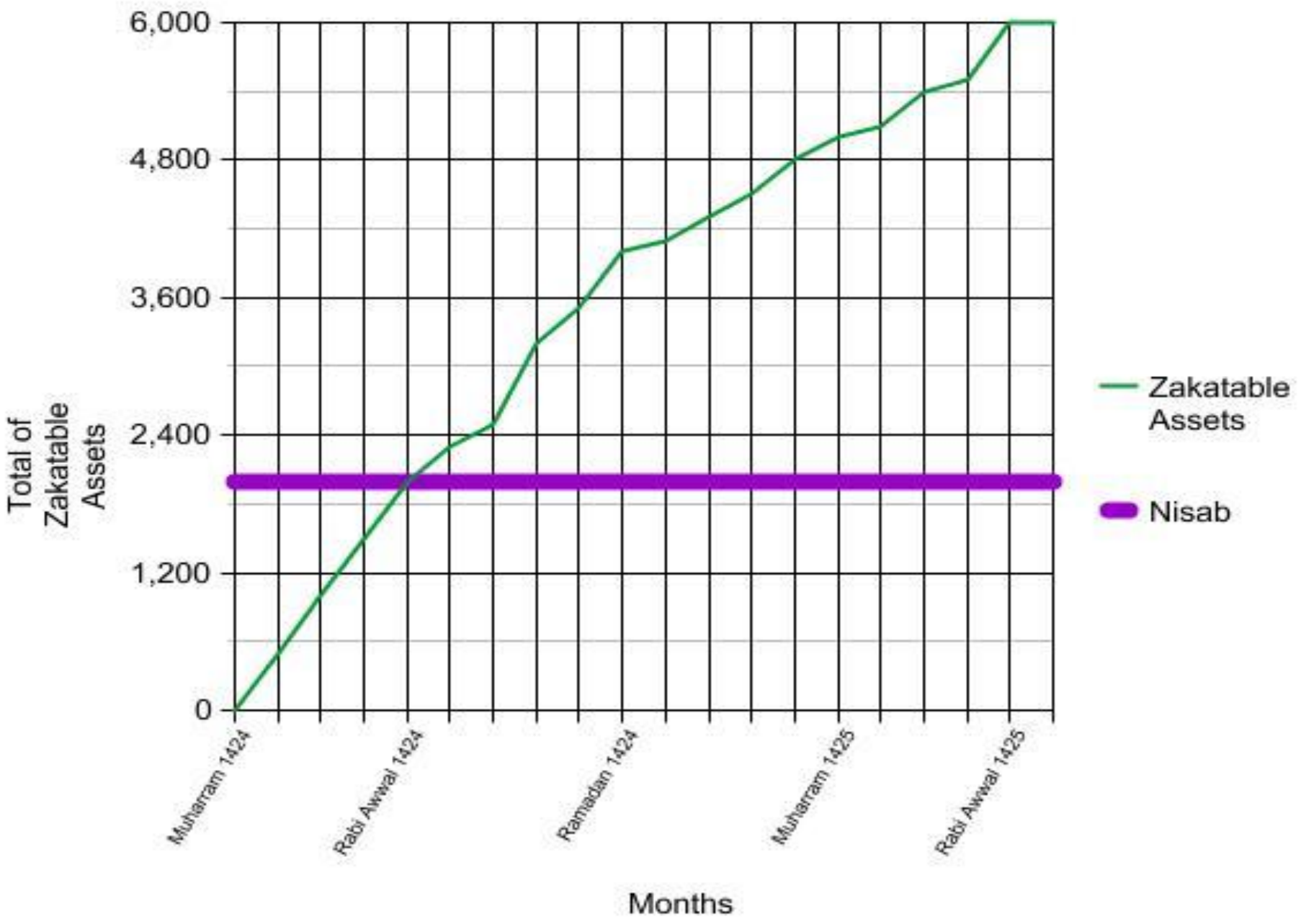
- After the lapse of one complete lunar year from this date, Zakat will become due if he still possesses the Nisab.

1.2.3. Lapse of a Lunar Year

- Each of the Zakatable assets should be considered as a separate category on its own when calculating the lapse of a year.
- It is not necessary that a year lapses on each separate acquisition of Zakatable assets.
- Whatever of the Zakatable assets is acquired throughout the year will be added to the existing Zakatable assets of the same category.
- It is not necessary that each category be equivalent to the Nisab; rather the value of all the categories are to be added up to calculate Zakat.

Lapse of a lunar year

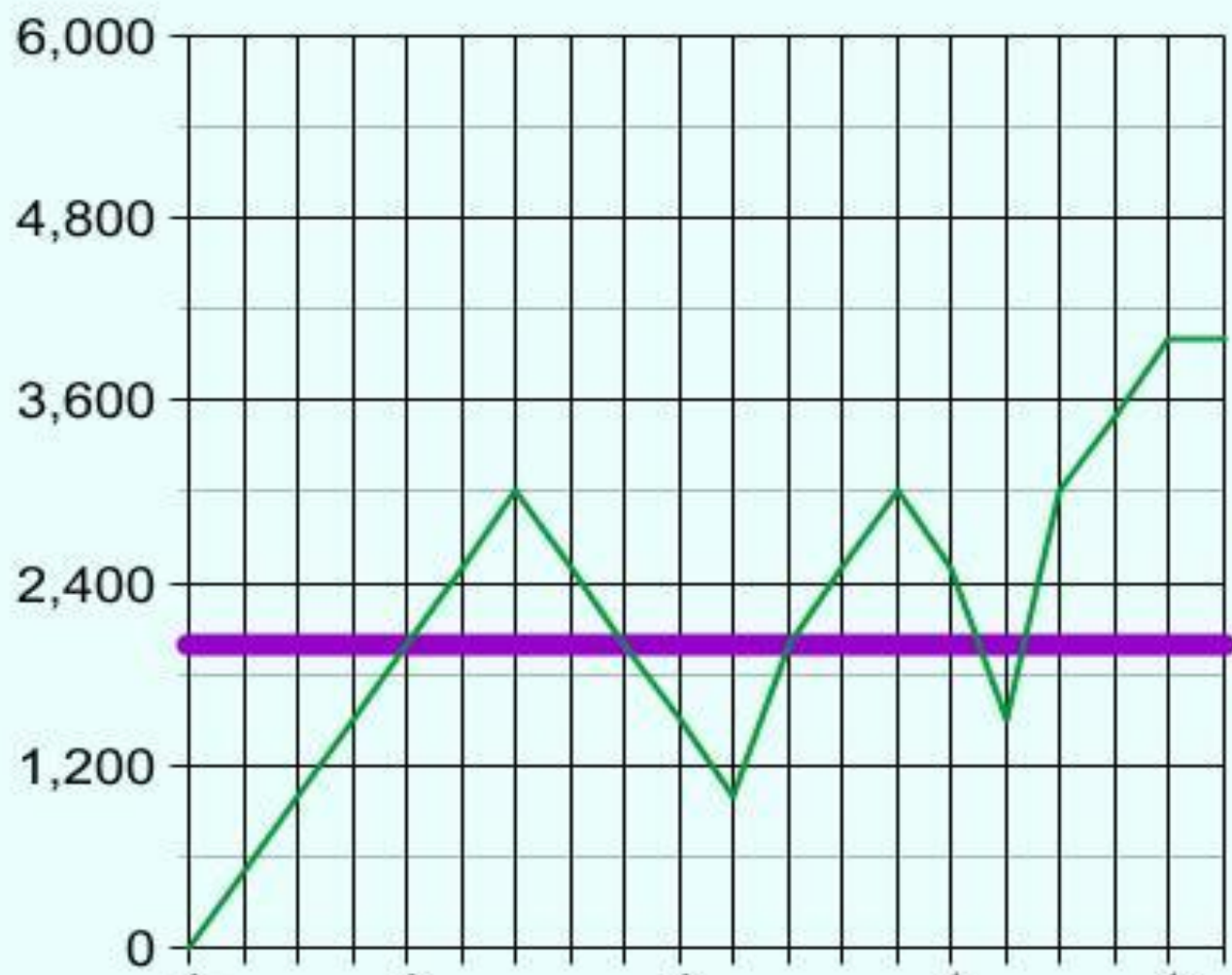
- Example #1, Nisab= \$2,000
 - On 10th Rabi Al-Awwal, 1424, a person possessed \$2,000
 - Thus, he has become Sahib Nisab for the 1st time
 - Throughout the year, this amount kept on increasing
 - Now, on 9th Rabi Al-Awwal, 1425, he owns \$6,000
 - Zakat will be due on \$6,000



Lapse of a lunar year

- Example #2, Nisab= \$2,000
 - On 10th Rabi Al-Awwal, 1424, a person possessed \$2,800
 - After deducting \$800 debts he has \$2,000 left
 - Thus, he has become Sahib Nisab for the 1st time
 - Throughout the year, this amount increased and decreased and even went below the Nisab.
 - Then on 9th Rabi Al-Awwal, 1425, he owns \$4,000
 - Zakat will be due on him

Total of Zakatable Assets



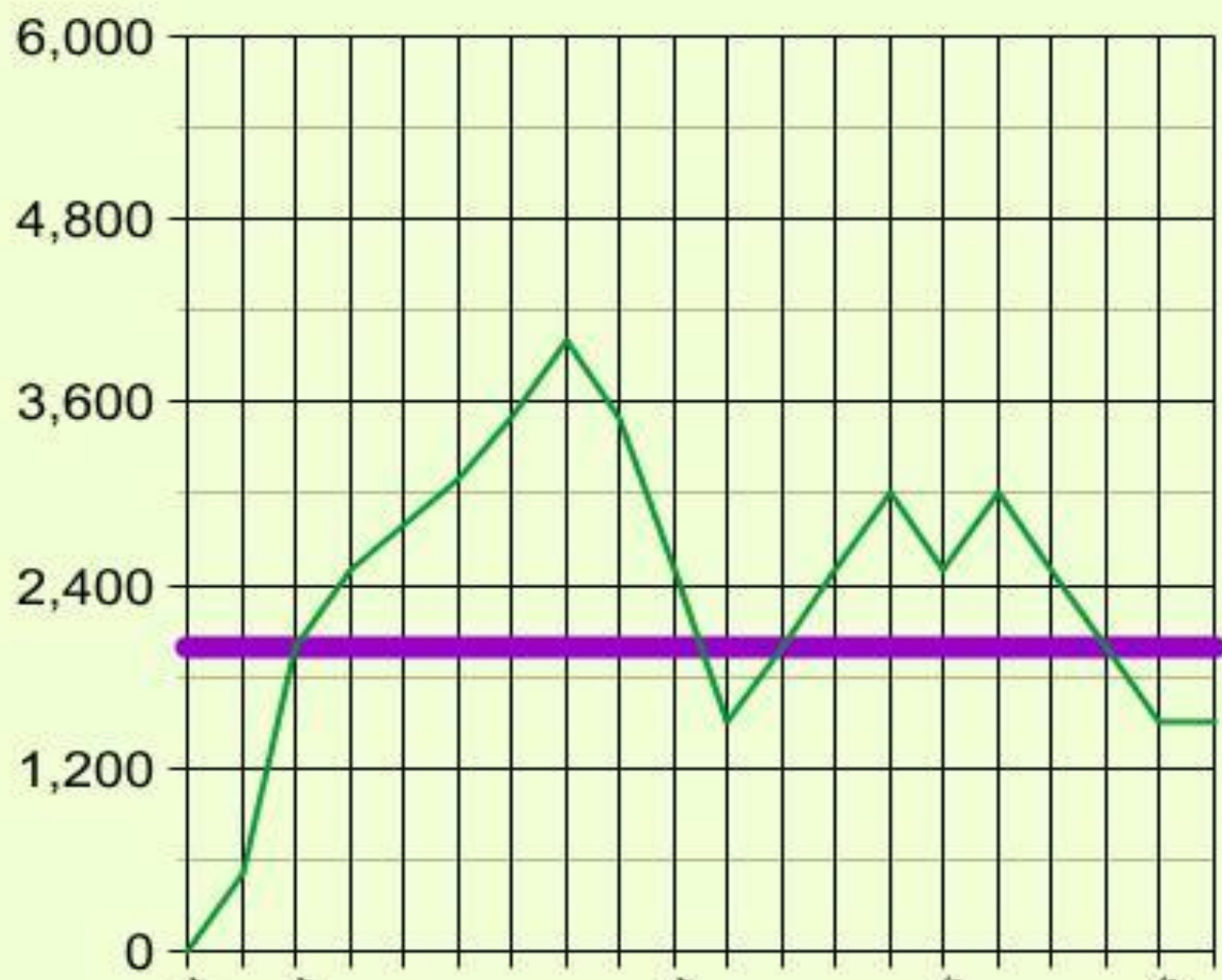
Zakatable Assets
Nisab

Months

Lapse of a lunar year

- Example #3, Nisab= \$2,000
 - On 10th Rabi Al-Awwal, 1424, a person possessed \$2,000
 - Thus, he has become Sahib Nisab for the 1st time
 - Throughout the year, this amount increased and decreased
 - Now, on 9th Rabi Al-Awwal, 1425, he owns \$1,500
 - Zakat will be not be due on him

Total of Zakatable Assets



Zakatable Assets
Nisab

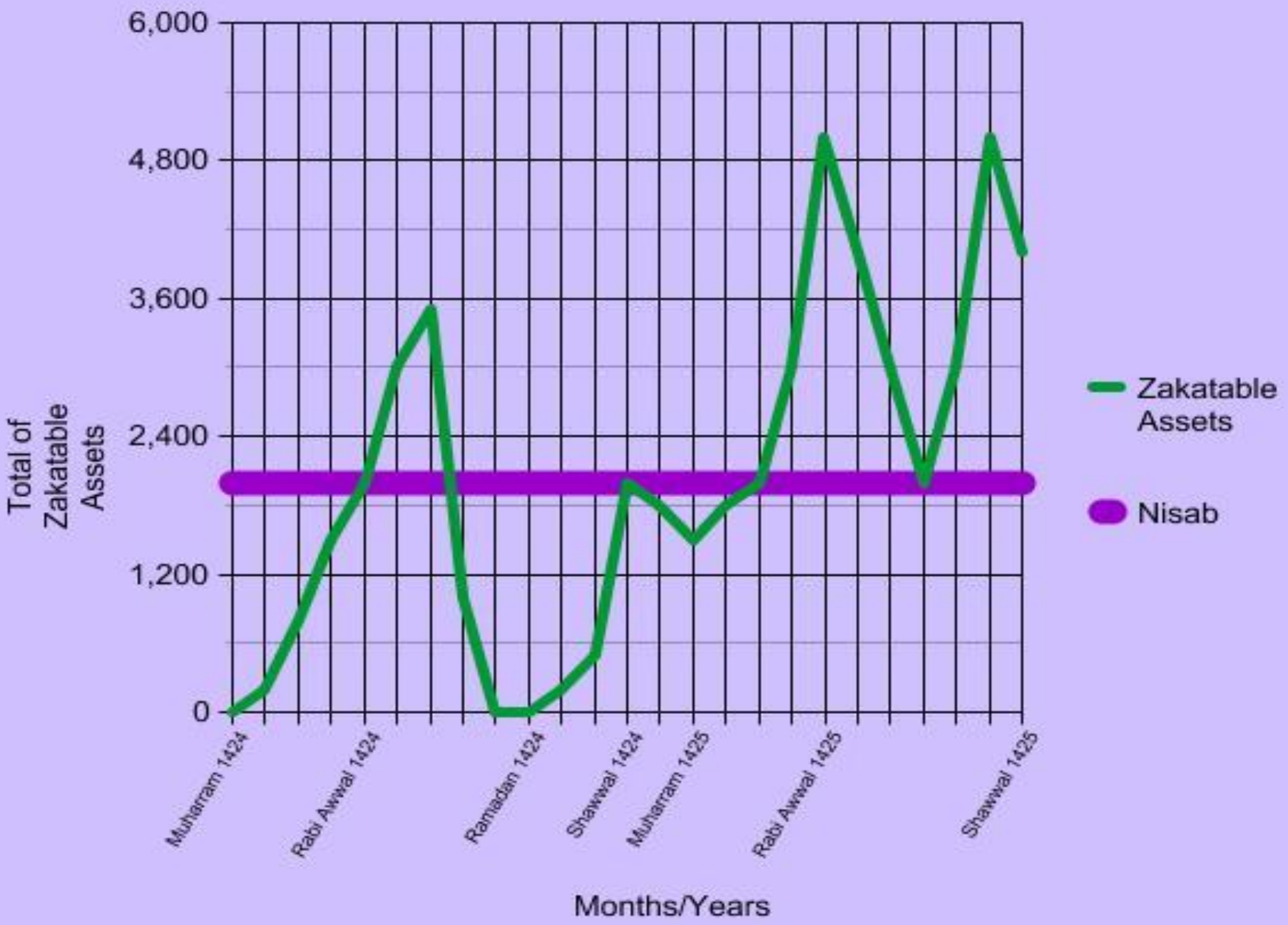
Months

Lapse of a lunar year

- Example #4, Nisab= \$2,000
 - On 10th Rabi Al-Awwal, 1424, a person possessed \$2,000
 - Thus, he has become Sahib Nisab for the 1st time
 - Throughout the year, this amount increased and decreased
 - Now, on 9th Rabi Al-Awwal, 1425, he owns \$3,000, but he owes \$1,500
 - Zakat will be not be due on him

Lapse of a lunar year

- Example #5, Nisab= \$2,000
 - On 10th Rabi Al-Awwal, 1424, a person possessed \$2,800
 - After deducting \$800 debts he has \$2,000 left
 - Thus, he has become Sahib Nisab for the 1st time
 - On 20th Sha'ban 1424, he lost everything, and his balance is \$0
 - Then 3rd Shawwal 1424, he regained \$2,000 after deducting debts, thus has become Sahib Nisab again
 - Lapse of a complete year will begin again from now
 - On 2nd Shawwal 1425, he owns \$4,000
 - Zakat will be due on \$4,000



Lapse of a lunar year

- Imam Malik, Shafi and Ahmed say that whatever is accumulated through profiting in business throughout the year will be added to the existing Nisab. If there is no Nisab, then the year will start from the time the Nisab is complete.
- And whatever is accumulated through means other than business, it will not be added to the existing Nisab but rather will require a whole new year to lapse on it.
- If at the beginning of the year, he had the Nisab, then during the year it decreased to lesser than the Nisab, the year will start over again from the time the Nisab is completed the second time.

1.3. Conditions for Giving

1. Intention

The intention must be in the heart at the time of giving Zakat to the poor person or his agent, or at the time of setting it aside for the sake of Zakat to be given at a future date.

It is not necessary to mention to the poor person that this is Zakat as long as the intention of Zakat is in the heart.

1.3. Conditions for Giving

2. Tamleek (Transfer of ownership):
 - The Zakat must be given to the poor by transferring its ownership completely to the poor.
 - Zakat cannot be spent on construction of buildings, Masajid etc.
3. Zakat may be given in kind from the same category or an equivalent amount from another category or in cash.

1.3. Conditions for Giving

4. A person may appoint another individual or organization as an agent to distribute Zakat.
 - That organization must be trustworthy and knowledgeable.
 - The Zakat will not be considered as given until the agent distributes it to those eligible.
 - The agent must distribute it in the venue as instructed.
5. A person may ask someone to give Zakat on his behalf. This will then become a debt and must be paid off.

الزكاة

Zakat

Part 3: Those eligible to
receive Zakat

المصارف

- Singular – Masraf
- Those Eligible to Receive Zakat

Eligibility Criteria

- Must be a person capable of possession
 - Cannot be spent on Masajid, schools, hospitals, burial expenses etc.
 - Must be an adult
 - Parents/Guardians may accept on behalf of minors
- Must be Muslim to receive Zakat
- Sadaqatul Fitr & Udhiyyah meat may be given to non Muslims
- Cannot be given as wages or remuneration for any work
- Must not be from the family of Banu Hashim

Eligibility Criteria

- Zakat may **not** be given to *father, grandfather, mother, grandmother, sons, grandsons, daughters and granddaughters.*
- Zakat **can** be given to *brothers, sisters, nephews, nieces (brothers' and sisters' children), uncles, aunts (both paternal and maternal), step-grandfather, step-grandmother, father-in-law, and mother-in-law, cousins etc.*
- A child of a wealthy father **cannot** be given Zakat. When such a child becomes mature in age, and does not own wealth equivalent to the value of the Nisab, he may then be given Zakat.
- When giving Zakat, Sadaqah (charity), etc., one's poor and needy relatives should be given preference as there is double reward in it.

The 8 Categories

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

The Alms are only for the poor and the needy, and the officials (appointed by a Muslim government) over them, and those whose hearts need to be reconciled (to the truth) and the (ransoming of) slaves and those (sunken) in debts and in the way of Allah and the wayfarer; an ordinance from Allah; and Allah is knowing, Wise. [At-Tawbah, 9: 60](#)

الفقراء - 1. **Al-Fuqara**

- Singular – Faqir
- One who does not possess Zakatable goods equivalent to the Nisab
- Nor any non-Zakatable goods beyond one's basic necessities equivalent to the Nisab
- Even though he may be healthy and earning

2. Al-Masakin - المساكين

- Singular - Miskeen
- One who has nothing at all

العاملين عليها - 3. **Al-Amileen**

- Singular - Amil
- Those appointed by an Islamic government to collect Zakat from the people
- In the absence of a Muslim government, this category will not exist
- This is the only category wherein one is paid Zakat as wages

المؤلفة قلوبهم – 4. **Whose hearts need to be reconciled**

- According to Shafi & Ahmed, these are of 2 types
 1. Muslims
 - Weak in faith
 2. Non-Muslims
 - Persuade them to Islam
 - Protection from their conspiracies
- According to them, being faqir is not a condition

المؤلفة قلوبهم – 4. Whose hearts need to be reconciled

- According to Abu Hanifah & Malik, non-Muslims were never given Zakat
- Only those who had accepted Islam and needed strengthening were given from Zakat
- Must be faqir
- According to some this category does not exist anymore due t the strength of Islam.

الرقاب – 5. Slaves

- Singular - Raqabah
- Only those slaves that are Mukatab fit in this category.
- Mukatab is that slave whose owner has told him that if you can pay me “x” amount, I will set you free.

الغارمين – 6. Debtors

- Singular - Gharim
- Those who when their debts are deducted, they no longer possess the Nisab.
- The debts were not taken for unlawful purposes

7. In the path of Allah – فى سبيل الله

- Those subjects of a Muslim state fighting in the cause of Allah and do not have sufficient funds to achieve their purpose.
- Those upon whom Hajj had become obligatory but did not perform it and now longer possess the means to make Hajj.
 - Or lost their money during Hajj
- Some have included faqir students of religious knowledge

ابن السبيل – 8. The Traveler

- The traveler who needs funds to complete his journey.
- or who loses his money while traveling
- Even though he may be wealthy back home

الزكاة

Zakat

Part 4

Treasure Troves, Agricultural
Produce & Livestock

Rikaz – Hidden Treasures

- If a Muslim finds precious metals or minerals in his land, he is required to pay 1/5 of it in Zakat.
- This is paid only once when it is discovered.

Agricultural Produce

- If the crops were watered without much effort, such as by spring water or by rain, Ushr / one-tenth (10%) is required as Zakat.
- If such produce were watered with effort, such as from wells or irrigation channels, or through purchase of water, one-twentieth (5%) is required as Zakat.
- According to Imam Ahmed & Abu Hanifah, there is no minimum threshold for harvests.

Wisdom of Shariah

- The Shariah has mandated Zakat based on the level of effort required for acquisition.

Treasures	20%
Harvest yielded through natural means like rain water, springs	10%
Harvest yielded through manmade means like wells and streams or purchase	5%
Gold, silver, cash, business goods	2.5%

Zakat on Livestock

- Zakat is due on 3 kinds of livestock when they reach their specified Nisab:

Goats / Sheep	40
Cows / Buffaloes Oxen / Cattle	30
Camels	5

Zakat on Livestock

- Conditions for Zakat due on livestock are:
 - They must reach the Nisab
 - Lapse of a year
 - They must have been grazing on open and public pastures for at least 6 months.
- If they were fed in enclosures in one's private property for more than 6 months, then they are not Zakatable.
 - If such animals were bought for business, then they will fall under the category of business goods, and their value will be added to that category.
 - If they are kept for the sake of benefitting from their milk and meat, they are not Zakatable at all.

Zakat on Livestock

- Livestock used for riding or loading is not Zakatable.
- There is no Zakat on horses.
 - If they are bought for business, then they will become business goods.
- According to Imam Abu Hanifah, they are Zakatable unless they have been made waqf.

Goats & Sheep

- Animals due according to the table must be at least one year old.
- Both male and female are acceptable.
- After 400 goats, for every hundred, one one year old goat will be due.

1 - 39	Nothing
40 – 120	1 Goat
121 – 200	2 Goats
201 - 399	3 Goats
400	4 Goats

Cows/Buffaloes

- Calves given as Zakat may be male or female
- After 130, for every thirty animals, one 1-year-old animal must be given; and for every forty, one 2-year-old animal must be given as Zakat.

1 - 29	Nothing	Nothing
30 - 39	1	Nothing
40 - 59	Nothing	1
60 - 69	2	Nothing
70 - 79	1	1
80 - 89	Nothing	2
90 - 99	3	Nothing
100 - 109	2	1
110 - 119	1	2
120 - 129	4 one year olds or 3 two year olds	

Camels

- Camels given as Zakat must be female
- Goats given as Zakat may be male or female
- After 120, for every forty camels, 2 two year old camels must be given; and for every fifty, one 3 year old camel must be given as Zakat.

1 - 4	Nothing
5 - 9	1 goat
10 - 14	2 goats
15 - 19	3 goats
20 - 24	4 goats
25 - 35	1 one year old camel
36 - 45	1 two year old camel
46 - 60	1 three year old camel
61 - 75	1 four year old camel
76 - 90	2 two year old camels
91 - 120	2 three year old camels

Zakat Calculators

- [https://www.irw.org/donate now/](https://www.irw.org/donate_now/)
- <http://zakat.al-islam.com/eng/>