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**THE UNDERSTANDING OF RULING AND MANAGEMENT OF *LUQATAH*  
(LOST PROPERTY) AMONG USIM STUDENTS**

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**ABSTRACT**

Luqatah (lost and found) is a property such as cash money, jewellerys, accessories, etc found in a place which is not owned by anyone, not guarded and the person who found it does not know the owner. Luqatah is one of the issues that are often found in daily life. This, most likely due to negligence on the side of the property's owner. This study was conducted to find out the extent of understanding and awareness of USIM's students on the concept of luqatah, especially when they find the dropped items and what they should do. This study used qualitative methods as well as quantitative one that aim to explain the object of study, based on direct observation, experience that aims to produce figures and measurable. The study found that hukum of returning dropped items in Islam is strongly recommended and required to take good care of them. Only 48.3 percent out of 118 respondents were knowledgeable about the meaning of luqatah. 44.1 percent out of 118 respondents will find out the owner of luqatah properties if they found them dropped. 74.6 percent out of 118 respondents were not well known how to manage the luqatah property.

**Keywords:** *Property, Luqatah, Management, Ruling, USIM.*

## Introduction

Syariah teaches that property is to be protected and preserved. This includes *luqatah* or lost property. *Luqatah* can be meant as an item found, in a place that does not belong to anybody. For example, a Muslim finds an item and he is worried that the item will be wasted, then he picks it up. In Islamic traditional *luqatah* defined by Hanafi as a dropped property that no one knows who was the owner (Al-Kasani, 2003). Malikiyah said *luqatah* is a property reserved for loss (Al-Humam, 2003). The Shafi'i school defined *luqatah* as something which is found in a place which is not owned, whether property or goods, left out of its owner (Al-Syarbini, 2000; Al-Bakri, n.d.). The Hanabilah said it is the property that is left out of its owner and is taken by others (Al-Maqdisi, 1997). From a variety of definitions it may be concluded that the scholars of the mazhab have define *luqatah* with the same definition which is, *luqatah* is the property left out of its owner.

## The Concept Of *Luqatah* According To The Quran And Hadith

It is stated In the Quran that Allah SWT He has given a sign of the importance of behaviour toward giving assistance to each other, respecting others right and properties, based on *taqwa* and reflected within daily *muamalat* among human being:

"وتعاونوا على البر والتقوى ولا تعاونوا على الإثم والعدوان واتقوا الله إن الله شديد العقاب"

“Help each other in righteousness and piety and do not help each other in sin and aggression. Fear Allah. Surely, Allah is severe at punishment.” (Al-Qur'an. Al-Maidah 5: 2).

Allah SWT said in another verse:

"والمؤمنون والمؤمنات بعضهم أولياء بعض يأمرون بالمعروف وينهون عن المنكر ويقيمون الصلوة ويؤتون الزكوة ويطيعون الله ورسوله أولئك سيرحمهم الله إن الله عزيز حكيم"

“And the believers, male and female, are friends to each other, they bid virtue and forbid vice and establish *Salah* and pay *Zakah* and Obey Allah and His Messenger. Those are the ones whom Allah will bless with mercy. Surely, Allah is Powerful, Wise.”(Al-Qur'an. At-Taubah 9:71).

Generally in these two verses, it is found that the practice of *luqatah* is a practice recognized by the Holy Qur'an as it forms the assistance of a person to help restore the ownership of the lost property to their legitimate owners.

*Luqatah* rule is actually described in the hadith. The Hadith had mentioned about the existence of this practice. Among the hadiths describing this, is the hadith narrated by the Prophet's companions Anas RA from the Prophet SAW, saying:

"لولا أني أخاف أن تكون من صدقة لأكلته"

“If I am not feared that this date from the *Sadaqah* wealth I would have eaten it” (Hadith. Al-Bukhariy. Kitab fi al-Luqatah: Bab Iza Wajada Tamratan fi at-Thoriq: # 2431).

This Hadith indicated that it is possible for someone who finds a little or invaluable item to collect it and own it without having to find out who was the owner. The act of the Prophet not to eat the date is based on the caution (*wara'*) to avoid the silly thing that can cause falling into sin and forbidden.

Rasul SAW said in the hadith narrated by Zaid bin Khalid al-Juhaini RA.

"جاء رجل إلى رسول الله صلى الله عليه وسلم فسأله عن اللقطة فقال : اعرف عصفافها ووكائها ثم عرفها سنة, فإن جاء صاحبها وإلا فشأنك بها, قال فضالة الغنم يا رسول الله ؟ قال لك أو لأخيك أو للذئب. قال فضالة الإبل ؟ قال مالك ولها ؟ معها سقائها و حذائها , ترد الماء وتآكل الشجر حتى يلقاها ربها"

He said: "A man came to the Messenger of Allah (may peace be upon him) and then asked the Messenger of Allah about the law of *luqatah* (the lost things) that found in the certain places. Messenger of Allah said, "Observe the goods in terms of their packages and their bonds, and announced it for a year (looking for the owner) because it is likely that the owner will come to claim the goods. And if they do not come then the item belongs to you" then the man asked again "If the lost was a goat?" The Prophet replied "is it for you or your brother or for the wolf" said the man again. "If it was a camel?" Rasulullah SAW replied "you are not entitled to it because the camel has a neck and has a strong foot to find water and get food until the owner finds the camel" (Hadith. Malik Bin Anas. Kitab al-Aqdhiyah: Bab al-Qadho ' fi Luqatah: # 46).

In another hadith Ubai bin Ka'ab RA recites:

"فقال أخذت صرة مائة دينار فأتيت النبي صلى الله عليه وسلم فقال عرفها حولاً فعرفتها حولها فلم أجد من لم يعرفها ثم أتيت فقال عرفها حولاً فعرفتها فلم أجد ثم أتيت ثلاث فقال احفظ وعاءها وعددها و وكاءها فثغن جاء صاحبها وإلا فاستمتع بما فاستمتعت"

He said: That he had taken a dropped item of one hundred dinars when Rasul Allah SAW was still alive, then he brought the money to the Messenger of Allah. The Messenger of Allah directed him to announce the matter for a year. After a year passed, Ubai returned to the Prophet with the money and once again the Messenger ordered Ubay RA to announce once again for a year. A year later Ubai bin Kaab RA met the Messenger of Allah and was thrown into the same condition as the past. At his meeting with the Prophet Muhammad (PBUH) the fourth time, after three years, the Prophet (peace and blessings of Allah be upon him) said to him "observed the items or write down the sum of money and its bond. If someone comes to you and states the amount, the straps and its pouch then give it back to him. And if no one claimed from you then it is for you" (Hadith. Abu Dawud. Kitab of al-Luqatah: Juz '3: # 1701).

This Hadith indicates that Islam is very concerned about keeping property from being wasted. It coincides with the word of Allah in the Qur'an which means "And do not squander recklessly. Surely squanderers are brothers of *satans*, and the *satan* is very ungrateful to his Lord." (Al-Quran. Al-Isra '17: 26-27). Allah SWT said in another verse which means, "Do not eat up each other's property by false means, nor approach with it the authorities to eat up a portion of the property of the people sinfully, while you know (that you are unjust in doing so)." (Al-Quran. Al-Baqarah 2: 188).

### **The Rulings Of Taking *Luqatah***

When a Muslim finds *luqatah* or dropped items, he is encouraged to take them if he is confident that they are trustworthy and are worried that they will not be found by their owner. This was done to protect the rights of his Muslim brother. If he is not convinced, he will be trustworthy and worried that he himself will take the item directly, it is *makruh* for him to take it. If he feels he will not be trustworthy and will take it to have it and not to be returned, it is illegal for him to take it. Rasul (s.a.w) said which means:

He who takes the lost is sinful as long as he does not distribute it." (Narrated by Imam Ahmad)

The Muslims jurist have different approach toward the ruling of taking *Luqatah*. According to mazhab Syafie and Hanafi, it is allowed to take it as an obligation to take care of others property. While, in mazhab Maliki and Hanbali, this is prohibited. (al-Zuhayliy: 6/4857). Regarding this matter, Syeikh Mustafa Bugha (2006: 7/71) set the following guidelines:

1. It is sunnah for a trustworthy person who is able to take care of it to take it if he fears that the found property will get lost.
2. It is permissible for a trustworthy person who is able to take care of it to take it if he thinks that the found property will not get lost again.
3. It is an obligation for a trustworthy person who is able to take care of it to take it if he is certain that it will get lost again if he did not take it, for it is an obligation to take care of the property of Muslims.
4. Makruh (undesirable) for someone who feels that he could not be responsible for it in the future.
5. Prohibited for an irresponsible person to take it and not take care of it.

### **Types Of *Luqatah***

There are two types of *Luqatah* property: namely *luqatah* is not an animal and, *luqatah* is not an animal. (Al-Zuhaily, 1998; Al-Bakriy, n.d). *Luqatah* is not an animal consists of:

- a) Easily damaged items, such as food. In this legal way a property can be given a choice to the inventor whether to eat or use it and replace it, or he sells it and keeps the price; According to Syaibaniy (2000) it is necessary for the owner to choose from two acts, whether sold the goods and then announce the goods that have been sold after the sale and possibly to owned the sale after the announcement period ends.
- b) Items which are quickly damaged but can be maintained so as not to be damaged. For this type of item it is mandatory for the inventor to take appropriate action in the interest of the original owner i.e. selling and storing the price, doing something that would prevent the property from being damaged at his own expense, or he sells part of the property for the purpose of the remaining property care expenses;
- c) Undamaged property. For this property it is mandatory for the inventor to take care of it during the announcement period.

While *luqatah* is an animal, it is permissible for the inventor to keep the animal he found and returned to his owner when claimed. He can ask from his original owner the amount of expenses he used. It should also be for him to sell and keep money from the sale.

### **How To Manage The *Luqatah* Property**

The implementation of the management of *luqatah* assets is subject to the following matters:

- a) Identification of the property (Al-Nawawi, 2005). From Zaid ibn Khalid, Rasul SAW said: "Knows the ropes and packages" (Hadith. Malik Bin Anas. Kitab al-Aqdhiyah: Chapter al-Qadho' fi *Luqatah*: #46). The identification is for the purpose to confirm the valid owner of the lost property. (Al-Zuhaily, 2011)
- b) Mandatory to announce lost property (*luqatah*). According the previous hadith whereby Rasul SAW commanded us to "*make an announcement regarding that for one year,*". Announcing *Luqatah* property should be made in the place where it is found and in places where people assemble and congregate such as in the markets, mosques and restaurants. (Al-

Zuhayli: 6/4863). If it is unclaimed yet, then it should be handed over to the authorities to ensure the safety of the property and then will be decided by a qadhi or judge for public benefit or handed over to the Baitulmal. While, for things which are not of people's interest and easily be spoiled like a cane, a whip, a rope and etc, there is no need of any announcement as mentioned by the Rasul (s.a.w) narrated by Jabir bin Abdullah:

قَالَ رَخَّصَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي الْعَصَا وَالسَّوِطِ وَالْحَبْلِ وَأَشْبَاهِهِ يَلْتَقِطُهُ الرَّجُلُ يَنْتَفِعُ بِهِ

He said that Rasul (s.a.w) allowed us to use a stick, a rope, a whip and things of that type picked up by the man; he may benefit from them.

### Luqatah Property Custodian Authority

While in his care, the inventor of The Luqatah was obliged to look after him in the proper manner. He is not responsible in the event of any event to the property as long as there is no negligence on his part. However, the inventor is obliged to make an announcement to the Luqatah Property. Luqatah's trivial and small properties which are usually ignored by the owner are not obliged to be disseminated and can be owned by the inventor.

### Duration Of Announcement

The duration of announcement for valuable property is one year as stated in the hadith of the Rasul (s.a.w). For property that is not as valuable in the opinion of the community, a one year period is not necessary. It is even sufficient for a period that is considered normally up to the announcement to the original owner. Announcements should be made in public places such as markets, at mosque doors, newspapers and the like which are places of public visitation.

### Luqatah Issues In Universiti Sains Islam Malaysia (USIM)

The researcher conducted a survey on a number of USIM's students on *luqatah* issue. This survey was conducted through 'google form'. Some questions have been asked to respondents to understand the problems or issues that arise regarding the management of *luqatah* property. These questions have been given to several students of each faculty that available at this university. Among the questions raised are their understanding of the meaning of *luqatah*, the related law relating to it and the way of managing *luqatah* property.

Do you know what is means by luqatah ?

118 responses

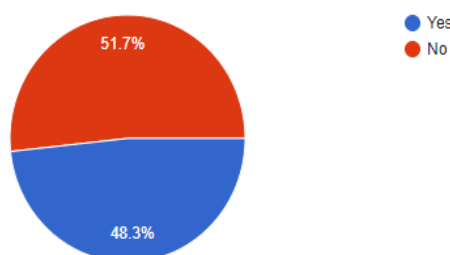


Chart 1: The Question About the Purpose of Luqatah

Based on the data obtained, more than half of the respondents, 51.7 percent did not know what was meant by *luqatah*. This is likely due to their habits by using of the terms 'lost thing' or 'lost & found' to state the unknown property of the owner.

### What will you do if you find property that was left behind by someone ?

118 responses

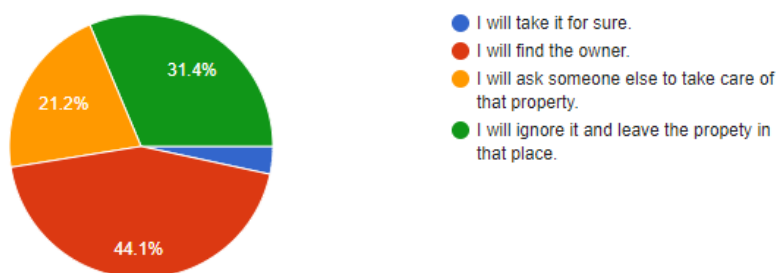


Chart 2: On Their Action When Finding Luqatah Property

While on the question of their actions when they find *luqatah* items, 44.1 percent of the respondents stated that they will find out who is the owner. 31.4 per cent of the respondents stated that they would allow the goods to be found. While the remaining 21.2 percent say they will hand over the goods management to others. While some say they will take it for ownership.

### Do you know the procedure in managing luqatah property ?

118 responses

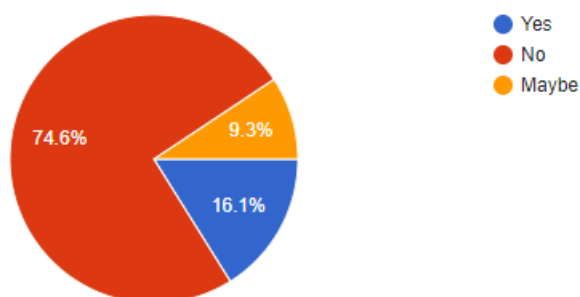


Chart 3: Knowledge of Luqatah Property Management Procedures

On issues pertaining to the management of *luqatah*, a majority of 74.6 percent of students stated that they did not know about the way of managing *luqatah* property. About 16.1 percent say they know how to manage the property of *luqatah*. The rest of the respondents said that they knew how to manage the property of *luqatah*. This is because they are not exposed to the rules of *luqatah* in depth in the books of *fiqh*.

### Do you aware that it is important to find the owner of *luqatah* property ?

118 responses

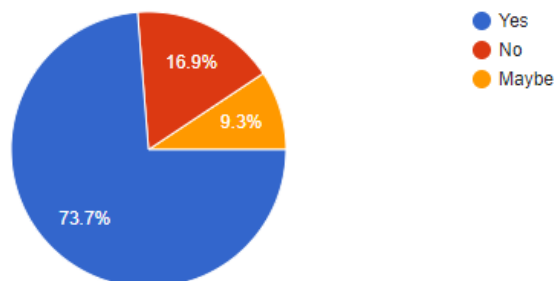


Chart 4: Awareness of Finding *Luqatah* Property Owners

The question asked was also about the importance of finding *luqatah* owner. A total of 73.7 percent is aware of the importance of finding the owner of *luqatah* property. This awareness can be observed when every week there will be announcements about items dropped out in 'Whatsapps group' by certain individuals. Meanwhile, 22.2 percent did not realize it.

### In your opinion, is it necessary for the university to set up lost and found center ?

118 responses

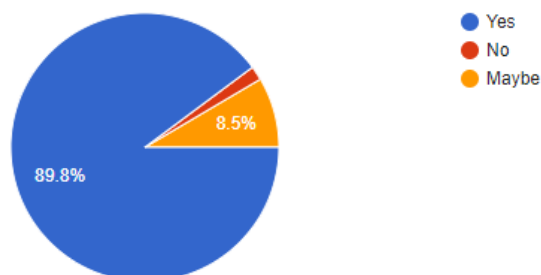


Chart 5: Proposed Establishment of *Luqatah* Property Management Centre

Almost 90 percent (89.8 percent) respondents stated the need to establish management centre for *luqatah* property under the administration of the university. A small number expresses uncertainty and inconvenience to create a management centre for *luqatah* property. Most of them support because this is a requirement in ensuring their goods are safe when they are lost from their care.

There is connection in this all five question. The student feels the needs of *luqatah* centre because they do not know the management of the *luqatah* property. This is also due to their sense of responsibility to find the owner of the property.

## Conclusion

Knowledge about *luqatah* is very rarely known to the general public. Hence, exposure to basic matters that a Muslim should know will help him in discharging his responsibilities to his brother who are in

distress due to the loss of property that they previously belonged to. Therefore, it is the duty of a Muslim, especially USIM students, to be concerned about this problem so that luqatah items can be properly managed and can help the public to get their lost items.

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