

REVIEWING THE CONCEPT OF JIZYAH: A THEORETICAL APPROACH TO HISTORY

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Abstract

In the treasures of Islamic civilization, Muslims recognize many State income instruments, one of which is jizyah, which is a contribution that must be paid by unbelievers who settled in the Islamic State to obtain protection and guarantee that they will live there. With the continued development of science and culture, some scholars state that jizyah is only imposed on the book's people, and jizyah is a form of oppression for non-Muslims, even though this is not true. So, this research seeks to present historical facts taken from history books and research that discuss jizyah. This type of research is a literature review using descriptive qualitative methods. As for the results of the study, that the initial stipulation of jizyah was at the time of the Prophet precisely after the Tabuk war event in 9 H. Then the jizyah continued during the time of Khulafa Rasyidin and continued to grow, especially during the Caliph Umar regarding the provisions of jizyah applicable from those previously imposed on group representation to each capable non-Muslim people. Then, jizyah's wisdom and purpose are contained in Al-Quran Surah At-Taubah verse 29, that with the existence of jizyah, the non-Muslims are given life protection in an Islamic state. With jizyah, non-Muslims get security, comfort, convenience in dealing with Muslims, welfare, and security guarantees for their property.

Keywords: *State Revenue, Jizyah, Islamic State, Security Guarantee*

I. Introduction

The first leader of the Islamic Government in Medina was Muhammad SAW, the messenger of Allah SWT in spreading Islam. Besides, he was known to be good at political strategy. (Hart, 2017) One of the economic policies implemented by him was determining the source of state revenue consisting of zakat, *ghanimah* (spoils of war), and *jizyah*. And also, in the caliph period, there was not much different kind of state revenue. However, during Caliph Umar ibn Khattab, there was no war, so there was also no *ghanimah* accompanied by the expansion of Islamic territory. He then made *ijtihad* to determine state revenue, which consists of three forms: *jizyah*, *al-kharaj* (the object island managed by Muslims and non-muslims), and *'usyur* (the

object is merchandise, both incoming and outgoing goods). (Mannan, 1995)

Implementing those state revenues made the Islamic State a state that protects all the people equitably. Not limited by Muslims, but also non-Muslims. In other words, this is a form of justice in a country, so that the realization of benefits in the economic, social, political, and other fields will be achieved. (Gusfahmi, 2007)

In the development of science and culture, some scholars have misunderstood the history, wisdom, and purpose of *jizyah*. As explained in Adian Husaini's book (Adian Husaini, 2002), that is, they interpret *jizyah* as levies that are specifically aimed at the *ahlul kitab*, namely non-muslims who have holy books, and do not apply to non-muslims who worship fire, statues, animals,

or other items. Besides, according to Sayed Afzal (Peerzade, 2010), there is an opinion that defines *jizyah* as a form of leasing, and there are those who think that a *jizyah* is a form of punishment for non-Muslims. Thus, this misunderstanding of *jizyah* needs to be corrected because it can create Muslims' negative perceptions.

Based on the brief description above, the researcher will explain *jizyah*'s concept, the history of *jizyah* originating and developing, and what impact it has. As for the answer, researchers will try to explain the history and concept of *jizyah* by collecting primary data from the history of Islamic civilization books, especially Islamic economics, and scientific papers relating to the *jizyah* then conclude.

Method

This research seeks to present historical facts taken from historical books and researches which discuss *jizyah*. This research is a literature review, which is taken from the famous literature of Islamic history books (Thurats) with descriptive qualitative methods.

II. Discussion

Definition of *Jizyah*.

Al-*jizyah* الجِزْيَةُ in terminology interpreted as land tax, a tax taken from *dzimmiy non-muslims*. (Abadi, 2005) While *jizyah* comes from the word جَزَى - وَجَزَى - وَجَزَاءٌ, which means giving a reply. (Dhoif, 2004).

According to history, the beginning of the order of *jizyah* is written in the Qur'an surah at-Taubah verse 29, which means: "... until they pay the *jizyah* obediently while they are in a state of submission ...". Moreover, based on the hadiths which tell about the beginning of *jizyah* discovered that *jizyah* was implemented for the Magi:

...أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَخَذَ الْجِزْيَةَ مِنْ مَجُوسِ هَجَرَ ... (رواه البخاري وأبو داود والترمذي)

Meaning: "... Surely the Prophet Muhammad SAW (has) taken *jizyah* from the Magi who live in the land of Hajar."

(Abu Dawud hadith 1582, Turmidzi, hadith 1513)

Actually, *jizyah*'s concept already exists much before the advent of Islam, which is the country that lost obliged to pay tribute to the country that wins, like the Roman, Persian, and Greek obliging residents state conquered to pay taxes to them. After the arrival of Islam, the form of tribute was maintained, but Islam made changes. (Muhammad Iqbal, 2014). In Muhammad's period, *jizyah* is a tax imposed on non-Muslims, especially to the *dzimmiy non-muslims*.

Imam Al-Mawardi in his book *Ahkam Sulthaniyah: Islamic Khilafah Government System*, explains the conditions that must be fulfilled by the *dzimmiy* in an agreement with Muslims (*jizyah*), namely: not mentioning the Qur'an to insult and change it, not mentioning the name of the Prophet with the aim of deniers and abusing it, may not refer to Islam with disdain and humiliate, not accused of adultery against Muslim women or admit to marry them, should not interfere with Muslims because of their religion, they should not help the enemy forces and protect them. (Al-Mawardi, 2014).

The Provisions of *Jizyah* Collection

From the description of *jizyah* that has been explained above, there needs to be underlined that the Muslims are exempted from the imposition of *jizyah* because Muslims are obliged to undergo military service that risks their lives for the defense of the country. When viewed further, Muslims also pay like taxes (*zakat*, *infaq*, *shadaqah*). Actually, this is much more expensive than *jizyah* because it is charged with a rating of 2.5% of all annual savings. (Ali, 2013b)

Although generally *jizyah* is issued in the form of money, Muhammad SAW has also applied it in goods. According to Jajuli, who quoted from Ahmad Ali's book, that this practice was carried out by the Prophet when he agreed with Bani Najran, stipulating that *jizyah* was paid in the form

of 2000 pieces of clothing by submitting 1000 pieces paid in the month of Rajab, then the rest in the month of Safar, and the time of payment added with an ounce of silver. (July 2016)

Also, in the commentary of Imam Shafi'i written by Mustafa Al-Farran, he wrote that "Muhammad SAW is an explanation of what Allah SWT means. Therefore, Rasulullah SAW drew jizyah from rich people as much as one dinar per year, or it could be cloth (goods) worth one dinar." (Al-Farran, 2008) Thus, it is clear that this is a form of relief and convenience in paying jizyah to create justice for people living in a country.

A scientific paper by Ziauddin Ahmed concluded that in the Qur'an, jizyah was important as the handover by non-Muslim in groups or individuals by paying certain financial obligations to the Islamic territory's authority. So, as a financial obligation, the state played an important role in determining jizyah as a policy appropriate to the circumstances at that time. (Ahmed, 1975).

However, there is a difference of opinions among the ulama in interpreting the jizyah collection provisions. According to Maliki, jizyah was collected from all non-Muslim groups. Second, according to Imam Shafi'i, jizyah was only collected from ahlul kitab from Arabia or not and the Magi, but it was not imposed on pagan. Third, Ibnul Qayyim al-Jauziyah refuted Shafi'i's opinion that the collection of jizyah applies to all polytheists. There is no difference in priority between groups of non-muslims. (Adian Husaini, 2002)

According to (Mahmud, 1996), the rights and obligations of non-Muslim citizens living in an Islamic country, namely, Jizyah, is an obligation for those whose countries have been conquered by Muslims given rights to their circumstances. Thus, Muslims must maintain the souls and assets of non-Muslims.

Apart from determining the jizyah criteria, some groups are exempted from

paying jizyah because, basically, jizyah is collected according to their economic conditions. Among the freed groups are those who cannot fight, namely: women, children, older people, disabled, paralyzed, poor people who are unable to do business, monks, and many more. (Ali, 2013a). Thus, there is no discrimination against non-Muslims because the jizyah provision is only imposed on those who can afford it.

If among the non-Muslim who has an obligation to pay jizyah not working, they are not forced to pay and will be donated baitul mal. (Sholihin, 2010) . Furthermore, if those who have an obligation to pay jizyah to die, this obligation becomes null and void and does not fall on the heirs. (Mahmud, 1996)

Concerning their rights, they are exempted from military service and defend Islam because this is Muslim citizens' duty. Meanwhile, some fuqaha argue that if the Islamic state cannot provide them with protection, their jizyah is returned. Besides that, they can still own their land and inherit it, and also sell and buy it or give it away. (Mahmud, 1996).

Based on the explanation above, jizyah is not oppressive, rigid, coercive, and without a clear purpose. However, history proves that it is more than that. Because actually, jizyah is dynamic according to circumstances. As explained by Taqiyuddin an-Nabhani (An-Nabhani, 2002), Jizyah is not coercive and rigid without cause. In fact, it is dynamic. Because jizyah was not stipulated in a certain amount, the provisions of jizyah were submitted to the policy and ijihad of caliphs, which does not exceed the person subjected to it *jizyah*.

Jizyah at the time of the Prophet Muhammad

In history, *jizyah* was only made compulsory after the 8th year of Hijriyah. When the *jizyah* law has been revealed, as said by Imam Ibnul Qayyim. This is the opinion of Imam Abu Hanifah and one of Imam Ahmad. (Qutb, 2003) So, it should be

understood that *jizyah* was only prescribed after the Tabuk war (8 H), namely in the 9th year of Hijriyah. At that time, the Prophet Muhammad applied it to Najran Christians and Yemeni Jews. It was not imposed on the Jews of Medina because Medina's Jews had made peace with Rasulullah SAW before he declared *jizyah* on them. (Al-Quraibi, 2009)

At the Prophet's time, in every event of an agreement with non-muslims, both Jews, Christians, and the Magi, *jizyah* was only borne by their government. The goal is a condition of peace for them and, at the same time as the payoff for their safety in Muslim countries. However, at the time of Umar, the terms of payment of the *jizyah* were changed based on *ijtihad*, which is *jizyah* applied to individuals who are eligible and able to pay *jizyah*. (Ali, 2013a).

***Jizyah* during the Khulafauryyid Period.**

The agreements made by the Prophet with non-Muslims continued in the next period. At the time of the Caliph Abu Bakr, the agreement with the Christians in Najran, there was no change in name and provisions in his agreement with the Prophet. However, during the Caliph Umar ibn Khattab period, they were exiled from Yemen to Kufa because they tried to betray the State and their penchant for usury. To relinquish the *dhimmiy*'s responsibility to them by the Prophet, Caliph Umar granted the release of the *jizyah* for two years, then ordered them some land in Iraq. As for the Caliph, Utsman and Ali continued from the previous Caliph's policies. (Ahmed, 1975).

Viewed from the practice, *jizyah* is referred to as a tax imposed on non-Muslims when living in an Islamic country, which guarantees them to get security, comfort, ease of transactions with Muslims, welfare, and a guarantee of security for their assets. (July, 2016)

With the continued expansion of the area of Islamic rule, during the time of the Caliph Umar ibn Khattab, he improved the Baitul Maal's performance. It is quoted in a book that Umar ibn Khattab was the first to

make the institution well-organized. (Al-Haritsi, 2006) At the time of Umar, three groups of assets were given as gifts, namely: *zakat* (intended for eight groups), *ghanimah* (spoils of war), and the last one was *fai'* (property from non-Muslims). As for *jizyah*, it is included in the category of *fai'* because the meaning is assigned to every *dhimmiy* non-muslims, and through which their blood and property are protected. (Al-Haritsi, 2006)

History records that Umar has succeeded in implementing good and fair supervision in terms of state revenue. For example, Umar had severely punished his employees in Iraq for taking *khamr* as a substitute for *jizyah*. Another example is determining the amount of *jizyah* in Yemen at 1 dinar per person, in Syria and Rome at 4 dinars. For those in As-Sawad (Iraq), a *jizyah* of 48 dirhams was applied. There is a difference in the number of *jizyahs* based on their abilities. (Al-Haritsi, 2006).

The Purpose of Enacting *Jizyah*

Europeans' mistake regarding Islam is that the Koran gives only two options to non-Muslims in an agreement with Muslims, namely embracing Islam or die. So, this is clearly wrong, because in fact, in the Koran surah At-Taubah verse 29, it has been explained that they are allowed to live in a country that has been conquered by Muslims, on condition that they fulfill *jizyah* as a guarantee of life in an Islamic state. (Ali, 2013a)

According to Yusuf Qardhawi, the purpose of having *jizyah* is to guarantee the safety of life, property, freedom to practice worship as well, like an exemption for them from military service. (Qardhawi, 1997) Thus, it can be concluded that in Islam, there is no discrimination against every non-Muslims, but Islam brings peace to humanity.

The smart book of Sharia Economics wrote that the purpose of implementing *jizyah* is as a right given by Allah SWT to Muslims from non-Muslims because of their submission to the Islamic government. Also,

it must be taken after passing one year (stipulated from Muharram to Dzulhijjah). So, *jizyah* is obligatory, but if they embrace Islam, then *jizyah* over them will be null and void. (Sholihin, 2010)

Thus, when viewed in its provisions, especially in terms of time, the *jizyah* was impressed as *zakat* was fulfilled to the Muslims that apply to every individual. It was obligated for those capable and have passed one year. However, in principle, the other terms and conditions are different because *zakat* is a form of worship, which is Allah's command to Muslims. At the same time, *jizyah* has a limited policy from the ruling leader at that time.

The next purpose, *jizyah* as a form of citizen participation in financing national interests, the results of which are enjoyed by all levels of society. Naturally, non-Muslims are asked to take part in what is known as *jizyah* (Qardhawi, 2010). Thus, *jizyah*'s existence is not enforced on the interests of one-sided or a group of groups who can feel the *jizyah*, but as a form of non-Muslim participation to guarantee the peace of life in a country.

Then, *jizyah* is part of tolerating minor damage (i.e., leaving them in disbelief). In fact, they have the potential to gain goodness. That is, if a non-Muslim is killed, it will be closed for his faith and happiness in heaven because he becomes an eternal non-Muslims in hell, as well as the resentment of Allah SWT. However, with *jizyah*, there is still a possibility for them to believe in the future, especially after seeing the virtues of Islam. (Qardhawi, 2010).

III. Conclusion

Based on the explanation above, it can be concluded that the *jizyah* is an adoption of the customs of the Romans, Persians, and Greeks, namely contributions to residents in a conquered area or who have been defeated, in other words, the tribute from war. However, when the Prophet Muhammad was carrying out the mandate of bringing revelation and a leader, the *jizyah* continued

and was changed. That is, this obligation was only applied to non-Muslims who were able to live in Muslim conquered areas as a guarantee of their condition to carry out their daily activities.

The accusation of interpreting *jizyah* as an act of discrimination constitutes slander against Islam. Because history has proven that Islam does not oppress and do not frighten people who do not follow Islamic rules, but Islam protects those who need protection. One example is *jizyah*'s application, which is the obligatory payment for non-Muslims to issue money or goods of the same value as their loyalty to state power without harming themselves in the slightest. The aim is to ensure the security and protection of their survival in a Muslim country, as a form of citizen participation in financing national interests, and to illustrate that a *jizyah* is a form of tolerance for non-Muslims who provides an opportunity to receive Islamic guidance.

Reference

- Abadi, F. (2005). *Al-Qamus Al-Muhith* (Ke-8). Beirut: Al-Resalah Publisher.
- Adian Husaini, N. H. (2002). *Islam Liberal: Sejarah, Konsepsi, Penyimpangan, dan Jawabannya*. Jakarta: Gema Insani.
- Ahmed, Z. (1975). *Jizyah In Early Islam. Islamic Studies, 14(4), 293–305.*
- Al-Farran, S. A. M. (2008). *Tafsir Imam Syafi'i*. Jakarta: Almahira.
- Al-Haritsi, J. bin A. (2006). *Fikih Ekonomi Umar bin Al-Khathab*. Jakarta: Khalifa.
- Al-Mawardi, I. (2014). *Ahkam Sulthaniyah: Sistem Pemerintahan Khilafah Islam* (K. Fath & Fathurrahman, trans.). Jakarta: Qisthi Press.
- Al-Quraibi, I. (2009). *Tarikh Khulafa*. Jakarta: Qisthi Press.

- Ali, M. M. (2013a). *Islamologi (Ke-8)*. Jakarta: Darul Kutubil Islamiyah.
- Ali, M. M. (2013b). *Khulafaur Rasyidin: Kisah Empat Khalifah Rasulullah SAW*. Jakarta: Darul Kutubil Islamiyah.
- An-Nabhani, T. (2002). *Membangun Sistem Ekonomi Alternatif; Perspektif Islam, terj. Moh. Maghfur Wachid*. Surabaya: Risalah Gusti.
- Dhoif, S. (2004). *Al-Mu'jam Al-Wasith (Ke-4)*. Mesir: Maktabah Al-Syuruq Ad-Dauliyah.
- Gusfahmi. (2007). *Pajak Menurut Syariah*. Jakarta: Raja Grafindo Persada.
- Hart, M. (2017). *100 Tokoh Paling Berpengaruh di Dunia (Revised Ed; Hanif, ed.)*. Jakarta: Noura Books.
- Jajuli, S. (2016). *Ekonomi Islam Umar bin Khattab*. Yogyakarta: Deepublish.
- Mahmud, A. A. H. (1996). *Karakteristik Umat Terbaik Telaah Manhaj, Akidah, dan Harakah*. Jakarta: Gema Insani.
- Mannan, M. A. (1995). *Teori dan Praktik Ekonomi Islam*. Yogyakarta: Dana Bhaki Prima Yasa.
- Muhammad Iqbal. (2014). *Fiqh Siyasah (Ke-2)*. Jakarta: Kencana.
- Nashif, S. M. A. (1996). *Mahkota Pokok-Pokok Hadits Rasulullah SAW*. Bandung: Sinar Baru Algesindo.
- Peerzade, S. A. (2010). Jizyah: A misunderstood levy. *Journal of King Abdulaziz University, Islamic Economics*, 23(1), 151–161.
- Qardhawi, Y. (1997). *Hukum Zakat, terj. Salman Harun, dkk*. Jakarta: Pustaka Litera Antar Nusa.
- Qardhawi, Y. (2010). *Fiqh Jihad: Sebuah Karya Monumental Terlengkap Tentang Jihad Menurut Al-Qur'an dan Sunnah (I. M. Hakim, A. M. Riswanto, Saifuddin, I. Kurniawan, & A. R. Saleh, trans.)*. Bandung: Mizan.
- Quthb, S. (2003). *Tafsir Fi Zhilalil-Qur'an di Bawah Naungan al-Qur'an*. Jakarta: Gema Insani.
- Sholihin, I. (2010). *Buku Pintar Ekonomi Syariah*. Jakarta: Gramedia Pustaka Utama.
- Abu Daud Sulaiman bin Asy'ats as-Sijistani, (1416H-1996M), Penerbit: Darul Kutub al-Alamiyah, Cetakan: Pertama
- Abu Isa Muhammad bin Isa bin Sauroh at-Tirmidzi (tt), Baitul Afkar ad-Dauliyyah