

Comparative Analysis of Rulings on the Duties of Precious Stones

Ruzimukhammad Tukhtasinov

Doctoral student of the International Islamic Academy of Uzbekistan, "Islamic History and Source Studies IRCICA" department., Teacher of Mir Arab Higher Madrasa

Abstract: This article begins with a brief description of the dictionary and terminological meaning of the word zakat, as well as the sharia ruling. It also contains a description of the issues of zakat of gold, silver and other precious stones based on Movarounnahr and other fiqh sources.

Keywords: zakat; precious stones and gold, silver zakat; zakat nisab; zakat of paper money.

In the dictionary, Zakat means growth, purification. In Shari'i istilah, paying the obligatory right on special goods in a special form is called zakat. In order for zakat to be wajib, a person must be a Muslim, be of sound mind, have reached the age of majority, have reached nisab, and have been in his possession for one year. [1, 2\4. 2, 2\372]

Zakat is one of the obligatory acts for Muslims. Because Allah the Most High has commanded, "Perform the prayer and pay the alms." [3, 24\56] Nabi s.a.v. They also said: "Islam is built on five foundations: testifying that 'La ilaha illallah wa anna Muhammadan rasulullah', performing the prayer in full, paying the alms, performing the Hajj, and observing the Ramadan fast." [4, 1\49. 5, 1\45] Also, the ijma of the Companions is related to the fact that zakat is obligatory. [6, 1\481. 7, 2\572. 4, 3\26]

The author of "Badoeus Sanoe" Abu Bakr Kosani (d. 587 H, 1191 AD) mentions that there is also an intellectual proof that zakat is obligatory for the Islamic community: Giving zakat is one of the ways to help the needy. By doing this, the person who gives zakat helps the person who receives zakat to fulfill other obligatory deeds of Allah. Helping to fulfill the obligation is also obligatory. Therefore, zakat is also an obligatory act. In addition, giving zakat prevents a person's property from disappearing without blessing, and the heart of the property owner from being prone to sinful acts such as greed and jealousy. This further strengthens the reasons why zakat is obligatory. [2, 2\373]

It was mentioned that zakat is given on special goods. About this, the jurist Ubaydullah ibn Mas'ud Bukhari (d. 747 h, 1346 m) from Movarounnahr can refer to his work "Mukhtasarul viqaya". He mentioned that the goods on which zakat is obligatory are divided into three categories. If it is: livestock (camel, cattle, sheep, goat, horse), straw - cash (gold and silver) and commercial goods. [8, 32] Of course, there are standards and sharia rulings for each of these. Zakat is deducted only when the amount of goods reaches the specified standard.

Below, the zakat of gold and silver and precious stones, which are included in the second and third category, is explained.

Imam Kosani mentioned that there are two types of zakat that is obligatory on a person's property, and he classified the three types of goods listed above (livestock, hay and commercial goods) into the first type, zakat (tithe) that is given on the crops that come from the land. and those who made Khiraj) the second type. [2, 2\371]

Burhoniddin Marg'inani (511-593 h, 1135-1197 m), the author of Hidayah, mentions that all the jurists agreed that the zakat of gold and silver among precious stones is obligatory. [9, 2\4] This means that

none of the sectarians disagreed on this issue. Because Allah Almighty has given such a blessing in Surah Tawba:

"O you who believe! Indeed, many of the hypocrites and monks use people's wealth in false ways and cut off the path of Allah. Give a prediction of painful punishment to those who hoard gold and silver and do not spend it in the way of Allah. One day those (gold and silver) will be heated in the fire of hell and will be pressed on their foreheads, sides and backs: "This is what you have collected for yourself, now taste what you have been collecting!" it is called". [3, 192]

Nabi s.a.v. They also said: "The wealth on which you pay zakat (the verse says that its owner will suffer) is not a treasure." [10, 1\390. 11, 1\223] In another hadith: "If there is an owner of gold or silver, if he does not pay the right (zakat), on the Day of Judgment, iron will be melted for him, heated, thrown on him in the fire of hell, and his sides and back will be pressed." [5, 2\280]

In this verse, after it is mentioned in general that the afflicted are the owners of wealth, it is revealed in the hadith that they do not pay zakat on gold and silver, which are cash. Accordingly, the verse should be understood in the sense that not every owner of wealth and state will suffer, but those who do not pay his zakat will suffer.

What kind of zakat is obligatory on gold and silver?

Zakat is obligatory on gold and silver, as on other things, the general conditions for zakat are that the property must have reached nisab and have been in circulation for one year. [9, 2\4] Then gold and zakat is obligatory on any type of silver. In this case, it is not important whether they are minted or not, whether they are made into a product or not. In Istilah, minted gold and silver products are called ayn and maskuk, and unworked, unminted ones are called tibr. Therefore, a person whose gold and silver have reached the nisab of zakat and whose wealth has reached one year is obliged to pay zakat from his wealth.

There are only two exceptions:

The first is the zakat of gold and silver jewelry, and there is disagreement among jurists regarding its obligation. According to Maliki and Shafi'i scholars, zakat is not obligatory on jewelry made of gold or silver, even if it is rented or leased. Because jewelry is similar to things taken for personal use, like clothes and working animals. Just as zakat is not wajib on items taken for personal use, zakat is not wajib on jewelry.

The jurists of the Hanafi school say that just as zakat is obligatory on other types of gold and silver, when they become jewelry, zakat is obligatory. [6, 1\524.]

The second exception is gold and silver mined from underground, which are called rikoz or kanz in fiqh istilah. This does not mean that Zakat is not obligatory on rikos, but that Zakat is obligatory on them too. But the judgment of such gold and silver is different from the judgment of other gold and silver. The difference is that if zakat is obligatory after one year of gold and silver, it is not necessary for rikoz and kanz. Perhaps, at that time, a certain amount of zakat will be obligatory.

Nisab of gold and silver and the amount to be allocated from it for zakat.

According to Jumhur jurists, the value of gold is twenty misqals. One misqal weighs 4.25 grams. [12, 1\24] Accordingly, the weight of twenty misqals is 85 grams. If the amount of gold is less than 20 misqals, zakat is not obligatory. But in some places, the ratio of gold can be filled by adding other goods to it. But this is a controversial issue. Only Hasan Basri (21-110 h, 641-728 m) disagreed with public jurists regarding the amount of gold. Because it is said that the nisab of gold in that person's eyes is forty misqals. [13, 23\263]

Ato (27-114 h, 647-732 m), Tovus (634-724 m), Zuhri (671-741 m), Sulayman ibn Harb (140-224 h), Ayyub Sakhtiyani (66-131 h, 687- 748 m) who said that the ratio of gold is comparable to the ratio of silver. According to this, zakat is obligatory on gold worth two hundred dirhams, whether it is twenty misqals or less or more is irrelevant. Because the sahih hadith about the nisab of gold from the

Prophet, may God bless him and grant him peace, is not fixed. That's why its ratio is comparable to that of silver, they explain their words. [6, 1\524]

Jumhur jurists do not compare the value of gold with that of silver. Perhaps, just like silver has a special nisab, gold also has a special nisab, and they say that this is proven by authentic hadiths. Nabi s.a.w.: "Zakat is not obligatory on less than twenty misqals of gold and less than two hundred dirhams on silver", [14, 2\93] Umar and Aisha r.a.: "Nabi s.a.w. they used to receive zakat from every twenty dinars and one dinar from forty dinars", the hadiths are a clear example of this. [15, 1\571]

Ratio of silver

In the dictionary, worked and shaped silver is called wrq [variqun] or riqatun [riqatun]. In another dictionary, it is said that it is called a sheet even if it is minted or not.

According to the consensus of all jurists, the value of silver is two hundred dirhams. The weight of one dirham is equal to 3.125 grams according to Hanafi jurists, and according to other jurists it is equal to 2.975 grams. Accordingly, if the weight of silver reaches 625 grams according to the Hanafi jurists, zakat is obligatory when it reaches 595 grams according to the scholars of other sects. In this regard, the following hadith of the Prophet, may God bless him and grant him peace, was mentioned: "Alms of less than five ukiyas of silver is not obligatory." [4, 3\323]

One uqiya is forty dirhams. Accordingly, five ukiyas are two hundred dirhams.

In this regard, Hazrat Anas r.a. also has famous hadiths, in which: "Forty one zakat is obligatory on silver. If its amount is one hundred and ninety dirhams, nothing is obligatory on it, unless the owner himself wants it." [4, 3\318]

Here, dirham means Islamic dirham. If the weight of the dirham is more or less than the shar'i standard dirham, the weight of the shar'i dirham is taken into account when zakat is obligatory. According to some Hanafis, in the zakat of silver, each city's own dirhams are counted in terms of number, and it is not necessary to be the same as the dirham of the Shariah standard. [6, 1\524-522]

What is the obligatory amount of goods that have reached Nisab?

It is agreed upon that gold and silver that have reached Nisab should be paid zakat at a ratio of forty to one. But there is an amnesty for gold and silver, just like livestock there is a difference in terms of sects. According to Jumhur madhab sahibs, there is no amount of forgiveness in gold and silver that has reached nisab. After reaching Nisab, zakat becomes obligatory on one-fortieth of each increase. The reason why there was an amnesty in animals was that it was impossible to distribute each of their excesses. Gold and silver can be distributed and divided. That's why there is no pardon for straw, i.e. cash. Abu Yusuf (113-183 h, 731-798 m) and Muhammad (131-189 h, 749-805 m), two disciples of Imam Abu Hanifa (80-150 h, 699-767 m), the founder of the Hanafi sect, also agreed to this statement. added.

According to Imam Abu Hanifa, the head of the school, the amount of gold and silver is forgiven until it reaches the nisab and does not exceed one-fifth of the nisab. That is, when it exceeds the nisab, zakat is no longer obligatory. According to this, the wealth of a person who has two hundred dirhams or twenty misqals of dinars does not exceed one-fifth of the wealth, that is, if it does not reach two hundred and forty dirhams or twenty-four dinars, then zakat is obligatory on the part that exceeds two hundred dirhams and twenty dinars. won't be. That is, he gives zakat of 20 dinars on gold worth 23 dinars, and 200 dirhams on dirhams worth 239 dirhams. Zakat of 3 dinars and 39 dirhams will be forgiven. Imam Abu Hanifa substantiates these statements with the following hadiths of Amr ibn Hazm, ra, who narrated from the Prophet s.a.w.: "Zakat of less than forty dirhams is not obligatory." [10, 1\396]

The hadith narrated from Mu'az ibn Jabal r.a. is also one of the proofs of Abu Hanifa: "The Prophet, peace be upon him. They ordered Mu'az r.a. not to take zakat from fractions. [14, 2\93] Shares that exceed the desired nisab from the fraction in the hadith. This applies to the above-mentioned goods worth up to forty dirhams and four dinars. According to Ubaidullah ibn Mas'ud Bukhari in his works

"Mukhtasarul Wiqaya" quoted the words of Abu Hanifa r.a., in the Hanafi sect, a fatwa was issued on the words of Abu Hanifa r.a. [8, 32]

Zakat on paper money

There is no doubt that zakat is obligatory on paper money. Because paper money is currently considered the most valuable property of people. The whole world deals with paper money. If it is said that zakat is not obligatory on such money, the rights of the poor and needy will be lost. Because Allah Almighty said: "He (the rich) has a right to the wealth of those who ask and (who do not ask) the needy." [3,521] The whole world recognizes that paper money is money, and because they are dealing with it, paper money is judged as chaff - cash, even in Sharia. Their nisab is calculated in relation to dinars and dirhams. [15, 108]

In conclusion, it can be said that the zakat of precious stones is divided into two parts in the sources: precious stones, which are considered cash or commercial goods. Gold and silver are considered cash, while jewels, rubies, sapphires, etc. are considered commercial goods. A ratio is set for precious stones that are considered cash, and the ratio of commercial goods is compared to cash. No intention is necessary for zakat to be wajib on cash. But other precious stones must be commercial. It is not enough that it is owned by a person. According to the Hanafi school, what is required from precious stones and minerals, which are underground mineral wealth, is not called zakat. But even so, these issues are mentioned in jurisprudential sources on the topic of zakat.

The contribution of zakat rule in Islamic Shari'a to the development of society is many, and one of the most important is that it awakens the love of the poor towards the rich and eliminates the enmity that may arise between them.

SOURCES AND REFERENCES USED

1. Burhoniddin Marginani. Hidayah. - Pakistan: Maktabatul Bushro, 2008.
2. Alauddin Abu Bakr ibn Mas'ud Kosani. Badoeus sanoe. - Beirut: Darul Qutubul Ilmiya", 2003.
3. Tafsir Hilal. Translation of the Holy Qur'an and its meanings in Uzbek. Sheikh Muhammad Sadiq Muhammad Yusuf. - T.: "Sharq", 2008.
4. Ahmad ibn Ali ibn Hajar Asqalani. Commentary on Fathul Bory Sahihul Bukhari. - Beirut: "Dorul Fikr", 2001.
5. Yahya ibn Sharaf Nawawi. Sahih Muslim bi commentary Nawawi. - Beirut: "Dorul Fikr", 2011.
6. Kamaluddin ibn Muhammad ibn Abdullah ibn Humam. Fathul is capable. - Beirut: "Darul Kutubul Ilmi", 2009.
7. Mawfiquddin ibn Qudoma Maqdisi. Mughni. - Cairo: "Darul Kotibul Arabi", 2010.
8. Ubaidullah ibn Mas'ud. A short story. - Kazan: "Lito-Tipography I.N. Kharitonova", 1911.
9. Abdulhai Lakanvi. Hidayah border. . - Pakistan: "Maktabatul Bushro", 2008. 2\4.
10. Mahmud bin Abdullah Hokim Naisaburi. Mustadroq alas Sahihain. - Beirut: "Darul Kutubul Ilmiyya", 1990.
11. Ibn Abu Hatim. Ilalul hadith. "Matobiul Humayzi", 2006.
12. Muhammad ibn Muhammad. Inoya. "Medicine thought", 2006.
13. Kuwait Ministry of Waqf and Islamic Charities. Mawsuatul Fiqhiya. - Kuwait: "Maktabatul Ol", 1983.
14. Ali ibn Umar. Sunanu Doraqutni. - Beirut: "Alamu Kutub", 2001.
15. Abdulkadir ibn Ahmad Dimashqi. Al-Uqudul Yaqutiyya. - Egypt: "Maktabatus Sudovy", 1984.