

*Яблоновская М.Г.***ИСЛАМ ЭКОНОМИКАСЫНДА САЛЫКТЫ  
ЖӨНГӨ САЛУУ МЕХАНИЗМ***Яблоновская М.Г.***МЕХАНИЗМ НАЛОГОВОГО РЕГУЛИРОВАНИЯ  
В ИСЛАМСКОЙ ЭКОНОМИКЕ***M.G. Yablonovskaya***MECHANISM OF TAX REGULATION  
IN ISLAMIC ECONOMY**

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Салыктык жөнгө салуу мамлекеттин максатка багытталган таасири болуп саналат, экономикалык агенттердин жүрүм-турумуна каалаган социалдык-экономикалык натыйжаларга жетүү үчүн салык саясатынын ар кандай ыкмаларын жана инструменттерин пайдалануу аркылуу жөнгө салынат. Салыктык жөнгө салуунун мазмунун теориялык аспектилерин жалпыланды, мамлекет тарабынан андан ары салыктык жөнгө салуунун негизги багыттарын аныктоо максатында салыктык жөнгө салуунун милдеттери жана инструменттери бөлүнгөн. Салыктар Ислам мамлекетинин финансысын түзүүдө маанилүү роль ойнойт. Алар Шариат тарабынан бекитилбеген болсо, ислам өлкөлөрүндө эч кандай салык белгилениши мүмкүн эмес. Мусулмандык салыктар бул ар кандай формадагы төлөмдөр, же башка салыктар, жыйымдар, алар мусулман өлкөлөрүнүн калкынан алынат, аларга талдоо жүргүзүлгөн жана колдонуу өзгөчөлүктөрү аныкталган.

**Негизги сөздөр:** шариат, мусулмандык салыктар, ислам финансылык системасы, закят, ушр, харадж, Сунна.

Налоговое регулирование это целенаправленное воздействие государства на поведение экономических агентов посредством использования различных методов и инструментов налоговой политики для достижения желаемых социально-экономических результатов. Обобщены теоретические аспекты содержания налогового регулирования, выделены задачи и инструменты налогового регулирования в целях выявления основных направлений дальнейшего налогового регулирования государством. Налоги играют важную роль в формировании финансов исламского государства. Никакие налоги в исламских странах не могут быть установлены, если они не утверждены шариатом. Мусульманские налоги это различные формы платежей или иных налогов, которые взимаются с населения мусульманских стран. В статье рассмотрены основные виды налогов в исламской экономике. Проведен анализ и выявлены отличительные особенности применения.

**Ключевые слова:** шариат, мусульманские налоги, исламская финансовая система, закят, ушр, харадж, Сунна.

Tax regulation is the purposeful influence of the state on the behavior of economic agents through the use of various methods and tools of tax policy to achieve the desired socio-economic results. The theoretical aspects of the content of tax regulation are summarized, the tasks and tools of tax regulation are highlighted in order to identify the main directions of further tax regulation by the state. Taxes play an important role in shaping the Islamic State's finances. No taxes can be imposed in Islamic countries unless they are approved by the Sharia. Muslim taxes are various forms of payments or other taxes that are levied on the population of Muslim countries. The article discusses the main types of taxes in the Islamic economy. The analysis is carried out and the distinctive features of the application are revealed.

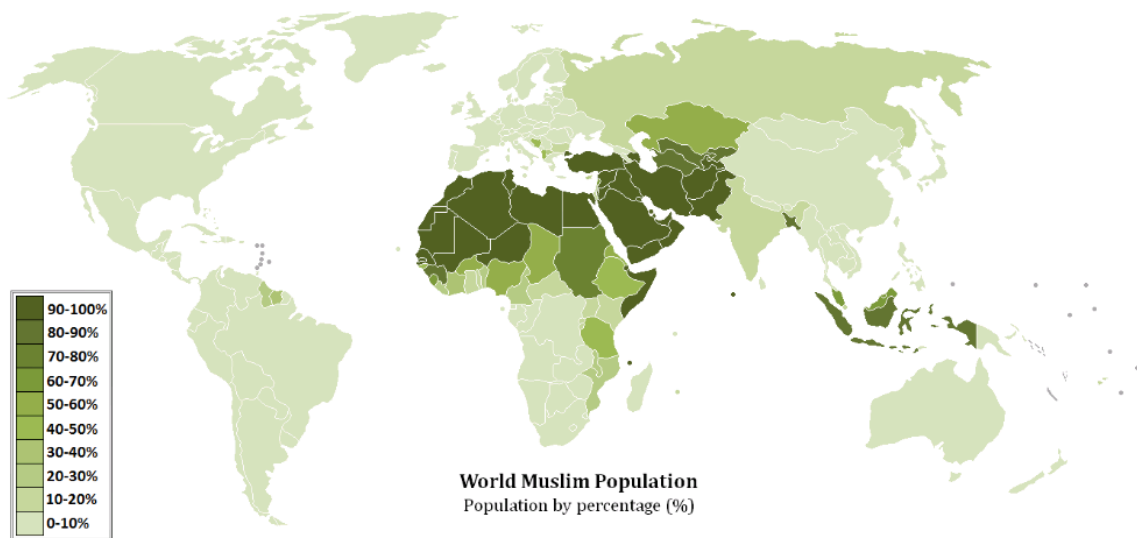
**Key words:** sharia, muslim taxes, Islamic financial system, zakat, ushr, kharaj, Sunnah.

Taxes play an important role in the formation of an Islamic state finance. No taxes in Islamic countries can be established, unless they are approved by the Shariah. Muslim taxes are different forms of payments or other taxes levied on the population of Muslim countries, which have developed during the Arab conquest in VII - VIII centuries and the formation of financial system of the Caliphate. Initially, some taxes were imposed only upon the infidels (jizya, kharaj), the other (zakat, ushr) upon the Muslims [1]. The modern concepts of Islamic economics, Islamic taxes play an important role as means of ensuring social justice through redistribution of income in society. In some Islamic countries, Zakat and ushr are introduced as state taxes.

As it's known, the Qur'an, being the first source and

basis, could not be the only source of Islamic law. So, there was a need for the Sunnah, the second important and significant of the source of the Shariah. The Arabic word "Sunnah» ("As-Sunnah") has many meanings, such as customs, manners, traditions, lifestyle and condition. Sunnah is a collection of adats, traditions associated with the actions and words of the Prophet. Sunnah is inseparable

from the Qur'an. Sunnah reveals unclear parts of the Qur'an, describes in detail what is presented in general terms, and construes prescriptions. Sunnah also has provisions not mentioned in the Qur'an, but none of them is contrary to the glorious Scripture, and always puts the things, to which the Lord has given special importance, first.



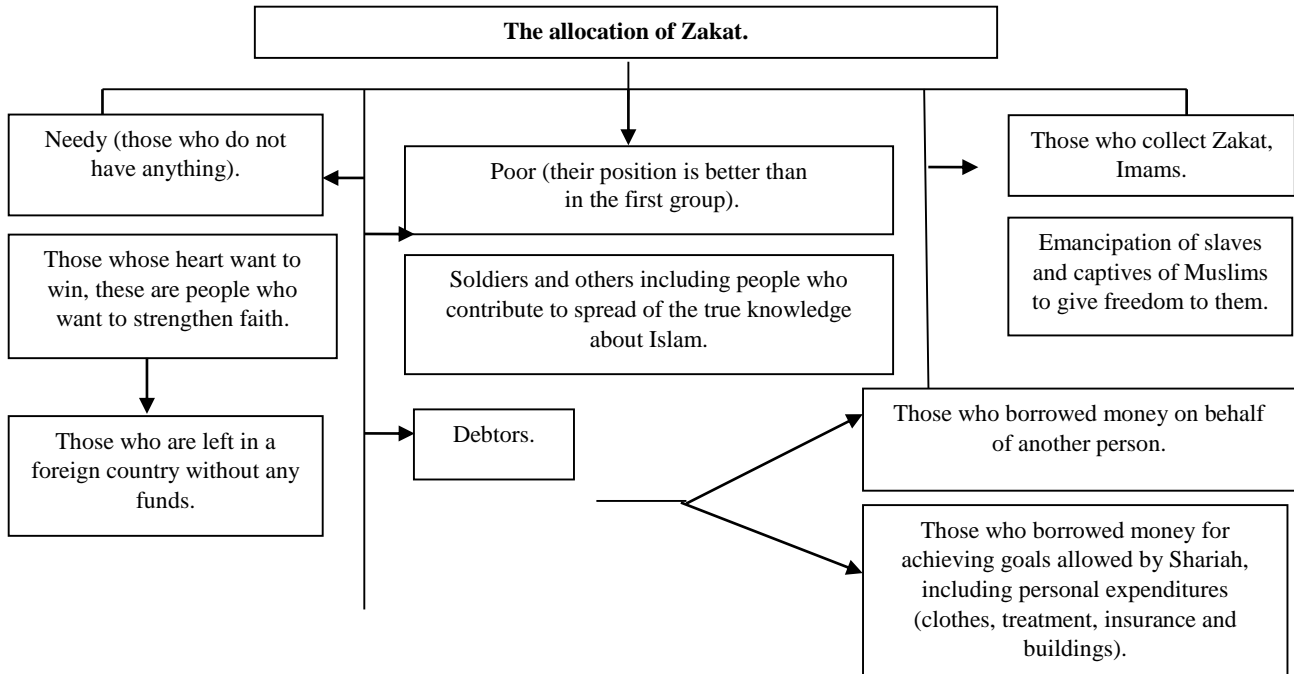
**Picture 1.** Muslim countries using Islamic taxes

*Note: [prb.org].*

So, since the time of the Prophet Muhammad, the following types of taxes were established by Shariah: Zakat, Ushr, Khums, Fai and Kharaj as sources of revenue of the public treasure.

The Shariah does not require less wealthy people to ask for financial assistance from the more affluent, since they have a legal right to receive zakat, and the rich, by giving them part of their property, fulfill their religious duty. In the Qur'an, the Almighty Allah defined the categories of people who are entitled to receive zakat. Zakat is intended for the poor, who do not have any property at

all, are unable to work for living, the poor, debtors who cannot pay their debts, the people who collect and distribute zakat, to those who have recently converted to Islam and need support, slaves who can be freed for a ransom, people who have dedicated themselves to the service of Islam, and travelers who found themselves without funds on the road. Nowadays, there are charitable organizations for Muslims established for the collection and dissemination of zakat. Zakat is obligatory alms paid by the Muslims once a year under certain conditions.



Scheme 1. Allocation of Zakat.

*Note: created by the author.*

According to the Qur'an, Zakat was decreed from as far back as the time of Abraham: "We made them leaders who are guided by Our command, and We inspired them to make good deeds, observe the Salat and give Zakat,

they were the worshippers of Us." 21:73 [2]. The first two lexical meanings explain the essence of "zakat" or obligatory alms. The fact is that when the rich pay zakat, they purify themselves from avarice.

*Table 1*

**Difference between Zakat and Sadaqah**

	<b>Zakat</b>	<b>Sadaqah</b>
1.	Zakat is payable whenever income is received	Sadaqah is a general act of charity, it is not bound to any time
2.	Zakat is paid when income is received; then it must be paid out of that income, usually in cash	Sadaqah is not connected to the receipt of income and thus it can be paid in any form
3.	The distribution of zakat is different in the Qur'an and than the distribution of Sadaqah	
<i>Note: [zakat.org]</i>		

If we look at the history of zakat, the Qur'an gives us several tellings of how zakat was imposed on the previous Prophets. For example:

Zakat of the Prophet Ismail: "It is also mentioned in the book (the story of Ismail): It was strictly true to what he promised, and he was an apostle and a prophet, he ordered his people to pray and pay zakat, and he was most acceptable in the eyes of their Lord" [3]. Zakat of the Jews: "Do you remember when we made an agreement with the children of Israel, saying: Worship none save Allah (only), and be good to the parents and kindred, and orphans,

and the needy, and speak kindly to mankind; and establish Salaah and pay zakat" [4].

Zakat to the progeny of the Prophets Ishaq and Jakub: "We sent them inlightening to do good things and to be assiduous in the Salaah and pay Zakat" [2].

There's also an evidence of existence of Zakat in the times of the Prophet Isa. "He said, I'm a slave of Allah. He gave me shape and blessed me and appointed me to be a Prophet. I will always enjoy upon my Salaah and Zakat till the end of my Life" [3].

Zakat in the periods of the Prophet Muhammad

(peace be upon him) was in the process of studying its significance, definition and social and economic effects. Surah Al-Ma'arji advises "And those within whose wealth is a known right, For the petitioner and the deprived." In the second year of Hijrah, zakat became a Fard or mandatory for the Muslims. The Prophet Muhammad explained the meaning of zakat and gave clear directives, ordering the payment of Zakat, and since then he used to send out the zakat workers for collection and distribution.

The next question, which comes to our mind, probably, should be the time of payment of zakat, and which amount should be paid. And here we have another evidence from the Qur'an: "Eat of its fruit when it yields, and give its due on the day of its harvest." 6:141 [5]. According to the surah above, zakat must be paid on the day of harvest. It means the day of receiving income. Thus, the Muslims pay zakat whenever they obtain income. There are certain Muslim countries that have lost this most important commandment and so they just calculate the sum and give zakat only once a year on the general annual revenue which may have been generated through salary, dividends etc. The Qur'an commands to pay Zakat whenever income is obtained and, literally saying, it contains a very beneficial economic wisdom. It's obvious that one of the factors that contribute to the economic prosperity of any community is the circulation of money. If zakat is paid whenever revenue is generated, there would be higher circulation of money, which is much more productive than slower circulation, and the economy would benefit much more than in case of payments only once a year.

Zakat is imposed on zakatable wealth that reaches an established minimum threshold for the certain kinds of wealth. That minimum threshold is called nisab; it's the specific minimum amount in each zakatable type of wealth used for the purpose of calculating zakat. Shariah

refers to specific types of property from which zakat is paid, such as gold and silver, livestock, agricultural products, commercial property, mines and treasures. Payment of zakat becomes mandatory upon the achievement by these types of property of a certain amount, which is called "nisab". Each type of property has its own particular nisab. For being obliged to pay, a person must be an adult, free, Muslim, have no debts and possess property in the amount of nisab in addition to the basic needs. The size of nisab changes also depending on the type of property. The minimum amount of property, from which zakat is paid, is 85 grams of gold. That is, if a person possesses such a size of property or its equivalent in money, then, from the point of view of Islam, he/she is considered rich. Another hadith says: "The one who has fifty dirhams of silver is not allowed to take zakat". A person who possesses property in the amount of nisab, is considered rich in terms of religion. Nisab covers an amount needed for all basic living expenses for a whole year. But it doesn't include existing necessities, such as cars, stored food, clothes and furniture. So if someone makes a large sum of money and wastes it all on basic needs without unnecessary luxury, no zakat is payable at the end of the lunar year. If, however, he or she saved a part of that money in that lunar year, then zakat is payable on that remaining amount, provided that it equals or exceeds nisab. There are a lot of types of zakatable property, and each property has different thresholds. For example, the nisab for money is considered to be 85 grams of gold (approximately 3 OZ US; 2.74 TROY OZ). The nisab for cows is considered to be 30 cows. The nisab for grain is 653 kg. In case of less quantity of zakatable possession, the income is exempted from zakat. The table below shows the nisab and zakat rates for each type of taxable wealth [6].

Table 2

Nisab and zakat rates

	Nisab (as value of)	Zakat rates
<b>Personal wealth</b>	3 US OZ (pure gold)	2,5%
<b>Business wealth</b>	3 US OZ (pure gold)	
- Trade goods		2,5% current wholesale
- Exploited assets		2,5% net income
<b>Agricultural produce</b>	653kg/1433 LBS	
- Crops (irrigated)		5% of harvest
- Crops (non-irrigated)		10% of harvest
<b>Livestock</b>	Ovine: 40 Bovine: 30	
<b>Treasure troves</b>	3 US OZ (pure gold)	20%
<b>Note:</b> the information is taken from the official website of the American Zakat Foundation [zakat.org]		

**Kharaj** is the land tax in the medieval Muslim States. Initially, in the Caliphate kharaj was paid only by the infidels. The Muslims paid one-tenth, that is ushr. When the land owners began to convert to Islam, the obligation to pay kharaj preserved as if for lands, and kharaj became a universal land tax. It's a state tax that is levied on the use of land. Kharaj has two types:

1. Kharaj al-muwazafa, which is provided for areas suitable for agriculture. During the reign of Caliph Omar I, the size of the muwazafa was 18 kg and 1 dirham for the territory of 1600 square meters. This figure could vary depending on the objective conditions.

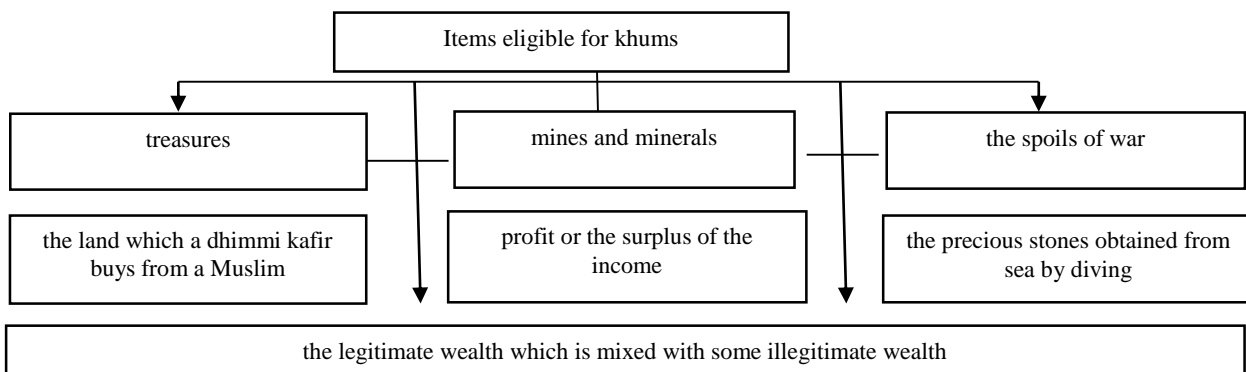
2. Kharaj al-mukasama, which was paid for the harvest of land from which they took kharaj. The size of the mukasama depended on the amount of harvested crop and could constitute either its half or the third or the fourth part.

**The ushr** is a religious tax in Islamic countries; it's payable mostly in cash. Ushr is the mandatory charge and type of Zakat on farm produce which is one-tenth for one kind of land and one-twentieth for others. The ushr was imposed annually on people engaged in agriculture, livestock farming, fishing and crafts. The name and form of the tax was changing constantly during different periods of time. The several of them are ikta, onda, ondalik and salariye. The Qur'an says: "O you who have believed, spend from the good things which you have earned and from that which We have produced for you from the earth." (2: 267)" [8]. The scholars are agreed that this refers to Ushr on farm produce. It means that giving away of ushr on produce of the land is mandatory and Hadith also has confirmed that. In addition, the Prophet Muhammad (peace be upon him) said: "It is obligatory to give away one-tenth of the farm produce if the land is irrigated by spring or rain or river water naturally, and one-half of

one tenth if it is irrigated by taking out water from the well, etc."

If we talk about the rates of ushr, the following was established: If a garden or a farm is watered in a natural way by rain or spring water, or stream water, the tenth part of the produce is mandatory, and if a farm or a garden is watered by a tube well or canals, the twentieth part is obligatory. One must give away the tenth or the twentieth part of ushr for all kinds of produce like grains and fresh vegetables, and it's also obligatory for honey as well.

Initially, **Khums** was introduced by Abdul Mutallib, the grandfather of the Prophet Muhammad (peace be upon him) and took its continue in Islam when it was revealed in the Qur'an. Abdul Muttalib had the dream where he discovered a well of Zamzam and found in it a lot of priceless valuable things that were buried in the times of Ismailities when they feared that their enemies would own them. When, upon a command of the God, he found that buried treasure, he gave away one fifth in the way of Allah and kept the remaining four fifth for himself. From that time. it became a custom in his family, and after the Hijrah of the Prophet, the same system was included in Islam. Thus, the first khums was not given from the trophy of war, but from a buried treasure (which is one of the seven items eligible for khums). "Khums" literally means "one-fifth or 20%" [9]. In Islamic legal terminology, it means "one-fifth of certain items which a person acquires as wealth, and which must be paid as an Islamic tax". The Qur'an mentions it in the following verse: "Remember that whatever of a thing you acquire, a fifth of it is for Allah, for the messenger, for the near relatives, orphans, the needy and the wayfarer" [9]. Thus, it includes certain items, which a person get as wealth. According to the Hadith, these items are:



**Scheme 2.** The seven items which are eligible for khums

*Note:* [islamic-laws.com]

Khums becomes obligatory at the beginning of a new financial year for the profit or surplus of the past year income. The reason is that at the beginning of a new year the revenue or surplus becomes more clear. So, if a certain amount of surplus or profit isn't spent up for the household or any commercial expenditures of that certain year, a person should pay one-fifth of it as khums. If we talk about the timing of payment, everyone can establish a day of the year. Then they must count the surplus of their revenue as of that day and pay the tax. Here income means everything that one receives from salary or wages, dividends, etc. It is also wajib on heritage, gift, prize, charities. In case of earning a salary by a person, the surplus means the sum remaining after deduction of the annual expenses of a person or his/her dependents. The dependents of a person are those whose maintenance is his/her responsibility. It can be the maintenance of family members or not obligatory maintenance, for example relatives or orphans. In business, the income means the sum remaining after deduction of the annual business expenditures, which also includes personal wages. The deductible household expenses include personal expenses like food, drink, medical expenses, insurance, marriage expenses, payment of charity, etc. There is a question, if there is limit for deductible expenses. However, the person's expenses differ from the others, so the amount and manner of expenses should be considered in accordance with the necessities and status of the person.

Thus, we see that Islam has a completely different view of the economy and taxation, since the Islamic basis is different from the capitalist one. From a fundamental point of view, in Islam and in the Caliphate special attention is paid to the taxes on property, not on income. The Islamic tax system does not tax profits, but capital. This means that the average person will get a cleaner income, and they will be required to pay tax on the property that

remains at the end of the year. This will have a significant impact on the economy.

It should also be noted that in all Muslim countries, Islamic taxes (primarily zakat) do not form the basis of the tax system. These are religious taxes, and their main purpose is to solve social problems and eradicate such phenomena as poverty and hunger. Many taxes are primarily used to help the needy and the poor, and some contribute to smoothing social inequality in society. Taking care of individual social groups helps to improve the social climate [10].

To sum up, it should be noted that in modern Muslim countries, where the institution of state religion is quite developed - Yemen, Saudi Arabia, Pakistan, etc., religious tax regulations are established by the state and are state-wide.

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