

93701 - Ruling on one who does not pay zakaah

the question

I work with a man who does not pay zakaah, not even a dirham. On the day that zakaah is to be paid, he even flees from the city where he lives so that he will not be disturbed by those who are collecting zakaah. What is the ruling on this man? Is he a kaafir and apostate, or what?.

Detailed answer

Praise be to Allah.

The one who does not pay zakaah either believes that it is obligatory or he does not. If he does not believe that it is obligatory, then he is a kaafir according to the consensus of the Muslims, because he is denying something that no Muslim has any excuse for not knowing. If he believes that it is obligatory but he does not pay it because he is stingy, then he is not a kaafir according to the majority of scholars, but some of the scholars are of the view that he is a kaafir.

Ibn Qudaamah (may Allaah have mercy on him) said in al-Mughni (2/228): Whoever denies it out of ignorance, and he is ignorant of it because he is new in Islam or because he grew up in a remote area far from the cities, should be informed that it is obligatory and should not be regarded as a kaafir, because he is excused. But if he is a Muslim who grew up in a Muslim land where there are a lot of scholars, then he is an apostate to whom the rulings on apostates apply: he should be asked to repent three times; if he repents, all well and good, otherwise he is to be executed, because the evidence that zakaah is obligatory is clearly stated in the Qur'aan and Sunnah and the consensus of the ummah, and it can hardly be unknown by someone in his situation. If he denies it, that can only be because he is denying the Qur'aan and Sunnah and does not believe in them.

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If he withholds it although he believes it is obligatory, and the ruler is able to take it from him, then he should take it and punish him (ta'zeer), but he should not take any more than the zakaah that is due, according to the view of the majority of scholars, including Abu Haneefah, Maalik, al-Shaafa'i and their companions.

Ishaaq ibn Raahawayh and Abu Bakr 'Abd al-'Azeez said: He should take it and half of his wealth.

...

But if the one who is withholding zakaah is beyond the ruler's reach, he should fight him, because the Sahaabah (may Allaah be pleased with them) fought those who withheld it. Abu Bakr al-Siddeeq (may Allaah be pleased with him) said: If they withhold from me a rope that they used to give to the Messenger of Allaah (peace and blessings of Allaah be upon him) (in zakaah), I will fight them for it. End quote.

The scholars of the Standing Committee were asked: In a previous issue you wrote that if a person fasts but does not pray, his fasting is not valid but now are you saying the opposite: that if a person prays but does not fast, his prayer is still valid? If a person does not pay zakaah but he prays, is his prayer still valid? If a person does Hajj but does not pray, is his Hajj still valid?

They replied:

If a person does not fast Ramadaan because he denies that it is obligatory, he is kaafir and his prayer is not valid. The one who does not do it deliberately and out of carelessness is not a kaafir according to the more correct view, and his prayer is still valid. The one who does not give the obligatory zakaah because he denies that it is obligatory is a kaafir and his prayer is not valid, but the one who does not do it deliberately and out of carelessness is not a kaafir and his prayer is valid. The same applies to Hajj; if a person does not do it because he denies that it is obligatory altogether he is a kaafir, but the one who does not do it although he is able to because of carelessness is not a kaafir and his prayer is still valid. End quote.

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Fataawa al-Lajnah al-Daa'imah (10/143).

Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) said concerning zakaah: It is obligatory according to the consensus of the Muslims. Whoever denies that it is obligatory is a kaafir, unless he is new in Islam or grew up in a remote area far from knowledge and scholars, in which case he is excused, but he should be told. If after he is told about it he still denies it, then he is a kaafir and an apostate. As for the one who withholds it out of stinginess and carelessness, there is a difference of opinion among the scholars. Some of them said that he is a kaafir, and this was one of the two views narrated from Imam Ahmad. Others said that he is not a kaafir, and this is the correct opinion, but he has committed a major sin. The evidence that he is not a kaafir is the hadeeth of Abu Hurayrah (may Allaah be pleased with him), according to which the Prophet (peace and blessings of Allaah be upon him) mentioned the punishment of the one who withholds zakaah on gold and silver, then he said: "... until judgement has been passed among all people, then he will be shown his path, either to Paradise or to Hell." If it is possible that he may be shown his path to Paradise, then he is not a kaafir, because the kaafir cannot be shown his path to Paradise. But the one who withholds it out of stinginess or carelessness is committing a great sin which Allaah mentions in the verse (interpretation of the meaning):

"And let not those who covetously withhold of that which Allaah has bestowed on them of His Bounty (wealth) think that it is good for them (and so they do not pay the obligatory Zakaah). Nay, it will be worse for them; the things which they covetously withheld, shall be tied to their necks like a collar on the Day of Resurrection. And to Allaah belongs the heritage of the heavens and the earth; and Allaah is Well-Acquainted with all that you do"

[Aal 'Imraan 3:180]

and

"And those who hoard up gold and silver (Al-Kanz: the money, the Zakaah of which has not been

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paid) and spend them not in the way of Allaah, announce unto them a painful torment.

35. On the Day when that (Al-Kanz: money, gold and silver, the Zakaah of which has not been paid) will be heated in the fire of Hell and with it will be branded their foreheads, their flanks, and their backs, (and it will be said unto them:) ‘This is the treasure which you hoarded for yourselves. Now taste of what you used to hoard’”

[al-Tawbah 9:34, 35]

End quote from Majmoo’ Fataawa al-Shaykh Ibn ‘Uthaymeen (918/14).

Those who are careless about paying zakaah should be advised and reminded of how important it is, and should be told of the texts which warn against being stingy in paying it.

And Allaah knows best.