بسم الله الرحمن الرحيم

Series of Questions Addressed to Scholar Sheikh Ata Bin Khalil Abu Al-Rashtah,

Ameer of Hizb ut Tahrir through his Fiqhi Facebook Page

<u>Answer to the Question</u>

Rules (Ahkam) Related to the Zakat

To: Lut Abu Sunayna and Muhammad Usman

(Translated)

Question by Lut Abu Sunayna:

Our esteemed Sheikh, greetings blessed by Allah (swt), Assalamu Alaikoum wa Rahmatullah wa Barakatuhu. My question is about the Nisab of the Zakat in trading merchandise. It was mentioned in the book, *Funds in the Khilafah State* (page 142-143), that the Nisab of the Zakat is 200 silver Dirhams, or 595 grams of silver, or 20 gold Dinars, or 85 grams. So, for today's time, which of the Nisab should we rely on in our calculations for trading merchandise, while taking into consideration that there are vast differences between the price of gold and silver, as one gold Dinar is almost equal to hundreds of silver Dirhams, so if we calculate 5 gold Dinars it will over-exceed its equivalence in its Nisab in silver, so which of the Nisab should we rely on today? Baraka Allah feek and may we benefit from your knowledge.

Question by Muhammad Usman [copied as written]:

Aslamoaleikum Warahmatullah! I have a few questions regarding Zakat **1.** What is the method to calculate Zakat? **2.** If I possess the Nisab e.g. 120 grams of gold, will the Zakat be calculated on the gold exceeding 87.479 grams of gold or on the total i.e. 120 grams. Also what about the purity of the gold as it is available in 24 karat, 22 karat etc.? **3.** If there is a total of 170 grams of gold at home, but the ownership is different that is half of it is owned by my mother and the other half by my wife, than the Zakat is still applicable as the individual owners do not have the Nisab on which Zakat is applied but the sum is? **4.** I do not know the date from which the lunar year starts on the Nisab in this case how and from when to calculate Zakat?

Answer:

Wa Alaikoum al Salam wa Rahmatullahi wa Baraktuh,

All of the questions revolve around the same topic, and so the answers to them will be combined together:

1. The Nisab of the gold is 20 Dinars which is equivalent to 85 grams of gold, and it is not what has been mentioned in the question: 87.470 grams of gold. That is because one Dinar is equal to 4.25 grams of gold, so if it were multiplied by 20 Dinars, then the Nisab would be 85 grams of gold. The Nisab for the silver is 200 Dirhams which is equal to 595 grams of silver since one Dirham weighs 2.975 grams of silver, so if it was multiplied by 200 Dirhams, the Nisab would be 595 grams of silver… The evidence for that is what has been narrated by Abu Obeid about funds from Abdullah bin Amr, may Allah be pleased with them, he said: The Prophet of Allah (saw) said: **«لَيْسَ فِي أَقَلَّ مِنْ عِشْرِينَ مِثْقالا مِنَ الذَّهَبِ، وَلَا فِي أَقَلَّ مِنْ مِائَتَيْ دِرْهَمٍ صَدَقَةٌ»** **"It is neither nothing less than 20 grams of gold, nor nothing less than 200 silver Dirhams as Sadaqa"**. Also what was narrated by Bukhari upon the report of Yehya bin Umara bin Abu Al-Hassan: He heard from Abu Saeed, may Allah be pleased with him, saying: The Prophet (saw) said: **«لَيْسَ فِيمَا دُونَ خَمْسِ أَوَاقٍ صَدَقَةٌ»** **"It is not less than 5 ounces in Sadaqa"** and its amount is valued to be equal to 200 Dirhams; since each ounce is 40 Dirhams.

2. If the gold reached the Nisab of 85 grams or the silver reached the Nisab of 595 grams, paying Zakat for them is not obligatory until it reaches the Nisab where a year has passed over it, that is from the day the gold or silver has reached the Nisab then the counting of a year over it begins, meaning the Hijri year. So, if the money reached the Nisab in the 10th of Muharram for example, then Zakat becomes obligatory for it when the 10th of Muharram of the next Hijri year arrives… that is according to what At-Tirmidhi has narrated on the account of Ibn Umar, he said: **"Whoever receives money is not obliged to pay Zakat for it until a year has passed over it at His Lord"**. The amount of the obligatory Zakat in the gold and silver is the quarter of the tenth, that is from the Nisab

of the silver it is 5 Dirhams, meaning 14.875 grams of silver, and from the Nisab of the gold it is half a Dinar, meaning 2.2125 grams of gold, and that is according to what has been narrated by Ibn Majah on the account of Abdullah bin Waqid, on the authority of Ibn Umar, and Aisha, that the Prophet (saw): «كَانَ يَأْخُذُ مِنْ كُلِّ عِشْرِينَ دِينَارًا فَصَاعِدًا نِصْفَ دِينَارٍ، وَمِنَ الْأَرْبَعِينَ دِينَارًا دِينَارًا» **"Used to take from every 20 Dinars and more a half of a Dinar, and from 40 Dinars a whole Dinar".** Still, when At-Tirmidhi narrated it on the account of Ali, he said: The Prophet of Allah (saw): " «فَهَاتُوا صَدَقَةَ الرِّقَةِ: مِنْ كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمًا، وَلَيْسَ فِي تِسْعِينَ وَمِائَةٍ شَيْءٌ، فَإِذَا بَلَغَتْ مِائَتَيْنِ فَفِيهَا خَمْسَةُ دَرَاهِمَ». **"Bring the Sadaqa with tenderness: from every 40 Dirhams a whole Dirham, and there is nothing upon the 190 Dirhams, but if it reached 200 Dirhams, then there should be 5 Dirhams".**

3. As we have mentioned earlier, Zakat is obligatory on the gold and silver if they have reached the Nisab and this Nisab passed a year over it, and the Zakat is paid from the whole amount and not only what has surpassed the Nisab. So, whoever owns for example 170 grams of gold and a year has passed over it, then he will need to pay the Zakat of the 170 grams which is the quarter of the tenth of the amount. That is: 4.25 grams of gold or pay a whole Dinar, and he doesn't pay only for the 85 grams surpassing the Nisab, meaning that he doesn't bring out only 2.2125 grams of gold or half a Dinar… The situation is the same for the silver, as it is obligatory to pay the quarter of the tenth on the whole amount as long as it has reached the Nisab and a year has passed over it.

4. The Hukm (rule) of the Zakat on gold specified for pure gold of 24 karats, as well as the Hukm of the Zakat on the silver specified for pure silver, if the gold was mixed with other substances or the silver was mixed with other substances, the weight of those other substances is subtracted according to its amount, where whatever has remained after the subtraction has reached the Nisab. So, if a person owned 85 grams of 18 karat gold, it would not have reached the Nisab because the amount of pure gold in it is less than 85 grams… The Zakat on a block of gold of 24 karats is different from a block of the same weight and of 18 karats, and the pure gold when accounting for the Nisab would make the Nisab of the gold of 24 karats 85 grams, but the Nisab of the gold of 18 karats would be more than that because it is mixed with materials other than gold being a quarter of the amount. Therefore, the gold of 18 karats has pure gold in it equal to ¾ of the gold of 24 karats, and upon that the Nisab of the gold of 18 karats is 1 and 1/3 of the Nisab of the pure gold which is 113.33 grams. Upon that, whoever owning 85 grams of pure gold of 24 karats would have reached the Nisab, so if a year has passed over it, he will need to pay the Zakat of 2.5% of its weight, but the one who owns 85 grams of gold of 18 karats has not reached the Nisab until what he owns reaches 113.33 grams, and if a year has passed over it, then he has to pay the Zakat of 2.5% of its weight, and it is clear here that the meaning behind the Zakat is on pure gold.

5. The Zakat is an individual ritual (Ibada) which is not obligatory on the money of the Muslim until it has reached the Nisab, so if a man owns 60 grams of gold and his wife owns, for example, 60 grams of gold, then there is no Zakat on neither his money or her money, even if the total of which they have together has surpassed the Nisab. It is only when the money of either one of them only has reached the Nisab, then the Zakat becomes obligatory on the money that has reached the Nisab. So, if the money of the husband has reached for example and he came to own 120 grams of gold, then he is obliged to pay the Zakat on his money, and he doesn't combine his wife's money; the 60 grams of gold.

6. If the money qualified for Zakat is paper currency, or trading merchandise, it is considered either Nisabs that is either the Nisab of the gold or the Nisab of the silver. However, if both Nisabs differ such as what is happening nowadays where the Nisab of the silver is very less in value than the Nisab of the gold, what I see if that the estimation shall happen with the least of the Nisabs, meaning the Nisab of the silver and not the gold. I say the least of the Nisabs because if the Nisab reached the lowest then it became qualified for Zakat and it is prohibited to bypass it in order to wait for the higher Nisab. He shall rather record the date when it qualified for Zakat, then after one year passing, he should pay the Zakat, as the Zakat is a right for the poor and the needy… ﴿**إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسَاكِينِ...**﴾ **"Zakat are only for the poor and the needy…"** [At-Tawba: 60], ﴿**وَالَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ مَعْلُومٌ * لِلسَّائِلِ وَالْمَحْرُومِ**﴾ **"And those in whose wealth there is a known right * For the needy and the deprived"** [Al-Ma'arij: 23-24], and the Prophet (saw) said: «**فَأَعْلِمْهُمْ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ صَدَقَةً فِي أَمْوَالِهِمْ تُؤْخَذُ مِنْ أَغْنِيَائِهِمْ وَتُرَدُّ عَلَى فُقَرَائِهِمْ**» **"And inform them that Allah has mandated upon them a Sadaqa (charity) from their money which is taken from their rich and given back to the poor."** (Narrated by Bukhari). Upon this, it is the benefit of the rightful owner that is taken into consideration, and based on that the Nisab is calculated based on the lesser amount, meaning that it is calculated for the Nisab of the silver.

7. As for the method of calculating the Zakat, when the money reaches the Nisab the year count starts, so if the money reached its Nisab on the 10th of Muharram of the year 1437 AH, then paying Zakat on it becomes obligatory on the 10th of Muharram of the next Hijri year of 1438 AH. If the amount money has increased, it will join the previous amount and are counted as together when a year has passed over it. For example, if a person owned 100 grams of gold starting from the 10th of Muharram of the year 1437 AH, then used this gold in a trade where he gained an additional 150 grams until the 10th of Muharram of the next Hijri year 1438 AH, he must pay the Zakat of 250 grams of gold because the new money is the result of the old money, and so the rule is applicable to it… However, if new money was gained after the 10th of Muharram of the year 1437 AH without it being earned from the previous money, such as being gifted to him or he inherited it, then this new money has its own year to pass over it. So, if he owned it for example on the 10th of Shaban of the year 1437 AH, then he must pay Zakat for it on the 10th of Shaban of the year 1438 AH and not on the 10th of Muharram in the year 1438 AH because the date accounted for both monies are different…

8. Since it is allowed to hasten in paying the Zakat before a year has passed, it is allowed to pay the Zakat on the 10th of Muharram for the original Nisab and to hasten paying the Zakat of the money that was gifted or inherited on the 10th of Muharram instead of waiting until the 10th of Shaaban. As for hastening the Zakat, there are several Sharia evidence, some of which are:

- Al-Bayhaqi mentioned in *As-Sunan Al-Kubra* on the account of Ali: **"Al-Abbas, may Allah be pleased with him, asked the Prophet of Allah (saw) about hastening (the payment of) his Sadaqa before a year has passed over it, and he (saw) gave him permission to do that."**

- Ad-Darkatni mentioned in his *Sunan* on the account of Hujur Al-A'dawi on the account of Ali, he said: The Prophet of Allah (saw) told to Umar: **«إِنَّا قَدْ أَخَذْنَا مِنَ الْعَبَّاسِ زَكَاةَ الْعَامِ عَامَ الْأَوَّلِ» "We have taken from Al-Abbas the Zakat of this year at the beginning of the year."**

Based on that, you can do the following to your money regarding the Zakat:

- Jot down the Hijri date when your money reaches the Nisab.

- After a whole Hijri year has passed, calculate how much money you have to see if it reaches the Nisab or not.

- Pay the Zakat of all this money that you have and not only of that which surpassed the Nisab, but rather the whole amount, meaning the Nisab and whatever surpassed it.

- After that, you calculate your money every year in this date and pay Zakat on them all if it has reached the Nisab or more.

9. If a person forgets the date of his money reaching Nisab, then he should estimate and take into consideration when making the estimate the interest of the beneficiaries of the Zakat because they have a right in receiving this money which has more priority over his right even though he is the owner of this money… Therefore, if his estimation is somewhere between the months of Muharram and Shabaan, let him make the beginning of the year at the beginning of the month of Muharram and not the month of Shabaan, as this is better for him in his Deen, *bi'thinallah.*

Your brother,

Ata Bin Khalil Abu Al-Rashtah

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The link to the answer from the Ameer's Facebook page:

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