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KATA ALUAN KETUA EDITOR

Alhamdulillah, Jabatan Wakaf, Zakat dan Haji (JAWHAR) merakamkan setinggi penghargaan kepada semua pihak yang terlibat dalam penerbitan Jurnal Pengurusan JAWHAR Vol. 10, No.2 2016 ini. Penerbitan Jurnal ini merupakan sebahagian daripada usaha memantapkan fahaman masyarakat terhadap bidang-bidang teras di bawah seliaan JAWHAR. Jurnal Pengurusan ini mengandungi enam penulisan terpilih yang mengupas segenap segi kajian berkaitan bidang wakaf, zakat, mal dan haji.

Artikel pertama merupakan kajian yang dijalankan oleh Mohd Faizal bin Ab. Hamid dan Norhayati Mohd Idris yang bertajuk Umrah: Lurking The Business Profitability And Eradicating Fraudulent in the Industry menjelaskan tentang ibadat umrah yang merupakan faktor pembangunan ekonomi negara. Artikel ini juga memberikan maklumat mengenai industri yang berkaitan umrah, langkah-langkah yang perlu diambil untuk mengenal pasti syarikat-syarikat pengurusan pakej umrah yang sah dan berdaftar. Pada masa yang sama, penulis memberi pendekatan terhadap isu penipuan pakej umrah dan asas-asas Muamalat dalam umrah bagi memberikan pemahaman yang lebih mendalam kepada pembaca.

Artikel kedua berkaitan Perlaksanaan Ibadat Haji Melalui Pakej Al-Maas yang memberi maklumat mengenai tawaran pakej haji yang dibuat oleh pihak Tabung Haji Travel and Service (THTS) yang mengambil masa lebih singkat berbanding pakej-pakej haji yang lain. Artikel yang ditulis oleh Mohammad Nidzam bin Abd Kadir ini bertujuan untuk menilai tatacara pelaksanaan ibadah haji menerusi pakej Al-Maas dalam aspek hukum fiqh dalam mazhab Syafii sama ada ibadah haji melalui pakej ini menepati hukum syarak atau tidak. Penulis juga turut memberikan beberapa cadangan agar lebih banyak objektif ibadat haji boleh dicapai jemaah haji memandangkan ibadah haji sangat mulia di sisi Islam.

Artikel ketiga adalah sumbangan Roshaiza Taha, Muhammad Faris Zulkifli, Mohd Rodzi Embong, dan Mohd Nazli Mohd Noor dari Universiti Malaysia Terengganu yang bertajuk Zakat: Optimum Economic Aid. Artikel tersebut membincangkan berkenaan kepentingan ibadah zakat demi pembangunan ekonomi umat Islam. Selanjutnya, penulis memberikan pendedahan mengenai zakat yang merupakan salah satu cara untuk mengagihkan kekayaan yang dapat membantu mengurangkan jurang ketidakseimbangan ekonomi masyarakat dalam negara. Selain itu, penulis juga menghujahkan tentang kepentingan zakat kepada golongan asnaf yang memerlukan.

Artikel keempat adalah hasil tulisan Ahmad Rijalluddin bin Mohd Ramli yang menerangkan tentang hukum pelaksanaan wakaf tunai menurut perbahasan para ulama. Penulis turut menerangkan konsep wakaf tunai dan manfaat wakaf tunai

terhadap pembangunan dalam negara tanpa bergantung sepenuhnya kepada bantuan kerajaan. Selain itu, artikel tersebut memberikan dalil-dalil yang membenarkan amalan wakaf tunai.

Artikel kelima yang bertajuk The Development of Waqf Properties: A View From Saudi Arabia merupakan hasil nukilan bersama Alqathama Helal Ghazi H, Hydzulkifli Hashim Omar, Mohd Fauzwadi Mat Ali, dan Mohd Solehuddin Shuib. Artikel ini membincangkan kategori wakaf harta yang boleh dimanfaatkan oleh masyarakat. Penulis juga membincangkan perkembangan dan sejarah wakaf harta di negara Arab Saudi.

Artikel keenam yang bertajuk Zakat in a nutshell adalah sumbangan Roshaiza Taha membincangkan konsep pengurusan zakat dan kepentingan zakat dalam pembangunan dan kesejahteraan ekonomi umat. Pada masa yang sama, penulis menyatakan pentingnya keseimbangan pembahagian harta menerusi wakaf di samping mengurangkan jurang kaya dan miskin dalam kalangan masyarakat hari ini.

Kesemua penulisan dalam Jurnal ini telah dipilih berdasarkan kajian dan penemuan oleh pakar-pakar bidang teras JAWHAR yang mampu memberi impak praktikal di dalam bidang wakaf, zakat, mal dan haji khususnya dan pentadbiran amnya. Pihak editorial Jurnal Pengurusan JAWHAR turut mengambil kesempatan untuk mengucapkan ribuan terima kasih kepada semua pihak yang terlibat khususnya kepada penulis-penulis yang telah menyumbangkan penulisan untuk Jurnal ini. Semoga setiap pandangan, cadangan, ulasan dan kritikan yang dihasilkan dikira sebagai amalan soleh yang mendapat ganjaran di sisi ALLAH SWT jika hendaknya.

UMRAH: LURKING THE BUSINESS PROFITABILITY AND ERADICATING FRAUDULENT IN THE INDUSTRY

by:

Mohd Faizal Bin Ab. Hamid¹
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ABSTRACT

Umrah is an industry that records tremendous growth every year. The industry's potential is indeed enormous and capable to grow further to generate economic prosperity for the Malaysian Muslims. The potential of this industry will never cease as demands of act of worship in performing Umrah will never be exhausted. Statistics released by the Saudi Hajj Ministry shows that in 1436H / 2015M, there were 202,538 umrah Pilgrims from Malaysia. This represents only 1.16% of the Malaysian Muslims. From this alone, the industry is able to generate sales of RM992 million every year. (Based on the floor price RM4900 set by the Umrah Regulatory Council in 2014).

Umrah is an act of devotion, obligatory on any capable Muslims. Umrah is also relatively easier to perform compared to Hajj as Umrah neither has restricted quotas nor time constraints. However, industry's reputation became tarnished by fraud and abuse, 2761 victims recorded from 2012 to 2015 by the Tribunal for Consumer Claims Malaysia (TPPM) with accumulated loss amounting to RM15 million.

Using secondary data collection methods, this paper attempts to disseminate information regarding the Umrah industry, steps to identify licensed and registered companies, exposing the traps of the fraudulent Umrah package, as well as basis of Muamalat in Umrah.

Keywords: Travel, Tourism Industry Act 1992, consumer rights and responsibilities, ritual of umrah and umrah fraud package.

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INTRODUCTION

Umrah

1. Umrah (عمرہ) literally is an act of pilgrimage, while the technical term is referred to an act of visiting the House of Allah -Baitullah (Kaabah) to perform certain act of worship including ihram, tawaf, sa'i and tahallul (shaving) in accordance to certain imposed conditions within a particular set of order. Umrah can be performed at any time.
2. According to Imam Syafie r.a, Umrah is an obligatory act of worship imposed upon Muslims, similar to Hajj, but with lesser rites and shorter duration. The view was based on command of Allah in Al Quran:

وَأَتِمُّوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ ...

And complete the Hajj and Umrah for Allah ... Al-Baqarah: 196

3. The act of Umrah according to Imam al-Syaf'i r.a as well as majority of scholars, is only required once in a lifetime for those who can afford it, except those who had taken their oath (nazar), he must then fulfil it.

Umrah industry in Malaysia

4. Every year the number pilgrims from Malaysia performing Umrah recorded a significant increase. For the year of 1436H / 2015M there were 202,538 Umrah pilgrims compared to 28,000 Umrah (quota) Hajj pilgrims.

³ Manual Pengurusan Perkhidmatan Umrah, JAWHAR, 2010

YEAR	UMRAH PILGRIMS
2009H/1430M	80,301
2010H/1431M	93,497
2011H/1432M	136,000
2012H/1433M	155,000
2013H/1434M	175,000
2014H/1435M	185,000
2015H/1436M	202,538

Schedule 1: Numbers of Umrah Pilgrims from Malaysia from 2009 to 2015
 (Source: Ministry of Hajj, Saudi Arabia)

5. This number translates into an industry's sales worth at least RM992 million every year (if using the minimum standard price of Umrah Package at RM4900 in 2014 imposed by the Umrah Regulatory Council – Majlis Kawal Selia Umrah :MKSU). These are conservative figures as the similar packages were sold for an average of RM5500 in early 2016. Using this price (RM5500) as an adopted indicator basis, Umrah industry in Malaysia is worth of at least RM1.11 billion. It is expected that 5% of these proceeds will generate positive inflows to the country's economic amounting at least RM55.6 million per year.

6. The Ministry of Hajj of Saudi Arabia's statistics shows that in 2015M / 1436H, the influx of Umrah pilgrims from all over the world were 5,949,212. Out of this, 3.4% were pilgrims from Malaysia.

7. With 202,538 Malaysian Umrah pilgrims that represent only 3.4% from the world population of Umrah pilgrims, it is still considered as a small figure and has tremendous growth potential. Moreover, the Kingdom of Saudi Arabia has embarked on the expansion projects to accommodate bigger number of congregation to the Holy Land, in the new future.

8. Nationally, the number of Umrah pilgrims from Malaysia representing only 16.1% of the whole Malaysian Muslims (there were 17,375,794 Muslims in Malaysia according to the 2010 population census). This ratio would even be smaller if compared against the current number of Malaysian Muslims population. Compared to over 30 million people as the Malaysian total population (Department of Statistics 2015) the ratio of Umrah pilgrims would just be 0.6%.

9. Beyond all this statistical numbers, it provides genuine conviction that the Umrah industry would generate an economic potential as well as enormous profitability provided that it is managed with professional, honest and prudent business conduct. The overall projected business opportunities and return on sales of the industry could be best extrapolated as follows:

Percentage numbers of Pilgrims vs Muslim population	Numbers of Umrah Pilgrims from Malaysia (current and future projection)	Industry Size. (Projected sales based on the current adopted indicator base pricing at RM5500)
1.16%	202,538	RM 1,11 Billion
2%	347,519	RM 1,91 Billion
3%	521,274	RM 2,86 Billion

Schedule 2: Projected Sales Extrapolation of Umrah Package in Malaysia

Legal Framework of Umrah in Malaysia : Perception vs. Reality

10. In the Malaysian legal context, the management, licensing and monitoring of the Umrah business operation is within the jurisdiction of the Ministry of Tourism and Culture Malaysia (MOTAC). Umrah falls under the Outbound Licensing via virtue of the act - the Tourism Industry Act 1992 and its regulations [AIP 1992 - Act 482]¹. Under the law, neither company nor any individual is allowed to operate/sell/deal/transact the Umrah package/operation unless they were licensed by the act².

11. At present, although Umrah is an act of devotion (ibadah) in Islam, there are no specific religious authorities to regulate the affairs of Umrah. Legal provisions relating to the management of Umrah in Malaysia are governed across various agencies(as shown in schedule 3) with main responsibilities lies under MOTAC via the provision of the act – AIP 1992.

4 Refers http://www.agc.gov.my/Akta/Vol.%2010/Akta_482.pdf

5 Outbound companies can be referred at <http://www.motac.gov.my/en/check/tobtab>

LEGAL FRAMEWORK AND AGENCIES IN CHARGE

BIL.	AGENCIES IN CHARGE	AUTHORITY / FRAMEWORK
1.	Ministry of Tourism and Culture, Malaysia	Tourism Industry Act 1992 (Act 482) and its Regulations
2.	Tribunal for Consumer Claims Malaysia	Entity established under Section 85, Part XII of the Consumer Protection Act 1999
3.	Royal Malaysian Police	Offenses in the Penal Code and the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 (Act 613)
4.	Enforcement Division, Ministry of Domestic Trade, Co-operatives and Consumerism (KPDNKK)	Trade Descriptions Act 1972 (Act 87)
5.	Companies Commission of Malaysia (CCM)	Companies Act 1965 Companies Commission of Malaysia Act 2001 (Act 614)

Schedule 3

Legal Framework and Jurisdiction of Agencies' Authorities relating to Umrah

12. The misperception that Umrah is under a religious body has cause Malaysians to inaccurately channel their complaints related to Umrah's affairs. During series of engagement and awareness session throughout the nation, conducted by the Department of Awqaf, Zakat and Hajj (JAWHAR), it appears that majority of Malaysians were under the impression that Tabung Haji is the sole authority to conduct the Umrah's affairs and responsible for Umrah's matter. However this is entirely inaccurate as Tabung Haji's scope does not cover any Umrah's affair (except those that being performed during or immediate after the Hajj season under Tabung Haji). Tabung Haji is only responsible for the affairs of the Hajj, and Fund Administration of the Pilgrims Welfare, as contained in the Lembaga Tabung Haji Act 1995 [Act 535].

13. To cater for its Umrah's customers as well as other tours, Tabung Haji has established its subsidiary - TH Travel. TH Travel does not have its own Act and like any other Travel and Tour companies that deals with outbound travel, the company is subjected under the AIP in 1992.

14. In addition to the AIP 1992, Travel and Tour companies as well as Umrah pilgrims from Malaysia are required to comply and conform to the rules and regulations issued by the Government of Saudi Arabia as the custodian of the two Holy Land. This

includes among other, conditions and consular documentation, issuance of visas and the use of the companies appointed by the Ministry of Hajj of the Kingdom of Saudi Arabia (Muassasah).

15. With effect from 2011, the Saudi Arabian Embassy in Malaysia has stopped issuing Umrah visas to any individual or company except only to those Travel and Tour companies in Malaysia that has signed an agreement with the company appointed by the Government of Saudi Arabia (Muassasah). In order to be appointed as Muassasah operators, Malaysian Travel and Tours companies, among others, need to have valid outbound license as well as depositing security deposit to the Government of Saudi Arabia amounting to RM 250,000.

16. As of February 2016, only 49 Malaysian Travel and Tour companies had obtained their Muassasah³status. The list of these companies is issued and updated from time to time by the Embassy of Saudi Arabia. Hence users are advised to refer to the i-Umrah portal of JAWHAR (www.jawhar.gov.my/umrah) for an updated list.

STATISTICAL FACTS OF FRAUD UMRAH CASE: AN INDICATOR

17. Despite the enforcement and monitoring under the existing act and regulations of AIP 1992, Umrah fraud cases had recorded continuous increase on a yearly basis. It has become a national issue featured widely in the local media as well as short drama aired on TV for public awareness.

18. Among the common issues raised in relation to Umrah were stranded pilgrims, Umrah services does not meet the offered advertisement, failure to obtain visas, flight delays, and fraud Umrah packages by unlicensed individuals and companies. As of August 2015, a cumulative loss of more than RM25 million, involving 2950 victims have been reported to the Royal Malaysian Police (RMP) and the Tribunal for Consumer Claims Malaysia (TPPM).

³ Refers www.jawhar.gov.my/umrah

CUMMULATIVE LOSS REPORTED TO RMP AND FILED WITH TTP

Source	No of cases	Loss (RM)
RMP	189	9,860,000
TTPM	2761	15,753,832
TOTAL	2950	25,613,832

Schedule 4: Claims and Reports related to Umrah Fraud Case with RMP and TTPM until Ogos 2015

FORFEITURE CLAIMS FILED UNDER TTPM

Year	No of Cases	Loss Amount (RM)
2012	381	2,713,109
2013	737	4,141,218
2014	605	3,983,488
2015	1,038	4,916,017
TOTAL	2,761	15,753,832

Schedule 5: Forfeiture Case and Amount filed with TTPM from 2012 until 2015

FORFEITURE CLAIMS REPORTED TO RMP

Year	No of Cases	Loss amount (RM)
2012	22	354,259
2013	67	2,719,656
2014	64	2,250,128
2015	36	4,535,957
Total	189	9,860,000

Schedule 6: Forfeiture claims related to Umrah reported to RMP from 2012 until 2015

BREAKDOWN OF CLAIMS BY STATE - TTPM

YEAR	2012		2013		2014		2015		CUMULATIVE	
	STATE	CASE	CLAIM AMOUNT	CASE						
PERLIS	2	32,104	27	108,973	9	56,200	5	26,500	43	223,777
KEDAH	2	11,000	26	156,504	85	475,558	122	530,480	235	1,173,542
PULAU PINANG	1	4,747	24	113,853	20	135,770	137	694,046	182	948,416
PERAK	10	38,000	31	231,308	166	771,638	210	834,003	417	1,874,949
SELANGOR	11	109,880	25	168,388	62	494,030	83	586,325	181	1,358,623
KUALA LUMPUR	90	554,315	386	1,875,817	90	553,339	259	1,030,958	825	4,014,429
PUTRAJAYA	49	258,533	70	409,078	47	516,529	43	251,230	209	1,435,370
N. SEMBILAN	3	22,276	21	86,990	15	135,592	9	48,100	48	292,958
MELAKA	183	1,412,600	28	249,369	17	219,700	40	118,530	268	2,000,199
JOHOR	7	59,500	8	94,682	23	219,054	12	114,756	50	487,992
PAHANG	4	18,500	26	273,898	5	38,774	36	281,730	71	612,902
TERENGGANU	10	84,000	19	114,135	48	181,744	12	53,150	89	433,029
KELANTAN	9	107,654	45	249,559	17	179,610	70	346,209	141	883,032
SABAH	0	-	1	8,664	-	-	-	-	1	8,664
LABUAN	0	-	-	-	-	-	-	-	0	-
SARAWAK	0	-	-	-	1	5,950	-	-	1	5,950
JUMLAH	381	2,713,109	737	4,141,218	605	3,983,488	1,038	4,916,017	2761	15,753,832

Schedule 7: Breakdown of claims by States filed with TTPM from 2012 until 2015

19. These statistics clearly shown that the fraud Umrah packages case is on the rise. Existing act and regulations are not fully effective to eradicate the fraud. Among the reason cited was that the existing law requires full evidencing beyond reasonable doubt before judgement could be passed as required under the act (whether AIP 1992 or Penal Code) could take place. Most of the cases, evidence is what is normally absent.

20. The truth and reality in many cases involving Umrah fraud package, the victim was deceived or knowingly submitting a payment without having any clear documentation. The victim handed over the payments on the basis of trust and confidence without demanding any written evidence or proof. This includes paying

directly to the accounts of individuals rather than companies. Hence, the authorities face a real challenges of producing evidence before any effective action could be made as they have to act as prescribed by the act.

21. Up to January 2016, the number of company and compound amount that has been issued under AIP 1992 is much lower than the losses and claims made by the victim. From 2012 until January 2016, only 60 cases were reported to MOTAC with compound of RM237, 000 were issued.

NO OF CASES REPORTED TO MOTAC⁴

YEAR	CASE	COMPOUND
2012	8	RM16,500.00
2013	25	RM80,000.00
2014	16	RM75,500.00
2015	10	RM60,000.00
2016 (January)	1	RM5,000.00
Total	60	RM 237,000.00

Schedule 8: Case and action taken by MOTAC under AIP 1992

FRAUD UMRAH PACKAGE UMRAH - HOW, WHO AND WHAT HAS GONE WRONG.

22. There were three main forms of fraud that have been identified⁵. Other sub-form of complaints categories were as schedule 9.

- i. Fraud with the Intention Not to Conduct Any Service
- ii. Service Not As Same As Promised
- iii. Other Umrah Package Related Fraud (Scratch and win, sweepstakes, lifetime card)

7 Action taken under AIP 1992

8 Source : TTPM

CATEGORIES OF COMPLAINTS

Kategori Aduan Paket Umrah	2009	2010	2011	2012	2013	JUMLAH
Bersifat Perniagaan / Skim Piramid	0	1	3	1	1	6
Penundaan Penerbangan / Batal Penerbangan / Tiada Delivery	0	5	3	3	11	22
Visa (Tiada Delivery)	0	1	1	1	4	7
Penipuan semata-mata / tiada lesen / Tutup kedai	5	6	5	3	2	21
Perbezaan Paket Tawaran (Hotel, Hari, Sebagainya)	1	0	3	0	3	7
Caj Tambahan	0	1	1	1	0	3
Penipuan Gores & Menang / Cabutan Bertuah / Kad Seumur Hidup	2	1	2	2	7	14
Silap Pengadu Sendiri dan Syarikat enggan pulangkan duit	1	1	1	0	0	3
JUMLAH	9	16	19	11	28	83

Schedule 9: Umrah Package Claims Category recorded from 2009 to 2013

23. Two main causes were identified as catalyst that had rise the statistic of Umrah fraud package. The first one is the unscrupulous greed of the deceiving and profiteering party while the second one is the weakness of the users themselves who fall prey to the trap of cheap Umrah packages. Surely such fraudulent practices are strictly forbidden in Islam. Despite clear reminder by Allah in Al-Baqarah verse 188, these forbidden act of fraud and abuse still exist.

“And do not consume one another’s wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful].” Al-Baqarah:188

24. Utusan Malaysia had extensively covered the fraud and abuse within Umrah industry in its expose⁹ in 2015. The reality is that within the industry, the unscrupulous cunning person/party/syndicate does exist to deceive the victims with a variety of manoeuvres in order to reap the illegal profits amounting tens of millions of ringgit. The syndicate successfully siphoned a profit of RM8 Millions within less than a year by carrying out their fraudulent activities on the victim through flight tickets. This heartless syndicate execute their manoeuvre and deception without any bearing of sympathy even on to the elderly or senior citizens.

9 Utusan Malaysia Online, 12 April 2015 :
<http://www.utusan.com.my/berita/nasional/kaki-tipu-pakej-umrah-kaut-untung-puluhan-juta-1.80462>

25. There were also cases where the Umrah pilgrims were left out and stranded at the airport. This syndicate promoted Umrah packages via internet and customers need only to register and complete their transaction online. Distribution of information was only through Whatsapp and sms. This syndicate had attracted a large number of victims due to its unbelievable low price and exclusivity as well as claim of special sponsorship that reducing the cost of the Umrah package.

26. The syndicate's tactics were highly customized and tailor-made to well suit the victim and the targeted area. Some offered Umrah package with ridiculously low price, sometimes even free of charge. The syndicate claimed that their Umrah package was cheaper because it was sponsored by corporate bodies, political leaders, celebrities and other uninformed sources. These people are always greedy hunting their prey.

27. To make things worse, there were also cases involving inter-companies transactions between licensed and unlicensed company in obtaining Umrah's Visa. This has been identified as one of the causes that led to the increasing numbers of fraud Umrah package and stranded pilgrims. As Umrah's Visa can only be applied by Muassasah companies registered with the government of Saudi Arabia, there were some unethical party conspired with unlicensed party to issue the Visa. When any troubles happened to the pilgrims, none will claim their responsibility.

28. In addition, the existing rules under the AIP 1992 AIP has its limitation and constraints. This is because the AIP 1992 only accounts for control and monitoring in Malaysia whereas the monitoring and enforcement in the Holy Land (Umrah in Mecca and visit to Medina) are not governed by AIP 1992 jurisdiction as it is under the jurisdiction of the Kingdom of Saudi Arabia, the Custodian of the Two Holy Land. Furthermore, Umrah is an act of devotion and MOTAC is not the religious authority that has its networks of cooperation with Saudi Arabia to monitor the Umrah activities and the performance of Travel and Tour companies in the Holy Land.

29. The painful truth is that these fraud Umrah packages are difficult to be eradicated without total cooperation and concerns form all parties, the Government, the companies, industry players and even the mass public itself as the responsible consumer.

UMRAH REGULATORY COUNCIL (MKSU): OUTLINING THE CONTROLLING MECHANISME

30. To effectively address these problems, the Government has established Umrah Regulatory Council (MKSU) on 28 August 2014. The Government has shown its commitment in strategizing efforts and streamlining the regulatory authorities to address the issues related the fraud Umrah package. This is timely as the issue involves, affecting the international diplomatic bilateral relation between Malaysia and Kingdom of Saudi Arabia as well as the sanctity of the Umrah as an act of devotion in Islam.

31. MKSU was established to focus on the controlling the Umrah operation and eradicating fraud Umrah cases by introducing stricter conditions and imposing a special license or sub-license for Umrah Travel and Tour Companies.

32. The establishment of MKSU was announced by the Minister of MOTAC⁷. The Council is chaired by MOTAC under the virtue of the AIP 1992. Members of the Council comprises of the following;

- i. Department of Awqaf, Zakat and Hajj (JAWHAR);
 - ii. Ministry of Domestic Trade;
 - iii. Cooperatives and Consumerism (KPDNKK);
 - iv. Ministry of Foreign Affairs (KLN);
 - v. The Royal Malaysian Police (RMP);
 - vi. Companies Commission of Malaysia (SSM);
 - vii. The Malaysia Competition Commission (MyCC);
 - viii. Ministry of Transport (MOT);
 - ix. Multimedia Communications Commission (MCMC);
 - x. Lembaga Tabung Haji (TH);
 - xi. Malaysian Association of Travel and Tour Agents (MATTA); and
 - xii. Association of Bumiputera Travel and Tour Agents (BUMITRA).
33. The efforts to totally eradicate Umrah fraud cases were discussed in the Council. MKSU's terms of reference include:

¹⁰ <https://www.youtube.com/watch?v=95Ou0GjAPeA>

- i. Establish regulatory mechanisms to control Umrah packages;
- ii. Implement plan for the public awareness campaign;
- iii. Monitor and integrate the enforcement status and investigation cases;
- iv. Monitor the implementation of standard operating procedures (SOP) provided by Matta and BUMITRA relating to Umrah packages; and
- v. Monitor the implementation of the Travel and Tours Company's service standard in handling Umrah packages.

34. MKSU has also set a minimum indicator prices at RM4900 for Umrah Standard Economic Package of 12 days 10 nights. This indicative price is among the basic litmus test to determine the validity of an Umrah package. None of the companies are allowed to sell Umrah Standard Economic Package below RM4900. Any sponsorship and donations obtained to reduce the price of the package requires notification to MOTAC and its endorsement for validation and MKSU's approval to ensure that the package is a fraud less. Licensed Muassasah companies are not allowed to sell only visa to another company without any legitimate Umrah packages. These steps are taken to ensure that the interest of the consumers and the Umrah pilgrims are being protected.

35. In addition to the above mentioned steps, the Government has also taken measures to disseminate information relating to Umrah fraud package to increase social awareness and ultimately translates into the reduction of Umrah fraud cases. Among these measures are engagement and awareness session with the public throughout the nation. An i-Umrah portal (www.jawhar.gov.my/umrah) was created as one stop centre to view the list of Muassasah companies and other advice on Umrah related matters. JAWHAR as a member of MKSU has developed an i-Umrah portal and further extend it to android mobile application in Google Play⁸ for the benefit of the consumer and especially the Umrah Pilgrims

36. The i-Umrah portal is extremely useful not only to the future candidates of Umrah pilgrims (as it contains list of Muassasah Companies, guide on performing Umrah - *Manual Pengurusan Kesempurnaan Manasik*) it is also beneficial to the companies and industry as it provides related procedures for the legal framework of Umrah operation in Malaysia (*Manual Pengurusan Perkhidmatan Umrah*). In addition, the terms of reference of the Fourth Schedule in AIP 1992 (Appendix 1) is also available to enable consumers to know their rights and responsibilities as a buyer of any tourism packages.

¹¹ https://play.google.com/store/apps/details?id=com.e_tokone.jawhar&hl=en

37. Both manuals - *Manual Pengurusan Kesempurnaan Manasik* and *Manual Pengurusan Perkhidmatan Umrah* are available for free download in the i-Umrah Portal. These manuals are highly useful for Travel and Tours Companies' operators as it spells out the procedures relating to the Umrah management and its pilgrims related affairs as well as regulations and procedures imposed by the Kingdom of Saudi Arabia.

INTRODUCTION TO WAKALAH AL-UJRAH: BASIC MUAMALAT IN UMRAH PACKAGE

38. Muamalat (plural of muamalah) in its linguistic terms are referred to the regulations of buying and selling while technically it refers to any form of communication and mutual agreement between people to solve their daily needs, especially in matters related to trade and commerce⁹. Muamalat is a social-contract that binds relationship of a variety of economic and non-economic activities. The basic principles of Muamalat were formulated and formed to comply with the rules of sharia for a mutually consented and transparent agreement in any legal trade transactions.

39. In the context of Umrah, the consumers, are defined as "al-Mustahlik" in its Arabic term. The consumers are the pilgrims that purchase¹⁰ a service from a provider for the purposes of performing Umrah in Mecca in accordance with any existing law, whether in Malaysia or in the Holy Land.

40. As the service provided is to be performed in any foreseeable future (pay today and Umrah will be performed later), the consumer has delegated to Travel and Tour Company as his/her representative to manage everything all requirement and preparation pertaining to the departure until the completion of Umrah. This includes the clearance of documentation, visas, transport and accommodation, flight and Umrah guides and advice until the consumer safe return from the Holy Land.

41. Within this context, the consumers and the companies are now bounded by a sale contract through Wakalah al-Ujrah. Wakalah is a contract which involves one party (the principal / Muwakkil) that delegates to another party (Wakil) for carrying out certain tasks which are Shariah compliant, with certain wage/costs/commissions/fees (Ujrah)¹¹.

12 Aznan Hasan, *Asas Syariah dalam Kewangan Islam*, ms. 39.

13 Ibrahim Anis et al., *al-Mu'jam al-Wasit*, Majma' al-Lughah al-Arabiah, Kaherah, 1961, Maddah Ha la ka, jil. 2, hlm. 991.

14 Bank Negara Malaysia: Shariah Issues In Relation to the Operations of Supporting Institutions In Islamic Finance - http://www.bnm.gov.my/microsites/financial/pdf/resolutions/10_part04.pdf

42. Nevertheless, in reality and current practical conduct, there is usually no contract agreement be made between the consumer/pilgrim and the company. Practically the company will issue a receipt to confirm that the booking has been made and the contract services occurs when the consumer/pilgrim agrees to the terms and conditions set forth in the company's advertising / book / website. This terms and conditions is then used as reference that binds the service agreement between the consumer/pilgrims and the company.

Consumer's responsibility

43. Even though the consumer/pilgrim has made payment to acquire the Umrah service, he/she is not free from its duties and responsibilities as a consumer. The duties and responsibilities as a consumer, among other will include the following;

- i. Understand the terms and conditions as set out in the Fourth Schedule of AIP 1992 (sub paragraph 6 (l) (m) (ii)) – Regulations of the Tourism Industry (Business Tourism and Business Travel Agencies), the Standard Terms and Conditions. These terms include the rights of consumers and sellers to reservations, deposits, cancellations and changes in prices;
- ii. Select Umrah companies that has been duly endorsed by the Government of Saudi Arabia (Muassasah) or at the very least having an outbound license;
- iii. Review and compare the prices of the packages offered by the Umrah companies. The price must not be less than RM4900;
- iv. Review the background and experience of the companies;
- v. Aware of the information regarding flights, transit or direct;
- vi. Aware of the accommodation arrangement by the company, its distance, and location;
- vii. Ensure that all payments are made directly to the account of a legitimate company, even though consumer is using the service of the company managers or agents;
- viii. Ensure that all payments received receipts and properly keep the receipts and documents; and
- ix. Ensure that at the very least all information stipulated in Appendix 2 is available.

Company's Responsibility

44. The company that provides Umrah package, is a paid (ujrah) representative appointed by the customers/pilgrims for their services. The company has its responsibilities namely to ensure that the consumers/pilgrims could perform their Umrah at their level best. Consular documentation, visa attestation, transportation and accommodation, flight arrangement and most importantly the rules for the act of devotion in performing Umrah are being fully complied to ensure the perfection of ibadah (mabrur).

45. As the representative to the consumer/pilgrim, full execution of the company's roles and responsibilities are crucial. Among other things they are responsible for:

- i. Comply all aspects of AIP 1992 and its related regulation, 6 (1A) Regulations Tourism Industry (Business Tourism and Business Travel Agencies), 1992;
- ii. Ensure validity of outbound license outbound and where possible to striving for the Muassasah status;
- iii. Advance booking of accommodation and transportation in Makkah and Madinah and other places contained in the advertised Umrah packages;
- iv. Ensure that consumer/pilgrim is covered under the Umrah Takaful Scheme for emergencies, illness and death;
- v. Provide clear terms and conditions of the agreement containing the relevant Umrah itineraries (tables, packages and remedy of dispute/damages) in the event of misconduct or default by the company or consumer)
- vi. Appoint representative to manage the consumer/pilgrim that travels together with the group to assist in storage and transport to and from the airport for the entire duration of the trip;
- vii. Provide food and drink to the congregation in the event of flight delays assist consumer who are old or sick;
- viii. Provide Umrah guidance courses;
- ix. Avoid any unlawful transaction, which is prohibited by Islamic law; and
- x. Always honouring the advertised brochure and sale and purchase agreement.

46. The company's roles and responsibility in providing excellent and lawful services to the consumer are indeed a challenging one. The company has to foresee and deals with the challenges by the congregation of pilgrim that involve managing expectation as well as the regulations in the Kingdom of Saudi Arabia. Consumer demands beyond the terms and conditions of the package, ills and sickness, cancellation and death are part of the challenge for any Umrah companies. However, subject to the extent stipulated in the package, this challenge needs to be resolved and all advertisement and promise need to be honoured as it is a trust. As Allah has command not to betray the trust:

“O you who have believed, do not betray Allah and the Messenger or betray your trusts while you know [the consequence]” Al-Anfal: 27.

“O you who have believed, fulfil [all] promises/contracts,” Al-Maidah: 1

“Woe to those that deal in fraud, those who, when they have to receive by measure from men, exact full measure, but, when they have to give by measure or weight to men, give less than due. Do they not think that they will be called to account?”

Al-Mutaffifin:1-4

47. Company operators who fear Allah and seek to perfect their work and business dealings with what is acceptable to Him will be rewarded by Allah. Those who cheat, lie, breach their trust, reduced weights and measures and so on, will receive a heavy punishment.

48. All Umrah companies are bounded by AIP 1992 locally and the regulations enforced by the Government of Saudi Arabia and the Saudi Arabian Embassy in Malaysia. Failure to comply with these terms and conditions could cause the company to refund the consumer's money, pay compensation, subjected to be compound and even revocation of licenses and prosecuted. Companies that violate the rules will be blacklisted by MOTAC. Muassasah companies could lose their security deposit and be blacklisted by the Kingdom of Saudi Arabia should they violate any rules and regulations.

49. For any other companies or individuals who operate illegally and deceive consumers, they are actually the ones who ordered the wrath of Allah. Apart from the due punishment in the Hereafter, they also face the punishment under the law. This group is liable to prosecution for doing illegal business and is subjected to severe punishment under the Penal Code which carries an imprisonment.

PROCEDURE TO FILE A CASE IN TRIBUNAL FOR CONSUMER CLAIMS MALAYSIA

50. Despite all the efforts by all parties to uphold their promise and responsibility in ensuring the smooth running of Umrah affairs, certainly there will a fraction of an event that result in the dispute and conflicts. If amicable settlement could not be resolved (possibly due to conflicting terms and service, the absent of specific settlement clause in the contract, or simply the refusal of both sides to amicably settle their dispute) there is an alternative channel for consumers to make a claim and get their fair judgement and award if the case is legitimate.

51. The Tribunal for Consumer Claims, Malaysia (TTPM) is an independent body established Under Section 85, Part XII of The Consumer Protection Act 1999. The Tribunal operates under the Ministry Of Domestic Trade, Co-Operatives and Consumerism. The primary objective of the Tribunal Is to provide an alternative forum for consumers to file claims in a simple, inexpensive and speedy manner. It has the authority to trial claims not exceeding RM 25,000.00. However, the tribunal does not have jurisdiction in the case of land / land titles, wills / goodwill/ trade secrets, intellectual property, claims exceeding RM 25,000.00, and claims of injury and death.

52. Consumers can file their claims online or enquire about their cases at 1-800-88-9811. They also can file their case at any of the Tribunal branch nationwide. The details of the process could be referred to TTPM's website - ttpm.kpdnkk.gov.my or through the filing of the case via e-Tribunal. For complaints involving outbound companies, complaints should also be copied to MOTAC. However if there is an element of deception or conducted by illegal companies/individuals, consumers are advised to lodge police report at any police station nearby as this would involve offenses under Penal Code. The Tribunal filing process is summarised below;



CONCLUSION

In the pursuit of Muslims passion in performing the act of devotion and worship in Umrah, it is first and foremost would be important and beneficial for Muslims to reflect the command of Allah. Behold, Allah has reminded and warned us in Al-Baqarah 195:

وَأَنفَقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى الْتَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

يُحِبُّ الْمُحْسِنِينَ 195

And spend in the way of Allah and do not throw [yourselves] with your [own] hands into destruction [by refraining]. And do good; indeed, Allah loves the doers of good

There are various lesson could be derived from this verse, both to the company and consumer/pilgrims. In the context of Umrah, certainly, there is no objection to the costs and package, provided it is within the consumer. However, Allah has fore warned ***not to throw [yourselves] with your [own] hands into destruction*** by refraining to carry out proper assessment before purchasing any Umrah packages and subsequently conspiring with the fraud Umrah companies/package.

Hence, both parties need to improve their conduct and action. Either to fulfil the responsibility as entrusted company (Wakil), or to submit to Allah's will is please with its test, and even to exercise the right to complain, sue and get a defence against misconduct or agreement as a consumer, all these are indeed a part of challenge in perfecting code of conduct for Allah. Indeed, umrah is an act of worship (ibadah) and every act of worship (ibadah) is a test by Allah to measure and reward His righteous servants.

In deliberating the true form of an act of worship (ibadah) an influential religious leader and a reformer scholar (Mujaddid), Shah Wali Allah al-Dahlawi (born 1703) has outlined four basic characteristics that can drive the individual, organizational life, society and state affairs, which can be applied in the service of muamalat umrah packages. The four basic characteristics are *Taharah, Ikhbat, Samahah and Adalah* is further explained as follows:

- i. Thoharah – Holistic Purification of Physical and Soul. Umrah itself seeks to purify individual selves. Therefore, the application of Thoharah is able to strike a balance and harmonious state between the companies and the consumers while at the same time avoiding any fraud and deceit in Muamalat. Mastering these features is a precondition for the purification of the soul as advocated by the Quran:

“He has succeeded who purifies it. And he has failed who instills it [with corruption]”¹² (Ash-Shams: 9-10)

- ii. Ikhbat - Total obedience and surrender to Allah. Upholding the truth through obedience to Allah. By understanding Ikhtibat, individuals or companies that deals with umrah packages will ensure that the business is conducted in full accordance with ethical and legal principles outlined by the teachings of Islam (Syariah).
- iii. Samahah - Tolerance and love amongst mankind. This are amongst the importance value in social life. Application of this value could deter evil, deception and tricks in the affairs of muamalat umrah packages.

¹⁵ As-Syams 91:9-10

- iv. Adalah –Repentance and fair. As His creations, we are weak servant of Allah that will be pleased and surrendered to His trials and mercy. As for the companies owners, Adalah will redirect them to be impartial and fair in their business dealings and good conduct. Allah has commanded in Al-Quran

*“Indeed, Allah orders justice and good conduct and giving to relatives and forbids immorality and bad conduct and oppression. He admonishes you that perhaps you will be reminded.”*¹³(An-Nahl: 90)

Hopefully this article manages to give some exposure to the reader, and benefited Muslims by preventing them from becoming another victim of fraud Umrah packages. May Allah blesses this effort and may all pilgrims be awarded with Umrah mabrurah - Amin

16 An-Nahl 16:90

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Al-Ghazali Maqasid Syariah

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Appendix 1

JADUAL KEEMPAT

(Sub perenggan 6 (l) (m) (ii))

AKTA INDUSTRI PELANCONGAN

PERATURAN-PERATURAN INDUSTRI PELANCONGAN (PERNIAGAAN PENGENDALIAN PELANCONGAN DAN PERNIAGAAN AGENSI PENGEMBARAAN) 1992

TERMA DAN SYARAT SERAGAM BAGI PAKEJ PELANCONGAN KE LUAR NEGERI

1. Deposit Pelancongan

Deposit maksimum sebanyak 25% daripada tambang pelancongan setiap orang mesti dibayar sebagai yuran penempahan. Bakinya atau bayaran penuh mesti dibuat dalam masa 14 hari sebelum tarikh berlepas bagi pakej pelancongan Pengembala Perseorangan (FIT) dan 21 hari bagi pakej pelancongan berkumpulan. Kegagalan untuk mematuhi kehendak ini boleh mengakibatkan pembatalan penempahan dan pelucut akan deposit.

2. Caj Pindaan

2.1. Bagi Pakej Pelancongan Pengembala Perseorangan (FIT)

- 2.1.1. Apabila pengesahan pelancongan sudah dibuat, apa-apa perubahan yang dibuat kemudiannya kepada penempahan itu akan dikenakan caj pindaan sebanyak RM50.00 seorang bagi setiap perubahan.
- 2.1.2. Tiada perubahan boleh dibuat dalam masa 8 hari bekerja sebelum tarikh berlepas.
- 2.1.3. Perubahan seluruh tempahan merupakan pembatalan tempahan asal dan tertakluk kepada caj pembatalan seperti yang ditakrifkan dalam dasar pembatalan (lihat fasal 3.1 - *untuk pakej pelancongan FIT*).

2.2. Bagi Pakej Pelancongan Berkumpulan

- 2.2.1. Apabila pengesahan pelancongan sudah dibuat, tiada perubahan kepada tempahan boleh dibuatkan dalam masa 14 hari sebelum tarikh berlepas.
- 2.2.2. Walaubagaimanapun, apa-apa permintaan daripada mana-mana anggota untuk membuat apa-apa perubahan supaya dapat pulang lebih awal atau kemudian daripada kumpulannya, tertakluk kepada syarat masing-masing syarikat penerbangan.
- 2.2.3. Perubahan seluruh tempahan merupakan pembatalan tempahan asal.

3. Caj Pembatalan Bagi Pembatalan Yang Dibuat Oleh Anggota Pelancongan

3.1. Bagi Pakej Pelancongan FIT

- 3.1.1. Pembatalan tempahan mesti dibuat secara bertulis untuk mengelakkan salah faham. Jika syarikat menerima notis untuk membatalkan tempahan itu 30 hari atau lebih sebelum tarikh berlepas, fi pentadbiran minimum sebanyak RM50.00 atau 10% daripada deposit pelancongan (mengikut yang mana-mana yang lebih rendah) seorang akan dikenakan.
- 3.1.2. Jika notis pembatalan itu diterima 29 hari atau kurang sebelum tarikh berlepas caj yang berikut akan terpakai:

<i>Pembatalan Diterima</i>	<i>Caj Pembatalan Bagi Setiap Orang</i>
15-29 hari bekerja sebelum tarikh berlepas	50% daripada deposit pelancongan
8-14 hari bekerja sebelum tarikh berlepas	20% daripada tambang; pelancongan
3-7 hari bekerja sebelum tarikh berlepas	40% daripada tambang pelancongan
2 hari bekerja atau kurang sebelum tarikh berlepas	100% daripada tambang pelancongan

3.1.3 Dasar pembatalan masing-masing syarikat penerbangan mengenai promosi tambang istimewa hendaklah terpakai sebagai tambahan kepada caj pembatalan seperti yang dinyatakan dalam fasal 3.1.2 I (*Catatan: Tiket penerbangan adalah terhad dan tertakluk kepada Terma dan Syarat Syarikat Penerbangan. ia mungkin tidak boleh diendorskan, tidak boleh dikeluarkan semula, tidak boleh diberi bayaran balik dan tidak boleh dipindahkan laluannya. Apa-apa pindaan kepada laluan atau perubahan tarikh perjalanan oleh mana-mana penumpang adalah semata-mata atas risiko beliau sendiri. Syarikat atau ejen bersekutunya tidak bertanggungjawab atas apa-apa kerumitan yang timbul dan perbelanjaan yang dilakukan. Walaubagaimanapun, apa-apa bayaran balik yang dibuat oleh mana-mana syarikat penerbangan untuk pembatalan yang dibuat 2 hari bekerja atau kurang sebelum hari perjalanan bagi tambang bukan promosi hendaklah dibayar kepada anggota pelancongan selepas ditolak apa-apa caj pentadbiran yang ditanggung oleh syarikat pelancongan.*).

3.2 Bagi Pakej Pelancongan Berkumpulan

- 3.2.1 Pembatalan tempahan perlu mesti secara bertulis untuk mengelakkan salah faham. Jika syarikat menerima notis untuk membatalkan tempahan itu 45 hari atau lebih sebelum tarikh berlepas, fi pentadbiran minimum sebanyak RM30.00 atau 2% daripada tambang pelancongan (mengikut yang mana-mana yang lebih tinggi) seorang akan dikenakan.
- 3.2.2 Jika notis pembatalan diterima 44 hari atau kurang sebelum tarikh berlepas, caj yang berikut akan terpakai:

<i>Pembatalan Diterima</i>	<i>Caj Pembatalan Bagi Setiap Orang</i>
22-44 hari bekerja sebelum tarikh berlepas	Perlucuthakan deposit pelancongan
5-21 hari bekerja sebelum tarikh berlepas	35% daripada tambang pelancongan
8-14 hari bekerja sebelum tarikh berlepas	50% daripada tambang pelancongan
3-7 hari bekerja sebelum tarikh berlepas	75% daripada tambang pelancongan
2 hari bekerja atau kurang sebelum tarikh berlepas	100% daripada tambang pelancongan

- 3.2.3 Dasar pembatalan masing-masing syarikat penerbangan bagi promosi tambang istimewa hendaklah terpakai sebagai tambahan kepada caj pembatalan seperti yang dinyatakan dalam fasal 3.2.2. (*Catatan: Tiket kapal terbang adalah terhad dan tertakluk kepada Terma dan Syarat Syarikat Penerbangan. Ia mungkin tidak boleh diendorskan, tidak boleh dikeluarkan semula, tidak boleh diberi bayaran balik dan tidak boleh dipindahkan laluan. Sebarang pemindaan kepada laluan atau pertukaran tarikh perjalanan adalah atas risiko beliau sendiri. Syarikat atau ejen bersekutunya tidak bertanggungjawab atas apa-apa kerumitan yang timbul dan perbelanjaan tambahan yang tertanggung).*

4. Pembatalan Oleh Syarikat

4.1. Pakej Pelancongan FIT

- 4.1.1. Syarikat berhak untuk membatalkan pelancongan jika berlaku bencana alam, perang, mogok, rusuhan atau atas arahan Kerajaan Malaysia yang di luar kawalan syarikat.
- 4.1.2. Syarikat hendaklah mengesyorkan pelancongan alternatif, sebaiknya ke destinasi yang sama atau pelancongan lain. Sekiranya penumpang memutuskan untuk tidak menerima pelancongan alternatif, semua wang yang telah dibayar akan dibayar balik kepada penumpang selepas ditolak fi pentadbiran yang kena dibayar.

4.2. Pakej Pelancongan Berkumpulan

- 4.2.1. Syarikat berhak membatalkan pelancongan jika berlaku bencana alam, perang, mogok, rusuhan atau arahan Kerajaan Malaysia yang di luar kawalan syarikat.
- 4.2.2. Syarikat hendaklah mengesyorkan pelancongan alternatif, sebaiknya ke destinasi yang sama atau pelancongan lain. Sekiranya penumpang memutuskan untuk tidak menerima pelancongan alternatif itu, semua wang yang telah dibayar akan dipulangkan kepada penumpang selepas ditolak fi pentadbiran yang kena dibayar.
- 4.2.3. Jika keadaan memerlukan syarikat membatalkan lawatan disebabkan oleh kekurangan penumpang atau ketidakmampuan untuk memperoleh kemudahan pengangkutan atau penginapan, syarikat akan memulangkan semua wang yang telah dibayar dan juga membayar pampasan seperti yang berikut:

<i>Pembatalan Diterima</i>	<i>Caj Pembatalan Bagi Setiap Orang</i>
8-14 hari bekerja sebelum tarikh berlepas	Bayaran balik penuh tambang pelancongan dan pampasan sebanyak RM50.00
1 -7 had bekerja sebelum tarikh berlepas	Bayaran balik penuh tambang pelancongan dan pampasan sebanyak RM75.00
Pada hari berlepas	Bayaran balik penuh tambang pelancongan dan pampasan sebanyak RM 100.00 seorang

5. Dokumen Perjalanan

5.1. Tanggungjawab Anggota Pelancongan

Anggota pelancongan mestilah mempunyai :

- (a) pasport antarabangsa atau dokumen perjalanan diiktiraf yang lain yang sepatutnya sah bagi tempoh sekurang-kurangnya 6 bulan dari tarikh kepulangan semula ke negara asal;
- (b) visa yang perlu dan perakuan vaksinasi dan kesihatan yang dikehendaki oleh pelbagai pihak berkuasa negara yang hendak dilawati.

5.2. Tanggungjawab Syarikat

Syarikat mengaku janji untuk:

- (a) menasihati anggota pelancongan mengenai dokumen yang diperlukan
- (b) mana-mana mungkin, syarikat akan membantu penumpang untuk memperoleh visa yang sesuai.

Walau bagaimanapun, syarikat tidak dapat menjamin kelulusan mana-mana permohonan visa.

5.3. Fi dan Caj Yang Relevan

Caj perkhidmatan dan fi visa hendaklah ditanggung sepenuhnya oleh anggota pelancongan.

5.4. Penolakan Visa atau Dokumen Perjalanan

Jika atas apa-apa sebab, permohonan visa atau permit keluar yang perlu ditolak, tambang pelancongan selepas ditolak fi pentadbiran akan dibayar balik.

5.5. Penolakan Kemasukan

Syarikat tidak boleh dipertanggungjawabkan atau menanggung liabiliti bagi apa-apa perbelanjaan, bayaran ganti atau bayaran balik tambang pelancongan jika mana-mana anggota pelancongan tidak dibenarkan masuk atau dideportasikan oleh pihak berkuasa imigresen kerana memiliki barang yang menyalahi undang-undang atau memegang dokumen perjalanan yang tidak wajar atau sebab-sebab lain atau yang kelakuan dan aktivitinya dianggap oleh kerajaan asing itu boleh mendatangkan keburukan.

6. Maklumat Lawatan dan Harga

- (1) Harga yang ditunjukkan ialah harga semasa pada masa penerbitan. Maklumat lawatan dan senarai harga merupakan sebahagian daripada brosur. Harga tertakluk kepada pertukaran yang disebabkan oleh kenaikan tambang kapal terbang, kos pengangkutan lain, kadar hotel, kadar pertukaran mata wang asing, cukai kerajaan dan sebagainya. Oleh itu, syarikat berhak menaikkan harga dengan syarat ia mernberitahu pelanggan dengan sewajarnya sebelum pengesahan pelancongan dibuat.
- (2) Syarikat berwaad bahawa perkara-perkara yang berikut dimasukkan ke dalam tambang pelancongan :
 - (a) Tiket kapal terbang pergi balik, tidak termasuk semua cukai lapangan terbang dan apa-apa cukai yang terpakai.
 - (b) Penginapan hotel, berdasarkan:
 - (i) dasar berkongsi (dua orang sebilik) ;

- (ii) tambahan seorang (orang yang menginap bersendirian — orang itu hendaklah membayar tambahan seorang); dan
- (iii) berkongsi tiga (tiga orang melancong bersama).

Bagi kumpulan yang terdiri daripada 3 orang, tempat penginapan adalah berdasarkan tiga orang berkongsi satu bilik di mana-mana berkenaan.

Tambang pelancongan kanak-kanak sebagaimana yang diiklankan adalah berdasarkan kanak-kanak yang berumur 2 tahun tetapi tidak melebihi 12 tahun, yang berkongsi bilik kembar dengan dua orang dewasa.

- (c) Semua makanan, lawatan bersiar-siar dan perkara lain sebagaimana yang dinyatakan dalam jadual perjalanan.
 - (d) Semua lawatan bersiar-siar dan pemindahan adalah berdasarkan tempat duduk dalam bas.
- (3) Perkara-perkara yang tidak termasuk dalam tambang pelancongan ialah:
- (a) dobi;
 - (b) makanan dan minuman yang tidak terdapat dalam menu lazim;
 - (c) rombongan pilihan;
 - (d) upah mengangkat barang di lapangan terbang dan hotel; dan
 - (e) semua perkara persendirian.

7. Bayaran Balik Untuk Perkhidmatan Yang Tidak Digunakan

Tiada bayaran balik atau pengurangan harga akan dibuat kepada mana-mana anggota berkenaan dengan tambang kapal terbang, penginapan, makanan, lawatan bersiar-siar, pengangkutan atau mana-mana perkhidmatan lain yang termasuk dalam tambang tetapi tidak digunakan oleh anggota pelancongan atas sebab peribadi.

8. Bagasi

Syarikat penerbangan ada memperuntukkan elaun bagasi percuma dan kuantum dan syaratnya mungkin berbeza antara satu syarikat kapal terbang dengan yang lain atau antara satu pihak berkuasa lapangan terbang dengan yang lain. Peraturan ini turut terpakai bagi bagasi yang dibawa sendiri di atas kapal terbang. Ejen pelancongan akan menasihati penumpang tentang syarat-syarat itu. Penumpang dikehendaki membeli pelindungan insurans yang mencukupi.

9. Kemungkinan Pertukaran

Jadual syarikat penerbangan atau keadaan tempatan mungkin memerlukan lawatan bersiar-siar, hotel dan Ialuan diubah. Jika ini berlaku, syarikat hendaklah membuat perkiraan alternatif bergantung kepada keadaan tempatan.

10. Hak Untuk Menolak Penempahan

Syarikat berhak untuk membatalkan atau menarik balik apa-apa jadual perjalanan, atau tempahan yang telah dibuat untuk pelanggan atau untuk enggan menerima atau mengekalkan seseorang menjadi anggota pelancongan sekiranya dia didapati membahayakan kesihatan atau keselamatan, atau mengurangkan keselesaan atau keseronokan anggota yang lain dalam pelancongan itu. Syarikat juga berhak membatalkan tempahan jika atas apa-apa sebab, mana-mana pembawa, hotel atau kontraktor lain enggan untuk membenarkan mana-mana peserta menyertai pelancongan itu. Dalam mana-mana keadaan sedemikian tanggungjawab adalah semata-mata untuk memulangkan semula kepada anggota pelancongan itu wang yang telah dibayar setelah ditolak amaun perkhidmatan yang telah digunakan dan fi perkhidmatan dan fi pembatalan.

11. Tanggungjawab Syarikat

Syarikat dan ejen bersekutunya hendaklah bertanggungjawab bagi perkhidmatan yang disediakan seperti pengangkutan, penginapan, hiburan dan makanan, sebagaimana yang ditunjukkan dalam brosur mereka. Syarikat hendaklah membayar pampasan yang sesuai yang ditetapkan oleh Pesuruhjaya Pelancongan sekiranya, selepas penyiasatan dibuat, Persuruhjaya mendapati perkhidmatan yang disediakan tidak seperti yang terdapat di dalam brosur dan perjanjian.

12. Insurans Perjalanan

Semua anggota pelancongan digalakkan membeli insurans perjalanan untuk melindungi diri mereka daripada sakit, kehilangan wang, pembatalan, kelewatan penerbangan atau kehilangan bagasi.

Appendix 2**SENARAI SEMAK / MAKLUMAT ASAS****Cadangan Aturcara Perjalanan Pakej Umrah (12 hari 10 malam)**

Tarikh	:
Harga pakej	:
Penginapan di Mekah	:
Jarak penginapan dari Masjid al-Haram	:
Jenis penginapan	: 4/3/2 Sebilik
Penginapan di Madinah	:
Jarak penginapan dari Masjid Nabawi	:
Jenis penginapan	: 4/3/2 Sebilik
Pengangkutan	:
Pembimbing	:

1. Perjalanan Melalui Madinah - Mekah

Hari	Aktiviti	Nota
Pertama	Bermula perjalanan dari tanah air	
Kedua	Sampai di Madinah – Ziarah Dalam (Sekitar Masjid Nabawi, Raudhah, Maqam Rasulullah SAW Abu Bakar dan Umar RAhuma serta Tanah Perkuburan Baqi').	Dibimbing oleh mutawwif; Berjalan kaki
Ketiga	Ziarah Luar – Sekitar Bandar Madinah yang mempunyai kesan-kesan sejarah seperti Masjid Quba', Maqam Syuhada Uhud, Masjid Qiblatain, Masjid Tujuh (Khandak) dan Pasar Kurma. * Nota : Kilang Percetakan al-Quran, Universiti Islam Madinah dan tempat yang lain bergantung kepada perbincangan.	Dibimbing oleh mutawwif; Menaiki kenderaan; Jamaah digalakkan berwuduk di hotel.
Keempat	Aktiviti Bebas	

Kelima	Bertolak ke Mekah. Menyelesaikan ibadah umrah.	Berniat Umrah dan berihram di Zulhulaifah (Bir Ali)
Keenam	Aktiviti Bebas	
Ketujuh	Ziarah Manasik – Sekitar tempat untuk melaksanakan ibadah haji seperti Arafah (Jabal Rahmah), Muzdalifah, Mina, Jamarat dan tempat-tempat bersejarah yang lain di Mekah seperti Masjid Jin, Perkuburan Ma'la, Tempat Kelahiran Rasulullah SAW dan lain-lain.	Dibimbing oleh mutawwif; Jemaah berniat umrah di Jaaranah.
Kelapan	Aktiviti Bebas	
Kesembilan	Ziarah Hudaibiyah – Ladang unta dan Masjid Hudaibiyah	Dibimbing oleh mutawwif; Berniat umrah dan berihram di Hudaibiyah
Kesepuluh	Aktiviti Bebas	
Kesebelas	Bertolak balik ke tanah air	
Kedua belas	Sampai di tanah air	

ATAU

Cadangan Aturcara Perjalanan Pakej Umrah (12 hari 10 malam)

Tarikh	:
Harga pakej	:
Penginapan di Mekah	:
Jarak penginapan dari Masjid al-Haram	:
Jenis penginapan	: 4/3/2 Sebilik
Penginapan di Madinah	:
Jarak penginapan dari Masjid Nabawi	:
Jenis penginapan	: 4/3/2 Sebilik
Pengangkutan	:
Pembimbing	:

2. Perjalanan Mekah - Madinah

Hari	Aktiviti	Nota
Pertama	Bermula perjalanan dari tanah air	
Kedua	Sampai di Mekah. Menyelesaikan ibadah umrah	Berniat umrah dan berihram di Qarnul Manazil (dalam kapal terbang)
Ketiga	Ziarah Manasik – Sekitar tempat untuk melaksanakan ibadah haji seperti Arafah (Jabal Rahmah), Muzdalifah, Mina, Jamarat dan tempat-tempat bersejarah yang lain di Mekah seperti Masjid Jin, Perkuburan Ma'la, Tempat Kelahiran Rasulullah SAW dan lain-lain.	Dibimbing oleh mutawwif; Jemaah berniat umrah di Jaaranah.
Keempat	Aktiviti Bebas	
Kelima	Ziarah Hudaibiyyah – Ladang unta dan Masjid Hudaibiyyah	Dibimbing oleh mutawwif; Berniat umrah dan berihram di Hudaibiyyah
Keenam	Aktiviti Bebas	
Ketujuh	Bertolak ke Madinah	
Kelapan	Ziarah Dalam (Sekitar Masjid Nabawi, Raudhah, Maqam Rasulullah SAW Abu Bakar dan Umar RAhuma serta Tanah Perkuburan Baqi').	Dibimbing oleh mutawwif; Berjalan kaki
Kesembilan	Ziarah Luar – Sekitar Bandar Madinah yang mempunyai kesan-kesan sejarah seperti Masjid Quba', Maqam Syuhada Uhud, Masjid Qiblatain, Masjid Tujuh (Khandak) dan Pasar Kurma. * Nota : Kilang Percetakan al-Quran, Universiti Islam Madinah dan tempat yang lain bergantung kepada perbincangan.	Dibimbing oleh mutawwif; Menaiki kenderaan; Jamaah digalakkan berwuduk di hotel.
Kesepuluh	Aktiviti Bebas	
Kesebelas	Bertolak balik ke tanah air	
Kedua belas	Sampai di tanah air	

PERLAKSANAAN IBADAT HAJI PAKEJ AL-MAAS: HUKUM DAN CADANGAN

Mohammad Nidzam bin Abdul Kadir¹

ABSTRAK

Performing Hajj serves to be the fifth tenet of Islam. Among the Hajj-performing packages that are available in Malaysia is the al-Maas package administered by the Travel and Services Hajj Fund (THTS). The implementation hajj of this package takes around 14 to 16 days only. It is different from other Hajj packages which tend to be more time-consuming. This study assesses the implementation system of Hajj of this package in the aspect of fiqh in the Syafii sect. The method of study is library study. This study finds that the implementation of Hajj for the alMass package is still adherent and fulfills the laws of syara'. Next, this study introduces several proposals, to enable better comprehension and appreciation of more objectives derived from this religious act.

Ibadat haji merupakan rukun Islam yang kelima. Antara pakej haji yang ada di Malaysia ialah pakej haji al-Maas yang diuruskan oleh Tabung Haji Travel and Services (THTS). Perlaksanaan ibadat haji pakej ini mengambil masa sekitar 14 hingga 16 hari sahaja. Ianya berbeza dengan pakej haji yang lain yang mengambil masa yang lebih lama. Kajian ini menilai tatacara perlaksanaan ibadat haji pakej ini dalam aspek hukum fiqh dalam mazhab Syafii. Metode kajian berdasarkan kajian perpustakaan. Kajian ini mendapati bahawa perlaksanaan haji pakej al-Mass masih menepati hukum syarak. Seterusnya kajian ini mencadangkan beberapa perkara agar lebih banyak objektif daripada ibadat haji dapat dihayati.

Keywords : hajj, al-Maas package, Tabung Haji, Tabung Haji Travel

Klasifikasi JEL : D21, L84, Z12

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PENDAHULUAN

Di Malaysia pengurusan ibadat haji diuruskan oleh Lembaga Urusan dan Tabung Haji. Tabung Haji diberi peruntukan kuasa undang-undang untuk mengeluarkan lesen mengelola jemaah haji. Ini dinyatakan dalam peruntukan Akta 535, Akta Tabung Haji, syeksen 27². Antara pihak yang diberi lesen ini ialah pihak *Tabung Haji Travel and Services* (THTS). THTS merupakan anak syarikat Tabung Haji³. Dalam melaksanakan tugasannya ini, beberapa pakej haji telah ditawarkan. Antara yang ditawarkan ialah pakej haji al-Maas.

Pada dasarnya pakej haji al-Maas adalah berbeza dengan pakej haji yang lain. Kelainan ini kerana ia hanya mengambil masa yang singkat berbanding dengan pakej haji yang lain. Bagi jemaah haji muassasah, tempoh haji adalah lebih daripada 40 hari, manakala pakej haji alMaas sekitar 14 hari sahaja. Cara perlaksanaan haji juga berbeza daripada ketetapan pakej haji biasa sebagaimana ketetapan dalam buku panduan perjalanan jemaah haji⁴.

TARIKH KETIBAAN

Tarikh ketibaan di Makkah pakej al-Maas biasanya berlaku lima hari sebelum hari wuquf. Pada tahun haji 1433 Hijrah, hari wuquf 9 Zulhijjah adalah pada tarikh 25 Oktober 2012. Tarikh ketibaan ke Makkah adalah pada 20 Oktober 2012.

Hukum Fiqh

Ketibaan yang lewat daripada tarikh kebiasaan yang lain tidaklah bertentangan dengan hukum syarak. Ibadat haji dapat ditunaikan jika mempunyai masa yang mencukupi untuk wuquf di 'Arafah. Dalam karya fiqah dinyatakan⁵:

وَمِنْ فَاتَهُ الْوَقْفُ بِعْرَفَةَ تَحْلُلُ بَعْدَ عُمْرَةِ

“Dan sesiapa yang terlepas dari melaksanakan wuquf di ‘Arafah maka ia bertahallul dengan amalan umrah”.

Ini bermaksud bahawa wuquf di 'Arafah merupakan asas utama dalam ibadat perlaksanaan haji. Oleh itu, ketibaan di Makkah sekitar beberapa hari sebelum wuquf tidak menjelaskan ibadat haji.

² Lihat [www.agc.gov.my/Akta/Vol_11/Akta Tabung Haji 1995.pdf](http://www.agc.gov.my/Akta/Vol_11/Akta%20Tabung%20Haji%201995.pdf). Dicapai pada 13 Jun 2013.

³ Lihat www.thts.com.my. Dicapai pada 14 jun 2013.

⁴ Panduan Perjalanan Jemaah Haji (Kuala Lumpur: Bahagian Bimbingan, Lembaga Tabung Haji, 2009).

⁵ Taqiy al-Din Abū Bakar al-Ḥusaynī, *Kifāyah al-Akhyār* (Beirūt: Dār al-Fikr, 1994), 1: 188.

HAJI TAMATTU'

Para jemaah haji berniat ihram melakukan umrah. Niat ihram dilakukan di atas kapal terbang di kawasan miqat *Qarn al-Manazil*. Apabila sampai di Makkah, mereka akan segera melakukan tawaf, bersa'ie dan bertahallul dengan bergunting.

Hukum Fiqah

Dalam aspek fiqah, terdapat tiga jenis cara menunaikan haji. Caranya ialah *ifrad*, *tamattu'* dan *qiran*. Haji *ifrad* ialah menunaikan haji sebelum menunaikan umrah. Manakala haji *tamattu'* ialah menunaikan umrah pada bulan haji sebelum menunaikan haji. Manakala haji *qiran* adalah proses menunaikan haji dan umrah secara bersama⁶.

Tarikh ketibaan adalah pada bulan haji. Oleh itu, perlaksanaan umrah dalam bulan haji sebelum menunaikan haji adalah cara ibadat haji *tamattu'*. Cara haji *tamattu'* adalah dibenarkan dalam Islam. Ini dinyatakan dalam nas al-Quran yang bermaksud:

..apabila kamu telah (merasa) aman, maka bagi siapa yang ingin mengerjakan ‘umrah sebelum haji (di dalam bulan haji), (wajiblah ia menyembelih) sembelihlah korban yang mudah didapatkan. tetapi jika ia tidak menemukannya (binatang korban atau tidak mampu), maka wajib berpuasa tiga hari dalam masa haji dan tujuh hari (lagi) apabila kamu telah pulang kembali. Itulah sepuluh (hari) yang sempurna...”.

(Surah al-Baqarah (2) : 196).

Haji *tamattu'* dikenakan dam apabila cukup syaratnya. Antara syaratnya ialah jemaah haji bukan daripada ahli kawasan Masjid al-Haram dan tidak kembali ke kawasan miqatnya yang asal⁷. Secara ringkas, setiap jemaah haji al-Maas mencukup syarat dikenakan dam haji *tamattu'*. Dam yang dikenakan ialah seekor kambing. Ia termasuk dalam dam *murattab muqaddar*⁸.

Jemaah pakej haji al-Maas datang bersama dengan pasangan masing-masing. Pasangan suami isteri diberi bilik penginapan bersama. Dalam ihram, antara larangan ihram ialah hubungan kelamin suami isteri dan juga perlakuan yang membawa kepada hubungan kelamin seperti bercium, bersentuhan dengan ghairah dan sebagainya⁹. Suasana berdua suami isteri memberi sedikit cabaran untuk menjaga agar tidak melanggar larangan ihram. Walau bagaimanapun, larangan ihram hanya berlangsung sepanjang tempoh ihram. Oleh itu, waktu larangan ihram adalah bermula ketika niat ihram di dalam kapal terbang di kawasan *Qarn al-Manazil*. Larangan ini

6 Lihat Mohd Salleh bin Hj Awang, *Teman Anda ke Tanah Suci* (Kuala Lumpur: Times Book International, 1993, cet. 3), 100. Lihat Ahmad ibn Syu'aib al-Nasä'i, *Sunan al-Nasä'i* (Qâherah: Dâr al-Ḥadîth, 1999), 3: 121 – 133, bab ifrad al-hajj, bab al-qiran dan bab al-tamattu'.

7 Ahmad ibn Muhammad al-Nusayyîl, *Raf'u al-Astâr 'an Dimâ al-Hajj wa ali-'Iktimâr* (Qâherah: Majlis al-Banjâri li al-Tafaqquh fi al-Dîn, 1996), 30.

8 Lihat Abû Bakr al-Dimyâti, *Tânah al-Ṭâlibîn* (Qâherah: Muṣṭafâ al-Ḥalabi, 1342 H) 2: 325.

9 Taqiy al-Dîn Abû Bakar al-Ḥusaynî, *Kifâyah al-Akhyâr*, 1: 187.

kekal hingga selesai amalan umrah iaitu tawaf umrah, sa'ie dan bergunting. Imam Nawawi menjelaskan¹⁰:

ثُمَّ الْمُعتمرُ إِنْ كَانَ مُتَمْتِعًا بِكَوْكَةٍ حَلَالًا يَفْعُلُ مَا أُرِادَ مِنَ الْجَمَاعِ وَغَيْرِهِ مَا كَانَ عَلَيْهِ حَرَامًا أَقَامَ بِالْإِحْرَامِ

“Kemudian orang yang melakukan umrah jika ia haji tamattu’ maka dia bermukim di Makkah dalam keadaan halal. Dia boleh melakukan apa sahaja daripada hubungan kelamin suami isteri dan sebagainya yang mana haram ke atasnya dengan sebab ihram”.

Cabarannya untuk larangan ini adalah ketika berada dalam keadaan bersama di dalam kapal terbang. Tempoh masa sekitar satu jam di dalam kapal terbang boleh membuka ruang kepada pasangan suami isteri untuk melanggar larangan ihram ini seperti bersentuhan dengan ghairah dan bernafsu. Sentuhan sebegini dibimbangi termasuk dalam muqaddimah jimak. Muqaddimah jimak adalah perkara yang dilarang sepanjang tempoh ihram¹¹. Oleh itu, kefahaman yang mantap dan peringatan ketika ihram sewajarnya diulang semula ketika proses ihram umrah.

WAKTU BERTOLAK KE ‘ARAFAH

Waktu bertolak ke ‘Arafah adalah pada hari wuquf sendiri selepas selesai solat Subuh. Perjalannya mengambil masa sekitar satu hingga tiga jam bergantung kepada suasana trafik jalan raya.

Hukum Fiqah

Dalam aspek fiqah, hari 9 Zulhijjah adalah hari wuquf. Walau bagaimanapun, waktu wuquf hanya bermula apabila gelincir matahari iaitu apabila masuknya waktu solat Zuhur. Kebanyakan para jemaah haji akan mula bergerak ke ‘Arafah pada hari 8 Zulhijjah. Walau bagaimanapun, tarikh dan masa bergerak ke ‘Arafah tidaklah menjadi pertimbangan besar dalam hukum syarak. Apa yang penting ialah menghadirkan diri ke ‘Arafah seketika pada waktu berwuquf. Waktu wuquf bermula apabila gelincir matahari hari 9 Zulhijjah hingga sebelum terbit fajar pada pagi hari 10 Zulhijjah¹².

10 Al-Nawawī, *al-Idāh fī Manāsik al-Hajj* (Makkah: Maktabah Dār Ḥarrah, t.t.), 298.

11 Mohd Salleh bin Hj Awang, *Teman Anda ke Tanah Suci*, 29.

12 Mohd Salleh bin Hj Awang, *Teman Anda ke Tanah Suci*, 41; *Panduan Haji Malaysia 1964* (Kuala Lumpur: Tabung Haji, 1964), 32; Abū Bakr al-Dimyāṭī, *I'ānah al-Ṭālibīn*, 2: 293; 'Abd al-Rahmān al-Jazīrī, *Kitāb al-Fiqh 'ala al-Madhāhib al-'Arba'a* (Qāherah: Dār al-Ḥadīth, t.t.) 1: 567 – 568.

BERGERAK KE MAKKAH SELEPAS WUQUF

Selesai solat fardhu isyak, jemaah haji akan bergerak ke Makkah untuk melaksanakan tawaf ifadah, bersa'ie dan bergunting. Mereka hanya melalui kawasan Muzdalifah selepas separuh malam tanpa bermalam penuh di Muzdalifah.

Hukum Fiqah

Kebiasannya para jemaah haji Malaysia akan bergerak ke Muzdalifah dan *bermabit* di sana. Selepas itu, mereka akan bergerak ke Mina untuk *bermabit* di Mina¹³. Ini bermakna bahawa pergerakan haji jemaah al-Mass adalah berbeza dengan pergerakan haji majoriti jemaah haji yang lain. Dalam hal ini, pergerakan yang berbeza tidaklah menjadi isu yang besar. Ini kerana terdapat ruang yang luas dalam perlaksanaan ibadat haji.

Manakala *bermabit* di Muzdalifah merupakan wajib haji. Secara prinsipnya, meninggalkan wajib haji akan dikenakan dam¹⁴. *Bermabit* di Muzdalifah bukanlah bermaksud tidur di Muzdalifah. Maksud *bermabit* di Muzdalifah ialah keberadaan di Muzdalifah walaupun sekejap. Oleh itu, sudah memadai jika sekadar melalui kawasan Muzdalifah walaupun tidak menjekukkan kaki di atas tanah Muzdalifah¹⁵. Bahkan jika jemaah haji tidak mengetahui bahawa kawasan yang dilalui adalah Muzdalifah, ia dikira sudah *bermabit* di Muzdalifah¹⁶. Dalam teks fiqah mazhab Syafii dinyatakan¹⁷:

وَمُبِيتٌ بِمَزْدَلِفَةِ وَلَوْ سَاعَةً مِنْ نَصْفِ ثَانٍ مِنْ لَيْلَةِ النَّحْرِ

“Dan mabit di Muzdalifah walaupun satu saat daripada separuh kedua daripada malam raya”.

Waktu *mabit* di Muzdalifah bermula pada separuh malam 10 Zulhijjah. Oleh itu, tiada dam dikenakan ke atas para jemaah pakej alMaas kerana mereka sudah dikira *bermabit* di Muzdalifah¹⁸.

Biasanya juga, para jemaah haji akan mengutip anak batu untuk lontaran Jamrah 'Aqabah (al-Kubra) ketika *mabit* di Muzdalifah. Bagi pakej al-Maas, mereka

¹³ Panduan Perjalanan Jemaah Haji, 72 – 74.

¹⁴ Sa'id ibn 'Abd al-Qadir Bāsyūnfār, *al-Mughnī fī Fiqh al-Hajj wa al-'Umrah* (Beirūt: Dār Ibn Ḥazm, 2006, cet. 10), 260.

¹⁵ Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatuhu* (Damsyiq: Dār al-Fikr, 1997, cet. 4), 3: 2247.

¹⁶ 'Abd al-Rahman al-Jazīrī, *Kitāb al-Fiqh 'ala al-Madhāhib al-Arba'a*, 1: 570.

¹⁷ Sayyid 'Alawi ibn Ahmad al-Saqqāf, *Tarsyīh al-Mustafidīn* (Beirūt: Dār al-Fikr, t.t.), 1: 183.

¹⁸ Lihat Muḥammad al-Syarbīnī al-Khaṭīb, *Mughnī al-Muhtāj* (Qāherah: Muṣṭafa al-Ḥalabī, 1958), 1: 499.

tidak akan mengutip anak batu di kawasan Muzdalifah. Ini kerana anak batu akan disediakan oleh pihak pengurusan ketika mereka sampai di Mina. Manakala hukum mengutip anak batu di Muzdalifah adalah sunat¹⁹. Oleh itu, di mana sahaja batu lontaran dikutip hatta kalau disediakan dari Malaysia maka hukumnya masih lagi harus²⁰.

Manakala waktu tawaf *ifadah*, ia bermula selepas separuh malam 10 Zulhijjah. Imam Nawawi menyatakan²¹:

وقت هذا الطواف يدخل بنصف ليلة النحر

“Dan waktu tawaf ini (tawaf ifadah) masuk dengan separuh malam raya korban”.

Dalam perlaksanaan ibadat haji, ia tidaklah terhad kepada satu arah pergerakan sahaja. Sememangnya diakui bahawa tertib adalah satu rukun haji. Walau bagaimanapun, aturan tertibnya bukanlah pada keseluruhan rukun haji tetapi kepada kebanyakan rukun haji. Ada enam rukun haji²². Rukun yang pertama adalah berihram. Manakala rukun yang kedua ialah berwuqf di ‘Arafah. Pada kedua rukun ini, tertibnya setakat itu sahaja. Kemudian terdapat dua pilihan bagi jemaah haji. Pilihan pertama ialah melontar Jamrah al-Kubra. Melontar Jamrah al-Kubra adalah perkara wajib haji. Pilihan kedua ialah tawaf *ifadah* dan sa’ie. Tawaf ini dan sa’ie adalah perkara rukun haji.

Untuk melontar Jamrah al-Kubra, pergerakan jemaah haji adalah menuju ke Mina. Manakala untuk tawaf dan sa’ie, pergerakkannya menuju ke Makkah. Bagi mengelakkan kesesakan dan menyeferakan *tahallul* awal, maka pergerakan pakej al-Maas adalah dengan menuju ke Makkah.

Walau bagaimanapun, cara pergerakan pakej haji al-Maas kurang menepati susunan ketertiban yang sebaiknya. Ini kerana susunan yang terbaik adalah melontar Jamrah al-Kubra, menyembelih haiwan, bercukur dan kemudian menuju ke Makkah untuk tawaf *ifadah*. Imam Nawawi menyatakan²³

¹⁹ Soal Jawab Ibadat Haji, Umrah dan Ziarah (Kuala Lumpur: Lembaga Urusan dan Tabung Haji, 1991), 105.

²⁰ Soal Jawab Ibadat Haji, Umrah dan Ziarah (Kuala Lumpur: Lembaga Tabung Haji, 2009), 117.

²¹ Al-Nawawi, al-Idāh fi Manāsik al-Hajj, 386.

²² Lihat Taqiy al-Dīn Abū Bakar al-Ḥusaynī, Kifāyah al-Akhyār, 1: 178.

²³ Al-Nawawi, al-Idāh fi Manāsik al-Hajj, 351; lihat Muḥammad al-Zuḥaylī, al-Mu’tamad fī al-Fiqh al-Syāfiī (Dam syiq: Dār al-Qalam, 2007), 2: 395 – 396.

وأما الأعمال المشروعة يوم النحر فهي أربعة وهي حمرة العقبة ثم ذبح المدى ثم الحلق ثم الذهاب

إلى مكة لطواف الإفاضة وهي على هذا الترتيب مستحبة ، فلو خالف نقدم بعضها على بعض جاز

وفاته الفضيلة

“Dan adapun amalan-amalan yang disyariatkan pada hari raya ada empat iaitu melontar Jamrah ‘Aqabah (al-Kubra), kemudian sembelihan haiwan, kemudian bercukur, kemudian pergi ke Makkah untuk tawaf ifadah. Melaksanakannya berdasarkan susunan tersebut adalah digalakkan. Jika menyalahinya lalu mendahului sebahagiannya atas sebahagian yang lain maka ia harus namun fadhilatnya terlupakan”.

Tahallul awal berlaku dengan perlaksanaan dua perkara daripada tiga perkara.

Tiga perkara tersebut adalah melontar Jamrah al-Kubra, bergunting dan tawaf ifadah²⁴. Dalam hal ini Imam al-Nawawi menjelaskan²⁵:

للحج تحلان أول وثان يتعلقان بثلاثة من هذه الأعمال الأربع وهي رمي حمرة العقبة والحلق

والطواف مع السعي إن لم يكن سعي ... فيحصل التحلل الأول باثنين من ثلاثة فأي اثنين منهما

أئى بهما حصل التحلل الأول سواء كان رمي وحلقا أو رمي وطوفا أو طوفا وحلقا

“Bagi haji dua tahallul iaitu tahallul awal dan tahallul kedua. Dua jenis tahallul ini bergantung dengan tiga daripada amalan yang empat iaitu melontar jamrah al-Kubra, bercukur, dan tawaf bersama sa’ie jika belum bersa’ie... maka hasil tahallul awal dengan dua daripada tiga. Maka mana-mana dua yang ia lakukan maka hasillah tahallul awal samada melontar dan bercukur, melontar dan tawaf atau tawaf dan bercukur”.

Dalam hal ini, pakej haji al-Maas melakukan tawaf *ifadah* beserta sa’ie dan kemudiannya bercukur.

²⁴ Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatuhu*, 3: 2289.

²⁵ Al-Nawawī, *al-Īdāh fī Manāsik al-Hajj*, 391; lihat Sa’id ibn ‘Abd al-Qādir Bāsyinfi, *al-Mughnī fī Fiqh al-Hajj wa al-'Umrah*, 312 – 316.

Maka terhasillah *tahallul* awal. Tahallul awal melonggar kebanyakan tegahan dalam ihram kecuali perkara yang berkaitan dengan hubungan kelamin, muqaddimah hubungan kelamin dan juga aqad nikah²⁶. Para jemaah dibolehkan menurut hukum syarak untuk menukar pakaian ihram kepada pakaian biasa, menutup kepala bagi lelaki, menutup muka bagi wanita, memakai wangian dan sebagainya.

Dalam isu bercukur, ada jemaah haji yang tidak bercukur sebaliknya hanya bergunting sahaja. Ini kerana mungkin keletihan akibat tidak tidur semalam bermula daripada wuquf, tawaf dan sa'ie. Oleh itu, ada yang bergunting sahaja. Bercukur atau bergunting adalah harus dan memadai. Imam Nawawi menjelaskan²⁷:

“Maka apabila selesai daripada sembelihan, maka dia mencukurkan kepalanya seluruhnya atau bergunting daripada sebahagian rambutnya. Mana sahaja yang ia lakukan maka memadai baginya dan bercukur itu lebih baik”.

BERGERAK KE MINA

Pada petang 10 Zulhijjah iaitu selepas solat fardhu Zuhur, jemaah haji pakej al-Maas bergerak ke Mina. Di Mina, mereka melakukan lontaran Jamrah al-Kubra. Kemudian mereka akan pulang ke Makkah selepas separuh malam.

Hukum Fiqah

Mabit di Mina pada malam 11 Zulhijjah merupakan perkara wajib haji. Maksud *mabit* di Mina ialah keberadaan secara fizikal seseorang jemaah haji dengan kadar masa lebih daripada $\frac{1}{2}$ waktu malam²⁸. Jika waktu malam sekadar 11 jam, maka jemaah haji mestilah berada di Mina melebihi $5 \frac{1}{2}$ jam. Jika waktu malam sekadar 10 jam, maka jemaah haji mesti berada di Mina melebihi 5 jam.

Jemaah haji pakej al-Maas bergerak ke Mina selepas solat fardhu Zuhur. Mereka akan tiba di Mina sekitar waktu solat Asar dan sebelum Maghrib. Oleh itu, mereka mengerjakan solat Asar di khemah penginapan di Mina. Apabila masuk waktu Maghrib, mereka bersolat fardu Maghrib. Apabila selesai solat fardu Isyak pula, mereka akan bergerak untuk melontar jamrah al-Kubra dengan tujuh kali lontaran. Apabila selesai tujuh lontaran, maka terhasillah *tahallul* yang kedua. Ini kerana *tahallul* kedua terhasil apabila kesemua tiga perkara daripada tawaf *ifadah*, bercukur dan melontar jamrah al-Kubra dilakukan. Para jemaah akan berada di Mina hingga melebihi kadar

26 Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatuhu*, 3: 2289.

27 Al-Nawawī, *al-Idāh fī Manāsik al-Hajj*, 379.

28 Soal Jawab Ibadat Haji, Umrah dan Ziarah, 2009, 133.

masa $\frac{1}{2}$ malam sebelum bergerak pulang ke Makkah. Dengan *tahallul* kedua, maka semua larangan ihram tidak lagi wujud. Hubungan kelamin suami isteri adalah halal dan dibenarkan semula.

Dalam aspek waktu melontar Jamrah al-Kubra, waktunya bermula pada separuh malam daripada malam 10 Zulhijjah. Ini bermakna wujud persamaan waktu permulaan bagi tawaf *ifadah* dan melontar Jamrah al-Kubra. Manakala waktu melontar Jamrah al-Kubra tamat sebelum terbenam matahari pada hari 13 Zulhijjah²⁹. Oleh itu, kadar waktu melontar Jamrah al-Kubra adalah lebih daripada tiga hari. Maka pergerakan haji pakej al-Mass yang hanya melontar Jamrah al-Kubra pada malam 11 Zulhijjah masih lagi menepati waktu melontar Jamrah al-Kubra. Walau bagaimanapun, waktu yang afdhal untuk melontar Jamrah al-Kubra ialah selepas naik matahari sekadar segalah pada hari 10 Zulhijjah³⁰. Perkara ini tidak dapat dilakukan kerana dua sebab. Pertama kerana kesesakan. Keduanya para jemaah haji pakej ini menuju ke Makkah terlebih dahulu untuk tawaf *ifadah*, sa'ie dan bercukur, bukannya ke Mina.

BERGERAK KE MINA PADA 11 ZULHIJJAH

Sekali lagi, para jemaah haji bergerak ke Mina dengan tujuan untuk *mabit* dan tidur di Mina. Mereka bergerak selepas solat fardu Zuhur. Di Mina, mereka melontar tiga jamrah selepas solat fardu Isyak.

Hukum Fiqah

Mabit di Mina pada malam 12 dan 13 Zulhijjah merupakan perkara wajib haji. Para jemaah haji al-Mas dapat *bermabit* di Mina bahkan mereka tidur di sana sampai pagi 12 Zulhijjah. Ini bermakna mereka dapat melaksanakan perkara wajib haji iaitu *bermabit* di Mina.

Melontar tiga jamrah iaitu jamrah al-Sughra, jamrah al-Wusta dan jamrah al-Kubra merupakan perkara wajib haji. Jika ditinggalkan, maka ia dikenakan dam. Jemaah haji pakej al-Mass melontar tiga jamrah serentak pada malam 12 Zulhijjah. Lontaran tiga jamrah ini adalah bagi lontaran jamrah hari 11 Zulhijjah. Ini bermaksud bahawa lontaran jamrah hari 11 Zulhijjah yang sepatutnya dilaksanakan pada 11 Zulhijjah hanya dilaksanakan pada tarikh 12 Zulhijjah. Dalam mazhab Syafii, syarat utama dalam amalan melontar jamrah ialah tertib hari. Oleh itu, lontaran hari 11 Zulhijjah wajiblah dilakukan sebelum lontaran jamrah hari 12 Zulhijjah. Manakala waktu melontar jamrah pada hari 11 Zulhijjah bermula selepas gelincir matahari iaitu waktu

29 Mohd Salleh bin Hj Awang, *Teman Anda ke Tanah Suci*, 52; Soal Jawab Ibadat Haji, Umrah dan Ziarah, 2009, 119.

30 Al-Nawawi, *al-Idāh fi Manāsik al-Hajj*, 352.

Zuhur³¹. Manakala Waktu melontar yang afdhal tamat apabila terbenam matahari³². Ini bermaksud bahawa jemaah haji pakej alMaas terlepas waktu afdhal untuk lontaran tiga jamrah. Tujuannya bagi mengelakkan kesesakan³³.

BERGERAK PULANG KE MAKKAH PADA 12 ZULHIJJAH

Selepas solat fardhu Subuh dan terbit matahari, jemaah haji pakej al-MaaS akan bergerak ke tempat melontar untuk lontaran tiga jamrah hari 12 Zulhijjah. Selesai amalan melontar, mereka akan bergerak meninggalkan Mina.

Hukum Fiqah

Menurut majoriti ulama, waktu melontar tiga jamrah hanya bermula selepas gelincir matahari³⁴. Oleh itu, waktu melontar tiga jamrah pada hari 12 Zulhijjah bermula apabila gelincir matahari, dan bukannya terbit matahari. Imam Nawawi dalam *al-Minhaj* menyatakan³⁵:

وَيُدْخِلُ رَمَيَ التَّشْرِيقَ بِزَوَالِ الشَّمْسِ

“Dan masuk waktu melontar jamrah hari tasyriq dengan gelincir matahari”.

Walau bagaimanapun, terdapat satu pendapat yang mengharuskan amalan melontar apabila terbit fajar. Ini kerana waktu melontar bermula sebelum gelincir matahari. Pendapat ini adalah dhaif³⁶. Justeru adalah lebih elok jika pakej haji al-MaaS melontar jamrah pada hari 12 Zulhijjah selepas gelincir matahari.

Seterusnya para jemaah haji pakej al-MaaS bergerak meninggalkan Mina pada hari 12 Zulhijjah. Mereka tidak *bermabit* pada malam 13 Zulhijjah dan tidak melontar tiga jamrah pada hari 13 Zulhijjah. Perlaksanaan cara begini disebut sebagai *nafar* awal. Ia adalah harus. Tiada dam dan tiada dosa. Syarat-syarat untuk nafar awal ialah³⁷:

31 Daud ibn Abdullah al-Fatani, *Bughyat al-Tullāb* (Bangkok: Maktabah Muhammad al-Nahdi, t.t.), 2: 201.

32 'Abdullah ibn Hijāzī al-Syarqawī, *Hāsyiyah al-Syarqawī 'ala Tuhfat al-Tullāb* (Beirut: Dār al-Fikr, 1996), 1: 484; Sa'īd ibn 'Abd al-Qādir Bāsyinfar, *al-Mughnī fī Fiqh al-Hajj wa al-'Umrah*, 287.

33 Soal Jawab Ibadat Haji, Umrah dan Ziarah, 2009, 137.

34 Sa'īd ibn 'Abd al-Qādir Bāsyinfar, *al-Mughnī fī Fiqh al-Hajj wa al-'Umrah*, 286.

35 Lihat Muhammad al-Syarbīnī al-Khaṭīb, *Mughnī al-Muhtāj*, 1: 507.

36 Daud ibn Abdullah al-Fatani, *Bughyat al-Tullāb*, 201. Walau bagaimanapun, Lembaga Tabung Haji memang menasihatkan agar para jemaah yang ingin *nafar* awal untuk melontar jamrah sebelum jam 8 pagi. Lihat *Panduan Perjalanan Jemaah Haji*, 90.

37 Soal Jawab Ibadat Haji, Umrah dan Ziarah, 2009, 146; Muhammad al-Zuḥaylī, *al-Mu'tamad fī al-Fiqh al-Syāfi'i*, 2: 399 – 400.

- i. Telah *mabit* di Mina selama dua malam.
- ii. Telah menyempurnakan semua lontaran di tiga jamrah untuk hari 11 dan 12 Zulhijjah.
- iii. Berniat *nafar* sebelum keluar dari Mina, dan niat *nafarnya* beserta dengan keluarnya.
- iv. Meninggalkan Mina sebelum terbenam matahari 12 Zulhijjah.
- v. Tidak berazam untuk kembali ke Mina.

Sebenarnya lima syarat ini telah wujud dalam pakej haji al-Maas. Oleh itu, *nafar* awal yang dilakukan adalah harus dan sah. Walau bagaimanapun, kemungkinan berlaku kelewatan meninggalkan Mina jika amalan melontar dibuat selepas gelincir matahari. Ini mungkin mencacatkan syarat yang keempat. Walau bagaimanapun, syarat yang keempat bermaksud bergerak meninggalkan Mina walaupun belum keluar sepenuhnya. Dalam hal ini al-Khatib al-Syarbini menyatakan³⁸:

ولو غربت الشمس وهو في شغل الارتحال فله

“Dan jika matahari terbenam sedangkan dia dalam kesibukan bergerak meninggalkan Mina maka harus baginya nafar awal”.

KESIMPULAN

Perlaksanaan ibadat haji pakej al-Maas masih menepati hukum syarak. Ini kerana segala rukun dan wajib haji dilaksanakan dalam waktu yang ditetapkan. Walau bagaimanapun, ada beberapa situasi yang menjadikan perlaksanaan ibadat haji pakej ini terlepas dari waktu yang afdhal. Di samping itu, keselesaan yang amat tinggi dan kemudahan pakej ini dibimbangi menjadi sebab kepada kurangnya semangat penghayatan dalam ibadah haji. Ini kerana ibadat haji mempunyai hikmah yang pelbagai. Mengutip anak batu di Muzdalifah seolah-olah mebayangkan bahawa jemaah haji membawa dosa yang banyak untuk dilemparkan di jamrah. Manakala wuquf di 'Arafah dengan keadaan yang lemah menggambarkan keadaan manusia di padang Mahsyar nanti pada hari kiamat³⁹. Namun begitu, pakej haji alMaas masih tidak melanggar hukum Syarak kerana ia dilakukan berdasarkan hukum fiqah. Oleh itu, adalah dicadangkan agar

³⁸ Muhammad al-Syarbīnī al-Khaṭīb, *Mughnī al-Muḥtāj*, 1: 506; lihat ‘Umar ibn ‘Alī ibn al-Mulaqqan, *‘Ujālah al-Muḥtāj ilā Tawṣīl al-Minhāj* (Irbid: Dār al-Kitāb, 2001), 2: 629.

³⁹ Lihat Abū Bakr al-Dīmāṭī, *I‘ānah al-Tālibīn*, 2: 274; Daud ibn Abdullah al-Fatani, *Bughyat al-Tullāb*, 2: 215.

dimasukkan elemen-elemen yang boleh menaikkan semangat penghayatan sebenar ibadat tersebut. Contohnya ziarah melihat suasana padang 'Arafah yang padat dengan manusia, kepayahan manusia yang sanggup datang dengan susah-payah untuk menunaikan ibadat haji dan sebagainya. Pakej alMaas adalah lebih sesuai bagi mereka yang kurang upaya dan berusia serta kekurangan kudrat untuk mengerjakan ibadat haji sedangkan mereka mempunyai keupayaan kewangan yang tinggi. Juga sesuai bagi mereka yang terlalu sibuk dengan urusan yang lebih penting.

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Zakat: Optimum Economic Aid

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The importance of Zakat in Muslim economic has emerged since the rule of Prophet Muhammad SAW. Zakat existence has become useful economic tool to develop Islam economy and further change the quality lives of Muslims. Since then, Zakat has become a pivotal tool to combat poverty parallel with the aim of Zakat to assist unfortunate people and people in need. Through Zakat, the gap between the wealthy and poor has gradually narrowed to promote equality among Muslims. In Malaysia, Zakat plays a pivotal role in assisting Muslims in seeking for better life. Considering this, this study aims to explore the role of Zakat as an optimum economic aid in Islamic economic. The discussion focused on the importance of Zakat for eligible asnaf and how this Zakat may ease the burden of the recipient. In addition, this study also covers the explanation on how Zakat has become important in the economy. This study provides public and stakeholder of Zakat institutions firsthand information regarding the management of Zakat fund in Malaysia.

Keyword : Economic Tools, Economic Aid, Role of Zakat institution

JEL Classification : Y80, Z00, M490

INTRODUCTION

The incidence of poverty amongst Muslims worldwide is seen as a worrying phenomenon. War, global economic meltdown, health epidemic and natural disaster enhance the difficulty to combat poverty problem. In Islam, the unfortunate Muslims can rely on Zakat as an assistance to support their financing. Zakat assistance is eligible to all 8 asnaf which include poor, needy, amil, new converters, slave, debtor, one who strives in the cause of Allah, and wayfarer and therefore Zakat is seen as a tool to increase the quality of life of a Muslim. Thus, Zakat can be described as one of the

nation's financial resources in improving domestic economy. Effective management of Zakat collection and distribution will affect the development in the community (Abd Halim and Mohd Saladin, 2011). Listed as one among five pillars of Islam, the person or institution holds huge responsibility to ensure the Zakat management is carrying out tasks according to sharia. Failure to do so will cause painful punishment in this world and hereafter (Zakaria, 2007) as stated in Surah al-Fussilat. This paragraph also describes the characteristics of the idolaters, among which are not paying Zakat and do not believe in the Hereafter

Say, O [Muhammad], “I am only a man like you to whom it has been revealed that your god is but one God; so take a straight course to Him and seek His forgiveness.” and woe to those who associate others with Allah. Those who do not give zakah, and in the Hereafter they are disbelievers.

(al-Fussilat: 6-7)

The importance of Zakat for Muslims is clear from the hadith, which highlights the eligibility of Muslims to declare war to those who perform prayers but do not pay Zakat. The Prophet himself said that the prayers are in vain to those who do not pay Zakat. During the ruling of Caliph of Abu Bakr, he had used coercion on those who refused to pay zakat to the government (Mahmud, 1991).

Zakat is an Islamic financial product to help improve the lives of Muslims (Ahmad et al, 2011). Among the main objectives of Zakat is to reduce the income gap between the poor and the rich (Solong and Muhammad Ali, 2012). The philosophy of Zakat according to them is simple; Zakat is a partnership that means taking wealth from the rich and giving it to the poor and those in need. There are several types of Zakat which are Zakat on Cattle, Zakat on Gold and silver, Zakat on trading wealth, Zakat on agriculture, Zakat on stock, corporate Zakat, Zakat on individual income, Zakat on bond, Zakat of exploitation, Zakat on obligation and Zakat Fitrah. The types of Zakat are revised from time to time according to the current condition.

The philosophy of Zakat also reflects the social balance in Islam (Abd Hadi, 2003). The higher Zakat collection shows the better economic condition of Muslims and the less fortunate may enjoy the abundance of Zakat resources (Ibrahim, 2006). In history, Zakat was proven very effective during its implementation in the time of Prophet Muhammad(Mohammed Yusof, 2011). Indeed, Zakat is a continuing tradition of what was practiced before the revelation of Islam. In fact, since the enforcement of mandatory Zakat payment, there are no complaints heard from *sahabah* as they have

noble qualities like compassionate, caring and charitable. Proven as good resources in economy, Zakat has become the main resource for community development in Madinah al-Munawwarah.

Although Zakat is essentially a religious worship, but it is not a private affair for a Muslim to seek the pleasure of Allah in the hereafter alone, rather it is a social system that has to be managed by the government through its agencies, authorities and certain administrative work (Abdul Majid, 2003). Therefore, the administration of Zakat should be managed in an ethical and professional manner to gain public confidence with this institution. Highlighting this issue, Wahid et. al (2009) believed that an efficient Zakat management helps to achieve the objective of creating better human development. In fact, through efficient management of Zakat fund, the fate of the poor and needy can be changed and able to provide better life for them. In this regard, the general objective of this study is to observe the role of Zakat as an economic aid to unfortunate Muslims and can further strengthen Islamic economy.

Islam promotes a fair, humane and united society. Thus, in Islam Zakat institutions hold a huge responsibility to save people from hunger, ensure socio-economic justice in society as well as provide an environment that allows people to preserve the honor and responsibility to Allah (Ismail and Mujitahir, 2006). Adding to this, Ibrahim (2008) highlighted the importance of Zakat as a social safety for the poor and needy, to develop a balanced economic growth through redistribution of wealth in society and as a form of purification and spiritual development.

However, in today's world, the existence of hardcore poverty in a society in Malaysia, despite the increase in years to years Zakat collection has triggered the question on the role of Zakat in eradicating the poverty. In fact, people who still do not have the necessity such as food and shelter still exist. In unbalanced society, the rich oppresses the poor in term of unfair reward on the service provided. This triggers the dissatisfaction among the poor, which causes rebel and distorts the development process. Adding to this, Abdul Rahman (2012) emphasized the inequality of condition and quality of lives of Muslims community, showing the huge gap between the rich and the poor. Referring to this issue, this paper aims to explore the role of Zakat as important economic aids in Malaysia. This paper is organized as follows. Next section outlines the review of past studies followed by discussion. Final section concludes the paper.

LITERATURE REVIEW

In the terminology, Islamic Economics is defined as:

1. a collection of general principles of economics that we take from the Qur'an, the Sunnah, and the economic foundation which we build on the foundations of the tree by considering environmental conditions and time (Husain, 2004).
2. anything that controls and regulates economic activity in accordance with the fundamental economic and political Islam (Ibrahim, 2006).
3. the position that is a branch of the science of jurisprudence, we define that Islamic economics is the science of the Shari'a laws taken from the detailed arguments on issues related to search, spend, and how to develop the area (Othman et al, 2012).

Islam focuses on economic development to improve the welfare of the people. In realizing this, many Islam scholars have focused on establishment and empowerment of communities through the renewal of the charity (Qardawi, 2004) specifically through Zakat and waqf system.

Linguistically, Zakat means blessing, purity, growth, and goodness (Mahmud, 1991; Bakar and Rahman, 2007). On the surface, when someone spends his or her money, the amount of wealth will decrease. However within the context of Zakat, Mahmud (1991) and Bakar and Rahman (2007) suggested that it helps in creating property; further avoiding from damage through the blessing of Allah. In terms of law, Zakat is a part of a specific property required by Allah to give to those who deserve it, as has been stated in the Quran (Ismail, 2007). Abdul Majid (2009) further suggests that Zakat is as an obligatory pronouncement on a certain level of specific property (wealth)to be distributed to specific groups (asnaf).

As mentioned earlier, Zakat is obligatory pillar in Islam. The Prophet said: "Islam is founded on five pillars, the testimony that there is no god but Allah and Muhammad is his messenger, performing prayer, issued Zakat, pilgrimage and fasting during Ramadan." (Bukhari and Muslim). Due to its importance, Abu Bakr had fought against those who refused to pay zakat after the Prophet's death because they were influenced by a campaign organized by a group of apostates who said Zakat was no longer required after the Prophet's death (Mahmood, 2000). Source of a lawful property which is already being nisab (rates) based on specific haul (period)should be withdrawn for Zakat obligatory. Those who profess to believe, certainly not obliged to refuse orders, even to make alms to their brothers and sisters.

Zakat institutions are responsible to manage fund that will be distributed for the advancement of Muslim community. It is important to stimulate the economy and

finance, which can be enjoyed by all segments of society and to promote equality. Perfection in Islam is meant to benefit the whole world. Zakat is the right, which actually returned to their owners in order to ensure equality and economic justice. The rich are responsible for helping the unfortunate to avoid social problems in society. The implementation of Zakat is not burdensome. Only 2.5% from the total property owned by a person becomes the right of the needy. In addition it is always emphasized in Islam that what we give is actually ours in the life after which contradicts with the conventional concept with what we have is ours. The 2.5% allocation of the property is a right for people in need, and to be utilized as education aids for disadvantaged children, counseling in poor areas, provision of venture capital for the recipient charity, etc.

Showing the importance of Zakat, an enormous amount of studies has been devoted to focus on the role of Zakat as an economic tool as well as a way to combat poverty. Ismail (2013), Nurzaman (2011), Yusoff (2011), Tarar and Riaz (2012), Johari et.al (2013), Johari et.al (2014), Azam et.al (2014), Ab Rahman et.al (2014) and Daly and Frikha (2015) emphasize the role of Zakat in assisting the unfortunate. Zakat is portrayed as an effective tool to create better economy for Muslims and further support the development of a country. Daly and Frikha (2015) emphasize the successful management of Zakat as an aid to strengthen Muslim economy through the analysis of the principle of Zakat to support development and economic growth. Concentrating on Malaysian scenario, Wahid et.al support the efficiency of Zakat in assisting the poor to change and move up to a higher socio economic status.

Apparently, Zakat is a good approach that has been ordained in Islamic religious. In fact, Zakat is instrumental to the economic development of this modern society. Besides, zakat is instrumental to the distribution of public welfare (Al-Zahayly, 2004). In terms of its functions; Zakat has two very important roles, which are explained bellow:

- a. Zakat serves to stabilize the level of consumption of the wealthy people when they have to give away a portion of wealth to the less fortunate. Therefore, the implementation of zakat is believed may hinder the waste from overspending on unnecessary stuffs and further control the demand curve of rich segment from going too sharp. This in turn will have a positive impact, i.e. decrease the impact of the increase in commodity prices (Mardiana, 2014).
- b. Zakat serves as a medium for the transfer of income to increase the purchasing power of the poor (Ibrahim, 2006).

DISCUSSION

Forms of Zakat distribution

The recipients of zakat distribution can be classified into productive and non-productive groups. Productive group relates to recipients who physically capable to make a living, whereas non-productive group consists of disable people due to aging, health problem, etc. The assistance provided to them depends on their needs based on the investigation conducted by the Zakat institution officers from time to time. There are various types of assistance for recipients provided by the Zakat institution in Malaysia. In general, there are six major types of Zakat based on various socio-economic aspects of society: to include daily consumption (for food and subsistence), medical, education, entrepreneurship, religious, and emergency assistance. This assistance covers the eight asnaf whom are eligible for Zakat fund. For instance, religious assistance is given to new converts to help them to start a new life. It is common for the new converts to be abandoned by family after choosing Islam as a new religion.

Table 1 below displays the collection and distribution of Zakat fund in Malaysia for all states in Malaysia in 2014. It is common that not all of the collected amount is distributed in the same year due to a few reasons such as unable to find the eligible asnaf or payment of Zakat at the end of the year by the payers. On one hand, there is no standard practice on the way of Zakat fund is allocated to the eligible asnaf. On the other hand, there is also no standard description or characteristic on how the recipient is categorized. Usually it is based on the judgment of Zakat officers who handle the application process.

Zakat has been proven helps to assist the unfortunate Muslims to seek for better lives. With the assistance in providing shelter to a new convert, monthly assistance to the poor and needy, capital assistance to commence business, and education have helped the Muslims to have a better economy. For instance, the level of economic society can be changed through education. Thus, with the assistance to finance the education through distribution towards fisabilillah group is able to assist in changing the quality of life of a Muslim.

State/ Category	Collection	Distribution							
		Poor	Needy	Amil	Muallaf	Al- riqab	Al- Gharimin	Ibnu Sabil	Fisabilillah
Johor	211,218	-	-	-	-	-	-	-	-
Kedah	128,939	5,425	44,208	6,571	1,446	-	18	211	48,266
Kelantan	-	-	-	-	-	-	-	-	-
Melaka	58,280	5,734	17,797	8,404	4,600	6,300	70	15	14,277
Negeri Sembilan	88,200	843	29,949	10,074	7,756	19,337	2,275	327	27,221
Pahang	109,325	12,570	10,164	13,121	6,046	199	11,133	324	55,491
Pulau Pinang	87,935	5,813	34,618	7,612	2,262	-	1,539	255	27,996
Perak	-	-	-	-	-	-	-	-	-
Perlis	-	-	-	-	-	-	-	-	-
Selangor	582,120	73,858	161,400	72,781	52,632	22,911	55,425	800	155,935
Terengganu	120,120	14,742	19,989	11,904	1,736	386	90	11	18,543
Sabah	52,829	28,324	7,736	6,435	7,674		2	87	14,698
Sarawak	67,319	6,733	3,154	5,851	2,801		13	1	20,874
Kuala Lumpur	540,795	-	-	-	-	-	-	-	-

Table 1: Collection and distribution of Zakat fund (RM'000) in Malaysia in 2014

(Source: Zakat Report 2014, Majlis Agama Islam Wilayah Persekutuan)

ZAKAT IMPLICATIONS IN THE GROWTH OF ISLAMIC ECONOMICS

Collection and distribution of Zakat have important implications on Muslim economy. Among them, is poverty alleviation, where Zakat is as a tool in combating the problem of usury, weakening the illegal loan system and weakening the alliance with the accumulation of wealth and political power.

1. Alleviating poverty.

Zakat is the contribution from the rich and to the poor or in other words charity concept. In economic terms, charity is an act of transferring wealth from the rich to the class of people who do not have wealth (Johari, 2004). The objective in socio-economic is for the eradication of poverty in the Muslim community. Islam considers poverty as a serious problem where it is one of the main reasons for an increase in crime in a society. The role of zakat is to improve the standard of living of the recipients, especially the poor and needy (Bahari, 2011).

Previously Ataul-Haq (1990) sees that charity can serve to improve living standards, income, thus alleviate poverty, and reduce income distribution gap through the multiplier effect of charity. Hassan et. al (2000) said that projects funded by zakat fund in education, health, social welfare, and others will increase the productivity of the poor to meet their basic needs. Zakat is distributed with current assistance, medical, religious and emergency that are being channeled to recipients (Ibrahim, 2008).

Hence, the goals of Zakat system, which are in line with the government aims to eradicate poverty should be supported in every level of community. This is to ensure that every citizen will be able to enjoy the current progress together. The Government does show strong effort in eradicate poverty. Therefore, the measures undertaken by the government must be supported by the community (Solong and Muhammad Ali, 2012).

2. Combating the Usury's problem.

Any people, who struggle with usury eventually, will know that it would undermine the economic system. This is when usury or riba or in normal term interest only profitable to one side by oppressing the other side. Usury is burdensome and because

of this Allah and His Messenger curse upon the parties who are involved in the usury process. Through Zakat system, there is no term of borrowing. The money received by the recipients will become an assistance to them. The cycle concept occurs when the recipient manages to live in a more comfortable environment, after being removed from the eligible asnaf and becomes the payer instead of the recipient.

3. Undermining illegal loan system.

Those who are eligible to receive Zakat include the debtors. Simultaneously, it promotes the beauty of Islam, which takes all level of people into consideration. In fact, the illegal loan system can be eliminated through the help of Zakat. However, it definitely needs thorough administration procedures to be laid down in order to avoid false information. Further, it can help in producing Muslim entrepreneurs, which has been practiced within the Ar-Rahnu system.

4. Weakening the accumulation of wealth alliance with political forces.

Zakat system will strengthen economic division between Muslim communities. As Zakat system promotes equality and fairness, it will hinder the biocracy issues that usually exist in community. Further, Zakat can avoid the misuse of power and authority in accumulating wealth. Thus, Zakat is not only religious but also purely instrumental in the development healthy and harmonious social environment where there are cooperation and sympathy with each other. This is not a fiction as it has been proven in the history of Islam during the reign of Umar Omar Abdul Aziz where no one was entitled to receive Zakat money after five years it was introduced.

CONCLUSION

Zakat institution is an organization that is responsible to the communities' welfare. Zakat gives positive implications on the country's Islamic economy. Zakat, if implemented effectively would not only improve the spiritual aspects of society but also will improve the socio-economic level of the community. Its effectiveness depends on the cooperation and concerted actions by all parties involved, namely the Zakat institutions, the government and the recipients of Zakat itself. Based on the above discussion, Zakat system in Malaysia is seen works as an economic aid that not only helps the recipients but also the governments through the poverty eradication.

Zakat is proven as an instrument of fiscal policy that can act as a catalyst for the revival of the national economy as the country tries to achieve high-income status by 2020. The economic system of Islam is for Zakat to function as a means of worship for the people who pay zakat, which gives the benefit toward recipients. Beside, Zakat serves as a win-win situation for all parties who are involved in the system. The officers can benefit through salary and portion for administration purposes, whereas the recipients through the amount of distribution received and finally the payers for purification process. By giving Zakat, indirectly the rich have generously helped the poor. It will create a situation where the poor feel gratitude and respect for the rich. Then, love will be embedded in their hearts. When Zakat works properly, then there is distribution of wealth in the society in which the poor will benefit from the existence of the rich and the rich will benefit from the poor's prayers.

Zakat is able to improve the position of public managements from the point of moral and material value where it can unite the community and make it seem as a whole body. In addition, it can also cleanse the soul from stinginess and grudge. It is also a bull security in the Islamic economic system and a guarantor towards stability and continuity of prosperity of the country.

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Hukum Pelaksanaan Wakaf Tunai Menurut Pandangan Ulama

Oleh:

Ahmad Rijalluddin bin Mohd Ramli¹

Abstrak

Kajian ini dijalankan bagi menerangkan hukum wakaf tunai menurut perbahasan ulama dan membuat kesimpulan tentang hukum pelaksanaan wakaf tunai menurut pandangan ulama dengan menggunakan kaedah penyelidikan kualitatif. Pengumpulan data dilakukan melalui kajian perpustakaan dan dokumentasi. Data-data dianalisis menggunakan metod deduktif, induktif dan perbandingan. Dapatkan kajian menunjukkan bahawa amalan wakaf tunai adalah harus menurut pandangan para ulama. Kajian juga menunjukkan bahawa amalan ini telah lama dilaksanakan di negara ini walaupun masyarakat tidak memanggilnya sebagai wakaf tunai. Melalui kajian ini, banyak persoalan tentang hukum melaksanakan wakaf tunai telah terjawab. Implikasi kajian ini terhadap masyarakat ialah wakaf tunai dapat melonjakkan ekonomi umat Islam dengan lebih pantas tanpa bergantung harap kepada bantuan kerajaan semata-mata.

Perkataan Teras : wakaf, tunai, pelaksanaan, pengurusan

Klasifikasi JEL : B00, M2, O3

1. Pengenalan

Skim “Wakaf Tunai” mungkin asing bagi sebahagian orang Islam di Malaysia. Masih banyak pihak yang belum menyedari bahawa konsep ini telah dilaksanakan di negara ini. Di negara-negara jiran, konsep ini sudah terbukti berjaya dalam membantu perkembangan ekonomi umat Islam dan mengurangkan beban yang ditanggung oleh pihak kerajaan.

Wakaf tunai ialah berwakaf dengan menggunakan wang tunai yang dikumpul di dalam satu tabung amanah di bawah pengurusan Nazir yang diamanahkan untuk menguruskan wakaf ini bagi tujuan kebaikan dan manfaat ummah. Para ulama di zaman silam telah menggunakan istilah wakaf ad-darahim atau wakaf ad-danaanir

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iaitu wakaf menggunakan wang dirham atau dinar dalam kehidupan mereka. Secara umumnya wakaf tunai ini dilaksanakan adalah bertujuan untuk mengumpulkan dana dari kalangan umat Islam yang kemudiannya dapat dimanfaatkan bagi kepentingan pembangunan ummah. Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Agama Islam Malaysia kali ke-77 yang bersidang pada 10-12 April 2007 di Kuala Terengganu telah memutuskan bahawa berwakaf dalam bentuk wang tunai adalah dibolehkan dalam Islam. Imam Az-Zuhri, seorang ulama terkenal dalam ilmu hadith, telah memfatwakan bahawa berwakaf dalam bentuk dinar dan dirham adalah diharuskan bagi tujuan berdakwah, kebajikan ummah dan pendidikan umat Islam.²

2. Latar Belakang kajian

Antara amalan terpuji lagi mulia dalam Islam ialah menginfakkan sebahagian harta bagi tujuan kebaikan. Amalan ini dinamakan wakaf. Amalan ini kadang-kadang dikaitkan dengan sedekah jariah. Ianya sangat digalakkan kerana manfaat dan pahalanya berpanjangan kerana harta yang disedekahkan itu akan kekal selagi ianya memberi manfaat kepada orang lain.

Ibadah berwakaf ini dikategorikan di bawah bidang fiqh muamalat. Bidang fiqh muamalat pula di bawah disiplin ilmu Fiqh. Dan ilmu Fiqh merupakan ilmu yang perlu dipelajari dalam bidang Syariah. Amalan berwakaf merupakan salah satu amalan sunnah Nabi Muhammad SAW dan diamalkan oleh para sahabat lalu amalan ini diteruskan oleh umat Islam di seluruh dunia sehingga hari ini.

3. Metodologi kajian

Bagi mendapatkan satu hasil kajian yang baik dan boleh dipercayai, metodologi merupakan aspek yang perlu diberi perhatian. Aspek yang dibincangkan termasuklah instrumen kajian dan cara menganalisis data.

4. Reka bentuk kajian:

Kajian ini merupakan kajian yang menggunakan kaedah kualitatif. Reka bentuk kajian ini dipilih untuk membolehkan penyelidikan mengetahui dan mengenal pasti hukum-hukum wakaf tunai yang dibincangkan oleh para ulama.

² Shahril Rizal. (Julai 2009). Wakaf Secara Tunai. Dewan Masyarakat, hal. 48.

4.1 Kaedah Analisis Data:

Kaedah yang digunakan dalam kajian ini ialah membanding-beza pendapat-pendapat ulama dan membuat pemilihan berdasarkan dalil-dalil yang lebih kuat dan rajih dalam isu wakaf tunai.

4.2 Metodologi Kajian

Metod yang digunakan dalam kajian ini ialah melalui kajian perpustakaan bagi menilai pandangan-pandangan ulama tentang hukum wakaf tunai. Di samping itu juga, pandangan-pandangan ulama di negara ini juga turut disertakan bagi mengambil kira amalan masyarakat tempatan.

5. Konsep Wakaf

Menurut bahasa, wakaf berasal daripada perkataan Arab iaitu *waqafa* yang bererti berhenti atau *al-habs* iaitu menahan semata-mata atau *al-man'* iaitu menegah.³

Menurut syarak pula wakaf ialah menahan sesuatu harta yang boleh digunakan tanpa susut fizikalnya dengan cara menyerahkan hak miliknya kepada seorang pengguna yang harus dan wujud.⁴ Pengertian Jumhur ulama pula menambahkan pengertian ini dengan tujuan kebaikan dan mendekatkan diri kepada Allah Taala.⁵

Dalil umum pensyariatan wakaf adalah berdasarkan kepada firman Allah taala:

لَئِنْ تَكْتَلُوا الْبَرَّ حَتَّىٰ تُتَفَقُّرُو مِمَّا تُحِبُّونَ ۝ وَمَا تُتَفَقُّرُو مِنْ شَيْءٍ إِلَّا لِهِ عَلِيهِمْ

Maksudnya: Kamu tidak sekali-kali akan mencapai kebaikan (yang sempurna) sehingga kamu dermakan sebahagian apa yang kamu sayangi. Dan sesuatu apa jua yang kamu dermakan sesungguhnya Allah mengetahuinya. (*Aali Imran : 92*)

Berdasarkan ayat di atas, maksud derma ialah infak atau beri sesuatu kepada orang lain untuk tujuan kebaikan. Konsep wakaf juga wujud dalam amalan derma dan infak yang diberikan kepada masyarakat untuk mendapatkan ganjaran daripada Allah taala.

³ (Sekeratariat: Gedung Bayt Al Quran Taman Mini Indonesia Indah, 2013)

⁴ Ibn Manzur, Muhammad Ibn Mukarram. (1990). Lisanul Arab, jld. 9. Beirut: Dar Sadr, hal. 359.

⁵ Mustofa Al-Khin, Mustofa Al-Bugho dan Ali Asy-Syarabji (2003). Fiqh Manhaji, Kitab Fiqh Mazhab Syafie, Batu Caves, Pustaka Salam Sdn. Bhd.

أَصَابَعُ رِسْنَا بَخِيرٌ . فَأَتَالِبُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَسْتَأْمِرُ بِهَا . قَالَ : يَا رَسُولَ اللَّهِ ! إِنِّي أَصْبِرُ أَرْسَانَ بَخِيرٍ .
 لَمْ أَصْبِرْ مَا لَقَطْتُهُ وَلَمْ سَعَدْنِيهِ . فَمَا تَأْمِرُنِيهِ ؟ قَالَ (إِنْ شَتَّحْبَسْتَ أَصْلَاهَا وَتَصْدِقَهَا) . قَالَ : فَصَدَّقَهَا عَمَرٌ ؛ أَخْلَى يَا عَاصِلُهَا .
 وَلَا يَتَاغُ . وَلَا يَرُثُ . قَالَ : فَصَدَّقَهُمْ نَفْرَانِ الْفَقَراءِ . وَفِي الْفُرْقَانِ . وَفِي الرِّقَابِ . وَفِي سَبِيلِ اللَّهِ . وَبِالسَّبِيلِ .
 وَالضَّيْفِ . لَا جَاحِلْعَلَمَتْ لَهَا أَنَّا لَيْكَلِمْنَاهَا بِالْمَعْرُوفِ . أَوْ يُطْعَمَهَا بِالْمَنْفِعِ⁶

Maksudnya: Saidina Umar telah mendapat sebidang tanah dari tanah Khaibar, maka dia berkata : Ya Rasulallah, aku telah mendapat sebidang tanah di Khaibar, dan aku tidak mendapat sebidang tanah lain selain daripadanya. Maka apa yang patut kamu perintahkan aku? Maka Rasulullah SAW. berkata: Kalau kamu mahu, kamu tahananya dan bersedekah dengannya. Maka Saidina Umar pun bersedekah akan tanah tersebut dengan tidak menjualnya dan tidak dihadiahkan kepada orang lain serta tidak pula diwarisi. Dan dia bersedekah kepada fakir miskin, kaum kerabat, orang yang terbelenggu (*riqab*), para tetamu dan *ibnu sabil* (musafir yang terputus bekalan), maka tiada halangan bagi mereka untuk mengambil manfaat darinya dengan cara yang baik, dan mereka diberi makan tanpa ianya diperdagangkan.

Hadir tersebut menerangkan tentang sedekah jariah yang berlaku pada zaman Nabi SAW. dan para sahabat. Pada zaman sekarang, ia dikenali dengan nama wakaf kerana harta tersebut kekal memberikan manfaat kepada orang yang memerlukannya. Sungguh pun begitu, wujud syarat-syarat yang perlu dipatuhi apabila melaksanakan wakaf. Antara yang disebut dalam hadis di atas ialah harta wakaf itu mestilah kekal memberikan manfaat, tidak boleh dijual, dihadiah dan diwarisi kepada orang lain. Bahkan ia tidak boleh disalah guna untuk kepentingan peribadi bagi sesiapa yang menjaganya. Perkara-perkara tersebut berbeza dengan sedekah biasa yang tidak bersifat kekal. Wakaf lebih istimewa daripada sedekah biasa yang dilakukan oleh orang ramai kerana pemberiannya akan mendapat ganjaran pahala yang berterusan daripada Allah Taala.

6. Konsep Wakaf Tunai

Wakaf tunai di negara ini bukanlah suatu perkara yang begitu asing kerana masyarakat Islam di negara ini telah mempraktikkannya sejak sekian lama dulu tanpa menamakannya sebagai wakaf tunai. Antara istilah-istilah yang dikaitkan dengan wakaf tunai di negara ini ialah wakaf produktif, wakaf korporat, dana wakaf, wakaf dana, wakaf ilmu, wakaf saham dan saham wakaf.

Maksud wakaf tunai ialah berwakaf menggunakan wang tunai yang dikumpul di dalam satu tabung amanah di bawah pengurusan nazir yang diamanahkan untuk mengurus wakaf ini bagi tujuan membiayai aktiviti-aktiviti dan kebajikan amal jariah.⁶ Selain daripada istilah wakaf tunai, ia juga dikenali dengan nama lain antaranya ialah wakaf dana, dana wakaf dan wakaf wang. Hakikatnya semua istilah tersebut membawa maksud yang sama dengan wakaf tunai.

Istilah wakaf tunai tidak dikenali pada zaman Nabi SAW. dan para sahabat. Dalam kitab-kitab lama juga tidak disebut dengan nama wakaf tunai. Istilah yang masyhur pada zaman itu ialah wakaf dinar dan dirham yang mempunyai maksud seerti dengan wakaf tunai pada zaman sekarang. Sepanjang meneliti buku, kitab, kajian, jurnal, artikel dan lain-lain, didapati bahawa wakaf tunai lebih masyhur di Turki, Mesir, Bangladesh dan Indonesia berbanding negara-negara yang lain.

7. Dalil Pensyariatan Wakaf Tunai

Dalil pensyariatan hukum wakaf tunai dilihat dari tiga sudut iaitu dalil Al-Quran, Sunnah dan Ijmak. Antara dalil umum daripada ayat Al-Quran ialah:

7.1 Firman Allah Taala:

مَكَلُ الْذِيَّنِ يَنْفَعُونَ أَمْوَالُهُمْ فِي سَبِيلِ اللَّهِ كَمَلُ حَجَّةُ أَبْيَاثُ سَعْيٍ سَابِلٌ فِي كُلِّ سُبُّلٍ وَمَقْدَدُ حَجَّةُ وَاللَّهُ
 يُضَاعِفُ لِمَنْ يَشَاءُ وَاللَّهُ وَاسِعٌ عَلِيمٌ

Surah Al-Baqarah (2) : 261

Maksudnya : Perumpamaan (nafkah yang dikeluarkan oleh) orang-orang yang menafkahkan hartanya di jalan Allah, adalah seperti sebutir benih yang menumbuhkan tujuh pokok, yang pada tiap-tiap pokok itu menumbuhkan seratus biji buah. Maka Allah melipatgandakan (ganjaran) bagi sesiapa sahaja yang Diakehendaki. Dan Allah Maha Luas (kurnianNya) lagi Maha Mengetahui.

⁶ Azri bin Ahmad. (2008), *Pelaksanaan Skim Wakaf Tunai Oleh Yayasan Wakaf Malaysia*, Jurnal Pengurusan Jawhar, Jabatan Wakaf, Haji Dan Umrah, Jabatan Perdana Menteri, Malaysia, Vol. 2, No. 2, hal. 93.

7.2 Hadis Nabi SAW:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : إِذَا مَاتَ الْإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ
ثَلَاثَةِ إِلَّا مِنْ صِدْقَةٍ جَارِيَةٍ عِلْمٌ يَتَفَقَّعُ بِهِ وَلَدٌ صَالِحٌ يَدْعُو لَهُ⁷

Maksudnya: Dari Abu Hurairah r.a., sesungguhnya Rasulullah SAW bersabda: Apabila anak Adam (manusia) meninggal dunia, maka putuslah amalnya kecuali tiga perkara: Sedekah jariah, ilmu yang bermanfaat dan anak soleh yang mendoakan orang tuanya.

Dalam hadis di atas, dimaksudkan sedekah jariah ialah wakaf yang dilakukan sama ada melalui harta benda atau wang tunai yang manfaatnya kekal kepada masyarakat umum. Melalui amalan ini, orang yang memberi wakaf akan mendapat pahala yang tidak putus-putus.

7.3 Ijmak

Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Agama Islam Malaysia kali Ke-77 yang bersidang pada 10-12 April 2007 di Primula Beach Resort, Kuala Terengganu telah bersepakat tentang keharusan melaksanakan wakaf tunai.⁷ Di samping itu juga, Akademi Fiqh Islam Antarabangsa yang telah berlangsung pada kali ke-15 di Muscat, Oman pada 6-11 Mac 2004 telah bersepakat tentang keharusan melaksanakan wakaf tunai dengan panduan-panduan dan syarat-syarat yang ditetapkan oleh akademi tersebut.⁸

8. Hukum Pelaksanaan Wakaf Tunai

Hukum melaksanakan wakaf tunai di kalangan para ulama iaitu harus. Dengan keharusan ini, sesiapa sahaja yang beragama Islam boleh melaksanakannya tanpa rasa ragu.

⁷ <http://www.wakafselangor.gov.my/index.php/2012-04-27-03-02-07/keputusan-fatwa>

⁸ Akademi Fiqh Islam AntArabangsa (2004, 11 Mac), *Pelaburan Dalam Wakaf Dan Dalam Keuntungannya*, Muktamar Islam Kali Ke-15, Muscat, Oman. Diambil pada 9 Julai 2015 <http://www.fiqhacademy.org.sa/qrarat/15-6.htm>

9. Pandangan Ulama Terhadap Hukum Wakaf Tunai

Pandangan ulama tentang hukum wakaf tunai terbahagi kepada tiga iaitu tidak harus, makruh dan harus.

Antara ulama yang tidak mengharuskan pelaksanaan wakaf tunai ialah Imam Abu Hanifah, Abu Yusof, sebahagian ulama Shafie dan mazhab Hanbali. Alasan yang mereka berikan ialah kerana wang merupakan harta alih dan tidak dapat kekal lama untuk memberikan manfaat kepada orang lain. Ia sama seperti makanan dan minuman yang hanya boleh digunakan sekali sahaja.

Pandangan kedua pula ialah ulama yang berpendapat bahawa hukum melaksanakan wakaf tunai adalah makruh. Pendapat ini adalah bagi mazhab Maliki yang diambil daripada kata-kata Ibn Rushd. Kata Ibn Rushd: Ada pun dinar dan dirham serta apa-apa yang tidak pasti (ainnya) maka mewakafkannya adalah makruh.⁹ Bagi mazhab ini, Ibn Rushd atau ulama mazhab Maliki yang lain tidak menyatakan dalil dan alasan mereka secara khusus melainkan mereka hanya menyatakan hukum tersebut semata-mata.

Pandangan ketiga tentang hukum wakaf tunai ialah harus. Antara ulama yang berpegang kepada hukum tersebut ialah sebahagian daripada ulama Hanafi dan mazhab Shafie, Imam Al-zuhri, Ibn Sirin, Imam Bukhari dan Ibn Taimiyah.

Imam Bukhari telah mengambil pendapat Ibnu Sirin dan telah berkata : Sesiapa yang sedekahkan seribu dinar pada jalan Allah dan dia berikan kepada seseorang untuk meniagakannya bagi mendapatkan keuntungan, lalu memberikan keuntungan itu kepada orang-orang miskin dan kaum kerabat, maka adakah bagi lelaki itu mengambil sebahagian daripada keuntungan itu? Dia berkata: Dia tidak boleh memakannya.¹⁰ Amalan yang dimaksudkan di sini ialah wakaf tunai yang menggunakan keuntungan daripada perniagaan untuk disedekahkan kepada fakir miskin dan saudara-mara yang memerlukan.

10. Hasil Kajian

Melalui kajian dan penelitian terhadap dalil-dalil yang lebih kuat dalam hukum wakaf tunai, didapati ianya adalah harus dilaksanakan berdasarkan dalil-dalil dan amalan-amalan orang yang terdahulu. Tidak wujud dalil daripada Al-Quran dan Sunnah yang mengatakan amalan ini adalah dilarang. Di samping itu juga, amalan wakaf tunai ini

⁹ Al-Mawaq, Al-Taj Wa Al-Iklil Li Mukhtasar Khalil (1994M/1416H), Dar Al-Kutub Al-Ilmiyyah, Juz 7, hal. 631.

¹⁰ Bukhari, Abdullah Muhammad bin Ismail, Sahih Bukhari, Kitab Wasaya, Bab Wakaf Binatang Ternakan dan Baju Besi, Beirut, Dar Ibn Kathir, hal. 1020.

dilihat lebih berkesan dalam melaksanakan pembangunan seperti membina masjid, sekolah, hospital, jalan dan sebagainya. Ia juga mampu mempercepatkan pembangunan dalam negara tanpa bergantung sepenuhnya kepada bantuan kerajaan negeri dan kerajaan persekutuan. Bahkan, orang yang berpendapatan rendah dan sederhana juga boleh menyumbang pembangunan dan kemajuan melalui amalan wakaf tunai.

11. Kesimpulan

Keharusan amalan wakaf tunai dilihat sebagai suatu elemen yang boleh dilaksanakan dalam menyediakan prasarana kepada masyarakat Islam. Amalan wakaf tunai ini mampu membawa negara ke satu tahap yang lebih maju dan moden dalam tempoh yang singkat. Sebagai contoh, amalan ini telah lama dilaksanakan di Turki dan memberikan banyak sumbangan kepada masyarakat Islam di negara tersebut terutama dalam bidang pendidikan.

Rujukan

Al-Mawaq, Al-Taj Wa Al-Iklil Li Mukhtasar Khalil (1994M/1416H), Dar Al-Kutub Al-Ilmiyyah, Juz 7

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The Development of Waqf Properties: A View From Saudi Arabia Country

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INTRODUCTION

Waqf is one of the underlying instruments in Islam with a purpose to eradicate poverty and to improve the socio-economy of the Muslims. The famous *waqf* in the holy city of Mecca endowment have contributed significantly to the Muslims society at large in various forms and sectors. *Waqf* is a powerful mechanism in developing the nation in form of charitable instruments this is very unique and beneficial (Hydzulkifli Hashim Omar, *e tal* 2013).

According to Islamic jurisprudence, *waqf* did not exist in time of *Jahiliyah* (Pre Islamic Arabia – before 610 CE) and was inferred by the Prophet Muhammad. The Prophet mentions in his famous hadith, what is now known as *waqf* is referred to as the ‘*sadaqah jariyah*’ (continuous charity) shall be rewarded by Allah as long as the *waqf* properties been used. During the time of our prophet Muhammad S.A.W, there are such a lot of properties been donated as a *waqf* properties such as mosques, water bores, land and horses for charitable purposes. According to the famous hadith narrated by caliph Umar, the real property (unmoveable) was the first incident of *waqf* in Islam. This *waqf* made by the second caliph on his land at *Khaybara* for the usage of the ummah.

The word *waqf* is an Arabic word and literally means *al-habs* (detention). According to the Shafie Scholar, when a property been dedicated as *waqf* property it will transferred the ownership of that property to ALLAH. Hence there is no legal title of ownership for the endower or the beneficiary (*mawquf alayh*). The *waqf* property was not alienable, not to be gifted, not to be inherited, and its benefits should be used for the community. The trustee (*mutawalli*) may eat from the benefit and may use the benefit to feed the needy but not to the wealthy. (Hydzulkifli Hashim Omar, *e tal* 2014). Both real property and chattels, including animals, can be subject of *waqf*. However, according to the Hanafi School, animals cannot be subject of *waqf*. There are also state that the *waqf* also can be use for non-Muslims and it is allowed. It's based on Saphia, (one of the Prophet's Muhammad wives), she had made certain *waqf* property for her brother who was a Jewish.

Types of *waqf* properties

Waqf is one of the charity ways where a person allocates a part of his asset for the purpose of charitable use. The *mutawwali* will gain or use the benefit from *waqf* property for the purpose of the community. The *waqf* can be divided into three types, *waqf khayri* (public *waqf*), *al-waqf al-ahli* (family *waqf*) and *al-waqf al-mushtarak* (combined public and family *waqf*).

1. *Waqf khayri* /Public *waqf*

It is an endowment made by the founder to support the general good and welfare in society. The public *waqf* can be in 2 type of *waqf*, either in the form of immovable such as building mosques, schools, hospitals, orphanages houses, guest houses, land etc. On the other hand there are also *waqfin* term of moveable *waqfs* such as books, weapons, crops, money and etc.

2. *Waqfahli*/Family *waqf*

Waqf al-ahli aslo known as *waqf al-dhurri* or *waqf al-awlad* are refer to family *waqf*. In this case, the founder endows his property as a *waqf* property either to his children, grandchildren or his relatives. If the beneficiaries specified by the founder are no longer alive, in this case the *waqf* property shall be channel for the public welfare purposes. This type of *waqf* was approved by the Prophet Muhammad as he encouraged his companions to make endowments to their nearest relatives. Moreover, the Prophet had declared that the most pious offering is to one's family in providing for their wants.

3. *Waqf al-mushtarak /Combination with public waqf and family waqf*

It is a *waqf* created by founder to support both the public and his family, i.e. the founder dedicates a part of his property to his family and another part to the public use. This type of *waqf* had been recommended by the Prophet and created by his wives and companions.

Waqf In Saudi Arabia

After the Kingdom of Saudi Arabia was established in 1351 AH – 1932 AD, several resolutions and ordinances were issued by the King Abdul Aziz to regulate the endowments systems. Since then, the endowments issues have been managed under those instructions and managements which were considered as a persistence in the glory days of the Ottoman Empire in Turkey. In Saudi Arabia Country the management of Endowments was entrusted to The Ministry of Pilgrimage and Endowments, which was founded in 1381 AH under the royal ordinance No. 430 dated 9/10/1381 AH, as the new ministry had started to regulate the endowments matters and to manage it by resolutions and ordinances whether those which were left behind from the Ottoman Empire. The first system for endowments was issued in the kingdom of Saudi Named “The System Of The Supreme Council Of Endowments”. Since then, the system has been still effective till now. (Syed Habib and others, 1419 AH : 120-125). It consists three parts, such as:

- I. The first part is about rules related to The Supreme Council of Endowments from the way it is formulated; its specializations; its meetings; its decisions.
- II. The second part is about rules of the sub-councils for endowments in the regions of the Kingdom and its major cities.
- III. The third part is the general rules.

The Cabinet issued the Resolution No. (80) on 29/01/1393 AH with approval to the draft by law of the charitable endowments. The first part (The Limitation, The Examination and The Registration) (1) On 20/1/1414 AH. The royal resolution No. (A/3) was issued to establish The Ministry of Islamic Affairs, Endowments, Da'wah and Guidance by which it was entrusted to manage the endowments affairs after separating it from The Ministry of Pilgrimage&Endowments. The endowments in The Kingdom of Saudi Arabia run directly by The Agency of The Ministry of Endowments Affairs, which is connected to The Ministry of Islamic Affairs, Endowments, Da'wah and Guidance. The Ministry receives instructions from the minister of Islamic Affairs, Endowments, Da'wah and Guidance who is in charge for the charitable endowments affairs according to the regulations.

The history of *waqf* in Saudi Arabia

The Institution *waqf* is more unique than in other parts of Saudi Arabia because Makkah has been the centre for pilgrimage for nearly 1,400 years. The Muslim rulers (during the different Islamic historical eras) has took extra care to establish the *waqf* institutions as an income that would benefit the two holy cities (Mekkah&Medinah) (Bearman et al., 2002). According to (Sayyid, 1998) and (Ibn-Iyas, 2007) Hijaz was the most historically part of the Arabian Peninsula where charitable institutions and *waqf* had been established. (Shaban 1984,) Hijaz also the most importance place of religious to all Muslims during the different Islamic historical eras. (Yakon, 1966) added that the charitable institutions had only recently started to appear in other cities of Saudi Arabia due to the efforts of the Saudi government.

In 1925 the Saudi government had established a specific *waqf* management department in Makkah to take more focus on the *waqf* institutions in Hijaz (the western part of Saudi Arabia today) in term of maintenance and supervision. In 1961 the government of Saudi Arabia had integrated that department with the newly formed Ministry of Hajj and *Awqaf* (Bearman et al., 2002). According to the Encyclopedia of Islam, this ministry had three main functions (Bearman et al., 2002). Firstly, it continued to maintain and supervise the already established *waqf* institutions in Hijaz. Secondly, it gave special care to the maintenance and development of the two holy mosques. Thirdly, it funded the construction and maintenance of mosques around the country. One of the establish management *waqf* property in Saudi Arabia named 'Rajhia Waqf'

Rajhia *Waqf*

Sheikh Saleh ibn Abdul-Aziz Al-Rahji had allocated some of his property as a *waqf* properties was established in order to achieve the following objectives:

1. To manage and maintain the real estates and farms *waqf* by Sheikh Saleh Abdul-Aziz Al-Rahji
2. To invest some part assigned for investment to grow the *waqf*.
3. To maintain the existing *waqf* and spend the revenues of those *waqf* assets in the channels identified by the donor.

The vision of Rajhia *waqf* is to make them as a leadership of trusts endowment locally and internationally. The AlRajhia *waqf* had develop their charity work and projects that impressed the hearts of a large number of people in all over the country.

Some example of Rajhia Waqf (private waqf) in Saudi Arabia

Realizing the great status of the houses of ALLAH the mighty, the Al-Rahjia *waqf* exerted its utmost effort to look after these mosques and provide all the necessary services that related with construction, maintenance and furnishing etc. In doing so, the Al-Rahjia *waqf* tries to achieve the following objectives:

1. To raise the banner of monotheism (There is no god but Allah and Muhammad is the Messenger of Allah) in the various cities.
2. To build mosques to attain the reward expressed in the statement of the Prophet, peace be upon him: "Who built a mosque seeking Allah's sake, Allah would build a similar one for him in Paradise."
3. To help imams and muezzins in the mosques affiliated to real estate management of Awqaf to perform their duties through providing them with appropriate housing in terms of location and space.

The AlRajhi *waqf* implemented these objectives through the following means: Build the new mosques or up grading the old mosques colobrated with the Ministry of Islamic Affairs, Endowments, Da'wah and Guidance of Kingdom Saudi Arabia. The up grading also included providing houses for imams and muezzins near the mosques located. Giving *iftar* for the fasting people in mosques located in unprivileged areas such as Mecca and Riyadh during the blessed month of Ramadan annually and also held the da'wah programs for the memorization of the Qur'an in the mosques affiliated to the Ministry of Religious Endowments.

The total cost spent by the Al-Rahji *waqf* for these programs for the years (1418 -1433 AH) reached to 20,293,575 SR (twenty million, two hundred and ninety-three thousand, five hundred and seventy-five Saudi Riyals).

Project	Cost (Saudi RiyalSR)
Construction of mosques	12,170,618
Maintenance of mosques	5,274, 898
Housing project for imams &muezzins	2,242,309
Da'wah programs & <i>iftar</i> ceremonies for the fasting people at mosques	504,750
Total Sump	20,292,575

The Al-Rahji *waqf* had implemented these noble objectives in two ways:

First: The project of construction and maintenance of mosques: The Al-Rahji Endowment contributed in the constructing, furnishing, air-conditioning, and maintaining a number of mosques and provided related services. The total cost of this project until 1433 AH reached 5,274,898 SR (five million two hundred and seventy-four, eight hundred and ninety-eight Saudi Riyals).

Second: Housing project for imams and muezzins of the mosques affiliated to the Ministry of Endowments: The Al-Rahji *waqf* provided housing for imams and muezzins in the mosques affiliated to real estate management of *Awqaf* for an annual cost that reaches 250,000 SR (two hundred and fifty thousand riyals). The total cost of this project until 1433 AH reach to 2,343,309 SR (two million, three hundred and forty-three thousand, three hundred and nine Saudi Riyals). (Al-Rajhi Endowment, 2015)

Some other development *waqf* properties in Saudi Arabia

The International Islamic Relief Organisation-Saudi Arabia (IIROSA) had launch six *waqf* projects in Makkah that cost over SR470 million, with annual returns of about SR45 million that will be used to finance the organisation's relief and development projects. Adnan Khalil Basha, IIROSA secretary general, told that the organisation has already purchased the lands on which the endowments will be constructed. He said the projects were approved by IIROSA's general assembly during its fourth meeting early last year.

The projects are:

1. Bayat ALLAH *waqf*, which is an 11-storey housing and commercial building in *al-Khalediyah* district costing up to SR160 million.
2. The orphans *waqf* in Ajyad, which is a 30-storey hotel costing SR80 million.
3. The educational care *waqf* in *al-Misfalah*, which will be a 22-storey tower costing SR60 million. The revenue from this endowment will be used to finance the activities of 30 educational institutions around the world.
4. The social development *waqf*, which is a 10-story building in *al-Misfalah* district at the cost of SR50 million. The revenue from this project will be used to finance rehabilitation programs and give vocational training to provide jobs for about a million people in 97 countries.

5. The dawa *waqf* in *al-Maabdah* district. This is a 28-story building that cost up to SR87.5 million. Its proceeds will be used to benefit about 13,000 male and female students and 720 preachers in 365 Islamic centers around the world.
6. The health care *waqf* in *al-Aziziyah* district. This is a 25-storey building costing up to SR33 million. Its proceeds will be used to provide health care to about 33 million people in 285 hospitals run by the organization.

Conclusion

As a conclusion, *waqf* has played more function for social welfare mechanism and contributed to the fundamental knowledge in *waqf* planning. The *waqf* institution has played a huge part of the development of Islam. The *waqf* properties has been proven as one of the main sources of the economic driver in Muslim communities.

The managing *waqf* properties is very important in order to ensure that the *waqf* would be properly managed and also to ensure that *waqf* fund are properly managed. The well management of *waqf* properties would attract the participation of the public to take part in large portion. Furthermore if the *waqf* properties were poorly manage it cannot reduce the poverty in Muslim society. On the other aspect, *waqf* is a way for wealth purification for Muslim and consider as *ibadah* for Muslim to achieve *al-falah fil dunia walakhirat*.

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The Origins Of Feudalism In Europe Can Be Traced To Well Before 1066, To The Collapse Of The Roman Empire: Plunkett, A Concise History P. 509-515.

ZAKAT IN A NUTSHELL

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Abstract

The concept of zakat was introduced during the life of Prophet SAW and has continued until today. Zakat is meant to support the achievement of social security programs and the balance of the society, so there is not too much gap between the rich and the poor. With zakat, the wealth and property are not only located in certain circles, but will spread throughout the society. Thus zakat can be said as a gift from God as well as a lifeline to least fortunate Muslims. The zakat collection if being fully utilised and properly distributed adhering to Quran and Sunnah will become the most prominent tool to assist the least fortunate group.

Keywords : Zakat collection, Zakat distribution, Muslim economy

JEL Classification : Y80, Z00, M490

Introduction

Zakat is synonym with donation, alms-giving, endowment, charity or dole. In a simple explanation zakat can be described as an assistance from the fortunate to least fortunate group. The concept of zakat is quite simple and easy to understand. In fact zakat is mentioned 82 times in the Koran together with prayers (Abu Bakar, 2007; Qardawi, Hukum Zakat , 2010; Saleem, 2007) as early as in Surah al-Baqarah as follows:

You shall observe the Contact Prayers (Salat) and give the obligatory charity (Zakat), and bow down with those who bow down.

(Surah al-Baqarah: verse 43)

Based on the above verse and other verses in the Quran, Allah S.W.T stresses out the importance of zakat to Muslims. In fact zakat is also well known as the third pillars in Islam which defines Zakat as an obligation to set aside the type of specific property to be distributed to a group of people at a certain time. Certain time here means a complete one year of asset ownership that is subjected to zakat.

The payment of zakat is an order from Allah S.W.T to his servants and it is believed that zakat was first introduced by Prophet Muhammad before the migration to Madinah. However there is also another opinion that claims it started in the second year of Hijrah. Regardless on when it started, the golden age of zakat system other than during Prophet Muhammad can be traced back to the time under the governance of Caliph Umar Ibn Abdul Aziz, in the context of raising the standard of living of the people at the highest level. During this time there was an abundant excess of zakat collection and the government could not find eligible recipients as the economy was at a good stake. This situation shows the beautiful concept of zakat system where the rich share the wealth with the poor until there is no eligible person entitled to receive zakat money. In fact it is proven that with a successful management of zakat system, Muslim economy can be strengthened and it helps to eradicate poverty especially in Muslim countries. Sadly what has happened these days, with the high amount of zakat collected, there are still many Muslims live in poverty.

Based on the above discussion, this study aims to further explore the beauty of zakat as a gift from God to all Muslims. The discussion will focus on the overall zakat system and how it has become the best Islamic economic tool that is able to bridge the gap between the rich and the poor. This study will also explore the current practice of zakat around the world to expose the readers on this unique Islamic system.

Zakat System

Before we proceed further in understanding the zakat system it is worth to understand the brief definition of zakat. Zakat in terms of language comes from the root letters za, kaf, ya, which have several meanings and it can be summarised to bless, grow, clean, and purity. This portrays the real purpose of Zakat in purifying wealth. According to Imam Syafie, zakat is derived from the Arabic word which means clean or fertile. Referring to the definition of zakat itself, zakat is the concept of purifying wealth. The soul of a person who pays zakat can be purified by scraping greed and arrogance which then filled with compassion, humility, generosity and willingness to sacrifice for his fellow Muslims. In fact it is believed that if performing a prayer connects people with the Creator, fulfilling zakat obligation connects people with each other. Scholars usually discuss zakat from two different points, the collection and also the distribution.

Zakat collection

In general zakat can be compulsory or voluntarily in nature. Two types of compulsory zakat are zakat on wealth and zakat fitra. This zakat becomes compulsory to each Muslim. Other types of zakat available are zakat of business, zakat of share, zakat of income, zakat of savings, zakat of livestock, zakat of gold and silver, and zakat of crops. The list of zakat is varies among countries worldwide and in fact these types of zakat have been revised from time to time according to the current condition. These zakat will be collected from the payer. Payer here should be a Muslim and if a Muslim individual is not fit mentally or physically but owns a wealth that is subjected to zakat, the guardian should pay zakat on behalf of him/her. The order on the compulsory to pay zakat also has been enshrined in the Quran based on the words of Allah s.w.t which meant:

“O believers, spend in Allah’s Way the best portion of the wealth you have lawfully earned and that which We have produced for you from the earth, and do not pick out for charity those worthless things that you yourselves would not accept but with closed eyes. Bear in mind that Allah is Self-Sufficient, Praiseworthy”

(Surah al-Baqarah; verse 267)

In the existence of Islamic state, the responsibility to collect and distribute zakat lies on behalf of the state. In many Islamic countries in Asia such as Brunei, Malaysia and Indonesia, zakat institutions are established to manage zakat from the collection to the distribution process. However in the non-existence of Islamic society, it is advisable for local Muslim organization to make the arrangements to ease the process of zakat management.

The method of zakat collection may also vary among countries. During his time, Prophet Muhammad appointed his companions as collectors of zakat. They were given the responsibility to collect zakat from Muslims and their families and they were also sent to other territories under the Islamic empire. Each officer was supplied with Kitab Al-Sadaqah containing guidelines on the management of zakat and he also sent a letter to each tribes through the officer which explains the responsibility to pay zakat and the rate of payment (Haji Alias, 2012). The method of collection was continued during the era of the companions of Prophet Muhammad with some changes in its implementation. For instance to increase the collection and to satisfy the recipients in term of amount received, Caliph Uthman introduced the concept of pension deduction from retirees. In brief the method of collection during Prophet Muhammad and his companions emphasized on the zakat collection through amil on individual payer.

To date, the method of collection has been improved and simplified where payers can choose various ways to pay zakat. In fact the zakat institutions also assist the payers by allowing zakat payers to pay zakat by going to the institutions, setting up collection booth, salary deduction, online banking etc. In Malaysia this effort has assisted the institutions to boost yearly zakat collection. Nadhari (2013) thoroughly explained that in Muslim world zakat can be classified into two categories; first compulsory in nature and second voluntary payment where the management lies on rulers' hand. Whether compulsory or voluntary in nature, Muslims usually are not oppressed by zakat obligation and are willing to pay with the aim to purify their wealth.

Zakat distribution

As emphasized repeatedly in the holy Quran, the payment of zakat is obligatory ordered by Allah s.w.t on all capable Muslims who earn income or own property that is subjected to zakat and the zakat collection will then be distributed to specific groups of recipients which commonly called asnaf. Therefore, zakat cannot be given to people other than these eight eligible recipients. As zakat payers believe that zakat payment will purify their soul by scraping greed and arrogance then have it filled with compassion, humility, generosity and willingness to sacrifice for his fellow Muslims, therefore the recipients will feel that they are not left behind in the misfortune. The property will be cleansed with the rights of others to return to their owners (Mahmud, 1991).

On top of the importance and compulsory to pay zakat, the Quran clearly spells out the concept of zakat distribution to the eligible eight recipients (Hairunnizam et. al., 2009). In Surah al-Tawbah, verse 60 as stated below clearly discusses the groups who have the right towards zakat as follows:

“Indeed, charity, alms are only for the poor, the needy, charity managers, the mu’allaf who persuaded him, for (freed slaves), those who owe, for the cause of Allah and of those who by the way, an ordinance that required Allah.”

(Al-Taubah 9:60)

Based on the interpretation of the text, it clearly shows there are eight groups of people which are eligible to receive Zakat. According to Abdul Majid (2003), this verse gives a clear explanation on the distribution of Zakat as compared with the problem of determining the source of charity based on the verse detailing instructions. The definition of every asnaf has been spelt out in many studies by Abu Bakar and Abd Ghani (2011), Marhaini et. al (2012), Firdaus et al. (2012). The most recent study is by Embong et al (2013) stated the definition of asnaf as per Table 1.

Table 1: Definition of eight qualified asnaf

Type	Translation	Description
Masakeen	The destitute	These are people who do not have anything, and who are in need of asking others for food, clothing and shelter.
Fuqaraa	Poor or needy	These people have some money, but not sufficient for their everyday needs. The elderly are often amongst the 'fuqaraa'. The Prophet Muhammad said "He is not one of us who does not show tenderness to the young and who does not show respect to the elder." (At-Tirmidhi). It is a sad fact that the elderly tend to be neglected in today's society. According to recent research, older people are among the most excluded and materially worse off.
Amil' Zakah	The alms collectors	These are the alms collectors, people who the authority employs to collect Zakat. The authority gives them a fee for their work, which includes collecting, recording, guarding, dividing and distributing Zakat.
Fi sabi 'Lillah	In the path of God	This means 'in the path of Allah' and pertains to anyone struggling for a righteous cause, including expenditure towards the promotion of Islam and for all charitable purposes.
Al-Gharimun	People who are burdened with debt	These are the debtors, people who are burdened with debts because of personal needs or social necessity. These people should be given Zakat if they do not have enough money beyond their basic needs to repay debts. Help should also be provided to those who may have landed themselves in debt as a result of social obligations such as supporting an orphan or renovating a school.
Ibnas'Sabil	The wayfarers	Traditionally, the wayfarers are travellers stranded in a foreign land in need of money. These people can receive Zakat, if the purpose for travelling is lawful. Wayfarers can today be interpreted as refugees or displaced people.
Al-Riqab	People in bondage or slavery	Zakat can be used to buy the freedom of such a person. Many people living in poor countries suffer from economic slavery at the hands of local landlords, rich industrialists, and multinational corporations that exploit natural and human resources.
Mu'Allaf	Those who inclined towards Islam	Zakat can be used to attract the hearts of those who have inclined towards Islam. It includes those who have just become Muslims, or those whose circumstances are so desperate they fear turning to crime if they are not helped.

There is also a condition where zakat fund collection is not fully distributed during the year of collection. This raises questions that can zakat fund collected in one state be transferred to another state. The normal practice in Islamic country, specifically like Malaysia only allows zakat collection to be distributed within the state (Bahrom et.al, 2011). Ismail et.al. (2015) highlighted the potential of abundance in zakat fund to become the source of investment made by zakat institutions. However priority should be given for zakat fund to be distributed among the eligible asnaf. In fact the idea of zakat fund as an investment may be opposed by the public in the existence of hard-core poverty in Muslim society.

Conclusion

Zakat is widely known among Muslims and non-Muslims. Zakat is a system which exists to assist both payers and recipients. Zakat gives positive implications on the country's Islamic economy. Zakat, if implemented effectively would not only improve the spiritual aspects of society but also will improve the socio-economic level of the community. Its effectiveness depends on the cooperation and concerted actions by all parties involved, namely the Zakat institutions, the government and the recipients of Zakat itself.

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