

The Law Issues Zakat With The Value Of Silver Nisab When There Is A Large Difference In Value Between Gold And Silver Nisab

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Abstract

The determination of nisab zakat is an important discussion in Islam, especially in the context of the vast difference in value between nisab gold and silver. Three opinions arise in determining the nisab zakat when there is a large difference in value between the gold and silver nisab, namely obligatory with gold nisab, obligatory with silver nisab, and using the lowest nisab of the two. This study aims to analyze these three opinions using analytical descriptive methods. Data are obtained from Islamic literature and compiled to understand the legal basis as well as the social and religious implications of each opinion. The analysis shows that all three opinions have a strong legal basis, but using the value of silver nisab as the nisab with the lowest value as the standard nisab zakat of treasure is more appropriate in the context of the difference in value between gold and silver nisab. Thus, the conclusion of this study is that the use of silver nisab value is a more appropriate approach in determining zakat obligations because it is safer for muzakki and more beneficial for the poor.

Keywords: Zakat, Nisab, Perak

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INTRODUCTION

Zakat is one of the main pillars in Islam which has the aim of creating social and economic balance in society. The determination of nisab value, both in the form of gold and silver, is one of the important aspects in determining one's zakat obligations. However, sometimes there is a difference in value between gold and silver nisab, which can affect one's zakat obligations as well as zakat practices in society.

In this context, it is necessary to understand more deeply about the legal basis for the use of gold and silver nisab values, scholars' views, and the social impact of the difference in value between gold and silver nisab. Understanding the background of this issue will provide a deeper insight into how the difference in value between gold and silver nisab affects the practice of zakat in society, as well as its relevance in the context of zakat obligations in Islam.

Based on the background of the problems described above, the main issue was raised about how the law issues zakat with the value of silver nisab when there is a large difference in value between gold and silver nisab.

RESEARCH METHODS

This study uses an analytical descriptive approach to explain the law of issuing zakat with the value of silver nisab in the context of the difference in value between gold and silver nisab. This method allows for a deep understanding of the legal foundations, views of scholars, and the social implications of using the value of silver nisab in determining zakat obligations. By analyzing various sources of Islamic literature, such as the Qur'an, hadith, and books of jurisprudence, this study aims to make a significant contribution to Muslims' understanding of the principles of zakat in Islam, particularly in the context of the difference in value between gold and silver nisab, as well as to be a more practical and relevant guide in carrying out their zakat obligations in conditions where there is a difference in value between gold and silver nisab.

RESULTS AND DISCUSSION

Nisab etymologically means the original. As for terminology, it means the limitation of ownership of the property of a person who is obliged to pay zakat.¹ Nisab is one of the conditions for a person to be required to issue zakat of treasure and nisab is different according to the different types of assets zakati.²

¹Ismā'īl ibn Ḥamād al-Jauharī, *al-Ṣiḥāḥ Tāj al-Lughah wa Ṣiḥāḥ al-'Arabiyyah*, h. 246. Sa'ad Abū Zaid, *al-Qāmūs al-Fiqhī Lughah wa Istilāḥ* (Cet. II; Dār Fikr: Damasyq, 1988 M), h. 353. "Bab

III Nisab dan Kadar Zakat" <http://zakat.or.id/bab-iii-nisab-dan-kadar-zakat/> (14 Pebruari 2024).

²Muhammad ibn Ṣāliḥ al-'Usaimīn, *Al-Syarḥ al-Mumtī' 'Alā Zād al-Mustaqni'*

For zakat treasure, the Prophet Muhammad (peace be upon him) mentioned two nisabs used, namely gold nisab or silver nisab. The Holy Prophet (peace be upon him) said:

عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: قَالِدًا كَانَتْ لَكَ مَائَتَا دِرْهَمٍ وَحَالَ عَلَيْهَا الْحَوْلُ فَفِيهَا حَمْسَةُ دَرَاهِمٍ وَلَيْسَ عَلَيْكَ شَيْءٌ يَعْنِي فِي الذَّهَبِ حَتَّى يَكُونَ لَكَ عِشْرُونَ دِينَارًا فَإِذَا كَانَ لَكَ عِشْرُونَ دِينَارًا وَحَالَ عَلَيْهَا الْحَوْلُ فَفِيهَا نِصْفُ دِينَارٍ فَمَا زَادَ فَبِحَسَابِ ذَلِكَ (رواه أبو داود)³

Means:

From Ali ibn Abi Talib, from the Holy Prophet Muhammad (peace be upon him): if you have 200 dirhams and have reached haul, then (zakat must be issued) from him 5 dirhams. And there is no obligation to you – that is, to gold – until you have 20 dinars. If you have 20 dinars and until the haul then (zakat must be issued) from it 1/2 dinar. If it is more than that, then according to the calculation (2.5% zakat).

From the hadith mentioned above, it is understood that the nisab of gold is 20 dinars. 1 dinar is worth 4.25 grams, then 20 dinars are worth 85 grams of 99.9% pure gold or 24 carat gold. Gold price Rp. 1,114,000 per gram⁴. So 85 grams of gold is worth Rp. 94,690,000, with 2.5% zakat worth Rp. 2,367,250. The silver nisab is 200

dirhams. 1 dirham is 2.975 grams, then 200 dirhams are worth 595 grams of silver. Silver price Rp. 15,500 per gram. So 595 grams of silver is worth Rp. 9,222,500, with 2.5% zakat worth Rp. 230,562.

Back in the time of the Prophet Muhammad (peace be upon him) a treasure worth a golden nisab (20 dinars) could be used to buy about 20 goats in Medina. Similarly, treasures worth silver nisab (200 dirhams) used to be used to buy 20 goats. As for our time, 200 silver dirhams is not enough other than to buy a goat or two goats. While 20 gold dinars, it is still enough to buy 20 goats today.

Contemporary scholars differ on the law of zakat nisab gold and nisab perak when there is a difference in value between them with a large difference in value. These various opinions arise because of their differences in understanding the passages that mention the nisab zakat and the condition of Muslims in terms of rich and poor and the condition of their countries. The opinions of scholars related to the difference in the value of gold nisab with the value of silver nisab which is very far are three, including:⁵

Using Golden Nisab

The first scholarly opinion is to use the nisab value of gold

(Dār Ibnu al-Jauzī: 1424 H), h. 16. Abū Malīk Kamāl bin al-Sayyid Sālīm, *Ṣaḥīḥ Fiqh al-Sunnah wa Adillatuhu wa Tauḍīḥ maẓāhib al-Aimmah* (Cet XV; al-Maktabah al-Tauqifiyyah: 2016M), h. 13.

³Abū Dāwūd Sulaimān bin al-As'asy al-Sijistānī, *Sunan Abī Dāwūd*, Vol. 2 (Dār al-Kitāb al-'Arabī: Bairūt), h. 10.

⁴"Gold and Silver Prices Today" <http://www.logammulia.com/id> (February 14, 2024). Gold price Rp. 1,114,000 and silver price Rp. 15,500.

⁵ Abdullāh bin Maṣṣūr al-Gaḥfīlī, *Nawāzil al-Zakāh Dirāsah Fiqhiyyah Ta'sīliyyah li mustatajiddāt al-Zakāh* (Cet. I; Dār al-Mimān, 2008), h. 157-160.

when there is a difference in value between gold and silver, with the proposition:

1. The value of gold is fixed and does not change (does not fall in price). Unlike silver whose price often changes (up and down).⁶
2. The value of gold nisab is closer (similar) to livestock zakat nisab, such as livestock nisab for 5 camels and 40 goats.
3. Silver is not a currency used by people in daily buying and selling transactions. Unlike silver, gold is considered as something that until now is used as a tool for transactions and people still buy and sell gold until now. Therefore, only with the value of gold nisab can be used as a treasure zakat nisab.
4. Gold has a stable price value and tends to rise compared to silver which has an unstable price and tends to fall. Whichever of the gold and silver prices is more stable, that is the basis for the nisab zakat treasure. Especially if the comparison of the value is very far between the nisab value of one with another.
5. Zakat is only obligatory for the rich and the value of gold nisab is the closest and worthy for the rich to have. The command to perform zakat only for the rich is

one of the mandatory conditions for zakat. Arguments on this matter, including the words of the Prophet Muhammad (peace be upon him) to Mu'adz bin Jabal and Abu Musa al-'Asy'ari when sending both of them to Yemen by explaining to them the law on the obligation of zakat and its conditions.

فَأخْبِرُهُمْ أَنَّ اللَّهَ قَدْ فَرَضَ عَلَيْهِمْ صَدَقَةً تَتَّخِذُ مِنْ
أَغْنِيَائِهِمْ قِطْرًا عَلَى فُقَرَائِهِمْ (متفق عليه)⁷

Means:

So tell them that Allah (swt) has made it obligatory for them to take zakat from the rich among them and given to their poor.

To make the present nisab value of silver which is devalued as the nisab of property zakat such as making the poor who should receive zakat is obliged to pay zakat. This is contrary to the main basis of the teachings of Islam and disputes the strict texts in the Qur'an. Allah swt. say:

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا

Translation:

God does not burden a person but according to his ability⁸

Therefore, obliging to pay

⁶ Yūsuf al-Qardāwi, *Fiqh Zakāh* (al-Qāhirah: 1985M), h. 287.

⁷ Abū 'Abdillāh Muhammad bin Ismā'il bin Ibrāhīm bin al-Mughīrah al-Ju'fī al-Bukhārī, *al-Jāmi' al-Musnad al-Ṣahīh al-Mukhtaṣar min Umūr Rasūlillāh Ṣallallāh 'Alaihi wa Sallam wa Sunanini wa Ayyāmihī*, Vol. 3 (Cet. I; Dār Tūq al-Najāh, 1422 H), h. 557. Abū Husain Muslim bin al-

Hajjāj bin Muslim al-Qusyairī al-Naisābūrī, *al-Jāmi' al-Ṣahīh, Ṣahīh Muslim* (Bairūt: Dār al-Īl), h. 37.

⁸ Kementerian Agama Republik Indonesia KEMENAG, "Qur'an KEMENAG", *Situs Resmi KEMENAG*. <https://quran.kemenag.go.id/sura/5>. (10 Februari 2024)

zakat of treasure of treasure on property that has reached the nisab value of silver is like obliging a poor person to issue zakat of treasure even though he is not obligated. The benefits that must be maintained are not only for the benefit of the poor, but must take care of the benefit of the muzakki as well. Ownership of property worth silver nisab, generally does not make a person considered rich to oblige himself to issue zakat.⁹

The nisab value of gold is more in line with the nisab value that existed in the time of the Prophet Muhammad (peace be upon him) and the present. The golden nisab (20 dinars) in the time of the Prophet Muhammad (peace be upon him) as well as in the present day, can be used to buy about 20 goats. Similarly, silver nishab (200 dirhams) used to be used to buy 20 goats. Whereas today, 200 silver dirhams is not enough other than to buy a goat or two goats. This constant value for the selling price of gold, in accordance with the purpose of establishing nisab zakat in a more perfect position. In contrast to silver nisab which is always down and unstable.

Using Silver Nisab

The second scholarly opinion is to use the nisab value of silver when there is a difference in value between gold and silver with the proposition:¹⁰

1. The determination of silver nisab is something that is agreed with certainty and validity of the postulates that mention silver nisab, as well as the gold nisab.
2. The determination of silver nisab has more benefits for the poor. Because silver nisab is lower in value than gold nisab.¹¹
3. The passage in the Qur'an and hadith does not mention 'illah (cause) gold and silver are used as nisab zakat of treasure because both are used as a means of buying and selling or traded, but because both are hoarded or stored until they reach a certain value (nisab) which makes the person who owns them obliged to issue zakat of treasure on the hoarded property. As for 'illah on gold and silver used as a means of buying and selling, it only applies to laws related to buying and selling or usury laws that are forbidden by Allah Almighty. An example of

⁹ Abdullāh bin Maṣṣūr al-Gaḥfī, *Nawāzil al-Zakāh Dirāsah Fiqhiyyah Ta'ṣīliyyah li mustatajiddāt al-Zakāh*, h. 159.

¹⁰ Ahmad 'Abd al-Raḥmān al-Bannā al-Sā'ātī, *al-Fatḥ al-Rabbānī Litartīb Musnad al-Imām Ahmad Ibn Hanbal al-Syaibānī Ma'a Syarḥiḥi Bulūg al-Amānī li Asrār al-Fatḥ al-Rabbānī*, Vol. 8 (Cct. I; Dār Ihyā' al-Turās al-'Arabī: Bairūr), h. 251. Yūsuf al-Qarḍāwī, *Fiqh Zakāh*, h. 262.

¹¹ Yūsuf al-Qarḍāwī, *Fiqh Zakāh*, h. 283. The use of silver nisab which is the

lowest nisab of the two existing nisab will increase the potential of zakat because it can increase the amount of muzakki. This will make the poor get more benefits. As for if you use only gold nisab, then the potential for zakat will decrease along with the reduction in the number of muzakki. Making silver nisab as a benchmark will combine gold and silver nisab muzakki in tandem.

'illah buying and selling gold and silver mentioned by the Holy Prophet Muhammad (peace be upon him):

عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الذَّهَبُ بِالذَّهَبِ وَالْفِضَّةُ بِالْفِضَّةِ وَالذُّبُرُ بِالذُّبُرِ وَالشَّعِيرُ بِالشَّعِيرِ وَالنَّمْرُ بِالنَّمْرِ وَالْمَلْحُ بِالْمَلْحِ مِثْلًا بِمِثْلٍ سَوَاءٌ بِسَوَاءٍ يَدًا بِيَدٍ فَإِذَا اخْتَلَفَتْ هَذِهِ الْأَصْنَافُ فَبِيعُوا كَيْفَ شِئْتُمْ إِذَا كَانَ يَدًا بِيَدٍ (رَوَاهُ مُسْلِمٌ)¹²

Means:

From 'Ubadah bin Shamit, he said, the Prophet PBUH. said: It is permissible to sell gold with gold, silver with silver, wheat seeds with wheat seeds, centel corn with centel corn, dates with dates, salt with salt, equally comparable, sort of, cash with cash. When there is a difference from all these things, then sell as you may when with cash. (HR Muslim).

In the hadith mentioned above, Prophet Muhammad (peace be upon him) only discusses gold and silver in terms of the law of buying and selling and has nothing to do with the law of zakat. Therefore, associating the value of gold nisab and silver nisab value with the law of buying and selling both even makes one of the two as nisab that applies on the basis of buying and selling that prevails in

society is an incorrect opinion and investigates the Qur'anic passages and hadiths. The Qur'anic verse even explicitly mentions 'illah obligatory zakat i.e. hoarding of wealth up to nisab value. Allah Almighty. said in QS Al-Tawbah/9:34:

وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ

Translation:

And those who keep gold and silver and do not infest it in the way of Allah, then give them glad tidings, (that they will get) grievous punishment.¹³

Prophet Muhammad saw it. Said:

عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: فَإِذَا كَانَتْ لَكَ مِائَتَا دِرْهَمٍ وَحَالَ عَلَيْهَا الْحَوْلُ فَفِيهَا خَمْسَةُ دَرَاهِمٍ وَلَيْسَ عَلَيْكَ شَيْءٌ يَعْنِي فِي الذَّهَبِ حَتَّى يَكُونَ لَكَ عِشْرُونَ دِينَارًا فَإِذَا كَانَ لَكَ عِشْرُونَ دِينَارًا وَحَالَ عَلَيْهَا الْحَوْلُ فَفِيهَا نِصْفُ دِينَارٍ فَمَا زَادَ فَبِحِسَابِ ذَلِكَ (رَوَاهُ أَبُو دَاوُدَ)¹⁴

Means:

From Ali ibn Abi Talib, from the Holy Prophet Muhammad (peace be upon him): if you have 200 dirhams and have reached haul, then (zakat must be issued) from him 5 dirhams. And there is no

¹²Abū Husain Muslim bin al-Hajjāj bin Muslim al-Qusyairī al-Naisābūrī, *al-Jāmi' al-Ṣaḥīḥ, Ṣaḥīḥ Muslim*, Vol. 5, h. 43.

¹³Kementrian Agama Republik Indonesia KEMENAG, "Qur'an KEMENAG", *Situs Resmi KEMENAG*.

<https://quran.kemenag.go.id/sura/9>. (10 Pebruari 2024)

¹⁴Abū Dāwūd Sulaimān bin al-As'asy al-Sijistānī, *Sunan Abī Dāwūd*, Vol. 2 (Dār al-Kitāb al-'Arabī: Bairūt), h. 10.

obligation to you – that is, to gold – until you have 20 dinars. If you have 20 dinars and until the haul then (zakat must be issued) from it 1/2 dinar. If it is more than that, then according to the calculation (2.5% zakat).

From the various arguments that exist, it becomes clear that rejecting the value of silver nisab to be used as a nisab zakat of treasure now on the grounds that silver is not the currency used by the community in daily buying and selling transactions is an incorrect opinion, and uses *'illah* laws that are not in place.

Therefore, Shaykh Uthaymeen in his book *al-Sharh al-Mumti'* mentions that the currency circulating in the community must be issued zakat if it has fulfilled the mandatory zakat conditions, whether the money is used for trade or not.

فَالْقَوْلُ الرَّاجِحُ فِي هَذِهِ الْعُمَلَاتِ أَنَّ الرَّكَاتَةَ فِيهَا
وَاجِبَةٌ مُطْلَقًا، سَوَاءً قَصَدَ بِهَا التِّجَارَةَ أَوْ لَا.¹⁵

Meaning:

The rajih opinion on the issue of currency is that it is mandatory to issue zakat to him, whether the money is used for buying and selling transactions or not.

Therefore, a child or a

lunatic or a sick person in a coma, if they have property that reaches nisab and haul then it is mandatory to issue zakat of his property even if they do not use it for buying and selling transactions. Because the purpose of sharia zakat, almsgiving, grants, wakaf, gifts, etc. is so that the treasure rotates and passes from the rich to the poor and so that the treasure is not damaged because it is hoarded by a group of people. Allah Almighty. Said:

كَيْ لَا يَكُونَ دُولَةً مِّنَ الْأَغْنِيَاءِ مِنْكُمْ

Translation:

So that the treasure should not only circulate among rich people among you.¹⁶

4. The proposition of the obligation of zakat with nisab as a mandatory condition of zakat, is attributed by Allah Almighty. by arriving at the value of a Muslim's property with one of two nisabs, the golden nisab or silver nisab, and Allah Almighty. does not associate it with the highest value of the two. Therefore, whichever of the nisab that has been achieved by the property of a Muslim, it is obligatory for him to issue zakat of treasure.¹⁷

Making today's silver nisab which has a lower value than gold nisab is a strong and fundamental opinion, because this is the purpose of zakat itself, which is to prioritize

¹⁵ Muhammad ibn Ṣāliḥ al-ʿUṣaimīn, *Al-Syarḥ al-Mumti' 'Alā Zād al-Mustaqni'*, h. 95.

¹⁶ Kementrian Agama Republik Indonesia KEMENAG, "Qur'an KEMENAG", *Situs Resmi KEMENAG*.

<https://quran.kemenag.go.id/sura/59> (diakses 10 Februari 2021)

¹⁷ Majallah Majma' al-Fiqh al-Islāmī, *Aḥkām al-Nuqūd al-Waraqiyyah*, Vol. 3 h. 1771

the benefit of the poor and poor.¹⁸ The benefit of the poor and poor will only be realized and achieved optimally if the nisab used is the lowest nisab not the highest. Because it will encourage and increase the potential of zakat to the maximum.

5. The use of the lowest nisab zakat value will encourage many Muslims to observe one of the pillars of Islam and provide an understanding that the obligation of zakat is not only once a year during Eid al-Fitr, but every time our wealth reaches nisab and haul every year.
6. The size of rich and poor in each region differs from region to region. Therefore, the law of nisab zakat of treasure used will be different. Equating the nisab zakat of the wealth of rich countries such as Saudi Arabia, the United Arab Emirates, Qatar, and equating the nisab zakat to poor countries in Africa or Asia that are hit by hunger and thirst every day, the equalization of nisab zakat is a stinging equality of error. This will not only make Sharia zakat unimplemented, but will make thousands to millions of poor and poor die of hunger, thirst and get a decent and proper life as fellow human beings.

The same is the situation in this country of Indonesia. With a very large population and a large and large area of the country with a

generally low-income community even below standard, the most suitable asset zakat nisab is silver nisab for treasure zakat. Indonesia is also not included in a wealthy country even though it has large natural resources. In fact, the Indonesian state every year must increase its foreign debt. This shows that this society and country is a society and state that needs zakat assistance or in other words, this society and country are mustahik who are entitled to receive zakat.

In addition, someone who is able to save Rp. 9,222,500 every year in addition to the costs for food and drinks every day, in addition to the cost of houses, vehicles, electricity, water, and others, then that person can be classified as a rich person because he has more assets than his daily needs for a whole year. The Holy Prophet Muhammad (peace be upon him) even mentioned explicitly the obligation to share with the needy when one has sufficient wealth. The Holy Prophet (peace be upon him) said:

عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ -صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ كَانَ مَعَهُ فَضْلٌ مِنْ ظَهْرٍ فَلْيُعِدْ بِهِ عَلَى مَنْ لَا ظَهْرَ لَهُ ، وَمَنْ كَانَ عِنْدَهُ فَضْلٌ مِنْ زَادٍ فَلْيُعِدْ بِهِ عَلَى مَنْ لَا زَادَ لَهُ . « قَالَ أَبُو سَعِيدٍ: فَذَكَرَ مِنْ أَصْنَافِ الْمَالِ مَا ذَكَرَ حَتَّى ظَنَّنَا أَنَّهُ لَا حَقَّ لِأَحَدٍ مِنَّا فِي فَضْلٍ .
(رَوَاهُ مُسْلِمٌ)¹⁹

¹⁸ Al-Lajnah al-Dā'imah li al-Buhūṣ al-'Ilmiyyah wa al-Iftā', *Fatāwa Al-Lajnah al-Dā'imah li al-Buhūṣ al-'Ilmiyyah wa al-Iftā'*, Vol. 9 (Cet. I; Dār al-'Aṣimah: Riyāḍ, 1996), h. 257.

¹⁹ Abū Husain Muslim bin al-Hajjāj bin Muslim al-Qusyairī al-Naisābūrī, *al-Jāmi' al-Ṣaḥīh, Ṣaḥīh Muslim*, Vol. 5, h. 138.

Means:

From Abu Said al Khudri (ra). He said: The Holy Prophet(sa) said: He who has an excess vehicle should return it to one who does not have a vehicle. And whoever has excess provisions should return (give) to those who do not have provisions. Abu Said said: (The Holy Prophetsa) mentioned various kinds of wealth, until we considered that none of us was entitled to an excess of wealth. (HR Muslim)

From the hadith mentioned above, it can be learned that if a person has his daily needs for a year and has a deposit of Rp. 9,222,500 for a year, then that person can be classified as a rich person in this country and it is mandatory for him to spend zakat assets of Rp. 230,562 if he uses the value of silver nisab as nisab zakat treasure.

Rp. 230,562 is zakat with a silver nisab value and the value is not much and not much. If many muzakki issue zakat on their property with this nisab value, it will increase the potential of national zakat and help many poor

and poor people and help the Indonesian state in alleviating poverty in this country.

7. Nisab zakat of property is a decree set by the Shari'a in *tauqifi* and not through kias. Therefore, nisab zakat property with nisab zakat farm is very inaccurate. Because this measure can also be used to extract the nisab of property zakat with the nisab of agricultural zakat which is currently lower than the nisab of silver zakat.²⁰

Using the lowest value of nisab

The third scholarly opinion is to use the lowest nisab value, arguing that the postulates in the Qur'anic passages and hadith stipulate gold and silver nisab. So what is the handle in determining the nisab of property is the most beneficial for the poor, namely the lowest nisab.^{21,22}

Tarjih Hukum Nisab Zakat Between Gold and Silver With Difference in Value Between Both

Of the three opinions mentioned above, the strongest opinion is the last opinion, which is to make the lowest nisab value

²⁰ Majallah al-Buhūs al-Islāmiyyah, *Aurāq al-Nuqūd wa Niṣāb al-Waraq al-Naqdī*, Vol. 29, h. 327.

²¹ Al-Lajnah al-Dā'imah li al-Buhūs al-'Ilmiyyah wa al-Iftā', *Fatāwa Al-Lajnah al-Dā'imah li al-Buhūs al-'Ilmiyyah wa al-Iftā'*, Vol. 9, h. 257. Majallah Majma' al-Fiqh al-Islāmī, *Aḥkām al-Nuqūd al-Waraqīyyah*, Vol. 8 h. 335

²² In addition to the three opinions mentioned above, there is also another

opinion, namely using the intermediate nisab value between the two when there is a large difference in value. However, this opinion has no basis in the slightest argument, even investigating the Qur'anic passages and hadiths which clearly mention the nisab of gold and silver is not the intermediate nisab between them. As well as investigating the determination of nisab which is determined in a *tauqifi* rather than figuratively.

as a benchmark for the nisab zakat of treasure,²³ for several reasons:

The use of the lowest nisab value is more protective of the benefit of the poor

Safeguarding the welfare of the poor is the purpose of various services related to property such as zakat, alms, infaq, waqf, grants, gifts, and others. Therefore, when there is a difference in the value of gold nisab and silver nisab value, the benchmark basis is the nisab value that has the most benefit for the poor. The postulates in the Qur'an and hadith also give hints about matters by using the pronunciations of the poor and poor in the commandments related to zakat. This shows that the benefit of the poor is the reason for zakat and their benefit that is maintained and prioritized. As the word of Allah swt. in Al-Tawbah/9:60.

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ

Translation:

In fact, zakat is only for the poor, the poor.²⁴

The hadith of the Prophet Muhammad (peace be upon him) also uses the same pronunciation as the verse mentioned above. As the Holy Prophet Muhammad

²³ Abdullāh bin Manṣūr al-Gaffī, *Nawāzil al-Zakāh Dirāsah Fiqhiyyah Ta'sīliyyah li mustatajiddāt al-Zakāh*, h. 160.

²⁴Kementrian Agama Republik Indonesia KEMENAG, "Qur'an KEMENAG", *Situs Resmi KEMENAG*. <https://quran.kemenag.go.id/sura/9>. (10 Pebruari 2024)

(peace be upon him) said:

فَأَخْبِرُهُمْ أَنَّ اللَّهَ قَدْ فَرَضَ عَلَيْهِمْ صَدَقَةً تُوْخَذُ مِنْ
أَغْنِيَائِهِمْ فَتَرُدُّ عَلَى فُقَرَائِهِمْ (متفق عليه)²⁵

Means:

If they obey you to pray, then tell them that Allah Almighty. It has been obligatory upon them that zakat be taken from the rich among them and given to their poor.

The lowest Nisab saved the muzakki from the demands of the Shari'a to perform his obligations.

The lowest use of nisab will pin the muzakki from his responsibility for the treasure in the world and on the Day of Judgment. A muzakki does not have to wait for his wealth to reach the highest nisab to issue zakat. Whichever Nisab has attained his wealth, he is obliged to issue zakat of treasure in order to fall off his obligations in the world and be safe in the hereafter. The postulate on this subject, Allah mentions it in QS Al-Tawbah/9:103.

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ
عَلَيْهِمْ

Translation:

Take zakat from their

²⁵Abū 'Abdillah Muhammad bin Ismā'il bin Ibrāhīm bin al-Mughīrah al-Ju'fī al-Bukhārī, *al-Jāmi' al-Musnad al-Sahīh al-Mukhtāṣar min Umūr Rasūlillāh Ṣallallāh 'Alaihi wa Sallam wa Sunanini wa Ayyāmihī*, Vol. 3, h. 557. Abū Husain Muslim bin al-Hajjāj bin Muslim al-Qusyairī al-Naisābūrī, *al-Jāmi' al-Sahīh, Ṣahīh Muslim*, h. 37.

possessions, to cleanse and purify them, and pray for them.²⁶

In the above verse, Allah (swt) mentions the reason (*'illah*) the declaration of zakat to cleanse and purify oneself and the property of the muzakki. Therefore, the attitude of delaying and even refusing to issue zakat of treasure when it has reached one of the nisab shows nothing but the defilement of the soul which is filled with the nature of kirir, stingy, and love of wealth and the world and is not among the characteristics of people who survive in the world and the hereafter. Allah Almighty. Said:

وَمَنْ يُوقِ شُحَّ نَفْسِهِ فَأُولَئِكَ هُمُ الْمُفْلِحُونَ

Translation:

And who guards themselves from stinginess, then they are the lucky ones.²⁷

The haste in issuing zakat on property that has reached one of the nisab of zakat is the practice of being safe from the nature of the kikiran and the punishment in this world and the hereafter.

The lowest use of nisab is the practice of sharia evidence.

Paying zakat with the lowest nisab is the practice of the sharia passages from the Qur'an

and hadith. Because the proposition about nisab zakat gold and nisab zakat perak has been valid. If only the highest nisab is used, then the lowest nisab such as silver nisab will not be able to be used. While in the rules of jurisprudence it is stated:

إِعْمَالُ الْكَلَامِ أَوْلَى مِنْ إِهْمَالِهِ

Meaning:

Practicing a passage is more important than ignoring it.

Therefore, using the golden zakat nisab and leaving the silver zakat nisab without a clear proposition is an attitude of abandoning the legitimate sharia passages from the Qur'an and hadith. That is why contemporary scholars in the Middle East declare the obligation to issue zakat of treasure when it has reached the silver nisab or silver nisab value.

Fatwa of Contemporary Ulama on the obligation to issue zakat of assets that have reached silver nisab or silver nisab value.

Among the contemporary scholars who fatwa on the obligation to issue zakat of treasure when it has reached the lowest silver nisab or nisab is Shaykh Uthaymeen. Shaykh Uthaymeen said:

الْجَوَابُ: قَالَ أَهْلُ الْعِلْمِ: إِنَّ عُرُوضَ التِّجَارَةِ تُعْتَبَرُ

²⁶Kementrian Agama Republik Indonesia KEMENAG, "Qur'an KEMENAG", *Situs Resmi KEMENAG*. <https://quran.kemenag.go.id/sura/9>. (10 Februari 2024)

²⁷Kementrian Agama Republik Indonesia KEMENAG, "Qur'an

KEMENAG", *Situs Resmi KEMENAG*. <https://quran.kemenag.go.id/sura/59>. (10 Februari 2024). Kementrian Agama Republik Indonesia KEMENAG, "Qur'an KEMENAG", *Situs Resmi KEMENAG*. <https://quran.kemenag.go.id/sura/64>. (10 Februari 2024)

بِالْأَحْظِ لِلْفُقَرَاءِ، فَإِذَا بَلَغَ النَّصَابَ مِنَ الْفِضَّةِ دُونَ
الدَّهَبِ قُومَتْ بِالْفِضَّةِ، وَإِذَا كَانَتْ تَبْلُغُ نِصَابًا مِنَ
الدَّهَبِ دُونَ الْفِضَّةِ قُومَتْ بِالدَّهَبِ.²⁸

Means:

Answer (we): say scholars (scholars): the benchmark basis for the nisab of merchandise (when there is a difference in value between the nisab of gold and silver) is the most beneficial for the poor. If the treasure has reached the silver nisab, below the gold nisab, then the silver nisab is used. And if the treasure reaches the golden nisab, below the silver nisab, then the gold nisab is used.

Similarly Fatwa Lajnah Daimah²⁹ About nisab zakat of treasure. Lajnah Daimah makes nisab zakat the property chosen when there is a large difference in value between the two is the zakat that has the most benefit for the poor. The fatwa reads:

مِقْدَارُ نِصَابِ الرَّكَاهِ فِي الدُّوَلَارِ وَغَيْرِهِ مِنَ الْعُمَلَاتِ
الْوَرَقِيَّةِ هُوَ مَا يُعَادِلُ قِيَمَتَهُ عِشْرِينَ مِثْقَالًا مِنَ
الدَّهَبِ أَوْ مِائَةً وَأَرْبَعِينَ مِثْقَالًا مِنَ الْفِضَّةِ فِي الْوَقْتِ
الَّذِي وَجِبَتْ عَلَيْكَ فِيهِ الرَّكَاهُ فِي الدُّوَلَارَاتِ وَنَحْوِهَا
مِنَ الْعُمَلَاتِ، وَيَكُونُ ذَلِكَ بِالْأَحْظِ لِلْفُقَرَاءِ مِنْ أَحَدِ
النِّصَابَيْنِ، وَذَلِكَ نَظْرًا إِلَى اخْتِلَافِ سِعْرِهَا
بِاخْتِلَافِ الْأَوْقَاتِ وَالْبِلَادِ³⁰

Meaning:

²⁸ Muhammad ibn Ṣāliḥ al-‘Uṣaimīn, *Al-Syarḥ al-Mumtī ‘Alā Zād al-Mustaqni’*, h. 104

²⁹ Lajnah Daimah di Arab Saudi seperti Majelis Ulama di Indonesia.

The nisab size of zakat for dollars or other currencies is worth 20 misqal of gold (85 grams) or 140 misqal of silver (595 grams) at times when you are obliged to issue zakat, in the form of dollars or other currencies. And in this case, the selected nisab is the most profitable for the poor. It is done by weighing the difference in price, according to the difference in time and place.

The two fatwas mentioned above make silver zakat nisab which is the lowest value nisab and the most benefit for the poor as a treasure zakat nisab when there is a difference in value between the two.

The Qur 'anic passages and hadith command the issuing of zakat upon attaining nisab instead of using the highest nisab

The passages in the Qur'an and hadith that mention and command to issue zakat do not mention the command to use the highest nisab value. However, the property of a person who has reached one of the gold zakat nisab or silver zakat nisab is obliged to be issued zakat. Therefore, in the time of Prophet Muhammad (peace be upon him) if a person hoards gold and his treasure has reached the golden nisab, then it is obligatory for him to spend zakat treasure

³⁰ Al-Lajnah al-Dā'imah li al-Buhūṣ al-‘Ilmiyyah wa al-Iftā’, *Fatāwa Al-Lajnah al-Dā'imah li al-Buhūṣ al-‘Ilmiyyah wa al-Iftā’*, Vol. 9, h. 257.

with gold nisab. Similarly, a person who hoards silver, if his property reaches silver nisab then it is obligatory for him to issue zakat with silver nisab.

As for today, when most people no longer hoard gold and silver, but hoard rupiah, dollars, and others, the ratio of zakat of treasure used is the lowest nisab of property. 'His God (cause) is because the treasure has reached the value of one of the nisab zakat treasures, not only because he is the lowest. Allah Almighty. said in al-Tawbah 9/34:

وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ

Translation:

And those who keep gold and silver and do not infest it in the way of Allah, then give them glad tidings, (that they will get) grievous punishment.³¹

Similarly in another verse, Allah Almighty. Use pronunciation أموال(property) on the order for amil zakat to take property from the person who is obliged to issue zakat and not to use the lafal of gold and silver. Allah swt. said in QS al-Taubah 9/103:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ

Translation:

Take zakat from their possessions, to cleanse and purify them, and pray for them.³²

The use of the pronunciation أموال(treasure) in the commandment of zakat obligation and not using the pronunciation of gold and silver as a sign that 'illah (cause) of zakat obligation is not because the treasure is gold and silver, but because the treasure has reached the value of gold nisab or silver nisab value to be taken and given to the poor as a treasure infakak in the way of Allah Almighty. Allah Almighty. said in QS al-Baqarah 2/3:

الَّذِينَ يُؤْمِنُونَ بِالْغَيْبِ وَيُقِيمُونَ الصَّلَاةَ وَمِمَّا رَزَقْنَاهُمْ يُنْفِقُونَ

Translation:

(That is) those who believe in the unseen, perform prayers, and infuse some of the sustenance We give them.³³

The Qur'anic verses that are similar to the verses mentioned above are numerous. All of them mention the cause of Allah's commandment. to issue zakat not because the treasure is gold and

³¹ Kementerian Agama Republik Indonesia KEMENAG, "Qur'an KEMENAG", *Situs Resmi KEMENAG*. <https://quran.kemenag.go.id/sura/9>. (10 Februari 2024)

³² Kementerian Agama Republik Indonesia KEMENAG, "Qur'an KEMENAG", *Situs Resmi KEMENAG*.

<https://quran.kemenag.go.id/sura/9>. (10 Februari 2024)

³³ Kementerian Agama Republik Indonesia KEMENAG, "Qur'an KEMENAG", *Situs Resmi KEMENAG*. <https://quran.kemenag.go.id/sura/2>. (10 Februari 2024)

silver, but the excess of sustenance and favors that Allah Almighty. give it to His servant. In another verse Allah Almighty. mention commands with a more general and broad pronunciation. For example in the word of Allah swt. in QS al-Munafikun 63/10:

وَأَنْفِقُوا مِنْ مَّا رَزَقْنَاكُمْ مِنْ قَبْلِ أَنْ يَأْتِيَ آخِذَكُمْ
الْمَوْتُ فَيَقُولَ رَبِّ لَوْلَا أَخَّرْتَنِي إِلَىٰ أَجَلٍ قَرِيبٍ
فَأَصَدَّقَ وَأَكُنُ مِنَ الصَّالِحِينَ

Translation:

And give some of what We have given you before death come to one of you; then he said (regretted), "O my Lord, if You will delay my (death) a little longer, then I can give alms and I will be among the righteous."³⁴

In the verse mentioned above, Allah (swt) uses the pronunciation *maushul* which has a general meaning for the treasure that is commanded to be infused in the way of Allah swt. Therefore, 'illah (because) the command to issue zakat is the excess of property that is in a person, not because it is gold or silver. Similar to the verse mentioned above, the Prophet Muhammad (peace be upon him) expressly stated, any type of property that is more than the basic needs possessed, must be infused in the way of Allah swt. If the property reaches nisab value, then zakat is issued. If not, then it is

issued as alms, endowments, grants, gifts, etc. The Holy Prophet (peace be upon him) said:

قال رسول الله صلى الله عليه وسلم: (مَنْ كَانَ مَعَهُ
فَضْلٌ ظَهَرَ فَلْيُعْذِ بِهِ عَلَى مَنْ لَا ظَهَرَ لَهُ، وَمَنْ
كَانَ لَهُ فَضْلٌ زَادَ فَلْيُعْذِ بِهِ عَلَى مَنْ لَا زَادَ لَهُ)، قَالَ
أَبُو سَعِيدٍ: فَذَكَرَ مِنْ أَصْنَافِ الْمَالِ مَا ذَكَرَ حَتَّى
رَأَيْنَا أَنَّهُ لَا حَقَّ لِأَحَدٍ مِنَّا فِي فَضْلٍ³⁵

Means:

The Holy Prophet(sa) said: whoever has an excess vehicle, then he should give it to one who does not have a vehicle. And whoever has the purchase of provisions, then should he give to those who have no provisions. Abu Sa'id al Khudri said: (The Holy Prophetsa) mentioned various other types of treasures. Until we thought that none of us had the right to more property.

The same is the hadith of the Prophet Muhammad PBUH. does not make the nisab of gold as a standart in the nisab zakat of property. But making wealth and hoarding of property is the reason for the obligation to issue zakat on property. As stated by the Prophet Muhammad PBUH. in his command to Mu'adz bin Jabal and Abu Musa al-Asy'ari when sending them both to Yemen:

فَأخْبِرُهُمْ أَنَّ اللَّهَ قَدْ فَرَضَ عَلَيْهِمْ صَدَقَةً تُؤْخَذُ مِنْ

³⁴ Kementrian Agama Republik Indonesia KEMENAG, "Qur'an KEMENAG", *Situs Resmi KEMENAG*. <https://quran.kemenag.go.id/sura/63>. (10 Februari 2024)

³⁵ Abū Husain Muslim bin al-Hajjāj bin Muslim al-Qusyairī al-Naisābūrī, *al-Jāmi' al-Ṣaḥīh, Ṣaḥīh Muslim*, Vol. 5, h. 138.

أَغْنِيَانَهُمْ فَتَرُدُّ عَلَىٰ فُقَرَائِهِمْ (متفق عليه)³⁶

Means:

If they obey you to pray, then tell them that Allah Almighty. It has been obligatory upon them that zakat be taken from the rich among them and given to their poor.

Therefore, the mention of gold and silver in the Qur'an does not make it the only treasure that is the cause of zakat obligations. However, the mention of gold and silver because gold and silver are the treasures most liked by humans in general. Such is the pronunciation and style of language used by Allah Almighty. in the Qur'an. Allah Almighty. Sometimes mention something specifically along with the type in general to show the specialness of that something. As the word of Allah swt. in QS al-Baqarah: 2/98:

مَنْ كَانَ عَدُوًّا لِلَّهِ وَمَلَائِكَتِهِ وَرُسُلِهِ وَجِبْرِيلَ وَمِيكَالَ
فَإِنَّ اللَّهَ عَدُوٌّ لِلْكَافِرِينَ

Translation:

Whoever is an enemy of Allah, His angels, His apostles, Gabriel and Michael, then verily God is the enemy of the unbelievers.³⁷

In the verse mentioned

³⁶Abū ‘Abdillah Muhammad bin Ismā‘il bin Ibrāhīm bin al-Mughīrah al-Ju‘fi al-Bukhārī, *al-Jāmi’ al-Musnad al-Ṣahīh al-Mukhtaṣar min Umūr Rasūlillāh Ṣallallah ‘Alaihi wa Sallam wa Sunanini wa Ayyāmihi*, Vol. 3, h. 557. Abū Husain Muslim bin al-Hajjāj bin Muslim al-Qusyairī al-Naisābūrī, *al-Jāmi’ al-Ṣahīh, Ṣahīh Muslim*, h. 37.

above, Allah swt. mentions Gabriel and Michael after the mention of angels in general. This does not make Gabriel and Michael out of their kind as angelic beings. Rather it is mentioned separately from its kind in general to hint at the features that exist in it. So is the word of Allah Almighty. in Ali Imran: 3/14:

زَيْنَ لِلنَّاسِ حُبُّ الشَّهَوَاتِ مِنَ النِّسَاءِ وَالْبَنِينَ
وَالْقَنَاطِيرِ الْمُقَنْطَرَةِ مِنَ الذَّهَبِ وَالْفِضَّةِ وَالْخَيْلِ
الْمُسَوَّمَةِ وَالْأَنْعَامِ وَالْحَرْثِ ذَلِكَ مَتَاعُ الْحَيَاةِ الدُّنْيَا
وَاللَّهُ عِنْدَهُ حُسْنُ الْمَآبِ

Translation:

It is made beautiful in the human view of love for what is desired, in the form of women, children, material possessions piled up in gold and silver, choice horses, livestock and rice fields. That is the joy of living in the world, and it is in God's side that a good place of return.³⁸

Allah (swt) mentions gold, silver, horses, livestock, and gardens after mentioning the vast treasures *القناطر المقتنطرة* hoarded or collected by man. And by nature, man does like to accumulate treasures, and it is not only the types of treasures mentioned above that are desired by humans.

³⁷ Kementrian Agama Republik Indonesia KEMENAG, “Qur’an KEMENAG”, *Situs Resmi KEMENAG*. <https://quran.kemenag.go.id/sura/2>. (10 Pebruari 2024)

³⁸ Kementrian Agama Republik Indonesia KEMENAG, “Qur’an KEMENAG”, *Situs Resmi KEMENAG*. <https://quran.kemenag.go.id/sura/3>. (10 Pebruari 2024)

However, all kinds of treasures on this earth want to be collected and owned by humans. The Holy Prophet Muhammad (peace be upon him) said:

عن ابن عباس رضي الله عنهما يقول سمعت النبي صلى الله عليه وسلم يقول لو كان لابن آدم واديان من مال لابتغى ثالثا ولا يملأ جوف ابن آدم إلا التراب ويثوب الله على من تاب³⁹

Means:

From Abdullah ibn Abbadra. I heard the Prophet Muhammad (peace be upon him) say: If the son of Adam (man) had two valleys containing treasures then he would seek the third valley. And the mouth of the son of Adam (man) will never be filled (full) until (his mouth is filled) the ground (dies). And Allah Almighty. forgive those who repent (to Him).

Thus, the mention of gold and silver in the Qur'an and hadith does not make it a limitation on the type of property that must be zakati. However, the Shari'a makes gold and silver the general standard for the nisab zakat of treasure so that every Muslim is aware of the advantages of his wealth and easily calculates it, or realizes the shortcomings by adhering to the standard of the nisab of these treasures. As well as knowing the amount of zakat that must be issued so that he is not wronged by amil zakat and amil zakat does not tyrannize muzakki

by taking muzakki assets more than the required nisab. Similarly, mustahik understands the amount of property he has the right to take so as not to eat or take property that does not belong to him.

This is the essence of the nisab of gold zakat and silver nasab. Therefore, any property whose value reaches the value of nisab gold or the value of nisab silver, it is wajib for its zakat to be issued. If it reaches the golden nasab, then the gold nisab zakat is issued and if it reaches the silver nasab, then the silver nisab zakat is issued. As a form of zakat implementation for muzakki and the custody of mustahik rights.

As for our present time when there is a difference in value between gold nisab and silver nisab, the lowest nisab used, in this case is silver nisab, in order to abort the obligation of muzakki and maintain the rights of the poor.

There is no postulate in the order of Nisab Gold then Silver

The order of mention of gold then silver in the Qur'an does not postulate the order of use of nisab zakat treasure. This is because there are many postulates that mention several obligations sequentially but do not mean the order of implementation of these obligations. On the other hand, any obligation that has been able to be done because it has fulfilled its conditions, it is obligatory for a Muslim to do it.

³⁹ Abū 'Abdillāh Muhammad bin Ismā'il bin Ibrāhīm bin al-Mughīrah al-Ju'fi al-Bukhārī, *al-Jāmi' al-Musnad al-Ṣahīh al-*

Mukhtasar min Umūr Rasūlillāh Ṣallallāh 'Alaihi wa Sallam wa Sunanini wa Ayyāmihī, Vol. 16, h. 244.

For example, the Prophet Muhammad's mention of the pillars of Islam after the shahada, namely prayer, zakat, fasting, and hajj. Although zakat is mentioned after prayer, zakat can be carried out before prayer. This happens when a small child who has not yet reached puberty has a lot of wealth, if his property reaches nisab and haul then it is mandatory for him to issue zakat of treasure even though he has not performed prayers.

Similarly, for gold zakat nisab and silver zakat nisab, although silver nisab is always mentioned after gold, it does not mean that the use of nisab must be sequential from gold then silver. Therefore, whichever nisab has been achieved by one's property, it is obligatory for him to issue zakat.

There is no meaning of sequence in terms of language

In terms of language approach, the pronunciation of the letters used in the mention of zakat the letter *و* which in Arabic does not indicate meaning must be sequential like the letters *ف* or *ثم*. Therefore, whichever nisab has been achieved, either gold nisab or silver nisab, it is mandatory to issue zakat for his property. As in the hadith of the Holy Prophet Muhammad (peace be upon him):

عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: فَإِذَا كَانَتْ لَكَ مَائَتَا دِرْهَمٍ وَحَالَ عَلَيْهَا الْحَوْلُ فَفِيهَا خَمْسَةٌ دَرَاهِمٍ وَلَيْسَ عَلَيْكَ شَيْءٌ يَعْنِي فِي الدَّهَبِ حَتَّى يَكُونَ لَكَ عَشْرُونَ

دِينَارًا فَإِذَا كَانَ لَكَ عَشْرُونَ دِينَارًا وَحَالَ عَلَيْهَا الْحَوْلُ فَفِيهَا نِصْفُ دِينَارٍ فَمَا زَادَ فَبِحِسَابِ ذَلِكَ (رواه أبو داود)⁴⁰

Means:

From Ali ibn Abi Talib, from the Holy Prophet Muhammad (peace be upon him): if you have 200 dirhams and have reached haul, then (zakat must be issued) from him 5 dirhams. And there is no obligation to you – that is, to gold – until you have 20 dinars. If you have 20 dinars and until the haul then (zakat must be issued) from it 1/2 dinar. If it is more than that, then according to the calculation (2.5% zakat).

In the hadith mentioned above, there is no order in nisab of the use of nisab zakat. The Holy Prophet Muhammad (peace be upon him) only mentioned that any treasure that has reached the nisab of gold or silver must be issued zakat. Even at the end of the hadith, the Prophet Muhammad (peace be upon him) gave the rule that *فَمَا زَادَ فَبِحِسَابِ ذَلِكَ* i.e. If more than that, then according to the count. That is, the calculation of nisab zakat of treasure starts from the lowest and then applies the greatest value.

1. A person who has assets worth silver nisab can be classified as rich people in Indonesia

The amount of silver zakat nisab is very small, which is only

⁴⁰Abū Dāwūd Sulaimān bin al-As'asy al-Sijistānī, *Sunan Abī Dāwūd*, Vol. 2, h. 10.

Rp. 230,562 a year.⁴¹ This nisab is also only required after all the basic needs of a person have been met and he still has excess assets worth silver nisab for a full year and without receivables. This nisab is very small compared to what the person has. People who have the things mentioned above can be classified as rich people because they have excess assets that reach silver nisab apart from their basic daily needs.

This is in accordance with the previous fatwa of Lajnah Daimah that the state of a society and place can affect the law with regard to the nisab value of zakat property.

مِقْدَارُ نِصَابِ الزَّكَاةِ فِي الدُّوَلَارِ وَغَيْرِهِ مِنَ الْعُمَلَاتِ
الْوَرَقِيَّةِ هُوَ مَا يُعَادِلُ قِيَمَتَهُ عِشْرِينَ مِثْقَالًا مِنَ
الذَّهَبِ أَوْ مِائَةً وَأَرْبَعِينَ مِثْقَالًا مِنَ الْفِضَّةِ فِي الْوَقْتِ
الَّذِي وَجِبَتْ عَلَيْكَ فِيهِ الزَّكَاةُ فِي الدُّوَلَارَاتِ وَتَحْوِيهَا
مِنَ الْعُمَلَاتِ، وَيَكُونُ ذَلِكَ بِالْأَحْصَى لِلْفُقَرَاءِ مِنْ أَحَدِ
النِّصَابَيْنِ، وَذَلِكَ نَظْرًا إِلَى اخْتِلَافِ سِعْرِهَا
بِاخْتِلَافِ الْأَوْقَاتِ وَالْبِلَادِ⁴²

What it means:

The nisab size of zakat for dollars or other currencies is worth 20 misqal of gold (85 grams) or 140 misqal of silver (595 grams) at times when you are obliged to issue zakat, in the form of dollars or other

currencies. And in this case, the selected nisab is the most profitable for the poor. It is done by weighing the difference in price, according to the difference in time and place.

In the last recitation of the fatwa it is mentioned *وَذَلِكَ نَظْرًا إِلَى اخْتِلَافِ سِعْرِهَا بِاخْتِلَافِ الْأَوْقَاتِ وَالْبِلَادِ* (It is done by weighing the difference in price, according to the difference in time and place). For the people of Indonesia, it is very appropriate to make people who have assets worth silver nisab apart from daily necessities and have been stored for a year worthy of being included in the group of rich people who are obliged to issue zakat. Therefore, the use of silver nisab value is very appropriate to be used in Indonesia.

Standard size of a person considered rich in Indonesia

The way a person is judged is by the lowest or poorest person in a society, not by weighing the richest among them. In this regard, the Holy Prophet Muhammad (peace be upon him) said:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: انظُرُوا إِلَى مَنْ هُوَ أَسْفَلَ مِنْكُمْ وَلَا تَنْظُرُوا إِلَى مَنْ هُوَ فَوْقَكُمْ فَهُوَ أَجْدَرُ أَنْ لَا تَزِدُّوا نِعْمَةَ اللَّهِ عَلَيْكُمْ (رواه مسلم)⁴³

al-Dā'imah li al-Buhūṣ al-'Ilmiyyah wa al-Iftā', Vol. 9 (Cet. I; Dār al-'Aṣimah: Riyad, 1996), h. 257.

⁴³ Abū Husain Muslim bin al-Hajjāj bin Muslim al-Qusyairī al-Naisāburī, *al-Jāmi' al-Ṣāḥih, Ṣāḥih Muslim*, h. 37.

⁴¹ Silver Nisab 200 dirhams. 1 dirham is 2.975 grams, then 200 dirhams are worth 595. Silver price today Rp. 15.500 per gram. 595 grams X Rp. 15,500 = Rp. 9,222,500. Then the 2.5% Silver nisab zakat is Rp. 230,562

⁴² Al-Lajnah al-Dā'imah li al-Buhūṣ al-'Ilmiyyah wa al-Iftā', *Fatāwa Al-Lajnah*

Means:

From Abu Hurairah (ra). The Holy Prophet(sa) said: Look at those below you (in terms of pleasure) and do not look at those who are above you. It is much more appropriate that you do not underestimate the favor of Allah Almighty. to you.

The above hadith postulates that the measure of rich and poor starts from the vision to the condition of the lowest or poorest person in a society. Therefore, the size of rich and poor of a society can change or differ due to differences in place of residence or country, differences in income, cost of living, and lifestyle of a society, or other things.

CONCLUSION

Based on the explanation above, it can be concluded that there are three opinions about the law of issuing zakat with the value of silver nisab when there is a large difference in value between gold and silver nisab. The first opinion requires zakat with gold nisab, while the second opinion requires silver nisab, and the third opinion, with the lowest nisab value among the two nisab. It is this third opinion that is the most powerful. Therefore, it can be concluded that silver nisab as the nisab with the lowest value today should be used as the basis for the nisab zakat of treasure because it is safer for muzakki as a form of implementation of Islamic religious law and better maintains the benefit of the poor, and is more in accordance with the guidance of the

Qur'an, hadith, and the opinions of scholars.

BIBLIOGRAPHY

- Abū Zaid, Sa'ad. *al-Qāmūs al-Fiqhī Lughah wa Istīlāh*. Cet. II; Dār Fikr: Damasyq, 1988 M.
“Bab III Nisab dan Kadar Zakat”. <http://zakat.or.id/bab-iii-nisab-dan-kadar-zakat/>. (10 Pebruari 2024).
- Al-Gaffilī, Abdullāh bin Manṣūr. *Nawāzil al-Zakāh Dirāsah Fiqhiyyah Ta'ṣīliyyah li mustatajiddāt al-Zakāh*. Cet. I; Dār al-Mimān, 2008.
“Harga Emas dan Perak Hari ini”. <http://www.logammulia.com/id> (10 Pebruari 2024).
- Al-Jauharī, Ismā'īl ibn Ḥamad. *al-Ṣiḥāh Taj al-Lughah wa Ṣiḥāh al-'Arabīyyah*.
- Kamāl, Abū Malīk bin al-Sayyid Sālim. *Ṣaḥīḥ Fiqh al-Sunnah wa Adillatuhu wa Tauḍīḥ mazāhib al-Aimma*. Cet XV; al-Maktabah al-Tauqifiyyah: 2016M.
- Kementrian Agama Republik Indonesia KEMENAG, “Qur'an KEMENAG”, *Situs Resmi KEMENAG*. <https://quran.kemenag.go.id/sura/9>. (10 Pebruari 2024)
- Al-Lajnah al-Dā'imah li al-Buhūṣ al-'Ilmiyyah wa al-Iftā'. *Fatāwa Al-Lajnah al-Dā'imah li al-Buhūṣ al-'Ilmiyyah wa al-Iftā'*. Cet. I; Dār al-'Āṣimah: Riyāḍ, 1996.
- Majallah Majma' al-Fiqh al-Islāmī. *Aḥkām al-Nuqūd al-Waraqīyyah*.
- Majallah al-Buhūṣ al-Islāmiyyah. *Aurāq al-Nuqūd wa Niṣāb al-Waraq al-Naqdī*.

- Muhammad, Abū ‘Abdillah bin Ismā’il bin Ibrāhīm bin al-Mughīrah al-Ju’fī al-Bukhārī. *al-Jāmi’ al-Musnad al-Ṣahīh al-Mukhtaṣar min Umūr Rasūlillāh Ṣallallāh ‘Alaihi wa Sallam wa Sunanini wa Ayyāmihī*. Cet. I; Dār Tūq al-Najāh, 1422 H.
- Muslim, Abū Husain bin al-Hajjāj bin Muslim al-Qusyairī al-Naisābūrī. *al-Jāmi’ al-Ṣahīh, Ṣahīh Muslim*. Bairūt: Dār al-Jīl.
- Al-Qarḍāwī, Yūsuf. *Fiqh Zakāh*. al-Qāhirah: 1985M.
- Al-Sā’atī, Ahmad ‘Abd al-Raḥmān al-Bannā. *al-Fatḥ al-Rabbānī Litartīb Musnad al-Imām Ahmad Ibn Hanbal al-Syaibānī Ma’a Syarḥihī Bulūg al-Amānī lk Asrār al-Fatḥ al-Rabbānī*. Cet. I; Dār Ihyā’ al-Turās al-‘Arabī: Bairūr.
- Al-Sijistānī, Abū Dāwūd Sulaimān bin al-As’asy. *Sunan Abī Dāwūd*. Dār al-Kitāb al-‘Arabī: Bairūt.
- Sulaimān, Abū Dāwūd bin al-Asy’as al-Sijistānī. *Sunan Abī Dāwūd*. Bairūt: Dār al-Kitāb al-‘Arabī.
- Al-‘Usaimīn, Muhammad ibn Ṣāliḥ. *Al-Syarḥ al-Mumtī’ ‘Alā Zād al-Mustaqni’*. Dār Ibnu al-Jauzī: 1424 H.