

Zakatability of Contemporary Wealth in Malaysia

Syahrina Abdullah^{1*}, Asmak Ab Rahman¹, Luqman Abdullah²

¹Department of Syariah and Economics, Academy of Islamic Studies,
Universiti Malaya, 50603 Kuala Lumpur, Malaysia.

²Department of Fiqh and Usul, Academy of Islamic Studies,
Universiti Malaya, 50603 Kuala Lumpur, Malaysia.

*Corresponding Authors
asmak@um.edu.my*

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ABSTRACT

Zakat institutions in Malaysia operate under the state's governance. Despite Malaysia's attainment of national independence 59 years ago, the management of zakat at both the state and federal levels appears to pose challenges to the system, particularly regarding the uniform imposition of fatwa on zakat, including in the identification of modern assets subject to zakat. This paper aims to analyze the classical and contemporary wealth eligible for zakat in Malaysia, scrutinizing its implementation at state and federal levels and suggesting strategies to overcome associated obstacles. The discussion examines the development phases of zakatable wealth in this country and assesses the zakat governance at both state and federal authorities subsequently, exploring the diverse forms of wealth subject to zakat. This study employs a qualitative evaluation through library research, analyzing policy documents, journal articles, internet sources, and books. The study found that the tremendous improvement in the zakat management efficiency is due to the support from the federal government and the corporatization of zakat institutions. The study also reveals that numerous contemporary wealth and assets, sanctioned by religious authorities at both state and federal levels, fall within the purview of zakat. These encompass



various forms of zakatable wealth such as sources of personal income like salaries, remunerations, Employees Provident Fund (EPF), different types of business, investment, finance, and many more. The findings show that zakat authorities in Malaysia accommodate contemporary changes in the concept of wealth and give an opportunity to explore the expansion of other potential resources for zakat. However, some contemporary wealth lacks definition from the Department of Islamic Development Malaysia (JAKIM) or (Department of Endowments, Zakat and Pilgrimage) JAWHAR at the federal level, yet certain state zakat institutions have adopted them for zakat purposes.

Keywords: contemporary, fatwas, wealth, zakat, zakatability

INTRODUCTION

Zakat is defined as an act of monetary worship to Muslims who possess a portion of wealth (*mal*) prescribed by Allah which must be paid at the prescribed rate, to designated categories of recipients (Al-Qaradawi, 1969). In *Shari'ah*, the word *zakah* refers to the set portion of wealth that Allah has ordered to be distributed to the selected deserving recipients. Every qualified individual Muslim is obliged to pay his or her zakat annually to ensure the *zakatable* assets or property acquired and owned are free from the rights of others.

In other words, it implies the concept of elevating the moral and spiritual soul of the zakat payer by purifying his wealth (Al-Nawawi, 1977; Ibn Qudama, 1972). It is a system designed by Allah to ensure equitable redistribution of wealth as well as create a sense of affection, love and mercy among mankind. It plays many major roles like protecting people from poverty, and hunger, ensuring social security, and preserving of honour and dignity that Allah has bestowed on the entire mankind (Malik, 2016; Mohsin, 2013).

In Malaysia, zakat plays a significant role in alleviating poverty among the Muslim community. While the Malaysian federal government plays a major role in alleviating nationwide poverty, the state governments under the state Islamic Religious Council, actively impose zakat regulations on various types of contemporary wealth. The objective of this study is to explore the types of wealth that are made subject to zakat and the efforts of religious authorities at both state and federal levels in broadening the contemporary wealth eligible for zakat. It starts with discussions on the development phases of *zakatable* assets in Malaysia., followed by an analysis of the legal zakat governance.

Subsequently, this study examines the contemporary *zakatable* wealth found in this country.

METHODOLOGY

This research employed a qualitative approach by analysing the documents published relating to rulings on zakat. Documents collected are books, article journals, paperwork, and internet sources. Data has been analysed using a content analysis approach, following the methodology of inductive and deductive (*istiqrai'i*) analysis. The authors will describe the scholars' views as well as conclude the views gathered.

LITERATURE REVIEW

There are three major phases in zakat development in Malaysia based on the studies by both Muhamad (1993) and Steiner (2011), namely Phase 1: Zakat practice in the pre-independence period; Phase 2: Zakat practice in the colonial period; and Phase 3: Zakat practice in independence period.

In the pre-colonial period in Malaysia, the collection and distribution of zakat was not administered through any formal framework. Rather, it was traditionally guided more by the village tradition of paying zakat to religious teachers, who were entrusted with the responsibility of distributing it to deserving recipients. The local Muslim community at that time strongly believed that religious teachers were the most knowledgeable in identifying the *asnaf* as well as the ratio of zakat distribution. The head of religious administration was the local imam who led the congregational prayers.

The zakat fund was disbursed at the imam's discretion, with a focus on aiding those in poverty, as well as other religious administrators such as *siak* (person responsible for looking after a mosque or *surau*) and *khatib* (the person responsible for delivering Friday sermons together with the imam) (Ghazali, 1988). Parts of the fund were also allocated for the maintenance and expansion of the *madrasah* (Islamic religious centres for teachings and worship). During this period, the majority of zakat sources were from the yields of paddy cultivation, which was the prevalent profession at that time (Muhamad, 1993). One of the earliest regulations related to zakat was the Kedah law of 1667, which mandated the payment of zakat on rice (paddy) (Nasir, 1999).

During the colonial period, the British administration established a segregation system on the administration of (1) matters related to Islam and Malay customs and, (2) national administration which was under British

governance. As a result, a council for religious and Malay customs known as *Majlis Agama dan Istiadat Melayu* (Council of Islamic Religion and Malay Custom) was set up in every state. All matters related to Islamic teachings and religion as well as the Malay customs were administrated under this council, including zakat administration and issues. During this era, *Imams* as the religious leaders in every village were liable to collect zakat on behalf of the council for the sake of financing the administration of Islamic matters in that particular state (Muhamad, 1993; Ghazali,1988).

Kelantan was the first state to establish a religious council in 1915 known as *Majlis Ugama Islam dan Adat Istiadat Melayu Kelantan* (Council of Islamic Religion and Malay Custom of Kelantan), which later became a model to other Malay States (Muhamad, 1993; Ghazali,1988). By 1957, each state in Peninsular Malaysia established their Islamic religious councils to centralize the zakat collection and distribution at their respective states and administratively managed by each state's *Jabatan Ugama Islam* (Department of Islamic Religion) (Ibrahim,1965). The substantial income of the Religious Council, generated from zakat funds on paddy in 1916, shows that most of the *zakatable* wealth paid by Muslims in those days was from agricultural wealth (Hassan, 1987).

During the early independence period, the Malaysian government was observed to still be heavily influenced by the British system, particularly in the structure of administration as well as in the legal framework. These such influences can be observed under Article 3 of the Malaysian Constitution, all Islamic religious matters were under state governance with a Malay Sultan as the ruler of the state (Muhamad, 1993). The significance of Zakat *al-Fitr* during these days can also be observed as in 1980, Federal Territory, Negeri Sembilan, Selangor, Terengganu, and Perak received most of their zakat collections from Zakat *al-Fitr*. However, in 1983 and 1985 respectively, the decline in the proportion of the contribution by Zakat *al-Fitr* to the total zakat collections in most of the states except Kedah and Perlis was mainly due to the increment of the Zakat on wealth and businesses' payers (Hassan, 1987).

It can be observed that the improvement in the zakat management efficiency in this country can be seen tremendously since the 1990s when the State Religious Councils (MAINs) were established. To sum up, from 1990 onwards, zakat institutions in Malaysia have gone through many phases and experiences to adopt a corporate system of administration. The administration of zakat has become more diversified after the establishment of MAINs, which serve to collect and distribute zakat (Latif, 2001).

RESEARCH FINDINGS AND DISCUSSION

Contemporary Zakatable Assets in Malaysia

The most supreme law in Malaysia is the Federal Constitution or the Constitution of Malaysia. As the highest law in Malaysia, it has placed all religious matters under the State List, except for Federal Territory. Islamic laws and matters have been listed in detail in Table 9, List II of the Constitution. In other words, the affairs of the religion of Islam and Islamic law including the management of zakat are within the power of state governments. It serves to protect all Malaysian citizens and ensures the proper running of the government and the state and national levels. Article 3 (1) of the Federal Constitution of Malaysia clearly states that Islam is the religion of the federation, but other religions may be practiced in peace and harmony in any part of the Federation (Malaysia Federal Constitution, 1957).

There is a total of fourteen MAINs in this country, one for each of the thirteen states and one for the federal territory. As the highest Islamic religious institution at their respective state levels, MAINs become the respective authority bodies that are directly involved in zakat management. Meanwhile, matters related to the establishment of *fatwas* and adjudication of Islamic laws are respectively under the authority of *Jabatan Mufti* (Office of the Mufti) and the *Mahkamah Syariah* (Shariah Court). Each MAIN has its own *fatwas* committee (*Jabatan Mufti*) which is led by a Mufti. The purpose of the establishment of this *Jabatan Mufti* is to issue various authoritative *fatwas* vigorously on matters related to the religion.

In 2001, the government of Malaysia successfully restructured several zakat policies and administrative laws at the national level through the establishment of the Department of Islamic Development Malaysia (JAKIM). There have been several efforts to standardize some of those zakat laws and policies such as by introducing a standardized calculation of zakat on business which is finally adopted by most of the MAINs (JAKIM, 2005). JAKIM, functioning as a federal department, is responsible for formulating policies related to various Islamic affairs at the national level in Malaysia. Its main objective is to promote harmonization of the Islamic law administration in this country, including matters related to zakat administration at the state level while coordinating the enforcement mechanisms of these laws. Alongside JAKIM, is the Department of Endowments, Zakat and Pilgrimage (JAWHAR) which also plays several significant roles in monitoring the administration of zakat in Malaysia.

As noted earlier, zakat collection in the pre-colonial era was not systematically administered through any formal framework. The primary source of zakat contribution came from the yields of paddy cultivation, which was a common profession among the Malay Muslims at that time (Ghazali, 1991). Before the 1990s, the overall amount of zakat collected in the country was very low for several reasons. Among them are the prioritization of zakat on paddy yield and zakat *fitriah* took precedence, whereas the other obligations related to various business activities, private property, and diverse income sources were significantly overlooked (Makhtar & Ahmad, 2010). This was due to a general lack of awareness among the public, while many Muslims at that time believed that zakat only referred to Zakat *al-Fitr* (Hassan, 1987).

Meanwhile, regarding the zakat on wealth, Muslims in Malaysia are also obliged to pay various types of assets that are subject to zakat under the al-Quran, the Sunnah of the Prophet Muhammad SAW, and the juristic views. Most of the Muslims comply with these rules to pay zakat *al-Mal* and zakat *al-Fitr* (Majid, 2003). However, the small number of zakat collections for classical *zakatable* assets like zakat on gold, silver, livestock, minerals, and business have been identified to primarily attribute to the prevailing economic growth for the majority of the Muslims at that time. However, Malaysia's current economic context has witnessed a change and diversification of economic activities as well as the lifestyles of Malaysian citizens especially Muslims, leading to a positive impact on the sector of employment and business. The transformation of the country's economic sector from the agricultural sector to the industrial sector has significantly influenced this transition (Dolah, 2005). The types of current *zakatable* assets which are imposed on Muslims in this country are zakat *al-Fitr*, zakat on business, zakat on income, zakat on gold and silver, zakat on livestock, zakat on savings, zakat on agriculture, zakat on shares and bond, zakat on EPF (Employee Provident Fund) and zakat on minerals and treasures (JAWHAR, 2008; Bahrom et al., 2011).

While zakat administration falls under the state governance, JAKIM, at the federal level holds a major role in overseeing the standardization of zakat development in Malaysia. JAKIM imposes obligatory zakat on three categories of assets, which are firstly, applicable to particular assets that are gold and silver; secondly, assets and the income derived from assets like business and livestock; thirdly, the income derived from the assets are agricultural products such as money; *ma'adin*; *kunuz* and extractive; stocks and bonds as well as the individual personal income. A Manual of Zakat Calculation Management (*Manual Pengurusan Zakat*) by JAWHAR was introduced in 2008. Several modern and/or unanimously agreed-on *zakatable* assets by jurists that have been endorsed as legal fatwa in Malaysia, including zakat on income, zakat on

The Employees Provident Fund (EPF)'s withdrawal, zakat on shares and bonds as well as zakat on takaful policy (Majid, 2003). Table 1 lists the contemporary and commonly accepted *zakatable* assets in Malaysia.

Table 1: Modern and Contemporary *Zakatable* Assets in Malaysia

No.	Contemporary <i>Zakatable</i> Assets
1.	Gold
2.	Silver
3.	Livestock
4.	Agricultural Produce
5.	Business
6.	Trading Goods
7.	Shares and Investments (Sukuk, Bonds, etc)
8.	Salary and Wages
9.	Fishing Activities
10.	Retirement Benefits and Grants of Employees
11.	Rents and Leasing Properties
12.	Mineral Resources
13.	Banking and Finance Business
14.	Takaful Benefits

Source: JAWHAR, 2008; Majid, 2003

Zakat on Income

One of the main significant expansions in the realm of wealth subject to mandatory zakat is the imposition of zakat on income, which started in the late 1970s. Its acceptance and implementation began in the early 1990s. The decision to enforce zakat on income was established based on the decision of the 31st *Muzakarah Jawatankuasa Fatwa Kebangsaan* (the 13th Dialogue of the National Fatwa Committee) held on 9th December 1992. This was followed with Special *Muzakarah Jawatankuasa Fatwa Kebangsaan* on 22nd June 1997, reaffirming this resolution. This fatwa conference agrees to endorse the mandatory zakat on employment income for individuals eligible to pay zakat (Hamat, 2014). Various State Islamic Religious Councils have imposed the same obligation through their respective States' Fatwa Committees. This zakat obligation on income reflects the law which is not in line with the views of the Shafie school of thought, aligning instead with the contemporary view of a prominent leading Muslim jurist Yusuf Al-Qaradawi (Al-Qaradawi, 1969; Tarimin, 2012).

In line with the history of the successful development of zakat collection and distribution on salary income during the reigns of Muawiyah ibn Abu Sufyan and Umar ibn Abdul Aziz, the National Fatwa Council decided to impose obligatory zakat on the salaried income on 9th December 1992

(JAWHAR, 2008). The calculation of zakat on income is based on the total net income after deducting the living expenses, those under liability, and current debt due in the year. In terms of the determination of *nisab*, Malaysia generally applies the view of Yusuf al-Qaradawi which is 2.5% (Salleh, 2011). This historical development of imposition of zakat on income in Malaysia can be summarized in the following Table 2:

Table 2: Summary of the Imposition of Zakat on Income in the States of Malaysia

No.	State	Year	Status of Fatwa
1.	Kedah	1986	Obligatory
2.	Perak	1990	Optional
3.	Terengganu	1992	Obligatory
4.	Kelantan	1995	Obligatory and valid payment with intentions
5.	Sarawak	1996	Obligatory by taking into account the need for basic and other costs.
6.	Negeri Sembilan	1998	Obligatory
7.	Federal Territories	1999	Obligatory
8.	Johor	2000	Obligatory
9.	Melaka	2000	Obligatory
10.	Pulau Pinang	2001	Obligatory
11.	Selangor	2002	Obligatory
12.	Sabah	2003	Obligatory

Source: USIM Centre for Awqaf and Zakat

Income encompasses various types of revenue which include employment income and open income. Employment income consists of annual salary, arrears of salary, allowances, gratuities and several other incomes related to employment. On the other hand, open income refers to various income through a profession, expertise, or business activities, typically received as compensation for services rendered such as legal services, consultancy, counselling, artistic endeavours, and similar activities (JAWHAR, 2008). Zakat on income is calculated based on the net income after deducting the legal allowable basic living needs prescribed by the state legal fatwa committee under the State Islamic Religious Council of each state in this country at the rate of 2.5%.

Zakat on income has emerged as a promising new revenue with a significant number of contributors in each state. The contribution of zakat on income has potentially increased the amount of zakat collection, facilitating a more effective distribution of zakat to ensure social justice. The expansion of eligible assets, particularly the inclusion of individual Muslims' income, has notably contributed to the substantial increase in zakat revenues (Wahid, 2007). Malaysia's accomplishment in reviving and elevating the glory of zakat

institutions within its existing framework is evidenced by the introduction of a salary deduction mechanism for zakat collection.

Zakat on Business

Imposing zakat on business has long been practised by all zakat institutions in Malaysia. Presently, most states impose zakat based on the adjusted working capital, involving modifications to current assets and liabilities stated in the financial statements. The adjustments are necessary before subjecting it to zakat, which is the exclusion of non-permissible items, bad and expired stocks, contributions to charitable funds, and all current liabilities that are considered operating costs in nature such as salaries, tax, electricity as well as trade payables (JAWHAR, 2008).

Regarding the zakat on business in Malaysia, most of the State Islamic Religious Councils impose zakat on their business income for statutory bodies which carry on business activities. At the national level, JAWHAR has formally issued a national fatwa making it mandatory. For example, the imposition of zakat on the Federal Land Development Authority (FELDA)'s business income including its subsidiaries, with the revenue being managed through separate accounts (JAKIM, 2005).

Zakat on the Employees Provident Fund (EPF)

Concerning zakat on the Employees Provident Fund (EPF), the National Fatwa Committee in November 1982 mandated it as one of the wealth subject to zakat. The state of Selangor similarly established it as compulsory (Administration of Islamic Law Enactment (Selangor) 2003, Section 47). The EPF operates as an institution under the Laws of Malaysia, dedicated to managing members' savings and retirement benefits. EPF members encompass non-pensionable public sector employees and all private sector employees across the country (EPF, 2019). The majority of states in Malaysia impose zakat solely upon the withdrawal of the fund, considering it as a form of mandatory savings.

There are two types of assessment methods. Firstly, it is imposed upon the withdrawal of the fund at a rate of 2.5% and is categorized as a type of zakat on income. Secondly, zakat must be paid when a full *haul* of one year after its receipt has passed at the rate of 2.5% (JAWHAR, 2008; Administration of Islamic Law Enactment (Selangor) 2003, Section 47). The government has enacted legislation requiring employers to contribute a proportion of the employee's wages to their EPF accounts, while the employees themselves also contribute a portion of his/her monthly wages.

It provides many benefits for its members to make a partial withdrawal in specific cases such as withdrawal due to medical expenses, education for children, pre-retirement at the age of 50 years to utilize 30% of their savings for house ownership and investment option schemes leaving the other 70% to be given once they reach the age of 55 years (EPF, 2019).

Zakat on Shares, Sukuk (Islamic Bonds), And Investment

Malaysia is known as the pioneer of Sukuk. It has captured the global Sukuk share market positively and has a successful track record in innovating and commercializing many Shariah-compliant products (Kamaluddin et al., 2015). In line with this matter, most of the states in Malaysia have adopted zakat on Sukuk and other types of investments like shares, bonds, and other various types of banking and finance investment. At the national level, they were made obligatory for zakat by JAWHAR in 2008. Shareholders and sukuk holders are obliged to pay zakat if the company does not pay zakat on their behalf. The rate imposed is at 2.5% based on the lower price between the market price and the purchase price for the shares owned after the *haul* is reached. Meanwhile, for stocks traded over the course of the *haul*, the zakat rate imposed is 2.5% of the total sale of the shares after deducting the purchasing cost of the shares (JAWHAR, 2008).

Most of the states calculate zakat on stocks based on the lowest value, while certain states like Selangor follow the current value for zakat assessment. However, a recent study by the International Shari'ah Research Academy for Islamic Finance (ISRA) suggested that the zakat on stocks should be calculated based on the current value rather than the lowest value. This approach is considered more practical and facilitates the calculation of *nisab* for zakat (Hussain et al., 2015).

Zakat on Agriculture

In Malaysia, zakat on agriculture primarily focuses on paddy, aligning with the *Shafie* school of thought principle which imposes zakat on staple food only for agricultural produce. In other words, only crops categorized as staple foods are mandated for zakat. Considering rice as a staple food for Malaysians, zakat is specifically applied to paddy cultivation.

However, other crops that are not included in the category of staple foods such as coconut, oil palm, rubber, pepper, sugar cane, cocoa, and other fruits are also subject to zakat. Most of the State Islamic Religious Councils in this country impose zakat on agricultural produce other than paddy based on the

zakat business assessment or zakat on income for individual personal income (JAWHAR, 2008; Ali & Abdullah, 2013).

This approach differs from the State Islamic Religious Councils. The state of Perlis has imposed obligatory zakat on agricultural produce that is not categorized as staple foods such as coconut, oil palm, rubber, pepper, sugar cane, cocoa, and other fruits (MAIPS, 2020). In general, zakat on paddy is determined based on the method of irrigation. Zakat is only imposed on staple food when it meets the *nisab* (minimal value) in a particular state.

For crops using irrigation which involves expensive costs, the zakat rate is 5%. However, for crops relying solely on non-expensive irrigation methods, such as rainwater, the rate of zakat is 10%. Meanwhile, for crops using a combination of paid irrigation and rainwater that entails significant costs, the zakat rate will be imposed at 7.5% (JAWHAR, 2008).

Zakat on Takaful Benefits

The emergence of the Islamic banking, finance, and takaful industry in Malaysia has achieved significant milestones with the enactment of the Takaful Act of 1984. It has been attracting many individual Muslims and companies to get protection and investment by obtaining takaful policies. Takaful policies are considered one of the most well-known and the best forms of savings and investment nowadays in Islamic finance particularly in the event of any misfortune and death (Rahman et al., 2008).

However, the majority of Malaysia's state zakat legal enactments and laws of zakat on income and other types of zakat generally do not provide any such specific guidelines for zakat implications of these benefits. Only the Selangor Islamic Religious Council has introduced the enforcement of obligatory zakat on takaful benefits for its Muslim policyholders in its respective state. Unlikely, this state fatwa outlines a few takaful benefits that are subject to zakat. The Fatwa of Selangor Zakat Collection Management System describes several *zakatable* items of takaful benefits including the cash value, maturity value, and surrender value of the family takaful product (Sec. 3 (c), Fatwa Selangor Zakat Collection System, 2017).

Zakat on Fishing and Marine Products

Most of the State Islamic Religious Councils in this country impose zakat on fishing and marine products based on the calculation of zakat business or zakat on income. On the other hand, this differs from the State Islamic Religious

Council of Perlis which imposed obligatory zakat on fishing and marine products (MAIPS, 2020).

CONCLUSIONS

In conclusion, the primary source of zakat funds during the pre-colonial and colonial periods came from the yields of paddy cultivation and zakat *al-fitr*, which were accorded significant importance due to public lack of awareness in other categorizations of zakat and the common profession among the Malay Muslims at that time. On the other hand, zakat obligations pertaining to various forms of business, private property, and diverse income were largely overlooked. Thus, zakat *al-fitr* and zakat on paddy contributed a huge percentage of zakat payment, with most of the contributors being individuals from lower-income groups.

However, since the 1990s, there has been an improvement in the efficiency of zakat management in Malaysia. Several Zakat Management Institutions (MAINs) have taken a great initiative and effort to adopt corporate management styles within their zakat administration and management by incorporating dedicated departments for zakat collection and distribution. Substantial efforts have been undertaken by zakat authorities at both state and national levels to expand the range of zakatable assets. The transition in Malaysia's economic landscape from agriculture to industry has further necessitated the inclusion of various contemporary *zakatable* assets at both state and federal levels. Notably, zakat on income collections emerges as a key contributor to the roles played by state zakat institutions in assisting the Malaysian Federal government in its poverty alleviation efforts among the Muslim population.

As the primary instrument of fiscal policy and the fundamental element of Malaysia's identity as an Islamic state, the Federal government, the States Islamic Religious Councils, and Islamic governmental bodies fulfil diverse roles in making the country's prosperity and integrating zakat as a vital component of the social security system. These entities are regarded as pivotal elements driving the rapid progress of zakat in Malaysia.

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CONFLICT OF INTERESTS

The authors declare no competing interests such as financial or personal relationships concerning the writing of this article.

AUTHORS' CONTRIBUTIONS

All authors designed the study and analyzed the results. Author 1 wrote the article.

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