

## The Provisions of Professional Zakat; Between Zakat on Agricultural Products and Zakat on Gold

**Muhammad Hidayat<sup>1</sup>**

North Sumatra State Islamic University, Medan, Indonesian

[muhammadhidayat@uinsu.ac.id](mailto:muhammadhidayat@uinsu.ac.id)

**Muhammad Roni**

Langsa State Islamic Institute, Aceh, Indonesian

[muhammadroni@iainlangsa.ac.id](mailto:muhammadroni@iainlangsa.ac.id)

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### **Abstract**

*Professional zakat is a new problem in the field of fiqh, and the issue of professional zakat is hotly discussed, starting from its understanding and legal basis to the procedures for its implementation. This article is classified as literature research with a qualitative approach. The methodology used is a comparative study of law. The results of the study concluded that there were differences among scholars on professional zakat in terms of its legal basis; some scholars mentioned departing from the construction of qiyas against al-mal al-mustafad. Others say that the basis is Q.S. Al-Baqarah/2:267. While in terms of implementation, some scholars argue that the qiyaskan nisab and qadar zakat professions are the same as agricultural zakat, which does not require hauling. Others argue that the nisab and qadar zakat professions are the same as nisab and qadar zakat al-mal al-mustafad, which is 85 grams of gold but does not require hauling, while zakat al-mal al-mustafad requires hauling. There are also scholars who argue that the nisab and qadar zakat professions are qiyaskan to nisab and qadar zakat gold and wear haul.*

**Keyword:** Professional Zakat, Kasb al-Amal, al-Mal al-Mustafad

### **Abstrak**

Zakat profesi merupakan masalah baru dalam bidang Fiqh dan masalah zakat profesi yang hangat dibicarakan, mulai dari pengertiannya, dasar hukumnya, sampai kepada tatacara pelaksanaannya. Artikel ini tergolong dalam penelitian pustaka dengan pendekatan kualitatif. Metodologi yang digunakan adalah studi komparasi hukum. Hasil penelitian menyimpulkan bahwa terjadi perbedaan di kalangan ulama terhadap zakat profesi, dari segi dasar hukumnya, sebagian ulama menyebutkan berangkat dari kontruksi

<sup>1</sup> Corresponding Author

qiyas terhadap *al-mal al-mustafad*. Sebagian yang lain menyebutkan bahwa dasarnya adalah Al-Baqarah: 267. Sedangkan dari segi pelaksanaannya, sebagian ulama mengqiyaskan nisab dan qadar zakat profesi sama dengan zakat pertanian yang tidak mewajibkan haul, sebagian lagi berpendapat bahwa nisab dan qadar zakat profesi sama dengan nisab dan qadar zakat *al-mal al-mustafad* yaitu 85 gram emas, tetapi tidak mewajibkan haul, sementara zakat *al-mal al-mustafad* mewajibkan haul. Ada juga ulama yang berpendapat bahwa nisab dan qadar zakat profesi diqiyaskan kepada nisab dan qadar zakat emas serta memakai haul.

**Kata Kunci:** Zakat Profesi, *Kasb al-Amal*, *al-Mal al-Mustafad*.

## Introduction

Zakat is one of the Islamic teachings and is worship related to property. In fact, the entire universe and everything inside it belong to Allah the almighty, including property in human hands. Someone who is fortunate to get the property, in fact, only accepts a deposit as a trust to be spent and distributed according to the will of the owner, namely Allah SWT. The person who receives the deposit or as the holder of the trust has the obligation and responsibility to fulfill all the provisions set by the owner, both in the use of the property as well as in its distribution and development. Zakat is one of Allah's provisions relating to the property. Because Allah SWT has made the property a means of life for mankind as a whole, it must be directed to the common good. Togetherness between several individuals in an area will form a community called society. Humans as individuals cannot live without society because humans are social creatures. Humans as individuals get a lot of needs and benefits from society.

A farmer can be successful because of irrigation, agricultural equipment, food, stability, and security, and these are not possible without the community. Likewise, traders, producers, engineers, doctors, and lawyers cannot get anything without connecting to society. Whatever is produced by humans is actually only making changes, and adjustments and assembling one material with another material which is Allah's creation and property. Therefore, it is natural that Allah commands humans to issue a small portion of the entrusted property for the benefit of others for the sake of togetherness, justice, and brotherhood. A small part of the wealth that is issued is Zakat.

In classical Fiqh studies, scholars have mentioned several types of assets that must be given their zakat. The types of assets that have to be used as zakat are generally categorized into 6 (six) types, (Al-Gazaly, 1997) namely, a) livestock, b) valuables, c) commercial property, d) plants/fruits, e) mining goods, and f) Zakat al-Fitr. However, nowadays, zakat is not only limited to such things, even assets in the form of income or profession are also used for zakat. Indeed, there is no explanation regarding the professional zakat in classical Fiqh because this is something new happening today. Therefore, professional zakat needs serious attention and legal certainty so that people do not hesitate to practice their religious teachings, especially in the matter of zakat. Therefore, this paper will try

to explain what is meant by professional zakat, its legal basis, and especially how it is implemented.

Professional zakat, or zakat paid from a person's income or salary, has the potential to provide significant benefits to the national and global community. Professional zakat can be used to empower economically disadvantaged people. This financial assistance can be used for education, skills training, or establishing a small business, thereby increasing the community's economic capacity. By giving professional zakat, people living in poverty can get financial assistance that can help them meet basic needs such as food, clothing and shelter. Professional zakat can be used to finance education and health services for underprivileged people. This helps improve access to education and health, which in turn can improve quality of life. Proper expenditure of professional zakat can support projects that focus on sustainable development, such as renewable energy projects, sustainable management of natural resources, and other environmental projects.

### **Literatur Review**

In this sub, the author tries to examine several review literature or similar things that are almost similar to the discussion, but after reviewing it in depth, there are differences between the author's discussion and several themes that have previously discussed professional zakat issues. Tira Nur Fitria in a study entitled; *"Zakat Profesi (Zakat Penghasilan) Menurut Hukum Islam."* This research is qualitative descriptive. This study included literature to examine the written sources such as scientific journals, books referesni, literature, encyclopedias, scientific articles, scientific papers and other sources that are relevant and related to the object being studied (Fitria, 2015). What is different in the research we will carry out with the theme carried out by Nur Fitria is that, firstly, Fitria focuses on discussing professional zakat in the form of zakat fitrah in Islamic law, while the research we will carry out is much different, and our focus is on professional zakat with gold.

Ikbal Baidowi in a study entitled; *"Zakat Profesi (Zakat Penghasilan),"* It has described in a very measured way how the zakat profession plays a crucial role in modern life. This work can be a reference, especially when there are some who claim that professional zakat did not exist at the time of the Prophet and was not obligatory to be issued. Ikbal Baidowi's work has similarities with what the author studied in the context of professional zakat. The difference is that what Ikbal Baidowi did only focused on one object of zakat, while the author compared it with gold zakat (Baidowi, 2018).

Fuad Riyadi in a study entitled; *"Kontroversi Zakat Profesi Pesrpektif Ulama Kontemporer."* This writing tries to examine some controversial element of professional zakat and how it finally becomes one of potential source of zakat in Indonesia that will also influence national's economy by several mechanisms. In the end of the writing there will a compiled figure that project the contribution of zakat for Indonesian economy (Riyadi, 2016). In this research, Riyadi focuses on the controversy over professional zakat, while the research we will carry out is much different, and our focus is on professional zakat with gold.

Fatchur Rahman in a study entitled; *"Analisa Potensi Zakat UMKM Mebel Melalui BAZNAS untuk Peningkatan Kesejahteraan Masyarakat Jepara."* This study

aims to determine the strategy of zakat organization (amil zakat institution) in Jepara Regency on professional zakat fundraising as well as constraints and challenges in managing professional zakat collection. The results of this study show that one of the main strategies in professional zakat collection in Jepara Regency is mapping potential muzakki, transparency and maintaining muzakki loyalty (Rohman et al., 2017). The main obstacle for the community is not yet fully aware of professional zakat, so the challenge of fundraising professional zakat is to give an understanding that is not only fiqh but also regulation. In the research conducted by Zainul, the focus is on the fundraising strategy for professional zakat in zakat management organizations (OPZ) in Jepara Regency, while the research we will carry out is much different, and our focus is on professional zakat with gold.

Nor Muhammad Faisal bin Md Arifin in a study entitled; *“Perbedaan Pemakaian Urf Zakat Emas Perhiasan (Kajian di Selangor dan Malaka),”* It has been very impressive to explain how gold zakat compares in two regions that are relatively different culturally (Arifin, 2018). This research has similarities with the author's study, especially in the context of gold zakat and the method used (comparative study). The difference is that if Nor Muhammad Faisal compares the practice of gold zakat in two different locations, the author compares two models of zakat, namely professional zakat and gold zakat. Some of the works above are some of the studies that are most similar to the titles that the authors reviewed. Based on this review, as well as after analyzing other reference sources, as far as the author's observations have not been found, the author has found a single work that coherently and focuses on reviewing what kind of research the author did. This indicates that this article has originality and novelty.

### **Research method**

This research uses the Pustaka studio method and a qualitative and comprehensive type of research. In processing data, this paper refers to sources from classical jurisprudence books and modern jurisprudence. This research also uses a linguistic approach in order to find the main method for searching for in-depth information from primary sources. A literature study begins with identifying and collecting sources of information that are relevant to the research topic. Sources of information can be books, scientific journals, articles, theses, research reports, and other electronic sources. Researchers then analyze the literature that has been collected to understand the conceptual framework, research methods, and existing findings related to the research topic. This analysis helps researchers understand the development of knowledge and research in the field.

Based on the results of the analysis, researchers can develop a conceptual framework that becomes the theoretical basis of the research. This conceptual framework includes key concepts, variables, and relationships between variables that will be tested in the research. In literature studies, researchers can compare previous research findings, identifying differences, similarities, or emerging patterns. This can provide additional insight into the evolution of our understanding of the topic.

## Understanding Zakat and A Basis of Doing Zakat

Zakat - according to syara' - is a certain gift of certain assets to certain people according to the conditions specified (Syarifuddin, 2003). The obligation of giving zakat is prescribed in the 2nd year of Hijriyah based on the Qur'an, the Sunnah of the Prophet, and Ijma'. There are quite a number of verses of the Qur'an that discuss the issue of zakat, which can be elaborated as follows:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَمَا تُقَدِّمُوا لِأَنْفُسِكُمْ مِنْ خَيْرٍ يَجِدُوهُ عِنْدَ اللَّهِ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

*“And establish prayer and give zakah, and whatever good you put forward for yourselves – you will find it with Allah. Indeed, Allah of what you do is Seeing.”* (QS. Al-Baqarah; 110)

وَهُوَ الَّذِي أَنْشَأَ جَنَّاتٍ مَعْرُوشَاتٍ وَعَيْرَ مَعْرُوشَاتٍ وَالنَّخْلَ وَالزَّرْعَ مُخْتَلِفًا أَكْلُهُ وَالزَّيْتُونَ وَالرُّمَانَ مَتَشَابِهًا وَعَيْرَ مُتَشَابِهٍ كُلُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ

*“And He it is who causes gardens to grow, [both] trellised and untrellised, and palm trees and crops of different [kinds of] food and olives and pomegranates, similar and dissimilar. Eat of [each of] its fruit when it yields and give it due [zakah] on the day of its harvest. And be not excessive. Indeed, He does not like those who commit excess.”* (QS. Al-An'am:141)

...وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ

*“...And those who hoard gold and silver and spend it not in the way of Allah – give them tidings of a painful punishment.”* (QS. At-Taubah: 34)

ذُ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلَّى عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ عَلِيمٌ

*“Take, [O, Muhammad], from their wealth a charity by which you purify them and cause them to increase, and invoke [Allah's blessings] upon them. Indeed, your invocations are reassurance for them. And Allah is Hearing and Knowing.”* (QS. At-Taubah: 103)

وَالَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ مَعْلُومٌ لِلسَّائِلِ وَالْمَحْرُومِ

*“And those within whose wealth is a known right, (70:25) For the petitioner and the deprived.”* (QS. Al-Ma'arij: 24-25)

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

*“O you who have believed, spend from the good things which you have earned and from that which We have produced for you from the earth. And do not*

aim toward the defective therefrom, spending [from that] while you would not take it [yourself] except with closed eyes. And know that Allah is Free of need and Praiseworthy.” (QS. Al-Baqarah: 267)

### **Professional Zakat and Philosophy behind Zakat**

A profession is a word that comes from English, namely profession. It is a position or job that requires special education (Salim, 1989). In Arabic, the profession is called *kasb al-'amal* and *al-muhan al-hurrah*. *Kasb al-'amal* literally means effort/work, and *al-muhan al-hurrah* means a person's skills or expertise in a job that is not tied down (Al-Qardhawy, 1973). Regarding this term, according to Yusuf al-Qardhawi, there are 2 (two) kinds of work that are a human effort to obtain wealth as income.

*First*, work that is carried out by someone directly without being bound and subject to others in the form of hand skills or thinking skills, then the income from this work is called service income (دخل مهني) which comes from trained expertise such as the income of doctors, technicians, lawyers, art experts, tailors, carpenters, and so on. *Second*, work that is tied to others such as the government, business entities/unions, or to certain persons in the form of a wage contract to do a job that requires energy or thought, then this kind of income can be in the form of salary, wages or service fees (Al-Qardhawy, 1973).

When we talk about zakat, we must also talk about *mal*. The word *mal* (plural form: *amwal*) can be interpreted as anything that has economic value and is useful for humans (Az-Zuhaily, 1989). Assets in human hands, such as gold, silver, commercial products, livestock, agricultural products, professional services, mining, and so on, are essentially *nisby* or human relative property. *Nisby* property or relative property means that the property is nationalized to humans because the property is in his hands, but he is not the absolute owner, because the absolute owner is Allah SWT. Understanding relative and absolute property can be illustrated by the horse and the chariot he is pulling. The horse that pulls the chariot usually wears a saddle, blinkers, and an ornamental necklace around his neck. If we ask, whose saddle is this? Whose blinkers are these? whose chain is this? and whose car is this?

The answer would of course be like this; this is a horse saddle; these are horse blinkers; this is a horse chain, and this is a horse carriage. Then we ask again, does it all belong to the horse? The answer is yes, but it is a relative property because it happens that all the assets are in the horse's possession. While the real owner is the king, because he is the owner of the chariot, even the horse itself belongs to the king. Thus, this explains how humans are with the treasures in their hands, but the property actually belongs to Allah SWT, even the man himself also belongs to Allah the Richest. Regarding Allah as the ultimate owner of the property, it has been mentioned in the verses of the Qur'an as follows:

وَلَيْسَتَّعْفِيفُ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّى يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ وَالَّذِينَ يَبْتَغُونَ الْكِتَابَ مِمَّا مَلَكَتْ  
أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَأَتَوْهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ وَلَا تَكْرَهُوا فَتَيَاتِكُمْ عَلَى

الْبَعَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِّتَبْتَعُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهِنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ

*“But let them who find not [the means for] marriage abstain [from sexual relations] until Allah enriches them from His bounty. And those who seek a contract [for eventual emancipation] from among whom your right hands possess – then make a contract with them if you know there is within them goodness and give them from the wealth of Allah which He has given you. And do not compel your slave girls to prostitution, if they desire chastity, to seek [thereby] the temporary interests of worldly life. And if someone should compel them, then indeed, Allah is [to them], after their compulsion, Forgiving and Merciful.” (QS. An-Nur: 33)*

...وَأَمْدَدْنَاكُمْ بِأَمْوَالٍ وَبَنِينَ وَجَعَلْنَاكُمْ أَكْثَرَ نَفِيرًا

*“...And We reinforced you with wealth and sons and made you more numerous in manpower.” (QS. Al-Isra’: 33)*

اللَّهُ الَّذِي خَلَقَكُمْ ثُمَّ رَزَقَكُمْ ثُمَّ يُمِيتُكُمْ ثُمَّ يُحْيِيكُمْ

*“Allah is the one who created you, then provided for you, then will cause you to die, and then will give you life. Are there any of your “partners” who does anything of that? Exalted is He and high above what they associate with Him.” (QS. Ar-Rum: 40)*

اللَّهُ يَبْسُطُ الرِّزْقَ لِمَنْ يَشَاءُ وَيَقْدِرُ

*“Allah extends provision for whom He wills and restricts [it].” (QS. Ar-Ra’ad: 26)*

...قُلْ إِنَّ الْفَضْلَ بِيَدِ اللَّهِ يُؤْتِيهِ مَنْ يَشَاءُ

*“...Say, “Indeed, [all] bounty is in the hand of Allah – He grants it to whom He wills. And Allah is all-Encompassing and Wise. (Shahih International) (QS. Ali Imran: 73)*

وَلِلَّهِ مَا فِي السَّمَاوَاتِ وَمَا فِي الْأَرْضِ وَإِلَى اللَّهِ تُرْجَعُ الْأُمُورُ

*“To Allah belongs whatever is in the heavens and whatever is on the earth. And to Allah will [all] matters be returned.” (QS. Ali Imran: 109)*

Based on the following verses; “And give them from the wealth of Allah which He has given you” (an-Nur 33), “And We reinforced you with wealth” (al-Isra’ 6), “Allah is the one who created you, then provided for you” (ar-Rum 40), “Allah extends provision for whom He wills and restricts [it]...” (ar-Ra’d 26), “Say, “Indeed, [all] bounty is in the hand of Allah – He grants it to whom He wills. And Allah is all-

*Encompassing and Wise*" (Ali Imran 73), "To Allah belongs whatever is in the heavens and whatever is on the earth (Ali Imran 109) It can be understood that the absolute owner is Allah, the Richest, while all humans are *fuqara* 'who desire Allah's mercy and generosity.

Humans are only relative owners. Therefore, the treasure in human hands is actually a trust from Allah. Humans are given by Allah the authority to use these assets to meet the needs of life, but this must be in accordance with the instructions and provisions of Allah the Almighty. Humans can manage and develop these treasures so that they increase more and more. However, it must be remembered that the success of the business is in the hands of Allah. A trader, whose goods are sold well or a farmer whose crops bear fruit, is not only because of the expertise of the trader or farmer, but Allah's intervention is more dominant and very decisive in the matter of success. Therefore, it is natural for Allah as the "chief director" to give instructions and rules to humans as holders and implementers of the mandate of Allah's treasure.

The person who is given the opportunity and opportunity to hold Allah's treasure is called *agniya*'. A person as a good *agniya* 'of course will obey the provisions of the "main director" to distribute Allah's wealth to people who do not have and need, namely *al-fuqara*'. In this regard, Allah Ta'ala mentioned;

فَكُلُوا مِنْهَا وَأَطِعُوا الْبَائِسَ الْفَقِيرَ

"So eat of them and feed the miserable and poor. (Shahih International) in (QS. Al-Hajj: 28)

وَالَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ مَعْلُومٌ لِلسَّائِلِ وَالْمَحْرُومِ

"And those within whose wealth is a known right. For the petitioner and the deprived." (Q.S. al-Ma'arij: 24-25)

### **Professional Zakat in Islamic Law**

From some sources, it was found that some people refer to this professional zakat as income zakat (salaries and services), zakat on services, and zakat on salaries and services. The differences in naming this type of zakat maybe not be that important, in my opinion, but what is important is the nature of zakat. The question is, "is the income earned by a person (in the form of a salary or wages for doing something or for services) subject to zakat or not? If the zakat of this kind of income is subject to zakat, is it wajib (mandatory) or sunnah (permissible)? If it is mandatory, is there a verse in the Qur'an or Hadith that specifically explains this issue?

Regarding the issue of professional zakat, I have not found clear and unequivocal information specifically mentioning the professional zakat both from the Qur'an and the Prophet's Hadith. In my opinion, the initial information regarding the professional zakat issue was probably obtained from Yusuf al-Qardhawy in his book entitled *Fiqh az-Zakat*, and from several contemporary ulama figures in the Middle East. Following are the opinions of scholars regarding



this issue, including: *First*, the opinion of Shaykh Abd. Rahman Hasan, Abu Zahrah, and Abd. Wahhab Khalaf. In a lecture on zakat in Damascus in 1952, they argued that wages, salaries, and professional services were subject to zakat if they reach the amount of one nisab (the minimum amount that a Muslim must have before being obliged to zakat) and reach the haul. This opinion is related to a certain *nazir mas'alah*, namely zakat on house rent in the Ahmad ibn Hanbal mazhab (Islamic school of thought) of thought. According to one narration, Imam Ahmad ibn Hanbal obliges zakat for people who rent out their houses if they have received the rent payment which has reached a nisab without haul condition. According to them, the problem of renting a house is similar to *kasb al-'amal*, so zakat must be paid when it reaches a nisab. The conclusion is that zakat must be paid because the basis is the amount of nisab at the beginning or at the end of the year (Al-Qardhawy, 1973).

*Second*, opinion of Shaykh Muhammad al-Ghazaly. According to Shaykh Muhammad al-Ghazaly, the obligatory provisions for zakat are sometimes *ra'sal-mal* (initial capital) which has reached a period of one year such as zakat on money and zakat on trade; or sometimes the amount of income regardless of capital, such as zakat on agricultural products and fruits. Furthermore, he mentioned, based on this provision, we come to a conclusion that whoever has the same income as the farmer's income, is obliged to pay the same zakat as the farmer's zakat, without paying attention to the condition of capital and its requirements. Therefore, a doctor, lawyer, engineer, entrepreneur, and employee must be subject to zakat on their large income based on the following *dalil* (argument):

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ...

*"O you who have believed, spend from the good things which you have earned and from that which We have produced for you from the earth. And do not aim toward the defective therefrom, spending [from that] while you would not take it [yourself] except with closed eyes. And know that Allah is Free of need and Praiseworthy."* (QS. Al-Baqarah: 267)

There is no doubt - according to al-Ghazaly - that the income from the work mentioned above includes income that must be paid for zakat, and those who do this obligatory *infaq* are included in the number of believers mentioned in QS. Al-Baqarah: 3. According to Islamic teachings, it does not make sense to require a farmer who has a small income (5 *fadan*) to pay zakat while a contractor with a large income (50 *fadan*) is not subject to obligatory zakat, or a doctor whose income in a day is the same as the farmer's income for one year. If this is the case, they must be subject to zakat, and as long as the *'illat* of law exists in both problems, *qiyas* should be carried out (Al-Qardhawy, 1973).

*Third*, according to Yusuf al-Qardhawy. Yusuf al-Qardhawy argues that *'kasb al-'amal'* is very close to the problem with *al-mal al-mustafad* (Al-Qardhawy, 1973). *Al-mal al-mustafad* is a property obtained by a Muslim, who has just owned the property (previously he did not own the property) in a way justified by *syara'*. *Al-mal al-mustafad* sometimes develops with pre-existing assets, such as property obtained from trading profits, and the results of livestock, for example; 'acquired

assets' are combined with pre-existing original assets. The haul of 'acquired assets' is the haul of the original property. Based on this consideration, a Muslim who owns the nisab of livestock or commercial property is obliged to pay zakat on the original property at the same time as the 'acquired property' at the haul of the original property. It should be noted that such 'acquired assets' are not the subject of discussion in the matter of professional zakat. The main issue is "acquired assets" that do not develop together with pre-existing original assets, such as assets obtained from work wages, investment returns or from grants, and so on (Al-Qardhawy, 1973).

Regarding the 'acquired property' in the second type, is it required to use haul (a year) or not? On this issue, Islamic scholars have different views. Some argue that the 'acquired property' is subject to zakat if the nisab and haul have been fulfilled. Others do not view haul as a mandatory condition for zakat (Wulandari et al., 2017). Yusuf al-Qardhawy mentioned that: I think Zakat is obligatory without haul. The 'acquired property' is subject to zakat when it is received, and the nisab is 85 grams of gold (Al-Qardhawy, 1973). The reason he came up with this view is as follows:

- a. Requirements for haul (a year) in all assets, including "acquired assets" are not based on authentic or hasan hadiths.
- b. The opinion of people who do not require haul (a year), is closer to the generality of the *nas*, and the *nas* is absolute (without *qayid*). Because the *nas* of the Qur'an or hadith that require zakat come in a general and absolute form, and in those *nas* there is no requirement to use haul (a year) such as: "And that is also confirmed by the generality of the Words of Allah SWT."

Firman Allah مَا كَسَبْتُمْ is a general word whose meaning includes all kinds of business, including trade, employees, and professions. Fiqh experts have used this verse as a dalil for compulsory zakat *tijarah*, so it is permissible if we use the generality of the verse as a dalil for professional zakat (Al-Qardhawy, 1973).

*Fourth*, according to Wahbah az-Zuhaily. Income from the business of professional workers or employees in the study of Fiqh is included in the problem of *al-mal al-mustafad*. According to the provisions of the four mazhabs of jurisprudence, *al-mal al-mustafad* is subject to zakat if the nisab is sufficient and it reaches the haul. Furthermore, he mentioned that the zakat *al-mal al-mustafad* is obligatory only if it has received the results of the business even though it has not yet reached the haul based on the opinion of some friends, namely Ibn Abbas, Ibn Mas'ud, and Mu'awiyah, some tabi'in namely az-Zuhri, Hasan Basri, and Makhul, and opinion of Umar Abd.Aziz, al-Baqir, as-Sadiq, an-Nasir, and Daud az-Zahiry.

The amount that must be issued in 1/40 based on the generality of the *nas* that require zakat on money, gold, and silver, whether the haul period has been reached or after receiving the results. If a Muslim has issued professional zakat at the time of receiving the income, then he will not pay zakat again at the end of his haul. Thus, people who have professional income are the same as farmers who are obliged to pay zakat on plants and fruits solely because of the harvest (Az-Zuhaily, 1989).

## Variations in the views of scholars

The opinions of scholars regarding the law of professional zakat have been presented above. If seen in detail, it can be seen that there are similarities and differences among the opinions. What they have in common is that they all state that professional income is obligatory to pay zakat. While the differences are as follows: *First*, on the basis of determining the law they use, some do *takhrij*, some use the generality of the verse, and some use *qiyas*. *Second*, regarding haul, some require haul and some do not require haul. *Third*, then, in determining the *nisab*, some of the scholars carry out Qiyas on gold, and some of them carry out Qiyas on agricultural products.

### ***A discussion related to the issue of takhrij***

Among the scholars, there are those who use *takhrij*. *Takhrij* is issuing a fatwa on a problem that has just occurred by linking it to the law of a problem that has been decided by the Imam of the mazhab, and then performing *istinbat* based on the rules of fiqh of that mazhab. In the problem that just happened, there are similarities with the previous problem which has been determined by law by the Imam of the Mazhab of thought. *Takhrij* as a way to find the law of a problem that occurs is allowed on the condition that the person who does it has the ability to carry out *istinbat* from the fiqh texts (*nash*) of his imam and is also able to perform *tarjih*. Such person is called a mujtahid of the mazhab of thought (Al-Bannany, n.d.)(Bik, 1969).

An example of operational *takhrij* is establishing the law of *kasb al-'amal* with the law issued from the fiqh text which functions as *nazir al-mas'alah*, namely the rent of a house for which payment has been received. The rent of the house is subject to zakaat when the money is received if the amount is quite a *nisab*. The rent for the house is *al-mal al-mustafad*. *Kasb al-'amal* (wages and salaries) is also *al-mal al-mustafad*. If the rent of the house is subject and obligatory to zakat, then wages and salaries are also subject to zakat because they are both *al-mal al-mustafad*. The law as a result of this *takhrij* is called *qaulun mukhraj*, and the law that has been set by the Imam in the previous issue is called *qaulun mansus*. However, in this case, in my opinion, there is one thing that is rather difficult to understand, namely the obligation of zakat on *nazir al-mas'alah* that does not require the haul, but why suddenly the problem is compared to depend on haul?

In my opinion, this kind of thinking pattern is inconsistent in *istinbat* because it takes half-measures. In addition, in my opinion, using *takhrij* in establishing a law may not be strong enough or not appropriate, if there are other ways or methods that can be taken, such as using *qiyas*. In addition, the *takhrij* is also limited to certain sects.

### ***The issue of the generalization of a verse***

In connection with the general use of verse 267 of surah al-Baqarah, the problem that immediately arises is whether this verse is appropriate to be used as a *dalil* (argument) in establishing the law of compulsory professional zakat? To answer this problem, it is necessary to first look at the meaning of *anfiq* in the verse, determine its generality and understand the meaning of *ma kasabtum*. According to at-Tabary (224-310H) in his commentary, the meaning of *anfiq* is *zakku wa tasaddaqu*. At-Tabary's opinion is based on the narrations of *Mu'awiyah*,

from Ali, from Ibn Abbas, so the verse can be interpreted as "*zakku amwalakum al-laty iktasabtumuh*"a. Ali r.a. mentioned that this verse was revealed regarding *az-zakah al-mafrudhah* (At-Tabary, n.d.).

From the interpretation as stated at-Tabary above, it can be understood that the believers were ordered by Allah to issue zakat from whatever property they had earned. This interpretation is taken from the words *ma kasabtum min al-amwal*. The word "*ma*" is *ism al-mausul* which is a general pronunciation according to the study of Usul Fiqh. Thus, by *ijmaly* the verse means: Give zakat to everything from the property that you get as a result of your efforts (*kasb*).

The next question that must be resolved is what is property obtained from working (*kasb*)? According to the statement at-Tabary, it means *at-tijarah* or *sina'ah min az-zahab wa al-fiddah* (the result of gold and silver carpentry) (At-Tabary, n.d.). According to Mujahid, Ibn Kasir mentioned that he meant *at-tijarah* (Kasir, 2000). The same explanation is also obtained from al-Qurthuby (Al-Qurthuby, n.d.). From the explanations of these commentators, it can be mentioned that *al-kasb* is *at-tijarah*.

The interpretation of *al-kasb* with *at-tijarah* comes from a Meccan *mufassir* from among the *tabi'in* named Mujahid bin Jabbar Abu al-Hajjaj al-Makhzumi. Mujahid was born in 21 H and passed away in Mecca in 104 H. He was the one who at least narrated the tafsir of Ibn Abbas, but he was a trusted person, therefore Imam Shafi'i and al-Bukhary adhered to Mujahid's interpretation. This is based on Muhammad Husayn az-Zahaby's statement (Az-Zahaby, n.d.).

If we follow the opinion of the *mufassirin* scholars who interpret *al-kasb* with *at-tijarah*, then of course this verse cannot be used as an argument for determining the obligation of professional zakat. However, the question is whether interpreting *al-kasb* with *at-tijarah* is the only final and inviolable interpretation? Should we not give other meanings that are still included in the general sense of the verse? While interpreting *al-kasb* with *at-tijarah*—in my opinion—is not based on the statement of the Prophet, or in other words, the author has not found a hadith that specifically states that *al-kasb* is *at-tijarah* as a *bayanon* Al-Baqarah: 267.

What is known is that the interpretation came from Ibn Abbas because Mujahid who narrated the interpretation was a student of Ibn Abbas. Thus, actually the interpretation is based on the *Companions qaul*. Indeed, the *qaul* of the Companions is a proof according to some Usul Fiqh experts. However, leaving the *qaul* of the Companions in certain cases because there are other reasons and considerations such as linguistic considerations which can also be used as *bayanon* of a general verse, is it considered a deviant act in *ijtihad*? In my opinion, interpreting the Qur'an based on linguistic considerations and supported by logical explanations is not a forbidden *bi ra'yi* interpretation.

Based on this framework, I think the information from *lughah* experts (linguistics experts) and from hadith can be used as a basis for a reinterpretation of Al-Baqarah: 267 (Roni et al., 2021), which has been used by scholars so far as the argument for establishing the law of professional zakat but only by relying on its generality. Based on the information above, al-Ragib al-Asfihany mentions that the *al-kasb* is an attempt by a man to get a benefit and to produce his needs, such as an effort to earn wealth (Al-Asfihany, n.d.).

Human efforts to obtain benefits and generate needs - according to the hadith - are of two kinds. First, it is called "*syarru al-kasb*" such as the results of the payment of prostitutes, the selling dogs, and the wages of cupping workers according to the hadith narrated by Imam Muslim from Rafi' bin Khadij as follows (Al-Naisabury, 2020):

و حَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْفُطَّانُ عَنْ مُحَمَّدِ بْنِ يُوسُفَ قَالَ سَمِعْتُ السَّائِبَ بْنَ يَزِيدَ يُحَدِّثُ عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ شَرُّ الْكَسْبِ مَهْرُ الْبَغِيِّ وَتَمْنُ الْكَلْبِ وَكَسْبُ الْحُجَّامِ

Second, it is called "*athyab al-kasb*" or "*afdhal al-kasb*" such as the business of hand skills and lawful trading, as narrated by Imam Ahmad from Rafi' bin Khadij as follows:

حَدَّثَنَا يَزِيدُ حَدَّثَنَا الْمَسْعُودِيُّ عَنْ وَائِلِ أَبِي بَكْرٍ عَنْ عَبَّادَةَ بْنِ رِفَاعَةَ بْنِ رَافِعِ بْنِ خَدِيجٍ عَنْ جَدِّهِ رَافِعِ بْنِ خَدِيجٍ قَالَ قِيلَ يَا رَسُولَ اللَّهِ أَيُّ الْكَسْبِ أَطْيَبُ قَالَ عَمَلُ الرَّجُلِ بِيَدِهِ وَكُلُّ بَيْعٍ مَبْرُورٍ حَدَّثَنَا أَسْوَدُ بْنُ عَامِرٍ قَالَ حَدَّثَنَا شَرِيكٌ عَنْ وَائِلِ بْنِ جُمَيْعٍ عَنْ عُمَيْرِ بْنِ حَالِهِ قَالَ سَأَلَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ أَفْضَلِ الْكَسْبِ فَقَالَ بَيْعُ مَبْرُورٍ وَعَمَلُ الرَّجُلِ بِيَدِهِ

In addition to the information above, it was also found that Abu Abdi Rahman al-Khalil (100 – 175 H) mentioned that al-kasb means seeking sustenance (Al-Khalil, n.d.), and according to Ibn Manzur (630-711H) in his book *Lisan al-Arab* the meaning of *al-kasb* is the work of someone sowing seeds into the ground for farming (Al-Misry, n.d.). Then, Ahmad ibn Muhammad (W. 770 H) defined this as earning for a living (Muhammad, n.d.).

In my opinion, based on the information above, the meaning of 'hand skills' as an effort to find sustenance for the necessities of life can be taken and developed into brain skills, so doctors, consultants and employees can be included in the meaning of *al-kasb*, and accordingly with the meaning mentioned by ar-Ragib al-Isfihany, namely a human effort to obtain benefits and produce their needs. Thus, by interpreting *al-Kasb* with hand and brain skills as an effort to find sustenance for the necessities of life and not limited to *at-tijarah*, we strongly suspect that Al-Baqarah: 267 can be used as a dalil to establish mandatory law of professional zakat. However, one thing that should be noted besides using the verse as a dalil is another new problem, namely the issue of nisab because the verse does not have any *bayan* on the issue of the *nisab* of professional zakat. Therefore -as will be explained- scholars have different opinions in *qiyas* to determine the nisab and zakat.

### The issue of Qiyas

There are some scholars who use *qiyas* to determine the obligation of professional zakat which is the *Qiyas* is used on *kasb al-'amal* to *al-mal al-mustafad*. Thus, *kasb al-'amal* is called a branch problem (*al-far'u*) and *al-mal al-mustafad* as

*al-asl*. The *illat* is *al-istifadatu fi kullin*. Because the law on *al-asl* is obligatory, the branches are also obligatory based on *qiyas*. The legal *mustanad* of *al-asl* –among other things– is a hadith narrated by Turmuzy from Ibn Umar (At-Turmuzy, 2011).

حَدَّثَنَا يَحْيَى بْنُ مُوسَى حَدَّثَنَا هَارُونُ بْنُ صَالِحٍ الطَّلْحِيُّ الْمَدِينِيُّ حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ زَيْدِ بْنِ  
أَسْلَمَ عَنْ أَبِيهِ عَنِ ابْنِ عُمَرَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ اسْتَفَادَ مَالًا فَلَا زَكَاةَ  
عَلَيْهِ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ عِنْدَ رَبِّهِ

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ حَدَّثَنَا أَيُّوبُ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ قَالَ مَنْ  
اسْتَفَادَ مَالًا فَلَا زَكَاةَ فِيهِ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ عِنْدَ رَبِّهِ

Based on this hadith, it can be understood that *al-mal al-mustafad* is subject to zakat, and based on this hadith, the information on haul is a condition for obligatory zakat *al-mal al-mustafad*. However, it is interesting that the scholars who carry out *qiyas* on *al-mal al-mustafad* do not set a haul for professional zakat because this hadith is considered invalid or *hasan* or in other words the hadith is *dha'if*. In my opinion, the hadiths that are judged to be weak are the hadiths narrated by Abu Daud from Ali r.a., the hadiths narrated at-Turmuzy and Baihaqy from Ibn Umar, and the hadiths narrated by Baihaqy from Aisyah.

The hadiths that are considered weak by some of these opinions turn out to be *mustanad*/ as a foundation used by scholars to oblige zakat *al-mal al-mustafad*. Thus, if someone thinks that professional zakat is not required haul because the traditions that require haul are considered weak, while he requires professional zakat based on *qiyas* to *al-mal al-mustafad* as *al-asl* whose *mustanad* is judged to be weak, then automatically the legal stipulation of compulsory professional zakat also becomes invalid. Why is that? because the basis/*dalil* of the original law as the place for doing *qiyas* is judged to be *dha'if*. In fact, the question of *al-mal al-mustafad* and the terms of the *haul* are mentioned in an inseparable hadith. Thus, if we say the hadith is valid, then we must also say that the obligation of zakat *al-mal al-mustafad* should be with haul requirement.

On the other hand, if we say that the hadith is *da'if*, then there is no obligation for zakat *al-mal al-mustafad* and of course, automatically there is also no haul requirement and of course there is also no obligation for professional zakat. One logical *istinbat* is that if the hadith can be used as a *dalil* (argument), then we must determine the obligation of zakat *al-mal al-mustafad* and we must also require *haul* because the problem of *al-mal al-mustafad* and *haul* is contained in one hadith. If the hadith cannot be used as a *dalil* because it is *dha'if* then as a logical consequence, zakat *al-mal al-mustafad* (as *al-asl* of *qiyas*) is not obligatory, and professional zakat (as *al-far'u*) is not obligatory either because the rules say if *al-maqis 'alaih* is canceled then the *maqis* is also canceled. Therefore, it is strange that in *istinbat*, there is one hadith that is taken from the base but discarded at the end.

### **The Issue of Nisab**

Regarding the provision of the *nisab* of professional zakat, it seems that there is no hadith that regulates the *qadar* of the *nisab*. Therefore, there is a difference of opinion among scholars because of the different ways to *Qiyas* the *nisab*. Some carried out *Qiyas* on the *nisab* of professional zakat to the *nisab* of agricultural products. The *nisab* of agricultural produce is 5 *awsuq* which is equivalent to 1200 kg of rice. The amount of zakat is 10% without cost and 5% with cost. Then, how much professional zakat must be issued 10% or 5%? In terms of *nisab*, it seems that it is still difficult to determine it because doing professional workers such as employees or consultants get the results with a cost like farmers? Because of these difficulties – in my opinion – this view is less effective in practical terms.

Some others carry out *Qiyas* on the *nisab* of agricultural products as well, but regarding the level of zakat, it is equated with zakat on gold 2.5%. Apparently, this opinion has *qiyas* in two places. First, it has *Qiyas* on agriculture to determine the *nisab* and secondly it has *Qiyas* on gold to determine the *qadar* of zakat. This raises the question, can this case, in the pattern of *ta'lily* reasoning, be seen as logical and consistent reasoning?

In my opinion, the view that emphasizes the *nisab* and *qadar* of professional zakat to the *nisab* and *qadar* of zakat on gold and using haul, is more logical and consistent, because in general, the professional income obtained is in the form of money (*al-auraq al-maliyah*). Money is subject to zakat because money functions similarly to gold in *mu'amalat*, besides that money can also be exchanged for gold and other things easily through buying and selling (An-Nawawy, 1977), and the author himself agrees with this opinion because of the logical and consistent pattern of *istinbat* when seen from *Usul Fiqh*.

### **Conclusion**

Professional zakat is actually a contemporary problem or a modern *Fiqh* study related to Islamic economics. Therefore, Islamic scholars have tried to find a legal determination through extreme difficulties, due to the absence of clear and unequivocal information on the matter. Thus, in reality, it can be seen how diverse the patterns of reasoning they follow, all of which are very valuable *ijtihad* for the treasures of Islamic law today, especially in Indonesia. Actually, in the study of Islamic economics which is placed on the basis of values and principles of justice, brotherhood, and togetherness, a Muslim is not worthy to selfishly enjoy the pleasures of wealth which in essence belongs to Allah, the Most Gracious and Most Generous.

The human hand holds the treasure of Allah's trust. Even though it is mentioned that a human is trying to earn the treasure through working. However, the role of Allah in procuring the production materials is far greater and dominant. Therefore, as the holder of the trust, he should distribute the wealth of Allah, so that other fellow Muslims can enjoy it in the form of consumption and production for the sake of moral responsibility, law and justice, and brotherhood, as well as for the advancement of Islamic economics.

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