

# Strengthening Al-Khums (Islamic Tax) towards National Economic Sustainability

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## Abstract

Al-Khums is a tax that highlighted as a contributor to the economic growth of the country. Objectively, al-Khums is obligatory for the citizen to maintain the sustainable development of the country. This article used the qualitative method. Thus, the tax collection practiced by the government provides for tax deductions for individuals who are already qualified. Nevertheless, according to the national presentation budget, the existing taxes cannot cover the strength of the national expenditure. In this situation, the local authority must remember that Islam has been successful in practicing Al-Khums as the economic growth of the country.

**Keywords:** Al-Khums; Islamic Tax; National Economy

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## **1.0 Introduction**

Al-Khums is a tax payment introduced by Abdul Muttalib RA and practised by the caliphate during his reign (citation please). As mentioned in the Quran Kareem, Abdul Muttalib dreamt of rediscovering the well of Zam Zam. Then Abdul Muttalib RA found various valuable treasures since the time of Prophet Ismail AS (Ibnu Ishaq). Therefore, he was worried that their rivals might find the treasure. Then he divided the treasure into five parts, one for Allah and the rest for himself (Ibnu Ishaq).

Thereafter, the practise of al-Khums was implemented in his family until the first migration of Prophet Muhammad SAW (Alfred Guillaume, 1995). Thus, the first implementation of al-Khums was from the treasure, not from the spoils of war. It is obvious that the implementation of al-Khums in the Qur'an is an obligation for Muslims, because a Muslim's property is not an individual right (Abu Ja'far Muhammad, 1997), but should be divided into groups as mentioned in the Qur'an.

## **2.0 The Concept of al-Khums**

The scholars explained the concept of Al-Khums from four fiqh mazahib and two aqeedah mazahib. They have their own opinions and perspectives on understanding Al-Khums. In general, the concept of Al-Khums is the responsibility of a Muslim to pay taxes to the Prophet SAW and his family members, as mentioned by the jurists agreed by Ahlul Sunnah Wal Jamaah, and the count of Al-Khums is one-fifth (1/5) equal to twenty percent (20%) of the income or salary owned by a Muslim (Ibn Khaldun, 1971).

On the other hand, the paper will be discussed the development of the history of thought that can be highlighted to the community and understand the concept of Al-Khums significantly and critically. The idea of Al-Khums also can help the Muslim economy not depend on zakat only.

As an example, the payment of Al-Khums provides sufficient resources for those involved in da'wah Islamiyah and, in some ways, strengthens Islamic rule. First, the al-Khums fund will help religious members to spend time, energy, and trust in spreading da'wah, answering their doubts, and explaining Islamic laws and regulations to the public (Ali Y, 1946). Furthermore, this task affects the Muslim community, especially when involving the financial problems of scholars and producing more Islamic economic scholars. Second is being a responsible advisor in distributing the fund fairly and equitably for the needs regardless of religion and different classes in society (Ali Y, 1946).

From the perspective of the Sunni, the meaning of Al-Khums is the war booty tax (al-ghanimah) or well-known as property acquired after a war (Muhammad Ibrahim al-Syafi'i, 1989). Al-Khums is one of the Islamic laws essential in strengthening da'wah, education, and society. Al-Khums are often used when discussing the division of the spoils of war (Al-Ghanimah). During the reign of Saidina Umar Abdul Aziz, he categorized Al-Khums to cover the following aspects, (1) booty (al-ghanimah), (2) objects obtained from the sea (al-ghaws), (3) treasure (al-kanz), (4) mineral resources (al-ma'adin), (5) gainful earnings (arbaah al-makaasib, business profits), (6) the lawful (al-halal) which has become mixed

up with the unlawful (al-haram), and (7) land which is transferred from a Muslim to a dhimmi (a free non-Muslim who is protected by a treaty of surrender) by the latter's purchase of it (Abu Jafar Muhammad Ibn Hassan Al-Tusi, 1958).

### 3.0 The Roles of Taxes in Islam

In Islam, tax is known as dharibah. Dharibah comes from dharaba (ضرب), which means debt, land tax, and others. It also means something that must be paid or something that is a burden. Thus, people usually see taxes as coercion or a heavy burden. According to Al-Qardawi, taxes is almost similar to zakat in several aspects that is;

- i. The elements of coercion or obligation.
- ii. The tax payment is given to the government, while the zakat must be paid to the authority named 'amil zakat.
- iii. The payment of taxes or zakat does not have any specific return for the muzakki (taxpayer).
- iv. The purpose of the tax is for the economy, political or social welfare, while the scope of zakat is more critical for the society.

Taxation has been known before in Islam, and Muslims have been practised it in economic activities in Islamic countries. According to M.A Manan, the practice of taxation in Islamic countries shows that the concept of taxation has existed earlier in Islam. Some fiqh scholars said that the government could do tax collection, and some of them named the tax dharaiib (plural for dharibah). Besides, some Maliki scholars named the tax al-wadhaif or al-kharaj, and Hanafi scholars named it al-nawaib (the plural of the word na'ibah, which means a name for something that replaces someone from the sultan's side with something right or wrong. In contrast, the scholar of Hanbali named it al-kulaf al-sulthaniyah, which is the burden of property imposed by the sultan.

### 4.0 Discussion of the Taxes Obligatory

According to Al-Qardhawi, the purpose of the taxes is to collect the money and use the money for the needs of the country. Other funds such as zakat are limited to asnaf only, as mentioned directly in the Quran Kareem. Therefore, property such as zakat can only be used for purposes allowed in Islamic law. For example, Zakat property cannot be used to build roads, bridges, and other developments in the country. Therefore, to finance the needs of development costs and national expenditure, there is no other way except for the government to impose taxes on citizens.

Islamic scholars allow the government to collect taxes as a source of national income. The citizen must pay the taxes if required. Al-Qardawi quotes from the imam Al-Ghazali (Shafi'i scholar), said that if the state capital is empty and there are no sufficient funds for the expenditure of the army. It is feared that the enemy may enter the Islamic state or a rebellion, then it is permissible for the government to collect fees from the citizen for the army's finance. This opinion was not found in the early ages of Islam because the fund was

quite large. In contrast to today, if the government does not impose taxes, its power will be lost, and the country will counter the domination of infidels, even though everything depends on the government's strengths.

Al-Qardawi pointed out that the government has the right to zakat obligatory and tax collection from the capable citizen. The imposition of taxes is a way of distributing income that helps the government as a source of income and the collection of zakat. All forms of taxes required by the government have only one purpose: the welfare of the people, whether Muslims or non-Muslims. On that basis, Islamic countries can impose taxes on their citizen.

In Islamic Jurisprudence, Al-Khums is a national income other than zakat, a fair tax that the jurists from several mazahib have set. Hanafi scholars stated that citizens recognized a fair tax and prescribed its implementation. Al-Qardawi cited several opinions in four mazahib about taxes allowed in Islam. As said by al-Qardhawi, Ibn Abidin stated that the an-nawaib (the name of the tax in the Hanafi school) is acceptable. It is used to expand the shared river, the salaries of the soldiers, to redeem the prisoners and others, but if the property of Baitul Mal no longer has funds, then it is obligatory to charge to the people regularly.

Something obligated by the sultan or government to the citizen for the common good is to be an obligatory debt and a right such as kharaj, even such as wages to the police or army, the construction of roads, etc. Therefore, Ibn Abidin's also said that this matter should not be reported to the government or sultan so that they do not increase the collection of taxes without a legal right. The law was only known to the jurists and their followers. It was not disseminated to the authorities at that time but to burden the citizen by giving reasons or not. The Hanafi jurists state that what is obligatory on the sultan or government for the benefit of the people is a debt that must be paid and a right. According to Maliki, kharaj is obligatory for Muslims and is included in the method of maslahah-mursalah. In addition, there is no doubt to collect kharaj. On the other hand, Imam Ghazali and Imam Syatibi allow kharaj when Baitul Mal is in a risky condition or lacks funds while the government needs stable finances for the citizen and state.

Thus, for al-Qardawi, all four mazahib allow taxation in Islam, but the taxation must be fair. However, some jurists did not announce their fatwas on the ability to collect taxes because they were worried that the authorities would be excessive in collecting taxes and injustice to the people.

While Islamic scholars state that the purpose of taxation is mainly on public services and facilities (Chapra, 1993), to achieve that goal, the government can impose taxes other than zakat, as long as it is intended for mashlahah for a country. It is similar to what M.A Manan (1970) said that the taxation system in Islamic countries must be based on the

concept of justice. Therefore, direct or indirect taxes must be treated fairly and not oppress one particular party or group.

## 5.0 Fair and Regular Taxation

One of the sources of the national treasury flow is taxation. Umer Chapra argued that the taxation system in Islamic countries needs to be improved and revised to enable the government to obtain adequate revenue growth reasonably and efficient administration. Fair taxation means it is shariah compliance. Although taxes can be implemented in Islamic countries, specific conditions for the government to collect taxes. Yusuf al-Qaradawi pointed out four conditions for the tax that can be considered fair taxation that the citizen must support. Thus, the taxes that are recognized in Islam must require the following condition:

### 5.1 *The State Financial Resources*

The first condition is that an Islamic country has financial problems, which means other resources cannot be obtained to finance the cost of government expenses. For example, someone's property cannot be claimed and is subject to responsibility like duty or charge. Likewise, his property cannot be damaged or taken away, and something is imposed on him, except for an urgent need. On the other hand, the government has a source of income that can finance all the costs of its expenses. So, according to al-Qardawi, the government should not publicly impose tax liability on the citizen.

The scholars emphasized that the government should pay attention to this condition. Some scholars require the ability to collect taxes if Baitul Mal has no funds or empty state capital. Al-Qardawi stated that the scholars were meticulous in mandating the payment of taxes to the city because they feared that the one who gave the rules would be greedy in seeking wealth whether when the government needed funds or not, then would affliction the citizen with a liability of payment beyond their ability.

### 5.2 *Fair Tax Charge*

According to shariah, al-Qardhawi said that if the property is needed a fund desperately and there is no other source, only taxes. So, the situation is not only possible, but it becomes obligatory. The tax charge must be given somewhat without discrimination. The meaning of fair is not equal literally because equating two different things is impartial. Nevertheless, fairness or lawful is based on economic and social considerations, so the total tax charge is not the same. The aim is to avoid the accumulation of wealth on specific groups of rich or poor only, but Islam emphasizes that income distribution must be fair and eliminate significant differences between them. Therefore, the tax charge must be considered the subject of such individuals as alimony, family burden, personal debt, and others.

### 5.3 The Use of Taxes for the Benefit of Muslims

Taxes are not only required by lawful collection but tax collection must be used for the public interest, not for the benefits of specific individuals or groups. Therefore, al-Qardawi states that the benefits of the community are the most important thing to be counted by Islamic law.

### 5.4 The Consent of Islamic Experts

The government cannot set taxes on the people if only they obtain the consent of Islamic experts and scholars from the community. A person's property is illegally tampered with and charged to an individual or group. When there is a vital need that requires the collection of some property from the rich, then the government's collection must require the consideration of Islamic experts and scholars. Therefore, governments can maintain those requirements to assess the need for government costs and know that there are no other sources of funding to finance a country. Then the government made regulations that can ensure a fair distribution of tax charges by asking the Islamic experts and scholars who are competent. After that, the government should monitor the use of tax revenue to make sure that it is used for the benefit of the public or community.

M. Umer Chapra (2014) also states about a fair tax system. He agrees with the opinion of jurists on taxation; three conditions show the application of fair taxation,

- i. Taxes are imposed to finance things that are considered very necessary in the interest of realizing the maqasid.
- ii. The tax charge is not too heavy compared to the people's ability to bear it, and this must be distributed equally among those who can afford it.
- iii. The proceeds of tax collection must be spent carefully to meet the need.

A tax system that does not attain these characteristics is considered oppressive and is opposed by the fuqaha. He also agreed with al-Qardhawi and argued for the right of an Islamic state to increase state revenue through taxes other than zakat. Because the proceeds of zakat collection are used mainly for the welfare of the poor and needy, the country needs various other financial resources to enable it to perform all the effective distribution and stabilization allocation functions. Nevertheless, the situation is worrying that the right to tax collection is abused and will be a tool of oppression against the people (Chapra, 2014). However, this view does not invalidate the view of taxation in Islam.

Furthermore, that is the right of the Islamic state to impose a lawful tax. Thus, collection through the emergence of new taxes is not realistic due to the taxes imposed by modern Islamic countries today being only limited to the types of taxes discussed by previous fuqaha (Chapra, 2014). However, the situation has changed, and a tax system that considers the changing realities needs to be created, especially the need for a modern economy that is thriving and efficient on social and physical infrastructure and committed to realizing the maqasid in today's context. Applying such a taxation system must be fair and lawful and bring sufficient revenue to enable a modern Islamic state to effectively carry out its various responsibilities without compromising incentives to work, save and sow.

## 6.0 Al-Khums as the Source of Sustainability Economic Growth

The imposition of Al-Khums has a positive and critical impact on society and politics. Some of the practical issues were selected about Al-Khums implemented in the west country. Al-Khums is an Islamic economic system, and it is obligatory for Muslims. Therefore, al-Khums will support the economy of the country. Besides, it is asserted that Al-Khums is still valid nowadays. Al-Khums means taxes that only take one-fifth over 20 percent. While in the terminology of Islamic law, one-fifth of the accumulated wealth. Then it is paid as Islamic taxes. This implementation transfers excess wealth from the selective sector to the underprivileged citizen. It is performed at two different levels: the individual and collective levels. Table 1.0 below shows some of the tax components implemented by the government.

Table 1.0: statistic of tax accumulation in the year 2017

No.	Direct tax components	2017
		(RM Million)
1.	Individual	31,901.57
2.	Company	68,801.94
3.	Stamp duty	5,670.32
4.	Withholding tax	3,266.38
5.	CKHT	1,467
6.	Cooperatives	171
7.	Other taxes	163
8.	Petroleum	20,082
<b>Total</b>		<b>137,035.00</b>

Thus, direct tax collection that is applied in Malaysia needs an improvement in operation to ensure that the application of tax revenue is more competent and efficient. The efficiency in collecting Al-Khums can contribute to the country's economic sustainability. Two methods of direct tax collection can be applied:

### 6.1 The Taxes Reformation

Islamic countries generally do not meet these conditions because their taxation system is inefficient and unfair. Islamic countries will certainly not get excessive taxes; hence the tax revenue of Islamic countries is still relatively low, reaching only a few percent of gross domestic product (GDP). Direct taxes will only make a small contribution to tax revenue and also make the taxation system regressive.

There are three components of taxes: tax bases, tax rates, and tax avoidance. The smaller the tax base, the higher the tax rate, and the higher the tax rate, the greater the incentive to avoid paying taxes. Hence, the greater the amount of illegal money.

Nowadays, some people are trying to avoid paying taxes. Some of them evade paying taxes because of their mindset. For example, if they pay the taxes, their wealth will decrease; thus, all the tax is not fully utilized for the citizen's benefit, or they think that the government sets tax prices higher, etc.

Afterward, to evade paying taxes, they will submit a false report so they can rate the taxes as they want. They also refuse to pay taxes and think that the administration officers will ignore them, get a smaller amount of taxes, or hide the taxable item. Generally speaking, we need a reformation in the system of taxes to maintain equality and elasticity.

## 6.2 The Benefit of Al-Khums for Citizen Expenditure

The prohibition of interest rates (known as Riba) is an important thing that needs to be noticed in the Islamic country. It shows that Islamic countries have to minimize their loans to ensure the interest rates are not higher or burden several Muslims. This can be applied if the government imposes a strict rate on its expenses and does not exceed the country's limits. For example, the government used to pay national debt almost 80% of tax revenue, and only 20% can be utilized to develop the country and its citizens. Currently, the country's expenses rely on tax revenue. However, this is not a barrier to maintaining the country's development project. The country may be able to provide funds or assets for all projects through shariah-compliant methods other than asking for a loan to avoid interest (riba).

The government also has to encourage citizens to give donations such as endowment (waqf), zakat, sadaqah, and others to maintain and build more educational institutions, hospitals, or housing schemes for an orphanage or other social projects. Waqf institution played an important role in ancient medieval Islam. However, this potential is not fully utilized because of the luxurious lifestyle and tax policy that focuses on low-class citizens. The rehabilitation of the waqf or zakat institution needs to help to reduce government loans.

Table 2.0: Annual tax revenue and report of Inland Revenue Board of Malaysia (LHDN)

No.	Year	Target (RM billion)	Total Revenue (RM billion)
1.	2017	112.3	123.00
2.	2018	*****	137.***
3.	2019	*****	140.**
4.	2020	121.**	123.***
5.	2021	143.**	132.***

Note: The report of annual tax revenue is inaccurate because the parliament confirmed the report of the Inland Revenue Board of Malaysia till 2017 only. While the tax revenue for 2020 and 2021 is reported in the newspaper.

As recorded in table 2.0, there is an increment in the total revenue from 2017 to 2019. But, how about the distribution to the government sector such as medical, education, macro, and micro-business, international trade, travel, rural development, administration, and others. It shows a consumption gap between sectors. Therefore, tax revenue from the implementation of Al-Khums will help the government. Moreover, Al-Khums are used for the benefit of the Muslims, not for the government itself.

## 7.0 Conclusion

It seems that Al-Khums has a positive impact on government growth. The success of Al-Khums was proved during the Abbasid caliphate when the citizen had to give the government one of fifth their salary. Furthermore, the government's ability can also bear



the masalah of daruriyyat through the distribution of revenue from tax collection by providing micro and macro spending for sustainability and economic stability. The ability of Al-Khums is the essential thing for individuals or social interests. The interest of individuals means their profits are clean, pure, and halal. In contrast, the interest of social means the payer of Al-Khums has indirectly been fair for the economic growth of ummah and helped the government efficiently manage and distribute pretty.

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