

**THE ZAKAT OF CRAB TRADING ACCORDING TO  
IMAM ASY-SYAFI'I AND IMAM IBN HAZM  
(A CASE STUDY OF TANJUNGBALAI ASAHAN)**

**THESIS**

**BY:**

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**(NIM 02 02 16 10 09)**



**FAKULTAS SYARI'AH DAN HUKUM  
UNIVERSITAS ISLAM NEGERI  
SUMATERA UTARA  
MEDAN  
2020 M /1440H**

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**THESIS**

**Submitted to the Dapartment of Perbandingan Mazhab, Faculty  
of Shariah and Law UIN Sumatera Utara  
In Partial Fulfillment of the Requirements  
For the Degree of Sarjana Hukum (S1)**

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**APPROVAL**

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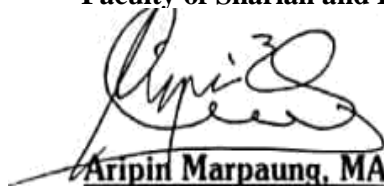
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## STATEMENT OF AUTHENTICITY

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I declare this S1-Thesis is my original work, except the references mentioned.  
If someday it is proven otherwise, I have no objection that this Thesis is canceled.

Medan, 14 August 2020

The writer

A green 6000 Rupiah Indonesian postage stamp is shown. The stamp features the Garuda Pancasila emblem and the text "MATERAI TEMPEL", "6000", and "ENAM RIBU RUPIAH". A handwritten signature in black ink is written over the stamp.

MUNAWWIR RAMADHAN

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## **ABSTRACT**

This thesis is entitled The Zakat of Crab Trading according To Imam Asy-Syafi'i and Imam Ibn Hazm (A Case Study of Tanjungbalai Asahan).

Alms is one of Islamic pillars. Our worship will be accepted by Allah SWT, our wealth will be cleaned from dirty. Generally, there are three animals allowed for animal alms, such as cows, goats, and camels. Other than those animals are optional. How about crab trading as alms? This crab trading alms was proposed by UD SULTHAN enterprise located in Tanjungbalai Asahan. The owner said that paying alms was a mandatory. He does it every year. I choose this topic for my thesis by analyzing it from two different points of view from Imam Syafi'i and Imam Ibn Hazmin.

The method used in this research was Library Research to see how the trading was practiced in the society and comparative method to compare two mazhab experts opinion. The data collection was done through an interview and related books as references.

## **IKHTISAR**

Skripsi ini berjudul zakat perdagangan kepiting menurut imam Syafi'i dan Imam Ibn Hazmin (Sebuah studi kasus Tanjungbalai Asahan).

Ibadah Zakat merupakan salah satu dari rukun-rukun Islam. Ibadah kita akan diterima oleh Allah SWT. Kekayaan kita akan dibersihkan dari kotoran. Pada umumnya, ada tiga jenis hewan yang dibolehkan untuk zakat hewan, yaitu Sapi, Kambing, dan Unta. Selain hewan tersebut adalah tidak diperbolehkan. Bagaimana dengan perdagangan Kepiting yang dikeluarkan zakat? Zakat perdagangan Kepiting ini telah dikeluarkan oleh Perusahaan UD SULTHAN yang terletak di Tanjungbalai Asahan. Pemilik tersebut mengatakan membayar Zakatnya adalah merupakan perintah. Dia membayarnya setiap tahun. Saya memilih topic ini untuk Skripsi saya dengan menganalisanya dari dua sudut pandang yang berbeda dari Imam Syafi'i dan Imam Ibn Hazmin.

Metode yang digunakan dalam penelitian ini adalah metode penelitian lapangan yang melihat langsung bagaimana perdagangan tersebut dipraktikkan didalam masyarakat, dan menggunakan metode komperatif yang akan membandingkan pandangan kedua tokoh Ahli Mazhab. Kumpulan data diambil melalui wawancara dan buku buku yang berkaitan sebagai referensi.

## **DEDICATION**

This Thesis is dedicated to:

1. My beloved Parents, who always pray and support me.
2. My beloved brother and sister, who give me motivation to finish my study.
3. My beloved friends in harmonious class. I hope we are success in world and the hereafter.
4. My beloved department, Perbandingan Mazhab. I hope college students there are encouraged to write and make new projects for the department such as writing in different languages, English, Arabic, etc.

## ACKNOWLEDGMENT

Alhamdulillah, praise to Allah SWT, for all the blessings and mercies. So that the researcher was able to finish this S1-Thesis entitled **“The Zakat of Crab Trading According To Imam Asy-Syafi’i and Imam Ibn Hazm (A Case Study of Tanjungbalai Asahan)”**. Peace be upon Prophet Muhammad SAW, the great leader and inspirator of world revolution, may we get his Syafaat.

I’m sure this thesis would not be completed without the helps, supports, and suggestion from several sides. Thus, I would like to express my deepest gratitude to all of those who had helped, supported, and suggested me during the process of writing this thesis. This goes to:

1. My beloved Parents, father (Faidol Anwar) and mother (Dahlia) who always prays and supports me.
2. My beloved brothers (Muhammad Yusnar, and Fachrur Rozi Faidila) and sisters (Rabiatul Adawiyah, and Raudhatul Fadhilla), who give me motivation to finish my study.
3. All sides from honorable Rector of UIN SU, Dean of shariah and law faculty, department chairman of Perbandingan Mazhab, especially for advisor I Dr. Mhd Syanan MA, And advisor II Dr. Sukiati, MA for guiding me to finish this. All the honorable lecturers and officials employees.
4. Imam Ibn Hazmin Expert (Ustadz Hajarul Aswadi S.Pd.I) and Imam Asy-Syafi’i Expert (Ustadz Faidhol Anwar S.Ag)
5. Crab trader in Tanjungbalai, Asahan (Abdur Rahim S. Fil.)
6. The Tanjungbalai subdistrict head



7. The researcher's friends in classroom, work places, and in mosques.
8. All the people who give supports and motivation during my study that I could not mention one by one.

I realize this Thesis is still far from being perfect. I hope that it is useful to me in particular and the readers in general.

Medan, 15 August 2020

The Researcher

**MUNAWWIR RAMADHAN**  
NIM. 02 02 16 10 09

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## CHAPTER I

### INTRODUCTION

#### A. Study Background

Alms or Zakat is a wealth taken outside in Syara'. Zakat from Islamic points of view does not decrease our wealth but that is opposite. It increases our wealth, clean it from dirt, keep us away from bad lucks, and get us closer to support poor people. Zakat can eliminate the discrepancies between poor and rich.

A rich man with a leadership skills can easily put his assets on great business based on his interest. However, bad social competence intimidates poor people. To solve this problem, a fair contribution system pushing the sense of caring to each other should be implemented (Al Aghniya) to Fuqara, Masakin, etc. One of his social care acts is in paying Shadaqah and Zakat.

Zakat is giving property as an obligation. Whereas, Shadaqah is giving property as Sunnah. Both of them are Ibadah. In economic concept, both are one of the wealth distributions between Humans (Tauzi'u Al Tsarwah). The distribution is not from an economic transaction. A shortcut is needed for the contribution called zakat. Since it forces to share Muslims properties to people who need it.<sup>1</sup>

In every command that Allah SWT orders, there is a big secret behind it. It benefits human philosophically in conservation. One of those secrets in Syari'at Az Zakah is mentioned in Alquran as follows:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ عَلِيمٌ (١٠٣)

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<sup>1</sup>Muhtar Sadili, *Problematika Zakat Kontemporer Artikulasi Proses Social Politik Bangsa* (Jakarta: Forum Zakat, 2003), p. 120 – 123.

The meaning : 103. “Take Sadaqah (alms) from their wealth in order to purify them and sanctify them with it, and invoke Allah SWT for them. verily! Your invocations are a source of security for them and Allah SWT is all Hearer and Knower”. (QS. AT TAUBAH/ 9: 103).<sup>2</sup>

If we learn the historical background of that verse, One of them is explained by Abu Syekh and Ibnu Mandah in book of “Ash Shahaabah “. Both of them are narrated from Ats Tsauro, Al A’masy, and Sufyan from Jabir R.A. because 6 Rasulullah Saw companions left in Tabuk war. They Are ( 1 ) Abu Lubaabah, ( 2 ) Aus Bin Khudzdzaam ( 3 ) Tsa’ Labah Bin Wadii’ah, ( 4 ) Ka’ab Bin Malik (5) Mararh Bin Rabi’ and ( 6 ) Hilal Bin Umayah. They feel it was wrong not to join the war with no uzur. So Abu Lubaabah, Aus Bin Khadzdzaam and Tsa’labah Bin Wadii’ah tied themselves and gave their properties. They promised not to free the bonds except Rasulullah Saw did it. After Rasulullah SAW come back from Tabuk war they say to Rasulullah “*oh Rasulullah, please receive this property as ransoms that we were absent in Tabuk war without uzur*”. Rasulullah saw answered “*I will not receive your properties and free your bounds before the new war come* “. So this verse fell down and Hadits transmission of this Hadits is strong.<sup>3</sup>

That incident was happened in 2 H. Based on the information, before it was sent, Islam had not taught Syari’atu Zakat. Moslem societies had not known what

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<sup>2</sup>Muhhamad Muhsin Khan and Muhammad Taqiuddin Alhilali, *the Noble Qur’an* (Alhuda: Depok), p. 389. See also Mhd. Syahnan, *Contemporary Islamic Legal Discourse* (Medan: IAIN Press, 2010), pp. 110-13.

<sup>3</sup>Jalaluddin as Suyuti, *Lubaabun Nuquul Fii as Baabin Nuzuul*, vol. 1 (Cairo: Darut Taqwa), p. 195.

Zakat was. In other words, Surat at Taubah: 103 is the first verse commending zakat. Therefore, it is always called as zakat verse.

If we focus to that historical background of verse, we can conclude that:

1. Rasulullah SAW are commanded to take zakat as parts of properties submitted by Abu Lubaabah, Aus Bin Khadzdzam And Tsa'labah Bin Wadii'ah.
2. Zakat is just functioned as self cleaning and self purifying for those who did not to follow the war without uzur.
3. As Zakat receiver, Rasulullah SAW is commanded to give a prayer to zakat payers.
4. That du'a functions as calms and soothes to Zakat payer.
5. Allah SWT hears and knows zakat payer and receiver of zakat.

That's the definitions of Zakat if we see from Asbabun Nuzul. However, we know that Qur'an and Hadits are not just in the pure of the words. It's explained in Ushul Fiqh.

العبرة بعموم اللفظ لا بخصوص السبب

The meaning :“The lessons (from verse and hadits ) is taken from his global word, not from particular cause“.<sup>4</sup>

In this Minithesis, I'd like to research Mangrove Crabs. The main topic is for the zakat at tijarah. As we all know Mangrove Crab (*Scylla Serrate*) or Mud Crab

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<sup>4</sup>Nipan Abdul Halim, *Mengapa Zakat Disyari'atkan* (Bandung: M2s Bandung, 1999), p. 17 – 19. For discussion in a wider context of zakat and interest See generally Syahnun, Mhd. “Modern Qur'anic Exegesis and Commercial Contracts: A Comparative Study of Rashid Ridha's and Sayyid Qutb's Interpretation of Some Riba Verses.” *Jurnal Miqot*, (Nov-Dec, 1997): 15-23.

is one of natural recourses that is very important for the economic value. The usages of these commodities are increasing, for consumption in the country and abroad.

In the country, they are marketed in traditional market, supermarket, restaurant, hotel, cottage, or even in international place. Indonesia's mangrove crab are exported to Japan, Hongkong, Singapore, South Korea, Australia, Taiwan, Malaysia, France, United State of America etc.

In Tanjungbalai there are many entrepreneurs of crab trading. They sold it to societies, internal factories such as PTP, PSI, KML etc. These entrepreneurs sell it to abroad countries too.

Abdur Rahim,<sup>5</sup> has an enterprise named UD SULTHAN. He has 25 employees in small enterprises, 70 employees in big enterprises, and 5 employees in bigger enterprises. These enterprises use crab rajungan to be processed. The workers remove crab meat from hard skin after being poached. Then it is canned. They can produce 300 kg meats or 300 canned tins per day. 1 kg meat fits 1 canned tin. It costs Rp. 180.000. In a month, it can produce 900 canned crabs. He always gets 30 millions in a month as the profit. In a year he gets 360 millions. His enterprise has strong cooperation with PT Toba industry, Medan. The canned tin are sent to this company. From this cooperation, the canned tins are exported to Asia, Afrika, Europe, and America.

He said that he knew about Zakat of animals, and He realized that there is no zakat from his crab animal. However He paid zakat every year from the results of

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<sup>5</sup>Interview with Abdur Rahim (crab trader) on Friday 05.00 Pm in his home place, Bagan Asahan Tanjungbalai Asahan. He is an entrepreneur age 46, He was born in 1974.



the crab trading. He pays by using 2.5 % from the profits. In a year the income can reach 360 million. Therefore, He pays zakat as much as 9 million from it. If we see from Fiqh perspective, he has got that Nishab and Haul which obligate him to pay Zakat. The problem is there is no zakat from the crab. He said that it is from the trading zakat, not from animal zakat.

The upgrading of this crab marketing is proper, since it is very delicious with high vitamin. People eat it comfortably. This is the main reason why having crab trading business brings a lot of benefits.<sup>6</sup>

Faidol Anwar,<sup>7</sup> said that actually society still need guidance in distributing their wealth for society. They do not know about Zakat. Moreover, crab is rarely discussed for zakat in wealth.

He said Imam Syafi'i did not permit crab as Zakat, but in its trading. He mentioned that we can get an information about it in many classic books which are relevant to Imam Syafi'i such as in the book of I'anat At Tholibin.

Whereas Hajarul Aswadi,<sup>8</sup> said that society in Tanjungbalai has not been socialized well about types of Zakat. Sadly, he also said the entrepreneur is still reluctant to pay Zakat.

He also said Imam Ibnu Hazmin is in school Zhahiriah, which is a simple school. Imam Ibn Hazmin was also a temperament man. He did not care if people

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<sup>6</sup>Ghufran Kordi, *Budidaya Kepiting Bakau* (Semarang: Aneka Ilmu), p. 1.

<sup>7</sup>Interview with Faidol Anwar on 01 March 2020 at 10.10 Am. in his home place, Teluk Nibung Tanjungbalai. He is one of Dai' who knows about Imam Syafi'i and he is Syafi'iah. He is one of employee in religion minister, and one of chairman of BAZNAS in Tanjungbalai.

<sup>8</sup>Interview with Hajarul Aswadi on Sunday 01 March 2020, at 08.10 Am. in his homeplace, Datuk Bandar Tanjungbalai. He is a Chairman of Fatwa MUI Tanjungbalai, and He knows a lot about Imam Ibn Hazmin.

oppose him. He wrote many books. People who did not like his thinking would come to him, and burned those books. Imam Ibn Hazmin was very angry. He finally said “that’s okay, they burned my books but not my thinking, so I can write it again”.

After that, Hajarul Aswadi said that in Imam Ibn Hazmin thinking, Zakat of Livestock was only For Goat, Camel, and Cow. Other is nothing. He also said that Zakat at Tijarah is one of the ways to argue Rasulullah SAW, Because Rasulullah SAW never pays Zakat at Tijarah.

Talking about crab imam Syafi’i said there is No zakat for crab in his book, but if there are so many results from it. It goes to zakat at tijarah of crab and Syafi’iah recognize it. Imam Syafi’i explained that Rasulullah did not take zakat from some of this. One of them is Horse. We can see it from this statement of Imam Syafi’i.<sup>9</sup>

وكان لناس ماشية من خيل وحمير وبغال وغيرها، فلما لم يأخذ رسول الله صلى الله عليه وسلم منها شيئاً و سن ان ليس في الخيل صدقة

The meaning : “And for human, the livestock from Horse, Donkeys, Mules and such things. Then Rasulullah SAW did not take from them. He said that horse is not for zakat.”

So, it’s clear that there is no zakat from Horse. because Rasulullah saw did not take it. We can connect it to crab. We could not see Rasulullah eat crab, because in Rasulullah Saw place there is no crab at that time.

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<sup>9</sup>Muhammad Bin Idris Asy-Syafi’i, *Al Umm*, vol. 2 (Beirut: Darul Ma’rifah), p. 8. Further discussion on Asy-Syafi’s legal theory see

Imam Syafi'i make this decision because Rasulullah SAW said in his hadits and written in his *Al Umm*:

أخبرنا الربيع قال أخبرنا الشافعي قال أخبرنا مالك وابن عيينة كلاهما عن عبد الله بن دينار عن سليمان بن يسار عن عراك بن مالك عن أبي هريرة أن رسول الله - صلى الله عليه وسلم - قال: «ليس على المسلم في عبده ولا في فرسه صدقة

The meaning : Rabi' reported us said, Syafi'i reported us said, Malik and Ibn 'Uyaynah reported us said, from 'Abdillah bin Dinar from Sulaiman bin Yasar bin 'Irak bin Malik from Abu Hurairah that Rasulullah SAW said :  
“There is no an obligation for Moslem in his Servants and for his Horse to give a zakat”.

Crab is one of livestock in Indonesia. We can survive them, gain a lot money. Sophisticated technologies make it possible to develop and promote this animal. However, crab is not in type of obligation. Camel, Cow, and Goat are the livestock to input. We can see this from Imam Syafi'i explanation in *Al Umm*.<sup>10</sup>

(قال الشافعي) : فلا زكاة في خيل بنفسها ولا في شيء في الماشية عدا الإبل، والبقر، والغنم بدلالة سنة رسول الله - صلى الله عليه وسلم - ولا صدقة في الخيل فإننا لم نعلمه - صلى الله عليه وسلم - أخذ الصدقة في شيء من الماشية غير الإبل، والبقر، والغنم

The meaning: Imam Syafi'i said: “There is no Zakat in Horse by itself and no one from livestock except Camel, Cow, and Goat with guidance from Rasulullah SAW. And there is no Zakat in Horse. We did not know. He never took Zakat as livestock except Camel, Cow, and Goat”.

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<sup>10</sup>Imam Syafi'i, *Al Umm*, vol. 2, p. 49.

So, In Imam Syafi'i points of view there are conclusions:

1. Tithe obligation only for Goat, Cow, and Camel.
2. There is no tithe for animals except the above such as Horse, Crab, Antelope, Cat, Fly, Spider, Crocodile, Elephant, Snake, etc.
3. If those animals are sold (for obligation tithe animal, and non obligation), the trading results is a Tithe. They are called as Zakat Tijarah or Trading Tithe. It is only because of the trading, not the type.

If we compare, it is opposite of Imam Ibn Hazmin (Mazhab Zhahiri). He didn't admit the zakat at Tijarah. Imam Ibn Hazmin one of Zhahiriah said in his book that zakat at tijarah is made as an obligation. It's opposite of what Rasulullah SAW said. Written in book<sup>11</sup>

فمن أوجب زكاة في عروض التجارة فإنه يوجبها في كل ما نفي عنه عليه السلام الزكاة مما ذكرنا.

The meaning: "People make zakat tijarah as obligation, they obligate every things removed Zakat from it, from what Rasulullah explained us".

That's one of explanations from Ibn Hazmin (Zhahiriah). Indeed it must be logic, a bit consistent, and has a collaboration with other Hadits saying that if Rasulullah SAW says A in this case for example, it's impossible for the contrary meaning with other hadits or in other words say B.

وصح عنه عليه السلام "ليس على المسلم في: عبده، ولا فرسه، صدقة"

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<sup>11</sup>Ibn Hazmin, *Muhalla Bil Atsar*, vol. 4 (Beirut: Darul Fikri), p. 44.

The meaning: “Imam Ibn Hazmin corrected. Rasulullah SAW said “There is no Zakat obligation for Moslem in his servant, and his Horse”

It means according to Imam Ibn Hazmin as textual Mazhab, it must be same as Servant and Horse. The point of view is those are in trading too. At that time, Servant or in other word human is traded. Of course we will see many mistakes because it is not fair and opposite with human right but it’s a fact.

And we can see Imam Ibn Hazmin made same between Servant and Horse with trading zakat. It’s strengthened by Hadits in that book.

وأنه عليه السلام قال: “قد عفوت عن صدقة الخيل“.

The meaning: And surely Rasulullah SAW said: “Indeed, I have removed Horse as Zakat“.

So it is clear, whatever we make as trading and buying intention, they are rejected by Imam Ibn Hazmin to be produced as Zakat, for example this crab trading.

To research, get information and revise it, I relate my hometown case and study it with expert’s opinions from interview and related books. That’s why my tittle is **THE ZAKAT OF CRAB TRADING ACCORDING TO IMAM ASY-SYAFI’I AND IMAM IBN HAZM (A CASE STUDY OF TANJUNGBALAI ASAHAN).**

## **B. Question research**

1. How is the zakat of crab trading at the societies in Tanjungbalai Asahan?
2. What is the opinion and Dalil about The zakat of crab trading by Expert from Imam Syafi'i and Imam Ibn Hazmin in Tanjungbalai Asahan?
3. What made expert from Imam Syafi'i and Imam Ibn Hazmin opinions different about the zakat of crab trading in Tanjungbalai Asahan?
4. What are the analysis of expert from Imam Syafi'i and Imam Ibn Hazmin about the zakat of crab trading?
5. Which one is the strongest, most suitable, most relevant after *Munaqasah* 'Adillah for societies in Tanjungbalai Asahan?

## **C. Research Objectives**

1. To know about the zakat of crab trading at societies in Tanjungbalai Asahan.
2. To know the Opinion and Dalil about The zakat of crab trading by Expert from Imam Syafi'i and Imam Ibn Hazmin in Tanjungbalai Asahan.
3. To know what made expert from Imam Syafi'i and Imam Ibn Hazmin opinions different about the zakat of crab trading in Tanjungbalai Asahan.
4. To know the analysis of expert from Imam Syafi'i and Imam Ibn Hazmin about the zakat of crab trading.
5. To know the strongest, most suitable and most relevant after *Munaqasah* 'Adillah for societies in Tanjungbalai Asahan.

#### D. Thought Plan of Study

Zakat is social action between human. Human is social living thing who needs others individual to survive. That's called as *Fitrah*. Social action can be done by helping someone. The main topic is in our heart. Allah SWT will appreciate it if we do with a pure heart. No matter it is outdoor or indoor, in public or private space, with or without smile. Allah SWT will bless others wealth and keep them away from any harm.<sup>12</sup> Allah SWT says:

وَاللَّهُ يَعْلَمُ مَا تُسِرُّونَ وَمَا تُعْلِنُونَ (١٩)

The meaning: 19. And Allah SWT knows what you conceal and what you declare (Q.S An Nahl : 19 ).

According to Ulama' giving Zakat is an obligation for rich. There must be certainties there. We get that data from usual Fiqh book, or comparison of Fiqh book such as *Fiqh 'Ala Mazahibil Arba'ah*.<sup>13</sup>

الزكاة ركن من أركان الإسلام الخمس، وفرض عين على كل من توفرت فيه الشروط الآتية.  
ودليل فرضيتها: الكتاب، والسنة، والاجماع، أما الكتاب فقد قال تعالى: {وآتوا الزكاة}

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<sup>12</sup>Teungku Muhammad Hasbi Ash-Shidqi, *Pedoman Zakat* (Semarang: Pustaka Rizki Putra), p. 310.

<sup>13</sup>Abdurrahman Al-Jaziri, *Fiqh 'Ala Mazahibil Arba'ah*, vol. 1 (Beirut: Darul Kitab 'Alamiyah), p. 536. For more discussion of Islamic comparative law, see Mhd. Syahnan, *Modernization of Islamic Law of Contract* (Jakarta: Badan Litbang & Diklat Departemen Agama RI, 2009), pp. 78-86; see also his *Hukum Islam dalam Bingkai Transdisipliner* (Medan: Perdana Publishing, 2018), pp. 1-8.

The meaning: “Zakat is included in 5 Islamic pillars, and it is an obligation. And the dalil of obligation is from Alqur’an, Hadits, and Ijma’. Then in Alqur’an, Allah Swt said “give Zakat“.

From that information we can conclude that Zakat is not only for human connection, but also for Allah SWT connection. In other words it is Vertical and Horizontal connection. Ulama has similar directions in obligating it. Of course, it is a strong commitment in Islam. This Thesis will discuss about Zakat specifically Zakat of crab trading. Mazahibil Arba’ah also gives an information about Zakat of livestock. It shows the same decisions as Imam Syafi’i arguments leading to obligate Zakat only for trading if the subject is out of definites.<sup>14</sup>

فلا زكاة في الخيل والبغال والحمير والفهد والكلب المعلم ونحوها إلا إذا كانت للتجارة، ففيها زكاة التجارة الآتي بيانها

The meaning: “there is no zakat for known horse, mule, donkeys, tiger, dog, and other examples like them except for trading. If so, it’s called zakat at tijarah which will come to the explanation.

## **E. Hypotheses**

After reading some informations about crab from books and journals, and some informations about zakat from Imam Syafi’i’s book in Al Umm, and Imam Ibn Hazmin’s book in Muhalla Bil Atsar, and their comparison from Mazahibil Arba’ah. The writer choose the appropriate opinion for Case study of Tanjungbalai Asahan.

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<sup>14</sup>Abdurrahman Al-Jaziri, *Fiqh ‘ala mazahibil arba’ah*, p. 541.



Writer thinks an opinion from Imam Syafi'i will work better because

1. Imam Syafi'i has more valid datas and Dalils from Alqur'an and Sunnah about the zakat at tijarah.
2. Many other ulama say that the zakat at tijarah exists. It has the same opinion as Imam Syafi'i's.
3. Imam Syafi'i allowed zakat of crab trading, while Imam Ibn Hazmin didn't.

#### **F. Research Methods**

Research is a process to find a new information. It will be very useful for college students to increase their knowledge. Society needs the research outcome more than the lectures do. Knowledge will be beneficial if it is applied in life bringing positive impacts to people and surrounding environment.

Thesis needs methods to accomplish. There are 2 steps of researching, they are Field Reseach and Library Reseach. Both steps are used for this research. Field Research is done to get the data by observing, interviewing, and discussing. And Library Research is done by getting the information from books, journals, magazines, etc.<sup>15</sup>

#### **G. The Structure of Study**

In this Thesis, I included chapters systematically. There are four chapters in this thesis:

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<sup>15</sup>Sugiono, *Metode Penelitian Kuantitatif Dan Kualitatif* (Bandung: Al fabeta), p. 27.

Chapter I: Writer introductions. This introduction explains:

- A. Study Background
- B. Question Research
- C. Research Objectives
- D. Thought Plan Of Study
- E. Hypotheses
- F. Researching Method
- G. Discussion Systematic

Chapter II: The writer discussed about Zakat and Tijarah in Fiqh perspective.

Chapter III: The writer discussed about Crab, Crab types, Crab benefits, Crab trading in Tanjungbalai, Tanjungbalai Geography and Demography.

Chapter IV: The writer discussed about the Zakat of crab trading according to opinions and Dalils of Imam Syafi'i and Imam Ibn Hazmin, and made different opinion. The writer will do Munaqasah 'Adillah and choose the Rajih argument for societies in Tanjungbalai Asahan.

Chapter V: The writer discussed about closings of this Thesis, which are conclusion, and suggestion.<sup>16</sup>

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<sup>16</sup> Zulham, *Pedoman Penulisan Skripsi Fakultas Syari'ah Dan Hukum UIN Sumatera Utara* (Medan: UIN Press, 2019), p. 15.

## **CHAPTER II**

### **ZAKAT AND TIJARAH IN FIQH PERSPECTIVE**

#### **1. Zakat Definition**

Zakat in Bahasa means Nama' means prosperity, Thaharah means purity, Barakah means blessed, and Tazkiyah, Tathhier mean clean. Syara' uses both (Tazkiyah and Tathhier to this meaning). Firstly, zakat is expected to bring fertilities. Secondly, it's a statement to declare that the soul is clean from stingy and sin.

1. Imam Nawawi said that Zakat contains prosperity meaning.
2. Ibn 'Arabi explained Zakat is for Shadaqah Wajibah, and Shadaqah Mandubah, forgiveness, and rightness.
3. Abu Muhammad Ibn Qutaibah said that word of Zakat is taken from Nama'.
4. Al Mughni said output wealth called as Zakat because it is be a causal factor to prosperity.
5. Abul Hasan Al Wahidi said that Zakat consecrates wealth, fix it, and makes it fertile.

#### **2. Zakat According To Syara'**

Imam Al Mawardi said in his book Al Hawi

الزكاة اسم لاخذشيء مخصوص من مال مخصوص على أوصاف مخصوصة  
لطائفة مخصوصة

The meaning: "Zakat is a name to take something certainly, from certain wealth, on certain characteristics, for certain group."

Imam Asy Syaukani said

اعطاء جزء من النصاب الى فقير ونحوه غير متصف بما نع شرعي يمنع من التصرف اليه.

The Meaning: “To give part of wealth to Faqir etc, and unobstructed with Syara’, and forbid to give it.”

Zakat according to some terminologies in Quran

a. Zakat

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ (٤٣)

The meaning: “And perform as salat (iqamat-as-salat), and give **zakat**, and bow down (or submit yourselves with obedience to Allah) along with ar-raki’un.” (qs. Al baqarah/2:43)<sup>17</sup>

b. Shadaqah

أَلَمْ يَعْلَمُوا أَنَّ اللَّهَ هُوَ يَقْبَلُ التَّوْبَةَ عَنْ عِبَادِهِ وَيَأْخُذُ الصَّدَقَاتِ وَأَنَّ اللَّهَ هُوَ التَّوَّابُ الرَّحِيمُ (١٠٤)

The Meaning: “know they not Allah SWT accepts repentance from his slaves and takes the **Sadaqat** (alms, charities) and that Allah SWT alone is the one who forgives and accepts repentance, most merciful?” (QS. At Taubah/9:104)<sup>18</sup>

c. Haq

﴿وَهُوَ الَّذِي أَنْشَأَ جَنَّاتٍ مَّعْرُوشَاتٍ وَغَيْرَ مَعْرُوشَاتٍ وَالنَّخْلَ وَالزَّرْعَ مُخْتَلِفًا أَكْلُهُ وَالزَّيْتُونَ وَالرُّمَانَ مُتَشَابِهًا وَغَيْرَ مُتَشَابِهٍ كُلُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ (١٤١)﴾

<sup>17</sup> Yayasan Penyelenggara Penerjemah Alquran, *the Noble Quran*, p. 11.

<sup>18</sup> Yayasan Penyelenggara Penerjemah Alquran, *the Noble Quran*, p. 389.

The Meaning: “And it is he who produces gardens trellised and untrellised, and date-palms, and crop soft different shape and taste (Its fruits and its seeds) and olives, and pomegranates, similar (in kind) and different (in taste). Eat of their fruit when they ripen, but pay **The Due Thereof** (its Zakat, according to Allah’s orders 1/10<sup>th</sup> or 1/20<sup>th</sup>) on the day of its harvest, and waste not by extravagance. Verily, He likes not al-musrifun (those who waste by extravagance).” (QS. Al An’am/8: 141)<sup>19</sup>

d. Nafaqah

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّ كَثِيرًا مِّنَ الْأَحْبَارِ وَالرُّهْبَانِ لِيَأْكُلُوا أَمْوَالَ النَّاسِ بِالْبَاطِلِ وَيَصُدُّونَ عَن سَبِيلِ اللَّهِ وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ (٣٤)﴾

The meaning: “o you who believe! Verily, there are many of the (Jewish) rabbis and the (Christian) monks who devour the wealth of mankind in falsehood, and hinder (them) from the way of Allah (i.e. Allah’s religion of Islamic monotheism). And those who hoard up gold and silver (al kanz: the money, the Zakat of which has not been paid), and **spend it** not in the way of Allah SWT, announce unto them a painful torment).” (QS. At Taubah/9: 34)<sup>20</sup>

e. ‘Afuw

﴿خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِينَ (١٩٩)﴾

The meaning: “Show **forgiveness**, enjoin what is good, and turn away from the foolish (i.e. don’t punish them).” (QS. Al A’raf/7:199)<sup>21</sup>

<sup>19</sup> Yayasan Penyelenggara Penerjemah Alquran, *the Noble Quran*, p. 277.

<sup>20</sup> Yayasan Penyelenggara Penerjemah Alquran, *the Noble Quran*, p. 368.

<sup>21</sup> Yayasan Penyelenggara Penerjemah Alquran, *the Noble Quran*, p. 337.

The terminologies of Zakat are used in some words, however the information which spreads at the society about word of Zakat is only for Shadaqah Wajibah, and the word of Shadaqah is only for Shadaqah Sunnah.<sup>22</sup>

The donated wealth is protected by Allah SWT and it can be continued by posterities to get Barakah, while the wealth which is not donated is not protected. It will disappear soon from the earth. Allah SWT will destruct it with various ways. So, the conclusion is the word Zakat is for purifying prosperity wealth. It is also a manifestation from social life and must be managed by government.

In Indonesia, Zakat is managed via laws Number 23 2011 about Zakat management. It was legalized on 25 November 2011 and the revision of previous laws Number 38 1999. They are BAZNAZ, LAZ and UPZ.<sup>23</sup>

### **3. Kinds of Zakat in Fiqh Persfactive**

Zakat consists of 6 types, Zakat of Livestock, Zakat of Agriculture, Zakat of Gold and Silver, Zakat of Trading, Zakat of Rikaz and Mine, and Zakat Alfitrah.

#### **A. Zakat of Livestock**

It's obligated for independent Moslem (not a slave) though he is not adult yet. That's why, little child and even crazy man are obligated. Rasulullah SAW said in Hadits about the duty:

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<sup>22</sup>Muhammad Hasbi Ash Shiddieqy, *Pedoman Zakat* (Semarang: Pustaka Rizki Putra, 1999), p. 3-8.

<sup>23</sup> Saparuddin Siregar, *Akuntansi Zakat Dan Infak/Sedekah Sesuai PSAK 109* (Medan: Wal Ashri Publishing, 2013), p. 19-23.

حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ بْنُ غِيَاثٍ، حَدَّثَنَا أَبِي، حَدَّثَنَا الْأَعْمَشُ، عَنِ الْمَعْرُورِ بْنِ سُوَيْدٍ، عَنْ أَبِي ذَرٍّ رَضِيَ اللَّهُ عَنْهُ، قَالَ: انْتَهَيْتُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: " وَالَّذِي نَفْسِي بِيَدِهِ - أَوْ: وَالَّذِي لَا إِلَهَ غَيْرُهُ، أَوْ كَمَا حَلَفَ - مَا مِنْ رَجُلٍ تَكُونُ لَهُ إِبِلٌ، أَوْ بَقَرٌ، أَوْ غَنَمٌ، لَا يُؤَدِّي حَقَّهَا، إِلَّا أَتَى بِهَا يَوْمَ الْقِيَامَةِ، أَعْظَمَ مَا تَكُونُ وَأَسْمَنَهُ تَطَوُّهُ بِأَخْفَافِهَا، وَتَنْطَحُهُ بِقُرُونِهَا، كُلَّمَا جَارَتْ أُخْرَاهَا رُدَّتْ عَلَيْهِ أُولَاهَا، حَتَّى يُقْضَى بَيْنَ النَّاسِ (رواه صحيح البخاري)<sup>24</sup>

The meaning: “Umar bin Hafshin bin Ghiats narrated us, Abi narrated us, Al A’masy narrated us, from Mi’rur bin Suaidi, from Abi Dzar RA. He said: “I came to Rasulullah SAW”. He said: “by myself in His dominance, or by no god except Him, or as He swears. No one has Camel, Cow, or Sheep, and he doesn’t give Zakat. The livestock will come him in here after with bigger and fatter condition than usual. The animals will trample him by feet and butt him by horn. If it has done on last line, it will be returned to first line, till punishment between human is decided.” (HR. Shahih Al Bukhori)

The followings are eligibility from obligated one

- A. There is a livestock
- B. Shepherded in wild grass
- C. Full of a year
- D. Owned perfectly
- E. Full of Nishab (Minimum in counting)

The followings are the details from the eligibility

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<sup>24</sup>Muhammad Bin Isma’il Abu Abdillah Al Bukhori Al-Ja’fi, *Shohih Bukhori*, vol. 2 (Dar Tuq Najah, 1422), p. 119 Hadits 1460.

- A. The livestock must consist of Camel, Cow, and Goat (Sheep). There is no Zakat from Horse, Baghal, Donkey, and the animal born from Antelope and Sheep.
- B. The livestock must be shepherded in a wild grass. There's no Zakat from fed, and fed shepherded livestock.
- C. Full of a year (counted from first day doing the effort). If the livestock bore during the year, it follows its mom Haul. Next, if it's sold or granted (as Hibah) in the middle of Haul, the Haul cut off, and there will be no Zakat on it.

Rasulullah saw said

"لا زكاة في مال حتى يحول عليه الحول"

The meaning: "There is no Zakat from wealth until It arrives a year"

- D. Owned perfectly.<sup>25</sup>
- E. Full of Nishab, it's a minimum counting to take Zakat.<sup>26</sup>

**TABLE 1.** The followings are the lists of Camel and its Zakat.

Number	Amount (From – Until)	Zakat	Age
1	5 – 9	1 Goat Or 1 Sheep	2 years more 1 year more
2	10 – 14	2 Goats Or	2 years more

<sup>25</sup>Rich Man, Is Someone Has More From What He Needs In Daily. Rich Is One Of Eligibility In Zakat.

<sup>26</sup>Abu Hamid Muhammad Al-Ghazali, *Asrar Ash Shoum Wa Asrar Az Zakat, Rahasia Puasa Dan Zakat*, translator: Muhammad Al Baqir (Bandung: Karisma, 1995), p. 50 – 51.



		2 Sheeps	1 year more
3	15 – 19	3 Goats Or 3 Sheeps	2 years more 1 year more
4	20 – 24	4 Goats Or 4 Sheeps	2 years more 1 year more
5	25 – 35	1 Camel / 1 Makhoodh	1 year more
6	36 – 45	1 Camel / 1 Bintu Labuun	2 years more
7	46 – 60	1 Camel / 1 Hiqooh	3 years more
8	61 – 75	1 Camel / 1 Jidz’ah	4 years more
9	76 – 90	2 Camels / 2 Bintu Labuun	2 years more
10	91 – 120	2 Camels / 2 Hiqooh	3 years more
11	121 - ....	3 Camels / 3 Bintu Labuun	2 years more

**TABLE. 2** The followings are the lists of Cow and its Zakat

Number	Amount (From – Until)	Zakat	Age
1	30 – 39	1 Cow / 1 Tabii’	1 year more
2	40 – 59	1 Cow / 1 Musinnah	2 years more
3	60 – 69	2 Cows / 2 Tabii’	1 year more
4	70 – 79	2 Cows / 1 Musinnah And 1 Tabii’	

**TABLE 3.** The followings are the lists of Goat and its Zakat<sup>27</sup>

Number	Amount (From – Until)	Zakat	Age
1	40 – 120	1 Female Goat Or 1 Female Sheep	2 years more 1 year more
2	121 – 200	2 Female Goats Or 2 Female Sheeps	2 years more 1 year more
3	201 – 300	3 Female Goats Or 3 Female Goats	2 years more 1 year more
4	301 – 400	4 Female Goats Or 4 Female Goats	2 years more 1 year more
5	401 – 500	4 Female Goats Or 4 Female Goats	2 years more 1 year more

Furthermore, if there are two people or more in cooperation, it will be calculated equal with one owner. for example:

2 owners in 40 Goats the Zakat is 1 Goat.

3 owners in 120 Goats the Zakat is 3 Goats.

Cooperation or working together between owners will be legal if it qualify the followings

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<sup>27</sup>Abdullah Ath-Thoyyar, *Kaifa Tuzakki Amwalak, Mari Berzakat*, translator: Basalamah (Jakarta: Gema Insani Press, 1994), p. 27 – 31.

1. The shepherd place is same
2. The drinking place is same
3. In one stable
4. The milking place is same
5. The seeding place is same
6. The owners qualify eligibility of Zakat obligation

It is forbidden to take Zakat from ill livestock although parts of them are healthy. It's supposed to take Zakat from Standard of the livestock, not the best not the worst.

#### **B. Zakat of Agriculture (Plants and Fruits)**

Allah SWT gives enjoyment to human in some types of unpredictable enjoyments. It is from self (body and personal). Allah SWT makes his creatures (animal and plants) complement to human life. Those are commanded respectful to human. One of his enjoyment is an earth that's used for cultivating life sources, as a medium to get fortune, and as life directness.

Allah SWT says about his power in universe in Quran

أَفَرَأَيْتُمْ مَا تَحْرُثُونَ (٦٣) أَأَنْتُمْ تَزْرَعُونَهُ أَمْ نَحْنُ الزَّارِعُونَ (٦٤)

The meaning: 63. "Tell me! The seed that you sow in the ground." 64. "Is it you that make it grow, or are we the grower?" (QS. Al Waqi'ah/56: 63 – 64).<sup>28</sup>

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<sup>28</sup>Yayasan Penyelenggara Penerjemah Alquran, *the Noble Quran*, p. 1143.

From that ayat, one of our ways to thank God is by putting outside Zakat from exploiting earth (plants and fruits). Besides that, by doing Zakat we show our solidarity to others.

The followings are Dalil in Zakat of agriculture

﴿وَهُوَ الَّذِي أَنْشَأَ جَنَّاتٍ مَّعْرُوشَاتٍ وَغَيْرَ مَعْرُوشَاتٍ وَالنَّخْلَ وَالزَّرْعَ مُخْتَلِفًا أَكْلُهُ وَالزَّيْتُونَ وَالرُّمَانَ مُتَشَابِهًا وَغَيْرَ مُتَشَابِهٍ كُلُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ (١٤١)﴾

The Meaning : “And it is he who produces gardens trellised and untrellised, and date-palms, and crop soft different shape and taste (Its fruits and its seeds) and olives, and pomegranates, similar (in kind) and different (in taste). Eat of their fruit when they ripen, but pay the due thereof (its Zakat, according to Allah’s orders 1/10<sup>th</sup> or 1/20<sup>th</sup>) on the day of its harvest, and waste not by extravagance. Verily, He likes not almusrifun (those who waste by extravagance).” (QS. Al An’am/8: 141)<sup>29</sup>

In Hadits Rasulullah SAW said the duty and the standard from Zakat of agriculture.

حَدَّثَنَا سَعِيدُ بْنُ أَبِي مَرْيَمَ، حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ، قَالَ: أَخْبَرَنِي يُونُسُ بْنُ يَزِيدَ، عَنْ الزُّهْرِيِّ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: فِيمَا سَقَتِ السَّمَاءُ وَالْأَرْضُ أَوْ كَانَ عَثَرِيًّا الْعَشْرُ، وَمَا سَقَى بِالنَّضْحِ نِصْفُ الْعَشْرِ (رواه صحيح البخاري)<sup>30</sup>

<sup>29</sup>Yayasan Penyelenggara Penerjemah Alquran, *the Noble Quran*, p. 265.

<sup>30</sup>Muhammad Bin Isma’il Abu Abdillah Al Bukhori Al-Ja’fi, *Shohih Bukhori*, vol. 2, p. 126, Hadits 1483.

The Meaning: “Sa’id Bin Abi Maryam narrated us. ‘Abdullah Bin Wahab narrated us. He said: Yunus Bin Yazid informed me. From Zuhri, from Salim Bin ‘Abdillah, from his father RA, from Rasulullah SAW said: Plant that’s poured by rain or river. It obligates Zakat 1/10. Plant that’s poured by transportation (Saniyyah). It obligates 1/20.” (HR. Shahih Al Bukhari)

Some fuqaha have different opinions in determining kinds of plants and fruits on Zakat. They pay Zakat because of its duty or ‘Illat (relating with certain motives). After seeking of agreement there are 4 obligatory plants and fruits. They are Hinthoh (Wheat), Sya’iir (such rice plant), Zabiib (Raisin), and Tamrun (Date palm). Ijma’ Ulama said wajib, however some ulama obligate other plants beside them. The difference is because of ‘illat (about motive and Syar’i reason).

### **Nishob, Haul, and Standard in Paying Zakat Of Agriculture (Plants and Fruits).**

#### **Nishob**

According to Hadits, the Nishab Is more than 5 awsuq. Underneath it is not duty. According to al Muhiith dictionary, In 1 wusuq = 60 sho’, so 5 awsuq = 300 sho’. In other page explained 1 sho’ = 4 mudd (handful), so in 300 sho’ = 1200 mudd (handfuls). In 1 sho’ = 2 ¼ kg, so in 300 sho’ x 2 ¼ kg = 675 kg. this calculating is applied to Hinthoh (wheat), Zabiib (raisin), and Tamrun (date palm).

Asy Syeikh Hutsaimin in Majaalis Syahri Ramadhan said that Nishab seed in one wasaq means 60 Sho’ Rasulullah (2,04 kg), so 300 Sho’ Rasulullah x (2,04 kg) means 612 kg must put outside in his opinion.

## Haul

The timing in putting outside of this Zakat when the plant Fruits seem ripen and when its seed ossifies. Next it is dried and spreaded to legal receiver. There is no Haul in one year. This is one of peculiarity of agriculture Zakat. That's because it is planted by Allah SWT.

## Standard

In Hadits Shohih narrated by Salim Bin Abdullah RA from his father that Rasulullah saw said "All things poured from heavens (rain) and flowing spring, or poured by it self (seepage) then its Zakat is 1/10 from it. Next whatever poured by tool from his owner, its Zakat is half from 1/10".

It is clear, 1/10 or 10 % with no tool, 0,5/10 or 5 % with tool.

For example, harvest result 6 ton Rice, (1 Kg. = Rp. 5.000), Insecticide Rp.25.000.000: Rp. 5.000 = 500 Kg. So his Zakat is 10% x 5.500 Kg = 550 Kg. or 5% x 5.500 Kg = 275 Kg.<sup>31</sup>

### C. Zakat of Gold and Silver

In days of yore, the currency was not known. Therefore, human did the trade after then money which is called barter (Al Muqoyyadhoh). But, it is not effective anymore, and nowadays it is unapplicable. Human thinking develops the uses of Gold and Silver.

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<sup>31</sup>Maratua Simanjuntak, *Menghitung Zakat Sendiri* (Medan: BAZDA SU, 2005), p.12.

In fact, muslim realizes that zakat is important. The almighty says that zakat and shalat are sentences that made strong dalil. After we observe more about financial system in world, we get unbeliever financial system which destroys zakat essence. Non muslim economic system changes economic monetary prosperity. It makes our money indistinct, runs from layer to computer only, via electronic. So, the currency system must be returned to every Islam society to get money changer essence which is back to gold end silver.<sup>32</sup>

Allah SWT gives more values for Gold and Silver. When Rasulullah SAW was sent, the condition of society used both currencies at that time. Currency of Gold was called dinar, while currency of silver was called Dirham. They followed that from people's habit around them (around Arabia). In this case Allah SAW explain the duty in Qur'an.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّ كَثِيرًا مِّنَ الْأَحْبَارِ وَالرُّهْبَانِ لِيَأْكُلُوا أَمْوَالَ النَّاسِ بِالْبَاطِلِ وَيَصُدُّونَ عَن سَبِيلِ اللَّهِ وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يُنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُم بِعَذَابٍ أَلِيمٍ (٣٤) يَوْمَ يُحْمَىٰ عَلَيْهَا فِي نَارِ جَهَنَّمَ فَتَكْوَىٰ بِهَا جِبَاهُهُمْ وَجُنُوبُهُمْ وَظُهُورُهُمْ هَٰذَا مَا كَنْزْتُمْ لِأَنفُسِكُمْ فَذُوقُوا مَا كُنْتُمْ تَكْنِزُونَ (٣٥)﴾

The meaning: 34. “o you who believe! Verily, there are many of the (Jewish) rabbis and the (Christian) monks who devour the wealth of mankind in falsehood, and hinder (them) from way of Allah SWT. And those who hoard up **gold and silver** (al kanz: the money, the Zakat of which has not been paid), and spend it not in the way of Allah SWT, announce unto them a painful

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<sup>32</sup>Ismail Yusanto and Friends, *Dinar Emas Solusi Krisis Moneter* (Jakarta: INFID, SEM, And PIRAC, 1999), p. 62 – 66.

torment. 35. On the day when that will be heated in the fire of hell and with it will be branded their foreheads, their flanks, and their backs, (and it will be said unto them). This is the treasure which you hoarded for yourselves. Now taste of what you used to hoard.” (QS. At Tawbah/9: 34 – 35)<sup>33</sup>

Next Rasulullah SAW said in Hadits narrated by Abu Daud from Ali Bin Abi Thalib RA.

حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ، أَخْبَرَنَا ابْنُ وَهْبٍ، أَخْبَرَنِي جَرِيرُ بْنُ حَازِمٍ، وَسَمَى آخَرَ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَاصِمِ بْنِ ضَمْرَةَ، وَالْحَارِثِ الْأَعْوَرِ، عَنْ عَلِيِّ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِبَعْضِ أَوَّلِ هَذَا الْحَدِيثِ، قَالَ: «فَإِذَا كَانَتْ لَكَ مِائَتَا دِرْهَمٍ، وَحَالَ عَلَيْهَا الْحَوْلُ، فَفِيهَا خَمْسَةٌ دَرَاهِمٍ، وَلَيْسَ عَلَيْكَ شَيْءٌ - يَعْنِي - فِي الذَّهَبِ حَتَّى يَكُونَ لَكَ عِشْرُونَ دِينَارًا، فَإِذَا [ص:101] كَانَ لَكَ عِشْرُونَ دِينَارًا، وَحَالَ عَلَيْهَا الْحَوْلُ، فَفِيهَا نِصْفُ دِينَارٍ، فَمَا زَادَ، فَحِسَابِ ذَلِكَ لَيْسَ فِي مَالٍ زَكَاةٌ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ (رواه ابو داود)<sup>34</sup>

The meaning: “Sulaiman bin Daud Al Mahriy narrated us, Ibn Wahbin told us, Jarir bin Hazim told me, and other told. From Abi Ishaq, from ‘Ashim bin Dhomrah, and Harits Al A’war, from ‘Aliy RA, from Prophet Muhammad SAW in a part of this first Hadits. He said: “If you have 200 Dirham during 1 year, its Zakat 5 Dirham, you don’t have obligation for Gold Zakat, until you have 20 dinar during 1 year, its Zakat is ½ dinar. If it’s more, count according to overplus. And there’s no Zakat obligation until passes 1 year.”(HR. Abu Daud)

<sup>33</sup>Yayasan Penyelenggara Penerjemah Alquran, *the Noble Quran*, p. 369.

<sup>34</sup>Abu Daud Sulaiman Bin Al-Asy’ats, *Sunan Abu Daud*, vol. 2 (Beirut: Maktabah ‘Isyriyah), P. 100, Hadits 1573.



## **Nishab, Haul, and Standard in Paying Zakat of Gold and Silver.**

Imam Nawawi said that Silver Nishob is 5 Uuqiyah which is equal to 200 Dirham according to Hadits and Ijmak. Gold Nishab is 20 Mitsqal, and other things by Ijma', There are differences in Nishob

1. Syaikh Abu Bakar Al Jazaairiy in his book Al Jumal Fi Zakaatul 'Amal said gold nishab is 20 Mitsqal (Dinar) = 70g. gold. Silver Nishab is 200 Dirham = 460 g. silver.
2. Sulaiman Rasyid in his book, Fiqh Islam, gold nishab is 93,6 g. and silver nishab is 624 g. silver.
3. Many fuqaha said, gold nishab is 85g. gold, and silver nishab is 595g.

For example: Savings Rp. 7.000.000, cash Rp 3.000.000, Gold 100 gr. (Rp 80.000.000), Diamond (Rp 23.000.000) totally 113.000.000 Debt Rp. 3.000.000 cash balance 110.000.000. So, its zakat is  $2.5\% \times \text{Rp } 110.000.000 = \text{Rp. } 2750.000$ .<sup>35</sup>

Calculating is done in every year at same month.

### **D. Zakat of Trading**

In this type Allah SWT said in Quran

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ وَلَا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ وَلَسْتُمْ بِآخِذِيهِ إِلَّا أَنْ تُغْمِضُوا فِيهِ وَاعْلَمُوا أَنَّ اللَّهَ غَنِيٌّ حَمِيدٌ (٢٦٧)

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<sup>35</sup>Maratua Simanjuntak, *Menghitung Zakat Sendiri*, p. 9.

The meaning: “O you who believe! Spend of good things which you have (legally) earned, and of that which we have produced from the earth for you, and do not aim at that which is bad to spend from it, (though) you would not accept it save if you close your eyes and tolerate therein. And know that Allah SWT is rich (free of all wants), and worthy of all praise.” (Al Baqarah/2: 267)<sup>36</sup>

Ulama said the ayat duties us to pay Zakat ‘Uruudh Tijarah. Imam Ath Thobari said that ayat explain us to pay Zakat from what we produce, from trading or from factory.

حَدَّثَنَا مُحَمَّدُ بْنُ دَاوُدَ بْنِ سُفْيَانَ، حَدَّثَنَا يَحْيَى بْنُ حَسَّانَ، حَدَّثَنَا سُلَيْمَانُ بْنُ مُوسَى أَبُو دَاوُدَ، حَدَّثَنَا جَعْفَرُ بْنُ سَعْدٍ بْنُ سَمُرَةَ بْنِ جُنْدُبٍ، حَدَّثَنِي خُبَيْبُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ سُلَيْمَانَ، عَنْ سَمُرَةَ بْنِ جُنْدُبٍ، قَالَ: «أَمَّا بَعْدُ، فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَأْمُرُنَا أَنْ نُخْرِجَ الصَّدَقَةَ مِنَ الَّذِي نَعْدُ لِلْبَيْعِ (رواه ابو داود)<sup>37</sup>

The Meaning : “Muhammad bin Daud bin Sufyan narrated us, Yahya bin Hassan narrated us, Sulaiman bin Musa Abu Daud narrated us, Ja’far bin Sa’d Samurah bin Jundub narrated us, Khubaib bin Sulaiman narrated me, from his father Sulaiman, from Samurah bin Jundub, he said : “Amma ba’d, indeed Rasulullah SAW ordered all of us to pay Zakat for every commodities which are prepared for trading.”(HR. Abu Daud)

Discussing about it, there are some prerequisites

<sup>36</sup>Yayasan Penyelenggara Penerjemah Alquran, *the Noble Quran*, p. 82.

<sup>37</sup>Abu Daud Sulaiman Bin Al-Asy’ats, *Sunan Abu Daud*, vol. 2, p. 95, Hadits 1562.

- a. Own the trading perfectly (100%), and has the desire for trading.
- b. The trading values have got Nishab in one of two currencies (Dinar and Dirham)
- c. The trading has got haul (1 year)<sup>38</sup>

Standard of this Zakat is 2.5 %. For example someone has trading commodity with one million Rupiahs commercial value. So he puts outside his Zakat  $2.5 \% \times \text{Rp } 1.000.000 = \text{Rp } 25.000$ .

Some traders do transaction with non constant thing during year (for example notions, clothes, daily need). The transaction must be written and calculated in detail to be input in the first haul. After that, it is calculated totally in the final haul. The last pay Zakat is 2.5 %.

Firstly haul is counted since the trader own money to pay the tribute for trading, if the money reaches the Nishab. If it is less than Nishab or he buys something with trading intention so its counting is firstly bought. For example, a Corporation closed book in January 2002 with financial condition: 10 cup boards haven't been sold = Rp.15.000.000, Cash money Rp.10.000.000, Debt Rp.2.000.000, tax Rp.2.000.000. Totally Rp.25.000.000. So, the Zakat  $2.5\% \times \text{Rp.25.000.000} = \text{Rp.625.000}$ .<sup>39</sup>

Others say that Zakat of Profession (such Consultant, Doctor, Psychiatrist, Notary, Broker, Contractor, Lawyer, Commissioner, Pioneer, Artist, etc). Same as

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<sup>38</sup>Didin Hafifuddin, *Zakat Dalam Perekonomian Modern* (Jakarta: Gema Insani Press, 2002), p. 34.

<sup>39</sup> Maratua Simanjuntak, *Menghitung Zakat Sendiri*, p.10.

Zakat of Trading. And it's also obligated according to (QS. Al Baqarah/2: 267), (QS. At Taubah/9: 103), (QS. Al Hasyr/59: 7), and (QS. Al Anfal/8: 41). There is a different on ulama for the standard 2,5 % (qiyas from tijarah) and 20 % (qiyas from ghanimah).<sup>40</sup>

#### E. Zakat of Rikaz and Mine

In this type Allah SWT said in Quran

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ وَلَا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ وَلَسْتُمْ بِآخِذِيهِ إِلَّا أَنْ تُغْمِضُوا فِيهِ وَاعْلَمُوا أَنَّ اللَّهَ غَنِيٌّ حَمِيدٌ (٢٦٧)

The Meaning: “O you who believe! Spend of good things which you have (legally) earned, and of that which we have produced from the earth for you, and do not aim at that which is bad to spend from it, (though) you would not accept it save if you close your eyes and tolerate therein. And know that Allah SWT is rich (free of all wants), and worthy of all praise.” (Al Baqarah/2: 267)<sup>41</sup>

Rasulullah SAW said about this Zakat in Hadits

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ، أَخْبَرَنَا مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَعَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ

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<sup>40</sup>Muhammad Mag, *Zakat Profesi Wacana Pemikiran Dalam Fiqh Kontemporer* (Jakarta: Salemba Diniyah, 2002), p. 103 – 104.

<sup>41</sup>Yayasan Penyelenggara Penerjemah Alquran, *The Noble Quran*, p. 82.

صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: الْعَجْمَاءُ جُبَارٌ، وَالْبُئْرُ جُبَارٌ، وَالْمَعْدِنُ جُبَارٌ، وَفِي الرِّكَازِ  
الْخُمْسُ (رواه صحيح البخاري)<sup>42</sup>

The Meaning: “Abdullah bin Yusuf narrated us, Malik told us. From Ibn Syihab, Sa’id bin Musayyib, and Abi Salamah bin ‘Abdi Ar Rahman. From Abi Hurairah RA: indeed Rasulullah SAW said: ‘Ajma<sup>43</sup>, Well, and Mine are Jubar<sup>44</sup>. For treasure trove, its Zakat is fifth.”(HR. Shahih Al Bukhari)

#### **F. Rikaz (Qarun Treasure / Buried Treasure)**

Definition of Rikaz is a buried treasures in Jahiliyah era, and found in a unexplored area by someone at Moslem time.

Treasure found in gold and silver must be paid for the Zakat amount a fifth (khumus). There is no Haul here. It is like bounty (Ghanimah treasures) so there is no Nishab. In other opinions, it is like zakat of gold and silver. Therefore, that regulation is 20 % or 1/5 from treasures.<sup>45</sup>

#### **Mine**

Definition of mine is all things come outside from womb of earth or its surface and buried since yore, for example Gold and Silver. Nishab, Haul and standard equal with Rikaz one. Allah SWT says QS 2: 267

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<sup>42</sup>Muhammad Bin Isma’il Abu Abdillah Al Bukhori Al-Ja’fi, *Shohih Bukhori*, vol. 2, p. 130, Hadits 1499.

<sup>43</sup>Unowned Animal.

<sup>44</sup>Something If Broken There Is No Dhiyat.

<sup>45</sup>Maratua Simanjuntak, *Menghitung Zakat Sendiri*, p.13.

Imam Qurtubi in his Tafsir explained plants, fruits, mine, buried treasures (pay dirt). Some ulama have different opinions to determine duty mine treasure to zakat. There are 3 opinions:

1. Imam Malik And Imam Syafi'i divided them only for silver and gold. Beside them, there is no zakat.
2. Imam Abu Hanifah said that all solid mines and mellowed by fire have to pay Zakat. Beside them, there is no zakat.
3. Imam Hanbali said that it must be put outside all solid treasures. If it is from earth and benefit, there is Zakat.

#### G. Zakat Fitrah

Information about this zakat we can find in Hadits

حَدَّثَنَا يَحْيَى بْنُ مُحَمَّدٍ بْنِ السَّكَنِ، حَدَّثَنَا مُحَمَّدُ بْنُ جَهْضَمٍ، حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ عُمَرَ بْنِ نَافِعٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: فَرَضَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ زَكَاةَ الْفِطْرِ صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ شَعِيرٍ عَلَى الْعَبْدِ وَالْحُرِّ، وَالذَّكَرِ وَالْأُنْثَى، وَالصَّغِيرِ وَالْكَبِيرِ مِنَ الْمُسْلِمِينَ، وَأَمَرَ بِهَا أَنْ تُؤَدَّى قَبْلَ خُرُوجِ النَّاسِ إِلَى الصَّلَاةِ (رواه صحيح البخاري)<sup>46</sup>

The meaning: “Yahya bin Muhammad bin Sakan narrated us, Muhammad bin Jahdham narrated us, Isma'il bin Ja'far narrated us, from 'Umar bin Nafi', from his father, from Ibn 'Umar RA. He Said Rasulullah SAW obligates Zakat Al Fithri 1 Sha' from Date, 1 Sha' from Wheat Flour on Slave man and free man, on man or woman, on young and adult Muslims, and Rasulullah

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<sup>46</sup>Muhammad Bin Isma'il Abu Abdillah Al Bukhori Al-Ja'fi, *Shohih Bukhori*, vol. 2, p. 130, Hadits 1503.

SAW commanded to pay it before people go out for Shalat<sup>47</sup>.” (HR. Shahih Al Bukhari)

In that Hadits we can get information that It’s legal according to Rasulullah SAW explaining as much as one Sha’ (2.5 Kg. rice) from satisfied food, and obligated for all muslims. From that hadits, we know a muslim put outside Zakat al Fitrah for his families such as wife, husband, son, grandfather etc.

Imam Al Ghazali said that people ought not to think much about what will happen in future, Allah SWT promises fortune. Human should believe and understand that worry is from devil.

We know that Satan task is making human go to hell as many as possible, and forget Allah SWT, far from Amar Ma’ruf Nahi Munkar. One of cases, we pay Shadaqah in way of Allah SWT doubtfully.<sup>48</sup>

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<sup>47</sup>Shalat ‘Id Al Fithri.

<sup>48</sup>Maratua Simanjuntak et. al, *Gerakan Sadar Zakat* (Medan: BAZDA SU, 2009), p.8.

## TIJARAH IN FIQH PERSPECTIVE

### 1. Definition of Tijarah

It's from اشترى – يشتري means sell. Sometimes it's translated as اشترى – يشتري means buy. In terminology, there are many definitions about it. According to ulama Fiqh, the substance and essence are same. One of them Ulama Hanafiyyah said tijarah.

مبادلة مال بمال على وجه مخصوص

The meaning: “changing treasure each other via certain way”

Other definition which is mentioned by Malikiyah, Syafi'iah, and Hanabilah, according to them Tijarah.

مبادلة المال بالمال تملكا وتملكا

The Meaning: “changing treasure each other via possession and ownership transfer shape.”

So, the different with Hanafiyyah is stretching in possession transfer. There are such thing we must differentiate like renting.<sup>49</sup> One of the ways for us is to get many treasures by trading or doing tijarah. Actually Rasulullah SAW preferred his Ummat needy because he worried his Ummat would be luxurious and forget the obligation in Shadaqah and Zakat. The treasure will make them stingy and get sins. The secret of rich is not in treasure oriented, but it is in psychological oriented. In other word, it is about the characteristic glories. For example, helping others, doing

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<sup>49</sup>Nasrun Haroen, *Fiqh Muamalah*, (Jakarta : Gaya Media Pratama), p. 111 – 112.



social action, etc. If we can do it, it will be better and get the benefit for human and ummat. So trading is the best way to get treasures.<sup>50</sup>

This following Allah SWT says about Hukum of this Muamalah

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ (٢٧٥)

The meaning: “Those who eat Riba (usury) will not stand (on the day of resurrection) except like standing of a person beaten by Shaitan (Satan) leading him to insanity. That is because they say: “trading is only like Riba (usury), “**whereas Allah has permitted trading and forbidden Riba (usury)**. So whosoever receives an admonition from his Lord and stops eating Riba (usury) shall not be punished for the past, his case is for Allah (to judge), but whoever returns (to Riba (usury)), such are the dwellers of the fire – they will abide therein.<sup>51</sup> (QS. Al Baqarah/2: 275)

From hadits rasulullah saw said

إنما البيع تراض (رواه البيهقي)

The Meaning: “Trading is on willing each other.”

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<sup>50</sup>Muhammad Nashiruddin Al-Albani, *Islam Mengentaskan Kemiskinan*, (Jakarta: Pustaka Azam, 2002), p. 35. See also Mhd. Syahnan, “Islam as a System: A Critical Analysis of Sayyid Quthb’s Principle Thought,” in *Analytica Islamica*, vol. 4 No. 1 (May 2002), pp. 45-57.

<sup>51</sup>Yayasan Penyelenggara Penerjemah Alquran, *The Nobel Qur’an*, p.85.

From that dalil qur'an and hadits. Jumhur ulama say tijarah as legal thing.<sup>52</sup>  
And can be runned in the muslim world.

## **2. Kinds of Tijarah in Fiqh.**

### **A. Ba'I Al Murabahah (Deferred Payment Sale)**

It is a treasure trading. The fortune is agreed together. In this type, seller must inform product budget to purchaser and determine profit. For example, buyer buys computer from wholesaler for Rp. 10.000.000, then he adds profit for Rp. 750.000 so, he sells to customer for 10.750.000.

Dalil Qur'an Allah SWT says in (QS. Al Baqarah/2: 275)

And Dalil hadits about this

The meaning: from Shuaib Ar Rumi RA. Rasulullah SAW said that "3 things which on it blessings : Trading by time, Muqaradhah (Mudharabah), and mix wheat flour with powder for house need, not for sale" (HR. Ibn Majah)

From that dalil we can conclude Murabahah is a legal thing to do, that is Islamic action. We must realize that Islamic action can run together with country affair. Even, it can be managed well and more perfect in Islamic system.<sup>53</sup>

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<sup>52</sup>Shalih Fauzan Al-Fauzan, *Jual Beli Dan Riba* (Bogor: Attibyan, 2002), p. 18. For detailed discussion on this issue see Mhd. Syahnan, "Modern Qur'anic Exegesis and Commercial Contracts: A Comparative Study of Rashid Ridha's and Sayyid Qutb's Interpretation of Some Riba Verses." *Jurnal Miqot*, (November-December 1997): pp. 15-23; also his "Larangan Spekulasi (Gharar) Dalam Kode Sipil Negara-Negara Arab: Suatu Analisa Sejarah Sosial Ekonomi." *Analytica Islamica*, Vol. 2 No. 2 (Nopember 2000): pp. 168-180.

<sup>53</sup>Soepriyo Soeaedy, *Basis Di Mata Kaum Sarungan & Berdasi* (Pekalongan: CV Bahagia, 1994), p.17.

### **B. Bai' As Salam Salaf (In Front Payment Sale)**

It's a treasure purchasing which is given later, whereas the payment is in front.

Allah SWT says

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَى أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ ۚ..... ۚ وَاللَّهُ  
بِكُلِّ شَيْءٍ عَلِيمٌ (٢٨٢)

The Meaning: “O you who believe! When you contract a debt for fixed period, write it down....., and Allah is the all knower of each and everything.”(QS. Al Baqarah/2: 282)

Dalil Hadits

Ibn Abbas narrated that Rasulullah SAW came to Madinah where the citizens do Salaf (Salam) in fruits for period of time: one, two, three years. He said

من اسلف في شيء ففي كيل معلوم ووزن معلوم الى اجل معلوم (اخجه الائمة استة)

The Meaning: “Whoever do Salaf (Salam), he does a clear measurement and scale, known period of time.”

### **C. Bai' Al Istishna' (Purchase by Order or Manufacture)**

It is a trading contract between purchaser and goods maker. In this contract, goods maker accepts errand from buyer. Then, they effort via others to make or buy thing according to agreed specification and sell it to final purchasers. Both compromise about payment price and system Wheter via instalment or via agreed time delay.

Bai' Istishna' is a continuing from Bai' As Salam. Commonly, Syari'ah base, dalil Quran and Hadits in Bai' As Salam is also Bai' As Istishna'.<sup>54</sup>

This type is often used for massive necessities, stocks in trade, business man, wholesaler etc. All the shapes above can book things in a lot, and it is also legal in Islam. For example, someone books rare shirts to manufacture in massive amounts, by deciding time, and measurement. However, there are rules that must be obeyed after having stocks. One of them is selling that things as soon as possible, and he must not submit the things till later. It is limited things in Islam. It is called as hoarder. This act is prohibited in Islam.<sup>55</sup>

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<sup>54</sup>Muhammad Syafi'i Antonio, *Bank Syariah dari Teori Ke Praktek* (Jakarta : Gema Insani Press and Tazkia Cendekia, 2001), p. 114.

<sup>55</sup>Muhammad Ibrahim Saqrah, *Fitnatul Ummah, Fitnah Harta*, translator: Munir Awod Badjuber, (Jakarta: Darul Falah, 2001), p. 53.

### **CHAPTER III**

## **CRAB, CRAB TYPES, and TANJUNGBALAI GEOGRAPHY and DEMOGRAPHY**

### **CRAB**

Crab is an animal which is consumed and has economic value. It has high bookings. It is not only delicious, but also high nutrient. 40 % of its body are eatable, 60 % protein in the meat, 0,8 % fat, and 7,5 % dust.

For egg, there are 89 % protein, 8,2 % fat, and 3,2 percent dust. 60 % of its body are uneatable. Portunidae is included in swimming crab group. In the west Indo-pacific there are 234 types. In Indonesia there are 124 types.

### **CRAB TYPES**

#### **1. EDIBLE CRAB**

Commonly, there are two crab types consumed by people: Mangrove Crab (Kepiting Bakau) and Small Crab (Rajungan).

##### **A. Mangrove Crab (Kepiting Bakau)**

##### **❖ Classification**

It is commonly consumed and cultivated in a dike. In taxonomy, we can classify them<sup>56</sup> as follows

- |          |                 |             |                |
|----------|-----------------|-------------|----------------|
| 1. Filum | : Arthropoda    | Subfilum    | : Mandibulata  |
| 2. Kelas | : Crustasea     | Subkelas    | : Malacostraca |
| 3. Tribe | : Eumalacostaca | Supertribe: | Eucarida       |
| 4. Ordo  | : Decapoda      | Subordo     | : Pleocyemata  |

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<sup>56</sup>M Ghufuran H. Kordi, *Budidaya Kepiting Bakau* (Jakarta : Aneka Ilmu), p.8.

5. Suku : Brachyura
6. Famili : Portunidae Subfamili : Portuninae
7. Genus : Scylla
8. Species :

**TABLE 4.** Classification according to experts

Named by Estampador (1949)	Named by Keenan etc (1998)
<i>Scylla Oceanica</i>	<i>Scylla Serrata</i>
<i>S. Serrata</i>	<i>S. Olivacea</i>
<i>S. Tranquebarica</i>	<i>S. Tranquebarica</i>
<i>S. Serrata</i> Var. <i>Paramamosain</i>	<i>S. Paramamosain</i>

A mangrove crab consists of 6 sub family: Carcininae, Caphyrinae, Catoptrinae, Portuninae, Polybiinae and Podophthalminae.<sup>57</sup> They are called Mangrove Crab because they live in Mangrove land.<sup>58</sup>

## ❖ Morphology

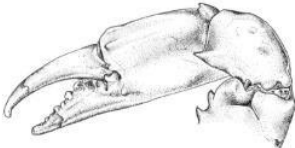
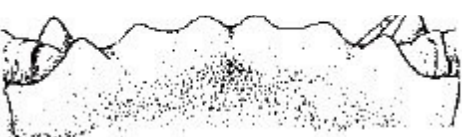
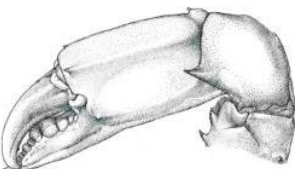

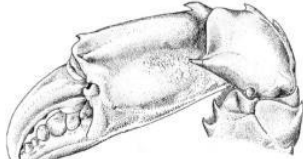

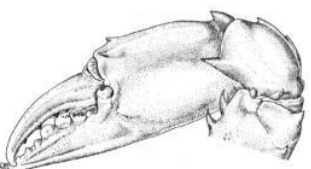

Mangrove crab is one of Crustacean. Its body is covered by carapace which skin is heavy or Exoskeleton (out skin). Exoskeleton functions to protect inner crab. That hard skin is related to life phase. There is skin changing process. This Genus *Scylla* is marked with oval carapace. In Its front length, there are 9 thorns in left

<sup>57</sup>Rianta Pratiwi, "*Biologi Kepiting Bakau (Scylla Spp.) Di Perairan Indonesia*", *Oseana*, 36,1 (2011): 3.

<sup>58</sup> Indonesia names it with different terms. It is called as Kepiting in Java. It's called as Katang Nene in middle Maluku. It's called as Ketam Batu, Kepiting Cina or Kepiting Hijau in Sumatera. It also has different in abroad countries. It is called as Kepiting Batu in Malaysia. It's called as Mud Crab in Australia. It's called as Samoa Crab in Hawai. It's called as Alimango in Philippine. It's called as Tsai Jim in Taiwan. The last it's called as Nokogiri Gozami in Japan.

and right, and 4 between two eyes. The following species can be differentiated from Morphology and genetic. All important organs are hidden under carapace. Parts of body started on Cephalus (chest) seems out in left and right carapace. There are five feet pairs. First foot pair is called *Cheliped* (bite) it is used to hold and bring food, open shell skin and as weapon to face the enemy.

**TABLE 5.** The following is comparison in genus *Scylla*

Species	Bite	Carapace
Scylla Olivacea		
Scylla Paramamosain		
Scylla Serrata		
Scylla Tranquebarica		

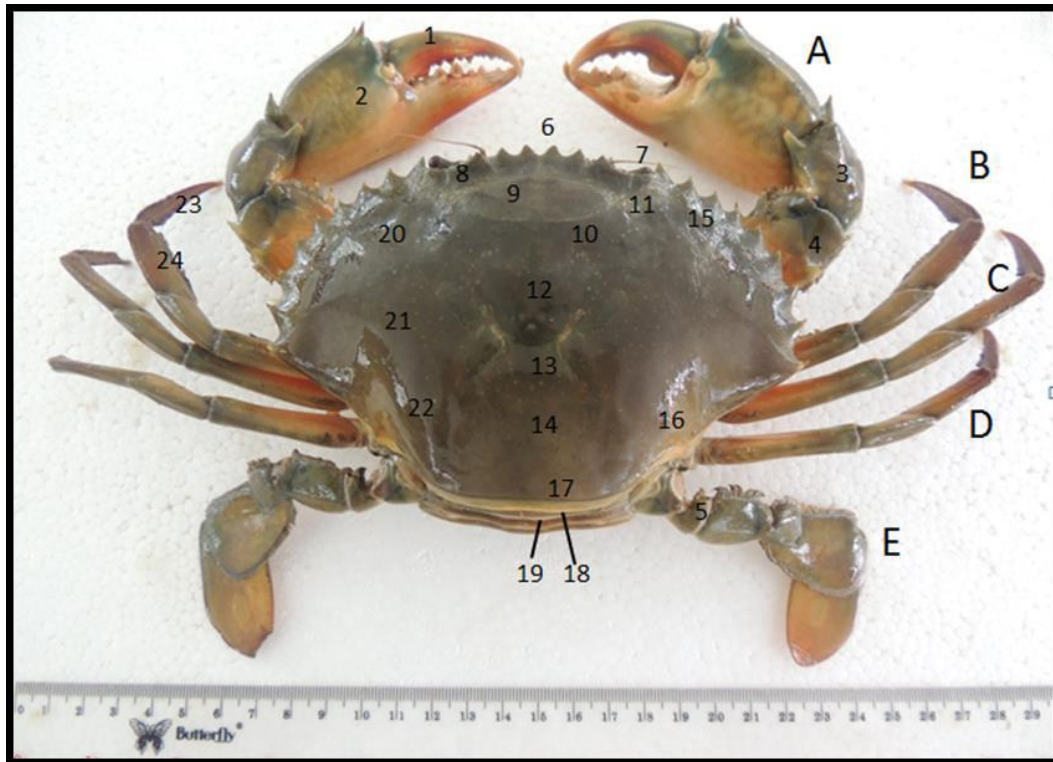
According to Siahainenina (2008), mangrove crab has various carapace colors from purple, green, and black. That's because of this habitat of this animal is in mangrove area and its texture is muddy. Male mangrove crab that has a normal bite (*cheliped*), its right side is bigger than left. (Kasry 1996).

Mangrove crab morphology in detail are

- |                        |                         |                        |
|------------------------|-------------------------|------------------------|
| 1. Bite                | 2. Manus                | 3. Carpus              |
| 4. Merus               | 5. Ischium              | 6. Frontal Zone        |
| 7. Orbital Zone        | 8. Compound Eyes        | 9. Epigastric Zone     |
| 10. Propogastric Zone  | 11. Liver Zone          | 12. Mesogastric Zone   |
| 13. Metagastric Zone   | 14. Heart Zone,         | 15. Anterolateral Zone |
| 16. Branchial Lobe     | 17. Intestine           | 18. Posterior Side     |
| 19. Body               | 20. Protobranchial Zone | 21. Mesobranchial Zone |
| 22. Metabranchial Zone | 23. Propodus            | 24. Dactylus,          |
|                        |                         | B-D. Walking Foot,     |
|                        |                         | E. Swimming Foot       |



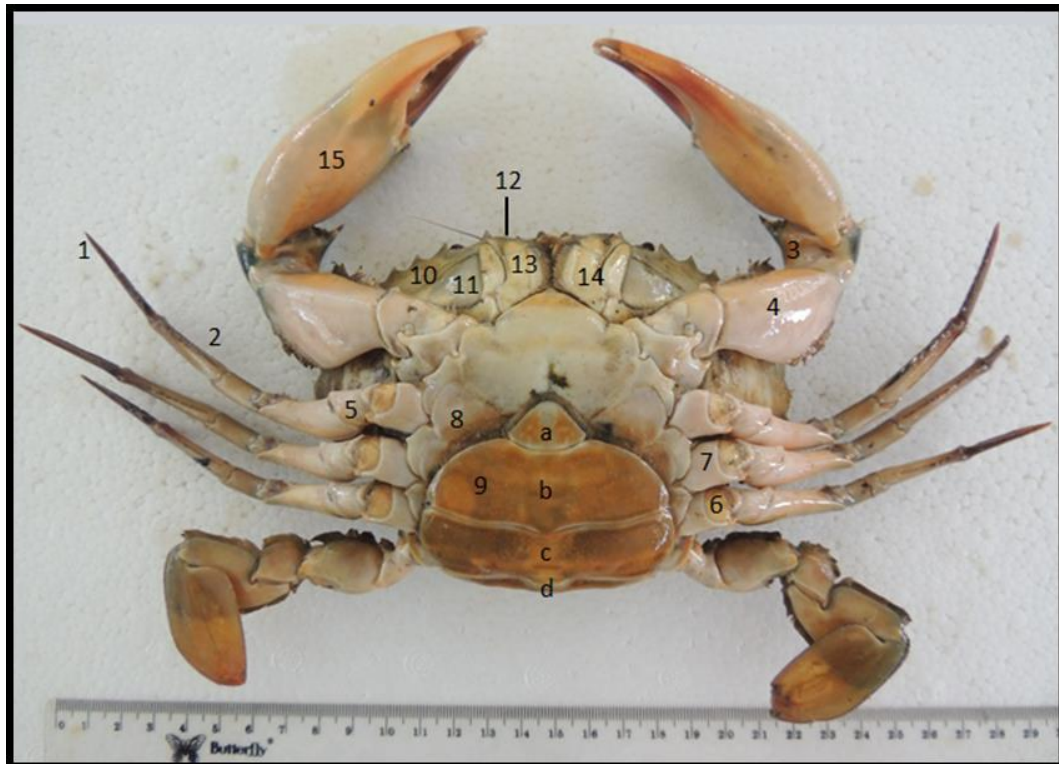
**PICTURE 1.** The following is a detailed picture from above data



If we see from behind of mangrove crab morphology, we find:

- |             |   |                              |
|-------------|---|------------------------------|
| 1. Dactylus | 7. Coxa                                     | 13. Ischium with 3 Maxiliped |
| 2. Propodus | 8. Thorax                                   | 14. Three Maxiliped          |
| 3. Carpus   | 9. body                                     | 15. Manus                    |
| 4. Merus    | 10. subhepatic zone a-d. Sternum to 7,6,5,4 |                              |
| 5. Ischium  | 11. Hepatic                                 |                              |
| 6. Basis    | 12. Merus                                   |                              |

**PICTURE 2.** The following is a detailed picture from above data



This crab also molted, and the molting climax is from 10 pm – 12 pm. It is a nocturnal animal. Environment factor such temperature is one of abiotic which affects activity, appetite, oxygen consumption, and crustacean metabolism. So it is affected indirectly to molting time.<sup>59</sup>

#### ❖ Habitat Distribution

Mangrove Crab has habitat in mangrove ashore near to lower course. According to FAO (2011), a proper area for the cultivation is muddy dam with 25-35 °C, pH 7,0–9,0, DO >5 PPM, and salt degree 10-30 ppt.<sup>60</sup>

<sup>59</sup>Yuni Wahyuningsih Et Al, “Pengaruh Berbagai Jenis Pakan Segar Terhadap Laju Pertumbuhan Dan Kelulushidupan Kepiting Bakau (*Scylla Serrata*) Cangkang Lunak Dengan Metode Popeye,” *Journal of Aquaculture Management and Technology* 4, 2 (2015): 7.

<sup>60</sup> Erly Kaligis, “Pertumbuhan Dan Kelulusan Hidup Kepiting Bakau (*Scylla Serrata*, Forskal) Dengan Perlakuan Salinitas Berbeda,” *Jurnal Pesisir dan Laut Tropis* 1,1 (2016): 3.

Genus *Scylla* spp. has a large habitat distribution. According to Moosa et al (1985) in Marjono et al (1994), it has geography spreading from South Afrika West Beach, Madagaskar, India, Sri Langka, all South East until Hawai Island. In north way, it is from South Japan to Australia South Beach, and South America West Beach.

*Scylla Serrate* is the largest distributed species (Hubastch et al, 2015). It can be found in tropical coastal and subtropical zone. Among them are South Beach and East Afrika, Red Sea, Aden Gulf, Persian Gulf, South East Asia, East Asia, and Australia. Besides that, it is also found in Indo Pacific island such as Mariana, Fiji Island, Samoa Island, Seychelles Island, Maladewa Island, and Mauritius Island.

Mangrove crabs with Species *Scylla Tranquebarica*, *Scylla Olivacea*, and *Scylla Paramamosain* are spreaded in Asia Continent Coastal. *Scylla Olivacea* can only be found in Australia North Coastal. All three species are spreaded in South China Sea, and Java Sea where *Scylla Serrate* is rare found there. (Keenan et al, 1998)

### ❖ **Biology**

#### Food Source

Mangrove Crab consumes various woofs such as algae, rotten leaves, root, peanuts, snail, frog, toad, shell meat, shrimp, fish, animal carcass (Kasry, 1996). It is omnivore (Eater all). It eats at night, sometimes at noon. While it is still in stadia larva, it consumes planktonic, such as *Diatom* sp, *Tetraselmis* sp, *Chlorella* sp, Rotifer (*Brachionus* sp) and larva of Echinodermata, Molusca, Worm, etc.

## Life Cycle

It lives from coastal to sea, then mothers get back to coastal beach, river estuary, or mangrove tree to protect, forage, and survive. Adult Female crab is with the carapace 80 – 120 mm and adult male crab is with the carapace 90 – 110mm. To reproduce, its carapace must be 140 – 160 mm.

Mangrove Crab which is ready to reproduce will get in mangrove tree, and hide in a dam. Spermatofor of male crab will be saved in female Crab Spermateka. It can produce 2-8 million eggs (Kordi 2012) in one insemination based on the measure and age.<sup>61</sup> Government from city, province, and central should pay attention to the culture, technology, institution, law, etc. So that this utilization can be assured.<sup>62</sup>

## **B. Rajungan (Portunus)**

### **❖ Classification**

1. Kingdom : Animalia
2. Phylum : Athropoda
3. Subphylum: Crustacea
4. Class : Malacostraca
5. Ordo : Decapoda
6. Famili : Portunidae
7. Genus : Portunus

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<sup>61</sup>Sulistiono and friends, *Pedoman Pemeriksaan/Identifikasi Jenis Ikan Dilarang Terbatas (Kepiting Bakau/ Scylla Spp)*, (Bogor: Kementrian Kelautan dan Perikanan, 2016), p. 31.

<sup>62</sup>Rizky Al-fira and friends, "Analisis Keberlanjutan Pemanfaatan Kepiting Bakau Di Pesisir Kabupaten Pangkajene Dan Kepulauan," *Jurnal Pendidikan Teknologi Pertanian*, 4 (2018): 10.

8. Species :

- A. Portunus Pelagicus (Rajungan),
- B. Podophthalmus Vigil (Rajungan Angin),
- C. Portunus Sanguinolentus (Rajungan Bintang),
- D. Talamita Crenata And Talamita Danae (Rajungan Hijau /  
Kepiting Batu)
- E. Charybdis Feriatus And Charybdis Lucifera (Rajungan Karang)
- F. Charybdis Natator (Rajungan Batik)
- G. Calappa Lophos (Rajungan Kelapa)
- H. Rania Rania (Rajungan Katak)
- I. Ovalipes Punctatus (Rajungan Telapak Kaki Bulat)
- J. Portunus Trituberculatus (Rajungan Jepang)

❖ **Morphology**

As a Crustacean, it has hard skin. So its growth is molting. It has five pairs of feet. First pair is called *cheliped* used to catch food, fifth feet are used to swim, and other feet are used to walk.

Its carapace reams aside. Abdomen shapes Triangularity. Its face (Anterolateral) has nine thorns. It has long and slim bite, but it is not as strong as mangrove crab bite. So when we sell it we must not bind their bites.

Male rajungan looks like blue color, with white spot. Female Rajungan looks like green with black spot. We can see the difference in a big shape.

❖ **Habitat**

Rajungan lives in various places such as beach with sandy base, muddy sand, and in open sea. It often stays in sea bottom, even more than 70 m. It swims in the sea surface sometimes. It lives in 28– 30,5°C. When it is still young juvenile, it can live 100 % with the temperature of 28,0 – 34,5°C.<sup>63</sup>

### ❖ **Biology**

food source

Adult Rajungan eats Mollusca, Crustacean, Fish, and Carrion. It forages at night actively. Baby Rajungan eats Zooplankton or Animal Plankton. If we see from their food, we can categorize it as Carnivorous Scavenger.

Life cycle

A Rajungan can hatch more than one million eggs. The eggs will be saved in Abdomen and will hatch 8-9 days after insemination. New Larva is different with adult Rajungan. It has changing shape process. In Zoea shape, it looks like shrimp. There are 4 phases in this step. Then it becomes Megalopa. It lives with plankton because it swims, and it is brought by wave. In this phase, larva looks like Rajungan. It gets fatter, its eyes are big. Next, it becomes Young Rajungan.<sup>64</sup>

## **2. INEDIBLE CRABS**

We can not consume all crabs, because Some Crab types have poisons. Such as Domoic Acid, Akadaic Acid, Palytoxin, Tetrodotoxin, Saxitoxin, Neosaxitoxin,

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<sup>63</sup>Tuah Kristoval Et Al, “*Studi Ekologi Kepiting Bakau dan Kepiting Ranjungan di Perairan Batu Licin Kecamatan Bintan Timur Kabupaten Bintan*,” (2010): 7.

<sup>64</sup>M Ghufro H Kordi, *Jurus Jitu Pengelolaan Tambak Untuk Budidaya Perikanan Ekonomis* (Yogyakarta: Lily Publisher, 2012) p. 48.

Surugatoxin, Brevetoxin, Nereistoxin, and Gonyautoxi. All of them are Neurotoxin.

Its poison reacts to nerves. And interacts to protein membrane.

According to research, crabs do not produce poisons but the poisons are from

- a. Their foods.
- b. Habitats such as Algae, Bacteria, and other organism.

Their main food sources are Dinophyta, Cockles shells (Bivalvia and Gastropoda), worm (Polychatea) and some algae species. In this case, crabs will accumulate poisons because some of them called as TTX, STX and Okadaic acid which are from Dinophyta. The toxic crabs are grouped into two permanent and not permanent.

They are 5 Toxic crabs:

**A. Demania Crab,**

It is very poisonous. We can see it from his horrible physic which gives us a sign not to eat it. It has a glow and beautiful Carapace. Its color is orange, and red orange.

**B. Platyodia Granulosa Crab,**

It has a soft body. Its carapace has a spots like a Pearl. From its left side there is a line such white ribbon. Its habitat is in a stone graps and bottom corals in a flux and a reflux area. And it has poison power like Demania crab.

**C. Zosimus Aeneus Crab.**

It has a beautiful body. It has a white and brown carapace shape. It also has strong poison. Its habitat is in a corals of Shallow Coastal.

**D. Atergatis Floridus Crab.**

It is an Ellipse Shape Carapace, and has a beautiful Batik color. It has deadly toxic. Its habitat is in a corals which is in a low coastal.

**E. Atergatis Integarrimus Crab.**

It has a lower toxic then before. Even it is called as temporal toxic, it can disappear without prior alert.<sup>65</sup>

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<sup>65</sup>A'an Johan Wahyudi, "Http://Majalah1000guru.Net/2013/08/Kepiting-Beracun" (Accesed on Saturday 02 Mei 2020, At 03.20 Pm).



## TANJUNGBALAI GEOGRAPHY AND DEMOGRAPHY

### 1) GEOGRAPHY

Tanjungbalai is one of the twenty five subdistricts in Asahan. It is located 97 km to capital.

**TABLE 6. location dan geography<sup>66</sup>**

Nu	Characteristic	Explanation
1	Island	Sumatera
2	province	Sumatera Utara
3	Regency	Asahan
4	Zone location	- 2°58'57" -3°06'00" Northern Latitude - 99°45'30"-99°51'58" Eastern Latitude
5	Landmass	60,20 Km <sup>2</sup> ( 6.020 Hectare )
6	Administrative region	Stands
7	Height from sea surface	0–6 meter
8	Limits	The Northern is with Malacca strait. The eastern is with Malacca strait. The southern is with Sei Kepayang subdistrict. Western is with Air Joman subdistrict and Tanjungbalai city.
9	Distance to regency Office	97 Km
10	Climate	Tropical which is influenced by two seasons. Rainy season and dry season.
11	Potential	Fishery and naval.

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<sup>66</sup>Apsan Pakpahan, *Kecamatan Tanjungbalai Dalam Angka 2019*, (Asahan: Rilis Grafika, 2019), p. 3.

**TABLE 7 Landmass and Ratio to Subdistrict Landmass according to Village**

No	Village	Landmass (Km <sup>2</sup> )	Ratio to Subdistrict landmass (%)
1	Bagan Asahan	1,34[	2,23
2	Bagan Asahan Pekan	0,85	1,42
3	Bagan Asahan Baru	0,81	1,34
4	Asahan Mati	9,00	14,95
5	Sei Apung	10,00	16,61
6	Sei Apung Jaya	4,00	6,64
7	Pematang Sei Baru	16,00	26,58
8	Kapias Batu VIII	18,20	30,23
AMOUNT		58	96

**TABEL 8 Village Distance to Subdistrict according to Village<sup>67</sup>**

No	Village	Distance to Subdistrict (KM)
1	Bagan Asahan	12
2	Bagan Asahan Pekan	11
3	Bagan Asahan Baru	7
4	Asahan Mati	15
5	Sei Apung	4,5
6	Sei Apung Jaya	4
7	Pematang Sei Baru	18
8	Kapias Batu VIII	4

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<sup>67</sup> Balai Desa, *Dalam Kecamatan Tanjungbalai Dalam Angka 2019*, Apsan Pakpahan, p. 7.

## 2) DEMOGRAPHY

### A. GOVERNMENT

Tanjungbalai subdistrict stands for 8 villages which is led by men in senior high school graduation except in village of Pematang Sei Baru. It has a leader in Strata 2 graduation. It has the maniest which is 12 hamlets. The village of Bagan Asahan baru has the lowest which is 5 hamlets.

**TABLE 9 Names of Village Chairman and Their Graduations**

<b>Nu</b>	<b>Village</b>	<b>Chairman Names</b>	<b>Graduation</b>
1	Bagan Asahan	Syahril Akmal Hasibuan	Senior High School
2	Bagan Asahan Pekan	Zulpan	SHS
3	Bagan Asahan Baru	Hendri	SHS
4	Asahan Mati	Zebriadi Sibarani	SHS
5	Sei Apung	DTM Solahuddin	SHS
6	Sei Apung Jaya	Ikmal Rambe	SHS
7	Pematang Sei Baru	Hermansyah Putra, S.Sos, M.Si	STRATA 2
8	Kapias Batu VIII	Iswan	SHS

**TABEL 10 Amount of Hamlets in Village**

<b>Nu</b>	<b>Village</b>	<b>Hamlet Amount</b>
1	Bagan Asahan	6
2	Bagan Asahan Pekan	6
3	Bagan Asahan Baru	5
4	Asahan Mati	10
5	Sei Apung	9
6	Sei Apung Jaya	6
7	Pematang Sei Baru	12
8	Kapias Batu VIII	9
Total		63

## B. CITIZEN

Tanjungbalai has 40.989 inhabitants. In 2018, there are 21.614 men and 19.735 women. The maniest population in Village Bagan Asahan is 7.104 inhabitants, and Village of Asaham Mati is the lowest with 2.744 inhabitants.

**TABLE 11. Largeness and Citizen Amount according to Village**

Nu	Village	Lagenesess (Hectare)	Citizen Amount
1	Bagan Asahan	134	7.104
2	Bagan Asahan Pekan	85	6.874
3	Bagan Asahan Baru	81	5.994
4	Asahan Mati	900	2.744
5	Sei Apung	1.000	4.464
6	Sei Apung Jaya	400	5.502
7	Pematang Sei Baru	1.600	4.308
8	Kapias Batu VIII	1.820	3.999
TOTAL		6.020	40.989

**TABLE 12. Citizen Amount according to Gender**

Nu	Village	Men	Women	Amount
1	Bagan Asahan	3.567	3.537	7.104
2	Bagan Asahan Pekan	3.667	3.207	6.874
3	Bagan Asahan Baru	3.746	2.248	5.994
4	Asahan Mati	1.362	1.382	2.744
5	Sei Apung	2.376	2.088	4.464
6	Sei Apung Jaya	2.783	2.719	5.502
7	Pematang Sei Baru	2.077	2.231	4.308
8	Kapias Batu VIII	2.036	1.963	3.999
TOTAL		21.614	19.375	40.989

## C. EDUCATION

Village of Bagan Asahan Baru has the lowest education. It has only one school. Village of Pematang Sei Baru has the maniest education. It has eight schools.

**TABLE 13 School Amount: ES, JHS, SHS, MIS, MTS, AND MAS**

Nu	Village	State			Private		
		ES	JHS	SHS	MIS	MTS	MAS
1	Bagan Asahan	2	1	1	1	-	1
2	Bagan Asahan Pekan	2	-	-	-	-	-
3	Bagan Asahan Baru	-	-	-	1	-	-
4	Asahan Mati	2	-	-	-	1	-
5	Sei Apung	2	-	-	1	1	1
6	Sei Apung Jaya	1	1	-	1	2	1
7	Pematang Sei Baru	3	1	1	2	1	-
8	Kapias Batu VIII	3	-	-	-	1	-

**D. HISTORY LANDMARK**

Tanjungbalai has hero grave. There is an Indonesian National Armed Forces named Bahauddin Bin Adam who had Peratu positon. He was sniped by Dutch on 16 Juny 1946 from Medan Timur and buried by his family in fourth hamlet, village of Asahan Mati Tanjungbalai Asahan. It is built on stone and sand with sleazy condition.<sup>68</sup>

**E. RELIGION**

Most of citizen is Moslem, whereas Catholic, Protestant, Hindu, and Buddhist is minority.

**TABLE 14.** Tabernacle Amount

Nu	Village	Mosque	Musholla	Protestant/ Catholic Curch	Wihara	Pura
1	Kapias Batu 8	4	10	-	-	-
2	Pematang Sei Baru	6	10	-	-	-
3	Sei Apung Jaya	3	3	-	-	-
4	Sei Apung	3	7	-	-	-
5	Asahan Mati	2	4	-	-	-

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<sup>68</sup>Tim Teknis, *Rupa Bumi Warisan Budaya* (Asahan, 2018), p. 45-47.

6	Bagan Asahan Baru	1	2	-	-	-
7	Bagan Asahan Pekan	2	2	-	1	-
8	Bagan Asahan	1	4	-	-	-
Tanjung Balai		22	10	-	1	-

**TABLE 15** Religion Follower in<sup>69</sup>

Nu	Religion	Amount
1	Islam	36. 790
2	Kristen	10
4	Hindu	-
5	budha	80

#### F. JOB

**TABLE 16.** Citizen Amount according to Job in 2018<sup>70</sup>

Nu	Job Type	Society Amount
1	Agriculture, and Silviculture	6274
2	Mining and Digging	-
3	Industry	2344
4	Electricity, Gas, and Drinking Water	-
5	Building	425
6	Trading, Hotel, and Restaurant	338
7	Transportation and Communication	275
8	Bank and Financial Institution	
9	Citizen, Social, and Individual Service	233
10	Fisherman	9263
11	Civil official Servant /Indonesian Police /and Indonesian National Armed Forces (PNS/TNI/POLRI)	118

<sup>69</sup>Bps Asahan Dalam Kecamatan Tanjungbalai Dalam Angka 2019, Apsan Pakpahan, p. 62.

<sup>70</sup>Balai Desa Dalam Kecamatan Tanjungbalai Dalam Angka 2019, Apsan Pakpahan, p. 30.

## **CHAPTER IV**

### **CRAB TRADING IN TANJUNGBALAI SOCIETY, AND THE OPINIONS AND DALILS OF IMAM SYAFI'I AND IMAM IBN HAZMIN ABOUT ZAKAT OF CRAB TRADING.**

#### **A. Crab Trading in Tanjungbalai.**

Allah SWT created Tanjungbalai as coastal area. We must thank about it. It will be influenced by two seasons, rainy season and dry season. Therefore, most of societies are fishermen, if we see the data, there are 9263 fishermen in 2018. The citizens consume seafoods (Such Fish, Shrimp, Cuttlefish, Crab, etc).

As one of favorite food, there are many entrepreneurs of crab trading. They sell this from one society to others, to internal factories there like PTP, PSI, KML etc. They sell it to other cities, to other provinces, to other islands, even to other countries.

Abdur Rahim,<sup>71</sup> has an enterprise named UD SULTHAN. He has 25 employees in small enterprises, 70 employees in big enterprises, and 5 employees in bigger enterprises. These enterprises use crab rajungan to be processed. The workers remove crab meat from hard skin after being poached. Then it is canned. They can produce 300 kg meats or 300 canned tins per day. 1 kg meat fits 1 canned tin. It costs Rp. 180.000. In a month, it can produce 900 canned crabs. He always gets 30 millions in a month as the profit. In a year he gets 360 millions. His enterprise has strong cooperation with PT Toba industry, Medan. The canned tin

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<sup>71</sup>Interview with Sir Abdur Rahim (crab trader) on Friday 05.00 Pm in his home place, Bagan Asahan Tanjungbalai Asahan. He is an entrepreneur age 46, He was born in 1974.

are sent to this company. From this cooperation, the canned tins are exported to Asia, Afrika, Europe, and America.

He said that he knew about Zakat of animals, and He realized that there is no zakat from his crab animal. However He paid zakat every year from the results of the crab trading. He pays by using 2.5 % from the profits. In a year the income can reach 360 million. Therefore, He pays zakat as much as 9 million from it. If we see from Fiqh perspective, he has got that Nishab and Haul which obligate him to pay Zakat. The problem is there is no zakat from the crab. He said that it is from the trading zakat, not from animal zakat.

The upgrading of this crab marketing is proper, since it is very tasty and rich with vitamin, and thus people eat it comfortably. This is one of the main reasons why having crab trading business brings a lot of benefits.<sup>72</sup>

## **B. Zakat of Crab Trading According To Opinions and Dalils of Imam**

### **Syafi'i and Imam Ibn Hazmin.**

#### *OPINION AND DALIL OF IMAM SYAFI'I*

##### **a. Crab in imam Syafi'i fiqh**

Crab is not mentioned in Qur'an and Hadits. That condition made Imam Syafi'i did Ijtihad. He allowed crabs to be eaten, because it just lives in the sea, and it breathes by using gills only.

The following is the dalil from Imam Syafi'i.

أَجَلَ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ مَتَاعًا لَكُمْ وَلِلسَّيَّارَةِ وَحُرِّمَ عَلَيْكُمْ صَيْدُ الْبَرِّ مَا دُمْتُمْ  
حُرْمًا وَاتَّقُوا اللَّهَ الَّذِي إِلَيْهِ تُحْشَرُونَ (٩٦)

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<sup>72</sup>Ghufran Kordi, *Budidaya Kepiting Bakau* (Semarang: Aneka Ilmu), p. 1.



Meaning: lawful to you is (the pursuit of) water-game and its use for food – for the benefit of yourselves and those who travel, but forbidden is (the pursuit of) land – game as long as you are in a state of Ihram (for Hajj or Umrah). And fear Allah to whom you shall be gathered back.

The above statement states that all in the sea is halal to consume as long as it is not dangerous for human. Crab is not dangerous because there is no sharp tusk and claw. Crocodile is very dangerous for human, because it has tusk, and claw for feeding. That's why crocodile is haram.

Sea animal is halal whatever the condition. Is that in ihram condition or not?. It is different from land animals. We can see it from Imam Syafi'i's statement in Al Umm.

فَذَكَرَ جَلَّ تَنَازُّهُ إِبَاحَةَ صَيْدِ الْبَحْرِ لِلْمُحْرِمِ وَمَتَاعًا لَهُ، يَغْنِي طَعَامًا، وَاللَّهُ أَعْلَمُ، ثُمَّ حَرَّمَ صَيْدَ الْبَرِّ فَأَشْبَهَهُ أَنْ يَكُونَ إِنَّمَا حَرَّمَ عَلَيْهِ بِالْإِحْرَامِ مَا كَانَ أَكْلُهُ مُبَاحًا لَهُ قَبْلَ الْإِحْرَامِ.

Meaning: Praise must be sent to the almighty, permission from sea meat for ihram (catch and eat it). Allah SWT is knower. Then He forbids land meat, such as he prohibits it in ihram which is halal before ihram.

This statement is strengthened by Imam Syafi'i from his Al Umm

وَكُلُّ مَا قُلْتُ: حَالًا. حَلَّ ثَمْنُهُ. وَيَحِلُّ بِالدَّكَاءِ. وَكُلُّ مَا قُلْتُ حَرَامًا. حَرَّمَ ثَمْنُهُ وَلَمْ يَحِلَّ بِالدَّكَاءِ وَلَا يَجُوزُ أَكْلُ التَّرْيَاقِ الْمَعْمُولِ بِالْحُومِ الْحَيَّاتِ. إِلَّا أَنْ يَجُوزَ فِي حَالِ ضَرُورَةٍ. وَحَيْثُ تَجُوزُ الْمَيْتَةُ. وَلَا تَجُوزُ مَيْتَةٌ بِحَالٍ<sup>73</sup>.

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<sup>73</sup>Muhammad Bin Idris Asy-Syafi'i, *Al Umm*, vol. 2 (Beirut: Darul Ma'rifah), p. 268.

Meaning: And everything that I said Halal, it permits its value, and it permits for butchering. And everything that I said Haram. It prohibits for its value, and its not Halal for butchering. And it can't eat snakes meat except for emergency, and it permits as carrion. It doesn't permit because of its condition.

b. Crab is not used as zakat in Imam Syafi'i.

Crab is an eatable animal. It can be consumed but there is no zakat in Islam according to Imam Syafi'i, because Zakat for Animal is only for the livestock which consists of Camel, Cow, and Goat (Sheep).

Rasulullah SAW said in Hadits about the duty:

حَدَّثَنَا عُمَرُ بْنُ حَفْصِ بْنِ غِيَاثٍ، حَدَّثَنَا أَبِي، حَدَّثَنَا الْأَعْمَشُ، عَنِ الْمَعْرُورِ بْنِ سُوَيْدٍ، عَنْ أَبِي ذَرٍّ رَضِيَ اللَّهُ عَنْهُ، قَالَ: انْتَهَيْتُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: " وَالَّذِي نَفْسِي بِيَدِهِ - أَوْ: وَالَّذِي لَا إِلَهَ غَيْرُهُ، أَوْ كَمَا حَلَفَ - مَا مِنْ رَجُلٍ تَكُونُ لَهُ إِبِلٌ، أَوْ بَقَرٌ، أَوْ غَنَمٌ، لَا يُؤَدِّي حَقَّهَا، إِلَّا أَتَيْ بِهَا يَوْمَ الْقِيَامَةِ، أَعْظَمَ مَا تَكُونُ وَأَسْمَنَهُ تَطَوُّهُ بِأَخْفَافِهَا، وَتَنْطَحُهُ بِقُرُونِهَا، كُلَّمَا جَاوَزَتْ أُخْرَاهَا رُدَّتْ عَلَيْهِ أُولَاهَا، حَتَّى يُقْضَى بَيْنَ النَّاسِ (رواه صحيح البخاري)<sup>74</sup>

The meaning: “Umar bin Hafshin bin Ghiats Narrated us, Abi narrated us, Al A’masy Narrated Us. From Mi’rur bin Suaidi, from Abi Dzar RA. He said: “I came to Rasulullah SAW”. He said: “by myself in His dominance, or by essence of no god except Him, or as He swears. No one has **Camel, Cow, or Sheep**, and he doesn't give Zakat except the livestock will come him in here

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<sup>74</sup>Muhammad Bin Isma'il Abu Abdillah Al Bukhori Al-Ja'fi, *Shohih Bukhori*, vol. 2 (Dar Tuq Najah, 1422), p. 119 Hadits 1460.

after, with bigger and fatter condition than usual. The animals will trample him by feet and butt him by horn. If it has done on last line, will be returned to first line, till punishment between human is decided.” (HR. Shahih Al Bukhori)

c. Zakat of Crab trading in Imam Syafi’i.

Imam Syafi’i didn’t allow crab as Zakat, but if that changes to trading, it must be paid as Zakat Tijarah.

حَدَّثَنَا مُحَمَّدُ بْنُ دَاوُدَ بْنِ سُفْيَانَ، حَدَّثَنَا يَحْيَى بْنُ حَسَّانَ، حَدَّثَنَا سُلَيْمَانُ بْنُ مُوسَى أَبُو دَاوُدَ، حَدَّثَنَا جَعْفَرُ بْنُ سَعْدٍ بْنُ سَمُرَةَ بْنِ جُنْدُبٍ، حَدَّثَنِي خُبَيْبُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ سُلَيْمَانَ، عَنْ سَمُرَةَ بْنِ جُنْدُبٍ، قَالَ: «أَمَّا بَعْدُ، فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَأْمُرُنَا أَنْ نُخْرِجَ الصَّدَقَةَ مِنَ الَّذِي نُعَدُّ لِلْبَيْعِ (رواه ابو داود)<sup>75</sup>

The Meaning : “Muhammad bin Daud bin Sufyan narrated us, Yahya bin Hassan narrated us, Sulaiman bin Musa Abu Daud narrated us, Ja’far bin Sa’d Samurah bin Jundub narrated us, Khubaib bin Sulaiman narrated me, from his father Sulaiman, from Samurah bin Jundub, he said : “Amma ba’d, indeed Rasulullah SAW ordered all of us to pay Zakat for every commodities which are prepared for trading.”(HR. Abu Daud)

The following is a dalil from one of Rasulullah companion. He is Umar Bin Khattab. He commands his citizen to pay zakat from his trading.

<sup>75</sup>Abu Daud Sulaiman Bin Al-Asy’ats, *Sunan Abu Daud*, vol. 2, p. 95, Hadits 1562.

(أَخْبَرَنَا) الرَّبِيعُ قَالَ أَخْبَرَنَا الشَّافِعِيُّ قَالَ أَخْبَرَنَا سُفْيَانُ بْنُ عُيَيْنَةَ قَالَ حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي سَلَمَةَ عَنْ أَبِي عَمْرٍو بْنِ حَمَّاسٍ، أَنَّ أَبَاهُ قَالَ: مَرَرْتُ بِعُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ - وَعَلَى عُنُقِي آدِمَةٌ أَحْمَلُهَا فَقَالَ عُمَرُ " أَلَا تُؤَدِّي زَكَاتَكَ يَا حَمَّاسُ؟ " فَقُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ مَا لِي غَيْرُ هَذِهِ الَّتِي عَلَى ظَهْرِي وَآهْبَةٌ فِي الْفَرْطِ فَقَالَ: " ذَاكَ مَالٌ فَضَعُ " قَالَ فَوَضَعْتُهَا بَيْنَ يَدَيْهِ فَحَسَبَهَا فَوَجَدَهَا قَدْ وَجَبَتْ فِيهَا الزَّكَاةُ فَأَخَذَ مِنْهَا الزَّكَاةَ

The meaning: Rabi', Syafi'i, Sufyan Bin 'Uyaynah narrated us. Yahya bin Sa'id from 'Abdillah bin Abi Salamah from Abi 'Amri bin Hamas, indeed his father said "I walk with 'Umar bin Khattab and I brought skin in my head, 'Umar said "why don't you give the Zakat o Hamas?" I answer. I don't have except that I bring and tanning skin. Umar said "that's a wealth so put it! "He put it between his hands and count it. He get that. It obligates Zakat and Umar took zakat from it.

Next dalil from Imam Syafi'i. This Dalil is the source from the boy of Umar bin Khattab that I quote from Al Umm.

(أَخْبَرَنَا) الرَّبِيعُ قَالَ أَخْبَرَنَا الشَّافِعِيُّ قَالَ أَخْبَرَنَا سُفْيَانُ قَالَ حَدَّثَنَا ابْنُ عَجْلَانَ عَنْ أَبِي الزِّنَادِ عَنْ أَبِي عَمْرٍو بْنِ حَمَّاسٍ عَنْ أَبِيهِ مِثْلَهُ أَخْبَرَنَا الرَّبِيعُ قَالَ أَخْبَرَنَا الشَّافِعِيُّ قَالَ أَخْبَرَنَا الثَّقَفِيُّ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ: أَنَّهُ قَالَ " لَيْسَ فِي الْعَرَضِ زَكَاةٌ إِلَّا أَنْ يُرَادَ بِهِ التِّجَارَةُ "

The meaning: "Rabi'report us. He said Syafi'i report us. He said Sufyan report us. He narrated us. Son of 'Ajlan from Abi Zidad from Abi 'Amri Ibn Hamas from his father such him report us. Rabi' said Syafi'i report us. He said us Tsiqah. From 'Ubaidillah bin 'Umar from Nafi' from Ibn 'Umar:

surely He said “There is no trading a Zakat, except he wants it as trading in intention“.

Discussing about it there are some prerequisites

- d. Own the trading perfectly (100%), and has desire for trading.
- e. The trading values have got Nishab in one of two currencies (Dinar and Dirham)
- f. The trading has got haul (1 year)<sup>76</sup>

Standard of this Zakat is 2.5 %. For example someone has trading commodity with one million Rupiahs commercial value. So he puts outside his Zakat 2.5 % x Rp 1.000.000 = Rp 25.000.

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<sup>76</sup> Didin Hafifuddin, *Zakat Dalam Perekonomian Modern* (Jakarta: Gema Insani Press, 2002), p. 34.

## OPINION AND DALIL OF IMAM IBN HAZMIN

### a. Crab in Imam Ibn Hazmin Fiqh

In this section, writer will explain opinion from imam Ibn Hazmin about crab in his Muhalla.

–مَسْأَلَةٌ: وَأَمَّا مَا يَسْكُنُ جَوْفَ الْمَاءِ وَلَا يَعِيشُ إِلَّا فِيهِ فَهُوَ حَلَالٌ كُلُّهُ كَيْفَمَا وَجَدَ، سَوَاءٌ أُخِذَ حَيًّا ثُمَّ مَاتَ أَوْ مَاتَ فِي الْمَاءِ، طَفَا أَوْ لَمْ يَطْفُ، أَوْ قَتَلَهُ حَيَوَانٌ بَحْرِيٌّ أَوْ بَرِّيٌّ هُوَ كُلُّهُ حَلَالٌ أَكُلُهُ. وَسَوَاءٌ خَنْزِيرُ الْمَاءِ، أَوْ إِنْسَانُ الْمَاءِ، أَوْ كَلْبُ الْمَاءِ وَغَيْرُ ذَلِكَ كُلُّ ذَلِكَ حَلَالٌ أَكُلُهُ.<sup>77</sup>

The meaning: problem of eating animal which lived in water and it doesn't live except in water so it's halal entirely however it's taken, same as taken lively then died or died in water, float or not float in water, or sea animal killed it, or land animal did it, they are halal to be fed. Same as water pig, or water human, or water dog, and others. All of them are halal to consume.

That is a statement from imam Ibn Hazmin. In this case whatever lives in water, for example crab is Halal to eat. The following is his Dalil from Qur'an.

#### 1. First dalil

وَمَا يَسْتَوِي الْبَحْرَانِ هَذَا عَذْبٌ فُرَاتٌ سَائِغٌ شَرَابُهُ وَهَذَا مِلْحٌ أُجَاجٌ وَمِنْ كُلٍّ تَأْكُلُونَ لَحْمًا طَرِيًّا وَتَسْتَخْرِجُونَ حِلْيَةً تَلْبَسُونَهَا وَتَرَى الْفُلْكَ فِيهِ مَوَازِرَ لَتَبْتَغُوا مِنْ فَضْلِهِ وَلِعَلَّكُمْ تَشْكُرُونَ (١٢)

The meaning: and the two seas (kinds of water) are not alike, this fresh sweet, and pleasant to drink, and that saltish and bitter. And from both you eat tender meat and derive the ornaments that you wear. And you see the ships cleaving

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<sup>77</sup> Ibn Hazmin, *Mahalli Bil Atsar*, vol. 6 (Beirut: Darul Fikri), p. 60.

(the seawater as they sail through it), that you may seek of his bounty, and that you may give thanks. (Q.S FATIR/35: 12)<sup>78</sup>

## 2. Second Dalil

أُجِلَّ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ مَتَاعًا لَّكُمْ وَلِلْسَّيِّارَةِ وَحُرِّمَ عَلَيْكُمْ صَيْدُ الْبَرِّ مَا دُمْتُمْ حُرُمًا ۚ وَاتَّقُوا اللَّهَ الَّذِي إِلَيْهِ تُحْشَرُونَ (٩٦)

The meaning: lawful to you is (the pursuit of) water-game and its use for food – for the benefit of yourselves and those who travel, but forbidden is (the pursuit of) land-game as long as you are in a state of ihram (for hajj or ‘umrah). And fear Allah to whom you shall be gathered back. (Q.S. AL MAIDAH/5: 96)<sup>79</sup>

## 3. Third Dalil

.....وَمَا كَانَ رَبُّكَ نَسِيًّا (٦٤)

The meaning: ....., and your lord is never forgetful. (Q.S. MARYAM/19: 64)<sup>80</sup>

### b. Crab is not used as Zakat in imam Ibn Hazmin.

This side of discussion has the same opinion as Imam Syafi'i. Imam Ibn Hazmin also didn't permit crab to be used as zakat. There is no clear or textual dalil

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<sup>78</sup>Muhammad Muhsin Khan and Muhammad Taqiuddin Alhilali, *the Noble Qur'an* (Alhuda: Depok), p. 897.

<sup>79</sup>Muhammad Muhsin Khan and Muhammad Taqiuddin Alhilali, *the Noble Qur'an* (Alhuda: Depok), p. 231.

<sup>80</sup>Muhammad Muhsin Khan and Muhammad Taqiuddin Alhilali, *the Noble Qur'an* (Alhuda: Depok), p. 615.

from Qur'an and Hadits explaining about crab as Wajib Zakat. Moreover this animal is sea animal. There is no Zakat from sea Animal if it is seen in dalil Qur'an and Hadits.

He explain in Muhalla

لَوْ أَرَادَ - عَلَيْهِ السَّلَامُ - بِهَا الزَّكَاةَ الْمَفْرُوضَةَ لَبَيَّنَ وَقْتَهَا وَمِقْدَارَهَا وَكَيْفَ تُخْرَجُ،  
أَمِنْ أَعْيَانِهَا، أَمْ بِتَقْوِيمٍ، وَبِمَاذَا تُقَوَّمُ؟<sup>81</sup>

The meaning : If Rasulullah SAW wanted (Zakat Tijarah, or other Zakat such Animal e.g. crab) as Zakat Mafrudhah He must explain the time, measure, and how to pay, or from his type, certain, and what must be given.

#### c. Zakat of Crab trading in Imam Ibn Hazmin

Next, we talk about trading in Imam Ibn Hazmin. For the first thing we must understand is he permit crab for sale. Since crab is Halal. We can see it from previous explanation. Then, next topic is about the trading result that must be paid or not. In answering it, we have to know early that he did not recognize that Zakat of trading in syari'at Islam.

He denied it. There is no real explanation from textual Qur'an and Hadits, although Imam Abu Hanifah, Imam Malik, and Imam Syafi'i have different opinion, they agree, and recognize the existence of zakat tijarah in Syari'at Islam.

Imam Ibn Hazmin has contra opinion and gives some critics to pro opinion about Zakat in Muhalla.

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<sup>81</sup>Ibn Hazmin, *Mahalli Bil Atsar*, vol. 4 (Beirut: Darul Fikri), p. 40.



وَأَمَّا عُرُوضُ التَّجَارَةِ: فَقَالَ أَبُو حَنِيفَةَ، وَمَالِكٌ، وَالشَّافِعِيُّ فِي أَحَدِ قَوْلَيْهِ بِإِجَابِ الزَّكَاةِ فِي الْعُرُوضِ الْمُتَّخَذَةِ لِلتَّجَارَةِ. وَاحْتَجُّوا فِي ذَلِكَ بِخَبَرِ رُوَيْنَاهُ مِنْ طَرِيقِ سُلَيْمَانَ بْنِ مُوسَى عَنْ جَعْفَرِ بْنِ سَعْدٍ بْنِ سَمُرَةَ بْنِ جُنْدَبٍ عَنْ خُبَيْبِ بْنِ سُلَيْمَانَ بْنِ جُنْدَبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ سَمُرَةَ «أَمَّا بَعْدُ، فَإِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَأْمُرُنَا أَنْ نُخْرِجَ الصَّدَقَةَ مِنَ الَّذِي نَعْدُ لِلْبَيْعِ»<sup>82</sup>.

This statement is a reason from pro, so Imam Ibn Hazmin as contra said that this khabar is cut off, because there are narrators named **Sulaiman Bin Musa**, until **Samurah** are unknown.

أَمَّا حَدِيثُ سَمُرَةَ فَسَاقِطٌ؛ لِأَنَّ جَمِيعَ رَوَاتِهِ مَا بَيْنَ سُلَيْمَانَ بْنِ مُوسَى، وَسَمُرَةَ - رَضِيَ اللَّهُ عَنْهُ - مَجْهُولُونَ لَا يُعْرَفُ مَنْ هُمْ<sup>83</sup>.

He denied this cut off khabar. The following is other rejected opinions from Imam Ibn Hazmin about the pro ones. He said in muhalla

1. وَأَمَّا حَدِيثُ عُمَرَ؛ فَلَا يَصِحُّ، لِأَنَّهُ عَنْ أَبِي عَمْرٍو بْنِ حَمَّاسٍ عَنْ أَبِيهِ، وَهُمَا مَجْهُولَانِ<sup>84</sup>.
2. وَأَمَّا خَبَرُ ابْنِ عُمَرَ: فَصَحِيحٌ؛ إِلَّا أَنَّهُ لَا حُجَّةَ فِي قَوْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَكَمْ قَضِيَّةٌ خَالَفُوا فِيهَا عُمَرَ، وَابْنَهُ. مِنْهَا لِلْمَالِكِيِّينَ الرَّوَايَةُ فِي زَكَاةِ الْعَسَلِ؛ وَلِلْحَنَفِيِّينَ حُكْمُهُ فِي زَكَاةِ الرَّقِيقِ؛ وَغَيْرِ ذَلِكَ كَثِيرٌ جِدًّا<sup>85</sup>.

<sup>82</sup> Ibn Hazmin, *Mahalli Bil Atsar*, vol.4 (Beirut: Darul Fikri), p. 39.

<sup>83</sup> Ibn Hazmin, *Mahalli Bil Atsar*, vol. 4 (Beirut: Darul Fikri), p. 40.

<sup>84</sup> Ibn Hazmin, *Mahalli Bil Atsar*, vol. 4 (Beirut: Darul Fikri), p. 41.

<sup>85</sup> Ibn Hazmin, *Mahalli Bil Atsar*, vol. 4 (Beirut: Darul Fikri), p. 42.

The meaning: 1. Then, from Hadits of Umar is not right because From Abu Amar Bin Hamas from his father. Both of them are unknown

2 Then, Khobar Ibn ‘Umar: so it’s right story, but there is no explanation (for dalil) from someone except Rasulullah SAW. How many affairs make many differences from ‘Umar and his son’s story. For example, in Mazhab Imam Malik explanation about Zakat of profession. In Mazhab Hanafi about law of Zakat Slave is explained and others are about many affairs.

That’s one of opinion explanations from Ibn Hazmin (Zhahiriah). He only receive from Rasulullah SAW. Indeed it must be humble logic, a bit consistent, and has a collaboration with other Hadits that if Rasulullah SAW say A in this case for example, it’s impossible contrary meaning with other hadits or in other words say B

وصح عنه عليه السلام “ليس على المسلم في: عبده، ولا فرسه، صدقة”

The meaning: “and Rasulullah SAW correct that statement “there is no zakat obligation for Moslem in his servant, and his Horse”

According to Imam Ibn Hazmin as textual Mazhab, he explained that it must be same between Servant and Horse. The point of view is those both are in trading too. At that time. Servant, or in other word human is traded. Of course we will see many mistakes because it is not affair and opposite with human right but it’s a fact.

And we can see Imam Ibn Hazmin made same between Servant and Horse with trading zakat. It’s strengthened by hadits in that book written as his argument.

وأنه عليه السلام قال: “قد عفوت عن صدقة الخيل” .

The meaning: And surely Rasulullah SAW said: “Indeed, I have cleaned Horse as Zakat“.

So, if we make a comparison. It is opposite with Imam Ibn Hazmin (Mazhab Zhahiri). He didn’t admit the zakat at Tijarah. Whatever the types, Imam Ibn Hazmin said that if the zakat at tijarah made as obligation, it’s opposite with Rasulullah SAW said.<sup>86</sup>

فمن أوجب زكاة في عروض التجارة فإنه يوجبها في كل ما نفى عنه عليه السلام الزكاة مما ذكرنا.

The meaning: “So who make zakat as obligation, It makes obligation to remove Zakat from it, from what Rasulullah explained us“.

So, the conclusion is that Imam Ibn Hazmin did not recognize Zakat Tijarah, so crab trading is not paid as zakat based on the explanation above.

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<sup>86</sup>Ibn Hazmin, *Mahalli Bil Atsar*, vol. 4 (Beirut: Darul Fikri), p. 44.

### C. Discussion Arguments

The writer will discuss about which dalil must be chosen for this minithesis. Previous sheets, we have discussed about

1. Crab in Imam Syafi'i Fiqh and Imam Ibn Hazmin Fiqh. Agreed that crab is Halal to consume, because it is water habitat animal.

2. Crab can be used as zakat or not in Imam Syafi'i and Imam Ibn Hazmin.

Finally, we get answer that both of them did not have a clear dalil from qur'an and hadits, about crab as zakat. They mentioned it for three animals such as cow, camel, and goat.

3. Zakat of crab trading in Imam Syafi'i and imam Ibn Hazmin. They have different perceptions. Imam Syafi'i agreed, while Imam Ibn Hazmin didn't.

So we will take munaqasah adillah because of the difference.

The following are the dalils to make them different

حَدَّثَنَا مُحَمَّدُ بْنُ دَاوُدَ بْنِ سُفْيَانَ، حَدَّثَنَا يَحْيَى بْنُ حَسَّانَ، حَدَّثَنَا سُلَيْمَانُ بْنُ مُوسَى أَبُو دَاوُدَ، حَدَّثَنَا جَعْفَرُ بْنُ سَعْدٍ بْنُ سَمُرَةَ بْنِ جُنْدُبٍ، حَدَّثَنِي خُبَيْبُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ سُلَيْمَانَ، عَنْ سَمُرَةَ بْنِ جُنْدُبٍ، قَالَ: «أَمَّا بَعْدُ، فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَأْمُرُنَا أَنْ نُخْرِجَ الصَّدَقَةَ مِنَ الَّذِي نَعْدُ لِلْبَيْعِ» (رواه ابو داود)<sup>87</sup>

The Meaning: “Muhammad bin Daud bin Sufyan narrated us, Yahya bin Hassan narrated us, Sulaiman bin Musa Abu Daud narrated us, Ja'far bin Sa'd Samurah bin Jundub narrated us, Khubaib bin Sulaiman narrated me, from his father Sulaiman, from Samurah bin Jundub, he said: “Amma ba'd, indeed

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<sup>87</sup>Abu Daud Sulaiman Bin Al-Asy'ats, *Sunan Abu Daud*, vol. 2, p. 95, Hadits 1562.

Rasulullah SAW ordered all of us to pay Zakat for every commodities which are prepared for trading.”(HR. Abu Daud)

Imam Ibn Hazmin commented this as cut off hadits because from the narrator sulaiman bin musa to samurah they are unknown. If we see this as hadits shahih, it is from abu daud book. There are also three imam used this such Imam Hanafi, Maliki, and Syafi'i.

Next dalil is from khobar, the source is from Umar Bin Khattab, and from Ibn Umar Bin Khattab.

(أَخْبَرَنَا) الرَّبِيعُ قَالَ أَخْبَرَنَا الشَّافِعِيُّ قَالَ أَخْبَرَنَا سُفْيَانُ بْنُ عُيَيْنَةَ قَالَ حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي سَلَمَةَ عَنْ أَبِي عَمْرٍو بْنِ حَمَّاسٍ، أَنَّ أَبَاهُ قَالَ: مَرَرْتُ بِعُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ - وَعَلَى عُنُقِي أَدَمَةٌ أَحْمَلُهَا فَقَالَ عُمَرُ " أَلَا تُؤَدِّي زَكَاتَكَ يَا حَمَّاسُ؟ " فَقُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ مَا لِي غَيْرُ هَذِهِ الَّتِي عَلَى ظَهْرِي وَاهِبَةٌ فِي الْفَرَطِ فَقَالَ: " ذَلِكَ مَالٌ فَضَعُ " قَالَ فَوَضَعْتُهَا بَيْنَ يَدَيْهِ فَحَسَبَهَا فَوَجَدَهَا قَدْ وَجَبَتْ فِيهَا الزَّكَاةُ فَأَخَذَ مِنْهَا الزَّكَاةَ

The meaning: Report us Rabi' said report us Syafi'i said report us said report us Sufyan Bin 'Uyaynah said narrated us Yahya bin Sa'id from 'Abdillah bin Abi Salamah from Abi 'Amri bin Hamas, indeed his father said "I walk with 'Umar bin Khattab and in my head there is skin I brought, 'Umar said "why don't you give the Zakat o Hamas?" I answer I don't have except that I bring, and tanning skin. Umar said "that's a wealth so put it !" he put it between his hand and count it, so He get that it obligate Zakat and Umar take zakat from it.

(أَخْبَرَنَا) الرَّبِيعُ قَالَ أَخْبَرَنَا الشَّافِعِيُّ قَالَ أَخْبَرَنَا سُفْيَانُ قَالَ حَدَّثَنَا ابْنُ عَجْلَانَ عَنْ أَبِي الزِّنَادِ عَنْ أَبِي عَمْرٍو بْنِ حَمَّاسٍ عَنْ أَبِيهِ مِثْلَهُ أَخْبَرَنَا الرَّبِيعُ قَالَ أَخْبَرَنَا الشَّافِعِيُّ قَالَ أَخْبَرَنَا النَّفْعُ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ: أَنَّهُ قَالَ " لَيْسَ فِي الْعَرَضِ زَكَاةٌ إِلَّا أَنْ يُرَادَ بِهِ التَّجَارَةُ "

The meaning: “report us Rabi’ He said report us Syafi’i he said report us Sufyan he said narrated us son of ‘Ajlan from Abi Zidad from Abi ‘Amri Ibn Hamas from his father such him report us Rabi’ he said report us Syafi’i he said report us Tsiqah from ‘Ubaidillah bin ‘Umar from Nafi’ from Ibn ‘Umar: surely He said “There is no in trading a Zakat except He wants it as trading in intention“.

How many affairs can make many differences from ‘umar and his son story? For example, in Mazhab Imam Malik about explanation in zakat of profession, in mazhab hanafi about law of zakat slave. And others so many affairs. That’s one of opinion explanation from Ibn Hazmin (Zhahiriah). He only receives from Rasulullah SAW. Indeed, it must be humble logic, and a bit consistent.

Other imam such as Imam Syafi’i, Imam Malik, and Imam Hanafi follow this khobar. Even there is a hadits explained that muslim must follow rasulullah saw and his khulafa ar rasyidin who is given hidayah.

Rasululullah SAW said

—حدثنا إسماعيل بن بشر بن منصور، وإسحاق بن إبراهيم السواق، قالوا: حدثنا عبد الرحمن بن مهدي عن معاوية بن صالح، عن ضمرة بن حبيب، عن عبد الرحمن بن عمرو السلمي، أنه سمع العرياض بن سارية، يقول: وعظنا رسول

الله صلى الله عليه وسلم موعظة ذرفت منها العيون، ووجلّت منها القلوب، فقلنا: يا رسول الله، إن هذه لموعظة مودع، فماذا تعهد إلينا؟ قال: «قد تركتكم على البيضاء ليلها كنهارها، لا يزيغ عنها بعدي إلا هالك، من يعش منكم فسيرى اختلافا كثيرا، فعليكم بما عرفتم من سنتي، وسنة الخلفاء الراشدين المهديين، عضوا عليها بالنواجذ، وعليكم بالطاعة، وإن عبدا حبشيا، فإنما المؤمن كالجمل الأنف، حيثما قيد انقاد»<sup>88</sup>

The meaning: isma'il bin bisyr bin mashur and ishaq bin Ibrahim as sawwaq, both of them said: 'abdu Rahman bin mahdi reported us from mu'awiyah bin shalih from dhomrah bin habib, from 'abdu Rahman bin 'amru as sulami, indeed he heard 'irbadl bin sariyah said, rasululullah saw give us advice which make our tears flew down, and make heart tremble, so we said: o rasulullah, indeed this is a discord advice, so what shall you will to us? rasulullah said : "I live you a bright guide, its night such noon. No body turn after me except he will destroy. Whoever from you live, he will see many disagreements. So, you obligate to head toward with you know from my sunnah, amd sunnah khulafa ar rasydin al mahdiyyin, bite the sunnahs with teeth. You must be obedient even to habasyi slave. Mukmin is such a tame ostrich. Wherever he binded we will follow it.

In this case, writer chose the opinion of Imam Syafi'I as munaqasah because there is a command from Rasulullah SAW so that his companion and his Ummat followed him and so did his Khulafa Ar Rasyidin Al Mahdiyyin.

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<sup>88</sup>Ibn Majah Abu 'Abdillah Muhammad, *Sunan Ibn Majah*, vol. 1 (Daru Ihya Kitab 'Arabiyyah), p. 16.

#### **D. Rajah Argument for Society in Tanjungbalai Asahan**

The opinion that I chose for this zakat of crab trading according to Imam Asy-Syafi'i and Imam Ibn Hazm (a case study of Tanjungbalai Asahan) is the opinion of Imam Syafi'i who permits zakat of crab trading, because the dalil is clear, and large enough not like Imam Ibn Hazmin. The other point is Imam Ibn Hanafi, Imam Malik, and Imam Syafi'i permit zakat of trading. This opinion will be easy to be talked and informed to society in Tanjungbalai Asahan because there is a compatibility with them. They are Syafi'iah.



## **CHAPTER V**

### **EPILOGUE**

#### **A. CONCLUSION**

1. Crab in Imam Syafi'i Fiqh and Imam Ibn Hazmin Fiqh agreed that crab is halal to consume, because it is water habitat animal.
2. Crab can be used as zakat or not in Imam Syafi'i and Imam Ibn Hazmin.

Finally, we get answer that both of them did not have a clear dalil from Qur'an and hadits about crab as zakat. They mentioned it for three such as Cow, Camel, and Goat.

3. Zakat of crab trading in Imam Syafi'i and Imam Ibn Hazmin have different opinion about this perceptions. Imam Syafi'i agreed while Imam Ibn Hazmin didn't.
4. If we see from the dalil, we will find Imam Syafi'i has large dalil. He used Quran, Sunnah, and Sunnah Khulafa Ar Rasyidin. It is different from Imam Ibn Hazmin. His thinking and Dalil are not as large as him. He only used Quran and Hadits. He didn't quote others except both.
5. The Arjah argument in this zakat of crab trading, according to Imam Asy Syafi'i and Imam Ibn Hazm (a case study of Tanjungbalai Asahan) is the opinion of Imam Syafi'i who permits zakat of crab trading, because the dalil is clear, and large enough not like Imam Ibn Hazmin. The other point is the opinion of Imam Syafi'i is that there is a command from Rasulullah so that his companion and his Ummat followed him and his Khulafa Ar Rasyidin Al Mahdiyyin. So, it is relevant to society in Tanjungbalai Asahan.

## **B. SUGGESTION**

The result of this research is hopefully beneficial for the society as a means of having more information and knowledge in drawing a dividing line between what is the lawful and what is forbidden. The local government as well as the Ulama Council are to take their role in educating and socializing the ambiguous legal status of the products to the Muslim of Tanjung Balai. In addition, what is more important, with the appropriate knowledge in hand, they would be able to put it into practice in their daily activities especially relating to valuable materials they have been producing and selling.

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Telp. (061) 6615683-6622925 Fax. 6615683**

Nomor : B.01/SH.I/PP.00.9/COV-145/2020

24 April 2020

Lampiran : -

Hal : Izin Riset

**Yth. Bapak/Ibu Kepala Kecamatan Tanjungbalai Asahan Desa Bagan Asahan Induk**

*Assalamulaikum Wr. Wb.*

Dengan Hormat, diberitahukan bahwa untuk mencapai gelar Sarjana Strata Satu (S1) bagi Mahasiswa Fakultas Syariah dan Hukum adalah menyusun Skripsi (Karya Ilmiah), kami tugaskan mahasiswa:

Nama : **Munawwir Ramadhan**  
NIM : **0202161009**  
Tempat/Tanggal Lahir : **Asahan, 17 Januari 1999**  
Program Studi : **Perbandingan Madzhab**  
Semester : **VIII (Delapan)**  
Alamat : **jalan letda Sujono Kecamatan medan Tembung**

untuk hal dimaksud kami mohon memberikan Izin dan bantuannya terhadap pelaksanaan Riset di Kecamatan Tanjungbalai Asahan Desa Bagan Asahan Induk, guna memperoleh informasi/keterangan dan data-data yang berhubungan dengan Skripsi yang berjudul:

***The Zakat of Crab trading according to Imam Asy Syafi'i and Imam Ibnu Hazmin (study case of Tanjungbalai Asahan)***

Demikian kami sampaikan, atas bantuan dan kerjasamanya diucapkan terima kasih.

Medan, 24 April 2020  
a.n. DEKAN  
Wakil Dekan Bidang Akademik dan  
Kelembagaan



*Digitally Signed*

**Dr. Syafruddin Syam, M.Ag**  
NIP. 197505312007101001

Tembusan:

- Dekan Fakultas Syariah dan Hukum UIN Sumatera Utara Medan

*info : Silahkan scan QRCode diatas dan klik link yang muncul, untuk mengetahui keaslian surat*





# PEMERINTAH KABUPATEN ASAHAN KECAMATAN TANJUNG BALAI

Sekretariat : Jl. Besar Teluk Nibung

Kode Pos : ( 0623 ) 94550

## SURAT IZIN PENELITIAN

Nomor : 070 / 188

Yang bertanda tangan dibawah ini :

Nama : MHD.IDRIS HASIBUAN, S.Sos, M.Si  
Nip : 19690504 199203 1 006  
Pangkat/Gol.Ruang : Pembina Tingkat –I / IV-b  
Jabatan : Camat Tanjung Balai

Berdasarkan Surat Dekan Bidang Akademik Universitas Islam Negeri Sumatera Utara Medan Nomor : B.01/SH.I/PP.00.9/Cov-145/2020 tanggal 24 April 2020 perihal : izin Riset di wilayah Kecamatan Tanjung Balai Kabupaten Asahan.

Untuk memenuhi maksud surat tersebut diatas, bersama ini kami memberikan izin pelaksanaan Riset kepada Mahasiswa :

Nama : MUNAWWIR RAMADHAN  
NIM : 0202161009  
Tempat / Tgl Lahir : Asahan, 17 Januari 1999  
Semester / Jurusan : VIII / Perbandingan Mazhab  
Alamat : Jalan Letda Sujono Kecamatan Medan Tembung

Untuk melakukan penelitian di wilayah Kecamatan Tanjung Balai Kabupaten Asahan untuk bahan penyusunan Skripsi yang berjudul : “ **The Zakat of Crab trading according to Imam Asy Syafii and Imam Ibnu Hazmin ( study case of Tanjungbalai Asahan )** .

Izin ini diberikan selama 1 (satu) bulan sejak tanggal dikeluarkan dan segera melaporkan hasil-hasilnya kepada kantor Camat Tanjung Balai.

Demikian diperbuat dan diberikan pada yang bersangkutan untuk digunakan sebagaimana mestinya.



Tanjung Balai, 27 April 2020  
CAMAT TANJUNG BALAI

**MHD.IDRIS HASIBUAN. S.Sos. M.Si**  
**PEMBINA TK.I**  
**NIP.19690504 199203 1 006**



## **DOCUMENT ENCLOSURE**

### **Enclosure I**

1. Introduction enclosure of Research letter from faculty of sharia and law  
UIN SU
2. Enclosure of replying letter from Teluk Nibung

### **Enclosure II**

1. Interview with Imam Ibn Hazmin Expert (Ustadz Hajarul Aswadi S.Pd.I)



2. Interview with Imam Asy-Syafi'i Expert (Ustadz Faidhol Anwar S.Ag)



### 3. Interview With Crab Trader (Sir Abdur Rahim S. Fil )

4.





## Fisherman Entrance to Do Negotiation



## Production Room 1



Production room 2



## 5. Visiting The Teluk Nibung Office



## 6. Condition of fishermen ships



### **LISTS OF INTERVIEW QUESTION**

**A. Lists of Interview question with Imam Ibn Hazmin Expert Teluk Nibung (Ustadz Hajarul Aswadi).**

1. What do you think about crab in Fiqh Islam? Is it Halal or Haram?
2. How about the Zakat of Crab in Islam? Has it ever been paid? Is there another explanation about it?
3. Then if we sale it, must we pay the Zakat?
4. What do you think about Zakat Trading in Islam? in my references there are Ikhtilaf, what are you thinking about it?
5. We found that people in Teluk Nibung never pay zakat of crab trading. What do you think about it?
6. They never pay Zakat of this, but they often help the poor in the societies, what do you think about that?
7. Then, what is the Dalil about existence of this Zakat?

**B. Lists of Interview question with Imam Asy-Syafi'i Expert Teluk Nibung (Ustadz Faidhol Anwar).**

1. What do you think about crab in Fiqh Islam? Is it Halal or Haram?
2. How about the Zakat of Crab in Islam? Has it ever been paid? Is there another explanation about it?
3. Then if we sale it, must we pay the Zakat?
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What do you think about it?

6. They never pay Zakat of this, but they often help the poor in the societies, what do you think about that?

7. Then, what is the Dalil about existence of this Zakat?

C. Interview question lists with Crab traders in Teluk Nibung

1. What staffs do you sell every day?

2. Why do you sell crab?

3. How long have you run this business?

4. Where do you sell it?

5. How much do you get per month?

6. What do you buy with the income money?

7. How many competitors do you have?

8. Have you ever heard about zakat of crab?

9. What do you think about zakat of crab trading?

10. Is there a Da'i explaining you about this?



### **CURRICULUM VITAE**

I was born in Asahan 17 January 1999, my daddy is Faidhol Anwar and my Mom is Dahlia.

I finished my Elementary School at SDN 138318 Tanjungbalai in 2010. Then I completed my Junior High School at MTS YMPI Sei Tualang Raso in 2013. I graduated from senior high school at MAS YMPI Sei Tualang Raso in 2016. I completed my college education in this year 2020 from mayor Perbandingan Mazhab, Faculty of Syari'a and Law, UIN SU.

When I was a college student, I joined informal study to finish memorizing Qur'an during 4 semesters in Yayasan Islamic Center SU. I actively participated in extracurricular activities in campus such as joining competition, attending seminars, becoming a translator at International seminats, and being a Tahfizh teacher.