

Strengthening Drug Rehabilitation Centers through Zakah Fund

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Abstract

Drug abuse is a serious problem that has been faced by our country since a long time ago. The fight against drug abuse involves not only efforts in putting an end to its trafficking but also the rehabilitation of those who suffer from drug addiction. In order to rehabilitate the drug addicts; there are government agencies that have been organized to handle it. In addition there are also private drug rehabilitation centers run by non-governmental organizations. Unfortunately, these centers often face the problem of shortage of funds for rehabilitation activities. As most drug addicts are the Muslims and most of the private drug rehabilitation centers are run by Muslims, this study attempts to find out whether in case where these centers faced financial problems in carrying out their activities, can they be helped through zakah fund or not? This paper reviews the argument forwarded by Muslim scholars in interpreting the meanings of zakah beneficiaries and try to find the similarity between drug addicts with several types of zakah beneficiaries. It also try to find out ways where drug rehabilitation centers can gain a portion from this fund in order to support their activities. Through the discussions, it is concluded that drug rehabilitation centres can be help through zakah fund with several conditions.

Keywords: Zakah, Fi Sabilillah, Al-Gharimin, Al-Riqab, Amil.

Introduction

The word *zakah*, literally means growth or increase and also purity (Ibn al-Manzur, 2003). Technically, *zakah* is the act of giving out certain types of wealth to those who are entitle for it under several prescribed conditions (Al-Jaziri, 1990). The Second List, Schedule 9 of the Federal Constitution of Malaysia has clearly stipulated the jurisdiction of the federal and the state governments respectively. Except for Malacca. Penang and Sarawak. matters related to the administration of Islamic religion, including *zakah* have been placed under the administration of the state governments where the Ruler of each state is empowered directly

to supervise and regulate everything relating to the Islamic religion. As for Malacca, Penang, Sabah and Sarawak, it is subjected to Article 3 (3) of the Federal Constitution. In order to bolster the administration of Islamic religion, each state has set up its own Islamic religious council which is called the *Majlis*.

Each state also has its own rules and regulations to administer *zakah*. Except in Kedah and Sabah, rules and regulations related to *zakah* can be found generally in the Administration of Islamic Law Enactment and the Zakat Rules and Regulations in each state. On the other hand, both Kedah and Sabah have separate enactments that deal with *zakah* respectively. Unfortunately, only the *zakah* law in Kedah has been enforced and has undergone several amendments since it was passed into law. Even though the *zakah* enactment in Sabah was gazetted on 1st of January, 1996 through SGN 644/95, it has never been enforced. So far, the provisions in *Enakmen Zakat dan Fitrah Sabah 1993 (Zakah and Fitrah Enactment (Sabah) 1993)* are more orderly and systematic compared to the provisions in other statutes in force which emphasise more on the administrative aspect rather than substantive laws of the *Shariah* (Mahamood, 2007).

The Islamic Religious Council in each state is responsible for the administration of matters related to *zakah*, including the appointment of fit and proper persons to carry out the said responsibilities. However, in Kedah, the responsibility to administer *zakah* is not handled by the Islamic Religious Council. The Department of *Zakah*, which is established under the power of the Sultan and totally separated from the Islamic Religious Council, is the responsible body for the administration of *zakah* in Kedah (Ali, 2002). In carrying out this duty, all the states, except Kedah, through their respective enactments have empowered the Councils of the Islamic Religion to appoint any person or any corporate bodies to administer the collection of *zakah*. Thus, the collection of *zakah* today is done either through the *amil*s (almsmen) and deputy *amil*s or through the corporate bodies. The need for a more organised and systematic body to handle the administration of *zakah* has led many states to the appointment of corporate body to do so. This paradigm shift was pioneered by the Islamic Religious Council of the Federal Territories when its *Pusat Pungutan Zakat (Centre for Zakah Collection)* started to operate in 1991 (Pusat Pungutan Zakat Wilayah Persekutuan, 2015). This was followed by Pahang in 1993 (Pusat Kutipan Zakat Pahang, 2015), Selangor (Lembaga Zakat Selangor, 2015a) and Penang (Pusat Urus Zakat Pulau Pinang, 2015) in 1994, Malacca in 1996, (Pusat Zakat Melaka, 2015) and Negeri Sembilan in 1998 (Pusat Zakat Negeri Sembilan, 2015). An academic study done in 2001 showed that the handling of *zakah* administration by corporate bodies has resulted in a notable increase in the *zakah* collection itself. The *zakah* funds realised in the states that incorporated its *zakah* collection mechanism are much more when compared to other states (Abdul Latiff, 2004).

The Beneficiaries Of Zakah Fund

The categories of the *zakah* recipients have been specified by Allah in surah *al-Tawbah* verse 60: "Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in debt; in the cause of Allah, and for the wayfarer: (thus is it) ordained by Allah, and Allah is full of knowledge and wisdom". However, a wide interpretation which suits the current situation has been given by the Muslim jurists, which has extended the categories to include other new situations.

Helping Drug Rehabilitation Centres Through *Zakah* Fund

There is nowhere in the Islamic laws books or in the act and enactments, drug addicts be mentioned as type of people who can be helped through *zakah* fund. However, when we scrutinised the rationale behind the distributions of *zakah* fund to the above mentioned categories, we will find that some of these rationale are there in drug addicts. We may also find way to make drug addicts and drug rehabilitation centres as a rightful beneficiary to *zakah* fund. The drug rehabilitation centres that are responsible to undergo rehabilitation programmes can be helped by *zakah* fund by categorising them under the most suitable categories of *zakah* beneficiaries. They can be categorised under:

Fi sabilillah (In the Way of Allah): The term *fi sabilillah* is general and may include every action sincerely done for the sake of Allah. It may include the fulfilment of religious obligations and voluntary acts of worship. If this term is not modified, it usually means *jihad* (Ibn Athir, 1979).

Although the four major *madhhabs* restrict the meaning of *fi sabilillah* to only the *jihad* fighters, except for Ahmad who allows *zakah* incentives to the pilgrims and visitors of the sacred mosque in Mecca (Al-'Asimi, 1977), there are other early and contemporary jurists who have expanded the meaning of *fi sabilillah*. Imam al-Razi (1985), for instance, believes that the apparent meaning of the term *fi sabilillah* is not restricted to the *jihad* fighters. It may be expanded to any other good activities such as to build forts.

This opinion is also shared by the contemporary jurists. Among them is Rashid Rida. He believes that the term *fi sabilillah* covers all necessary public interests of the Muslims in establishing the religion and state, but not including personal interests. Therefore, he is of the opinion that pilgrimage is not among those categorised as *fi sabilillah* because it is for personal interest ('Abduh & Rashid Rida, 2002).

'Abduh and Rashid Rida (2002) also quoted the opinion of Siddiq Hasan Khan in supporting his opinion. In his argument, the latter admits that *jihad* is the greatest way to Allah but contends that there is no evidence showing that the portion of *fi sabilillah* is restricted to only *jihad*. Therefore, he believes that this portion can also be utilised in any other way of Allah. According to him, as long as there is no evidence that deviates from the linguistic meaning of the said term, the linguistic meaning must be adhered to.

Similar opinion was also given by Shaltut (1966) when he observed that *fi sabilillah* also means public interests that are not individually owned but owned by Allah for the benefits of His creatures. He believes that priority is given to the military preparation which can protect the Muslims from aggression. Other spending that may be included are funding for research, constructing roads and hospitals, sending the Muslims to unveil the beauty of Islam and supporting those who preserve and memorise the *Qur'an*.

In Malaysia, although some states give a long interpretation for the meaning of *fi sabilillah*, generally, all interpretations are more directed towards efforts that will make Allah's Law supreme (Hasan, 2007). Selangor, for example, interprets *fi sabilillah* as any act that aims at upholding the Islamic *shi'ar* (Lembaga Zakat Selangor, 2015b). The interpretation given by the Malaysian Department of Awqaf, Zakat and Hajj also follows the approach of the contemporary jurists. *Fi sabilillah* is interpreted as those who struggle and strive to defend and enhance the appreciation of Islam. This includes efforts done to eliminate ignorance and upgrade the intellectual standard of the Muslims (Prime Minister's Department, 2007).

In the researcher's opinion, the best way to spend the *fi sabilillah* portion is like what has been suggested by Rashid Rida and corroborated by al-Qaradawi in his book. 'Abduh and Rashid Rida (2002) has suggested that the portion from this category should be spent to re-

establish the Islamic state. He believes that *jihad* for the establishment of an Islamic state is more important than to protect it. To promote the call to Islam and defend its ideology are among the ways to re-establish the Islamic state.

Al-Qaradawi (1986) added that the most important form of *jihad* today is serious and purposefully organised work to rebuild the Islamic society and state and to implement the Islamic way of life in every domain. This, according to him, is the most deserving area of *zakah* and not to prepare the army which needs huge resources that logically cannot be financed by the *zakah* funds. Moreover, today's armies are normally financed by the state's regular resources. Therefore, he believes that cultural, educational and informational *jihad* should be given priority, as long as they are purely an Islamic effort that aims at re-establishing the Islamic state.

The second opinion of *fi sabilillah* which is not only restricting it to those who fight in the way of Allah (*jihad*) has open another door for drug rehabilitation centres to be help by *zakah* fund. If we look carefully, the impact of drug addiction not only affects the involved individual but it also threatens national security. Drug abuse has been used as a way to weaken a nation. It is not surprising when drug addiction been declared as the nation's first enemy long ago. Therefore any effort to fight it must me threaten as a struggle to defend the national security. This fight includes giving treatment to those who has been addicted. If *zakah* fund can be used to build forts to defence our nation from open war, it can also be used to build drug rehabilitation centres as a way to protect the nation from this silence war which ruin the nation from inside. Moreover, the above opinion of al Qaradawi can be understood as supporting the permissibility of using *zakah* fund to help drug rehabilitation centres and programmes. Building ad establishing Islamic society and state and to implement the Islamic way of life in every domain are undoubtedly will never compromised with any type of drug abuse and addiction.

Al-Gharimin (Those in Debt): As far as the *al-gharimin* are concerned, almost all states interpret them as persons who are compelled to owe due to a certain unavoidable reasons. The portion of *zakah* given to them is to help them settle their debts. Most states have widened the scope of distribution to cover those who are indebted for their personal basic needs, their families' or the public interest, as long as it is not related to wrongful acts such as gambling (Lembaga Zakat Selangor, 2015b). In addition to the above interpretations, the Department of *Wakaf, Zakat and Hajj* has expanded the interpretation given by including those who are indebted due to natural catastrophe together with debt incurred in order to finance medical treatment as among the *al-gharimin* (Prime Minister's Department, 2007). This interesting interpretation given by JAWHAR has opened a door for the drug rehabilitation centres to be help by *zakah* fund. Drug rehabilitation centres can be considered as institutions that can be helped by *zakah* fund. If these centres have no sufficient financial resources, they may borrow from banks or any other financial institution and in case they cannot afford to pay it back, the payment can be done by *zakah* administrator in the name of *al-gharimin*. There is no doubt that drug addicts are patient who need special medical treatments. Therefore the indebtedness incurred in order to finance medical treatment. Moreover, the indebtedness is not actually for the individual interest but for the public interest. The society has suffer a lot in facing disasters resulted from drug addiction.

Al-Riqab: Due to the fact that slavery is no longer in existence today, the definitions given to this category has somehow been extended from its classical definition which is freeing slave from servitude. In Malaysia, if the interpretation of *al-riqab* is done from its narrow perspective (as being done in several states), we, undoubtedly, will conclude that this type of

asnaf does not exist in Malaysia anymore. However, if the interpretation of this *asnaf* is done from a wider perspective as done in Selangor, Federal Territories and Terengganu, then, we will find that there are still people who fall under this *asnaf*.

Some states still define *al-riqab* in its classical meaning. In Penang, for example, the distribution of *zakah* and interpretation of each *asnaf* are done based on the *Muzakarah Penetapan dan Pengesahan Hukum dan Dasar Agihan MAINPP*. In this conference, the definition of *al-riqab* has been limitedly interpreted to only mean slave. The conference also ordered the portion of *al-riqab* to be transferred to another category that is the *fi sabilillah* (Pusat Urus Zakat Pulau Pinang, 2008).

On the other hand, the interpretation given in Selangor, Terengganu and Federal Territories seems more realistic. The Federal Territory and Terengganu, for instance, interpret *al-riqab* as freeing Muslims from slavery and conquest whether physically or mentally, such as ignorance and under the control of certain person (Majlis Agama Islam Wilayah Persekutuan, 2015). Thus interpretation is a good example of the efforts made to widen the scope of *al-riqab* which no longer exist in its classical meaning. On the other hand, the interpretation in Selangor specifically mentioned prostitution as one of the instance of slavery (Lembaga Zakat Selangor, 2015b). This specific interpretation, in the researcher's opinion is done as an example for a modern type of slavery and also due to the interpretation that prostitutes are, in fact, sex slaves. Therefore, they need help to free themselves from the said slavery which is, in the opinion of the researcher, is worse than the ordinary slavery. The general interpretation can also be seen in the Manual Pengurusan Agihan Zakat issued by the Department of *Wakaf, Zakat and Haji* where *al-riqab* is defined as to free oneself from slavery, ignorance or imprisonment of any party (Prime Minister's Department, 2007).

In relation to drug addicts, there is no single state in Malaysia that specifically includes them as among those who can be helped through *zakah* fund. However the researcher is of the opinion that drug addict is similar if not worst compared to prostitution. If the prostitute can be helped to free themselves from sex slavery, why not drug addicts also be given the same treatment. Being a slave to drug is more dangerous than being a sex slave. In fact, many other crimes such as theft, robbery and even murder occurred as a result of drug addiction. The same rationale of giving *zakah* to prostitute can be applied in giving *zakah* to help drug addicts.

Amil: The interpretation given to *Amil* is almost the same in every state. It is interpreted as those who are responsible in matters related to the collection, distribution and other financial matters related to *zakah*. In Terengganu (Majlis Agama Islam dan Adat Melayu Terengganu, 2015) and the Federal Territories (Majlis Agama Islam Wilayah Persekutuan, 2015) for examples, the interpretation of *Amil* includes both individuals and institutions. The Department of *Wakaf, Zakat and Haji* also considers institutions as *Amil* (Prime Minister's Department, 2007).

This is the last opportunity that can be utilised if we are serious in lending helping hands to drug rehabilitation centres. There is no disagreement in the permissibility of appointing these drug rehabilitation centres as *amil*. In fact the administrator of *zakah* in various state in Malaysia has appointed corporate bodies, universities, and banks as the *amil* for *zakah*. By granting authority to drug rehabilitation centres in collecting *zakah* we in fact are giving them a portion of *zakah* in the name of *amil*. In the researcher's opinion this approach is the best to be taken due to the non-existence of dispute among Muslim scholars in the right of *amil* to have a portion from *zakah* fund. This approach also can serve as a double edge sword. It help the responsible body in the administration of *zakah* to collect *zakah* and

at the same time the centre itself can use their portion as a source to run their rehabilitation activities. The authority may set down conditions to be fulfilled before any rehabilitation centre can be granted as an *amil* for *zakah*.

Conclusion

From the above discussions, we can conclude that *zakah* is not an ordinary obligation revealed by Allah. Not like *solat* (prayer), *siyam* (fast) and *hajj* (pilgrimage) which are related solely with the right of Allah; *zakah* on the other hand, involves the right of man on his fellow men. *Zakah* is also different from the other acts of worship in terms of the details involved. While the details of others are exclusively described by Allah and His Messenger, *zakah* is a little bit different. Although the basis of *zakah* and related rules, such as types of wealth subjected to it, are revealed by Allah, there is still some allowance for *ijtihad*. The application of *ijtihad* in certain matters related to *zakah* is in line with the nature of the obligation itself which aims at fulfilling the rights of man. Simultaneously, the rights of man have a strong relation with his needs, and man's needs change from time to time. The changes that occur in a man's needs also change his evaluation of things around him. No doubt that there are differences between the interpretation given to the beneficiaries of *zakah* in our days compared to the days of the Prophet and His companions. The overwhelming changes that occur in our present situation are among the reasons for this. Some types of *zakah* beneficiaries do not exist anymore and at the same time new types of those who have the same rationale to be helped by *zakah* fund emerge. Therefore, *ijtihad* must be done not only in order to find out whether these types of people bear the same characteristics with the traditional beneficiaries of *zakah*, thus, be entitled to it, but also in searching for the most effective ways in administering it. The Muslim scholars nowadays have different opinions in interpreting the meaning of certain *asnaf* at the present time. Some scholars expand the interpretation of certain *asnaf* above the well-known classical interpretation to cover new types of beneficiaries who in their opinion are also covered by the related terms. The classical interpretation results in the restriction of the distribution of *zakah* to *asnaf* that is no longer in existence such as the *al-riqab*. The researcher tends to favour the contemporary interpretation because it will help *zakah* to function more effectively in the society. Therefore in the researcher's opinion, it is permissible to give a portion of *zakah* fund to entities that administer drug rehabilitation programme. The *zakah* fund can be distributed either under the category of *amil*, *al-gharimen*, *fi sabilillah* or *al-riqab* as has been elaborated before. However, in granting *zakah* fund to drug rehabilitation centres and its programme, the researcher is of the opinion that such distribution of *zakah* fund can only be done after the needs and charities of the poor and needy are fulfilled and such distribution will not harm the others rightful beneficiaries right.

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