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RESEARCH ARTICLE

ZAKAT EXPENDITURES: A CONTEMPORARY JURISPRUDENTIAL STUDY

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Abstract

Praise be to Allah, we praise Him, seek His aid and ask for His guidance. We seek refuge in Allah from the evils of our own souls and the wickedness of our deeds. He whom Allah guides, none can misguide, and he whom He misguides, none can guide. I bear witness that Muhammad is the servant and Messenger of Allah, the guide to the straight path and the one who makes clear Allah's law by which the worldly and religious affairs are bestowed. O Allah, send prayers and peace upon him, his companions, those who follow them until the Day of Judgment. Now then, Zakat is a purely financial act of worship. The Quran has specified its legitimate uses and the categories entitled to it. God Almighty said: Zakat expenditures are only for the poor and the needy, and those employed to collect it, and those whose hearts are to be reconciled, and for freeing captives and those in debt, and for the cause of God, and for the wayfarer. (Surat At-Tawbah: 60) Although the Quran has specified the categories eligible for zakat, the economic, social and political developments that have occurred in Islamic societies in the modern era have prompted a re-examination of the categories of zakat expenditures, taking into account the legal objectives of zakat and the legal objective of each category separately, while taking into account the main objective of zakat legislation, which is to achieve the general benefit of the poor and needy. There is no doubt that the emergence of many challenges in the current era, such as structural poverty, unemployment, deprivation of education, and poor health care, has prompted many specialists to reconsider the expenditures of zakat so that these contemporary challenges and problems can be accommodated, while taking into account the integration of authenticity and modernity in the approach.

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Introduction:-

In the name of God, the most gracious, the most merciful

Praise be to Allah, we praise Him, seek His aid and ask for His guidance. We seek refuge in Allah from the evils of our own souls and the wickedness of our deeds. He whom Allah guides, none can misguide, and he whom He

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Although the Qur'an has specified the categories eligible for zakat, the economic, social and political developments that have occurred in Islamic societies in the modern era have prompted a re-examination of the categories of zakat expenditures, taking into account the legal objectives of zakat and the legal objective of each category separately, while taking into account the main objective of zakat legislation, which is to achieve the general benefit of the poor and needy. There is no doubt that the emergence of many challenges in the current era, such as structural poverty, unemployment, deprivation of education, and poor health care, has prompted many specialists to reconsider the expenditures of zakat so that these contemporary challenges and problems can be accommodated, while taking into account the integration of authenticity and modernity in the approach.

The problem of the study

The main problem of this study lies in the extent of the legitimacy of adopting newly created zakat expenditures that are not mentioned in the texts of the Qur'an, and how to reconcile the stability of the text with the changing reality in light of the contemporary transformations facing the Islamic world and Islamic societies, and how to expand the traditional zakat expenditures to include categories that have been created due to those transformations without departing from the original legislative framework.

The challenges faced by zakat institutions when allocating funds to unfamiliar areas also represent an aspect of the study's problematic.

Reason for choosing the topic

The topic of "New Zakat Disbursements" was chosen for the following reasons:

- 1- The importance of jurisprudential renewal in the field of zakat, and attempts to link legal texts with the requirements of contemporary reality.
- 2- Zakat institutions rely on traditional banks, which limits their ability to address contemporary problems resulting from the change in current lifestyles from the past.
- 3- Doubts raised against zakat institutions and societal criticism of them when they attempt to expand zakat expenditures to accommodate new categories.
- 4- Accusations directed at institutions of their inability to keep pace with reality.
- 5- The absence of precise legal justification, which calls for a systematic study of the concept of banks in light of texts and objectives.
- 6- Contributing to enriching the scientific debate on contemporary zakat issues, for the benefit of bodies and institutions working in the field of zakat.

Research Objectives:-

1. Statement of the legal frameworks for zakat expenditures as stated in the basic texts.
2. Analysis of the Sharia objectives related to the distribution of zakat and its impact on directing expenditures.
3. A study of the legitimacy of newly introduced zakat funds through the efforts of contemporary scholars.
4. Evaluation of contemporary institutional applications of zakat expenditures in the Islamic world.
5. Proposing Sharia-compliant standards and controls for bank expansion in accordance with the requirements of reality.

Research Questions

1. What are the legitimate categories of zakat as mentioned in the Qur'an and Sunnah?
2. Is it permissible under Islamic law to expand the concept of some types of banking, especially "for the sake of God" banking?
3. What are the positions of the four schools of thought on the limits of interpreting zakat expenditures?
4. What are the Sharia controls and standards that can be relied upon to approve a newly established bank?
5. How can we reconcile the stability of Islamic texts with the changing reality in the management of zakat funds?

The method used in this study:

This study is based on

1. **Analytical approach:** Through which the Qur'anic texts and Prophetic hadiths related to the expenditures of zakat are analysed, while examining their legal implications and general objectives, and analysing models of contemporary applications of zakat expenditures in a number of Islamic countries.
2. **Comparative approach:** It depends on comparing the opinions of the four schools of jurisprudence in interpreting banks.

The importance of the study

The importance of this study is highlighted by the challenges facing zakat institutions, as traditional banks are no longer sufficient to accommodate the complex and multiple needs of Islamic societies. Its importance also appears in the creation of banks that meet contemporary needs through a scientific and jurisprudential foundation for the expansion of banks. This in turn leads to helping zakat institutions develop their performance and ability to interact with contemporary developments and enhance their role in combating poverty and destitution and achieving sustainable development.

Study structure:

The nature of the research required that it be divided into four sections and a conclusion:

The first chapter: It includes: the importance of the topic, the reasons for choosing it, the problem of the study, its importance, the questions it answers, and the method used in the study.

The second chapter: Traditional jurisprudential banks.

The third chapter: newly established banks.

Conclusion: It includes the most important results of the research.

Chapter One:

Traditional Jurisprudential Banks

First Group:

The Poor

Definition of the poor:

The poor in language: Fa'il means active participle. It is said that he became poor, from the root word ta'ab: if his wealth was small, and its plural is fuqara (poor), (Al-Fayyumi: Al-Misbah Al-Munir: 48). The poor means someone with a broken vertebrae in the back, it was pulled out / Dictionary of the Language of Jurists / 478, or from the word faqra meaning a hole, then it was used for someone in need due to his brokenness and lack thereof.

The poor, technically speaking, is someone who does not have a sufficient amount that exceeds his needs (Qala'a Ji: Dictionary of the Language of Jurists: 317). He is someone who does not have anything that is sufficient at all, or who has some of what is sufficient but not half of it from earnings or other things that are not considered sufficient (Al-Qahtani: Expenditures of Zakat in Islam in Light of the Qur'an and Sunnah: 7).

The second group: The Needy

Definition of the needy: The needy is taken from stillness, which is the opposite of movement. It is said that the moving person became still: his movement was lost, as if nothingness had made him still and unable to move. The poor is also the humiliated and subjugated, even if he is rich (Al-Fayyumi: 823).

The term "needy" is defined as: he who finds more than enough or half of what is sufficient from earnings or other things that are not considered sufficient, taking into consideration that this definition is not agreed upon by all jurists, as there is disagreement among jurists about determining which of the two is poorer than the other. Accordingly, the needy person is defined as someone who does not possess any money (Qal'ah Ji: 429).

The difference between the poor and the needy

Jurists differed on the difference between the poor and the needy, and which of them is more poor and needy than the other, with two opinions:

The first statement:

That the needy is in greater need and worse condition than the destitute. This is what Abu Hanifa and Malik, may God have mercy on them, held. It is stated in Bada'i' al-Sana'i' (...the destitute is the one who owns something to sustain him, and the destitute is the one who has nothing. He is called a needy because his need has made him unable to move and he is unable to leave his place) (Al-Kasani: Bada'i' al-Sana'i': 2/43). They provided evidence for this with several pieces of evidence, including:

First:

The Almighty's saying (or a poor person covered in dust), where He described the poor person as being covered in dust, and this indicates the utmost distress and hardship (Al-Ahsa'i: Tabyeen Al-Masalik: 2/121).

Second:

He made expiations in feeding and clothing the poor, and there is no greater need than hunger and nakedness (Al-Ani: Zakat Expenditures: 145).

Third:

They said that the poor person is the one who lives wherever he ends up due to the lack of a home to go to, and this indicates the end of hardship (Al-Ramfuri: Al-Binaya: 3/526)

The second statement:

The poor person is in a worse state than the needy person, and this is what Imam Al-Shafi'i held. Imam Al-Shafi'i, may God have mercy on him, said regarding the definition of the poor person that he is someone who has neither money nor earnings that would meet his needs, and the needy person is the one who has money that does not meet his needs, and it is not enough for him, like someone who needs ten dirhams but only has seven or eight (Al-Nawawi: Al-Majmu': 6/171). This is what Al-Asma'i held, and Al-Tahawi narrated it from the Kufians (Al-Razi: Mafatih Al-Ghayb: 16/86).

The proponents of this view cited several pieces of evidence, including:**First:**

God Almighty began the verse on charity by mentioning the poor, and it is accepted that charity is only given to meet a need. This indicates that the one whom God Almighty began by mentioning is in greater need, in accordance with the principle of giving priority to the important over the important (Al-Bahuti: Matn Al-Iqna': 2/96).

Second:

The word "poor" in the language means "impoverished," which means someone whose backbone is broken. He is thus prohibited from striving or moving, and no state is known to be more severe than this (Al-Sharbini: Mughni Al-Muhtaj: 3/140).

The third category:

Those who work on it, and they are the ones the Imam sends to collect alms (Al-Kasani: Bada'i' Al-Sana'i': 2/44) or they are the ones the Imam sends to take it from its owners, collect it, preserve it, and transport it, and it includes the one who drives it, the one who looks after it, the one who carries it, the distributor, the accountant, and the writer (Ibn Nujaym Al-Hanafi: Al-Nahr Al-Fa'iq: 1/459) (Ibn Hajar Al-Haytami: Tuhfat Al-Muhtaj: 7/154). And whoever needs it therein will be given his wages from it (Ibn Qudamah al-Hanbali: 6/3300). In modern language, they are the ones who collect zakat and distribute it to its recipients as employees and receive their salaries from zakat money.

Conditions for workers

- 1- Islam: It is required of the worker that he be a Muslim because it is a position of authority over Muslims, so the same conditions are required for it as for all other positions (Al-Nawawi: Al-Majmu': 6/145), and because one of the conditions for the worker is that he be trustworthy, and disbelief contradicts trustworthiness.
- 2- The obligation: that he be an adult of sound mind, because that is a type of guardianship, and guardianship requires these qualities, and because a child and an insane person have no right to take possession of it (Al-Nawawi: Al-Majmu': 6/145).
- 3- Trustworthiness: It is required of the worker to be trustworthy because he is entrusted with the money of the Muslims, so he must not be a traitor. Whoever is immoral or a traitor cannot be trusted to oppress the owners of the money, just as he cannot be trusted to violate the rights of the poor (Al-Omrani: Al-Bayan: 3/391).

- 4- Male: Some jurists stipulated that the worker must be male, so a female cannot assume it because it is a position of authority, and the same conditions are required for it as for other positions, in accordance with the hadith of the Prophet, may God bless him and grant him peace: "A people who appoint a woman as their leader will never prosper." (Al-Bukhari: Sahih Al-Bukhari: 9/55: No.: 7099). But I answer that this only falls under the general guardianship, as a woman may be more beneficial in this area than a man, such as by delivering zakat to widows, needy women, and disabled women (Al-Qaradawi: Fiqh al-Zakat: 2/589).
- 5- The majority of jurists stipulated that the worker should not be a relative (Al-Kasani: Bada'i' Al-Sana'i': 2/44) due to the hadith narrated by Muslim on the authority of Al-Muttalib bin Rabi'ah bin Al-Harith (.. that he and Al-Fadl bin Al-Abbas went to the Messenger of God, may God bless him and grant him peace. He said: Then one of us spoke and said: O Messenger of God, we have come to you to command us to do these charities so that we may share in the benefit from them and give you what people give in benefit. He said: "Charity is not appropriate for Muhammad or the family of Muhammad. Rather, it is the filth of the people." (Al-Nawawi: Explanation of Sahih Muslim: 4/190). This is clear evidence of the prohibition of taking it.
- 6- Knowledge of the rulings of zakat is commensurate with their responsibilities and position within the zakat administrative apparatus, because if he is ignorant and not competent, his mistakes will be more than his correctness. It is stated in Al-Majmu' (.. It is required of him (i.e. the worker) that he be a free, just Muslim, and knowledgeable in the chapters of zakat, and his knowledge of other matters is not required) (Al-Nawawi: Al-Majmu': 6/142).

The fourth group: those whose hearts are to be reconciled

Jurists differed on whether this share remained after the death of the Prophet, may God bless him and grant him peace, and there are two opinions:

The first opinion:

It is led by the Hanafis and some Malikis, and one of two statements by the Shafi'is. These see that this category does not exist now, and that this bank was abrogated from the Islamic world after the death of the Prophet, may God bless him and grant him peace. The Hanafis went to the abrogation of this share. It came in Al-Bada'i', which states: (... For Abu Bakr and Umar, may God be pleased with them, did not give anything from the charity to those whose hearts were to be reconciled, and none of the Companions, may God be pleased with them, denied it. It was narrated that when the Messenger of Allah (peace and blessings of Allah be upon him) died, they came to Abu Bakr and asked him to write a contract for their shares, so he gave them what they asked for. Then they came to Umar and told him about that, so he took the contract from their hands and tore it up and said: "The Messenger of Allah (peace and blessings of Allah be upon him) used to give you gifts to unite you in Islam. Today, Allah has made His religion victorious. If you remain steadfast in Islam, then there is nothing between us and you except the sword." So, they returned to Abu Bakr and told him what Umar (may Allah be pleased with him) had done, and they said: "Are you the Caliph or Umar?" He said: "He is the one who wishes." Abu Bakr did not disapprove of his words and actions, and the majority of the Companions heard about it and did not disapprove, so it was a consensus. (Al-Kasani: Bada'i' al-Sana'i': 2/45).

The second opinion:

The Shafi'is, as they differentiated between those whose hearts are to be reconciled from the infidels and from the Muslims, as it was stated in the commentary of al-Bajuri (... As for those whose hearts are to be reconciled from the infidels, and they are those whose conversion to Islam is hoped for or whose evil is feared, they are not given from zakat or from anything else, because God Almighty has honored Islam and its people and has no need for reconciling them) (al-Bajuri: al-Bajuri's commentary: 3/83). An-Nawawi narrated from al-Shafi'i that those whose hearts are to be reconciled from the infidels, according to the opinion that it is permissible to reconcile them, are given from the share of interests, not from charity. As for those whose hearts are to be reconciled from the Muslims, there are two opinions from al-Shafi'i:

First:

They are not given from charity, because God has made Islam victorious, so there is no need for reconciliation.

Second:

They are given from charity because the meaning for which they were given may exist after the Prophet, may God bless him and grant him peace (Al-Shirazi: Al-Muhadhdhab: 1/566) (Al-Nawawi: Al-Majmu': 6/1880).

The fifth group: family members

They are those who have not yet been freed from the bondage of the slavery system that was prevalent in the world of people when Islam appeared. The word of the jurists differed regarding what is meant by the slaves in his saying (and in the slaves) in two opinions:

First:

What is meant by them are the freed slaves (Ibn Al-Hammam: Fath Al-Qadir: 2/263), plural of freed slave, which is the slave who agreed with his master that the slave would pay a sum of money to his master in exchange for his emancipation (Al-Omrani: Al-Bayan fi Madhhab Al-Shafi'i: 3/419), and Ibn Kathir went to this where he says in the context of his interpretation of his statement (and in the slaves): They are the freed slaves who do not find what they can pay in their book.

Second:

The slave. Imam Malik held that what is meant by "slaves" is the slave slave (Imam Malik: Al-Mudawwana Al-Kubra: 1/303). This is when a man buys it alone from his zakat money, or others join him in buying a male slave to free him or a female slave to free from his zakat money.

The sixth group: the debtors

Gharimuun is the plural of gharim, which is someone who is in debt and is unable to pay it, so he takes from zakat according to the text of the verse on charity and the saying of the Prophet, may God bless him and grant him peace: "Charity is not permissible except for five: a fighter in the cause of God Almighty, or a worker for it, or a debtor..." (Al-Omrani: Al-Bayan: 3/422). According to the Hanafi school of thought, the debtor is someone who has a debt and does not have a minimum amount in excess of his debt (Ibn Abidin: Hashiyat Rad al-Muhtar ala al-Durr al-Mukhtar 2/382). As for Malik, al-Shafi'i and Ahmad, the debtor is of two types: someone who is in debt for himself and someone else (al-Kharashi: Hashiyat al-Kharashi: 2/521) (al-Nawawi: al-Majmu': 6/190).

The one who is in debt: someone who borrowed money for expenses or to buy furniture and then was unable to pay it back. Several conditions must be met for him to be given zakat.

Conditions for the debtor to give himself

- a- He should not be rich and able to pay (Al-Dardir: Al-Sharh Al-Saghir: 2/688), and if he has enough to pay off some of the debt, he should be given an amount that will pay off the rest.
- b- That he has borrowed in an act of obedience or in a permissible matter that does not involve disobedience or extravagance (Al-Omrani: Al-Bayan: 3/423).
- c- If the debt is due immediately, then it was deferred. There is a difference of opinion regarding this. Some of them permitted giving it from zakat for this year, while some of them forbade it. (Al-Nawawi: Rawdat al-Talibin: 2/176). The scholar Yusuf al-Qaradawi offered a sound opinion to resolve this difference of opinion, where he said: "One should first look at the zakat proceeds and the number of those entitled to it. If the zakat proceeds are large and the number of those entitled to it are small, then the first opinion should be taken, and if the opposite is true, then the second opinion should be taken." (Al-Qaradawi: Fiqh al-Zakat: 2/98)

The debtor for the benefit of others

They are the people of chivalry, generosity and high aspirations. They pay a fine to reconcile rifts. Whoever takes on an amount of money to reconcile two groups of Muslims should take from the zakat money to pay off what he took on (Al-Nawawi: Al-Rawdah: 2/180). The same applies to anyone who borrows to spend on charitable causes, such as building an institution for orphans, a hospital to treat the poor, or a school to educate Muslims, and takes on a debt for that purpose. He should be given from the zakat money. The evidence for this is what Qubaysah ibn Mukhariq al-Hilali narrated, who said: "I carried a load and came to the Messenger of Allah (peace and blessings of Allah be upon him) to ask him about it. He said: 'Stay until the charity comes to us, so we can order it for you.' He said: 'O Qubaysah, begging is not permissible except for one of three: A man who carries a load, so begging is permissible for him until he obtains it and then stops; a man who is afflicted by a calamity that sweeps away his wealth, so begging is permissible for him until he obtains a livelihood, or he said, a full livelihood; and a man who is afflicted by poverty, so three wise men of his people say, 'So-and-so has been afflicted and he has become poor, so begging is permissible for him until he obtains a full livelihood, or he said, a full livelihood.' Anything begging other than these, O Qubaysah, is ill-gotten gain! Its owner consumes it ill-gotten." (An-Nawawi: Sharh Muslim: Book of Zakat: Chapter: Who is Permissible for Begging: No. 1044: 4/143)

The seventh group: For the sake of God (fi sabilillah)

Jurists have differed on the meaning of “the path of God” mentioned in the verse on charity, according to several schools of thought:

The first school of thought:

The Hanafi school of thought. Hanafi jurists differed on the meaning of “the path of God” in several opinions. Abu Yusuf went to the view that what is meant by it is the isolated fighters (Sheikh Nizam: Al-Fatawa Al-Hindiyya: 1/188), and they are those who were unable to join the Muslim army, because this is what comes to mind when the word is used. Muhammad said that what is meant by it is the end of arguments, and Al-Kasani said that what is meant by it is all the closeness and acts of obedience, acting on the original meaning of the word (Ibn Abidin, Hashiyat Rad Al-Muhtar: 2/376).

The second school of thought:

The Maliki school of thought. There is no disagreement among the Malikis that what is meant by the path of God is conquest and jihad and what is related to it of weapons and equipment. They did not limit the disbursement to the individuals who are mujahidin, nor did they stipulate that the zakat be given to specific individuals (Muhammad Alish: Sharh Manh al-Jalil: 1/374).

The third school of thought:

The Shafi'i school of thought. The Shafi'is held that what is meant by “the path of God” are the mujahideen who fight if they are active, not the mercenaries who are appointed by the Sultan's office (Al-Omrani: Al-Bayan fi Madhhab Al-Imam Al-Shafi'i: 3/426), or they are the volunteer fighters who do not have a share or salary from the public treasury, and they do not stipulate poverty, so it is given to the rich volunteers for jihad. Al-Minhaaj states: (And in the way of Allah the Most High there are warriors) males (who have no booty) meaning they have no name in the register of mercenaries, but rather they volunteer to fight wherever they are active in it and they are busy with crafts and trades (and they are given) from the zakat along with the rich due to the generality of the verse and assistance to them in the fight (Al-Ramli: Nihayat Al-Muhtaj: 6/158).

The fourth school of thought:

The Hanbali school of thought. The Hanbalis agree with the Shafi'is that what is meant by “the path of God” are the volunteer warriors. They added to that the poor person who is given what he needs to perform Hajj or Umrah on his own behalf or to help him in both, according to a difference in the school of thought (Ibn Qudamah: 2/700).

The eighth group: Ibn al-Sabil

Scholars differed on what is meant by the wayfarer, with two opinions:

First:

The opinion of the majority of the Hanafis, Malikis and Hanbalis. They said: The one who sets out on a journey, i.e. the one who will begin the journey, is not included in the description of the wayfarer, because the word wayfarer when used generally only means the traveler who is cut off from his wealth, not the one who is in his homeland, so he is given from the zakat even if he is rich (Imam Malik: Al-Mudawwana Al-Kubra: 1/299).

Second:

The Shafi'i school of thought. Al-Shafi'i held that the wayfarer is the stranger who is isolated and who is also on a journey, meaning someone who wants to travel but does not have the means to spend, so he should give them what they need for their going and their return (Al-Omrani: Al-Bayan 3/428). Al-Minhaaj states: (The wayfarer is the one who sets out on a journey from a country subject to zakat, even if it is not his homeland, as everyone needs the means to travel) (Al-Ramli Nihayat Al-Muhtaj: 6/158).

The two opinions can be combined, and the opinion of the majority is preferred because it is more applicable to the description of the wayfarer in the verse and closer to the goal of the legislation.

The opinion of Imam Al-Shafi'i, may God be pleased with him, is taken into account regarding those who travel for a public interest that benefits Islam and Muslims.

Conditions for giving zakat money to wayfarers**First:**

That he be in need in the place where he is to get him to his country. If he has what will get him there, then he should not be given from the zakat money (Al-Ramli: 6/158).

Second:

That his travel is not for a sinful purpose. As for the one whose travel is for a sinful purpose, he is not given anything from the zakat (Al-Nawawi: Al-Majmu': 6/203).

How much is given to the wayfarer?

The wayfarer is given enough money and clothing to get him to his destination or to the place where he has money. If he has money that is not enough, he is given what will complete his sufficiency. He is also given the expenses of his return to his country if he does not intend to stay (Al-Nawawi: Al-Majmu': 6/203).

Chapter Two: Newly Established Banks

In this section, I will discuss some newly created banks according to the arrangement of traditional banks in several sections:

The First Requirement: Contemporary Banks for The Poor and Needy**Establishing economic projects that are owned by the poor and needy:**

Establishing projects for the poor and needy and giving them ownership according to what they can do does not go beyond what many jurists have decided when they talk about the amount that is given to the poor. The Shafi'i jurists have said that the poor person is given what is sufficient for his majority of life and what takes him from poverty to wealth (Al-Nawawi: Al-Majmu': 6/157). It was narrated on the authority of our master Omar, may God be pleased with him, He said: "If you give, then enrich yourself" (Abu Ubaidah: Al-Amwal: 2/241). This opinion was supported by the contemporary jurist of zakat, the esteemed Sheikh Yusuf Al-Qaradawi, who said: "The Muslim state can... establish factories, real estate, commercial establishments, and the like from zakat funds and give them all or some of them to the poor to generate income that will fully suffice them, and not give them the right to sell them or transfer their ownership so that they remain almost endowed to them" (Al-Qaradawi: Fiqh Al-Zakat: 2/35).

Helping young people who want to get married:

Islam commands marriage and encourages it, and forbids and warns against celibacy and castration. God Almighty says: "And marry those among you who are single and the righteous among your male slaves..." (An-Nur: 32). The Prophet, may God bless him and grant him peace, said: "O young men, whoever among you can afford to get married, let him get married, for it is more effective in lowering the gaze and guarding one's chastity." It is well known that the high costs of marriage at the present time are beyond the means of many young men, in addition to the many temptations that make young men vulnerable to slipping into immorality because of the ease with which it is done.

If a man is single and needs to get married, the Hanbali jurists have stipulated that he should be given from the zakat money, and they considered that what the poor man takes from the zakat to get married if he does not have a wife and needs to get married is sufficient (Al-Rahibany: Matalib Ula Al-Naha: 2/147). It has been narrated on the authority of Omar bin Abdul Aziz that he ordered that a call be made to the people every day: Where are the poor? Where are the debtors? Where are those who are getting married? (Ibn Kathir: Al-Bidayah wa Al-Nihayah: 12/696).

The Second Requirement: Contemporary Banks for The Banks That Work on Them

There is no doubt that everyone who contributes to collecting, disbursing and managing zakat is described as an employee, regardless of the job title. This is in comparison to the jobs that were not mentioned in the books of ancient jurists. The jobs were diverse and included administrators, employees, accountants, technicians, supervisors, legal researchers and many others. All of these workers in the zakat institution are given zakat from it under the following conditions:

- 1- They do not have salaries from the public treasury, or in the sense that is now known, they are not government employees who take their salaries from the government, like the employees in the zakat institutions affiliated with the government, because they do not have the right to combine taking from the public treasury and the share of the workers. They decided that the ruler and the judge do not have the right to take from the share of the workers on it because they take from the public treasury, and so do others (Al-Kasani: Bada'i' Al-Sana'i':

2/46). As for those working in private zakat institutions or those affiliated with charitable associations, or volunteers working in government institutions who do not receive a salary from the state, they have the right to take zakat from the employees' fund.

- 2- The work performed by the employee must be something that the institution needs in administering zakat, whether he is directly involved in collecting and distributing zakat or is an assistant who the institution cannot do without.

Helping Organizations and Associations That Care for New Muslims

Contemporary jurists have addressed this issue, which is the permissibility of spending zakat on such associations. Most of them have held that it is permissible, as stated in the decision of the Third Symposium on Contemporary Zakat Issues: (Establishing scientific and social institutions to care for those who have entered the religion of God, and to strengthen their hearts in Islam, and everything that enables them to create a suitable atmosphere, morally and materially, for their new life.) They argued that this would strengthen these new Muslims in Islam and make them feel that they have brothers in the new religion who stand by them and support them so that they do not weaken in the face of the pressures they face. It also fits with the requirements of the age that require the existence of such associations that naturally have the professionalism and capabilities that qualify them to take care of those who have recently entered Islam and to be a barrier and competitor to missionary missions (Al-Qaradawi, Fiqh al-Zakat: 2/61).

Helping the leaders of poor, non-Muslim countries:

It has also been proven that the Prophet, may God bless him and grant him peace, gave some infidels the hope of his conversion to Islam or the conversion of his people, such as Safwan ibn Umayya, who witnessed the Battle of Hunayn with the Muslims as an infidel. The Prophet, may God bless him and grant him peace, gave him something that made Safwan say, "This is the gift of one who does not fear poverty. By God, the Prophet gave to me even though he was the most hated of people to me, and he continued to give to me until he was the most beloved of people to me." (Al-Salihi, Subul al-Huda wa al-Rashad: 5/576).

From this, it becomes clear that it is permissible to spend on such people whose hearts are to be reconciled, to support Islamic countries in adopting their issues, especially at the present time, as most countries are members of the United Nations, and each of them has a vote that may have value in determining the decisions taken by this organization that serve the interests of Muslims. This is the same thing that those infidel countries do, so we are more deserving of this than they are. Also, the conversion of these leaders to Islam leads to the conversion of many of their subjects to Islam due to their influence, and historical evidence confirms the truth of this, as Islam has entered many countries through the conversion of their kings, leaders, and influential people, and countries like Malaysia and Indonesia are the best witness to that. The decision of the Third Symposium on Contemporary Zakat Issues stated the following: (To bring together those who are expected to convert to Islam, especially those with opinions and influence, who are thought to have a major role in achieving what is good for Muslims) (Contemporary Zakat Issues Symposia: 1998).

Exchange in The Face of Propaganda Campaigns That Distort The Pure Image of Islam and Respond to Them

From time to time, Islam is constantly exposed to propaganda campaigns to distort the image of Muslims through the powerful global media outlets that they control, which leads to the drawing of a hateful, distorted image of Islam and Muslims in the minds of non-Muslims, which makes them turn away from Islam and become hostile to Muslims. This bad image that the Western media has portrayed about Islam can be changed by the writings of some Western writers and thinkers to neutralize them or to stop their tongues and pens from distorting Islam, or to gain their support and advocacy for the issues of Muslims. Contemporary scholars differed on this issue, and some of them went to the permissibility of that on the basis that it falls under (those whose hearts are to be reconciled) on the basis that in that there is support for Islam and Muslims.

Among those who have adopted this view is Sheikh Rashid Rida, who believes that the first people in this era to spend the share of those whose hearts are to be reconciled are to repel the tyranny of the Christian states that aspire to destroy Islam and Muslims by way of denouncing some Muslim writers in order to attack Islam (Rashid Rida: Al-Manar: 10/574), and some contemporaries have issued a fatwa permitting this (Al-Qaradawi: Fiqh Al-Zakat: 2/60).

The Fourth Requirement: Modern Banks for the Bank of Control Assisting Muslim Prisoners in Getting Rid of Their Captivity and Freeing Those Kidnapped by Terrorist Groups or Criminal Gangs.

By analogy with prisoners, the meaning for which it is permissible to release prisoners with zakat money according to those who say this is one, which is to free him from the grip of his captor, regain his freedom, and deliver him from the danger that threatens him. All of these meanings are present in those kidnapped by terrorist groups and armed criminal gangs. Therefore, I see that talking about explaining the legal ruling on this issue includes all of those previously mentioned.

Jurists Differed on the Entry Of Prisoners and What is Similar to Them into Two Opinions:

The first statement:

It is not permissible to spend zakat money to release prisoners from the category of (slaves). This is the Hanafi school of thought, and the one accepted by the Malikis and Shafi'is.

The proponents of this opinion cited what was narrated on the authority of Omar, who said: "Every prisoner in the hands of the polytheists must be released from the treasury of the Muslims" (Abu Yusuf: Al-Kharaj: 196).

The second statement:

It is permissible to spend zakat to free prisoners, which is the Hanbali school of thought (Al-Bahouti: Al-Rawd Al-Murabba': 1/412).

The proponents of this view argued that freeing a captive from captivity is like freeing a slave from slavery, and it is even more appropriate because of the fear of being killed, and also by analogy with the disbursement of those whose hearts are to be reconciled, because it is an honor for the religion of God. Judge Ibn al-Arabi narrated these two opinions and said: The scholars differed regarding freeing captives from it. Asbagh said: It is not permissible, and Ibn Habib said: It is permissible. And if freeing a Muslim from the slavery of a Muslim is an act of worship and permissible as charity, then it is more appropriate and appropriate for it to be in freeing him from the slavery and humiliation of a disbeliever (Ibn al-Arabi: Ahkam al-Qur'an: 2/659).

Fifth Requirement: Modern Banks for the Debtors' Bank

Disbursement of good loans:

Islam urges relieving the distress of those in distress and extending a helping hand to the needy. Loans are among the recommended acts that Islam urges and the Messenger, may God bless him and grant him peace, encouraged. He said, "Whoever relieves a believer of a worldly distress, God will relieve him of a distress on the Day of Resurrection. Whoever makes things easy for someone in difficulty, God will make things easy for him in this world and the next. Whoever conceals a Muslim, God will conceal him in this world and the next. God helps the servant as long as the servant helps his brother." (Sunan Abi Dawud: 2/217).

A person may be faced with a situation that forces him to borrow money, even though he is able to repay what he borrowed. He may be in need and cannot find anyone to lend him money. If he resorts to financial institutions, most of them deal with usury, and those who do not deal with it have complicated procedures, and they do not recommend such transactions that do not benefit them. Is it permissible to grant a good loan from zakat money, by analogy with debtors?

Some contemporary scholars have said that this is permissible. Those who said that this is permissible are the virtuous Sheikh Hassanein Makhlof (Social Studies Session: 390), Sheikh Abu Zahra, and the distinguished researcher Muhammad Hamidullah Al-Haydarabadi in his research entitled (Banks that Provide Loans Without Interest). Among those who supported this opinion is the virtuous Sheikh Yusuf Al-Qaradawi (Al-Qaradawi: Jurisprudence of Zakat 2/333). They explained this by saying that giving to the debtor who has already borrowed from zakat money without returning it is better than giving good loans free of interest that are returned to zakat money, and because of the great benefit that results from it, which is relieving the Muslim's distress and preventing resorting to dealing with interest, and in that there is an interest in what is in it (Khaled Abdul Razzaq, The Expenditures of Zakat and Its Ownership: 333).

Explanation

I believe that the most correct opinion is that it is permissible, because of the great benefit it brings, which is relieving the needy, in line with the Islamic objective for which the debtor was given a share of zakat, and because it prevents a harmful consequence, which is resorting to usurious banks. This is on condition that the institution is certain of the ability of the loan applicant to repay, so that the zakat money is not wasted.

Giving the guarantor:

The guarantor is entitled to money on behalf of an insolvent man. It is permissible to give him what he guaranteed if the guarantor is insolvent, because he is no longer a debtor, and the wording includes him (**Al-Bakri: Aid to Students: 2/271**).

The sixth requirement: Modern banks for the sake of God

All actions that are achieved by jihad in its broad technical sense, which was previously preferred when discussing the category of "in the way of God" in the first section, fall under this category. Examples of this include the following:

- 1- Establishing Islamic centers in non-Muslim countries for preaching and guidance, and providing them with all the necessary equipment, furnishings, and trained preachers to carry out the duty of preaching to Muslims residing in those countries and introducing true Islam to non-Muslims. The Sharia Board of the Kuwait Zakat House has issued a fatwa permitting this. (Fatwas of the Sharia Board: Kuwait Zakat House: 29/83).
- 2- Establishing Islamic centers in Islamic countries whose mission is to confront deviant thought, guide Muslims in the right direction, and embrace Muslim youth so that they are not swept away by atheist intellectual trends that work to corrupt their faith.
- 3- Spending on printing, supporting, and disseminating Islamic books, magazines, and newspapers among Muslims in the face of destructive books and newspapers. The Sharia Board of the Kuwaiti Zakat House has issued a fatwa permitting this (same previous reference).
- 4- Supporting religious schools, Quran memorization institutes, and Sharia institutes that work to graduate generations who understand their religion and are imbued with Islamic morals and ethics, which will support Islam.
- 5- Spending on establishing and financing satellite channels that broadcast and disseminate correct Islamic thought, financing Islamic programs, and producing purposeful series and films as an alternative to those vulgar series and films.
- 6- Spending on creating Islamic websites on the World Wide Web (the Internet), especially in this era when browsing the Internet has become indispensable for any educated person seeking knowledge, and in an era in which modern technology has become one of the most important means of spreading knowledge, and one of the most important means of communication between societies.
- 7- Establishing and financing radio stations that broadcast to all different regions, especially remote ones, which still rely heavily on radio as a means of education and entertainment, in addition to its low price and ease of transportation.
- 8- Supporting Islamic figures and prominent preachers who are always subject to attack by enemies and attempts to distort them so that they lose their influence on the Muslim community. In addition to that, such distinguished preachers usually have obligations towards the call that they are unable to cover alone, and they are usually the destination of the needy and destitute, so they should be supported from the bank (the sake of God).

The Seventh Requirement: Modern Banks for the Ibn al-Sabil

- 1- Those who were displaced from their countries in which their wealth is located, if these displaced people are among those whose return is hoped for, then they are treated as wayfarers because the description applies to them, as they are in a state of travel and are not poor in their countries, so they have wealth (Al-Ashqar, *The Wayfarer's Bank and its Contemporary Applications*: 400). And if they are not expected to return at the present time, such as the displaced people from Palestine and Iraq and the Muslims of Burma and those like them. These people are not considered wayfarers because the description does not apply to them, as they are considered to be residents. Rather, they are considered to be poor and needy. The Sharia Board of the Kuwaiti Zakat House has considered them to be wayfarers (Sharia Board: Kuwaiti Zakat House: 29/83).
- 2- Are expatriates who have left their homelands seeking knowledge or work eligible for the Ibn al-Sabil (Wayfarer) Fund? The following details apply to them:

- a. If they intend to reside in the country to which they have travelled, and they reside there, they are not considered to be wayfarers, because in this case they are considered to be residents and not travellers, and they are given from the share of the poor if they are in need.
- b. However, if they intend to return to their homelands and do not intend to reside in that country, then the description of wayfarers applies to them, and they are given what will take them to their country (Al-Ghafeeli: Zakat Incidents: 459).
- 3- Travelers who travel for the public good and benefit Muslims include outstanding students in any field that benefits Muslims, preachers who are forced to travel due to the circumstances of preaching, and professionals who attend courses abroad to advance their professional careers. These individuals may want to travel but cannot afford the expenses. Should they be given the share of the wayfarer or not? Contemporary scholars have differed on this issue with two opinions:

First:

They are considered to be wayfarers, so it is permissible to give them travel expenses from this bank. Among those who went to this is Al-Qaradawi, and they provided evidence for this with what Al-Shafi'i went to (Al-Ramli: Nihayat Al-Muhtaj: 6/153) that the wayfarer includes the one who wants to travel, even if he has not begun to do so (also in giving him assistance to benefit the Muslims and what is in the general good of the nation. In urging people to benefit Muslims and spread Islam, if giving was not based on the text, then giving it would be based on analogy (Al-Shaqr: The Wayfarer's Bank and its Contemporary Applications: 400). This opinion was discussed, as if we accept that it is of general benefit to Muslims, then it is better to include it in a bank for the sake of God, so there is no need for analogy (Omar Al-Salami: The Wayfarer's Bank in Islamic Jurisprudence: 59).

Second:

They are not considered to be wayfarers, and accordingly it is not permissible to give them this description. They provided evidence for this by saying that the wayfarer is the one who takes when he is in need if he is unable to reach his money, and for this reason God has given him a share of zakat until he returns to his money.

Results:-

- 1- Zakat is the second pillar of the five pillars of Islam and is always linked in the Qur'an to prayer.
- 2- Islam has defined the recipients of zakat, so there is no room for personal interpretation by anyone, whoever he may be.
- 3- The Qur'an's naming of the categories eligible for zakat does not mean that we are stuck to those names.
- 4- Expanding zakat expenditures to include contemporary areas is a legal and economic necessity in light of the rapid changes witnessed in the Islamic world.
- 5- The traditional understanding of banks needs a purposeful reconsideration that allows greater flexibility in accommodating emerging needs.
- 6- The jurisprudential comparison between the four schools of thought clearly shows that there are significant areas of ijtihad through which new approaches can be adopted.
- 7- Sharia controls and institutional oversight must be available when creating a new disbursement authority.
- 8- It is necessary to open the way for more specialized research that combines jurisprudential authenticity and economic realism in zakat management.

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