

The Solution of Modern Issues Regarding Zakat of Dinar and Dirham (Based on Sources of Fiqh of Movarounnahr)

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Abstract: In this article, the approaches of today's scholars and solutions to modern issues are discussed in the sources of Movarounnahr jurisprudence regarding the issues related to the zakat of precious stones. Also, the ratio of gold and silver, how to measure it with today's modern measurements, how to calculate the zakat of cash and commercial goods were scientifically analyzed. From the advent of Islam to the 7th century A.H., the jurists' approach to the issue also changed depending on the changes in the trade of precious stones. In the fiqh sources of Movarounnahr, gold and silver saman - cash, and precious stones such as rubies, sapphires, emeralds, turquoise, pearls - are defined as musman - goods. Also, there are types of trade such as selling goods for goods (comparison), money for money (sarf), goods for money (bay), money for goods (salam), and trade rulings of mines differ from each other. In the sources, special emphasis is placed on the consumption part of these four types of minerals. Because the relation of this trade to riba is very strong. In order for the transaction to be free of riba in consumer trade, the amount of the exchanged money should be equal if it is of the same type, but not necessarily equal if it is of a different type, but the agreement should be in cash. These issues are considered important in the application of cash and commodity transactions to Sharia today.

Key words: problema zakyata v istochnikakh fikkhya Movarunnakhr; gold and silver zakyat; dinar; dirham; mickal Islamic dirham; zakyat s kommercheskikh tovarov

Introduction.

During the 10th-13th centuries, the study of jurisprudence and the writing of works developed throughout the Islamic world, including in the Movarounnahr region. The sources of this period served as a basis not only for the sources of his time, but also for the subsequent periods. In particular, the works written by Movarounnahr jurists named "Badoe'us-sanoe", "Hidaya", "Muhit", "Sharhul Viqoya", "Mukhtasarul viqoya", "Kanzud daqoeq" have been added to the list of authoritative sources in the science of jurisprudence in tabaqat books. It is known that every jurist approaches issues from the point of view of his living area and time. In particular, fatwas on issues related to tradition, such as trade and commerce, are variable. Accordingly, it is important to do a scientific work on how much the issues mentioned about precious stones, minerals, gold and silver retain their importance today or whether the approach of the jurists has changed. This article focuses on the solution of modern issues related to the zakat of gold and silver based on the sources of Movarounnahr jurisprudence.

Materials And Methods.

How to calculate the modern weight of Shariah dinar and dirham?

In the classical sources of fiqh, the value of gold is twenty dinars (misqal) and the value of silver is two hundred dirhams, and today people do not use such a unit of measurement. [1, 1/234.] Therefore, it is necessary to determine the modern amount of dinars and dirhams indicated in the sources.

Many scholars, including Abu Ubaid "Al-Amwal", Balazuri "Futuhul buldon", Khattabi "Maolimus sunan", Mowardi "Al-Ahkamus Sultaniya", Nawawi "Al-Majmu", Maqrizi "An-Nuqudul Qadiymatul Islamiya", Ibn Khaldun conducted research in the works of "Al-Muqaddima". [2, 1/270]

Ibn Khaldun says: "From the beginning of Islam, from the time of the Companions and the followers, there was consensus in the Shari'ah that ten dirhams are equal to seven dinars." One ukiya is equal to 40 dirhams. Accordingly, one dirham is seven tenths of one dinar. A pure gold coin weighing one miskal is equal to seventy-two grains of barley. So, one dirham is equal to fifty-five grains of barley. Ijma is attached to all these amounts.

The weight of the dinar did not change during the Jahiliyyah and after the introduction of Islam. The weight of dinar is also called misqal in Istitlah. The concept of Shariah dinar and dirham appeared during the time of the Umayyad caliph Abdul Malik ibn Marwan. Because by the time of that person, the weight of dirhams in the society was different. Some were eight sages, some were four sages. Then that person added up the dirhams and divided them into two equal parts and calculated the amount of shar'i dirhams. As a result, six sages began to be called Shari'i dirhams. This reform of that person regarding the dirham coin was implemented in 77 AH. The amount of dinar (misqal) has not changed over the centuries. Every ten dirham equal to six sages became equal to seven misqals. Therefore, the caliph did not change its weight and left it as it was.

Scholars and historians say that the dirham and dinar did not remain in the agreed amount during the time of Abdul Malik ibn Marwan. Maybe there were big changes in its amount. With the change of places and times, their quantity also changed. People calculated their Shariah amount in their minds and issued Shariah fees accordingly.

At this point, a question arises: "Nowadays, in the Islamic world, monetary units have changed, and if weight is no longer important, what is the need to know the Shariah value of dinar and dirham?"

Indeed Rasulullah s.a.w. who guided the ummah to the beneficial truth. Some developed countries have understood this instruction and are trying to put it into practice. His instructions are that Muslims should be the same in weight and weight (if necessary, in other measurements). Because only then there will be fewer disputes in transactions. He said in a hadith: "The Makkans are careful in the scales, and the Madinas are careful in the balance." Because at that time the people of Makkah were commercial He was chi and skilled in scales. The people of Madinah were farmers and were masters in agricultural work. He commanded to follow the people who were skilled in every measure.

According to this, all Muslims should be subject to the people of Makkah and Medina. But unfortunately, these instructions were not followed after some time. Baghdadi, Iraqi, Egyptian, Shami ratls appeared in Kail, and dirhams of 12, 14, 15, 16 kirats appeared in weight. Therefore, jurists argued a lot about the definition of poetic rights and mutual disagreements arose. Even some jurists issued a fatwa saying that all Muslims receive the weight and weight of the place where they live. A similar fatwa was also issued by Abu Bakr ibn Fazl from Mawarounnahr, in which it was said that the dirhams in circulation in our country should be taken into account when determining the Shariah fees. [3, 2/40]

The nisab of cash and commercial goods other than gold and silver is not determined by Sharia. Their nisab was subject to the nisab of dirham and dinar. That is, zakat is obligatory on cash or commercial goods equal to the value of two hundred dirhams or twenty misqals of metal. Accordingly, it is impossible to determine the ratio of cash and commercial goods without determining the weight of dinar and dirham in today's modern scale. Therefore, it is necessary to first determine the sharia weight of dirhams and dinars, and then calculate the ratio of commercial goods.

One of the things that makes research easier for us is that determining the weight of a sidr from a dirham and a dinar also helps determine the amount of the other. If the weight of the dirham is determined, the weight of the dinar is determined, and if the weight of the dinar is determined, the weight of the dirham is determined. Because the ratio between them is clear. Each dirham is seven-tenths of each dinar.

The problem is that the sharia weight of dirham and dinar was calculated in ancient times by grain products such as sorghum, barley, wheat, and mustard, and the weight of these grains varies depending on the place. Accordingly, it is difficult to agree on the exact weight of dinar and dirham.

Shari'i dirham is 6 dirhams, and one dirham is two whole two-thirds khurub. So, one dirham is 16 khurub. Is it possible to know the exact modern weight of 16 khurubs?

Many studies have been done on this. Dr. Abdurahman Fahmi in his work "Sanjus sikka fi fajril islam" after his research comes to the conclusion that the weight of one grain of khurub is equal to 0.194 grams. [4, 45] Accordingly, one dirham is equal to 3.104 grams. This means that the Shari'i dirham is close to the Urfi dirham (in Egypt). Because there is only 0.016 gram difference between them. But there is some objection to this result of Dr. Fahmi. Because determining the dirham by 6 daniks or 16 qiraats is not something agreed upon by the jurists. There is also disagreement about the amount of qiraat.

The researchers came to a conclusion close to the above result in another way. Maghrizi and other scholars say that the ancient Greeks used mustard to measure dirhams and dinars. Because the weight of mustard does not change depending on the place. Accordingly, one dirham is equal to 4200 mustards, and one dinar is equal

to 6000 mustards. In the last century, a scholar named Imam Zahabi wrote in his work "Tahrirud dirhami wal misqali var rotli wal mikyol" that the common dirham of his time was equal to the Shari'i dirham. [5, 33] Because he measured the sharia dirham with a grain of mustard and a coin produced with the seal of Pasha Qatibai. A ratl will find content from it. Ratl is equal to 144 dirhams in Egypt and 128 dirhams in Baghdad. Then one dirham is equal to 3.12 grams. There is a difference of 0.016 grams between this study and the previous one.

However, it is not enough to calculate the weight of a dirham based only on a grain of mustard. Because the grain of mustard changes depending on the time and place, even if it is a small amount. After a long period of time, this change will reach a significant level.

There is another way to determine the Shariah weight of dirhams and dinars. It is also used to measure the weight of coins, especially dinars, which are kept in Arab and Western museums today. Because according to historians, the weight of the dinar did not change during the Jahiliyyah period or during the Islamic period. If the weight of the dinar is determined, the weight of the dirham is also determined. Some European researchers, especially the Egyptian Ali Poshho Mubarak, used this practice in determining the weight of the dirham and the dinar. Ali Poshsha dedicated the twentieth part of his work "Al-Khutotut Tawfiqiya" to cash. [6, 337] The works of London, Paris, Madrid, Berlin museums measure the coins kept in the antique section and come to the conclusion that the weight of the dinar at the time of Abdul Malik ibn Marwan was 4.25 grams. [5, 28] In "Doiratul Maoriful Islamiya", the oriental scholar Zimbavr writes that the dinar of Abdul Malik ibn Marwan is equal to the dinar of Byzantium. [6, 337] Accordingly, it is one the weight of each is equal to 2.975 grams. According to the Egyptian scientist Yusuf Qarzavi, this is the most correct way to determine the weight of dirham and dinar. According to this result, the nisab of silver is two hundred dirhams, its weight is equal to 595 grams, and the nisab of gold is 20 misqals, its weight is equal to 85 grams. Whoever has this amount of gold or silver, after one year, he will have to give 2.5% of it as zakat. Also, if one has cash or commercial goods equal to the value of gold and silver that has reached nisab, zakat is obligatory.

Result And Analysis.

How do we calculate the ratio of cash today? Gold or silver?

In ancient times, the ratio of gold and silver was the same financially. That is, the value of two hundred dirhams and twenty misqals was equal to each other. Today, their value is drastically different. Apart from that, currently, paper money is dominant in transactions between people, and cultural money is almost not considered as money. Based on this, one of the urgent problems of today is to conduct a research on which of the gold and silver is used to calculate the lowest amount of zakat. Is it considered silver because it is cheap? Or should it be calculated with gold, which has been keeping its value for a long time?

Some researchers were inclined to the opinion that it is necessary to calculate with silver, and they cited two reasons for this. First of all: the nisab of silver is established by consensus and established by a famous and authentic Sunnah. Second: counting with silver is beneficial for the poor. Because if the nisab of silver is taken into account, zakat is obligatory for many people. As a result, many poor people will be entitled to zakat.

Other scholars put forward the opinion that the minimum amount of nisab should be calculated with gold. Because the value of silver is Nabi s.a.w. it changed later compared to its time. The value of gold still maintains its strength. Also, other nisabs, such as five camels, forty sheep, five bushels of raisins or dates, are also in accordance with the nisab of gold. It can be seen that they are of the same opinion in the researches of Egyptians Abu Zahra, Khalouf, Hasan and Yusuf Qarzawi on zakat. The fatwa center under the authority of the Office of Muslims of Uzbekistan has been calculating the ratio of paper money and commercial goods to the value of gold for several years.

Also, Allama Shah Waliullah Dehlavi in his work "Hujjatullahil Baligha" says: "The reason for determining the nisab of silver is five ukiyas is that it can cover the expenses of a family for a year." [7, 2/506] Until now, two hundred dirhams of silver is not enough money for a family's expenses for one year in any country. To illustrate, consider the example of Uzbekistan. Today (according to information on 20.01.2024) the price of 1 gram (925 proof) of silver is 8830.91 soums. Accordingly, the price of 595 grams of silver will be 5,254,391 soums. It is known that this amount of money is not enough for the annual expenses of one family under the conditions of Uzbekistan. Even in some developed countries, this money is enough for a family's daily needs. So how can one be called rich with this amount of money. The main purpose of determining ratio is to determine whether a person is rich. Therefore, it is not correct to use silver as a basis for calculating the zakat

of cash and commercial goods, but it is better to determine it with gold. Because the price of 1 gram (585 proof) of gold is 472,603.41 soums. Then the price of 85 grams of gold will be 40,171,289.85 soums. It can be said that this amount is enough for the annual expenses of one family under the conditions of Uzbekistan. Based on this, all fatwa centers in the Muslim world today determine the ratio of cash and commercial goods based on the value of gold.

What will happen if the value of gold, like silver, falls in the future?

Muslim scholars have said that if the value of gold decreases in time, the minimum nisab of cash and commercial goods will be calculated with the nisab of livestock or crops from the land. For example, a person who has cash or commercial goods worth 5 camels, 40 sheep, or 5 bushels of wheat will be rich and will allocate one-fortieth of his wealth as zakat. Yusuf Karzavi elaborated on this in his work "Fihuz Zakat". [2, 1/276]

If gold and silver lose their monetary value, is it more correct to compare the lowest ratio to the ratio of animals or to the crop of the earth?

To this question, the jurists answered that it would be more correct to compare it with the nisab of a domestic animal. If you pay attention, the value of the crop that comes out of the ground is less than the value of the animal. For example, the value of 5 bushels of wheat does not reach the value of 40 sheep. At first glance, the answer to the question seems obvious. The ratio of the harvest is low. Therefore, it is necessary to compare the ratio of other goods to it. But such a conclusion not right. Because the problem is not to determine which of the nisabs is less, but to determine which of the reasons for which zakat is obligatory on cash and commercial goods is more similar to the reason for which zakat is obligatory on crops and livestock.

If you look at it, there are several reasons why the ratio of the crop is determined less than the ratio of the livestock. First of all, the blessing of God to his servant is more evident in the harvest that comes out of the earth than in other wealth. Because it is less difficult to get a crop from the earth than it is to create other assets. Secondly, a person may be in need of livestock, but not in the produce of the earth. In order for many needy people to share this blessing with others, Islamic Shari'a has reduced the number of crops that come from the earth. Thirdly, zakat is obligatory not on the original land, but on the profit from it - the crop. That is, it is the zakat of a completely new provision. Zakat on livestock is obligatory for the original animal and the increase added to it during the year. That is, it is the zakat of the existing sustenance and the increase added to it during the year. Also, the amount of wajib prescribed for crops is more than the amount of wajib prescribed for livestock. Because one-tenth or one-twentieth of the harvest should be given as zakat. In the above sense, cash and commercial goods are more like livestock. Therefore, it is correct to compare their ratio with the ratio of domestic animals such as camels, cows, and sheep.

Discussion.

Which of the livestock is correct to define as the minimum amount of nisab?

Livestock zakat also consists of three parts: camel, cow and sheep. There is a difference of opinion as to how zakat is obligatory on a cow from 5 to 30, from 40 to 60. Therefore, it will not be correct to take his ratio as a basis. There is no difference between camel and sheep. Their nisab was established by hadith and ijma. According to it, the minimum ratio of a camel is 5, and the minimum ratio of a sheep is 40.

In reality, is the minimum ratio of a camel or a sheep the same as the minimum ratio of gold or silver?

For this, it is necessary to find an answer to the question: "In the time of the Prophet, was the value of 20 dinars or 200 dirhams equal to the value of livestock, 5 camels or 40 sheep?" Shamsul Aamma Sarakhsi in his work "Mabsut" said that 1 binti makhoz (two-year-old camel) was worth 40 dirhams, and 1 sheep was worth 5 dirhams. [8, 2/150] According to this opinion, paying zakat on 5 camels or 40 sheep is the same as paying zakat on 200 dirhams, and the proportion of cash and commercial goods should be determined according to which camel or sheep can also be compared.

But the researcher Ibn Humam in his work "Fath" [9, 1/495] and Ibn Nujaym in his work "Bahr" [10, 2/230] objected to this statement of Imam Sarakhsi. Because this statement contradicts the information in the hadith. In the hadith of Imam Bukhari in Sahih Bukhari, it is said: "If it is obligatory to give a camel of a certain age for zakat, but if he cannot find one of his camels of that age, he will give ten dirhams instead of a sheep." [9, 1/495] This hadith clearly contradicts what Sarakhsi said.

In Sahih al-Bukhari and other books, it is narrated from Anas r.a.: "Whoever has camels in his possession to the extent that Jazaa (a 5-year-old camel) is obligatory, and if he has a Hiqqa (a 4-year-old camel) in his

presence, then he will give the Hiqqa as zakat, and again gives an additional two sheep or twenty dirhams. If the camels in his hands reach the amount that is obligatory for Hiqqa, and there is a punishment, not Hiqqa, then the alms collector will return to him twenty dirhams or two sheep..." [2, 1/276]

It can be seen from this hadith that 40 sheep were equal to 400 dirhams during the time of the Prophet. This means that the ratio of sheep is twice as high as the ratio of cash.

The nisab of livestock is twice as high as the nisab of cash, which is divinely chosen by the owner of Shariat. Because cash is the most convenient tool for satisfying one's economic needs than other assets. For example, if a person has a camel, he cannot immediately buy the clothes he needs. First, he will have to sell his camel and have cash. After that, he buys what he needs. Sometimes he may not be able to sell his camel when he wants, and even if he does sell it, he may not be able to sell it at his price. Cash is not. They are considered a direct medium of exchange. Also, saving cash is a sign of a person living a lavish life. The abundance of livestock is not always a sign of poverty. The jurists of the Hanafi school stipulated that the need for zakat on cash must be greater than the original. For these reasons, set the nisab of cash as half of the nisab of livestock it can be.

Conclusion.

So, if the purchasing power of cash changes sharply, their ratio can be determined by the price of five camels or twenty sheep in the most moderate cities. The reason why it is compared to the most temperate city is that in some countries the demand for livestock is so high that their prices have risen, while in other countries the demand for them is so low that their value has fallen. can be Therefore, its middle is the norm. To come to a decision in this regard, of course, the opinion of the owners of experience is relied on.

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