FROM BROTHEL TO ZAKAH

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Prologue

Ali was in dilemma. How would he help his childhood friend, Mastura emancipated from brothel. Was there any way in Islam to free a person in captivity? Ali remembered her story. It was five years ago when Mastura was just 17 years old, she got married to Hasnan, a stranger that she just met for two months. Mastura leaved Alor Setar for Kuala Lumpur to be with her husband. Unfortunately, her husband who was supposed to be her protector in joys and sorrows, sold her to brothel in Lorong Haji Taib. In hesitant, she was forced to become prostitute without any pay. The brothel had very strict security and only provided her with room, foods and clothes. Two years later, she got pregnant and gave birth to a baby girl named Sarah. According to Mastura, she broke out from the brothel with the help of her regular client. Escaped from brothel, Mastura hoped that she could start her life all over again in her hometown, Alor Star. That was when Ali met Mastura, where she begged for help from him. Ali had been working as the manager of Asnaf Development and Zakat Distribution Division in Lembaga Zakat Negeri Kedah (LZNK) for 10 years. He thought of how would zakah be of help to Mastura. Ali brought the matter to his boss, Haji Zakaria Othman, who had asked him to study other states practice.

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Introduction

Zakat management in Malaysia is administered under the authority of states. Generally in each states, the administrations of the religion of Islam namely, an enactment was established. The enactment as states law ruled the Islamic affairs of the states. The Islamic affairs pertaining to Syariah matters were covered under the enactment which were given to each state religious council, Majlis Agama Islam Negeri (MAIN). As the governing body, MAIN also governed the administration of zakah and was allowed to have their own zakat institutions. The Islamic Religious Department or Jabatan Agama Islam Negeri is headed by the director of Islamic Religious Department. MAIN holds the duty to advise the Sultan as well as promotes the economics and social development of the Muslim community of states. This includes the administration of zakah where each state is allowed to have their own zakat institutions.

Lembaga Zakat Negeri Kedah

Lembaga Zakat Negeri Kedah (LZNK) is established in 2015. Prior to that, LZNK was known as Jabatan Zakat Negeri Kedah that was supervised by Jabatan Agama Islam Kedah (JAIK). Since 2015, LZNK undergone a transformation due to the annulment of Zakah Kedah enactment 1955. Zakah Kedah enactment 1955 now has become Lembaga Zakat Kedah Darul Aman 2015 Enactment, which empower LZNK to operate independently. Under the new enactment, Sultan of Kedah confers LZNK the autonomous power to self-govern under direct supervision of Sultan. Sultan is assisted by the board committee which consists of Mufti of Kedah, Secretary of Kedah State Government (SUK), representatives from government and non-government agencies, and the Chief Executive Operations (CEO) of LZNK. SUK is appointed as the chairman of the board committee. The CEO of LZNK periodically reported to the board committee during the board meeting where he served as the secretary of the board. LZNK consists of six divisions: (1) the corporate communication; (2) administration and human resources; (3) dakwah and zakah collections; (4) asnaf development and zakah distribution; (5) finance, and (6) information technology.

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5 The State Islamic Religious councils coordinated by national body, namely National council of Islamic Affairs which under administration of a secretariat, JAKIM to streamline the development and advancement of Islamic affairs.

6 Provided under the Ninth Schedule List II, Paragraph 1 of the Federal constitutions. It also includes under the provisions of the enactment, the power for gazetted fatwas. In Malaysia the state zakah institution is either an independent body, state authority or a mixture of both.
The organisational structure of LZNK is shown below:

![Organizational chart of LZNK](image)

**Figure 1: Organizational chart of LZNK (from LZNK website)**

Haji Zakaria Othman has been appointed as the CEO of LZNK since 2010 after he served as manager of Finance in LZNK. As the CEO of LZNK, he was responsible for the whole operations of zakah including the collections of zakah (handled by head of dakwah and zakah collections) and distributions of zakah to asnaf (handled by head of asnaf development and zakah distribution division). The collection and distribution to zakah beneficiaries covers 12 district in Kedah such as Kota Setar, Baling and Sik. The CEO of LZNK is also appointed as the member of Majlis Agama Islam Negeri Kedah (MAIK). MAIK governs the islamic affairs of Kedah (refer figure 2) which includes wakaf, baitulmal and property development. MAIK oversees the muslim economics and social development of Kedah through baitulmal and ensures the effective implementation of religious policy.
The Practice of Zakah in Kedah

LZNK is the sole governing body that administers zakah operations in Kedah. The collected zakah is distributed to the only recipient born in Kedah. The recipients of zakah is known as asnaf. Surah At-Taubah (verse 60) states that asnaf are: “(1) the poor (Fakir); (2) the needy (Miskin); (3) those employed to administer the Zakat (Aamil); (4) those whose hearts are to be won over (Muallaf); (5) freeing of human beings from bondage or slaves (Riqaab); (6) those who are burdened with debts (Gharimin); (7) every struggle in God’s cause (Fisabillah) and, (8) the wayfarer (Ibnu Sabil). In Kedah, instead of eight (8), seven (7) asnaf have been given zakah as shown in table 1 below. Kedah has not allocated zakah to riqaab where its allocation is transferred to faqir and miskin.
The Practice of Zakah (Riqab) in Selangor

Ali attended Seminar Pengurusan Zakat organized by Majlis Agama Islam Selangor (MAIS) in Shah Alam three months ago. In the seminar, he remembered the conversation he made with Zaki, Zakat Officer from Lembaga Zakat selangor (LZS). Zaki explained that LZS had freed few prostitutes from brothel. It was because of the redefinition of riqab by Majlis Fatwa Negeri Selangor. Then, Ali studied the practice of zakah in Selangor and specifically riqab.

In Selangor, zakat administration is governed by MAIS which established under the Selangor Islamic administrative Enactment 2003. Among the main objectives of MAIS are to give professional and wise advice to the Sultan in upgrading the Islamic law besides handles the muslim socio-economic development of Selangor. The structure of MAIS is consisted of 6 different divisions namely, social development, baitulmal, research, corporate management, legal and property division (Appendix 1).

### Table 1: Statistics of zakat distributions based on asnaf (from LZNK websites)

<table>
<thead>
<tr>
<th>Year</th>
<th>2014 RM'000</th>
<th>2015 RM'000</th>
<th>2016* RM'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zakat Collections:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>127,594</td>
<td>140,388</td>
<td>148,186</td>
</tr>
<tr>
<td>Zakat Distributions:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.Faqir</td>
<td>5,451</td>
<td>8,065</td>
<td>11,792</td>
</tr>
<tr>
<td>2.Miskin</td>
<td>46,645</td>
<td>60,351</td>
<td>67,609</td>
</tr>
<tr>
<td>3.Aamil</td>
<td>16,091</td>
<td>16,875</td>
<td>17,845</td>
</tr>
<tr>
<td>4.Muallaf</td>
<td>1,447</td>
<td>1,902</td>
<td>1,681</td>
</tr>
<tr>
<td>5.Riqaab</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.Gharimin</td>
<td>18</td>
<td>32</td>
<td>38</td>
</tr>
<tr>
<td>7.Fisabilillah</td>
<td>50,326</td>
<td>62,586</td>
<td>63,467</td>
</tr>
<tr>
<td>8.Ibnu Sabil</td>
<td>211</td>
<td>189</td>
<td>246</td>
</tr>
</tbody>
</table>

* unaudited financial data
Lembaga zakat selangor (LZS) which was incorporated in 2006 is a subsidiary of MAIS. LZS handles collection and distribution of zakah in Selangor with the scope of activities as in the following aspects:

I. LZS is functioned separately as amil under Trustees Act(akta Pemegang Amanah) 1952

II. LZS does have power in administrating zakah collection and distribution except for two asnaf, the muallaf and riqaab distribution.

III. MAIS take charge in governing the Selangor Islamic related fund of the baitulmal, and on law correspondence.

The implementation of zakat for riqaab in Selangor is based on Fatwa Section 47 section 47 of the Administration of the Religion of Islam (State of Selangor) Enactment 2003 [En. 1/2003]. (Warta Kerajaan: enakmen Pentadbiran Agama Islam (Negeri Selangor) 2003, June 7, 2012) (refer to Appendix 2). The enactment has redefined Riqab from “slavery” to “enslavement” which is to free man from chain of enslavement in order to maintain stable state of mind, emotion and spiritual. Riqab asnaf under new definition covers mainly on social problems and issues of faith for example drug addicts, prostitutes and alchoholic. Furthermore, riqaab allocation is used to run programmes to treat and protect riqaab asnaf as identified in the enactment. The programmes which were run in rehabilitation centre were to develop motivation for the asnaf to live, to show them Islamic ways to a make a living instead of their past living in enslavement. The rehabilitation centre was handled by social development divisions under MAIS (refer to Appendix 1 for MAIS organisational structure).

The mission, vision and function of the centre for rehabilitation are as follows:

**Mission:** To relief and develop the morale of Ar-Riqaab asnaf through treating and protecting them according with Al-Quran and Sunnah

**Vision:** To develop Riqaab asnaf for Allah blessing

**Function:** Develop, monitor and assist the program specially developed for enslavement of the riqaab asnaf in term of Islamic motivational and knowledge sharing
The operations of the centre began in year 2011 where zakah fund is used to finance the centre in terms of administration and cost for patient recovery. In 2016, there are 21 rehabilitation centres registered under MAIS and received assistance in the form monthly expenses and annual grants. There are various programmes conducted for riqaab recipients in the rehabilitation centre such as protection, treatment, prevention and control as well as variety of other assistance to those involved to return to the right path.

Ali had asked Zaki for historical background of riqaab in Selangor and found the following milestones.

<table>
<thead>
<tr>
<th>Milestones</th>
<th>Historical background</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 2008</td>
<td>Daawah unit for riqaab was established under Fisabilillah Asnaf</td>
</tr>
<tr>
<td>July 2009</td>
<td>The unit have settled the case of muslim patient who suffered from HIV. The patient is taken care of by the Welcome Community Home (WCH) Batu Arang, Rawang. The patient is then transferred to Rumah Kebajikan Persendirian Islam (RKP), which then upgraded to MAIS Rehabilitation centre.</td>
</tr>
<tr>
<td>October 2010</td>
<td>MAIS started new administration of the centre. Proposal forwarded to apply for approval of zakat funding. The proposals detailed the justification of Ar-Riqaab asnaf and the cost of administration of the centre.</td>
</tr>
<tr>
<td>March 2011</td>
<td>Fatwa gazetted on the list of riqaab recipient and the administration of Rehabilitation centre.</td>
</tr>
</tbody>
</table>

Based on research, Ali also found that other states such as Negeri Sembilan, Pahang, Perlis and Terengganu have distributed zakah to riqaab asnaf as shown in Table 3 below.
### Table 3: Statistics of the asnaf distributions for riqaab

<table>
<thead>
<tr>
<th>Year</th>
<th>S’gor</th>
<th>T’ganu</th>
<th>Negeri Sembilan</th>
<th>Phg</th>
<th>Perlis</th>
<th>Kedah</th>
<th>W.P</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>1.089</td>
<td>0.145</td>
<td>0.953</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2009</td>
<td>1.604</td>
<td>0.018</td>
<td>11.3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2010</td>
<td>2.455</td>
<td>0.019</td>
<td>12.5</td>
<td>0.027</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2011</td>
<td>2.346</td>
<td>0.024</td>
<td>13.3</td>
<td>0.027</td>
<td>0.002</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2012</td>
<td>6,935</td>
<td>*</td>
<td>12.5</td>
<td>4.0</td>
<td>*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2013</td>
<td>13,220</td>
<td>*</td>
<td>13.7</td>
<td>0.19</td>
<td>9</td>
<td>*</td>
<td>-</td>
</tr>
</tbody>
</table>

(Sources: Ahmad, Sanep and Wahid, Hairunnizam and Mohamad, Adnan (2006) and Hairunnizam Wahid, Sanep Ahmad, (2009) *data not found

### Epilogue

After a long conversation with Mastura, he convinced her to keep on praying for Allah to show her the right path. Ali still keep on thinking on how riqab could solve Mastura’s problem. He contemplated on the different practice of riqab among states in Malaysia. Could Kedah follow the foostep of other states such as Selangor to allocate zakah to riqab. Next week will be the LZNK management meeting, where he should bring Mastura’s case. Can he free Mastura from the shackles of brothel, the life she never wanted, to keep her faith and mind to the right path.
REFERENCE


Appendix 1: Organizational chart of MAIS
Appendix 2: Selangor Fatwa Gazetted (7 June 2012) Vol 65(12) Additional No14

Warta Kerajaan
DITERBITKAN DENGAN KUASA
GOVERNMENT OF SELANGOR GAZETTE
PUBLISHED BY AUTHORITY

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Sel. P.U. 55.

ENAKMEN PENTADBIRAN AGAMA ISLAM
(NEGERI SELANGOR) 2003

FATWA DI BAWAH SERI KE-47


ADMINISTRATION OF THE RELIGION OF ISLAM
(STATE OF SELANGOR) ENACTMENT 2003

FATWA UNDER SECTION 47

PURSUANT to section 47 of the Administration of the Religion of Islam (State of Selangor) Enactment 2003 [En. 1/2003], the Fatwa Committee for the State of Selangor, on the direction of His Royal Highness the Sultan prepare the Fataw as set out in the Schedule and is published pursuant to subsection 48(6) of the Enactment.

JADUAL/SCHEDULE

FATWA JENIS PENIERIMA ASNAF AL-RIQAB NEGERI SELANGOR DAN APA-APA YANG BERKAITAN DENGANNYA

Senarai jenis penerima aghshan asnaf Al-Riqab berikut adalah layak menerima bantuan
zakat Al-qiab melalui perantara ruma-ruma institusi, pust, NGO Islam dan individu.

 persewaan yang dihuni oleh etal-etal dan Hakun Syara yang berfungsi melakukan tugas tugas membebaskan, mengurus, melindungi, menawar dan memulihkan umat Al-qiab supaya dapat menjalani kehidupan sempurna secara Islam.

(1) Masalah sosial:

(a) Terbelenggu dengan dadah:
   i. Pengaruh dadah.
   ii. Bekas pengaruh dadah.

(b) Terbelenggu dengan masalah jenayah syar'iah:
   i. Minum arak.
   ii. Zina.
   iii. Judi.
   iv. Khalwat
   v. Bunga anak
   vi. Mengepung iuran nikah.
   vii. Mempersandakan Al-Quran dan Hadis.
   viii. Sambang mahrum.
   ix. Perselubuhan haram.
   x. Mansikati (ibu ayat).
   xi. Melakukan atau memberikan anak kepada orang bukan Islam.
   xii. Dan lain-lain yang berkaitan tindak jenayah syar'iah (Negeri Selangor) 1995.

(c) Terbelenggu dengan amalan salah Islam:
   i. Tidak solat.
   ii. Tidak puasa.
   iii. Bunga anak.
   iv. Udaa ingin hamil diri.
   v. Hidup bersama pacar.

(d) Terbelenggu dengan gaya hidup semum:
   i. Pacar.
   ii. Lesbian.
   iii. Mek Nyah (Transsexual).
   iv. Gay.
   v. Hermoeksual.
   vi. Gigo'o.
viii. Disembai.
vii. Pengiat.
ix. Tomboy.
x. Bersedarukan dengan orang bukan Islam.

(e) Terbelenggu dengan kes jawa:
i. Gangster.
ii. Jenayah melibatkan benda.
iii. Pergudahan yang melibatkan kecenderuan.
iv. Kes rompak.
v. Pecah rumah.
vi. Kes ragol.
svii. Jenayah yang melibatkan perselisihan orang yang memiliki.
viii. Ugutan yang melibatkan keagamaan.

(f) Terbelenggu dengan penyakit kronik:
i. Penyakit HIV/AIDS.
ii. Kanser/berah.
iii. Tibri.
iv. Hepatitis.
v. Dan lain-lain.

(2) Masalah Akidah:

(a) Terbelenggu dengan masalah syirik dan khurulat:
i. Doktrin palu.
ii. Mengaku menjadi nabi.
iii. Menghina Islam.
iv. Pernuasan salah.
v. Memperendah Al-Quran dan Hadis.

(b) Menurunkan akidah umum Islam yang terpecah
i. Orang yang ingin/berhasil marada.
ii. Orang yang dalam proses Istimadah.

Dated 14 May 2012
[MAIS/SU/BU/05/002/16-7; P.U. Sel. AGM. 0007 Jld. 3]