

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Scholar Sheikh Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question:

In the Absence of the Islamic State to whom the Zakat should be Paid?

To: Mohammed Adel Jamil Al-Ghouli

(Translated)

Question:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh

O our Sheikh, there is a disagreement; to whom the Zakat should be paid? Is it to the government while it is known that it does not spend it in its allocated expenditures, or is it distributed to the poor (Al-Fuqaraa) and the paupers (Al-Masakeen)? Please clarify with evidences. Jazak Allah Khair.

Your brother Mohammed Adel Jamil.

Answer:

You forgot to start your question with the Salaam greeting, but we love for you the goodness, so we greeted ourselves on your behalf! As you see, we return your greeting with:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

As for Zakat, it is performed in Islam as follows:

1- Zakat of gold and silver (money) may be paid to the Zakat employee in the State, and the State delivers it to its beneficiaries. It is also permissible to be delivered by the Zakat payer to its beneficiaries that are the eight categories mentioned in the verse:

﴿إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمَوْلَىٰ فُلُوْبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ﴾

“Verily the Sadaqat are (only) for the poor, needy, those employed upon it, those whose hearts are to be reconciled, slaves, debtors, those in the way of Allah and the wayfarers.” [At-Tauba: 60]

2- Zakat of livestock, crops and fruits is paid to the Zakat employee in the State, and the State delivers it to its beneficiaries. It is not permissible for its Zakat to be delivered by its owner through means other than the State.

3- But all this is when the Islamic State exists. When Allah relieves the affliction of the Islamic Ummah and supports it by the establishment of the righteous Khilafah (Caliphate), then Zakat of livestock, crops and fruits is obligatory paid through the State and not through individuals, whereas the payment of Zakat of gold, silver (money) and trade is allowed to be delivered through the State or through its owners directly.

4- Now that there is no Khilafah state, which applies the provisions of the Shariah, then individuals should pay Zakat of their money; whether it is livestock, crops, trade or gold and silver. The individuals deliver them directly to the beneficiaries in accordance with the provisions of Sharia and they should make sure of that. And Allah is the Arbiter of Success.

It came in the book *Funds in the Islamic State* under Paying Zakat to the Khalifah, p. 170 (p.155 English edition): “Zakat is paid, whether it is livestock, crops and fruits, currency or trading merchandise to the Khalifah or his representative such as governors (Wulat) or ‘Amileen (a ruling position that is under the wali) or whoever he appoints as collectors (Su’at) and employees (‘Amileen) over the Sadaqat. Allah (swt) said:

﴿خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ﴾

“Take Sadaqah from their wealth in order to purify them and sanctify them with it, and pray for them. Verily your prayer is peace for them” [At-Tauba: 103]

Allah (swt) obliged His Messenger (saw) in this Ayah to take Sadaqah from the owners of wealth, and the Messenger (saw) used to appoint governors, workers and collectors to take the Sadaqah from the owners of wealth just as he would appoint estimators (*Khurraas*) to estimate the harvest of the palm and grape trees. People at the time of the Prophet (saw) used to pay the Zakat to him or those governors, workers and collectors whom he appointed over the Sadaqah...

There has come some narration from the Sahabah and followers (Tabi’in) allowing a person to distribute Zakat personally and to put it in its place in case of hard money i.e. currency. It was narrated by Abu Ubayd that Kaysan came to ‘Umar with 200 Dirhams as Sadaqah, saying to him: «يا أمير المؤمنين، هذه زكاة مالي»، **“O Amir al-Mu’mineen, this is the Zakat of my wealth.”** So, ‘Umar said to him: «فاذهب بها أنت فاقسمها». **“You go and distribute it yourself.”** It has also been narrated by Abu Ubayd from ibn Abbas that he said: «إذا وضعها أنت في مواضعها، ولم تغدّ منها أحداً تعوله شيئاً، فلا بأس» **“There is no problem if you put it in its place and don’t give anything of it to anyone whom you support.”** It was also narrated the statement of Ibrahim and Al-Hassan said: «ضعها مواضعها، وأخفها» **“Put it in its place and conceal it.”** This is in relation to the hard money i.e. currency. As for livestock, crops and fruits, these must be paid to the Khalifah or whomever he appoints, for Abu Bakr fought those who denied the Zakat when they refused to pay it to the governors and collectors saying: «والله لو منعوني عناقاً كانوا يؤدونه إلى رسول الله لقاتلتهم عليه» **“By Allah, if they deny me one baby goat (‘Unaq) that they used to give to the Messenger of Allah, I will fight them for it.”** Agreed upon through Abu Huraira.” END.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

22nd Ramadan 1438 AH

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The link to the answer from the Ameer’s Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192.1073741828.122848424578904/645732068957201/?type=3&theater>

The link to the answer from the Ameer’s Google Plus page:

<https://plus.google.com/u/0/b/100431756357007517653/100431756357007517653/posts/GqQ8R4wHNum>

The link to the answer from the Ameer’s Twitter page:

<https://twitter.com/ataabualrashtah/status/877468518710751232>