

## The Perspective of Madhhab Imams on The Distribution of Zakat to Non-Muslim Communities

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**ABSTRACT** - Zakat is one of the pillars of Islam which has an important role in realizing social justice and the welfare of the people. There are different perspectives among madhhab imams regarding the law on distributing zakat to non-Muslim communities. This arises because there are different interpretations of the propositions of the Qur'an and Hadith relating to zakat. Understanding the views of madhhab imams regarding the law of distributing zakat to non-Muslim communities is important in order to understand the complexity of zakat jurisprudence and its relevance to the increasingly diverse context of modern society. This research is a type of library research with a qualitative approach. Research sources were obtained from various existing literature, namely the Al-Qur'an, hadith, scriptures, books and other research results. The research results show that the perspective of madhhab imams regarding the distribution of zakat to non-Muslims is not absolutely prohibited. Two sects of imams, namely Imam Malik and Imam Syafi'i, strictly do not allow the distribution of zakat to non-Muslims. On the other hand, Imam Abu Hanifah allowed this in the hope of opening their hearts to Islam. Meanwhile, Imam Ahmad bin Hambal allows it only for *muaalafatul qalbi*.

**Keywords:** zakat; imam maddhab; non-muslim

**ABSTRAK** – Zakat merupakan salah satu rukun Islam yang memiliki peran penting dalam mewujudkan keadilan sosial dan kesejahteraan umat. Terdapat perbedaan perspektif di kalangan imam mazhab mengenai hukum penyaluran zakat kepada masyarakat non-Muslim. Hal ini muncul karena adanya perbedaan penafsiran terhadap dalil-dalil Al-Qur'an dan Hadits yang berkaitan dengan zakat. Memahami pandangan para imam mazhab mengenai hukum penyaluran zakat kepada masyarakat non-Muslim menjadi penting guna memahami kompleksitas fikih zakat dan relevansinya dengan konteks masyarakat modern yang semakin beragam. Penelitian ini merupakan jenis penelitian kepustakaan dengan pendekatan kualitatif. Sumber penelitian diperoleh dari berbagai literatur yang ada, yaitu Al-Qur'an, hadits, kitab suci, kitab-kitab dan hasil penelitian lainnya. Hasil penelitian menunjukkan bahwa perspektif para imam mazhab mengenai penyaluran zakat kepada non-Muslim tidak mutlak dilarang. Dua mazhab imam, yaitu Imam Malik dan Imam Syafi'i, secara tegas tidak memperbolehkan penyaluran zakat kepada non-Muslim. Di sisi lain, Imam Abu Hanifah mengizinkan hal ini dengan harapan membuka hati mereka terhadap Islam. Sementara itu, Imam Ahmad bin Hambal hanya mengizinkannya untuk *mu'alafatul qalbi*.

**Kata Kunci:** Zakat; Imam mazhab; non-muslim



## INTRODUCTION

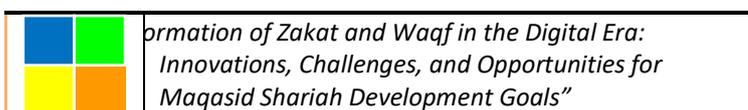
Zakat is one of the pillars of Islam that must be fulfilled by Muslims who can afford it. Zakat has an important role in maintaining the social and economic balance of Muslims. Apart from that, zakat also functions as a means of cleansing oneself and purifying one's assets. In the distribution of zakat, there are eight groups who have the right to receive it, as mentioned in the Al-Qur'an Surah At-Taubah verse 60. However, there are different perspectives among madhhab imams regarding the law on distributing zakat to non-Muslim communities.

Differences of opinion regarding the distribution of zakat to non-Muslim communities arise due to different interpretations of the propositions of the Qur'an and Hadith relating to zakat. The four madhhab of thought, namely Hanafi, Maliki, Syafi'i and Hanbali, have different views regarding the law on distributing zakat to non-Muslim communities.

Understanding the law of distributing zakat to non-Muslims from the perspective of a madhhab imam is an important and complex study. The differences in views between madhhab of thought show the rich tradition of Islamic jurisprudence and how scholars interpret religious postulates in different contexts. This understanding helps us answer contemporary questions and apply Islamic principles relevantly in diverse modern societies.

We can see that the data shows that the poverty gap for non-Muslims in Indonesia is higher than for Muslims. This can be seen in the Papua and NTT regions, where there is a fairly large proportion of the non-Muslim population. According to BPS data in 2021, the poverty rate in Papua reached 28.01%, with the proportion of non-Muslim residents at 17.3%. This means that around 3% of the total non-Muslim population in Indonesia lives in Papua and almost 50% of them live below the poverty line. Meanwhile, in NTT the poverty rate reached 21.87%, with the proportion of the non-Muslim population being 10.6%. This means that around 2% of the total non-Muslim population in Indonesia lives in NTT, and almost 20% of them live below the poverty line.

In the midst of this complex situation, the Indonesian government shows its humanitarian commitment by providing significant social assistance to Rohingya refugees who come to Indonesia. This assistance covers basic needs such as shelter, food, health services and access to education. However, this raises fundamental questions about fairness in the distribution of zakat and social assistance where there are still poor people in Indonesia, including non-



Muslims, who also need assistance to meet their living needs and escape the trap of poverty.

This dilemma is increasingly complex due to limited resources owned by the government. The assistance provided to Rohingya refugees certainly requires a large amount of funds, while these funds can also be allocated to help poor communities in Indonesia. Therefore, it is necessary to carry out in-depth studies and multi-stakeholder discussions to find fair and appropriate solutions in the distribution of zakat and social assistance.

## LITERATURE REVIEW

Based on the results of research conducted by Imam and Fakhruddin in 2017 entitled *Pemberian Zakat Terhadap Non Muslim Tinjauan Imam Madzhab dan Maqasid Syariah Jasser Auda Imam* explained that giving zakat to non-Muslims there are differences between madzhab imams, some allow it and some do not, such as imams Malik, Syafi'i, Hambali are of the opinion that giving zakat to non-Muslims is not permissible. Then the Hanafi Imam thought it was permissible.<sup>1</sup>

Meanwhile, research conducted by Zahri Hama and Mohd Shukri Hanapi entitled *The Zakat Fund and Non-Muslims in Malaysia in 2017* explains that the contemporary scholars in Malaysia have indicated that the distribution of zakat funds to non-Muslims is permitted. Nevertheless, the distribution must be implemented by the respective institutions, just as what was practiced by the Prophet (PBUH) and Caliph Abu Bakr al-Siddiq, and not by individual zakat payers. Indeed, it is deemed necessary that the fatwa on the distribution of zakat funds be revised by the respective bodies, especially the SIRC's of each state in Malaysia.<sup>2</sup>

Both previous studies have opened important insights regarding the distribution of zakat to non-Muslims. However, to gain a more comprehensive understanding, more in-depth research is needed. This research needs to focus

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<sup>1</sup> Imam and Fakhruddin, "Pemberian Zakat Terhadap Non Muslim Tinjauan Imam Madzhab dan Maqasid Syariah Jasser Auda Imam", *Journal of Islamic Business Law* 1, 3 (2017): 1

<sup>2</sup> Zahri Hama and Mohd Shukri Hanapi, "The Zakat Fund and Non-Muslims in Malaysia", *International Journal of Academic Research in Business and Social Sciences* 7, 5 (2017): 504



on the perspective of madhhab imams and uncover the philosophical meaning behind the practice of giving zakat to non-Muslims.

## RESEARCH METHODS

This research is a type of library research, namely research whose object of study uses library data in the form of books as the data source.<sup>3</sup> This research aims to understand the perspective of madhhab imams regarding the distribution of zakat to non-Muslim communities. Research sources were obtained by reading, studying and analyzing various existing literature, namely the Qur'an, hadith, scriptures, books and research results.

The approach used in research is qualitative, namely research procedures that produce descriptive data in the form of written or spoken words from people or observable behavior.<sup>4</sup> This research was carried out by examining literature and supporting documents related to zakat and its distribution. The results of this research will then be described and analyzed to provide a comprehensive picture of the perspective of madhhab imams regarding the distribution of zakat to non-Muslim communities.

## RESULT

### Zakat

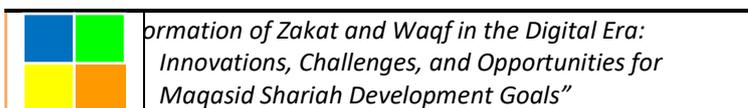
Linguistically, the word zakat is masdar from fi'il madhi, namely "zaka" (زكى) which means growth, blessing and good. Meanwhile, in terms of terms, zakat has two meanings, namely growing and purifying. Zakat can be interpreted as an effort to cleanse oneself by carrying out the obligation to pay zakat to someone who meets the zakat criteria. Meanwhile, the terminology of zakat fiqh is an effort to release assets whose value has been determined because it is an obligation for Muslims to fulfill their rights to someone who needs mustahiq in accordance with the commands of Allah SWT.<sup>5</sup>

Based on the previous explanation, it can be concluded that zakat is an obligation for Muslims which is ordered directly by Allah SWT. This obligation requires every Muslim to spend part of his wealth by fulfilling certain

<sup>3</sup> Sutrisno Hadi, *Metodelogi Research*. (Yogyakarta: Andi Offset, 2002), 9.

<sup>4</sup> Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif dan R&D*. (Bandung: PT. Alfabet, 2016), 2.

<sup>5</sup> Yusuf Al-Qardhawi, *Hukum Zaka.t* (Jakarta: Litera Antar Nusa, 2002), 3.



conditions. The assets released are then distributed to groups who are entitled to receive them, in accordance with the provisions stipulated in Islamic law.

Zakat is a sacred obligation ordered by Allah SWT to Muslims, it is one of the pillars of Islam which has an important role in realizing social justice and welfare of the people. Zakat is the third pillar of Islam and the law is fardhu ain for those who have fulfilled various conditions stipulated in the Qur'an, namely:<sup>6</sup>

Surah Al-Baqarah verse 43:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ

Meaning: “*and establish prayer, pay zakat and bow down with those who bow down.*”

Surah Al-An'am verse 141:

وَهُوَ الَّذِي أَنْشَأَ جَنَّاتٍ مَّعْرُوسَاتٍ وَغَيْرَ مَعْرُوسَاتٍ وَالنَّخْلَ وَالزَّرْعَ مُخْتَلِفًا أَكْثَرَهُ وَالزَّيْتُونَ وَالرُّمَانَ مُتَشَابِهًا وَغَيْرَ مُتَشَابِهٍ كُلُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَإِذَا آثَرَهُ يَوْمَ حَصَادِهِ وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ

Meaning: “*And He is the One who made gardens with branches and those without trees, palm trees, plants with various kinds of fruit, olives and pomegranates which are similar (in shape and color) and not the same (in taste). eat from his fruit (of which there are various kinds) when he bears fruit, and fulfill his right on the day of harvest (by giving alms to the poor); and don't overdo it. Indeed, Allah does not like people who exaggerate.*”

Zakat has an important role in balancing the social and economic life of Muslims. Zakat assets not only help those in need, but also foster a sense of solidarity and care among others. Zakat recipients are known as asnaf which consists of eight groups who are entitled to benefit from zakat. This is stated in surah At-Taubah verse 60, namely:<sup>7</sup>

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغُرَمِينَ وَفِي سَبِيلِ اللَّهِ  
وَأَبْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

<sup>6</sup> Fakhruddin, *Fiqh & Manajemen Zakat di Indonesia*. (Malang: UIN Malang Press, 2008), 21-22.

<sup>7</sup> Abu syuja', *al-Tadhib fi adillati matani al-Ghayat wa al-Taqrīb*. (Damaskus: Dar ibnu katsir, 1989), 96.



Meaning: *"Indeed, zakat is only for the needy, poor people, zakat recipients, people who have softened their hearts (converts), to (free) slave slaves, to (free) people who are in debt, for the path of Allah and for those on the way (who need help), as an obligation from Allah, All-Knowing, All-Wise."*

Based on this verse, there are eight groups who are entitled to receive zakat. Each group has different conditions and needs, so it needs to be understood in more depth so that zakat distribution is right on target. The following are the eight groups:

- 1) Fakir: Those who are classified as very poor and unable to meet their basic needs, are like shoots that need water and sunlight to grow.
- 2) Poor: Those who are in need and live barely, are like lamps that need oil to light them.
- 3) Amil Zakat: People who are in charge of managing and distributing zakat, are like distributors of the water of life, they have the right to be rewarded for their hard work in delivering goodness.
- 4) Muallaf: People who have just embraced Islam, are like newly planted shoots, they need encouragement and strengthening of their faith so that they do not easily waver.
- 5) Riqab: Slaves who want to be free, like birds who want to fly free, they have the right to get help to achieve their freedom.
- 6) Gharimin: People who have debts and are unable to pay them off, are like burdened shoulders, they need help to lighten their burden.
- 7) Fi Sabilillah: People who fight in the way of Allah, like a shield that protects religion, they deserve support to strengthen their defense.
- 8) Ibn Sabil: Travelers who run out of provisions on their journey, are like travelers who have lost their way, they need help to continue their journey.

The distribution of zakat that is right on target can have a significant impact on the lives of mustahik. Zakat can help them escape poverty, improve their standard of living, and become productive members of society. Therefore, it is important for us to ensure that zakat is distributed to people who really need it and is used as well as possible.

## Madhhab in Islam

The word Madhhab in Arabic comes from the adjective (masdar) from Fi'il madhy which means to walk or go and can also mean opinion. Meanwhile, madhhab of thought by definition have several explanations from experts, namely:

- 1) According to Muslim Ibrahim, the madhhab is an understanding or madhhab of thought which is the result of a mujtahid's ijtiḥad regarding Islamic law extracted from verses of the Al-Qur'an or Al-hadith which can be ijtiḥad.
- 2) According to Abdur Rahman, the madhhab is an opinion, understanding or sect of a great scholar in Islam who is called an Imam like the four great Imams: Hanafi, Maliki, Syafi'i and Hanbali which are spread by the Imam's students to various countries.
- 3) According to Wahbah Az-zuhailiy, the madhhab is all laws that contain various problems, both in terms of the method aspect that leads to life as a whole and the legal aspect as a guide to life.<sup>8</sup>

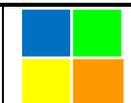
Based on several definitions that have been explained, a madhhab of thought can be understood as a way of thinking or method adopted by a mujtahid Imam in establishing laws regarding an event (thing). This legal determination is based on two main sources of Islam, namely the Al-Qur'an and the Sunnah of the Prophet Muhammad SAW. In other words, madhhab imams are leading scholars who have extraordinary abilities and qualifications in interpreting the verses of the Al-Qur'an and hadith, as well as making them a guide for Muslims in understanding and implementing Islamic law.

The history of Islam records the noble names of the Imams of the Islamic jurisprudence and sharia madhhab of law whose thoughts continue to inspire Muslims to this day. The following are the four most famous and widely followed madhhab imams throughout the world:

### 1. Imam Abu Hanifah

Imam Abu Hanifah's full name is Abu Hanifah al-Nu'man ibn Thabit Ibn Zautha al-Taimy. Better known as Abu Hanifah. He was of Parsi descent, born in Kufa in 80 AH/699 AD. He lived his life in two sociopolitical environments, namely at the end of the Umayyad dynasty and the beginning

<sup>8</sup> Maradingin, *Pengantar Perbandingan Mazhab*. (Sukabumi: Farha Pustaka, 2020), 5.



of the Abbasid dynasty.<sup>9</sup> Abu Hanifah is the founder of the Hanafi madhhab's of thought known as "al-Imam al-A'zham" which means the Greatest Imam.<sup>10</sup>

Imam Abu Hanifah in his way of thinking tends to use logic, so he is called an ahlu ra'yi and ahlu fiqh. Even Imam Syafi'i said that "people need Imam Abu Hanifah in matters of fiqh" which shows that Imam Hanafi is very knowledgeable in matters of fiqh. And he also worked as a cloth seller in Kufah, he studied fiqh for 18 years with Hammad bin Abi Sulaiman. The basis of the madhhab uses the Al-Qur'an, hadith, ijma', qiyas and istihsan. Imam Abu Hnaifah has two books, namely fiqh akbar and al-Musnad in the field of hadith. Among his famous students were Abu Yusuf Ya'qub Bin Ibrahim Al-Kufi, Muhammad Ibnul Hassan asy-Syaibani, Abul Huzair, al-Hassan bin Ziyad.<sup>11</sup>

## 2. Imam Malik

Imam Malik's full name is Abu Abdillah Malik ibn Anas ibn Malik ibn Abu 'Amir ibn al-Harits. He was born in the city of Medina, an area in the Hijaz country in 93 H/12 AD, and died on Sunday, 10 Rabi'ul Awal 179 H/798 AD in Medina during the Abbasid reign under the rule of Harun al-Rasyid. He is a descendant of the Arab people from the village of Dzu Ashbah, a village in the city of Himyar, a colony of Yemen. His mother's name was Siti al-'Aliyah ibnti Syuraik ibn Abd. Rahman ibn Shuraik al-Azdiyah. There is a history which says that Imam Malik was in his mother's womb for two years; some say up to three years.<sup>12</sup>

Imam Syafi'i said "Imam Malik is my teacher, I seek knowledge from him, he is the proof between me and Allah. There is no cleric who has been more instrumental to me than Imam Malik." His madhhab of thought is based on twenty principles, five from the Al-Qur'an and five from hadith. Namely

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<sup>9</sup> Ahmad Asy-Syurbasi, *Sejarah Dan Biografi Empat Imam Mazhab*, Terj: Sabil Huda & H. A. Ahmadi. (Jakarta: Amzah, 2013), 15.

<sup>10</sup> Huzaemah Tahido Yanggo, *Pengantar Perbandingan Mazhab*. (Ciputat: Gaung Persada (GP) Press, 2011), 105.

<sup>11</sup> Wahbah Zuhaily, *al-Fiqh al-Islam wa Adillatuhu*, terj. Juz 1. Abdul Hayyle. (Jakarta: Gema Insani, 2011), 40.

<sup>12</sup> Huzaemah Tahido Yanggo, *Pengantar Perbandingan Mazhab*. (Ciputat: Gaung Persada (GP) Press, 2011), 114.

nash al-Kitab, zahirnya, mafhum mukhalafah, mafhum al Muwaqaah, tanbihnya namely warnings from the Al-Qur'an.<sup>13</sup>

### 3. Imam Syafi'i

Imam Syafi'i's full name is Abu Abdillah Muhammad ibn Idris ibn Abbas ibn Syafi'i ibn Said ibn 'Ubaid ibn Yazid ibn Hasyim ibn Abd al-Muththalib ibn Abd al-Manaf ibn Qushay al-Quraysi. Imam Syafi'i was born in Gaza in the month of Rajab in 150 AH (767 AD). According to a history, that same year Imam Hanafi died. Imam Syafi'i died in Egypt in 204 AH (819 AD). In history, it was found that Said ibn Yazid, grandfather of the fifth Imam Syafi'i, was a friend of the Prophet Muhammad SAW.<sup>14</sup>

As a child, Syafi'i was an intelligent and brilliant son, always active in studying fundamental Islamic sciences. Like every Muslim child at that time, he started by studying the Al-Qur'an and "ahtam" (finished) memorizing it at the age of nearly seven. He died in Mecca and went to Medina to study with Imam Malik ibn Anas, a scholar from the famous Fuqaha there at that time. He continued his studies with Imam Malik at the age of 20 until his teacher died in 179 AH/796 AD. By the time Imam Malik died, Al-syafi'I had achieved a reputation as a famous fuqaha in Hikaz and various other places.<sup>15</sup>

### 4. Imam Ahmad bin Hambal

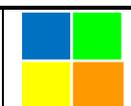
Imam Ahmad's full name is Abu Abdullah Ahmad ibn Muhammad ibn Hanbal, born in Marwa, on 20 Rabiul Awwal in 164 H. His father, Muhammad, was famous as a warrior who lived in Basrah, Iraq. It is said that when his father went to Marwa as a ghasi, Imam Ahmad was born while he was staying there temporarily, when he was a baby, he was taken to Baghdad where his father died at the very early age of 30 years. So, the entire responsibility for raising him fell on his mother, Shafiyah ibnti Maimunah ibnti Malik Al-Syaibani.<sup>16</sup>

<sup>13</sup> Wahbah Zuhaily, *al-Fiqh al-Islam wa Adillatuhu*, terj. Juz 1. Abdul Hayyle. (Jakarta : Gema Insani, 2011), 41.

<sup>14</sup> Huzaemah Tahido Yanggo, *Pengantar Perbandingan Mazhab*. (Ciputat: Gaung Persada (GP) Press, 2011), 134–135.

<sup>15</sup> Abdur Rahman, *Syariah Kodifikasi Hukum Islam*. (Jakarta: Rineka Cipta, 1993), 160.

<sup>16</sup> Abdur Rahman, *Syariah Kodifikasi Hukum Islam*. (Jakarta: Rineka Cipta, 1993), 165.



Imam Ahmad studied with Imam Syafi'i when he met him in Baghdad. Some say that Imam Ahmad's teachers numbered 100 people. He was diligent in memorizing hadiths, so he was called muhaddits. He is a muhadith, faqih figure. Ibrahim al-Harbi said "I looked at Imam Ahmad, as if Allah had gathered the knowledge of previous scholars that was in him" even Imam Syafi'i said "I left Baghdad, and I did not leave behind anyone who was more pious than Imam Ahmad".<sup>17</sup>

### **Imam Madhhab's Perspectives on The Distribution of Zakat to Non-Muslim Communities**

The views of the four madhhab imams regarding the distribution of zakat for non-Muslims have similarities and differences. This difference is based on their interpretation of the Al-Quran verse and the hadith of the Prophet Muhammad SAW regarding zakat. Despite their differences, all four madhhabs of thought agree that zakat should be distributed to those who need it most. The following are the perspectives of the four Imams of the Madhhab regarding the Distribution of Zakat to Non-Muslim Communities:

#### **1. Imam Abu Hanifah**

Imam Abu Hanifah is one of the senior teachers of several imams in the madzhab, including Imam Malik who is one of the students of Imam Abu Hanifah. In the matter of giving zakat to non-Muslims, Imam Abu Hanifah is of the opinion that unbelievers have the right to receive a share of zakat. This can be seen in the book al-Mabsuth, where it is explained that Zufar, Imam Abu Hanifah's friend, permitted giving zakat to dhimmi infidels, because the purpose of zakat is a form of fulfilling the needs of the poor.<sup>18</sup>

Imam Abu Hanifah and Muhammad also explained that giving zakat to infidels is permissible as stated by Allah SWT in al-baqarah 271:

إِنْ تُبْدُوا الصَّدَقَاتِ فَنِعِمَّا هِيَ وَإِنْ تُخْفُوهَا وَتُؤْتُوهَا الْفُقَرَاءَ فَهُوَ خَيْرٌ لَكُمْ وَيُكَفِّرُ عَنْكُمْ مِنْ سَيِّئَاتِكُمْ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

<sup>17</sup> Wahbah Zuhaily, *al-Fiqh al-Islam wa Adillatuhu*, terj. Juz 1. Abdul Hayyle. (Jakarta : Gema Insani, 2011), 46.

<sup>18</sup> Muhammad bin ahmad, *al-Mabsuth Juz II*. (Bairut: Daru al-Ma'rifah, 1993), 202.

Meaning: *"If you show your alms then it is good, and if you hide them and give them to poor people, then it is better for you and Allah SWT will erase some of your mistakes."*

This verse does not differentiate between poor Muslims and poor infidels, therefore in general terms the verse indicates the permissibility of giving zakat to non-believers.<sup>19</sup> This opinion is reinforced by several traditions that allow giving zakat to non-Muslims, namely:

وروى عن عمرو بن ميمون وعمرو بن شرحبيل ومرة الهمذاني كانوا يعطون منها الرهبان

Meaning: *"It was narrated from Amr bin Maimun, Amr bin Syarhabil, Marrah al Hadzani that they gave zakat to the priests."*<sup>20</sup>

عن أنس أن رسول هلا صلى هلا عليه وسلم مل يكن يسأل شيئاً على الإسلام إل أعطاه، قال فأته رجل فسأله فأمر له بشاء كثري بني جبلني من شاء الصدقة، قال: فرجع إبل قومه فقال: يحدّ ممدا يعطي عطاء من ال خيشى الفاقة) رواه أ' قوم أسلموا فإن إيسناد صحيح

Meaning: *"From Anas indeed Rasulullah SAW. Before being asked for something about Islam, the Messenger of Allah would give it, Anas said there was a person who asked the Messenger of Allah for a favor, so the Messenger gave him a goat as large as two mountains, then the person said, O my people, come to Islam because indeed Muhammad has given a goat without fear of poverty (HR: Ahmad with authentic sanad)."*<sup>21</sup>

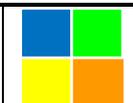
This hadith shows that Rasulullah SAW once gave alms to muallafs whose faith was still weak. Examples are Abu Sufyan bin Harb and Shofwan bin Umayah. The hadith also explains that muallafs, both Muslims and non-Muslims, have the right to receive zakat. This shows that Islam really values new converts to Islam and wants to help them strengthen their faith.

On the other hand, this hadith also provides important lessons for leaders. If there are people who rebel against a country, whether Muslim or non-Muslim, the leader is encouraged to give zakat to them. This aims to soften

<sup>19</sup> Wahbah Zuhaily, *al-Fiqh al-Islami wa Adillatuhu*, Juz III. (Damaskus: Darul fikr, 1985), 1966.

<sup>20</sup> Wahbah Zuhaily, *al-Fiqh al-Islam wa Adillatuhu*, terj. Juz 1. Abdul Hayyle. (Jakarta: Gema Insani, 2011), 7.

<sup>21</sup> Wahbah Zuhaily, *al-Fiqh al-Islami wa Adillatuhu*, Juz III. (Damaskus: Darul fikr, 1985), 1966.



their hearts and open up opportunities for dialogue and finding peaceful solutions.

## 2. Imam Malik

Imam Malik is of the view that distributing zakat to non-Muslims is not permitted. He based this opinion on the hadith of the Prophet Muhammad as narrated by his friend Mu'adz bin Jabal, namely:

خذا من أغنيائهم وردا في فقرائهم

Meaning: *"Take zakat from some of the rich and give it to the fakir."*

From this hadith Imam Malik understands that what is meant by fakir is Muslim fakir and nothing else.<sup>22</sup> This shows that non-Muslims are not allowed to get a share of zakat, because zakat is part of the pillars of Islam which are principal in nature, so it can be said that in general people who have the right to get zakat are people who are Muslim and independent, this is in accordance with what is stated It was mentioned by Ibn Arafah who stated that "there are two conditions for poor and needy people, first is Islam, second is independence".<sup>23</sup>

## 3. Imam Syafi'i

Imam Syafi'i believes that zakat should not be given to non-Muslims. This is in accordance with his understanding of the hadith of the Prophet Muhammad SAW which states that unbelievers have no right to receive zakat. However, if non-Muslims convert to Islam, then they have the right to receive zakat just as Muslims have the right to perform prayers. As for a person who has apostatized, in this case he still carries out his obligations like a Muslim, but what is most true is that if his wealth has reached its limit then he is not obliged to give zakat and if he re-converts to Islam then he is obliged to give zakat to that wealth.<sup>24</sup>

Imam Syafi'i emphasized that Islam highly values tolerance, but with clear limits. In matters of faith which is the main foundation of the Islamic religion, tolerance is not permitted. This is because faith is a fundamental

<sup>22</sup> Wahbah Zuhaily, *al-Fiqh al-Islami wa adillatuhu*, Juz III. (Damaskus: Darul fikr, 1985), 1966.

<sup>23</sup> Muhammad bin Yusuf, *al-Taj Li Mukhtasari Khalil Juz III*. (Darul kutub Al-ilmiyah, 1994), 220.

<sup>24</sup> Taqi'uddin As-syafi'i, *kifayatul akhyar fi hilli ghayati al-Ikhtisar*. (Damaskus: Darul khair, 1994), 169.

principle that must not be compromised in the name of tolerance. Imam Syafi'i's explanation is strengthened by a quote from the hadith in his book, namely:

أخبرنا الربيع قال أخبرنا الشافعي قال أخبرنا سفيان عن شام بن عروة عن أبيه عن أمه أساء بنت أبي بكر قالت أنتن أمني راغبة في عهد قريش فسألت رسول الله - صلى الله عليه وسلم: أصلها؟ قال نعم. قال الشافعي: ولا بأس أن يتصدق على المشرك من النافلة وليس له في الفريضة من الصدقة

Meaning: "Asma' bint Abu Bakar said, "My mother came to me and I loved her very much during the Qurasy era", so I asked Rasulullah SAW. "Should I have a relationship with him?" Then Rasulullah SAW said Yes."<sup>25</sup>

Based on this hadith, Imam Syafi'i explained that giving alms to non-Muslims is permissible. However, this only applies to nafilah alms, namely sunnah alms and does not apply to obligatory alms such as zakat.

Imam Nawawi as a student of Imam Syafi'i also commented that in our (Syafi'i) adzhab, unbelievers are not allowed to receive zakat.<sup>26</sup> Based on the various explanations that have been discussed, it is clear that Imam Syafi'i is very careful in concluding the law, especially in matters of a principal nature related to faith. This is clearly seen in the discussion regarding giving zakat to non-Muslims.

#### 4. Imam Ahmad bin Hambal

In the matter of giving zakat, Imam Ahmad gave a comment that was not much different from his teacher, namely Imam Syafi'i, where in his comment Imam Ahmad stated that it was not permissible to give zakat to the Prophet's family in this case, namely the Bani Hashim and also to non-Muslims, therefore not allowed.<sup>27</sup> Except for those who are muaalafatul qalbi, namely non-Muslims, they are expected to attract sympathy and open their hearts to Islam. This was done by Rasulullah SAW During the Hunain war.

حدثني المثني قال حدثنا إسحاق قال حدثنا ابن أبي جعفر، عن أبيه، عن الربيع في قوله: " واذكروا نعمة الله عليكم إذ كنتم أعداء"، يقتل بعضكم بعضاً، ويأكل شديدكم ضعيفكم، حتى جاء الله

<sup>25</sup> Imam Syafi'i, *al-Um Juz II*. (Bairut: Darul Ma'rifah, 1990), 65.

<sup>26</sup> Imam Nawawi, *Majmu' syarah al-Muhadzab Juz VI*. (Darul fikr), 142.

<sup>27</sup> Imam Ahmad, *Umdatul fiqh*. (Maktabah Asriayah, 2004), 40.



بالإسلام، فألف به بينكم وجمع جمعكم عليه، وجعلكم عليه إخواناً

Meaning: *"From Abu Ja'far from his father, the Rabbi' explained the verse that they killed each other, the strong killed the weak, so the religion of Islam came. and there was a relationship between them with tenderness so that they became brothers."*<sup>28</sup>

Based on the previous description, it can be seen that the prohibition on distributing zakat to non-Muslims is not absolute. Two sects of imams, namely Imam Malik and Imam Syafi'i, expressly do not allow the distribution of zakat to non-Muslims based on their interpretation of the verses of the Al-Qur'an and related hadiths. On the other hand, Imam Abu Hanifah allowed this in the hope of opening their hearts to Islam. Meanwhile, Imam Ahmad bin Hambal allows it only for muaalafatul qalbi.

### The Context and Meaning of Zakat Distribution for Non-Muslim Communities

The distribution of zakat to non-Muslim communities is a complex and multidimensional issue, with various perspectives and interpretations in Islam. The differences of opinion of scholars regarding this matter are based on various factors, such as the texts of the Al-Qur'an and hadith, the social and political context when zakat is determined, as well as understanding of the aims and principles of zakat itself.

Giving zakat to poor non-Muslim communities is a noble form of kindness. This not only eases the burden on those in need, but also has other positive dimensions. This is in line with the opinion of Sheikh Wahbah al-Zuhaili who said:

وهل يجوز صرفها إلى أهل الذمة؟ قال أبو حنيفة ومحمد يجوز، لقوله تعالى: (إن تبدوا الصدقات فنعمنا هي، وإن تخفوها وتؤتوها الفقراء، فهو خير لكم، ويكفر عنكم من سيئاتكم) من غير تفرقة بين فقير وفقير

Meaning: *"Is it permissible to give zakat fitrah, kafarat and nadzar to dzimmah experts? Abu Hanifah and Muhammad stated that it was permissible, because of the word of Allah (If you reveal (your) alms), then it is very good. And if you hide it and give it to the poor, then hiding it is better for you. And Allah will*

<sup>28</sup> Imam Al-thabhary, *Tasir al-Tahbari Juz VII*. (Muasasatu Ar-Risalah, 2000), 70.

*wipe it out from you some of your mistakes (QS. Al-Baqarah: 271)). This verse does not differentiate between the religious status of the poor who receive zakat.*<sup>29</sup>

Abu Hanifah and Muhammad are of the opinion that it is permissible to give zakat to members of dhimmah (non-Muslims who are protected in an Islamic state). This opinion is based on several propositions, namely QS. Al-Baqarah verse 271 which explains the priority of giving alms and does not differentiate between the religious status of the recipient of alms. This shows that zakat fitrah, which is included in the category of alms, may also be given to non-Muslims. Then in QS. Al-Maidah verse 89 which explains the kafarat oath, namely feeding 10 poor people. This verse does not differentiate between the religious status of poor people who receive kafarat.

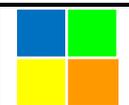
Providing zakat fitrah to dzimmah experts is part of spreading goodness, in line with Islamic teachings which recommend doing good to everyone, including non-Muslims, as long as it does not harm Muslims. This is confirmed in the opinion of Abu Hanifah and Muhammad who allow the giving of zakat fitrah, kafarat, and nadzar to dzimmah experts, with the exception of infidel harbi (non-Muslims who fight Islam) because it is feared that they will help them in fighting Islam.

The opinions of Abu Hanifah and Muhammad reflect the breadth and compassion of Islam in spreading goodness to all creatures. This shows Islam's tolerance and respect for other religions. On the other hand, this is a means of strengthening brotherhood and tolerance between religious communities in Indonesia. This is in line with the values of Pancasila, especially the first principle which emphasizes belief in the Almighty God and the second principle which upholds just and civilized humanity.

It is hoped that the distribution of zakat to non-Muslims will attract sympathy and open their hearts to Islam, so that they will hopefully embrace Islam. Apart from that, it is also hoped to reduce tensions and protect Muslims from possible dangers posed by non-Muslims. This is in line with the opinion of Sheikh Ibn Quddamah who said:

المؤلفة قلوبهم قسمان: كفار ومسلمون، وهم جميعا السادة المطاعون في عشايرهم كما ذكرنا فالكفار ضربان (أحدهما) من يرجى إسلامه فيعطى لتقوى نيته في الإسلام وتميل نفسه إليه فيسلم فإن النبي

<sup>29</sup> Wahbah Zuhaily, *al-Fiqh al-Islami wa Adillatuhu*, Juz III. (Damaskus: Darul fikr, 1985), 310.



صلى الله عليه وسلم يوم فتح مكة أعطى صفوان بن أمية الأمان واستصبره صفوان أربعة أشهر لينظر في أمره وخرج معه إلى حنين، فلما أعطي النبي صلى الله عليه وسلم العطايا قال صفوان: مالي؟ فأوماً النبي صلى الله عليه وسلم إلى واد فيه إبل محملة فقال " هذا لك " فقال صفوان هذا عطاء من لا يخشى الفقر (والضرب الثاني) من يخشى شره فيرجى بعطيته كف شره وكف شر غيره معه. فروى ابن عباس أن قوما كانوا يأتون النبي صلى الله عليه وسلم فإن أعطاهم مدحوا الإسلام وقالوا هذا دين حسن، وإن منعهم ذموا وعابوا

Meaning: *"There are two qulubuhum muallafs, Muslims and non-Muslims, they are all masters who are role models in their groups as we have said. There are two non-Muslims. Firstly, people who are expected to convert to Islam are given zakat so that their intention to embrace Islam is strong and they can incline their hearts to embrace Islam. In fact, the Prophet, when he liberated the city of Mecca, gave security guarantees to Shofwan bin Umayyah, and Shofwan tested the Prophet for four months to see his attitude and come out with the Prophet at the battle of Hunain. When the Prophet gave him some gifts, Shofwan said, what are these? Then the Prophet made a prayer towards the hill which had camels in it, the Prophet said, this is for you. Shofwan answered, this is a gift from someone who is not afraid of poverty. Second, if non-Muslims are worried about their bad deeds, it is hoped that giving zakat to them can prevent bad things from happening to them and their followers. Ibn Abbas narrated that a group came to the Prophet, when the Prophet gave them, then they praised Islam and said, this is a good religion. If the Prophet did not give, they criticized him."*<sup>30</sup>

Sheikh Ibn Quddamah categorized non-Muslim muallafs into two types in his book *Al-Maqdisy*, namely (1) non-Muslim communities whose Islam is expected. Therefore, zakat is given to strengthen their intentions and encourage them to fully embrace Islam. For example, the Prophet SAW gave security guarantees to Shofwan bin Umayyah during the liberation of Mecca, who later converted to Islam after seeing the Prophet's kindness. (2) non-Muslim communities whose evils are feared. Therefore, Zakat is given to prevent evil for them and their followers. For example, the Prophet SAW gave zakat to a group of people who praised Islam when they were given zakat and criticized it when they were not given it.

The distribution of zakat to non-Muslim communities aims to help them in their Islamic process, strengthen their intentions, encourage them to fully

<sup>30</sup> Ibnu Quddamah & al-Maqdisi, *Al-Mughni Syarh Al-Kabir Juz II*. (Riyad: Dar 'Alim Al-Kutb, 1997), 697.

embrace Islam, and prevent evil for them and their followers. This is in accordance with the example and teachings of the Prophet Muhammad SAW. On the other hand, zakat empowers them to become independent individuals and contribute to spreading the goodness and glory of Islam in society.

There are differences of opinion among scholars regarding the distribution of zakat to non-Muslim communities. However, behind this diversity, there are several deep meanings that we should explore. that is:

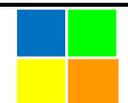
**Strengthening Brotherhood and Tolerance:** Giving zakat to non-Muslims can be a means of strengthening brotherhood and tolerance between religious communities. This is in line with Islamic values which uphold peace and coexistence between human beings.

- 1) **Helping the Poor and Needy:** Zakat basically aims to help the poor and needy, regardless of their religion. Giving zakat to poor non-Muslims can help them meet their basic needs and improve their welfare.
- 2) **Appeal to Non-Muslims:** Giving zakat to non-Muslims in need can be a way to win over them and introduce Islam in a positive way. This can open up opportunities for more effective dialogue and da'wah.
- 3) **Realizing Social Justice:** Zakat as an instrument of social justice must reach all people in need, regardless of their religion. This is in line with the universal principles of Islam which emphasize justice and equality for all humans.

Ultimately the decision to distribute zakat to non-Muslims depends on the religious authorities and competent zakat management institutions. By considering various existing perspectives and contexts, it is hoped that the distribution of zakat can be optimized to achieve its goals, namely realizing social justice and humanity, as well as strengthening harmonization between religious communities.

## Conclusion

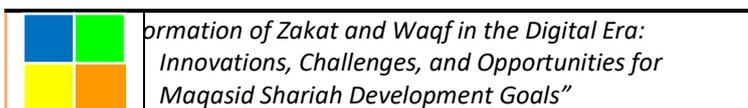
Zakat is a sacred obligation ordered by Allah SWT to Muslims and is one of the pillars of Islam which has an important role in realizing social justice and welfare of the people. Imams of the madhhab are leading scholars who have extraordinary abilities and qualifications in interpreting the verses of the Al-Qur'an and hadith, as well as making them a guide for Muslims in



understanding and implementing Islamic law. The four most famous and widely followed madhhab imams throughout the world are Imam Abu Hanifah, Imam Malik, Imam Syafi'i and Imam Ahmad bin Hambal. There are different perspectives regarding the distribution of zakat to non-Muslim communities in which Imam Malik and Imam Syafi'i expressly do not allow the distribution of zakat to non-Muslims based on their interpretation of the verses of the Al-Qur'an and related hadiths. On the other hand, Imam Abu Hanifah allowed this in the hope of opening their hearts to Islam. Meanwhile, Imam Ahmad bin Hambal allows it only for *muaalafatul qalbi*. The distribution of zakat to non-Muslim communities aims to help them in their Islamic process, strengthen their intentions, encourage them to fully embrace Islam, and prevent evil for them and their followers.

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