

## The Philosophy and Elasticity of Zakah Distribution in Islam

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### Abstract

Islam has its own philosophy in all the prescribed laws, including zakah. Zakah is one of the mechanism in distributing wealth and social balance processes sanctioned by Islam. The paper attempts to discover the philosophy of zakah especially zakah distribution in its governance. The paper is library-based research on Islamic primary sources (al-Quran and al-Hadith) and secondary sources (Scripture scholars) to identify the philosophy in implementation of zakah. The philosophy of zakah implementation is identified by reviewing the zakah distribution and rate allocated to every zakah recipients. Through a compilation of Islamic juristical and implicit objectives in zakah distribution, the study highlights the philosophy of justice is the top priority in zakah distribution's aim. This paper also highlights the concepts that support philosophy of justice in zakah distribution. Among those concepts are *Istikhlaf* (replacement) and *Takaful* (solidarity). The paper also review about scope of Ijtihad in zakah distribution based on needs and elasticity of recipients, the distribution's rate and form of distribution. Findings from this study can guide the zakah institutions to achieve efficiency in the distribution in the future.

**Keywords:** Zakah, Recipients, Zakah Distribution, Philosophy in Zakah Distribution, Elasticity.

### 1. INTRODUCTION

Zakah is one of the five pillars that had been set by Islam to the Muslim as individual. The implementation and obligation of this pillar is necessity to the Muslims. To complete zakahas one of the five pillars, Islam not only concerned about the payment of zakah, but called for the distribution with precisely based on Islamic law.

Zakah from the etymology of the word comes from the Arabic language. The word zakah known as a root word (*Masdar*) from the word '*zakka*' which means blessing, grow, clean and good (al-Mu'jam al-Wasit 2004: 1/398).

According to Islamic law, the meaning of zakah from the legislation was defined by the jurists as a mandatory right in certain property based upon specific conditions and rules (al-Nawawi: 7/295). According to al-Qaradawi (2006: 1/37-38), zakah also can be defined as a specific part of the individual property that must be issued to those who are eligible to receive zakah. Allah says in Surah al-Tawbah (9: 103):

Take, [O, Muhammad], from their wealth a charity by which you purify them and cause them increase, and invoke [ Allah 's blessings] upon them.

Zakah is an act of worship that not only reflected in the payment of a substance property, but also involving spiritual and property purification. This statement was understood from the definition combination of the etymology and legislation. Al-Qaradawi (2006: 848) explains the wisdom and the purpose of zakah implementation is to purify human soul from the bad traits such as miserly and stingy character. Allah Almighty has called individuals who do not carry the obligations as hypocrites and promising a painful punishment in the Hereafter.

Additionally, zakah is one of the worship that has been given high priority in Islam. It is because zakah does not just relate to the relation muslim as an individual with Allah Almighty the creator, but also related for the relationship among the community whether Muslim or not. As mentioned before, complete obligations in zakah is not merely in terms of payment, but also the zakah distribution to the recipients.

## 2. ZAKAH DISTRIBUTION

Implementation of zakah does not only focus on the payment of zakah alone but it is being completed after funds of zakah were distributed to the right recipients (Asnaf). The Holy Qur'an has recorded those people who are eligible and entitled to receive Zakah based on the Allah says in Surah al-Tawbah:

Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah . And Allah is Knowing and Wise.  
(QS, al-Tawbah 9: 60)

Verse Holy Quran above clearly listed eight groups of people who are entitled to share in zakah distribution. The scholars have defined each of these group or zakah recipients with different definitions. An explanation of each definition recipients are as follows (MAIK 2007 and Sanep Ahmad 2009: 64-65):

1. The Poor (*al-Fuqara'*) - An Individual Muslim who does not have a job or got a source of

income does not reach 50% of the requirements (*Kifaya*) and does not have enough for his/her daily needs.

2. The Needy (*al-Masakin*) – An Individual Muslim who have a job and earn source of income that met half of requirement (*Kifaya*) and does not have enough for his/her daily needs.

3. Administrators of zakah ('Amil) – An Individuals or organizations that are directly involved in the management and administration of the zakah affairs, including the collection, distribution, finance and so on.

4. Those inclined to Islam (*Muallaf*) – Recently embraced Islam. An Individual who tamed his heart to Islam or to accept Islamic orientation. Muallaf divided into four: -

- a. Individuals who are new converts to Islam.
- b. The head of a people who convert to Islam and has good relations with leaders of non-Muslim groups.
- c. The head of people who embraced Islam who in weak faith but still adhered to by the people under his leadership.
- d. Individuals who converted to Islam and lived near the border with the enemy.

5. Captives seeking freedom (*al-Riqab*) – Slavery. Individuals who were freed from the bondage of slavery and conquest whether physical or mental. Since slavery was abolished nowadays, the definition is expanded includes liberation from ignorance, political, economic, and so on.

6. Debtors (*al-Gharimin*)- Individuals who is in debt but needs assistance to meet his/her basic.

7. For the cause of Allah (*fi sabilillah*)- Strive in the cause of Allah for the betterment of the community. Individual who engage in activities to manage, develop, uphold, defend and missionary (*dakwah*).

8 Wayfarers (*ibn al-sabil*) - Stranded travellers on a permissible journey. Individuals who travel and financial outages or need help.

The Holy Qur'an mentions clearly about eligible recipients that will be receiving zakah but does not mentioning in detail which types of properties and wealth that compulsory for it. The types of properties and wealth of zakah are only explained in the sayings of Prophet Muhammad SAW. This matter shows that the most important affair in zakah is the distribution to the recipients. The important of zakah distribution compared to the other zakah affair preferred by Almighty Allah are to avoid deviated and non-implementation desires in distributing zakah (MahmoodZuhdi, 2003). Implementation of zakat distribution in according with Islamic law is as a social assurance in Islam to overcome various problems in life especially poverty (Yusuf al-Qaradawi, 2006).

### 3. THE PHILOSOPHY OF ZAKAH DISTRIBUTION

Philosophy is defined as the knowledge of the true meaning of something. It was considered as the highest knowledge that forms the basis of other knowledge (KamusDewan 2007). SidiGazalba (1974) also defined philosophy as a search for the truth in a problem with radical thinking, systematic and universal.

The principal philosophy which underlies the concept of zakah in Islam is justice. Justice is a universal value that includes all the business and affairs of human life. Al-Zuhaili (2006) defines justice as giving a right to its owner. Based on that understanding, justice in the distributing zakah is to offer zakah recipients their rights fairly and righteously. This refers to one of the economic concept which is fair and equitable distribution of wealth.

Distribution of wealth in Islam is built on a foundation of respect for the individuals rights. The aim is to meet their needs and desires, within of the framework of the humanitarian principles (al-Solahin 2007: 320). According to al-Solahin (2007:331), based on economic theory, the distribution of wealth occurs in two forms: Firstly ownership and secondly employment. But Islam recognizes the third distribution which is the distribution to other people who are the poor and the needy. This distribution is emphasized by Islamic law as Islam obligates the zakah.

Justice in the Islamic distribution of wealth is based on the faith and belief in Almighty Allah. All property and wealth owned by the individuals actually belongs to Almighty Allah as total. People are only entrusted to manage it as God's representative on earth. Almighty Allah says:

And [mention, O Muhammad], when your Lord said to the angels, "Indeed, I will make upon the earth a successive authority (caliph).

(QS, al-Baqarah 2: 30)

Ibn 'Asyur (1984: 399) states that the caliph in this verse means that the owner replaces something in managing its ownership. The actual ownership of the property and wealth in this world is only for Allah. This concept is known in Islamic law as *Istikhlaf*.

The value of faith in Almighty Allah also makes the people realize that there are other people's rights in their owned property. According to Islam, the individual has the right to enrich himself. But in the wealth which he worked on, there are community and individual rights. Therefore, every individual in the Islamic society has a role to the community based on the concept of joint liability (*takaful*). The *Takaful* concept can be considered as individual social responsibility to the needy and underprivileged (al-Sabhany 2001).

Based on the concept of faith too, Islam has appointed the laws and relating to the transaction and procedures in property as guidance for human life. The obligation of zakah in Islam is a clear manifestation in this concept reflected in the zakah distribution.

Between the objective and the final goal in economic systems is to achieve a justice in the distribution of wealth (al-Sabhany 2001). This is also an objective in implementation of the property laws according to the Almighty Allah says in Qur'an (5: 7):

And what Allah restored to His Messenger from the people of the towns - it is for Allah and for the Messenger and for [his] near relatives and orphans and the [stranded] traveler - **so that it will not be a perpetual distribution among the rich from among you.** And whatever the Messenger has given you - take; and what he has forbidden you - refrain from. And fear Allah ; indeed, Allah is severe in penalty.

Although this verse was specifically describe about *al-fai'* (the spoil or the booty that the Muslims acquire from the disbelievers, without fighting in war against them) as describe by al-Jurjani (1985), but the interpreter of Holy Quran states the lesson can be taken from the generality of the verse, not specific to the knowledge about the reasons of the revelations (Mana' Qattan 2000). From the verse, it can be comprehended that the goals to achieve by the Shari'ah law is to the distribution of property, including Zakah is distributed fairly and not only focused on specific groups.

In the method of Zakah distribution, Islam has determined the Zakah recipient groups or individuals known as the Asnaf. The Zakah recipients (Asnaf) tend to be 'Thabat' which means the Zakah distribution specifically only to eight groups who have been mentioned in Surah al-Tawbah verse 60. This distribution into eight group of Asnaf is consensus and agreed upon by all of Islamic scholars (al-Razi 2001: 16/205).

### 3. THE SIGNIFICANT OF ZAKAH DISTRIBUTION TO EIGHT ASNAF

In examining the eight recipients of Zakah, they can be categorized into 2 groups:

**First:** Those who are entitled to Zakah based on their needs. They consist of the The Poor (*al-Fuqara'*), The Needy (*al-Masakin*), Captives seeking freedom (*al-Riqab*), Debtors (*al-Gharimin*) and Wayfarers (*ibn al-Sabil*). This group is entitled to the Zakah to meet their needs as poor and needy, to free themselves from slavery and debt or in the cut off situation at the time they do the journey.

**Second:** Those who are entitled to the Zakah based on behalf their importance as Zakah recipients not on their needs such as Amil, converts and *fi-sabilillah'*. Amil is needed to facilitate the management of zakah payment and distribution. *Muallaf* is needed to attract more people to convert to Islam or as financial support when they are new in Islam. While the *fi-sabilillah* is required to uphold Islam and spreading dakwah (Al-Ansari, Zakarian.d.: 393-399)

From the division above, it can be concluded that the fundamental determination of zakah recipients are wishes and needs. Wishes and needs of these individuals either at the receiver as the first recipients, or on behalf of the community and government as recipients of the second. Balance between individual rights and the division of society is a secret superiority zakat system remains relevant to this day and the times to come.

### 5. ELASTICITY DISTRIBUTION OF CHARITY

Islamic law can be remained superior bucked and cultural change in time due to its meaning which is '*thabat*' (static) and '*murunah*' (elastic). Basic method is found in nature '*thabat*' principles that will not change at all. While laws and rulings related to the time and the atmosphere is '*murunah*' nature that can change depending on certain factors.

In economic development social and society civilization, the zakah distribution requires *ijtihad* - a process of legal reasoning and hermeneutics through which the jurist-mujtahid derives law on the basis of the Quran and the [Sunnah](#) (Hallaq, Wael 2005). This *ijtihad* required to ensure the Islamic law always consistent and keep pace with the time changing or current development. The *ijtihad* has

to be based on the process of deriving certain rules or meanings from a text (*istinbath*) which has been developed by the jurists to ensure the law is not distorted from the real intention in quran and sunnah.

The innovation and transformation in zakah recipients terms has been critically discussed by contemporary muslim scholars and jurists to develop perfect zakah institutions in Islamic societies. This matter should be viewed in a holistic manner based on Islamic epistemology, methodology and maqasid (objective) in Islamic jurisprudence to prevent leakage in zakah distribution to those who are not entitled.

Basically, the definition of each recipients and the rate prescribed is not defined diligently in Islam. However, the meaning of each recipients, rate and conditions has been defined by the jurists in their writings. It is permitted by islamic law to *ijtihad* due to the obsenceness of clear meaning; in contrast to the eight prescribed categories of the zakah recipients. This is based on the method in UsulFiqh which is -no*Ijtihad* in the presence of the Text (Zaidan 2012)

Thus, the scholars and jurists were only focused on the *ijtihad* of the recipients and the rate earned by each of them.

There are three perspectives of the elasticity in zakah distribution which is elasticity of zakah recipients, elasticity of distribution form and elasticity of zakat distribution rate.

### 5.1 Elasticity of Zakah Recipients

On the earlier Islamic scholars' research found that there was an opinions' difference in determining meaning of each zakah recipients. For example, there are *khilaf* (conflicts/difference) on *fi sabilillah*'s meaning where it tends to expand or limit the meaning. The scholars also disagreed about the extention of the meaning of recipients in *fi sabilillah* can be extended.

The scholars agreed that recipients *fi sabilillah* referring to any activities that uphold and defend Islam which known as jihad. There were arguments among them whether recipients can be extended and expanded its meaning. So there is a opinion that allows the granting of zakah distribution to scholars, religious teachers and students can be included in recipients of *fi sabilillah*. There are also opinion that include public interest such as public roads and mosques in this recipients. In addition, there is a scholars' opinion that say the pilgrimage is also included. The most general opinion in Islamic jurists alleged that recipients of *fi sabilillah* are also covers all charitable deeds (Mahadi Mohammad 2011).

In Malaysia as example, there are separate centers in each states and the distribution also different. One of the issue of differences in zakah recipients in Malaysia's Zakah Collection Center is there has been few interpretations in recipients of *al-Riqab* (slave). In state of Johor, there are only seven recipients in zakah distribution without listing *al-Riqab* as slaves no longer exist in the present in Islamic view. In states of Malacca, although recipients of *al-Riqab* mentioned as one of the recipients are entitled to zakah, but in year 2006 and 2007, no distributions were made to this recipients because the interpretation is not appropriate. Some goes in state of Penang where no distributions can be made to recipients of *al-Riqab* due to interpretation made in the meeting of

State Islamic Council of Penang where limited the slaves freedom. However, states in Malaysia where use Islamic contemporary interpretation views the recipients of *al-Riqab* still attributable to the types of the slavery, including those who are struggling to free themselves from ignorance and sin (Engku Muhammad Tajuddin 2011).

## 5.2 Elasticity in Distribution Form

From the aspect of the distribution form, basically zakah is distributed to recipients in form of currency (zakah in saving, bussiness, gold and silver), staple foods (zakah on plants and zakahfitrah) or animals (zakah on animals). However, certains categories of animals and plants are difficult to distribute to each of the recipients. Due to that, there is aopinion in School of Hanafi that allow a muslim paying zakah in the value or in currency used. Its make easier in zakah distribution process. This opinion chosen by al-Qaradhawi who is one the leading Islamic contemporary scholar and also used by all zakahcenter in Malaysia (al-Qaradhawi 2006: 2/810-819).

Questionable issues are: could the zakah distributed to recipients in form of currency such as daily necessities, school necessities, in form of loan or microcredit? Most of this issues has been discussed by contemporary scholars and the result shows there are differences in the form of distribution(IbnBaz 1999/1420H). This research not mainly discuss of the differences and the preferable opinion, but move towards the basic and underlying philosophy that binding the *ijtihad*.

Any *ijtihad* and decisions made should be based on understanding philosophy and objective of implementation of Islamic law. The short-term purpose of zakah distribution is to fulfillrecipients necessities as for the long-term purpose, is to remove the zakah recipients as a needy (al-Qaradawi 2006: 2/575). That is the reason why zakah should e received in the form that able to accomplish the goals. Originally, the form of currency used as zakah payment because of its full liquidity that can be exchange easily and accepted by the public. The zakah recipients are able to manage and change the zakah that obtained by them to fulfill their necessities easily.

However, if the zakah obtained by recipients in the form of currency not able to achieve the purpose of zakah, then the zakah can distribute in form that can be beneficial such as machinery equipments and vehicles. The Zakahcenter can also give zakah in form of micro-credit to help entrepreneur and merchants to conduct their bussiness. Commonly, this type of loan are not required the recipients to settle their loan. Therefore the borrowers is not burden with the debt if they are not able to settle the loan. This type of loan not only can help the recipients, but it also willguarenteeinloted in a more useful form such as machinery, equipment and vehicles. Some centers also give zakat alms in the form of micro-credit to help entrepreneurs and merchants to conduct their business. Usually these loans are not required to pay, and the borrower is not burdened with debt if it can not afford to pay it off. These loans not only can help the zakah recipients, but it also will guarantee flow of zakah income to the tozakahcenter instead of distribute to the needy recipients (Ahmad CheYaakob, RazaliDaud, Roslim, Basaruddin Shah Basri&Safiah Mohamed 2011: 7-9).

Thus the foundation and law must be based on onmaslahah (interest) and recipients' *necessities*, rather than the needs and interests of zakahcenter. Consideration in maslahah (interests) must be done by Muslim scholars and the economists for the best resolution to the government. This is in accordance with fiqh principal which is - The goverment act towards pulic should be based on maslahah (interest) (al-Suyuthi 1983).

### 5.3 Elasticity in Distribution Rate

Islamic law only set the number of eligible recipients to receive zakah and does not determined the rate earned by each recipients. Simply means, the determination of zakah is indirectly distributed to all recipients as equally. This law is understood with the use of the arabic letter, Lam (ل) towards recipients in Qur'an, Surah al-Tawbah verse 60. This is the opinion in school of Shafi'i. Meanwhile according to the schools of Hanafi and Maliki, zakah does not require to distribute towards all eight recipients, but enough to distribute among needy recipients only (al-Qaradawi 2006: 2/698).

Based on the argument between these two streams' opinion on this issue, it appears that there should be a weights that considering one of those opinions. This is the importance of referring to the philosophy and purpose of zakah distribution. The rate of zakah distribute among the recipients should be able to achieve maqasid (objective) directly or gradually.

For example, the scholars opinion is differ on the rate given to the poor. The views are related on necessity distribution based on annually basis or whole life basis. This distribution also can be given in the form. Grants can also be given in the form of capital and equipment for recipients who are able to generate economic growth, that also known as zakah productive scheme. Periodic assistance can be given to recipients who can not engage in economic activities such as the poor among the elderly and disabled (al-Qaradawi 2006: 2/575-590).

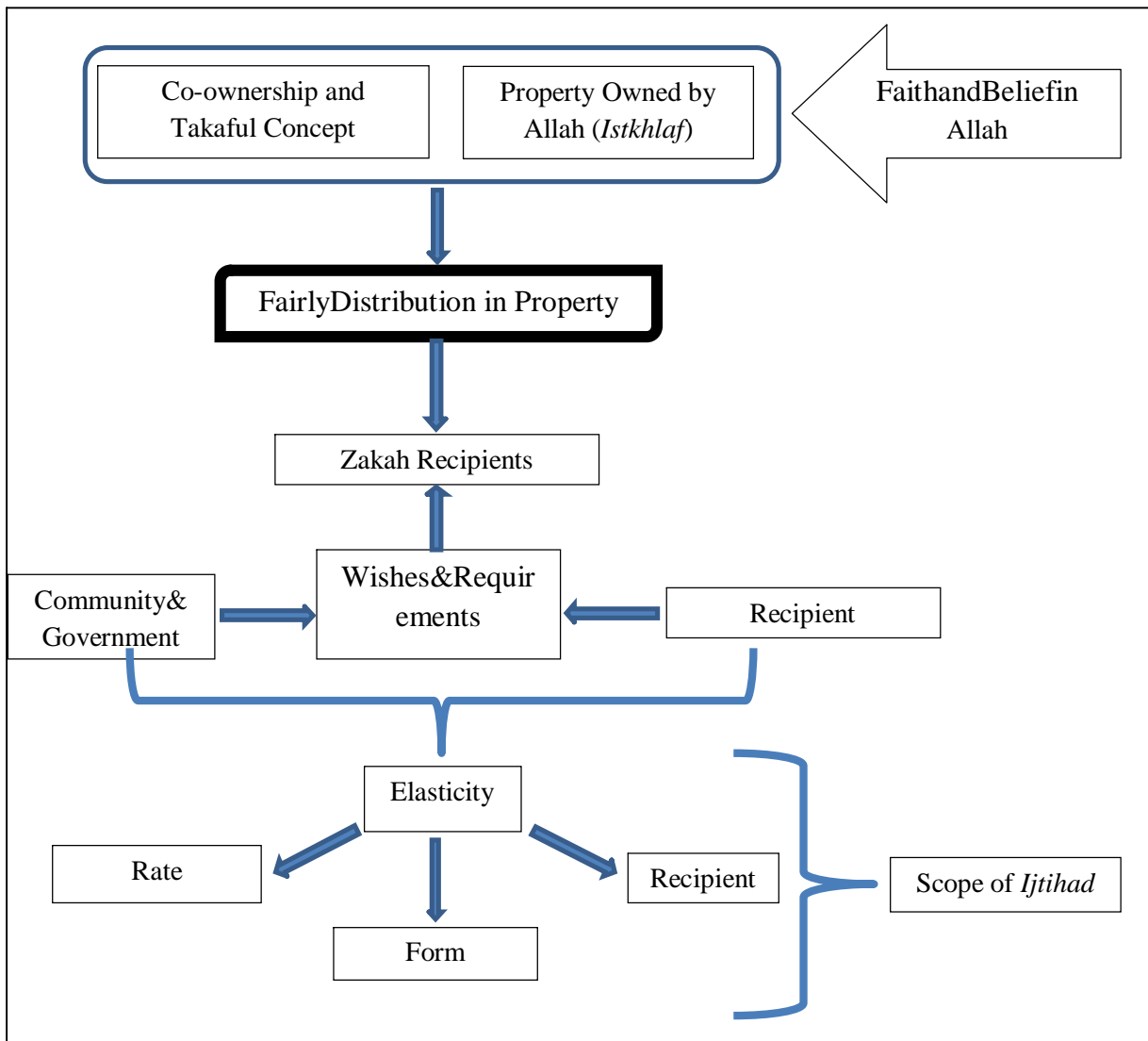
Meanwhile, in the issue recipient of amil, all four Islamic schools (Shafi'i, Maliki, Hanafi and Hanbali) agreed that the payment rate received by amil is the reward for his work. Therefore, the division of amil is prioritized by in zakah distribution compared to the other recipients. Al-Qurtubi (t.th: 495) and al-Nawawi (2007: 231) have stressed that there is consensus of scholars and jurists on the issue. So, maqasid (objective) and purpose of zakah given to amil in return of the work done towards the institution of zakah. Therefore, the distribution to the amil are not tied to 1/8, 1/16 or certain proportion from the total of zakat obtained. It is justified by the work done as the amil (Wan MohdKhairulFirdaus and MahadiMohammad 2011).

This is an example of how the definition of recipients can innovate and evolve. The balance between texts (quran and hadith) and innovation must be managed and monitored in order to prevent injustice of zakah distribution due to human actions that exploit and transform zakah recipients. Thus, the transformation and innovation should be measured based on the principles and philosophy of zakah distribution which is fair distribution and fulfill recipients wishes effectively.

The Summary of the discussions shown in the diagram 1 below.



**Figure 1: The Framework of Philosophy and Elasticity in Zakah Distribution**



## 6. CONCLUSIONS

Based on the overall discussions, there are several conclusions:

1. Zakah is one of the mechanism in wealth distribution that obligated to the particular muslims to ensure socially balanced community.
2. Zakah Distribution is the important element in the management and implementation of zakah as Allah Almighty mentions with detail in quran about the recipients which entitled to receive zakah.
3. The philosophy in zakah distribution is justice that guaranteed efficiency of the zakah distribution towards the recipients.
4. The scope of ijtihad which is allowed in the zakah distribution including the elasticity of recipients, form and rate. However, the ijtihad should be in line with the philosophy of zakah distribution which is justice and not beyond the maqasid (objective) of zakah implementation.

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