

COUNT IN THE POVERTY ERADICATION ON ZAKAH OVER TAXATION

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Abstract: *Zakah and Taxation both play as a major role in community but their main difference is the sources and which can play well than another, because both are compulsory payment with the aim of enhancing a better life of the people; it has been assumed that, more revenue more planning to be implemented for the community. Zakah is the Allah S.W.T plan, it is the tool that can create more revenue smoothly to the state than other forms because of its spiritual in nature. However, Zakah are not in the legal frame work in most of the countries including developing countries. Basing on this situation, this paper is proposed. The aim of this paper is first to create a general understanding of Zakah it is whether can be payable to replace income tax and create more impact on poverty eradication than taxation. Based on the fact that, in 1980's the contemporary Muslims scholars from Pakistan, Sudan and Malaysia reaches consensus that it is a lawful for a zakat to be given monthly, the second objectives is to address why zakat can enhance "poverty eradication" better life to the people as compared to the taxation and thirdly, widening literature review in this area because there is a limited literature that address the role of taxation in Zakah in order to enhancing the wellbeing of the community. This study will review the concept of taxation and Zakah specifically on the legal, economic, social, ethical and spiritual aspects to explain the role of Zakat in taxation and provide recommendation. The study will use example of 239 staff of Amana Bank in Tanzania to make an assumption and example of University of Putra Malaysia to justifies the role of Zakah in poverty eradication. The area for making assumptions has been chosen because of easy availability of required information for this study.*

Keywords: Zakah, Compliance and Taxation.

INTRODUCTION

During the colonial era taxes were being levied as source of government to accomplish colonial government objectives. In 1920's the first income tax legislation was introduced by United Kingdom to simplify the colonial rules. Moreover, the system tended to be improved and when the Governments became independent unfortunately or with unknown circumstance tax system legislation did not consider other models of compulsory payment levied in Medina about 9 th centuries during the rule of prophet (Pbuh) and thereafter the rule of first Caliph Abu Bakr al- Siddiq (ra'a). This oversight lead to create ambiguities to group of Muslims countries who do confused with the existing tax systems and Zakah. The aim of this paper is

to examine conceptually the problem of not including *Zakah* in the income tax legislations and suggesting to the authorities. This study expects to make an assumption based on the information available at collections centre located in University of Putra Malaysia Serdang and the one from Amana Islamic Bank in Dar es Salaam, Tanzania, as an evidence of the role of *Zakah* on the taxation. Again most of Muslim and developing countries are facing economic and social problems. The problems include the spread of poverty due to various reasons such as lack of enough funds to finance social activities from that situation most of the contemporary Muslim scholars try to relate these problems to the oppression of *Zakah* as a formal tool of the collections for Government revenue and considering policies brought by colonial administrations. Another is the point of the governmental incompetence caused by lack of conclusive studies that can enhance the citizens to become loyal to the Government and contributing to the poverty alleviation. However, this paper contends that although the above-mentioned reasons may have served as one of the reasons that led to the worsening of the social situation in many countries, the major reasons which overwhelming these problems is their neglect of many Islamic financial and socio-financial duties, including *Zakah* (alms) which is conceived to spread ethical behavior. This study aims to demonstrate how *Zakah* is enough to accomplish the role of taxation, *Zakah*, as an Islamic socio financial tool, can help to promote sound standards of ethics, generate funds to counter taxation endorsed by anti-poverty programmers, empower the poor, and eradicate poverty in the societies. This paper uses a secondary source based on analysis of books, articles, journals, annual reports, and websites, besides referring to the Quran and the Sunnah of the Prophet (PBUH) whenever necessary. The findings show it is imperative that *Zakah* to be recognized as an effective socio financial tool to counter the problems which affects the societies currently. Adequately managed and distributed *Zakah* can help to promote good ethics, overreliance on external borrowing and empower the poor end their poverty.

Meaning of *Zakah*

Zakah is the third pillar in Islam, whereby it is obligatory for any Muslim who has a source of income that fulfils certain conditions to pay *Zakah* with at a specified time.

Conditions to pay *Zakah*

According to the source of this compulsory payment (al-*Taubah*) let us highlight the following qualifications to pay *Zakah*;

- i. Money and items must be measurable in order to know how much can be calculated as 2.5%
- ii. The amount must be full possessed in accordance of the law.
- iii. Must fulfilling one's basic needs. Before paying the *Zakah* payers must be covered the basic needs. Based on this situation you can have the minimum to pay but not qualified to pay *Zakah* because you don't have enough to cover the basic needs.
- iv. The completion of the one-year haul/lapse of wealth. Means, any wealth passed with one year must be paid *Zakah*.

Objectives of Zakah

According to the Quran (Tauba 9.60), the aim of the Zakah is to purify the worth of the rich people by taking some and give it to the poor people to enable them to become the payer in the next year for the purpose of reducing inequalities and making every one to work and earning for his satisfaction at least for basic needs.

The Group of People Who Qualified to Receive Zakah

According to Quran, Zakah is collected by the state and distributed to eight categories of people listed below:

- i. Poor (Fuqara)
- ii. Needy (Masakin)
- iii. Employed to administer and collect the zakat fund (Amilin)
- iv. New convert to Islam (Mu'allaf)
- v. Bondage or slavery (Riqab)
- vi. Debt (Gharimin)
- vii. For the wayfarers (Ibnu Sabil)
- viii. A duty ordained by Allah (SWT) (Fi Sabilillah)

“...Zakat is for the poor and the needy and those who are employed to administer and collect it, and the new converts, and for those who are in bondage, and in debt and service of the cause of Allah, and for the wayfarers, a duty ordained by Allah, and Allah is the All - Knowing, the wise...”

(Sura Al -Tauba, 9:60)

Why Zakah must be administered

Zakah has the directives from Allah S.w.t, that, Zakah must be administered because:

- i. Zakah is an obligation and failure to pay it infringes the right of recipients and cause injustice to the society.
- ii. State may collect because of the system in place to put order in place.

Over view of the Taxation

Tax payment is an experience fundamental to every government in the world (Kira, 2017). It is created by man-made law and levied on persons, income, commodities and transactions to yield public revenue that afford government the opportunity to offer protection and other social economic amenities to its citizens. Tax revenues guide national government development and also are used to finance substantial part of government operations including public social services (Kira, 2017) Among the diverse resource from which governments can create revenue, taxation is the primary and most consistent; contributing much more than other source. The hard work of collecting tax revenues cannot be achieved unless there is strong tax administration which ensures proper tax collections and minimizing or eliminating tax evasion (www.tra.go.tz).

Tax Systems

The three common tax systems given by Smith and Kira (2017) are Regressive, proportional and progressive where regressive tax system is the one which has the big impact to the lower

income earners because it is inversely proportional to the income tax rate increasing regardless to the decrease of income. Proportional tax systems are the tax that is charged at a flat rate regardless of the level of income such as Indirect taxes. This is known to the tax payers and affect the low income earners, while the progressive one it is the tax charged proportionate to the increase of the income. This tax usually considers the level of the income.

Moreover, Smith and Kira (2017) provide that, good tax systems should be equitable where it is going in accordance to the revenue generations (not feel burden to pay), tax must be convenient in such a way tax payers can predict how much to pay, again costs of collections must be lower than the amount collected. Tax should not encourage to avoid in the sense that should be flexible to encourage tax payers to pay according to the laws and regulations. From the point of view, Zakah is equitable because it is charged after basic needs, it is convenient as everyone knows exactly and time to pay as established in the Quran, non-cost of collections because it is a sin for a person who obliged to pay and do not pay then a payer is in belief that he/she will be answerable. Therefore, from that situation can confirm the idea of Adam smith can easy be traced on Zakah, because Zakah it is more effective modal of collections of state revenue. (Quran 9.60).

Marjeed (1993) argues that, although *Zakah* can be referred to as a system of taxation, *Zakah* significances are many and it cannot therefore be compared to the existing taxation system because the main in Zakat is Allah made and fixed not expand as income increase (Tax brackets) as because has the real aim to help man from poverty. Therefore, from that situation Zakah it is more effective than taxation in accomplishing a wellbeing of the community. However, Zakah is like prayer to Muslims must be paid before any obligations, the questions of what to the non-Muslims, during the ruler of Caliph Umar bin Khatab (RA) the non-Muslims was requested to pay tax because tax is a manmade strategy to finance the social services and in other hand Zakah is the order from Allah S.w.t to pay Zakah when the payer reach a specific amount (al Nisaab).

Collection of Zakah

Malaysia in 1990's amended the country laws to officiate Zakah in the income tax laws (pay as you earn) of which become one of the first countries made a big progress after in collections of Zakah and employees income tax. Moreover, Sudanese laws were changed in 1986 and gave the right to the government to collect Zakah on compulsory basis from all wealth including wages, salaries, professional income and other forms of earnings. Furthermore, this law also gives the right to the Government to deduct Zakah from salaries of all Muslims workers in Sudan and professional workers outside of Sudan. However, in Malaysia tax law encourages Muslims to pay Zakah in monthly voluntary and the submit the evidence to the Revenue Authorities to received back the amount deducted from the salaries in form of tax. Lessons shows that it is easy to collect pay as you earn (PYEE) to all the workers from informal and non-informal sectors using this arrangement. Because firstly, Muslims will be motivated to comply voluntarily on one obligation of Zakah on income tax and motivated to see the objectives of Zakah it going to be implemented; secondly, there will be savings to pay Zakah in the sense that Zakah is paid after deducting the basic needs on surplus which may be small than the proportional tax rate given by the government. In other hand, these revolutions of including Zakah in the taxation system influenced the expansions of the tax

base because payers will be able to declare material facts for the purpose of the enjoyed incentives of paying less as compared to paying tax.

Assumptions And Analysis

As mentioned earlier followed the consensus reached by contemporary Muslims scholars that Zakah can be made monthly below are example of survey to show Zakah collected in one point of collections in Malaysia as Islamic country (University of Putra Malaysia) and Amana Bank Dar Es Salaam as the only Islamic Bank where we believe Muslims staff in that Bank are Muslim for 99% in Tanzania. Assumptions for monthly zakah collected from salary of Amana Islamic bank staff in Tanzania.

Table 1. Zakah Collections

Average Monthly Salaries	No of Members	Tzs. Zakah collected	Families supported	Income Tax
3.2m-3m	39	1,657,500		32,841,900
3m-2.8m	150	5,625,000	1	117,315,000
2.8m-1.5m	50	1,625,000		36,105,000
TOTAL		8,908,500	1	186,261,900

From the table above. We assume that the basic needs for one's wife and one children is Tzs 1,500,000. Then we have to subtract this from the basic salaries to get the excess amount that are required to pay Zakah. Not only that, the Table 1 above revealed that, the total of TZS 8,908,500 (2.5%pa divide by 12) can be collected for one month and in one company, one month's service and one family in other words this company can increase 12 families who can be a member of Zakah and also will pay Zakah by doing so will decrease the number of poor family in the community and in turn will pay other charges and taxes which will be borne from consumptions. However, the assumed amount of salaries Table 1.1 it is after other charges such as pension funds and health services. Therefore, Zakah is going direct to support government responsibility of better life for the people because Zakah is for the poor people and government is collecting for the supporting better life for the people. Based on that situation there is a role of taxation on Zakat.

Moreover, tax must be convenient. Zakah proves that it is convenient in the sense that time and amount is known to both collector and payers as per described in the Quran surat Tauba (9.60). Moreover, tax should also be flexible. The Zakah shows that it is flexible to the level of income in the sense that Zakah is charged after deduction of basic needs then payer feels happy because he feels to fulfil his spiritual obligation and at the same times fulfil the requirement of the authority.

Current Experience

As we have mentioned above, Sudan and Malaysia are the first countries to amend their laws and allow these collections of the Zakah officials, where taxpaying Muslims are advised to pay Zakah to the nominated commissioners for Zakah collector and submit the receipt to the Revenue authority for refund. Moreover, this arrangement has made a big significance in economic development where the money is used to support a lot of development such as education where student is supported in University level and after finishing they will become

a member of paying Zakah as well as other duties in a states. Then there is a role of the tax in a Zakah.

For example, in Malaysia one of the commissioner agent is University of Putra Malaysia (UPM) where Zakah are collected from the salaries of the professional lectures and at the end of the months they are given the slip for paying Zakah, where the collected are used to pay the school fees to students who come from poor families, yateema, Masaqeen and others as has mentioned in the Quran.

Evidence Of Zakat to Eradicate Poverty

According to Al-Qaradawi (1999,) reported that there is no any replacement for the term Zakah, because there is none. The term Zakah carries unique meanings and significance, and translating it could result to a divert [diversion] in its meanings and purposes from its original context. Majeed (1993, p.21) further argues that Zakah can be a kind of tax and the Zakah laws can be referred to as a system of taxation, but significances of Zakah are many and it cannot be compared to the existing secular system. Based on that situation it may be possible that Zakah does [is] not translated correctly. Any wealth below the required amount (Nisab) is not subjected to Zakah. In taxation system this situation it is different where the below stated amount are not subjected to pay as you earn.

In Tanzania below 170,000/= it is not subjected to PAYE. Moreover, the obligatory nature of Zakah has been prescribed in the revealed doctrine of al-Qur'an, Zakah system must be upheld as a levy sanctioned by Allah on Muslims. Taxation is also liable but sanctioned by man-made not as Zakah although the use of Zakah and taxation they are relative look like the same. Taxation is a levy sanctioned by government on citizens (individuals or businesses) of a particular state through the federal laws. It is a man-made system, and as such, its source of regulation is determined by the government of the time.

The conditions of taxable assets and income plus the methods to disburse tax is the prerogative of the government at the time. The same argument follows in terms of the tax structure, its rates and allowable deductions, among others. (Zaim 1989, p.110. and Abdulraheem 2007) mentioned that, the rate and the way of payment of Zakah are clear and definite, cannot change: but tax is relatively changeable and the methods of distribution and spending of Zakah is definite, while tax is not. Taxation law can be amended, and can even be abolished, depending on the government's fiscal system. It should also be noted that it is relatively easier for the government to make amendments to taxation law as compared to the Zakah law since the former does not have any direct relationship with revealed doctrines. Comparing Zakah with progressive taxation, Zakah was claimed as having a wider base than progressive taxation; it is imposed not only on income, but also on idle assets. The Zakah will benefit directly the poor and the needy.

Brief Evolution of Zakah on Legal Aspects

Based on the Islamic history, during the Caliphate of Abu Bakar, a war was declared on those disputing the Zakah obligation. As for the one who refrains from paying it without denying its obligation, he would be guilty of committing a sin. It is the ruler's duty to take Zakah from the defaulter by force and rebuke him, provided he does not collect more than the stipulated amount. In the views of Imam Ahmad ibn Hanbal and Imam Abu Hanifah, the ruler could

take half of the defaulter's money, in addition to the calculated amount of Zakah, as a punishment (al-Qaradawi, 1999, p.668).

In modern taxation, tax planning is normally provided by tax consultants for individuals or companies to plan their tax liability. This is also known as tax avoidance. While tax avoidance basically means playing with the loophole available to the existing tax laws to minimize tax liability provided it falls within the tax laws and regulations. Its legality is based on the idea that every taxpayer has the right to attract tax by arranging his financial affair to minimize tax liability. While tax avoidance is allowed, tax evasion is not. Methods of evasion include suppressing the taxable receipts; and claiming deductions for expenditure not incurred. Evading payment of tax due by any person involves elements of offence in it. If caught, the defaulter has to pay the tax evaded and penalties.

Zakah is morally and Islamic proper for Muslims to minimize their Zakah liability whether through avoidance or evasion. It is the spirit of Zakah that it should be paid on the real net worth of a person's wealth. Evasion is a real possibility in tax, but Zakah is paid by the believer as a form of worship (Zaim, 1989, p.111, Abdulraheem, 2007). In a pure Islamic state, such tricks and behaviors would be a serious crime against the society and thus, a punishable offence. It is against the spirit of Quranic injunctions since the offender is trying to deny Allah's rights. In the absence of an Islamic state, the individual has to be careful, as Allah knows our deepest thoughts and intentions.

In some Islamic countries, certain preventive measures in the form of incentives for the Zakah payer have been undertaken by its government. For example, in Malaysia, the tax authority under the federal government grant a tax rebate, if a Muslim had paid Zakah. As an example; a Muslim made Zakah payment to the authority of RM1000, this RM1000 is treated as a rebate of tax that is set against his total tax that is due. In other words, he obtains a 100 percent relief for the Zakah payment. This is considered as a pro-active effort towards the development of the Zakah system. This will partly minimize the burden among the Muslims for having to pay both Zakah and tax. (Magda Ismael, 2011)

Impacts Of Zakah on Legal Aspects For Pervert Eradication

Zakah takes an important part in Islamic economics. It serves as a voluntary transfer of income and wealth from the haves to the have not in the society (Miah, 1992, p.153). Through this, each and every individual in the society are assured of minimum means of livelihood, which provides social security system in an Islamic society (Ahmad, 1989, p.6). Throughout history, whenever Muslims truthfully applied the system of Zakah, as ordained by Allah (SWT) and as Prophet Mohammad (PBH), the expended objectives of Zakah were fulfilled and its great efforts appeared within the lives of the individuals and the society, a good example was during the Caliphate of Umar b. Abdul Aziz whereby the Zakah system was so successful and became difficult to find even one needy person to receive the Zakah collected. This shows how Zakah, if implemented properly could make wonders to the society in the sense that voluntary tax compliance would obtain and better life for any member of society. Sayyid Sabiq (1991, p.xvi) contribute that:

“...What is remarkable about Zakah is that it finishes a job that taxation, to begin with, cannot accomplish...”

Other factors that shows possibility of voluntary compliances on similarity whereby Zakah payers are expected to get the reward and the returns in the Hereafter while tax payers may receive some service in return but there is no direct co-relation (Hannan, n.d., p.1). Then when you combine Zakah and income tax will touch the heart of payers to declare material facts and comply voluntarily at costless.

Hanson (1972) identified various negative economic effects of taxation. These include discourage to work, saving and start enterprise. Taxation may encourage inflation, and diversion of economics resources. As such, problem shows that taxation alone cannot attract voluntary compliance, may need advantages of Zakah to attract voluntary compliance.

Similarly, Ibn Khaldun (1332-1406 AD) join with Sadeq & Ghazali 1992, p.7) both argued that work efforts will be affected by high taxes resulting to a decrease in production and population because of emigration, which eventually decrease tax revenue by decreasing the tax base. Again (Ibn Khaldun's, Ghazali & Siddiqi, 1992b, p.48) agreed that when government (consumption) expenditure increases and more taxes are levied, economic growth is adversely affected, eventually leading to a decline (see also Issawi, 1992, p.224 in Sadeq & Ghazali).

Moreover, excessive taxation may also result to outweigh the gain to the community from the use of the money raised by taxation (Hanson, 1972, p.549). The same suggestion had been provided much earlier by Ibn Khaldun (1332-1406 AD), (as cited by Siddiqi, 1992a, p.23 in Sadeq & Ghazali): conclude that, taxes minimize populations and civilization. Not only that, tax burden can be transferred by the tax payer to the consumer or producer and affect the economy (Zaim, 1989, p.111). Where there no that, transfer on Zakah. Al-Maqrizi (1364-1441 AD),

Incentives Of Zakah To Payer From Spiritual Aspects

There are many incentives of Zakah which include the incentive to produce, incentive to invest, incentive to save, incentive to consume, playing a role in redistribution of income/assets, incentive to work, as a control of business fluctuation, and as a redirection of investment (Ataul Haq, 1993, p.12-20; Miah, 1992, p.121; Ahmad, 1989, p.20-25).

Zakah also has a multiplier effect to the economy; some Muslim economists believe that a certain amount of Zakah funds invested according to the overall production priorities of an economy would benefit the poor in particular and the economy, in general, through its multiplier effect on employment and incomes (Zaim, 1989, p.117). In this way it would gradually eliminate poverty instead of providing recurring financial support to the same set of people. Consequently, employment and income will be increased in the economy thereby increasing the standard of living of the people and eventually it would enhance the aggregate volume of Zakah and taxation collection.

If Zakah is properly managed, the government may be relieved from significant social welfare expenditure. Thus, resort to taxation can be kept to a minimum in an Islamic economy. In addition, Sadeq (1992, p.9, as cited in Sadeq & Ghazali) rightly emphasized that Zakah is a sub-set and integral part of the social security system which is built in the Islamic economic system, to help the less-privileged group such as poor, needy, unemployed, orphans, handicapped and so on. In a more elaborate manner, Mawdudi (1975, p.35) regarded Zakah as, in fact, the best form of insurance for the society and destroys all the evils which arise from the absence of any regular arrangement for collective help and cooperation. Mawdudi pointed

out that what really forces a man, in the capitalistic system, to accumulate wealth and invest it in profitable business and bring into existence institutions like the life insurance, is that under this system every one's life is wholly dependent on his own means. This view has also been emphasized by Sharif (1976, p.171) that Zakah in the Muslim constitution of the Caliphate days was so comprehensive and broad-based that it not only promoted socialistic redistribution of wealth but also tended to create a healthy non-capitalistic frame of mind and a collective spirit. Zakah, according to al-Ghazali, is a measure to test our degree of love to Allah. Al-Quran considers possession of wealth a trying test, and not a token of virtuous excellence or privileged nobility or a means of exploitation (Abdalati, 1980, p.128). Al Ghazali (1997, p.80-81) argued that:

“...Our property which is very dear to us, is God's trust deposited with us. Therefore, it is necessary that they should be sacrificed in His cause, and they should be utilized for seeking His pleasure. If you suffer a loss in them, you should not start crying and wailing and you should not consider that it was your personal property that has been taken away from you, because compared to you Allah is the more rightful owner and He has the right to use it in any way He likes. If you are tested by an increase in them, then you should not hesitate to undertake jihad when called upon to do so, and you should not turn away from obedience to Allah on account of them...”

In Islam, the real owner of wealth is God alone and the proprietor is simply an appointed agent and a mere trustee (Abdalati, 1980, p.130). In explaining the concept of trust, al Ghazali (1983, p.73) mentioned that in the eyes of Shariah, trust has a very broad sense. This word contains an ocean of meaning, but underneath it is the sense of responsibility, the sense of having to appear before Allah and to account for one's actions.

Zakah is also considered as an expression of gratitude to Allah's bounties. The best is that we perform the duty secretly, unless we want others to follow suit our good deeds. Most importantly, we should not feel arrogant and we should not hurt the feelings of the recipient. In terms of giving the best and the dearest, we can apply this in the context of how we perceived wealth and money. Al-Ghazali (1997, p.80) emphasized that wealth given by Allah is a trust (the concept of trustworthy). Proprietors are constantly reminded of the fact that they are in reality mere agents appointed by Allah to administer their holdings. However, Islam does not prevent Muslims from attaining wealth and endeavouring for material improvements through lawful means.

RECOMENDATIONS

From above analysis we may recommend to conduct empirical studies in these areas in order to advise the governments on amending the Laws and make Zakah to be collected officially to all the Governments that depend on taxation as a source of poverty eradication.

Tax policy makers to establish the need to amend the laws in order to recognise zakah in the Income tax in other countries taking a case study of Lembaga Zakat Management Negeri Kedah. Muslim countries to strength the collections of Zakah and look the area of pension funds in order to see the possibilities of investing on halal investment.

Zakat prove the best and enough in poverty alleviation because it is fixed to the rate and those who have remaining after basic needs while taxations seem like not in poverty alleviation since it going to increase a big amount when income increase and person who do not qualifying to pay tax will be taxed more while a very small amount increased in his

income. Therefore, tax policies for poverty alleviation should learn from successful from Zakat and hence Zakat is effective for poverty alleviation.

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