

Conditions of the owner in the duty of Zakat

Ghulamullah Ahmadi¹, Ebadullah Noorzai², Nasim Hijran³

¹Teaching Assistant, Department of Islamic culture, Faculty of sharia Shaikh, Zayed University, Khost, Afghanistan

²Teaching Assistant, Department of Islamic Studies, Faculty of sharia Shaikh, Zayed University, Khost, Afghanistan

³Teaching Assistant, Department of Jurisprudences and Law Faculty of sharia Shaikh, Zayed University, Khost, Afghanistan

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Abstract

One of the positive aspects of Islamic law is that it is founded on social prosperity, and in order to foster social prosperity, it has made it mandatory for the rich members of the community to pay zakat in order to eradicate poverty and need in the community. On the other hand, when compelled to pay zakat, he did not inform the property owner that he had paid the full amount; rather, he had committed to paying a percentage of the property, which must be distributed to the poor and needy at a specific time. No one may take more than a set portion of the property owner's wealth, and it is not necessary for every wealthy individual to pay Zakat in order to prevent oppression in society. If the property contains such conditions, zakat will be deducted from the owner or they will pay for it; if there are no conditions, no one has the authority to steal someone else's property for no apparent cause. The requirements are as follows: The zakat payer must be a Muslim, be under responsibility to do so, be aware of that obligation, be able to do so, be a free individual, and be guided by Islamic law. The person who gives and receives zakat will not purchase the best riches; instead, they will act as a mediator between the two, and zakat will be used to give and get the average amount of money.

Keywords: *Zakat, condition, Islam, obligation, power to pay Zakat, knowledge of the obligation of Zakat, Hur (free human being)*

Introduction

Islam requires its adherents to engage in a number of acts of worship. According to the Almighty, "I did not create ghosts and humans but for my worship and servitude" (51:56). Then, out of His benevolence, Allah, the Exalted, sent prophets to teach and carry out these acts of devotion. Because it is not acceptable to Allah, the Exalted, if someone does the required acts of devotion without the Prophet's direction or conducts them in accordance with his own mood and wants, there is a danger that he would turn heretical (invent new practices inside Islam). The slave's obligation will be met, and he will receive compensation, if it is carried out in accordance with the principles and prophetic directives.

Zakat is one of these religious obligations and practices. In Islam, this act of worship has immense value and significance. The Shari'ah writings make it very apparent that Zakat is the third pillar of Islam and one of its most crucial tenets.

Wealthy Muslims are required by Allah, the Exalted, to give Zakat on their assets, but Islamic law has established a variety of requirements for carrying out this act of worship. Who

will, for instance, pay Zakat? What qualifies someone as a Zakat payer? What asset will he pay in? This paper contains the solutions to these queries.

Objectives:

The objectives of this article are as follows:

1. Understanding the literal and terminological (Istilahi) meaning of zakat.
2. Identifying the person who is obliged to pay Zakat.
3. Identifying the conditions that apply to the Zakat payer.
4. Explanation about paying Zakat on the property of a minor (child) and a lunatic.

Condition identification

The literal meaning of the condition

In the Arabic language, the term "alphabet" (ra) denotes the concept of obligation and commitment within contracts and agreements. Its plural form is used in reference to "terms and conditions." In Arabic, it is expressed as "(شَرَطَ لَهُ وَعَلَيْهِ كَذَا)," which can be translated to "Bet for him or her." Parties involved in a contract then adhere to this condition. Additionally, the letter "Ra" with a fatha is a sign indicating plurality, known as "(Ashrat) اشراط الساعة," which means "the signs of the doom" (Quran 32:329).

The terminological (Istilahi) meaning of the condition

The term "condition" refers to a requirement that relies on the presence or establishment of something specific. For example, ablution acts as a condition for prayer, but it is not a part of the prayer itself. However, if ablution is not performed, the prayer cannot be validly performed (23:23).

According to scholars of jurisprudence, a condition is an essential factor upon which the implementation of a command depends. If this condition is not fulfilled, the command becomes invalid, and the mere existence of the condition does not necessarily dictate the existence or non-existence of the command. In other words, the presence of the condition alone does not automatically make the command obligatory or non-obligatory.

Certainly, an order in accordance with Islamic law (Shari'ah) can only become a binding ruling if it fulfills the specific conditions prescribed by the Shari'ah. For instance, ablution serves as a condition for prayer. When ablution is performed, the prayer is considered valid, but if ablution is not done, the prayer cannot be performed. However, it is important to note that the presence of ablution alone does not automatically imply the obligation to perform the prayer, as ablution might be intended for other purposes such as recitation.

Another example of a condition is the requirement for paying zakat, which involves the passing of a year (حولان الحول). If this condition is not met, paying zakat is not obligatory. This means that zakat becomes obligatory only when the specific condition of a year passing has been fulfilled for the specific wealth.

Based on the premise, zakat becomes obligatory for the owner of the property only when specific conditions are met, and if these conditions are not present, then zakat is not obligatory. In other words, zakat is dependent on the fulfillment of certain requirements by the property owner.

The difference between a condition and an element (Rukn)

In the dictionary, the term "Rukn" refers to the strong or essential aspect of something. In the context of the Quran, Allah mentions the saying of Lot (peace be upon him) in which he seeks refuge in a "Rukn Shadid" (a mighty stronghold) (Hud.80).

In Islamic terminology, "Rukn" is used to denote an integral component that is indispensable for the fulfillment of a specific command or action. For instance, "qiyaam" (standing) is an essential element of the prayer. Without "qiyaam," the prayer cannot be

considered valid (481:26). Thus, "Rukn" signifies a fundamental requirement that must be present for the completion or validity of a particular order or action.

After defining "Rukn" and "condition," the distinction between the two can be summarized as follows: Both "Rukn" and conditions are essential elements for implementing an order. If either the "Rukn" or condition is not fulfilled, the order becomes invalid. However, they differ in nature: "Rukn" is an integral part of the order itself, while a condition is not inherently part of it.

For instance, in the context of prayer, bowing, prostration, and recitation are considered "elements" or "Rukn" of the prayer. Without these essential components, the prayer cannot be valid. These elements are inherently included within the prayer itself.

On the other hand, conditions for prayer, such as ablution, cleanliness of clothes, and the place of prayer, are not part of the prayer itself. Instead, they are prerequisites that must be fulfilled before initiating the prayer. If these conditions are not met, the prayer cannot be valid. While they are crucial for the prayer to be performed, they are not considered integral components of the prayer itself.

Recognition of Zakat, ordering and Wisdom of obligation Zakat literal research

Zakat finds its roots in the words "zakat" and "nama'," signifying increase and growth, like the increased production of land when it yields a larger harvest. Zakat, as the term implies, leads to an increase in wealth and purification, akin to the concept of salah (good deeds). The portion of wealth that is paid as zakat is referred to as zakat. In a religious context, zakat symbolizes the purification of wealth, while zakat al-fitr represents the purification of the body.

Terminology Definition of Zakat

Zakat is a compulsory payment from a specific group of people based on certain criteria and conditions, involving the allocation of a particular portion of their wealth (71:28).

Zakat is a mandatory financial obligation assigned to a particular group of individuals, applicable to specific properties, and required to be given at designated times (4:166).

Zakat ordering

Zakat is one of the principles of Islam and there are arguments from the Book, Sunnah, consensus and reason for its presumption. Here cited some examples.

A. Reason from the Qur'an on the presumption of Zakat

1. In the Quran, Allah instructs believers to perform the prayer in an orderly manner, give Zakat, and join in bowing with others during the prayer {وأقيموا الصلاة وآتوا الزكاة} (32:18).
2. Allah commands Prophet Muhammad to collect Zakat from the wealth of the believers, which serves as alms to purify them from sins and bestow blessings upon their wealth {خذ من أموالهم صدقة تطهرهم وتزكّيهم بها}. (التوبة: 103).

B. Reasons from Sunnah on the presumption of Zakat:

"Islam is founded upon five pillars: bearing witness that there is no god but Allah, and that Muhammad is His Messenger, establishing the Salat (prayer), giving Zakat (alms), observing fasting during Ramadan, and performing the Hajj pilgrimage to the House of Allah" (Bukhari, 8).

C. Reason from the consensus on the presumption of Zakat

The entire Muslim community unanimously agrees on the obligatory nature of Zakat (45:31). Ibn Qudama (may Allah have mercy on him) stated that Muslims across all cities concur on the obligation of Zakat, and the Companions of the Prophet also unanimously agreed that anyone who fails to pay Zakat should be subjected to fighting (228:22).

D. Rational Reason on the presumption of Zakat

1. Providing zakat serves to support the vulnerable and less fortunate, while fulfilling obligatory duties ordained by Allah is a means of strengthening one's faith. Additionally, any action that leads to obligatory worship also becomes obligatory in itself.
2. Allah, in His generosity, has bestowed numerous blessings upon the wealthy individuals who benefit from them. As a result, expressing gratitude for these blessings becomes a rational and religious obligation. Giving zakat to those deserving is a way of showing appreciation for these bestowed blessings.

Wisdom of the presumption of Zakat

Often, the underlying wisdom behind Shari'ah commands and prohibitions remains beyond our comprehension, but every aspect of these commands and prohibitions holds numerous wisdoms. One such example is the ruling on Zakat, where scholars have elucidated various wisdoms for its prescription.

1. Giving zakat is a means to draw closer to Allah, the Lord of Glory, and an act of worship that signifies acceptance of His word. By engaging in this form of worship, individuals develop a habit of generosity, shunning greed and desires forbidden by Allah.
2. Zakat often serves as a deterrent to crimes like theft, bribery, embezzlement, and fraudulent transactions, which are frequently rooted in poverty. When wealthy individuals contribute a portion of their wealth to support the needy, crime rates decrease significantly or may even vanish.
3. Zakat fosters social prosperity and works towards breaking down class distinctions in society. While every society has its share of wealth disparity, when affluent individuals pay zakat from their wealth, it functions as an act of benevolence and charitable deeds, ensuring that the poor are not perpetually impoverished and can lead lives equal to those of the wealthy (258:16).

The conditions of the owner of the property in the presumption of Zakat

The first condition for the obligation of Zakat is that the owner of the property must be a Muslim.

Jurists have outlined several conditions regarding the Zakat payer: being a Muslim, possessing freedom, and having the responsibility to fulfill the Zakat obligation (145:35). It is unanimously agreed among jurists that Zakat can only be obligatory for a Muslim who is also of sound mind and maturity (245:11).

The reason for this requirement is that Zakat is not valid for a disbeliever, as it is considered an act of worship, and the worship of a non-believer is not recognized (145:35). However, according to the Shafi'i jurists, if Zakat becomes obligatory on a person, and they subsequently apostatize, Zakat remains obligatory on them. The Zakat is not waived due to their apostasy. If the individual returns to Islam and their wealth remains unchanged, Zakat becomes obligatory on them again. However, if they do not return to Islam, then Zakat is not obligatory on them (26:29).

The Hanafi jurists hold the view that if a person becomes an apostate (seeks refuge in Allah), Zakat is deducted from them due to their apostasy. They consider an apostate to be similar to a true infidel in this regard. Since Zakat is not obligatory on original non-believers, it is also not obligatory on apostates. If an apostate later reverts to Islam, they are not required to compensate for the missed prayers or address their apostate period in any way (259:21).

Ruling on Zakat on the property of the original infidel

According to the jurists, Zakat is not obligatory on the property of the original infidel, except in two specific cases:

The First Case:

Regarding tithes, the different Islamic jurisprudence schools hold distinct views:

Maliki and Shafi'i jurists, as well as the Hanbali school, agree that when the Ahl al-Dhimma (People of the Covenant) and military infidels bring goods from their lands to Muslim lands for trade, ushr (a form of tithe) should be taken from them. This applies even if their visits to Muslim lands are repeated several times within a year, irrespective of whether the property has reached the Nisab (minimum threshold for Zakat) (67:7).

However, there are differences in the amount of tithe to be taken. Maliki jurists suggest taking half of the tithe from the property brought by the Ahl al-Dhimma and military infidels to Makkah and Madinah (67:7).

Imam Abu Hanifa's opinion is that the Nisab (minimum threshold) is a prerequisite for taking tithes from the Ahl al-Dhimma and Harbi (military infidels). After meeting the Nisab requirement, half of the tithe is taken from the Ahl al-Dhimma, while the full tithe is collected from the military infidels, either as a punishment or a reciprocal transaction (285:14).

According to the Shafi'i school, nothing will be taken from the Ahl al-Dhimma and Harbi unless they make a commitment to pay ushr (tithe) to the Islamic State. If they agree to fulfill this condition, then ushr will be collected from them, but if they do not meet the condition, no tithe will be taken from them (438:34).

The Second Case:

According to the Hanafi, Shafi'i, and Hanbali schools of thought, specifically the Christians of Bani Tughlab are required to pay double Zakat. The reason for this is that double Zakat serves as a substitute for Jizyah, which was a historical tax imposed on non-Muslims during the time of Umar (may Allah be pleased with him) (284:14) (586:28) (162:22).

Dawood Ibn Kardus (may Allah have mercy on him) also mentions that: قَالَ: عَنْ دَاوُدَ بْنِ كُرْدُوسٍ، قَالَ: (صَالِحَ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ بَيَّي تَغْلِبَ عَلَى أَنْ يُضَاعَفَ عَلَيْهِمُ الصَّدَقَةُ) (٦: ٣٦٢) which means that Umar (may Allah be pleased with him) had established an agreement of peace with the Christians of Bani Tughlab, wherein they were required to pay double Zakat (9:392).

Second condition: Zakat payers will be obliged.

The obligation of Zakat necessitates that the person who pays it must be of sound mind and maturity. However, there is a question regarding whether Zakat is obligatory on the wealth of the insane and children. This matter has resulted in different opinions among the jurists, which will be discussed in the following lines, if Allah wills.

The first statement: The majority of scholars concur that Zakat is obligatory on the wealth of the insane and children, and it is their guardians who are responsible for paying it. This view is supported by notable Companions such as Umar, Aisha, Jabir, and Ibn Umar, as well as esteemed jurists including Imam Malik, Shafi'i, and Imam Ahmad, may Allah have mercy on them (75:30) (52:22) (169:4) (76:7).

The second statement: Zakat is indeed obligatory on the wealth of the insane and children, and each one of them is required to pay their own meager amount when the child reaches adulthood and when the insane person becomes conscious. This view is supported by Ibn Mas'ud, Imam Ozai, and Imam Thawri (266:16).

The third statement: According to the opinion of Hasan, Saeed ibn Jubayr, and Nakhai, Zakat is not obligatory on the wealth of the child and the insane. In other words, they do not consider it necessary to pay Zakat on behalf of the child and the insane.

Fourth statement: Imam Abu Hanifa (may Allah have mercy on him) held the view that Zakat is not obligatory on the common property of minors and the insane, except for specific items

like crops and fruits from their land. However, Zakat is not obligatory on other forms of property such as money, merchandise, and livestock (6:25).

These four statements can be summarized into two main views: 1. Zakat is not obligatory on the property of a minor or a lunatic. 2. Zakat is obligatory on the property of a minor or a lunatic, but only for specific items like crops and fruits from their land.

1. Reasons of the jurists who consider Zakat obligatory on the wealth of a minor or a lunatic
 - 1) The scholars base their arguments on the texts that discuss the obligation of Zakat and do not make a distinction between the wise and the foolish when it comes to this obligation.
 - 2) Allah instructs in the Quran to establish prayer and pay Zakat in an orderly manner, emphasizing the significance of both acts of worship (البقرة: ٤٢) . { وأقيموا الصلاة وآتوا الزكاة } (32:18).
 - 3) According to a narration from Ibn Abbas (may Allah be pleased with him) *عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَعَثَ مُعَاذًا رَضِيَ اللَّهُ عَنْهُ إِلَى الْيَمَنِ، فَقَالَ: «ادْعُهُمْ إِلَى شَهَادَةِ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَأَنَّ رَسُولَ اللَّهِ، فَإِنْ هُمْ أَطَاعُوا لِذَلِكَ، فَأَعْلِمُهُمْ أَنَّ اللَّهَ قَدْ افْتَرَضَ عَلَيْهِمْ خَمْسَ صَلَوَاتٍ فِي كُلِّ يَوْمٍ وَلَيْلَةٍ، فَإِنْ هُمْ أَطَاعُوا لِذَلِكَ، فَأَعْلِمُهُمْ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ صَدَقَةً فِي أَمْوَالِهِمْ تُؤْخَذُ مِنْ أَعْيَانِهِمْ وَتُرَدُّ عَلَى فُقَرَائِهِمْ» (104:3)* which means that the Prophet Muhammad (may peace be upon him) sent Mu'adh (may Allah be pleased with him) to Yemen with the message that there is no deity but Allah, the Lord of Glory, and that Muhammad is the Messenger of Allah. If the people of Yemen accept this, they should know that Allah has ordained five daily prayers upon them. Furthermore, if they accept the prayers, they should also be informed that Zakat is imposed on their wealth, which will be collected and distributed to the poor.
2. Some of the companions arguing on sayings.
 - 1) Mujahid (may Allah have mercy on him) narrated that Umar (may Allah be pleased with him) advised to engage in trade with the wealth of orphans and pay Zakat on it (28:20).
 - 2) Qasim ibn Muhammad reported that *«كُنَّا يَتَامَى فِي حِجْرِ عَائِشَةَ، فَكَانَتْ تُزَكِّي «أَمْوَالَنَا، ثُمَّ دَفَعَتْهُ مُقَارَضَةً فَيُورِك لَنَا فِيهِ»* which means that they were under the care of Ayesha (may Allah bless her and grant her peace). She would pay Zakat from their property and then invest it on their behalf, resulting in increased profits (26:20).
 - 3) A rational argument in support of the obligation of Zakat on the property of minors and the insane is that Zakat is similar to other financial rights such as alimony and diyat (blood money). Since the payment of these financial rights is obligatory on minors and the insane, the same principle applies to Zakat (267:16).

Reasons for the second statement followers

1. Allah commands Prophet Muhammad to collect alms, which include Zakat and other forms of charity, from the wealth of people. These acts of giving purify them from sins and bring blessings to their wealth (9:103). The reason for paying Zakat is to attain purification from sins, but this obligation does not apply to children and the insane since they are not considered accountable for their actions. Hence, Zakat is obligatory on those who are mature and sane but not on those who are exempt from responsibility.
2. *عَنْ عَلِيِّ عَلَيْهِ السَّلَامُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ «رُفِعَ الْقَلَمُ عَنْ ثَلَاثَةٍ عَنِ النَّائِمِ حَتَّى يَسْتَبِيحَ وَعَنِ الصَّبِيِّ حَتَّى يَحْتَلِمَ وَعَنِ الْمَجْنُونِ حَتَّى يَعْوَل»* which means Ali (may Allah be pleased with him) narrated that the Prophet (peace and blessings of Allah be upon him) mentioned three categories of individuals who are neither obligated nor blamed for their actions: a sleeping person until they wake up, a child until they reach maturity, and a person with a mental condition until they regain consciousness (45:10). In this context, the obligation of Zakat does not apply to children and the insane since they fall into the category of those not accountable for their actions. The hadith provides clear evidence that children and the insane are not obligated to pay Zakat, which aligns with the general principle that those who are not accountable for their actions are exempt from certain obligations, including Zakat.

The first statement, which asserts that Zakat is not obligatory on the wealth of children and the insane, is considered more valid for two main reasons. Firstly, the reasons supporting this statement are stronger and more compelling than those for the second statement. Secondly, the first statement is in harmony with the purpose and objective of the Shari'ah, which aims to alleviate the needs of the needy through Zakat. This rationale also includes exempting children and the insane from this obligation, as they are not responsible for their actions.

The response to the second argument is that the purpose of Zakat extends beyond purification; it also serves to fulfill the needs of the less fortunate. Furthermore, purification does not solely pertain to the forgiveness of sins; it also encompasses nurturing the soul with good morals, virtues, and fostering a spirit of generosity and charity.

Regarding the hadith, it indicates that children and the insane are neither accountable nor obligated for Zakat. In light of this, some scholars assert that Zakat is not obligatory on them and that they are not considered sinful for not paying it. However, despite the absence of sin or obligation, there is a view that Zakat can still be applicable to their wealth, leading to the question of why they should pay Zakat (269:16).

Third condition: The one who pays Zakat must know the presumption of Zakat.

The Malikis, Shafi'is, and Hanbalis hold the view that Zakat is obligatory on those who are unaware of its obligation because its obligation is not dependent on their awareness. Whether the Zakat payer is aware of the obligation or not, it remains obligatory. For instance, if a person from a non-Muslim territory (Dar Harb) embraces Islam and possesses wealth that meets the Nisab (minimum threshold) criteria in Dar Harb where he spent many years, upon embracing Islam, he will be required to pay Zakat on this property (428:33).

On the other hand, the Hanafi jurists argue that knowledge of the obligation of Zakat is a prerequisite for its payment. In their view, if someone from a non-Muslim territory (Dar Harb) converts to Islam and possesses wealth that meets the Nisab criteria in that territory, but is unaware of the obligation of Zakat, then Zakat will not be obligatory on them (6:25).

Fourth condition: Power to pay Zakat.

According to the Malikis and Shafi'is, one of the conditions for the payment of Zakat is the ability to pay. If a person is obligated to pay Zakat but lacks the means or opportunity to do so, then, according to these scholars, Zakat is not obligatory on that person. For instance, if Zakat becomes obligatory on an individual, but their property is destroyed after the end of the Zakat period and before they pay it, then there is no Zakat obligation on them.

Imam Malik (may Allah have mercy on him) also holds the same view. If the owner of the property loses their possessions before the Zakat becomes due, and it is established that they had the ability to pay Zakat, then there is no Zakat obligation on them. However, this exemption is not valid if the intention behind losing the property was to evade paying Zakat. The reason for this ruling is that Zakat is considered an act of worship, and like other acts of worship such as fasting and prayer, the capability to fulfill it is essential.

The Hanafis and Hanbalis have a different perspective on the matter. They believe that the ability to pay Zakat is not a condition for its obligation. They base their argument on a hadith of the Prophet Muhammad (peace and blessings of Allah be upon him) *عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: سَمِعْتُ رَسُولَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: (لَا زَكَاةَ فِي مَالٍ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ)* which indicates that Zakat becomes obligatory when the year ends (Tirmidhi, 632). Furthermore, they emphasize that Zakat is a financial act of worship, and once it becomes obligatory on an individual, the obligation remains even if they are not able to immediately fulfill it. They draw an analogy to a loan that remains a liability on the debtor until it is repaid, even if the debtor is not currently able to repay it. Similarly, Zakat remains a binding obligation on the individual, even if they are temporarily unable to pay it.

Fifth condition: The payer of Zakat will be free.

The next condition concerning the giver of Zakat is that they must be a free person, not a slave. Regarding this aspect of Zakat, the jurists hold various opinions, which will be discussed as follows.

The first statement: Imam Malik and Imam Ahmad (may Allah have mercy on them) are of the view that Zakat is not obligatory on the property of slaves. This opinion is also supported by notable Companions such as Ibn Umar and Jabir (may Allah be pleased with them) (245:11) (257:22). According to these scholars, slaves are exempt from paying Zakat on their property.

The second statement: The Hanafis and Shafi'is hold the view that Zakat is obligatory on the property of slaves, and it is the responsibility of the owners (masters) to pay Zakat on behalf of their slaves. According to these scholars, the obligation of Zakat falls upon the owners of the slaves, and they are required to discharge this duty on behalf of their slaves (54:28) (6:25).

Third statement: Atta and Abu Thaur, along with the people of Zawahir, share the view that Zakat is obligatory on the wealth of slaves. In other words, they believe that slaves are required to pay Zakat on their own wealth (264:15) (202:28).

The disagreement among these jurists revolves around whether a slave can be considered the owner of property or not. Those who argue that slaves cannot be considered owners believe that the obligation of Zakat falls upon the master, as the master is considered the owner of the slave's property. On the other hand, those who assert that slaves can be owners of property argue that Zakat is obligatory on the wealth of the slave himself.

For those who view a slave's ownership as incomplete, they do not consider it obligatory to pay Zakat on the property of the slave, as Zakat is only obligatory on the property of someone whose ownership is complete (28:16).

Regarding the issue of Zakat on a slave's property, different schools of thought have different opinions. The Republic of the Jurists asserts that there is no Zakat on the property of school slaves until they are released (263:15). On the contrary, Imam Abu Hanifa (may Allah have mercy on him) states that Ushr (a form of Zakat on crops) is obligatory on the crops and grains of the school slaves, while there is no Zakat on any other wealth they possess (56:25).

According to the Hanafi jurists, their argument is based on the hadith «عن ابن عمر أن النبي صلى الله عليه وسلم قال: "فيما سقت السماء والعيون أو كان عثرياً العشر» (١٢٦: ٣). which means that Ibn Umar narrated that the Prophet Muhammad (peace and blessings of Allah be upon him) stated that crops irrigated by rain, springs, or water absorbed by the earth or weeds are subject to ushr, which is one-tenth of such crops.

On the other hand, the Republic jurists rely on the hadith narrated by Jabir (may Allah be pleased with him), in which the Prophet (peace and blessings of Allah be upon him) mentioned that there is no Zakat on the property of school slaves until they are freed. The reason for this exemption is the hadith «لَيْسَ فِي مَالِ الْمُكَاتِبِ زَكَاةٌ حَتَّى يُعْتَقَ» (٢٥١: ٩). indicates that Jabir (may Allah be pleased with him) narrated that the Prophet Muhammad (peace and blessings of Allah be upon him) said: Zakat is not obligatory on the property of slaves in the Maktab until they are freed. Furthermore, their country is in a vulnerable condition, unlike that of a free person. However, it is important to remember that the primary purpose of Zakat is to provide support and assistance to those in need, and unfortunately, the schools may not have the capability to adequately aid them.

The most compelling and authoritative arguments presented by the Republic jurists are as follows:

1. The Hanafis base their argument on a hadith that mentions the obligation of Zakat on a free man, but there is no specific mention of slaves. They interpret this omission as an indication that Zakat is not obligatory on the property of slaves.

2. The Republic jurists emphasize that the analogy of slaves cannot be applied to children and the insane. The reason for excluding children and the insane from Zakat obligation is not due to the imperfection of their property but rather the imperfection of their ability to possess wealth. Unlike slaves, their property ownership is complete. Therefore, the analogy drawn from slaves to include children and the insane is considered invalid (271:16).

The result of the research

In conclusion, the topic of Zakat can be summarized as follows:

1. The obligation of Zakat is firmly established in the Shari'ah texts, and denying its obligation is considered an act of disbelief.
2. The violation of conditions and elements (Rukn) in worship can render the worship invalid or corrupt, while the absence of such violations ensures the validity of the worship.
3. The wisdom behind the obligation of Zakat is to promote social prosperity and prevent people from committing sins such as theft, embezzlement, and looting.
4. Three conditions must be met for the obligation of Zakat: Islam, freedom, and responsibility.
5. All jurists agree that Zakat is obligatory on Muslims.
6. Zakat is generally not obligatory on the property of non-Muslims, except in specific cases such as when commercial goods are brought to Muslim countries, or for the Christians of Bannu Tughlab who are subject to doubt tithes.
7. The Republic jurists believe that Zakat is obligatory on the wealth of children and the insane, and their guardians are responsible for paying it on their behalf.
8. Zakat must be paid by a free person. The Republic jurists argue that Zakat is not obligatory on the wealth of slaves, and this view is considered more valid.

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