 USING ZAKÂH FOR THE ESTABLISHMENT OF ISLAMIC CENTERS AND MAQÂŠID AL-SYARÎ‘AH’S RELATIVITIES

PENGGUNAAN ZAKAT UNTUK MEMBANGUN PUSAT ISLAM DAN RELATIVITAS MAQÂŠID AL-SYARÎ‘AH

Busyro
State Institute for Islamic Studies Bukittinggi (IAIN), Indonesia
Jalan Paninjuan, Geregeh, Bukittinggi, West Sumatra
e-mail: busyro.pro18@gmail.com

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Abstract: One of the people who have the right to receive the zakâh mentioned in the eight asnâf is fî sabîlillâh (people who are in a jihâd). Jihâd and all the means relating to it are the initial meaning agreed upon by most of ulama. The term fî sabîlillâh has been understood further in the context of the construction of places of worship and Islamic centers. This meaning expansion the term fî sabîlillâh certainly needs to be seen in relation to maqâsid al-syarî‘ah, especially in relation to ‘illat as one of the main instruments of maqâsid al-syarî‘ah. The discussion by using ‘illat concluded that the development of the meaning of fî sabîlillâh to other than jihâd is permissible as long as it is intended to help individuals who struggle for the sake of the establishment of religion by financing their activities. Furthermore, this meaning is more in line with maqâsid al-syarî‘ah.

Keyword: zakâh, Maqâsid al-Syarî‘ah, fî Sabîlillâh, ‘Illat

Abstrak: Salah satu mustahiq zakat yang termasuk dalam asnâf delapan adalah fî sabîlillâh. Berjihad dan seluruh sarana untuk itu merupakan makna awal yang disepakati oleh seluruh ulama. Dalam perkembangannya term fî sabîlillâh lebih diluaskan maknanya kepada pembangunan tempat ibadah dan pusat-pusat kegiatan Islam. Perluasan makna ini tentu saja perlu dilihat dalam hubungannya dengan maqâsid al-syarî‘ah, khususnya berkaitan dengan salah satu instrumen utama maqâsid al-syarî‘ah, yaitu ‘illat. Pembahasan dengan menggunakan ‘illat menyimpulkan bahwa pengembangan makna fî sabîlillâh kepada selain jihâd dibolehkan selama dipenuhnya kerabat selama aktifitas mereka, dan makna inilah yang lebih sesuai dengan maqâsid al-syarî‘ah.

Kata Kunci: Zakat, Maqâsid al-Syarî‘ah, fî Sabîlillâh, ‘Illat
**Introduction**

Zakāh is an obligatory religious institution for people with more economic ability. The obligation of zakāh is often paired by Allah the Exalted with the obligation of prayer, which means they both occupy the same position in the quality of their obligations. In the hadith of the Prophet peace be upon him it is mentioned that Islam acknowledges Allah the Exalted as a Lord and Prophet Muhammad as a Messenger, obliges its followers to pray five times a day, performs Ramadan fasting, pays zakāh, and performs hajj (pilgrimage) for those who are capable.¹ The Prophet’s statement is summarized by scholars as a pillar of Islam. A person who claims to be a Muslim when he has reached the age of balīgh (adult).

For zakāh and pilgrimage, the two obligations are only applicable to those who are capable economically, and to perform the hajj more requirements are added, they are physical fitness, travel safety, and destination (iṣīṭṭā’ah).

Regarding zakāh, there are some things that are subjects to zakāh obligation, such as zakāh for crops, zakāh for gold and silver, zakāh for trade, zakāh for cattle, zakāh for found properties, and zakāh for mining goods.² In this contemporary era the potential of zakāh is further developed with zakāh for profession. The collected zakāh funds are also regulated its distribution by Allah the Exalted. In Surah al-Taubah [9]: 60, Allah the Exalted mentions those who are entitled to receive zakāh. There are eight groups in the verse, the destitute, the poor, the zakāh committee, the muallaf (new converts), the slaves, the debtors, the people who fight for Allah, and those who are on a journey. The eight people who have the right to receive the zakāh are better known by people as the eight asnāf. These are the only groups that Allah has mentioned clearly as the mustaḥiq of zakāh, and no other forms are explicitly stated by Allah and the Prophet regarding this mustaḥiq of zakāh matter.

One of the asnāf discussed by scholars, both classical and contemporary Muslim scholars, is a group of fi sabillillāh. The initial meaning of fi sabillillāh is the people who fight in the way of Allah and all the activities that support the war. This meaning is agreed upon by all Muslim scholars.³ Therefore, some Hanafiyah scholars argue that zakāh is only intended for individual’s interests in the war, not to build a mosque and so on.⁴ In its development the meaning of fi sabillillāh is not only understood as people being in the war for Allah, but also to all activities and means that support the spread of Islam such as the establishment of mosques, the development of Islamic centres, the development of schools, and so on. Among the classical Muslim scholars who argue as such are al-Qaffāl and al-Baḍāwī,
Using Zakâh for the Establishment of Islamic Centers . . .

The difference in meaning of fi sabili-lâh offered by some scholars with the previous meaning of course raises a question, is the result of their ijtihâd in accordance with maqâsid al-syari‘ah? This paper will try to answer the question by studying the findings of ‘illat of law concerning the eight aṣnâf in particular the ‘illat of fi sabili-lâh, because ‘illat is constituted the main discussion in finding maqâsid al-syari‘ah. By analyzing the findings of this ‘illat the suitability of the meaning of fi sabili-lâh with maqâsid al-syari‘ah will be identified.

Overview of Zakâh and Fi Sabili-lâh

Etymologically زکاة is a masdar (a verbal noun) of زکا which means growing and developing. It can also mean blessing, holiness and goodness. With this understanding zakâh is something that grows, develops, and purifies oneself, blessings, and something of goodness. Meanwhile, according to the terminology Yusuf al-Qarâdâwî, zakâh is particular parts of property required by Allah the Exalted to be given to those who have the right to receive it. Sayyd Sâbiq defines that zakâh as a name of a certain part of Allah’s property from humans to be given to the poor.

From the two terminology of zakâh that have been mentioned above, there is a dif-

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5 Atep Hendang Waluya, “Analisis Makna Fi Sabili-lâh Dalam QS al-Taubah [9]: 60 Dan Implementasinya Dalam Perekonomian (Studi Literatur Makna Fi Sabili-lâh Menurut Para Mufassir dan Fukaha Klasik dan Kontemporer).”

6 Sukiati, “Pengalihan Zakat Fisabilillah Untuk Kepentingan Umum Menurut Yusuf al-Qaradawi (Sebuah Penelitian Hukum Filosofis)”, Fitrah , Vol. 2, No. 1, (2015), 369-371.

7 Akbar Sarif dan Ridzwan Ahmad, “Konsep Maslahat dan Mafsadah Menurut Imam al-Ghazali”, Tsaqafah Jurnal Peradaban Islam, Vol. 13, No. 2, (2017), 357-358.

8 Majma’ al-Lughah al-’Arabiyyah, Mu’jam al-Wajiz (Mesir: Wizârah Tarbiyah wa Ta’lik, 1993), 290.

9 Yusuf al-Qaradawi, Fiqh al-Zakâh Dirâsah Muqâaranah li Ahkâmihâ wa Falsafatihâ fi Dau’ al-Qur’ân wa al-Sunnah, Vol. 2 (Beirut: Mu`assasah al-Risâlah, 1973), 37.

10 Sayyid Sâbiq, Fiqh al-Sunnah, Vol. (Beirut: Dâl al-Fikr, 1983), 276.
ference. The first definition does not seem to mention who should issue the zakâh (zakâh subjects), but zakâh recipients (objects) are already covered entirely (as in the Qur’an [9]: 60). While the definition of Sayyid Sâbiq (d. 2000 M) mentions the subjects of zakâh (in this case are humans), but he restricts the recipients of zakâh to the fâqir (destitute) only. Therefore, for the perfection of the definition, the two definitions need to be combined so it can be read that zakâh is a name for the property that is determined by Allah the Exalted and is given to the people who are entitled to it.

In the Qur’an and Hadith there are two words that show the meaning of zakâh, namely al-zakâh and al-sadaqah. The word al-zakâh in the Qur’an in the form of makrifâh is mentioned 30 times. 28 times of which are associated with the word prayer (salâh),11 they are in al-Baqarah [2]:43, 83 and 110, al-Nisâ’ [4]: 77, al-Hajj [22]: 78, al-Nûr [24]: 56, al-Mujâdâlah [58]: 13 and al-Muzammil [73]: 20. Zakâh that uses the word al-sadaqah in accordance with its context is found in three verses, they are in al-Taubah [20]: 58, 60 and 104. Thus, the term al-sadaqah sometimes means obligatory charity (zakâh) and sometimes it can mean ordinary assistance. However, the use of the word al-sadaqah in the verses above indicates the meaning of zakâh. This is because when Allah revealed zakâh with the pronunciation of al-sadaqah, it denotes the function of zakâh itself, both for subjects and the objects of zakâh.

Similarly, in the hadith there are also two words mentioned above (al-zakâh dan al-sadaqah) which reveal the order of zakâh, among others:

It was narrated from Ibn ‘Abbas that the Prophet sent Mu’adh ibn Jabal to Yemen and said: “You are going to some people from among the people of the Book. Call them to bear witness that there is none worthy of worship except Allah and that I am the Messenger of Allah. If they obey you in that, then teach them that Allah has enjoined upon them five prayers every day and night. If they obey you in that, then teach them that Allah has enjoined upon them Sadaqah (Zakah) from their wealth, to be taken from their rich and given to their poor.” (HR al-Tirmidzî)

Clearly, the word al-sadaqah with the meaning of zakâh is found in the saying Prophet Muhammad peace be upon him. The al-zakâh, on the other hand, is frequently used by the Prophet when explaining about the zakât al-fitr.13

As for those who are entitled to receive the zakâh are mentioned by Allah the Exalted in Surah al-Taubah (9): 60, which reads:

11 Siti Zalikha, “Pendistribusian Zakat Produktif Dalam Perspektif Islam,” Jurnal Ilmiah Islam Futura, Vol. 15, No. 2 (2016), 307.

12 Muhammad ibn ‘Isâ ibn Saurah ibn Mûsâ ibn al-Ḍâhâk al-Tirmizî, Sunan al-Tirmizî, Vol. 1 (Mesir: Mustafâ al-Bâbi al-Halabî, 1975), 12.

13 Hadiths about this are found in amongst others; Muhammad ibn Ismâ’îl Abu ‘Abdillâh al-Bukhârî al-Jâ’î, al-Jâmi’ al-Musnad al-Ṣâhîh al-Mukhtasar min Umîr Rasûlîllâh SAW wa Sunanuh wa Ayyûmuh, Vol. 2 (Dâr al-Tawwâb al-Najâh, [th]), 27; Muslim, Ṣâhîh Muslim, Vol. 2, 677.
Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah. And Allah is Knowing and Wise.

Based on the above verse, there are eight groups entitled to receive the zakâh, namely the faqir (destitute), the poor, the âmil (the zakâh committee), the muallaf (non-Muslims who convert to Islam), the person who wants to liberate himself from slavery, the person who owes but cannot repay, the person fighting in the way of Allah, and travellers who run out of capital.

Judging from the textual provisions of this verse, zakâh is given to an individual. On the other hand, the wisdom of zakâh being required according to Ahmad Atabik is intended to help and prosper the person who receives it.14

In connection with the term fi sabîlillâh, the scholars of the Hanafi, Maliki, Syafi’i, and Hanbali school agree that the meaning is those who fight in the way of Allah. It deals with all the needs of the fighters in defending and elevating the religion of Islam, such as salaries, the purchase of their weapons, and others that are generally associated with warfare.15 Indeed one of the contradictory meanings is to fund people performing Hajj, because in one of the hadiths the Prophet said that the pilgrimage is a jihad.16 But Ibn Qudâmah firmly rejects it. According to him the pilgrimage only applies to one’s personal interests, while fi sabîlillâh is to safeguard common interests.17 This means that Ibn Qudâmah sticks with his opinion on the meaning of jihâd fi sabîlillâh.

Fakhr al-Dîn al-Râzî (d. 606 H), has a slightly different idea. According to him, the meaning of fi sabîlillâh is not limited to war, but it can be expanded to the whole path of goodness. For example, he argues that zakâh may be used for covering the body of the dead with a white sheet, erecting a building, and prospering mosques. Al-Baidâwî, a Hanafi scholar, adds that the money can also be used for building bridges and factories.18 According to the author of this article, the developments meant by the above scholars are not intended to build mosques and Islamic Centers, but buildings that are related to the needs of war.

As for the contemporary scholars, among others Rasyîd Ridâ, believes that jihâd is one meaning of the word fi sabîlillâh. Fi sabîlillâh is generally intended for general benefits, such as giving additional financial assistance to teachers who teach because of their shared interests and the funding of da’wah. In addition, it is also permissible to build a military hospital. The same notion is also uttered by Mahmûd Syaltût, Sâdiq Hasan Khan, dan Yû-

14 Ahmad Atabik, “Peranan Zakat Dalam Pengentasan Kemiskinan”, Ziswaf, Vol. 2, No. 2, (2015), 344-345.
15 Siti Tatmainul Qulub & Ahmad Munif, “The Meaning of Fi Sabîlillâh as a Mustahîk Zakat according to Contemporary Ulama,” Jurnal Bimtas Islam, Vol. 8, No. 4, (2015), 614-617.
16 Bukhari, al-Jâmi’ al-Musnad al-Sâhih al-Mukhtaasar min Umûr Rasûlillâh SAW wa Sunanuh wa Ayyâmuh…, Vol. 2, 133.
17 Siti Tatmainul Qulub & Ahmad Munif, “The Meaning of Fi Sabîlillâh as a Mustahîk Zakat according to Contemporary Ulama”…, 617.
18 Atep Hendang Waluya, “Analisis Makna Fi Sabîlillâh Dalam QS al-Taubah [9]: 60 Dan Implementasinya Dalam Perekonomian (Studi Literatur Makna Fi Sabîlillâh Menurut Para Mufassir dan Fukaha Klasik dan Kontemporer)…”, 1410.
suf al-Qarâdaâwi.  

In his *ijtihâd* al-Qarâdaâwi argues that *mustahiq* is not only associated with a person, but can also be given for the construction of a mosque or the establishment of Islamic centers. The first fatwa was issued based on the question asked by a rich man in the Gulf state. His abundant wealth made him eager to donate his fortune to other Islamic countries to build mosques through zakâh. The fatwa about the permission to pay zakâh for the establishment of Islamic Centers is based on the question asked by a rich man in the Gulf state. His abundant wealth made him eager to donate his fortune to other Islamic countries to build mosques through zakâh. The fatwa about the permission to pay zakâh for the establishment of Islamic Centers is based on the question asked by a rich man in the Gulf state. His abundant wealth made him eager to donate his fortune to other Islamic countries to build mosques through zakâh.

According to al-Qarâdaâwi, one of the people who have the right to receive the zakâh, *fi sabillah*, should not be interpreted as war (*jihâd*), but it also includes activities that can lift Islam. In his statement he argues that he reinforces what was agreed by the Majority of Ulama to expand the meaning of *jihâd* including the armed struggle, a *jihâd* in thoughts, *jihâd* in education and preaching, *jihâd* in religion (in general), and so on. It aims at maintaining the existence of Islam and protecting Islam from the attacks of enemies who want to deprive Islam of its roots, whether it comes from non-Muslim groups or secular groups from Muslims themselves. Therefore, the distribution of zakâh to build mosques and Islamic Centers will realize religious preservation by the extension of the meaning of *jihâd* as mentioned earlier. Even channelling zakâh for such conditions is more important than distributing it to others. Moreover, according to al-Qarâdaâwi, zakâh is not a basic worship (*mahdâh*), but it has another dimension, namely *mu’amilat*. Somewhat different from this, Abdi Wijaya argued that specifically for basic worship, the command of God and His Apostle is prerogative (divine dimension), in which humans must not manipulate it.

The fatwa delivered by the contemporary scholars is not absolute, but is limited to certain places and conditions in which Muslims are poor so they are unable to build mosques except from zakâh donated from rich areas. As for the average rich areas, they are not permitted to build mosques with zakâh. This indicates that, al-Qarâdaâwi does not agree when zakâh is used to make certain buildings. Nevertheless, zakâh is not a basic worship, but it has another dimension, namely *mu’amilat*. Somewhat different from this, Abdi Wijaya argued that specifically for basic worship, the command of God and His Apostle is prerogative (divine dimension), in which humans must not manipulate it.

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19 Siti Tatmainul Qulub & Ahmad Munif, “The Meaning of Fi Sabilillah as a Mustahik Zakat according to Contemporary Ulama”, ..., 619-622.
20 Yûsuf al-Qaradâwî, *Min Hadyi al-Islám Fatâwa Mu’âşirah*, cet. 3, Vol. 2 (Manṣûrâh: Dâr al-Wafâ´ al-Tabâ’ah wa al-Nasyr wa al-Tawzî’, 1994), 227-228.
21 Yûsuf al-Qaradâwî, *Min Hadyi al-Islám Fatâwa Mu‘âṣirah*, ..., 233-234.
22 Yûsuf al-Qaradâwî, *Min Hadyi al-Islám Fatâwa Mu‘âṣirah*, ..., 227.
23 Yûsuf al-Qaradâwî, *Min Hadyi al-Islám Fatâwa Mu‘âṣirah*, ..., 232-233.
24 Yûsuf al-Qaradâwî, *Min Hadyi al-Islám Fatâwa Mu‘âṣirah*, ..., 228; also see Yûsuf al-Qaradâwî, *Fi Fiqh al-Aqalliyyât al-Muslimah* (Kairo: Dâr al-Syurûq, 2001), 82.
25 al-Qaradâwî, *Min Hadyi*, ..., 228.
26 Jamal Abdul Aziz, “Dekonstruksi Paradigmatis Pengembangan Zakat: Analisis Kritis Pemikiran Yusuf al-Qaradawi,” *Ijtihad Jurnal Wacana Hukum Islam dan Kemasyarakatan*, Vol. 17, No. 2 (2017), 193-194.
27 Abdi Wijaya, “Dimensi Ilahi dan Dimensi Insani Dalam Maqashid al-Syarî’ah”, *Al-Risalah*, Vol. 15, No. 2 (2015), 216-217.
28 Abdi Wijaya, “Dimensi Ilahi dan Dimensi Insani Dalam Maqashid al-Syarî’ah”.

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Nevertheless, there seems to be a development in meaning of the word *fī sabīlillāh* for aspects other than warfare in the way of Allah (*jihād*) with all the equipment necessary for it.

Similarly, in terms of establishing Islamic Centers and the establishment of other Islamic foundations zakāh money cannot also be used for such purposes. The development in meaning of the word *fī sabīlillāh*, as being mentioned earlier, and with the same reason al-Qarâdâwî allows for building such facilities with zakāh. It is also mentioned in the book *Fiqh al-Zakāh* that distributing zakāh in this form for exercising *jihād* in the fields of culture, education and publicity is more important at this point provided that with sincerity and truth. It is very important, for example, to set up a center for spreading the message of Islam to non-Muslims on all continents and to establish an Islamic Center to educate young Muslims to prepare to defend Islam from its enemies.29

Based on the fatwa the author assumes that al-Qarâdâwî agrees that the people who have the right to receive the zakāh are Muslims who need things for survival and well-being. It means zakāh is intended to raise the standard of living and reduce the economic gap between the poor and the rich. This is in accordance with the words of Allah in Surah al-Hasyr [59]: 7, namely “so that it will not be a perpetual distribution among the rich from among you”.

Although in principle there is no difference in interpreting the provisions of Surah al-Taubah [9]: 60 above, regarding the word *fī sabīlillāh*, al-Qarâdâwî appears not to focus on the interests of Muslim individuals anymore, but to other Islamic supporters. *Zakāh* recipients are no longer intended for economic prosperity (in this case in order to preserve the souls) but are directed towards the maintenance of religion in the form of religious facilities and centers for Islamic activities. Such thoughts are of course in accordance with the concept of maqāṣīd al-syari‘ah that is understood by al-Qarâdâwî and other scholars who have the same understanding as his. Moreover, al-Qarâdâwî is also a contemporary scholar who is very conscientious with the study of maqāṣīd al-syari‘ah. This is evidenced by his statement that he is very convinced if his previous works and fatwas have a connection with maqāṣīd al-syari‘ah,30 not to mention a special book on *fiqh maqāṣīd* that he wrote. Yet, it does not mean that what he means by maqāṣīd al-syari‘ah is the same as maqāṣīd al-syari‘ah meant by the others.

**Maqāṣīd al-Syari‘ah and Its Relationship with ‘Illat**

It is true that the concept of maqāṣīd al-syari‘ah was popularized by a Maliki scholar who lived in the 8th century H, namely Abû Ishâq al-Syâṭîbî (d.790 H), but beforehand maqāṣīd al-syari‘ah had been conversed when usûlî scholars discussed about the theory of *maṣlaḥah* (benefits), for example as proposed by al-Juwaitî Imâm al-Ḥaramain (d.478 H) and also Al-Ghazâlî (d.505 H). Their discussion of maṣlaḥah is basically in order to explain the goals of Allah in setting laws. Not only that, the talk of maṣlaḥah was also followed by Fâhhr al-Dîn al-Râzî (d.606 H), al-Âmîdî (d.631 H), ‘Izz al-Dîn ibn ‘Abd al-Salâm (d.660 H), al-Qarâfî (d.684 H), Najîm al-Dîn al-Tûfî (d.716 H), ibn Taimiyah (d.728

29 Yûsûf al-Qarâdâwî, *Fiqh al-Zakāh*..., 668.

30 Yûsûf al-Qarâdâwî, *Dirâṣah fī Fiqh Maqāṣīd al-syari‘ah Bâin al-Maqaṣīd al-Kulliyah wa al-Nuṣûs al-Juz‘iyyah*, (Kairo: Dâr al-Syurâq, 2008), 13.
According to a famous opinion, it is in the hands of al-Syättîbî that is the science of _maqāṣid al-syārî’ah_ found its clear and systematic shape. Scholarly studies afterwards were focused more on the models of _maqāṣid al-syārî’ah_ application in the process of enacting the law besides finding additional possibilities to improve the concept. Regardless of the development of thoughts after al-Syättîbî, it is undeniable that al-Syättîbî is the first person to have laid a strong foundation in the study and further develop the science of _maqāṣid al-syārî’ah_.

In accordance with the idea of the majority of scholars on the existence of _maqāṣid al-syārî’ah_, thus the determination of Islamic law has to be inspired by full understanding that every determination of Islamic law should consider possible _maslahah_ that it may bear. The _maslahah_ not only refers to the interests of mukallaf, but more importantly, is how a decree is assured to satisfy the wishes of Allah (_qaṣd al-syārî’_). This is undoubtedly a tough job, but with a sincere heart and a true intention a _mujtahid_ will be able to find what is desired by sharia.

Al-Syättîbî did not give a definitive understanding about _maqāṣid al-syārî’ah_. According to Ţâhir ibn ‘Asyûr (d.1973 AD), as quoted by al-Khâlîfî, _maqāṣid al-syārî’ah_ is _al-ma’ānî wa al-hikam_ (meanings and wisdoms) desired by sharia (Allah the Exalted and His Messen-ger) in every general legal setting. Whereas, ‘Alâl al-Fâsî (d. 1973 AD), as quoted by Busyro, defined it as an _al-ghâyâh_ (the final destination) and _al-asrâr_ (secrets desired by sharia on every law set forth by Him). As for al-Khâlîfî, he defined _maqāṣid al-syārî’ah_ as _alma’ânî_ (meanings) and _al-hikam_ (wisdoms) desired by sharia in every law setting to realize benefits for humanity in the world and the hereafter. A definition that covers the whole sense of _maqāṣid al-syārî’ah_ was written by Wahbah al-Zuhaylî. He argued that _maqāṣid al-syārî’ah_ is meanings and purposes which can be understood/recorded on every law and to magnify the law itself, or can also be defined as an ultimate goal from the Islamic law and secrets set by sharia on every law He has set.

Based on the above definitions, it can be concluded that _maqāṣid al-syārî’ah_ is secrets and ultimate goals to be realized by sharia in every law He has set, and by knowing it, according to Busyro, it would be useful for _mujtahids_ as well as for those who do not reach the degree of _mujtahids_. For _mujtahids_, knowledge on _maqāṣid al-syārî’ah_ will assist them in establishing laws correctly and as an important science to understand the texts of the Qur’ân and the Prophet’s Hadith. As for others, it is hoped that they can understand the secrets of law-setting in Islam, thereby motivating them in implementing the law it-

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31 ‗Abd al-Rahmân Yûsuf ‗Abdullâh al-Qaradâwî, _Nazariyyah Maqāṣid al-syārî’ah_ Bain Sayîkh al-Islâm ibn Tâ‘îmîyâh wa Jumhûr al-Uṣûliyyûn Dirâsah Muqâranah Min al-Qur’ân al-Khâmîs ila al-Qur’ân al-sâmîn al-Hîrî (Kairo: Universitâs Kairo, 2000), 42.
32 Abdul Hameed Badmas Yusuf, “A Study of Evolution of Maqashid As-Syari’ah As Legal Theory”, _Madania_, Vol. 19, No. 1 (2015), 3-5.
33 Riyâd Mansûr al-Khâlîfî, _al-Maqāṣid al-syārî’ah_ wa Atsaruhu fi Fiqh al-Mu‘âmālât al-Milkiyyah (Kuweit: Makttabah al-İstisiyârât al-Syar’îyyah, 2004), 8.
34 Busyro, “Bom Bunuh Diri Diri Dalam Fatwa Kontemporer Yusuf al-Qaradawî dan Relevansinya Dengan Maqāṣid al-Syārî’ah”, _Ijtihad Jurnal Wacana Hukum Islam dan Kemanusiaan_, Vol. 16, No. 1 (2016), 89.
35 Busyro, “Bom Bunuh Diri Dalam Fatwa Kontemporer Yusuf al-Qaradawî dan Relevansinya Dengan Maqāṣid al-Syārî’ah”.
self. In addition, knowledge on maqāṣid al-syari’ah will give mujtahids the ability to apply (taḥbīq) the existing provisions in the Qur’an and the Sunnah and to apply the opinions of scholars in fiqh books in relation to the conditions being faced.

The study of ‘illat in maqāṣid al-syari’ah is a very decisive aspect, both the procedure of its invention and its application in developing Islamic law. Al-Âmîdî stated that the legalization of law through the discovery of ‘illat that becomes its background is in the sense of realizing benefits in the world and the hereafter. That is, a scholar has to be serious in finding law ‘illat, because it is not only related to the goodness of the world, but also for the benefit of the hereafter. The ‘illats found in terms of mahdah worship is usually only to strengthen the motivation of a person to worship. But ‘illats found in the problems of mu ‘amalâh will have a huge impact on the development and renewal of the Islamic law.

‘Illat is defined by scholars as a reason for the existence of a law (manâ’t al-hukm), motivating a law that has been decided (al-bâ’îts), or the nature that affects the birth of a law (al-mu’atsîr), and the nature that tells the existence of a law (al-mu’arîf). The four substantive definitions have the same meaning. The junhur (unanimous agreement among Muslim scholars) believe that every law set by Allah and His Messenger has a logical and rational reason, especially in the field of mu ‘amalâh.

Many examples can be put forward, such as ‘illat restrictions for judges to decide a law in a state of anger, the ‘illat is that there is a troublesome mood that can lead to unfair verdict for litigants. The troublesome mood can be developed to other conditions, such as being drowsy, hungry, sick, having problems at home and so on. In developing an Islamic law, the above ‘illat is also rationally applied to other similar aspects, so the prohibition to decide a law is also applied to judges when sleepy, hungry, sick, having problems at home, and all the same aspects as the previously mentioned conditions. This is what the scholars of uṣûl al-fiqh is called ‘illat muta’addiyah (having a range).

On the other hand, the existence of ‘illat in a legal provision only applies to that particular law and cannot be extended to any other case, and this is in general found in the terms of worship. Take the command of şalâh for example, in which Allah says in Surah Tâhâ [20]: 14, “so worship Me and establish prayer for My remembrance”. In this verse it is mentioned clearly that the ‘illat of şalâh being obligatory is to remember Allah. Remembering Allah of course can be done in many other ways, such as mentioning His name, both verbally and in the heart, and can also be done by attending Islamic assemblies.

36 Busyro, “Bom Bunuh Diri Diri Dalam Fatwa Kontemporer Yusuf al-Qaradawi dan Relevansinya Dengan Maqāṣid al-Syari’ah”..., 90.
37 Hj. A. Sukmawati Assaad, “Kehujjahan Maqashid Al-Syari’ah”, Al-Ahkam, Vol. 5, No. 2 (2015), 188.
38 Dwi Aprilianto, “Fleksibelitas Hukum Islam Berdasarkan Ijtihâd dan Masalah”, Akademika, Vol. 9, No. 1 (2015), 42.
39 Abû Hâmid Al-Ghazâlî, al-Mustasfa Min ‘Ilm al-Uṣûl, Vol. 2, (Beirut: Dâr al-Fikr, [t.th]), 230.
40 Saîf al-Dîn al-Âmîdî, al-Iḥkâm fi Uṣûl al-Ahkâm, Vol. 3, (Beirut: Dâr al-Fikr, 1981), 285.
41 Abû Hâmid Al-Ghazâlî, al-Mustasfa Min ‘Ilm al-Uṣûl..., 399.
42 Qâdi al-Baidâwî, Syarî al-Baidâwî wa Syarî al-Asnawi, Vol. 5, ([T.Tp], [t.th]), 37.
43 Al-Bukhârî, al-Jâmi’ al-Mansâd, Vol. 9, 65; Muslim, Sahih, Vol. 3, 1342.
44 Amir Syarifuddin, Ushul Fiqh I (Jakarta: Los, 1997), 176.
If the above ‘illat can be developed or extended, then salah is not an only way to remember Allah. One can remember Allah by mentioning his name or regularly coming to Islamic assemblies. However, scholars agree that the above ‘illat only applies to salah and cannot be extended to other activities. Such an ‘illat is known among scholars of usul al-fiqh as is ‘illat qasirah. 45

To find the ‘illat, the scholars of usul al-fiqh give certain conditions. There are at least five conditions for making a trait interpreted from a Quranic text. First, the nature must be clear (zahir), meaning that it can be understood by human senses. For example, the nature found in the allowing of shortening the prayer during a journey (qasr) which is mentioned clearly by Allah the Exalted, that is for travellers. Second, the nature must be certain and measurable (mundabib), and in this way travellers can be ascertained as a trait that allows one to perform qasr. Third, the nature is in accordance with the objectives of Allah in deciding a law, namely to give benefits to humans (munasib), and in conditions of travelling (travellers), it will produce benefits when dispensation is given to shorten their salah. Fourth, the nature is not only found in a nass but also in furu’ (cases which are not in a nass). 46 Fifth, that nature cannot be against a nass, 47 the point is that the nature found cannot eliminate the provisions contained in the nass.

For the last term it can be exemplified by Allah’s prohibition of consuming khamar (alcoholic drinks). The reason (‘illat) agreed by scholars is the presence of iskār (substance that causes one to be drunk) in khamar. With knowledge possessed by someone, the substance can be removed, for example by putting something in khamar so that it no longer has the potential to make people consuming it drunk (lost of mind). Of course this raises a question, is khamar still forbidden despite such changed condition? Of course this is not approved by any scholars, because one of the functions of ‘illat is to be developed in new cases which are not mentioned by nass, not to dispose the nass itself.

To find an ‘illat, as the conditions above, the ulama of usul al-fiqh put forward the theory of masālik al-‘illah (the method of finding ‘illats). This method is divided into two parts, namely finding ‘illat through mansūsah or naqliyyah (as written in a nass) and finding ‘illat through mustanbatah/gair naqliyyah (which is not mentioned in a nass). 48 The finding of ‘illat mansūsah is by basing on the instructions of the letters which are written clearly in a nass, and the letters usually begin with the letter lam ل as found in Surah Thaha [20]: 14 (to/due to remember Me), or lam and kay as in lam (in order to not) in Surah al-Hasyr [59]: 7 (because, for) as in the hadith of the Prophet, 49 or (resulted from) in Surah al-Maidah [5]: 32. The ‘illat shown by these letters is an ‘illat which is sarīh in a nass.

As for in other forms, a nass does not use such letters, but is indicated by the sentence structure that contains instructions of ‘illat. For example, in Surah al-Jumu’ah [62]: 9 it is stated that the prohibition against buying and selling when there is a call to carry out

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45 Wahbah al-Zuhayli, Uṣūl al-Fiqh al-Islāmi, Vol. 1, (Beirut: Dār al-Fikr al-Mu’āṣir, 1986), 657.
46 Zakiy al-Dīn Syā’bān, Uṣūl al-Fiqh al-Islāmi (Kairo: Dār al-Ta’līf, 1964), 141-143.
47 Nasrun Haroen, Ushul Fiqh (Jakarta: Logos, 1996), 83-84.
48 Abū Ḥāmid Al-Ghazālī, al-Mustasfa Min ‘Ilm al-Uṣul…, 288-306.
49 Muslim, Musnad al-Ṣāḥib, Vol. 3, 1561.
a Friday prayer service. In the verse it is not stated clearly (ṣârih) the cause of prohibition on buying and selling, but from the sentence structure it is found that the Friday prayer is actually the ‘illat. The finding of an ‘illat like this according to the majority of ulama is still categorized as mansūサ, but gair al-ṣârih (not clearly stated), whereas al-Ghazâlî named it with the method of al-îmâ’, which is a reason required in a nasṣ.\(^\text{50}\)

The next theory in finding an ‘illat is to look at ijmâ’ (agreement of scholars or the companions of the Prophet peace be upon him. For example, ijmâ’ of the companions of the Prophet peace be upon him about a reason for giving a grandmother the right to inherit the inheritance. In the Qur’an there is no word grandmother (jaddah) as āshâb al-fârîd (recipients of inheritance), and this case never happened at the time of the Prophet. Therefore, the companions of the Prophet peace be upon him did ijîhâd and agreed that grandmothers are in the position of mothers when the latter have been gone. Another example is the reason for the companions of the Prophet peace be upon him to compile the Qur’an to maintain its existence. The reasons contained in this ijmâ’ become a guidance in determining cases that appear later.

If the Qur’an does not mention specific reasons about the causes of command and banning, then the search of ‘illat is done by scholars by exerting all its intellectual abilities so that a nasṣ can be developed to answer new cases which have no law status yet. ‘Il-lat found with such a model is called ‘illat mustanbaサ. For example, a hadith of the Prophet which requires a kafârah to an Arab Bedouin who reported to the Prophet that he had done a sexual intercourse during the day of the month Ramadan with his wife. The Prophet set a kafârah penalty for him by liberating a slave, or fasting for two consecutive months, or feeding 60 poor people.\(^\text{51}\) It is unclear about the true cause of the punishment, but the sentence provides a clue that a sexual intercourse during the day of the month Ramâdan with his wife (waṣa’t) that he had done is the ‘illat according to the majority of ulama, Malikiyah and Hanafiyyah scholars, on the other hand, did not consider waṣ as ‘illat, because according to them, the ‘illat is due to disrespect for Ramâdan. Such a difference also demonstrates that ‘illat mustanbaサ has high potential to cause different opinions among scholars.

One way to find ‘illat mustanbaサ is through al-sibr wa al-taqsîm method, which is by collecting a number of characteristics found in a legal basis and then choosing which one is suitable to be consider an ‘illat. Al-Ghazâlî argued that this technique is the most appropriate one (ṣâhih) to define ‘illat.\(^\text{52}\) According to Nurlailatul Musyafaah, the al-sibr wa al-taqsîm is a theory that is agreed by the whole usûl al-fiqh scholars.\(^\text{53}\) The theory is also different from the ‘illat search model in the al-manâث theory. Fahruddin Ali Sabri stated that the manâث theory, the possibility is that an ‘illat is available in a nasṣ, whereas in the al-sibr wa al-taqsîm, such a possibility is not available.\(^\text{54}\) For example, an exchange (barter) of six kinds of similar things in the

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\(^{50}\) Al Abû Ḥâmid Al-Ghazâlî, al-Mustasfa Min ‘Ilm al-Uṣul..., 289.

\(^{51}\) Al-Bukhârî, al-Jâmi’al-Musnad, Vol. 3, 160.

\(^{52}\) Abû Hâmid Al-Ghazâlî, al-Mustasfa Min ‘Ilm al-Uṣul..., 295.

\(^{53}\) Nurlailatul Musyafaah, “Ta’ilil Al-Akhâm Dari Masa Rasulullah Hingga Masa Ulama Ushûl”, Al-Jinâyah: Jurnal Hukum Pidana Islam, Vol. 2, No. 2 (2016), 233.

\(^{54}\) Fahruddin Ali Sabri, “Penetapan ‘Illat Al-Hukum Melalui Al-Manâθ Dalam Qiyâs”, al-Ihkam, Vol. 10, No. 1 (2015), 30-31.
same way would cause faḍl usury or riba faḍl, as in the hadith of Rasulullah peace be upon him: “Gold is to be paid for by gold, silver by silver; wheat by wheat, barley by barley, dates by dates, and salt by salt, like for like and equal for equal, payment being made hand to hand. If these classes differ, then sell as you wish if payment is made hand to hand. (Narrated by Imām Muslim).”

The things mentioned in the hadith are not the same items, because wheat which is one of the six types of the items can sometimes be main food and regular food. If the ‘illat is considered in the main then it is less accurate (in the view of Ḥanafiyah) because usury can also occur in salts that are not main food. It is also unsuitable because usury can also occur in gold and silver which are not food. In wheat there are three characteristics; its weight can be measured, it is a main food, and it is a kind of plant. In gold and silver there is only the first characteristic. It is based on this problem that mujtahid seek to find one characteristic that is the same as the all items. Finally, after examining carefully one characteristic, which is possessed by the all six items, is obtained that is the first characteristic, that all the six items can be measured, either with scales and dosages. Such a characteristic can be used as an ‘illat to establish the law of illicit exchanges of similar goods if the scale, the size and the dosage are not the same.

The discovery of law ‘illat like this is not meant only to explain what is mentioned by a nasṣ, but rather it is meant that it can be stretched to other types of objects that are not explicitly mentioned in a nasṣ. Thus, every object that is scalable and weighed cannot be exchanged when the quantity of the exchange is different, such as the exchange between rice, onions with onions, sugar with sugar, and so on. It is the method of the discovery of ‘illat mustanbaṭah with the al-sibr wa al-taṣsim theory that will be applied in finding the eighth ‘illat of the people who have the right to receive the zakāh (mustahiq).

The Establishment of Islamic Centers in the Study of ‘Illat of Maqāṣid

Those who have the right to receive the zakāh are limited by Allah to eight groups only. This limitation is obtained by the word ِإِمَّا (only) found in the beginning of Surah al-Taubah [9]: 60. Thus, zakāh is only given to the destitute, the poor, the zakāh committees, new converts, slaves, debtors, fi sabi’llilāh, and travellers. There are no other groups are entitled to receive the zakāh except the aforementioned ones, either in the Qur’an or the traditions of the Prophet peace be upon him. This demonstrates that only eight groups are called mustahiq, or other groups may be included as an extension of the meaning of the eight aṣnāf by looking at the study of law ‘illat.

As mentioned earlier, some scholars, in particular the contemporary scholars, argue that the extension of the meaning of fi sabi’llilāh is not only related to jiḥād and all the necessities of jiḥād, but to interpret it by safeguarding religious interests other than that, as for the construction of Islamic Centers, and other public facilities. Such stance of course also has its own reasons and with different studies. In accordance with the theme of writing, this study will focus on the analysis of ‘illat by looking at the relation of the study with mâqāshid al-syari’īah.

Allah the Exalted does not mention clearly the reason for the entitlement to the eight aṣnāf to receive the zakāh. The interest to search for

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55 Muslim, Musnad al-Šahih..., Vol. 3, 1210.
the ‘illat is certainly related to the development of Islamic law and to answer other unspecified groups. Taking for example in research there is a question as to whether security guards may receive the zakāh,\(^{56}\) whether teachers are entitled to zakāh,\(^{57}\) whether orphans are entitled to zakāh\(^{58}\) and so on. These questions of course have to be answered by Islamic jurists by performing ijtihād. One way to do this is to examine law ‘illats contained in the verse and to search for the possibility of being exposed to the the aspects being questioned.

Owing to the absence of the mention of law ‘illat in Surah al-Taubah [9]: 60, then the search for an ‘illat here includes ‘illat mustanbaṭah. Therefore, even if the ‘illat is there, of course it is found by al-sibr wa al-taqsīm research. In the terminology of ʿṣīl al-fiğh, al-sibr means testing a suitable characteristic to be an ‘illat, while al-taqsīm limits the nature of the characteristics chosen to be the ‘illat.\(^{59}\) In other words al-sibr wa al-taqsīm compiles a number of characteristics contained in a legal requirement and then chooses which of them is appropriate to be an ‘illat. Al-Ghazâlî said that this way is the most appropriate way (shahîh) to define a law ‘illat.\(^{60}\)

Regarding the ‘illat of the eight people who have the right to receive the zakāh contained in Surah al-Taubah [9]: 60, it is seen that the verse is a complete unity, which is the same as the hadith of the Prophet mentioning different objects and prohibiting exchanging similar objects if the quantity is not the same as it can cause faḍl usury. From the previous discussion it is found an ‘illat mustanbaṭah of the hadith that the similarity of the objects lies in the state of the objects can be weighed or scaled. When the method is applied to the search of the ‘illat of the eight people who have the right to receive the zakāh mentioned in the Qur’an, there are at least three alternatives that may trigger the provision. First, they are people who need funds to escape from attachment to others. Second, they are people who need funds to fight for religion. Thirdly, they are people who need funds for their living expenses. With these three characteristics one of them, which is more general and can be applied to all the criteria mentioned in a naṣṣ, is chosen.

For the first characteristic, it seems that only two asnāf who fulfil it, the people who are indebted and the slaves, because they need funds to release themselves from attachment to others, while the others do not fulfil that characteristic. As for the second characteristic, it seems that only fi sabilillâh can fulfil it, while the others do not. The third characteristic, according to the author, possibly belongs to the all asnāf. This is because in a whole naṣṣ condition there is no possible underlying reason. The purpose of finding such a reason is to extend the scope of the naṣṣ to other forms that are not mentioned by the naṣṣ.

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56 See Abdul Rozak, “Pemaknaan Fisabilillah Untuk Petugas Keamanan (Satpam) Sebagai Mustaḥik Zakat di Perumahan Taman Pondok Jati Sidoarjo”, Malsiyah, Vol. 6, No. 2 (2016), 1356-1373.

57 See Aan Zainul Anwar, “Zakat dan Kesejahteraan Guru Agama di Pondok Pesantren dan Madrasah Diniyah”, Jurnal Dinamika Ekonomi & Bisnis, Vol. 9, No. 2 (2012), 53-60.

58 See Ilham Dani Siregar, “Anak Yatim Sebagai Mustaḥik Zakat di Kecamatan Sipirok Kabupaten Tapanuli Selatan”, At-Tafâham: Journal of Islamic Law, Vol. 1, No. 2 (2017), 1-11.

59 ‘Abd al-Ḥakîm ‘Abd al-Raḥmān As‘ad al-Sa‘dî, Mabâhîş al-‘Ilâhî fi al-Qiyâs ‘Inda al-Uṣâlîyyîn, cet. 3 (Beirut: Dâr al-Bāsî‘ir al-Islâmiyyah, 1987), 444.

60 Abû Ḥâmid al-Ghazâlî, al-Mustażafl Min ‘Ilm al-Uṣûl, Vol. 1..., 295.
Therefore, the characteristic chosen as an ‘illat from the mention of the eight ashnaf in the above verse is the one which applies to all the asnāf, namely those who need funds for their daily needs.

According to the author, the reasons for the determination of the last characteristic (people who need funds for living expenses) as an ‘illat can be explained as follows:

First; the destitute, it is a person who has no property at all and does not even have a job, so he cannot afford his daily needs. It is the meaning agreed upon in the Syāfi’i dan Hanbali’s school, even being destitute is a worse condition than being poor. Meanwhile, according to al-Ṭabarî, as quoted by Atabik, the destitute are the ones who need help for their lives but they do not want to ask for help as a means to protect their dignities. The zakâh fund channelled to them will greatly help overcome their difficulties, especially for their needs for food (eating and drinking).

Second, the poor, that is, people with little wealth, but the wealth is not enough to meet their daily needs, especially needs for food. Dede Rodin argued, as quoted by Ali Yafie, that the poor do not have any property at all, even if they do have it but only a little. In addition, they also have jobs, but the jobs and their possessions are not enough to meet their basic needs. The point is that the poor are people who need help to meet the needs of their lives.

The zakâh committee (āmil al-zakâh); are the people who work to take care of zakâh property. In theory, this group works full-time and does not have an opportunity to look for other jobs. Therefore, logically the cost of their lives is borne by zakâh. It is certain that with the zakâh funds they fulfil their daily needs, especially their basic needs. According to Syahril Jamil, as quoted from Hasbi Ash Shiddieqy, a committee may be from the rich. The funds they receive from zakâh are their wages which are used to meet their needs, even though being rich, they still desire their wages. It means that a committee still needs funds for his life, especially if his condition is poor.

Fourth; muallaf, which is generally understood as new converts or people who are persuaded to convert to Islam. According to the custom, when a person converts and embraces Islam, he will be set aside, expelled, and treated badly by his family. As a consequence, he has no place in his life. This is always the case in the time of the Messenger of Allah (PBUH), where people who embraced Islam would be expelled by their families from their homes without being able to take their properties. Despite the many classifications of muallaf according to scholars, the reality is that a muallaf is an individual who needs the help of Muslims to continue his life.

Fifth; slaves, are people who are usually legally owned by someone due to losing a war or being possessed through a trade. No one in this world is willing to be enslaved by anyone.
but to be free from slavery, a slave sometimes has to pay ransom to his master, as the ransom given by Abū Bakar (d. 13 H) to liberate Bilāl ibn Rabah (d. 20 H). With that ransom slaves can live a free life like any other human being, and can strive to possess wealth and fulfil the needs of life. Therefore, they desperately need help to liberate themselves from slavery.

Sixth; the debtors; are people who need help to pay off their debts. A person usually owes some money for productive purposes in order to meet his or her basic needs, or he willingly owes the money for primary consumptive needs. When he is constrained to pay off his debt, zakâh fund is essentially able to help him meet the needs of his life.

Seventh; fi sabīlillāh, are those who fight in the way of Allah. According to M. Sarbini, in its development, when warfare in the name of religion (jiḥâd) no longer exists, the meaning of the word fi sabīlillāh is expanded to those who fight in the path of Allah in the forms of da‘wah (missionary), thoughts, education, and so on.66 Rashid Riḍā, one of the contemporary scholars, said that fi sabīlillāh with the meaning of jiḥâd is still a fundamental meaning and all the facilities needed in the jiḥâd. Nowadays, that meaning can be developed by sending people to preach and finance their needs, and also to finance teachers who teach some knowledge, although for this aspect Rashid Riḍā requires the teachers are not from the rich class.67 Furthermore, the Indonesian Ulama Council in its fatwa stated that the term fi sabīlillāh can also be interpreted by giving scholarships to students.68

Regardless of the different opinions among scholars in developing the meaning of fi sabīlillāh, one thing that needs to be emphasized here is that whatever the forms and ways of struggle, the goal of zakâh is still for individuals who fight for the religion of Allah and to fund the activities needed to elevate the religion of Allah (li i‘lā kalimatillāh). Such a commitment is intended in order that the struggle of those who develop Islam is not halted just because their basic needs are not fulfilled. Therefore, facilitating people who make great efforts for the religion of Islam in the various aspects mentioned above is to ensure that they continue their struggle without being disturbed by the insistence of their life needs. Thus, the target of zakâh for this group is still related to fulfilling one’s needs.

Eighth; Iḥn Sāḥīl, are people who are on a journey with an interest that is not immoral, but are constrained due to insufficient costs. The costs referred to here of course include all kinds of needs on the trip, especially basic needs. Thus, when the ‘illat is the urgent need for funds for meeting life’s necessities, thus distributing zakâh that is not for the benefits of human’s life (hifz al-nafs) seems to be incompatible with the reason of al-syārī’. That is, the discussion about zakâh is a discussion about overcoming economic difficulties of society because the aim of zakâh is economic welfare of individuals in society. Therefore, when zakâh is used to build mosques or Islamic Centers, it seems that it is not in accordance with the objectives of al-syārī’ in determining the law of zakâh. In addition, the finding of

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66 M. Sarbini, “Tafsir Fi Sabilillah dan Implikasinya Bagi Cakupan Fi Sabilillah Sebagai Mustahiq Zakat”, Al Maslahah, Vol. 6, No. 1 (2018), 17-20.
67 Siti Tatmainul Qulub dan Ahmad Munif, “Pemaknaan Fi Sabilillah Sebagai Mustahik Zakat Menurut Ulama Kontemporer”, Jurnal Bimas Islam, Vol. 8, No. 4 (2015), 618-619.
68 Siti Tatmainul Qulub dan Ahmad Munif, “Pemaknaan Fi Sabilillah Sebagai Mustahik Zakat Menurut Ulama Kontemporer”,…, 623.
a law ‘illat like this is not only intended to explain what is mentioned by a näss, but further intended to be stretched to other forms of conditions which are not explicitly mentioned in a näss (‘illat muta’addiyah).

Muh. Nashirudin, as what he understood from ibn Qayyim al-Jauziyah, said that the ‘illatization process of a law must be correlated with the benefits to be obtained. An ‘illat cannot stand alone to declare the existence and absence of a law, but it must identify the realization of benefits and the avoidance of humans from mafsadah. The benefits referred to in the maqāṣid al-syari’ah must be returned to the mašlahah agreed upon by the majority of scholars, namely the mašlahah that is in accordance with the wishes of Allah (qasd al-Syārī’). At least that is what was described by Al-Ghazâlî and al-Syaţibi and was followed by the majority of scholars afterwards. Basing a law solely by looking at mašlahah (wisdom), according to Jasser Auda, is a secondary goal, while basing a law by adhering to an ‘illat is a fundamental benefit of a law determined by al-Shari’ and believed by mujtahid.

Regarding the meaning of the word fi sabil-lillâh, the mufassir generally interpret it as people who need help to fight against the enemies of Allah. Although there are other meanings, their development is not agreed upon to make buildings that are not directly related to jihâd. From this description the author concludes that the distribution of zakâh is aimed to fulfil individual needs, for the purpose of living life in this world or to defend this religion from the attacks of the enemies of Islam through various activities in order to elevate the religion of Allah, whether it is to cover the costs of war, costs da’wah, the costs of Islamic education, and so on, which is aimed at individuals who are active in those fields. It appears that this is the purpose of al-Syârī’ to establish legal provisions for people who are entitled to receive the zakâh, not to erect a building. Thus, without reducing the meaning of the quite diverse thoughts of scholars, this study of ‘illat by the method of al-sibr wa al-taqsim concludes that zakâh is only intended to fulfil individuals’ needs in the eight asnâf, not to build mosques or Islamic centers. According to the author, this is the mašlahah that Allah wants when establishing the law which is in accordance with maqāṣid al-syari’ah. To build mosques and Islamic Centers, on the other hand, there are rules that are more certain, namely through waqf, infaq, and other general charity institutions.

**Conclusion**

The study of maqāṣid al-syari’ah aims to produce mašlahah in every stipulated law. One of the main tools in studying maqāṣid al-syari’ah is ‘illat, which is the reason behind the stipulation of a law. In the matter of the people who have the right to receive the zakâh, Allah the Exalted does not mention ‘illat explicitly, thus giving rise to differences in the interpretation of scholars in conducting studies on the development of the people who have the

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69 Muh. Nashirudin, “Ta’lîl al-Ahkâm dan Pembaruan Ushul Fikih”, Ahkam, Vol. 15, No. 1 (2015), 25.
70 Muh. Nashirudin, “Ta’lîl al-Ahkâm dan Pembaruan Ushul Fikih”..., 24.
71 Read the full version in Abu ‘Abdillah Muham - mad ibn Ahmad ibn Abi Bakr al-Qurtubi, al- Jâmi’ al-Ahkâm al-Qur’ân, cet.2, Vol. 8 (Kairo: Dâr al-Kutub al-Mishriyah, 1964), 185; Muhammad ibn Jarîr al-Tabariy, Jâmi’ al-Bayyân fi Tafsîr al-Qur’ân, cet.1, Vol. 14, (Mesir: Muassasah al-Risâlah, 2000), 319; Abu al-Fida’ Ibn Kaşir al-Qurasî, Tafsîr al-Qur’ân al- ‘Azîm, cet. 2, Vol. 6, (ftp); Dâr al-Thaibah li al-Nasyr wa al-Tawzi’, 1999, 591.
right to receive the zakāh. The study of ‘il-lat demonstrates a reason for giving the zakāh as a means to fulfil the needs of individuals in accordance with their different conditions. Furthermore, the purpose of the zakāh is to prosper the people who have the right to receive the zakāh economically, and herein lies the mašlahah to be manifested in the maqāṣid al-syari’ah. The development of fi sabīlillāh meaning in the construction of places of worship and Islamic Centers is not in accordance with the acquired at il-lat, namely to fulfil the interests of the people who have the right to receive the zakāh. But developing its meaning to finance a person’s da’wah struggle, hire teachers, or provide educational scholarships, is a more suitable meaning with maqāṣid al-syari’ah.

References

Journals

Anwar, Aan Zainul. “Zakat dan Kesejahteraan Guru Agama di Pondok Pesantren dan Madrasah Diniyah.” Jurnal Dinamika Ekonomi & Bisnis, Vol. 9, No. 2, 2012.

Aprilianto, Dwi. “Fleksibilitas Hukum Islam Berdasarkan Il Mat dan Maslahah.” Akademiaka, Vol. 9, No. 1, 2015.

Assaad, Hj. A. Sukmawati. “Kehujjahan Maqashid Al-Syari’ah.” Al-Ahkam, Vol. 5, No. 2, 2015.

Atabik, Ahmad. “Peranan Zakat Dalam Pengentasan Kemiskinan.” Ziswa, Vol. 2, No. 2, 2015.

Aziz, Jamal Abdul. “Dekonstruksi Paradigmatik Pengembangan Zakat: Analisis Kritis Pemikiran Yusuf al-Qaradawi.” Ijtihād Jurnal Wacana Hukum Islam dan Kemanusiaan, Vol. 17, No. 2, 2017.

Busyro. “Bom Bunuh Diri Diri Dalam Fatwa Kontemporer Yusuf al-Qaradawi dan Relevansinya Dengan Maqāṣid al-Syari’ah.” Ijtihād Jurnal Wacana Hukum Islam dan Kemanusiaan, Vol. 16, No. 1, 2016.

Habibullah, Eka Sakti. “Implementasi Pengelolaan Zakat Pada Ashnaf Fi Sabilillah (Studi Ijtīhād Ulama Klasik dan Kontemporer).” Al-Maslahah, Vol. 3, No. 5, 2015.

Hasan, Muhammad. “Pengamalan dan Pengelolaan Zakat Berbasis Kearifan Lokal (Studi di Masyarakat Kampung Sanggau).”, Al-‘Adalah, Vol. 12, No. 4, 2015.

Jamil, Syahril. “Prioritas Mustahik Zakat Menurut Teungku Muhammad Hasbi Ash Shiddieqy.” Istinbath, Vol. 14, No. 16, 2015.

Karim, Abdul, “Dimensi Sosial dan Spiritual Ibadah Zakat, Ziswa Jurnal Zakat dan Wakaf, Vol. 2, No. 1, 2015.

Musyafaah, Nurlailatul. “Ta’līl al-Ahkām Dari Masa Rasulullah Hingga Masa Ulama Ushūl.” Al-Jināyah: Jurnal Hukum Pi-dana Islam, Vol. 2, No. 2, 2016.

Nashirudin, Muh. “Ta’līl al-Ahkām dan Pem-baran Ushul Fikih”, Ahkam 15, No. 1, 2015.

Qulub, Siti Tatmainul & Ahmad Munif. “The Meaning of Fi Sabīlillah as a Mustahik Zakat according to Contemporary Ulama.” Jurnal Bimas Islam, Vol. 8, No. 4, 2015.

Rodin, Dede. “Rekonstruksi Konsep Fakir dan Miskin Sebagai Mustahik Zakat.” Ijtihād Jurnal Wacana Hukum Islam dan Kemanusiaan, Vol. 15, No. 1, 2015.

Rozak, Abdul. “Pemaknaan Fisabilillah Untuk Petugas Keamanan (Satpam) Sebagai Mustahik Zakat di Perumahan Taman Pondok Sidoarjo.” Maliyah, Vol. 6, No. 2, 2016.
Sabri, Fahruddin Ali. “Penetapan ‘Ilmat al-\( \text{Hukm} \) Melalui Al-Manâth Dalam Qiyâs.” \textit{al-Ihkam}, Vol. 10, No. 1, 2015.

Sarbi, M. “Tafsir Fi Sabilillah dan Implikasinya Bagi Cakupan Fi Sabilillah Sebagai Mustahik Zakat.” \textit{Al Maslahah}, Vol. 6, No. 1, 2018.

Sarif, Akbar dan Ridzwan Ahmad. “Konsep Maslahat dan Mafsadah Menurut Imam al-Ghazali.” \textit{7VDTDIDK-XUQDO3HUDGDEDQ}, Vol. 13, No. 2, 2017.

Siregar, Ilham Dani. “Anak Yatim Sebagai di Kecamatan Sipirok Kabupaten Tapanuli Selatan.” \textit{0XWDÊLN=DNDW}, Vol. 1, No. 2, 2017.

Sukiati. “Pengalihan Zakat Fisabilillah Untuk Kepentingan Umum Menurut Yusuf al-Husaini.” \textit{KXP-RXUQDORI,VODPLF/DZ}, Vol. 2, No. 1, 2015.

Al-Bukhârî al-Ja’fî, Muhammad ibn Ismâ’il Abu ‘Abdillâh, al-Jâmi’ al-Musnad al-\( \text{Şâhîh} \) al-Mukhtar \\( \text{min} \) Umûr Rasûlillah SAW wa Sunanuh wa Ayyâmuh. Vol. 2. Dâr al-\( \text{Thawwâf} \) al-Najâh, [tth].

Al-Ghâzâlî, Abû Hâmid. \textit{al-Mustasfâ Min ‘Ilm al-Uṣûl}, Vol. 1 & 2, Beirut: Dâr al-Fikr, [t.th].

Al-Khâlîfî, Riyân Manşûr. \textit{al-Maqâṣid al-syari’ah} wa Atsaruḥâ fi Fiqh al-Mu ‘āmalât al-Milikyyah. Kuweit: Maktabah al-Istisyârât al-Syâ’iyyah, 2004.

Al-Naisabûrî, Muslim ibn al-\( \text{Hajj} \) Abû al-\( \text{Hasan} \) al-Qusayari. \textit{Musnad al-\( \text{Şâhîh} \) al-Mukhtar \( \text{bi} \) Naql al-‘adl Ilâ Rasûlillah SAW}. Vol. 1. Beirut: Dâr Ihyâ’ al-Turâṣ al-‘Arabi, [tth].

Al-Qarâdâwî, ‘Abd al-Rahmân Yûsuf ‘Abdul-lah. \textit{Naṣâriyâh Maqâṣid al-Syari’ah Bain Syaikh al-Islâm ibn Taimiyah wa Jumhûr al-Uṣuliyyîn Dirâsah Muqâranah Min al-Qur’ân al-Khamis ila al-Quran al-sâmin al-Hijri}. Cairo: Universitas Cairo, 2000.

Al-Qarâdâwî, Yûsuf. \textit{Dirâsah fi Fiqh Maqâṣid al-syari’ah} Bain al-Maqâṣid al-Kullîyyah wa al-Nuṣûs al-Juz’iyyah. Cairo: Dâr al-Syurûq, 2008.

Al-Qarâdâwî, Yûsuf. \textit{Fi Fiqh al-Aqallîyyâh al-Muslimah}. Cairo: Dâr al-Syurûq, 2001.

Al-Qarâdâwî, Yûsuf. \textit{Fiqh al-Zakâh Dirâsah Muqâranah li Aḥkâmihâ wa Falsafatihâ fi Dau’ al-Qur’ân wa al-Sunnah}. Vol. 2. Beirut: Mu’assasah al-Risâlah, 1973.

Al-Qarâdâwî, Yûsuf. \textit{Min Hadyî al-Islâm Fatâwa Mu’aṣirah}. Cet. 3. Vol. 2. Manşûrah: Dâr al-Wafâ’ al-\( \text{Tabâ} \)’ah wa al-Nasyr wa al-Tawzi’, 1994.

Al-Qurasîyî, Abu al-Fida’ ibn Kasir. \textit{Tafsîr al-Qur’ân al-‘Azîm}. Cet. 2. Vol. 6. [tt]; Dâr al-Thaibah li al-Nasyr wa al-Tawzi’, 1999.

Books

Al-\( \text{Âmidî} \), Saif al-Dîn. \textit{al-Iḥkâm fi Uṣul al-\( \text{Aḥkâm} \)}. Vol. 3. Beirut: Dâr al-Fikr, 1981.

Al-Baiḍâwî, Qâdî. \textit{Syarî al-Baiḍâwî wa Syarî al-Asnawi}. Vol. 5, ([T.Tp], [t.th].

Vol. 19, No. 1, Juni 2019
Al-Qurṭubi, Abu ‘Abdillah Muhammad ibn Ahmad ibn Abi Bakr. al-Jāmi‘ al-Ahkām al-Qur‘ān. Cet.2. Vol. 8. Kairo: Dār al-Kutub al-Mishriyah, 1964.

Al-Sa‘dī, ‘Abd al-Ḥakīm ‘Abd al-Raḥmān As‘ād. Mabāhiṣ al-‘Ilāh fī al-Qiyyās ‘Inda al-Uṣūliyyīn. Cet. 3. Beirut: Dār al-Bāsā’ir al-Islāmiyyah, 1987.

Al-Ṭabarī, Muhammad ibn Ja‘īr. Jāmi‘ al-Bayān fī Tafsīr al-Qur‘ān. Cet.1. Vol. 14. Mesir: Muassasah al-Risālah, 2000.

Al-Tirmīzī, Muhammad ibn ‘Isā ibn Saurah ibn Mūsa ibn al-Dāhāk. Sunan al-Tirmīzī. Vol. 1. Mesir: Muṣṭafā al-Bābī al-Halabī, 1975.

Al-Zuhaylī, Wahbah. Usūl al-Fiqh al-Islāmi. Vol. 1. Beirut: Dār al-Fikr al-Mu‘āṣir, 1986.

Haroen, Nasrun. Ushul Fiqh. Jakarta: Logos, 1996.

Majma‘ al-Lughah al-‘Arabiyah. Mu‘jam al-Wajīz. Mesir: Wizārah Tarbiyah wa Ta‘lik, 1993.

Ṣābiq, Sayyid, Fiqh al-Sunnah. Vol. 1. Beirut: Dāl al-Fikr, 1983

Sya‘bān, Zakiy al-Dīn, Uṣūl al-Fiqh al-Islāmī. Kairo: Dār al-Ta‘līf, 1964.

Syarifuddin, Amir, Ushul Fiqh 1. Jakarta: Logos, 1997.
