

Donations

Definition

A donation is a sincere contribution from one person to be given to another person. It is a form of hibah that is most done by Muslims. According to Kamus Dewan, donation is defined as assistance in the form of money (to groups and others) and is also defined as a sincere gift. Donation is a way of spending wealth in the way of Allah for things that are pleasing to Allah. Hibah in the form of donations is so important and highly encouraged that Allah promises a profit or reward up to 700 times or more of the property invested in the matter. Every human being, since the beginning, has been endowed with human qualities such as the desire to care, guide, teach, caress, love and be loved, appreciate, and be appreciated, have gotong-royong and work together. Therefore, they can play a role by donating to those in need.

In the name of Allah, the Beneficent, the Merciful:

مَثَلُ الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ اللَّهِ كَمَثَلِ حَبَّةٍ أَنْبَتَتْ سَبْعَ سَنَابِلٍ فِي كُلِّ سَنَابِلَةٍ مِائَةُ حَبَّةٍ وَاللَّهُ يُضَعِفُ لِمَنْ يَشَاءُ وَاللَّهُ وَاسِعٌ عَلِيمٌ ﴿٢٦١﴾

"The example of those who spend in the way of Allah is just like a grain that produced seven ears, each ear having a hundred grains, and Allah multiplies (the reward) for whom He wills. Allah is All-Embracing, All-Knowing". (Surah Al-Baqarah: 261)

The evidence of the Hadith which means:

"From Abu Hurairah R.A., the Messenger of S.A.W. said: "The best alms is that done by rich people. Start by giving alms by giving alms to the person who is your responsibility". (Hadith narrated by Bukhari)

"From Anas Radhiallahu 'anhu from the Prophet S.A.W he said: "No one of you believes until he loves for his brother what he loves for himself". (Hadith narrated by Bukhari and Muslim)

The Goodness of Donating

- Able to purify existing property
- Able to assist the poor
- Creating a sense of love and affection
- Menjadikan harta lebih diberkati dan diperluaskan lagi rezeki

Glory to the Donor

- Be a patron in the hereafter when in Mahsyar
- Lightened reckoning in the hereafter
- Adding weight to the scales of good deeds in the hereafter
- Facilitate access at Siratul Mustaqim Bridge

Donating in the Islamic concept not only helps the poor and those affected by disasters but can also be done through financing the construction of orphanages, the disabled and the elderly. Donating can also be defined as providing equipment such as food, clothing, furniture, and other appropriate equipment for the group.

Inheritance

Definition

According to the Malay Language dictionary, Inheritance is property left by a person who has died, (to be inherited by his family) In Arabic, inheritance is called Al Irth, Al Wirth, or Al Wirathah which in Malay is called Inheritance. According to Syara's terminology, inheritance property or mirath is the property left by a person who has died which has become the absolute right of his heirs to be distributed among those who are entitled.

Inheritance Includes:

- All lawfully acquired property during one's life, left by the deceased, such as through sale and purchase, inheritance, hibah, gifts, alms and through wills.
- Rent still unpaid to the deceased.
- Debts to the deceased settled after death.
- Dividends /interest arising from the property of the deceased.
- Employees Provident Fund (EPF).
- Goods that arise after the death of a person from the efforts of the deceased during his life.

Inheritance Excluded:

- Property been given, sold, waqfed and held in trust by the deceased to a person during his life.
- Death benefit.
- Giving by those who visit the dead.
- Death benefit /additional amount of EPF.
- Remuneration, compensation, and consolation.
- Pension.
- Payments under the Socso Employees Social Security Act 1969
- Borrowed property.

Why the Division of Inheritance Need to be accelerated?

The division of inheritance needs to be expedited to avoid the following:

- Wrongfully consuming and controlling/owning property
- Debts are not paid immediately
- Will not executed immediately
- The number of heirs increased because of multiple deaths
- Incorrect division of property because of forgetting the actual evidence
- Unmanaged / neglected or idle property
- Transaction cannot be executed
- The compensation money for land repossession by the government cannot be paid to the heirs because it is still registered in the name of the deceased
- Loss of important documents such as death certificate, agreement letter, and so on

Responsibility of Heirs to Fulfill the Deceased's Rights to Inheritance

Prior to the division of the estate, the heirs must settle the following:

- Spending only the obligatory funeral arrangements
- Pay off the debts of the deceased
- Debts to Allah swt such as Zakat, kaffarah, nazar, hajj and fidyah
- Debt to human beings
- Execute the will of the deceased (if any) which does not exceed 1/3 of his estate.

Reasons for Receiving Inheritance

- Marriage
- Descendants / relatives
- The liberation of slaves

Estate Restricted to Baitulmal

According to Mazhab Syafi'e, Baitulmal receives an inheritance when:

- No heir to the inheritance
- Surplus of the inheritance not spent by the heirs (through division of faraid)

Acquisition of Inheritance to Baitulmal

- Shariah Court Order (Faraid Certificate)
- Inheritance Division Section Order
- Inheritance and Amahan Raya Berhad Division Order
- Through complaints or reports from the public

Inheritance Acquisition Process Limited to Baitulmal

- Make a preliminary investigation of the case by obtaining the deceased's personal information
- Obtain information/evidence from the next of kin or relatives of the deceased
- Making announcements/publicity through the press for deaths without heirs
- Submit the case to the Shariah Court to obtain the required faraid certificate for the deceased
- Appoint a panel of lawyers for necessary cases
- Manage the transfer of inheritance properties entitled to Baitulmal in the name of the State Islamic Religious Council (MAIN)

Process of Redeeming the Inheritance by Heirs of the Deceased

- Estate valuation
- Sending claim notice to the next of kin
- The Process of Transferring Property Ownership to MAIN / next of kin
- Transfer of property /land of the deceased to /from MAIN by using certain forms and power of attorney according to the types of property
- Signature, seal stamp of recipient / giver (MAIN) on the letter of authority form
- Transfer of property/land recorded as MAIN's name is replaced with the names of the relevant heirs
- Wills Enactment

Hibah

Definition

A grant in terms of language is a gift given not because of a specific responsibility, and this gift benefits the recipient. According to Islamic terminology, a hibah is a contract that can transfer the ownership of something without any replacement while still alive and made voluntarily. According to the dictionary of the council, hibah is defined as the voluntary giving of rights (property) to others with good intentions. In addition to hibah, giving in Arabic is also called Tabarru 'and `Atiyah. When it comes to Malay, there is the term menghibahkan and dihibahkan which means given for free. A hibah is a gift to a person because of an appreciation or love for him.

In the name of Allah, the Beneficent, the Merciful:

وَأْتُوا النِّسَاءَ بِذُرِّيَّتِهِنَّ إِحْسَانًا ۚ فَإِنْ طَلَبْنَ لَكُمْ مِنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا ﴿٤﴾

Meaning: "Give women their bridal-due in good cheer (considering it a duty); but if they willingly remit any part of it, consume it with good pleasure." (Surah An-Nisa': Verse 4)

Hadith Evidence:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُزَيْدٍ حَدَّثَنَا سَعِيدُ بْنُ أَبِي أَيُّوبَ وَحَيْوَةُ حَدَّثَنِي أَبُو الْأَسْوَدِ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ عَنْ بُسْرِ بْنِ سَعِيدٍ عَنْ خَالِدِ بْنِ عَدِيِّ الْجُهَنِيِّ قَالَ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ مَنْ بَلَغَهُ مَعْرُوفٌ عَنْ أَخِيهِ مِنْ غَيْرِ مَسْأَلَةٍ وَلَا إِشْرَافٍ نَفْسٍ فَلْيَقْبَلْهُ وَلَا يَرُدَّهُ فَإِنَّمَا هُوَ رِزْقٌ سَاقَهُ اللَّهُ عَزَّ وَجَلَّ إِلَيْهِ

Has narrated to us Abdullah ibn Yazid has narrated to us Sa'id ibn Abu Ayyub and Haiwah has narrated to me Abul Aswad from Bukair ibn Abdullah from Busr ibn Sa'id from Khalid ibn Adi Al Juhani he said, "I heard the Prophet sallallaahu 'alaihi wa sallam wasallam said: "Whoever is given goodness by his brother without him asking or boasting, then he should accept it and not reject it. Because it is a sustenance that has been prepared by Allah azza wa jalla for him." (Narrated by Ahmad)

Justification for Hibah

Supererogatory and highly encourages.

Pillars of Hibah

- Giver
- Receiver
- Things given
- Sighah (ijab [consent] and qabul [acceptance])

Hibah Terms

Terms of the giver:

- Adult (puberty), healthy and efficient mind
- The giver is the rightful owner of the thing donated / being hibah
- The giver is not currently in the control of another person for some reason
- Not pressured by anyone

Terms of recipient:

- Not asking
- Exist

Conditions of mauhub (donated / hibah items):

- The object is clear
- The goods donated are 'clean' and have benefits
- The thing that is given is really in the hands or in the power of the wahib
- The goods donated do not belong to the wahib himself; for example, donating a tree or his house not with land. In other words, donated items must be purely separate from non-donated items.

Terms of Sighah:

- Continuity
- Unconditional
- No time frames

Wisdom of Hibah

- Build a caring and loving society
- Eliminate feelings of resentment and ill feelings among fellow human beings

- Creating the nature of helping each other among Muslims

Law on Withdrawal of Hibah

Withdrawal of legal grants (hibah) is unlawful, except for grants given by a father to his son.

Hadith Evidence:

وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ أَخْبَرَنَا الْمَخْزُومِيُّ حَدَّثَنَا وَهَيْبٌ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ طَاوُسٍ عَنْ أَبِيهِ عَنْ ابْنِ عَبَّاسٍ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ الْعَائِدُ فِي هِبَتِهِ كَالْكَلْبِ يَفِيءُ ثُمَّ يَعُودُ فِي فَنِيهِ (رواه مسلم)

Meaning: "And has narrated to us Ishaq bin Ibrahim has narrated to us Al Mahzumi has narrated to us Wuhaib has narrated to us Abdullah bin Thawus from his father from Ibn Abbas from Rasulallah saw. he said: "A person who withdraws his gift, is like a dog that vomits and eats back its vomit"." (Shahih Muslim)

Bad debts

Definition

Debt in Arabic is called Qardh, which means to cut. Debt in terms of terminology means giving title to an item to another person on condition that the person returns it in its place without any addition.

Bad debts are debts that have not been paid over a long period of time. If the person giving the debt or his heirs are not found, then the value of the debt must be handed over to the Baitulmal.

In the name of Allah, the Beneficent, the Merciful:

مَنْ ذَا الَّذِي يُقْرِضُ اللَّهَ قَرْضًا حَسَنًا فَيُضِعَّهُ لَهُ أَضْعَافًا كَثِيرَةً وَاللَّهُ يَقْبِضُ وَيَبْصُطُ وَإِلَيْهِ تُرْجَعُونَ

Meaning: "Who of you will lend Allah a goodly loan which He will return after multiplying it for him manifold? For Allah has the power both to decrease and increase, and to Him will you be returned." (Al-Baqarah: verse 245)

A debtor must intend to repay his debt. Hadith from Abu Hurairah R.A. that Prophet Muhammad SAW said:

مَنْ أَخَذَ أَمْوَالَ النَّاسِ يُرِيدُ أَدَاءَهَا أَدَّى اللَّهُ عَنْهُ، وَمَنْ أَخَذَ يُرِيدُ إِتْلَافَهَا أَتْلَفَهُ اللَّهُ.

Which means: "Whoever takes someone else's property (in debt) with the intention of paying it (return it), then God will pay for it. And whoever takes it for the purpose of not paying it, then Allah will destroy it." (Reported by Bukhari)

Debt Settlement Obligation

It can be said that most of us are in debt no matter how much or how little. Debt or borrowing is allowed in Islam. However, Islam also emphasizes strongly on the responsibility to pay debts even after the death of the debtor.

Hadith narrated by Abu Huraira:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: اسْتَقْرَضَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِائَةَ دِينَارٍ مِنْ أَهْلِ الْيَمَنِ، وَكَانَ مِنْهُمْ مَنْ قَضَاهُ، وَكَانَ مِنْهُمْ مَنْ قَضَاهُ بَعْدَ مَوْتِهِ، وَكَانَ مِنْهُمْ مَنْ قَضَاهُ بَعْدَ مَوْتِهِ بِمِائَةِ دِينَارٍ، وَكَانَ مِنْهُمْ مَنْ قَضَاهُ بَعْدَ مَوْتِهِ بِمِائَةِ دِينَارٍ وَصَحَّحَهُ أَحْمَدُ وَالتِّرْمِذِيُّ وَصَحَّحَهُ

Rasulullah SAW once borrowed a young camel and he returned a camel that was better than the one he borrowed, and he said, "The best of you are the best in repaying his debt.". (Authentic Hadith Narrated by Ahmad & Tirmidzi)

Definition

Ijarah means payment given to a person who does a job as a reward for what he did. The term, according to the fuqaha', ijarah is a contract to obtain certain services (benefits) that can be paid for and made lawful with certain goods.

In the name of Allah, the Beneficent, the Merciful:

قَالَتْ إِحْدَاهُمَا يَا أَبَتِ اسْتَأْجِرْهُ إِنَّ خَيْرَ مَنِ اسْتَأْجَرْتَ الْقَوِيُّ الْأَمِينُ { } قَالَ إِنِّي أُرِيدُ
أَنْ أَنْكَحَكَ إِحْدَى ابْنَتَيَّ هَاتَيْنِ عَلَى أَنْ تَأْجُرَنِي ثَمَانِيَةَ حَجَجٍ فَإِنْ أَتَمَمْتَ عَشْرًا فَمِنْ
عِنْدِكَ وَمَا أُرِيدُ أَنْ أَشُقَّ عَلَيْكَ سَتَجِدُنِي إِنْ شَاءَ اللَّهُ مِنَ الصَّالِحِينَ { }

Which means: One of the two women said, "O father, take him to be a hired man (herding our goats), indeed the best person whom you take to work, is a strong person, yet trustworthy. He (Syu'aib) said: "I intend to marry you to one of my two daughters, on the basis that you have worked with me for eight years and if you have enough ten years then that is (a good) from you, then I will not burden you, and you will find me, God willing, among the righteous." (Surah Al-Qasas: ayat 26-27)

Evidence from hadith:

اسْتَأْجَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَبُو بَكْرٍ رَجُلًا مِنْ بَنِي الدَّيْلِ وَهُوَ مِنْ بَنِي
عَبْدِ بْنِ عَدِي هَادِيًا خَرِيتًا - وَالْخَرِيتُ الْمَاهِرُ بِالْهُدَايَةِ - وَهُوَ عَلَى دِينِ كُفَّارِ قُرَيْشٍ
فَدَفَعَا إِلَيْهِ رَاكِحَتَيْهِمَا وَوَعَدَاهُ غَارَ ثَوْرٍ بَعْدَ ثَلَاثِ لَيَالٍ فَاتَاهُمَا بِرَاكِحَتَيْهِمَا صَبَحَ ثَلَاثٍ

Meaning: From Aisyah r.a said: "The Prophet S.A.W and Abu Bakr hired the energy of a man of Bani al-Dail from Bani Abd bin Addi, a skilled guide and still a follower of the infidel religion of Quraish. The Prophet s.a.w and Abu Bakr believed in him and handed over two of their riding camels to him. They promised to meet him at Thur cave after three days. On the third day, the men came with their riding camels, and they set off". (Narrated by Bukhari).

Evidence from Hadith:

اخبرنا يحيى بن حماد اخبرنا ابو عونه عن سليمان الشيباني
عن عبدالله السائب قال: دخلنا على عبدالله بن معقل فسألناه عن
المزارعه؟ فقال: زعم ثابت: ان رسول الله صلى الله عليه وسلم
(رواه نهى عن المزارعه, وامر بالمؤاجره, وقال لا بأس بها
مسلم)

Meaning: Yahya bin Hammad has told us, Abu Awanah has told us, from Sulaiman As-Syaibani, from Abdullah bin Sa'ad. We once visited Abdullah bin Ma'qil, then we asked him about muzara'ah? Then he replied: Tsabit stated that the Messenger of Allah saw. forbade muzara'ah and he ruled with mu'ajarah. Abdullah bin Ma'qil further said that the legal mu'ajarah is permissible". (Narrated by Muslim)

Lease Contract Law

When the rental contract meets the rules and conditions, the contract is considered valid, and all relevant laws (Shariah implications) will apply once the contract is signed.

Pillars of Rental Contract

The rental contract has four pillars, namely the two parties to the contract, sighah, the services (benefits) provided and the payment of rent or wages.

1. First Pillar:

The two parties to the contract are the owner of the service (benefits) and the tenant:

- The contracting party must be puberty and sane. Rental contracts are not valid if they involve children and insane people because these two groups do not have the power of ownership over themselves and their property.

2. Second Pillar:

Sighah contract, which is offer and acceptance:

- Offer: that is, whatever utterance spoken by the owner of the service; and
- Acceptance: that is, whatever utterance spoken by the tenant can indicate consent and it is clearly understood.
 - Acceptance and offer must be parallel;

- There is no long-time gap between offer and acceptance; and
- Unconditional.

3. Third Pillar:

Services (benefits)

- Services must have value; For example, renting a house to live in.
- The service owner must be able to deliver his services so that tenants can use them; For example, the owner cannot rent out a damaged house to a tenant.
- The service is obtained by the employer not by the person hired; For example, hiring people to perform Hajj, the reward of Hajj will be obtained by the employer.
- The service must be informed by both parties in terms of the goods, nature, and rate.

4. Fourth Pillar:

Rent payment. Terms of rental payment:

- The payment must be a clean, not containing elements of usury.
- Rent payments are usable and worth like money; and
- Rent payments are known to both parties.

Types & Conditions of Rental

There are two types of rental contracts: Goods rental and warranty rental.

Rental of Goods

Rental of goods is rent that involves services derived from certain goods.

For example, renting a house. Terms of rental of goods:

- Rented items must be specified.
- The leased goods must exist and be displayed in the presence of both parties at the time of entering the rental contract; and
- The tenant can use the services immediately after the contract is signed.

Guaranteed Rent

Guaranteed rent is rent that involves services obtained through the owner's guarantee. For example, hiring someone to sew clothes. Guarantee rental conditions:

- Rental payments are immediate and submitted in the contract signing; and
- The specifications of the goods for which the service is offered must be clearly stated.

Termination of Lease Contract

Factors:

- Contract cancellation. The reasons for canceling the contract are
 - Rented items are damaged.
 - Rental items are not delivered on time.
- The use of rental items ends.

Kaffarah

Definition

Kaffarah or kaffarah is taken from the original word al-kafru which means to cover. It is called Kaffarah because it covers sins and gets relief from Allah SWT.

In terms of terminology, it means an act that can eliminate sins in the form of freeing slaves, alms and fasting, with certain conditions.

Dalil Kaffarah

In the name of Allah, the Beneficent, the Merciful:

لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ وَلَكِنْ يُؤَاخِذُكُمْ بِمَا عَقَّدْتُمُ الْأَيْمَانَ فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسْكِينٍ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ أَوْ تَحْرِيرُ رَقَبَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ ذَلِكَ كَفَّارَةُ أَيْمَانِكُمْ إِذَا حَلَفْتُمْ وَاحْفَظُوا أَيْمَانَكُمْ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَشْكُرُونَ

“Allah does not take you to task for the oaths you utter vainly, but He will certainly take you to task for the oaths you have sworn in earnest. The expiation (for breaking such oaths) is either to feed ten needy persons with the same food as you are wont to give to your families, or to clothe them, or to set free from bondage the neck of one man; and he who does not find the means shall fast for three days. This shall be the expiation for your oaths whenever you have sworn (and broken them.) But do keep your oaths.¹⁰⁷ Thus does Allah make clear to you, His commandments; maybe you will be grateful. (Surah al-Ma’idah: 89)

Narrated from ‘Uqbah bin `Amir R.A. of the Prophet s.a.w. said:

“The Kaffarah of the vow is the same as the Kaffarah of the oath.” (Narrated by Muslim)

Types of Kaffarah

There are several types of Kaffarah in syarak:

1. Kaffarah Damaging Fasting for having sexual intercourse during Ramadan

- Kaffarah for an invalid or broken fast is:
 - Freeing a believing slave whether male or female.
 - Fasting for two consecutive months if there are no slaves or are unable to do so due to poverty etc.
 - Feeding 60 poor people, everyone gets a mouthful of the state's staple food, if unable to fast.

2. Kaffarah for travelers, and for patients who failed to replace his Fasting for the Year he did not fast

It is sinful if the fast is not replaced, until the entry of Ramadhan the following year, and it is obligatory to replace fasting and submission of Kaffarah, which is to give a cup of the state's basic food to the poor for each day a person does not fast.

The amount of Kaffarah is doubled with the increase of years, when fasting replacement is missed for the second Ramadan, then it is obligatory to submit 2 cupak (1.2 kilos) Kaffarah for each day left, together with fasting replacement, and so on.

3. Kaffarah of the Elderly Who Are Unable to Fast

It is permissible to break the fast, but it is obligatory to give alms for each day that is left with a cup (650 grams) of the state's staple food. That is the only thing that is obligatory upon him or his guardian.

4. Kaffarah for women who broke their fast-during pregnancy, and breastfeeding due to safety concerns to their children

- Mandatory to replace fasting and pay Kaffarah by donating 650gms of the state's basic food for each day that is left and given to the poor.
- If a pregnant woman or a breastfeeding woman breaks her fast because she is worried about her safety, then they are only obliged to perform qadha and in this case Kaffarah is not obligatory.

5. Kaffarah of Hajj

Anyone who violates Ihram restrictions in Hajj, by sexual intercourse, wearing the sewn dress, and killing the hunted animals etc., he must pay kaffarah. Kaffarah can be in the form of three days of fasting; feeding 60 people and pay sadaqah. Kaffarah of Hajj; in the form of dam (blood) which is obligatory or what can replace it is divided into 5 parts. Here are the five parts of Damm for Kaffarah hajj:

1. The first part; structured and specific Damm.
2. The second part; optional and specific Damm.
3. The third part; optional and balanced Damm.
4. The fourth part; organized and balanced Damm.
5. The fifth part; organized and quite balanced Damm.

6. Kaffarah of Oath

Whoever violates an oath, it is obligatory on him to do Kaffarah. He has three choices:

1. Feeding to satiety 10 poor people i.e., modest food that he feeds his family: or
2. Giving clothes to 10 poor people according to what is named in his custom is clothing.
3. Freeing a believing slave.
4. If cannot afford the above, then it is obligatory to fast for 3 days.

7. Kaffarah on Vows

The vow that is obligatory to be issued in Kaffarah is only the Nazar al-Lajjaj, which is the vow that is uttered during an argument. The person is obliged to perform what is vowed, or he can issue a "Kaffarah oath".

8. Kaffarah of Zihar

Zihar had been the kind of the divorces that it was usual among pagan Arabs. If someone commits an act of Zihar then returns to his wife, in the second time, he must pay Kaffarah. In this situation, Kaffarah respectively includes:

- Freeing a believing slave who has no defects that prevent him from striving to earn a living and work.
- Fasting two successive months when there are no slaves or are unable to do so; or
- Feeding 60 poor people when unable to fast or unable to endure consecutive fasts due to old age or illness.

9. Kaffarah for Murder

Intentional killing, manslaughter or by mistake are obliged to issue Kaffarah as the right of Allah SWT. Also, whether the guardians of the victim forgave him from being subjected to the prescribed diyah or not, and whether the killer was sane (puberty) or a child or an insane person. The Kaffarah is as follows:

- Freeing a believing slave who has no defects that prevent him from working or earning a living; or
- Fasting two consecutive months if unable to free a slave.
- If he is not able to fast then he is not obliged to give away food because it is not ordered, in fact the obligation of Kaffarah remains until he is able to do so.

10. Kaffarah through the Implementation of Hudud Law

Whoever commits the sin of hudud offenses (the punishment has been prescribed in religion) such as killing, stealing, qazaf and drinking alcohol, then the punishment is imposed on him in the world, indeed the execution of the punishment becomes Kaffarah for that sin even if he does not repent and Allah SWT does not will rebuke him in the hereafter.

The Wisdom of the Shari'ah for Kaffarah

Kaffarah in syarak is patching of negligence committed by man in his actions. It patches up for things that have been damaged and fixes things that may have been done wrong. In addition, it also eliminates the effects of human actions.

Kaffarah zihar for example is as an eraser of lies committed when he equates his wife with his mother and his aggression on the honor of his loved ones.

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Luqatah

Definition

Linguistically, luqatah is something found in the ground. According to syarak, luqatah is property found in an area that is not owned, not taken care of, and the discoverer does not know the owner.

Luqatah also means property lost from its master and found by others. It is also defined as a respected non -proprietary property found somewhere that should not have been kept, and the finder does not know the person entitled to the property.

Arguments Related to the Law of Luqatah

In the name of Allah, the Beneficent, the Merciful:

فَالْتَقَطَهُ آلُ فِرْعَوْنَ لِيَكُونَ لَهُمْ عَدُوًّا وَحَزَنًا إِنَّ فِرْعَوْنَ وَهَامَانَ وَجُنُودَهُمَا كَانُوا خَاطِئِينَ

“The people of the Pharaoh picked him up (without realizing) that he would become their enemy and a source of their sorrow. The Pharaoh, Haman, and their army were sinful people.” – (Al-Qasas: 8)

From Rasulullah s.a.w.:

“Identify the bond or package. Then spread the word about the property for a year. If you do not know the owner, use it and make its value as your savings. If the owner comes claiming it at any time, you shall hand it over to him.” (Narrated by Bukhari)

Zaid bin Khalid al-Juhani narrated, a man asked Rasulullah s.a.w. regarding the property of luqatah then the Prophet said which means:

“Spread the word about the property for a year.” (Narrated by Bukhari & Muslim)

Law of Ownership of Luqatah Property

When a Muslim finds a luqatah item, he is encouraged to take it if he is confident of being trustworthy and is worried that the item will not be found by its owner. This was done to protect the rights of his Muslim brothers.

If he is not sure he will be trustworthy and is worried that he himself will take the item, it is makruh if he takes it.

If he feels that he will not be trustworthy and will take it to have it and not to return it, it is forbidden for him to take it. Rasulullah s.a.w. did mentioned on this:

“The person who takes the lost item is sinful as long as he does not announce it.” – (Narrated by Ahmad)

According to the view of jumhur fuqaha', it is necessary for the discoverer of luqatah property to own the property after the period of proclamation, whether he is a rich or poor person. If the property has been sold, he can own its proceeds. If the original owner is found he must return the property or its proceeds to the owner accordingly.

Types of Luqatah Property

a) Non-animal Luqatah:

- Property that is quickly spoiled like food. In terms of such a law the inventor may be given a choice whether to consume or use it and replace it, or he sells it and keeps the price.
- Property that is quickly damaged but can be taken care of so that it is not damaged. For this type of property, it is obligatory for the finder to take appropriate action in the interest of the original owner, namely, to sell and keep the proceed, do something that can prevent the property from being damaged at his own expense, or he sells part of the property for the purpose of caring for the rest of the property.
- Undamaged property. For this property it is obligatory for the discoverer to keep it during the period of the announcement.

b) Animal Luqatah:

It should be for the discoverer to keep the animal he finds and return it to its owner when claimed. He can ask from his original master the amount of expenses he has incurred. Should also be for him to sell and keep the money from the sale.

Power of Custody of Luqatah Property

While under his care, the discoverer of the Luqatah Property is obliged to take care of it in the proper manner. He is not responsible if anything happens to the property if there is no negligence on his part. However, the discoverer is obliged to make an announcement on the Luqatah Property.

Luqatah property that is trivial and small which is usually ignored by its owner is not obligatory to be announced and can be owned by its discoverer.

Announcement Period

The period of proclamation for valuable property is for one year as mentioned in the hadith of Rasulullah s.a.w. For property that is not very valuable in the eyes of society, a period of one year is not necessary. In fact, it is sufficient for a period that is considered to have normally reached the original owner.

Announcements should be made in public places such as markets, at the doors of mosques, newspapers and the like which are visited by the public.

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Vows

Definition of Vow

A vow (nazar) in terms of language is a promise to do good or bad. From the Islamic point of view, a vow is a promise to do good specifically. While vow according to the term fuqaha 'means to oblige oneself to perform ibadah that is not obligatory by syarak absolutely or ibadah that depends on other things.

Argument on Vows

In the name of Allah, the Beneficent, the Merciful:

يُوفُونَ بِالنَّذْرِ وَيَخَافُونَ يَوْمًا كَانَ شَرُّهُ مُسْتَطِيرًا

"They [are those who] fulfill [their] vows and fear a Day whose evil will be widespread." (al-Insan: 7)

From `A'ishah r.a., the Messenger of Allah s.a.w. said that means:

مَنْ نَذَرَ أَنْ يُطِيعَ اللَّهَ فَلْيُطِعهُ، وَمَنْ نَذَرَ أَنْ يَعْصِيَهُ فَلَا يَعْصِهِ

"Whoever vows to obey Allah, then obey Him, and whoever vows to commit immorality to Him, then do not commit immorality to Him." – (Narrated by Bukhari)

Ruling on Vows

Vows are prescribed and they include the obligatory acts of worship performed by the person making the vow. That is why the fuqaha 'state that vows are not valid made by infidels. However, it is preferable (afdhal) for a person to perform the worship that he wants to do without obligating the matter on himself by making it a vow.

Types of Vows

There are three types of Vows:

1. Nazar Al-Lajjaj (Stubbornness)

The vow takes place in a state of quarrel, and it arises because of anger. For example, if I were to talk to that person, then in the name of Allah it is

obligatory on me to fast for a month. This type of vow has two conditions, from one angle it is like swearing not to speak, from the other angle it is like a vow, then the person who made the vow can choose whether to redeem the oath or fulfill the vow.

2. Nazar Al-Mujazah (Reward)

A vow which a person requires the obligation of an act of worship with the achievement of a will. For example, if I recover from an illness, this then I will endow part of my property. When the vow is achieved as God healed the disease, then the person who made the vow is obliged to perform what has been made obligatory to perform.

3. Nazar Al-Mutlaq (General Vow)

A vow that merely wants to get closer to God and is not preceded by any problem. For example, in the name of Allah it is obligatory upon me to fast on Thursday. This vow is obligatory because this vow has no conditional dependence on other things.

Terms of Vow

1. People who make a vow, are required three things:
 - a. Islam, the vows of infidels are not valid.
 - b. Taklif, vows of children and insane people are invalid.
 - c. Voluntary, vows of the coerced person are invalid.
2. The thing vowed, is conditional on the following two things:
 - a. Something that is vowed should be in the form of worship and get a reward.
 - b. Things that are vowed do not include things that have been made obligatory, for example, the five daily prayers.

Effect on Authentic Vows (Sufficient Conditions)

When the vow is valid, that is, enough of the conditions that have been mentioned, then the person who made the vow is obliged to perform what has been made obligatory on him, when the thing he wants comes true. This

law is for vows that are associated with the achievement of a will. As for an absolute vow, he is free to perform it absolutely (at any time).

It is supererogatory to hasten the execution of what is vowed at the beginning of the time and when the opportunity presents itself. This is done to immediately get rid of the obligation. If the vow is tied to a certain time, then it is obligatory to fulfill it within that time. If he misses the appointed time without being ill, then he is sinful, and it is obligatory to do so. If he misses it due to illness, he is not sinful and is obliged to replace it at any time that allows him to fulfill it.

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Usury (Riba)

Definition

According to the Arabic language, riba is the surplus, increase and development on something from a specified or specified property. Meanwhile, according to the terminology, it means a contract entered into as an exchange of certain goods, but at the time the contract is signed, this exchange is not known to be equal according to Islamic measures, or the delivery of one or both of the goods is delayed.

Ruling on Riba (Usury)

In the name of Allah, the Beneficent, the Merciful:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ ﴿٢٧٥﴾

"Those who consume interest¹ cannot stand [on the Day of Resurrection] except as one stands who is being beaten by Satan into insanity. That is because they say, "Trade is [just] like interest." But Allah has permitted trade and has forbidden interest. So, whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with Allah. But whoever returns [to dealing in interest or usury] – those are the companions of the Fire; they will abide eternally therein." – (Al-Baqarah: 275)

In the name of Allah, the Beneficent, the Merciful:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُضَاعَفَةً وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ

"Believers! Do not swallow interest, doubled and redoubled, and be mindful of Allah so that you may attain true success." – (Al-Imran: 130)

From Abu Sa'id al-Khudri r.a., that Rasulullah s.a.w. said:

"You shall not sell gold for gold except the same weight, you shall not exceed one part above another, you shall not sell silver for silver except the same weight, and you shall not sell one part above another part, and you shall not sell that which is not in between those items and the existing ones." – (Narrated by Bukhari & Muslim)

Law of Usury

The law of usury is haram based on the words of Allah SWT and the words of the Prophet s.a.w.

Types of Usury

1. Riba Al-Fadl (Additional payment)

Riba al-Fadl is the sale and purchase of usurious goods, that is, ribawi goods such as currency (gold and silver) and basic foodstuffs (rice and wheat) and is accompanied by differences and additions by one of the parties.

An example is a seller selling a cup of wheat with the buyer paying two cups of wheat.

2. Riba Al-Nasi'ah (Deferred Payment)

Riba al-Nasi'ah is the sale and purchase of usurious goods with other usurious goods in a deferred manner, and both have the same 'illah.

For example, a seller sells a cup of wheat and is paid with a cup of wheat or two cups of barley within a month before payment is made.

3. Riba Al-Yad

Riba al-Yad is the sale and purchase of usurious goods with other usurious goods, and both have the same 'illah without the requirement of a specific period during the contract. However, delays in handing over one or both items occur outside of the contract ceremony.

The Wisdom of Prohibiting Riba (Usury)

Among the wisdom in the prohibition of usury are as follows:

- Preserving the property of Muslims so that it is not exploited in a vain way.
- Focusing Muslims to develop wealth with any form of noble employment that is clean from all forms of fraud, away from all

elements that can cause difficulties and anger among Muslims. For example, involved in agriculture, manufacturing (industry) and a clean legitimate business.

- Blocking all avenues that may provoke or cause enmity among fellow Muslims; and
- Keeping Muslims away from something that causes their own destruction, because the usurer is a tyrant, and the consequences of tyrannical deeds are hardship.

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Wills

Definition

Wasiat (Will) or al-isa '(order) in terms of language means that a person promises to another person to perform an act or business during his life or after his death or means to give property to another person.

In terms of Islamic law, a will means to give property (to a person) after death voluntarily (tabarru`), whether the given is `ain property or benefits.

Ruling on Wills

In the name of Allah, the Beneficent, the Merciful:

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدُكُمُ الْمَوْتُ إِن تَرَكَ خَيْرًا الْوَصِيَّةُ لِلْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

"Bequest is prescribed for you when death approaches one of you and leaving behind wealth for parents and near relatives, according to Ma'rûf (custom) is a duty (to be fulfilled, a right) upon those who are pious (the owners of piety, "takwa")." – (Al-Baqarah: 180)

Hadith Rasulullah s.a.w. which means:

"From Abdullah bin Abbas, he said: If only the people sent a will from one-third to one-fourth, then the Messenger of Allah said: One-third, and that third is a lot." – (Narrated by Bukhari & Muslim)

Ruling on Wills

In the early stages of Islam, it was agreed among the fuqaha 'that a will to parents was obligatory for those who had property based on surah al-Baqarah (verse 180). However, after the revelation of the verses of al-Mawarith (verses 11, 12 and 176, surah al-Nisa ') the law of wills is different according to the interpretation of the fuqaha'. The opinions of fuqaha 'can be categorized into three, namely:

Jumhur fuqaha' (Hanafi, Maliki, Syafi'i and Hanbali) argue that the law of testament is sunnah, because verse 180 of surah al-Baqarah has been confirmed by the verse of al-Mawarith and the hadith of Rasulullah s.a.w. which means:

"Indeed, Allah SWT has given everyone who has the right to his rights, therefore should not bequeath to the heirs." – (Hadith narrated by Ibn Majah)

The opinion of the tabi`in (including Ibn Hazm), they think that the law of wills is obligatory for those who have property. The reason for this group is that the above verse has been confirmed by the verse of al-Mawarith about the law of obligatory will to parents and relatives who are heirs, but the law of obligatory will to those who are not heirs is still permanent. Daud al-Zahiri's opinion states that will is obligatory for both parents and relatives who do not receive an inheritance (non -heirs).

According to jumhur fuqaha ', the law of wills can change according to circumstances, such as obligatory, supererogatory, must, makruh and haram.

Pillars of Wills

Pillars of wills can be divided into four:

1. Executor
2. The testator
3. Bequeathed property
4. Will (sighah)

Terms of Will

Terms of testator:

- The owner of the property, that is, the one who owns the property.
- Sensible, not a crazy or drunk.
- Puberty, not from among children even mumaiyiz.
- Your own choice, make it voluntarily without being forced by anyone.
- Independent, not from the slave class.

Conditions of testator:

- The beneficiary of the will must be known (except for charitable matters).
- The beneficiary exists at the time of the testator's death and when the will is made.

- Testators have the skills to own property.
- The beneficiary is not an heir according to the opinion of jumhur fuqaha' (Hanafi, Maliki, Syafi'i, and Hanbali schools).

Terms of bequeathed property:

- The property must be halal to be used.
- The property must be transferable.
- The property must be owned and owned by the testator.

Based on these conditions, a will can be executed on the following matters:

- Bequeathing uncertain property is legal. For example, bequeathing a kid that is still in its mother's womb.
- Bequeathing something that does not exist when the will is valid. For example, bequeathing the fruit that will come out.
- Giving a will that is not clear is valid. For example, bequeathing clothes. The heir will decide which clothes will be given.
- Bequeathing the use of property solely whether such use is temporary or permanent is valid. For example, a testator bequeaths to someone to oversee his house and then bequeaths that person to inhabit it as well.
- Legally bequeaths unclean property that can be utilized such as cow dung.

Conditions of pronouncement of will (sighah):

- The will must be pronounced clearly or vaguely.
- A clear statement, for example: "I bequeathed to him a thousand."
- Vague words, for example: "This is my book for Ali." (Vague utterances should be accompanied with intent by the individual giving the will).
- The will must be accepted by the beneficiary.
- Such consent shall be considered after the death of the testator regardless of whether the beneficiary has consented or has rejected this will before the death of the testator.

Bequestable Property Rates

Regarding the rate of property that can be bequeathed, it is divided into two conditions namely:

1. If the testator has heirs, then according to jumhur fuqaha' (other than Zahiri and Maliki), a will that exceeds one-third is not valid, except with the consent of the heirs. If the heirs agree, the will is valid and in force, on the other hand if they do not agree then the rate more than one-third is void. On the other hand, according to the Maliki and Zahiri sects, a will exceeding one-third cannot be valid, even if agreed to by the heirs.

2. If the testator has no heirs, according to the opinion of the Hanafi School, a will more than one-third of the property is valid. On the other hand, the opinion of jumhur says that a will that exceeds the rate of one-third should not be absolute, because it involves the rights of Muslims.

Wills Revocation

The testator may withdraw all or part of his will or alter it or add new conditions as the property is still in his possession if he is alive.

Revocation of a will can be done with:

- Words that indicate that purpose. For example, the testator says: "I revoke the will, or I cancel it, or I withdraw my will, or I hand it over to my heirs."
- By an act showing that the will was revoked. For example, a testator sells a bequeathed property, or makes it alms, or presents it to another, or mortgages it or hands it over to a debtor. All these actions indicate that the testator has revoked or withdrawn his will because it removed his title to the property.

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Fidyah (Fines)

Definition

Fidyah is to feed the poor with one cup of basic food for each day left.

Fidyah is also a fine imposed on a person for certain reasons or deliberately skipping the alternate fast (qada ') of the month of Ramadhan.

In the name of Allah, the Beneficent, the Merciful:

أَيَّامًا مَّعْدُودَاتٍ فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ فَمَنْ تَطَوَّعَ خَيْرًا فَهُوَ خَيْرٌ لَهُ. وَأَنْ تَصُومُوا خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ ﴿١٨٤﴾

“(The fast is) (for) a prescribed number of days. So, whoever of you is sick or is on a journey, then a (fixed) number of other days; and against the ones who can afford it, there should be a ransom of food for an indigent man; (yet) whoever volunteers charitably, then it is most charitable on his part; and to fast is more charitable for you, in case you know”. (Al-Baqarah: 184)

Rasulullah s.a.w bersabda mafhumnya:

“Whoever dies while he still has the fast of Ramadan which has not been replaced, should be fed a poor person for each day left on his behalf”. (Narrated by at-Tirmizi)

Reasons for Fidyah

1. People Who Are Too Old and Patients Who Have No Hope of Healing

Consists of the elderly who are unable to fast, or those who are severely ill and have no hope of recovery. This group does not have to replace fasting but must pay fidyah of one cup of basic food for each day left.

2. Pregnant women

Provided they are worried about the safety of their unborn baby, this group is obliged to pay fidyah and replace the fast that was left.

3. Breastfeeding Mothers

Provided that the breastfeeding mother is worried that it will harm the baby she is breastfeeding, such as lack of milk or affect the baby's health. This group is required to pay fidyah and replace the fast that was left out.

4. People Who Have Died

The fasting debt for a person who has died must be completed with the payment of fidyah by his heirs according to the number of days left.

5. Delaying Replacing Fasting

Those who delay replacing their fast until they have moved on to the following year, will be fined by paying fidyah and are also obliged to replace the fast they have left. The payment of fidyah will be doubled according to the number of years left.

Fidyah Payment Rate

The rate of fidyah payment for one day of fasting left is one cup (600gm) of rice.

Those who want to pay fidyah can do so by giving alms to the poor or contacting the state authorities for more information such as calculating the payment rate and so on.

Zakat (Annual Alms)

Definition

In Arabic, "Zakat" generally means an increase. Based on this general meaning, it is then used for many meanings such as clever, fertile, clear, blessing, praise, clean etc.

As a term in the study of Islamic law or "Fiqh", zakat means withdrawing a certain rate from a certain property for the benefit of those who are entitled to receive it, as determined by Allah. In other uses, it also means the property issued itself.

In addition, the word zakat is mentioned in the Qur'an and Sunnah. However, it is not a single term for a meaning because the Qur'an and Sunnah also use the word "charity" for the same meaning. In the Qur'an, for example, Allah says what He means:

"Take from their wealth alms (zakat) with which you purify and purify them."
"

In the hadith, Rasulullah s.a.w said:

"Below five, "ausuq" is not subject to alms (zakat) "

Considering the above meanings, some jurists think that "zakat" and "sedekah" are two synonymous things. Al-Mawardi thinks that "charity" is zakat and zakat are charity. The two are separated in name, but united in meaning.

In Arabic, "charity", generally means to strengthen something with something. Based on this general meaning, it is then used for other meanings, such as being truthful, making friends, dowry, giving and so on. Based on this understanding, then some scholars argue that charity basically in Islamic law means consistency between actions and beliefs.

However, whether in Arabic or Malay, alms are no longer used to mean zakat. It is usually used to mean zakat. It is usually used to mean giving voluntarily to any party only to get a reward from God. In other words, zakat means obligatory giving, while alms mean giving supererogatory.

Excerpt from
Konsep dan Objektif Zakat Dalam Islam
Oleh Dr. Mahmood Zuhdi Abd. Majid

Khairat (Death Benevolent Fund)

Introduction

1. Khairat comes from the Arabic word that means charity, which also includes donations, alms and so on. Alms or donations are sincere contributions from one person to be given to another person. According to the Dictionary of the House, donations are defined as assistance in the form of money (to associations etc.), sincere giving and alms (to the poor etc.). Alms, on the other hand, means giving to the poor and others (sincerely). While khairat is defined as charity, donation, or charity.

2. The use of the term charitable collection has been used for a long time in Malaysia, for example in the Islamic Religious Administration Law (State of Selangor) 1952 and the Islamic Religious Administration Law (State of Perak) 1965.

3. However, the use of the term charitable collection does not cover death charities created in parish mosques but can be used if the death charity fund is created through donation collection. Death benefit is usually money collected from contributors living in an area (members and parishioners) at a certain rate and given to the heirs of a person who dies upon death.

4. In this country, the charitable practice of doing charity by giving alms or donations, especially to the poor and those in need, has become a common practice in society, especially among the Muslim community. Apart from being able to help fellow human beings as recommended by Islam, through almsgiving is also expected to bring more blessings in the property of a Muslim as well as as a proof of gratitude to Allah SWT for what has been bestowed.

Allah SWT states:

وَإِذْ تَأَذَّنَ رَبُّكُمْ لَئِنْ شَكَرْتُمْ لَأَزِيدَنَّكُمْ وَلَئِنْ كَفَرْتُمْ إِنَّ عَذَابِي لَشَدِيدٌ

"(Recall the time) when your Lord declared, "If you express gratitude, I shall certainly give you more, and if you are ungrateful, then My punishment is severe." (Ibrahim: 7)

Category / Group

1. In general, those who ask for alms can be divided into two main categories. First, individuals who are the poor who ask for alms to meet the needs of their own lives and their families daily. They can usually be found in crowded locations such as in city centers, towns, shopping malls, in front of banks, automatic teller machines (ATMs), petrol stations, markets, night markets, restaurants, bus stops and so on. Monitoring and enforcement for the first group is usually carried out by the Social Welfare Department (JKM).

2. The second group is those who ask for alms on behalf of an institution, especially related to Islam, that is to help increase financial funds to cover the construction of buildings or institutions such as mosques, suraus, schools, orphanages and so on. The alms collection activity by the second group needs to get a letter of permission/support from the authoritative party, namely the State Islamic Religious Council (MAIN) in their respective states.

Legal provisions

1. Legal provisions regarding permission to collect charitable collection, and provisions regarding the punishment for conducting charitable collection without permission, have been provided in the Islamic Religious Administration Act / Enactment of the States in Malaysia other than the state of Sarawak. For example, Section 84 (1), Administration of Islamic Law (Federal Territories) Act 1993 states that: "The Council may collect, or grant letters of permission on such terms as it thinks fit to any person or group of persons, allow such person or group of persons to collect money or other contributions for any charitable purpose to support and advance the religion of Islam or for the benefit of Muslims in accordance with Islamic Law".

2. The enactments of other states (other than Sarawak) also provide similar provisions where the provisions clauses between the enactments of these states are seen to be similar and clearly state the power of MAIN in granting permission to any Muslim to conduct collections for the purpose of advancing religion. Islam.

Modus Operandi

1. The modus operandi of alms collection by the latter group (on behalf of the institution) is diverse. Apart from asking for alms in public areas like the first group, they also hold collections from house to house and in offices. Typically, they use individuals to represent an institution to meet with the public and then solicit alms from the public who are there. Alms collection boxes are also left in strategic and safe locations such as mosques, suraus and so on.

2. Malaysians, known for their generosity, mostly do not care about the legitimacy of individuals who conduct charity collections, whether they really represent a stated institution or commit fraud. The community easily gives donations without thinking long because they feel sympathy as well as expect a great reward from Allah SWT. The alms collectors, on the other hand, openly carry out their activities as if there is no law restricting their movement and they are free to carry out collections without any restrictions.

3. Apart from that, children are also exploited to collect donations at petrol stations and restaurants. Some of these children are used specifically to collect donations and some are also used to sell products such as religious lecture CDs, raisins, books and so on. The proceeds from the sales donated are said to be used for the development of their schools / institutions.

FAQ eKhairat

1. What is the meaning of charity money (alms / donation)?

In terms of language, khairat means virtues.

In terms of terminology, it means charity done in the form of money for the purpose of charity and to draw closer to Allah SWT.

2. What are the requirements of a charity / alms giver?

- i. Have full expertise to perform tabarru ', that is:
 - a. Reasonable Mind
 - b. Puberty
 - c. Rashid (clever)

d. There is no barrier to giving alms

- ii. Possess items that want to be donated or be a representative for other parties who want to donate with their property.

3. Who is eligible to receive charitable money?

People who are eligible to receive charity money are such as the poor, orphans, single mothers, people with disabilities, bankrupts, people affected by disasters or diseases.

4. What are the terms of the property to be donated?

- i. Property owned from halal as well as non -syubhah sources; and
- ii. Good property and not something bad or disliked.

5. Can he give alms with something bad from his property, such as furniture that in bad condition, or clothes that are worn out?

The ruling is makruh (abominable), Allah states:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ وَلَا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ وَلَسْتُمْ بِكَافِرِينَ
إِلَّا أَنْ تُغْمِضُوا فِيهِ ۚ وَاعْلَمُوا أَنَّ اللَّهَ غَنِيٌّ حَمِيدٌ ﴿٢٦٧﴾

" O ye who believe! Give of the good things which ye have (honourably) earned, and of the fruits of the earth which We have produced for you, and do not even aim at getting anything which is bad, in order that out of it ye may give away something, when ye yourselves would not receive it except with closed eyes. And know that Allah is Free of all wants, and worthy of all praise." (Al-Baqarah: 267)

6. What is the wisdom of charity?

- a. The practice of almsgiving is a sign of gratitude to Allah SWT for the blessings of wealth that has been bestowed on us.
- b. Almsgiving can purify one's property and self as zakat.
- c. Almsgiving is a form of worship that can add goodness, remove sins, repel evil, increase sustenance, cure diseases, and ward off the wrath of Allah SWT.

7. Can one give alms to his relatives or neighbours?

It is supererogatory for a Muslim to give alms to his relatives or neighbors because it is better. As the Hadith narrated by al-Tirmizi and Ibn Hibban,

which means:

"Alms to the poor is one charity, while to those who have a uterine relationship (relatives) are two things: Alms and closer relationships".

8. Can a Muslim give alms to non-Muslims?

The view from Mazhab Syafii, should give absolute voluntary alms to non-Muslims. Allah SWT states:

وَيُطْعَمُونَ الطَّعَامَ عَلَى حُبِّهِ، مَسْكِينًا وَيَتِيمًا وَأَسِيرًا

"They also fed the food items desired and liked, to the poor and orphans and captives (non-Muslims)." (Al-Insan: 8)

9. Can one give alms to animals?

Almsgiving to animals is something that is recommended by Islamic law.

10. What is the law of a person giving alms with all his property?

It is supererogatory for alms done on property beyond the needs of oneself and those who are dependent. If a person gives alms to reduce the needs of his dependents, then he is sinful.

11. Who is the authoritative party over charitable money?

Charitable money falls under the jurisdiction of the State Islamic Religious Council (MAIN). Provisions regarding charitable money are contained in the Islamic administrative statutes of each state.

12. What is the justification of the applicant or the collector of charitable levies?

- a. The application for permission to make a charitable collection must be from any individual who represents a group of people or institutions such as mosques, suraus, madrasahs, ma'ahad, schools or organizations. The applicant is either a standing committee member, a sponsor committee member or a development committee member appointed to represent a group of people or an institution.

- b. Applications from individuals are not permitted at all, and if any should be investigized.
- c. The applicant must be a Malaysian Citizen, and the application is from an applicant in any state in Malaysia.
- d. Aged 18 years and above.

13. What is the type of application that is eligible to be classified as charitable collection?

- a. New construction: such as building a mosque, surau, madrasah, ma'ahad, school or organization.
- b. Reconstruction: such as building a mosque, surau, madrasah, ma'ahad, school or organization on top of an existing building.
- c. Repairs: covers work on existing buildings such as repairs to roofs, toilets, drains or building structures.
- d. Maintenance: such as maintaining a school building, running an organization and related expenses.
- e. Disaster fund: such as tsunami disasters, flood victims fund, landslides and so on.
- f. General Relief Fund: for the benefit of Muslims as for the people of Palestine, Syria, Rohingya or any country.
- g. Charity Projects: by associations or organizations or NGOs such as orphanage, environmental clean-up projects and the like.