

Beyond Classical Slavery: A Critical *Maqāṣid* Analysis of the Reinterpretation of *al-Riqāb* in Contemporary Zakat Jurisprudence

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Abstract: This study aimed to examine the concept of *al-riqāb* as a zakat recipient category mentioned in Qur'an Surah al-Tawbah (9):60. In classical Islamic jurisprudence, *al-riqāb* referred to slaves undergoing emancipation (*mukātab*). However, with the legal abolition of slavery in modern societies, the idea broadened the meaning of *al-riqāb* to include victims of exploitation, human trafficking, debt bondage, and similar conditions. This study focused on investigating how *al-riqāb* was understood in classical fiqh literature and to what extent the concept could be applied in contemporary times. Using a normative-philosophical method and literature review, this study analysed the foundations of Islamic law, the views of major legal schools, and the interpretations of scholars regarding the zakat verse. The results showed that most scholars interpreted *al-riqāb* strictly as *mukātab* slaves. Although the social context had changed, expanding the meaning of *al-riqāb* must be approached with caution to avoid violating the Qur'anic principle of limitation (*ḥaṣr*) and scholarly consensus (*ijmā'*). Furthermore, the study showed that any reinterpretation aiming to include modern "slavery" victims must be based on strong *syar'i* evidence, remain consistent with *maqāṣid al-syarī'ah*, and not compromise the integrity of Islamic legal rulings or the rights of other eligible zakat recipients. Zakat distribution must also adhere to the boundaries of Islamic law and should not depend solely on subjective notions of public interest.

Keywords: *al-Riqāb*, contemporary context; *Maqāṣid Syarī' Ah*; *mustahik*; zakat,

1. Introduction

The distribution of zakat to its eight eligible categories (*aṣnāf*) faces a distinctive jurisprudential problem in the category of *al-riqāb*. Classical fiqh defined *al-riqāb* narrowly as slaves undergoing contractual emancipation (*mukātab*), but the legal abolition of slavery across the modern world, including in Muslim-majority states,

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Article Info [Submitted: February 08, 2026 | Revised: July 05, 2026 | Accepted: July 27, 2026 | Published September 17, 2026]



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has left this category without its original referent. The absence has generated contemporary debate over whether *al-riqāb* should be treated as functionally obsolete or reinterpreted to encompass victims of “modern slavery,” including human trafficking, debt bondage, and labor exploitation. The central problem addressed by this study is whether the reinterpretation can be justified within the methodological limits of Islamic law. The reinterpretation may also breach the Qur’anic principle of limitation *ḥaṣr* and the established consensus *ijmā’* on the *aṣnāf*.

In Islamic jurisprudence literature, the term *al-riqāb* refers to slaves who need to be freed. This concept was developed in the socio-economic context of Arab society in the early Islamic era, when slavery was still a common phenomenon. Zakat was allocated to help free slaves as a form of Islamic effort to gradually abolish slavery.¹ However, formal slavery has been legally abolished across the world, including in Muslim countries. This raises conceptual questions regarding the relevance and application of the *al-riqāb* category to zakat distribution in the modern era. Can this group still be applied literally, or does it need to be reinterpreted to suit the current context?

Imam al-Nawawī, in the book titled *Al-Majmū’ Syarḥ al-Muhadhdhab*, explains that zakat for *al-Riqāb* is to directly free slaves or to assist those in the process of self-redemption (*mukātab*). This shows a literal method of interpreting the verse of zakat.² However, some contemporary scholars argue that the meaning of *al-riqāb* can be expanded to include other groups in need of liberation from forms of “modern slavery,” such as burdensome debt bondage, labour exploitation, or even people trapped in human trafficking networks.³ In the study of *fiqh*, there is a need to understand *maqāṣid al-syarī’ah* in the context of legal decision-making.⁴ The use of the *qiyas* method is also an important method in understanding the relevance of *al-riqāb* today. Through *qiyas*, scholars try to bridge classical texts with modern reality. In order for the *qiyas* method to remain on track, it is necessary to pay attention to the provisions of *qiyas*. This study discusses the views of scholars and jurists on the concept of *al-riqāb* as a category of mustahik zakat. Conceptually, this study aimed to examine the category of *al-riqāb* as mustahik of zakat in *fiqh* studies by showing the theoretical basis, interpretation of classical scholars, and relevance to the modern context. These results are important considering the urgency of zakat as an instrument of socio-economic empowerment that continues to develop in accordance with the dynamics of society.

¹ Wahbah Az-Zuhaili, *Al-Fiqh Al-Islami Wa Adillatuhu* (Beirut: Dar al-Fikr, 2020).

² Yaḥya Ibn Syaraf al-Nawawī, “*Majmū’ Syarḥ Al-Muhadhdhab*” (Beirut, n.d.).

³ Yūsuf Al-Qaraḍāwī, *Fiqh Al-Zakāh: The Islamic Law of Alms* (Leicester: The Islamic Foundation, 2020), 4.

⁴ Ibrāhīm ibn Mūsā Al-Shāṭibī, *Al-Muwāfaqāt*, Jilid II, vol. 2 (Cairo: Dār Ibn ‘Affān, 1997).

The relevance of this study becomes increasingly pressing when faced with contemporary social phenomena, where slaves are no longer recognized as existing. Therefore, a comprehensive method is necessary to understand the concept of *al-riqāb* in the contemporary context, both through analysis of classical texts and integration with current socio-economic realities. This study not only functions as an academic effort to explore the treasures of Islamic knowledge, but also as a strategic step in providing a real contribution to solving the problems of modern society.

In recent years, the study of zakat and *al-riqāb* has experienced significant development in contemporary academic studies. Ahmad Ali et al. showed that *al-riqāb* needed to be reinterpreted in the context of modern slavery, such as human trafficking, forced labor, and debt bondage.⁵ Meanwhile, Zainal Fanani, Hanik Latifah, and Moh. Ulumuddin reported that the modernisation of zakat management through digitalisation, professional governance, and the empowerment of mustahik has shifted zakat jurisprudence from a *qawli* method to a more contextual *manhaji*.⁶ In addition, a study in the journal Yusof Hilmi showed the importance of the principles of justice, trustworthiness, transparency, and efficiency in modern zakat governance.⁷ A. Hashfi Luthfi et al. and Budi Rahmat also showed the integration of the principles of good governance and *maqāṣid al-syari'ah* in zakat governance reform.⁸ However, these studies still focus more on the governance and contextualization aspects of zakat in general, and have not specifically examined the dynamics of reinterpreting *al-riqāb* in contemporary zakat distribution practices.

Previous reports showed that studies on *al-riqāb* and contemporary zakat management still have several gaps. First, most studies focus on contextualising victims of modern slavery or zakat governance in general, but have not yet compared in depth variations in interpretations of *al-riqāb* among zakat authorities and their implications for distribution. Second, previous studies tend to discuss *al-riqāb* within a separate normative or

⁵ Ahmad Ali, Syauqi Fathan, and Musyarrofah Nafi, "Korban Perbudakan Modern Sebagai Mustahiq Zakat : Kontekstualisasi Penafsiran Term Al-Riqab," *Al-Qānūn: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 28, no. 1 (2025).

⁶ Zainal Fanani et al., "Modernisasi Pengelolaan Zakat Oleh Nahdatul Ulama: Dari Fikih Klasik Ke Pendekatan Kontekstual," *CENDEKIA: Jurnal Studi Keislaman* 11, no. 2 (2025).

⁷ Yusof Hilmi Bin Bakru Rozi, Novaadila Binti Erizal, and Hasanah Binti Abd Khafidz, "Prinsip Tadbir Urus Institusi Zakat Dan Baitulmal Menurut Al-Mawardi Dan Aplikasinya Di Malaysia," *Al-Hikmah* 17, no. 1 (2025): 89–110, <https://doi.org/https://doi.org/10.17576/alhikmah.2025.1701/561> kerangka.

⁸ A Hashfi Luthfi, Ali Sodiqin, and Moh Tamtowi, "Reconstructing Zakat Governance in Indonesia : A Maqāṣid Al-Shari'ah Approach to Constitutional Reform," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 11, no. 1 (2026): 85–103, <https://doi.org/https://doi.org/10.22515/alahkam.v11i1.13033> Reconstructing; Budi Rahmat Hakim et al., "Reactualization of Maslahat and Social Justice Principles in the Contextualization of Fiqh Zakat," *SYARIAH: Jurnal Hukum Dan Pemikiran* 24, no. 1 (2024), <https://doi.org/https://doi.org/10.18592/sjhp.v23i2.12304>.

administrative framework, without connecting the reinterpretation of the concept to the paradigm shift of zakat jurisprudence from a textual to a *maqāṣidī* and contextual method. Third, there are still limited studies examining how the reinterpretation of *al-riqāb* can function as an instrument of social liberation in addressing modern problems, such as economic exploitation, social marginalisation, and structural constraints. Therefore, this study seeks to reinterpret and strengthen the theory of *al-riqāb* from a contemporary zakat perspective. The differences in interpreting *al-riqāb* across regions and zakat institutions are not only described but also critiqued, highlighting limitations of classical understanding that are less relevant to modern social realities. Using a normative and contextual method grounded in *maqāṣid al-syarī'ah*, this study shows that *al-riqāb* has a broader social dimension as an instrument of human liberation from various forms of modern oppression. This contribution is expected to enrich the development of contemporary zakat theory, strengthen the legitimacy of reinterpreting *al-riqāb*, and provide a conceptual foundation for optimising zakat distribution in response to the social challenges of modern society. Viewed from this perspective, the study addresses the theoretical foundations and practical applications of Islamic jurisprudence in global contexts. The study also examines how a fixed juristic category derived from a classical social order can be reinterpreted in light of transnational human-rights realities and what that reinterpretation implies for zakat institutions operating across diverse modern jurisdictions.

2. Methods

A legal-normative literature study was conducted, a design in which the primary material consisted of authoritative legal texts rather than field data⁹. Grounded in Islamic legal and doctrinal-legal methodology rather than social-science methods, it treats the Qur'an, the Sunnah, and the works of the four Sunni schools as primary sources, and contemporary fiqh scholarship, fatwa, and peer-reviewed studies on zakat as secondary sources. This study used a qualitative, descriptive, and analytical design. In qualitative studies, the theoretical basis helps provide a general overview of the background and serves as material for discussing the results.¹⁰

The study used a normative-philosophical method to examine problems in Islamic studies from a formal legal and normative perspective. Normative refers to all the teachings contained in the text.¹¹ Meanwhile, a philosophical method included thinking deeply, systematically, radically, and universally in order to seek the truth, essence, wisdom, or essence of something. In a more specific context, a combination

⁹ Mestika Zed, *Metode Penelitian Kepustakaan* (Jakarta: Yayasan Obor Indonesia, 2008).

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2017).

¹¹ Wael B Hallaq, *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009).

of normative-philosophical methods could be used to understand Islamic texts by interpreting them logically and philosophically to find objective values. This also included philosophical reasoning to understand the essence of something based on philosophical principles.¹² Therefore, the normative-philosophical method in Islamic studies included an analysis of Islamic law and teachings integrated with philosophical thinking to obtain deeper truths and essences.

The normative dimension followed the doctrinal-legal tradition of reading rules from authoritative textual sources. The philosophical dimension drew on the theory of the objectives of the law (*maqāṣid al-syari'ah*) to interrogate the purposes rather than just restating the rules. Data were collected by documenting primary and secondary sources. The collected data were then analysed qualitatively using content analysis, applying inductive, deductive, and comparative reasoning to juxtapose the classical construction of *al-riqāb* with contemporary reinterpretations and to assess each against recognised standards of legal-methodological reasoning.

3. Results and Discussion

3.1. Explanation of Zakat

3.1.1. Understanding Zakat

Zakat originates from the word "*zakā*," which means pure, good, blessed, growing, and developing. The term zakat is used because it contains the hope of obtaining blessings, cleansing the soul, and nourishing it with various good deeds. In the context of zakat, growth means that paying zakat develops wealth and produces abundant rewards. Meanwhile, "pure" means zakat cleanses the soul of evil, falsehood, and sin.¹³ This term is used because zakat is a process of improving and cleansing an individual from what was acquired.

In *fiqh*, zakat refers to a prescribed amount taken from specific forms of wealth and distributed to designated groups entitled to receive it (*mustahiqqīn*). The assets subject to the obligation are referred to as zakat because the wealth from which the prescribed portion is given is believed to grow and develop. As explained by Sheikh Taqiyyuddin Abu Bakr in *Kifāyat al-Akhyār*:

وسميت بذلك لأن المال ينمو ببركة إخراجها ودعاء الآخذ¹⁴

Meaning: "It is called zakat because the wealth will grow thanks to the blessings of the zakat payments and the prayers of the people who receive it."

¹² Abdullah Saeed, *Interpreting the Qur'ān: Towards a Contemporary Approach* (London: Routledge, 2006).

¹³ Sayyid Sabiq, *Fiqh Sunnah* (Jakarta: PT. Pena Pundi Aksara, 2009).

¹⁴ Taqiyyuddin Abu Bakr Ibn Muhammad al-Husaynī, *Kifāyat Al-Akhyār Fī Ḥalli Ghāyat Al-Ikhtisār*, 2nd ed. (Surabaya: al-Haramain, 2002).

The explanation is consistent with al-Mawardī's report in the book *al-Ḥāwī al-Kabīr*, which defines zakat as a certain taking from certain assets, with certain characteristics, and to be given to particular groups. Those who pay zakat are called *muzaki* (payers of zakat), while those who receive it are called *mustahik* (beneficiaries). Zakat is a specific portion of an individual's wealth that every Muslim must pay when they meet certain requirements. As a pillar of Islam, zakat is paid to be distributed to those entitled to receive it (*aṣnāf*).¹⁵

Based on the terminological understanding of zakat, Islamic teachings imply an intention to create harmony between the rich and the less fortunate. Handing over a portion of wealth to the less fortunate is an important element of zakat. The wealth of the rich contains rights belonging to the poor. With zakat, wealth distribution becomes more even. Zakat can also symbolise harmonious horizontal relationships among people, where the wealthy care for the plight of the poor. In other words, this concept helps alleviate poverty and reduce suffering throughout human history.

3.2. Legal Basis for Zakat

There are many verses that show the obligation to pay zakat, including verse 110 of Surah Al-Baqarah:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَمَا تُقَدِّمُوا لِأَنفُسِكُمْ مِنْ خَيْرٍ تَجِدُوهُ عِنْدَ اللَّهِ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

Meaning: "And establish prayer and pay zakat. And whatever good you do for yourself, you will certainly be rewarded with Allah. Indeed, Allah is All-Seeing of what you do." (QS al-Baqarah/2: 110).

This verse highlights two main pillars in a Muslim's life: prayer and zakat. Prayer is a form of worship that serves as a direct connection between humans and Allah, helping them draw closer to Him, strengthen faith, and maintain spiritual discipline. Meanwhile, zakat is a social obligation that reflects concern for others, especially those in need, while also serving as a means of distributing economic justice in society. This verse also shows that God will reward every good deed by humans, whether in the form of personal worship or social charity. The message instils sincerity and optimism, as no good deed is in vain in the sight of God, who is All-Seeing and All-Knowing of all deeds. Therefore, the verse motivates Muslims to balance a vertical relationship with God with horizontal relationships with fellow humans as a form of complete devotion. In addition to verses from the Qur'an, several hadiths show the obligation of zakat. A hadith narrated by Ibn Abbas (ra) recounts that when the Prophet sent Mu'adh ibn Jabal to Yemen, Rasulullah (SAW) said:

¹⁵ Al-Mawardī, *Al-Ḥāwī Al-Kabīr* (Beirut: Dār Al-Kutub al-'Ilmiyyah, 1994).

أن النبي صلى الله عليه وسلم بعث معاذًا إلى اليمن، فقال: ادعهم إلى شهادة أن لا إله إلا الله وأني رسول الله، فإن هم أطاعوا لذلك، فأعلمهم أن الله قد افترض عليهم خمس صلوات في كل يوم وليلة، فإن هم أطاعوا لذلك، فأعلمهم أن الله افترض عليهم صدقة في أموالهم، تؤخذ من أغنيائهم وترد على فقرائهم.¹⁶

Meaning: "Indeed, the Prophet SAW sent Mu'adh to Yemen, then the Prophet said: "Invite them to testify that there is no god but Allah and that I am indeed the Messenger of Allah. If they obey, then inform them that Allah has made obligatory upon them five prayers a day and a night. If they obey, then inform them that Allah has also made obligatory upon them zakat on their property, which is taken from their rich people and distributed (returned) to their poor people." (Narrated by Bukhari).

This hadith describes the steps of the Prophet Muhammad SAW's preaching, which were full of wisdom and stages, and focuses on the importance of the foundation of faith before carrying out acts of worship. The Prophet began by inviting Mu'adh bin Jabal to introduce monotheism as the core of Islam: testifying that there was no God but Allah and that Muhammad was His Messenger. After accepting monotheism, the Prophet explained the obligation of prayer as the primary act of worship connecting servants with Allah, followed by zakat as a form of social responsibility through which part of the rich's wealth is distributed to the poor. This shows that Islam focuses not only on vertical relationships with Allah (worship) but also on horizontal relationships with fellow humans (social), making zakat an instrument of social justice and economic equality.

3.3. Zakat Deserving Person

Eight groups of people have the right to receive zakat (*mustahik zakat*), as mentioned in QS al-Tawbah 60:

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمَوْلَّاتِ قُلُوبُهُمْ فِي الرِّقَابِ وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

Meaning: "Indeed, zakat is only for the needy, poor people, zakat administrators, converts who are persuaded by their hearts, to (free) slaves, people who are in debt, for the path of Allah, and people who are on a journey, as a decree required by Allah. And Allah is all-knowing, all-wise." (QS al-Tawbah/9: 60)

¹⁶ Muḥammad Ibn Ismā'il al-Bukhārī and Shaḥīḥ Al-Bukhārī, "Arab Saudi: Bait Al-Afkar Al-Dawliyyah," 1997.

Based on this verse, there are eight groups entitled to receive zakat (*asnaf*). First, the fakir, who lack wealth or employment that can meet daily needs. Second, the poor, who have jobs, but whose income is still insufficient to meet basic needs. Third, the *amil* zakat, who is tasked with managing zakat, from collection and recording to distribution to eligible recipients. In carrying out this task, the *amil* is required to be trustworthy, honest, and have a good understanding of the legal provisions of zakat. Fourth, the *mualaf*, who have recently embraced Islam and still need moral, social, and economic support to strengthen and solidify the faith. Fifth, the *riqāb*, referring to Muslim slaves who pursue freedom through a generous agreement but lack the financial means to secure freedom. Sixth, the *gharim*, who are in debt due to urgent needs or for purposes justified by sharia and cannot repay their debts. Seventh, *fi sabilillah*, which refers to all forms of struggle and effort in the path of Allah aimed at upholding, defending, and spreading the teachings of Islam. This concept includes welfare activities such as developing Islamic education, building madrasas, Islamic hospitals, and places of worship, and financing *da'wah* activities and zakat management institutions. Eighth, *Ibn Sabil* refers to travellers who undertake a journey for a good and sharia-justified purpose but face financial difficulties and need assistance to achieve their goals. Therefore, the distribution of zakat serves as an instrument of social assistance, as well as a means of community empowerment and improving the welfare of the community as a whole.

3.4. General Understanding of *al-Riqāb*

In Arabic, *riqāb* is the plural form of *raqabah*. Etymologically, the word *raqabah* is translated as the neck and upper body.¹⁷ According to Alyasa' Abubakar, the term *raqabah* generally refers to a slave, meaning a person under the authority or ownership of another person (the nape of the neck is controlled by another person).¹⁸ Quraish Shihab explains that *riqāb* refers to a slave owned by someone, whether *mukātab* or *ghairu mukātab*.¹⁹ This is consistent with Wahbah Zuhayli's explanation that *riqāb* is not limited to *mukātab* slaves and purchased slaves, but more broadly concerns slavery in general. Slavery refers to a condition in which a nation or person remains under the control, intimidation, restraint, or exploitation of another person.²⁰ In Arabic terminology, the term *'abd* refers to a servant, including a human servant, a slave, or a free person who

¹⁷ Ibn Manẓūr, *Lisān Al-Arab*, Juz 3 (Beirut: Dār al-Ṣādir, 1955).

¹⁸ Al Yasa' Abubakar, "Senif Penerima Zakat: Sebuah Upaya Untuk Reinterpretasi", *Media Syariah* 16, no. 2 (2014).

¹⁹ M. Quraish Shihab, *Tafsir Al-Misbah: Pesan, Kesan, Dan Keserasian Al-Qur'an*, vol. 13 (Jakarta: Lentera Hati, 2002).

²⁰ Wahbah Zuhayli, *Zakat: Kajian Berbagai Mazhab*, Terj. Agus Effendi Dan Baharuddin Fannany (Bandung: Remaja Rosdakarya Offset, 1995).

serves God.²¹ In *Al-Munawwir: Arabic-Indonesian Dictionary*, slaves are called ' *abd* (عبد or رقيق).²²

3.5. The Concept of *al-Riqāb* as *Mustahik Zakat*

According to Syāfi'iyyah scholars, the terminology of *al-riqāb* in the context of zakat is meant as a slave who has entered into a *kitābah* contract by the *sayyid* or master. In this case, a slave who can pay a specified amount of money or other valuables can obtain freedom. Slaves who meet these criteria are called *mukātab* and are entitled to receive zakat. Al-Sayyid al-Bakrī Muhammad Syaṭā defines *al-riqāb* as slaves who seek freedom from their masters through financial redemption and require financial assistance.²³

Sheikh Ibrahim al-Bājūrī, in *Hāsyiyah al-Bājūrī*, mentioned that *al-riqāb* among the *mustahik* of zakat are slaves of *mukātab* who have been bound in a valid *kitābah*. A *mukātab* bound by a *fasid kitābah* is not included among the *mustahik* of zakat and is not entitled to receive zakat under the *riqāb* category or any other *mustahik* category.²⁴

This study aimed to determine whether the classical category of *al-riqāb* can be legitimately reinterpreted to include victims of modern slavery within contemporary zakat distribution. The analysis produces a qualified but clear answer. Linguistically, *al-riqāb* (from *raqabah*) is broad enough to denote any form of bondage. However, as a juristic category of zakat, the four schools and the Companions' interpretation fixed it as the *mukātab* slave bound by a valid *kitābah* contract. Reading the partitive *fī al-riqāb* alongside the restrictive particle *innamā* (*ḥaṣr*), the study shows that the eight *aṣnāf* form a closed, *qaṭ'ī* list. Expanding any category cannot rest on public interest (*maṣlaḥah*) alone because, as al-Syāṭibī holds, the Lawgiver validates *maṣlaḥah*, not the *mukallaf's* subjective judgment. Therefore, the central result is that the obsolescence of chattel slavery does not license transferring the *riqāb* share to new groups, particularly when the poor and indebted are already provided for under other *aṣnāf*. Imam Nawawī, in his book *al-Majmū' Syarḥ al-Muhadhdhab*, explains:

²¹ Manẓūr, *Lisān Al-Arab*.

²² Ahmad Warson Munawwir, *Al-Munawwir: Kamus Arab-Indonesia* (Surabaya: Pustaka Progresif, 2002).

²³ Al-Sayyid al-Bakri bin Al-Sayyid Muhammad Syaṭā, *Iṭnāt Al-Thālibīn* (Indonesia: Al-Haramain, n.d.); Ma'rifah Saifullah, "The Transformation of Riqab Interpretation in Muhammadiyah Zakat Jurisprudence: Tracing Hadith in Social Empowerment," in *International Student Conference FUPI* (International Student Conference FUPI, 2026).

²⁴ Ibrahim Al-Bājūrī, *Hāsyiyah Al-Bājūrī 'alā Ibn Qāsim Al-Ghazī* (Indonesia: Al-Haramain, n.d.).

قال الشافعي والأصحاب يصرف سهم الرقاب إلى المكاتبين هذا مذهبنا وبه قال أكثر العلماء كذا نقله عن الأكثرين البيهقي في السنن الكبير والمتولي وبه قال علي ابن أبي طالب رضي الله عنه وسعيد بن جبير والزهرى والليث ابن سعد والثوري وأبو حنيفة وأصحابه وقالت طائفة المراد بالرقاب أن يشتري بسهمهم عبيد ويعتقون وبهذا قال مالك وهو أحد الروایتين عن أحمد وحكاه ابن المنذر وغيره عن ابن عباس والحسن البصري وعبيد الله بن الحسن العنبري واحمد واسحق وأبي عبيد وأبي ثور.²⁵

Meaning: “Imam Shafi'i and his followers are of the opinion that the portion of zakat allocated for the emancipation of slaves (*al-riqāb*) should be given to slaves who are in the process of an emancipation agreement (*mukātab*). This is our opinion and is also accepted by the majority of scholars, as quoted by al-Bayhaqī in *al-Sunan al-Kabīr* and al-Mutawallī. Ali ibn Abi Talib ra., Sa'id ibn Jubair, al-Zuhri, al-Layth ibn Sa'd, al-Thawri, Abu Hanīfah, and their followers also hold the same opinion. Some argue that the purpose of the share of *al-riqāb* is to buy slaves with their share of zakat and then free them. This opinion is held by Mālik, is a narration from Ahmad, and is also conveyed by Ibn al-Mundhir and others from Ibn Abbas, al-Ḥasan al-Baṣrī, Ubaydullah bin al-Hasan al-Anbari, Ahmad, Ismail, Abu Ubayd, and Abu Thaur.”

The Hanafī, Mālikī, Syāfi'ī, and Hanbalī schools have complementary views on allocating zakat to free slaves or *mukātab*. The Hanafī and Syāfi'ī schools allow zakat to support *mukātab* in the process of liberation. Meanwhile, the Mālikī school recognises the right of *walā'* for Muslims and does not allow special binding conditions. The Hanbalī school allows room for the release of captives and *mukātab*, but with strict limitations regarding the use of zakat for direct liberation. A thorough analysis of each school's views suggests that, despite differences in implementation details, the main purpose of zakat in the context of *riqāb* remains consistent: to facilitate the release of slaves and *mukātab*. Each school of thought provides guidance in accordance with sharia principles, taking into account rights and obligations in the existing social context. These differences reflect the intellectual richness and diversity of interpretations within the Islamic tradition aimed at ensuring social justice.

²⁵ al-Nawawī, “Majmū' Syarḥ Al-Muhadhdhab.”

Table 1. Comparison of the four Sunni schools on the interpretation of *al-riqāb* as a category of zakat.

School (Madhhab)	Interpretation of <i>al-Riqāb</i>	Mechanism of Zakat Allocation	Key Condition / Emphasis
Ḥanafī	The <i>mukātab</i> slave bound by a valid emancipation contract	Payment given to the <i>mukātab</i> to help complete self-redemption	Support is tied to an existing contractual process of liberation
Mālikī	Slaves in general who may be purchased and freed	Zakat used to buy and manumit a slave outright	Emphasis on the right of <i>walā'</i> for Muslims; no special binding conditions
Syāfi'ī	Specifically the <i>mukātab</i> under a valid <i>kitābah</i> (an invalid/ <i>fāsid</i> contract is excluded)	Share transferred to the <i>mukātab</i> to discharge the redemption price	Strict textual reading; validity of the <i>kitābah</i> contract is decisive
Ḥanbalī	Both the <i>mukātab</i> and captives who may be freed	Room for direct manumission as well as aiding the <i>mukātab</i>	Permitted but with strict limits on using zakat for direct liberation

Source: Author's Frameworks

The disagreement mapped in Table 1 is not solely procedural. The Syāfi'ī-Ḥanafī position restricts the share to aiding the *mukātab*, while the Mālikī-Ḥanbalī position permits purchase and manumission. Both positions turn on how the preposition *fī al-riqāb* ("in the necks/slaves") is construed against the *lām* of ownership used for the earlier categories ("*li-l-fuqarā'*"). The shift to *fī* signals that this portion is attached to the purpose of liberation rather than assigned to a person as owner, which is precisely why the schools debate whether the beneficiary must already be a contracted *mukātab*. However, what unites the schools is more decisive than the differences among the schools. Across the schools, *al-riqāb* refers to a person in a recognised legal condition of bondage, with manumission as the objective. Mufassirs likewise describe *al-riqāb* in their tafsir works in terms consistent with the classical understanding of bondage and manumission. An example is Imam Jalāl al-Suyutī in the book *Tafsīr Jalālain*, in interpreting the words *al-riqāb* contained in the letter a l-Ta w bah verse 60, he mentions:²⁶

فَكَ {الرِّقَابَ} أَيُّ الْمُكَاتَبِينَ {وَفِي}

Meaning: "And in liberating *al-riqāb*, meaning the slaves of *mukātab*"

²⁶ Jalal al-Mahalli dan Jalal Al-Suyuthi, *Tafsīr Jalālain*, Jld 1, cet (Kairo: Dar al-Hadis, n.d.).

Ibn Kathir also explains the same thing in his tafsir:

وأما الرقاب: فروي عن الحسن البصري، ومقاتل بن حيان، وعمر بن عبد العزيز، وسعيد بن جبير، والنخعي، والزهري، وابن زيد: أنهم المكاتبون، وروي عن أبي موسى الأشعري نحوه، وهو قول الشافعي والليث. وقال ابن عباس، والحسن: لا بأس أن تعتق الرقبة من الزكاة، وهو مذهب الإمام أحمد بن حنبل، ومالك، وإسحاق، أي: إن الرقاب أعم من أن يعطى المكاتب، أو يشتري رقبة فيعتقها استقلالاً.²⁷

Meaning: “As for *al-riqāb*, referring to slaves entitled to receive zakat, al-Hasan al-Basri, Muqatil ibn Hayyan, Umar ibn Abd al-Aziz, Sa‘id ibn Jubayr, al-Nakha‘i, al-Zuhri, and Ibn Zayd narrated that the category refers to *mukātab* slaves who have entered into a self-liberation agreement with their masters.” It was also narrated from Abu Musa al-Asy'ari's opinion. Similarly, this is the view of Imam ash-Shafi'i and al-Laits. Ibn Abbas and al-Hasan held that zakat funds may be used to free slaves, a view also held by Imam Ahmad ibn Hanbal, Malik, and Ishaq. This shows that *al-riqāb* is more general than just giving to the *mukātab*, but also includes the purchase of slaves to be freed directly.

3.6. The Purpose of the Sharia for Distributing Zakat to *al-Riqāb*

Distribution of zakat to the *al-riqāb* group, as people shackled in slavery, is an implementation of *maqāṣid*'s deep and comprehensive *syarī'ah*. Within the framework of *maqāṣid*, zakat aims to achieve social justice and ease the burden on those in difficult situations. Distributing zakat to *al-riqāb* provides freedom and improves conditions, consistent with the Sharia's objectives of eliminating injustice and upholding human rights. This reflects Sharia's efforts to ensure equitable wealth distribution and reduce social disparities that may arise in society.

The distribution of zakat to *al-riqāb* is a manifestation of *maqāṣid al-syarī'ah* in protecting and empowering vulnerable groups. By assisting those trapped in slavery or similar hardships, zakat plays a role in facilitating recovery and social integration. This is consistent with sharia principles, which show the protection of individual rights and social empowerment as part of a broader goal, namely creating a just and prosperous society. Distribution of zakat in this context, besides fulfilling religious obligations, also contributes to the achievement of larger social and economic goals. Judging by the large number of verses that verbally discuss the issue of slaves (*riqāb*), the Qur'an's attention to this issue is actually very great, especially because the social

²⁷ Ibn Katsir, Ismail Umar, and Tafsir Al-‘Azhīm, *Tafsir Al-Qur’an Al-‘Azhīm, Mubaqiq: Sami Bin Muhammad Salamah* (Beirut: Dar al-Thaybah li al-Nasyr wa al-Tauzī, 1999).

conditions at that time simply did not allow for even the slightest attention to be paid to slaves. As “outcasts” of the time, the groups were not only considered unworthy of attention but were also frequent targets of crime, including the most heinous offenses. Therefore, when the Qur'an discussed the issue of slaves, the Quraysh community at that time really laughed at what the Qur'an quoted.²⁸

Slavery is a system in which a group of people is forcibly deprived of freedom and liberty to work or do other things for the benefit of other groups of people. Several verses of the Qur'an discuss slavery explicitly, reflecting the Qur'an's concern with the institution of slavery throughout human history. In substance, slavery and human exploitation continue to occur today, although the forms of exploitation have changed over time according to prevailing social conditions. Slavery can be understood as a social problem, but is very strong in society long before the Qur'an was revealed. The issue is particularly sensitive and remains relevant in the Islamic world, making further discussion necessary.

3.7. Conceptual Review of *al-Riqāb* in the Context of Contemporary Zakat Distribution

3.7.1. The Absence of Slaves in Contemporary Social Systems

The contemporary social system has undergone a major transformation that has led to the absence of slave status in legally recognised social structures. This transformation was the result of developments in international law, socio-economic changes, and the influence of religious teachings that opposed the practice of slavery. Article 4 of the 1948 Universal Declaration of Human Rights (UDHR) states that “no one shall be held in slavery or servitude,” and that slavery and the slave trade in all forms are prohibited.²⁹ Correspondingly, various international conventions, such as the 1926 Slavery Convention and the 1956 UN Supplementary Convention on the Abolition of Slavery, reinforce the global commitment to the abolition of this practice.

At the national level, many countries have adopted laws prohibiting all forms of slavery and human exploitation since the inception. In the Islamic context, countries with a Muslim majority have implemented policies that abolish slavery based on the principles of *maqāṣid al-syari'ah*.³⁰

3.7.2. Contemporary Discourse on the Analogy of *al-Riqāb* to Modern Phenomena

The absence of slave status in the contemporary social system affects the distribution of zakat for the *riqāb* arts. This makes the conventional terminology of the term slave

²⁸ Agus Muhammad, “Pesan Moral Perbudakan Dalam Al-Qur'an Pesan Kemanusiaan Yang Terlupakan,” *Subuf: Jurnal Pengkajian Al-Qur'an Dan Budaya* 17 17, no. 2 (2024).

²⁹ United Nations, “Universal Declaration of Human Rights,” 1948.

³⁰ Muhammad Abu Zahrah, *Tārīkh Al-Madhāhib Al-Islāmiyyah* (Kairo: Dar al-Fikr, 2006).

no longer relevant to current conditions, because the concept is not known in modern times. Consequently, calls have developed to reinterpret or expand the meaning of *riqāb* to ensure that zakat distribution to the *riqāb* category remains possible.³¹

A contemporary scholar, Mahmud Syaltut, as quoted by Armiadi Musa in the *Al-Iqtishadiyah Journal* article entitled “Contextualization of the Meaning of Riqāb Under the Perspective of Contemporary Ulama,” explains that the interpretation of *riqāb* needs to be expanded beyond the liberation of slaves. The expanded interpretation also covers efforts to liberate countries controlled by other countries through unjust political, economic, or ideological practices. The countries are in the grip of slavery and restrict the freedom of the citizens, which has an impact on the global humanitarian aspect that is more terrible than just slavery of slaves. Moreover, the slavery referred to in QS al-Tawbah verse 60 is no longer found in today's world. Syaltut also explained that the countries that were still enslaved were generally those whose citizens were predominantly Muslim. Therefore, Mahmud Syaltut stressed that such forms of slavery should be addressed through resistance and efforts to liberate countries from colonial control, which had a clear detrimental impact on humanity.³² According to M. Quraish Shihab, workers bound by employment contracts who require contract termination for valid reasons may receive zakat assistance when employers refuse termination without compensation, with assistance allocated from the *al-riqāb* or *al-ghārimīn* categories.³³

Sjechul Hadi Permono states that *riqāb* refers to efforts to free people from exploitation or extortion, encompassing both individuals and communities. Based on this legal reason, the policy of utilizing zakat for *riqāb* quotas can be directed as follows: 1) to redeem Muslims who are held captive by humans, 2) to help Islamic countries or countries with a majority Muslim population who are trying to free themselves from the shackles of modern slavery of modern colonialists, 3) the release of temporary slaves from exploitation by other parties, for example contract workers and unreasonable work ties, 4) according to the DKI Jakarta zakat research and seminar team, *riqāb quotas* can be in the form of funds to help free traders, entrepreneurs, farmers, small fishermen and so on from the pressure of loan sharks and usurers.³⁴

³¹ Ali, Fathan, and Nafi, “Korban Perbudakan Modern Sebagai Mustahiq Zakat: Kontekstualisasi Penafsiran Term Al-Riqab.”

³² Armiadi Musa, “Contextualization of The Meaning Of Riqab Under Perspective Of Contemporary Ulama,” *Al-Iqtishadiyah: Jurnal Hukum Ekonomi Syariah* 5, no. 1 (2024).

³³ M. Quraish Shihab, *Tafsir Al-Mishbah* (Jakarta: Lentera Hati, 2000).

³⁴ Sjechul Hadi Permono, *Pendayagunaan Zakat Dalam Rangka Pembangunan Nasional: Persamaan Dan Perbedaannya Dengan Pajak* (Jakarta: Pustaka Firdaus, 1993); Zainuddin, “Pemaknaan Ulang Ar Riqab Dalam Upaya Optimalisasi Fungsi Zakat Bagi Kesejahteraan Umat,” *Jurnal Hukum Ius Quia Iustum* 25, no. 3 (2019): 601–22, <https://doi.org/10.20885/iustum.vol25.iss3.art9>.

Muslim countries around the world have official interpretations of *al-riqāb*. Malaysia, for example, is a country that has been very active in expanding the meaning of *al-riqāb* as a recipient of zakat. Apart from expanding the meaning of *al-riqāb* through several studies from Malaysia, this country also has an official interpretation of the meaning of *al-riqāb*, which varies from one region to another.³⁵

Interpretations of *al-riqāb* in zakat distribution have varied across Malaysian states. According to a study by Muhammad Ikhlas Rosele, Luqan Hj. Abdullah, and Amirulhakim Ahmad Nadzri, some states retain the classical interpretation focused on the emancipation of slaves, while others expand the meaning of *al-riqāb* into a broader social context. For example, Johor interprets *al-riqāb* as a slave owned by his master and attempting to free himself. Similar interpretations are found in Melaka, Perak, and Sarawak, showing the concept of *mukātab* slaves, namely those who have the opportunity to obtain freedom through a certain payment to the master but lack the financial means to repay. Kedah and Pulau Pinang expand this meaning to include the liberation of Muslims held captive by infidels as part of the category of *al-riqāb*.

Several states such as Kelantan, Negeri Sembilan, Pahang, Perlis, Terengganu, the Federal Territories, Sarawak, and Selangor have developed a more contextual and progressive interpretation. In this perspective, *al-riqāb* is understood not only as liberation from physical slavery, but also as liberation from various forms of social, economic, intellectual, and psychological oppression that limit human freedom. These forms of "modern slavery" include structural poverty, ignorance, economic dependence, exploitation of power, and social conditions that hinder an individual from living a better life. Sabah also adopts a similar approach by defining *al-riqāb* as an individual in a state of bondage or oppression who needs assistance to free himself from oppressive responsibilities or burdens. These interpretive differences reflect the dynamics of *ijtihād* in zakat management, with *al-riqāb* understood beyond classical slavery and applied to contemporary social challenges, supporting zakat as an instrument of liberation and social empowerment.

To sharpen the comparative dimension of this discussion, it is important to place the collective *ijtihād* of Nahdlatul Ulama (NU) in Indonesia alongside the state fatwas issued across Malaysia, since both jurisdictions are predominantly *Syāfi'i* but show the same internal tension between a conservative and a progressive reading of *al-riqāb*. In Indonesia, NU's Bahtsul Masail operates through two registers, *qawli* (textual) and *manhajī* (methodological). *Qawli* preserves the classical equation of *al-riqāb* with the *mukātab*, and *manhajī* is crystallised in the *fiqh sosial* tradition that reframes *al-riqāb*

³⁵ Wan Yusoff Wan Nordiana, "Agihan Zakat Kepada Asnaf Al-Riqab Di Selangor: Analisis Dari Perspektif Fiqh" (University of Malaya (Malaysia), 2018).

as liberation from structural forms of bondage.³⁶ Malaysia exhibits a parallel spectrum at the level of state religious councils (Majlis Agama Islam Negeri), where some retain the literal *mukātab* interpretation while others extend the category to include “modern slavery,”³⁷ as shown in Table 2.

Table 2. Mapping of Nahdlatul Ulama (Indonesia) and Malaysian state fatwas on *al-riqāb*: conservative and progressive methods.

Dimension of comparison	Nahdlatul Ulama (Indonesia)	Malaysia (state religious councils)
Fatwa mechanism	Lajnah / Forum Bahtsul Masail collective <i>ijtihād</i> (<i>ijtihād jamā’i</i>)	Majlis Agama Islam Negeri (state fatwa) and the national Muzakarah
Dominant madhhab	Predominantly Syāfi’i	Predominantly Syāfi’i
Conservative (textual) approach	<i>Qawli</i> reasoning retains <i>al-riqāb</i> = <i>mukātab</i> bound by a valid <i>kitābah</i> ; where no slaves remain, the share lapses to the other <i>aṣnāf</i>	Johor, Melaka and Perak, and, adding the ransom of Muslim captives, Kedah and Pulau Pinang keep the classical <i>mukātab</i> reading; the share is often suspended or redirected.
Progressive (contextual) approach	<i>Manhajī</i> reasoning and the <i>fiqh sosial</i> tradition reframe <i>al-riqāb</i> as liberation from structural bondage, poverty, exploitation, and ignorance, realised through productive-empowerment zakat.	Selangor, the Federal Territories, Kelantan, Negeri Sembilan, Pahang, Perlis, Terengganu and Sabah extend <i>al-riqāb</i> to “modern slavery”: trafficking victims, detainees and rehabilitation.
Methodological instrument	<i>Masālik al-‘illah</i> and <i>maṣlaḥah ‘āmmah</i> within <i>maqāṣid al-syarī’ah</i>	Qiyās and <i>takhrīj al-manāṭ</i> within <i>maqāṣid al-syarī’ah</i>
Net orientation	Text-bound yet socially adaptive; expansion is framed as <i>ijtihād</i> inside the madhhab.	Non-uniform between states; expansion is institution-led and varies by council

Source: Author’s Framework

Table 2 shows that the conservative-progressive divide is not a contrast between the two countries but a fault line that runs through each. In both settings, the progressive reading is advanced through recognised *uṣūlī* instruments, *masālik al-‘illah* and

³⁶ Zainal Fanani, Hanik Latifah, and Moh. Ulumuddin, “Modernisasi Pengelolaan Zakat oleh Nahdlatul Ulama: Dari Fikih Klasik ke Pendekatan Kontekstual,” *CENDEKIA: Jurnal Studi Keislaman* 11, no. 2 (2025).

³⁷ Muhammad Ikhlās Rosele, Luqman Haji Abdullah, and Amirulhakim Ahmad Nadzri, “Perluasan Konsep al-Riqab dalam Pengurusan Zakat: Satu Penilaian Fiqh,” *Labuan e-Journal of Muamalat and Society* 15 (2021): 17–24; Wan Nordiana Wan Yusoff, “Agihan Zakat kepada Asnaf al-Riqab di Selangor: Analisis dari Perspektif Fiqh” (University of Malaya, 2018).

maṣlaḥah in the NU *manhajī* tradition, *qiyās* and *takhrīj al-manāṭ* in the Malaysian *muzakarah* tradition, rather than through an appeal to public interest alone, which is precisely the methodological safeguard that this article has argued must accompany any expansion of the category.³⁸ The Malaysian experience is also instructive institutionally. Interpretation is decentralised across state councils, resulting in a non-uniform understanding of *al-riqāb*, while NU's collective *ijtihād* supports a more centralised and cautiously bounded expansion.

3.7.3. Critical Analysis of the Discourse on the Extension of the Meaning of *al - Riqāb* to Modern Slavery

Various discourses attempting to reinterpret *riqāb* need examination to ensure the interpretation is neither overly broad nor biased. These interpretations must remain consistent with the fundamental principles established in Islam, without blurring the boundaries set by sharia. Overly broad reinterpretation could distort the original meaning and purpose of Islamic teachings on *riqāb*. Although the modern context requires a more relevant understanding of *riqāb*, expanding this meaning must be done with caution. An in-depth analysis of *riqāb* must consider its conformity with *the maqāṣid sharia*, namely the goals of sharia, which prioritise human welfare.

Valid reinterpretation must remain rooted in the texts of the Qur'an and hadith, and must consider the consensus of scholars (*ijmā'*) and the principles of *Usul Fiqh*. Contextual thinking must be balanced with an awareness of the limits established by sharia to avoid misuse or deviation. A careful method based on a strong sharia foundation is necessary *to* maintain the essence of *riqāb's* meaning and not deviate from its original purpose of liberating those from physical and spiritual slavery. Therefore, reinterpreting *riqāb* can offer relevant solutions to contemporary problems without sacrificing the integrity and authenticity of Islamic teachings.³⁹

In Islamic legal discourse, the meaning of *riqāb* in the context of zakat distribution has been a frequently debated topic among Muslim and contemporary Islamic scholars. Some have proposed expanding this definition to include new groups deemed worthy of receiving zakat.⁴⁰ However, this proposal must be approached with great caution and

³⁸ Rosele, Abdullah, and Nadzri, "Perluasan Konsep al-Riqab dalam Pengurusan Zakat." The non-uniformity of state interpretations, and its link to whether zakat administration is managed directly by the council or through a corporate body, is discussed therein.

³⁹ Novita Khairani, "Pemanfaatan Senif Penerima Zakat Dari Riqob Untuk Penyelesaian Social Economy Development," *INNOVATIVE: Journal Of Social Science Research Volume 4*, no. 4 (2024): 3468–76; Matnin and Abdul Bari, "Human Trafficking Konsep Riqab Sebagai Objek Distribusi Zakat," *Muamalatuna* 14, no. 2 (2022): 130–46.

⁴⁰ Nanang Naisabur et al., "Islamic Philanthropy Fiqh in Modern Context," *Al-Muamalat* 10, no. 1 (January 2023): 24–35, <https://doi.org/10.15575/AM.V10I1.21068>; Mu'adil Faizin et al., "Development Of Zakat

based on in-depth analysis. Any reinterpretation must remain consistent with sharia principles and the provisions agreed upon by previous scholars. Without taking this into account, reinterpretation risks violating fundamental principles in Islam and undermining the justice that is the main goal of zakat. Therefore, reviewing the arguments underlying the rejection of expanding the meaning of *riqāb* in zakat distribution is important to ensure that the effort maintains balance and harmony in zakat distribution.

Ijmā' is the consensus of scholars who have the authority to determine Islamic law. In general, *ijmā'* can be divided into three forms, namely *ijmā' ṣarīḥ* (clear and firm), *ijmā' sukūṭī* (silence without rebuttal from other mujtahids), and *ijmā' ḍimnī* (implicit). Ibn Nami al-Salamī, in the work *Uṣul Fiqh allazī Lā Yasa' al-Faqīha Jabluḥ*, states:

أنواع الإجماع: ينقسم الإجماع باعتباريات متعددة أهمها: أقسامه من جهة تصريح المجتهدين بالحكم، وله من هذه الجهة ثلاثة أقسام:

❶ - الإجماع الصريح: وهو ما صرح فيه أهل الإجماع بالحكم، وهذا نادر الوجود بل لوقيل بانعدامه لكان أولى، لكن لا يخرج عن الامكان ولا يقال بامتناعه.

❷ - الإجماع السكوتي: وهو أن يصرح بعض المجتهدين بالحكم ويشتهر قوله ويسكت الباقون عن إنكاره.

❸ - الإجماع الضمني: وهو المستنتج من اختلاف أهل العصر على قولين أو أكثر، فيدل ذلك على اتفاقهم على أن ما خرج عن تلك الأقوال باطل.⁴¹

Meaning: "Types of *ijmā'*: *Ijmā'* is divided according to several considerations, the most important of which is the division in terms of the statements of the mujtahids regarding the law, which is divided into three parts. First, *ijmā' ṣarīḥ*: *ijmā'* where scholars explicitly state the law. This type of *ijmā'* is rare; even if it is said that it does not exist, it would be more accurate, but it does not mean it is impossible or cannot happen. Second, *ijmā' sukūṭī*: *ijmā'* when some scholars state the law firmly, their opinion is widely known, and other scholars do not reject or deny the opinion. Third, *ijmā' ḍimnī*: *ijmā'* derived from differences of opinion among scholars at a certain time regarding two or more opinions, showing agreement that anything outside these opinions is invalid.

Distribution In The Disturbance Era," *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, Dan Keagamaan* 10, no. 2 (October 2023): 186, <https://doi.org/10.29300/mzn.v10i2.9721>.

⁴¹ Iyādh Ibn Nami Al-Salamī, *Uṣul Fiqh Allazī Lā Yasa' Al-Faqīha Jabluḥ*, Cet. 1 (Riyadh: Dār al-Tadmiriyyah, 2005).

In the context of *riqāb*, scholars have reached consensus on the definition and application of zakat. Reinterpreting the meaning of *riqāb* without paying attention to the existing *ijmā'* means violating the consensus agreed upon by previous scholars. *Ijmā' ḍimnī* is a consensus that, although not stated explicitly, scholars generally understand and accept. Therefore, any attempt to change the meaning of *riqāb* must be carefully considered to avoid violating the consensus already established. This expansion of discourse also contradicts the restrictions through *ḥaṣr* in the Qur'an. The Qur'an uses the word "*innamā*" as a form of restriction (*ḥaṣr*), suggesting that the allocation of zakat is only for the eight groups of *mustahik* mentioned in QS Al-Tawbah: 60. This restriction is *qaṭ'i* (definite) and binding, showing that zakat may not be distributed to anyone other than those eight groups. Attempts to reinterpret *riqāb* to include groups not listed in the Qur'an contradict the principle of *ḥaṣr*. This *Ḥaṣr* is a form of certainty given by the Qur'an to ensure zakat is used in accordance with the provisions determined, maintaining justice and proper distribution.

Reinterpreting the meaning of *riqāb* could reduce the portion of zakat that should go to the other remaining *mustahik*. In the context of zakat distribution, the eight groups mentioned in the Qur'an have their respective rights that must be fulfilled. By expanding the meaning of *riqāb*, the allocation of zakat funds for other groups, such as the poor, needy, or *gharim*, will be reduced. This can lead to injustice and is inconsistent with the purpose of zakat, which is to provide fair and proportional assistance to every entitled *mustahik*.

Regarding the transfer of non-existent *senif* quotas to other existing *senifs*, it has been stated by *al-Nawawī* in *Minhāj al-Thālibīn* that if some *senifs* are not obtained, then zakat is given to the existing *senifs* only:

يجب استيعاب الأصناف إن قسم الإمام وهناك عامل وإلا فالقسمة على سبعة فإن فقد بعضهم فعلى
الموجودين⁴²

Meaning: "The distribution of zakat must be given to all groups of *mustahik*, if the Imam (leader) distributes it and there is an *amil* (zakat manager) there. Meanwhile, if there is no *amil*, then zakat is given to seven groups. And if some groups do not have it, then it is distributed to the groups that do have it."

Many cases proposed for inclusion in the *riqāb* category can instead be classified under other categories, such as the poor or needy when poverty causes the oppression, or the *gharim* category when debt causes the oppression. Therefore, there is no urgent need to expand the meaning of *riqāb*, because other *mustahik* categories can meet

⁴² Yahya al-Nawawī, Minhāj Al-Thālibīn, and Muhaqqiq, *Awdh Qasim Ahmad 'Awdh* (Beirut: Dar al-Fikri, 2005).

those needs. This also shows that the meaning of *riqāb* should remain on its original purpose, namely freeing slaves, without sacrificing the rights of other *mustahik* that are already clearly regulated in the sharia.

To understand the *maqāṣid al-syarī'ah*, it is important to view it from the perspective of sharia law, not the *mukallaf*. A way to understand the meaning of *sharia* is through the companions' interpretation of the Qur'anic verses. Some issues discussed for reinterpretation are not supported by the companions' interpretation of *riqāb* in the context of *mustahik zakat*. The perspective of the companions who were closer to the time of revelation provides a more accurate understanding of the meaning and purpose of the Qur'anic verses. Therefore, reinterpretation of the meaning of *riqāb* must remain grounded in the interpretations recognised by the companions and earlier scholars. Slavery, which was legally recognised under classical Sharia, had designated mechanisms to reduce and ultimately end the practice, including zakat and other forms of assistance. In contrast to modern slavery, which is not legal according to Sharia, the solution is to strengthen Sharia law and state security, not by taking the zakat quota that has been specifically allocated to the *mustahik*. For example, in cases of theft, the punishment of amputating hands is set as a strict solution, while acts of robbery and pickpocketing, which are easily identified, are handled by law enforcement.

In the book *Nihāyah al-Muḥtaj ilā Syarḥ al-Minhāj*, Syams al-Dīn al-Ramlī states:

الركن الثاني: السرقة، ومر أنها أخذ المال خفية من حرز مثله، فحينئذ (لا يقطع مختلس ومتهب وجاحد وديعة) أو عارية مثلاً لخبر الترمذي بذلك والأولان يأخذان المال عياناً ويعتمد أولهما الهرب، وثانيهما القوة فيسهل دفعهما بنحو السلطان، بخلاف السارق لا يتأتى منعه فقطع زجراً له.⁴³

Meaning: "The second pillar (of the law of amputating hands) is theft. It has been mentioned that theft is taking property secretly from its proper place of storage. Therefore, (the hand is not amputated for someone who steals by pickpocketing, robbery, or denying a deposit) or a loan, for example, based on the *Tirmidhi* hadith on that matter. The first two take property openly; the first relies on escape, and the second relies on power, so it is easy to deal with it like a ruler. "This is different from thieves, who cannot be prevented, so the punishment is to have their hands cut off as a form of deterrent for the perpetrator."

Based on Syams al-Dīn al-Ramlī's explanation, the law of cutting off thieves' hands was imposed because their actions were difficult to intercept and control. This differs from pickpockets and robbers, who operate openly, which can be addressed with

⁴³ Syams al-Ramlī, "Nihāyah Al-Muḥtaj Ilā Syarḥ Al-Minhāj" (Beirut: Dār al-Fikri, 1984).

strong government or security attention. The solution offered by sharia law for one case may not necessarily apply to others of similar substance, even when a separate solution exists. Therefore, sharia law's solutions for zakat distribution must remain within established boundaries.

To understand the *maqāṣid al-syarī'ah*, the problem must be seen as a whole and comprehensively, and sharia law must be used as a perspective for viewing it, not the *mukallaf's* relative perspective. Al-Syāṭibī, who is known as a Muslim scholar who is very focused on detailing the concepts of *maslahah*, said: ⁴⁴

أن الشريعة مبنية على اعتبار المصالح. وأن المصالح إنما اعتبرت من حيث وضعها الشارع كذلك.
لا من حيث إدراك المكلف إذ المصالح تختلف عند ذلك بالنسب والإضافات

Meaning: "Indeed, sharia is built on considerations of *maslahah*. *Maslahah* will only be considered as *maslahah* from the legal perspective that has been laid down by *sharia*, not from the perspective of the *mukallaf's* understanding, because *maslahah* will be different and relative."

Al-Syāṭibī's statement provides a concrete illustration of *maslahah's* role in Islamic law. Sharia, or Islamic law, is built on *maslahah* considerations. Al-Syāṭibī showed that *maslahah* considerations can only be viewed through the legal lens established by the *sharia*. This means the *maslahah* considered must align with Islamic principles and must not conflict with existing sharia legal norms. *Maslahah* must be viewed from the perspective of *sharia*, not from the perspective of *mukallaf*. This statement also shows the relativity of *maslahah*, as each individual will perceive it differently depending on the influencing paradigm. Therefore, allowing too much space for the *istiṣlāḥī* method in legal reasoning will undermine legal certainty, because each individual or group will tend to perceive *maslahah* according to subjective interests and benefits.

Any attempt at reinterpretation must be undertaken with caution, ensuring that the proposed changes align with the *maqāṣid al-sharī'ah* and do not compromise the fundamental principles established in the sharia. Reinterpretation without a solid foundation can obscure the original meaning and purpose of Islamic teachings and disrupt the desired balance and justice in the distribution of zakat. In this analysis, attempts to expand the meaning of *riqāb* must be handled with great care and grounded in a strong Sharia foundation. Only a careful and responsible approach can keep the meaning of *riqāb* relevant and aligned with the original purpose of distributing zakat in Islam.

The analysis shows that efforts to expand the meaning of *riqāb* must be handled with great care and grounded in strong Sharia. The consensus on the definition of *riqāb*,

⁴⁴ Ibrahim bin Musa Al-Syathibi, *Al-Muwafaqat*, Jilid II (Cairo: Dar Ibn 'Affān, 1997).

the principle of *ḥaṣr* in the Qur'an, and the impact of unfair zakat redistribution all show that maintaining the traditional understanding of *riqāb* is the wiser step. Reinterpretation without a strong foundation can obscure the original meaning and purpose of Islamic teachings and disrupt the balance and justice in zakat distribution. When considering *maqāṣid al-syarī'ah*, the perspective of sharia law must always take precedence over relative views of the face of Islam. Therefore, maintaining the integrity and consistency of the meaning of *riqāb*, in accordance with previous scholars' interpretations, is key to ensuring that zakat is distributed appropriately and in accordance with existing sharia principles. Only a careful and responsible method can keep the meaning of *riqāb* relevant and aligned with the original purpose of distributing zakat in Islam.

3.7.4. *Maqāṣid al-Syarī'ah Approach in Handling Modern Slavery*

Modern slavery, which includes various forms of human exploitation, such as forced labour, human trafficking, and illegal detention, has become a serious challenge in the context of contemporary social justice. Although Islamic law has historically recognised and viewed slavery as a phenomenon that exists within its social context, Islamic teachings explicitly encourage the emancipation of slaves and the elimination of these forms of oppression. In the context of *maqāṣid al-syarī'ah*, which aims to achieve welfare and social justice, the application of sharia principles in dealing with modern slavery must be studied in depth.

The argument developed does not reverse the critique of reinterpretation presented above but completes the critique. The two claims operate at different levels. The first concerns the juristic category of *al-riqāb* as a fixed share of zakat, which on the grounds of *ḥaṣr*, *ijmā'*, and the rights of the other *aṣnāf* should not be stretched to absorb new groups. The second concerns the broader *maqāṣid*-based duty to confront modern slavery, which is real and pressing but is better discharged through instruments other than the reserved *riqāb* share. Distinguishing the two allows the study to hold a firm line on zakat distribution while still taking the contemporary problem seriously.

Maqāṣid al-syarī'ah, the main principle in Islamic law, focuses on protecting five important aspects of life: religion, soul, reason, lineage, and property. When it comes to modern slavery, primary attention must be paid to the protection of lives and human rights threatened by these forms of oppression. Protection of the lives of victims of modern slavery includes efforts to stop all forms of exploitation and abuse that threaten the well-being of individuals.

Modern slavery is not only an individual problem but also a structural phenomenon including various social and economic dimensions. Addressing it requires improving the legal system and strengthening law enforcement. Implementation of *maqāṣid Sharia*

in this context must include serious efforts by the government to strengthen the judicial system and law enforcement that can firmly combat modern slavery practices. Establishing strict regulations, training law enforcement officers, and increasing the capacity of related institutions are strategic steps. In addition, prevention efforts are important in implementing *maqāṣid syarī'ah*. Addressing the root problems that cause modern slavery, such as poverty, social injustice, and lack of access to education, is part of prevention efforts that are consistent with the goals of *maqāṣid syarī'ah*. Economic empowerment, education, and skills training programs should be priorities to reduce individuals' vulnerability to exploitation.

Public awareness is important for addressing the problem of modern slavery, alongside regulation and prevention. Education campaigns for the wider community, alongside outreach on human rights and legal protections, can foster greater support for preventing and addressing modern slavery. Increased public awareness will strengthen oversight and promote active participation in combating these practices.

In this context, *maqāṣid al-syarī'ah* shows the importance of upholding justice and protecting human rights. Therefore, the solution to modern slavery must prioritise a method that is consistent with sharia principles and not be limited to only zakat distribution. Structural efforts and public policies that address the root causes of modern slavery are more effective and consistent with *maqāṣid al-syarī'ah* in creating a just and prosperous society.

4. Conclusion

In conclusion, *al-riqāb* is an Arabic term derived from the word *raqabah*, which etymologically means "neck" or "upper part of the body." In a terminological context, *al-riqāb* refers to slaves or servants under another person's authority. According to Alyasa' Abubakar, this term includes those who are completely owned by someone else. Quraish Shihab and Wahbah Zuhaylī expanded this definition to include all forms of slavery, such as *mukātab slaves* (slaves with a release agreement) and *ghairu mukātab* (slaves without an agreement). In Arabic terminology, slaves are also referred to as *'abd* or *riqq*, which has the additional meaning of human servant or servant of Allah.

The results of this study have three significant implications. Theoretically, these results suggest that renewing zakat jurisprudence is better pursued through a *maqāṣidī* reading of the *aṣnāf* as a whole than through the isolated stretching of a single category, thereby preserving both the *ḥaṣr* principle and the rights of existing recipients. Practically, zakat institutions and policymakers should address modern slavery, trafficking, forced labour, and debt bondage through dedicated legal, protective, and empowerment mechanisms. Funding should come from the public treasury (*bayt al-māl*), *waqf*, and state budgets

rather than from reallocating the fixed *riqāb* share. For future investigations, a comparative empirical study of how contemporary zakat authorities, for example across Malaysian states and Indonesian institutions, actually operationalise *al-riqāb* would test these conclusions against practice and help mark the boundary between legitimate *ijtihād* and unwarranted expansion.

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Acknowledgement: The authors gratefully acknowledge the collaborative support of Universitas Islam Al-Aziziyah Indonesia (UNISAI), Indonesia; Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia; and Institut Agama Islam Negeri (IAIN) Langsa, Indonesia, for providing academic support and the opportunity to conduct this collaborative research.

Funding: This research was funded from the author's personal budget.

Conflict of Interest Statement: The author declares that the research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

Asy-Syari'ah is an open access and peer-reviewed journal published Faculty of Sharia and Law, State Islamic University of Sunan Gunung Djati Bandung, Indonesia.

