

## Slavery - a Mere "commodity" or a Human Dignity: A Solution via Zakat

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### ABSTRACT

This paper is an attempt to look into that Islamic classical view about slavery and look at the practice today and provide the solutions. By examining the classical view, Islam presents a mature concept with a goal that is to stop the practice of slavery. It can be seen in the basic teachings of Islam via moral teaching, prohibited enslaving and liberation motive. We argue that these perspectives are important that will lead towards understanding the solutions of slavery. By using the example from Selangor State Government Religious Council, our study shows that a revisit on the fatawa on *Al Riqāb* would release, manage, protect, treat and rehabilitate the recipients of *Al Riqāb*. This findings shows that the Islamic concept of slavery always tries to balancing with the philanthropic action, in order to covering social problems.

Keywords: *slavery; zakat; welfare program, philanthropy, zakat;*  
JEL classification: D64; H27, I31, I38;

### INTRODUCTION

The term slavery has been known since thousands years ago. It was mentioned in the revealed book of Torah and Injeel.<sup>3</sup> It was also been practiced among the ancient nations such as Egypt, China, India, Greece and Rome. Slaves were captured in wars or kidnapped from enemy. The slave changes in hand via buying and selling. The masters who own slave are also free to buy and sell slaves to others in the slave markets. Therefore, the slavery system allows the rights of slaves as human beings in the hands of the master. As a consequence, their rights as human being are ignored. If anyone wants to liberate, there is no other way except to buy it. It also happens in this system, that slavery also creates descendents, i.e., the children of slaves were born into slavery. This becomes a common in all human civilization.<sup>4</sup> As a consequence, they become slave all the times. They lost their dignity.

It shows that slaves are considered as commodity and people have a patent. It warrants an economic activity. However, slaves who work for master are normally unpaid or underpaid servants.

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<sup>3</sup> Abu Bakr Jabir, *Minhāj al-Muslim*, Dar el-Bayān, Beyrut, p. 443, 1427 H.

<sup>4</sup> Pearson Education, *the Birth of Civilization*, Chapter 1, London, 39, 2012. See also other studies like Thornton (1998) and Miescher (2004) and Perbi (2004)

Whereas, in economics, workers are considered as economic agents who receive wages or fees as compensation.<sup>5</sup> Many countries try to abolish the slavery in different ways.

However, the studies only aggressively report the slavery that happens from the 14<sup>th</sup> century onwards (see section 2). In the modern era, it was mentioned again by the Resolution Number 608 (XXI) (1956) of the United Nation. It seems that the slavery that happens after the ancient time and before the 14<sup>th</sup> century is intentionally ignored. Whereas, this period was known as the golden ages of Islam. In Islam, the term is also not known, except that it is part of asnaf, which is, freeing slavery (or *al riqab*) in relation to zakat. Meaning that, Islam came with a solution.

In this paper, we will prove that the classical view about slavery (or *al riqab*) is still intact. Although, officially slavery describes before the golden ages of Islam and during the colonial period had gone, but the properties of slavery still continue until today. Therefore, the aim of this paper is an attempt to look into that view and look at the practice today and provide the solutions for slavery via zakat.

The remaining discussion of this paper will be divided into six sections. Section two will highlight the origin of slavery. Section three will look at the responses from different religions on slavery. The aims are to establish on how each religion view slavery and how they provide the solution on this subject. The slavery from Islamic view will be intuitively discussed from different perspectives in section four, namely the definition, moral teaching, prohibited enslaving and liberation motive. These perspectives are important since it will lead towards understanding the solutions of slavery, which will be discussed in section five. Section will provide the conclusion.

## THE ORIGIN OF SLAVERY

The concept of slavery as natural and a form of property originates in the philosophical work of Aristotle, (see Kostas Vlassopoulos (2011) and Laura (2004)). They define the slave (*duolos*) as living piece of property.

Historically, slavery is institutionally recognized by most societies. It has been practiced during the ancient times and it continues during the colonial period, between the 14<sup>th</sup> to the 18<sup>th</sup> century. They were not inflicted exclusively on African, see Engerman, Sutch, and Wright (2003). They also said that during the early settlement of South Carolina, for example, native peoples were frequently captured and sold to planters in the West Indies. In Europe, Portugal and Britain were the two most 'successful' slave-trading countries accounting for about 70% of all Africans. They were transported to the Americas. Britain was the most dominant between 1640 and 1807 when the British slave trade was abolished. It is estimated that Britain transported 3.1 million Africans (of whom 2.7 million arrived) to the British colonies in the Caribbean, North and South America and to other countries. The early African companies developed English trade and trade routes in the 16th and 17th centuries, but it was not until the opening up of Africa and the slave trade to all English merchants in 1698 that Britain began to become dominant. The slave trade was carried out from many British ports, but the three most important ports were London (1660-1720s), Bristol (1720s-1740s) and Liverpool (1740s-1807), which became extremely wealthy. Even, as mentioned in Martin (1999), under the 1799 Slave Trade Act, the slave trade was legalised and restricted to these three ports.<sup>6</sup>

Although, officially slavery described before the golden ages of Islam and during the colonial period had gone, but the properties of slavery still continue until today. The United Nations Resolution number 608 (XXI) 1, which was approved on 30 April 1956, the term slavery is more directed to all kinds of human rights violations like human trafficking.

In this perspective, the United Nations 2000 Protocol define human trafficking as "*The recruitment, transportation, transfer harboring, or receipt of persons by means of the threat or the use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of the position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purposes of exploitation.* All countries who signed this protocol were asked to make national laws that counter human trafficking.

However, Global Slavery Index (2013) has defined modern slavery to take many forms, and it is also known by many names. Sometime, it is called human trafficking, forced labour, slavery or slavery-like practices (a category that includes debt bondage, forced or servile marriage, sale or exploitation of children including in armed conflict). Normally, the victims of modern slavery have their rights denied, and are used and controlled and exploited by another person for profit, sex, or the

<sup>5</sup> Read further in Possumah, Ismail and Shahimi (2013)

<sup>6</sup> Steve Martin, *Britain and the Slave Trade*, A The National Archives, London, 1999. p .4.

thrill of domination. With the intent of exploiting that person through: Prostitution of others; Sexual exploitation; Forced labour; Slavery (or similar practices); and Removal of organs (UN Trafficking Protocol, 2000). The authors will discuss the most common issues of exploitation which are prostitution, domestic service, forced labor, debt bondage, and child exploitation.

By having this definition, Fowlera and Fowlerc (2010) reports that the victims are generally females, especially young girls, who have experienced financial and/or educational inequalities. Females are primarily become the target due to inadequate, and often deplorable, living standards. In addition, they are promised with high paying jobs with “guarantees” of a much higher standard of living (McCain, 2007). This, however, is not related only to the victims themselves; unbelievably, even families of the victims will sell their own children in order to make financial gains. Sadly, some children are born for the specific purpose of being sold for different purposes. While, males are mainly targeted and are used in forms of forced labor.

Although, slavery has been outlawed in all countries, but the slavery continues until today in different form such as prostitution, forced labor, and child exploitation.

Prostitution - one of the oldest institutions in the world; therefore, it is not surprising that “sex trafficking is the largest sub-category of transnational modern day slavery”. Hughes (2000) says that “evidence seems to show that legalized sex industries actually result in increased trafficking to meet the demand for women to be used in the legal sex industries”. It is reported in Farley (2009) who suggests that “wherever prostitution is legalized, trafficking to sex industry marketplaces in that region increases”. For example, in Africa, Asia, and Eastern Europe, women and children are trafficked both within and across nations for the purpose of sexual exploitation. She also says that women and children are forced into prostitution; and the money that they earn is owned by another person. Hence, they become the victims of human trafficking.

Forced Labor – according to Article 22 of the Constitution Forced Labor Convention 1930, ILO, forced labor is defined as all work or service which is extracted from any person under the threat of any penalty and for which the said person has not offered him voluntarily. Force labor systems can have persistent impacts Saharan African and Latin America over centuries see Bezemer, Bolt and Lensink (2012). It has been shown in various contexts for Africa, see Nunn (2008), for Latin America in general see Sokoloff and Engerman (2000) and Dell (2010) in Peru and Bolivia.

Debt Bondage - debt bondage is viewed today as a particularly cruel and exploitative arrangement, similar to modern-day slavery. It is a stated objective of governments all over the world to deter the use of such contracts workers raises concerns about the potential for diplomatic employers to ignore the terms of their employment contracts and to restrict their domestic workers’ freedom of movement and subject them to various abuses, especially when they form the basis for funding undercover immigration.<sup>7</sup> The states of Uttar Pradesh (44 million people) and Bihar (83 million people), for example, are both known to have high levels of hereditary forms of debt bondage in rural areas, as well as trafficking of persons to and between other Indian states.<sup>8</sup> esteem

Child Exploitation - these children, from the ages of 9 to 18 are kidnapped or abducted, usually by rebel groups, and used as combatants, porters, spies, and sex slaves. This form of exploitation is the worst because not only are the children abused and exploited, they are also trained to ruthlessly take lives and have the potential to become threats to society if not well rehabilitated.

The slave has existed since ancient times. It still exists until now in different forms. Partly, human may be treated human as commodity but as human being they also have dignity in releasing themselves from slave.

## RELIGIOUS RESPONSE TO SLAVERY

In the previous section, we have established the origin of slavery. However, in this section, we will look at the responses from different religions on slavery. The aims are to establish on how each religion view slavery and how they provide the solution on this subject.

Jews, as reported in Raphael (1983), took an active part in slave trading during the Dutch colonialization. Indeed, the by laws of the Recife and Mauricia congregations (1648) imposed a Jewish tax (or known as imposta) of five soldos for each Negro slave a Brazilian Jew purchased from the West Indies Company. Slave auctions were postponed if they fell on a Jewish holiday. In Curacao in the seventeenth century, as well as in the British colonies of Barbados and Jamaica in the eighteenth

<sup>7</sup> Trafficking in Persons Report, United States <http://www.state.gov/documents/organization/142979.pdf> [Accessed, 20 August 2014]

<sup>8</sup> Refer to Global Slavery Index, p. 16

century, Jewish merchants played a major role in the slave trade. In fact, in all the American colonies, whether French (Martinique), British, or Dutch, Jewish merchants frequently dominated.

In other cases, if a Jew steals the slaughtered cattle or steal something that can be eaten away, and after being caught he was not be able to replace the item, then he can be sold by the owner of the stolen items. Jews are also allowed to sell his daughter into slavery. When the Jewish people can not pay their debts, they can hold their offer on the price sold to the creditor. In this way he will be a slave to the owner of the money during the specified time until he is free again. This is stated in the Old Testament, the Book of Exodus 21: 2<sup>9</sup> and in the Old Testament, the Book of Deuteronomy 20: 10-14.<sup>10</sup> That is why every time the Jews themselves gained non-Jewish town, they always kill every male population, seized all the possessions and animals, as well as making all women and children as slaves in the city.

In Christian, also they did not oppose slavery. Old Testament treatment of slaves was also generally more humane than the slavery practiced in other ancient civilizations. The first possible reference to slavery in the Old Testament could be in Genesis 9, v26 & 27 where Noah cursed Canaan for Ham's sin by prophesying that he would serve his brothers. Both Abraham and Isaac kept servants, but the first clear example of slavery is in Exodus 1 v13 where the Israelites were made to work ruthlessly as slaves and their cry for rescue came up to God (2 v23-24)<sup>11</sup>. New Testament will be found Epistle to Ephesus Person 6: 5-8<sup>12</sup>.

Before Islam came, the Arabs have a strong presumption that it was he who was in power; the losers will be the slaves. In addition, tribes ruling would lead the tribe to war with each other. Women at that time had a very low position; they were only used as an object for men, because she was considered weak, unreliable in the battlefield. That is why who gave birth to a daughter; they did not hesitate to kill her, by burying the baby alive. But it is not true for the victorious tribes, and those who has power in the region, women were protected by the ruling tribes of their people.

## AN INSIGHT INTO SLAVERY FROM ISLAMIC PERSPECTIVE

The slavery from Islamic view will be intuitively discussed from different perspectives, namely the definition, moral teaching, prohibited enslaving and liberation motive. These perspectives are important since it will lead towards understanding the solutions of slavery, which will be discussed in section 5.

### What is Slavery?

The conventional view defines the slavery is activities which are against the human right. But, in Islam, slavery which is popularly known as *al-Riqāb* or *al-Raqīq* has the following meanings. The word *al-Riqāb* refers to singular, while the word "*Raqaba*" refers to plural. Etymologically *Raqabah* means neck, the end portion of the head, or upper portion of the body. Terminologically, *raqabah* means owned slaves (Ibn Manzur, 1990).

While, in Qur'an, the term *al-Riqāb* explains about the release or liberation of slaves. Liberation from bondage to independent status leads to the concept of full responsibility as an independent human being; testimony, property maintenance and others.<sup>13</sup> In sharia, *al-Riqab* means a

<sup>9</sup> Book of Exodus 21: 2 "If you buy a Hebrew servant, six years he shall only work to you, but in the seventh year there may be nothing he should be released into free men by not paying any ransom."

<sup>10</sup> Book of Deuteronomy 20: 10-14 "Arkian, then if you went to one of the country was about to attack him, deem you call him, tell him to give himself up. Then it will be if passed, gave herself and dibukainya gates will you, then all the people who are found in it was let to pay tribute to you and enslave themselves to you. But if he had no peace with you, but he also wanted to fight with you, then let you outflank him tightly. So if submitted Lord, your God, will he to hand, let you kill all the men in it with the sword. But all the women and all the children and the animals and all the treasures in the land, all the booty (spoils of war) you want stripped her of you and you will eat the spoils of the enemy, who was given the Lord your God gives you".

<sup>11</sup> David Measger, *Slavery in Bible Times*, Church Society, Watford, p 4, 2006.

<sup>12</sup> Epistle to Ephesus Person 6: 5-8: "O servants, obey your earthly masters[b] with fear and trembling, with a sincere heart, as you would Christ, 6 not by the way of eye-service, as people-pleasers, but as bondservants of Christ, doing the will of God from the heart, 7 rendering service with a good will as to the Lord and not to man, 8 knowing that whatever good anyone does, this he will receive back from the Lord, whether he is a bondservant[c] or is free." Bible Gateway, biblegateway.com, [accessed, 20 Augustus 2014]

<sup>13</sup> Refer to (Surah al-Balad (90): 13) – "It is the freeing of a slave"

person who is owned by someone else.<sup>14</sup> The sharia also classifies two different types of slave, *Khālis* and *Muba'ad*; *Khālis* or also named by *al-Qann*, is a total slave, where he/she is a descendant of slaves. ; *Al-Qann* possibility owned by someone or by the two men together. While *Muba'ad* is not a total he is a slave, but only partially in her status as a slave. *Muba'ad* is divided into three, (1) *Umm al-Walad*, is woman slave who gave birth a child from his master. Where, the slave will be free when his father died. (2) *Makātib*, the slave who redeem himself with property he had. Where, he will be free, when transaction is done. (3) *al-Mudabbir*, the slave who got free wills by his master died<sup>15</sup>.

Islam does not create a way for new slaves. Islam adopts only set custom that has prevailed before, with a provision giving the kindness values; with a goal gradually end the practice of slavery. Islam then restricts a person could be a slave only in three reasons: (1) Prisoner of War; In other side, prohibited from making a Muslim as a slave, because the real slavery in Islam that occurred as a punishment for the disbelievers who fight Muslims, instead of killed prisoners of war, and did not want to worship Allah s.w.t.<sup>16</sup> (2) Child of Slave Women; A Child from slave woman, who has no descendants to his master then he will become a slave, both his father is free men or slaves. The slave status which is owned by her mother, because her mother is offspring grew. However, many jurists argue that marriage when required by the circumstances, which if it has children then the children do not become a slave, but became a free man.<sup>17</sup> (3) Bunying and selling; Economic system that time has admitted buying and selling of slaves as a legitimate system, assuming that slaves has become an economic object can be traded or also be assigned, testament, give and inherited. Islam recognizes this system, instead of creating new slave, but that existing slaves could be set free or be treated well, by the way of purchase. It was narrated that the Prophet Muhammad ever rewarded two female slaves from kings Habasyah, a slave freed by the Prophet and the one he had given to Hasan bin Haris.<sup>18</sup>

### Moral Teaching

Having a slave, does not mean a master should do anything to his slave. Islam does not allow, but have determined how a master must treat his slave well. It was narrated Abi Mas'ud al-Ansari, said:

*"I have hit my slave, and then from behind came the sound, "Abi Mas'u, be aware! For the sake of Allah, Allah has ordained upon you, then he turns to me and it turns out, he is Rasulallah s.aw". Then I asked, 'O Rasulallah: He (slave) side independent of Allah. Rasul said: "As actually you slave if not treated properly, then you will get a hell". The Prophet said: Do not enter heaven that hurt his slave"<sup>19</sup>.*

Instead of this, Islam prohibits a master to do hurt to his slave, in anyway, either through physical acts such as hitting, or with speech, such as insulting.

Shafi madhhab has required a master when feeding and clothing his slave, should be the same as what is eaten and used by his master. It is more perfect, such as by inviting slave sit together to eat. This opinion is based on a hadith, Rasulallah s.a.w said:

*"Anybody who has a brother under his power, then give to eat what you eat, and put the clothes what you wear"<sup>20</sup>.*

In another hadith, Rasulallah s.a.w said:

*"Whoever got the treat slave well, give him to eat as what you eat, and put the clothes what you wear. If not treated properly it can sell, do not hurt Allah's creation"<sup>21</sup>.*

Islam ordered every master, to give a good name to the slave, such as "*Sayyidi*" or "*Sayyidati* for female. Rasulallah s.a.w forbade the companions calling his slave by name *Aflaha*, *Robah*, *Yusar* and

<sup>14</sup> Syihabuddin Ahmad ibn Ahmad ibn Salamah al-Qolyuby/ Syihabuddin Ahmad al-Barlusy Umairah, *Syarh al-Manhaj bi Hasyiyah al-Qulyuby*, Dar al-Kutub al-Ilmiyah, Beyrut, vol. 3, p.167, 2009.

<sup>15</sup> Wizarah al-Awqaf wa al-Syuun al-Islamiyah, *al-Mausuah al-Fiqhiyyah*, Kuwait, Vol. 3, p.16, 1992.

<sup>16</sup> Ibn Hamam al-Hanafy, *al-Inayah bi al-Hams Fathul Qadir*, Mathbaah Bulaq, Cairo, vol 4, p. 316, 1318 H.

<sup>17</sup> al-Bahwty, Mansur ibn Yunus, *Kasyf al-Qina'*, Maktabah al-Nasr al-Haditsah, Riyadh, Vol 5, p. 99, 1982.

<sup>18</sup> Muhammad Ibn Saad al-Zuhry, *al-Tobaqat al-Kubra*, Dar al-Shodir, Beyrut, vol 8, p. 214, 1968.

<sup>19</sup> al-Tirmizy, Muhammad ibn Isa, *Sunan al-Tirmizy*, Mustafa al-Bab Al-Halaby, Cairo, vol 4, Nombor 334, 1977.

<sup>20</sup> Ahmad ibn 'Ali ibn Hajar al-Asqalāny, *Fath al-Bāri Syarh Sahih al-Bukhāry*, Dar al-Rayyān al-Turāts, Cairo, Kitāb al-Iman, Vol 1, Book 2, No 29, 1986.

<sup>21</sup> Abi Daud, Sulaiman ibn Ashasy, *Sunan Abi Daud*, Dar al-Risalah al-Alamiyah, Beyrut, vol. 5, No 361, 2009.

*Nafi*. Islam also ordered to educate their slave. Even, if you can, freeing them and marry, to become a free people totally. It was narrated from Abu Musa al-Ash'ary, the Prophet s.a.w said:

*"Who has a female slaves, then he educated him and treated him well, and gave him his freedom then marry her he will get two reward"*<sup>22</sup>.

For the issue of worship, Islam has given the provision, that slaves are required to carry it out as a free man. However jurist (*ulama*) view there are some differences in terms; for example in closing for slave women made easier, which is only limited navel to the knees, this opinion was stated by Imam Malik and Imam Shafii. Imam Hanafi added from the abdomen to the back. Imam Malik in more detail, he mentions not obligatory for women slaves to cover his head when praying<sup>23</sup>. Friday prayers obligatory for free man, but is not required for slave. This agreement opinion of Hanafiyah, Malikiyah and Syafiiyah scholars based on a hadith, Rasulullah s.a.w said:

*"Friday prayers required of all Muslims except four: a slave, or a woman, or a child, or a sick person"*<sup>24</sup>.

Zakat *al-Mal* (property) is not required to the slaves, though they have a lot of property, because his property did not belong perfectly. While *Fitrah* it still required, based on a hadith Ibn Umar *"Rasulallah s.a.w indeed has made fitrah obligatory for every Muslim, free and slave, male and female of the Sha of date or Wheat"*<sup>25</sup>.

### Prohibited Enslaving

Islam guarantees freedom for all human. The freedom of right is given by Allah s.w.t., therefore no one can stop human except with the legal provisions (*Shar'ī*). Even, when we are ecountaring a person with no known origin, scholar like ibn qudamah says that we should recognise it's status as an independent person, although in fact he was a slave.<sup>26</sup> That is why enslave free people is forbidden in Islam.<sup>27</sup> Islam also does not allow non-Muslims enslaved a Muslim. Because Islam is above the others (or *al-Islāmu Ya'lu walā Yu'lā*). Similarly, if there is a host of relatives who has slave, then according to Islamic law, the slave has its own independent automatic. It is based on Hadith, the Prophet Muhammad s.a.w: *"Whoever has the slave of relatives then became an independent slave"*.<sup>28</sup> In freeing the slave, Al-Zarqany argue that Islam recognise the existing mechanism of sale, grant and other similar means.<sup>29</sup>

### Liberation Motives

Islam recognizes diversity; human beings are created by the same way, male and female, and of various tribes. This allows the consciousness of the human ego not to feel superior compared to other human. In addition, if we understand together about the needs, roles and functions of social diversity, we will find one form, namely interdependence in their capacity as social beings or creatures. In this context, the Islamic society is not justified by any form of discrimination, race, religion, caste, and class as Allah s.w.t said:

*"O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)"*<sup>30</sup>.

<sup>22</sup> Imam Muslim, Muslim ibn al-Hujjaj al-Qusyairy, *Sahih Muslim*, Isa al-Bab al-Halaby, Cairo, vol 1, No 135, 1991.

<sup>23</sup> Muhammad al-Zarqany, Abu Daud Sulaiman ibn al-Asyasy, *Syarh al-Zarqany Ala al-Muwatta*, Maktabah al-Tsaqafah al-Diniyah, Cairo, Vol 1, No175, 2003.

<sup>24</sup> Abu Daud, Sulaiman ibn Ashasy, *Sunan Abi Daud*, Dar al-Risalah al-Alamiyah, Beyrut, vol 1, No 644, 2009.

<sup>25</sup> Ahmad ibn 'Ali ibn Hajar al-Asqalāny, *Fath al-Bāri Syarh Sahih al-Bukhāry*, Dar al-Rayyān al-Turāts, Cairo, Kitāb al-Iman, vol 3, No 367, 1986.

<sup>26</sup> Ibn Qudamah, Muwaffiq al-Din, *Al-Mughny*, Dar Alam al-Kutub, vol. 5, P. 679, 1997.

<sup>27</sup> Muhammad ibn Ali ibn Muhammad, *Fath al-Qadir*, Dar al-Marifah, Beyrut, vol. 7, p. 237, 1250 H.

<sup>28</sup> *Sunan al-Tirmizy*, Vol 3, p. 637.

<sup>29</sup> *Syarh al-Zarqan*, Vol 8, p 128, 129.

<sup>30</sup> Qur'an 49 : 13

In this regard, Islam does not abolish slavery in one stage but through different approaches by understanding culture and circumstances at that time. In many ways, a lot of arguments that Islam directs Muslims to contribute as much as possible to free human from the cruelty and shackled. Among the arguments that suggest that the practice of slavery is cruel come from human side, by applying standard slave liberation in the form of punishment and reward for Muslims as much as possible. They can contribute to relieving this practice without damaging the economic system which is applicable at that time. This is reflected in the following claims:

a) Law of Expiation

Allah s.w.t said:

*“Allah will not call you to account for what is void in your oaths, but He will call you to account for your deliberate oaths: for expiation, feed then indigent persons, on a scale of the average for the food of your families; or clothe them; or give a slave his freedom. If that is beyond your means, fast for three days. That is the expiation for the oaths ye have sworn. But keep to your oaths. Thus doth Allah make clear to you His Signs, that ye may be grateful”<sup>31</sup>.*

This verse explains that if someone swears by mentioning names of Allah, then violated, then the main ways that make it up with the freeing of a slave.

The expiation applied in this cases, was narrated two women of the tribe Hudzail kill each other. One of them threw a stone and killed one of them and the fetus in the womb also died. Then people came to Rasulallah (pbuh), asked a *fatwa*. Then the prophet decided that the *diat* (fines) for the death of fetus is liberating slaves, men or women. Rasulallah (pbuh) also decided the *diat* (fines) for the death for "the mother of fetus" is an obligation from the father of killer family.<sup>32</sup>

b) *Mukatab*

*Mukatab* is defined as a slave that is entitled to free himself by instalments, where the instalments obtained from the eight-part of zakat. *Mukatab*, derived from the word *kitabah*, ie freeing a slave with the slave must submit records so the amount of money in a few days to master. It was once narrated from Anas ibn Musa, that Sirin never asked for independence from Anas - he (Sirin) had the property, but then he (Anas) refused. Then he went to inform Sayyidina Umar, Umar said, "*the release kitabah* (writing)!" Then he refused, then he was beaten by Sayyidina Umar with a bag of milk while reading the verse (which means), "*You shall make an agreement with them, if you know of any good in them.*"<sup>33</sup> So then she makes the *kitabah* independent agreement (in writing) with him.<sup>34</sup>

c) Marriage

All slaves were married by an independent person, and then their children become independent. So by way of descent, slavery will disappear by itself. Allah s.w.t said:

*“And whoever among you (free men) were not enough to marry free women shopping again believer, he may marry believing women, of slaves you have. God knows your faith; settled some of you are friends one to another, therefore marry them with the permission of their masters, and give them according to the dowry worth, are they also the women who nurture themselves, not the fornicators and not (also) a woman who took another man as her pet; and when they have been keeping themselves to marry, then they do abominable deeds (adultery), then over half of their sentence of punishment independent women are married. (The ability to marry a slave), it is for people who are afraid to kemasyakatan keep away (of fornication) among you, and patience is better for you. And Allah is Oft-Forgiving, Most Merciful”<sup>35</sup>.*

<sup>31</sup> Qur'an 5: 89

<sup>32</sup> Ibn Daqiq al-Eed, *Ihkam al-Ahkam Syarh Umdah al-Ahkam*, Dar al-Jail, Beirut, Kitab al-Qisas, No 7, p. 614, 1995.

<sup>33</sup> Qur'an 24:33

<sup>34</sup> Al-Albany, Muhammad Nasir al-Din, *Irwa al-Gholil fi Takhrij Ahadits Manar al-Sabil*, Maktabah al-Islamy, Cairo, No. 1760, 1979.

<sup>35</sup> Qur'an 4:25

The verse prohibits sexual relations with slaves without marriage. This is to illustrate that Islam brought message to free practice of slavery.

#### d) Worshipping Value

Islam orders his followers to free slaves with very big reward. As narrated in the following hadith:

Hākim ibn Hizam asked the Prophet s.a.w about the good deeds he had done in *Jahiliyyah* time, such friendship, freed slaves, and charity, is there a reward. The Prophet replied, "*You embraced Islam at the top of the virtues that you do*".<sup>36</sup>

The Prophet s.a.w said "*When a slave converted to Islam and then either becomes Muslim, Allah recorded all the good he has done and remove all the ugliness ever doing*".<sup>37</sup>

The Prophet said: "*Any man who freed a Muslim slave, Allah s.w.t will save him from hell every member of the body, with members of the body of the slave*".<sup>38</sup> Narrated from Abū Dharr r.a, he said: I once asked the Prophet, "*What is the best charity?*" He replied "*Faith in Allah and Jihad in His way*" I asked "*what is the main liberated?*" He replied, "*Slaves of the most expensive and the most coveted owner*". I asked again, "*If I can not afford?*" The Prophet said, "*Help those who are weak and those who can not take care of himself*". I asked again, "*If I can not?*" Prophet said, "*Avoid doing badly to others, because it value as a charity for you*".<sup>39</sup>

Narrated from Hakim bin Hizam ra that he had freed 100 slaves at the time of Jahiliyyah by giving 100 camels tail. After converting to Islam he freed 100 slaves again to give 100 camels tail anyway. The judge said: Then I asked the Prophet s.a.w, "*Do I get a reward for the kindness that I have done in the past Jahiliyyah*". The Prophet said, "*You embraced Islam because of your kindness in the past*".<sup>40</sup>

Slave liberation becomes the standard depiction of the value of a great reward, as it is evidence that freeing slaves was a noble thing. In other words, even though slavery has become a legal case at the time, but Islam with the existing value of divinity has started a buzz to abolish the practice of slavery.

## SOLUTION OF SLAVERY VIA ZAKAT

Islam presents a mature concept with a goal that is to stop the practice of slavery. This concept has existed long before Abraham Lincon<sup>41</sup> and Olaudah Equino,<sup>42</sup> and it can be seen in the basic teachings of Islam as discussed in previous section. However, as explained in section four, Islam does not explain directly the statement about abolition of slavery. However, in this section, we will explain the abolition of slavery via philanthropy instrumens, i.e., zakat.

### Function for Slavery

Zakat is part of Islamic philanthropy.<sup>43</sup> Both zakat *Fitrah* or zakat *al-Mal* are obligatory for the whole Muslims. Allah has set eight "*nisab*" of the recipients of zakat, one of which is *al-Riqāb*. At present, emerging questions arise on how to interpret *al-Riqāb* which these days we could not find anywhere in

<sup>36</sup> Fath al-Bari Syarh Sahih al-Bukhari, Kitab Zakat, No. 1436.

<sup>37</sup> Muhammad Nasiruddin al-Bany, *Sahih al-Jami*, Maktabah al-Islamy, Beyrut, No 336, 1988.

<sup>38</sup> Fath al-Bari Sharh Sahih Bukhari, Kitab Freeing of Slave, No. 2517.

<sup>39</sup> Sahih Bukhari, Kitab Freeing of Slave, No. 2518.

<sup>40</sup> Sahih Bukhari, Kitab Freeing of Slave, No. 2538.

<sup>41</sup> Abraham Lincoln is a famous figure who seeks to abolish slavery in the United States although ultimately led to civil war in America. During his life, Lincoln known as abolitionists. He tried to heal the wounds the nation from slavery through emancipation proclamation in 1862. He must deal with the interests of the U.S. ruling class, who then broke away and formed the "Confederate States of America" at the south.

<sup>42</sup> Olaudah Equino which inspired the abolition of slavery he was a prominent African involved in the British movement for the abolition of the slave trade. He was enslaved as a child in his home town of Essaka in what is now southern Nigeria, shipped to the West Indies, moved to England, and successfully purchased his freedom. Throughout his life Equiano worked as an author, a seafarer, merchant, hairdresser, and explorer in South and Central America, the Caribbean, and the Arctic, the American colonies, and the United Kingdom, where he settled by 1792.

<sup>43</sup> See, Abdul Ghafar Ismail, Muhammad Hasbi Zaenal, Hakimi Shafiai (2013).



the world where the system of slavery, as we have seen, is practiced. In the current situation, slavery is found to occur in Muslim countries, however, many are not aware that zakat as philanthropy instrument escaped from a study about the alleviation of social problems.

During the Prophet life, the social issues are generally drawn from the group of recipients, which are not distinguished from one another. Allah s.w.t said:

“Alms (*sadaqah*) are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah and Allah is full of knowledge and wisdom”.<sup>44</sup>

In the verse, for eight asnaf zakah there are used two conjunctions "Li" and "Fi", the first four groups using the connecting "Li" which means the ownership, whereas for the other four groups, the receiver uses the word "Fi" means care, the implication is for the recipients with the word "Li", the distribution of zakah to be owned and it is complete, whereas for the use of the word "Fi" management needs to be continuously monitored and the situation in a authorized institution.<sup>45</sup>

### Zakat for Slavery in Malaysia

Lack of details from Al-Qur'an and al-Sunnah while continuously passing of events, it appears ijtihad in order to give the role to any new issues and events. Ijtihad is based on the concept of Islam that is both flexible and elastic (*sālihun li kulli zāman wa al-Makān*). Because if not, then Islam itself will be static and difficult earthed.

Seeing the reality, it is interesting to understand and pay attention on slavery reinterpretation (*al-Riqāb*). With privilege al-Qur'an which may solve the problems of humanity as the problem started spiritual, physical, social, economic, and political meaning it would require a new interpretation that is not *al-Riqāb* most discussions limited to sense the slave but the nature of slavery general.

The definition is a form of fusion between the reality of life with an embodiment of the value of Maqasid al-Shar'iyah which is equation fellow human beings degrees (*al-Musawwa Baina al-Nās*), the principles of justice (*al-Adl*), and the rights of human being (*al-Huqūq al-Insān*). Rashid Ridha in *al-Manār* for example stating including in *ar-Riqāb* is nation that they want to escape rather than fight colonialism and independence.<sup>46</sup> Similar to Sheikh Mahmud Syaltūt (w. 1963), *Al-Riqāb* interpretation needs to be expanded not only bound to liberate slaves, but effort to free the countries which still controlled large powerful state both politically unjust act, slavery and thus curb the freedom of its citizens for humanity globally appears to be more horrible than just slavery slave most discussions. He uses qiyas approach. He makes an analogy with the occupation of the nation slavery in the early days of Islam. Although not explain *illat* (legal reasons) but it may be ascertained by reference to Surah *at-Tawbah* verse 60 is a *dilālah zanniyyah* (not postulate absolute). Seeing the fact, the binding between freeing slaves in the early days of Islam to liberate the colonized nation is to get rid of trouble and away the shackles of human distress. According Shaltūt again individual slavery could disappear due to the person's death, while the country remains independent, can be managed by smart people who are free and independent. However, the enslavement of a nation will give birth to a generation that situation like his ancestors, which remain in the general and eternal slavery, destroy the people with the full force of injustice.<sup>47</sup>

Practice of philanthropy in Muslim countries still have not been up to capture the intent of modern slavery, where most of them still cling to the origin of the words mean *ar-Riqāb* ie 'slave owned (has entered into a covenant with his master to set free on condition that he pays a fee to the master) which in essence does not form at this time.

Malaysia is Muslim countries who already have an advanced interpretation of Islamic philanthropy, although is limited in the instrument of zakat in which on the basis of concerns and takes the guess of *maqasid* of zakat as a settlement guarantee system for all social difficulties experienced or overwrite Muslims, hence the meaning of *al-Riqāb* is expanded.

<sup>44</sup> Qur'an 9: 60

<sup>45</sup> Ibn Hajar al-Asqalany, *Taghliq Ta'liq Ala Sahih al-Bukhari*, Maktabah al-Islamy, Oman, Vol. 2, No. 213, 1985.

<sup>46</sup> Muhammad Rashed Ridha, *Tafsir al-Manar*, al-Hai'ah al-Misriyah al-Ammah lilkitab, Cairo, vol. 10, p. 594, 1990.

<sup>47</sup> Mahmud Shaltut, *Aqidah wa Shariah*, Dar al-Shurūq, Cairo, p. 111, 1968.

Fatwa in Malaysia to expand referred contiguous *ar-Riqab* from ijtihad Muhammad Rashid Reda and Mahmud Syaltut. *'Illah ar-Riqab* associated with individual liberation from the shackles. Opinion is divided on:

(a) Ignorance

Efforts to remove the individual and society from the shackles of ignorance can be taken from zakat. Perlis Fatwa set, "The meeting agreed expenses incurred by the Office of Zakat and Fitrah Perlis is according to Islamic Sharia as follows: d. Ar-Riqab (slave): (I). Eradicate ignorance (ii). Religious schools<sup>48</sup>.

*Al-Riqab* the same concept used in Negeri Sembilan to liberate them from ignorance. Some examples of the distribution of zakat to recipients Riqab in Negeri Sembilan are: (1) Support educational activities, including the activities done by the school, schools, universities and others. (2) Program to improve knowledge in the community, including acculturation programs Mushaf al-Qur'an. (3) The Scholarship subjects, including Middle East studies scholarship. (4) Assistance primary and secondary schooling, assistance High School, People's Religious School, evening religious classes, library support religious schools. (5) Managing the secretariat of the Middle East. (6) Allowance Kafa supervisor. (7) Help master and PhD.

(b) Social Issues and Faith

Refers to Fatwa of Selangor, based on Meetings Selangor Fatwa Committee, June 14, 2011, has decided the receiver ar-Riqab distribution recipients are section (A) Social Issues and Section (B) Faith Problem.

(c) In Many Ways

This item refers to the practice of zakat for Riqab in Terengganu. Based on data provided by the Council of Religion and Malay Customs Terengganu, Riqab distribution the state is: Help a Purity Faith/Reformatory, Help Increase Knowledge (Religion), Asset Maintenance Help, and contingencies.

### Application in Selangor

Zakat implementation al-Riqāb in Selangor is under Fatwa Section 47. Based section 47 of the Administration of the Religion of Islam (State of Selangor) Enactment 2003 [En. 1/2003]

To ensure that there is no overlap between the receiver Riqab and other recipients as Faqir, Poor, Converts, and Fisabilillah, Selangor Fatwa Committee of applying that type of receiver Riqab are certain groups. As a result, as shown in Table 1, there are 48 types of recipients Riqab identified which consist of two main categories, social problems and issues of faith.<sup>49</sup> List of recipients of *Al-Riqāb* distribution is entitled to receive zakat Al-Riqāb through any intermediary institution, Muslim NGOs and individually institution authorized by Law, functioning to manage, protect, treat and rehabilitate recipients of *Al-Riqāb* to be lead a perfect life in Islam and community.

Various programs this year, with a total allocation of RM. 23 million, to the recipients *al-Riqāb*, who need rehabilitation, protection, treatment, prevention and control as well as a variety of other assistance to those involved to return to the road. Until now, there are 21 home restorations and protection, as reported in Table 2 and registered under MAIS and receive assistance in the form of annual grants and the provision of monthly assistance.<sup>50</sup>

### CONCLUSION

This paper is an attempt to look into that Islamic classical view about slavery and look at the practice today and provide the solutions. By examining the classical view, Islam presents a mature concept with a goal that is to stop the practice of slavery. It can be seen in the basic teachings of Islam via moral teaching, prohibited enslaving and liberation motive. We argue that these perspectives are important that will lead towards understanding the solutions of slavery. By using the example from Selangor State Government Religious Council, our study shows that a revisit on the fatawa on *Al Riqāb* would release, manage, protect, treat and rehabilitate the recipients of *Al Riqāb*. This findings shows that the Islamic concept of slavery always tries to balancing with the philanthropic action, in order to covering

<sup>48</sup> Dato Alim Panglima Hj Mat Jahya Bin Hj Hussin, Third Mufti of Perlis (1984 – 2006).

<sup>49</sup> Section 47 of the Administration of the Religion of Islam (State of Selangor) Enactment, 2003

<sup>50</sup> MAIS, <http://www.mais.gov.my/mais-terus-bela-golongan-asnaf-riqab> [accessed, 20 August 2014]

social problems. Therefore, any human right act that tries to abolish the slavery system should also consider zakat as tool. This tool should also be embedded in social policy of a country.

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TABLE 1: Recipients of *Al-Riqab* in Selangor

(1) Social Problem	(2) Faith Problem
(a) Drug Shackled i. Drug addicts ii. Former drug addicts	(a) Shackled with the problem of idolatry and superstition: i. False doctrine ii. Claims to be a prophet iii. Insulting Islam iv. Cult one v. Degrades the Quran and Hadith
(b) Shackled With Crime Sharia Problems i. Drinking alcohol ii. Adultery iii. Gambling iv. Seclusion v. Remove child vi. Pregnant out of wedlock vii. Degrades the Quran and Hadith viii. Incest ix. Intercourse x. Matchmaker (mother hen) xi. Sell or give the child to the non-Muslims. xii. And other related Syariah Criminal Enactment (Selangor) 1995	(b) Purify the faith of Muslims who deviate i. People who want/desire apostasy ii. People in the process <i>Istitabah</i>
(b) Shackled to the practice of Islam i. No prayer ii. Not fast iii. Remove child/ throw the baby iv. Suicidal attempt v. Living with a prostitute	
(d) Shackled with inverting lifestyle i. Prostitutes ii. Lesbian iii. Mak Nyah (transsexuals) iv. Gay v. Homosexual vi. Gigolo vii. Bisexual viii. Tomboy behavior ix. Tomboy x. Cohabitation with non-Muslims	
(e) Shackled with juvenile cases i. Gangster	

ii. Crimes involving property iii. Nelibatkan fighting injuries iv. Robbery v. Burglary vi. Rapes vii. Crimes involving dangerous weapons equipment viii. Threats involving violence	
(f) Shackled with chronic disease i. HIV/ AIDS ii. Cancer / cancer iii. Tuberculosis iv. Hepatitis v. And lan-other	

Source: Section 47 of the Administration of the Religion of Islam (State of Selangor)

TABLE 2: Home Protection

Number	Home Protection	Category	Gender	Area
1.	Women Protection Center Baitul Ehsan, MAIS	Social Problem	Female	Sabak Bernam
2.	Center of Aqeedah Purification Baitul Ilam, MAIS	Social Problem / Faith	Male	Hulu Selangor
3.	Raudhatus Sakinah	Social Problem/ Fall to	Female	Petaling
4.	Ikhtiar Home	Social Problem/ Fall to	Male	Kuala Langat
5.	Bidder Home	Drug Rehab	Male	Sabak Bernam/ Hulu Selangor/ Kuala Selangor
6.	Human Advocate	Protection & Drug Rehabilitation	Male	Hulu Langat
7.	Prokim	Drug / Hiv / Aids	Male	Petaling
8.	Baitul Islah, Bukit Beruntung	Social Problem/ Fall to	Female	Hulu Selangor
9.	Rumah Budi	Drug / Hiv / Aids	Male	Gombak
10.	Darul Ukhuwah Home	Drug/ Hiv/ Aids	Male	Petaling
11.	Home Care Peace	Treatment / Mental Care	Male	Klang
12.	Friend's Home	Social Problem/ Drug	Male	Hulu Langat
13.	Wardah Home	Social Problem	Female	Klang
14.	Welfare Homes Perkid	Social Problem	Female	Hulu Langat
15.	Safiyah Home	Care / Homeless Shelter	Female	Petaling
16.	Hidayah Insani Home	Social Problem/ Care/ Protection	Male	Klang
17.	Shade Home of Love	Drug/ Hiv/ Aids	Male	Gombak
18.	Welfare Home Darul Islah	Social Problem/ Drug	Male	Sabak Bernam
19.	Wahidayah	Hiv Problem	Female	Gombak
20.	Putri Arafiah Home	Social Problem	Female	Petaling
21.	Darul Islah Lil Banat	Social Problem	Female	Klang

Source: Hafizatul Akmal Binti Abdul Jalil, Social Development Sector, MAIS.