



Zakat Distribution for Women the Prostitution Victim as the Concept of *Riqab*

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Abstract

There are eight groups of *zakat* recipients and one of them is the *riqab* which is interpreted as a slave. The textual meaning of the *riqab* is no longer relevant today considering that slavery no longer exists. So that is the reason that the *asnaf riqab* is indirectly removed. This needs to be considered again so that the distribution of *zakat* can be evenly distributed to the eight *asnaf*. The current interpretation of the meaning of the *riqab* can be interpreted as human trafficking which is related to this, namely victims of sexual exploitation or prostitution. So the question is how to interpret the *riqab* for women who are victims of prostitution. This research is qualitative research in the form of a library research with data collection techniques, collecting and reading literature related to this research. The results of the research show that in this context the *riqab* is interpreted as a person who is shackled by social and religious beliefs, so that this problem includes women who are victims of prostitution. As the distribution of *zakat* for *asnaf riqab* does not give him the right to *tamlil zakat* assets, but rather to redeem the money for his automatic release to his master. Likewise, it is applied to the meaning of the *riqab* of prostitution victims, that *zakat* funds are used for rehabilitation with the aim of providing guidance so that the *mustahiq* can get out of their shackled status.

Introduction

Promiscuity nowadays has become a very worrying consideration. The relationship between individuals happened without concerning the law as it exceeds the limit. Basically, humans have the right to act freely and choose their own society. But the rights have the limit to avoid negative impacts which could harm on others and on oneself, the limits is called the norm.

Promiscuity is a general term, as there are many kinds of promiscuity. Promiscuity is a bad behavior occurs in a free social environment and contrary to religious rules and norms.¹

¹ Ezra Tari and Talizaro Tafonao, 'Tinjauan Teologis-Sosiologis Terhadap Pergaulan Bebas Remaja,' *Dunamis: Jurnal Teologi Dan Pendidikan Kristiani* 3, No. 2 (29 April 2019): 199, <https://doi.org/10.30648/dun.v3i2.181>.



According to Siti Suhaida et al., stated that this promiscuity tends to occur in the environment of adolescent children who swerve from the norm, usually leads to sexual behavior.² Related to this study is a form of promiscuity that leads to free sex. These days there is a lot of free sex, and it is even made to a business system particularly aiming to gratify sexual needs or known as prostitution. This happened oftentimes in many parts of the world including Indonesia. The business system is not far from the sexual slavery, selling oneself to others as a sexual exploitation. Based on the records of Women's Protection Commission in 2019 quoted by Zainuddin, there have been 14 cases of sexual slavery in Indonesia, and 200 cases of sexual exploitation. Sexual exploitation basically is a behavior of control over other which is vented as sexual gratification by the perpetrator.³ Many of them are forced, and some others take it as a job due to economic factors. Then the welfare of their lives as women of promiscuity can be seen as far from prosperous.

In actualizing the welfare of society, Islam has the media, it is *zakat*.⁴ *Zakat* is the third pillar of Islam, which in this case talked the economic dimension (*maliyat al-ijtima'iyyah*),⁵ thus the distribution of *zakat* will have an impact on improving economic structure through consumption, distribution and production.⁶ To give a greater impact on the living conditions of the poor and continuously developing society in general, Muslims try to execute *zakat* in a more modern way in response to these long-entrenched practices.⁷ The groups of *zakat* receiver are mentioned in the Qur'an surah al-Taubah verse 60. That there are eight groups of the rightful to receive *zakat*, thus, the focus of this study is *asnaf riqab*. *Asnaf riqab* is not a special concern in Indonesian *zakat* institution since the meaning of *riqab* as an *asnaf* group has been different from today. *Riqab* is defined as a slave who can be freed by giving a ransom to his master. Because today there is no longer slavery which is interpreted as in the previous concept. This is what makes *asnaf riqab* neglected in the distribution of *zakat* today.

Along with the times, there should be efforts in creating new interpretations of old terms, that could have implications and relevance in the present. This shows that Islamic law can go hand in hand by the times that no instruments are ignored in Islamic law simply because they are no longer appropriate in today. Related to *asnaf riqab*, this group can be attributed to people who are shackled to their freedom, as in this study are women who are victims of promiscuity. This is as has been done in several regions in Malaysia. Due to the view of Malaysian regions that use the contemporary meaning of *riqab* that *mustahiq* from *asnaf riqab* is still associated with slavery, including those who seek to improve themselves and convert from sinful deeds and ignorance.⁸ According to Selangor State Fatwa Council on

² Siti Suhaida, H. Jamaluddin Hos, and Ambo Upé, "Pergaulan Bebas Di Kalangan Pelajar (Studi Kasus Di Desa Masaloka Kecamatan Kepulauan Masaloka Raya Kabupaten Bomabana)," *Jurnal Neo Societal* 3, no. 2 (2018): 425–32. <http://dx.doi.org/10.52423/ins.v3i2.4032>.

³ Zainuddin and Sahban, "Reinterpretasi Riqab Sebagai Korban Eksplorasi Seksual Dalam Hukum Zakat," *Masalah-Masalah Hukum* 50, no. 1 (2021): 17–23. <http://dx.doi.org/10.14710/mmh.50.1.2021.17-23>.

⁴ Muhammad Lutfi Hakim, "Islamic Law and Society in Indonesia: Corporate Zakat Norms and Practices in Islamic Banks, by Alfitri," *Bijdragen tot de taal-, land- en volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 179, no 1 (2023): 115–118. <https://doi.org/10.1163/22134379-17901001>.

⁵ Iham Thohari and Moh. Makmun, "Reformasi zakat pertanian (Studi di dusun Jeblok desa Brudu kecamatan Sumobito kabupaten Jombang)," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 19, no. 2 (2019): 185–203. <https://doi.org/10.18326/ijtihad.v19i2.185-203>.

⁶ Eka Sakti Habibullah and Erwandi Tarmidzi, "Analisis Perbandingan Konsep Ashnaf Fii Sabilillah Dalam Alokasi Dana Zakat," *Kasaba: Jurnal Ekonomi Islam* 10, no. 2 (2017): 210-224. <https://doi.org/10.32832/kasaba.v10i2.2397>.

⁷ Asep Saepudin Jahar, "Marketing Islam Through Zakat Institutions in Indonesia," *Studia Islamika* 22, no. 3 (2016): 405-442. <https://doi.org/10.15408/sdi.v22i3.2353>.

⁸ Wan Mohd Khairul Firdaus Wan Khairuldin, 'The Philosophy and Elasticity of Zakah Distribution in Islam," *International Journal of Education and Research* 1, no. 8 (2013): 1-12 <http://www.ijern.com/August-2013.php>.

March 16 of 2011, decided that the distribution of *zakat* funds to *asnaf riqab* to people who are shackled to return to the truth and improve their legal creed is a must.⁹

There are also several studies discussing this topic, such as Matnin explaining human trafficking the concept of *riqab* as an object of *zakat* distribution. The results of this study explain that human trafficking included to the *asnaf riqab* group, as the similarity to 'illah. Victims of human trafficking can therefore be given *zakat*.¹⁰ Furthermore, Zainuddin explained the reinterpretation of *riqab* as victims of sexual exploitation in *zakat* law. The results in this study explain that the meaning of *riqab* must be considered contextually, so that the victims of sexual exploitation are included in the group of *asnaf riqab*. Due to the bondage from one's dominion over her. National *zakat* institutions¹¹ need to consider the redefinition of *riqab* so *zakat* can be distributed to all groups of *asnaf zakat*.¹² Nurul Ilyana Muhd Adnan examines the legal determination of giving *zakat* to prostitutes, gigolos, and pondans in Malaysia. The results of this study show that prostitutes, gigolos and pondans should be considered as groups that can receive *zakat* with the aim of removing them from the shackles of violence and social problems. The definition of *riqab* as a servant who is shackled by his master is irrelevant today, thus, an innovation is made to define *riqab* as someone who is shackled from the problems of violence and social problems.¹³ Atik Husnia Mabruroh examined the legal basis and reasons for MUI of Ponorogo Regency in allowing *zakat* to women and children victims of violence. The results of this study show that there are scholars who agree and disagree with giving *zakat* to victims of violence by including them in eight categories of *mustahiq zakat*. Scholars who do not allow it are said that violence cannot be the standard for giving *zakat*, as everyone who experiences violence has different conditions.¹⁴

From the studies above, the different of this study is the object of *mustahiq zakat* which is focus on the women victims of prostitution by dividing its various kinds that it can be categorized as *asnaf riqab*. Therefore, this research is interesting to continue, seeing the closed efforts to make new meanings of *asnaf riqab* so it can be applied today. This also aims to complete the distribution of *zakat* to the eight groups of *asnaf zakat*.

Method

This research used library research methods, applying data collection techniques to explore, search and collect data from several literature related to this study. The materials studied were sourced from literature documents such as of journals, books, theses, dissertation, documents and other scientific works related to this research theme.

⁹ Nurul Ilyana Muhd Adnan, Hafizuddin Muhd Adnan, Nurul Izwah Muhd Adnan, Mohd Izhar Ariff Mohd Kashim, and Muhamad Anas Ibrahim "Penentuan Hukum Agihan Zakat Kepada Pondan, Pelacur Dan Gigolo," *Borneo International Journal* 6, no. 3 (2023): 138–145. <https://majmuah.com/journal/index.php/bij/article/view/596>.

¹⁰ Matnin and Abdul Bari, "Human Trafficking Konsep Riqab Sebagai Objek Distribusi Zakat," *Muamalatuna* 14, no. 2 (2022): 138. <https://doi.org/10.37035/mua.v14i2.6819>.

¹¹ Muhammad Fahmi Syakir, Tastaftiyan Risfandy, and Irwan Trinugroho, "CEO's social capital and performance of zakat institutions: Cross-country evidence," *Journal of Behavioral and Experimental Finance* 21 (2021): 100521. <https://doi.org/10.1016/j.jbef.2021.100521>.

¹² Zainuddin and Sahban, "Reinterpretasi Riqab..."

¹³ Adnan et al., "Penentuan Hukum Agihan Zakat..."

¹⁴ Atik Husnia Mabruroh and Ahmad Junaidi, "Distribusi Zakat Bagi Perempuan Dan Anak Korban Kekerasan Menurut Tokoh Mui Kabupaten Ponorogo," *Jurnal Antologi Hukum* 3, no. 1 (2023): 96-113. <https://doi.org/10.21154/antologihukum.v3i1.2238>

Results and Discussion

1. Prostitution in a Glance

Prostitution has often occurred overtime, so the issue of prostitution is no longer a new thing. In fact, history reveals that there is a lot of prostitution use women to a sexual exploitation for noble men. Even worse history blatantly use women as a sex slaves. History shown that prostitution occurs not as the will of the victim, but forced by several factors and even the oppression of the more powerful. In fact, there are two forms of prostitution activities, some are organized as an organizations and some are unorganized or individual.¹⁵ Organized prostitution can be found in many local places, such as nightclubs, karaokes, and massages. While individuals can be found in suburban such as roadsides there are women who offer themselves.¹⁶

Prostitution begins with the coercion of women to be into a prostitution business and make them prostitutes,¹⁷ this is organized by covert and illegal businesses, many kinds of methods are used such as fraud, expletives, kidnapping, and so on. As the main reason a woman falls into prostitution is the persuasion or invitation to join a job that leads to fraud, smuggling, coercion and even violence.¹⁸ Various kinds of sexual exploitation occur such as an organized commercial sexual exploitation by pimps, exploitation of women's bodies as a means of sexual gratification, exploitation by loan sharks, economic exploitation of women by their partners, economic exploitation of women by families, and so on.¹⁹

The United Nations Global Initiative to Fight Human Trafficking explains several factors of creating human trafficking, which is also found in the trafficking in prostitution business, factors such as violence against the opposite sex, discriminatory work environment activities,²⁰ frequent underage marriage, increased divorce rates, limited education, loss of family relationships, economic crisis, fraudulent and bad government, social conditions of patriarchal, ethnic, racial, and religious marginalization.²¹

Women who become commercial sex workers have various reasons that begin with it, such as difficulties to reach financial needs of themselves and their families, low skills of these women, low level of education of victims, hedonistic lifestyles in economic activities. Another reason is being a victim of fraud that begins with being invited to join a job but as a hired laborer in the commercial sector. The last reason is past sexual violence, making her a sex worker.²²

As the values and norms in Islamic law and also Pancasila show that behavior towards trafficking victims who are used as prostitutes is not appropriate, as the precepts of "Just and Civilized Humanity and the precepts of Social Justice for all People of Indonesia." This

¹⁵ Guojun He and Wenwei Peng, "Guns and roses: Police complicity in organized prostitution," *Journal of Public Economics* 207 (2022): 104599. <https://doi.org/10.1016/j.jpubeco.2022.104599>.

¹⁶ Nasrullah Khumaerah, "Patologi Sosial Pekerja Seks Komersial (PSK) Perspektif Al-Qur'an," *Jurnal Al-Khitabah* 3, no. 1 (2017): 62–73. <https://journal.uin-alauddin.ac.id/index.php/Al-Khitabah/article/view/2922>.

¹⁷ Cora Recio Burgos and Fernando Jesús Plaza Del Pino, "Business can't stop.' Women engaged in prostitution during the COVID-19 pandemic in southern Spain: A qualitative study," *Women's Studies International Forum* 86 (2021): 102477. <https://doi.org/10.1016/j.wsif.2021.102477>.

¹⁸ Yayan Sakti Suryandaru, "Hegemoni dan Reproduksi Kekuasaan dalam Perdagangan Perempuan (Trafficking) untuk Prostitusi," *Manusia, Kebudayaan, Dan Politik* 14, no. 2 (2001): 35–50.

¹⁹ Zainuddin and Sahban, "Reinterpretasi Riqab..."

²⁰ Raheel Yasin, Sarah I. Obsequio Namoco, "Prostitution: a new dynamic of discrimination," *Gender in Management* 36, no. 4 (2021): 553–567. <https://doi.org/10.1108/GM-07-2020-0205>

²¹ Nur Imam Subono, "Trafficking in Human Beings dalam Angka dan Perdebatan," *Jurnal Perempuan* 68 (2011): 21–36. http://lib.unj.ac.id/jurnal/index.php?p=show_detail&id=32468&keywords=.

²² Fredi Yuniantoro, "Eksplorasi Seksual sebagai Bentuk Kejahatan Kesusilaan dalam Peraturan Perundang-Undangan," *Justitia Jurnal Hukum* 2, no. 1 (2018): 105–26. <https://jurnal.hukumonline.com/a/5cb49c2d01fb73000fce15f3/>

precept is the main basis for the protection of all human rights that have been embedded in every human being by acting without harm and not reducing their rights in the slightest. Likewise, the use or application of social justice provides a form of difference between legal justice and social justice.²³

From the descriptions, the author concludes there are three kinds of prostitution, as:

a. Organized prostitution

This organized prostitution is regulated by a pimp, usually this organized kinds can be found in nightclubs, massages, karaokees, etc. Women voluntarily become sex workers or with their own willingness to work there, usually for economic reasons and or also because of fun.

b. Prostitution in human trafficking

Human trafficking is a crime, and international law also requires trafficking. One form of human trafficking is selling the victim's body to a sexual exploitation of others. This prostitution is not easy for civil people to reach, usually found in large and hidden cities.²⁴ Women who become victims usually are the victims of fraud. Lured by a well-paying job abroad, then turned out to be deceived and eventually used as a sex slave.

c. Individual prostitution

In this kind, it is no longer common in public ears, with the development of technology ease humans to communicate, interact, and transact with others. This individual prostitution has two kinds of transactions, online and offline. Online transactions through applications or software on devices, and offline transactions are meeting directly with the woman. Women who engage in prostitution are usually for economic reasons, and not less also for fun.

The three kinds above have different legal status, such as human trafficking in which victims of prostitution certainly violate international law. Human trafficking is the same as slavery which is now a criminal offense, in contrast to the other two forms of prostitution in which there is no deprivation of rights by the party but rather is voluntariness of the woman herself. And this form is found in many parts of the country, and there are even some countries that do not impose written sentences on prostitutes.

2. Interpretation of the Riqab According to Scholars

Regarding to *asnaf zakat*, there are eight groups of the rightful to receive *zakat*. This has been explained in the al-Qur'an Surah al-Taubah verse 60 which means, "Zakat expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler – an obligation [imposed] by Allah. And Allah is Knowing and Wise."

In the group of the rightful to receive *zakat* there are 8 groups,²⁵ of which all are classified simply into two parts. The first part is a group that has economic financial needs, namely the poor, the needy, people who have debts, and slaves. So this first part group is a group that needs finances as their welfare, such as freeing slaves, paying off debts, and facilitating in circumstances or travel. This second part is a group that does not have a financial need for *zakat* funds, but caused by other purposes such as amil *zakat*, *muallaf* and *fi sabilillah*.

²³ Ferry Irawan Febriansyah, "Keadilan Berdasarkan Pancasila sebagai Dasar Filosofis dan Ideologis Bangsa," *DiH: Jurnal Ilmu Hukum* 13, no. 2 (2017): 1-27. <https://doi.org/10.30996/dih.v13i25.1545>.

²⁴ Farkhanda Shahid Khan, "Inside the dark world: Women's trade and prostitution in Patricia McCormick's *Sold* and Awais Khan's *No Honour*," *Women's Studies International Forum* 100 (2023): 102798. <https://doi.org/10.1016/j.wsif.2023.102798>.

²⁵ Raja Adzrin Raja Ahmad, Ahmad Marzuki Amiruddin Othman, and Muhammad Sufiyudin Salleh, "Assessing the Satisfaction Level of Zakat Recipients Towards Zakat Management," *Procedia Economics and Finance* 31 (2015): 140-151. [https://doi.org/10.1016/S2212-5671\(15\)01141-7](https://doi.org/10.1016/S2212-5671(15)01141-7).

Muallaf is given to support him because he is new convert, and indirectly attract more converts. *Amil zakat* is given because of his duties as a manager, divider and allocation of *zakat*. *Fisabilillah* is given to facilitate the broadcasting of Islamic *sharia da'wah*.²⁶

Of the eight groups, only *riqab* is denied as rightful as the textual meaning of *riqab* is no longer relevant to the present. Relating to Surah al-Taubah verse 60, the word *riqab* according to the *mufassir* as follows. Imam Al-Qurthubi explained in his *tafsir* that the word "fi al-*riqab*" is to free slaves, if a slave gets a share as a recipient of *zakat*, then she must be freed as the *zakat* giver must buy it to his master then immediately set free.²⁷ From the above interpretation it can be understood that Al-Qurthubi interprets the word *riqab* as a servant that can be purchased from his master. And in the concept of *zakat*, after the slave was bought with *zakat* money, he was immediately freed.

Abu Ja'far al-Thabari explained in his *tafsir* that the slave referred to the word *riqab* is a slave of *mukatab*. The reason is that Allah commands to pay *zakat* for those who are obliged to pay it with no reward for him in the world. While by liberating. Meanwhile, liberating slave will reward loyalty for those who liberate them.²⁸ While *mukatab* slave is a slave promised by his master freedom by paying a ransom, so the slave tries to pay in installments of the ransom.²⁹ From the two interpretations of *mufassir* scholars, it can be seen that there are differences of opinion regarding the meaning of slaves referred to the word of *riqab*. There are two divisions of slaves, namely slaves who become the *ikhtilaf al-'ulama* in interpreting *riqab* slaves. *First*, pure slaves or *hamba sahaya*, the slaves who have no promise from their masters to free them with ransom money, but that slaves can only be bought. So the way to free him is to buy it and be free. *Secondly*, slaves are *mukatab*, the slaves who could be free with ransom money as they slowly repaid the ransom.

Wahbah al-Zuhaili explained the difference between scholars in the meaning of the slave part of the *riqab*, there are three opinions. *The first*, word *riqab* is to free slaves by buying them using *zakat* money. This is the opinion of Ibn Abbas, Ibn Umar, Hasan, Abu Ubaid, Malik, Ahmad, Ishaq, and Ubaidillah. *The secondly*, the real part of *riqab* is for the slaves of *mukatab*, and set themselves free with *zakat*. This is the opinion of Abu Musa al-Ash'ary, Sa'id ibn Jubayr, Ibn Wahab, the Shafi'i school, Abu Tsur and others. *The third*, opinion of al-Zuhri that *riqab* is divided into two, first freeing Muslim *mukatab* slaves and second buying good Islamic slaves, performing prayers and fasting to be freed.³⁰ Furthermore, Wahbah al-Zuhaili added, what about *zakat asnaf riqab* given to colonized Muslims? Since the meaning of slaves in ancient times no longer occurs today as it is a criminal act. According to Sayyid Rashid Rida said that giving *zakat* to colonized Muslims was to avoid them from the enslavement of infidels, and this opinion was also followed by Muhammad Syaltut. Then, Wahbah al-Zuhaili concluded clearly that *riqab* is *asnaf zakat* which includes freeing pure slaves by buying them, freeing *mukatab* slaves, and freeing Muslim captives from infidels to avoid their bondage.³¹

Indonesian *mufassir* Teungku Muhammad Hasbi Ash-Shiddieqy explained in his *Tafsir An-Nur*, that the word "fi al-*riqab*" is to free slaves by buying them from their masters or helping them free themselves (*mukatab* slaves). Furthermore, he added that the meant of *riqab* is also issuing *zakat* or giving a share of *zakat* for the purpose of freeing and liberating the nation from colonialism.³² It is understood that Hasbi also interpreted the word *riqab* slave that can be given by *zakat* distribution today is a prisoner of war. This shows that the

²⁶ Khairuldin, "The Philosophy..."

²⁷ Al-Qurthubi, *Tafsir al-Qurthubi*, Vol 8 (Jakarta: Pustaka Azzam, 2007).

²⁸ Al-Thabari, *Tafsir al-Thabari*, Vol 12 (Jakarta: Pustaka Azzam, 2007).

²⁹ Matnin and Bari, "Human Trafficking..."

³⁰ Wahbah al-Zuhaili, *Fiqih Islam Wa Adillatuhu*, Vol 3 (Jakarta: Gema Insani, 2011).

³¹ Al-Zuhaili.

³² Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nuur*, Vol 2 (Semarang: Pustaka Rizki Putra, 2000).

textual meaning of slave as interpreted by earlier scholars no longer exists in the present concept.

This opinion is also supported by Quraish Shihab who explains the word *riqab* apart of freeing slaves is also understood by contemporary scholars as freeing Muslim territory from colonialism, as followed by Mahmud Syaltut's opinion. He added that the word *riqab* can also be interpreted with a worker who is shackled by an employment contract to the employer, while the employer does not want to terminate his employment contract unless there is compensation. Then you can use a portion of *zakat* by taking part of *asnaf riqab* or *al-gharimin*.³³ From the explanation of Quraish Shihab we can know that he expanded the meaning of *riqab* slaves as *asnaf zakat*. It is not only limited to the textual meaning of the past, but supports the opinion of contemporary scholars and enhance the meaning of *riqab* in the present as interpreted to someone who is shackled by an employment contract as an employer's labor. Perhaps this meaning related to human trafficking or as this research lined to the employment bond of prostitution entrepreneurs. From the explanation of the interpretation of *riqab* according to the scholars above, it can be concluded that classical scholars interpret *asnaf riqab* as the distribution of *zakat* as an effort to free slaves from slavery. There is also a difference whether the slave is meant by *hamba sahaya* slave or *mukatab* slave, but the opinion is stronger by generalizing the two slaves. So if you want to free *hamba sahaya*, then by buying them to his master with *zakat* property and immediately freeing him. Likewise, the slave *mukatab* helped to free him by paying the ransom using *zakat* money.

But the problem is, the textual meaning of *riqab* no longer exists in modern times. Due to criminal act of slavery and as it different from ancient times which legalized it. So that many contemporary scholars try to interpret *asnaf riqab* in line with current context. As Wahbah al-Zuhaili added that the meaning of *riqab* is to liberate Muslims from the colonies of infidels. This opinion follows the opinion of Rashid Rida and Mahmud Syaltut. Likewise contemporary Indonesian scholars such as Hasbi Ash-Shiddieqy and Quraish Shihab.

3. The Definition of Riqab to Women of Prostitution Victims

The textual definition of *riqab* as a slave is no longer relevant today as the slavery is a criminal act. Then, this no longer in line meaning to the current context makes this *asnaf zakat* ignored. As data on the distribution of *zakat* from 2015-2017 quoted by Zainuddin that the distribution of *zakat* to the *asnaf riqab* group was nothing, in 2016 there was Rp. 4.278.727.729 (0,15%), then in 2017 it was Rp. 21.827.062.720 (0,45%). However, Rumah Zakat report, in 2016 and 2017 there was no distribution of *zakat* funds to be given to the *riqab* group.³⁴

The textual meaning of *riqab* as a slave that is no longer relevant today, does not mean that the meaning is left alone and indirectly eliminates *asnaf zakat*. The fact that trafficking of sexual exploitation of victims deserves critical attention. Seeing substancially that *riqab* is to free a person from the bondage of someone who torments them. So the meaning can be broadly applied in modern contexts where the form of slavery is no longer the same as the previous times, such as victims of prostitution or sexual exploitation or other forms of human trafficking.

Thus, it should be criticized that giving *zakat* to *asnaf riqab* is not for *li al-tamlid* or for individuals, but *zakat* are allocated for changing his status to be an independent person. Then it is necessary to consider, can a person who is a victim of prostitution released the status. Based on the previous kinds of prostitution, each kinds of prostitution has different

³³ Quraish Shihab, *Tafsir Al-Misbah*, Vol 5 (Jakarta: Lentera Hati, 2002).

³⁴ Zainuddin, "Pemaknaan Ulang Ar Riqab Dalam Upaya Optimalisasi Fungsi Zakat Bagi Kesejahteraan Umat," *Jurnal Hukum Ius Quia Iustum* 25, no. 3 (2018): 601-622. <https://doi.org/10.20885/iustum.vol25.iss3.art9>.

legal status, one of which is human trafficking prostitution which is a criminal act. This kind of prostitution is the same as slavery, but the difference is that it is now a crime as it deprives a person of his rights and it has become international law, so the matter is left to the authorities. Unlike the other two forms that in some countries still legalize prostitution, or in other words there is no written punishment for prostitutes. Therefore, the distribution of *zakat* funds to free victims of human trafficking prostitution is not justified, as it indirectly legalizes slavery in the present. So there is a need for another interpretation of the allocation of *zakat* for *asnaf riqab* of prostitutes.

Reinterpretation of the meaning of *riqab* has now become a topic of discussion since there is a broad interpretation of *fatwa* in Malaysian scholars. Malaysian scholars stipulate that 'illah of the *riqab* is to release a person from shackled. From *ijtihad* of two scholars, Muhammad Rashid Reda and Mahmud Syaltut, stated that a slave with a colonized community is greater than a slave. As it is explained based on the use of *qiyyas aulawy* method. Therefore, Malaysian scholars broadened the meaning of using *qiyyas* with equality or 'illah, i.e. "shackled." However, the *fatwa* was opposed and many scholars disagreed and contradict to the *fatwa*, including Yusuf al-Qaradawi, Wahbah al-Zuhaili, and Abdullah bin Mansur al-Ghufaili.³⁵ Then, Malaysian scholars analogize it as *qiyyas* to human trafficking which consequently can be liberated. As has been implemented in Selangor region of Malaysia, related to the *fatwa* meeting of Selangor State *Fatwa* Authority Bil 2/2011 on June 14, 2011 which stated that everyone who is shackled in social problems and categorized as *riqab*, including victims of prostitution.³⁶ So not less the women of victims of prostitution and children who prosper by the distribution of *zakat* through this *asnaf riqab*. From the interpretation of Malaysian scholars, every group that is in social shackles can be given *zakat* as an *asnaf riqab*. But the difference is that the allocation of funds is different from the previous concept of *zakat riqab*. The distribution of *zakat* funds to the *riqab* in Malaysia is allocated to the rehabilitation fund, as everyone who is rightful to receive *zakat* follow the process due to the procedure to participate in the rehabilitation program. This rehabilitation program aims to provide guidance to *mustahiq* in getting out of their shackled state, by providing motivation, knowledge and other positive intake. According to the author's view, the distribution of *zakat* funds for *asnaf riqab* which is used as a rehabilitation fund is an innovation. This innovation does not eliminate the essence of the previous concept of *zakat riqab* funds, as the funds used as rehabilitation to provide guidance to *mustahiq riqab* so they can get out of their shackled, also relate to the previous concept of *zakat riqab* funds which aim to free slaves and indirectly remove them from their shackled. This concept therefore applies to other kinds of prostitution besides the human trafficking.

Conclusion

The distribution of *zakat* to *asnaf riqab* which can be concluded to free a person from the bondage of slavery, should have its contextual meaning to be expanded. Seeing that the slavery of the past no longer exists as the same as today. So to apply Islamic law which flexible and relevant in every age is to make efforts to reinterpret *riqab* into modern slavery. In this context, *riqab* is defined as a person who is socially bound and creed, thus categorized into this issue are the women victims of prostitution. As the distribution of *zakat* to *asnaf riqab* does not give the right to show *zakat* property, but to redeem the automatic release money for his master. Likewise, its implementation to the meaning of *riqab* for victims of prostitution, that *zakat* funds are carried out for rehabilitation with the aim of providing guidance that the *mustahiq* get out of their shackled status.

³⁵ Adnan et al., "Penentuan Hukum Agihan Zakat..."

³⁶ Mualimin Mochammad Sahid And Muhamad Firdaus Bin Ab Rahman, "Zakat Kepada Golongan Lesbian, Gay, Biseksual Dan Transgender (LGBT) Sebagai Asnaf Ar-Riqab: Kajian Ke Atas Fatwa Negeri Selangor," *International Conference On Syariah & Law 2021 (ICONSYAL 2021)*-Online Conference 6th April 2021

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