

## The dialectic of Zakat thought for victims of violence against women and children: A Study of the Views of Religious Figures in Ponorogo

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### Abstract

The distribution of zakat to victims of violence against women and children is a new idea in which the law requires profound interpretation and even the existence of contemporary Ijtihad. This new phenomenon has received mixed responses from various Islamic law experts, as in Ponorogo, which experienced quite a lot of dynamics. This research aims to explore responses to the phenomenon of zakat for victims of sexual violence from religious leaders and community organizations Nahdlatul Ulama and Muhammadiyah. To explore responses to the phenomenon of zakat for victims of sexual violence, researchers conducted phenomenological qualitative research with a field approach. The data source from this research is religious figures in the Ponorogo region. In-depth interview techniques with all research subjects regarding responses to the phenomenon of zakat to victims of sexual violence collected data. In this study, it can be concluded that the paradigm of NU and Muhammadiyah Ponorogo Ulama in responding to zakat to victims of sexual violence is divided into three. Rigid-textual paradigm, eclectic-textual paradigm, and contextual-maqashid sharia paradigm. This research can be a reference for the community in distributing zakat, which is more humanist.

## Public Interest Statement

Until now, sexual violence is still a frightening specter for all of us, especially women. Most victims experience psychological and physical trauma, and legal justice is rarely found against them. Cases like this have become widespread due to the absence of legal instruments that have a deterrent effect on perpetrators. Sexual violence against victims has a profound impact, ranging from the severe trauma they experience to being displaced economically. In this context, zakat plays its role as a solution to the victims' financial problems because what victims experience is complex and has a significant loss dimension. In this context, zakat becomes contemporary *ijtihad* in advocating for victims of sexual violence.



## Introduction

Zakat, in addition to playing a role in the distribution of wealth and prosperity, also creates social justice in society (Al-Salih, 2020; Dhar, 2013; Jastacia & Asyifa, 2021). This new paradigm aims to achieve this; it is necessary to renew the meaning of *fiqh* zakat. There needs to be *ijtihad* to understand *fiqh* zakat more broadly, such as the concept of productive zakat for the empowerment of people (Furqani et al., 2018; Zainal Alim Adiwijaya, 2016), business capital for *mustahiq* (Sugeng & Asmi Trisna Puspita, 2022), social welfare (Al-Salih, 2020). This finding provides an opportunity to understand zakat more broadly, taking into account more types of *mustahik*. Therefore, the reexistence of *ijtihad* to actualize zakat with the eight *mustahiks* determined by religion (*fiqh*) proved relevant.

Concerning *Asnāf*, the provisions in the Qur'an from who Muslims are entitled to receive zakat indicate that zakat is a potential source of funds to improve poverty and economic empowerment of lower-level communities. The Qur'an verse 9:60 lists eight categories of individuals entitled to receive zakat: the poor (*al-fuqarā'*); needy (*al-masākin*); zakat collectors; those whose hearts are reconciled to Islam; prisoners of war whose freedom must be purchased; people in debt; those who are in the way of God; and traveller (Ali, 2019).

Until now, poverty alleviation is still the main program of zakat institutions in various countries (Ayuniyyah et al., 2022; Choiriyah et al., 2020; Muhammad et al., 2022). This main program is because poverty is considered the impact of various existing social problems. However, in addition to the main program, zakat institutions also have several specific programs that are run based on an analysis of the needs of the community, for example, special zakat for people with disabilities (Muhammad et al., 2022), zakat for the security and food safety of the poor (Sumai et al., 2019), zakat for victims of violence against women and children (Muthmainnah, 2021a; Zainuddin & Sahban, 2021).

Concerning the discourse on violence against women and children, based on National Commission on Violence against Women data, as many as 299,911 cases of physical and sexual violence occurred against women. Moreover, as many as 11,278 cases of violence against children were recorded in 2020 (Komnas Perempuan, 2021). Some women and children in Indonesia are not a few who experience violence, of course, from various causes. Limited economic conditions are one of the causes of the emergence of violence in the family environment, especially against women and children. In this context, zakat plays its role as a solution to overcome the victim's financial problems. Because what the victim experiences are very complex and have a significant dimension of loss. When reviewed, victims have difficulty daring to speak up because they take (can be years) to reduce their psychic trauma (Muthmainnah, 2021a).

One area that also has a high level of violence is Ponorogo. As stated by Supriadi, namely, the Head of the Social Service for Women's Empowerment and Child Protection of Ponorogo Regency, recently, cases of

violence that have dragged down female and child victims in Ponorogo Regency have increased drastically, with cases of violence involving women as many as 34 cases in 2020, while those involving children reached 33 cases even in 2020 rose to 42 cases (Sectoral Statistics Data of Ponorogo Regency)

Therefore, the problem of violence in women and children is a stumbling block that needs to be immediately sought for a way out. One of the policies of the Indonesian government to resolve the violence in the community is to establish an Integrated Service Center for Women and Children Empowerment (P2TP2A). However, P2TP2A cannot work alone in carrying out its duties because its task is not limited to handling victims but also starts from preventive measures and control to the recovery stage. Meanwhile, the reality that needs to be known is that the funds provided by the government cannot accommodate the needs of handling and rehabilitating victims of violence (Noer et al., 2019).

However, on the other hand, the distribution of zakat for victims of violence against women and children at least invites the question, are victims of violence against women and children included in the zakat recipient group? The question arises because women and child victims of violence are not explicitly mentioned among the zakat recipients, as is the case in the Qur'an surah At-Taubah verse 60.

Several organizations have responded to the research findings above, especially Yulianti Muthmainnah's (2021b) research. One of them is Muhammadiyah. Abdul Mu'ti, General Secretary of PP Muhammadiyah (2021), victims of sexual violence can be categorized as zakat recipients who are included in the definition of *riqāb*. According to him, *riqāb* is not only interpreted as *an-sich* slavery but also interpreted as human exploitation. Therefore, zakat is allowed to advocate for victims of sexual violence who experience marginalization and oppression. Not only that, but the branches of this organization also carried out other studies. Likewise, the Coordinator for PSIPP ITB Ahmad Dahlan Jakarta, Erni Juliana, also stated that in the current era of progress, it is straightforward to invite the public to do good, including carrying out zakat for victims of violence. During the 16-week series of activities, Erni invited participants to help victims of violence through zakat and distribute it to philanthropic institutions (Banzimu Pusat, 2021). The event was themed "Zakat for Victims of Violence against Women and Children; The perspective of Muhammadiyah-'Aisyiyah Ulama" and was held in collaboration with PSIPP ITBAD Jakarta with LazisMu and the Advanced Intellectual Network (JIB) (Muhammadiyah, 2021). The show produced several recommendations. First, ensuring that the Muhammadiyah Tarjih ruling—not ruling out the possibility of other institutions—with a female perspective can be disseminated more widely to the public. Secondly, if Tarjih Muhammadiyah does not yet have a fatwa that is fair to women and supports victims, then what is done by PSIPP is part of encouraging, providing input, and proposing to Tarjih and the Muhammadiyah Central Leadership to have a fatwa that is fair to women.

Furthermore, Sudarnoto Abdul Hakim (Chairman of the MUI Foreign Relations Commission) suggested that the proposals, as stated in the book, be submitted to the MUI, Muhammadiyah, NU, and the government for discussion so that they should be followed up and not stop at the level of mere discourse (Muhammadiyah, 2021).

Meanwhile, from the MUI and NU circles, no opinion has responded explicitly to this. Some discourses in the media and the like that discuss this issue are only generally conveyed. In answering this problem, several studies have been carried out, started by Zainuddin (2018), which expand the meaning of *riqāb* victims of trafficking. Furthermore, Ali (2019) the importance of zakat institutions focusing on victims of violence against children by setting aside corporate social responsibility funds. Furthermore, Zainuddin and Sahban (2021) and Yulianti Muthmainnah (2021b) explained that the eight groups of zakat recipients must be defined the

following times, especially in *riqāb* and *sabilillah*. In this context, Zakat becomes a contemporary Ijtihad in advocating for victims of sexual violence.

In this regard, researchers are interested in assessing two problem points in this study: First, what is the view of Ponorogo scholars regarding the distribution of zakat for victims of violence against women and children?

### Literature Review

In Islamic jurisprudence, Asnāf zakat has been determined to consist of eight groups mentioned explicitly in the Qur'an surah at-Taubah verse 60. However, in its implementation, there is an interpretation by jurisprudence scholars according to the conditions of their time and based on consideration of benefits. Imam Malik and Imam Abu Hanifah argued that the ruler had the authority to direct the distribution of zakat to one or several groups of the situation or conditions permitted. Meanwhile, Imam Shafi'i argued that zakat should be distributed equally to the eight groups mentioned above, not to specific groups mentioned explicitly in the Qur'an surah at-Taubah verse 60 (Chintya & Wahyuni, 2018).

Imam Shafi'i established mustahiq zakat fitrah based on the Qur'an At-Taubah verse 60, which states that zakat fitrah is also given to 8 Asnāf groups of zakat mal recipients. They think so because zakat fitrah and zakat mal are the same—a Muslim must issue both, but the conditions are different—so he equates the division. If the relative belongs to the eight categories of zakat recipients, it is even preferable to offer it to close relatives who are not the obligation of the giver (Jawad Mughniyah, 2001). Meanwhile, the Maliki School argues that only the poor and the poor are entitled to receive zakat fitrah, while the other six groups (as stated in At-Taubah letter verse 60) (Jawad Mughniyah, 2001).

Any difference in interpretation of the definition of Asnāf zakat in Islamic jurisprudence based on Hujjah and the correct method of ijtihad is acceptable and does not invalidate one opinion with another. However, in practice, the role of the government in determining specific definitions of jurisprudence eliminates differences (Hambari et al., 2020).

Although there are quite a lot of differences of opinion, in general according to scholars agree that it is not permissible to give zakat except for Asnāf Al-Tsamaniyyah (eight Asnāf). Referring to Gus Arifin's formulation, the following is the meaning of Asnāf by four Madhabs (Arifin, 2016):

Table 1. Meaning of Asnāf Four Madhabs

The	Hanafi	Maliki
Fakir	A person who has less than Nisab or more but is exhausted by his needs	He who has property, and whose property is not sufficient for his needs within a year, he who has an income and is insufficient, is given zakat only enough
Poor	People who don't have anything	One who has nothing.

<b>The</b>	<b>Hanafi</b>	<b>Maliki</b>
Amil	He who is appointed to take care of zakat	Zakat managers, writers, dividers, and so on who work for the benefit of zakat. The condition of amil: be fair and know all laws related to zakat.
Converts	People who are expected to be Muslim or new as Muslims. They have not been given zakat since Caliph Abu Bakr al Siddiq Muslims. They have not been given zakat since Caliph Abu Bakr al-Siddiq	Infidels who are expected to convert to Islam, others say Muslims who have just restored.
Sahaya's servant	He who has promised his master that he may redeem himself with other money/property	Muslim servants who are bought with zakat income and freed
Gharim	The one who has debt, while his property is out of debt, is not art enough. Given zakat to pay the debt.	He is in debt, whose wealth is not sufficient to pay, the debt is paid by zakat if he is in debt, not for something evil.
Fi Sabilillah	Soldiers to fight in the name of God.	Soldiers and spies to buy weapons, horses, etc., for war in the way of God.
Ibn Sabil	On the way, there was a man who had broken up on his property.	The person who is on the trip and he hopes for support for the cost of returning to his country, provided his trip is not for sin.
<b>The</b>	<b>Shafi'i</b>	<b>Hanbali</b>
Fakir (Poverty)	He has no property and no effort, and no one is obliged to spend it.	He who either has no property or just has enough property to meet half of his needs.
Amil (Agent)	The man works for zakat, and he has no wage other than it.	Zakat managers are given zakat just the wages of their work.

The	Hanafi	Maliki
Fi Sabilillah	The army volunteered, received no salary, nor was it a share of the wealth provided for war purposes. He was given zakat, although rich, as much as he needed for war, buying weapons, horses, and other war tools.	Soldiers who do not get salaries from the (government) leadership.
Ibn Sabil	The traveler who goes from the land where zakat (Balad al-Zakah), or passes through it, is given zakat to get to his destination or to get to the place where he has wealth, if any, provided that he needs it when traveling or passing through the land, and his journey is not for sin.	He who decrees shopping on a lawful trip is permissible. Travelers are given just enough fare to go home.

As mentioned earlier, the basis of utilization is based on QS at Taubah verse 60. In its application, the head of state and the Amil Zakat Agency provide broad opportunities for mujtahids to have faith in the distribution and utilization of zakat assets following the situation's needs and conditions. The interpretation of the eight Asnāf, when viewed in the contemporary context, is as follows (Malahayatie, 2016; Zainal Alim Adiwijaya, 2016):

1. Fakir, that is, a person who does not have enough income to meet the needs of his life. On the one hand, he also has no relatives to provide for his livelihood, such as food, clothing, and even a place to live.
2. Poor, that is, people who have the ability and effort to get the necessities of their lives but have yet to reach the level of being entirely sufficient.
3. Amil, namely, all parties who act in collecting, storing, maintaining, recording, and distributing or distributing zakat assets. This amyl is not just anyone but is assigned with the government's permission and the agencies that appoint it to carry out other duties related to zakat.
4. Mu'allaf is a term given to people who have just converted to Islam or non-Muslims who have hopes of converting to Islam. There are three categories of Mu'allaf who are entitled to receive zakat. First, people who are wooed to convert to Islam. Second, people who are wooed to defend Muslims. Furthermore, third, people who converted to Islam after about a year still need help adjusting to their new conditions, not only in the field of living but in the scientific and social fields as well.
5. Riqab, which is linguistically plurally called raqabah, which means nape (back of the neck), is interpreted or interpreted as a servant of Sahaya. There is still modern slavery, namely, trafficking, where most victims come from low-income families. This contemporary slavery occurs because of the lure of immigrant workers working in the domestic sphere, crews on large ships, and plantations in various countries such as Malaysia, Taiwan, Hong Kong, Saudi Arabia, and others. The condition of these victims is deplorable; they are employed for 21 hours in 1 day and subjected to sexual abuse, brutal rape, and torture to death. Victims of sexual violence are genuinely on an equal footing with

enslaved people. The expansion of the riqab also includes victims of sexual exploitation or domestic violence. This concept is because the position of the victim and his family are so weak that they cannot extricate themselves. After all, they barely get support. Thus, be it victims of human trafficking or victims of sexual exploitation and domestic violence, they can be defined as a modern form of slavery (riqab).

6. Gharimin, if defined from its origin, namely, from Arabic, gharimin, is a term for people who have debts. However, Peru is known that only some in debt have the opportunity to be part of the zakat recipients.
- Sabilillah, there are several opinions regarding sabilillah. First, Wahbah az Zuhaili, Abu Bakr a Jazair, Ibn Katsir, and al Baghawi agreed that sabilillah were the only people who jihad or fought in the way of Allah who did not get the blessings of the state. Second, al-Shaukani and 'Ali al-Shabuni say that sabilillah is a man of war and murabitun (within the enemy's borders). The third, Muhammad Rasyid Ridho, said, that all schools agreed that sabilillah were people who fought and guarded the border. Fourth, Hisamuddin said that sabilillah, besides having the meaning as mentioned earlier, also has another meaning; namely, sabilillah is a way of goodness (a public benefit with which it aims for religious or state affairs, which, if leaned on by the Mujahid, can be implemented such as building hospitals, shelters, religious schools, public libraries, Islamic boarding schools). In addition, sabilillah can also be expanded in meaning, namely, those who are classified as Covid-19 victims who are struggling to be healthy. Moreover, medical personnel such as doctors, nurses, nurses, and other officers who intervened and were on the frontlines of handling Covid-19 can be categorized as people who are doing sabilillah.
7. Ibn Sabil, that is, the one who was on his way, did not have enough provisions for continuing the journey or returning to his homeland. There are several conditions for a person to be said to belong to the Ibn Sabil group. First, he is on his way abroad; if he is still in his country, he belongs to the fakir or poor class. Second, the trip is not contrary to Shari'a, so the zakat property is not for immorality activities. Third, the person has no cost to return to his country even though in his country he is a rich man.

Several things related to the criteria of Mustahiq zakat, Didin Hafidhuddin allowed this zakat to be distributed in the construction of worship facilities, educational facilities, libraries, health facilities, dai training, and the provision of scholarships to students on the pretext that it is the duty of all of us, especially the government and officials, to have various empowerment programs that make this group strong so that it can meet its own needs (Hafidhuddin & Beik, 2019).

Furthermore, more importantly, these programs raise their dignity and dignity as dignified human beings, who have independence, freedom, and human rights like any other human being (Hafidhuddin & Beik, 2019). In Didin Hafidhuddin's view, there are eight groups of mustahiq, namely, fakir, poor, amil, converts, enslaved people, Gharim, Fii sabilillah, and Ibn Sabil as stated in the Qur'an Surah At-Taubah verse. He is a group of people who must be deceived regarding life and social status, with the poor and the poor as the top priority. This concept can be done by providing working capital, educational scholarships, and developing skills such as courses. With this method, it is hoped that their lives and social conditions will be better in the future than zakat funds distributed in cash. The distribution of zakat funds can be done in an emergency. Contemporary problems with Mustahiq Zakat caused the empowerment of zakat funds carried out by Didin Hafidhuddin.

Therefore, prioritizing the principle of Mashlahat to pay attention to the community's needs is a priority as long as it does not contradict the Qur'an and As-Sunnah (Muthoifin & Al-Khobari, 2021).

Research conducted by Ab Rahman (2018) found new concepts and interpretations of ar-riqab put forward by scholars to justify whether people with disabilities can be included as ar-riqab in Malaysia. The study found that persons with disabilities are eligible to be recognized as recipients but must follow the criteria and requirements prescribed by Sharia, the Department of Social Welfare, and the Ministry of Health. Furthermore, in interpreting the concept of fi-sabillah, the research conducted by Nurul Jannah (2022) on the interpretation of al-Manar Muhammad Abduh and Muhammad Rasyid Ridha concluded that the zakat group of fii sabilillah can be interpreted in a broad sense, namely fii sabilillah can be used for the public interest. In their interpretation, Muhammad Abduh and Muhammad Rayid Rida changed their understanding of the provision of zakat funds for the fii Sabilillah group that had been carried out given for the public interest, not for people in need due to disasters.

More comprehensively, the results of Hakim's (2020) study of the concept of fi sabillah between classical and contemporary scholars resulted in three conclusions. First, the group that narrows the meaning of fi Sabilillah only to the meaning of war in the way of Allah, the majority of them are Salaf scholars. Secondly, the group that expands the meaning of fi sabilillah as any good practice in the way of God for the benefit of the public uses the original meaning of the word as a basis for postulating. Fi sabilillah linguistically includes all good deeds that benefit Muslims and draw them closer to Allah SWT. Lastly, a group that does not narrow down nor overextends the meaning of fi sabilillah. The postulates used by this group are in the form of hadiths and qiyas.

## Methods

The research conducted by researchers uses a phenomenological qualitative approach. This research also uses field studies using a phenomenological approach. More specifically, the reasons for choosing this approach are as follows:

First, the source and type of data in research is a phenomenon and experience of the research object by paying attention to the locus of both. Second, human instruments. In this research, the researcher is positioned as a critical instrument. Third, inductive data analysis. Fourth, this study focuses more on phenomenological inquiry.

A phenomenological approach is a form of qualitative investigation that emphasizes experience, the living aspects of specific constructions - that is, how the phenomenon is experienced at the moment it occurs, rather than what is thought of this experience or the meaning attributed to it later. Therefore, this research emphasizes the informants' experience, namely, religious leaders in the Ponorogo region, in their position as figures whose opinions are listened to and followed by the local community.

Researchers may see tendencies, patterns, directions, factor interactions, and other things that spur or inhibit change to formulate new relationships based on existing elements (Muhadjir, 1998, pp. 42-43). Triangulation is used to verify the correctness of the data by comparing it with something else (Moleong, 2010, p. 178) and concludes by concluding as a result of field findings. Interviews are the primary method in this study. Interviews were conducted with selected Islamic boarding schools and business actors. Researchers use an interview model (Busetto et al., 2020): Unstructured casual discussion with characteristics of



spontaneity and ease. Use sheet with an outline of the subject matter or the problem used as a handle in the conversation.

The analysis method used in this study is inductive data analysis. According to the naturalistic paradigm, inductive data analysis is the analysis of specific data from the field into units, followed by categorization (Muhadjir, 1998, pp. 42–43).

In detail, the steps of data analysis are carried out by following the method suggested by Miles and Huberman (1984): Data reduction, data display, conclusion, and verification.

## Discussion

### The paradigm of NU and Muhammadiyah Ponorogo Scholars' Thoughts on Zakat

Regarding the law on the ability to distribute Zakat to victims of violence against women and children, both several Nahdlatul Ulama and Muhammadiyah scholars in the Ponorogo region stated that the law on distributing Zakat to victims of violence against women is allowed if it can be included in one or more categories among the eight groups of zakat recipients. The Qur'anic verse used as the legal basis for distributing Zakat for victims of violence against women and children is contained in the Qur'an Surat At-Taubah verse 60.

#### 1. Paradigm of NU and Muhammadiyah Ponorogo Ulama Thinking about Zakat

In this case, NU scholars are divided into two classifications of opinions. The first income that emerged from NU itself turned out to be textual. This case is marked by the informant's opinion that refers to a book popular among Islamic boarding schools in Indonesia entitled "Kitab Fathul Qorib Al Mujib" written by Shaikh Al-Allamah Syamsuddin Abu Abdillah Muhammad bin Qosim Al-Ghazi. The book included fiqh material and was written by Muhammad ibn Qosim Al-Ghazi. There is not a single pesantren in the world that does not study the book of jurisprudence known as Fathul Qorib Mujib. Fathul Qarib references the Shafi'i and Matan Abi Syuja' schools with their famous sharah, namely, Fathu Al-Qarib Al-Mujib by Ibn Qasim Al-Ghazzi (Yahya & Syafi'i, n.d.).

*"In my opinion, as mentioned in the book of Fatkhul Qarib, zakat has the meaning of "Special treasures, which are taken from special treasures, especially, and then distributed to special groups as well." So there is a specific specificity of Zakat, starting from the property, including anything, the person obliged to pay Zakat is anyone, and especially what group is entitled to receive Zakat. These are special groups." (Interview, LBM-NU Ponorogo Administrator, March 22, 2022)*

This characteristic arises because of the ijtihad pattern of NU, which uses the Ilhaq method. This method is fully named Ilhaq al-masa'il bi nazhdiraha, which is to equate the law of a case that has not been answered by the book with a similar case that has been answered by the book (there has been a legal determination) or to equate it with a "finished" opinion. Semantically ilhaq, it is the same as qiyas. Meanwhile, ishtilahi has differences. Ilhaq means istikhradj al-hukm, min al-aqwal al-'ulama' or issuing laws from the opinions of scholars (Ma'mun, 2011). This method influences the thinking of the above scholars to conclude Zakat based on the book.

The second model related to the zakat paradigm is an opinion based on a direct reference model of the organization and tends not to express personal opinions. This opinion prioritizes the Zakat paradigm that

develops among researchers and scholars but is not specific. Nevertheless, the opinions expressed tend to refer to the paradigm established by the scholars of Madzhab Shafi'i.

*"My paradigm or view of Zakat is similar to the general understanding that has developed, namely, the distribution of certain assets to the class of people who are able and have fulfilled the pillars and conditions of the eight groups mentioned in the Qur'an. So, until now, there has been no specific definition of NU itself defining Zakat. " (Interview, NU Ponorogo Management, March 22, 2022)*

Furthermore, from among the Muhammadiyah Ulama, the meaning of Zakat is also in line with the opinions formulated by the Madzhab Ulama. Understanding the zakat paradigm is channeling prices from those who have assets to those who do not have property.

*As far as I understand, the zakat paradigm is the distribution of wealth from the rich or poor to the poor or non-existent (Interview Management of Muhammadiyah Ponorogo, March 22, 2022). So the zakat paradigm is not much different from the definition of Zakat that has been widely spread in books or existing reading sources. What is certain is that a zakat is a form of mutual sharing of the able, but with certain pillars and conditions for the poor or those qualified to be part of the eight mustahiks.*

The underprivileged group is still a priority in the zakat distribution paradigm. This opinion means that mustahiq, fakir, and the poor are the main objects of Zakat.

## **2. Contemporary Asnāf Zakat Thought of NU and Muhammadiyah Ponorogo Scholars**

Concerning the thought of Asnāf Zakat, the NU is divided into two opinions; the first opinion tends to be textual and rigid, which means that Asnāf Zakat must be followed and in harmony with QS at Taubah verse 60 textually, not expanded or sought after.

*"In the Qur'an, it has been mentioned that eight groups are entitled to receive Zakat as a matter of QS at Taubah verse 60. Although time goes on and civilization continues to develop rapidly, the law of Zakat is still mandatory and can only be distributed to the eight groups mentioned in the Qur'an. Distributing Zakat to groups not included in the 8 Asnāf is certainly not what has been mandated by the Qur'an. As I mentioned at the beginning, if "A special treasure, which is taken from a special treasure, especially, is then distributed to a special class as well." So if in the postulate it says A then it must also be implemented according to A as following postulate. For example, suppose it is understood by adjusting to the time. In that case, it needs to be defined or understood clearly, definitely, and based on qualified knowledge to prevent errors in thinking, especially in faith or deciding law (Interview, LBM-NU Ponorogo Management, March 22, 2022)."*

In this regard, not all scholars from the NU group argue the same; there is an opinion from informants who state that the understanding of Asnāf Zakat in QS at Taubah verse 60 must develop by the demands of the times. What is meant by developing is the meaning of each Asnāf and not related to its number or category. For example, the meaning of Asnāf fi Sabillah can be developed according to the demands of the times; from what initially tended to the aspect of jihad fighting against the enemy, today it can be developed into a human struggle in the way of God, such as the master and the like.

*"If asked so, then I need to say first that, in my opinion, the understanding of the notion of 8 Asnāf must develop; because everything that must be understood develops, then it must also develop and something that must be understood as the old paradigm also remains understood as such. Just as the law is dynamic, the problem is also dynamic, so the understanding must also be dynamic in terms of the understanding of the Asnāf and the method of distribution. (Interview, NU Ponorogo Administrator, March 22, 2022).*

*This method also applies to understanding the definition of the eight groups of zakat recipients. Over time, the definition of mustahik must also be adapted to civilization. The law is dynamic, then the problems around us are getting more complicated and numerous, while the Qur'an and Hadith as the primary references have finished during the time of the Prophet Saw. It is reasonable if a law is understood and adapted to civilization as long as it does not violate the prohibition of Allah Swt. More common definitions can later be accessed on Google Scholar or through nu's official website, i.e., nuonline. co.id (Contextual By Organization). (Interview, LBM-NU Ponorogo Administrator, March 22, 2022).*

Furthermore, among the Muhammadiyah Scholars, the whole states that *Asnāf Zakat* should be understood in a contemporary way. There is an opinion linking it to *maslahah*, in this case, *Maqashid Sharia*. There is also an opinion linking his reasoning to comparing studies between classical and contemporary *fiqh* books.

*At this time, Zakat must be understood as contemporary, but it prioritizes two groups: the Fakir and the poor. When the basic *hajat* of the fakir and poor has been fulfilled, including the provision of consumptive Zakat, then it is continued by fulfilling other celebrations such as giving productive Zakat for the poor and poor, as well as allocating zakat assets for subsequent celebrations such as for education, *sabilillah*, and so on. (Interview, Management of Muhammadiyah Ponorogo, March 22, 2022).*

*Regarding the distribution of Zakat, yes, the distribution of Zakat cannot be understood textually, but we also must see and keep up with the times. For this reason, there is such a thing as the terms classical jurisprudence and contemporary jurisprudence; this is because the problems that arise are increasing and need to be studied further because no answers are found in the Qur'an and Hadith. According to her, victims of violence against women are not explicitly mentioned in the Qur'an. However, it is possible to become one of the recipients of zakat assets analogous to one of the eight groups of zakat recipients contained in QS at Taubah verse 60 (Interview, Management of Muhammadiyah Ponorogo, March 22, 2022).*

### **Dialectic of Asnāf Zakat Thought for Victims of Violence against Women and Children**

Based on the information from the respondents, before categorizing the victims of violence against women and children into which group of zakat recipients, it is essential to observe and know in detail in advance the background and situation of the victim.

This situation is because of the many victims in Indonesia, in general, one has different backgrounds and economic conditions. So, a victim A may be categorized as a recipient of zakat property because it enters the Fakir or poor group. Victim B is categorized as a recipient of zakat property because it enters the *riqab* or slave group.

However, one of them, namely, a slightly different opinion, comes from the one that confirms in a note that if the victim of violence against women and children is categorized as one of the recipients of Zakat because the circumstances of both resemble *Riqab*, then it can be said to be a mistake in thinking. *Riqab* or slave can be analogous to "A being whose degree is between humans and animals, can even be said to be more inclined towards animals." In a more detailed sense, *Riqab* can be interpreted as "The servant of Sahaya or the nape of the neck controlled by another person (his master), where between the servant of Sahaya and his master there is a covenant to set himself free."

The second paradigm argues that regarding *riqab* today, there is no term slave to be attached to a particular group; until then, it can be included as one of the groups of zakat recipients, namely *riqab*. Likewise, the paradigm of distributing Zakat for *sabilillah*, when currently *sabilillah* can include everything that is a means to get closer to Allah and seekers of knowledge such as students, students, and salaried teachers, then this paradigm is considered irrelevant.

It is based on reason, as is the "*innama*" sentence in QS. At-Taubah verse 60, found at the beginning of the verse, indicates a "specificity." Thus, if the Zakat is distributed to victims of violence against women and children who are not among the 8 *Asnāf* groups, then the meaning of the specificity contained in the lafadz "*innama*" becomes pointless.

From some of the paradigms above, it can be seen that in determining the law of distributing Zakat to victims of violence against women and children, Ponorogo Ulama uses the same legal basis, namely from QS. At-Taubah verse 60 has a different approach, so a different meaning arises.

The first view defines certain groups among the eight zakat groups textually as written in the postulate. Thus, according to this first opinion, the law of distributing Zakat to victims of violence against women and children is that some are allowed and some are not. It is permissible if the analogy is included in the six classes of zakat recipients except for *riqab* and *sabilillah*. It is not allowed if the similarities or analogs are *riqab* and *sabilillah*. Because basically, *riqab* and *sabilillah* can only be defined textually as they were in the time of the Prophet. The method used in interpreting the verse or postulate is the textual method. The textual method is a method of interpreting a word or sentence by examining the interpreted pronunciation without associating it with the accompanying socio-cultural.

*"Victims of violence against women and children are diverse, yes, they can be victims of violence, either women or children, but if they come from families who are capable and can still handle these problems with their property, then they are not entitled to Zakat. Suppose there is an analogy that campaigns based on victims of violence, victims of human trafficking, and women trapped in sexual worker sites deserve Zakat by being analogous to today's slaves. In that case, that seems to be a resignation in thinking. "* (Interview, NU Ponorogo Management, March 22, 2022).

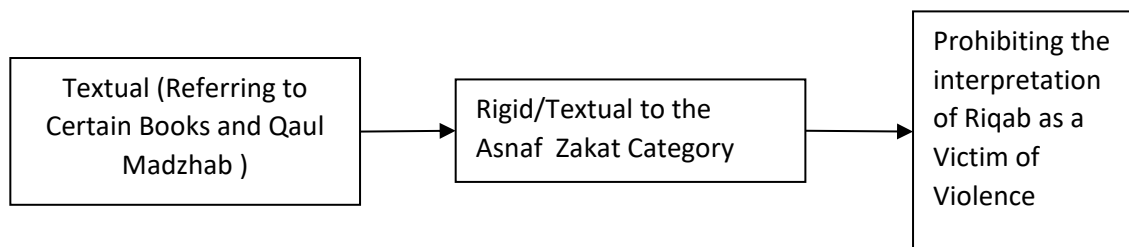
*The enslaved person is if the basic definition is "one who is shackled by the neck," so it is pinned to the person who was taken captive by his master in the time of the Prophet Saw. The enslaved person was between humans and animals but leaned more towards animals. So if these victims of violence or perpetrators of sexual workers are categorized as enslaved people, then that is very inconsistent. Because first, not all sex workers are forced. Second, slavery has been abolished in Indonesia. Third, unless the victims of this violence qualify to be *mustahiks* with*

*poor backgrounds, it is no different. The point is that it is necessary to know in detail the rear altar of these victims. (Interview, NU Ponorogo Administrator, March 22, 2022).*

*So as additional information also yes, when there is a phenomenon like this, zakat treasures are distributed to Madin teachers, then the construction of mosques under the pretext of "fisabilillah," in my opinion, is not appropriate. Instead of being channeled to those not mentioned in the Qur'an as zakat recipients, it is better to channel them to the top priority, namely, the poor and the poor. From a legal point of view, the distribution of Zakat to groups that do not belong to the eight groups has violated the lafadz "Innama" contained at the beginning of the verse, indicating a "specificity" in QS. At-Taubah verse 60, specifically fisabilillah, is defined as a person who fights in the way of Allah, not a Madin teacher or an honorary master, let alone for the construction of a mosque or boarding school. Then, in terms of the economy, by being distributed to other groups outside the Asnāf, the share of the poor and the poor that should be larger must be divided among the new groups. As a result, poverty in Indonesia, especially among Muslims, will not be quickly resolved. (Interview, NU Ponorogo Administrator, March 22, 2022).*

The zakat paradigm's and QS's meaning more concretely influence this first view. At-Taubah verse 60 and the basis on which legal reasoning is made. More easily follows the relationship between the three.

Figure 1, The textual paradigm of Zakat for victims of sexual violence



Then the second view states that the eight classes of zakat recipients must be defined as the following times. It cannot be understood as the old text is written. Therefore, there may be a redefinition of these eight groups of zakat recipients at any given time, considering that one of the properties of Islamic law is dynamic. Thus, according to this second view, the law of distributing Zakat to victims of violence against women and children is permissible as long as the victims of violence can be analogous or categorized to one or more of the eight groups of zakat recipients mentioned in the Qur'an.

*"If asked so, then I need to say first that, in my opinion, the understanding of the notion of 8 Asnāf must develop; because everything that must be understood develops, then it must also develop and something that must be understood as the old paradigm also remains understood as such. Just as the law is dynamic, the problem is also dynamic, so the understanding must also be dynamic, both in terms of the understanding of the Asnāf and method of distribution. (Interview, NU Ponorogo Administrator, March 22, 2022).*

*This opinion also applies to understanding the definition of the eight groups of zakat recipients. Over time, the definition of mustahik must also be adapted to civilization. The law is dynamic, then the problems around us are getting more complicated and numerous, while the Qur'an and Hadith as the primary reference have finished during the time of the Prophet Saw. It is reasonable if a law is understood and adapted to civilization as long as it does not violate the prohibition of Allah Swt. More common definitions can later be accessed on google scholar or through nu's official website, i.e., nuonline.co.id. " (Interview, NU Ponorogo Management, March 22, 2022).*

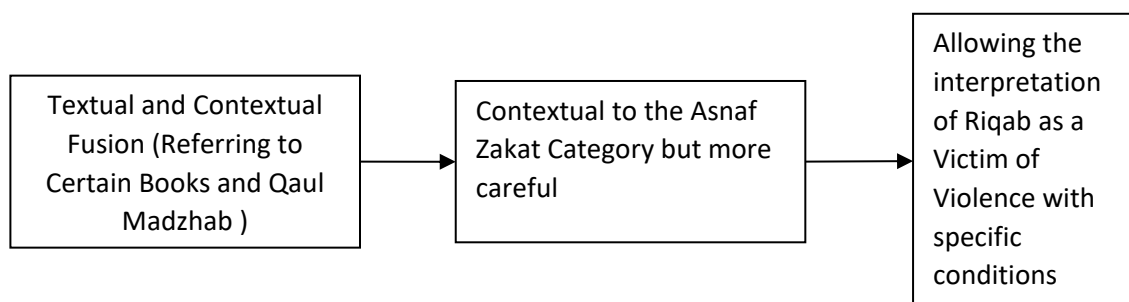
*At this time, Zakat must be understood as contemporary, but it prioritizes two groups: the Fakir and the Poor. When the basic hajat of the fakir and poor has been fulfilled, including the provision of consumptive Zakat, then it is continued by fulfilling other celebrations such as giving productive Zakat for the poor and poor, as well as allocating zakat assets for subsequent celebrations such as for education, sabilillah, and so on. (Interview, NU Ponorogo Administrator, March 22, 2022).*

*When asked about the law on distributing Zakat to victims of violence against women and children, I would argue that it is permissible if the victim of violence, if reasoning has met the criteria of one or more of the eight groups of zakat recipients. These eight Asnāf are used to view the totality of social life macro, not part. (Interview, NU Ponorogo Administrator, March 22, 2022).*

*That is, the ability to distribute Zakat to victims of violence against women and children must also be known how the victim is doing and what causes the victim to experience violence. Several other considerations so that the victim of this violence can be analogous to one of the eight Asnāf. This Zakat distribution concept is because not as many victims of violence to women and children come from less economic families. (Interview, NU Ponorogo Administrator, March 22, 2022).*

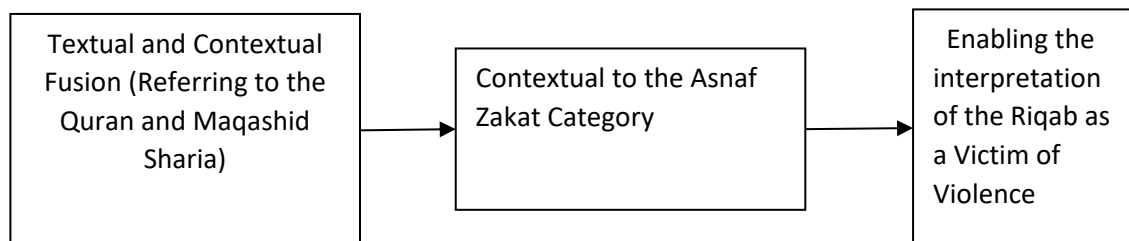
Furthermore, the second category of opinions emerged from NU circles, which tended to be more accepting of the meaning of riqab as a victim of violence. However, acceptance is not absolute but requires certain conditions. To make things easier, here is a pattern of thinking from scholars of this category.

Figure 2, The ecclesiastical textual paradigm of Zakat for victims of sexual violence



Opinions that favor the contextual meaning of the riqab arise from Muhammadiyah circles. The opinion of Muhammadiyah scholars favors this meaning by basing it on the principle of benefit. Redefinition is necessary if maqashid sharia has met the aspects, terms, and conditions. By changing this meaning, the riqab is defined absolutely without conditions.

Figure 3, Contextual-maqashid sharia paradigm for zakat for victims of sexual violence



*"The law of distributing Zakat to victims of violence against women and children, in my opinion, is allowed, as long as the characteristics of the victim can be included in one of the eight Asnāf groups. Suppose it is included in the category of enslaved people; today, enslaved people no longer exist if they are defined as enslaved people in the days of the Prophet. However, today enslaved people can be defined as people who are caught in a problem and need our helping hand. (Interview, Management of Muhammadiyah Ponorogo, March 22, 2022).*

*According to him, the legal basis for distributing zakat assets is contained in the QS. At-Taubah verse 60. The eight Asnāf are understood as in the books of jurisprudence, Wahbah Zuhayli, Yusuf Qardhawi, so we are not free to interpret but to follow the opinions of scholars because the legal umbrella for distributing zakat property is At-Taubah verse 60. " (Interview Management of Muhammadiyah Ponorogo, March 22, 2022).*

Thus, the method of interpretation used in this second view is more toward contextual interpretation. This method is oriented towards the socio-historical background of the text or the postulates it appears, then drawn into the context of the reader (interpreter) in which it lives. Then the critical thing is how the text of the revelation is present in society and then understood, interpreted, translated, lived, and dialogued to face today's social reality. However, compared to textual understanding, contextual understanding is felt more capable of ushering in revelations to be more lively and more elastic to answer problems that arise in a constantly changing society.

**Conclusion**

The paradigm of NU and Muhammadiyah Ponorogo Ulama in responding to zakat to victims of sexual violence is divided into three. Rigid-textual paradigm, eclectic-textual paradigm, and contextual-maqashid sharia paradigm.

Regarding the redefinition of the eight groups of zakat recipients, Ponorogo scholars agreed that these eight groups are interpreted as contemporary following times. This opinion is because the existing problems and laws are dynamic. However, another opinion also emerged from the Ponorogo Scholars that two groups, riqab and sabilillah, should be defined according to the existing text. This opinion is based on the quotation of the definition of zakat in the Book of Fatkhul Qorib, whose definition has been mentioned earlier.

Ulama Ponorogo's view regarding the distribution of zakat to victims of violence against women and children argues that the eight groups of Asnāf or groups of zakat recipients should be defined as following the dynamics of the times. Thus, the law on distributing zakat to victims of violence against women and children is allowed, analogous to one of the eight groups of zakat recipients. One of them is analogous to the riqab or present-day slavery. Such practice demonstrates the form of contextual interpretation of verses.

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Dr. M. Muhsin, First Author, He provides research concepts; he is the party that provides ideas, formulation, or evolution of overarching research goals and aims.

Dr. Anjar Kususyanah, Second Author, acting as data curation in this research, she is the party that provides management activities to annotate (produce metadata), scrub data, and maintain research data (including software code, where it is necessary for interpreting the data itself) for initial use and later re-use.

Dr. Soleh Hasan Wahid, Third Author, acting as formal analysis in this research, he is the party that provides the application of statistical, mathematical, computational, or other formal techniques to analyze or synthesize study data.

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