

## The Law Of Ahlul Bait Receiving Zakat In The View Of The Event Of Wahbah Al-Zuhaili

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### ARTICLE INFO

Volume: 1  
ISSN:

### KEYWORDS

Zakat, Ahlul Bait

### ABSTRAK

In terms of the distribution or distribution of zakat, there are several groups that are hindered or forbidden in receiving zakat. Among these groups are the Ahlul Bait of the Prophet Muhammad, namely from the descendants of Bani Hashim and Bani Mutholib. They are not entitled to receive zakat because they have a share of Ghanimah, fai' and baitul Mal. But in today's conditions there are no more Ghanimah, fai 'and Baitul Mal, so that the Ahlul Bait living in poverty do not get the share which has been determined by the Shari'ah. This study aims to determine how the law of ahlul bait receive zakat in these conditions.

The issue of Ahlul Bait not having the right to receive zakat has become a debate among scholars about whether it is permissible or not in this day and age. There are some scholars who think that they are not entitled to a share, but there are also scholars who think that they are allowed to receive such a share.

In this study, the author raises the issue of how the law of Ahlul Bait receives zakat by quoting the views of Wahbah al-Zuhaili in one of his books, namely al-Fiqhul islami wa fairlatuhu.

This type of research is a descriptive-analytical research. This research includes library research, namely research that collects data and information with the help of various materials in accordance with the field of science and field of study to be studied contained in the literature (books). In this thesis, the author uses a normative, historical and sociological theological approach. The approach taken is in accordance with the object of research, namely data collection by reviewing the literature or writings related to the object of research.

Wahbah al-Zuhaili in this case explains the law of ahlul bait receiving zakat by using or taking the opinions of the 4 schools of thought and the views of other scholars, and he takes a strict opinion. That the ahlul bait are not entitled to receive zakat and they can only get sunnah alms. However, with today's conditions and a country that does not have ghanimah, fai 'and baitul mal, so that the Ahlul Bait have no rights anymore. So by quoting his writings they are allowed to receive zakat according to the views of the Hanafiyah school, the scholars in the Malikiyyah school and some of the Shafi'iyah. In this case, he uses the legal ijtiḥad method, namely al-Urf 'al-Haajah (needs) which is urgent, which is in the same position as harm. The ijtiḥad method is completed if the needs have been met.

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## 1. Introduction

Zakat is one of the obligations of Muslims who have a very high social value. So with this zakat can ease the burden of human life. Zakat has a very important role in society, because people who are lacking in income can be helped by zakat. Therefore, zakat provides many benefits for humans.

Then the zakat is distributed or given to those who are entitled to receive it, that there are 8 groups who are entitled to receive zakat. As also explained in the books of *fiqh*, the 8 groups who are entitled are as follows:

1. *Faqir* people
2. Poor People
3. The executor (distributor) of zakat or amil zakat
4. The converts
5. To free slaves
6. People who have a burden of debt
7. People who are in the way of Allah
8. People who are on their way (Abu Hazim Mubarak, 2018)

However, of the eight groups, there is one group that is not entitled to receive zakat. This group is *ahlul bait*. Therefore, the *fiqh* scholars are of the opinion that it is not permissible to accept zakat for the ahlul-bait. And they are entitled to receive *al khumus* (1/5) from the *baitul mal* if it meets their needs (Wahbah al-Zuhaili, 1405 H/1985 M)

The author concludes, from this view that at this time there is no such thing as *baitul mal* or part 1/5 for them *ahlul bait*. One of them is that the Indonesian state does not apply this.

Therefore, the author is very interested in studying how the legal status of *ahlul bait* receive zakat? which in this case the author takes the view of *Wahbah al-Zuhaili* in his book. This paper aims to describe and analyze the law of *ahlul bait* receiving zakat in the view of *Wahbah al-Zuhaili*. The usefulness of the research is viewed from two aspects, namely scientific use, contributing ideas to readers regarding the law of *ahlul bait* receiving zakat, and practical use, as new knowledge material for writers in the field of scientific work in writing about Islamic and Interdisciplinary Studies.

## 2. Literature Review

The term Ahlul Bait consists of two words, ahl and al-bait. Each has a clear meaning, but our discussion is when the word ahl is combined with al-bait or with al-Rajul what does it mean? There are three opinions in interpreting the meaning of this expression. First: it includes everyone who has a close kinship or relationship with al-bait or with al-rajul. Second: it is specifically for wives. Third: it is specifically for children (Muhammad Salim Al-Khidr, 2011). In terminology, the word Ahlul Bait means a house expert or one who owns a house (J.s. Badudu-Sutan Mohammad Zain, 1994), when viewed from the two root words between ahl and bait, it is a single word that gives meaning to each other, namely a place to live or a house. which relate to each other between ahlu and bait, namely the family. In its development, the word Ahlul Bait is often used as a word or designation for family or called usrah, namely the family of the Prophet Muhammad SAW (Atabik Ali, Ahmad Zuhdi Msuhdlor, 1996). it stays. However, according to ahl al-bait in the Qur'an, it is reserved by Allah only for the family of the Prophet Muhammad.

In terms of language, the word zakat is the basic word (masdar) of zaka which means blessing, growing, holy and good. Something is zaka, which means to grow and develop, and someone is zaka, which means the person is good. As for zakat in terms of *fiqh*, it means a certain amount of property that is required by Allah to be handed over to those who are entitled to it, in addition to issuing a certain amount yourself. The amount that is issued from wealth is called zakat, because what is issued adds a lot, makes it more meaningful, and protects the wealth from destruction (Salman, Didin, and Hasanuddin, 1998).

### 3. Methodology

The methodology and approach the author uses is descriptive analysis, which includes the process of collecting data, analyzing data, interpreting data, and ending with conclusions based on analyzing the data in a careful and focused way (Made Wiratha, 2006).

The normative approach is an Islamic study that looks at the problem from a formal and/or normative legal point of view. The meaning of formal legal is its relationship with halal and haram, allowed or not and the like. While normative is all the teachings contained in the texts. Thus, the normative approach has a very broad scope. Because all the approaches used by ushul fiqh experts (usuliyyin), Islamic legal experts (fuqoha), commentators (mufassirin), and hadith experts (muhadditsin) who try to explore the legal-formal aspects and Islamic teachings from their sources are normative approaches (Dr. H. M. Rozali, MA, 2020)

historical approach is to review a problem from the point of view of history, and answer the problem, and analyze it using the historical analysis method. History or historical is a study that deals with past events or events that involve actual events or circumstances. Through a historical approach, a person is invited to dive from an idealistic realm to a world that is empirical and global. From this situation, one will see a gap or harmony between what is in the idealistic realm and in the empirical and historical realms (Dr. H. M. Rozali, MA, 2020)

And the Sociological approach is a science that studies living together in society, and investigates the bonds between humans who control their lives. Sociology tries to understand the nature and purpose of living together, how to form and grow as well as the changes in associations of life and the beliefs, beliefs that give special characteristics to the way of living together in every community of human life (Dr. H. M. Rozali, MA, 2020).

### 4. Results And Discussion

the method or method used by Wahbah al-Zuhaili in issuing the law or legal istinbath by using the more important ones, namely the texts of the Qur'an, then using the sunnah as the naqli argument which is the source of muttafaq. He also uses ijma as one of the muttafaq arguments of aqli in issuing laws, and he also makes an analogy of problems by using texts or commonly called the qiyas method which is also a source of muttafaq law based on aqli arguments. He also uses the ijthid method from mukhtalaf sources. as in the book of ushul fiqh he explains about mukhtalaf legal sources, including istihsan, maslahah mursalah or istislah, al-'Urf, Syar'u man Qablana, as-Shohabi schools, istishab, syad'u adz-Dzaroi' ( Wahbah al-Zuhaili, 1986)

Regarding the law of Ahlul Bait receiving zakat, Wahbah al-Zuhaili uses the ijthid method:

العرف والحاجة تنزل منزلة الضرورة

The translation: al-Urf (habits/sociological) and al-Haajah (desire/very need) very urgent needs equivalent to an emergency. In this case, the ijthid method is used when there is an urgent need. However, if the need has been completed, then the method no longer needs to be used.

Ahlul Bait is forbidden to receive zakat. Because it's human filth. They are entitled to 1/5 of 1/5 in Baitul Mal, if it can meet their needs. That is based on the words of the Prophet:

النَّاسُ أَوْسَاحٌ هِيَ إِنَّمَا مُحَمَّدٌ لِأَلٍ تَتَّبِعِي لَا الصَّدَقَةَ إِنَّ

"Indeed, these alms are only human waste. And it is not lawful for Muhammad and not for Muhammad's family."

Bani Hashim who are forbidden to receive alms (zakat), according to al-Karkhi from the Hanafiyyah and Hanabilah circles, are the Abbas family, the Ali family, the Ja'far family; the family of Agil bin Abu Talib, and the family of Harith bin Abdul Muttalib, based on the generality of the hadith that has been mentioned. Likewise, the Shafi'i scholars said, they are Bani Hashim and Bani Muttalib, based on the words of the Prophet SAW, actually Bani Hasyim and Bani Muttalib are one and are like intertwined fingers. Abu Hanifah and the Maliki scholars said, "They are only Banu Hashim. As for Bani Muttalib, the brothers of Hashim, they are not among the Ahlul Bait. Therefore they are given zakat, according to popular opinion." Opinions have been quoted from Abu Hanifah, Malikiyah scholars, and some Shafi'iyah scholars that it is permissible to give zakat to the Bani Hasyim, because they are forbidden to get the dzawil qurba share from Baitul Mal, in order to prevent losses and their needs, and to practice the rule of "maslahah mursalah." Giving them (as ad-Dasuki al-Maliki said) at that time was better than giving to others. Sunnah alms may be given to them according to most scholars (Wahbah al-Zuhaili, 1405 H/1985 M) From Wahbah al-Zuhaili's explanation about the ahlul bait receiving zakat, he quoted the opinion of the sects and scholars, that ahlul bait is prohibited from receiving zakat or obligatory alms, but they can accept gifts from sunnah alms. So the current condition is that there are no more fai 'and Ghanimah assets, of course the khumus or 1/5 ahlul bait part is gone. So they quote the writings of Wahbah al-Zuhaili, then they are allowed to receive zakat according to the views of the Hanafiyyah school, the scholars in the Malikiyyah school or some of the Shafi'iyah. They still get a share if their rights are no longer given from the Baitul Mal.

## **5. Conclusion**

Based on the description above, the author can conclude that when he makes legal decisions or legal *ijtihad* using a *muttafaq* legal source, namely the Qur'an, if it is not contained in the Qur'an he uses Hadith. And so on if it is not found in the hadith then use *ijma'*, and if there is not, then the *qiyas* method is used. If it is not found in *muttafaq* sources, then he uses *mukhtalaf* sources, such as *istihsan*, *istishab*, *maslahah mursalah*, and others. And he collected a lot of opinions from the four schools of thought and other scholars in concluding the law, and he took a strict opinion in terms of legal *ijtihad*. Regarding the Ahlul Bait receiving zakat, he uses the method of *ijtihad* law *al-Urf 'al-Haajah* (needs) that is urgent, which is the same position as *harm*. Then this method is completed when these requirements are met.

Based on Wahbah al-Zuhaili's own view, he quoted many or took the opinions of four schools of thought and several other scholars in concluding a law. He took a firm opinion in taking a law. So we can conclude that in today's conditions, where many countries no longer have *baitul mal*, *ghanimah* or *fay'*, Wahbah al-Zuhaili in his writings takes the opinion of the sects, that if the ahlul bait who has no right in the *baitul mal* or *baitul mal* itself no longer exists, so in this case the ahlul bait is entitled to be given zakat because it is to meet their needs for the common good. Because zakat really upholds social values.

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