

Difference of Opinion to Income Zakat

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Abstract – The presence of 'fiqh scholars is now deciding the real and applicable fatwas according to the dynamics of the times. The growth of the economy and technology in this new age makes the manufacturing and service sectors more dominant and promising compared to the agricultural and livestock sectors. It has an effect on the term of zakat embedded in agriculture and plantations as it can be developed and commercialized. That is why Qardhawi, with his contemporary view of jurisprudence, pays very close attention to this matter. Indeed, the Shari'ah is not only an interaction between early scholars and their time. As stated in the classical jurisprudence. Other than this, the Shari'ah has a quality that must be kept and preserved in order to reflect the changing times. Due to its limited scope, ijtihad emerged as an efficient and successful and appropriate response to the problems of the times. Nonetheless, not all people accept that ijtihad is still available and can be updated due to the variations in the HR of today. We therefore argue that anything that did not happen in the time of the Prophet was heresy (bid'ah).

Keywords – Difference of Opinion, Zakat on Income

I. INTRODUCTION

The word zakat is the mash isim of the word zaka-yazaku-zakah, and the word zakat means to grow and develop (*numuwu*), and increase (*ziyadah*). If it is said "*zakat al-zar'u*" means the plant grows and develops, if it is said *alms al-nafaqah* it means that the living develops. As for the term scholars have their own views regarding the meaning of zakat, including:

1. Al Mawardi, "Zakat is also a certain asset given to certain persons under certain conditions"¹
2. Yusuf Qardawi, "Zakat is a certain amount of assets that Allah has obliged to give to those who are entitled"

In addition, the definition of a profession involves a job, a professional business or the provision of services that it produces. The Indonesian Dictionary states that the

profession is "a work as a result of its skills as a means of livelihood." Mahjuddin said in his book that what is meant by profession is a permanent job with some expertise that can produce salaries, honorariums, wages or rewards, such as the profession of doctors, teachers, lecturers, lawyers, civil servants, and others.

From the various definitions of zakat and the profession referred to above, it can be concluded that what is meant by zakat is zakat taken from the results of a professional undertaking or income from the sale of services. This is in line with the understanding given by Ahmadi and Yeni Priyatna Sari that assets derived from the use of potential that exists in him and are owned by new owners with a variety of syar'i ownership efforts, such as: grants, routine work wages, doctor's profession, lecturer, architect, lawyer, accountant, and others.²

¹Hassan Saleh, *Kajian Fiqh Nabawi & Fiqh Kontemporer* (Jakarta: RajaGrafindo Persada, 2008), h. 157.

²Ahmadi dan Yeni Priyatna Sari, *Zakat, Pajak, dan Lembaga Keuangan Islami dalam Tinjauan Fiqih* (Solo: Era Intermedia, 2004). h. 58.

II. DIFFERENCE OF OPINION TO INCOME ZAKAT

Although it is never mentioned directly in the Qur'an or the Sunnah of the Prophet Muhammad, if the general arguments about zakat are examined in more depth then a sign will be found to apply the law of zakat for the profession. The gesture is in the form of a general order to issue zakat on assets that exceed the needs. Today a person's job as a professional has a sizable income. Abdul Ghofur Anshori has claimed that if a farmer who is struggling to plant and maintain his fields and to harvest them by himself is obliged to pay zakat, then a professional who has a large enough income with a job that does not require a hard-working like a farmer. The existence of the zakat income is confirmed by the consensus reached at the International Conference on Zakat in Kuwait on 29 Rajab 1404 or 30 April 1984. The conference participants had decided on the obligatory income of the zakat if it had reached Nisab.

Perhaps the most striking source of income in this day and age is what is received from his job and his career. Jobs that make money are of two sorts.

1. Work done on its own without depending on others, thanks to the dexterity of the hand or brain. Income earned in this way is professional income, such as the income of a doctor, engineer, artist advocate, tailor, carpenter and others.
2. The work a person does for others - government, companies, and individuals and earns wages using his hands, brains, or both. Income from such works is in the form of salary, wages or honorarium.³
3. Moving from the analog of the professional zakat to the zakat rikaz, so that there is no Nisab on the professional zakat and is charged at a rate of 20% each time you earn income or salary.

Zakat and the profession can be taken if it has been a year and has reached Nisab. If we hold to the opinion of Abu Hanifah, Abu Yusuf, and Muhammad that Nisab does not have to be reached during the year, but that it is entirely reached between the two ends of the year without missing in the middle, we may conclude that with this understanding it is possible to impose Zakat on income every year, since the results rarely stop during the year, and most even reach both ends of the year. On that basis, we can determine income as a source of zakat, because, according to the scholars of the

legal fiqh, there is an *illat* (cause) and *Nisab*, which is the obligatory foundation of zakat.

In this case, the Hanafi school is more clear, namely that the number of one Nisab is sufficient at the beginning and end of the year alone without having to be in the middle of the year. These provisions must be considered in requiring zakat on the income and profession, so that it can be clear who is classified as rich and who is classified as poor, a professional worker rarely does not meet these provisions.⁴

Each form of zakat shall have a Nisab which shall be the minimum limit of zakat obligations. As far as the nisab of the professional zakat is concerned, there are three opinions on it, as the authors conclude from the book *Zakat in Modern Economy*, namely:

1. Compared to the professional zakat to trade zakat, the ratio is 85 grams of gold, the zakat rate is 2.5 per cent and is ordered to pay once a year after deducting basic needs.
2. Analogy to the agricultural zakat with a Nisab value of 653 kilograms of rice or wheat with a zakat rate of 5 per cent and ordered to pay every time he earned income or salary.
3. Moving from the analog of the professional zakat to the zakat rikaz, so that there is no Nisab on the professional zakat and is charged at a rate of 20% each time you earn income or salary.⁵

As stated above that there are times when employees get salary regularly on a monthly basis or every week or every two weeks and there are times when it is uncertain, for example, such as lawyers, consultants, mediators, contractors, garments and so on, they earn income waiting for clients or orders coming in to work on. To calculate the Nisab there are two ways:

1. Nisab is calculated on the basis of the salary or professional services it receives. If the sum is equal to one Nisab, then it is eligible to pay Zakat, and if the sum is not equal to Nisab, then Zakat is not required to be paid. Therefore, only high-ranking employees and upper-middle - class professionals are paid to zakat, not low-ranking employees who earn salaries or inadequate professional performance.

³Zakiah Daradjat, *Zakat Pembersih Harta Dan Jiwa*, (Cv. Puhama: Jakarta, 1996). h. 56.

⁴Wahab Al Juhairi, *Zakat Kajian Berbagai Madzhab* (PT. Remaja Rosdakarya: Bandung, 1995). h. 45.

⁵Didin Hafidhuiddin, *Zakat dalam Perekonomian Modern* (Jakarta: Gema Insani Press, 2002). h. 96-98.

2. By adding up all the income received in a row from both salaries and professional services in close time. Since in reality very few employees or skilled staff earning wages or providing support services are one *Nisab* (if calculated by the *Nisab* trade, i.e. IDR 8,100,000, but if calculated by agricultural *Nisab* only around IDR 1,800,000). Therefore, the majority of workers and practitioners are exempt from the responsibility of zakat. As for the legal basis, as determined by the *Fiqh* specialist in the *Ma'din* treasury, the sum of one acquisition is combined with the other acquisition in order to meet the *Nisab*. Indeed, in one year, *Fiqh* scholars have disputed the law on the combination of agricultural products. *Hanabilan* scholars argue that one agricultural product is combined with another in one year, even though it has different types and locations to meet the basic *Nisab*.

For this foundation, one year is a legal body that is inseparably intertwined as in the provision of *Haul*. The combined salary and the additional amount received in one year may then be determined in order to calculate *Nisab* despite the fact that it is paid in stages every month or every transaction. Calculation of *Nisab* Zakat income = 520 x market price of rice per kg.

Example: If Jarwo has a salary of 2 million IDR per month and the additional income from top-up and prepaid call simcard stalls is 8 million IDR per month, then Jarwo's total revenue is 10 million IDR per month. Jarwo pays installments of government subsidized housing loans in the amount of IDR 5 million per month. The widely used price of a kilo of rice is around IDR 8,000 per kilogram, so the zakat ratio is IDR 4,160,000. Since Jarwo has a net profit of 5 million and is above *Nisab*, Jarwo will pay a professional zakat of IDR 5 million x 2.5% = IDR 125,000 in that month. It will be recalculated in keeping with the situation and circumstances for the following month.

Income zakat is indeed a debate because there are no appropriate propositions. In general government offices, each income is automatically deducted 2.5 per cent (full) of zakat income. Thus, the official institution (ulama) of Islamic religion in Indonesia means that it has not declared unlawful fatwa for income zakat, i.e. not *bid'ah*. If you don't agree, then you should just let it go and consider it your good luck or don't pay the zakat income but pay the zakat mal.⁶

There are several possibilities for determining the *Nisab*, the content and time of payment of the zakat income in the provisions of professional zakat. It depends on the *qiya* (analogies) being performed:

1. If analogous to the zakat of trade, the *Nisab*, grade, and time of issuance are the same as those of gold and silver. *Nisab* worth 85 grams of gold, zakat levels of 2.5% and time to pay once a year, after deducting basic needs. How to measure, for example, if A earns IDR 5,000,000 per month and its basic monthly needs are IDR 3,000,000.00 then the amount of zakat given is 2.5 per cent x 12 x IDR 2,000,000.00 or IDR 600,000.00 annually / IDR 50,000.00 per month.
2. If analogous to agricultural zakat, the *Nisab* is valued at 653 kg of rice or wheat, the amount of zakat is 5% and is paid for each salary or income. For example, once a month. How to calculate the example of the case above, then the obligation of zakat of A is 5% x 12 x IDR 2,000,000 or IDR 1,200,000 per year / IDR 100,000.00 per month.
3. If it is analogous to *zakat rikaz*, the *zakat* shall be 20 per cent free of *Nisab* and shall be paid at the time of receipt. How to calculate the example of the above case, then Person A has an obligation of 20 per cent x IDR 5,000,000 or IDR 1,000,000 per month.⁷

Alternatively, according to Yusuf Qardhawi, there are two ways to calculate income zakat:

1. Directly, zakat is calculated on the basis of 2.5 per cent of direct gross income, whether paid monthly or annually with a limit of 5 wasaq for *Nisab* or equivalent to 653 kg. This approach is more acceptable and equitable to all who are blessed by Allah. Example: Mr. Ahmad is a lawyer who gets a monthly salary of IDR 6,000,000, whereas at that time the price of rice was IDR 5,000 / kg. If IDR 5,000 X 653 kg = IDR 3,265,000 is calculated from the calculation of zakat or *nisab* minimum zakat, Then Mr. Ahmad 's income in one month is more than his *Nisab*'s. Mr. Ahmad is therefore obliged to pay zakat for the calculation of IDR 6,000,000 X 2,5% = 150,000.
2. Upon deduction of basic needs, zakat shall be calculated as 2.5 per cent of the salary upon deduction of basic needs. This method is used more equally by

⁶Arfawie, *Memungut zakat dan infak profesi cetakan*, cetakan 1 (Jakarta: Gema Insani Press, 2005). h. 90-93.

⁷Hafidhuddin, *Zakat dalam Perekonomian Modern* (Bandung: Pustaka Pelajar, 2011), h. 99

those whose income is average. Example: A person with an IDR 1,500,000 income and an IDR 1,000,000 expense per month for basic needs must pay a zakat of: $2.5 \text{ percent} \times (1,500,000 - 1,000,000) = \text{IDR } 12,500$ per month or IDR 150,000 per year.⁸

Responding to the issue of income zakat, scholars of jurisprudence past and present have an opinion about this income zakat. Based on the postulates they understand, the ulama's view on this issue is divided into two, namely:

1. These income zakat are rejected by scholars. Because Opinion & Arguments against Zakat on income are based on the view that the zakat problem is entirely a matter of '*ubudiyah*.' So that all kinds of rules and regulations can only be done if there are clear and explicit instructions or direct examples from the Prophet. If this is not the situation, there is no need to make new rules. Among those who hold this view are the Fuqaha among Zahiri, such as Ibn Hazm and others, and also the Jumhur Ulama, with the exception of the Hanafiyah School, which offers consistency in the conditions for the property to be charged zakat. Generally, the Hijaz Ulemas, such as Shaykh Abdullah bin Baz, Shaykh Muhammad ibn Shalih Utsaimin, and others, did not approve the zakat income. Even Dr. Shaykh Wahbah Az-Zuhaili also rejected the existence of income zakat because the Salaf scholars had never discussed zakat before. Generally, the Classical Fiqh does not discuss the presence of the zakat income.
2. The scholars support the existence of the zakat income. Shaykh Abdur Rahman Hasan, Shaykh Muhammad Abu Zahrah, Shaykh Abdul Wahab Khalaf and Shaykh Yusuf Qaradhawi expressed this view. They are of the opinion that all income from the professional activities of doctors, consultants, artists, accountants, notaries, etc., if they have reached Nisab, must be subject to zakat. Participants at the First International Conference on zakat in Kuwait on 29 Rajab 1404 H/30 April 1984 AD even agreed on the obligation to pay zakat upon reaching Nisab, even though they disagreed in the manner it was given. This decision was made on the basis of:
 - a. Verses of the Koran, which are universal, allowing all forms of property to be charged zakat, as in the QS. At-Tauba (9): 103, QS. Al-Baqarah (2): 267, QS. Adz-Zaariyat (51): The Word of God SWT "O you who believe, spend (in the path of Allah) half of the benefits of your good works and half of what we spend on you from the earth" (QS. Al-Baqarah (2): 267). In this verse, Allah confirms that all good deeds will be paid for zakat. In this case, it also includes income (salary) from the profession as physicians, consultants, artists, accountants, notaries, etc. Imam Ar-Razi argues that what is meant by work includes all the assets in the overall concept that are produced by human activities. This text therefore includes all the treasures, both those in the time of the Messenger of Allah, both those that were directly known and those attributed to him.
 - b. Various views of former and recent authors, although using different terms. Some use the general term, al-Amwaaal, although others explicitly use the word al-Maal al-mustafad. When found in the fiqh of zakat and al-fiqh alislami wa Adillatuhu. A community of friends is of the view that the obligation to pay Zakat is immediate, without waiting for a duration of one year. Among them were Ibn Abbas, Ibn Mas'ud, Mu'awiyah, Sadiq, Baqir, Nashir, Daud, and also Umar bin Abdul Aziz, Hasan, Zuhri, and Auzai. Opinions and refutations of those opinions have been written in books, for example al-Muhalla by Ibn Hazm, volume 4: 83 and so on al-Mughni by Ibn Qudamah volume 2: 6, Nail-Authar volume 4: 148, Rudz an-Nadzir volume 2: 41, and Subul as-Salam volume 2: 129
 - c. In the point of view of justice, which is the key characteristic of the Islamic teachings, the declaration of the zakat obligation on every asset retained would be quite simple relative to the pure stipulation of the zakat obligation on certain conventional commodities. Farmers who are actually in a traditionally disadvantaged role also have to pay zakat if their agricultural yield has reached Nisab. This is also quite fair, even though zakat is obligatory on the income received by physicians, contractors, musicians, accountants, notaries and other professions.

⁸ Qardawi, *Hukum Zakat*, h. 45

- d. In line with the development of human life, especially in the economic sector, income practices by skills and this practice would be increasingly developed over time. It will even become a major economic activity, as is happening today in the industrialized countries. The commitment of Zakat 's duty to him demonstrates how Islamic rule is rather aspirational and sensitive to the times. Afif Abdul Fatah Tabari believes that the laws of Islam are not only focused on justice for all people, but also compatible with the advantages and requirements of human beings throughout the ages and situations, even as things also new and developing from time to time.⁹

III. CONCLUSION

From the above writing on income zakat, a few conclusions can be drawn from this discussion:

1. There are among the scholars who approve it in income zakat and some are refused
2. For those who agree, they look at the present, which is very different from the past. The difference is that people who farmed, farmed and traded in ancient times would be very rich. Today, though, those who receive from the three fields listed above are often perceived to be less qualified than those who have significant careers in society. So that today's scholars are committed to solving this problem, and they decide on the need for zakat income.
3. To those that disagree, they believe that income zakat has never been regulated in the life of the Prophet. And they believe that the zakat income is a bid'ah that the Prophet never did.

For this zakat calculation, as indicated by Yusuf Qardhawi, there are two, namely:

- a. Zakat is calculated on the basis of 2.5 per cent of direct gross income, whether paid monthly or annually with a limit of 5 wasaq for Nisab or equivalent to 653 kg. This approach is more acceptable and equitable to all who are blessed by Allah.
- b. Zakat shall be calculated as 2.5 per cent of the salary after the minimum needs has been deducted. This approach is used more equally by those whose income is average.

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⁹ Hafidhuddin, *Zakat dalam Perekonomian Modern*,. h. 103-106.