




ORIGINAL RESEARCH PAPER

The Requirements of Time and Place in the Allocation of Zakat to Commercial Property and its Evidence in the Islamic Economic System

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| ARTICLE INFO | ABSTRACT | |
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| <p>Article History: <i>Received: 23 August 2022</i> <i>Revised: 16 October 2022</i> <i>Accepted: 02 November 2022</i></p> | <p>SUBJECT AND OBJECTIVES: The effect of time and place in rulings is accepted by all Islamic scholars; but in relation to applying rulings to examples and determining the scope of authority of the Islamic ruler, less work has been done in relation to the rulings. Especially regarding the first ruling on the belongings of zakat, two opinions have been raised by the jurists- obligatory and desirable- and the main reason for the difference is the conflicting traditions.</p> | |
| <p>Key Words: <i>Allocation of Zakat</i> <i>Commercial Property</i> <i>Requirements of Time</i> <i>Requirements of Place</i> <i>Islamic Economic System</i></p> | <p>METHOD AND FINDING: This research is about the role of time and place in the obligation of zakat property, based on a descriptive and analytical research methods. It seems that in the present era, due to the role of time and place in the belongings of zakat, it is necessary to develop zakat items, and this matter is proved by the various evidences mentioned in this article. All Islamic scholars recognise the effect of time and place in rulings. Particularly regarding the first ruling on the belongings of zakat, two opinions have been raised by jurists- obligatory and desirable- and they are the main reason for the difference in conflicting traditions.</p> | |
| <p>DOI: 10.22034/imjpl.2022.7434</p> | <p>CONCLUSION: According to today's developments and changes in societal needs, as well as the philosophy of zakat legislation, which is to satisfy material needs and revitalise human spiritual life, the zakat belongings should be reconsidered, and societal needs should be based on the discretion of the Islamic ruler and changes. to identify an additional source of wealth, it would seem that developing the issue of zakat things is necessary in the modern day given the importance of time and place in zakat possessions.</p> | |
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Introduction

Every science has its own definition of time and space, which must be considered in conjunction with the definition of that science. Zaman means time and place means subject and place. A place is a geometrical place with a specific feature and points outside of that shape do not have this characteristic; in other words, a geometric location is the sum of points that all benefit from a known and specific property.

According to most philosophers, time is the real thing and the amount of movement. Even among later Islamic philosophers, time is regarded as the fourth dimension of matter.

According to the above definitions, the time and place we are discussing are

not in their scientific or philosophical sense; because time and place are evolutionary matters that are beyond the scope of human beings and cannot be forced to intervene and influence in such a way. There are fatwas and rulings.

Time and place are the characteristics of every era and every environment that can influence the topics of rulings, or it has influenced the concepts of texts in the form of analogies. It should also be said that time and place may be taken in its rulings, subjects and criteria in such a way that time is sometimes a mandatory condition.

So, we tened here to deal with the most important question in this article, that is what is the role of time and place in the allocation of zakat to commercial property?

The innovation of this research is that according to the principle of velayat, for the jurists, they have the right to require zakat of commercial property for the welfare of the society and to improve the spiritual and material life of man.

The Influence of Time and Place in Inference

The influence of time and place in inference can be imagined in three ways:

1. The Effect on the Issue

To draw conclusions from a text, one must take into account both connected and disconnected verbal and logical evidence. It is obvious that the time and place conditions present at the time of revelation or transmission, as well as the location of the revelation or

transmission, are examples of connected logic evidence.

This indicates that the circumstances of time and place during the period of descent in the obligation of zakat may have had some bearing on the determination of the circumstances in which commercial property was subject to zakat, as at that time in the Arabian Peninsula, only specify and limited items were regarded as commercial property.

In their role as governors, the Holy Prophet and his family also had the authority to decide on the zakat assets, and they did so at that time.

When the researcher looks at the texts related to zakat property and observes the role of time and place in detail, although the principle of zakat obligation is one

of the essentials of religion; but in terms of applying the issue to its examples, the Islamic ruler who is the legal guardian in Imamia, has the authority to develop the ruling of zakat of commercial property-desirable or obligatory- on new cases and that based on the needs of the society, take these determined cases and make the rich people pay it.

Zakat is one of the things that is prescribed by al-justice. In many narrations, the reason for imposing zakat is to eliminate poverty in the society.

Accordingly, as long as this reason is not established, the Islamic ruler has the right to add other items to the zakat belongings in order to eliminate poverty at the level of society. It is

mandatory and necessary according to the stated reason.

2. The Effect of the Jurist's Inference in Understanding the Subject of the Ruling

The issue of consultation has been changed in accordance with the traditions and customs of society. It has gone out of that simple state and has become a codified and systematic system.

The people's votes are relied on in macro decisions so that it is considered mandatory. With the upward trend of societal changes and intellectual evolution, new and more appropriate examples will emerge for the topic of the consultation.

Also, during the era of decline, the cases of obligatory zakat were limited and with the change of time

and place and the progress in the affairs of the society, the cases of property and commercial goods have developed and as a result, new cases will be part of the zakat belongings. This change We see during the time of Imam Ali.

3. The Effect on the Reflections and Precisions of the Jurists in the Texts

It is possible that the circumstances of time and place lead the jurist to view the Sharia texts with a fresh perspective. For instance, the establishment of a religious government, the installation of a jurist in a position of authority and the numerous needs that have emerged during this period have led the jurist to view the texts that express

the laws governing the government and its affairs with fresh reflection and focus.

The association and reading of Ijtihad with the element of time and place have never harmed the original principles and principles of the Book, Sunnah and rules of Ijtihad; because the branches and partial rulings are extracted by considering the time and place in the light of the generality of the sermons, and the general principles of Sharia sermons always stand.

Therefore, time and place mean the conditions and circumstances existing in time and place; because time and place themselves have no effect on the Shari'a ruling, and their change does not change the Shari'a ruling. Here, it is

necessary to refer to the components of the situation in the time and place that cause the change in the Sharia ruling: (*Zamani, 1990*)

- General level of living
- Materials and corruption
- Geographical and spatial factors; Like hot and cold weather, wet and dry places
- Human scientific and technological advances
- Human specialized knowledge
- Changing human needs
- Changing the economic structures of the Islamic society and the international society and the need to enact new laws such as labor laws and international trade laws
- The transformation of the moral values of human society, such as the abolition of slavery

- Changing people's customs and habits

- Necessities that arise in the world.

- Expediency is the main basis of the rulings of the government (General interests of the society or the expediency of preserving the Islamic system).

- The type of government ruling the society and the - politicians ruling the society and internal and external political relations

- Social and religious groups and their relations with the people and the Islamic government

- The economic situation of the society, general poverty or general prosperity or the accumulation of wealth in the hands of a particular group and the special economic, social and political relations governing the world at any point in time

- The emergence of important issues that cause changes in important issues and change their rulings because of conflict.

The Effect of Time and Place on the Ruling on Zakat of Commercial Property from the Perspective of Jurists

The previous scholar's explanations of how time and place play a role in the issuance of rulings were not very clear and they frequently alluded to it when discussing issues and subjects relevant to this discussion. The fundamental understanding of these elders is that they briefly agreed to pay attention to the time, place and its effects.

The impact of time on judgments is often emphasised by jurists.

The Prophet of God, said: *“The difference in appearance between the Muslims and polytheists lies under the state of their turbans”*.

according to Sheikh Sadouq: Naturally, this issue has to do with the birth and early development of Islam. *(Sadoq, 1943)*

The quote from Sheikh Sadouq can be translated as follows:

Because the number of Muslims was relatively small, the difference between them and the infidels was identified by such signs. In the following years, when the number of Muslims increased and they performed their religious duties and ceremonies without they used to wear a veil and perform taqiyya, there was no need

for a sign to find or recognize Muslims by means of it.

Muqaddas Ardabili says:

We can't say anything at all. Rather, the rulings differ due to differences in characteristics, conditions, times, places and persons. This means that a skilled jurist is someone who pays attention to these points and knows which ruling is appropriate for the right time. (*Muqaddas Ardabili, 2000*)

The Maki Amili, known as the first martyr, writes about the rules, while clarifying the changes and effects of time and place:

It is permissible to change the rulings by changing the customs of the society as it is the case in common weights and measures in the society,

and it is the same in the alimony reserved for wives and the alimony of relatives. Accordingly, the granting of alimony is subject to the conditions and customs of the time in which it takes place. (*Maki Amili, 1988*)

According to Maki Amili and the Imamiya in general, the change of habits and customs has caused the change of subjects and as the subjects change, the sentences also change.

Also, the Kashif al-Ghita acknowledged this point and said that: The line of change of precepts is the change of time.

Muqaddas Ardabili who is one of the most outspoken and experienced jurists in this field says:

It is not possible to rule on the stability and totality of something; but the rulings are different according to the characteristics and conditions of times, places and persons. (*Muqaddas Adabbili, 2000*)

Among contemporaries, the category of time and place has found its special place. Imam Khomeini presented the theory of jurisprudence in the administration of the Islamic government. In expressing the necessity of paying attention to time and place in inference, he says: Time and place are two determining elements in ijihad. A problem that has had a ruling in the past may find a new rule in the relations governing politics, society and the economy.

Among other contemporary theories that are important is the theory of Allameh

Tabatabai and Martyr Motahari, who believe that the laws of Islam are divided into two groups, fixed and variable and that the variable law refers to the changes of the subject in terms of time and place. (*Ref: Sadr, 2000*)

Ayatollah Boroujerdi also emphasized the decisive role of time and place and their effects can never be neglected in any issue.

Sheikh Tussi, in the Tafsir of Tabiyan, said the following about the verse "Take from their money":

The verse refers to different properties and Zakat is collected on different properties.

The Sheikh Tabarsi said in "Majma' al-Bayan" that the property that has been identified for a specific reason has zakat. (*Tabarsi, 1953*)

Due to the certainty and clarity of the money's sources at the time of the prophet, zakat was made obligatory in nine cases as well as in other financial situations, even though it was not required in all cases according to the actual meaning and usage of wealth in the Quran.

This does not mean that other items are ineligible for zakat; rather, the Islamic ruler from the position of the province might declare zakat obligatory on other items outside the nine items depending on the requirements of the society and the variance in the sources of income in the communities, for example, the imams like Imam Ali, set new examples for collecting zakat. (*Imam Khomeini, 2006*)

There is a consensus on the undeniable influence of time and place in fatwas and rulings and the majority of Imami jurisprudents are of this opinion.

In each period, the role of time and place is precisely considered by the jurists and can be seen in the conclusions.

In this regard, regarding commercial property, it is discussed that time and place play an important role in determining the examples of zakat on commercial property and making it mandatory.

The influence of rulings on time and place has different forms, the most important of which are:

- Change of judgment due to change of topics. (*Sadr, 2012, Vol. 1*)

- Changing the first sentence to the second one. (*Motahari, 1999*)
- Changing the first order to a government order. (*Ashtiani, 1990*)
- Changing the rules by changing the criteria. (*Sobaaii, 1990*)
- Expansion and narrowing of rulings. (*Rezaei, 1995*)

Proofs of the Role of Time and Place in the Obligation of Zakat on Commercial Property

1. Quranic Reason

The Holy Quran is the long live miracle of the Prophet of Islam that has paid attention to all aspects of human life with its exalted teachings and commands. By reviewing the verses, it is concluded that the economic issues of the society and the family have

a special place in the Quran, as it is mentioned in 80 verses of the Quran. (*Ref: Safouraei Parizi, 2021: 109*)

Among these issues is the issue of zakat; God Almighty says in his Glorious Book:

“Take from their wealth a charity, purify them and bless them with it, and pray for them”.
(*Quran, 3: 103*)

The position of zakat in the Holy Quran is property and it has no characteristics in the nine cases; This point can be easily understood from the mentioned verse, in this way God Almighty orders the Prophet to take zakat from the property of Muslims.

Property of both a commercial and non-commercial nature is covered by the

verse's generality. Yes, there are hadiths that claim that during his lifetime, the Prophet restricted the cases of zakat to nine and abolished the ruling of zakat from other things. For example, according to the narration of Al-Jala from Imam Baqir and Imam Sadiq, God made zakat obligatory along with prayer, and the Messenger of God placed zakat on nine things: Gold, silver, camels, cows, sheep, wheat, barley, dates, and raisins.

In addition to these Hadith, there is another group of Hadiths that considers zakat obligatory in more than nine cases, such as the narration of Mohammad ibn Muslim Thaqafi when He asked the Imam about the zakat of grains and cereals.

The Prophet said:

“Zakat is paid on wheat, barley, corn, millet, rice, salt (a type of barley), lentils and sesame”.

This narration expands the circle of things on which Zakat is obligatory and its chain of transmission is correct.

Ibn Junaid Sakafi did not believe that zakat was only required in nine circumstances; but also in the cases of products like grain, lentils, sesame, rice, honey, trade goods, etc.

This view was shared by Yunus ibn Abd al-Rahman, one of the great narrators and jurists, as well as one of Imam Kazim and Imam Reza's friends.

Also, Sheikh Sadouq and his father, in addition to nine things, believe that

zakat is obligatory on the wealth of the trade. (*Ref: Kolyni, 1967*)

God Almighty says in another verse:

“O you who believe, obey Allah and obey the Messenger, and the first commandment is mine”. (*Quran, 4: 59*)

Martyr Sadr says:

This text clearly indicates the obligation to obey the governors. Due to this, high-ranking Islamic authorities have the power to engage in the affairs of society to support it and create an Islamic balance within it while also ensuring that others obey them. It is essential to consider the needs of society and remove any barriers to advancement. He also has the power to create and

mandate new pieces of commercial real estate; because it is obvious from the verse “Take my property as charity” that the collection of zakat is one of the obligations of the Islamic ruler and the ruling on zakat is one of the state's rulings, he applies these rulings with God's permission while taking the interests of society into consideration. (*Sadr, 2012, Vol. 1*)

2. The Existence of Fixed and Variable Rules in Islam and the Authority of Proof

Time and location play a significant part in the Islamic economic system and Shari'a rulings. They are crucial for establishing and identifying the rulings that have been given to the guardian as well as for the

Shari'a rulings to be implemented.

A question can be raised here, is it possible to ask here: Are Sharia laws considered for a particular period and location, and if those circumstances change, do the laws change as well? Or the fact that certain decisions are fixed while others are variable?

Martyr Sadr presents evidence, which is composed of three parts, the summary of which is as follows:

- Sharia ruling is a law issued by God to regulate human life. According to the definition given in the book "Lessons in the Science of Fundamentals". (*Sadr, 2012, Vol. 1*)

- The process of social life causes the emergence of new human needs and these

needs are solved with the cooperation and empathy of the people of the society.

- When we examine human needs, some of these needs are fixed and basic and some others are unstable and variable, which change with time and place and according to different circumstances.

It must be proven that the Shari'a rulings that the Holy Prophet and the infallible Imams have announced have two fixed and variable parts.

Fixed rulings are a response to the fixed needs of human beings, such as the guarantee of livelihood, the right to use the wealth that has been obtained through work and effort, providing the necessary conditions for the survival

of the generation, guaranteeing the security of life, etc.

In contrast to these fixed rulings, there are rulings that are not fixed and permanent; but the way to change them is open, and those are the rulings that Islam has allowed the Guardian of Muslims to determine according to the interests and in the light of the fixed rulings, the conditions and the requirements of time and place.

Martyr Sadr also believes that time and place have a different effect on these rulings; That is, although time and place are not involved in determining their type, they are effective in adapting them to their subjects.

He says:

Despite the fact that the laws of Sharia are fixed, sometimes their implementation differs from one age to another due to the conditions of time and place.

Therefore, the practical treatise that with the transformation that occurs in these conditions, these differences should be considered in the recognition of the Sharia ruling. (*Zamani, 1990*)

3. The Summation of Conflicting Narrations on the Obligation of Zakat

The jurists have presented several solutions to resolve the conflict between the hadiths related to Zakat cases and some other jurists have presented another way to combine the two types of hadiths.

According to verse 103 of Surah Tawbah, the Holy Prophet, got a mission from God to collect Zakat from the property of Muslims and purify them.

The Holy Prophet in the position of the ruler and responsible for the administration of the society, counted nine things as the most important capital of that time, especially Saudi Arabia, and made them subject to zakat tax and did not include zakat on other things.

Therefore, at any age and time, it is the responsibility of the ruler of Sharia to determine the cases of obligatory zakat. He does such an action based on the need of the time and considering the interests of the society.

Based on this, the cases of obligatory zakat during the time of the Prophet, peace will be different from the time of Imam Ali or other pure imams; because the needs and interests of the society are different at any time, the Islamic ruler may expand the scope of obligatory zakat to include commercial property and may tighten it. (*Sadoq, 1994*)

4. Rational Reason

This reason has three introductions:

- Islamic economic system is based on social justice
- The requirement of social justice varies with different economic conditions
- The final option is to entrust the guardian with the responsibility of upholding social justice and the public

interest. The guardian's existence will be required to fill the clearance territory to uphold social justice in accordance with the needs of the time and place.

For example, according to the conditions of time and place (if needed) and the establishment of social justice, the ruler or guardian can develop the obligatory cases of zakat and determine new and invented examples of commercial goods for collecting zakat and making it mandatory.

Conclusion

Time and place mean that the characteristics of every age and every environment influence the topics of rulings. The temporal and spatial conditions and the

ruler at the time of descent or issuance, are considered as one evidence of connected rationality.

From this point of view, the conditions of time and place in the era of descent in the obligation of zakat somehow played a role in determining the cases of zakat of commercial property. The Holy Prophet and his family had the right to determine the zakat belongings from their position as governors.

According to the sayings and opinions of the Imami jurists, it is very clear that time and place play an important role in rulings, and the topics of the rulings may change with the change of time, place and with the change of topic.

Paying close attention to the definition of the word property is crucial; because

time and locality have a significant impact on how zakat possessions change. The word, property is whatever mankind possesses, and according to the literal meaning and Quranic usage of property, there are some things that are exempted from Zakat.

The Holy Prophet established zakat as a requirement in nine cases and in other financial situations during his time since the sources of wealth at the time were certain and obvious.

This does not mean that other things are not eligible for zakat; rather, the Islamic ruler from his position might make zakat obligatory on other items outside the nine items and this is based on the requirements of the community and the

differences in the sources of wealth in the societies.

The verse “Take from their wealth a charity” commands that zakat should be taken from everything that has the title of wealth. Since the property is different at any time and place, it has not limited the examples of zakat to some cases and this situation indicates that the determination of the examples is left to the needs of time and place.

Taking and collecting zakat is one of the powers of the Islamic ruler, according to the conditions of time and place (if needed) and the establishment of social justice. The ruler or guardian can develop the cases of obligatory zakat and invent examples of commercial goods to collect zakat.

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