

Jurisprudential investigation of the interaction of Zakat organizations with Qard al-Hasan banks based on the Sharh al-Lum'a

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Abstract

Zakat and Qard al-Hasan are financial institutions arising from Islamic rules. These two institutions interact with each other to provide the possibility of improving access to more financial resources for the disadvantaged sections of the society. In this connection, issues such as the possibility of guaranteeing the facilities of the recipients of Qard al-Hasan by Zakat organizations or the possibility of depositing Zakat resources in Qard al-Hasan Bank are discussed. In this research, this issue was searched and investigated using a systematic literature review. Then the research questions were answered using the analytical-descriptive method based on the book Sharh al-Lum'a. The result of this study shows that it is possible to pay the deferred loans of Qard al-Hasan through resources from zakat. Therefore, in case of default of the facility, it is possible to repay the loan facility. However, the possibility of accepting deposits from Qard al-Hasan banks through Zakat sources and providing Qard al-Hasan facilities requires another research. Finally, the communication model of Qard al-Hasan Bank with Zakat organization is designed based on Shia jurisprudence.

Keywords: Zakat organization, Qard al-Hasan bank, descriptive-analytical method

Introduction

The organization of Zakat in Iran is one of the organizations that was formed according to the law approved by the Islamic Consultative in 2013, consisting of the Supreme Council, provincial councils, districts and villages. In this organization, the Imam Khomeini relief foundation is the Executive Secretary of the Zakat Council. Also, Qard al-Hasan banks are banks that provide the possibility of interest-free loan payments to different people by using Qard al-Hasan deposit. By receiving deposits with Qard al-Hasan conditions, they make it possible to pay Qard al-Hasan facilities (Tohidinia, 2014, p.144). Now, how is the connection between the sources of Zakat organizations and Qard al-Hasan Bank?

The sources of Zakat organizations are provided by receiving the determined share in the property belonging to Zakat. The properties belonging to zakat in Imamiyah jurisprudence are stated in nine cases: four grains, three cattle and two cash. four grains include wheat, barley, dates, and raisins, three cattle include cows, sheep, and camels and finally two cash include gold and silver (Allame Heli, 1991, v.8, p.37). Also, according to Ahl al-Sunnah jurisprudence, the scope of this property has increased and includes commercial property. On the other hand, in Shia jurisprudence, the zakat payer has the authority to personally deliver the zakat property to the recipient or to pay the zakat organization. On the other hand, in Shia jurisprudence, the payer of zakat has the authority to personally deliver zakat property to the deserving or to pay zakat organizations. Although the payment of zakat by a tax payer to the ruler of the community is recommended, but if the Imam Masoom or the faqih Jame al-Sharayet demands that it be delivered, it becomes essential for them (Shahid Sani, 1989, p.53). In this case, the resources from zakat are collected in zakat organizations. On the other hand, Qard al-Hasan banks are facing a lack of resources for the payment of facilities (Tohidinia, 2014, p.144). In addition, credit risk in the payment of facilities is one of the other issues that Qard al-Hasan banks are facing. Also, the officials of zakat organization are looking for optimal allocation of zakat resources to deserving people. One of the solutions is to convert resources from zakat into Qard al-Hasan facilities. In this way, the question is whether it is possible for the resources from zakat to be placed under the name of Qard al-Hasan deposits in Qard al-Hasan banks, then the Qard al-Hasan facilities will be paid on the basis of that?

1. Literature review

There has been no direct research on the relationship and interaction between Qard al-Hasan banks and Zakat organizations. However, regarding the use of zakat resources as Qard al-Hasan, covering the risk of Qard al-Hasan facilities, there are some cases that have been reviewed below.

Asni et al (2023) in "Micro Credit-Qard Hasan Financing Through Zakat Fund (Mczf) According To The Views Of Islamic Contemporary Scholars" explore the legal status of micro credit-qard ḥasan financing through zakat fund (MCZF) according to the views of contemporary scholars. Based on the findings of the study, it is shown that contemporary scholars allow the MCZF scheme based on arguments that include the permissible distribution of zakat based on working capital, the qiyās awlawī approach, and the breadth of ijtihad in zakat, in line with the demands of maqasid al-sharia, and maslahah. Therefore, the MCZF scheme from the point of view of its Sharia compliance is undisputed.

Mohd. Shariff & Abdullah (2023) In an article entitled "Zakat and Sustainable Development Goals: A Review of Zakat Calculation and Disclosure among Islamic Banking Institutions in Malaysia" describes how to manage zakat resources. It should be noted that the organization of Zakat is done by Islamic banks.

Jafarifard (2022) in "An Introduction to the Model of Qard-al-Hasan Institution in Islam" described a model of Qard al-Hasaneh in an article titled. In this model, zakat guarantees loan facilities. In this model, it is suggested that the management of loan and zakat should be close to each other.

Rizki, D. (2019) in "Peer-to-Peer Lending Methods in Managing Zakat Funds through Islamic Financial Institutions" has accepted that there may be a delay in the payment of Zakat. For this reason, he proposed a model for peer-to-peer lending from sources of zakat.

Azman Ab Rahman (2012) in an article entitled "The role of zakat in Islamic banking institutions in the economic development of the needy poor in Malaysia" has explained how Islamic banks receive and pay zakat. The study found that Islamic banking institutions in Malaysia serve as the main contributor to business zakat. There are clear policies and regulations in place at the banks to manage the distribution of zakat funds systematically and transparently. The banks distribute zakat directly to eligible asnaf (zakat recipients), such as the poor, needy, and other categories, in the form of cash, cheques, or assistance like providing vans,

repairing mosques/schools, and supporting programs. The banks have detailed criteria and a scoring system to assess applicants and determine their eligibility to receive zakat.

Suleiman, Hamdoun I (2015) in an article titled "Growth and sustainability of Islamic financial practice in Tanzania's financial system: challenges and prospects" explained the need to pay attention to Zakat organizations in relation to other financial institutions. He considered the growth of financial industries in Malaysia to be effective on economic growth and considered it necessary to pay attention to Zakat organizations.

In previous studies, the relationship between Zakat organizations and Qard al-Hasan Bank in Shia jurisprudence is not clear. Therefore, in this research, the relationship between Qard al-Hasan Bank and Zakat organizations has been answered by using jurisprudential research in the book "Sharh Al-Lum'a". Then, according to that, a model was presented for the relationship between Qard al-Hasan Bank and Zakat institution.

2. Research method

From a methodological point of view, this research is in the category of qualitative descriptive research. It is also practical from the point of view of the goal. This research was done in three stages. In the first stage, models related to this issue were searched using a systematic review. In the second stage, the main questions of the research were answered by using analytical-descriptive method and with "Sharh Al-Lum'a". In the third stage for the evaluation and validation of the research plan was described. In the following, after explaining the organization of zakat and Qard al-Hasan, the book "Sharh Al-Lum'a" was explained and an analysis of the research questions was presented. Then, according to the answers found, a practical model for communication between Zakat organization and Qard Al-Hosna Bank has been presented. Finally, conclusions were drawn from the presented materials and research suggestions were made based on them.

In the first stage, experimental data were collected using a systematic review using a specific protocol. A systematic review is a rigorous and comprehensive synthesis of research findings on a specific topic, considered a cornerstone of evidence-based practice in various fields, including nursing and healthcare. It involves meticulously analyzing and summarizing all available primary research to address a particular research question, providing a reliable source of evidence to guide clinical practice and decision-making (Sawada et.al,2004, p.549). Systematic reviews are crucial for establishing the current state of knowledge, informing guideline

development, and influencing healthcare professionals' decisions based on high-quality evidence (Clarke,2011). The impact of systematic reviews on healthcare professionals' decisions underscores the importance of conducting them properly, following a predefined protocol to ensure their validity and reliability in guiding practice and policy-making (Fernandes,2022, p.1).

A systematic review is divided into several stages. In the first stage, criteria for data inclusion and exclusion are considered. In this research, accessible research papers written in English that include one of the phrases "Qard al-Hasan bank" and "Zakat organization" and "Zakat institution" in the title, abstract, or keywords were selected for the study. If an article does not address the relationship between the Qard al-Hasan bank and the Zakat organization, it is excluded from the data. In the following, the entry and exit criteria of the articles in the search are explained in the form of a table.

Table 1: Criteria for Inclusion and Exclusion of Information Sources in the Research

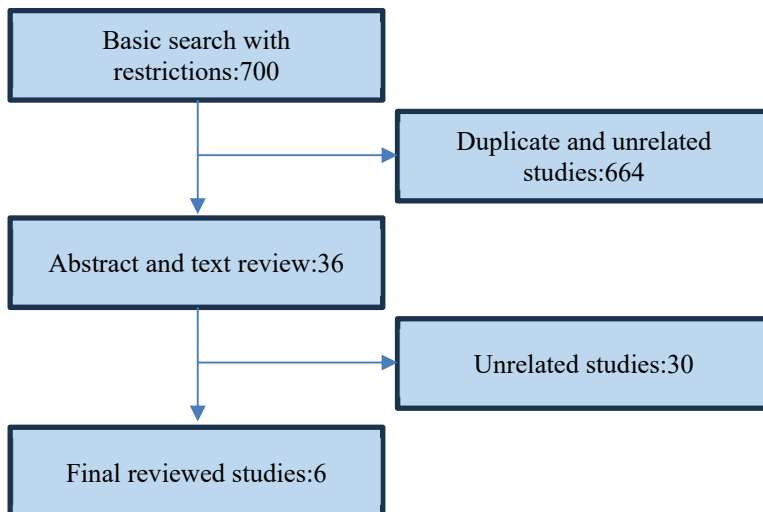
Criteria for entering studies into research	Criteria for exiting studies into research
Studies conducted in English	Writing in a non-English language
Research paper	Research in the form of notes, reports, theses, conference papers, and books
The presence of the words Qard al-Hasan bank, Zakat organization & zakat institutions in the title, abstract, or keywords	The absence of the words Qard al-Hasan bank, Zakat organization & zakat institutions in the title, abstract, or keywords of the article.
Access to the text of study resources	Unavailability of the article file
relevance to the subject of the relationship between the Zakat organization and the Qard al-Hasan bank	Irrelevance to the subject of the relationship between the Zakat organization and the Qard al-Hasan bank

In the second stage, the phrases "Qard al-Hasan bank" and "Zakat organization" and "Zakat institution" are searched in the required databases at the needed date for the research. In this study, the databases scholar.google.com and sciencedirect.com were chosen due to their high comprehensiveness. The time range for the search is defined across all time periods since there was no reason to apply a limitation. The search results are according to the table below. It should be noted that this search was conducted on July 3, 2024.

Table2: A Summary of How the Sources Were Searched in the First Stage and the Resulting Dataset

Step	Phrase Written in "with the exact phrase" Section	Database	Number of Results stage(1)	Number of Results stage(2)	Number of Results stage(3)
1	Zakat organization	scholar.google.com	470	2	1
		sciencedirect.com	11	32	3
2	Zakat institution	scholar.google.com	25	0	0
		sciencedirect.com	3	0	0
3	Qard al-Hasan bank	scholar.google.com	154	2	2
		sciencedirect.com	37	1	0
Total content in the first stage			700	36	6

A PRISMA diagram can be used to display the stages that have been undertaken. The PRISMA flow diagram is a chart that depicts the flow of information through the different stages of a systematic review. Information about the number of articles at each stage of the search process will be displayed. This diagram is recognized and utilized by researchers as one of the components related to systematic reviews to advance and test the search process (Asar et al., 2016, p. 73). Below, the PRISMA diagram is illustrated to perform the search stages.

**Figure 1: Prism diagram of searching and selecting articles related to research**

In the second stage, using the analytical-descriptive method, the questions raised in the research are examined in the book of Sharh al-Lum'a. Subsequently, the supporting and opposing viewpoints on this subject are extracted, and the topic of discussion is presented and compared. According to each of them, the answers to the research questions will be provided, and finally, suggestions on how they can interact with each other will be offered.

In the third stage, the Lincoln and Guba test (1981) was used to control the quality of the research stages (Danaeifard and Mozafari, 2017, p. 148). This test includes four components: reliability, stability, verifiability and transferability. The creditability component can be proven by using the external audit method and long-term involvement (Quaidelbajgiran et al, 2019, p. 115). In this research, a systematic review can be examined according to its stages. On the other hand, a specific book has been provided regarding the answers to the questions. Therefore, it will have reliability, stability and verifiability. On the other hand, due to the fact that the document used is written, it will also be transferable.

3. Zakat organization

In one definition, the Zakat organization is described as an entity organized by the Zakat law and its regulations, supervised by the Vali-e-Faqih, and operating in line with the objectives of the Islamic system. It plans and manages the assets related to Zakat, taking into account the conditions of the beneficiaries (Hasanzadeh Sarvestani & Etemadifar, 2024).

The Zakat organization, based on the Zakat law and its regulations, manages the mobilization and allocation of assets related to Zakat. The Zakat law, passed in 2011, specifies the formation, the members of the Central Zakat Council and their duties, incentive policies, and other structures related to the Zakat Council. The operational procedures are outlined in the executive regulations approved by the Cabinet in 2023. The Relief Committee acts as the executive arm of the Central Zakat Council. Thus, the institutional and organizational connection of Zakat with other institutions is facilitated through the Imam Khomeini relief foundation.

4. Qard al-Hasan banks

Qard al-Hasan is one of the Islamic financial instruments designed and implemented to combat riba (usury). This instrument is intended to meet the real needs of individuals in society, thereby enabling the society to achieve the necessary growth. Additionally, one of the obstacles to the

expansion of Qard al-Hasan is the spread of usury (Mohaqeqnia, 2008, p. 142). Therefore, *riba* was forbidden so that Qard al-Hasan can organize a part of their financial relations with proper interaction between people.

One of the main financial institutions in the field of Islamic banking is Qard al-Hasan banks. These banks engage in deposit-taking and provide Qard al-Hasan loans to various sectors of society. In Iran, Qard al-Hasan Mehr Iran and Resalat specialize in this issue. Nowadays, due to reasons such as the high inflation rate, the deposit funds of Qard al-Hasan do not provide this bank with the sufficiency of the issued needs, therefore, Qard al-Hasan banks are facing a lack of resources (Tohidinia, 2011, p.144).

Also, another issue they are facing is defaulting on the facilities granted to customers. One of the customers of Qard al-Hasan banks are people who are unable to repay the loan. Each of them is classified between the poor and the debtors, and for this reason, they are the recipients of Zakat sources.

5. Sharh al-Lum'a

Sharh al-Lum'a is a jurisprudential book with the full name "Sharh al-Lum'a Al-Damashqiyya, in Fiqh al-Imamiya". This description was written by Shahid Sani and explained Al-Lum'a. This book is divided into two parts. In the first part, there are twenty-seven jurisprudential chapters and in the second part there are twenty-four jurisprudential chapters. The Book of Zakah is the third jurisprudential chapter in the first part of the book. This part of jurisprudence is divided into four chapters, in the first part the conditions of the payer of zakat and the property belonging to zakat, in the second chapter the rulings related to zakat are discussed, and in the third chapter there is a discussion about those who are entitled to receive zakat. Also, in the fourth chapter, there is some information about Zakat al-Fitr.

this is a commentary on a jurisprudential book called "Explanation of Damascene Luma in Imamia Fiqh." It's written by Shahid Sani and explains the Luma. The book is divided into two parts: the first part has twenty-seven jurisprudential chapters and the second part has twenty-four jurisprudential chapters. The chapter on Zakat is the third jurisprudential chapter in the first part of the book. This jurisprudential section is divided into four chapters, discussing the conditions of Zakat payer and Zakat-eligible properties in the first section, the subsidiary rulings of Zakat in the second chapter, and the recipients of Zakat in the third chapter. Additionally, the fourth chapter discusses the details of Fitr Zakat.

6. Result and discussion

In this part, the research questions were explained and answered using the *Sharh al-Lum'a* book. Then, according to the established basis, a model for the relationship between Zakat organizations and Qard al-Hasan Bank has been described. In this model, zakat organizations and Qard al-Hasan Bank are intermediaries between zakat payers and beneficiaries. It should be noted that this model has been explained and completed based on Shia jurisprudence. Therefore, it is different from other models in other countries.

7. Examining jurisprudential questions in *Sharh al-Lum'a*

There are two main issues. The first issue is the depositability of Zakat resources. In other words, is it possible to deposit the resources of zakat organizations in Qard al-Hasan banks so that the beneficiaries of Qard-ul-Hasan can be given facilities through it? The second issue is whether it is possible to replace the resources of the Zakat organization in exchange for the defaulted facilities. In the following, each of them will be examined in a jurisprudential format, focusing on the description of *al-Lum'a*. In this jurisprudential review, we will address two main questions: Is it possible to deposit Zakat resources in Qard Al-Hasan banks and give loans to the poor? Is it possible to replace the sources of zakat in exchange for the defaulted loan?

In the first issue, the resources obtained from zakat are not paid directly to the poor person, but by depositing in Qard al-Hasan Bank, the facility is provided to them. Therefore, the issue of delay in paying the principal of zakat to them arises. In this context, is it possible to delay the payment of zakat to the entitled person directly or not?

According to a part of the book "*Sharh al-Lum'a*", if there is an excuse, it is possible to delay its payment. According to the first martyr, delay in paying zakat is not allowed. But in the statement of Martyr Thani, this issue has been elaborated and conditions have been raised for it. It is stated in this statement that it is permissible to delay payment of zakat for a period of one to two months. This license is issued in the absence of an excuse. Therefore, if it exists, this license will have more priority. In this case, if the advantage of the delay in paying zakat is due to its development in the form of Qard al-Hasan facilities, is this delay permissible? This question needs separate research in the opinion of mujahedeen.

The second issue deals with the issue of whether it is permissible to pay zakat to the payer of Qard al-Hasan facility in exchange for the debtor's debt. In other words, can a person who pays zakat give a loan to

a poor person, then withdraw his loan from the zakat property when zakat is due?

This issue will be explained using the following section. The opinion of Martyr Thani in this regard is as follows in the description of al-Lum'a: " "The poor person is compensated for it by claiming it from the owner of the debt if he owes it and taking it as a set-off from his debt, even if the debtor does not receive it and he is not responsible for taking it. Likewise, it is permissible for the one who owes it to pay it to the owner of the debt as well." ¹. (Shahid Sani, 1981, p.48).

If a person owes money to another person and the debtor is unable to pay his debt due to poverty, if the creditor owes zakat, he can calculate the amount of his demand from zakat and take it from the debtor as his debt. Even though he did not owe it to the bill and there is no lawyer on his behalf, and after settlement, the responsibility of both will be discharged. It means that the debtor has no debt to the creditor and the creditor is not responsible for zakat. Of course, the aforementioned ruling is not exclusive to the creditor, but others also have the right to compensation, for example, a third party who owes zakat can, without the knowledge of the poor debtor, calculate his zakat debt and give it to the creditor (Zahni Tehrani, 1987, p.123).

According to the above statement, the zakat payer can count his zakat as a debt of the poor. He can also pay his zakat to the creditor to whom the poor person is indebted. On the other hand, zakat organizations are intermediaries between zakat payers and beneficiaries. Therefore, in the communication between the Zakat organization and Qard Al-Hosna Bank, it will be possible to establish a connection between the defaulted facilities. According to the above article, the possibility of paying the debts of debtors from the sources of zakat is proven.

8. Presentation of the model

In this jurisprudential review, it was found that it is possible to pay the debts of debtors who receive facilities, through zakat sources. In other words, if the recipient of the facility is not able to pay his debt, it is possible to replace it with zakat resources and return the resources to Qard Al-Hosna Bank. However, the possibility of depositing Zakat resources in Qard al-Hasan banks and providing Qard al-Hasan facilities to the

١. و يقاص الفقير بها بأن يحتسبها صاحب الدين عليه إن كانت عليه و يأخذها مقاصة من دينه و إن لم يقبضها

المديون و لم يؤكل في قبضها و كذا يجوز لمن هي عليه دفعها إلى رب الدين كذلك

beneficiaries is not clear. Regarding replacing zakat instead of Qard al-Hasan facility, a proposed model is presented.

In this model, the organization of Zakat is connected with Qard al-Hasan Bank. In this connection, Zakat payers their zakat to zakat organizations. The Zakat Organization provides the names of those entitled to receive Zakat to Qard al-Hasan bank. In other words, Qard al-Hasan bank grants them Qard al-Hasan bank facilities with the guarantee of Zakat organizations. In case of default of introduced customers, a part of Zakat resources will be paid to the bank instead of the facility. One of the requirements of this model is to match the deadline for payment of the facility with the deadline for receiving zakat from zakat payers.

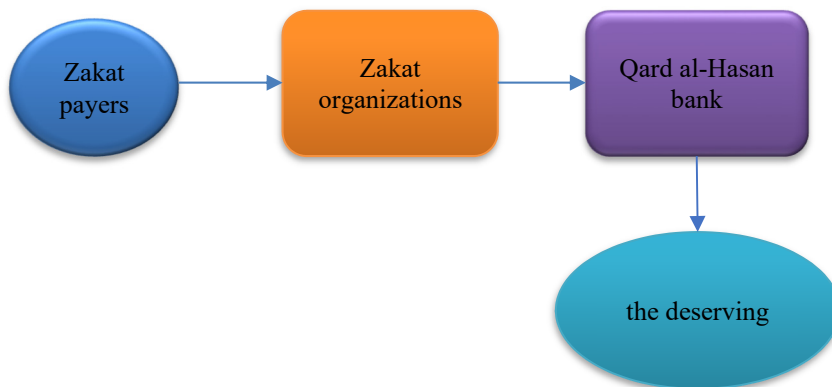


Figure 2: The pattern of connection between Zakat organizations and Qard Al-Hosna Bank

9. Conclusion

The main questions of this research are about the relationship between zakat organizations and Qard al-Hasan Bank. For this reason, using a systematic review method, the literature of this subject area was searched and reviewed in reliable scientific databases using defined keywords. Then, using the analytical-descriptive method, the main questions of the research were examined and answered in the book "Sharh Lameh". It should be noted that the main jurisprudential criterion of the research is Shia jurisprudence, that's why the book "Sharh Al-Lum'a" was chosen to answer the questions. According to this issue, one of the questions was answered, and another research is needed to answer the other question, which is referred to in the proposal section. The first question is related to the depositability of Zakat sources in Qard al-Hasan Bank. This question is as follows: Is it possible to deposit Zakat resources in Qard al-Hasan

Bank and grant facilities based on it? According to the inference made, the answer to this question depends on the opinion of the present mujtahids. Therefore, this question should be answered in another research. The next question is whether it is possible to replace the resources of Zakat instead of the facilities paid for Qard al-Hasan. According to the inference from the description of Lameh, this is possible. Therefore, the communication model between Zakat organization and Qard al-Hasan Bank has been designed according to the second question and its answer. In this model, the organization of Zakat is supported by Qard al-Hasan Bank. In this way, in case of default of Qard al-Hasan facility, the resources of Zakat organizations will replace it. Also, the granting of facilities will be paid to the beneficiaries by introducing Zakat organizations. In this model, the main consideration is the compliance of the maturity of the facility with the time of collection of zakat resources. This compliance will reduce the risk of Qard al-Hasan loan facilities granted to the beneficiaries.

10. Suggestions

According to the review and analysis of the book, the principle of depositing zakat resources in Qard Al-Hasan Bank needs to be investigated from the perspective of mujtahids. Therefore, it is suggested that in the next researches, the subject of jurisprudential examination of the depositability of Zakat resources in Qard Al-Hasan Banks should be studied. It is also suggested that the communication model between Qardul Hosna Bank and Zakat organization be operationally feasible. This issue needs to be investigated in the operational environment.

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