

Study of Fiqhul Hadith on the Law of Alms to Thieves, Adulterers and the Rich

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Abstract: Giving to a person either in the form of compulsory alms (zakat) or ordinary alms already has a recipient or *musthiq* determined. This research elaborates on the law of alms to thieves, adulterers, and rich people. The research used is a literature review through the *takbrij al-badith* method both in terms of the quality of *sanad* and *matan*. The result of his research was that alms to thieves, adulterers, and rich people can be viewed from the side of *maslahat*, the object that is the center of attention is not the giver of alms but the one who receives alms. In such cases, alms become a testament to abstain from prohibited acts under the qawaid fiqhiyah reads *li al-wasail hukmu al-maqasid* (against intermediaries, the law depends on the intention). Alms can be a testament and the media prevents thieves from stealing, prevents adulterers from committing adultery, and motivates the rich to immediately issue their zakat or alms.

Keywords: almsgiving; thief; adulterer; rich man;

Introduction

Alms is one of the practices that every Muslim can do to increase fortune for the love and pleasure of Allah SWT. Material alms can be possessions donated to those in need. While non-material alms can be in the form of good deeds done by someone, such as dhikr to Allah SWT, smiling broadly in front of others, praying in public, reaching out to people in need, and so on. Thus, there is no need for people who do not have excess property to envy people who have excess property. In intangible charity, everyone can have an equal opportunity to receive charitable rewards.¹ Prophet Muhammad in the eyes of Muslims is an idol to be followed in everyday life. At the time of Prophet Muhammad (PBUH) always gave instructions to his people about the truth or rules in the Quran. So the hadith of the Prophet cannot be separated from the circumstances and conditions experienced by society at that time, so it is very unlikely that he stated that there was no fundamental problem. This is where the teachings of Islam intersect with the social, historical, and cultural context of the time.² In this situation, a person can donate to charity easily if he thinks that the money he gives will not affect his ability to support himself. Because food is a deposit from Allah Almighty, the food will continue to grow and he will be able to enjoy it even though he has passed away. With this guarantee, one must acknowledge that additional rights in terms of requirements

¹ Zhila Jannati, "The Virtue of Alms as an Effort to Improve Mental Health," *Ghaidan: Journal of Islamic and Community Counseling Guidance* 5, no. 2 (December 1, 2021): 77–87, <https://doi.org/10.19109/ghaidan.v5i2.11023>.

² wildan Rijal Amin, "Kupatan, A Tradition To Preserve The Teachings Of Almsgiving, Strengthen Friendship, And Glorify Guests," *Al-A'raf: Journal of Islamic Thought and Philosophy* 14, no. 2 (December 20, 2017): 267, <https://doi.org/10.22515/ajpif.v14i2.893>.

must be met. Therefore, one should not be arrogant and envious of everything that God has given him.³

In this matter, a person can easily donate to charity if he is sure that his wealth will not affect his food supply. He would have more food, which he could enjoy even when he died. because food is only a gift from Allah SWT. Through this gift, His servant must think that the provision includes the obligation to fulfill the rights of others. Therefore, one is not greedy and *riya'* with Allah Almighty. "Alms will not reduce wealth, Allah will not glorify a servant because of forgiveness," said the Prophet (peace be upon him). "No servant is *tawadhu'* (humble) unless Allah will lift him." (HR. Muslim). Among the Prophet's exhortations was almsgiving. According to the teachings of the Prophet, every Muslim should give alms, according to HR (*Muttafaq alaih*). Moreover, according to another hadith observed by the Prophet, every soul should give alms (HR. Ahmad). This hadith very clearly shows that the Prophet commanded everyone to give alms. By giving alms, you can build a horizontal relationship with others as well as a vertical relationship with Allah SWT. Application sharing through sadaqah is a blessing and enjoyment that must be felt by everyone.⁴

Those who are entitled to receive sadaqah (zakat) are listed in the Qur'an Surah At-Tawbah verse 60 as follows: 1) The poor, 2) The poor, 3) Amil (the manager of zakat), 4) The convert who is persuaded by his heart, 5) The slave (to free the slave), 6) The debted, 7) The one who struggles in the way of Allah, and 8) The one who is on the way. According to Al-Qurthubi in his tafseer, the word *lil fuqara* and so on indicate the word that alms belongs to him, the faqir, and so on. In one narration some people protested against the Prophet when distributing to shepherds and those who ridiculed him, so Allah rebuked the Prophet through this verse and affirmed that these are those who are entitled to receive zakat and alms other than those who are not entitled.⁵ Therefore, those who are not entitled to receive zakat and alms are thieves, adulterers, and rich people.

The following discussion describes the law of alms to thieves, adulterers, and rich people that occurred in the time of the Prophet (peace be upon him) as represented in the following hadith. The research method uses the *takhrijul hadith* method and is explained with its fiqhul hadith.

Discussion

Alms to Thieves, Adulterers and the Rich by the method of Takhrij al-Hadith Hadith Redaction and Translation

صحيح البخاري ١٣٣٢ : حدثنا أبو اليمان أخبرنا شعيب حدثنا أبو الزناد عن الأعرج عن أبي هريرة رضي الله عنه أن رسول الله صلى الله عليه وسلم قال قال رجل لأتصدقن بصدقة فخرج بصدقته فوضعها في يد سارق فأصبحوا يتحدثون تصدق على سارق فقال اللهم لك الحمد لأتصدقن بصدقة فخرج بصدقته فوضعها في يدي زانية فأصبحوا يتحدثون تصدق الليلة على زانية فقال اللهم لك الحمد على زانية لأتصدقن بصدقة فخرج بصدقته فوضعها في يدي غني فأصبحوا يتحدثون تصدق على غني فقال اللهم لك الحمد على سارق وعلى زانية وعلى غني فأني فقيل له أما

³ Jannati, "The Virtue of Alms as an Effort to Improve Mental Health."

⁴ Jannati.

⁵ Firdaus, "Alms In The Perspective Of The Quran (A Review of Tafsir Maudhu'i)," *Asb-Shababab* 3, no. 1 (2017): 87–100.

صدقتك على سارق فلعله أن يستعف عن سرقة وأما الزانية فلعلها أن تستعف عن زناها وأما الغني فلعله يعتبر
فينفق مما أعطاه الله

According to Sahih Bukhari 1332, Abu Al Yaman informed us that Shu'aib had given us a report. The Prophet (peace and blessings of Allaah be upon him) said: "A man said: I will surely give alms." Abu Az Zanad narrated from Al A'raj from Abu Hurairah -*radīyallāhu 'anhu*-. After that, he left his alms outside, and then his alms were taken by robbers. People talked about how he distributed his alms to a thief the next day. "O Allah, praise be to You, I will surely give alms more," the man exclaimed when he heard it. After that, he left his alms, and an adulterer stole it. People talked about how he had donated his generosity to an adulterer overnight when they woke up the next morning. The man continued, "O Allah, praise be to You, I will surely give alms again. (My alms fell into the hands of an adulterer)." Then he went out once more with his alms, and a rich man finally had it. People chatted about how he gave his generosity to the rich when they woke up the next morning. The man then spoke these words: "O Allah, praise be to Thee, (my alms fall) on a rich man, a thief, and an adulterer." Then he had a dream in which it was mentioned to him: "As for your alms to the thief, may your alms prevent him from committing adultery, and your alms to adulterers, may your alms prevent him from committing adultery again, and your alms to the rich, may your alms teach him to spend the wealth that Allah has given him".⁶

Fiqhul Hadist

Alms is one of the praiseworthy deeds, important and even recommended by Allah SWT as a form of virtue, as stated in the Qur'an Sura Ali Imran verse 92:

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ ۝ ٩٢ [آل عمران: 92]

In his tafsir, Ash-Sha'rawi explains that the meaning of the word *الْبِرُّ* is ease, spaciousness, or vastness both in the world and in the Hereafter. The arrangement of the letters leads to this meaning. Every word in Arabic that has the *tasydid* letters *ba'* and *ra'* is, according to Sha'rawi, denoting *as-sa'ab* (broad). When a person sets aside his property for others, he will gain spaciousness. A paradoxical interpretation arises when a person refuses to part with his property. Alms is a virtue advocated as a means of rejecting *bala'* (calamity or misfortune). Alms also have the potential to treat diseases, and sustenance will increase.⁸

To whom can we give alms or where is the alms distributed? This also did not escape the discussion of scholars. Imam An-Nawawi in his book *al-Majmu' Syarah al-Muhadzdzab*⁹ the majority of scholars also agree that, provided certain conditions are met, close relatives are preferred to receive alms, including zakat and kafarat. It is also widely accepted by scholars due to the large number of hadiths that support it.

⁶ Hadis Soft, *Kitab Hadis 9 Imam*, n.d.

⁷ Departemen Agama Republik Indonesia, *Al-Quran Dan Terjemahnya* (Bandung: Diponegoro, t.th).

⁸ Muhammad Mutawli Asi-Siya' Narrator, *Tafsir Asi-Siya' Narrator* (Kiro: Akhbar al-Yom, 1411).

⁹ Imam An-Nawawi, *Al-Majmu' Syarah Al-Muhadzdzab. Tabqiq Dan Ta'liq Muhammad Najib Al-Muth'i*, vol. Jilid.II (Bandung: Pustaka Azzam, t.th).

When alms are given to people who are not supposed to receive such donations, for example, rich people, thieves, or adulterers, then the donations become problematic and unnatural. The question is: Is this type of alms acceptable? When the rich are not in need, why should they accept alms? When a thief does not need alms and it can encourage his habit of stealing, why should he accept it? Given that an adulterer is a person who commits heinous acts, why should he be given compensation?

This issue received serious attention by Shaykh Izzuddin Abdus Salam described in the book *Shajarat al-Ma'arif wa al-Ahwal wa Salih al-Aqwal wa al-A'mal*, giving an interesting view in his explanation of how important alms were to the group. Shaykh Izzudin quoted the narration of Abu Hurayrah in Saheeh Buchari "*A man said: I will surely give alms.*" *Abu As' Zanad narrated from Al A'raj from Abu Hurairah -raḍiyallāhu 'anhu-. After that, he left his alms outside, and then his alms were taken by robbers. People talked about how he distributed his alms to a thief the next day. "O Allah, praise be to You, I will surely give alms more," the man exclaimed when he heard it. After that, he left his alms, and an adulterer stole it. People talked about how he had donated his generosity to an adulterer overnight when they woke up the next morning. The man continued, "O Allah, praise be to You, I will surely give alms again. (My alms fell into the hands of an adulterer)." Then he went out once more with his alms, and a rich man finally had it. People chatted about how he gave his generosity to the rich when they woke up the next morning. The man then spoke these words: "O Allah, praise be to Thee, (my alms fall) on a rich man, a thief, and an adulterer." Then he had a dream in which it was mentioned to him: "As for your alms to the thief, may your alms prevent him from committing adultery, and your alms to adulterers, may your alms prevent him from committing adultery again, and your alms to the rich, may your alms teach him to spend the wealth that Allah has given him".¹⁰*

Shaykh Izzudin commented on this hadith by looking at its benefits. The recipient of alms, not the giver of alms, is the main thing highlighted. This perspective is very different from the general understanding of the wisdom of alms which usually only looks at the side of the alms giver. This viewpoint is legitimate, only it ignores the continuing nature of almsgiving. It claims that benefits to beneficiaries are the specific purpose of this type of donation. Therefore, this type of philanthropy can serve as a tool to prevent theft and adultery as well as encourage the rich to donate as soon as possible from their wealth.¹¹

Izzudin's statement about the noble qualities of the testament is the result of a noble goal to be achieved. We should also cherish, celebrate, or appreciate everything that can prevent adultery, theft, and robbery—including inspiring the rich to give alms. Instead of berating him. When it comes to charity, this is what should come first. The crux of the matter is that, although avoiding prohibited deeds is the goal, "alms is an intermediary" (*maqasid*). The rule of jurisprudence *li al-wasail hukmu al-maqasid*, which states that the law of intermediaries depends on its purpose, corresponds to this. Therefore, one should not automatically conclude that any behavior that appears to be contrary to the law.¹²

Alms became a tool of da'wah to combat evil because alms to prostitutes and thieves were permissible if the purpose was to save and awaken them from sin, according to the aspect of

¹⁰ Izzuddin His Son Abdissalam, *Syajarat Al-Ma'arif Wa al-Ahwal Wa Shalih al-Aqwal Wa al-A'mal* (Beirut: Dar al-Kutub al-Ilmiyah, t.th).

¹¹ Ibn Abdissalam.

¹² Ibn Abdissalam.

benefit. Alms to the rich, whose main purpose is to instill a love of alms in him, would also be problematic and forbidden if it was intended to help him further to become a prostitute and thief. This way of thinking is more in line with the logic of *mubadalah*, which states that generosity has benefits for the giver as well, and also benefits the recipient. Alms are given to people who were not previously classified as recipients of alms based on real benefit. This kind of treatment is a re-interpretation of meaning originally aimed at material issues into the realm of psychology manifested in religious consciousness.¹³

Conclusion

Based on the description above, it can be concluded that alms are divided into two, namely alms must be called *zakat*, and alms are usually called alms only. Those who are entitled to receive alms and *zakat* according to *jumbur* based on the instructions of the Qur'an in Sura al-Tawbah verse 60 are the poor, the poor, those who work to manage *zakat* ('Amil), converts, people who struggle in the way of Allah, people who are on the way and people who are in debt. Deviation from the recipient of alms outside the above context, such as alms to thieves, adulterers, and rich people, does not result in haram as long as there is a certain purpose such as being a testament to do good and prevent immoral acts.

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¹³ Muhammad Nur Hadi, "Can give alms to prostitutes and other sinners," *Islami.Com*, September 3, 2020, <https://islami.com/bolehkah-sedekah-kepada-pelacur..>

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