

79059 - He has the nisaab (minimum threshold of wealth) but his salary is not sufficient - is zakaah permissible for him?

the question

My brothers and I have an inheritance from my father. We are six brothers, our mother and three sisters. The estate has not been divided. I am a university graduate and I have work, but the salary is low. I am married with a daughter and a son, and now I owe money on a car. Can I give my share of zakaah to someone else and take zakaah from my brothers?.

Detailed answer

Firstly:

If you own

the minimum threshold of wealth (nisaab) and one year has passed since you acquired it, then you must pay zakaah on it. The nisaab is 85 grams of gold or 595 grams of silver, or the equivalent value of either of them in cash.

Secondly:

If your

salary is not sufficient or you are in debt, and you do not have enough to pay off your debt, then you are one of those who are entitled to zakaah.

Allaah says (interpretation of the meaning):

“As-Sadaqaat (here it means Zakaah) are only for the Fuqaraa’ (poor), and Al-Masaakeen (the poor) and those employed to collect (the funds); and to attract the hearts of those who have been inclined (towards Islam); and to free the captives; and for those in debt; and for Allaah’s Cause (i.e. for Mujaahidoon — those fighting in a holy battle), and for the wayfarer (a traveller who is cut off from everything); a duty imposed by Allaah. And Allaah is All-Knower, All-Wise”

[al-Tawbah 9:60]

The majority

of fuqaha' are of the view that if a person does not have enough and he is poor or needy, then he is entitled to zakaah, even if he has the minimum threshold of wealth.

Ibn Qudaamah

(may Allaah have mercy on him) said, when discussing the kind of richness or independence of means that prevents a person from being entitled to zakaah: The second report (from Imam Ahmad) says that richness is that which means that one has sufficient means. If a person is not in need, then zakaah is forbidden for him, even if he does not own anything. If he is in need, then zakaah is permissible for him, even if he owns the minimum threshold of wealth. This is the view of Malik and al-Shaafa'i. The Prophet (peace and blessings of Allaah be upon him) said to Qabeesah ibn al-Mukhaariq: "Asking (for help) is not permissible except in three cases: a man who has been stricken by poverty, (so obvious) that three wise men of his people would say that So and so is stricken by poverty. Then asking is permissible for him, so that he can get enough for his basic needs." Narrated by Muslim. This hadeeth allows asking (for help) until one's basic needs are met, because need is poverty. Whoever is in need is poor and comes under the general meaning of the text. End quote from al-Mughni (2/277).

Shaykh Ibn

'Uthaymeen (may Allaah have mercy on him) was asked: Who is the poor person who is entitled to zakaah?

He replied:

The poor person who is entitled to zakaah is the one who does not have enough for himself and his family for one year. That may vary according to time and place. Perhaps one thousand riyals may be regarded as richness at

one time or in one place, but at another time or in another place it may not be regarded as richness, because of the high cost of living etc. End quote from Majmoo' Fataawa al-Shaykh Ibn 'Uthaymeen (18/339).

Shaykh Ibn

'Uthaymeen was also asked: A person is obliged to pay zakaah because he has the minimum threshold, but he is poor - is zakaah permissible for him?

He

replied:

Not everyone

who has to pay zakaah is not entitled to zakaah. He may give zakaah and be given zakaah. End quote from Majmoo' Fataawa al-Shaykh Ibn 'Uthaymeen (18/340)

Thirdly:

What you say

in your question about there being an estate from your father which has not yet been divided should be examined further. If taking it means that you will no longer come under the heading of poor and needy, and you will be able to pay off your debt, then you are not one of those who are entitled to zakaah. There is nothing wrong with you asking for the estate to be divided.

For example,

if the estate is property that is surplus to your needs, you can sell it and benefit from the money by spending it on your family and on paying off your debt. This is what you must do, and it is not permissible for you to take zakaah because you are not poor or needy. But if it is property in which you live, or you rent it out in order to use the rent you receive to spend on

your family, then you do not have to sell it, and you may still be regarded as poor even though you own it.

Fourthly:

There is

nothing wrong with you taking zakaah from your siblings in order to pay off the debt that you owe, because it is not obligatory for them to pay off the debt that you owe.

But with

regard to taking zakaah from them to spend on your family, if you would inherit from them in the event of their death, then it is not permissible for you to take zakaah from them, because they are obliged to spend on you. If you would not inherit from them, then there is nothing wrong with you taking zakaah from them, because they are not obliged to spend on you in this case. For more details please see the answer to question no.

[50640](#).

May Allaah

help us and you to do that which He loves and which pleases Him.

And Allaah

knows best.