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TOWARDS IMPROVING THE ZAKAT MANAGEMENT SYSTEM IN KANO STATE: A CASE STUDY OF ZAKAT AND HUBUSI COMMISSION

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Abstract

Zakat is enshrined by Allah on every Muslim who posses a certain amount of wealth over a certain periods of time, to be given to particular category of people. With all conditions governing the zakat systems, Muslims living during the era of Islamic revelation did not find it difficult to manage and distribute zakat as revealed. Traditionally, the prophet Muhammad SAW normally appoint his companions to collect zakat and submit to him for distribution, in some instances He assigns a zakat collector to collect and distribute it among the qualified people for zakat funds in the community the zakat received, this helps in establishing a prudent society full of love and free of poverty. However, the successive Islamic government are found neglecting the zakat institution, coupled with the unfotunate situations of colonialization of the Islamic countires, lead to almost total collapse of the zakat institution. Recently, many Muslim communities realised the impact of zakat in establishing social welafre and reducing poverty and established states own zakat institutions. Kano State of Nigeria being one among the Shariah compliant state established its zakat institution in 2003. This qualitattive study aims to chek the experiences and challenges faced by the Zakat and Hubusi commission Kano State, with a view to suggest the best practices suitable for adoption in the state.

Key Words: Zakat, Management, Islamic Economics, Islamic Finance, Kano, Nigeria

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Introduction

Many studies have proved that the systematic zakat management has played a better role in bringing a sustainable life among many Muslim communities by reducing poverty and bridging the gap between the poor and the rich. Patmawati (2005) believes that zakat helps the poor to fulfill the necessities of life and serves as a means of upbringing equality and reducing poverty in general. Obaidullah and Salama (2008) believe that zakat makes its recipient to be more productive in a society. It is a medium of supporting the unemployed, orphans, widows, less privileged, sick and others. Largely, zakat may serve as a social insurance for the members of a Muslim community and bring about a strong and healthy society (Muhyiddin & AbdulGani 2011)

Muslims believes that Zakat is an obligation in Islam that plays an eminent role in shaping and enhancing the lifestyle of people regardless of their economic strength (Nur Hafizah and Sharifah 2012). According to Hairunnizam and Radiah (2010), in a society, Zakat acts as a distinctive measure taken by Islam in order to abolish poverty by enjoining Zakat on the rich. From an Islamic point of view, failure in collecting Zakat would result in poverty, hardship, enmity and loss of social welfare

Kano is a state, located in the northern region of Nigeria. It is among the 12 states, which follows Shariah provision as a means of governance. Kano is the most populated state in the north, with a population of about 9.38 million people (Census Report 2006), and is the center of commercial activities in the north. The selection of Kano city, which comprises of only six local governments is due to; its proximity to the data collection area; financial constraints to the researcher; and due to the distance and time frame considerations.

The first Zakat organization in Kano was the Zakat council established in 1982 as a community based organization aiming at reducing poverty in the state, through the Zakat collections. The committee of this Zakat organization consisted of Muslim leaders, Imams and educated people of the state. Even though, the council made a significant impact on the collection and distribution of Zakat, it was yet sluggish and was not empowered by the government. Rather, the scholars and Imams at the mosques have made awareness and

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enlightenment regarding the zakat obligation (Sheriff 2015 a). Zakat is being paid voluntarily by the people to the council, and the money was initially kept in the bank and later distributed to the Zakat recipients (Ositien 2007).

The introduction of Shariah governance system in the year 2000, helped the committee to improve on the methods adopted for the collection of Zakat, and paved a way for the government to look into Islamic activities. It also intended to establish an official body managed by the government and charged with the responsibility of collecting and distributing Zakat (Ositien 2007).

In the year 2003, the Kano state house of assembly passed a bill on the Zakat and Hubusi Commission that came into law as follows:

"This law may be cited as the Kano state Zakat and Hubusi Commission law 2003 and shall come into force on the 7th November 2003".

This law charged the Zakat and Hubusi Commission with the responsibility of collecting and distributing Zakat. It regulated all affairs related to Zakat and Hubusi Commission, investing its funds after receiving approval from the state chief executive, acting as a trustee of all wealth under the Commission. The law also gave the state Governor a right to appoint the chairman, and other key functionaries of the board. It also extends the services of the board to cover other local Zakat and Hubusi council and village committees, by establishing committees, whose appointments and managements is directly overseen by the Commission (Ositien 2007).

However, this study finds that after a decade of zakat and Hubusi Commission establishment, the system is yet meets its desired objectives, coupled with serious charges of mismanagement and unsystematic procedures of zakat collection and distribution. The Commission could not gain the confidence of both, the zakat payers and its recipients (Sheriff & Muhammad 2015).

And therefore this study aims at examining the current practices of management and distribution of zakat as observed by the Kano State Zakah and Hubusi Commission to

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identify the challenges faced by the institution and recommends the best ways to handle them.

Literature Review

Zakat distribution is not free from challenges affecting its expedition, as was the case for zakat collection and management. Major problems connected to zakat distribution includes; the issues regarding the determination of *haddkifayah*, the location of zakat distribution; and planning in zakat distribution. This section discusses the scholastic views on these issues with an aim to arrive at the best practices of zakat distribution (Sheriff 2015).

Hadd Kifayah (Minimum amount for sustenance)

Hadd kifayah refers to the specific amount supposed to be distributed to each zakat recipients to fill the gap of poverty. Questions related to the minimum amount to be allocated to each zakat recipients are discussed by scholars. The most common questions usually come in form of; 'can zakat recipients be given what will be sufficient for him for the rest of his life?' or 'is he given what will sustain him to the end of the zakat year?

Imam Shafi'i maintained that the group of poor and needy is to be given what will sustain their needs for their life time. This is referred to *kifayatul umr* (minimum amount for life sustenance) in the Shafi'i school of thought. The Shafi'i school maintained that by receiving zakat, it is expected that the receiver will no longer be poor in the future (al-Nawawy 1997).

This view may not be consistent considering the large number of potential zakat recipients across the globe. The application of this view may result in deprivation of some in favor of others.

The most logical view regarding the concept of *kifayatul umr* is shared by Ramli (1993) as; provisions of economic empowerment for the zakat recipients that will enable him establish his own business that could sustain him for the rest of his life.

In contrast, the *maliki* and the majority of *hanbali* scholars are of the opinion that the

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zakat allocations should not exceed the basic needs of the recipients for the period of one year (al-Maqdisi 1972), (al-Bahuti 1982), (al-Qarafi 1994).

Contemporarily, Qardawi (2006) supports the later view, arguing that since zakat is paid once in a year, the receivers should also be limited to yearly collection. Al-Qardawi cited the practice of the prophet S.A.W. of reserving only one year food for his family consumption.

This study prefers the allocation of zakat on one year sustenance. It is believed by the research to be more consistent with the concept of zakat, whereas the allocation of zakat on life sustenance may discourage the recipients from working hard to earn for their life and benefits their families.

Hanafi school of thought specifies a limited amount of zakat to be paid of not more than 200 *dirham* (silver). They argued, that since 200 dirhams determine the difference between the zakat giver and the recipients, the allocation of zakat should not exceed that amount (a-zarkashi 1978), (al-Bahuti 1982).

However, it should be noted, that the application of *nisab* in the present days could not be consistent with the value silver *dirham*.

For the allocation of Zakat to the categories of recipients other than the poor and needy, scholars agreed that each should be given according to their needs. For instance; the indebted requires what is enough to free him from his debts; the wayfarer requires what will support his expedition; and the *amilun* are paid based on what is agreed upon the authorities in charge (Ibn Qudamah).

Location of Zakat Distribution

The most popular view regarding zakat distribution is that zakat should be distributed within the community from where it is received. This view is expressed by Abu Zahra as cited in Shahatah (1989). Similarly, Qardawi (2006) supports this view, justifying that zakat is obligated on Muslims with a view to handle the poverty of the community from where the zakat is received.

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Abu Saud (1988) argued that it is not a mandatory rule prescribed in the sources of shariah that zakat is to be distributed from where it is collected. He insisted that considering the nature of today's world and the ease to communicate and travel, the question of limiting zakat to a specific location is irrelevant.

Apparently, the two opposing views above may be relevant at different scenarios. For instance, in a situation where the zakat fund is distributed in a community which needs the aid of zakat, there is no point in allocating it to other communities. But whenever it is known that other communities are facing calamities like starvation and hunger, civil wars, drought or any other natural disasters, then zakat funds should be directed to address their situation.

Planning of Zakat Distribution

The traditional practices of the zakat distribution indicate that zakat proceeds are calculated and distributed only after the funds are collected. However, the contemporary zakat practices of many zakat institutions ensure the centralization of all the zakat activities.

Structures are put in place for the data bank for zakat payers and recipients. This helps in collecting the information of the zakat payers and the potential amount of zakat to be received from them. It also helps in determining the level of changes in the poor population and ensures the utilization of the zakat funds given.

Other institutions like that in Sudan and Selangor, calculate the potential of zakat collection and distribution ahead of time to easy the process (Bryson 1989). These projections have yielded in positive results in many zakat institutions and have promoted transparency (Wildavsky 1986).

Considering that Kano state had chosen to adopt the approach of involving the state in the *zakat* management and administration, this study analyzes the current practice of management of *zakat* applied by Kano State zakat and Hubusi Commission to identify the challenges faced by the institution and recommends the best ways to handle them. Analysis regarding institutionalization of *zakat* institutions emanates from the documents analysis and observations indicates, that there are five challenges faced in institutionalization of *zakat*

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management in the state of Kano. The challenges may also not be far away from the challenges face by many other *zakat* institutions which includes: (1) Issues regarding the enforcement of *zakat* payment; (2) the role of state in ensuring transparency and accountability; (3) the costs of administration; (4) provision of useful policy that may help in poverty control; (5) and challenges regarding the relationship between law and religion.

Methodology

The study employs the qualitative research methods. This is because of the limited number of researches about zakat and it's practices in Kano. This indicates that the research problem is not much discussed and conversed in the researches. In support of choosing qualitative research approach in this kind of study, where the problem is not yet addressed by many other researches, Creswell (1994) agrees that this kind of research is appropriate when problems of the study is immature, and when there is a lack of theories or previous study on the related topic. Although a few works have been done by students and via some findings, the research was only able to find a very limited number of studies focused on checking the systematic zakat management in the study area.

Another reason for adopting qualitative research in this study is driven from its technical definition method by Strauss and Corbin (1998). They identified qualitative research as any type of research that produces findings not obtained after statistical procedures or other means of qualification. Through this method; people lives, lived experiences, behaviors, emotions and feelings are verified. Organizational functioning, social movement and cultural phenomena too are part of the verifications.

This paper adopted four major sources of data collections for qualitative study, literature reviews, documents analysis, observation through personal participation that lasted for one year and analytical deductions using classical Islamic rulings.

Discussion and Analysis

This section discusses the findings of the study and makes analysis in relation to Kano, the

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discussion is centered on; Issues regarding the enforcement of zakat payment, role of state in ensuring transparency in *zakat* management, administration costs, useful policy that may help in poverty control, addressing issues regarding relationship between law and religion. Other issues discussed includes; establishment of shariah advisory council for zakat, application of modern technological advancements, exercise of ijtihad distribution of zakat to the rightful recipients

Issues regarding the enforcement of *zakat* payment

Countries that adopt either voluntary or enforce *zakat* payments refer to some precedents from the Islamic books of *Fiqh* and Schools of thoughts (Kahf 1997). Countries that enjoy an effective tax collection system, might still consider the enforcement of *zakat* as an additional burden on its citizens and as such, it would not be clear, what benefits mandatory *zakat* would provide. In this situation, the consideration of tax waiver based on the amount paid as *zakat* will be appropriate to avoid multiple taxations.

This could be applied in places like Kano where tax on employees are deducted from the source as (VAT, PAYEE etc.). In this situation, the consideration of tax waiver will reduce the level of pressure that may be seen multiple taxation.

For countries, whose taxation systems are challenged as illegitimate and un-Islamic as in the case in Pakistan, might opt for enforcing the *zakat* payment. Payment of *zakat* may replace these challenged systems of taxation, and the possibility of positive response would be high. Similarly, countries that are lacking in effective taxation systems should consider the enforcement of *zakat* payment. Nonetheless, it must be ensured that the amount collected is distributed for the immediate needs of the public as this would encourage the payers.

For Kano, one cannot be certain that there are no taxation systems but how effective and at what area? It is very clear, that taxation is effective in salaries, government payments, banks and some industrial firms. Therefore, *zakat* could be enforced in other commercial trading and services.

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Voluntary *zakat* payment is also encouraged for number of reasons; (1) avoidance of compulsion and threats of sanctions in religious duties may encourage self-willing payments; (2) creating love and affection between the payers and the receivers; (3) avoiding any *Fiqh* debates regarding compulsion of payments; (4) it is more consistent with the principle of intentions and good deeds.

An example of a positive impact from the voluntary *zakat* is mentioned above in the case of Turkey, where 69% of Muslims paid their *zakat* dues, while only 60% paid in Pakistan, despite the involvement of government (Lewis 2006).

The Role of State in Ensuring Transparency in *Zakat* Management

Muslim states or communities may establish governmental or semi-governmental *zakat* institutions as mentioned above. The establishment of government *zakat* institutions provides assurance that funds collected as *zakat* will be monitored and managed transparently. There are three concepts which a state should consider in *zakat* management:

i. **Education**: States may consider the use of Islamic scholars in enlightening and educating people about the centralization of *zakat* payment that could play a part in the betterment social welfare. A study by Adnan (2010) indicates that there is a crucial need to educate people about *zakat*, as many Muslims lack even the basic knowledge about *zakat* and how to calculate it. Lack of awareness and adequate knowledge of *zakat* is reported as a problem of this study.

ii. **Transparency**: In order to gain the confidence of the public regarding the *zakat* funds management, *zakat* agencies must ensure transparency by disclosing all their activities and methods of distribution. Prihatna (2005) studied *zakat* in Indonesia and found that many *zakat* payers prefer to pay to local communities. This is presumably caused by social connections, transparency, easy access, and identification of poor by the *zakat* payers.

Similar situations are observed in Kano. Although, there are reports indicating the *zakat* collections and distributions, yet there are issues of possible improper accounting in the reports. This is observed when the amount collected is higher than the amount distributed

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without clear explanations. Rigorous transparency policies like that of Naseer Social Bank of Egypt could help in improving the credibility of *zakat* institutions (Kahf 1997).

iii. **Oversight**: Other literatures reported unfortunate incidents of Muslim charities supporting violence and terrorism acts. Other studies that were carried out after the happenings of 9/11, uncovered many possible connections of Muslim charities channeled to suspected organizations (Baron 2005). Conversely, these claims may be considered as a western propaganda and Islamophobia. (Aal Marayati 2005) warns that it is unfair to condemn Muslim charities as many Islamic charities have played vital roles in poverty alleviation throughout the world.

Administration Costs

In Kano state, the *zakat* law (2003), made a provision of many offices such as the Chairman *Zakat* and *Hubusi* Commission, the Deputy Chairman, *zakat* Commissioners I & II and the Director General as political appointments. This is in addition to three directorates of Human resources and development, *Zakat*, *Hubusi* and Accounting and finance. Each of the above mentioned seven offices have staff working under the offices. Similarly, there are local *zakat* committees in charge of local government areas of the state.

Establishment of state *zakat* management institution may add additional burden on government. These burdens may include structures used as offices for *zakat* administrators, utilities used for collection and distribution, payment of employees and day to day management costs. Therefore, government is required to set up strategic mechanism that will help minimize management costs, and ensure effective services. High management costs may affect the *zakat* funds, and consequently limit the distribution patterns.

Therefore, the consideration of these offices may certainly add more burdens on the government payroll. Consequently, not all governments may be willing to establish *zakat* management. In this situation, the need for the establishment of private *zakat* management may be considered, as it will help in minimizing the management costs. In a situation, where the *zakat* funds are abundant and enough to cover all the priority needs, these offices could

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claim their salary from *zakat* funds in the category of *amil.*

Provision of useful policy that may help in poverty control

It is a known fact that some *zakat* prayers are familiar with the categories of people eligible for *zakat* funds. Some of them are also aware of how to find the beneficiaries and aid them, but only through systematic and centralized *zakat* distribution, the real poor and weak ones among the community are verified, and avoidance of multiple allocations to one source is ensured (Prihatna 2005). Governments must ensure that funds are allocated to the needy by preference, and design the most accurate ways in assessing the needy (Prihatna 2005).

Nevertheless, some private charity organizations allocate *zakat* funds in a much more systematic way than some government agencies. The government could therefore perform better by ensuring systematic management (Prihatna 2005).

Challenges Regarding Relationship between Law and Religion

Nowadays, many predominant Muslim countries adopted secular constitutional systems by borrowing European or North American models. There are challenges in trying to adopt purely Islamic taxation system. Other religions and communities might criticize, that it is a move to Islamize or force them to Islamic legal system.

Despite the fact that a high percentage of Kano's population is Muslim, there are yet a significant number of non-Muslims in the state. And in such case, the implementation of *zakat* taxation may be seen as a big threat to their beliefs and system of living. Hence, it is the duty of the government to provide accurate database on religion, which can determine people who are affected by the obligation of *zakat*.

Kano state government may wish to continue with its current practices of voluntary *zakat* payments, to avoid constitutional conflicts. However, it is required to employ all mechanisms for advocacy and enlightenment for systematic *zakat* collection and distribution, as done by Jordan, Indonesia and Lebanon.

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Rationally, government's involvement in *zakat* programs has brought benefits to the general public and has contributed in reducing poverty and establishing social well-being.

Distribution of *Zakat* to the Rightful Recipients

In Kano, the data collected for *zakat* distribution indicates many instances where *zakat* funds are allocated to poor and needy in different names. In some cases, allocation goes to the cause of Allah "*fisabilillah*" without specifying the category. It should be observed, that there are no systematic allocations to different categories of the *zakat* recipients (*zakat* collection report, Kano 2008).

Zakat fund distribution is another major challenge faced by the *zakat* administrators. Questions regarding the real people eligible for *zakat*, and how are they assessed, are yet to be answered by a consensus of scholars. Practically, some *zakat* systems attempt to distribute *zakat* to the eight categories mentioned in the Quran, as in the case in Selangor, Malaysia (Ghazali 1991). Some systems give preference to a particular group, such as poor and needy, as beneficiaries of *zakat*.

Another challenge of *zakat* allocation is, what to distribute? Some institutions like the one in Kano, distribute money, while others distribute goods and render services (Memon 2008). It should be noted that the direct distribution of money may cause a lot of problems as in the case of Pakistan; where the announcement of *zakat* distribution causes chaos and results in injuries and occasional violence (Memon 2008).

While conducting this research, the research observed many *zakat* beneficiaries waiting for *zakat* at the *Zakat* and *Hubusi* Commission Kano. Even before the announcement of the *zakat* distribution by the officials, a similar incident of rush and chaos was witnessed. This further indicates the need for systematic distribution.

Exercise of *Ijtihad*

The establishment of research and development office aiming at ensuring skills acquisition and knowledge enrichment is necessary. This helps in handling prompt situations

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that might have not been considered in the operations manual. Arguments regarding *Ijtihad* in the case of *zakat* are mostly reflected to reconsider the rules of *Nisab* and conditions of growth. These arguments are mostly mirrored in the various schools of *fiqh* interpretations to the sources of Islamic law.

To handle this challenge, *zakat* institutions should encourage researches in aspects of *zakat* and possibly establish research centers that are charged with this duty.

Application of modern technological advancements

Application of modern technologies to create data base for *zakat* payers & recipients and to properly record *zakat* activities is an interesting area that needs attention, especially in places like Kano. The research observed, although there are a few computers and technology units in the Commission, there are indications of underutilization in the department.

Problems of multiple *zakat* collection and identification of the potential *zakat* payers are among the most prevalent issues in the *zakat* management (Kuran 2002). To handle these problems, some *zakat* organizations apply modern technologies in managing *zakat* collection and distribution; this is done by programming a database for the activities of the institution in order to avoid multiple payments or collection. This system is used for even distribution of *zakat* revenues. (Basheer 2003), (Guermat and Tucker 2003).

Establishment of *Shariah* advisory council for *Zakat*

It is observed, that the issue of *shariah* compliance has been affecting many *zakat* organizations, In Kano for instance, there is no specific body charged with ensuring *shariah* governance of *zakat* institution. In fact, most of the senior officers are popular *shariah* experts, whose knowledge would aid in ensuring *shariah* adherence.

In order to ensure sound *zakat* collection and distribution system, some Muslim countries deem it to be necessary to establish a council of *shariah* that would consist of learned scholars in the Islamic jurisprudence. This set of people would be moderating the collection and distribution of *zakat* dues to achieve *zakat* objectives. They would equally be

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responsible for answering questions arising from the *zakat* administration, payers and the collectors of *zakat* (Zuhaili 2007).

Conclusion

In developing an effective zakat management system in Kano state, the study employs various methods through reading from the documents of zakat commission, and personal observations, to examine the current method of managing the *zakat* fund in *Zakat* and Hubusi Commission. It is clear that Kano state zakat institution is facing many challenges that need to be addressed in order to have an effective zakat system. Certainly, this conceptual paper cannot provide all possible ways to handle the entire zakat management, but it can give a contribution that may be further advanced by other studies in the area. The literature review of the study discusses some general challnges faced by the zakat institution in many Muslim communities, thus includes; issues regarding the determination of *haddkifayah*, the location of zakat distribution; and planning in zakat distribution. The section also discusses the scholastic views on these issues with an aim to arrive at the best practices of zakat distribution.

The paper finally concludes to suggests that appropriate policies in zakat management could help improve zakat system and handle the established challenges facing the institutions. Among the various recommendations of the study includes appropriate policies in; issues regarding that enforcement of zakat payment, role of state in ensuring transparency in *zakat* management, administration costs, useful policy that may help in poverty control, addressing issues regarding relationship between law and religion. Other issues discussed includes; establishment of shariah advisory council for zakat, application of modern technological advancements, exercise of ijtihad distribution of zakat to the rightful recipients.

This will help in ensuring transparency and accountability, provision of useful policy that may help in poverty control and the challenge regarding the relationship between law and religion. The proposed suggestions emanates from the methods adopted by the study, especially on the methods of *zakat* management which could be help in ensuring effective management by the commission and acceptance by the community.

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