

## ANALYSIS OF MUALLAF FATWA IN SELANGOR

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### ABSTRACT

Asnaf muallaf is one of the groups who are entitled to receive zakat in Islam. Muallaf is a special group who has been chosen by Allah to choose and know Islam in life. In this regard, it is the responsibility of all Muslims to take care of the welfare and guide the converts. There are differences in the interpretation of the definition of muallaf that can affect the management of zakat distribution. Thus, the objective of this study is to identify the definition of muallaf, had muallaf (limit period) and aid scheme for muallaf implemented in the state of Selangor. This qualitative study was conducted using data collection and data analysis methods. Data collection methods were done through library research. The data obtained were analyzed based on inductive, deductive and comparative methods to obtain results. The findings of this study are expected to provide a clearer picture of the interpretation of reverts as well as trigger the best management model of converts based on the results of fatwas and laws that have been decided.

**Keywords:** muallaf, fatwa, had muallaf, aid scheme

### INTRODUCTION

Asnaf muallaf is one of the groups who are entitled to receive zakat in Islam. Muallaf is a special group who has been chosen by Allah to choose and know Islam in life. In this regard, it is the responsibility of all Muslims to take care of the welfare and guide the converts. There are differences in the interpretation of the definition of muallaf that can affect the management of zakat distribution. Thus, the objective of this article is to identify the definition of muallaf, the period of the muallaf limit and the assistance scheme for muallaf implemented in the state of Selangor. This method involves a library study or documentation that will uncover matters related to the fatwa on the management of asnaf

muallaf in Selangor. It is hoped that this article can provide a clearer picture of the interpretation of converts as well as trigger the best management model of converts based on the results of fatwas and laws that have been decided.

### MUALLAF FROM ISLAMIC RULING PERSPECTIVE

The word ‘muallaf’ is mentioned in the Quran through the words of Allah SWT in verse 60 of surah al-Tawbah. Mafhumnya: “Indeed, the alms (zakat) is only for the poor, the needy, amil who take care of it, converts whose hearts are tamed, slaves who want to free themselves,

people who are in debt, to (be spent in) the way of Allah SWT, travelers (who decide) on the way. (Such a ruling is) as a ruling (which comes) from Allah SWT. And (remember) Allah SWT is All-Knowing and All-Wise "(al-Tawbah 9: 60).

Muallaf in this verse is referred to as "mu'allafah qulubuhum" which is the fourth group in asnaf zakat. However, the term is rarely used either in scholarly writing or in everyday use by the general public. The term that is often used is "muallaf" (Hasanah Abd Khafidz, 2017). Arabic dictionaries such as *Lisan al-'Arabi* explain that the word muallaf is derived from the Arabic word 'allafa', which means to make a number a thousand, collect something from one another and compose a book (Ibn Manzur, 1996).

There are various meanings of al-mu'allafatu qulubuhum have been elaborated by scholars. The meaning has been summarized by al-Qaradhawi (2011) which consists of groups who try to tame their hearts to Islam, ensure that their Islamic beliefs are strong, prevent their crimes against Muslims, hopefully Muslims gain benefits by protecting them or help them face enemies and the like.

Thus based on the above understanding, al-Qaradhawi has divided al-mu'allafatu qulubuhum into seven categories whether Muslim or otherwise as follows:

1. Those who are expected to embrace Islam with their families and relatives.
2. Those who hope that their crimes against Muslims can be stopped,
3. The new converts to Islam,
4. Muslims who are influential towards non-Muslim leaders who are expected to embrace Islam,
5. Influential people who embraced Islam and are still weak in their faith but influential in their group,
6. The Muslims who control the borders and boundaries of Muslim-non-Muslim countries,
7. Influential Muslims to facilitate the collection of zakat/tax from groups who only feel afraid of the group.

The jurists have different views on the existence of asnaf al-mu'allafatu qulubuhum and the validity of the distribution to them. According to Hanafiyyah (Ibn Abidin, 1992; al-Marghinani, n.d.), although the group includes non-Muslims as stated before but was stopped from paying zakat during the time of Caliph Umar al-Khattab. The termination is due to a change in the god of zakat or the repeal of the law.

Some Malikiyyah (Al-Kahrshi, t.t) are of the view that the asnaf and the law of distribution of zakat on them still remain without any repeal. However such distribution is only allowed when there is an urgent need. This view is based on the reason that the distribution of zakat is to save the infidels from hell. As for the distribution of factors gaining their support for the power of Islam, then the share has ceased (Ibn Askar, t.t; al-Sawi., n.d.).

Fuqaha Shafi'iyah (Al-Bujayrimi, 1995: al-Hisni, 1994) only narrows the scope of asnaf al-mu'allafatu qulubuhum to Muslim converts only. Giving to non-Muslims from zakat money is not allowed. Whereas according to the view of Hanabilah jurists (Ibn Qudamah, 1968; al-Buhuti, t.t; al-Uthaymin, 2006) states that giving to the group whether Muslim or non-Muslim is continuous.

Summarizing all the above views, al-Tabari (2000) states that the group of al-mu'allafatu qulubuhum remains not abolished and the distribution of zakat to them is subject to the decision of the government. This view is supported by Ibn Ashur (1984) and al-Qaradhawi (2011). According to Ibn Ashur (1984), the giving of zakat is a crutch with the text of the Qur'an in which the determination of who is eligible is based on *ijtihad*. Al-Qaradhawi (2011) also stated that the need for *ta'lif al-qulub*, including non-Muslims, is always continuous because the claim of washing is inaccurate. The determination of *ta'lif* or vice versa depends on the discretion of the government leader (*waliyyul amr*) on the factor of *maslahah*.

## FATWA INSTITUTION IN SELANGOR

Basically, every fatwa decision made in this country is seen as the official view of the country regarding religious law. It is placed under a body known as the Fatwa Committee of the National

Council for Islamic Religious Affairs Malaysia. At the state level, the fatwa institution is a legal body other than the State Islamic Religious Council, the State Islamic Religious Department and the Syariah Court which is given recognition by the Islamic law of the states (Nooh Gadut, 2003).

Therefore, all problems and disputes that arise involving Islamic law will be referred to the Fatwa Committee Meeting to resolve the issue. (Mahmood Zuhdi Hj. Ab. Majid, 2004, p.92) Laws enacted at the state level have empowered the respective state governments to establish a committee that can assist the mufti department in issuing a fatwa for the Council or government state. (Suwaid Tapah, 2004) This committee is known by various names. In the state of Melaka it is called the Syariah Committee, while in the states of Kedah, Johor and Terengganu it is called the Fatwa Committee or Lujnah.

The Fatwa Institution in the state of Selangor today is led by the Selangor State Mufti Department which is located on the 7th and 8th Floor, North Tower, Sultan Idris Shah Building, Shah Alam, Selangor. This department has undergone several changes from the aspect of organizational structure and administration to become a specialized body that is directly involved in matters related to Islamic law in the state of Selangor.

The Mufti in Selangor is appointed by His Majesty the Sultan and to assist in the duties of the Mufti the Sultan can also appoint a Deputy Mufti. While the Shariah Committee known as the Shariah Consultative Committee which consists of the Mufti as Chairman, Deputy Mufti, Selangor State Legal Adviser, an officer from the Selangor Islamic Religious Department and at least two but not more than five people from among the people who are proficient in Islamic law. Officials of the Department of Religion and two or more of the five outsiders appointed by the Council of Islamic Affairs and Malay Customs Selangor. The appointment of the Mufti by the Sultan is done in the State Meeting.

At the initial stage, the Selangor State Mufti Department is one of the Divisions in the Selangor Islamic Religious Department (JAIS) known as the Fatwa division. Prior to 1985, there were only two (2) staff members in this Division, namely the Mufti and the driver. In

1991, the post of Deputy Mufti was created. All matters related to administration, services and finance are under the management of JAIS. To improve the Fatwa institution in 1996, the Public Service Department (JPA) issued a circular on the separation of the Fatwa Division from the Islamic Religious Departments in every state in Malaysia including the State of Selangor. The Selangor State Government has implemented the directive through the Islamic Administration (Selangor) Enactment 1955 to establish the Selangor Mufti's Office. However, the segregation process could not be done immediately as there were still difficulties, especially those involving staff shortages. Therefore, the Fatwa division is still dependent on the Selangor Islamic Religious Department (JAIS) in terms of administration and finance. Now since the beginning of 2001, the Selangor Mufti's Office has been renamed the Selangor Mufti Department in accordance with the function, vision and mission of its establishment (<https://perpustakaanwakaf.blogspot.com/2017/04/institusi-fatwa-dan-mufti-di-malaysia.html>, 12. November 2019).

## **PROCEDURE FOR ISSUING A FATWA IN SELANGOR**

In Selangor the Mufti may on his own initiative or at the request of any person addressed to the Mufti, and shall by order of His Majesty the Sultan make and notify in the Gazette a Fatwa or opinion on an unresolved question or question giving rise to a dispute as to or related to Islamic law. No statement made by the Mufti can be considered a fatwa unless and until it is gazetted.

A fatwa shall state that it is made in accordance with the section. A fatwa must be gazetted in Bahasa Malaysia in rumi script, but the content of the fatwa in jawi script may also be published. Before the Mufti makes a fatwa he may order a study or research to be made and a working paper shall be prepared for the purpose of making the fatwa. The Mufti may amend, vary or revoke any fatwa that has been previously issued by him or by any Mufti prior to him. An amendment, modification or revocation of a fatwa shall be deemed to be a fatwa.

In the State of Selangor as soon as it is gazetted in the Gazette, a fatwa shall bind Muslims living

in the state of Selangor as its religious teachings and it shall be his duty to follow and adhere to the fatwa unless he is allowed by Islamic law to deviate from the fatwa in matters of personal duty, belief. . A fatwa shall be recognized by all courts in the State of Selangor as having full authority in the prescribed matter. Notwithstanding any written law to the contrary the Mufti shall not be summoned to give an opinion or evidence on Islamic law in any Civil Court or Syariah Court. But if in a court other than the Syariah Court it is necessary to decide a syariah law then the court can ask the Mufti to give an opinion on the matter. The Mufti may confirm his opinion to the court.

### FATWA MUALLAF DI SELANGOR

In Selangor in particular and Malaysia in general, fatwas related to converts are not much discussed and decided by the State Fatwa Committee and the National Fatwa Council, compared to other issues that are given more focus and attention by the authorities. This is because the possibility of cases that occur is not so much as the issues involving zakat property, waqf, muamalat and others.

The following is a list of fatwas related to converts that have been decided by the Selangor State Fatwa Committee:

Table (1): Fatwa Muallaf in the Selangor

| No. | Fatwa                                                                                        | Date / Year                                                                    | Status      |
|-----|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-------------|
| 1.  | Ruling of limitation Muallaf period                                                          | 2006                                                                           | Warta       |
| 2.  | Ruling of debt payment of Muallaf before revert to Islam using zakat money                   | 1st Selangor State Fatwa Committee Meeting/2010 which convened on 2 March 2010 | Tidak Warta |
| 3.  | Ruling on the allocation of Muallaf for programs & affairs related to da'wah for non-Muslims | 2012                                                                           | Warta       |

Source: Website of Lembaga Zakat Selangor

Based on table 1 above, there are only three fatwas related to converts decided by the committee from 2006 to 2012. The law on the term limit for calling converts was decided in 2006. Next, the law of payment of debts of converts before Islam using zakat money was decided in 2010. Meanwhile, the law on the allocation of converts for programs & matters related to da'wah to non -Muslims was decided in 2012.

### FATWA REGARDING THE DEFINITION OF MUALLAF IN SELANGOR

Muallaf is defined as someone who has just converted to Islam or someone whose heart has been tamed among those who have not converted to Islam or who needs to be drawn to Islam or is expected to defend Muslims or who needs to be secured for his crimes against Muslims (Lembaga Zakat Selangor, MAIS, 2013 ).

Based on the above definition, converts can be categorized into four namely; [1] Muslims who have just converted to Islam. [2] Non -Muslims are expected to embrace Islam with the help of zakat. [3] Potential non -Muslims use influence to attract people to Islam. [4] Non -Muslims are feared to commit crimes against Muslims.

The interpretation of muallaf is also provided in the Selangor Islamic Religious Administration Enactment. The definition of a convert

according to the interpretation of the law is as follows:

Table (2): Interpretation of Muallaf in the Enactment

| Enactment                                                                  | Interpretation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Administration of the Religion of Islam (State of Selangor) Enactment 2003 | <p>Seksyen 2 (1) “Mualaf ertinya seseorang yang baru memeluk agama Islam di bawah seksyen 107(1), iaitu;</p> <p>(a) mengucap dua kalimah Syahadah dalam bahasa Arab secara jelas;</p> <p>(b) dalam keadaan sedar bahawa kalimah itu bermakna “Aku menjadi saksi bahawa tiada Tuhan melainkan Allah dan aku menjadi saksi bahawa Nabi Muhammad S.A.W. ialah Pesuruh Allah”; dan</p> <p>(c) pengucapan dibuat dengan kerelaan hati orang itu sendiri. (2) Seseorang yang tidak dapat bercakap boleh menggunakan isyarat yang menunjukkan makna kalimah Syahadah tersebut.</p> |

Source: Administration of the Religion of Islam (State of Selangor) Enactment 2003

There are six criteria for converts that have been set by the Lembaga Zakat Selangor, namely; [1] Confirmed to embrace Islam by the Selangor Islamic Religious Council or any recognized institution. [2] Muallafs, existing dependents and children born after embracing Islam who still need guidance and protection within five (5) years. [3] A leader or a non-Muslim who is influential and tame with Islam and it is hoped that the giving of zakat will attract himself and influence his community to Islam. [4] Family members of potential converts to Islam. [5] Those who need to be secured for their crimes against Muslims. [6] Non-Muslims sitting on the border and feared to defect to the Islamic government (Lembaga Zakat Selangor, MAIS, 2013).

Next, the Lembaga Zakat Selangor has also set the conditions for converts into two parts, namely converts have converted to Islam and converts have not converted to Islam. The conditions for converts who have embraced Islam are; [1] Needs Islamic guidance and education. [2] In need of economic improvement. [3] Potentially attracting families and communities to Islam. While the conditions for converts who have not embraced Islam are; [1] Tends to Islam. [2] Has a beneficial influence on Islam. [3] Potentially detrimental to Islam. If zakat money is not given, it is feared that it will threaten the faith of Muslims under its control (Lembaga Zakat Selangor, MAIS, 2013).

## FATWA LIMITING THE PERIOD OF MUALLAF IN SELANGOR

The previous scholars of fiqh did not set a certain period for a person who has just converted to Islam to be called a convert. Historical highlights show that the Prophet SAW gave zakat to the companions who had just embraced Islam during the opening of Mecca. Later, when it came to the reign of Caliph Abu Bakr al-Siddiq, zakat was no longer given to Abu Sufyan, ‘Uyainah, al-Aqra’ and ‘Abbas bin Mirdas due to Abu Bakr’s consideration, Islam had become strong and solid and grew rapidly. (Al-Shawkani, 2005)

However, the 71st Muzakarah of the Fatwa Committee of the National Council for Islamic Religious Affairs of Malaysia which convened on 22-24 November 2005 discussed the ‘Limit of the Call of Muallaf’. Muzakarah has decided that in Islam there is no scripture that obligates a person who has just converted to Islam to be called a Muallaf. The pronunciation and the limit of the period of the call of a convert is more of a purely uruf nature. Meanwhile, the Terengganu State Fatwa Committee meeting which convened on 13 March 2013 decided that the time limit for converts depends on the proposed urf, which is for three years. If they are still poor or incapable, then zakat will be given

according to the asnaf of the poor and needy (Azman A.R, et.all, 2015).

The muallaf period limit for the state of Selangor has been decided for 5 years with the condition of attending religious classes recognized and organized by the Selangor Islamic Religious Council (MAIS). The Selangor Islamic Religious Council (MAIS) is also responsible for financing all education costs for the converts.

### **FATWA OF DEBT PAYMENT OF MUALLAF BEFORE REVERT TO ISLAM USING ZAKAT MONEY**

The 1st Selangor State Fatwa Committee Meeting/2010 which convened on 2 March 2010 has decided that the payment of debts of Muallafs before Islam is required to use zakat money. Payment of the debt by using the provisions of Asnaf al-Gharimin. Nevertheless, debts paid are debts that are due to financing needs only. The Committee stipulates that debts paid are not debts intended for lavish spending as well as being done repeatedly. This decision is based on the Quranic:

*Indeed! The alms (zakat) is only for the poor and the needy and the amil-amil who take care of it and the converts whose hearts are tamed and for the slaves who want to free themselves and those who are in debt and for (spent on) the way of Allah and those who travel (the decision of supply) on the way. It is a decree from Allah, and Allah is All-Knowing, All-Wise (al-Taubah: 60).*

### **CONCLUSION**

Studies related to the five years limitation period of Muallaf in the state of Selangor need to be reviewed. A study of apostasy cases that occurred in the state of Selangor recorded a total of 99 applications for apostasy and none of them were approved. If you look at the figure is high and ranks third in Malaysia after Sabah and Negeri Sembilan. The study of the relationship between the period of converts, education and aid contributions also played a role and contributing factor to the occurrence of apostasy among new converts.

All applications to be declared out of Islam involve those who have embraced Islam because they want to marry a Muslim partner and at the

same time, the Muslim couple who married them are ignorant of Islam, and have cohabited with their partner before marriage and did not educate their partner. The total number of applications from 2011 to 2015 was 81 cases, the most applications were Indians with 63 cases, Chinese 16 cases and others were Punjabi 1 case and Filipino 1 case. (Suariza@Hidayah Muhammad, et. All, 2018).

Looking at the fatwa decision that required the payment of the debts of converts before Islam to use zakat money only on financing needs only, it can be considered as a contemporary fatwa related to the maslahah of converts. It is a good thing, if through the help of zakat can be highlighted the nature of the grace of Islam in saving people from the shackles of life. In this aspect, the rationale of the fatwa can correct some of the negative images cast on Islamic administrative institutions today. This issue is not discussed by Islamic jurists in the sub-sub-debate of al-mu'allafatu qulubuhum, because the discussion of debt redemption is under the category of al-gharimin (the indebted) which involves Muslim traders only. At the same time, the religious authorities should ensure that the flexibility of the fatwa is abused by certain parties as a way to escape from debt is by embracing Islam. Therefore, a criterion for the identification of previous debts of converts is due to the need for daruriyyat and hajiyyat or the need for luxury (tahsiniyyat). This is important to ensure that the priority of distributing zakat money is for the benefit of Muslims and the religion.

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