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## **Zakat for *Mama Biang* in Maluku, Indonesia: Ulama Opinion on *Fīsabīlillāh* in the Perspective of Islamic Legal Anthropology**

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**Abstract:** Giving zakat to *mama biang* is one of the problems of zakat distribution that has attracted controversy. In the people of Negeri Iha, Maluku, the giving of zakat *mama biang* has become a tradition that has survived into the modern era. The purpose of this study is to study the practice of distributing zakat to *Mama Biang*, the opinions of tafsir scholars and the implications for Islamic law. The study uses empirical legal studies with an anthropological approach to Islamic law. While data collection techniques are in-depth interviews and literature studies. This study concluded that the controversy over the distribution of zakat *mama biang* occurred due to differences in scholars' interpretations of the meaning of *fīsabīlillāh* which had implications for differences in people's understanding of Islamic law. People who maintain the tradition of zakat *mama biang* understand that the distribution of zakat *mama biang* is in accordance with Islamic law, relying on the opinion of scholars who expand the meaning of *fīsabīlillāh* to include *mama biang*. Meanwhile, some people understand that *mama biang* zakat is not in accordance with Islamic law. The controversy over the distribution of zakat to *mama biang* also occurs because zakat is not distributed evenly to all existing *asnaf*, this can also trigger gaps in society. Therefore, in the perspective of legal anthropology, the practice of giving to *mama biang* can continue as a local tradition, but this gift can be categorized as *infaq* or *sadaqah*, not zakat. So that this can give birth to harmonious legal implications between Islamic law and adat which has become living law.

**Keywords:** Zakat distribution, *fīsabīlillāh*, *mama biang*, anthropology of law, Islamic Law

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**Abstrak:** Pemberian zakat kepada *mama biang* menjadi salah satu problem distribusi zakat yang menuai kontroversi. Dalam masyarakat Negeri Iha, Maluku pemberian zakat *mama biang* telah menjadi tradisi yang bertahan hingga di era modern. Tujuan penelitian ini adalah untuk mengkaji tentang praktik distribusi zakat kepada *mama biang*, pendapat ulama tafsir dan implikasi terhadap hukum Islam. Kajian menggunakan kajian hukum empiris dengan pendekatan antropologi hukum Islam. Sedangkan teknik pengumpulan data yaitu wawancara mendalam dan studi literatur. Penelitian ini menyimpulkan bahwa kontroversi distribusi zakat *mama biang* terjadi karena perbedaan interpretasi ulama tentang makna *fiṣabīlillāh* yang berimplikasi terhadap perbedaan pemahaman masyarakat dalam hukum Islam. Masyarakat yang mempertahankan tradisi zakat *mama biang* memahami bahwa distribusi zakat *mama biang* sudah sesuai dengan hukum Islam, bersandar kepada pendapat ulama yang memperluas makna *fiṣabīlillāh* sehingga mencakup *mama biang*. Sementara itu, sejumlah masyarakat memahami bahwa zakat *mama biang* tidak sesuai dengan syariat Islam. Kontroversi distribusi zakat kepada *mama biang* juga terjadi karena zakat tidak tersalurkan secara merata kepada semua asnaf yang ada, hal ini juga dapat memicu terjadinya kesenjangan dalam masyarakat. Oleh karena itu, dalam perspektif antropologi hukum, maka praktik pemberian kepada *mama biang* dapat tetap dilanjutkan sebagai tradisi lokal, namun pemberian ini dapat dikategorikan sebagai *infaq* atau *shadaqah*, bukan zakat. Sehingga hal ini dapat melahirkan implikasi hukum yang harmonis antara hukum Islam dan adat yang telah menjadi *living law*.

**Kata Kunci:** Distribusi zakat, *mama biang*, *fiṣabīlillāh*, antropologi hukum, hukum Islam

## Introduction

In Indonesia there are various dynamics in the issue of zakat, not only management, recipients and even what the zakat funds are used for.<sup>1</sup> Likewise in Maluku, especially the Iha tribe, who inhabit Seram Island, have their own customs in distributing zakat. The Iha tribe of Indonesia's Ambon Regency, which lives on Seram Island, has its own distinctive zakat distribution customs. Giving their zakat to *Mama Bian*, the traditional midwife who assisted in their birth, has become customary for the residents of Iha. Only *Mama Biang* in charge will

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<sup>42</sup> Asep Saepuddin Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law," *Studia Islamika* 26, No. 2 (2019). Elimartati, et.al., "Strengthening Family Resilience through the Tradition of Agricultural Zakat Payment in Nagari Lima Kaum in Tanah Datar District of West Sumatra," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, No. 1 (2021). Mahdi Syahbandir, et.al., "State and Islamic Law: A Study of Legal Politics on Zakat as a Tax Deduction in Aceh," *Ahkam: Jurnal Ilmu Syariah* 22, No. 1 (2022).

receive zakat payments while they are still alive. In the nation of Iha, giving zakat to *mama biang* has become customary, and both local traditional authority and community religious leaders have given their support. Since the Iha people converted to Islam, this tradition has been practiced. The practice of zakat *mama biang* is controversial; is it considered to be a new *ashnaf*? Or is it classified as *ashnaf*, which has been mentioned in the Qur'an before but under various terms?

If zakat *mama biang* is classified as a new *ashnaf*, then this distribution method is one that has any previous religious precedent. The recipients of zakat are expressly mentioned in the Al-Qur'an, however it is not apparent what specific properties and riches are required for it. Only the Prophet Muhammad PBUH teachings provide an explanation of the many sorts of zakat assets and wealth. This demonstrates that the distribution of zakat to the receivers is the most crucial task. Avoiding deviations and unsatisfied aspirations in the distribution of zakat is crucial compared to other zakat topics that are favored by Allah SWT.

Implementing zakat involves more than just paying zakat; it also involves what happens to the money once it has been given to the proper people (*Ashnaf*).<sup>2</sup> In Surat al-Taubah verse 60, the Qur'an mentions those who fulfill the conditions and are qualified to receive zakat based on Allah's command: "In fact, zakat is exclusively for those in need, the poor, and amil zakat, whose hearts have been softened (by conversion), to (liberate) slaves, to (free) people who are in debt, for Allah's cause and for those who are traveling on His route, as a requirement from Allah".

Additionally, this type of distribution has an impact on Baznas' zakat reporting system. Zakat that is distributed won't be listed as one of the acknowledged zakat recipients, so it's conceivable to consider this zakat to have not been distributed. Zakat has not been thought to be as evenly distributed as was anticipated. Because zakat receivers who are not even included in *ashnaf* predominate, the Iha Community's customary practice has led to an uneven distribution of zakat. The distribution and distribution of zakat funds did not live up to expectations, according to a 2022 BAZNAS study. The state and social organizations have both implemented a number of improvements to ensure the proper and focused distribution of zakat.<sup>3</sup> According to statistics, it appears that the gap in distribution and channeling effectiveness is a significant unresolved

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<sup>24</sup> Wan Khairuldin Wan Mohd Khairul Firdaus and Mohammad Mahadi, "The Philosophy and Elasticity of Zakah Distribution in Islam," *International Journal of Education and Research*, 2013, p. 2

<sup>6</sup> Aden Rosadi and Mohamad Anton Athoillah, 'Distribusi Zakat Di Indonesia: Antara Sentralisasi Dan Desentralisasi', *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 15, No. 2 (2015), p. 237–56. Mahdi Syahbandir, et.al., "State Authority for Management of Zakat, Infaq, and Sadaqah as Locally-Generated Revenue: A Case Study at Baitul Mal in Aceh," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, No. 2 (2022).

issue. The researchers made every effort to fix the issue by offering various solutions, but to no avail. This explanation makes clear that there are still a number of issues with the way zakat is distributed<sup>4</sup>. This explanation makes clear that there are still a number of issues with the way zakat is distributed.

There is debate concerning the distribution of zakat *mama biang* in general, not just when it is labeled as a new *ashnaf*. but when he is classified as one of the *ashnaf* that the Shari'a has acknowledged. The question that follows is whether they fall under the definition of the poor and indigent under the presumption that they do not have a reliable work. Or is he more appropriately regarded as *fisabilillah* as a result of his assistance in protecting *Hifz Nafs*, one of Maqashid Al Sharia?

The author is interested in thoroughly analyzing the zakat *mama biang* dispute since, up until this point, discussions about the distribution of zakat have only focused on its patterns and ethics. Distribution patterns for zakat fall into the following categories. First, the pattern of traditional consumption, where zakat is distributed to *mustahik* to be used immediately; second, the pattern of creative consumption, where zakat is transformed into another form from its original form, such as in the form of scholarships; third, the pattern of traditional production, where zakat is distributed in the form of productive goods, such as livestock, razors, and so on; fourth, the pattern of creative production<sup>5</sup>. where zakat is transformed into another form from its original form, such as in the form of the idea of Islamic ethics is applied in the zakat distribution system in numerous different ways, including: first, shifting the attitude that previously concentrated on zakat on materialistic interests; second, shifting and focusing on general welfare. Second, stop depending on outside sources<sup>6</sup>. According to the trend of the studies already done, it appears that there hasn't been much debate about the tradition of giving zakat to *mustahik*, particularly in regards to how rigid or flexible society is when it comes to the question of rights for some *mustahik* who aren't specifically mentioned in the text.

The goal of this research is to fill up the gaps left by other studies that failed to properly address the dispute surrounding the distribution of zakat to *mama biang* as the primary recipient of zakat. This study also tries to demonstrate the advantages and disadvantages of distributing zakat to the *mama biang* in charge in society. Accordingly, the goal of this essay is not only to describe the forms and procedures of the tradition of zakat *mama biang*

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<sup>10</sup> M Ashraf Al Haq, 'Effective Zakat Distribution: Highlighting Few Issues and Gaps in Kedah, Malaysia', *Al-Iqtishad: Journal of Islamic Economics* 9, No. 2 (2017), p. 259–288.

<sup>19</sup> M Arief Mufraini, *Akuntansi Dan Manajemen Zakat* (Jakarta: Prenadamedia Group, 2006).

<sup>19</sup> Mustafa Edwin Nasution, *Pengenalan Eksklusif Ekonomi Islam*, (Jakarta: Kencana, 2017).

distribution, but well as the benefits and drawbacks that result from it and the implications that follow. The mapping and analysis of the benefits and drawbacks of zakat *mama biang* distribution are intended to help the general people better comprehend the Islamic law's zakat *mama biang* distribution requirements.

The premise of this study is that the zakat distribution program serves as the primary metric by which the objectives of zakat distribution are met.<sup>7</sup> If correctly administered, the *Maliyah ijtimaiyyah* worship of zakat can play a crucial part in achieving social welfare. To ensure that there is *ashnaf mustahik* in a region, zakat must be distributed fairly.<sup>8</sup> In the Negeri Iha, the custom of giving zakat by *muzakki* to *mama biang* has been upheld for many years. Currently, there is debate over this custom since some people oppose giving zakat to *mama biang*. Indeed, there are variations in how *ashnaf* is understood, such as how *ashnaf fīsabilillāh*, which is seen as a multi-concept *mustahik ashnaf*, is interpreted. It's possible that this disparity will lead to social divides. Therefore, careful administration of zakat is required in order for it to be dispersed appropriately and expertly.

<sup>31</sup> This research is an empirical legal study using an anthropological approach to Islamic law.<sup>9</sup> Legal anthropology examines the practice of Islamic law in dialectics with local traditions.<sup>40</sup> Data was collected through a combination of in-depth interviews with religious leaders, traditional leaders and the mother in the land of Iha, Maluku. In order to guarantee the availability of data, many interview sessions are conducted. Make promise in particular was the subject of a number of formal interviews, while approach open linked receiving was the subject of a number of informal interviews. The payment of zakat *mama biang* is required in order to acquire this knowledge, and it is also obtained through the evaluation of relevant resources collected in the form of books, magazines, and news items. Analysis paper that was utilized in the urgent process of gathering information for investigation.

After the material has been gathered, it is sorted according to how pertinent it is to the problem being investigated. An interpretation of the data to uncover and explain the context of the situation. Examine this case method and the controversy surrounding *Mama biang*'s administration of zakat distribution in Iha nation as part of your investigation of the data. The information gleaned from

<sup>7</sup>Lukmanul Haki, "Konsep Asnaf Fi Fisabilillah: Kajian Komparatif Pendapat Ulama Salaf Dan Kontemporer", *At-Tauzi: Islamic Economic Journal* 20, No. 2 (2020), p. 42-52.

<sup>8</sup>Sahiba Abdullahi Ammani, et.al., "Zakah on Employment Income in Muslims Majority States of Nigeria: Any Cause for Alarm?", *Procedia-Social and Behavioral Sciences*, 164 (2014), p. 305-314.

<sup>9</sup>Tajur Arifin, *Antropologi Hukum Islam*, (Bandung: Pusat Penelitian dan Penerbitan UIN Bandung, 2016). Suyono, "Hukum Keluarga: Perspektif Antropologi Hukum Islam", *Jurnal Ilmiah Al-Syir'ah* 16, No. 1 (2018).

interviews was subsequently utilized in the construction of stories and quotations. After the mapping and presentation of the data.

### ***Mama Biang* and the Safety of Mothers in Birth and Child Birth in Maluku**

The maternal mortality rate (MMR) is an important indicator of public health status. AKI describes the number of women who die from a cause of death related to pregnancy disorders or their treatment (excluding accidents or incidental cases) during pregnancy, childbirth and in the postpartum period (42 days after delivery) without taking into account the length of pregnancy per 100,000 live births.<sup>10</sup>

Until now, the Maternal Mortality Rate (MMR) is still in the range of 305 per 100,000 live births, it has not reached the set target of 183 per 100,000 live births in 2024. Likewise babies and toddlers who we still have to save from death. The target for maternal and infant mortality child is carried out through specific interventions that are carried out during and before birth. The Ministry of Health of the Republic of Indonesia stipulates that antenatal care (ANC) be carried out at least 6 times for 9 months as a form of commitment to providing essential services for pregnant women. To support this activity, the Ministry of Health is in the process of providing ultrasound in all provinces in Indonesia. Previously ultrasound examinations could only be carried out in hospitals or clinics, now pregnant women can already have an examination at the health center.<sup>11</sup>

Meanwhile, the maternal mortality rate (MMR) in other countries in Southeast Asia, namely Vietnam 54 per 100,000 live births, Thailand 20 per 100,000 live births, Brunei 23 per 100,000 live births, Malaysia 40 per 100,000 live births, Thailand 20 per 100,000 live births and Singapore 10 per 100,000 live births. Even now, Indonesia is lagging behind East Leste, namely 215 per 100,000 live births.<sup>12</sup>

Then, according to the National Population and Family Planning Agency (*Badan Kependudukan dan Keluarga Berencana Nasional/BKKBN*) that the infant mortality rate is still high. That is 24 deaths per 1,000. This means that for every 1,000 births that die 24. If there are 100 people who give birth that die between 2 and 3. The high infant mortality rate is inversely proportional to the number of declines. Therefore, the BKKBN reminds teenagers who will later enter the phase

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<sup>10</sup>Rinylda A. Gafur, et.al., "Pengaruh Perawatan Nifas Oleh Tenaga Kesehatan Dan Mama Biang Terhadap Status Kesehatan Ibu Di RSUD Chasan Boesoirie Kota Ternate Maluku Utara," *Jurnal Ilmiah Kesehatan Diagnosis*, (2018), p. 548.

<sup>11</sup>Rokom, Turunkan Angka Kematian Ibu melalui Deteksi Dini dengan Pemenuhan USG di Puskesmas, <https://sehatnegeriku.keml.go.id/baca/rilis-media> Accessed, April 7, 2023.

<sup>12</sup>Rinylda A. Gafur, et.al., *Pengaruh Perawatan Nifas Oleh Tenaga Kesehatan Dan Mama Biang...*, p. 548-549.

of pregnancy and childbirth to find out from an early age how to prevent death in the baby they are carrying.<sup>13</sup>

Accordingly, the number of maternal deaths based on the 2020 Population Census, the mortality rate for children aged 1-4 years is 6.72, meaning that there are around 6-7 deaths of children aged 1-4 years in one year among five births. Meanwhile, the Maternal Mortality Rate (MMR) in Maluku Province, based on the LFS 2020 results, was recorded at 261, meaning that there were 261 female deaths during pregnancy, childbirth or the postpartum period per 100,000 live births. Death of a woman during pregnancy or death that occurs within 42 days of termination of pregnancy, regardless of the length of pregnancy or the place of delivery.<sup>14</sup>

From the above data it can be said that the mortality rate for mothers and children in Indonesia as well as in Maluku is still quite high. Even though maternal and child mortality is one of the development goals (MGDs). The five Millennium Development Goals are eradicating extreme poverty and hunger, equalizing basic education, supporting gender equality and empowering women, reducing child mortality, and improving maternal health. In the context of Islamic law, especially the *maslahat* perspective, namely maintaining religion, mind, soul, lineage, property, lineage.<sup>15</sup>

Therefore, mother and child are indicators of the continuation of a generation, while caring for generations is an important principle in Islamic law. By preserving children from the threat of death, a family will still exist. As a successor, the child will continue the steps the parents have initiated. Preserving children's lives from the threat of death is actually a big effort in order to maintain the continuity of human life in this world. If a child is threatened with various diseases from birth or even from the womb, destruction will haunt human life.<sup>16</sup>

In this context, the contribution and role of mothers in reducing maternal and infant mortality rates is quite central. Because the mother, besides helping the birth of the baby, also takes care of the mother after giving birth during the

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<sup>13</sup>Dian Fath Risalah, Angka Kematian Bayi di Indonesia: 24 per 1.000 Kelahiran, <https://news.republika.co.id/berita/rgnwzf370/angka-kematian-bayi-di-indonesia-24-per-1000-kelahiran>, Accessed April 7, 2023.

<sup>14</sup>BPS: Kematian bayi di Maluku turun 80 Persen dalam 50 tahun Terakhir, <https://ambon.antaranews.com/berita/152331/bps-kematian-bayi-di-maluku-turun-80-persen-dalam-50-tahun-terakhir>, Accessed, April 7, 2023.

<sup>15</sup>N. Oneng Nurul Bariyah and Siti Rohmah, "Analisis Masalah dalam Millennium Development Goals," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 13, No. 2 (2013), p. 141-162. Yulia Anisa and Moh. Mukhsin, "The Role of Zakat in Realizing Sustainable Development Goals (SDGs) to Increase Community," *Al-Infaq: Jurnal Ekonomi Islam*, 13, No. 2 (2022).

<sup>16</sup>N. Oneng Nurul Bariyah and Siti Rohmah, *Analisis Masalah...*, p. 141-162.



postpartum period. Therefore, it is tradition in Negeri Iha, Seram Islands, Maluku, that the community gives zakat to the mother in charge, because it is considered that her role is very helpful to the community in childbirth and child birth.

### The Practice of Zakat *Mama Biang* Distribution

Within the context of the culture of the State of Iha Seram Islands, the figure known as "*Mama biang*" plays a significant and noticeable part in the social structure. In order to aid in the labor of the woman who was about to give birth, *Mama biang* relied on the inherent powers that had been passed down to her from her ancestors. The vast majority of people in this nation put their faith in a labor helper known as "*mama biang*." Not only is she thought to be affordable and reliable, but she also stays with the new *mama biang* after she gives birth to care for and wash the newborn child. There are still instances where traditional labor, which often involves the utilization of a *mama biang*'s services, employs traditional components. Women in Negeri Iha who still make use of the services of a "*mama biang*" generally smoke plant-based components in order to recover from childbirth as rapidly as possible. The vast majority of women who admit to using the '*mama biang mama biang*' elixir state that they feel more quickly healed as a result of doing so.

In a culture that continues to practice the tradition of zakat distribution, the services provided by *Mama biang* are seen of as fighting for the rights of virtuous people. Zakat "*mama biang*" was met with approval from both the general public and religious leaders, who proceeded to crown him and include him in the category *fīsabilillāh* in the right to receive zakat. This was done due to the fact that "*mama biang*" plays a role in assisting the development of an upright generation, which is the purpose of the primary Islamic law, which is guard descent.

It as said by a local citizen of Iha, Ibrahim Pikahulan that, "*mama biang*" included *ashnaf* recipient of zakat because he entered *ashnaf fīsabilillāh* because "*mama biang*" has meritorious help moms in labor and rescue life a mother and infant. The reason for this is because "*mama biang*" has meritorious help moms in labor and rescue life a a mother and infant. According to the teachings of Islam, a woman who has passed away as a result of giving birth is said to have died *fīsabilillāh* and is counted among the dead. This is due to the fact that Islamic law considers a woman who has recently given birth to be in the state of *fīsabilillāh*.<sup>17</sup>

Historically, societies that have helped "*mama biang*" have made an effort to accommodate her needs in order to maintain their support. In addition, *mama biangs* are given preferential treatment when it comes to the distribution of

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<sup>17</sup> Interview with Ibrahim Pikahulan, Leader of Soa (Jou) in Negeri Iha, Malauku, 21 August 21, 2022.

zakat. In point of fact, the *muzakki* of the parties make the payment of zakat (both zakat fitrah and zakat mal) straight to "*mama biang*." The inhabitants of Negeri Iha have been carrying out this custom continuously throughout history, which has allowed it to become ingrained in their culture. According to Marwah pikahulan, the practice of distributing zakat to *Mama biang* has helped both the poor and the wealthy in the form of zakat mal and zakat fitrah. This is because zakat mal is a form of zakat that is given to the needy. Complete submission on the part of determination *mustahik* was offered to *muzakki*, and it was possible that *muzakki* would transfer the zakat to "*mama biang*" or to another *mustahik* (*ashnaf*). The distribution of zakat to "*mama biang*," who then becomes entitled to *urf*, is a practice that continues to this day. The act of paying zakat to *Mama biang* in line with Iha constitutes a sort of response service due to the fact that it has aided the general public in the process of giving birth."

The practice of giving zakat to "*mama biang*" is one that, according to the findings of an interview with Salamah Luluhima, is still carried out in modern times. Giving zakat to "*mama biang*" is considered a kind of service due to the fact that "*mama biang*" has been known to aid in the delivery of babies and save the lives of both the *mama biang* and the kid. The general population also believes that providing zakat to a "*mama biang*" can help shield children from contracting infectious diseases.<sup>18</sup>

### Controversy on the Practice of Zakat *Mama Biang*

There are three aspects that contribute to the contentious nature of the distribution of zakat controversy to "*mama biang*." Because of the clerical rigidity in interpreting the distribution of zakat, some scholars disagree with the practice of giving zakat to the "*mama biang*" tradition. Denial the predicated on the meaning *fīsabīlillāh* in Surah Al Tawbah paragraph 60. Those who battle in the name of Allah are referred to as al-ghazi *fīsabīlillāh*, which is identical to the phrase mufassir *fīsabīlillāh*.<sup>19,20</sup> This interpretation places limitations on what it means for *ashnaf fīsabīlillāh*. Abu Yusuf, a scholar from the Hanafiyah school, says that the offering zakat to *fīsabīlillāh* is restricted to destitute and weary warriors of fighting stock.<sup>21</sup> In agreement with the interpretation offered by Abu Yusuf, the Maliki school of thought interprets the phrase "*fīsabīlillāh*" to signify

<sup>18</sup> Interview with Samalamah Luluhima, Mama Biang in Negeri Iha, Maluku, August 21, 2022.

<sup>19</sup> Ibrahim Bajuri, *Hasyiah Al-Bajuri 'ala Matn Al-Burdah*, (Bandung: Darul Ma'arif, t.thn.).

<sup>20</sup> Ibnu Hajar al Haitami, *Al Minhaj Al Qaqim* (Maktabah al Huda al Muhammadi, 2005).

<sup>21</sup> Yusuf Al-Qardawi, *Fiqh Al-Zakah*, Cairo: Maktabah Wahbah, 2006.

that common people are obligated to fight in the name of Allah.<sup>22</sup> It is made clear in the book "Minhaj" written by Imam al Nawawi that the term "*fīsabīlillāh*" refers to fighters who leave their positions freely and do not receive recompense from the government.<sup>23</sup> According to Al-Qurthubi, the term "*Fīsabīlillāh*" refers to Islamic warriors who fight for the cause of Allah and defend Islamic frontiers.<sup>24</sup> Regardless of their socioeconomic standing, they are supplied with all they require for combat, including the appropriate armament. They are not discriminated against in this way.

Second, the flexibility with which clerics are allowed to interpret *mustahik* zakat. It has been made possible for *Mama biang* to be granted zakat thanks to the efforts of a number of academics who take a more lenient stance in their understanding of *fīsabīlillāh*.<sup>25</sup>

According to Rashid Ridha's argument, the purpose of *fīsabīlillāh* is to assist Muslims in general. Because it's al-Qaffal's sourced interpretation from expert opinion jurisprudence that they permit distribution of zakat (via *ashnaf*) for necessity benefit general as necessity cloth shroud of the dead, development fortress defense, construction / renovation of mosques, because sentence the general meaning. Mahmud Shaltut cites the opinion of ar-Razi in his commentary. He says, "In general, paragraph *fīsabīlillāh* does not signify."<sup>26</sup>

The adaptability of current academics is demonstrated by the interpretations of *fīsabīlillāh* offered by Shaltut and Rashid Ridha. *Fīsabīlillāh* is no longer viewed solely as a soldier's will; rather, its meaning has been expanded to assist individuals in a variety of different ways. Last but not least, the Fatwa Factor. The Indonesian MUI fatwa, which is referred to as *fīsabīlillāh*, has a broad range of connotations. In accordance with the fatwa issued by the MUI concerning Zakat Funds Distributed for Beneficial and Productive Activity People have proven that the top zakat funds, known as *fīsabīlillāh*, are eligible to be invested for necessary *maslahah al-'ammah* (general interest), which is in accordance with MUI fatwa No. 14 of 2011 on Withdrawal, Maintenance, and Distribution. Property subject to zakat stipulates that organizations with the mission of assisting the disadvantaged and known by the term *fīsabīlillāh* are qualified to accept zakat

<sup>22</sup> Abu Bakar Bin Abdullah Al Muhammad, *Ma'rifat Bi Ibnu Al-Arabi, Ahkamul Quran* (Beirut: Dar al Kutub Al-Ilmiyyah, 2001).

<sup>23</sup> Abu Zakariyya Muhy al Al-Nawawi and Din ibn Sharf, *Minhaj Al-Talibin Wa 'Umdat Al-Muftin* (Jeddah: Dar Al-Minhaj, 2005).

<sup>24</sup> Abi 'Abdullah Muhammad Ibn Ahmad al-Ansariy al-Qurtubiy, *Al-Jāmi' Li Ahkām Al-Qur'an, Juz VI* (Bairut: Dâr alKutub al-Ilmiyah, 2005).

<sup>25</sup> Muhammad Rashid Ridha, *Tafsir Al-Manar* (Mesir: Dar al-Bab al-Halamy wa Auldauhu, 1973).

<sup>26</sup> Mahmud Syaltut, *Al-Islam Aqidah Wa Syariah*, Translated by Fachruddin HS & Nasaruddin Thaha, (Jakarta: Bumi Aksara, 1994).

contributions. In order to appease the custom of extending zakat payments to "*mama biang*," the fatwa issued by the MUI is more accommodating.

During the course of our conversation, Abdul Shatar, who is a member of the Fatwa Commission of the Indonesian Ulema Council (MUI), indicated that it is permissible for *muzakki* to give zakat to mom. In accordance with the fatwa issued by the MUI about the distribution of zakat donations for the advantage of the employment of the *mama biang*, including the payment for duty. The patient does not have to pay anything in order to receive *mama biang*'s aid because it is delivered in a manner that is cost-free. It is impossible to emphasize the significance of the *mama biang*'s involvement in the process of rescuing the pregnant woman and the newborn child. If they are successful in carrying out their duties, they will be rewarded with a share of the zakat through the *ashnaf fīsabilillāh*.<sup>27</sup>

Traditional distribution of zakat to "*mama biang*" yields several positives and negatives, particularly given that "*mama biang*" is not explicitly listed in the *ashnaf mustahik* zakat discussion paragraph. Mature this, traditional distribution of zakat to "*mama biang*" yields several positives and negatives. Some members of the public hold the opinion that the zakat tradition known as "*mama biang*" is an example of an *al-'urf fasid*, which refers to customs that are in direct opposition to Shari'a law.<sup>28</sup> Research conducted by Abdurrahman Kuwairumaratu indicates that the practice of providing Zakat to the *mama biang* of the *mama biang* is incompatible with Islamic law and has to be discontinued. Abdurrahman held the belief that "*mama biang* is the culprit," and for this reason, *ashnaf* should be disqualified from receiving zakat.<sup>29</sup>

Pikahulan Rush is quoted as saying, "for me, it is permissible to provide zakat to " poor *mama biang*"; but, he is not eligible to receive zakat if "*mama biang*" is in a wealthy state." This reveals that the primary reason "*mama biang*" receives zakat is not because of his services, but rather due to his extreme poverty. Rush added that in the land of Iha, all *mama biangs* are qualified to get zakat because they are all poor; nevertheless, the fact that the mastermind also pays zakat makes me wonder about something; as a result, in Thing, the master *mama biang* is both *muzakki* and *mustahik*.<sup>30</sup>

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<sup>27</sup> Interview with Abdul Syatar, Member of the South Sulawesi MUI Fatwa Commission, August 25, 2022.

<sup>28</sup> Abdul Rahman Kwairumaratu, Tradisi Masyarakat Desa Maluku Dalam Memberikan Zakat Fitrah Bagi Mama Biang Suatu Perspektif Hukum Islam' (Skripsi IAIN Ambon, 2020).

<sup>29</sup> Abdul Rahman Kwairumaratu, *Tradisi Masyarakat Desa Maluku*.

<sup>30</sup> Interview with Rustam Magun Pikahulan, Public Figure in Negeri Iha, Maluku, Augusts 21, 2022

In Iha, it is common practice to give zakat to the "*mama biang*" who was responsible for assisting the *mama biang* in conceiving a child.<sup>31</sup> "Not only will the "*Mama biang*" follow the *mama biang* throughout her pregnancy, but she will continue to do so up until the child reaches the age of five.<sup>32</sup> In addition, "*Mama biang*" has been serving the labor society for a considerable amount of time, which has earned her the reputation of being more experienced. In addition, it was believed that *mama biangs* were more patient in providing support and care from the beginning of pregnancy until the baby was born.<sup>33</sup> *Mama biang* has even gained more trust than a midwife because to Community Iha's appointment of her as a major person in things relevant to the safety of labor and delivery. In addition, members of the public are led to believe that they have an obligation to make restitution for the services provided by the *mama biang* by fulfilling the master's mandates and giving zakat to the *mama biang* of the master. Trend The public's decision to donate zakat to a "mom master" has been met with criticism due to the fact that the distribution of zakat should not be focused on the protection of *mama biangs* in precarious situations. There are *ashnaf* who are entitled to zakat, but not all of them receive it.

According to the firm belief held by members of the Syafi'iyah sect, zakat must be dispersed fairly among all qualified organizations operating within the surrounding community. The minimum required number of individuals for conventional zakat distribution per *ashnaf mustahik* is three out of a total of eight *ashnaf*. For instance, if there are two groups in a region that are required to pay zakat, such as those who are poor and those who are gharim, then the zakat needs to be allocated to six people: three from the group of poor faqir and three from the group of gharim. The beneficiaries of *ashnaf mustahik* zakat who do not receive a portion of the minimal feasible treasure are at risk of suffering a financial loss in the event that this equalization distribution is not carried out. This rule applies to each and every *mustahik* zakat, with the exception of *mustahik amil* (the zakat committee), and it may be granted to a single *mustahik* from the *amil* group.<sup>34</sup> The concept forbids the practice of distributing zakat to more than one *ashnaf* at a time, which is precisely what took place in the case of *Mama biang*.

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<sup>31</sup> Abdul Rahman Kwairum, Wotu, *Tradisi Masyarakat Desa Maluku*.

<sup>32</sup> Sri EnySetyowati, et.al., Peran Dukun Dalam Budaya Melahirkan Suku Nuulu Di Pulau Seram Maluku Tengah', *Jurnal Pendidikan Tambusai* 6, No. 1 (2022), p. 36–41.

<sup>33</sup> Setia Pranata, et.al., "Kungkungan Tradisi Kesehatan Ibu Dan Anak Di Negeri Ita Wotu Nusa Pulau Seram', *Sebuah Studi Etnografi*, (Yogyakarta: Kanisius, 2013).

<sup>34</sup> Syekh Muhammad Ibn Qâsim Al-Ghazzi, 'Fath Al-Qarib Al-Mujib', *Indonesia: Dâr Al-Ihya Al-Kitab Al-Arabiah. Tth*, 2014.

## Exploring the Flexibility of Islamic Scholar Opinion on the Zakat *Mama Biang* Distribution

The pros and negatives associated with the distribution of zakat result from the rigidity and flexibility of scholars in their interpretation of *ashnaf mustahik fiabilillah*.<sup>35</sup> As opposed to the other *ashnaf*, *ashnaf fīsabilillāh* is more global and its categorization is unclear.<sup>36</sup> This results in a divergence of opinion amongst the experts regarding the membership of this *ashnaf*. People who battle in Allah's cause, according to the Hanafiyah, Malikiyah, and Syafiiyah schools of thought, as well as one of the traditions of the *Fīsabilillāh* school of thought. According to Muhammad bin Hasan (a scholar of the Hanafiyah school of thought), pilgrims and umrah participants belong to the *fīsabilillāh* category. In the meantime, according to Muhammad bin Hasan of the Hanafiyah school and other Hanabilah school traditions, Hajj and Umrah pilgrims are included in the *fīsabilillāh* category.<sup>37</sup> In addition, numerous commentators associate *fīsabilillāh* with war-related matters, such as the purchase of military equipment for the construction of forts, etc.<sup>38</sup> The conceptions of the meaning of prayer scholars about *ashnaf fīsabilillāh*, which are committed to battle, are no longer applicable and will stagnate, so that the benefits of zakat will not be channeled correctly as a result of changing conditions.<sup>39</sup>

In the context of the present day, most modern academics have a tendency to read *ashnaf fīsabilillāh* with a larger degree of flexibility. They discussed the framework to reinterpret the meaning of *fīsabilillāh* so that it can be applied to the advantage of the people.<sup>40</sup> In the context of the present day, most modern academics have a tendency to read *ashnaf fīsabilillāh* with a larger degree of flexibility. They apply berijtihad in the framework to reinterpret the meaning of *fīsabilillāh* so that it can be applied to the advantage of the people.<sup>41</sup> The most plausible reading of *ashnaf fīsabilillāh*'s is that it is concerned with the well-being of individuals and the variety of their charitable intentions. The evidence led people to the conclusion that modern scholars worked hard to close the mancari gap so that devout Muslims could get zakat through the door *mustahik* zakat

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<sup>35</sup> Abi 'Abdullah Muhammad Ibn Ahmad al-Ansariy al-Qurtubiy, *Al-Jāmi' Li Ahkām*.

<sup>36</sup> Lukmanul Hakim, "Konsep *Ashnaf Fīsabilillah*: Kajian Komparatif Pendapat Ulama Salaf Dan Kontemporer", *At-Tauzi: Islamic Economic Journal* 20, No. 2 (2020).

<sup>37</sup> Muhammad Sarbini, 'Tafsir *Fīsabilillāh* Dan Implikasinya Bagi Cakupan *Fīsabilillāh* Sebagai *Mustahik* Zakat', *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 6, No. 1 (2018), p. 1-22.

<sup>38</sup> M Quraish Shihab, *Tafsir Al-Misbah*, (Jakarta: Lentera Hati, Vol II, 2002).

<sup>39</sup> Mohd Kashim Mohd Izhar Ariff and Awang Mohd Ridzuan, 'Konsep Memperkasakan Infaq *Fīsabilillāh* Kepada Umat Islam Di Malaysia: Satu Sorotan', *Jurnal Pengurusan JAWHAR*, 2009.

<sup>40</sup> Mahmud Shaltut, *Al-Islam: Aqidah Wa-Shariah* (Jakarta: Bulan Bintang, 1970).

<sup>41</sup> Yusuf Al-Qardawi, *Fiqh Al-Zakah*, (Cairo: Maktabah Wahbah, 2006).

*fīsabīlillāh*.<sup>42</sup> This conclusion was reached based on the evidence. It is necessary for modern scholars to provide a framework for the idea of *fīsabīlillāh* in order for the people to understand what the goal of zakat is. In its most fundamental form, the principle of zakat must work toward the betterment of society.<sup>43</sup>

### Zakat Distribution for *Mama Biang* and its Implications in Islamic law

The debate surrounding the provision of zakat to the *mama biang* is reflected in the community's response to this issue. A number of individuals disagree with the distribution of zakat to the *mama biang*, particularly if she is wealthy. There are some who regard zakat *mama biang* to be a *fasiid* custom (not according to Islamic law).<sup>44</sup> Other groups believe the *mama biang* has the right to get zakat because she played a crucial part in supervising the birthing process and preserving the lives of *mama biang* and child.<sup>45</sup> The provision of zakat to the *mama biang* in charge has the potential to generate disparity in the distribution of zakat, so preventing the distribution of zakat from achieving its intended purpose. Some individuals believe that the allocation of zakat monies is off-target, which threatens to create inequalities in society.<sup>46</sup> According to Muammar Bakri, zakat must be administered equitably because it is a sacred pearl whose purpose is to promote justice. The unequal distribution of zakat prevents it from resolving the issues of the people<sup>47</sup>. The unequal distribution of zakat monies has a detrimental and considerable impact on poverty levels in Indonesia, as well as economic growth and unemployment.<sup>48</sup>

Furthermore, the distribution of zakat *mama biang* has repercussions for various interpretations of Islamic law. The adherents of the tradition of zakat *mama biang* recognize that the distribution of zakat *mama biang* is in conformity with Islamic law, depending on the judgment of the clergy that widens the meaning of *fīsabīlillāh* to include *mama biang*. Currently, a number of individuals recognize that zakat *mama biang* is contrary to Islamic law. Their understanding is based on the opinion of experts who tend to interpret *fīsabīlillāh* narrowly, so

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<sup>42</sup> Hasby Ash-Shiddieqy, *Pedoman Zakat*, (Semarang: Pustaka Reski Putra, 2009).

<sup>43</sup> Muthoifin Muthoifin and Nuha Nuha, 'Kontekstualisasi Makna Zakat: Studi Kritis Kosep *Fīsabīlillāh* Menurut Masdar Farid Mas' Udi', 2016.

<sup>44</sup> Abdul Rahman Kwairumaratu, *Tradisi Masyarakat Desa Maluku..*

<sup>45</sup> Setia Pranata, et.al., *Kungkungan Tradisi Kesehatan Ibu Dan Anak*.

<sup>46</sup> Ahmad Yulis Maulana And Nur Taufik Sanusi, 'Pemahaman Masyarakat Tentang Penyaluran Dana Zakat Fitrah Melalui Kantor Layanan Lazismu Kabupaten Bantaeng', *Iqtishaduna: Jurnal Ilmiah Mahasiswa Hukum Ekonomi Syari'ah*, (2022), p. 13–21.

<sup>47</sup> St Habibah et.al., 'Manajemen Zakat Maal Di Kota Makassar: Telaah Atas Upaya Produktivitas Zakat', *Al-Ulum* 20, No. 1 (2020), p. 90–112.

<sup>48</sup> Lili Purnama, 'Pengaruh Faktor Makroekonomi, Kesenjangan Dan Penyaluran Dana Zakat Terhadap Tingkat Kemiskinan Di Indonesia Periode 2002-2019' (UIN Sunan Gunung Djati Bandung, 2021).

that offering zakat to *mama biang* is regarded as a tradition that violates Islamic law.<sup>49</sup>

Based on the discussion above which contains the context of the pros and cons mentioned above, the author can provide a middle way. The middle way in question is that the practice of giving to the mother can still be continued, still being straightened out with the term *infaq* or gifts, not zakat. Because zakat must have clear conditions and pillars in accordance with Islamic law. But *infaq*, *shadaqah* and gifts are not limited, this *infaq* is given to *mama biang* as an imbalance in saving children and pregnant women who give birth. so anthropologically nothing is damaged, this legal practice can still be carried out, but only straightened out in the context of *infaq* and *sadaqah*. the main feature of the anthropological approach is the harmonization of the two legal systems, namely Islamic law and customary law, not conflict.

## Conclusion

The debate surrounding the distribution of zakat to *mama biang* arose as a result of the unequal distribution of zakat to all existing *ashnaf*. This can create divisions in society. Because *mama biang* receives zakat as *ashnaf fīsabīlillāh*, the right to receive zakat from her is controversial. On the other side, *mama biang* issues zakat as *muzakki*; this is a new difficulty in Islamic law, as up until now only *ashnaf* *amil* possesses both the duties of *mustahik* and *muzakki*. In addition, *ashnaf fīsabīlillāh* is still a matter of debate among scholars, with some scholars limiting the definition of *fīsabīlillāh* to war forces and others expanding it to include all things that provide advantage. Therefore, from the perspective of Islamic legal anthropology, the practice of giving zakat to *mama biang* which has been going on for a long time (living law) in the Iha community, Maluku can actually be accommodated by straightening it out with the term *infaq* or gifts. *Infaq* and this gift as a reward for their contribution in saving child births and helping mothers give birth. because it cannot be denied that the mother has a big role in providing protection to women and children as the next generation. This is also in line with the principles of Islamic law, namely benefit.

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