DISTRIBUTION OF ZAKAT FOR CORRECTIONAL INMATES AS AZNAF RIQAB AT BAZNAS OF BARRU DISTRICT

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Abstract

Riqab in classical terminology is defined as a slave. The legal issue in this study is the interpretation of riqab law to make it more contextual. The purpose of this study is to determine: the meaning of riqab as zakat asnaf at BAZNAS in Barru District, and the distribution of zakat to riqab at BAZNAS in Barru District. This research is an empirical study with a qualitative approach and qualitative descriptive specifications. Data collection was carried out through interviews. BAZNAS of Barru interprets riqab contextually, riqab includes people who are shackled to their freedom because they are in a sentence period. The distribution of zakat to asnaf riqab is addressed to the Correctional inmates in the form of religious guidance consists of religious lectures, tahfidz of the Al-Quran, and skills development by providing capital to the Correctional inmates in the making of bricks.

Keywords: BAZNAS; Distribution of Zakat; Riqab

1. Introduction

Zakat is one of the economic instruments of the ummah which functions to improve the welfare of Muslims, especially zakat mal, which is ordered to the economically capable people, therefore zakat is placed in the third rank after shahada and prayer. Zakat is an economically oriented ritual and related to property. It means economically capable people are mandatory to pay zakat.

According to Abdiansyah Linge, *zakat* contains two dimensions, namely vertical and horizontal, which means as a kind of obedience to *Allah* (vertical) and as an obligation to fellow humans (horizontal). *Zakat* is also often referred to as *maaliyah ijtihadiyah*. The importance of *zakat* can be seen from the number of verses (*ayat*) (around 82 verses) that juxtapose the commandments of *zakat* with the commands for prayer (*shalat*).¹

Zakat is one of ummah economic instruments to improve the welfare of Muslims, especially zakat mal, which is ordered to the economically capable people, therefore zakat is placed in the third rank after shahada and prayer. Zakat is a ritual that is more economically oriented and in touch with property, meaning that economically capable people are obliged to pay zakat.

Abdiansyah Linge, "Filantropi Islam Sebagai Instrumen Keadilan Ekonomi," *Jurnal Perspektif Ekonomi Darussalam* 1, no. 2 (2015): 154–171, https://jurnal.usk.ac.id/JPED/article/view/6551.

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The obligation of zakat in Islam has fundamental implications, besides being closely related to divine aspects, zakat is also closely related to economic and social issues. Related to the divine aspect (hablunminallah) several verses of the al-Qur'an emphasize the problem of zakat, including 27 verses that juxtapose the obligation of zakat with the obligation to pray simultaneously.²

In Indonesia, the management of zakat is formally regulated by Law Number 23 of 2011 on Zakat Management. According to the law, there are 2 (two) institutions/Agency that has the right to manage zakat, namely the Amil Zakat Agency that is managed by the government, and the *Amil Zakat* managed by the people.

The formal objectives of zakat management are: (1) to increase the effectiveness and efficiency of services in managing zakat, (2) to increase the benefits of zakat to create social welfare and poverty alleviation. If examined positively, this objective implies that given the huge potential of zakat, it is necessary to make institutional efforts so that zakat services run effectively (right on target), and can be utilized to support programs for providing social protection and improving the welfare of the people. The scope of zakat management according to Law Number 23 of 2011 includes planning, implementing, and coordinating the collection, distribution, and utilization of zakat.³

In Islam, eight groups are entitled to receive zakat. In general, they are categorized into two major groups, namely: First, groups of zakat recipients based on needs, such as fakir, poor, slaves, debtors, and people who are traveling. This group is entitled zakat to fulfill their daily needs as poor and needy people, to free themselves from slavery and bondage, or in situations of being forced to travel. Second, the groups entitled to zakat that is not based on the fulfillment of their needs, such as Amil, converts, and fisabilillah. Amil is needed to facilitate the management of zakat payments and their distribution. Converts are needed to attract more people to Islam or as financial support when they are new to Islam. Meanwhile, fisabilillah is what is needed to uphold *Islam* and spread *da'wah*.⁴

Andi Bahri S, "Zakat Sebagai Instrumen Pembangunan Ekonomi Kesejahteraan Ummat," Li Falah: Jurnal Studi Ekonomi dan Bisnis Islam (2016): 74-89. https://ejournal.iainkendari.ac.id/index.php/lifalah/article/view/484.

Maltuf Fitri, "Pengelolaan Zakat Produktif Sebagai Instrumen Peningkatan Kesejahteraan Umat," Economica: Ekonomi Islam no. (2017): https://journal.walisongo.ac.id/index.php/economica/article/view/1830.

Wan Mohd Khairul Firdaus Wan Khairuldin and Mohammad Mahadi, "The Philosophy and Elasticity of Zakah Distribution in Islam," International Journal of Education and Research 1, no. 8 (2013): 1-12, https://www.ijern.com/journal/August-2013/26.pdf.

In its development, the concept of *mustahik* and its application at this time need to be examined because of the developing conditions related to the changing times, so it is necessary to explore the law to respond to the recent times so that Islamic law can still adapt to time and place. Therefore, of course, there are adjustments and looking for new meanings to prioritize *mustahik* of *zakat* which is more in need, such as the word "*riqab*" which can no longer be found in real life in any part of the world. Also, the meanings of *sabilillah* and *ibnu sabil* are considered too broad and less relevant to the aims and objectives of *zakat*, so *zakat* does not seem to provide a solution for the real *mustahik*. Also, the allocation of *zakat* for converts is seen as less necessary, considering that those who convert to *Islam* today are not weak people who need financial assistance to meet their daily needs.⁵

Riqab is one of the mustahik of zakat whose meaning needs to be contextualized so that the spirit of zakat as an instrument for the welfare of the people can be achieved. If nowadays the slavery model is no longer seen as in the time when Islam has not yet come, it does not mean that the slavery verses are irrelevant for discourse. The fact about occurrence of trafficking in persons that afflicts marginalized groups deserves to be criticized from the perspective of religious doctrine because this phenomenon is filled with inhuman acts. Therefore this paper focuses on the importance of reinterpreting asnaf riqab contextually so that the distribution of zakat is evenly distributed among the eight groups of zakat recipients so that social and economic justice can be realized in the management of zakat.

The objectives to be achieved of this study are to determine and analyze the meaning of *riqab* as *asnaf zakat* in the law of *zakat* at the *BAZNAS* in Barru District, and to analyze the distribution of *zakat* to *asnaf riqab* at the *BAZNAS* in Barru District. This is done to understand wholly about the related issue and give deep analysis on this.

2. Method

This research is empirical legal research which uses empirical facts collected from human behavior, both verbal behavior obtained from interviews and real behavior carried out through direct observation.⁶ This category of empirical legal research is qualitative empirical legal

Samheri Samheri, "Reinterpretasi Mustahiq Al-Zakah Sebagai Solusi Pengentasan Kemiskinan," *El-Furqana: Jurnal Ushuluddin dan Ilmu-Ilmu Keislaman* 4, no. 2 (2018): 149–164, http://ejournal.kopertais4.or.id/madura/index.php/elfurqania/article/view/3291.

Kornelius Benuf and Muhammad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20–33, https://ejournal2.undip.ac.id/index.php/gk/article/view/7504.

research by examining socially constructed facts, such as people's perceptions and behavior about the law.⁷

The study is an analytical descriptive research. Here, descriptive means problem solving i.e. investigating by describing the situation regarding to everything related to distribution of *zakat* to *asnaf riqab* at the *BAZNAS* in Barru District. It also employs primary data obtained directly from a field research using interviews with respondents. The secondary data was collected through studying the documents including primary legal materials and secondary legal materials. Primary and secondary collected were then analyzed qualitatively through research reports that were arranged systematically with methods of thinking inductively, i.e. patterns of thinking based on facts and evidences that are specific in nature and then draw a conclusion.

3. Results and Discussion

3.1. The Meaning of *Riqab* as *Asnaf Zakat* in *Zakat* Law at the National *Amil Zakat* Agency in Barru District

Zakat aimed at increasing justice and advancing welfare as its philosophical foundation as mandated under the Law of the Republic of Indonesia Number 23 of 2011 concerning Zakat Management in the consideration that zakat is a religious institution that aims to improve justice and welfare of society. Optimization of the function of zakat for justice and welfare can be achieved if it provides a redefinition of riqab. The current definition of riqab should be expanded based on the criteria issued by the fuqaha. There is no expansion of the meaning of riqab so zakat management institutions do not distribute zakat funds to these groups.

Riqab is one of the *mustahik* of *zakat* which means it is in need to re-contextualize so that the spirit of *zakat* as an instrument for the welfare of the people can be achieved. If today there is no longer seen the model of slavery as in the time when Islam has not yet come, it does not mean that the slavery verses are irrelevant for discourse.⁸

The concept of *mustahik* and its application at the current time needs to be observed because of the changing times and social condition, so there is a need to legal exploration to respond to the recent situation so that Islamic law can still adapt time and place. This causes the

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David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum," *Nusantara : Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (2021): 2463–2478, http://jurnal.umtapsel.ac.id/index.php/nusantara/article/view/5601.

⁸ Zainuddin Zainuddin and Sahban Sahban, "Reinterpretasi Riqab Sebagai Korban Eksploitasi Seksual Dalam Hukum Zakat," *Masalah-Masalah Hukum* 50, no. 1 (2021): 17–23, https://ejournal.undip.ac.id/index.php/mmh/article/view/24786.

continuation of *mustahik* in the applicative often uncertain. Moreover, the context of *zakat* itself has not been projected more as a charity institution, namely a compassionate relationship between the rich and the poor.

According to T. M. Hasbi ash-Shiddieqy that *Q.S. at-Taubah* verse 60, the classification is clear, only the "*fi ar-riqab*" group is considered unclear and less firm. Not because of the lafaz, but because of its implementation at the Prophet Era which was used to free the mukattab slave who had been promised by his master to be released if he could pay a certain amount and included slaves who had not been promised to be freed.⁹

BAZNAS of Barru District is an institution to manage zakat funds and distribute them to mustahik according Islamic teachings provision, one of which is distributed to the Correctional inmates in the Barru Class IIB Detention Center. BAZNAS of Barru district provides a contextual meaning of the riqab as stated by Abdullah Rahim, the BAZNAS of Barru Management that riqab is someone from the shackles of oppression, someone is carrying out a haram profession, oppression from colonialism or slavery, people are in a group of deviant sects, someone from the shackles of foreign thinking or non-Muslim.¹⁰

According to Ismail Hannanong, the meaning of *riqab* must be more contextual, not only understood as a slave, *Q.S. at-Taubah* verse 60 which regulates *asnaf zakat*, one of which is that the *riqab* needs to be reinterpreted. The expansion of *riqab* is urgently needed to keep up with the latest developments. *Riqab* may include people who have their freedom shackled because they are in a period of punishment.¹¹

Meanwhile, based on the statement of Minu Kalibu, the meaning of *riqab* is a person who has lost their independence or is held hostage to their independence which causes them to be unable to worship and congregate perfectly. Lafaz *riqab* in *surah at-Taubah* verse 60 is a general *lafaz* and there is no other lafaz that specifies or limits it to one meaning only. Therefore, *riqab* is not only limited to just slaves or mukatab but also broadly interpreted to anyone who is exploited and thus loses his / her freedom. In addition, there is the ijtihad of the scholars' *mutaqaddimun* and *muta'akhirun* which not focus on the meaning of *riqab*.

⁹ Zainuddin Zainuddin, "Pemaknaan Ulang Ar Riqab Dalam Upaya Optimalisasi Fungsi Zakat Bagi Kesejahteraan Umat," *Jurnal Hukum Ius Quia Iustum* 25, no. 3 (2018): 601–622, https://journal.uii.ac.id/IUSTUM/article/view/11165.

Abdullah Rahim, "Interview with Barru Baznas Manager, December 29, 2020," 2020.

¹¹ Ismail Hannanong, "Interview with Muslim Scholar (Ulama), January 11, 2021," 2021.

Minu Kalibu, "Interview with Deputy Chairperson of the Baznas of Barru District, December 29, 2020," 2020.

Lafaz riqab in surah at-Taubah verse 60 is a general lafaz and there is no other lafaz that specifies or limits it to the only meaning. Therefore, lafaz riqab is not limited to just slaves or mukatab but can be broadly interpreted to anyone who is exploited and thus loses his / her freedom. In addition, there is the ijtihad of the scholars' mutaqaddimun and muta'akhirun who do not focus on the meaning of lafaz riqab.

The meaning of *riqab* as a prisoner is of course based on several 'illahs. First, a correctional inmate is a person who experiences a breakdown in the social system, namely the separation from common relations in economic, educational, political, and religious aspects. Second, the correctional inmate does not have access because they are in prison, which is, of course, limited because someone can be said to be a *riqab* if their freedom is shackled. Therefore, according to Masdar F. Masudi, that the *riqab* is defined as people who lose their rights.¹³

The substance of *riqab* is an attempt to free a person or group of people from persecution and injustice. Recently, it is almost certainly because the irrelevance of the definition of *riqab* in the context of classical fiqh indirectly eliminates this definition in various Indonesian *zakat* institutions. When talking about *zakat asnaf*, we can be sure that *riqab* is the *asnaf* that is missing from *zakat*.

Zakat funds for the riqab category will mean funds for liberation efforts; a person or group of people in a state of oppression and have lost their life direction. In an individual context, these funds are aimed at, for example: i) removing low-income and unskilled laborers from the chain of their employers who ensnare them; ii) seeking the release of certain people who have been convicted/imprisoned only for exercising their basic right to have an opinion or vote. While in its structural form, this riqab fund can mean funds for the process of education and liberation of oppressed people about their basic rights as human beings both in individual and social dimensions.¹⁴

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Taufiq Hidayat, "Menimbang Pemikiran Masdar Farid Mas'Udi Tentang Double Taxs (Zakat Dan Pajak)," *Economica: Jurnal Ekonomi Islam* 4, no. 2 (2013): 75–90, https://journal.walisongo.ac.id/index.php/economica/article/view/780.

Badan Amil Zakat Nasional, Zakat Untuk Kemandirian Ummat Melalui Pemberdayaan Masyarakat (Jakarta: Pusat Kajian Strategis Badan Amil Zakat Nasional, 2017).

3.2. Distribution of Zakat to Asnaf Riqab at the National Amil Zakat Agency of Barru District

Distribution of income in Islam is the allocation of existing assets, private or public ownership, to those who are entitled to improve the welfare of society, based on the existing regulations in Islam (*syaria't*). The obligation to set aside a portion of the assets for a party who is prosperous enough (*muzakki* or surplus units) is believed to be compensation for his wealth and on the other hand, is an incentive (a stimulant) for the wealth of the party that is lacking (*mustahik* or deficit units) so that it can be developed to a better one.¹⁵

Table 1 clearly shows the distribution of *mustahi*k who can earn productive *zakat*. Based on Table 1, there are four groups that receive productive *zakat*, namely: fakir, poor, amil, and muallaf. The fakir and the poor are a priority in receiving productive *zakat*, so that this type of *zakat* is empowered for them. As for amillin and muallaf, they can also be given *zakat* assets in this form, but this will be adjusted to the circumstances of the era whether it is needed or not.

The government has legal responsibility for the welfare of the correctional inmates in prison. The government is obliged to ensure the life of correctional inmates while in prison by providing them with food and drink. This is proven when "Umar asked about the human condition of a messenger from Abu Musa Al-Asy'ari, then he said that there was someone who was murtad (convert) and they cut his neck". Umar did not agree with this action, he wanted to hold him for three days and feed him bread every day, and give him a glass of water at every meal. ¹⁶

Based on the correctional data, the number of Correctional inmates in the Barru Class IIB Detention Center can be seen in Table 2. *BAZNAS* of Barru District distributes *zakat* funds for the *riqab* category for religious and skills mentorship of the correctional inmates in Class IIB Barru detention center. In the 2020 Budget, as much as 50 million Rupiah was allocated for religious mentorship and 25 million Rupiah for skills development. In terms of religious mentorship for the Barru Class IIB Correctional inmates, four clerics are appointed to carry out religious mentorship, namely M. Aydi Syam, with material on Fiqhi Worship, Ismail Hannanong, With subject on Morals, Muh. Agus, With the subject on the aim of Human

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Arif Wibowo, "Distribusi Zakat Dalam Bentuk Penyertaan Modal Bergulir Sebagai Accelerator Kesetaraan Kesejahteraan," *Jurnal Ilmu Manajemen* 12, no. 2 (2015): 28–43, https://journal.uny.ac.id/index.php/jim/article/view/11747.

¹⁶ Jaribah bin Ahmad Al-Haritsi, Fikih Ekonomi Umar Bin Khathtab (Jakarta: Pustaka Al-Kautsar, 2006).

Creation and Safaruddin Latif., with the subject on Optimism in Life, and one assistance staff during those lectures, namely, Muh. Ridwan.

The results of field research show that the religious mentorship that has been carried out at the Barru Class IIB detention center, whose funding source is through *Zakat* in the *asnaf riqab* category, namely the tahfidz program, religious lectures, and productive micro business assistance for correctional inmates. For religious mentorship, it was done in the form of several lectures such as aqidah or faith, Islam or factors, and subject on morals or manners. These subjects are delivered in mentoring activities based on the schedule made by the Head of the Mentorship. For the *Al-Qur'an Tahfidz* program for correctional inmates, since it was formed at the end of 2020, there have been 18 Correctional inmates who have joined. Also, there are already inmates who have succeeded to memorized 25 juz. Therefore, the Class IIB Barru Prison Guards who are members of the *Tahfidz* Group of the Barru Detention Center are able to memorize 25 *Juz* in the *Al-Qur'an* to receive a Direct Award Charter from the *BAZNAS* of Barru District.

The implementation of mentorship in the correctional system will bring major effect on prisoners. The correctional process which goes on gradually can result in a steady and mature change for the mental and physical recovery of the inmates.¹⁷

Religious mentorship is very important to achieve the ten principles of correctionalism, namely: (1) people who are lost must be protected by providing procurements to live as good citizens and become useful in society; (2) the imposition of sentence is not an act of retaliation from the state; (3) repentance cannot be achieved by torture but guidance; (4) the state has no right to make a prisoner worse or more evil than before he was admitted to a Correctional Institution; (5) during the loss of their freedom of movement, prisoners must be introduced to the community; (6) the work given to prisoners may not be time-consuming or reserved only for the interests of the institution or the state, the work given must be of a nation-building nature; (7) guidance and education must be based on Pancasila; (8) Everyone is a human being and should be treated as a human even if he has strayed.; (9) prisoners and protege are only sentenced to the

Hamsir Hamsir, Zainuddin Zainuddin, and Abdain Abdain, "Implementation of Rehabilitation System of Prisoner for the Prisoner Resocialization in the Correctional Institution Class II A Palopo," *Jurnal Dinamika Hukum* 19, no. 1 (2019): 112–132, https://dinamikahukum.fh.unsoed.ac.id/index.php/JDH/article/view/2056.

loss of independence; (10) facilities that can support rehabilitative, corrective, and educational functions are provided and maintained in the correctional system.¹⁸

According to Amrullah Mamma, *zakat* funds are carried out by religious mentorship to Correctional inmates in the form of routine recitation which held every Tuesday (First Week) and Thursday (Third Week). For skill development, the mentorship is an instrument to pave the way. The results of the building blocks (paving blocks) are sold to agencies or residents who need them.¹⁹

Basically, religion played an important role in the daily life of many inmates. For those who are locked up, God ritual can provide comfort during periods of isolation from their families and communities. From a policy perspective, the development of spiritual and religious practice promote rehabilitation and also reduce recidivism in correctional protege.²⁰ Mental and spiritual mentorship will not be effectively carried out if the correctional service is limited and spiritual mentorship is an inseparable part of correctional protege's provisions when their sentence has ended.²¹

Meanwhile, skills development is part of self-reliance mentorship. Abdullah Rahim states that some correctional inmates have never been visited by their families, so they do not have money for their daily needs. Therefore, skills are given to them by making concrete blocks (paving blocks) to earn income while being an inmate of Barru Class II Detention Center, whose capital comes from *zakat* funds.²²

Self-reliance mentorship is given to the correctional inmates and *zakat* funds as it source. The existence of this mentorship can help the Correctional inmates so that they can adapt to their surroundings. Self-reliance mentorship is given in the form of programs such as skills to support independent businesses, skills to support small businesses, and skills that are developed according to the talents of each correctional protege.

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Pemidanaan," Efektifitas Sistem Pembinaan Narapidana Di Lembaga Pemasyarakatan Terhadap Tujuan Pemidanaan," *Hukum Dan Dinamika Masyarakat* 9, no. 2 (2012): 131–142, http://jurnal.untagsmg.ac.id/index.php/hdm/article/view/303.

Amrullah Mamma, "Interview with Deputy Chairperson of Baznas in Barru District, December 29, 2020," 2020.
 Noha Moustafa, "The Right To Free Exercise of Religion in Prisons: How Courts Should Determine Sincerity of Religious Belief Under RLUIPA," *Michigan Journal of Race & Law* 20, no. 1 (2014): 213–244, https://repository.law.umich.edu/mjrl/vol20/iss1/4/.

Hibnu Nugroho, "Narcotics Prevention Among Prisoners By National Narcotics Agency (BNN)," *Jurnal Dinamika Hukum* 17, no. 2 (2017): 158–162, https://dinamikahukum.fh.unsoed.ac.id/index.php/JDH/article/view/846.

²² Rahim, "Interview with Barru Baznas Manager, December 29, 2020."

Table 1. Categorization of *Zakat* Distribution

No.	Mustahik	Productive	Non Productive
1.	Fakir	✓	✓
2.	Poor	✓	✓
3.	Amil	✓	✓
4.	Muallaf	✓	✓
5.	Riqab	-	✓
6.	Gharimin	-	✓
7.	Ibnu Sabil	-	✓
8	Fi Sabilillah	-	✓

Source: Processed from secondary data, 2020

Table 2.
Number of Inmates in the Barru Class IIB Detention Center in 2020

No	Period	Inmates	Convict
1.	January	40	164
2.	February	42	163
3.	March	38	176
4.	April	32	98
5.	May	41	102
6.	June	25	105
7.	July	24	137
8.	August	28	129
9.	September	27	126
10.	October	13	180
11.	November	23	171
12.	December	18	178

Source: Correctional Data Base System²³

4. Conclusion

Based on the above study, the meaning of *riqab* by scholars is understood differently. Classical scholars understand that riqab to freeing salve and mukatab slave only but they also include prisoners of war that have fallen into the hands of enemies of the Islamic state. Meanwhile, contemporary scholars interpret *riqab* as an effort to liberate under superpowers control that act unjust politically, economically, and ideologically or *riqab* can be understood as people who are shackled in structured and massive poverty.

The *BAZNAS* of Barru District defines the *riqab* as people who have lost their independence, which makes them uncapable of worshipping and congregating. *BAZNAS* of Barru District interprets *riqab* contextually based on *Q.S. at-Taubah* verse 60. The extension of *riqab* is

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²³ Direktorat Jenderal Pemasyarakatan, "Home," *Sistem Database Pemasyarakatan*, last modified 2021, http://sdp.ditjenpas.go.id/sdp website/.

adjusted to the conditions that occur. *Riqab*, namely people who have shackled their freedom because they are in a period of punishment (sentence). The distribution of *zakat* to *riqab* at *BAZNAS* of Barru District is aimed at Correctional inmates consisting of Inmates and Convicted for religious mentorship in the form of lectures and *tahfidz Al-Quran* and skill development by providing capital to Correctional Inmates in making paving blocks.

This research recommends that the administrators of the Central and Regional *BAZNAS* need to make a breakthrough by giving a new meaning to *riqab mustahik*, not only for inmates/prisoners and convicted but also for a broader meaning such as victims of commercial sexual exploitation. *BAZNAS* in Barru District needs to increase *zakat* funds to be distributed to the Correctional inmates optimally to make their mentorship and development program more optimal.

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