



# **A reinterpretation of Al-Riqab as mustahid zakat, as viewed of M. Faried Wadjedy**

**Abdul Rahim<sup>1</sup>, Darussalam Syamsuddin<sup>2</sup>, Abd. Rauf Muhammad Amin<sup>3</sup>, & Achmad Musyahid<sup>4</sup>**

<sup>1,2,3,4</sup>Postgraduate Program, Universitas Islam Negeri Alauddin Makassar

Correspondence Email: [abdulrahimaddary@gmail.com](mailto:abdulrahimaddary@gmail.com)

## **ABSTRACT**

The study of Islamic law is an academic discipline that has been methodically developed to answer the diverse issues encountered by the Muslim community throughout history. The basic nature of bukallaf activities requires that Islamic law has the ability to adjust and meet the changing conditions and obstacles they create. The inclusion of Islamic law is necessary for the purpose of providing remedies and attaining legal equity and communal advantage. A significant issue that deserves consideration is the understanding of al-Riqab as a constituent of mustahik zakat, which has recently become a topic of substantial debate among ulama/scholars over its qualification as a recipient of zakat. There is an ongoing and disputed discussion surrounding the argument that the present-day understanding of al-riqab does not correspond to the historical context of the treatise period. Consequently, this raises doubts about its classification as one of the mustahik of zakat (al-asnaf al-tsamaniyah), questioning its validity. To attain justice and ensure widespread advantages within the asnaf al-riqab, it is crucial to engage in a reevaluation of this framework that is relevant to the present-day conditions. According to M. Faried Wadjedy, a well-known ulama hailing from South Sulawesi, the phenomenon of contemporary prostitutes, popularly known as commercial sex workers, can be seen as a manifestation of al-riqab. The concept of cognition indicated above requires recognition and analysis within the context of Islamic jurisprudence in order to implement the norms of legal fairness and usefulness. This study use a library research technique to analyse the concept of benefit and justice within the context of Islamic legal systems. The results of this research provide evidence in favour of Faried Wadjedy's assertion that modern individuals engaged in prostitution, commonly known as commercial sex workers, can be viewed as a manifestation of al-riqab, in line with the core principle of Islamic legal theory that seeks to promote justice and societal well-being. Based on scientific ideas, it has been established that these thoughts have a strong

correlation with the goals of Shari'a, particularly al-Maqsad al-'Am li al-Tasyri', which seeks to enhance individual character, uphold authentic justice, and advance the overall welfare (maslahah).

**Keywords:** Reinterpretation; Al-Riqab; M. Faried Wadjedy

## 1. INTRODUCTION

Zakat holds a significant role, purpose, and position within Islamic teachings, as it is considered a fardiyah act of devotion that establishes the vertical relationship between a muzakki (one who pays zakat) and their deity. Zakat embodies the significance of spirituality, as it promotes the virtue of charitable giving towards fellow individuals. Moreover, it holds extensive implications in various domains such as social life, economics, politics, culture, education, and other spheres.<sup>1</sup> The Qur'an contains several passages and letters that prescribe the obligation of issuing zakat and collecting it from the muzakki. One such instance may be found in Surah al-Taubah (Chapter 9), verse 103.

Throughout its developmental history, zakat has evolved into a mechanism capable of facilitating a transition in the social standing of individuals, specifically from being mustahiq (those eligible to receive zakat) to assuming the role of muzakki, so empowering the economy of the populace. The correlation between the transformation of social status and the economic empowerment facilitated by zakat funding is inherently linked to the implementation of proficient, transparent, and reliable processes and principles in zakat management. The effective administration of zakat resources took place under the leadership of Caliph Umar bin Abdul Aziz. During this period, the distribution of zakat monies was not carried out due to the unavailability of eligible beneficiaries, known as mustahiq. Consequently, the availability of zakat funds increases significantly, facilitating its allocation to various sectors aimed at addressing the requirements of individuals experiencing financial hardship.<sup>2</sup>

The historical context has fostered the emergence of deliberate endeavours by the government and society to systematically gather, administer, and allocate zakat in a purposeful manner, employing effective management systems and principles. Zakat possesses the capacity to promote income equality, facilitate the equitable distribution of resources, foster principles of justice, and enhance social welfare. Islam offers numerous options for individuals who are obligated to give zakat (muzakki) to allocate their income towards supporting others who are unable to meet their financial needs. This practise aims to empower the less fortunate, foster economic development, and promote income equality, so achieving economic progress with a focus on fairness and justice.

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<sup>1</sup>Muhammad dan Abu Bakar, *Manajemen Organisasi Zakat* (Version I; Malang: Madani, 2011), pp. 1.

<sup>2</sup>Jalaluddin al-Suyūti, *Tārikh al-Khulafā* (Version I; Riyad: Maktabah al-Ma'ārif, 2002), pp. 214.

An intriguing aspect of the discourse surrounding ZIS (Zakat, Infaq, and Alms), particularly zakat, pertains to the disparity between the form of the command to give zakat in the Quran and its utilisation. The command to give zakat is presented in a peripheral (global) manner, allowing for mujtahids to expand upon it through the teachings of the Prophet Muhammad, as conveyed in the hadith. The detailed allocation of zakat revenue is specified in QS al-Taubah/9: 60, namely to eight asnaf (categories).<sup>3</sup>

The editorial of the verse elucidates and provides a comprehensive explanation about the eligible recipients of zakat, in accordance with the concept of 'ibarah al-nas. According to tafsir scholars, it is widely accepted that the allocation of zakat is limited to eight specific groups, as shown in this verse.<sup>4</sup> Nevertheless, it is important to note that the current state of the subject under discussion does not imply its finality or lack of potential for further development. Consensus among scholars exists about the identification of the eight groups eligible to receive zakat. However, varying perspectives emerge among scholars regarding the interpretation and understanding of the specific individuals or entities encompassed under these eight groups.

In light of contemporary advancements, it becomes imperative for ulama and academics to engage in the reinterpretation and reconstruction of some sharia texts that exhibit inherent dynamism, such as the principles governing the distribution of zakat to zakat mustahiq individuals. Numerous perspectives and concepts have been conceptualised and implemented by academics pertaining to the allocation of zakat to the eight designated classes as outlined in Surah al-Taubah (9:60).

M. Faried Wadjedy,<sup>5</sup> One of the religious scholars (Ulama) in South Sulawesi holds the belief that the contextual relevance of the revelation of Surah al-Taubah verse 60, which pertains to the historical distribution of zakat, is no longer applicable to the contemporary context of zakat distribution. In the context of the reform era, M. Faried Wadjedy argues for the imperative of reinterpreting the allocation of zakat to various categories of recipients, particularly the asnaf al-Riqab (Slaves). This reinterpretation should be undertaken with a broader understanding of the verses found in surah al-taubah verse 60, while adhering to the fundamental principles of religion and incorporating insights from scientific theories. In order to enhance the reach and efficacy of zakat utilisation, it is imperative to address the specific challenges encountered by each regional BAZNAS.

This research is deemed significant in order to continuously examine the scientific knowledge and perspectives on zakat jurisprudence, particularly concerning the allocation of zakat to asnaf al-riqab, with the aim of comprehending the underlying wisdom inside Islamic law.

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<sup>3</sup>M. Faried Wadjedy, "Pendayagunaan Perolehan ZIS" (Paper presented at the Working Meeting of Provincial and Regency BAZ Management in South Sulawesi, Makassar, 23-24 May 2000), pp. 1.

<sup>4</sup>Muhammad bin Jari al-Thabarī, *Tafsir al-Thabarī*, Jilid 6 (Version II; Bairut: Dār al-Fikr, 1978 H), pp. 111.

<sup>5</sup>Head of the DDI Mangkoso Islamic Boarding School, Barru Regency, South Sulawesi Province.

## 2. METHODS

This study can be classified as normative or doctrinal research, specifically involving the examination of secondary data in the form of library resources. The research employs deductive reasoning procedures and adheres to coherent truth criteria. The primary focus of the study is on legal and regulatory documents, as well as other materials available in libraries. Through a comprehensive analysis of the notion of al-riqab as depicted in the Koran, alongside scholarly exegeses, hadith literature, and governmental legislation pertaining to zakat, a more profound understanding can be attained.

Two approaches that are utilised in this context are the conceptual approach and the legislative approach. The present study employs the conceptual approach to analyse the regulations pertaining to the notion of al-riqab and the legislative framework governing one of the mustahik zakat in the positive legal system of Indonesia.

The legal resources utilised encompass Law No. 23 of 2011 pertaining to the administration of zakat and Law No. 21 of 2007 addressing the elimination of criminal offences related to human trafficking. In addition to legal resources that offer elucidations pertaining to core legal texts, such as study findings. The data acquired from the findings of document analysis were further subjected to qualitative data processing techniques.

## 3. RESULTS AND DISCUSSION

### A. Biography of M. Faried Wadjedy

Muhammad Faried Wadjedy, the individual in question, was born on the evening of Monday, June 22, 1943, in Lapasu village, located in the administrative district of Kec. Balusu, within the larger administrative region of Kab. Barru, situated in the province of South Sulawesi. The individual in question was born on the evening of Monday, June 22, 1943, and was the firstborn child of AG.H.M.Amberi Said and St.Maemunah. Despite being 76 years old, his physique exhibited a tall and erect stature. The attire consistently exhibits a high level of tidiness, with colours that are coordinated and harmonious. The prevailing perception of individuals upon meeting him is that of the current leader of the Darud Da'wah Wal Irsyad DDI Mangkoso Islamic boarding school,<sup>6</sup>

The individual's initial academic experience took place at the Lapasu People's School (SR), where they were enrolled with M. Aksa Mahmud, thereby establishing their educational and organisational history. M. Faried Wadjedy received his upbringing and acquired literacy in the Koran under the tutelage of his grandmother, H. St. Madianah. In 1952, upon enrollment in Class IV at SR Lapasu, the individual pursued their education at Tahdiriyah DDI Mangkoso, commuting daily via bicycle. Upon reaching the fifth grade, the individual in question relocated to Mangkoso alongside their parents, where they proceeded to pursue their education at SR Mangkoso until the year 1955. Upon

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<sup>6</sup>One of the oldest and largest Islamic boarding schools in South Sulawesi, located in Barru Regency, Soppeng Riaja District, Prov. South Sulawesi.

completion of his studies at the People's School (SR), he enrolled in DDI Mangkoso college, which was under the leadership of his father. The individual received instruction from SMP DDI, SMA, and SGA DDI, which are public schools, as well as from Madrasah Ibtidaiyah, Tsanawiyah, and Aliyah, which are religious schools. During that period, students enrolled at DDI Mangkoso college were required to simultaneously undertake two levels of study, specifically religious and general education.

Throughout his time in junior high school, M. Faried Wadjedy has frequently been entrusted with the responsibility of instructing classes in the absence of the designated teacher. During his tenure in high school, specifically within the Student Government Association (SGA), he assumed a permanent teaching role to address the scarcity of educators in both secular and religious courses. The subjects he has instructed encompass Indonesian language, English language, Earth Sciences, History, Calligraphy, Drawing, Administration, and Mental Sciences. Following the successful completion of his secondary education at the high school/SGA level, he pursued further academic endeavours and ultimately achieved a Bachelor of Arts degree from the Faculty of Sharia at UI DDI Addariyah in 1970. In addition to his rigorous academic pursuits at that period, he was also bestowed with the responsibility of serving as an instructor and administrator for PGA DDI Mangkoso from 1967 to 1971. In the year 1971, the individual arrived in Cairo with the purpose of pursuing further academic studies at al-Azhar University. M. Faried Wadjedy pursued his studies at the aforementioned institution for a duration of around 14 years. In the year 1980, the individual achieved the acquisition of a Licence (S1) from the Sharia Faculty of Al-Azhar Cairo. During his tenure at the Darul Uloom Faculty of Cairo University, he obtained a Master of Arts (S2) degree in 1984, following a successful defence of his thesis named "Al-Wahabiyah wa Atsaraha Fi al-Fikh Fi Indunisia". The accumulation of 450 Master's Minutes contributed to his achievement of graduating with cum laude honours. The individual's interest in Jurisprudence, which had been cultivated during their time at an Islamic boarding school, was further refined through their studies at Al-Azhar. The individual conducted a study on the impact of Wahhabism on Islamic legal principles in Indonesia, with a particular focus on its implications for the interpretation of "Ahlussunnah Waljama'ah (Aswaja)". In addition to his extensive knowledge and profound insights, the Insaniah University College in Kedah, Malaysia conferred upon him the honorary title of Prof. Dr Honoris Causa on April 24, 2008.

Experience in Organisational Settings: M. Faried Wadjedy, a young individual with promising capabilities, shown a keen interest in engaging in organisational pursuits. The individual in question actively participated in several youth activities, notably serving as a member of the DDI Youth Guide (FIDI) between the years 1956 and 1961. During the period of 1961-1971, the individual actively engaged in scout activities and successfully acquired a Pioneer Leader Training (LPP) certificate. Concurrently, they remained involved in FIDI until 1971, and in 1966, participated in FIDI Military Training to address the PKI insurrection (G30S/PKI). In the years 1967-1969, he held the esteemed position of being the inaugural Chair of the UI DDI Mangkoso Sharia Faculty Student Senate. During his younger years, he actively participated in various athletic disciplines including volleyball, silat, and bodybuilding. Similarly, within the realm of art, he has garnered recognition for

his proficiency in calligraphy, expertise in drum band performance, and his active involvement in guiding students' engagement in many community initiatives. In addition to his extensive knowledge and profound insights, these factors led to the conferment of the honorary title of Prof. Dr. Honoris Causa upon him by Insaniah University College in Kedah, Malaysia on April 24, 2008.

M. Faried Wadjedy has the position of a senior missionary in the region of South Sulawesi. In addition to his involvement in diverse mosques, pulpits, and halaqahs for the recitation of the Book of Turats, he is concurrently engaged in fulfilling his responsibilities as the leader of the DDI Mangkoso Islamic boarding school and as the head of Mahad al-Dirasat al-Islamiyah al-Aly (Education High Cadre Ulama) at DDI Mangkoso. In addition to this, he actively participates in several educational, social, and community organisations. Among the positions held by the individual are the Chair of the Indonesian Ulema Council (MUI) of South Sulawesi Province, Advisory Board member of the Indonesian Muslim Scholars Association (ICMI) Orwil Sul-Sel, Management member of BKS PTIS East Indonesia, Chair II of BKS Islamic Boarding Schools in South Sulawesi, Chair of the Middle East Alumni Association of South Sulawesi Sel (until 2001), Muntasyar Middle East Alumni Association South Sulawesi during the period 2001-2004.

## **B. Reinterpretation Concept of Mustahik Zakat by M. Faried Wadjedy**

According to M. Faried Wadjedy, the allocation and application of zakat are founded upon the discourse of fikh, which is inherently intertwined with the principles of sharia contextualization. Upon closer examination, the groups referred to as al-asnaf al-tsamaniyah in QS al-Taubah/9:60 necessitate further exploration to develop new formulations that are suitable for present circumstances. One of the principles in the field of Islamic jurisprudence, known as fiqh, states that:

الحكم يتغير بتغير الأزمان و الأماكن و الأحوال<sup>7</sup>

### *Meaning*

Laws can change due to changes in time, place and conditions..

The concept being discussed pertains to the fundamental tenets of Islamic jurisprudence, which consistently emphasise the significance of promoting the overall welfare of humanity (al-maslahat al-ammah) and upholding justice (al-'adalah),<sup>8</sup> In order to ensure that the substance of Islamic teachings consistently serves as a viable resolution and response to all matters pertaining to Islamic jurisprudence. According to M. Faried Wadjedy, in light of these principles, one might argue that among the contemporary categories of asnaf al-riqab, there is a notable proximity to women who are engaged in employment as comfort women, commonly referred to as prostitutes or commercial sex

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<sup>7</sup>Mukhlis Usman, *Kaidah-Kaidah Ushuliyah dan Fiqhiyah Pedoman Dasar dalam Istibat Hukum Islam*, (Version III. Jakarta: PT. Raja Grafindo Persada, 1999), pp. 145.

<sup>8</sup>Muhammad Syukri Albani Nasution, *Filsafat Hukum Islam* (Cet.I. Jakarta: Rajawali Pers, 2013), pp.117.

workers. A considerable number of individuals acknowledge engaging in this prohibited activity because to their economic circumstances, such as being burdened by debt, medical expenses, or the financial responsibility of educating their children.<sup>9</sup> The aforementioned circumstance is being manipulated by individuals who do not uphold the principles of the Islamic faith, utilising a contractual framework.<sup>10</sup> Hence, the portion of responsibility attributed to al-riqab in this context might be assigned to individuals engaged in commercial sex work, with the aim of settling their debts and releasing them from contracts used by others who exploit their vulnerable circumstances. Nevertheless, this action was conducted subsequent to a meticulous and comprehensive examination carried out by the zakat amil. As per the assertions made by M. Faried Wadjedy, those whose freedom to engage in ordinary, rational, and permissible activities is curtailed fall within the category of asnaf al-riqab, which is deemed essential for the eligibility to receive zakat.

Similarly, the group of individuals who converted to Islam, known as the asnaf, has undergone a broadening of significance throughout time, as observed by M. Faried Wadjedy. This expansion encompasses both the historical setting of the treatise and the contemporary context of converts to Islam. From an editorial perspective, the term "convert" refers to an individual who experiences a change of heart, leading to an enhanced conviction and determination to adhere to religious doctrines. In the present-day context, individuals who embrace Islam can be categorised into two groups: newcomers to the faith and those who, despite having been Muslims since childhood, exhibit a weakened commitment to upholding Islamic teachings. The potential for embracing alternative religious beliefs is extensive, and the impact of such acceptance within a given locality can significantly impede the preservation and dissemination of the Islamic message. In order to create a conducive environment for this occurrence, M. Faried Wadjedy holds the perspective that one should engage in the act of donating zakat as a means to reinforce one's commitment to the principles and teachings of Islam. So look at it from the perspective of the problem, not the religious background.

There is an expectation that the alignment between textual content and contextual factors would effectively address and resolve any Islamic legal issues that may occur in the present era. Sharia acknowledges the changing nature of law, which necessitates the adaptation and rebuilding of legal principles to address emerging challenges. One of the principles of *usul* elucidates this matter.

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<sup>9</sup>The author's fieldwork involved engaging in da'wah activities inside the Ndeotadi District of the Pania Regency, located in the Papua Province. Additionally, the author conducted interviews with multiple informants as part of their research.

<sup>10</sup>The woman received the agreed-upon monetary compensation, which was contingent upon the duration of her contractual engagement as a sex worker. Given the contractual obligations and the additional burden of indebtedness to her employer, this woman is compelled to engage in illicit activities as a means to extricate herself from the contractual constraints and settle her outstanding financial liabilities. Occasionally, there are instances where men resolve their financial obligations by entering into a matrimonial commitment with the individual to whom they owe a loan.

## العبرة بعموم اللفظ لا بخصوص السبب

*meaning.*

The application of the law is often determined by the extent of its textual scope, encompassing not simply the specific events that serve as its contextual backdrop..

M. Faried Wadjedy argues that the situation in which QS al-taubah/9:60 was revealed has experienced modifications and an enlargement of meaning compared to the historical context at the time of its revelation. This verse outlines the recipients of zakat, encompassing eight distinct classes. This is the arena in which jurists engage in scholarly endeavours to investigate novel ideas without compromising the integrity of the Sharia texts, while also adhering to the established methodologies of *ijtihad* formulated by their predecessors. Their objective is to address contemporary challenges, which are progressively intricate in nature. According to Dr. Saifuddin Zuhri, it is imperative to prioritise the internalisation of diversity as a future endeavour in order to actualize the inherent benefits of life, which are fundamental to Islamic teachings. This should be approached through the orthopraxy paradigm, rather than Orthodoxy, which primarily focuses on upholding a specific interpretation of teachings without adequately considering the aspect of benefit.<sup>11</sup>

### **Recommendation**

Based on the provided description, it may be inferred that:

1. Zakat, as an integral component of Islam, encompasses both vertical and horizontal dimensions, serving as a significant mechanism for enhancing the economic well-being of the community and fostering communal welfare. Hence, it necessitates adequate administration and utilisation to ensure its efficacy and appropriateness. The allocation of zakat has been effectively governed in accordance with Islamic principles as outlined in QS al-taubah/9: 60, and further regulated by the Republic of Indonesia Law no. 23 of 2011. This legislation establishes a prioritisation framework that considers the concepts of fairness, justice, and regional considerations.
2. According to M. Faried Wadjedy's perspective on thought, Islamic law possesses the capacity to effectively adapt to the changing times and effectively address various societal issues that are intricately linked to legal matters. This adaptability is facilitated by the flexible nature of the Shari'a, which is thoroughly examined through the lens of Islamic legal principles and theories that consistently prioritise the promotion of justice and societal welfare. The necessity of reinterpreting the *mustahik* of zakat, particularly *al-riqab*, is crucial in order to actualize the profound wisdom of shari'ah by consistently acknowledging the congruity between the textual and contextual aspects of shari'a.

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<sup>11</sup>Saifuddin Zuhri, *Zakat Di Era Reformasi*, (Semarang: Bima Sakti, 2012), pp. 35.



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