



## Zakat on Commercial Merchandise in Islamic Jurisprudence: A Comparative Study

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### **Abstract:**

*This study examines the zakat of commercial merchandise as one of the categories of wealth upon which zakat is obligatory, owing to its economic and social importance in the lives of Muslims. It aims to set out its legal rulings through a comparative study among the four juristic schools. The study addresses the concept of commercial merchandise, the evidence for the obligation of zakat on it, its conditions, the method of its valuation, and the amount of zakat that must be paid from it. It has become clear that the jurists agree on its obligation while differing in certain details, such as the time of the year's completion and the type of valuation. The study demonstrates the capacity of Islamic jurisprudence to accommodate contemporary economic developments and to apply the rulings of zakat to modern commercial activities.*

**Keywords:** *Zakat; commercial merchandise; zakat jurisprudence; the four juristic schools; comparative study; completion of the year; valuation of merchandise; commercial companies; contemporary zakat; Islamic jurisprudence.*

## **La zakat sur les marchandises commerciales dans la jurisprudence islamique : une étude comparative**

### **Résumé :**

*Cette étude examine la zakat sur les marchandises commerciales en tant que l'une des catégories de richesse sur lesquelles la zakat est obligatoire, en raison de son importance économique et sociale dans la vie des musulmans. Elle vise à établir ses règles juridiques à travers une étude comparative entre les quatre écoles juridiques. L'étude aborde le concept de marchandises commerciales, les preuves de l'obligation de la zakat sur celles-ci, ses conditions, la méthode d'évaluation et le montant de la zakat qui doit être payé à partir de celles-ci. Il est apparu clairement que les juristes s'accordent sur son obligation tout en divergeant sur certains détails, tels que le moment de la fin de l'année et le type d'évaluation. L'étude démontre la capacité de la jurisprudence islamique à s'adapter aux développements économiques contemporains et à appliquer les règles de la zakat aux activités commerciales modernes.*

**Mots-clés :** Zakat ; marchandises commerciales ; jurisprudence de la zakat ; les quatre écoles juridiques ; étude comparative ; fin de l'année ; évaluation des marchandises ; sociétés commerciales ; zakat contemporaine ; jurisprudence islamique.



## Introduction

Praise be to God, Lord of the worlds, and blessings and peace be upon our master Muḥammad, the Seal of the Prophets and Messengers, and upon his family and all his companions, and those who follow them with excellence until the Day of Judgement.

Thereafter:

Zakat is one of the five pillars of Islam, a financial act of worship with profound social and economic implications. God Most High has prescribed it for exalted wisdoms, foremost among them the realisation of mutual support among members of society, the strengthening of faith bonds, the purification of the soul from avarice and miserliness, and wealth from impurities. God Most High said:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا. (التوبة: 103)

Take from their wealth a charity that you may purify them and cleanse them thereby (al-Tawbah 9:103).

Islam has accorded exceptional care to the regulation of wealth and the control of its movement, prescribing precise rulings for each type of property so that no growing wealth remains without God's owing being rendered from it. Among the types of wealth upon which zakat is obligatory is what is known as commercial merchandise ('urūḍ al-tijārah), namely, property prepared for sale and purchase with the intention of profit, whether immovable or movable, small or significant, and managed individually or institutionally.

The importance of this subject derives from its connection to a broad economic sector, for trade, at all times and in all places, constitutes the pivot of the economic activity of

individuals and societies, and it is a principal vessel for the growth and circulation of wealth. Hence, its zakat has a profound effect on activating the economic and social role of zakat, especially in our present age, in which the forms of commerce are expanding and its instruments and methods are diversifying between traditional trade and that which is electronic or investment-based.

Zakat on commercial merchandise represents a fertile field for juristic endeavour, as jurists from various schools have examined and analysed it, establishing its rules in light of the legal texts and the general objectives of zakat. Although they agree on the fundamental obligation thereof, they differ in certain particulars, such as stipulating the intention of trade, the method of valuation, the time at which the lunar year elapses, and the type of currency by which the merchandise is valued.

Hence, the idea for this study, entitled "Zakat on Commercial Merchandise according to the Jurists a Comparative Study," is to gather together the elements of the issue within an organised scholarly framework that highlights the points of agreement and disagreement among the four juristic schools (Ḥanafī, Mālikī, Shāfi'ī, Ḥanbalī) and compares them in light of the legal evidence, with reference to contemporary applications faced by traders and companies in the modern age.

This study aims to achieve a set of objectives, including the following:

- 1) To set forth the reality of commercial merchandise and the ruling of its zakat, together with its evidence from the Book, the Sunnah, and consensus.



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- 2) To clarify the conditions for the obligation of zakat upon it, the method of its valuation, and the amount that must be paid from it.
- 3) To compare the jurists' opinions and derive the causes of their disagreement.
- 4) To attempt to apply juristic rulings to contemporary commercial reality in a manner consonant with the objectives of Islamic law.

The study will proceed according to a descriptive, analytical, and comparative methodology: first, the texts and juristic statements will be presented; then, they will be analysed and discussed, their evidence will be compared, and ultimately, a preponderant view supported by legal and maqāsid-based proofs will be obtained.

## 1. The Concept of Commercial Merchandise and the Basis of Its Legitimacy

### 1.1. Definition of Commercial Merchandise

Linguistically, 'urūd (merchandise) is the plural of 'arḍ, meaning that which is offered for sale and traded.<sup>1</sup>

Technically, it is every kind of wealth other than the two currencies that is taken up with the intention of sale and profit, whether immovable or movable, or commercial goods and other property.<sup>2</sup>

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<sup>1</sup> Ibn Manẓūr, *Lisān al-ʿArab* (Beirut: Dār Ṣādir), 9:239.

<sup>2</sup> al-Kāsānī, *Badāʾiʿ al-Ṣanāʾiʿ fī Tartīb al-Sharāʾiʿ* (Beirut: Dār al-Kutub al-ʿIlmiyya), 2:7. Ibn Qudāmah, *al-Mughnī* (Beirut: Dār al-Fikr), 2:497. al-Dasūqī, *Hāshiyat al-Dasūqī ʿalā al-Sharḥ al-Kabīr* (Beirut: Dār al-Fikr), 1:475. Yūsuf al-Qarāḍāwī, *Fiqh al-Zakāh*, 2nd ed. (Beirut: Muʿassasat al-Risālah, 1973), 1:349.

Trade: buying and selling for the sake of profit in all categories of wealth except the two currencies.<sup>3</sup>

It is also said: everything prepared for trade, whatever it may be, whether of a kind upon which zakat on the substance is due, such as camels, cattle, and sheep or not, such as real estate, garments, donkeys, and mules.

## 1.2. The Basis of the Legitimacy of Zakat on Commercial Merchandise

The majority of jurists hold that the Qur'ān, the Sunnah, consensus, and analogy establish the obligation of zakat to commercial merchandise.

For the Qur'ān, His saying, Exalted is He:

﴿حُدِّمْنَ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا﴾ [التوبة: 103]

Take from their wealth a charity by which you purify them and cause them to grow thereby. [al-Tawbah: 103]

The Sunnah, which Abū Dāwūd narrated from Samurah b. Jundub: “The Messenger of God, peace and bless be upon him, commanded us to pay alms from that which we prepare for sale.”<sup>4</sup>

The Companions unanimously agreed on the obligation of zakat on trade wealth, as has been reported from 'Umar, Ibn 'Umar, and 'Ā'ishah – may God be pleased with them. Analogously, its purpose is that trade wealth is growing like the two currencies are. It is thus analogous with respect to the obligation of zakat, realising the objective of the law in

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<sup>3</sup> Ibn Manẓūr, *Lisān al-‘Arab*, “Bāb al-Tā’, Faṣl al-Rā’,” 2:19; see also *al-Mawsū‘ah al-Fiqhiyyah* (Kuwait: Wizārat al-Awqāf wa’l-Shu‘ūn al-Islāmiyyah), 23:268.

<sup>4</sup> Abū Dāwūd, *Sunan Abī Dāwūd*, “Kitāb al-Zakāh, Bāb Zakāt al-Sā’imah,” ḥadīth no. 1562.



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the circulation of wealth and the establishment of the duty of zakat.<sup>5</sup>

## 2. Conditions for the Obligation of Zakat on Commercial Merchandise

The four imams differed regarding the conditions for the obligation of zakat on commercial merchandise as follows:

- 1) **The Shāfi'īs:** They said: zakat on commercial merchandise is obligatory subject to six conditions: ...
- 2) The first condition is that this merchandise is acquired through exchanges, such as purchases.
- 3) The second condition is that one intends to trade with this merchandise at the time of the exchange.
- 4) The third condition is that the property is not intended for personal possession; if that is intended, the year is interrupted.
- 5) The fourth condition involves the passing of a year from the time of acquiring the merchandise. ...
- 6) Fifth condition: that all trade wealth not become, during the year, cash of the same kind by which the merchandise is valued.
- 7) Sixth condition: that the value of the merchandise at the end of the year reaches the nisāb. ...
- 8) **The Ḥanafīs:** They said: Zakat on commercial merchandise is obligatory, subject to conditions, among them:
- 9) The first condition is that its value reaches the nisāb of gold or silver.

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<sup>5</sup> Abū 'Ubayd al-Qāsim b. Sallām, *al-Amwāl*, 429; Ibn al-Mundhir, *al-Ijmā'*, 57, no. 137; Ibn 'Abd al-Barr, *al-Tamhīd*, 17:129; al-Nawawī, *al-Majmū'*, 6:47.

- 10) The second condition is that a year passes over it, and what is considered are the two ends of the year, not its middle.
- 11) The third condition is that one intends to trade and that an act of trade accompanies this intention.
- 12) The fourth condition is that the item traded is suitable for the intention of trade; thus, if one purchases 'ushr land and cultivates it or seeds and sows it, then the 'ushr is due to the produce that emerges, not zakat; however, if one does not cultivate the 'ushr land, then zakat is due to its value.
- 13) **The Mālikīs:** They said: zakat on commercial merchandise is obligatory absolutely, whether the trader is a monopolist or a manager, subject to five conditions:
  - 14) The first condition is that the merchandise over which zakat is not due in its very substance, such as garments and books.
  - 15) The second condition involves a present exchange, such as the purchase and hire of the merchandise.
  - 16) The third condition is that one intends to trade with the merchandise at the time of its purchase. ...
  - 17) The fourth condition is that its price is cash or merchandise owned by a financial exchange. ...
  - 18) Fifth condition: that he sells from that merchandise an amount equal to the nisāb of gold or silver if he is a monopolist, or any amount of either of them, even a dirham, if he is a manager.
- 19) **The Ḥanbalīs:** They said that Zakat is obligatory for commercial merchandise if its value reaches the nisāb, subject to two conditions:



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- 20) The first condition is that he acquires it by his own act, such as purchase; thus, if he acquires the merchandise without his act, as by inheritance, then there is no zakat on it.
- 21) The second condition is that he intends to trade at the time of acquisition, meaning that he intends to profit by it, and the intention must continue throughout the year; however, if he bought merchandise for personal possession and then intended it for trade thereafter, it does not become for trade, except jewellery taken for wearing. [Kitāb al-Fiqh ‘alā al-Madhāhib al-Arba‘ah, by al-Hariri, pp. 342–344].

### **3. The Method of Valuing Merchandise and the Amount of Zakat Due**

The jurists agreed that merchandise is to be valued at its market value on the day zakat becomes due, not at its purchase price.

The Mālikīs said: In valuation, the price for which it is customarily sold is considered, not the original price, because zakat pertains to the value, not to the very substance.

The amount of zakat is one quarter of one-tenth (2.5%) of the total value of the goods after valuation, a figure agreed upon by the four schools of thought.

To this end, cash or debts expected to be collected are added.

Al-Qarāfī said, “It is obligatory to pay one quarter of one tenth from the total wealth prepared for trade, if it reaches the nisāb after the lapse of a year.”

The debts owed by the trader are deducted if they reduce the nisāb according to the Mālikīs and the Ḥanafīs, whereas the Shāfi'īs and the Ḥanbalīs do not deem them deductible in zakat unless they consume all the wealth.

#### **4. Juristic Disagreement among the Four Schools with Emphasis on the Mālikī School**

##### **1) The Mālikī school:**

The Mālikīs hold that zakat on commercial merchandise is obligatory without qualification if trade is intended by it, the nisāb is reached, and a year has elapsed.

Imām Mālik said in *al-Muwaṭṭa'*: "Zakat is [due] on that with which trade is done if a year has elapsed and it is for trade."

The payer disburses its zakat according to its market value, not its purchase price, and joins its cash to the merchandise.

##### **1) The Ḥanafī school:**

They likewise deem it obligatory but stipulate that the intention of trade be declared at the time of acquisition, make the valuation at the wholesale price rather than the retail price, and require that zakat be paid in cash value, not from the very merchandise.

##### **1) The Shāfi'ī school:**

They stipulate the intention of trade at the time of acquisition and its continuance throughout the year, and what remains at the end of the year is subject to zakat at its market value. If the intention is absent or changes, the obligation lapses.



1) **The Ḥanbalī school:**

They deem it obligatory when the intention of trade exists, consider the market value at the time the year is completed in valuation, and combine the profit with the principal for zakat.

By comparison, it becomes clear that the Mālīkīs occupy a middle ground between stringency and facilitation: they did not suffice with mere possession but stipulated intention, and they did not drop the zakat owing to a temporary change in intention so long as the original remains for trade something consonant with the objectives of zakat in realising economic justice.

## Conclusion

After this comparative presentation, the principal findings may be summarised as follows:

- 1) Zakat on commercial merchandise is established by the Qur'ān, the Sunnah, consensus, and analogy, and it is obligatory on every property prepared for trade.
- 2) The intention of trade is a considered condition according to the majority of jurists; without it, zakat is not obligatory.
- 3) The Mālīkīs base their valuation on the market value on the day it becomes due, achieving fairness among traders.
- 4) The amount of zakat on merchandise is one quarter of one-tenth, and profit is combined with the principal in calculating the zakat for the year.

- 5) The Mālikī method is characterised by moderation, balancing the preservation of wealth with the cultivation of the spirit of mutual support.

The study recommends further applied research on the jurisprudence of zakat in contemporary commercial transactions, linking it to Mālikī ijtihād, which unites text and welfare.

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