Zakat and Tax: A Comparative Study in Malaysia

Abdo Yousef Qaid Saad\textsuperscript{a}, Alya Mubarak Al Foori\textsuperscript{b}, \textsuperscript{a}Institute of Islamic Banking and Finance, International Islamic University Malaysia, Kuala Lumpur, Malaysia, \textsuperscript{b}Sultan Qaboos University, College of Economics and Political Sciences, Sultanate of Oman, Email: \textsuperscript{a}abdoiibf@hotmail.com, \textsuperscript{b}amalfri@squ.edu.om

This study discusses the concept of zakat and taxation. The objectives of this study are to: (1) ascertain the perceptions of Muslims in Malaysia about zakat; and (2) provide the current practices of zakat and tax in Malaysia by identifying the reasons why the Muslims are reluctant to pay zakat. The study argues that there may be a lack of regulation of the zakat institution in Malaysia, which limits the success of the objective of zakat. Finally, the findings of this study indicate that there is no proper collection and distribution process for zakat in Malaysia, so the amount of zakat should be deducted automatically from bank accounts, in addition to being regulated under the federal constitution.

Key words: Zakat, taxes, Shariah, Malaysia.

Introduction

Zakat is an obligatory annual payment that is made under Islamic law from an individual’s possessions, including wealth and income. It is used for religious and charitable purposes. Under Islamic principles, zakat is considered a purification of one’s possessions from possible impurities linked to the form from which they were acquired. It is one of the Five Pillars of Islam and ranks as the second pillar after prayer (salat).

Zakat was made compulsory in the second year after Hijrah (the migration of the prophet Mohammad and his followers from Mecca to Medina). The holy Qur’an mentions zakat in 32 places in isolation and 26 times together with salat. These mentions show its importance among the other commandments. The importance of zakat is also apparent from the stern decision by the first caliph (the successor to Prophet Mohammad), Abu Bakr (ral), to wage war against those who refused to pay their zakat.
Furthermore, *zakat* portrays the socio-economic justice advocated by the *shari’ah* by providing equal and trustworthy distribution of wealth (Bakar & Abd.Ghani, 2011). Muslims consider *zakat* to be an act of devotion, through which they express concern for the welfare of other Muslims. They consider it an act of sustaining social solidarity among the poor and the wealthy members of the society. By promoting a more equitable reallocation of wealth, *zakat* helps to foster a sense of harmony among members of Islamic society.

*Zakat* is not considered a charitable contribution but is rather seen as obligatory alms or a tax. In his writing on *zakat* and the tax system, Hannan (n.d.) mentions the disparities between *zakat* and tax. Among these is the distinction that *zakat* is an act of worship, or *ibadah*, done as an expression of gratitude towards the creator, Allah (s.w.t). Moreover, it should be dispatched according to certain stipulations and to certain categories of people. In contrast, tax is an obligation without any gratitude to Allah. Moreover, tax is an imposition by the state, and the revenue is mainly for the cost of administration and defence, and very often utilised by despotic monarchs for their own expenses. Subsequently, the rules of tax change over time according to societal needs.

On an aggregate level, *zakat* is instrumental in stimulating the economy. Mannan (2000) notes that *zakat* reallocates the ex-ante savings. Subsequently, the money that is left idle is redistributed to the economy. As a result, the general demand in the economy increases, hence stimulating economic production. This stimulation reduces unemployment and increases economic activities. In contrast, this effect it is not found in the non-*zakat* income, where there is savings leakage, and spending is siphoned off by other leakages such as taxes and imports, especially in the case of the rich (Mannan, 1989).

**Problem Statement**

*Zakat*, which has its own merits in providing solutions for socio-economic problems, has not shown much development in Malaysia recently. This issue is due to the non-systematised collection and distribution of the *zakat* funds. Moreover, *zakat* is not viewed as important as tax. Bakar and Rahman (2007) suggest that tax is regarded as a crucial element of the fiscal policy, whereas *zakat* is viewed more as a mere voluntary institution. These views have been found in Muslim countries since colonisation and have not changed so far. They also argue that in Malaysia, religious issues are regarded as a state matter rather than a federal matter. Thus, being a religious obligation, *zakat* is regarded as a state matter and is not regulated under the federal constitution as taxes are. Consequently, the administration of *zakat* in Malaysia is handled by the state through Majlis Agama Islam (the State Islamic Religious Council). In his book, *Fiqh al-Zakat* (1973), Al-Qaradawi, a solid Islamic philosopher, argues that taxes are not a substitute for *zakat*. Being a pillar of Islam, *zakat* should not be disregarded.
Objective of the Study

This study fundamentally seeks to ascertain the perceptions of Muslims in Malaysia about zakat. It also aims to provide the current practices of zakat and taxation in Malaysia by identifying the reasons behind the reluctance of Muslims to pay zakat. Moreover, the study aims to analyse the process of zakat collection and distribution in Malaysia.

Literature Review

Introduction

Zakat literally means growth, increase and purification. The technical meaning of zakat is the amount of money or kind of money taken from specific types of wealth when it reaches a specified amount (called nisab) at a specific time. It must be spent on specific categories in specific ways. Subsequently, zakat is used as a spiritual cleansing process of the wealth sustained by Allah (s.w.t). In addition, some scholars suggest that zakat helps individuals to overcome the unwelcome trait of greed (Al-Fanjari, 1982). Moreover, payment of zakat is viewed as an attempt at closeness to Allah and reveals an increased faith in Allah by the zakat payer. This practice is attested to by the Qur’anic verse, ‘Take charity from their possessions to cleanse them and purify them thereby, and bless them. Indeed your blessing is a comfort to them, and Allah is all-hearing, all-knowing’ (Qur’an 9:103).

The second meaning of zakat is fertility and growth. The payment of zakat is designed to enable the poor to grow in wealth and spirit (Al-Qaradawi, 1973). Zakat is that portion of a man’s wealth that is designated for the poor (Sabiq, 1991). It is also defined as a compulsory levy imposed on Muslims, to take surplus money or wealth from the comparatively well-off members of Muslim society and give it to the deprived and needy (Zaim, 1989).

Zakat is one of the pillars of Islam and a part of the servitute (’ibadah) for Muslims. It has been identified as an important source of finance to stimulate the economy of the Muslim community and it has an impact on the socio-economic development of the nation (Anita, 2011).

Maqasid Al-Shari’ah in Relation to Zakat

Parid (2001) suggests that zakat distribution must create at least a level of sufficiency and comfortable living for the recipient and his dependants. The distribution must be in certain proportion that ensures continuity of quality of life, with the distribution ensuring that the recipient has a certain standard of living. This means attaining the level of basic essentials (daruriyyat) and comfort (hajiyyat). Othman al-Habshi (1990, 1998, 2006) clarifies that zakat is the most effective means to assist the poor and needy. Islam has often stressed that
believers take the role of zakat seriously, particularly in improving the lives of the downtrodden. He also expresses that the proportion of zakat received by the poor should help them to improve their standard of living, namely in fulfilling their daruriyyat and hajiyat needs, which form the minimum quality of life. Therefore, the funds received should enable them to enhance their lives. This is in line with the views of Al Ghazali (n.d.) and Al Syatibi (n.d.), who define that a good life for every human must cater to two things: essentials (daruriyyat) and comfort (hajiyat). Similar views are also shared by Afzalurrahman (1975, 1991), Mannan (1989), Muslehuddin (1980), Sadeq (1987), Lawton (1997) and Fox (1974). Murrel and Norris (1983) posit that the quality of life concept is closely related to an individual’s or society’s feeling of satisfaction from their living environment, which provides enough of life’s necessities.

The needs perspective here means wellbeing in life, which involves attaining ease and comfort. A person must first attain or fulfil the most basic needs (food, clothing and shelter) to move on to fulfil higher needs. Given these facts, if an individual is not able to fulfil their basic needs, this indicates that their life has no quality. However, if basic needs have been fulfilled, a person will move to higher needs. According to Maslow (1954), people will attempt to fulfil needs and try to obtain the highest need, which is self-actualization. If a person achieves self-actualization, they can be said to have obtained the highest quality of life. A similar concept was offered by Imam Al Ghazali more than 800 years ago. This concept was then refined approximately 600 years ago by Al Syatibi. Both scholars agree that Islam determines humans’ objectives in life. Everything that supports one in obtaining one’s goals in life will increase one’s social welfare. This increase is known as masalih. If something reduces one’s social welfare, the reduction is called mafasid. In forming the social welfare function, Al Ghazali (n.d.) and al Shatibi (n.d.) classify all things that can boost social welfare into three stages of needs:

1. dharuriyyat (basic needs)
2. hajiyat (comfort)
3. tahsiniyat or kamaliat (wealth).

According to Islam, dharuriyyat includes all basic needs to sustain one’s life, such as religion, life, thinking, children and property. Hajiyat is comfort that is not necessarily essential to retain the five basic necessities. Meanwhile, tahsiniyat is a living element that becomes a symbol of one’s wealth. In this context, Imam Nawawi (n.d.) explains that the basic needs (al daruriyyat) comprise food, clothing, shelters and other things that are necessary for an individual, without any waste or having to resort to penny-pinching (needs that are truly required). In addition, scholars of Islamic economy, such as Mannan (1980) and Muslehuddin (1980), relate the concept of basic necessities to three levels of priority of usage: basic necessities, comfort goods and luxury goods. Afzalurrahman (1975) identifies four levels:
basic necessities, skill necessities, comfort material and luxury material. A similar view is
developed by Sadeq (1987), who lists five levels: living necessities, basic necessities, comfort
goods, luxury goods, and dangerous and harmful materials.

However, all these scholars would agree that the supreme need for everyone involves basic
necessities and comfort goods. The Malaysian Quality of Life Index (2004) stresses that
quality of life takes into account changes that occur in society and the social system. This
happens when there is a major change from an unsatisfactory situation to a better situation.
Changes can include economic, social, psychological, political, cultural and environmental
developments. In the Malaysian context, quality of life is inclusive of self-progress, a healthy
lifestyle, access and freedom to knowledge and a standard of living that fulfils more than the
basic necessities of an individual and caters to the psychological need for social wellbeing, in
tandem with national aspiration. Afzalurahman (1991) further argues that the best quality of
life is closely related to moderation. He is of the opinion that al-Quran has clearly highlighted
general principles in making use of wealth in a Muslim’s life.

Muslims have been advised to utilise their wealth appropriately, and to take into account the
socio-cultural community. Islam does not renounce wealth, but renounces excessive wealth.
Surah al Maidah verse 87 expresses:

O you who believe! Do not prohibit the good things Allah has permitted for you,
and do not commit aggression. Allah does not love the aggressors. (Qur’an 5:87)

Afzalurahman stresses that good quality of life is associated with humans’ undertakings to
satisfy their needs, including desires and the power to fulfil the needs. Therefore, effective
needs are those that can be fulfilled. Needs and satisfaction are two important things for
humans but there is no limit and end to human needs. Once a need is fulfilled, another will
emerge. Humans will persist in fulfilling their endless needs although they cannot fulfil all
their needs (Afzalurhaman, 1991). There are some needs that become necessities, such as
food, clothing and shelter. Other needs, such as consuming nutritious food, serve only to offer
a good living and comfort. Hence, necessities in life are needs that are truly substantial; in the
absence of these necessities, humans cannot continue living. With regard to this notion, food
forms the very basis of necessity in life.

In fact, Allah has listed all types of food, such as fresh meat, fish, grains, vegetables, fruit,
sweetmeats, oil and others (Afzalurhaman, 1991). Food, clothing and common shelter are
basic necessities, but good, tempting food, good and expensive clothes and a house with
complete furnishings are comfort goods. In respect to this notion, comfort can be defined as
needs that provide comfort and cosiness to humans. Afzalurhaman further claims that living
standard refers to the minimum amount of needs and comfort deemed important for an
individual. Prophet Muhammad (s.a.w.) had a simple, comfortable life and did not submit himself an excessive, opulent lifestyle. He had food, clothes and shelter in moderation and had a horse or a camel as a means of transportation.

Tax

Taxation can be defined as a compulsory payment to a government, based on the holdings of a tax base (Mikesell, 2003). It is an important political and economic issue (Connolly, 1999). Previously, taxation was imposed by states to increase revenue, which ultimately covers the cost of administrations and defence. It is also used for the provision of certain services and, in the case of dictatorial royals, the personal expenditure of the ruler (Hanson, 1972).

These purposes of the taxation system no longer exist. Indeed, taxation has become a compulsory factor for governments to survive. Tax and state, according to some writers, become complementary: one cannot survive without the other (Abbasi, 1985) because governments use the taxation channel to cover their political, social and economic responsibilities.

To provide a brief introduction to tax, it is worth mentioning the following reasons why governments impose taxes (Hanson, 1972):

1. Redistribution of labor, whereby it encourages labor to move from one sector to another.
2. Reduction of inequality income – for instance, employees are encouraged to produce better products. As a result, the quality of production and income will be enhanced.
3. Checking the consumption of goods that are harmful. For this reason, cigarettes and liquor are heavily taxed.

These purposes of taxation implementation, as mentioned above, demonstrate why tax and the state are complementary and why each cannot survive without the other. Thus, when comparing taxation and zakat systems, some feel that avoidance or termination of tax cannot be argued, as it can with zakat (discussed later).

There are two types or systems of taxation:

1. Proportional principle, whereby taxation should be proportional to income. This principle was suggested by Adam Smith, who viewed it as the most equitable principle to increase revenue to the state.
2. Progressive principle, which means that the tax that is paid should be increased more than proportionately according to income. This principle is related to the ability to pay (Abdul Rahman, 2007).
**Tax and Zakat at the Beginning of the Islamic Period**

Since this portion of the article attempts to cover the historical development of zakat and tax concepts throughout the early period of the Islamic state in Madinah, it is essential to point out that tax has been imposed on people individually. Islam has imposed tax on the individual, not on the corporation, since the corporate revenue will be channelled to the owners, who will then be required to pay the portion of tax or zakat (Jalili, 2006).

Going back to the beginning of the Islamic period, the first tax levied on Muslims was *khumus* (one-fifth), which was commanded after the battle of Badar. The basis of this tax is in a verse in the Qur’an, which states:

> And know that whatever spoils you gain, to God belongs its fifth, and to the Messenger, and the relatives, and the orphans, and the poor, and to the wayfarer …

(Qur’an 8:41).

*Khumus* involved the soldiers or those who participated in battle giving one-fifth of their booty to the Baitul Mal (house of money) to be distributed according to sharia rules. In the same year, the second year of Hijrah, *zakatul fitir* was also made mandatory for Muslims.

In the seventh year of Hijrah, *kharaj* was imposed. *Kharaj* means the tax levied on all agricultural lands and orchards conquered by Muslims through war or surrendered to Muslims as the direct result of war-related threats. These lands are known as *Kharaji* land, and are under the ownership of the Islamic state (Jalili, 2006). This ownership means that *kharaj* tax was not applicable to the lands used for agriculture.

Another tax imposed in the early era of Islam was *jizya*, which is a poll tax or capitation. It was imposed on non-Muslims living in an Islamic state who had legal protection. The origin of this kind of tax is stated in the Qur’an:

> Fight those who do not believe in God, nor in the Last Day, nor forbid what God and His Messenger have forbidden, nor abide by the religion of truth – from among those who received the Scripture – until they pay the due tax, willingly or unwillingly (Qur’an 9: 29).

The *Jizya* was not levied on all non-Muslims residing in an Islamic state. Women, children who had not reached puberty, slaves, the poor, the unemployed, those who were blind, sick or insane, beggars, priests and monks were exempt from *jizya* (Abu Ubayd, 1968; Al Qardawi, 1997).
Having discussed some types of tax imposed in the early period of Islam, it is important to briefly discuss the position of the *shari’ah* toward imposing tax currently alongside *zakat* in the Muslim states. There are two main views in this regard. The first is that Islamic states are not allowed to impose tax besides *zakat* on Muslims due to the following evidence:

- **Talhah bin ‘Ubaidullah** (May Allah be pleased with him) reported: A person with dishevelled hair, one of the people of Najd, came to the Messenger of Allah (sallallaahu ’alayhi wa sallam). And the Messenger of Allah (sallallaahu ’alayhi wa sallam) told him about the *zakat* (obligatory charity). The inquirer asked, ‘Am I obliged to pay anything besides this?’ The Messenger of Allah (sallallaahu ’alayhi wa sallam) said, ‘No, but whatever you pay voluntarily out of your own free will’ (Al-Nawawi).

- From this Hadith, it is believed that the governors of Islamic states are not allowed to levy anything besides *zakat*. Therefore, the *shari’ah* point of view is that no tax other than *zakat* is allowed to be imposed on Muslims (Qaradaghi).

- Islam recognise individuals’ private ownership in Muslim society, which does not allow anyone to have rights over the assets of others unless there is a sufficient objective, which is not taxed. Thus the states are not allowed to charge Muslims tax due to Islam’s recognition of individuals’ private ownership (Qaradaghi).

On the other hand, there are others who believe that a tax besides *zakat* can be imposed. Their opinions rely on evidence and justification, such as the following:

- *Zakat* channels are limited to certain instruments, which means *zakat* revenue cannot be utilised on all instruments of states’ spending. Tax would solve this issue for the Muslim government, which could impose tax for other channels of spending that government needs to cover, such as defence and health care (Al Qardawi, 1997; Qaradaghi).

- Generally, Islam always encourages the citizens of Muslim society to cooperate with each other. Imposing tax besides *zakat* encourages this cooperation.

However, according to Qaradaghi’s research, neither opinion is totally correct, since we are able to waver between both opinions by saying that imposing tax besides *zakat* on Muslims is generally not allowed; however, it might be allowed for the states’ governors to tax people beside *zakat* in cases of need that fulfil the following conditions:

- They are not allowed to take more than necessary.
- When distributing the revenue, they should start with the neediest.
- Distribution of the income should be equal among people based on their position and needs.
- Government sources of income are not enough to cover the needs of the state’s expenditure.
• Tax is paid by those who have the ability.
• When the need for the tax no longer exists, the collection of the tax should be stopped.
• Tax cannot be replaced with zakat since the beneficiaries of zakat are specified and determined by the shari’ah.

Methodology

This research used qualitative methods, seeking to look at the implementation of zakat and tax. Questionnaires with open and closed ended questions were used to understand the perceptions of people regarding current practices in Malaysia. The results were analysed using Microsoft Excel.

The respondents were students of IIBF-IIUM. They were chosen randomly and had some knowledge of Islamic law and of the Malaysian tax and zakat systems. There were around 50 students involved. Both primary and secondary data were used for this research.

Research Findings and Summary

The study shows that more than 70 per cent of the respondents were aware of the general stipulations of zakat. The non-payment of zakat could be due to a lack of enforcement regulations. Approximately 75 per cent of the respondents felt payments of zakat should not be left to the discretion of the payer but instead should be regulated. However, 80 per cent of them held the view that this regulation should occur under the federal constitution, and a minority were of the opinion that this should occur under the state constitution.

Some studies show that there is no apparent economic contribution from zakat. This is due to the preference for tax and to people considering zakat as merely a religious obligation. Approximately 78 per cent of the respondents felt that zakat should be a crucial element of the fiscal policy; 100 per cent believed that zakat had a positive impact on the wellbeing of the society; and 85 per cent believed that tax could not substitute for zakat, as they have different impacts on socio-economic development.

The previous studies point out that the primary reason for the non-payment of zakat is payers not knowing the basic principles of zakat, and zakat having no proper regulation. Approximately 25 per cent of respondents felt that the reason for non-payment of zakat was a lack of regulation of the zakat institution, whereas 35 per cent viewed non-payment as due to zakat being a voluntary act not enforced by the government. On the other hand, 65 per cent felt that people were unaware of the importance of zakat.
Furthermore, approximately 55 per cent felt that there was no proper collection and distribution process for *zakat* in Malaysia. For the future development of *zakat* in Malaysia, the respondents suggested the implementation of a regulated framework for *zakat*, imposed by the government. Furthermore, there should be transparency in the government’s financial statements, especially regarding the distribution of *zakat*. Some even felt that there was a lack of trust of the *zakat* institutions, which made payers reluctant to pay these institutions. Many felt that for *zakat* to have a real impact, there should be proper collection and, more importantly, distribution to those who deserved it.

Interestingly, some felt that the amount of *zakat* should be deducted automatically from bank accounts. Others believed that the spiritual aspects of a society were crucial and should be the driving force towards obedience to Allah (s.w.t).

**Conclusion**

In conclusion, *zakat* and tax have similarities and differences by definition. The fundamental characteristic of *zakat* is that it is a stipulation by Allah (s.w.t). It therefore has to be collected and distributed according to *shari’ah* law, and not left to the whims of the ruler. The true impact of *zakat* on society is not visible, as there is a lack of proper collection and distribution. Moreover, the *zakat* institutions are not regulated. The people and the governments need to better understand the importance of *zakat* and understand the socio-economic problems that may be arise if it is not practised as stipulated.

Many Muslim countries are faced with an increase in poverty while having good mechanisms such as *zakat* to reduce it. This increase is due to the impact of post-colonisation, which has left many Muslim countries confused about, and questioning, some of the implications of the *shari’ah* law. Moreover, it should be understood that *zakat* is an important element of fiscal policy in an Islamic state. This element shows the beauty of an Islamic society whose members live as brothers with love for each other and assist the poor and weak. Other societies cast out the weak and the poor, with the ultimate objective being to maximise the wealth of those in charge.
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