

# The Effect of Lechery on Alms (Zakat) in Islamic Jurisprudence

## "A Comparative Study"

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### Abstract

The study aimed to clarify the legal ruling on the effect of lechery in some of the rulings of alms (zakat), such as paying it to the lechery, an infidel or a Muslim, whether it was in the name of poverty, the wayfarer or the debtor. The study also touched on spending it to the lechery imam and the ruling on the sinner taking over the work of collecting and distributing zakat. The study concluded that it is permissible to pay it to the lechery poor and to the imams as well, but the wayfarer and the debtor do not pay them zakat if it is in a state of lechery because this is a subsidy for them.

**Keywords:** Lechery, Alms (Zakat), Islamic Jurisprudence.

### Introduction

Alms or Zakat is the third pillar of Islam and it has great importance in Islam and has a great role in the nation's renaissance, progress and advancement, and to preserve its achievements, so it was necessary to preserve it in order to reach its correct banks, and to achieve its desired goals. Therefore, our ancient jurists paid attention to this aspect and discussed everything related to ensuring that zakat reaches its banks.

Including the issue of lechery and its impact on zakat, whether lechery that does not expel its owner from the religion, and the jurists have touched on the effect of lechery on the imam who collects and spends it, and the effect of lechery on the sections of zakat, but this information was brief, and scattered in many sections, it did not follow the comparative jurisprudence approach, which is what prompted the researcher to scatter this topic in one research with a comprehensive comparative study of the evidence and the discussions of scholars taking place in these topics.

### The Problem of the Study

The problem of the study lies in answering the following questions:

1. What are the types of lechery and what is the effect of each type in relation to zakat?
2. Is it permissible to give zakat to the lechery imam?
3. Is it permissible for a lecher person to collect zakat?
4. Is it permissible to give zakat to sinners from the eight sections of zakat?

### Objectives of the Study

The study aimed to clarify the types of lechery and the impact of each type, and to clarify the rule of giving zakat to lecher imams, and to clarify the rule of assuming the authority of lechery to collect it, and to explain the rule of giving zakat to the lechery.

### Study Approach

The study adopted the inductive approach: by following the sayings of scholars on the subject of the research and extrapolating their evidence to reach the most correct opinion.

### Previous Studies

The old jurists discussed this subject, but they did not decide on it comprehensively to collect the aspects of the subject, and their mention of this subject was brief, as for the modernists, the researcher did not find a book, a letter, or a research that touched on this important topic, except what is published on the Internet here and there in the form of articles that do not fatten and do not enrich.

### Search Plan

This research included an introductory topic, three other topics, and a conclusion:

**The preliminary topic:** a statement of the concept of lechery, zakat, and the limits and types of lechery.

It includes:

- The first requirement: Defining lechery, both linguistically and idiomatically.
- The second requirement: the definition of zakat linguistically and idiomatically.
- The third requirement: the limits of lechery and its types.

**The first topic:** Paying zakat to the lecher imam.

**The second topic:** Giving zakat to the lechery.

It includes three requirements:

**The first requirement:** Giving zakat to the lecher poor.

**The second requirement:** Giving zakat to the lechery debtor.

**The third requirement:** Giving zakat to the sinful wayfarer on his travels.

**The third topic:** the lecher person's responsibility to collect zakat and the opportunities for benefits.

**Conclusion**

### Introductory topic

**Explanation of the concept of lechery and zakat and the limits and types of lechery**

**The first requirement:** Defining lechery, linguistically and idiomatically.

**Section one:** Lechery (linguistically)

The origin of the word lechery in Islam is immoral, and the most prominent evidence of the word lechery is the following:

- Departing from obedience, and with it, the sinner has been called lecher person<sup>1</sup>, Lechery is the abandonment of the command of God Almighty<sup>2</sup>.
- And immorality comes in the sense of inclination to disobedience, and departure from religion<sup>3</sup>.
- Lecher or immorality comes in the sense of departing from righteousness, injustice, and malice, it is said: A man is immoral, that is, he deviates from the command of his Lord<sup>4</sup>.

**The second section:** Lecher (idiomatically)

**Lecher idiomatically:** committing a major sin intentionally or a minor one while insisting on it without interpretation<sup>5</sup>.

And Al-Alusi says in Ruh Al-Maani: And it is, according to Sharia, the sane people's departure from obedience, so it includes infidelity and below it from the big and the small, and it is specialized in custom and use by committing the major, so it is not called what is below it!<sup>6</sup>

**The second requirement:** Defining zakat linguistically and idiomatically

**Section one:** Defining zakat linguistically

Ibn Manzur said in Lisan al-Arab: Alms (Zakat): meaning growth and rent<sup>7</sup>.

And Ibn Faris said: Zakat is an origin that indicates growth and increase, and some of them said: It was called Zakat because it is purification, and the origin of all of that is due to these two meanings, which are:<sup>8</sup> growth and purity

**The second section:** Alms (Zakat) according to Islamic law

The Hanafis defined it by saying that it is: the ownership of a part of the money appointed by the lawgiver for a poor Muslim who is not a Hashemite, nor his master, while cutting off the benefit from the king from every aspect of God Almighty<sup>9</sup>.

And the Shafi'i is defined it: as a name for taking something specific from a specific money based on specific descriptions of a specific sect<sup>10</sup>.

**The third requirement:** the limits of Lecher (immorality) and its types

The jurists divided Lecher (immorality) into two types, and they are:

The first type: the greater Lechery (immorality)<sup>11</sup>

<sup>1</sup> Ibrahim Mustafa, Ahmed Al-Zayat, Hamed Abdel-Qader, Muhammad Al-Najjar, Al-Mu'jam Al-Wasit, investigation of the Arabic Language Academy, Dar Al-Da'wah, Bab Al-Fa', part 2, p. 689.

<sup>2</sup> Murtada Al-Zubaidi, Muhammad bin Muhammad bin Abdul Razzaq Al-Hussaini, The Crown of the Bride from the Jewels of the Dictionary, investigation by a group of investigators, Dar Al-Hedaya, immorality article, part 26, pg. 302 + 304.

<sup>3</sup> Ibn Manzur, Muhammad bin Makram bin Manzur, (d. 711 AH), Lisan Al Arab, first edition, Dar Sader, Beirut, vol. 10, p. 308.

<sup>4</sup> Ibn Manzur, Muhammad bin Makram bin Manzur, (d. 711 AH), Lisan Al Arab, first edition, Dar Sader, Beirut, vol. 10, p. 308.

<sup>5</sup> Al-Barakti, Muhammad Ameem Al-Ihsan Al-Mujadadi, Fiqh Definitions, 1st (2003), vol. 1, p. 165.

<sup>6</sup> Muhammad Rashid Rida, (d. 1354 AH), Tafsir al-Manar, published by the General Authority of Writers (1990 AD), vol. 7 p. 350, al-Shawkani, Muhammad bin Ali al-Shawkani (d. 1250 AH) Fath al-Qadir, vol. 7 p. 10 and vol. 1 p. 59.

<sup>7</sup> Al-Alusi, Shihab Al-Din Mahmoud bin Abdullah Al-Alusi, The Spirit of Meanings in the Interpretation of the Great Qur'an and the Seven Repetitions (investigated by Ali Abd al-Bari Attia), Dar al-Kutub al-Ilmiyya, Beirut, 1415 AH, Surat al-Baqarah, vol. 1, p. 212.

<sup>8</sup> Ibn Manzur, Lisan al-Arab, previous source, Zakka article, vol. 14, p. 358.

<sup>9</sup> Ibn Faris, Abi Al-Hussain Ahmed Bin Faris Bin Zakaria, Language Standards, investigation by Abd Al-Salam Muhammad Harun, Publisher, Union of Arab Writers, 1422 A.H., Zaki article, vol. 3, p. 12.

<sup>10</sup> Ibn Najim al-Hanafi, Zain al-Din Ibn Ibrahim Ibn Najim (d. 970 AH), al-Bahr al-Ra'iq in explaining the treasure of minutes, vol. 5 pg. 407, al-Hasakfi, Muhammad Alaa al-Din Ibn Ali al-Hasakfi (d. 1088 AH), al-Dur al-Mukhtar, explaining the enlightenment of Ansar in the jurisprudence of the doctrine of Imam Abu Hanifa Dar Al-Fikr, Beirut, 1386 A.H., 2 p. 256.

And it is disbelief in God and polytheism, and this expels its owner from the religion, and its owner will be immortalized in the fire of Hell if he dies and does not repent of it, and about them God Almighty says “Indeed, they disbelieved in God and His Messenger, and they died in sin”<sup>12</sup>, And God Almighty says, “And whoever disbelieves after that, those are the transgressors”<sup>13</sup>, And God Almighty says, “And by it he misleads only the transgressors.”<sup>14</sup>

Imam Muhammad bin Nasr al-Marwazi, may God have mercy on him, said, “And immorality is immorality: immorality that moves away from the sect, and immorality does not remove the sect”<sup>15</sup>.

#### **The second type: Minor Lechery (immorality)**

Minor immorality: It is committing sins that do not negate faith, and do not expel its owner from the religion<sup>16</sup>, and it is breaking the provisions of God Almighty and violating his command<sup>17</sup>.

God Almighty said, “O you who have believed, if a wicked person comes to you with news, make clear.”<sup>18</sup>”

And the Almighty said, “Neither a scribe nor a witness shall be harmed, and if you do that, then he is transgression against you. And fear God, and God is All-Knowing”<sup>19</sup>”

This section is divided into two parts<sup>20</sup>: Immorality from the point of view of belief, and immorality from the point of view of action.

#### **Lechery (Immorality) of belief**

And what is meant by immorality of belief is the belief of heresy. Ibn al-Qayyim says: “The belief is immoral, so he said that it is the immorality of the people of heresy who believe in God and His Messenger and the Last Day, and they prohibit what God Almighty has forbidden, and they enjoin what God Almighty has enjoined, but they deny much of what God and His Messenger have proven ignorance and interpretation”<sup>21</sup>.

Bid’ah is of two types: heresy that is corrupting and the heresy that is expiating.

Ibn Aqil says: The people of heresies are of two types: those who judge for their immorality and are not judged for their unbelief, and they are the common people who believe in innovations by tradition, or apathy without knowledge, and do not infer from them, nor do they call to them, and whoever disagrees with an origin that has no solid evidence, such as to prove with one news, or the saying of a companion, and so on. The second: Those who are judged to be unbelievers, and they are everyone who disagrees with a principle in which there is definitive evidence, such as the text of the Book and the Mutawatir Sunnah<sup>22</sup>.

##### **a. Lechery (immorality) with actions and words**

It is a departure from obedience to God Almighty by committing disobedience and sins, which are divided into major and minor sins.

The lecher (immoral) here is the one who commits a major or minor sin and insists on it and does not repent.

According to the Hanafi school: Whoever commits a major sin, or insists on a minor one, or his minor sins prevail over his obedience, is immoral<sup>23</sup>.

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<sup>11</sup> Al-Mawardi, Abu Al-Hasan Ali bin Muhammad, (d. 450+-e), Al-Hawi Al-Kabeer fi Madhhab Al-Imam Al-Shafi’i, edited by Ali Muhammad Moawad, Dar Al-Fikr, Beirut, vol. 3, p. 135.

<sup>12</sup> Al-Alusi, Ruh al-Ma’ani, a previous source, part 1, pg. 212, al-Shawkani, Fath al-Qadeer, a previous source, part 1 pg. 75’  
Abi Muhammad Essam al-Bashir al-Marrakchi, Explanation of the System of Faith, vol. 1 p. 101, Abdullah al-Athari, faith is its truth, its arguments, its contradictions according the Sunnis and the group, Vol. 1 p. 112.

<sup>13</sup> Surah At-Tawbah, Verse 49.

<sup>14</sup> Surat Al-Nur, verse 55.

<sup>15</sup> Surah Al-Baqarah, verse 26.

<sup>16</sup> Ibn Taymiyyah Al-Harrani, The Great Faith, study and investigation by Muhammad bin Nasser Al-Din Al-Albani, The Islamic Office Amman, 5th edition, 1996 AD, vol. 2, p. 428.

<sup>17</sup> Dr. Saleh Al-Fawzan, Explanation of the Tahawiyah Creed, Part 1, p. 130, Abu Muhammad Al-Marrakchi, Explanation of the System of Faith, Part 1, p. 101.

<sup>18</sup> Surat Al-Hujurat, verse 6.

<sup>19</sup> Surah Al-Baqarah verse 282.

<sup>20</sup> Ibn Qayyim al-Jawziyyah, Muhammad ibn Abi Bakr ibn al-Qayyim, the runways of those who walk between the homes of You we worship and You we seek help, Dar al-Kitab al-Arabi, Beirut. 1973, vol. 1, p. 362,

<sup>21</sup> Ibn Qayyim al-Jawziyyah, Muhammad ibn Abi Bakr al-Qayyim, the runways of those who walk between the homes of You we worship and You we seek help, Dar Al-Kitab Al-Arabi, Beirut. 1973 AD, vol. 1, p. 362.

<sup>22</sup> Al-Hakimi, Hafez bin Ahmed, The Published Flags of the Sunnah for the Belief of the Surviving Sect, Investigated by Hazem Al-Qadi, 2nd Edition, Published by the Saudi Ministry of Endowments, 1422 AH, vol.

<sup>23</sup> Ibn Najim, Al-Bahr Al-Ra’iq, Explanation of the Treasure of Minutes, a previous source, Vol. 18, pg. 409, Al-Maydani, Abdul-Ghani Al-Ghunaimi, Al-Labbab fi Sharh Al-Kitab, Dar Al-Kitab Al-Arabi, Vol. 1 pg. 375, Al-Kamal Bin Al-Hamam, Fath Al-Qadir, Vol. 17, p. 139.

And according to the Malikis: The one who commits a major sin is immoral, or by direct small defilement, as stealing a morsel, or if it is not inevitable, but he persists in it, such as looking at a foreign woman, all of that leads to his immorality<sup>24</sup>.

As for the Shafi'is: they also believe that the one who commits a major sin is an immoral person, and as for committing minor sins, the one who commits it does not commit adultery with it until he persists in it<sup>25</sup>.

Likewise, the Hanbalis held that immorality is committed by committing the major or addictive to the minor<sup>26</sup>.

On this we see the consensus of the jurists' opinion regarding the one who commits major sins, and as for the minor one, he does not commit adultery until he insists on it. If he insists, he is a sinner.

And the rule of the major and minor<sup>27</sup>: The major is what contains harm in this world and a threat in the hereafter, such as the threat of fire, anger and curse.

And some of them said that the big sin does not contain the innocence of the one who does it, and that the small one has no limit in this world and no threat in the hereafter.

#### **The first topic: Paying alms (zakat) to the immoral imam**

**First:** The scholars divided the zakat funds into internal and external funds<sup>28</sup>, as for the inner part, it is brought out by its owner himself unanimously, as Al-Nawawi transmitted it in the entirety, the state must collect it from its owners, in compliance with the Almighty's saying: "*Take alms from their wealth to purify them and purify them with it, and pray for them*"<sup>29</sup>.

The jurists have agreed that it is permissible to give zakat to a just imam who spends it according to its legal expenditures, and that it is remunerative if it is given to him<sup>30</sup>.

They cited this as follows:

1. God Almighty says: "*Take alms from their wealth...*"
2. What al-Bukhari narrated: (The Prophet used to send workers to collect zakat from its owners, and he did not see that a man or the people of a village spent their zakat without the permission of the Messenger of God<sup>31</sup>).
3. What al-Bukhari narrated in his Sahih that Bakr sent a letter to Bahrain in which he said: "This is the obligation of charity that the Messenger of God imposed on Muslims and which God commanded His Messenger to do, and whoever is asked above it, he will not be given<sup>32</sup>."
4. They used the unanimous agreement of the Companions, may God be pleased with them, to fight those who withheld zakat, and if it was not obligatory, they would not have fought them<sup>33</sup>.

#### **Second: Scholars' opinions on paying zakat on the money apparent to the immoral imam**

The jurists differed on this issue, and they are:

- **The first opinion:** It is permissible to pay it to the immoral imam, and its owner is discharged, and this is the opinion of Malik<sup>34</sup>, and the doctrine and cut off the audience according to the Shafi'is<sup>35</sup>, and the Hanbalis are in the correct view of the madhhab<sup>36</sup>.

<sup>24</sup> Al-Kharshi, Muhammad bin Abdullah Al-Kharshi, (d. 1101 AH), vol. 21, p. 409, and beyond, Al-Adawi, Ali bin Ahmed, (d. 1189 AH), Al-Adawi's footnote on explaining the adequacy of the student, vol. 7, p. 214.

<sup>25</sup> Al-Nawawi, Abu Zakaria Muhyi Al-Din Yahya bin Sharaf Al-Nawawi (d. 676 AH), Rawdat al-Talibin and Omdat al-Muftis, Islamic Bureau, Beirut, 1405 AH, vol. 11, pp. 222-226.

<sup>26</sup> Ibn Muflih, Ibrahim bin Muhammad bin Muflih (d. 884 AH), the creator, Sharh al-Muqni', Dar Alam Al-Kutub, Riyadh, 2003 AD, vol. 10, p. 171.

<sup>27</sup> Ibn Taymiyyah, Majmoo' al-Fatawa, vol. 11, p. 65, Ibn Abi al-Izz al-Hanafi, Explanation of the Tahawiyah Creed, vol. 2, p. 526, al-Nawawi, Rawdat al-Talibin, vol. 11, p. 222.

<sup>28</sup> Al-Khatib Al-Sherbiny, Shams Al-Din Muhammad bin Ahmed, Persuasion in Solving the Words of Abu Shuja, vol. 1 pg. 224, Al-Mawardi Al-Hawi, previous source, vol. 8, p. 471, Al-Kasani, Abu Bakr bin Masoud bin Ahmed, (d. 578 AH) Badi' Al-Sana'i in the arrangement of the laws, vol. 3, p. 490, al-Nawawi, al-Majmoo, vol. 6, p. 164.

<sup>29</sup> Surah At-Tawbah, Verse 103.

<sup>30</sup> Al-Kasani, Badaa' al-Sana'i, previous source, vol. 3 pg. 490, Ibn Rushd, Abu al-Walid Muhammad ibn Ahmad ibn Rushd, (died 450 AH), al-Bayan wa al-Tahseel, investigated by Dr. Muhammad Hajji and others, Dar al-Gharb al-Islami, Beirut, 2nd ed. 1988 AD, vol. 2, p. 456 and thereafter, al-Nawawi, al-Majmoo' Sharh al-Muhadhdh, vol. 6, p. 162, Ibn Qudamah al-Maqdisi (d. 620 AH), vol. 5 p. 201 and thereafter.

<sup>31</sup> Al-Bukhari, Sahih Al-Bukhari, Book of Zakat, Chapter on God's Word and Those Working on It, Volume 2, pg. 464, Hadith No. 1500.

<sup>32</sup> Al-Bukhari, Sahih Al-Bukhari, Book of Zakat, Chapter on Zakat on Sheep, Volume 2, pg. 447, No. 1454.

<sup>33</sup> Ibn Kathir, Abu al-Fida', Ismail bin Omar bin Katheer, (d. 774 AH), the interpretation of the Great Qur'an, investigated by Sami bin Muhammad Salama, published by Dar Taiba, edition 2, 1992 AD, vol. 4 p. 111, Al-Baghawi, Abu Muhammad al-Husayn bin Masoud, interpretation Al-Baghawi, Dar Taiba, 4th edition, 1997 AD, vol. 3, p. 69.

<sup>34</sup> Ibn Rushd, Al-Bayan wal-Tahseel, a previous source, vol. 2, pg. 456 and beyond.

<sup>35</sup> Al-Nawawi, Al-Majmoo' Sharh Al-Muhadhdhab, Vol. 6, p. 165 and what follows.

- **The second opinion:** Differentiate between the outward and inward money, so that the outward money is sufficient if the imam spends it in its place, and it is not obligatory to return it and it is not sufficient. As for the inner money, it is divided for most of the latecomers<sup>37</sup>.
- **The third opinion:** It is not permissible to pay zakat to him, and it is not acceptable to its owner unless he spends it in its banks (i.e. the ruler) if you spend it, you will be rewarded<sup>38</sup>, this is the opinion of some of the Malikis and the opinion of the Shafi'is<sup>39</sup>.
- **The fourth opinion:** to differentiate between selected or paid under duress, the paid chosen not fragmenting if paid under duress Adzoth, and this is the opinion of some Maliki<sup>40</sup>.

### Third: The evidence

- a. Evidence for those who hold the first opinion and those who say that it is permissible to push it to the immoral imam, and the innocence of its owner.

**The first evidence:** the Almighty's saying: "Take alms from their wealth...<sup>41</sup>", As evidence for them with this verse, God Almighty commanded the ruler in all his cases of justice or immorality to take alms from its owners, and its owners are commanded to pay it to him to take it out to the one who deserves it, thus disclaiming their responsibility and the trust in the injury of its legitimate banks to the Imam and God knows best.

**The second evidence:** what Al-Bayhaqi narrated on the authority of Ibn Omar, may God be pleased with them, who said: "Pay your alms to the one whom God has appointed over you, for whoever is righteous is for himself, and whoever is a sinner, it is upon it <sup>42</sup>".

- b. Evidence for the second opinion: The owners of this opinion infer:

The immoral imam has the authority to take the zakat, so it is sufficient for him to take it if he spends it in its banks, otherwise the owner of the money must take it out because it does not fall into its correct location.

As for the hidden funds, then those who say that the parts are divided, followed the previous course with regard to the external funds<sup>43</sup>.

- c. The third opinion evidence
  1. They reasoned that the immoral person does not believe that he spends it on desires, so it does not fall into its place<sup>44</sup>.
  2. The imamination of the immoral person is invalidated by his wrongdoing, just as it is invalidated by his removal and removal, and if he takes possession of it after taking off himself, the parts will not fall into place, likewise if he takes possession of it after wrongdoing<sup>45</sup>.
- d. Evidence for the fourth opinion: They quoted the Almighty's saying as evidence: "And cooperate in righteousness and piety, and do not cooperate in sin and aggression"<sup>46</sup>.

The evidence is that giving zakat to the immoral imam who will spend it in a way other than its legitimate spending is from cooperating in sin and aggression<sup>47</sup>, but in the case of coercion, it is compulsion and the sin is on the one who hates him, and it is sufficient for him.

### Discussion

#### a. Discussion of the first opinion:

**First)** He discusses their reasoning for them with the noble verse "Take from their money as alms."

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<sup>36</sup> Al-Mardawi, Alaa Al-Din Abu Al-Hassan Ali Bin Suleiman Al-Mardawi, (d. 885 AH), Fairness in knowing the most correct of the dispute, House of Revival of Arab Heritage, Beirut, Edition 1, 1419 AH, vol. 3, p. 136, p. 137.

<sup>37</sup> Al-Hasakfi, Al-Durr Al-Mukhtar, vol. 2, p. 289 and what follows.

<sup>38</sup> Ibn Rushd, Al-Bayan wa Al-Tahseel, previous source, vol. 2, p. 456.

<sup>39</sup> Al-Nouri, Al-Majmoo' Sharh Al-Muhadhab, previous source, vol. 6, p. 164.

<sup>40</sup> Ibn Rushd, Al-Bayan wa Al-Tahseel, previous source, vol. 2, p. 456.

<sup>41</sup> Surat Al-Bara'ah, verse 103.

<sup>42</sup> Al-Bayhaqi, Abu Bakr Ahmed bin Al-Hussain bin Ali Al-Bayhaqi, Al-Sunan Al-Kubra, in the appendix to the pure essence, published by the Council of the Systematic Knowledge Department / India, Book of Zakat, the chapter on choosing to pay it to the governor, vol. 1, 1344 AH, vol. 4, p. 115, Hadith No. 7631.

<sup>43</sup> Al-Hasakfi, Al-Durr Al-Mukhtar, Vol. 2, p. 289, Al-Kasani, Badaa' Al-Sana'i, previous source, Vol. 3, p. 490, and what follows.

<sup>44</sup> Al-Shirazi, Ibrahim bin Ali bin Youssef, Al-Muhadhdhab, vol. 1, p. 168.

<sup>45</sup> Al-Mawardi, Al-Hawi Al-Kabeer, a previous source, vol. 8, pg. 474.

<sup>46</sup> Surat Al-Ma'idah, verse 2.

<sup>47</sup> Al-Hattab Al-Ra'ini, Talents of the Galilee, previous source, vol. 3, p. 247.

That this matter in the event that the governor is righteous to spend it in its banks and achieve the wisdom of the legislation intended in this matter, and that this reason is negated in the event that he is an immoral person because he may direct it in a way that harms the interests of Muslims.

**Second)** As for what was reported on the authority of Ibn Umar, it is the saying of a companion, and there is no evidence for anyone's saying other than the Messenger of God, may God bless him and grant him peace<sup>48</sup>.

**b. Discussing the evidence for the second opinion:**

Those who hold this opinion argue that their opinion is contrary to facilitating and removing embarrassment, which is one of the foundations of this debt, because they said that it is permissible to pay it to the immoral imam, and they suspended the parts by spending them in the bank.

The principle is that their attachment to the performance of the duty is interrupted by payment, because it is the end of their power and ability, and God does not burden a soul beyond its capacity. Because the responsibility was transferred to the imam after the payment, and he is the one who asks about it before God if he pays it to its legitimate banks or violates that, and the burden is on him, and the burden of the burden is not burdened by another.

**c. Discussion of the third opinion:**

As for their saying that the immoral person does not believe that he spends it on his desires, it does not fall into its place. We say yes, but the order in the verse "Take from their money" is absolute, and the principle is that the absolute should keep it until what restricts it is returned, and there is no explicit text from the book or the Sunnah to restrict it, so it remains on the principle of the absolute, which is to give it to every just or immoral Muslim imam.

As for their saying that the imam of the immoral person is invalidated by his iniquity, this is not true, otherwise the obedience of most of the imams fell after the era of the Messenger of God and his companions, and if the matter of the Muslims would be divided and ruin and corruption would befall their homes.

Just the immorality of some of their imams, and this is in contradiction to the texts that call for obedience to the imams who are just and immoral unless the person is commanded to commit a sin.

**d. Discussing the evidence for the fourth opinion:**

What they used as evidence from the Almighty's saying, "And cooperate in righteousness and piety<sup>49</sup>" is a misplaced inference, as the verse means not cooperating in the evil in the event that it is reprehensible. The chapter on cooperation in righteousness and piety, because the imam is more capable than individual people in identifying the poor and those with needs, due to the availability of means and tools that are not available to individual people, and so that each one takes his share of this money and does not accumulate it in the hands of some poor people without others.

**Most likely opinion**

By reviewing the previous opinions and their evidence and discussing them, I find that the closest to the truth is the first opinion which says that it is permissible to pay it to the immoral imam, and that the owner of the money disavows this and humiliation because it contradicts the apparent meaning of the noble verse "Take from their wealth as charity" without being fair or detailing, and because the Muslims and throughout the ages, their imams used to take zakat from them and spend it in its prescribed banks, and some of them had apparent immorality, and the silence of the scholars on the matter was only because paying them would achieve the interest and avoid the evil expected from non-payment and exposing people to their fighters from the imams.

**The second topic**  
**Giving alms (zakat) to the immoral**

It includes three requirements:

1. **The first requirement:** Giving alms (zakat) to the immoral poor.
2. **The second requirement:** Giving zakat to the lecher debtor.
3. **The third requirement:** Giving zakat to the sinful wayfarer on his travels.

**The first requirement:** Giving zakat to the immoral

**The first section:** Giving alms (zakat) to a sinner with infidelity by a non-dhimmi<sup>49</sup>.

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<sup>48</sup> Which was narrated on the authority of Ibn Umar, may God be pleased with them, that he was asked about paying zakat to princes? He said: Give it to them, then he was asked after? He said: Do not give it to them, for they have wasted prayer. Ibn Abi Shaybah, The Compiler, The Book of Zakat, Chapter: Who Permits Not to Pay Zakat to the Sultan, vol. 3, p. 158.

Collect scholars that the infidel warrior for the people of Islam should not be given anything Zakat and support this consensus on the verse (but God forbid those who Qatlokm in religion and driven you out of your homes and Zaheroa to help you get out that Tolohm and Itolhm, they are the wrong-doers)<sup>50</sup>.

Al-Qaradawi says in the jurisprudence of zakat: And because this infidel is a war against Islam and its people, an enemy of the truth and its party, and every aid is turned into a dagger with which religion is stabbed, or the believers are killed with it, and it is not from religion nor from reason to give people their money to kill themselves or attack their sanctities<sup>51</sup>.

**The second section:** Giving Alms (Zakat) to the Dhimmis

**First:** Giving from voluntary charity

There is nothing wrong with giving voluntary alms to a non-Muslim from the people of Dhimmah<sup>52</sup>, God Almighty says: (God does not forbid you on behalf of those who did not fight you on account of religion and did not drive you out of your homes, that you do them justice)<sup>53</sup>, and also the Almighty's saying: (And they feed the needy, the orphan, and the captive to food, for His love<sup>54</sup>, and the prisoner is definitely from the people of polytheism<sup>55</sup>.

**Second:** Giving the dhimmis of the obligatory alms (zakat)

The scholars differed on this issue with two opinions:

1. The first opinion: The opinion of the masses of scholars is that it is not permissible to pay any of the zakat to a non-Muslim without their hearts being reconciled and the alms-Fitr charity<sup>56</sup>.

Their evidence is the hadith of Muadh: "God has enjoined upon them a charity in their money that is to be taken from the rich and given to the poor."<sup>57</sup>

Evidence: He ordered that zakat be refunded to the poor, which is taken from their rich, who are Muslims, so it is not permissible to put it in others

1. **The second opinion:** It is permissible to pay zakat to a dhimmi, and this is the opinion of Zaffar from the Hanafi school<sup>58</sup>, and he used as evidence what Ibn Abi Shaybah narrated on the authority of Jabir bin Zaid that he asked about charity, who should it be given? He said: Among the people of your religion from the Muslims and the people of their dhimma, and he said: And the Messenger of God, may God's prayers and peace be upon him, used to divide among the dhimmis of charity and one-fifth<sup>59</sup>. He cited as evidence for this a report on the authority of Umar, narrated by Ibn Abi Shaybah, in the words of the Highest, "Only alms are for the poor." He said, "They are my time, the People of the Book"<sup>60</sup>.

**The most correct opinion:** What I see is that it is not permissible to give non-Muslims from the obligatory zakat, because of his saying, may God's prayers and peace be upon him, that it is given to the poor, i.e. the poor Muslims.

And it has not been proven that the Messenger of God gave to non-Muslims, and if it had been proven, it would have been transmitted, but traces of correspondence on the authority of Umar, may God be pleased with him, were received, and it is possible that it was in voluntary alms. And in which the text of the Book of Allah (*God forbid those who have neither religion nor drive you out of your homes, kindness and justly with them: God loves those*)<sup>61</sup>.

**The third section:** Giving alms (zakat) to a Muslim immoral person<sup>62</sup>.

Scholars have agreed on the permissibility of giving zakat to the immoral person in order to rectify his condition and respect for his humanity, and because it is taken from him, so it is permissible for him to be

<sup>49</sup> Al-Kasani, In Badaa' Al-Sana'a, a previous source, vol. 4, pg. 40.

<sup>50</sup> Surat Al Mumtahinah, verse 9.

<sup>51</sup> Al-Qaradawi, The Jurisprudence of Zakat, Al-Resala Foundation, Beirut, 7th edition, 2001 AD, vol. 2, p. 180.

<sup>52</sup> Al-Qaradawi, The Jurisprudence of Zakat, Volume 2, p. 181.

<sup>53</sup> Surat Al Mumtahinah, Verse 8.

<sup>54</sup> Surat Al-Insan, Verse 8.

<sup>55</sup> Al-Qaradawi, Jurisprudence of Zakat, previous source, vol. 2, p. 182.

<sup>56</sup> Al-Sarkhasi Shams Al-Din, Al-Mabsout, study and investigation by Khalil Al-Mansi, Dar Al-Fikr, Beirut, Edition 1, 2000, Vol. 2, p. 365.

<sup>57</sup> Al-Bukhari, Sahih Al-Bukhari, Book of Zakat, Volume 2, pg. 427, Hadith No. 1395.

<sup>58</sup> Al-Sarkhasi, Shams Al-Din Abu Bakr Muhammad Bin Abi Sahel Al-Sarkhasi, Al-Mabsout, study and investigation by Khalil Mohi Al-Din Al-Mansi, Dar Al-Fikr, Beirut, Edition 1, 2000 AD, Vol. 2, p. 365.

<sup>59</sup> Ibn Abi Shaybah, Abu Bakr Abdullah bin Muhammad bin Abi Shaybah, (died 235 AH), compiled, edited by Muhammad Awamah, vol. 3, p. 178, Hadith No. 10510.

<sup>60</sup> Ibn Abi Shaybah, Al-Musannaf, a previous source, vol. 3, p. 178, Hadith No. 10507.

<sup>61</sup> Surah Al-Mumtahinah, verse 8

<sup>62</sup> -----

returned to him<sup>63</sup>, and this is as long as he did not take this zakat to use it for his immorality and disobedience, such as buying wine with it or spending a forbidden ritual with it, because he does not suffer from God's money for disobedience to God, and it is sufficient to do so.

Al-Qaradawi says, and the most correct one in my view is that the one who does not harm Muslims with his immorality and does not challenge them with his immorality and disobedience, there is nothing wrong with giving him zakat even if the righteous have priority by unanimity, and declares his repentance. I say: What I see is that the sinner should not be given until he repents and declares his repentance, because he does not suffer with God's money for his disobedience, but his family and children may spend it on them, according to the Almighty's saying: *(And do not earn every soul except for it, and no one woman is to be burdened with the burden of another)*<sup>64</sup>.

**The second requirement:** Giving alms (zakat) to the lecher debtor

Paying zakat to the debtor in cases of non-disobedience is unanimously agreed upon by the scholars because of the Almighty's saying (charities are only for the poor... and the debtors), but scholars differ in giving zakat to the debtor if the fine for him is due to his corruption and transgression, such as the one who spends his money on adultery and moral corruption. They differ on two opinions:

**a. The first opinion:** Alms (Zakat) is given to the lecher (immoral) debtor.

And this is what the Hanafis said<sup>65</sup>, and their evidence is the absolute verse in the permissibility of exchange for the debtor, except for what is excluded from the absolute, such as the rich<sup>66</sup>, it is answered to this inference that spending it for the one who spends it most likely on his corruption and immorality is aid in corruption, and God does not like corruption, and for this reason Zakat was imposed, otherwise it becomes a way to strengthen the position of immorality in society.

**b. The second opinion:** Alms (Zakat) is not given if the fine is due to his immorality

This is the opinion of the Malikis<sup>67</sup>, and Shafi'i<sup>68</sup>, and the Hanbalis<sup>69</sup>, and this group inferred: that giving him a subsidy for his disobedience<sup>70</sup>, And for His saying, (Cooperate in righteousness and piety, and do not cooperate in sin and aggression)<sup>71</sup>.

**Most likely opinion:** what the researcher see is the opinion of the public who say that it is forbidden, because zakat is an aid in obedience to God, the purpose of its legislation is to help the poor and the needy to protect them from corruption, damage and deviation, so how can it be a reason to reinforce these evils?

**The third requirement:** Giving zakat to the sinful wayfarer on his travels

The fuqaha' differed regarding giving zakat to a wayfarer if he is disobedient in his travels, such as one who travels by killing an innocent person or committing adultery, or enjoys the forbidden, according to two opinions:

**The first opinion:** It is not given to the wayfarer if he is like this, and this is what the Malikis said<sup>72</sup>, and Shafi'i<sup>73</sup>, and the Hanbalis<sup>74</sup> most likely, and they inferred that this is an aid to evil, and God says (and do not cooperate in sin and aggression).

The second opinion: He is given even if he is an immoral person with his travels, and according to him, the Hanafis<sup>75</sup>, said that the verse is absolute and it includes the immoral person and others.

**The most correct opinion:** The first opinion is more likely in my opinion because it is contradicted by an explicit text from the Book of God that forbids cooperation in the evil, and as for the uttering of the verse, it is

<sup>63</sup> Previously mentioned margin 57.

<sup>64</sup> Surat Al-An'am, Verse 164

<sup>65</sup> Al-Jassas, Provisions of the Qur'an, Part 4, p. 346, Al-Kasani, Badaa' Al-Sana'a, Vol. 4, p. 26.

<sup>66</sup> The previous two sources, the same pages.

<sup>67</sup> Al-Qarafi, Shihab Al-Din Ahmed bin Idris, Al-Thakhira, investigated by Muhammad Hajji, Dar Al-Gharb, Beirut, 1994 AD, volume 3, p. 147 + 2 148, Al-Mawaq, Abu Abdullah Muhammad bin Yusuf, Al-Taj wa Al-Ikleel, volume 3, p. 127, Al-Kharshi, a brief explanation. Khalil, a previous source, vol. 6, p. 372.

<sup>68</sup> Al-Nawawi, Al-Majmoo', a previous source, vol. 6, p. 206.

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<sup>70</sup> Al-Nawawi, Al-Majmoo', a previous source, vol. 6, p. 206.

<sup>71</sup> Surat Al-Ma'idah, verse 2.

<sup>72</sup> Al-Mawwaq, Al-Taj wa Al-Ikleel, previous source, Vol. 3, p. 127, Muhammad Alaish, Manah Al-Jalil, Vol. 3, p. 449.

<sup>73</sup> Asna al-Matalib in Explaining Rawd al-Talib, Volume 1, Dar al-Kutub al-Ilmiyya, Beirut, 2000 AD, vol. 1, p. 397.

<sup>74</sup> Al-Bahooti, Scouts of the Mask, a previous source, vol. 5, p. 393.

<sup>75</sup> Al-Mawsili, Abdullah bin Mahmoud, The Choice for Explanation of the Chosen One, Dar Al-Kutub Al-Ilmiyya, 3rd Edition, Beirut, 2005, vol. 1 pg. 126, Ibn Najim, Al-Bahr Al-Ra'iq, previous source, vol. 6, p. 63, Al-Sarkhasi, Al-Mabsout, previous source, part 3. p. 395.



not an argument because the rule says that the absolute remains on its release unless what is stated to restrict it has been mentioned.

### The third topic

#### The immoral's responsibility to collect zakat

Those working on it contributed to the zakat banks, and there is no dispute among the scholars regarding their giving of them, but the scholars agree on the requirement of justice<sup>76</sup>, (76) and honesty in the worker on zakat, and on this it is not permissible for the immoral to collect zakat to detract from the condition of justice, and their evidence for that is that employment And the sinner is not from the people of the guardianship, and the sinner does not believe in him going with the zakat money and spending it in other than its banks.

And the Hanbalis said in a narration that it is permissible to take over the infidel, because he does not receive a wage from the work, and he was not prevented from it like other rentals<sup>77</sup>.

Which is more likely to say that it is not permissible because of the Almighty's saying, "O my father, hire him<sup>z</sup> for the best of those you hire is the strong and trustworthy." The imam is a condition of public states.

#### Conclusion

The study reached the most prominent results:

1. The term immorality is not limited to committing major sins, but includes infidelity and insistence on minor sins.
2. Permissibility of giving zakat to the immoral imam.
3. It is not permissible for a sinner to collect zakat.
4. It is not permissible to give zakat to the poor and needy debaucher, because that is a help for them in their immorality.

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