The Concept of Had Kifayah in Zakah Management

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Abstract

This research attempts to find the concept of had kifayah (the sufficiency line) in classical Islamic texts (turasts) written by Muslim scholars and to be analysed it in the contemporary relevance of zakah management. It employs a qualitative method by exploring the concept of had kifayah of early Muslim Scholars and analyzing its relevance in the current condition. Moreover, the findings are clearly stated that the concept of had kifayah is derived from the works of early Muslim scholars that gives a fundamental philosophical framework toward the development of had kifayah study in zakah management. The existing research covers the study of had kifayah focusing on formulating the measurement of had kifayah with some additional Islamic values that based on the maqasid Shari'ah approach. However, the comprehensive study on the had kifayah based in Islamic perspective has been not executed very much in this regard. This research will contribute to the development of Islamic economics because the concept had kifayah related to the development of zakah management.

Keywords: Poverty; Had Kifayah; Classical texts

A. INTRODUCTION

Poverty is one of the economic problems faced and concerned by society, along with history. Definition, classification and measurement of poverty have been proposed to solve all poverty problems. For instances, there are three approaches commonly used to measure poverty line, namely: absolute, relative, and the subjective poverty line. Moreover, there are two significant criticisms are widely shared: 1) an adequacy critique—that the thresholds are set far below the income level needed to maintain a minimally adequate standard of living; and 2) a resources critique—that the measure fails to take into account certain non-cash and tax-based benefits (Fremstad, 2008: 1).

Zakah, as one of the solutions in Islam to alleviate poverty also needs to determine who is categorised as a poor or needy, which is known had kifayah. Recently, BAZNAS Center of Strategic Studies (2018) has released ‘Study of Had Kifayah in Indonesia.’ Previous study related to had kifayah in Indonesia conducted by Abdillah Ahsan, et al. (2013) in cooperation with Dompet Dhuafa (DD). In compared with Malaysia, the study of had kifayah has been studied by many researchers. The latest study has been done by Rasool et al. (2018) that proposes Islamic Poverty Index (IPI) based on maqāsid approach, and Bhari et al. (2018) study comparative analysis on had kifayah of eight state in Malaysia. Other studies conducted by Malaysia are related to had kifayah vary on specific themes such as maqāsid, gender, geography, and some case studies. All studies focus on measurement of had kifayah highlighting the proposal framework, issues and cases. However, the Islamic philosophical underpinning on the topic has been not taken into consideration very much, as it is as a foundation before going to technical research.

In Islamic history, the companions of the Prophet Muhammad pbuh concerns with the had kifayah of payment zakat for ashnaf (Sayyid Umar, 1996: 184-187). There are many Islamic classical
texts (turasts) which content of the study of had kifayah written by Muslim scholars. In the chapter of zakah on kafaf and qana‘ah, Imam Nawawi explains term kafāf is kifayah (sufficient) which is not more and less (7/178&204-205). Hence, al-Syaibāni in his al-kasb also covers some fundamental aspects related to the topic such as the concept of work, spending (nafaqah), poverty and rich. Abdul Qadir (1409 H/1988 M) in his thesis states that had kifayah covers in three levels of maqāsid in the basis of five necessities (dhururiyat); preservation of religion, self, intellect, offspring and wealth, which explained by Imam Syātibi. Imam Mawardi, in his book al-Ahkam al-Sultaniyyah in the chapter of zakah, relates the distribution of zakah with the kifayah (sufficient) of the beneficiaries.

Moreover, research into this domain has been not executed very much in this regard. There are many Islamic classical texts (turasts) produced by early Muslim scholars that are associated with the concept of had kifayah. Therefore, the study aims to find the concept of had kifayah in classical Islamic texts (turasts) written by Muslim scholars and to analyse their concept of had kifayah in zakah management. Therefore, it is essential to know deeply who are in needy or poor to achieve the effectiveness of this zakah fund disbursement.

B LITERATURE REVIEW

1.1. Definition of Had Kifayah

Had Kifayah is compound word consists of the word had and kifayah. Had is derived from word hadda that means mana`a and habasa (confine, limit or restrict) (Ibn Munzir, 3/142). Kifayah is kufyah pronounced by dhomma, which means ma yakfīka minal ‘aisyi (the thing that suffices your life) (Ibn Munzir, 15/227). As described by Ibn Malik, kifayah (hajāt alinsān al-asliyyah) is a thing that eliminates harm on human that should be examined such as expenditure, housing, tools of war, clothing that is needed to cover from heat and cold, or be calculated the value such as debt; the debtor is in need of debt held by him from the condition can save himself from harm (Ibn `Abidin, 2003: 3/178).

Terminologically, there is no specific definition offered by Muslim scholars on had kifayah. However, some researchers attempt to define it in their studies. Ahsan et al. (2013) define it as a minimum level of human needs as a measurement of the poverty line. LZS (2015) defines had kifayah as minimum sufficiency line for the basic needs of an individual and his dependants based on the current cost of living (Rashid et.al., 2015).

Had Kifayah refers to a minimum rate of basic requirements on the cost of living which is determined by the zakat institutions (Jawhar, 2009). Baznas (2018) Had Kifayah constitutes with line sufficiency or basic need standard of the people/family added by the existing adequacy of dependants as an effort to determine the feasibility of the zakat recipients according to local and socio-economic conditions. By all explanations can be regarded that had kifayah is the sufficient line of human needs in life.

1.2. A Nexus Between the Living Wage and Had Kifayah

The concept of a ‘Living Wage’ is a wage rate that should provide households with a minimum acceptable standard of living (living wage foundation). On the other words, the living wage reflects the necessary expenses of workers and their families for commodities such as food, transportation, housing, childcare, health, education and to maintain adequate living standards for a household of two adults and two children (St. John & So, 2018). In general definition, it can be regarded that you should avoid paying less than a living wage in your own company. The calculation of the national living wage in each country is different based on social and cultural expectations that change over time.

In Indonesia, the new system of the minimum wage was formulated in 1994 known as the cost of a consumption bundle (minimum physical needs) that goal is to set the minimum wage in reference with minimum physical need, the cost of living, and labour market condition (Smith et al., 2002). Moreover, each province has a difference minimum wage in Indonesia, as mentioned in table 2 below:
Figure 1. The Minimum Wage of Indonesia

By the data, the highest one is DKI Jakarta, and the lowest one is Nusa Tenggara Timur. This amount of minimum wage rate is based living standard of each province. This can be said that the minimum wage of Indonesian people should be based on the sufficiency of living standard. In this case, it can be assumed that there is a relationship between the national living wage and had kifayah. Therefore, the operational variable and calculation of had kifayah should regard the guidance of national living age determined by the government.

1.3. Zakah Management

The activity of zakah in many zakat organisation consists of three major activities, namely, collection, financial management and distribution. As explained in the act of the Republic of Indonesia Number 38 of 1999 concerning Management of Zakat, article 1, namely the management of zakat is the activity of planning, organising, implementing and supervising the collection and distribution and utilisation of zakat. However, to succeed in the implementation of zakat management at this time, the components of zakat management must be fulfilled.

According to Qardhawi (2005), which must be fulfilled by the zakat institution in realising the management of zakat, which there are several conditions: 1) Establish the concept of expansion in the obligation of zakat. The point is that all assets that develop have mandatory zakat and have the potential as an investment in handling poverty; 2) Managing fixed assets and non-permanent assets; 3) Administration that is accountable and managed by responsible professional people; 4) Good distribution and application without prohibiting a portion of the groups of zakat recipients who are entitled to receive it; 5) Seriousness towards work productivity that is based on Islam, thus making Muslim communities follow predetermined Islamic laws and also carry out all of their obligations and avoid restrictions that have been decided.

• Collection of Zakah

The types of assets that are objects in the collection of zakat have been presented in detail in the Qur'an and hadith, according to some scholars there are four types, namely (1) plants and fruits, (2) livestock, (3) gold and silver and (4) trading assets.

Along with the times, the object of zakat collection continues to grow. Jurists continue to do ijtihad to determine the types of assets that are used as objects of zakat collection which were not yet known in the time of the Prophet Muhammad. Imam Shafi'i, Imam Maliki, Imam Hanafi and Hanbali gave much additional information on the assets of the object of zakat. As in the days of Umar bin
Abdul Aziz, he had introduced the existence of zakat by taking the assets of zakat from the salaries of his employees.

Didin Hafidhuddin (2002) explained that modern economic sectors are also potential objects in collecting zakat, such as income derived from expertise, chicken farming, bees, property businesses, and stock and bond securities and so on. Three strategies must be carried out by the zakat organization in realizing these potentials, namely (Irawan, 2004). Firstly, the Line Bellows; namely collection activities carried out directly to prospective ZIS payers at locations that are of strategic and potential value, e.g. opening exhibition stands, etc. Secondly, above The Line; namely, collection activities carried out using print and electronic mass media as a tool to attract prospective ZIS payers using the amil zakat service, e.g.: Advertising in newspapers, magazines and radio or TV. Thirdly, alliance; namely collection activities by conducting alliances/cooperation with other institutions.

- **Distribution of Zakah**

Zakat collected by a zakat organisation must be channelled to the mustahik by the priority scale that has been prepared in the work program. Zakat distribution targets, according to Al-Taubah: 60, are explained as follows: 1. The fakir group, namely people who need help because they do not get enough income to meet their daily needs according to certain community habits. According to Hanafi, an indigent is a person who has less wealth than Nisab, even though he is healthy and has a job. Syafi' Hanbali and I say that a person who has half of his needs, he cannot be classified into a group of indigent people. Maliki defines the devotee with people who do not have the provision to spend a year and also do not have the provision to support his family (Muhammad Jawadmughniyah, 2001). Imam ibn Hanbal defines the meaning of devotee, who is a person who does not have assets less than ½ of his wealth.

In order to carry out zakat distribution when referring to the zakat guidebook published by the Directorate General of Islamic Community and Hajj Affairs of the Ministry of Religion of the Republic of Indonesia (2002: 244), in the form of zakat utilization it is divided into four forms (Khatimah, 2005). First, distribution is traditional consumptive, that zakat is distributed to mustahik to be used directly, such as zakat fitrah gave to poor people to fulfil their daily needs or zakat mal distributed to victims of natural disasters. Second, creative consumptive distribution, namely zakat, which is manifested in other forms of the original goods, as given in the form of school tools and scholarships. Third, distribution is traditionally productive, i.e. zakat is given in the form of manufactured goods such as goats, cows, shavers, and so on. Giving in the form of production equipment is expected to be able to create a business that opens employment for the poor. Fourth, distribution in the form of creative, productive, i.e. zakat is given in capital either to build social projects or increase the capital of traders of small entrepreneurs.

1.4. **Previous Study**

There are some studies on the measurement of had kifayah employed maqāsid approach. BAZNAS Center of Strategic Studies (2018) studies had kifayah of zakah in Indonesia based on the maqasid approach that conducted with mix method: qualitative and quantitative. The findings are the dimensions of had kifayah consists of food, cloth, house and its facilities, ibadah, education, health, and transportation. The result of Had Kifayah's calculation shows that the average Had Kifayah in Indonesia reaches Rp3,011,142/family/month, whereas individual Had Kifayah reaches Rp772,088/capita/month. This is in line with the study of Rasool et al. (2018) attempt to measure Islamic poverty index based on maqāsid approach. He results of the study revealed that there were five dimensions of IPI with thirteen indicators incorporating maqasid-al shariah principles with religion and physical self-being the highest weighted dimensions, followed by knowledge, offspring and wealth.

Specifically, Sugeng and Abd Rahman (2016) aim to measure the determination faqir and Miskin in Merbau, Mataram by using had kifayah and maqāsid approach. The finding shows the classification of the poor, and the needy in Merbau Mataram Indonesia is not entirely by the standard
of poverty understood in Islam: *had al-kifāyah* and *maqāsid* method, but it is still using the state poverty standard.

Ahsan, et al. (2013) in cooperation with Dompet Dhuafa (DD) attempt to determine *had al-kifāyah* based on *maqāsid* approach. In comparison to the mentioned researches, their study is more comprehensive about the theory of *maqāsid* and its components of five into aspects of *had kifayah*. However, Abdul Qadir (1409 H/1988 M) in his thesis gives detail and comprehensive study on *had kifayah*. The conclusion is that *kifayah* in Islam differs from conventional theory. In Islam, *kifayah* consists of *Dunya* (world), and *akhirah* (heaven) needs to be covered in *maqāsid Syari’ah*. To him, *kifayah* has several instruments through work, inheritance, will, *sadaqah* and *zakah*.

Other researches on *had kifayah* most related to case study such as Bhari et al. (2018) compare *had kifayah* in eight states in Malaysia, Ibrahim, et al. (2015) is on the measurement of *had kifayah* in Selangor, Bin Mohd Ali et.al (2014) focus on review previous studies based on important factor in setting Zakat Poverty Line (*Had Kifayah*) between urban and rural areas. It can be concluded that Malaysia is the first country that focuses on the study of *had kifayah* and followed by Indonesia.

C. Methodology

This study is related to the field of Islamic economics and finance which is confined in the study of *had kifayah* of zakah. Moreover, the purpose of Islamic economics is to identify and establish an economic order that conforms to Islamic scripture and tradition (Addas, 2008). To achieve its objectives; this study employs qualitative research that refers to the meanings, concepts, definitions, characteristics, metaphors, symbols and descriptions of the matter understudy (Berg, 1989).

The method used with content analysis supported by the spiraling research approach. The first method will be used content analysis which is defined as the study of recorded human communications, such as books, websites, paintings and laws (Babbie, 2006). It is also defined as social communication which is inferred by systematically and objectively from written document or transcription of recorded verbal communications. Also, it is a systematic research method for analyzing textual information in a standardized way that allows the researcher to make inferences about that information (Weber, 1990: 9-12).

There are seven steps in conducting a content analysis; (1) Deciding whether to use content analysis, (2) Defining a variable, (3) Selecting material for analysis, (4) Developing an analysis plan, (5) Coding the textual material, and (6) Analyzing the data. Also, the method will be supported by spiraling research approach, which is begun with the idea, gather theoretical information, reconsider and refine the idea, begin to examine possible designs, reexamine theoretical assumptions, and refine these theoretical assumptions and perhaps even an original or refined idea. The data for the study will be gathered mainly from secondary sources, using the method of library research. This task would be done by going through the relevant books, journals, bulletins, and magazines, etc.

D. Finding and Discussion

4.1. *Had Kifayah* in Islamic Jurisprudence School Perspective

One of the Hanafi Jurist, Ibn ‘Abidin (2003) says that *kifayah* is the primary needs of human to eliminate the harm such as expenditure, housing, tools of war, clothing that is needed to cover from heat and cold, or be calculated the value such as debt; the debtor is in need of debt held by him from the condition can save himself from harm (3/178). It also mentioned by al-Syaihani in *al-Iktisab* that it is a necessity and obligatory to man providing his basic needs for him, and then to his family (wife and children), and his parent based on their sufficiency of need (1997: 121-120). Also, Mohammed (2009) said that spending’s model of Syaibani has real relationship income earned. Also, Some Hanafiyyah said the person whose wealth is 200 Dirham is regarded insufficiency (Al-Kasani, 2003: 379-380), and it can be said that the person whose possession is below 200 Dirham is categorised as a poor.

In *Kitab al-umm*, al-Shafi‘i provides a subtle and carefully argued definition of need, which includes the recognition that no fixed amount of money or wealth can define poverty; instead, one’s
obligations toward one’s dependents, as well as one’s ability to enrich oneself, are taken into consideration (Matson, 2003:41). To Imam Shafi’I, the need is what people knew in common on a condition of a seeker of zakah and his wealth, not only based on the wealth (Al-Umm: 3/230). This indicates al-Shafi’i’s recognition that poverty cannot be defined in absolute material terms; instead, poverty is what is acknowledged to be such by people in a community (Matson, 2003:42). Specifically, Imam Nawawi, the follower of Shafi’iyah, says kifayah is kafaf that is not less and more (7/145). It is in line with the definition of Ibn Manzur says that Kafaf needs sufficiently, which is not more and less (9/306). It is supported by Imam Mawardi that kifayah is blocking, sufficiency and restriction of need. These views can be said that had kifayah is sufficient to line on human needs.

Moreover, Imam Malik said that zakah is compulsorily imposed on those Muslims who have twenty dinars or two hundred dirhams in a year (haul). To Imam Shatibi (1997) as Maliki follower says that had kifayah is more than had kafaf, which only covers the necessities (dharuriyyah), not hajiyah of human (2/11). It seems that Imam Shatibi relates the concept of kifayah with maqasid Shari’ah. The dharuriyyah covers the needs of faith, self, intellect, progeny and wealth.

Abu ‘Ubayd argues that this means, for example, that if what the man owns is sufficient (al-kafaf), without affluence, he can be given zakat to pay off a debt (Matson, 2003: 38: Al-Khattabi, Ma’alim al-Sunan). Abu Ubaid is of the view that the third one is the narrowest definition of being well-off, whereas a more liberal explanation is one where it is required that assets should be equal to one uqiyah or forty dirhams (Abu Ubaid (1986: 814). Jurists are of the view that it is unlawful for a person to receive zakat funds if he possesses forty dirhams. This view has gained acceptance. Abu Ubaid maintains that forty dirhams or an uqiyah should be over and above private accommodation, necessary seasonal clothing, and a servant (Ibid: 815).

It can be concluded that some early Muslim jurists relate the had kifayah to nisab of zakah. For instance, Malikis regard the had kifayah of Muslims should be below the value of asset twenty dinars or two hundred dirhams in a year (haul), whereas Hanbalis require that assets should be equal to one uqiyah or forty dirhams. At present, it is common practice to express nisab in terms of gold and silver to determine had kifayah. In the case of a person whose assets liable to zakat consist only of gold, the nisab is 85 grams of gold. For other assets, the silver-based nisab is followed, which means 643 grams of silver or cash or goods for trade or any other assets liable to zakat under shariah, the aggregate value of which is equal to 643 grams of silver. Therefore, conclusions which can be inferred from the view of the mutabar school on had kifayah as schedule below:

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<th>Table 1. Had Kifayah Based on Four Mazhabs</th>
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<td>Hanafiyyah</td>
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<td>Had al-Kifayah</td>
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Source: Author

By the explanations, it can be emphasised that the difference in poverty determination depends on the self-sufficiency. Some Muslim jurist regard the self-sufficiency is from the level of wealth possession, while others view it is not only about possessing wealth, but also by being able-bodied and the latter are not given any assistance unless they need it in order to make a living (Al-Umm: 64; Shirazz, 1993: 326). Malikiyyah, the question of deciding whether a man is rich or poor, is left to the discretion of the state Shirazz, 1993: 326).

4.2. The Measurement of Had Kifayah

The are several methods used to measure the had kifayah. Most of the standard procedure and poverty measurement used from the monetary approach using variables that represent the household’s income, expenditure or consumption. Expenditure is most used to measure the poor and needy in zakat (Patmawati, 2006; Fahme, 2011; Fahme, 2015; Chaudhry, I. S., 2009). Income as
variable refers to Poverty line Income (PLI) based on food and non-food item set by the government to determine the *had kifayah*. At least, there are four approaches used to measure PLI, according to Kaptyen et al. (1978).

The first approach is to leave the establishment of a poverty line entirely to politicians' discretion of deciding PLI by poor decision, intuitive or by pressure from constituents. The second approach is to inquire what a "representative citizen" considers to be the minimum level of command over resources, while the third approach is the "subsistence-level", which explain that a human being has specific basic needs which have to be satisfied-food, clothing, housing, etc. (Ibid: 506).

A fourth approach consists of asking people what they consider a minimum level of income for themselves. The measurement problems are similar to those of the second approach, and, also, one has to assume that people do not deliberately misrepresent their preferences. On the other hand, there is less need for interpersonal welfare comparisons (Ibid).

In the expenditure side, some measurement used to determine had kifayah of Muslim. The first is the **Headcount index (HC)** widely-used index measures the proportion of the population that is poor. The second is the Poverty Gap Index (P), which explains that the poverty line (z) minus actual expenditure for the poor, with the gap being 0 for the non-poor. The third is sen’s index that includes the income distribution in the society in the calculation. In the view of Ali, et. Al. (2017), the Sen’s index is a comprehensive poverty measure, which incorporates the information on the number of poor (HC), the extent of poverty (P) and the Gini coefficient (G), as an indicator of income distribution among the poor. These measurements can be used to determine had kifayah.

All the explained measurements are similar to the early Jurists’ notion of *had kifayah*. Some Muslim jurists proposed standard of nisab of gold or silver (based on income) and others proposed essential need spending (based on expenditure) that is associated with *maqasid Shariah*.

**E. CONCLUSION**

Muslim jurists in Islamic Jurisprudence school have a different standard of *had kifayah* that can through nisab line and *mashalah* approach. The possible of *had kifayah*, which can be used in the current situation is based on the *maqasid* approach. It is a most comprehensive measurement that covers the needs of spiritual, monetary and non-monetary that can be adopted for zakah institutions to determine who are eligible to receipt the zakah fund. Therefore, the used of *had kifayah* in the right term and application will lead to achieve the effectiveness of this zakah fund disbursement.

It is recommended for government to assure the basic needs of the society by paying attention to the minimum wage level. The minimum wage of the level is related to the concept of *had kifayah* (sufficiency line) to make sure that the people can get minimum wage to fulfill their basic needs. The determination of *had kifayah* should be decided by the government through the survey the basic needs covered in each and different region to establish better zakah management.
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