

FROM BROTHEL TO ZAKAH

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Prologue

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

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Introduction

Zakat management in Malaysia is administered under the authority of states. Generally in each states, the administrations of the religion of Islam namely, an enactment was established. The enactment as states law ruled the Islamic affairs of the states. The Islamic affairs pertaining to Syariah matters were covered under the enactment wPage 2 of 13hich were given to each state religious council⁵, Majlis Agama Islam Negeri (MAIN). As the governing body. MAIN also governed the administration of zakah⁶ and was allowed to have their own zakat institutions The Islamic Religious Department or Jabatan Agama Islam Negeri is headed by the director of Islamic Religious Department. MAIN holds the duty to advise the Sultan as well as promotes the economics and social development of the Muslim community of states. This includes the administration of zakah where each state is allowed to have their own zakat institutions

Lembaga Zakat Negeri Kedah

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

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

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

The organisational structure of LZNK is shown below:

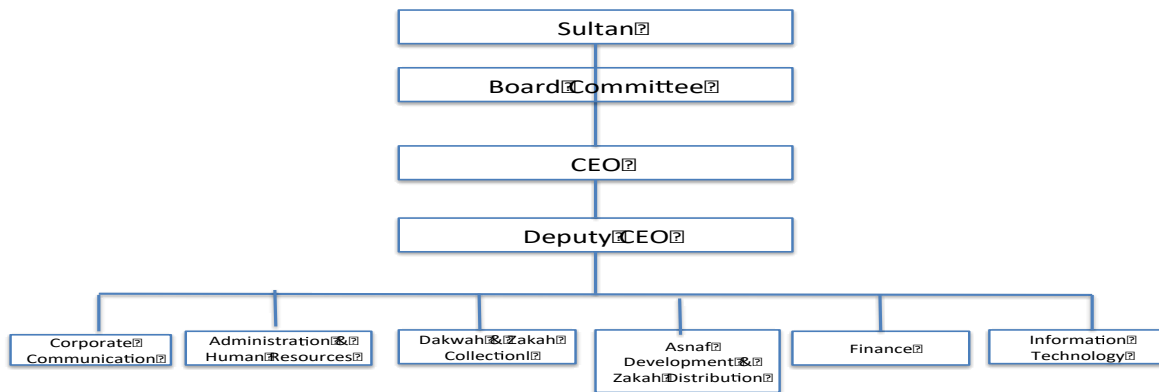


Figure 1: Organizational chart of LZNK (from LZNK website)

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

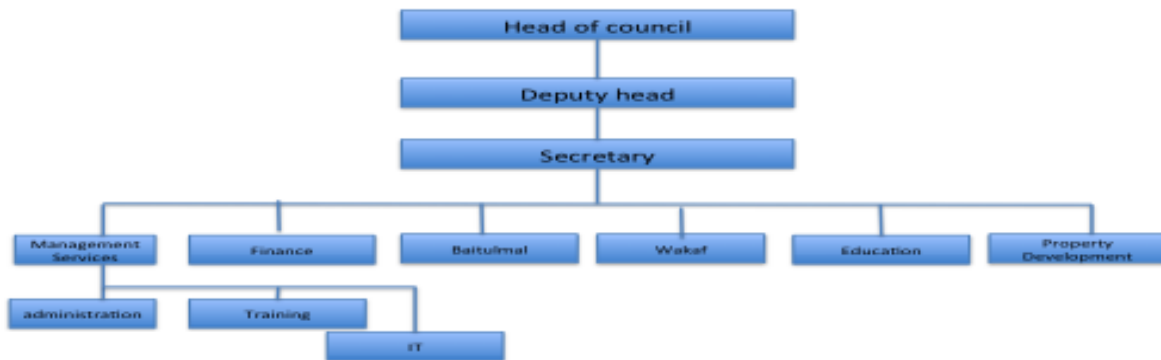


Figure 2: Organizational Chart of MAIK

The Practice of Zakah in Kedah

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

Year	2014 RM'000	2015 RM'000	2016* RM'000
Zakat Collections:	127,594	140,388	148,186
Zakat Distributions:	120,190	162,677	162,677
1.Faqir	5,451	8,065	11,792
2.Miskin	46,645	60,351	67,609
3.Aamil	16,091	16,875	17,845
4.Muallaf	1,447	1,902	1,681
5.Riqaab			
6.Gharimin	18	32	38
7.Fisabilillah	50,326	62,586	63,467
8.Ibnu Sabil	211	189	246

* unaudited financial data

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

The Practice of Zakah (Riqab) in Selangor

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

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

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

- I. LZS is functioned separately as amil under Trustees Act(akta Pemegang Amanah) 1952
- II. LZS does have power in admistrating zakah collection and distribution except for two asnaf, the mualllaf and riqaab distribution.
- III. MAIS take charge in governing the Selangor Islamic related fund of the baitulmal, and on law correspondence.

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

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

Vision: To develop Riqaab asnaf for Allah blessing

Function: Develop, monitor and assist the program specially developed for enslavement of the riqaab asnaf in term of Islamic motivational and knowledge sharing

The operations of the centre began in year 2011 where zakah fund is used to finance the centre in terms of administration and cost for patient recovery. In 2016, there are 21 rehabilitation centres registered under MAIS and received assistance in the form monthly expenses and annual grants. There are various programmes conducted for riqaab recipients in the rehabilitation centre such as protection, treatment, prevention and control as well as variety of other assistance to those involved to return to the right path.

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

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

Based on research, Ali also found that other states such as Negeri Sembilan, Pahang, Perlis and Terengganu have distributed zakah to riqab asnaf as shown in Table 3 below.

Asnaf Riqab amount distributed (RM'Million)							
year	S'gor	T'ganu	Negeri Sembilan	Phg	Perlis	Kedah	W.P
2008	1.089	0.145	0.953	-	-	-	-
2009	1.604	0.018	11.3	-	-	-	-
2010	2.455	0.019	12.5	0.027	-	-	-
2011	2.346	0.024	13.3	0.027	0.002	-	-
2012	6,935	*	12.5	4.0	*	-	-
2013	13,220	*	13.7	0.19 9	*	-	-

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

Table 3: Statistics of the asnaf distributions for riqaab

Epilogue

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

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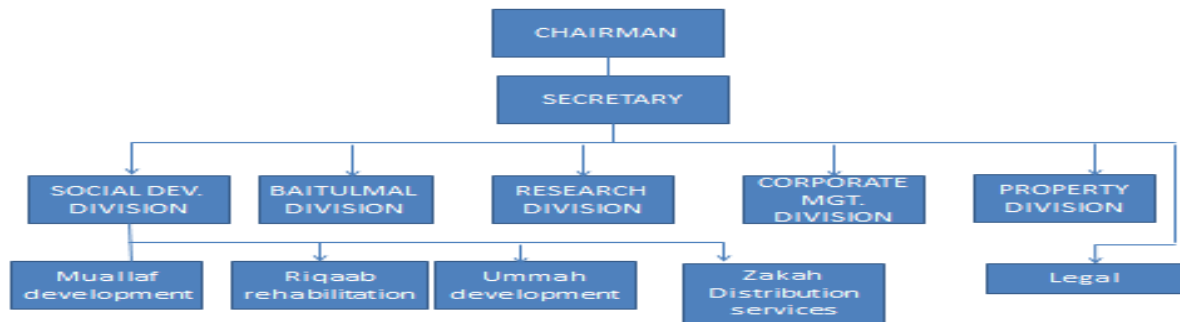
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Appendix 1 : Organizational chart of MAIS



Appendix 2 : Selangor Fatwa Gazetted (7 June 2012) Vol 65(12) Additional No14



NEGERI SELANGOR

Warta Kerajaan

DITERBITKAN DENGAN KUASA

GOVERNMENT OF SELANGOR GAZETTE

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ENAKMEN PENTADBIRAN AGAMA ISLAM
(NEGERI SELANGOR) 2003

FATWA DI BAWAH SESYEN 47

MENURUT seksyen 47 Enakmen Pentadbiran Agama Islam (Negeri Selangor) 2003 [En. 1/2003], Jawatankuasa Fatwa bagi Negeri Selangor, atas perintah Duli Yang Maha Mulia Sultan menyediakan fatwa yang dinyatakan dalam Jadual dan disiarkan menurut subseksyen 48(6) Enakmen itu.

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

FATWA UNDER SECTION 47

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

JADUAL/SCHEDULE

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

Senarai jenis penerima agihan asnaf Al-Riqab berikut adalah layak menerima bantuan

zakat Al-Riqab melalui perantara mana-mana institusi, pusat, NGO Islam dan individu perseorangan yang dibenarkan oleh undang-undang dan Hukum Syara' yang berfungsi melaksanakan tugas-tugas membebaskan, mengurus, melindungi, merawat dan memulih asnaf Al-Riqab supaya dapat menjalani kehidupan sempurna secara Islam:

(1) Masalah sosial:

(a) Terbelenggu dengan dadah:

- i. Penagih dadah.
- ii. Bekas penagih dadah.

(b) Terbelenggu dengan masalah jenayah syariah:

- i. Minum arak.
- ii. Zina.
- iii. Judi.
- iv. Khalwat
- v. Buang anak
- vi. Mengandung luar nikah.
- vii. Mempersendakan Al-Quran dan Hadis.
- viii. Sumbang mahram.
- ix. Persetubuhan haram.
- x. Muncikari (ibu ayam).
- xi. Menjual atau memberikan anak kepada orang bukan Islam.
- xii. Dan lain-lain yang berkaitan Enakmen Jenayah Syariah (Negeri Selangor) 1995.

(c) Terbelenggu dengan amalan salah Islam:

- i. Tidak solat.
- ii. Tidak puasa.
- iii. Buang anak.
- iv. Usaha ingin bunuh diri.
- v. Hidup bersama pelacur.

(d) Terbelenggu dengan gaya hidup sonsang:

- i. Pelacur.
- ii. Lesbian.
- iii. Mak Nyah (Transexual).
- iv. Gay.
- v. Homoseksual.
- vi. Gigolo.

- vii. Biseksual.
- viii. Pengkid.
- ix. Tomboy.
- x. Bersedudukan dengan orang bukan Islam.

(e) Terbelenggu dengan kes juvana:

- i. Gangster.
- ii. Jenayah melibatkan harta benda.
- iii. Pergaduhan yang melibatkan kecederaan.
- iv. Kes rompak.
- v. Pecah rumah.
- vi. Kes rogol.
- vii. Jenayah yang melibatkan peralatan senjata yang merbahaya.
- viii. Ugutan yang melibatkan keganasan.

(f) Terbelenggu dengan penyakit kronik :

- i. Penyakit HIV/AIDS.
- ii. Kanser/barah.
- iii. Tibi.
- iv. Hepatitis.
- v. Dan lain-lain.

(2) Masalah Akidah:

(a) Terbelenggu dengan masalah syirik dan khurafat:

- i. Doktrin palsu.
- ii. Mengaku menjadi nabi.
- iii. Menghina Islam.
- iv. Pemujaan salah.
- v. Mempersendakan Al-Quran dan Hadis.

(b) Memurnikan akidah orang Islam yang terpesong

- i. Orang yang ingin/berhasrat murtad.
- ii. Oranng yang dalam proses Istitabah.

Bertarikh 14 Mei 2012

Dated 14 May 2012

[MAIS/SU/BUU/05/002/16-7; P.U. Sel. AGM. 0007 Jid. 3]