



# The Socio-Economic Contribution of *Mu'ift qulub* and *Fi sabilillah* Zakat: Contemporary Applications in Sri Lanka

Arafath Careem Jiffry<sup>1</sup>

Corresponding email: arafathcareem@gmail.com

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## Abstract

The zakat obligation mandates Muslims with surplus wealth to donate to specific beneficiaries. In Sri Lankan zakat jurisprudence, *Mu'ift qulub* is narrowly interpreted to include only recent converts to Islam, while *Fi sabilillah* is limited to warriors fighting for Islam. This interpretation follows the Shafi'i school of thought, which advises against distributing zakat to non-Muslims or to righteous individuals broadly. This restrictive approach undermines the broader objectives of zakat, such as promoting social justice, reducing poverty, enhancing welfare, ensuring economic stability, and fostering inter- and intra-community relationships. The paper employs a qualitative content analysis methodology alongside a Muslim minority *fiqh* approach to connect Islamic principles with the socio-economic context of the Sri Lankan Muslim minority. It argues that the classical jurisprudential interpretation is inadequate for addressing the unique challenges of the modern Sri Lankan socio-economic environment. By applying a *fiqh* of the Muslim minority approach, the paper suggests a moderate expansion of the *Mu'ift qulub* and *Fi sabilillah* categories. This expansion would help achieve the broader socio-economic goals of zakat and empower the Muslim community in Sri Lanka.

**Keywords:** Zakat; *Mu'ift qulub*; *Fi sabilillah*; Muslim; Sri Lanka

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<sup>1</sup> Department of Fiqh and Usul Fiqh, International Islamic University Malaysia, Malaysia

## I. Introduction

Zakat is a mandatory religious obligation recognized in Islam that requires Muslims to donate every year a certain percentage of their accumulated wealth if it reaches a particular threshold. The Arabic term 'Zakat' literally means 'purification' and 'development' (Qudamah, 1987). This resonates with the main purpose of Zakat which is advocated by many scholars to be the purification of the heart and wealth of the donors from evil intentions and materialistic attitudes. In practice, this main purpose translates into multiple socio-economic objectives such as enhancing spirituality, establishing social justice, reducing poverty, enhancing social welfare, ensuring stable economic growth, and inter and intra-community relationships (Rhmani, 2019). The Zakat obligation is incumbent upon the Muslims who have excess wealth to donate to one or more of the eight designated beneficiary groups in the Al-Qur'an surah al-Tawbah: 60 (Qudamah, 1997 & Al-Kasani, 2004). Among the eight beneficiaries, who are entitled to Zakat money, are *Mu'ft qulub* - those whose hearts are being reconciled and *Fi sabil Allah* - those who work for the sake of Allah.

According to Sri Lankan Zakat jurisprudence and practice, the former only refers to those who embraced Islam recently and the latter exclusively includes the class of warriors who fight for the sake of Islam. This jurisprudential position reflects the view of the Shafi'i school of thought that advises not to include either non-Muslim communities or those who do good generally in the list of recipients (Shirazi, 1999; Al-Nawawi, 2007). This exclusive jurisprudence and practice undermine the realization of broader objectives of Zakat in establishing social justice, reducing poverty, enhancing social welfare, ensuring stable economic growth, and inter and intra-community relationships. The Sri Lankan Zakat institutions unjustifiably limit the application of the *Mu'ft qulub* and *Fi sabil Allah* categories. This is mainly because of misunderstanding and misinterpretation of the Zakat application, the definition, and the nature of beneficiaries to which Zakat money should properly be distributed. This misunderstanding and as such misapplication may result in either unwanted conflict and grudges between Muslims and non-Muslim communities who have historically been living with each other peacefully and with healthy relationships or major disappointments of the righteous who are committed to the good of the public generally. It can even be problematic, especially in the aftermath of the Easter Sunday incident in 2019 when some Sri Lankans began to think that Islam itself encourages violence and extremism, particularly through what is called Jihad *Fi sabilillah*.

Although the contemporary Islamic scholarship of Sri Lanka contributed to providing effective solutions to the juristic problems of Zakat application elsewhere (Kahf, 1990), the jurisprudential controversy and institutional misapplication in respect of the *Mu'ft qulub* and *Fi sabil Allah* remain unresolved. Constructing on the true and broader objectives of Zakat, this paper is going to propose a reconsideration of Zakat application to the *Mu'ft qulub* and *Fi sabilillah* categories in the Sri Lankan Muslim minority Zakat jurisprudence and practice. The paper adopts a Muslim minority *fiqh* approach to establish the necessary link between the general principles of Islam and the Sri Lankan Muslim minority context. The Muslim minority *fiqh* approach has not been deployed to address issues of Zakat application in Sri Lanka before. This paper is going to close

the gap by adopting the *fiqh* of the Muslim minority approach to review and analyze the application of *Mu'ft qulub* and *Fi sabilillah* in Zakat application in Sri Lanka.

Towards its objective, the rest of the paper is divided into three sections. First, it provides a review of the previous research and theoretical studies related to the Zakat concept and its institutional application in Muslim countries generally and in Sri Lanka particularly. This builds the research framework from which further investigation could reasonably be undertaken (Section II). Second, it describes the research methodology employed by the researchers in this paper. Understanding and proper use of methodology is key for every research, as it enables the researchers to achieve the stated objectives scientifically and meaningfully. It explains the paper's research design, population, sample, techniques of data collection, and analysis method (Section III). Third, having adopted the view of the Shafi'i school of thought, the scholarship of Zakat and Zakat management institutions in Sri Lanka have taken a narrow definition of the *Mu'ft qulub* and *Fi sabilillah* categories which sits inconsistent with the broader objectives of Zakat obligation in that, as many commentators emphasized, it is an effective religious means primarily devised to promote social justice and welfare, ensuring stable economic growth and inter and intra-community relationships. However, the view of Shafi'i school of thought is not a universal one. It is the view only from one among five Islamic schools of thought. These schools differ in the construction of the *Mu'ft qulub* and *Fi sabilillah* categories.

Besides, evidence from hadith suggests that spending on people of other faiths and the righteous in Islam repeatedly occurred before. In addition, whatever the Zakat jurisprudential stance and practice elsewhere is, the specific Sri Lankan multicultural context with Muslims being a minority calls for generous construction to allow continuity of the current peaceful coexistence and health relationships among Sri Lankan communities. The restrictions on the application of Zakat in respect of the two categories must therefore be minimal, i. e. unnecessary limitations and restrictions contrary to the wider objectives of Zakat are to be eliminated.

However, it should be borne in mind that the Muslim minority jurisprudence has a great responsibility to take these considerations into account when utilizing *ijtihad*. The broader objectives of Zakat in respect of the *Mu'ft qulub* and *Fi sabilillah* categories may not materialize unless the Sri Lankan Muslim minority jurists shake their classical take. These will be dealt with in the results and discussion section. Through a systematic analysis of the findings, the paper proposes that the existing juristic approach with respect of the *Mu'ft qulub* and *Fi sabilillah* categories, which is limited to classical legal schools of thought, and the current Zakat practice not only fail to offer pragmatic solutions to pressing contemporary issues but also are incapable of materializing the true objectives of Zakat obligation in the Sri Lankan Muslim minority context. Accordingly, it suggests that a reconsidered jurisprudential understanding of Zakat can provide contemporary solutions and remedies to address the challenges and barriers faced by these institutions. This updated understanding would consider the evolving socio-economic context and promote social justice and welfare while ensuring stable economic growth and inter and intra-community relationships. This concludes the paper in section V.

## II. Literature Review

Over the past few decades, there has been a growing body of literature in Islamic finance discourse that reconsiders the concept and implementation of institutionalized Zakat. This literature encompasses various perspectives from Islamic scholars, both pre-modern and modern, representing different schools of Islamic thought. Most of these works provide a comprehensive introduction to the obligations, qualifying requirements, collection, and distribution methods of Zakat. It includes fresh perspectives on contemporary issues related to how and why some new types of goods and products may qualify for Zakat (Zayas, 2003). Contemporary literature provides a robust conceptual basis for Zakat, exploring diverse perspectives on many aspects from requirements to qualify as Zakat payer/receiver to Zakat collection and distribution (Al-Qaraḍawi, 2000; Zayas, 1960; Ali, 2008) to the comparative juristic analysis of Zakat obligation and implementation as understood and practiced by different schools of Islamic thought (Basher et al., 2000; Arafath Careem, 2020; Mansoor et al., 2022).

A common feature of all these works is to emphasize the significant capacity of Zakat practice in either triggering or enhancing the socio-economic development of Muslim communities. While echoing with such great potential, a slim body of literature, however, focused attention on assessing the claimed capacity, identifying challenges faced by Zakat practice, and investigating the root causes of Zakat management underperformance. However, the literature focused on the application of Zakat to *Mu'ft qulub* and *Fi sabilillah* categories in a modern Muslim minority context is scant. Al-Qaraḍawi elaborates the application of Zakat to *Mu'ft qulub* and *Fi sabilillah* through scrutinizing classical juristic efforts and modern developments. He concludes that *Mu'ft qulub* category can include fresh Muslims and non-Muslims and the category of *Fi sabilillah* should be utilized to improve Muslim communities in terms of building a stronger economy, education, health, etc. (Al-Qaraḍawi, 2000).

However, his study is generic without linking to a particular context, so it does not offer solutions for how the two portions can be utilized in a Muslim minority context. Raslan points to the gap in contextualized understanding and application of Zakat and argues that the minority-oriented juristic approach is inadequately dealt with (Raslan, 2016). Yunus argues that Zakat distribution system should be developed based on modern juristic stands about Zakat recipients. According to him, to achieve the objectives of Zakat, *Mu'ft qulub* and *Fi sabilillah* portions should be expanded rather than be confined according to classical juristic arguments (Dagi, 2009). In the context of the Sri Lankan Muslim minority, there has been a prolonged debate around the question of whether Islamic theology allows for giving Zakat from the portion of *Mu'ft qulub* to people of other faiths. Two contrary views have been presented on this issue; one is that the Zakat can be given exclusively to Muslim beneficiaries.

The other opinion is that this fund can be distributed to strengthen harmonious relationships among Sri Lankan communities irrespective of their religious attachments (Basher et al., 2000; Ali, 2008; Mansoor et al., 2022). In terms of the *Fi sabilillah* category of Zakat, some scholars have taken the view that it can be utilized exclusively for military purposes while others argue for the

permissibility of its allocation to wider purposes that are aimed at empowering the Sri Lankan Muslim community (Mansoor et al., 2022).

Some notable empirical studies focused on institutionalized Zakat administration and the socio-economic impacts of such administration on the Sri Lankan communities residing in the eastern part of the country. These studies primarily concentrate on how institutional Zakat management could play a vital role in alleviating poverty and the provision of juristic solutions in terms of the *Mu'fti qulub* and *Fi sabilillah* applications go beyond their remit (Rauff et al., 2017; Jalaldeen, 2015; Suheera et al., 2015).

Contemporary prominent scholars such as Al-Alwani and Al-Qaraḍawi attempted to offer a conceptual basis for a new methodology of Islamic jurisprudence often referred to as “*fiqh* of Muslim minorities” that can address the socio-political and economic needs of contemporary Muslim minorities who live in western countries (Alwani, 2003 & Al-Qaradawi, 2003). According to these scholars, the *fiqh* of Muslim minorities is concerned with the laws or routines about Muslims residing in non-Muslim societies or countries. They suggest that the traditional sources of Islamic jurisprudence along with Islamic legal maxims should be interpreted and contextualized to contribute to improved satisfaction of Muslim minority needs. Rethinking, contextualizing, and revising primary sources of Islamic jurisprudence can help resolve challenges that are frequently faced by Muslims in the contemporary world. Ijtihad is the key to establishing the necessary link between the general principles of Islam and a particular Muslim minority context (Al-Najjar, 2005). There is a pressing need to use Islamic sources in a revised manner to provide pragmatic solutions to the real-world calamities peculiar to the pluralistic socio-economic and political culture of Sri Lanka.

### III. Methodology

#### Method

This paper employed a qualitative research methodology with a thematic content analysis based on the standard interpretative and exploratory approaches. This methodology has been used by many scholars in scientific research to determine the problem of the study, its dimensions, aspects, and causes (Al Amaren et al., 2020). A qualitative approach was selected for this study because this approach is beneficial for studies seeking the reflection of individual reality and enables a researcher to see how people interpret their experiences, construct the world, and associate meanings with it (Merriam & Tisdell, 2015). This methodology allows the researchers to explain why the current Zakat institutions in Sri Lankan Muslim communities are not performing to the expected objectives and how they may improve performance.

As qualitative research, the paper adopts a Muslim minority *fiqh* approach to establish the link between the general principles of Islam and the Sri Lankan Muslim minority context. By adopting the *fiqh* of the Muslim minority approach, the paper reviews and analyzes the application of *Mu'fti qulub* and *Fi sabilillah* in Zakat application in Sri Lanka. The data is collected from both primary sources such as interviews, *Qur'an*, and *Sunnah*, and official documents and secondary

sources such as books, research papers, and magazines. *Qur'an* and *Sunnah* provide the foundational data in relation to Zakat obligation and beneficiaries. However, the data from these sources are not sufficiently detailed, so the secondary data from Islamic jurisprudence and scholarship is also obtained and analyzed. Yet because there is disagreement in the Islamic jurisprudence and scholarship about this research and the research concentrates on the Muslim minority context of Sri Lanka, primary data from interviews with Sri Lankan Islamic scholars who are engaged in Zakat practice in Sri Lanka is obtained and analyzed too.

A deductive approach also allows the researcher to test some preconceived themes based on theory or existing knowledge as they apply to a particular context. Ten leading stakeholders of Zakat management institutions in Sri Lanka are interviewed, four of them represent the regional branches of Zakat institutions. Kattankudy and Sammanthurai Zakat institutions work in densely Muslim-populated areas of Eastern Sri Lanka and Akurana and Beruwela Zakat bodies operate within a highly multi-cultural context where Muslims live with the Buddhist community side by side. Also, to determine the position of Islam on the existing Zakat management system, Islamic scholars who either have been actively engaged in Sri Lankan Zakat management (four scholars) or have excellent knowledge and experience in the field of administration and management with some background in Zakat management (two scholars) are interviewed.

A semi-structured interview pattern was used for the interviews, so interviewees were posed with a set of pre-designed open questions that allowed new ideas to be brought up during the interviews because of what the interviewees said (Knott et al., 2022). Semi-structured interviews are frequently used in social sciences research and are helpful, particularly in providing the researchers with a general overview of the research subject from the subjective understanding of the interviewees. Interviewees feel more comfortable giving the reasons for their answers during the interviews, and the interviewers can gather reliable, comparable qualitative data as well. The researchers strictly followed all the steps to interpret the data suggested by the method. To maintain the authenticity of the research, the researchers carefully read the data several times. Based on a careful reading of the data the researchers identified the dominant themes within the data. As a third step, the researchers tried to understand the interrelationship between those themes. Finally, the researchers interpreted the themes considering the theory of *fiqh* of Muslim minorities.

## IV. Results and Discussions

### Results

#### *Mu'fti qulub* Category

In the context of contemporary times, the growing number of interactions between Muslims and people of other faiths sparked a heated debate around the dispensation of Zakat funds to members of other communities. This theological debate reached its apex where Muslims are living as a minority in a non-Muslim majority land. This debate is crucial in modern times given the growing interactions among communities in a globalized world. The *Mu'fti qulub* - those whose

hearts are being reconciled - is one of the more debatable categories among the list of eight groups of Zakat recipients throughout history. The argument has been about whether the people of other faiths can be supported by the portion of *Mu'ift qulub* or not. Along with this, the application of this portion in the absence of state power in a non-Muslim dominant land has been subject to serious debate in the contemporary context (Al-Qaradawi, 2000).

There has been a prolonged argument in the Sri Lankan Muslim minority context around the question of whether Islamic theology allows for giving Zakat from the portion of *Mu'ift qulub* to people of other faiths. Two contrary views are presented on this issue; one is that the Zakat can be given exclusively to Muslim beneficiaries (Respondent 07, 2022) and another opinion is that this fund can be distributed to strengthen the harmonious relationship among Sri Lankan communities (Mansoor et al., 2022). Scholars on both sides of this debate unanimously agreed on the dispensation of this portion to converted Muslims. They differ on the point of distribution of Zakat to other communities based on some evidence and rationales.

Against the backdrop of the Sri Lankan theological debate over the issue of distributing the portion of *Mu'ift qulub* to the people of other faiths, it is imperative to review the divergent juristic opinions based on in-depth jurisprudential intervention to find out more suitable view for the pluralistic context of Sri Lanka. The exploration of classical and modern juristic views on the subject is therefore needed. Islamic jurists from the early period hold three different views. The Shafi'i school of thought stresses that the *Mu'ift qulub*, which is those whose hearts are being reconciled, include only newcomers to Islam (Shirazi, 1999 & Al-Nawawi, 2007). The Shafi'i scholars object to disbursing *Mu'ift qulub* funds to other communities. They argue that Zakat funds cannot be given to disbelievers. They refer to the post-battle of Hunayn incident, where the Prophet (PBUH) gave some gifts to disbelievers but only from *fay'* and the Prophet's personal belongings, not from Zakat (Shirazi, 1999 & Al-Nawawi, 2007). Also, they resort to the following sayings of the Prophet (PBUH) to *Mu'adh* while sending him to Yemen "Zakat was mandated to be taken from the rich among them and rendered to the poor among them" (Bukhari, 2011). *Wahidi* emphasized the same position in that "God does not make Muslims in need of reconciling the hearts of unbelievers since it is not allowed to extend Zakat to unbelievers" (Al-Razi, 2000, p. 8:89).

In contrast, some companions, their followers, Maliki and Hanbali scholars, and contemporary jurists view this issue from a more flexible angle and admit that the dispensation of Zakat from the share of *Mu'ift qulub* to people of other faiths is permissible. Maliki (Zurqani, 2002) and Hanbali (Muflih, 2000) scholars allow giving this portion to people of other faiths. They point to the *al-Qur'anic* term *Mu'ift qulub* itself that suggests reconciliation of hearts (Ashur, 2000 & Al-Jawzi, 1987 & Rida, 2007). As al-Razi, argues the verse itself refers to both Muslims and other people (Al-Razi, 2000). Disbelievers' hearts must be reconciled by the portion that was devoted to that purpose. Ibn Kathir, one of the prominent *al-Qur'anic* commentators, interpreted *Mu'ift qulub* as referring to "those people who may be interested in becoming Muslims for the sake of strengthening Islam and in order to build a positive and strong relationship with other communities to avoid conflicts and tension" (Ibn Kathir, 2002). Some sayings of the Prophet

(PBUH) indicate that the Prophet (PBUH) used to give importance to mutual relations by giving a portion of Zakat.

The aim of this was to bring them into the light of Islam. For instance, a man to whom the prophet gave sheep from Zakat returned and said to his clan, "Accept Islam; Muhammed gives like one who fears not poverty" (Shawkani, 2003). Al-Qurṭubi, a prominent Islamic jurist, argue that "Unbelievers are three kinds; those who understand the reason and dialogue, those who do not and must be conquered, and those who can be reconciled by generosity and benevolence" (Al-Qurṭubi, 1999). Most contemporary Islamic scholars support this approach, and it has contextual implications (Al-Qaradawi, 2000 & Dagi, 2009). Giving Zakat to people of other faiths will make them well-disposed to Islam and they will not side with the enemy (Al-Zurqani, 2002). Although some traditional juristic support the idea of bringing disbelievers closer to Islam through giving Zakat funds, the modern juristic narrative extends the rationale for the dispensation of Zakat to the people of other faiths beyond a mere conversion to Islam objective to a wider objective of kindness and good citizenship (Mahajneh et al., 2021).

Ḥanafi scholars believe that the portion of *Mu'ift qulub* is no longer applicable after the death of the prophet (PBUH). According to scholars of the Ḥanafi, it is annulled and ceased after the death of the Prophet (PBUH). They argue that this share had to be given to converted Muslims because the Muslim state of the time was then weak and its members were few, while the disbelievers were numerous and stronger (Marghinani, 2000). This weak status did not continue in the following periods; therefore, Abu Bakr and Umar, for instance, stopped giving this share to the converted Muslims. The prominent Ḥanafi scholar, Kasani, even resorted to the opinion of the companions of the Prophet (PBUH) and argued that they were unanimous on nullifying the share of *Mu'ift qulub* (Al-Kasani, 1998).

However, the claim of the unanimous position of the companions on the annulment of the *Mu'ift qulub* share is challenged by many *Mu'ift qulub* advocates. According to advocates, the decision of 'Umar to stop this share did not indicate that 'Umar nullified the ruling of *Mu'ift qulub*; rather that should be viewed as a political decision that was taken in considering the benefits of Islam and Muslims. As articulated by Ḥasan and Sha'bī "Today there are no individuals who are being reconciled" (Qudamah, 1997). In addition to this, the claim of annulment of the *al-Qur'anic* ruling related to *Mu'ift qulub* is invalid from the jurisprudential point of view. It is because the sayings and doings of companions cannot nullify explicit *al-Qur'anic* text (Qudamah, 1997). The assumption that reconciliation is only done when the Muslim state is weak is not realistic as it could suggest that Islam does not care about other nationals in the context of a Muslim-dominant state. Shakir argues that there is no support in Sunnah for those who claim that after the strengthening of Islam and its state, there is no need for reconciling hearts (Shakir, 2002).

Instead, the Prophet (PBUH) devised the Zakat from the portion of *Mu'ift qulub* for the reconciliation of hearts after the Islamic State was well-established (Ṭabari, 1999). In this way, we observe that most Islamic jurists other than the Ḥanafi school of thought accepted the continuity of this ruling. Ḥanafi scholars do not bring affirmative evidence to support their legal stand so the explicit *al-Qur'anic* text cannot be nullified by the mere actions of companions or others. The



assumption that reconciliation is only done when Islam is strong in the form of a state is not acceptable too. Islamic teachings explicitly prove that Islam is positive towards developing harmonious relations with other communities even in the context of Muslim state power.

### ***Mu'ift qulub* in the *Fiqh* of Muslim Minorities**

It is imperative to review both contrary views about the dispensation of *Mu'ift qulub* portion to unbelievers from the view of *fiqh* of the Muslim minority. In other words, how does the juristic approach of the Muslim minority view this complicated issue in the pluralistic context of Sri Lanka. One of the main tools of the methodological framework of the *fiqh* of Muslim minorities is the selective *ijtihad* methodology. It is important to deploy this tool to choose a more suitable juristic view on the issue of the application of *Mu'ift qulub* in the pluralistic context of Sri Lanka. For this case, the researcher prefers the position that admitting the distribution of *Mu'ift qulub* funds to other communities and views this approach as more appropriate to the modern situation of Sri Lanka. This is also consistent with the stance of some prominent Sri Lankan scholars (Mansoor et al., 2022 & Basher et al., 2000). It is possible to bring valid arguments for this preference from the jurisprudential methodological framework of the Muslim minority adopted in this research.

The *al-Qur'ānic* term *Mu'ift qulub* did not limit religious status, rather it was used as a general term that can include believers and disbelievers. If the *al-Qur'anic* verse implies a general meaning, there is no need to restrict to a particular meaning unless affirmative evidence is presented. In this case, it is hard to find an *al-Qur'anic* verse or authentic *hadith* restricting it to Muslims only. Those who opposed the permissibility position did not bring one solid proof demonstrating that the term referred to Muslims only. On the contrary, early *al-Qur'anic* commentators interpreted the term in its original meaning, encompassing both believers and nonbelievers. In this way, Alwani's viewpoint regarding contemplation of the *al-Qur'an* and the significance of revisiting it while developing a methodological framework of *fiqh* for the Muslim minority is more appropriate (Alwani, 2010).

The *al-Qur'anic* term "*Mu'ift qulub*" is reasoning this portion as reconciling the hearts. The same reason also was mentioned in the Prophetic tradition. That is why modern Islamic scholars argue that if the fact of reconciling the hearts exists, it is lawful to distribute this portion to other communities (Dagi, 2009). The Māliki scholars have even argued that this portion should be allocated exclusively to people of other faiths (Al-Zurqani, 2002). In Sri Lanka, misunderstandings are rapidly increasing about Islamic teachings and Muslims (Rameez, 2019). This also prompts an inclusive juristic ruling about the application of this portion. Therefore, the researcher strongly suggests a broader juristic approach for the Sri Lankan Muslim minority context as opposed to a strict adherence to the Shāfi'i school of thought. The unbiased juristic methodology is more appropriate to the current context.

Moreover, this position would contribute to realizing one of the prime goals of Zakat which is strengthening the inter-relationship of faith communities in the Sri Lankan multi-religious context. A learned Sri Lankan scholar emphasized: "This portion can contribute immensely to restoring healthy bonds with others. In that sense, I think that the category of *Mu'ift qulub* could be placed

after the *al-Faqir* and *al-Miskin*". We also see that some contemporary minority-based juristic studies (Raslan, 2018) and Fatwa councils admitted the dispensation of Zakat funds to others to share the truth and reality of Islam with them. For instance, this had been approved in the 79<sup>th</sup> *Fatwá* Committee of the National Council of Islamic Religious Affairs Malaysia. The legal ruling that was tabled on the 6<sup>th</sup> to 8<sup>th</sup> of September 2007, is described below: 'Priority of Zakat distribution should be given to the Muslim community according to the group of people identified in the *al-Qur'an* as eligible to receive the Zakat; however, the government is allowed to distribute income to non-Muslims based on Islamic politic and needs for Islamic *da'wah* (Hammat & Hanapi, 2017). Modern Islamic experts admitted dispensation of this share to both converts and nonbelievers (Kahf et al., 1990). In this way, we understand, that this portion can be given to new converts to Islam as well as people of other faiths.

It can be observed that different applications for this portion of the current world. Some states in Malaysia use this fund for people of other faiths (Hammat & Hanapi, 2017) while others reserve this portion for new converts to Islam (Johari et al., 2015). Muslim minority countries in the present world also use this share for believers and nonbelievers. Singapore and some other Muslim minority countries use this portion for those who embrace Islam (Samait, 1992).

The juristic narrative presented to justify giving Zakat to other communities and nationals in Sri Lanka to attract them to Islam cannot be viewed as a convincing argument. Not only that, but this kind of narrative will also create unwanted issues and misunderstandings among the brother communities. Due to this reason, the researcher opines the jurisprudential justification should be presented considering the holistic view of Islam and the multireligious context. We can rationalize the permissibility of giving Zakat to people of other faiths as an act of kindness and reconciling the hearts of all citizens who reside in the country instead of converting them to Islam. This type of narrative is also consistent with the concept of the consequence of an action *fiqh of al-ma'alat* as a tool for the *fiqh* of Muslim minorities which is adopted in this research.

Although the position of the permissibility of distributing Zakat from the *Mu'fti qulub* portion to neighbor communities is strong, it does not mean that it can be implemented without any restriction. There are some restrictions on the implementation of *Mu'fti qulub* share in the Sri Lankan pluralistic context. First, the decision regarding the method of distributing this portion and selecting the recipients must be handled by an authorized institution or regional Zakat management institution. Second, the application of the *Mu'fti qulub* share should not affect other categories of Zakat recipients especially poor and needy or newly converted Muslims. This is because the funds that is being collected by regional Zakat institutions are often already very low, so institutions must ensure that the benefit of Zakat is distributed fairly to all categories of receivers. Third, the distribution of Zakat should be managed delicately to avoid misunderstanding by other communities that Muslims are using Zakat funds to convert them to Islam. This negative mindset may cause detrimental impacts. Fourth, the disbursing of the *Mu'fti qulub* share to other communities should not lead to improper use of the fund by such communities.

Fifth, priority should be given to the projects and programs for harmonizing relationships with people of other faiths. As one scholar demonstrated, "This portion can be utilized for the project

of dialogue with other communities because the reasons for emerging conflict between Muslims and others in Sri Lanka are misunderstandings of Islam and Muslims. Hence, it can be utilized to reconcile with other communities. The term “*mu'jft*” refers to reconciliation directly; so, it is more suitable to use that fund for this purpose in the current context of Sri Lanka” (Respondent 05, 2022). Finally, a considerable fund from the *Mu'jft qulub* portion should be allocated to care for and empowerment of those who have newly embraced Islam as they need material support from Muslims. The converts suffered various difficulties after they became Muslims. Some of them are neglected by their family, society, and friends and even lose their jobs and other financial resources. Some of them feel lonely and vulnerable because of the attitude of the Muslims themselves who did not accept them as true Muslims. New converts in a Muslim minority country must face complex challenges (Johari et al., 2015). In this situation, a considerable portion of *Mu'jft qulub* funds should be allocated to new converts. This portion would contribute immensely to increasing their trust in Islam and creating a sense of belonging among Muslims to extend support to them. It is the collective obligation of the Muslim community to care for new converts to Islam.

### ***Fi sabilillah* Category**

A careful examination of classical jurisprudential debates concerning the meaning and application of the *Fi sabilillah* category reveals two varying approaches. The first approach which represents a static narrow understanding holds that *Fi sabilillah* share should be restricted to Muslims who fought or were about to fight a war for the cause of Allah. It cannot be used for anything other than fighting on the path of Allah. Despite minor disagreements over technical matters, the four leading Islamic jurisprudential schools of thought share this position (Al-Zayla'i, 2000; Al-Kharshi, 1997; Al-Nawawi, 2000; Mardawi, 1997). They developed their argument based on two rationales. One, the term “way of Allah” refers exclusively to fighters and their associates as described in the *al-Qur'an*, so only they can be Zakat recipients. Ibn al-'Arabi quotes Malik's remark that “the ways of God are manifold, but I know of no disagreement that what is meant by *Fi sabilillah* here is fighting, as distinct from other ways of God” (al-'Arabi, 2003).

The other, Zakat money should be earned by the recipients, so that is why it should be limited to fighters. A small group of scholars in this approach have taken a slightly different argument in saying that although the term indicates all good deeds that draw people closer to *Allah* in general, when it comes to Zakat application it cannot be generalized. The *al-Qur'an* was explicit on the topic of Zakat recipients and categorized them into eight groups. The generalization of the term *Fi sabil Allah* invariably would have included all the other categories. A corollary of such a wide interpretation would be to state *Allah* has done a useless categorization of Zakat recipients (Al-Qaradawi, 2000; Musid, 1998). Accordingly, Zakat recipients should be restricted to the stated eight groups as explicitly described in the *al-Qur'an*.

The second approach would have it that the term has a wider meaning beyond fighting for the sake of Allah. Those who hold this position present two different arguments. One group says the term includes all good deeds that are obedient to *Allah*. The advocates of this position hold that the original meaning of the term *Fi sabilillah* covers all good deeds (Al-Qasimi, 1997). According

to them, this portion can be used to fulfill all public interests of Muslims necessary for the establishment of a just order (Rida, 2007; Al-Fanisan, 2003). Similarly, the Sri Lankan Islamic jurists have grouped into two camps in defining and applying the *Fi sabilillah* category.

One camp holds that the *Fi sabil Allah* share can only be given to fighters for the cause of *Allah*. Accordingly, they restrict the *Fi sabilillah* category to Zakat recipients engaged in military action as this is the only way to comply with the term *Jihad Fi sabilillah*. In the absence of a fight in the path of *Allah* in the country, this share will not be applied (Respondent 07, 2022). This understanding has currently been adopted by the existing Zakat institutions in Sri Lanka meaning they do not apply this share based on the understanding that the term refers to warriors only. Since warriors do not exist in the country, then the share cannot be applied. The other camp expresses that the modern application of *Fi sabil Allah* should be wider than this. According to them, this share is not specific to fighters for the cause of *Allah*, so it can be used to strengthen the Muslim minority community and *Da'wah*-related – religious discourse activities. Even the term *Jihad Fi sabilillah* is not confined to military action and can take other forms. For example, it can be used for empowering the Muslim community morals, spirituality, education, and so on (Ali, 2008; Mansoor et al., 2022). This understanding echoes some existing individual practice in Sri Lanka that allocates the *Fi sabilillah* portion to either educational institutions or *Da'wah*-related activities (Respondent 06, 2022). In the same direction, some Muslim-majority countries use these funds for charitable activities. This fund is used for charitable activities such as the provision of drugs and services at the hospital, drilling boreholes, and financial aid to the students and poor non-Muslims in Sudan (The Republic of Sudan Zakat Chamber, 2022).

The static narrow understanding of *Fi sabilillah* is additionally problematic considering the geopolitical situation of Sri Lanka and the minority community of Muslims living in it, especially in the aftermath of the Easter Sunday incident in 2019. Extremists used this tragic incident to spread Islamophobic and anti-Muslim hatred in Sri Lanka. The public began to doubt the legitimacy of Islam and Muslims on the Island. Some pointed to *al-Qur'anic* terms such as *shari'ah* and *Jihad Fi sabilillah* and accused Islam of encouraging violence and extremism itself (Mansoor et. al., 2022). The Sri Lankan non-Muslim communities began to suspect Muslims of striving to establish an Islamic state on the Island. They believed that Muslims would create conflict with the Sinhala Buddhist majority in Sri Lanka. Political thinkers criticized Sri Lankan Muslims for attempting to promote *Jihad* culture through Zakat, as it allocates a specific portion to fighters for the sake of *Allah*.

The static narrow understanding is to be reconsidered to provide Sri Lankan Muslims with the opportunity to peacefully coexist with other fellow communities and the Sinhala Buddhist majority in Sri Lanka. The Easter Sunday incident and its aftermath prompts a careful reconsideration of *al-Qur'anic* terminologies and their application in contemporary Sri Lanka. This does not mean the *al-Qur'anic* text must be interpreted according to the interests and desires of the public. It simply suggests that Islamic teachings can be interpreted and contextualized in line with the parameters of *shari'ah* to deploy a proper methodological approach. For the Muslim minority Sri Lankan context, the Muslim minority jurisprudence should be the right methodological approach to deal with controversial jurisprudential issues such as applying *Fi sabil Allah* category, those who work

for the sake of Allah, which is the seventh category of Zakat recipients as stipulated in the *al-Qur'an*.

### ***Fi sabil Allah* in the *Fiqh* of Muslim Minorities**

The Muslim minority jurisprudence's take on the true meaning and application of the *Fi sabil illah* category is very much like the wider classical jurisprudential approach. As it demonstrates, the term, *Fi sabil Allah* was mentioned in the *al-Qur'an* more than sixty times which is an implication that the term may have multiple meanings including good deeds and supporting Islam (Qarradhadhi, 2009). Restricting the term to a single military meaning requires absent affirmative evidence. Some scholars argue that the apparent meaning of the term is not restricted to fighters. Anas bin Malik and Ḥasan al-Baṣri said: "Zakat given on bridges and highways is acceptable" (Ibn Qudāmah, 1997). The term generally implies all good deeds and accordingly, the portion can be used for people other than those fighting on the path of Allah (Al-Qannawji, 1999). The argument that the Prophet (PBUH) did not use this share for anything other than *Jihad* does not imply that it cannot be distributed for *Jihad* broadly defined or efforts like *Jihad*. *Al-Qur'an* did not use the term *Jihad* in the meaning of fight in the path of God alone. Instead, it was used in many verses in the meaning of *Da'wah* activities that achieve the same goal as fighting (Al-Qaradawi, 2000).

Furthermore, the Prophet (PBUH) never restricted this term to the fighters exclusively. The silent approach of the Prophet (PBUH) implies that this portion may be used for the betterment of Islam. Similarly, the contemporary Muslim minority scholarship allowed the dispensation of the *Fi sabilillah* portion, especially during Covid-19 pandemic for the provision of personal protective equipment, disinfectants, and treatment as well as the needs of volunteers who are tasked with carrying out humanitarian activities in dealing with outbreaks, included in this category are health workers.

The minority approach can be further supported by *qiyas*, the intellectual analogy. This is regarded as the most important tool to derive legal rulings. From an analogical perspective, the efforts intended to strengthen Islam must be considered as a deed for the sake of God. Those who are involved in this noble mission can be considered for the *Fi sabilillah* share. Accordingly, the portion of *Fi sabilillah* can be distributed in the modern Muslim minority context in multiple ways all of which can fall within the broader sense of *Fi sabilillah* including establishing a central institution for *da'wah*, setting up an Islamic newspaper to fight with fake news against Muslims, distributing books about Islam, and aiding preachers who call for true Islam (Ulwan, 1984).

The modern scholars who live in the West have taken a similar approach in relation to the true meaning and application of *Fi sabilillah* share applicable in a Muslim minority context. They generally allow spending the *Fi sabil Allah* share for empowering the Muslim minority community and the protection of Islamic identity. For instance, Zakat funds have been authorized to be used for building mosques in Western countries where Muslim immigrants started to reside and establish as a minority community. Grant al-muftī Jad al-Ḥaqq of Egypt issued a detailed Islamic ruling allowing the dispensation of *Fi sabil Allah* shares for establishing mosques. His ruling is based on the verse related to "In the cause of Allah" and states that the Zakat verse does not

confine only to *Jihad* during the war. Rather, this *Qur'anic* phrase *Jihad* in contemporary times may mean a much wider sense which includes not only war but all other efforts to protect one's faith and creed (Savit, 2015).

In the Sri Lankan context, this paper takes a middle path about the true meaning and application of *Fi sabilillah* share, i. e. the term should neither be restricted to the exclusive military engagement nor be too generalized to encompass all good deeds. The paper suggests that the portion can be utilized to empower the Sri Lankan Muslim minority community and preserve their Islamic identity on the island for several reasons. To begin with, the term "*Jihad Fi sabilillah*" not only refers to war or fight for the sake of Allah but also, contains the efforts to be made to strengthen Islam and the Muslim community according to primary sources of Islam. Moreover, the term is used to remove whatever is harmful and detrimental to human beings. Also, many modern scholars and *fiqh* forums agree that the portion should be used for the two other areas apart from war, i. e. preaching Islam or *Da'wah*, and strengthening Muslim minority community in a multicultural context (Kahf et al., 2006; Bassam, 2005).

Besides, the absence of *Mu'ft qulub* and *Fi sabilillah* portions, Zakat obligation would have been confined to consumption needs alone. If it is restricted to individual consumption the message of Islam will not spread fully through Zakat, and Muslims themselves will not be strengthened sufficiently. According to Ṭabari, the Zakat system aims at two purposes, satisfying the needs of Muslims and strengthening the cause of Islam (Ṭabari, 1999). Likewise, as Ibn Taymiyah stated, if someone were to attack the Muslims, Zakat would be given to the *Fi sabil Allah* category as a matter of priority that overrides other categories for instance *al-Faqir* and *al-Miskin*. according to Islamic teachings, saving Islam is the highest priority, even if the *al-Faqir* or *al-Miskin* may suffer hardship or death because of it (Taymiyah, 2005). In addition to these, the exclusive usage of this term to the fight alone could bring negative consequences, particularly in the Sri Lankan Muslim minority context as Islam and Muslims may encounter complex threats. The broader understanding and application of the "*Jihad Fi sabilillah*" portion is important for Muslim minority endurance in Sri Lanka. This also is harmonious with the *fiqh* of Muslim minorities, the *Urf ul khas* (special customs), the *Maslaha* (public interests), and the *fiqh of al-ma'alat* (consequences of actions).

The portion of *Fi sabil Allah* can be used for several compliant projects in Sri Lanka. First, it can be utilized for *Da'wah* activities targeting the Muslim community which faces complex problems in terms of morals, culture, and spirituality. It can be used to empower Muslims morally, spiritually, and educationally to consolidate them in Islam. For instance, a village can appoint an Islamic scholar to have a plan to strengthen the people of the village spiritually and train them. This would contribute to enriching the people with a strong spiritual and moral background. Second, it can be used to generate qualified Islamic scholars who are capable of confronting modern challenges. Third, it can be employed in the media which can contribute to bringing a positive picture of Islam into the modern world and publishing books, and articles explaining Islamic teachings for Muslim and non-Muslim audiences alike. Fourth, it can be utilized for the activities that are carried out to safeguard the existence of Muslim minorities. Finally, the fund can be allocated to specific

research that contributes to peaceful co-existence in multi-religious and cultural settings. For instance, the fund can be allocated to research on a comparative study of Islam and Buddhism.

The portion of *Fi sabilillah* could play a vital role when it comes to implementation in its broader sense in the pluralistic context of Sri Lanka. It is however important to maintain a balanced approach in the implementation process. This category cannot be ignored totally but it also should not exclusively be allocated with Zakat money, as there are yet qualifying and eligibility conditions for applying this portion. In a nutshell, applying the *Fi sabilillah* category in Sri Lankan Muslim minority settings would empower the Muslim community and strengthen the interrelationship between communities. This can eliminate or reduce misunderstandings that exist among brother communities in Sri Lanka resulting in a peaceful environment and elimination of Islamophobia in the country.

## V. Conclusion and Recommendation

This paper analyzed the contemporary application of the *Mu'ift qulub* and *Fi sabilillah*, of Zakat recipients in the Muslim minority context of Sri Lanka. The paper appreciated the main purpose of Zakat as being the purification of the heart and wealth of the donors from evil intentions and materialistic attitudes which may translate into multiple socio-economic objectives such as enhancing spirituality, establishing social justice, reducing poverty, enhancing social welfare, ensuring stable economic growth, and inter and intra-community relationships. The paper reviewed the classical approaches of Islam and identified two jurisprudential camps on the matter. The narrow approach advocates for restriction of Zakat money disbursement in relation to the two above categories exclusively to inter-Muslim recipients and Muslim fighters for the sake of *Allah* only. The wider approach recognizes the broader objectives of Zakat and allows for Zakat money disbursement about the two above categories to inter and intra-Muslim recipients and any good deeds including fighting for the sake of *Allah*.

Taking a Muslim minority approach linked with the modern context of Sri Lanka, the paper discovered that the existing juristic approaches are either too limited or too broad, so it may not be able to offer pragmatic solutions. Instead, the theory of *fiqh* of the Muslim minority proved to be an efficient alternative juristic interpretation to tackle calamities related to Muslim minority settings. The paper suggested that a reasonable moderate expansion of the application of the *Mu'ift qulub* and *Fi sabilillah* categories in the context of the Muslim minority would help materialize the wider socio-economic goals of Zakat and empower the Muslim community of Sri Lanka. This study recommends that a national-level collective Ijtihad forum that combines experts in different fields should be formed to provide workable solutions to contemporary Zakat-related juristic challenges, peculiar to the Sri Lankan pluralistic context. Sri Lankan Zakat institutional policymakers and scholars should establish relationships with international scholars, experts, and *fiqh* forums especially Muslim minority-oriented *fiqh* councils to discuss modern juristic issues and consult with them. It is imperative to investigate the achievement of the goals of the Zakat institution through undertaking empirical study.

### Author Contributions

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### Conflicts of Interest

The authors declare no conflict of interest.

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