

ZAKAT FOR DISASTER VICTIMS: A STUDY ON THE ELIGIBILITY OF ZAKAT RECIPIENTS AS ASNAF AL-GHARIMIN (DEBTORS)

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Abstract	<i>This scientific study was conducted to review the Islamic law of distributing zakat money to disaster victims through asnaf al-gharimin or people who bear the burden of debts. The research method used is qualitative. Data was collected through the documentation method. At the same time, content analysis based on primary and secondary data was carried out to identify the evidence or argument brought to support any decided law that is Al-Quran and Sunnah dan the views of Islamic Scholars about zakat for disaster victims from the context of asnaf al-gharimin. This study also observed the types of zakat distribution given by the states in Malaysia for those types of asnaf. Based on the findings, assistance given by zakat centres in Malaysia to disaster victims is mostly through asnaf fakir (the poor), fi sabilillah (under dakwah and humanitarian activities) and some parts through asnaf al-gharimin (debtors). Zakat aid for victims affected by the COVID-19 pandemic was also provided by the zakat centres. Through this study, Muslims will be able to evaluate the foundations used by the Scholars in ijtihad so zakat asnaf al-gharimin can be distributed to disaster victims and hence extends the assistance to Muslims burdened with the effects of a disaster. The researcher also suggests a few recipient categories that can be included under this asnaf and proposals for the type of assistance that can be provided for disaster victims.</i> Keywords: <i>Asnaf, al-Gharimin, Zakat, Disaster, Victims.</i>
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INTRODUCTION

Victims mean people or items victimized from an accident or others (Pusat Rujukan Persuratan Melayu, Dewan Bahasa & Pustaka, n.d). Meanwhile, the meaning of disaster is an event disrupting community activities and national matters, causing loss of lives, damaging properties, leading to economic losses and environmental destructions that are beyond the society's ability to overcome and require the mobilization of intensive resources (Social Welfare Department [JKM], 2020).

Therefore, disaster victims refer to people or properties who were damaged or sacrificed due to unwelcomed events causing loss of lives, property damages, economic loss and environmental destruction.

Al-Gharimun (debtors) is the plural of the word *Gharim*. From a language point of view, it means a person who owes money. Part of the view: a person who is bound by what he guarantees and bears the guarantee. Al-Zujjaj said *al-Gharimun* is who can no longer bear the burden of debt. From a term point of view: Debtors who cannot afford to repay their

debts. Mujahid said that debtors are those whose debts have burdened them not in bad affairs (fasad) and waste (Ministry of Awqaf and Islamic Affairs – Kuwait, 1427H: 124).

Hanafi and Maliki scholars defined a person in debt as someone who bears the burden of his debt or the debt of others but he is unable to repay the debt (Ibn 'Abidin, 1966: 343). According to the view of Maliki scholars, their debt is settled with zakat even if they have died (al-Hajjah Kaukab 'Abid, 1986: 293). According to Syafie Scholars, *debtors* are those who are burdened with debts that cause them to be unable to pay them. Zakat is given to them simply as a debt that needs to be settled along with what is sufficient for their basic needs such as food, clothing, and shelter (Mustofa Khin et al., 1992: 61). The Hanbali Scholars think that zakat for debtors can be given to debts incurred for the common good, for example, debts due to uniting two warring factions or debts for a person in good things. As for debts for illegal affairs or sins, zakat cannot be given (Hamad Abdullah, n.d: 177).

Ibn Kathir (774H) stated: "There's the term *gharimun* or those who are in debts; they are those who are among several groups among which are those who bear the burden or guarantor of debt so they clear the debt until they have not a single property. This includes those who are drowned in debts yet not able to clear it or the debt which cleared his property was done immorally, and then he repents hence for them, they are given a portion of zakat" (Ibn Kathir, 2002: 300).

PREVIOUS STUDIES AND LITERATURE

Literature related to zakat distribution for *al-gharimin* has been conducted by many researchers in the past. Among which is Mahadi Mohammad, Engku Ahmad Tajuddin & Shahirah Salwa (2014), Syarifah Md Yusof & Raziah Md Tahir (2015), Siti Fariza M.F, Azman A.R, Sanep Ahmad & Hairunnizam Wahid (2016) and Zulaikha Mohd Hanafiah, Nur Aliah Mohd Sukeri & Hairunnizam Wahid (2017).

Mahadi Mohammad, Engku Ahmad Tajuddin & Shahirah Salwa (2014) wrote a paper discussing the definition of asnaf *al-gharimin* from Islamic scholars and definitions employed by Malaysian zakat institutions. It was found that the definition of asnaf *al-gharimin* employed is based on the Islamic scholar Syafie. However, there are differences in defining the eligibility of this type of asnaf based on the Malaysian zakat institutions.

The status of bankrupted individuals in asnaf *al-gharimin* has been an issue discussed by Syarifah Md Yusof & Raziah Md Tahir (2015). The study found that some bankrupted individuals are not eligible to receive zakat under the *al-gharimin* category. The provision of zakat considers the source of debt of that individual whether he was bankrupted due to bearing the necessities and his dependents or he is in debt due for the benefit of the ummah and society. The researchers also placed six conditions for bankrupted individuals to be eligible to receive zakat.

The 2014 flood tragedy in Malaysia became the reason for Siti Fariza M.F, Azman A.R, Sanep Ahmad & Hairunnizam Wahid (2016) to study the position of flood victims as zakat receivers. The results showed that the flood victims are eligible to receive zakat under the category of asnaf *al-gharimin*. Several aid schemes in the form of necessities aids were proposed such as food, clothes and homes.

Zulaikha Mohd Hanafiah, Nur Aliah Mohd Sukeri & Hairunnizam Wahid (2017), on the other hand, focused on the effectiveness of zakat *al-gharimin* distribution by Lembaga Zakat Selangor to chronic patients who required medical assistance. The rise in medical costs became a burden until society has to be in debt. Based on the results, the researchers suggested that the Zakat Centre can establish pharmacy panels besides forming localization models to gain societal trust toward zakat centres.

METHODOLOGY

The research was conducted by collecting primary and secondary data from various journals, books, and information from websites especially State Islamic Religious Council and State Zakat Center in Malaysia. This qualitative research employs data collection via documentation. Documentation is a process of data collection through records and writings

of available data. Data collection through document analysis can provide relevant information to the issues and problems studied. Documents are the easiest source for researchers because the necessary information is readily available and difficult to manipulate (Kamarul Azmi Jasmi, 2021:11). Through the documentation method, the researchers jot down *dalil* (quotations), *hukum* (laws) and other related issues being discussed. During data collection, the researcher also analyzed the content of the documents to identify the term *asnaf al-gharimin*, conditions and the form of distribution of this *asnaf* for states in Malaysia. As for the study of *dalil* and scholars' opinions, research was conducted to study the disaster victims as zakat receivers, especially from the context of *asnaf al-gharimin*.

DISCUSSION

Status Of Disaster Victims As Zakat Receivers

Allah SWT said in the al-Quran:

﴿إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمَلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغُرَمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ﴾

Meaning: *The alms (zakat) are meant only for the poor and the needy and those who are in charge thereof, those whose hearts are to be reconciled, and to free those in bondage, and to help those burdened with debt, and for (expenditure in) the Way of Allah and for the wayfarer (decidedly). This (the hukum placed) is an obligation from Allah. And (remember) Allah is the Most All-Knowing, and the Wisest. (al-Quran. at-Tawbah: 60)*

Based on this sentence, Islamic scholars have different opinions on whether these eight groups are obliged to have zakat fully distributed or can have it partially distributed. The first opinion was initiated by al-Imam al-Syafie and some scholars who stated that zakat is compulsory to be distributed to the eight types of *asnaf*. However, the second opinion claims that it is not compulsory to be distributed to the eight *asnaf* and in fact, can only be given to one type only among them. It is the view of Imam Malik and a number of ulama salaf among which are Umar bin al-Khattab, Huzaifah bin al-Yaman, Ibn Abbas and the others (Ibn Kathir, 2002, 10: 293). From the eight *asnaf*, according to Tarimin (2005), there are three basic categories of distribution which are the poor, the needy, slaves, debtors, and *ibnu sabil* including distribution categories based on requirements. *Asnaf muallaf* and *fi-sabilillah* are included in distributions based on motivation and encouragement to live in faith and morals whereas *asnaf amil* is included in the distribution based on motivation and intensives to manage zakat.

The scholars differ in opinions when debating the allocation for *asnaf*. Some scholars have a narrow view while others are more open to expanding the definition of *asnaf* due to newly arising issues that require zakat aids (Anuar Ramli, Abdul Wahid, Naqib Hamdan, & Izzul Syahmi Zulkepli, n.d.). For example, in the context of Malaysia, the Terengganu Mufti (as cited in Wan Zulkifli Wan Hassan, et al., 2016) in The Minutes of the First Meeting conducted on 24 January 1988 had decided that flood victims are not included in *asnaf* eligible for zakat. The Mufti of Federal Territories, Dr Zulkifli Muhamad al-Bakri is inclined to place victims of disasters such as landslides, earthquakes, hurricanes and others that are causing damage to the homes, crops and lost everything under the category of *asnaf al-gharimin* (Federal Territory Mufti Office, 2014).

If we look at the signs from Rasulullah SAW, several hadiths implore signs that disaster victims are included in the category of *asnaf al-gharimin* such as these below:

1. Qabisah bin Mukhariq al-Hilali reported:

I had a debt so I confided to the Rasulullah, upon whom be peace. He answered: "Wait until we have funds for sadaqah, then we will give some to you." He also said: "Oh Qabisah, begging is not halal unless it is justified only for the following three. A man who is in debt

which makes it permissible for him to claim until his difficulty is resolved, a man who is struck by the calamity which destroys his properties hence makes it permissible for him to claim until he can self-sustain, and a man who has been reduced to poverty as testified by three men of calibre from among his people may claim until he can support himself. Other than these cases, oh Qabisah, begging is not permissible and those who receive are forbidden (haram) from consuming it. (Narrated by Muslim, no. 1044)

2. Abu Sa'id al-Khudri reported:

A man faces a calamity from a bad deal on damaged fruits hence causing him to fall into debt. The Prophet SAW said: "Give him sadaqah." And the people gave him sadaqah. However, it still was not enough to cover his debts. So The Prophet SAW said to the creditors: "Take what you can get from his belongings, none other than those properties." (Narrated by Muslim, no. 1556)

3. Reported by Abd al-Rahman bin Abu Bakar, Rasulullah SAW said:

"Allah calls out those in debts later on The Judgement Day until that person faces Him, hence Allah asks: "Oh child of Adam, why did you take this debt?" And he answers: "Dear Allah, you are the Most All-knowing that I took this debt and I did not eat, drink and put it to waste. However, I was caught in fire, sometimes theft and sometimes loss". Hence, Allah says: "That is true what he says..." (Narrated by Ahmad, no. 1708, evaluated as dhaif (weak) by Sheikh Syu'aib al-Arnauth and Sheikh al-Albaniyy).

Based on the three hadiths stated above, there are a few groups of debtors mentioned directly in the hadiths as follows:

- i. Someone who is burdened due to his debts
- ii. Sellers who fell short in their business that he has to bear the burden of debts
- iii. Victims of disasters, thefts or losses that he has to be in debts

Hence, based on the nas (hadith) above, disaster victims are included in the group who is eligible to receive zakat under the category of asnaf *al-gharimin*.

The researchers also view this based on the current situation, more people are eligible to be categorized under this type of asnaf such as:

- i. Someone bankrupts with loans due to survival necessities and not for luxurious purposes
- ii. Someone bankrupt due to becoming a guarantor
- iii. Someone who takes out loans from an unlicensed creditor (ah long) and receives death and property threats from the creditor
- iv. Someone who takes out loans to settle other people's arguments
- v. Someone who lost their job due to the COVID-19 pandemic is not able to pay their debts and sustain the cost of living because of unemployment

Status Of Disaster Victims According To Islamic Scholars

The following are the views of Islamic scholars in positioning disaster victims under the asnaf category *al-gharimin*;

The view of Mujahid is: "*Al-Gharimun is someone who has his home burned down, his properties swept away by a flood and in debts to afford his dependents. They in the group of those who are in debts.*" (al-Tabariyy, 2000: 318).

Imam al-Son'ani (1152h) when lecturing hadith to Qabisah; "*For both of those who had his properties damaged due to disasters from the sky and earth such as snow, flood and the likes causing him to lose all properties to continue living, hence it is mubah for him to ask until he settles his needs.*" (al-San'aniyy, n.d.: 409)

Dr Yusuf al-Qardawiyy when commenting about disaster victims: "*I specify this behaviour (debtors) is for those who are affected by natural disasters that their properties were ruined leaving them to be in debt to sustain for themselves and their families.*" (al-Qardawiyy, 1973: 623).

Based on the views of Islamic scholars above, it is clear that those who are affected by disasters whose properties are ruined and damaged hence they are in debt to continue living are considered in the group of asnaf *al-gharimin*. This is because it usually takes a long time for people to bounce back to their previous normal lives. In fact, some of them need to start from zero because they have lost their source of income and properties all at once. Therefore, it is wise that zakat aid should be offered to them until they can self-sustain independently.

Types Of Asnaf Al-Gharimin Distribution According To States In Malaysia

The following are the types of distribution for asnaf *al-gharimin* in Malaysian states:

Zakat Management Center	Type of Distribution
Perlis	No specific aid scheme for asnaf <i>al-gharimin</i> (Perlis Islamic Religious Council & Malay Ceremonies [MAIPS], 2021)
Kedah	Subsistence aid for debtors (Lembaga Zakat Negeri Kedah [LZNK], 2021)
Pulau Pinang	- Debt / Financial Burden - Dialysis / Chronic treatment - STPM / STAM Fees - Managing unclaimed remains - Repairing Pondok institutions - Donations for special institutions (Orphanage, Deaf, Disabled / Blind) (Zakat Pulau Pinang, 2021)
Perak	Debt Settlement Assistance Scheme (Perak Islamic Religious Council & Malay Ceremonies [MAIPk], 2021)
Selangor	- Medical debts - Life necessities debts - Dialysis treatment debts - Managing unclaimed remains - Societies/Bodies' debts (Lembaga Zakat Selangor [LZS], 2021)
Wilayah Persekutuan	Aids to settle <i>al-gharimin</i> debts (Majlis Agama Islam Wilayah Persekutuan [MAIWP], 2021)
Negeri Sembilan	- Assistance to pay basic needs debts (protection, clothes, food, medical, education). - Assistance for natural disasters (flood, fire, landslides or hurricane)
Melaka	Aid for Asnaf <i>al-Gharimin</i> among which are those who are in debt due to natural disasters (Melaka Islamic Religious Council [MAIM], 2021)
Johor	Debt Settlement Assistance Scheme (Johor Islamic Religious Council [MAIJ], 2021)
Pahang	- Debts due to necessities including debt for food, rent, medical, and death - Releasing debtors to increase faith in Islam (Pahang Islamic Religious Council & Malay Ceremonies [MUIP], 2021)

Terengganu	- Assistance for those who had to go into debt for necessities - Assistance to manage unclaimed remains (Terengganu Islamic Religious Council & Malay Ceremonies [MAIDAM], 2021)
Kelantan	Assistance for <i>Gharimin</i> It is an aid to pay outstanding debts (debts for necessities only). (Kelantan Islamic Religious Council & Malay Ceremonies [MAIK], 2021)
Sabah	Natural disaster assistance - Asnaf development assistance - Medical assistance - Corpse management assistance - Maahad Tahfiz and Sekolah Agama Rakyat assistance (Sabah Islamic Religious Council, 2021)
Sarawak	Assistance to settle debts (Tabung Baitul Mal, Majlis Islam Sarawak, 2021)

Table 1: Types and Schemes of Zakat Assistance/Distribution for Asnaf *al-Gharimin*

The table below shows the types and schemes for disaster and pandemic assistance for states in Malaysia:

Zakat Management Center	Types of Disaster/Pandemic Assistance
Perlis	Specific Disaster Distribution Scheme for poor, needy and mualaf asnaf (MAIPS, 2021)
Kedah	- Natural Disaster Assistance - Assistance for food and hospital equipment to combat the COVID-19 pandemic (LZNK, 2021)
Pulau Pinang	- Natural Disaster Assistance Program - Pulau Pinang COVID-19 Zakat Special Assistance (Zakat Pulau Pinang, 2021)
Perak	- Special Zakat Fund to Combat COVID-19 Pandemic - Disaster Assistance Scheme (MAIPk, 2021)
Selangor	- Assistance for Victims of Flood, Hurrican, Fire and others - Selangor Peduli Zakat Assistance for those affected by the COVID-19 pandemic (LZS, 2021)
Wilayah Persekutuan	- Assistance for families running out of food resources due to MCO - Emergency zakat assistance for those whose incomes are affected - Assistance in the form of facemasks, thermometers, and hand sanitisers through the National Disaster Management Agency (MAIWP, 2021)
Negeri Sembilan	COVID-19 Special Zakat Assistance (Norafidah Assan, 2021)
Melaka	Assistance for victims of flood, fire, and food kit aid for victims affected by CONID-19 and others (MAIM, 2021)

Johor	Assistance for victims of natural disasters, fire, hurricanes and COVID-19 Zakat Special Aid Initiative (MAIJ, 2021)
Pahang	- Assistance for victims of flood, fire, hurricane and others - Prihatin Zakat COVID-19 PKP 3.0 Assistance (MUIP, 2021)
Terengganu	- Assistance for Emergency or Disasters - MAIDAM Oncall Covid-19 Special Force (MAIDAM, 2021)
Kelantan	Assistance for People Affected by COVID-19 (MAIK, 2021)
Sabah	- Natural Disaster Assistance - COVID-19 Special Assistance (Majlis Ugama Islam Sabah, 2021)
Sarawak	Natural Disaster Emergency Assistance (Tabung Baitul Mal, Majlis Islam Sarawak, 2021)

Table 2: Types and Scheme of Disaster/Pandemic Assistance

Based on the two tables above, each state in Malaysia has a specific assistance scheme for asnaf *al-gharimin* except for Perlis. However only Negeri Sembilan, Melaka and Sabah have a specific allocation for natural disaster victims under this category of asnaf.

The assistance for asnaf *al-gharimin* provided by the majority of Majlis Agama Islam Negeri (MAIN) is to settle debts required to fulfil necessities. Nevertheless, there are among them who expand the type of assistance in the form of corpse management, education, medical, and asnaf development. The form of assistance also differs from one state to another.

Research also shows that each zakat centre distributes assistance to victims affected due to disasters and the COVID-19 pandemic. But the assistance was provided through different asnaf according to their needs. This shows their concern in facing the pandemic situation.

Nonetheless, there may be disaster and pandemic victims that had to go into debt to continue living yet are ineligible to receive zakat despite being qualified due to no specific allocation for disaster and pandemic victims under *asnaf al-gharimin* in many states across Malaysia. They could be receiving plenty of food and necessities assistance from various authorities including the zakat centre; however, the form of assistance may not be suitable because what they really need is financial assistance to settle their debts.

Suggestions For Zakat Provision To Disaster Victims Through Asnaf *Al-Gharimin*

Disaster victims are those who are in a state of emergency due to loss of or damage to necessities such as house, food and clothes. Some of them may have lost their breadwinner, and jobs such as due to the COVID-19 pandemic that has swept the country from the beginning of January 2020 to the point where this research was conducted in September 2021. The enforcement of the Movement Control Order (MCO) has caused a lot of these victims unable to work. This led to some of them having to be in debt in order to continue living. Therefore, based on the fiqh method that is "*al-Dharurah tuqaddar bi qadariha*" meaning an emergency accurate to its rate only (al-Zuhayliyy, 2006); hence, zakat provision suggestions for disaster victims are as follows:

1. Zakat provision is offered based on basic life necessities which are food, clothes and home.
2. The amount of zakat offered to the disaster victims must differ in ways:

No.	Subject	Assistance
1	Victims affected by disasters and pandemics yet still are employed and have a source of income	• Food, drink & clothes • House reparation cost at certain rates (lumpsum payment)
2	Victims affected by disasters and pandemics lose their necessities and job	• Food, drink & clothes • House reparation cost at certain rates (lumpsum payment) • Cost of living assistance for a maximum of 1 year or until victims are employed (whichever comes first)
3	Victims whose savings are lower than their losses due to disasters leading them to be in debt to regain life before the tragedy	• Food, drink & clothes • Cash Aids

Table 3: Zakat Assistance Proposal for Disaster Victims

3. Assistance is offered to restore victims' lives through home reparations and purchases of books and school necessities.
4. Assistance for Muslims who have lost their jobs due to the COVID-19 pandemic and are unable to find new employment due to the country still being under Movement Control Order (MCO) is suggested to be categorized under *asnaf al-gharimin*. This is due to they can still be categorized as those who are affected by disasters or pandemics. This pandemic has caused some victims to fall under the category of people who are burdened with debts to continue living. This qualifies them to receive zakat specifically to fulfil necessities.

CONCLUSION

Overall, victims of natural disasters and pandemics are qualified to receive zakat as a solution to their life problems. Nevertheless, the redefinition of disaster and pandemic victims needs to be clearer so that the zakat assistance can be offered optimally to those who deserve it.

Therefore, the researcher implores that the Mufti Department collaborates with the State Islamic Religious Council (MAIN) of each state to include victims of natural disasters and pandemics as zakat recipients under the category of *asnaf al-gharimin*. The MAIN authority also must specifically state the characteristics that qualify victims to apply for zakat assistance through this *asnaf* category.

In doing so, it is more convenient for the group of responsible *amil* to identify the deserving recipients within their territories. Through clearer definition also affected victims would be able to know their qualifications and apply for assistance as soon as possible. This will eventually minimize the issue of targeted recipients being overlooked.

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