

**THE ZAKAT OF CRAB TRADING ACCORDING TO IMAM ASY-SYAFI'I AND IMAM IBN HAZMIN (A CASE STUDY OF TANJUNGBALAI ASAHAH)****By :****Munawwir Ramadhan****Fachrur Rozifaidila****Muhammad Yusnar**

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**Abstract**

This research is entitled The Zakat of Crab Trading according To Imam Asy- Syafi'i and Imam Ibn Hazm (A Case Study of Tanjungbalai Asahan). Alms is one of Islamic pillars. Our worship will be accepted by Allah SWT, our wealth will be cleaned from dirty. Generally, there are three animals allowed for animal alms, such as cows, goats, and camels. Other than those animals are optional. How about crab trading as alms? This crab trading alms was proposed by UD SULTAN enterprise located in Tanjungbalai Asahan. The owner said that paying alms was a mandatory. He does it every year. I choose this topic for my article by analyzing it from two different points of view from Imam Syafi'i and Imam Ibn Hazmin. The method used in this research was Library Research to see how the trading was practiced in the society and comparative method to compare two mazhab experts opinion. The data collection was done through an interview and related books as references.

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*Keywords :*

Imam Mazhab; Zakat  
Tijarah; Crab Trading.

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**1. BACKGROUND**

Alms or Zakat is a wealth taken outside in Syara'. Zakat from Islamic points of view does not decrease our wealth but that is opposite. It increases our wealth, clean it from dirt, keep us away from bad lucks, and get us closer to support poor people. Zakat can eliminate the discrepancies between poor and rich.

A rich man with a leadership skills can easily put his assets on great business based on his interest. However, bad social competence intimidates poor people. To solve this problem, a fair contribution system pushing the sense of caring to each other should be implemented (Al Aghniya) to Fuqara, Masakin, etc. One of his social care acts is in paying Shadaqah and Zakat.

Zakat is giving property as an obligation. Whereas, Shadaqah is giving property as Sunnah. Both of them are Ibadah. In economic concept,

both are one of the wealth distributions between Humans (Tauzi'u Al Tsarwah). The distribution is not from an economic transaction. A shortcut is needed for the contribution called zakat. Since it forces to share Muslims properties to people who need it.<sup>1</sup>

In every command that Allah SWT orders, there is a big secret behind it. It benefits human philosophically in conservation. One of those secrets in Syari'at Az Zakah is mentioned in Alquran as follows:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُنَزِّهُمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكُمْ سَكُنٌ لَّهُمْ وَاللَّهُ سَمِيعٌ عَلَيْهِمْ (١٠٣)

The meaning : 103. "Take Sadaqah (alms) from their wealth in order to purify them and sanctify them with it, and invoke Allah SWT for them. verily! Your invocations are a source of security for them and Allah SWT

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<sup>1</sup>Muhtar Sadili, *Problematika Zakat Kontemporer Artikulasi Proses Social Politik Bangsa* (Jakarta: Forum Zakat, 2003), p. 120 – 123.

is all Hearer and Knower". (QS. AT TAUBAH/ 9: 103).<sup>2</sup>

If we learn the historical background of that verse, One of them is explained by Abu Syekh and Ibnu Mandah in book of "Ash Shahaabah ". Both of them are narrated from Ats Tsauri, Al A'masy, and Sufyan from Jabir R.A. because 6 Rasulullah Saw companions left in Tabuk war. They Are ( 1 ) Abu Lubaabah, ( 2 ) Aus Bin Khadzdzaam ( 3 ) Tsa' Labah Bin Wadii'ah, ( 4 ) Ka'ab Bin Malik (5) Mararh Bin Rabi' and ( 6 ) Hilal Bin Umayah. They feel it was wrong not to join the war with no uzur. So Abu Lubaabah, Aus Bin Khadzdzaam and Tsa'labah Bin Wadii'ah tied themselves and gave their properties. They promised not to free the bonds except Rasulullah Saw did it. After Rasulullah SAW come back from Tabuk war they say to Rasulullah "oh Rasulullah, please receive this property as ransoms that we were absent in Tabuk war without uzur". Rasulullah saw answered "I will not receive your properties and free your bounds before the new war come ". So this verse fell down and Hadits transmission of this Hadits is strong.<sup>3</sup>

That incident was happened in 2 H. Based on the information, before it was sent, Islam had not taught Syari'atu Zakat. Moslem societies had not known what Zakat was. In other words, Surat at Taubah: 103 is the first verse commanding zakat. Therefore, it is always called as zakat verse.

If we focus to that historical background of verse, we can conclude that:

1. Rasulullah SAW are commanded to take zakat as parts of properties submitted by Abu Lubaabah, Aus Bin Khadzdzaam And Tsa'labah Bin Wadii'ah.
2. Zakat is just functioned as self cleaning and self purifying for those who did not to follow the war without uzur.
3. As Zakat receiver, Rasulullah SAW is commanded to give a prayer to zakat payers.
4. That du'a functions as calms and soothes to Zakat payer.
5. Allah SWT hears and knows zakat payer and receiver of zakat.

<sup>2</sup>Muhammad Muhsin Khan and Muhammad Taqiuddin Alhilali, *the Noble Qur'an* (Alhuda: Depok), p. 389. See also Mhd. Syahnun, *Contemporary Islamic Legal Discourse* (Medan: IAIN Press, 2010), pp. 110-13.

<sup>3</sup>Jalaluddin as Suyuti, *Lubaabun Nuquul Fii as Baabin Nuzuul*, vol. 1 (Cairo: Darut Taqwa), p. 195.

<sup>4</sup>Nipan Abdul Halim, *Mengapa Zakat Disyari'atkan* (Bandung: M2s Bandung, 1999), p. 17 – 19. For discussion in a wider context of zakat and

That's the definitions of Zakat if we see from Asbabun Nuzul. However, we know that Qur'an and Hadits are not just in the pure of the words. It's explained in Ushul Fiqh.

العبرة بعموم النط لخصوص السبب

The meaning :"The lessons (from verse and hadits ) is taken from his global word, not from particular cause".<sup>4</sup>

In this article, I'd like to research Mangrove Crabs. The main topic is for the zakat at tijarah. As we all know Mangrove Crab (Scylla Serrate) or Mud Crab is one of natural recourses that is very important for the economic value. The usages of these commodities are increasing, for consumption in the country and abroad.

In the country, they are marketed in traditional market, supermarket, restaurant, hotel, cottage, or even in international place. Indonesia's mangrove crab are exported to Japan, Hongkong, Singapore, South Corea, Australia, Taiwan, Malaysia, France, United State of America etc.

In Tanjungbalai there are many entrepreneurs of crab trading. They sold it to societies, internal factories such as PTP, PSI, KML etc. These entrepreneurs sell it to abroad countries too.

Abdur Rahim,<sup>5</sup> has an enterprise named UD SULTHAN. He has 25 employees in small enterprises, 70 employees in big enterprises, and 5 employees in bigger enterprises. These enterprises use crab rajungan to be processed. The workers remove crab meat from hard skin after being poached. Then it is canned. They can produce 300 kg meats or 300 canned tins per day. 1 kg meat fits 1 canned tin. It costs Rp. 180.000. In a month, it can produce 900 canned crabs. He always gets 30 millions in a month as the profit. In a year he gets 360 millions. His enterprise has strong cooperation with PT Toba industry, Medan. The canned tin are sent to this company. From this cooperation, the canned tins are exported to Asia, Afrika, Europe, and America.

He said that he knew about Zakat of animals, and He realized that there is no zakat from his crab animal. However He paid zakat every year from the

interest See generally Syahnun, Mhd. "Modern Qur'anic Exegesis and Commercial Contracts: A Comparative Study of Rashid Ridha's and Sayyid Qutb's Interpretation of Some Riba Verses." *Jurnal Miqot*, (Nov-Dec, 1997): 15-23.

<sup>5</sup>Interview with Abdur Rahim (crab trader) on Friday 05.00 Pm in his home place, Bagan Asahan Tanjungbalai Asahan. He is an entrepreneur age 46, He was born in 1974.

results of the crab trading. He pays by using 2.5 % from the profits. In a year the income can reach 360 million. Therefore, He pays zakat as much as 9 million from it. If we see from Fiqh perspective, he has got that Nishab and Haul which obligate him to pay Zakat. The problem is there is no zakat from the crab. He said that it is from the trading zakat, not from animal zakat.

The upgrading of this crab marketing is proper, since it is very delicious with high vitamin. People eat it comfortably. This is the main reason why having crab trading business brings a lot of benefits.<sup>6</sup>

Faidol Anwar,<sup>7</sup> said that actually society still need guidance in distributing their wealth for society. They do not know about Zakat. Moreover, crab is rarely discussed for zakat in wealth.

He said Imam Syafi'i did not permit crab as Zakat, but in its trading. He mentioned that we can get an information about it in many classic books which are relevant to Imam Syafi'i such as in the book of I'anat At Tholibin.

Whereas Hajarul Aswadi,<sup>8</sup> said that society in Tanjungbalai has not been socialized well about types of Zakat. Sadly, he also said the entrepreneur is still reluctant to pay Zakat.

He also said Imam Ibnu Hazmin is in school Zhahirah, which is a simple school. Imam Ibnu Hazmin was also a temperament man. He did not care if people oppose him. He wrote many books. People who did not like his thinking would come to him, and burned those books. Imam Ibnu Hazmin was very angry. He finally said "that's okay, they burned my books but not my thinking, so I can write it again".

After that, Hajarul Aswadi said that in Imam Ibnu Hazmin thinking, Zakat of Livestock was only For Goat, Camel, and Cow. Other is nothing. He also said that Zakat at Tijarah is one of the ways to argue Rasulullah SAW, Because Rasulullah SAW never pays Zakat at Tijarah.

Talking about crab imam Syafi'i said there is No zakat for crab in his book, but if there are so many results from it. It goes to zakat at tijarah of crab and Syafi'iah recognize it. Imam Syafi'i explained that Rasulullah did not take zakat from

<sup>6</sup>Ghufran Kordi, *Budidaya Kepiting Bakau* (Semarang: Aneka Ilmu), p. 1.

<sup>7</sup>Interview with Faidol Anwar on 01 March 2020 at 10.10 Am. in his home place, Teluk Nibung Tanjungbalai. He is one of Dai' who knows about Imam Syafi'i and he is Syafi'iah. He is one of employee in religion minister, and one of chairman of BAZNAS in Tanjungbalai.

some of this. One of them is Horse. We can see it from this statement of Imam Syafi'i.<sup>9</sup>

وكان الناس ماشية من خيل وحمر وبغال وغيرها، فلما لم يأخذ رسول الله صلى الله عليه وسلم منها شيئاً وسن أن ليس في الخيل صدقة

The meaning : "And for human, the livestocks from Horse, Donkeys, Mules and such things. Then Rasulullah SAW did not take from them. He said that horse is not for zakat."

So, it's clear that there is no zakat from Horse. because Rasulullah saw did not take it. We can connect it to crab. We could not see Rasulullah eat crab, because in Rasulullah Saw place there is no crab at that time.

Imam Syafi'i make this decision because Rasulullah SAW said in his hadits and written in his Al Umm:

أخبرنا الربيع قال أخبرنا الشافعي قال أخبرنا مالك وابن عيينة كلاهما عن عبد الله بن دينار عن سليمان بن يسار عن عراك بن مالك عن أبي هريرة أن رسول الله - صلى الله عليه وسلم - قال: «ليس على المسلم في عبده ولا في فرسه صدقة»

The meaning : Rabi' reported us said, Syafi'i reported us said, Malik and Ibn 'Uyaynah reported us said, from 'Abdillah bin Dinar from Sulaiman bin Yasar bin 'Irak bin Malik from Abu Hurairah that Rasulullah SAW said : "There is no an obligation for Moslem in his Servants and for his Horse to give a zakat".

Crab is one of livestocks in Indonesia. We can survive them, gain a lot money. Sophisticated technologies make it possible to develop and promote this animal. However, crab is not in type of obligation. Camel, Cow, and Goat are the livestocks to input. We can see this from Imam Syafi'i explanation in Al Umm.<sup>10</sup>

(قال الشافعي) : فلا زكاة في خيل بنفسها ولا في شيء في الماشية عدا الإبل، والبقر، والغنم بدلالة سنة رسول الله - صلى الله عليه وسلم - ولا صدقة في الخيل فإنما لم نطعمه - صلى الله عليه وسلم - أخذ الصدقة في شيء من الماشية غير الإبل، والبقر، والغنم

The meaning: Imam Syafi'I said: "There is no Zakat in Horse by itself and no one from

<sup>8</sup>Interview with Hajarul Aswadi on Sunday 01 March 2020, at 08.10 Am. in his homeplace, Datuk Bandar Tanjungbalai. He is a Chairman of Fatwa MUI Tanjungbalai, and He knows a lot about Imam Ibnu Hazmin.

<sup>9</sup>Muhammad Bin Idris Asy-Syafi'i, *Al Umm*, vol. 2 (Beirut: Darul Ma'rifah), p. 8. Further discussion on Asy-Syafi's legal theory see

<sup>10</sup>Imam Syafi'i, *Al Umm*, vol. 2, p. 49.

livestock except Camel, Cow, and Goat with guidance from Rasulullah SAW. And there is no Zakat in Horse. We did not know. He never took Zakat as livestock except Camel, Cow, and Goat".

So, In Imam Syafi'i points of view there are conclusions:

1. Tithe obligation only for Goat, Cow, and Camel.
2. There is no tithe for animals except the above such as Horse, Crab, Antelope, Cat, Fly, Spider, Crocodile, Elephant, Snake, etc.
3. If those animals are sold (for obligation tithe the animal, and non obligation), the trading results is a Tithe. They are called as Zakat Tijarah or Trading Tithe. It is only because of the trading, not the type.

If we compare, it is opposite of Imam Ibn Hazmin (Mazhab Zahiri). He didn't admit the zakat at Tijarah. Imam Ibn Hazmin one of Zahiriah said in his book that zakat at tijarah is made as an obligation. It's opposite of what Rasulullah SAW said. Written in book<sup>11</sup>

فمن أوجب زكاة في عروض التجارة فإنه يوجبه في كل ما نفي عنه عليه السلام الزكاة مما ذكرنا.

The meaning: "People make zakat tijarah as obligation, they obligate every things removed Zakat from it, from what Rasulullah explained us".

That's one of explanations from Ibn Hazmin (Zahiriah). Indeed it must be logic, a bit consistent, and has a collaboration with other Hadits saying that if Rasulullah SAW says A in this case for example, it's impossible for the contrary meaning with other hadits or in other words say B.

وصح عنه عليه السلام "ليس على المسلم في: عبد، ولا فرسه، صدقة".

The meaning: "Imam Ibn Hazmin corrected. Rasulullah SAW said "There is no Zakat obligation for Moslem in his servant, and his Horse"

It means according to Imam Ibn Hazmin as textual Mazhab, it must be same as Servant and Horse. The point of view is those are in trading too. At that time, Servant or in other word human is traded. Of course we will see many mistakes because it is not fair and opposite with human right but it's a fact.

<sup>11</sup>Ibn Hazmin, *Muhalla Bil Atsar*, vol. 4 (Beirut: Darul Fikri), p. 44.

And we can see Imam Ibn Hazmin made same between Servant and Horse with trading zakat. It's strengthened by Hadits in that book.

وأنه عليه السلام قال: "قد عفوت عن صدقة الخيل".

The meaning: And surely Rasulullah SAW said: "Indeed, I have removed Horse as Zakat".

So it is clear, whatever we make as trading and buying intention, they are rejected by Imam Ibn Hazmin to be produced as Zakat, for example this crab trading.

## 2. RESEARCH METHODS

Research is a process to find a new information. It will be very useful for college students to increase their knowledge. Society needs the research outcome more than the lectures do. Knowledge will be beneficial if it is applied in life bringing positive impacts to people and surrounding environment.

Research needs methods to accomplish. There are 2 steps of researching, they are Field Research and Library Research. Both steps are used for this research. Field Research is done to get the data by observing, interviewing, and discussing. And Library Research is done by getting the information from books, journals, magazines, etc.<sup>12</sup>

## 3. RESULTS AND DISCUSSIONS

### Zakat And Tijarah In Fiqh Perspective

#### 1. Zakat Definition

Zakat in Bahasa means Nama' means prosperity, Thaharah means purity, Barakah means blessed, and Tazkiyah, Tathhier mean clean. Syara' uses both (Tazkiyah and Tathhier to this meaning). Firstly, zakat is expected to bring fertilities. Secondly, it's a statement to declare that the soul is clean from stingy and sin.

Zakat According To Syara'  
Imam Al Mawardi said in his book Al Hawi

الزكاة اسم لاخذ شيء مخصوص من مال مخصوص على أوصاف مخصوصة لطائفة مخصوصة

The meaning: "Zakat is a name to take something certainly, from certain wealth, on certain characteristics, for certain group."

Zakat according to some terminologies in Quran

- a. Zakat
- b. Shadaqah
- c. Haq

<sup>12</sup>Sugiono, *Metode Penelitian Kuantitatif Dan Kualitatif* (Bandung: Al fabeta), p. 27.

- d. Nafaqah
- e. 'Afuw
- f. The terminologies of Zakat are used in some words, however the information which spreads at the society about word of Zakat is only for Shadaqah Wajibah, and the word of Shadaqah is only for Shadaqah Sunnah.<sup>13</sup>

## 2. Kinds of Zakat in Fiqh Perspective

Zakat consists of 6 types, Zakat of Livestock, Zakat of Agriculture, Zakat of Gold and Silver, Zakat of Trading, Zakat of Rikaz and Mine, and Zakat Alfitrah.

### Zakat of Livestock

It's obligated for independent Moslem (not a slave) though he is not adult yet. That's why, little child and even crazy man are obligated.

The followings are the details from the eligibility

- a. The livestock must consist of Camel, Cow, and Goat (Sheep). There is no Zakat from Horse, Baghal, Donkey, and the animal born from Antelope and Sheep.
- b. The livestock must be shepherded in a wild grass. There's no Zakat from fed, and fed shepherded livestock.
- c. Full of a year (counted from first day doing the effort). If the livestock bore during the year, it follows its mom Haul. Next, if it's sold or granted (as Hibah) in the middle of Haul, the Haul cut off, and there will be no Zakat on it.

Rasulullah saw said

"لا زكاة في مال حتى يحول عليه الحول"

The meaning: "There is no Zakat from wealth until It arrives a year"

- a. Owned perfectly.<sup>14</sup>
- b. Full of Nishab, it's a minimum counting to take Zakat.<sup>15</sup>

### TABLE 1. The followings are the lists of Camel and its Zakat.

Number	Amount (From – Until)	Zakat	Age
1	5 – 9	1 Goat Or 1 Sheep	2 years more 1 year more
2	10 – 14	2 Goats Or 2 Sheeps	2 years more 1 year more
3	15 – 19	3 Goats Or 3 Sheeps	2 years more

<sup>13</sup>Muhammad Hasbi Ash Shiddieqy, *Pedoman Zakat* (Semarang: Pustaka Rizki Putra, 1999), p. 3-8.

<sup>14</sup>Rich Man, Is Someone Has More From What He Needs In Daily. Rich Is One Of Eligibility In Zakat.

<sup>15</sup>Abu Hamid Muhammad Al-Ghazali, *Asrar Ash Shoum Wa Asrar Az Zakat, Rahasia Puasa Dan Zakat*,

Number	Amount (From – Until)	Zakat	Age
			1 year more
	20 – 24	4 Goats Or 4 Sheeps	2 years more 1 year more
5	25 – 35	1 Camel / 1 Makhoodh	1 year more
6	36 – 45	1 Camel / 1 Bintu Labuun	2 years more
7	46 – 60	1 Camel / 1 Hiqooh	3 years more
8	61 – 75	1 Camel / 1 Jidz'ah	4 years more
9	76 – 90	2 Camels / 2 Bintu Labuun	2 years more
10	91 – 120	2 Camels / 2 Hiqooh	3 years more
11	121 - ....	3 Camels / 3 Bintu Labuun	2 years more

**TABLE. 2** The followings are the lists of Cow and its Zakat

Number	Amount (From – Until)	Zakat	Age
1	30 – 39	1 Cow / 1 Tabii'	1 year more
2	40 – 59	1 Cow / 1 Musinnah	2 years more
3	60 – 69	2 Cows / 2 Tabii'	1 year more
4	70 – 79	2 Cows / 1 Musinnah And 1 Tabii'	

**TABLE 3.** The followings are the lists of Goat and its Zakat<sup>16</sup>

Number	Amount (From – Until)	Zakat	Age
1	40 – 120	1 Female Goat Or 1 Female Sheep	2 years more 1 year more
2	121 – 200	2 Female Goats Or 2 Female Sheeps	2 years more 1 year more
3	201 – 300	3 Female Goats Or 3 Female Goats	2 years more 1 year more
4	301 – 400	4 Female Goats Or 4 Female Goats	2 years more 1 year more
5	401 – 500	4 Female Goats Or 4 Female Goats	2 years more 1 year more

translator: Muhammad Al Baqir (Bandung: Karisma, 1995), p. 50 – 51.

<sup>16</sup>Abdullah Ath-Thoyyar, *Kaifa Tuzakki Amwalak, Mari Berzakat*, translator: Basalamah (Jakarta: Gema Insani Press, 1994), p. 27 – 31.

It is forbidden to take Zakat from ill livestock although parts of them are healthy. It's supposed to take Zakat from Standard of the livestock, not the best not the worst.

### **Zakat of Agriculture (Plants and Fruits)**

Allah SWT gives enjoyment to human in some types of unpredictable enjoyments. It is from self (body and personal). Allah SWT makes his creatures (animal and plants) complement to human life. Those are commanded respectful to human. One of his enjoyment is an earth that's used for cultivating life sources, as a medium to get fortune, and as life directness.

Some fuqaha have different opinions in determining kinds of plants and fruits on Zakat. They pay Zakat because of its duty or 'Illat (relating with certain motives). After seeking of agreement there are 4 obligatory plants and fruits. They are Hinthoh (Wheat), Sya'iir (such rice plant), Zabiib (Raisin), and Tamrun (Date palm). Ijma' Ulama said wajib, however some ulama oblige other plants beside them. The difference is because of 'illat (about motive and Syar'i reason).

### **Nishob, Haul, and Standard in Paying Zakat Of Agriculture (Plants and Fruits).**

#### **Nishob**

According to Hadits, the Nishab Is more than 5 awsuq. Underneath it is not duty. According to al Muhiith dictionary, In 1 wusuq = 60 sho', so 5 awsuq = 300 sho'. In other page explained 1 sho' = 4 mudd (handful), so in 300 sho' = 1200 mudd (handfuls). In 1 sho' = 2 1/4 kg, so in 300 sho' x 2 1/4 kg = 675 kg. this calculating is applied to Hinthoh (wheat), Zabiib (raisin), and Tamrun (date palm).

The timing in putting outside of this Zakat when the plant Fruits seem ripen and when its seed ossifies. Next it is dried and spreaded to legal receiver. There is no Haul in one year. This is one of peculiarity of agriculture Zakat. That's because it is planted by Allah SWT.

### **Zakat of Gold and Silver**

#### **Nishab, Haul, and Standard in Paying Zakat of Gold and Silver.**

Imam Nawawi said that Silver Nishob is 5 Uuqiyah which is equal to 200 Dirham according to Hadits and Ijmak. Gold Nishab is 20 Mitsqal, and other things by Ijma', There are differences in Nishob

1. Syaikh Abu Bakar Al Jazaairiy in his book Al Jumal Fi Zakaatul 'Amal said gold

<sup>17</sup>Maratua Simanjuntak, *Menghitung Zakat Sendiri*, p. 9.

<sup>18</sup> Maratua Simanjuntak, *Menghitung Zakat Sendiri*, p.10.

nishab is 20 Mitsqal (Dinar) = 70g. gold. Silver Nishab is 200 Dirham = 460 g. silver.

2. Sulaiman Rasyid in his book, Fiqh Islam, gold nishab is 93,6 g. and silver nishab is 624 g. silver.
3. Many fuqaha said, gold nishab is 85g. gold, and silver nishab is 595g.

For example: Savings Rp. 7.000.000, cash Rp 3.000.000, Gold 100 gr. (Rp 80.000.000), Diamond (Rp 23.000.000) totally 113.000.000 Debt Rp. 3.000.000 cash balance 110.000.000. So, its zakat is 2.5 % x Rp 110.000.000 = Rp. 2750.000.<sup>17</sup>

Calculating is done in every year at same month.

### **Zakat of Trading**

Standard of this Zakat is 2.5 %. For example someone has trading commodity with one million Rupiahs commercial value. So he puts outside his Zakat 2.5 % x Rp 1.000.000 = Rp 25.000.

Some traders do transaction with non constant thing during year (for example notions, clothes, daily need). The transaction must be written and calculated in detail to be input in the first haul. After that, it is calculated totally in the final haul. The last pay Zakat is 2.5 %.

Firstly haul is counted since the trader own money to pay the tribute for trading, if the money reaches the Nishab. If it is less than Nishab or he buys something with trading intention so its counting is firstly bought. For example, a Corporation closed book in January 2002 with financial condition: 10 cup boards haven't been sold = Rp.15.000.000, Cash money Rp.10.000.000, Debt Rp.2.000.000, tax Rp.2.000.000. Totally Rp.25.000.000. So, the Zakat 2.5% X Rp.25.000.000 = Rp.625.000.<sup>18</sup>

### **Zakat of Rikaz and Mine**

Treasure found in gold and silver must be paid for the Zakat amount a fifth (khumus). There is no Haul here. It is like bounty (Ghanimah treasures) so there is no Nishab. In other opinions, it is like zakat of gold and silver. Therefore, that regulation is 20 % or 1/5 from treasures.<sup>19</sup>

Definition of mine is all things come outside from womb of earth or its surface and buried since yore, for example Gold and Silver. Nishab, Haul and standard equal with Rikaz one. Allah SWT says QS 2: 267

<sup>19</sup>Maratua Simanjuntak, *Menghitung Zakat Sendiri*, p.13.

## Zakat Fitrah

Information about this zakat we can find in Hadits

حَدَّثَنَا يَحْيَى بْنُ مُحَمَّدٍ بْنِ السَّكْنَى، حَدَّثَنَا مُحَمَّدُ بْنُ جَهْضَمٍ، حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ عُمَرَ بْنِ نَافِعٍ، عَنْ أَبِيهِ، عَنْ أَبِنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: فَرَضَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ زَكَاةَ الْفَطْرِ صَاغِعًا مِنْ نَفْرٍ، أَوْ صَاغِعًا مِنْ شَعِيرٍ عَلَى الْعَبْدِ وَالْحُرِّ، وَالْكَوْكَرِ وَالْأَنْثَى، وَالصَّغِيرِ وَالكَبِيرِ مِنَ الْمُسْلِمِينَ، وَأَمْرَ بِهَا أَنْ تُؤْدَى قَبْلَ خُرُوجِ النَّاسِ إِلَى الصَّلَاةِ (رواه صحيح البخاري)<sup>20</sup>

The meaning: "Yahya bin Muhammad bin Sakan narrated us, Muhammad bin Juhdham narrated us, Isma'il bin Ja'far narrated us, from 'Umar bin Nafi', from his father, from Ibn 'Umar RA. He Said Rasulullah SAW obligates Zakat Al Fithri 1 Sha' from Date, 1 Sha' from Wheat Flour on Slave man and free man, on man or woman, on young and adult Muslims, and Rasulullah SAW commanded to pay it before people go out for Shalat<sup>21</sup>." (HR. Shahih Al Bukhari)

In that Hadits we can get information that It's legal according to Rasulullah SAW explaining as much as one Sha' (2.5 Kg. rice) from satisfied food, and obligated for all muslims. From that hadits, we know a muslim put outside Zakat al Fitrah for his families such as wife, husband, son, grandfather etc.

Imam Al Ghazali said that people ought not to think much about what will happen in future, Allah SWT promises fortune. Human should believe and understand that worry is from devil. We know that Satan task is making human go to hell as many as possible, and forget Allah SWT, far from Amar Ma'ruf Nahi Munkar. One of cases, we pay Shadaqah in way of Allah SWT doubtfully.<sup>22</sup>

## Tijarah In Fiqh Perspective

It's from بيع - بيع means sell. Sometimes it's translated as اشتري - يشتري means buy. In terminology, there are many definitions about it. According to ulama Fiqh, the substance and essence are same. One of them Ulama Hanafiyah said tijarah.

مِبَا دَلَةِ مَالٍ بِمَالٍ عَلَى وَجْهِ مُخْصُوصٍ

The meaning: "changing treasure each other via certain way"

<sup>20</sup>Muhammad Bin Isma'il Abu Abdillah Al Bukhori Al-Ja'fi, *Shohih Bukhori*, vol. 2, p. 130, Hadits 1503.

<sup>21</sup>Shalat 'Id Al Fithri.

<sup>22</sup>Marauta Simanjuntak et. al, *Gerakan Sadar Zakat* (Medan: BAZDA SU, 2009), p.8.

<sup>23</sup>Nasrun Haroen, *Fiqh Muamalah*, (Jakarta : Gaya Media Pratama), p. 111 – 112.

Other definition which is mentioned by Malikiyah, Syafi'iah, and Hanabilah, according to them Tijarah.

مِبَا دَلَةِ المَالِ بِالْمَالِ تَمْلِكَا وَتَمْلِكَا

The Meaning: "changing treasure each other via possession and ownership transfer shape."

So, the different with Hanafiyah is stretching in possession transfer. There are such thing we must differentiate like renting.<sup>23</sup> One of the ways for us is to get many treasures by trading or doing tijarah. Actually Rasulullah SAW preferred his Ummat needy because he worried his Ummat would be luxurious and forget the obligation in Shadaqah and Zakat. The treasure will make them stingy and get sins. The secret of rich is not in treasure oriented, but it is in psychological oriented. In other word, it is about the characteristic glories. For example, helping others, doing social action, etc. If we can do it, it will be better and get the benefit for human and ummat. So trading is the best way to get treasures.<sup>24</sup>

This following Allah SWT says about Hukum of this Muamalah

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يُؤْمِنُونَ إِلَّا كَمَا يَأْكُلُونَ الْذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَنَى ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَخْلَقَ اللَّهُ الْبَيْعَ وَحْرَمَ الرِّبَا فَمَنْ حَانَهُ مَوْعِدُهُ مَنْ رَبَّهُ فَإِنَّهُمْ فَلَهُ مَا سَلَفَ وَأَمْرَهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا حَالُدُونَ (٢٧٥)

The meaning: "Those who eat Riba (usury) will not stand (on the day of resurrection) except like standing of a person beaten by Shaitan (Satan) leading him to insanity. That is because they say: "trading is only like Riba (usury), "whereas Allah has permitted trading and forbidden Riba (usury). So whosoever receives an admonition from his Lord and stops eating Riba (usury) shall not be punished for the past, his case is for Allah (to judge), but whoever returns (to Riba (usury)), such are the dwellers of the fire – they will abide therein.<sup>25</sup> (QS. Al Baqarah/2: 275)

From hadits rasulullah saw said

إِنَّمَا الْبَيْعُ تِرَاضٌ (رواه البهقي)

The Meaning: "Trading is on willing each other."

<sup>24</sup>Muhammad Nashiruddin Al-Albani, *Islam Mengentaskan Kemiskinan*, (Jakarta: Pustaka Azam, 2002), p. 35. See also Mhd. Syahnan, "Islam as a System: A Critical Analysis of Sayyid Qutb's Principle Thought," in *Analytica Islamica*, vol. 4 No. 1 (May 2002), pp. 45-57.

<sup>25</sup>Yayasan Penyelenggara Penerjemah Alquran, *The Nobel Qur'an*, p.85.

From that dalil qur'an and hadits. Jumhur ulama say tijarah as legal thing.<sup>26</sup> And can be runned in the muslim world.

### Kinds of Tijarah in Fiqh.

#### Ba'I Al Murabahah (Deferred Payment Sale)

It is a treasure trading. The fortune is agreed together. In this type, seller must inform product budget to purchaser and determine profit. For example, buyer buys computer from wholesaler for Rp. 10.000.000, then he adds profit for Rp. 750.000 so, he sells to customer for 10.750.000.

Dalil Qur'an Allah SWT says in (QS. Al Baqarah/2: 275)

And Dalil hadits about this

The meaning: from Shuaib Ar Rumi RA. Rasulullah SAW said that "3 things which on it blessings : Trading by time, Muqaradah (Mudharabah), and mix wheat flour with powder for house need, not for sale" (HR. Ibn Majah)

From that dalil we can conclude Murabahah is a legal thing to do, that is Islamic action. We must realize that Islamic action can run together with country affair. Even, it can be managed well and more perfect in Islamic system.<sup>27</sup>

#### Bai' As Salam Salaf (In Front Payment Sale)

It's a treasure purchasing which is given later, whereas the payment is in front.

Allah SWT says

يَأَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَابَّنْتُمْ بِتِبْيَنِ إِلَى أَجَلٍ مُّسَمًّى فَأَكْتُبُوهُ ۖ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ (٢٨٢).....

The Meaning: "O you who believe! When you contract a debt for fixed period, write it down....., and Allah is the all knower of each and everything."(QS. Al Baqarah/2: 282)

Dalil Hadits

Ibn Abbas narrated that Rasulullah SAW came to Madinah where the citizens do Salaf (Salam) in fruits for period of time: one, two, three years. He said

من اسلف في شيء ففي كيل معلوم وزن معلوم الى اجل معلوم  
(احجه الانتمة استه)

<sup>26</sup>Shalih Fauzan Al-Fauzan, *Jual Beli Dan Riba* (Bogor: Attibyan, 2002), p. 18. For detailed discussion on this issue see Mhd. Syahnan, "Modern Qur'anic Exegesis and Commercial Contracts: A Comparative Study of Rashid Ridha's and Sayyid Qutb's Interpretation of Some Riba Verses." *Jurnal Migot*, (November-December 1997): pp. 15-23; also his "Larangan Spekulasi (Gharar) Dalam Kode Sipil Negara-Negara Arab: Suatu Analisa Sejarah Sosial Ekonomi." *Analytica Islamica*, Vol. 2 No. 2 (Nopember 2000): pp. 168-180.

The Meaning: "Whoever do Salaf (Salam), he does a clear measurement and scale, known period of time."

#### Bai' Al Istishna' (Purchase by Order or Manufacture)

It is a trading contract between purchaser and goods maker. In this contract, goods maker accepts errand from buyer. Then, they effort via others to make or buy thing according to agreed specification and sell it to final purchasers. Both compromise about payment price and system Wheter via instalment or via agreed time delay.

Bai' Istishna' is a continuing from Bai' As Salam. Commonly, Syari'ah base, dalil Quran and Hadits in Bai' As Salam is also Bai' As Istishna'.<sup>28</sup>

This type is often used for massive necessities, stocks in trade, business man, wholesaler etc. All the shapes above can book things in a lot, and it is also legal in Islam. For example, someone books rare shirts to manufacture in massive amounts, by deciding time, and measurement. However, there are rules that must be obeyed after having stocks. One of them is selling that things as soon as possible, and he must not submit the things till later. It is limited things in Islam. It is called as hoarder. This act is prohibited in Islam.<sup>29</sup>

### RAJAH ARGUMENT

The writer will discuss about which dalil must be chosen for this journal. Previous sheets, we have discussed about

1. Crab in Imam Syafi'i Fiqh and Imam Ibn Hazmin Fiqh. Agreed that crab is Halal to consume, because it is water habitat animal.
2. Crab can be used as zakat or not in Imam Syafi'i and Imam Ibn Hazmin. Finally, we get answer that both of them did not have a clear dalil from qur'an and hadits, about crab as zakat. They mentioned it for three animals such as cow, camel, and goat.
3. Zakat of crab trading in Imam Syafi'i and imam Ibn Hazmin. They have different

<sup>27</sup>Soepriyo Soeaedy, *Basis Di Mata Kaum Sarungan & Berdasi* (Pekalongan: CV Bahagia, 1994), p.17.

<sup>28</sup>Muhammad Syafi'i Antonio, *Bank Syariah dari Teori Ke Praktek* (Jakarta : Gema Insani Press and Tazkia Cendekia, 2001), p. 114.

<sup>29</sup>Muhammad Ibrahim Saqrat, *Fitnatul Ummah, Fitnah Harta*, translator: Munir Awod Badjuber, (Jakarta: Darul Falah, 2001), p. 53.

perceptions. Imam Syafi'i agreed, while Imam Ibn Hazmin didn't. So we will take munaqasah adillah because of the difference.

The following are the dalils to make them different

حَدَّثَنَا مُحَمَّدُ بْنُ دَاؤِدَ بْنَ سُفْيَانَ، حَدَّثَنَا يَحْيَى بْنُ حَسَّانَ، حَدَّثَنَا سُلَيْمَانُ بْنُ مُوسَى أَبْنُ دَاؤِدَ، حَدَّثَنَا جَعْفَرُ بْنُ سَعْدٍ بْنِ سَمْرَةَ بْنِ جُنْدُبٍ، حَدَّثَنَا خَبِيبُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ سُلَيْمَانَ، عَنْ سَمْرَةَ بْنِ جُنْدُبٍ، قَالَ: «أَمَّا بَعْدُ، فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَأْمُرُنَا أَنْ تُخْرِجَ الصَّدَقَةَ مِنَ الَّذِي نَعْدُ لِلْبَيْعِ» (روايه ابو داود)<sup>30</sup>

The Meaning: "Muhammad bin Daud bin Sufyan narrated us, Yahya bin Hassan narrated us, Sulaiman bin Musa Abu Daud narrated us, Ja'far bin Sa'd Samurah bin Jundub narrated us, Khubaib bin Sulaiman narrated me, from his father Sulaiman, from Samurah bin Jundub, he said: "Amma ba'd, indeed Rasulullah SAW ordered all of us to pay Zakat for every commodities which are prepared for trading."(HR. Abu Daud)

Imam Ibn Hazmin commented this as cut off hadits because from the narrator sulaiman bin musa to samurah they are unknown. If we see this as hadits shahih, it is from abu daud book. There are also three imam used this such Imam Hanafi, Maliki, and Syaffi'i.

Next dalil is from khobar, the source is from Umar Bin Khattab, and from Ibn Umar Bin Khattab.

(أَخْبَرَنَا) الرَّبِيعُ قَالَ أَخْبَرَنَا الشَّافِعِيُّ قَالَ أَخْبَرَنَا سُفْيَانُ بْنُ عَيْنَةَ قَالَ حَدَّثَنَا يَحْيَى بْنُ سَعْدٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِيهِ سَلَمَةَ عَنْ أَبِيهِ عَمْرُو بْنِ حَمَاسٍ، أَنَّ أَبَاهُ قَالَ: مَرَرْتُ بِعَنْرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ - وَعَلَى عَنْقِ أَبِيهِ أَلِمَةً أَحْمَلُهَا فَقَالَ عُمَرُ: «أَلَا تُنَوِّي رَكَاتَكَ يَا حَمَاسُ؟» فَقَالَتْ: يَا أَمِيرَ الْمُؤْمِنِينَ مَا لِي غَيْرُ هَذِهِ الَّتِي عَلَى ظَهِيرِي وَآهِةُ فِي الْقَرْظِ فَقَالَ: «ذَلِكَ مَالٌ فَضْعُهُ قَالَ فَوَضَعْتُهَا بَيْنَ يَدَيْهِ فَحَسِبَهَا فَوَجَدَهَا قَدْ وَجَهَتْ فِيهَا الرَّكَأَةُ فَأَخْذَهُ مِنْهَا الرَّكَأَةُ

The meaning: Report us Rabi' said report us Syafi'i said report us said report us Sufyan Bin 'Uyaynah said narrated us Yahya bin Sa'id from 'Abdullah bin Abi Salamah from Abi 'Amri bin Hamas, indeed his father said "I walk with 'Umar bin Khattab and in my head there is skin I brought, 'Umar said "why don't you give the Zakat o Hamas?" I answer I don't have except that I bring, and tanning skin. Umar said "that's a wealth so put it!" he put it between his hand and count it, so He get that it obligate Zakat and Umar take zakat from it.

(أَخْبَرَنَا) الرَّبِيعُ قَالَ أَخْبَرَنَا الشَّافِعِيُّ قَالَ أَخْبَرَنَا سُفْيَانُ قَالَ حَدَّثَنَا أَبْنُ عَجْلَانَ عَنْ أَبِيهِ الرَّنَادِ عَنْ أَبِيهِ عَمْرُو بْنِ حَمَاسٍ عَنْ أَبِيهِ مِثْلَهِ أَخْبَرَنَا الرَّبِيعُ قَالَ أَخْبَرَنَا الشَّافِعِيُّ قَالَ أَخْبَرَنَا الشَّافِعِيُّ عَنْ عُبَيْدِ اللَّهِ بْنِ عَمْرَ

عَنْ نَافِعٍ عَنْ أَبْنِ عَمْرَ مَرَرْتُ بِهِ الْمَجَارَةُ " لَيْسَ فِي الْعَرْضِ رَكَأَةٌ إِلَّا أَنْ يُرَادَ بِهِ الْمَجَارَةُ "

The meaning: "report us Rabi' He said report us Syafi'i he said report us Sufyan he said narrated us son of 'Ajlan from Abi Zidah from Abi 'Amri Ibn Hamas from his father such him report us Rabi' he said report us Syafi'i he said report us Tsiqah from 'Ubaidillah bin 'Umar from Nafi' from Ibn 'Umar: surely He said "There is no in trading a Zakat except He wants it as trading in intention".

How many affairs can make many differences from 'umar and his son story? For example, in Mazhab Imam Malik about explanation in zakat of profession, in mazhab hanafi about law of zakat slave. And others so many affairs. That's one of opinion explanation from Ibn Hazmin (Zhahiriah). He only receives from Rasulullah SAW. Indeed, it must be humble logic, and a bit consistent.

Other imam such as Imam Syafi'i, Imam Malik, and Imam Hanafi follow this khobar. Even there is a hadits explained that muslim must follow rasulullah saw and his khulafa ar rasyidin who is given hidayah.

Rasululullah SAW said

-حَدَّثَنَا إِسْمَاعِيلُ بْنُ بَشَرٍ بْنُ مَنْصُورٍ، وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ السَّوَاقِ، قَالَا: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ مَعَاوِيَةَ بْنِ صَالِحٍ، عَنْ سَمْرَةَ بْنِ حَبِيبٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَمْرُو السَّلْمِيِّ، أَنَّهُ سَمِعَ الْعَرَبَيَّاضَ بْنَ سَارِيَّةَ، يَقُولُ: وَعَظَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَوْعِظَةً ذَرْفَتْ مِنْهَا الْعَيْنُونَ، وَوَجَلَتْ مِنْهَا الْقُلُوبُ، فَقَلَّنَا: يَا رَسُولَ اللَّهِ، إِنَّ هَذِهِ لَمَوْعِظَةً مُوَدَّعٌ، فَمَاذَا تَعْهِدُ إِلَيْنَا؟ قَالَ: «فَدَرِكُكُمْ عَلَى الْبَيْضَاءِ لِيَلِهَا كَنْهَارَهَا، لَا يَزِيغُ عَنْهَا بَعْدِ إِلَّا هَالِكُ، مَنْ يَعْشُ مِنْكُمْ فَسِيرِيَّا اخْتِلَافًا كَثِيرًا، فَعَلَيْكُمْ بِمَا عَرَفْتُمْ مِنْ سُنْتِي، وَسَنَةِ الْخُلُّفَاءِ الرَّاشِدِينَ الْمُهَدِّبِينَ، عَضُوا عَلَيْهَا بِالنَّوَاجِدِ، وَعَلَيْكُمْ بِالْبَطَاعَةِ، وَإِنْ عَدَا حَبْشَيَا، فَإِنَّمَا الْمُؤْمِنُ كَالْجَمْلِ الْأَنْفَفِ، حِينَما قَيْدَنَادَلِ»

The meaning: isma'il bin bisyr bin mashur and ishaq bin Ibrahim as sawwaq, both of them said: 'abdu Rahman bin mahdi reported us from mu'awiyah bin shalih from dhomrah bin habib, from 'abdu Rahman bin 'amru as sulami, indeed he heard 'irbadl bin sariyah said, rasululullah saw give us advice which make our tears flew down, and make heart tremble, so we said: o rasulullah, indeed this is a discord advice, so what shall you will to us? rasulullah said : "I live you a bright guide, its night such noon. No body turn after me except he will destroy. Whoever from you live, he will see many disagreements. So, you obligate to head

<sup>30</sup>Abu Daud Sulaiman Bin Al-Asy'ats, *Sunan Abu Daud*, vol. 2, p. 95, Hadits 1562.

<sup>31</sup>Ibn Majah Abu 'Abdillah Muhammad, *Sunan Ibn Majah*, vol. 1 (Daru Ihya Kitab 'Arabiyyah), p. 16.

toward with you know from my sunnah, and sunnah khulafa ar rasyidin al mahdiyyin, bite the sunnahs with teeth. You must be obedient even to habasyi slave. Mukmin is such a tame ostrich. Wherever he binded we will follow it.

In this case, writer chose the opinion of Imam Syafi'I as munaqasah because there is a command from Rasulullah SAW so that his companion and his Ummat followed him and so did his Khulafa Ar Rasyidin Al Mahdiyyin.

#### 4. CONCLUSION

- a. Crab in Imam Syafi'i Fiqh and Imam Ibn Hazmin Fiqh agreed that crab is halal to consume, because it is water habitat animal.
- b. Crab can be used as zakat or not in Imam Syafi'i and Imam Ibn Hazmin. Finally, we get answer that both of them did not have a clear dalil from qur'an and hadits about crab as zakat. They mentioned it for three such as Cow, Camel, and Goat.
- c. Zakat of crab trading in Imam Syafi'i and Imam Ibn Hazmin have different opinion about this perceptions. Imam Syafi'i agreed while Imam Ibn Hazmin didn't.
- d. If we see from the dalil, we will find Imam Syafi'i has large dalil. He used Quran, Sunnah, and Sunnah Khulafa Ar Rasyidin. It is different from Imam Ibn Hazmin. His thinking and Dalil are not as large as him. He only used Quran and Hadits. He didn't quote others except both.
- e. The Arjah argument in this zakat of crab trading, according to Imam Asy Syafi'i and Imam Ibn Hazm (a case study of Tanjungbalai Asahan) is the opinion of Imam Syafi'i who permits zakat of crab trading, because the dalil is clear, and large enough not like Imam Ibn Hazmin. The other point is the opinion of Imam Syafi'i is that there is a command from Rasulullah so that his companion and his Ummat followed him and his Khulafa Ar Rasyidin Al Mahdiyyin. So, it is relevant to society in Tanjungbalai Asahan.