

## Islamic Law Review on the Position of Santri as Mustahik Zakat

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Paper was presented at the 7th Indonesian Conference of Zakat (ICONZ) 2023  
November 07-08, Muhammadiyah University Jakarta, South Tangerang, Indonesia

### ABSTRACT

*This research aims to conduct an Islamic law review of the position of santri as mustahik zakat. This research involves analyzing various scholars' perspectives on whether santri qualify as zakat recipients based on Islamic law. Zakat is one of the religious obligations in Islam that has an important role in distributing wealth and helping those in need. The principles of zakat have been regulated in religious texts, but its application often raises questions and debates amidst the dynamic development of society. One of the questions that arises is about the position of santri or knowledge seekers as mustahik zakat, this is because the issue is included in the scope of ijtihad. This research is qualitative research with data collection techniques using literature review. The data used in this research are sourced from books, scientific articles, and official websites that have information relevant to the research topic such as fiqh and regulations on zakat in Indonesia. The results show that students or knowledge seekers are mustahik zakat, and it is permissible to give zakat to students or knowledge seekers according to the opinions of classical and contemporary scholars. This is because knowledge seekers are included as *fi sabilillah*. However, the zakat should be given to people who really need it, especially to students who come from underprivileged families. This is so that zakat funds can be utilized properly in accordance with Islamic principles.*

Keywords: *Islamic Law, Review, Santri, Mustahik, Zakat*

### INTRODUCTION

Zakat is a religious obligation that must be fulfilled and is the third pillar of the Pillars of Islam. The evidence for this is shown in the Qur'an, hadith and Ijma' (Muslim consensus). The implementation of zakat in Indonesia has been supported by various aspects. In terms of regulation, the government has drafted the Zakat Law, namely Law Number 23 of 2011 concerning Zakat Management. Then the development of other zakat institutions is regulated in the Zakat Law, Government Regulation (PP) Number 14 of 2014 concerning the implementation of Law Number 23 of 2011.

*Badan Amil Zakat Nasional* (BAZNAS) defines zakat as a certain part of the property that must be spent by every Muslim when it has reached the specified

conditions. As one of the pillars of Islam, Zakat is paid to be given to the groups (*asnaf*) who are entitled to receive it (BAZNAS, 2023a). BAZNAS estimates that the potential of zakat funds of Indonesia in 2023 is estimated to reach IDR 327 trillion (BAZNAS, 2023b). Zakat funds are part of the ZISWAF funds that can be allocated for education, these funds can help finance quality education for underprivileged children, as well as support the development of educational infrastructure. (Ramadhan et al., 2023).

Allah *subhanahu wa ta'ala* says in the Quran:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا  
وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ  
عَلِيمٌ

“Take, (O, Muhammad), from their wealth a charity by which you purify them and cause them increase and invoke [Allah 's blessings] upon them. Indeed, your invocations are reassurance for them. And Allah is Hearing and Knowing.” (At-Taubah: 60).

Regulation of the Minister of Religious Affairs No. 52 of 2014, Zakat is an asset that must be issued by a Muslim, or a business entity owned by a Muslim to be given to those entitled to receive it in accordance with Islamic law.

Indonesia has the largest Muslim population in the world. The Royal Islamic Strategic Studies Center (RISSC) report entitled The Muslim 500 shows that the total Muslim population in Indonesia reaches 237.55 million. The Muslim population in Indonesia is equivalent to 86.7% of the total population in Indonesia. This number is the largest in the Association of Southeast Asian Nations (ASEAN) countries, as well as globally. (Kusnandar, 2021). This will create the potential for stronger higher education growth in the field of religious sciences and Islamic studies. With its large population, Indonesia could become a center for the development of wider Islamic knowledge, enabling Muslim students to access quality higher education in this field. This also has the consequence that the number of Muslim students in Indonesia is very large and will continue to increase.

BAZNAS said that santri are among those who are entitled to receive zakat (*mustahik*). The criteria for santri who are entitled or prioritized to receive zakat include being Muslim and studying knowledge related to religion, being serious and sincere in studying, being poor or poor and not working and achieving. (Masruroh, 2023). Even in one area, namely in Gunung Meriah Subdistrict, Aceh Singkil Regency, *santri* get a portion of the allocation of zakat funds more than the poor (Khairuddin, 2023). This may

also happen in other cities that have many Islamic boarding schools and other Islamic universities.

The classification of *santri* as *mustahik* zakat is a matter of *ijtihad* that has not been clearly stated either in the Al-Quran, Hadith, or Ijma'. This has led to differences of opinion among scholars about the position of *santri* as *mustahik* zakat. One of the reasons for the scholars' disagreement is the difference in interpretation of the word "*fi sabilillah*" in the verse that explains the eight groups (*ashnaf tsamaniyyah*) entitled to receive zakat, which are referred to as *mustahik*.

The four *madzhab* scholars revealed that the definition of *fi sabilillah* tends to narrow its meaning, specializing the meaning of *fi sabilillah* with jihad; warfare, fighting in the battlefield and everything related to it. This causes the zakat treasure can only be used and given for the benefit of war. As for the scholars who tend to interpret *fi sabilillah* broadly or generally by covering all aspects of goodness and obedience aimed at creating the benefit of the people and the interests of Islam in order to achieve the pleasure of Allah, then that is the real *fi sabilillah* (Gunawan, 2019).

*Santri* are categorized as part of the eight groups of zakat recipients (*ashnaf tsamaniyyah*), because the students meet several criteria in it such as some students fall into the category of fakir, some fall into the category of poor. Or *santri* can also be categorized as *ibnu sabil* with their status as knowledge seekers outside their area. With the *ashnaf tsamaniyyah* approach and contextual interpretation (Faradilah et al., 2023).

*Santri* according to *Kamus Besar Bahasa Indonesia* (KBBI) is defined as a person who studies Islam (Kemdikbud, 2023). Based on this definition, the discussion about the position of *santri* as *mustahik* zakat is not only limited to boarding school students. In this case, *santri* can also be referred to as knowledge

seeker or “*Penuntut Ilmu*” or “*Thalibul Ilmi*”. *Penuntut Ilmu* are defined as:

طَالِبُ الْعِلْمِ مُصْطَلَحٌ يُطْلَقُ عَلَى مَنْ يَدْرُسُ  
الْعُلُومَ الشَّرْعِيَّةَ الْإِسْلَامِيَّةَ، الرَّاعِبُ فِيهِ،  
السَّاعِي فِي تَحْصِيلِ شَيْءٍ مِنْهُ

*"Thalib Al-'Ilmi is the term used to refer to someone who studies the sciences of Islamic law, who is interested in them, who seeks to gain something from them."*

This study aims to review Islamic law on the position of santri as *mustahik* zakat. This study also analyzes the views of scholars regarding the position of santri as *mustahik* zakat and the arguments used to support these views. Some previous researchers limited the discussion of santri to *pesantren* students only. This research will analyze the review of Islamic law on the position of santri as *mustahik* zakat in a broader scope, including anyone who studies Islam, both at the elementary school and college levels, whether students of *pesantren* or not.

## LITERATURE REVIEW

In linguistic terms, zakat means *ath-thaharah* (purity) and *an-nama* (growth) (Manzhūr, 1944). In Shari'ah terminology, zakat means worshipping Allah by spending a certain portion of wealth that is obligatory to be given to a certain group or allocation (Al-'Utsaimīn, 2017).

Zakat is a religious obligation that must be fulfilled and is the third pillar of the Pillars of Islam. The evidence for this is provided in the Qur'an, as-Sunnah (hadith) and Muslim consensus (Muslim, 2020). Allah *subhanahu wa ta'ala* says:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ

“...*dan dirikanlah shalat, tunaikanlah zakat*” (al-Muzammil: 20).

The Messenger of Allah *shalallahu 'alaihi wa sallam* also advised Mu'adz *radhiyallahu 'anhu* when he sent him to Yemen, saying:

«أَعْلِمُهُمْ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ صَدَقَةً فِي  
أَمْوَالِهِمْ، تُؤْخَذُ مِنْ أَغْنِيَائِهِمْ فَتَرُدُّ عَلَى  
فُقَرَائِهِمْ»

*"Teach them that Allah obliges them to pay zakat on their wealth, which is taken from the rich and given to the poor"* (Al-Bukhāri, 1893, no. 1395; Muslim, 1955, no. 19).

Ibn Rushd *rahimahullah* said: “*The obligation of zakat has been established by evidence from the Qur'aan, Sunnah and consensus. There is no difference of opinion on that.*” (Ibnu Rusyd, 2016). Ibn Qudamah *rahimahullah* also said: “*Muslims in all lands are agreed that zakat is obligatory.*” (Ibnu Qudāmah, 1997).

Zakat is the third pillar of Islam. The Prophet *shalallahu 'alaihi wa sallam* said:

«بُنِيَ الْإِسْلَامُ عَلَى خَمْسٍ شَهَادَةِ أَنْ لَا إِلَهَ  
إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ وَإِقَامِ الصَّلَاةِ  
وَإِيتَاءِ الزَّكَاةِ وَالْحَجِّ وَصَوْمِ رَمَضَانَ»

*"Islam is built on five pillars: the shahada of Laa ilaaha illa Allah and the shahada of Muhammad the Messenger of Allah, establishing prayer, paying zakat, hajj, and fasting Ramadan"* (Al-Bukhāri, 1893, no. 8; Muslim, 1955, no. 16).

Regularly giving zakat is one of the reasons why a person can reach the rank of as-Siddiqin and martyrs. 'Amr ibn Murrah al-Juhani *rahimahullah* reported:

جَاءَ رَجُلٌ مِنْ قُضَاعَةَ إِلَى رَسُولِ اللَّهِ  
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: «إِنِّي شَهِدْتُ  
أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّكَ رَسُولُ اللَّهِ، وَصَلَيْتُ  
الصَّلَاةَ الْخَمْسَ، وَصُمْتُ رَمَضَانَ

وقمته، وآتيتُ الزَّكَاةَ، فقال رسولُ الله  
صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: مَنْ مَاتَ عَلَى هَذَا  
كَانَ مِنَ الصَّادِقِينَ وَالشُّهَدَاءِ»

"A man from Qudha'ah came to the Messenger of Allah (peace and blessings of Allah be upon him) and said: "I have testified that there is no god but Allah and that you are the messenger of Allah, I have prayed the five daily prayers, I have fasted Ramadan and made qiyamul lail in it, and I have paid the zakat". The Messenger of Allah (peace and blessings of Allaah be upon him) said: "Whoever dies while doing these things will be among the truthful and martyrs." (Hanbal, 2009).

According to the KBBI, *mustahik* are the poor and needy, including those who receive zakat (Kemdikbud, 2023). *Mustahik* is the group of people who are entitled to receive zakat, while the person who gives zakat is called *muzakki*. Muslims are obliged to pay zakat when their assets reach the nisab. The nominal amount of assets that must be issued or zakat is 2.5% of the type of assets such as income zakat and mal zakat (Qosim, 2021). According to Law No. 38 of 1999 concerning Zakat Management, article 1 explains that *Mustahik* is a person or entity entitled to receive zakat.

Islam divides *mustahik* into eight groups or *asnaf* which have been mentioned in Al-Qur'an Surah *At-Taubah* verse 60, Allah *subhanahu wa ta'ala* said:

(إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمَلِينَ عَلَيْهَا  
وَالْمَوْلَاةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغُرْمِينَ وَفِي سَبِيلِ  
اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ)

"Zakat expenditures are only for the poor and for the needy and for those employed to collect (zakat) 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."

The following is an explanation of the eight groups:

1. Fakir, which is someone who does not have any source of income due to severe problems, such as illness.
2. Poor, which is someone who has a source of income, but not enough to fulfill their daily needs.
3. *Riqab* or commonly referred to as a slave.
4. *Gharim* or *gharimin*, which is a person who has debts and has difficulty paying them off.
5. *Mualaf*, which is a person who has just embraced Islam to feel solidarity.
6. *Fī sabilillah*, which is a fighter for the religion of Islam.
7. *Ibn sabil*, which is a person who runs out of provisions on a long journey.
8. *'Amil*, the person who distributes zakat.

*Mustahik* zakat from the point of view of the cause can be grouped into two groups, namely due to the cause of incapacity or helplessness, and the group due to the cause of the general benefit of Muslims (Yulianti, 2016). *Mustahik* Included in the first group are fakir, poor, gharim, and ibnu sabil. Zakat wealth is given to this group (other than *riqab*) to overcome the economic difficulties that befall them. There is also a second group, namely *mustahik* because of the general benefit of Muslims, this group is entitled to receive zakat funds not because of financial inability, but because of their services and goals for the general benefit of Muslims. Included in this group are *'amil*, *muallaf* and *fī sabilillah*. *'Amil* zakat gets funding from zakat funds because it has performed its functions and duties as a manager of public funds. *Muallaf* get zakat funding because they provide support to Muslims and anticipate Muslims from anarchist

actions. For *fi sabilillah*, zakat funds are intended for implementation of all activities that lead to the benefit of Islam in general.

### METHODOLOGY

This research uses a qualitative approach, which is research conducted to examine the conditions of natural objects (Abubakar, 2021). Qualitative research aims to gain a deep understanding of human and social problems, not just explain the surface aspects of reality (Fadli, 2021). Qualitative research is expected to find a hypothesis and then the hypothesis will be tested in research using a quantitative approach (Sugiyono, 2011).

The data collection technique in this research is a literature study which is a theoretical study, references and scientific literature related to culture, values and norms that develop in the social situation under study (Sugiyono, 2022). Literature study aims to solve problems through data collection and scientific papers sourced from related literature. This concept involves critical analysis of relevant library materials (Sanusi, 2016).

Qualitative data focuses on events or phenomena that occur in their original environment. Qualitative data represents what really happens and does not experience the impact of data reduction into numbers, as does the data from quantitative research. (Sarosa, 2021). The data used in this study is secondary data which is data that refers to data obtained indirectly (Suliyanto, 2017). The secondary data used in this study comes from reference books, scientific articles, official websites, which have information relevant to research topics such as Islamic Jurisprudence and Islamic Economics.

### RESULT AND DISCUSSION

The arguments from the Al-Quran, Hadith, and the opinions of scholars both classical and contemporary indicate the

permissibility of giving zakat to *santri* or knowledge seekers. It should be noted that the scholars agree that it is permissible for zakat to be distributed to knowledge seekers. (Tuasikal, 2012). The scholars agree that it is permissible for zakat to be distributed to knowledge seekers. This was confirmed by the Hanafiyyah, Shafiiyah and Hanabilah, and is also understood from the Malikiyyah madzhab. Some Hanafiyyah scholars are of the view that it is permissible for a seeker of knowledge to take zakaat even if he is wealthy, if he spends all his time studying and benefits from his studies to the extent that he is unable to earn a living by working (Al-Islāmiyyah, 1983).

Paying zakat is an indication of piety and a means of entering Paradise. Allah *subhanahu wa ta'ala* says:

إِنَّ الْمُتَّقِينَ فِي جَنَّاتٍ وَعُيُونٍ. آخِذِينَ مَا آتَاهُمْ رَبُّهُمْ إِنَّهُمْ كَانُوا قَبْلَ ذَلِكَ مُحْسِنِينَ.  
كَانُوا قَلِيلًا مِّنَ اللَّيْلِ مَا يَهْجَعُونَ.  
وَبِالْأَسْحَارِ هُمْ يَسْتَغْفِرُونَ. وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ

*“Indeed, the righteous will be among gardens and springs, accepting what their Lord has given them. Indeed, they were before that doers of good. They used to sleep but little of the night, and in the hours before dawn they would ask forgiveness, And from their properties was [given] the right of the [needy] petitioner and the deprived.”* (Adz-Dzariyat: 15-19).

The Messenger of Allah Muhammad *shalallahu ‘alaihi wa sallam* said:

خَمْسٌ مِّنْ جَاءَ بِهِنَّ مَعَ إِيْمَانٍ دَخَلَ الْجَنَّةَ  
مَنْ حَافِظٌ عَلَى الصَّلَوَاتِ الْخَمْسِ عَلَى  
وُضُوئِهِنَّ وَرُكُوعِهِنَّ وَسُجُودِهِنَّ  
وَمَوَاقِفِهِنَّ وَصَامَ رَمَضَانَ وَحَجَّ النَّبِيَّ

إِنْ اسْتَطَاعَ إِلَيْهِ سَبِيلًا وَأَعْطَى الزَّكَاةَ  
طَيِّبَةً بِهَا نَفْسُهُ وَآدَى الْأَمَانَةَ

"Five things that if a person does with faith, he will enter Paradise; namely, whoever maintains the five daily prayers and their ablutions, bowing, prostration and timing, performs the fast of Ramadan, Hajj to the House of Allah if he is able to perform it, pays zakat with conscience, and fulfills the mandate" (Abu Dawud, 2009, no. 429).

Syaikh Al-Islām Ibnu Taimiyyah *rahimahullah* said: "Learning and teaching knowledge is part of Jihad. It comes under the heading of Jihad because it is fard." (Ibnu Taimiyyah, 2017). Syaikh Ibnu Al-Utsaimin *rahimahullah* said: "Allah has made learning religious knowledge and teaching it as part of Jihad," as Allah *subhanahu wa ta'ala*, says:

وَمَا كَانَ الْمُؤْمِنُونَ لِيَنفِرُوا كَآفَّةً فَلَوْلَا  
نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِّنْهُمْ طَائِفَةٌ لِّيَتَفَقَّهُوا فِي  
الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ  
لَعَلَّهُمْ يَحْذَرُونَ

"And it is not for the believers to go forth [to battle] all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious." (At-Taubah: 122)

Syaikh Ibnu Al-Utsaimin explained that what is meant by "*fi sabilillah*" is that jihad to exalt the word of Allah is honorable. Zakat is given to the mujahids for this purpose to support them and to purchase weapons for them. The scholars said that "*fi sabilillah*" includes a person who spends his time studying religion; he can receive zakat to meet his needs in the form of maintenance, clothing, food, drink, shelter, and books of knowledge. Again, studying shar'i knowledge is part of jihad

in the cause of Allah (*fi sabilillah*). Imam Ahmad *rahimahullah* said:

العلم لا يعدله شيء لمن صحَّت نيَّته

"There is nothing like knowledge if the intention is right."

Knowledge (العلم) is the basis of every Islamic law. There is no Islamic law except with knowledge. Allah sent down Al-Quran in order to establish justice among the people. With this, the rulings of Islamic law can be learned, and creeds, words and deeds can be known. Imam Al-Nawawi in *al-Majmu' Syarah al-Muhadzdzab* said:

قالوا ولو قدر على كسب يليق بحاله إلا  
أنه مشغول بتحصيل بعض العلوم الشرعية  
بحيث لو أقبل على الكسب لانقطع عن  
التحصيل حلت له الزكاة لأن تحصيل  
العلم فرض كفاية (وأما) من لا يتأني منه  
التحصيل فلا تحل له الزكاة إذا قدر على  
الكسب وإن كان مقيما بالمدرسة هذا الذي  
ذكرناه هو الصحيح المشهور

"The scholars said, 'If a person is able to find a job that is worthy of his ability, but he decides not to work because he is busy studying religion; Because if he works, he will not be able to focus on his studies and will not gain knowledge, so it is permissible to give zakat to him. This is because studying is fardhu kifayah. However, the one who does not study hard is not entitled to zakat if he is able to work, even if he lives in a madrasa. This is the correct and well-known view.'" (An-Nawawi, 2008)

The scholars are of the view that if a person spends all his time studying religion, he may receive zakat to meet his needs, even if he is able to earn a living, he may be given zakat, and if he takes the path of working, he will be cut off from

gaining knowledge, unlike a person who occupies himself with worship, if he is able to earn a living, he may not be given zakat. With regard to those who do not spend all their time studying fiqh and da'wah, but da'wah does not prevent them from working for a living, then they are not among the people of *fi sabilillah*, because they do not spend all their time in their work, just as they are not among the mujahids if they do not participate in jihad (Al-'Utsaimīn, 1993).

As for jihad in the cause of Allah, it is certainly one of the best deeds; in fact, it is the pinnacle of Islamic teachings. There is no doubt that jihad is a very important deed. However, shar'i knowledge also plays a major role in Islam, and learning it is jihad *fi sabilillah*, of that there is no doubt (Taimiyyah, 2004).

The Fatwa Commission in the Kingdom of Saudi Arabia, *Al-Lajnah Ad-Dāimah Li Al-Buhūts Al-'Ilmiyyah wa Al-'Ifṭā'*, was asked: Is it permissible to give zakat to needy students of knowledge? They replied: It is permissible to give zakat to them in order to fulfill their needs." (Ad-Dāimah, 2004).

It is permissible to give a portion of zakat to *santri* who are so focused on learning that they have no opportunity to earn a living. If it is permissible to give it to the *santri*, then it is also permissible to give it to the teachers, especially if the teachers are so focused on imparting knowledge that they are preoccupied and have no or little opportunity to earn a living, because what they are doing is part of the jihad of knowledge (Tugiyono, 2022).

But if these students are only studying worldly sciences, then they should not be given zakat funds. We can say to them, "You are working for the world, of course you can get worldly benefits through your work. That is why we cannot give you zakat funds." (Islamqa, 2015). Give the money to the right people who will receive it, so that the money spent will be beneficial. If

there are religious students in our area who come from underprivileged families, then help their economy by giving zakat to them (Ferdiansyah, 2017).

## CONCLUSION

According to the opinions of both classical and contemporary scholars, giving zakat to students or knowledge seekers is permissible. The scholars agree that zakat can be given to those who are studying. This is confirmed by various Islamic schools of thought such as the Hanafiyyah, Shafiyyah, Hanabilah, and also understood from the Malikiyyah school of thought.

Giving zakat is considered a sign of piety and a means to enter heaven. In Islam, knowledge is also considered as jihad *fi sabilillah* (struggle in the cause of Allah) and learning and teaching knowledge falls under this category. As such, zakat can be given to those who focus on religious education and do not have the opportunity to earn a living.

However, it should be noted that if the students are only pursuing worldly knowledge, then they are not entitled to receive zakat. Zakat should be given to people who really need it, especially to religious students who come from underprivileged families. This is so that zakat funds can be put to the best use in accordance with Islamic principles.

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