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## *Findings the Solution of Zakat for Disaster Relief*

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## Findings the Solution of Zakat for Disaster Relief

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### Abstract

Disaster relief presents many unique solutions, with problems including damaged transportation infrastructure, limited communication, and coordination of multiple agents. Central to disaster relief is the distribution of zakat to beneficiaries. Islamic religious funds model have potential to help relief agencies save lives and money, maintain standards of humanitarianism and fairness and maximize the use of limited resources amid post-disaster chaos. Through identifies the issues and reviews of the scholars' view, this paper provides an analysis of the solution use of such model from the perspective of scholars. With the complexity of disaster relief distribution and the relatively small number of references written on it, this is an area with potential for helping relief organizations and for tremendous growth in Islamic religious funds's utilization.

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## 1. Introduction

Disaster is something that no one else wants. But in human life, it is impossible not to happen. It happens with the will and wisdom of Allah Subhanahu wa ta'ala. Allah says that "And We will surely test you with something of fear and hunger and a loss of wealth and lives and fruits, but give good tidings to the patient." (2: 155) and "Who, when disaster strikes them, say "Indeed we belong to Allah, and indeed to Him we will return." (2: 156).

On the hand, through disaster relief, we serve the communities that we love. It can serve both side of human being – the affected and the helper. Disaster relief requires efforts on many fronts: providing rescue, health and medical assistance, water, food, shelter and long term recovery efforts. Much of successful and rapid relief relies on the available funds. In Islam, we have the Islamic religious funds.

The zakat (as one of the Islamic religious funds) is considered by Muslims to be an act of piety through which one expresses concern for the well-being of fellow Muslims, as well as preserving social harmony between the wealthy and the poor. Zakat also promotes a more equitable redistribution of wealth and fosters a sense of solidarity amongst members of the community.

Zakat funds models related to humanitarian aid have a long history. In 615, zakat was revealed together with salaah. As one of the pillars in Islam, zakat is considered as a religious obligation for all Muslims who meet the necessary criteria of wealth. It is a mandatory charitable contribution, the right of the poor to find relief from the rich, and is considered to be an obligatory alms.

However, the distribution of zakat for disaster relief has only come into the picture recently. Wahid et al (2017) reported that zakah acts as a social security mechanism that plays a significant role in rebuilding the lives of the victims.<sup>4</sup> They took an example of Zakah Unit of Universiti Kebangsaan Malaysia, Lembaga Zakat Selangor and Kedah, and Zakat Foundation in Pakistan who contributed to the flood victims. In the Kingdom of Saudi Arabia, the charity organizations such as IIRO and al Haramain got the fundings that come from zakat.<sup>5</sup>

In this paper, we focus on the zakat funds model who has potential to help relief agencies save lives and money, maintain standards of humanitarianism and fairness and maximize the use of limited resources amid post-disaster chaos.

We focus on identifying the outstanding issues related to the zakat funds models for disaster relief and paper provides an analysis of the solution use of such model from the perspective of scholars.

## 2. Information of Disaster Relief

Generally, disaster relief is defined as the intervention aimed at meeting the immediate needs of the victims of a disastrous event. The relief works seek primarily to prevent loss of life and reduce suffering as much as possible for affected children, as well as their families and

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<sup>4</sup>Habibah Abdul Wahid, Mohd Anuar Ramli, Muhd Imran Abd Razak and Muhammad Izzul Syahmi Zulkepli (2017) Determination of Zakat Recipient to Flood Victims. International Journal of Academic Research in Business and Social Sciences 7 (No. 12): 1289-1304. DOI: 10.6007/IJARBS/v7-i12/3767

<sup>5</sup><https://odihpn.org/magazine/saudi-arabia%C2%92s-humanitarian-aid-a-political-takeover/>

communities. It is also aimed to strengthening the local community to prepare for, respond to and recover from disasters.

So far, the disaster relief has affected many jurisdictions. Table 1 shows, based on the few examples that affected the Muslim community, the past five years has seen many large disasters including the 2108 Kerala flood, the refugee crisis in Syria and the civil war in Yemen. The destruction from disasters can leave populations without shelter, food and water, and in need of urgent medical care. In these situations, it can be necessary to supplement local capacity with regional or international aid. For example, within the first 30 days of the 2015 Malaysia flood, the charity organization arranged delivery of food aid (such as food kit), non-food items (such as hygiene kit, cleaning kit, cooking kit, face masks and mosquitoes nets) and education (back to school kit and uniform).

Disaster relief requires efforts on many fronts: providing rescue, health and medical assistance, water, food, shelter and long term recovery efforts. Much of successful and rapid relief relies on the fundings from publics.

In this paper, we will suggest zakat funds as a model who has potential to help relief agencies save lives and money, maintain standards of humanitarianism and fairness and maximize the use of limited resources amid post-disaster chaos.

Table 1: Disaster by Most Affected Muslim People from 2013-2018

Jurisdiction	Year	Type of Disaster	Type of Relief	No of People Affected
<b>Sulawesi, Indonesia</b>	September 2018	<b>Earthquake &amp; Tsunami</b>	providing food and non-food items as well as Water & Sanitation, Child Protection, Health & Nutrition and Livelihood interventions.	82,000
<b>Kerala, India</b>	August 2018	Flood	providing food, non-food items (displaced from their homes), hygiene kits, child-friendly spaces and education support	32 million
<b>Lombok, Indonesia</b>	July and August 2018	<b>Earthquake</b>	emergency relief on the ground, including Sanitation and Child Protection	419,424
<b>South Sudan</b>	Since 2013	<b>Refugee Crisis due to civil war</b>	food and shelter	900,000 people have been driven from their homes
<b>Syria</b>	Since 2014	<b>Refugee Crisis</b>	water and	4.2 million by

		<b>due to civil war</b>	sanitation, food, health, child protection and educational needs of Syrians in Syria, Lebanon, Iraq and Jordan.	the end of 2015
<b>Malaysia</b>	December 2014	The worst floods in 30 years have affected several states, especially the northern and eastern regions,	Economic Livelihood Recovery; Disaster Risk Reduction and WASH (Water, Sanitation & Hygiene) & Health and Nutrition	displacing over 200,000 people
Bangladesh-Myanmar Border	August 2017	Slavery	Food and clean drinking water, safe sanitation, shelter, healthcare, nutrition, clothing and personal safety	500,000 people, <b>up to 60% of which are children</b> , have crossed the border into Bangladesh.
Yemen	2015	Civil War	the economy and health services	7 million

### 3. Zakat as Solutions for Disaster Relief

Disasters that occur either due to natural incidents or termed hydrometeorology or caused by human acts through war, murder, expulsion or otherwise all result in a particular phenomenon. Among them are refugees, homelessness, disability and other matters. It all creates a new form in the local community or neighbours or perhaps in a society far from where the crisis takes place.

The birth of this new form of human beings raises issues that need to be addressed and find out the solutions. This is especially so in relation to the zakat institution that serves to channel the accumulation of property that has been quoted either by the body itself or by other bodies of the zakat collector.<sup>6</sup>

The pertinent issues related to this matter are: (a) are zakat institutions able to work with non-Muslim organizations to help those affected by the disaster?; (b) which types of asnaf that fall under the category of disaster relief; (c) can non-Muslim disaster victims be given allocation from zakat; (d) can zakah be given to disaster victims or refugees who are far from

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<sup>6</sup>There are two (2) forms of body that manage zakat. It is either a zakat collector or a zakat distributor / divisor. Sometimes it is in the form of isolation but there is also a body that manages these two tasks at once. Which of these bodies is more qualified to be called 'amil zakat'? It is discussed by ulama'-ulama 'and can be referred to in another discussion.

zakat collectors jurisdictions?; and (e) what zakah can be used to finance zakat settlement? And if possible, what are the rates they can take?

We will answer each issue in the following discussion:

**Issue # 1:** Are zakat institutions able to work with non-Muslim organizations to help those affected by the disaster?

The current organization that involves with disaster relief is partly done by the non-Muslim organization such as [British Red Cross](#), [CARE International](#), [Islamic Relief](#), [Oxfam](#), [Save the Children](#), [Tearfund](#) (United Kingdom), The International Islamic Charitable *Organization (Kuwait)*, *Qatar Charity (Qatar)*, the IIRO and al Haramain (Saudi Arabia),<sup>7</sup> World Vision Malaysia, Aman Palestin, MyCare (Malaysia) and Dompet Dhuafa (Indonesia). The question of cooperation between Muslims and non-Muslims is a discussion of the previous Islamic scholars. It covers various aspects and each aspect is different from the legal aspect. The possibility of such cooperation is in battle to face the common enemy. It is also possible to implement joint projects in the country. It is likely to be in the works that should be like travel, business and others. Each has its own law that will not be discussed here.

The focus of the discussion is to discuss the involvement of cooperation between the Islamic body and non-Muslim organizations in humanitarian deeds to assist victims of disasters or war or refugees and others in par.

The basis for cooperation in this good thing is the word of Allah *Subhānahu wa ta'alā*: “O you who have believed, do not violate the rites of Allah or [the sanctity of] the sacred month or [neglect the marking of] the sacrificial animals and garlanding [them] or [violate the safety of] those coming to the Sacred House seeking bounty from their Lord and [His] approval. But when you come out of ihram, then [you may] hunt. And do not hatred of a people for having obstructed you from al-Msjid al-Haram lead you to transgress. And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah, Allah is severe in penalty.” (3: 2)

In interpreting this verse, Sheikh Sayyid Al-Tantawi has brought a saying of the Prophet sallā Allāhu ‘alayhi wa-sallam that supports and gives a more detailed meaning to this verse as an example of how to help and help in this matter of goodness. the Prophet sallā Allāhu ‘alayhi wa-sallamsaid that anyone who shows others to something good, then he gets the reward just like the reward he does.<sup>8</sup>

However, scholars have different opinions if there are some issues related to this collaboration. Among them is if in the event that this cooperation brings mafsadah to Muslims or to the bodies and organizations that manage the humanitarian work. At that moment, the permissibility of cooperation will change the prevailing circumstances. Therefore, as long as there is no issue in promoting a good cooperation and it works within the objectives of the partnering organization and further the later has a decisive role), then the cooperation can proceed as it is.

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<sup>7</sup>The funding comes from zakat

## Issue # 2: Types of asnaf that fall under the category of disaster relief

Allah *Subhānahu wa ta'alā* has explained the types of human beings entitled to obtain property from the collection of zakat. He clearly mentioned that: “Zakat expenditures are only for the poor and for the needy and for those employed for it and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler – an obligation [imposed] by Allah. And Allah is Knowing and Wise” (9: 60).

The verse is clear and scholars have agreed on the types of asnaf (or zakat recipients) that belong to these groups. It is considered as qat'iyy (or definitive) in terms of groups. Namely the zonniyy (speculative) in the verse is what is meant for each of the groups. What does poor (or fuqara') mean? What is needy (or masakin)? What does those employed for it mean? and also the meaning of other types. Discussions on this issue are very long and a well-known Islamic scholar; Yusof Al-Qaradawi has discussed this with length in his writings; *Fiqh Zakat*.<sup>9</sup> In our effort to closely link these groups with the victims of the disaster being discussed. Can they be included in one of these groups? Or maybe they can be included in the various (more than one) asnaf. All this is actually revived based on the interpretation given by scholars beforehand to the definition of the group entitled to receive zakat as mentioned by Allah in the above verse. The near potential for this disaster victims is that of the four groups of asnaf - fuqara', masakin, Ibn Sabil and riqab. It is further explained in Table 1.

Table 1: Zakat beneficiary categories and potential links to Disaster Relief

Category	Link to Disaster Relief
Al-Fuqara' <i>The poor</i>	Poverty and vulnerability closely linked in humanitarian crises; a majority of people living in the top recipient countries of humanitarian need are chronically poor. Al-Fuqara is therefore directly applicable to a large proportion of people in need of humanitarian assistance.
Al-Masakin <i>The needy</i>	Could apply to anyone in need of assistance in the aftermath of a crisis or disaster.
Fir-Riqab <i>People in bondage or slavery</i>	Could apply to people who are enslaved, oppressed or wrongly imprisoned; or to victims of trafficking.
Ibnas-Sabil <i>The wayfarer, or stranded traveller</i>	Refugees and internally displaced people.

<sup>9</sup>The *Fiqh al-Zakat* book is part of a lengthy discussion on *Fiqh al-Zakat*, *Dirasah Muqaranah li Ahkamiha wa Falsafatiha fi Dau 'al-Qur'an wa al-Sunnah* (or *Fiqh Zakat, Comparative Study of Its Laws and Philosophy Based on the Qur'an and Al -Sunnah*). This book was originally based from the PhD thesis of al-Qaradawi that was completed at the Doctorate Degree in the al-Azhar University in 1973. The title of his thesis was *al-Zakat wa Atharuha fi Hill al-Masyakil al-Ijtima'iyyah* means "Zakah and Its Effect in Solving Social Issues".

Fuqara' and masakin - The word fuqara 'in the verse has been defined by scholars with various definitions. It has been discussed extensively in the classical and contemporary books.<sup>10</sup> There is a likeness between the two, but the strong opinion among scholars is that both are actually different - some differentiate both of them based on whether they ask or not to others (opinion Imam Al-Tabari), some look at one of them is worse than the second group (Imam Syafie more see faqir is much more difficult than the poor), and some look at the inability of the group to have a certain limitation of property. But some who look from the corner do not have the ability to get the property. The conclusions from the discussion on this matter are the poor and the needy are people who have no property and are in very need.

When matched this problem with the condition of the disaster victims today, most of the victims of the disaster fulfilled the features set by most scholars in their writing and explanation, despite the differences. But this does not cover all the victims. There are victims who may not be able to sit under this category if they have other possessions elsewhere and beyond their needs.

Ibn Sabil - The translation of this term is so interesting. It means street kid. From these words the understood meaning has begun to differ among the scholars. They almost agree on the meaning of walking or sailing travelers. But there are some related issues: (i) are they given property and money or given other inkind (such as tickets and expenses) only; (ii) are they assisted during times of incomplete travel or assistance from the start of their journey (before commencing journey)? and (iii) does the purpose of their trip need to be viewed or not? In the sense that if the purpose of his journey is not because of something required by the Islamic law, will he also be helped? There are also other questions discussed by scholars at length. The conclusions of this discussion have provided the opportunity for the zakat distribution body to provide some of the victims of disaster or money-fledging from the contribution of zakat to this group.

Riqab - Riqab was originally a group categorized as a servant who wanted to be released or promised by his master to be released if he could afford to find some property for his release. This situation occurred in the days when the system of slavery was still practiced in the world at one time. The situation changed over time and changed the meaning of this riqab. There are some countries that have canceled this group from the list of zakat recipients. For example, Brunei Darussalam has abolished this group or category of riqab from the list of recipients of Zakat as there is no such group in the world today.

The difference in opinion on the meaning of this riqab indeed occurred among the earlier scholars. Some provide the meaning of this riqab is 'mukatabah' and there is a definition of the use of zakat property to be used in the purchase of the servant in order to be released. This distinction is famous and discussed by them in their books since time immemorial. It may not be necessary to extend here.

There is little in the sense of a disaster victim or a victim of warfare or murder committed by some human beings. The question arises is whether zakat money can be used to pay ransom or payment to redeem the prisoners of Islam captured by the enemy? Opinions that can be considered frankly from amongst the Islamic scholars (especially the Muslim

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<sup>10</sup>Like Abu Yusof of the Hanafi School and Ibn Qasim of the Maliki School. See Hasyiah Al-Dasuki, volume 1 thing. 492 and also see the discussion on this in the classical works such as Nihayah al-Muhtaj by Sheikh Ramli, Al-Mughni by Sheikh Ibn Qudamah, Al-Dur Al-Mukhtar, Bada'I al-Sona'I by Al-Kasani, Majmu 'Sharh al-Muhazzab by Imam An-Nawawi

scholar of the Hambali sect) allow this situation because an enemy-captured Islam is considered to fulfill the characteristics of the riqab mentioned by the verse.<sup>11</sup>

There is also a contemporary view of the contemporary clerics when interpreting the meaning of this riqab and enabling all the work that helps Muslims who are in a state of suppression in terms of thinking, economics and others are also regarded as releasing riqabs. Yusof Al-Qaradawi does not quite agree with this view because the over-loathing and widespread view of these fears will lead to irregularities in religion and make it too easy.<sup>12</sup>

### **Issue # 3: Can non-Muslim disaster victims be given allocation from zakat**

Scholars have differences of opinion as well as in this issue. These differences are based on the sources of zakat or sadaqah obtained. One who concurs (ijma') among the fuqaha' which discusses this is that the property of the Muslims is not halal given to non-Muslims from the category of 'muharib' or 'kafir harbi'. The apostates are also included in this category.<sup>13</sup> But if it is not a Muslim they are from those of the ahl zimmah, then the rule is different. Scholars distinguish the rules giving to the zimmah members according to the categories of property to be given: (i) common charity property (sodaqah tatowwu') is to be given to zimmah members in order to maintain the relationship and benefit of Muslims and humanity. This is the view of most of the scholars; (ii) if the property is of zakat fitrah, the fuqaha' Hanafi allows it to be given to non-Muslims as long as they are not harbiyy. However, they still say that giving the zakat to Muslims is more appropriate;<sup>14</sup> (iii) zakah of property other than Zakat Fitrah is not allowed to be given to non-Muslims. Al-Munziri believes that this is ijma'. But Dr Yusof Qaradawi dismissed Al-Munziri's allegations as many of the earlier scholars allowed such gifts as Zufar, Ibn Sirin and Al-Zuhri.<sup>15</sup> Although the opinions of these three scholars have been rejected by most other scholars, but automatically, it shows that this is in fact unacceptable (not ijma'). The majority of scholars who did not make this matter were based on the hadith of Muaz bin Jabal who was famous when he was sent by the Prophet Sallallahu 'Alayhi Wa sallam to Yemen; (iii) Yusof Al-Qaradawi, when discussing this matter, is more inclined to the view of allowing the granting of this zakat property to non-Muslims (on the basis of poor and needy, and not on the basis of 'muallaf qulub') under certain conditions. Among the key requirements are:<sup>16</sup> there are an excess of zakat property; and the allocation does not harm the maslahah of poor Muslim.

### **Issue # 4: can zakah be given to disaster victims or refugees who are far from zakat collectors jurisdictions?**

This issue relates to the transfer of zakat property from where it was collected or obtained. Scholars have discussed this as well because most of the disasters that occur are usually not where the zakat is collected or obtained. In fact, it may involve the cross border of a country or continents.

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<sup>11</sup>See Al-Raud al-Mari, Volume 1 case. 402 and also Ahkam al-Qur'an by Imam Al-Qurtubi volume 2 p. 956.

<sup>12</sup>Such opinion is the view given by Sheikh Mahmood Syaltot. Dr Yusof Al-Qaradawi mentions his views in his Book Fiqh Al-Zakah. Volume 2, p. 621

<sup>13</sup>See Al-Bahr Al-Zikhar. Volume 2 p. 185.

<sup>14</sup>Abu 'Ubaid in his famous book al-Amwal mentions that many on tabi'in give their zakat fitrah to the rahban (rabbi). See Al-Amwal things. 613.

<sup>15</sup>And it is said that Sayyidina Omar r.a has given Zakat money to the People of the Book.

<sup>16</sup>See Fiqh Zakah by Yusof Al-Qaradawi, volume 2, p. 708.

According to the original views of most scholars, they do not approve the transfer of zakat property from the place where it is collected. Regardless of the zakat of animals, cereals or zakat fitrah. It originally had to be divided into the society where it was collected. This is what Muaz did when he was commissioned by the Prophet sallā Allāhu 'alayhi wa-sallam to be the operator of zakat in Yemen. It is supported by the scholars because the purpose of zakat is to ease the burden of the poor in the area with the acquisition of wealth of rich and wealthy people.

However, scholars have also agreed to allow the transfer of zakat in case of any of the following: the locals do not require the zakat property; there is no asnaf in the area; lack of people who need it to the property (less asnaf); and too much zakat property from the area.

Whenever the situation occurs, then it is required that the head of state transfer the zakat property according to the maslahah and be given to the nearest country. This situation is narrated by Abu Ubaiyd in his book *al-Amwal* that Sayyidina Omar RadhiAllahu'anhu has dismissed the property of zakat which was sent to Medina by Muaz at first. But in the end he received for the reason given by Muaz because of the delivery of zakat property.<sup>17</sup>

But if there is still a need in the state, there is a difference among the opinion of the scholars whether it should not be (the opinion of Shafie Mazhab) or makruh (views of the Hanafi School) or seen to the distance (according to the Maliki School).

#### **Issue # 5: can zakah be used to finance zakat settlement?**

This issue is actually based on the definition given by the scholars on the remarks of 'al-amilin alayha' as mentioned by Allah on the verse of asnaf zakat (Surah Al-Tawbah: 60). Allah has placed this category in the third place after being mentioned faqir and poor. This shows that it is a necessity and needs to be given special attention. Granting this category is important.

Indirectly he gave a lecture (through *'isyarah al-nass'*) that the head of state should appoint those who will perform this work according to current needs. At the time of the Prophet sallā Allāhu 'alayhi wa-sallam, the *'su'ah'* were appointed to take zakat from the countries and villages. Their work reminds him, calculates, quotes and then passes zakat to asnaf after it is identified who is entitled. This work is quite complicated and complex. Therefore they deserve their special part. This execution was continued after the Prophet sallā Allāhu 'alayhi wa-sallam. But in order to qualify for a job and to be categorized in this 'al-amilin', scholars have put some conditions: Muslim; Mukallaf (Aqil and Baligh); understand the zakat law; have knowledge of the work of managing zakat; and some other conditions (among them are men. But many scholars refuse to accept this rule).

Upon meeting these requirements, these amil rights are entitled to their rights. The difference among the scholars is that they have the right to acquire more than their needs if the asnaf rights are many and beyond their needs? According to Shafie's views, it is their right and they are entitled to such rights even beyond their needs. But if not enough then they need to be given from baitulmal.

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<sup>17</sup> Al-Amwal. p. 596

#### **4. Conclusion**

Generally, disaster relief is defined as the intervention aimed at meeting the immediate needs of the victims of a disastrous event. The relief works seek primarily to prevent loss of life and reduce suffering as much as possible for affected children, as well as their families and communities.

The birth of this new form of human beings raises issues that need to be addressed and find out the solutions. This is especially so in relation to the zakat institution that serves to channel the accumulation of property that has been quoted either by the body itself or by other bodies of the zakat collector. Indeed, zakat in essence has been approved in the discussion of this matter, it is necessary to discuss the six issues above.

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