

Answer to Question

**Whoever Finds *Rikaz* (Buried Treasure) One-Fifth Should be Given**

**To: Abu Ahmad**

(Translated)

**Question:**

Praise be to Allah, and prayers and peace be upon our master Ahmad. Assalam Alaikum Wa Rahmatullah Wa Barakatuh. I am from Palestine and there is someone who searches for precious metals in the land of others. If he finds Ottoman finds that were hidden by the Ottoman Empire in 1916 and he cannot return them to the Turks now, is the one who finds the money, if it is found, have a share in it or the owner of the land only will get the fee for keeping the treasure in his land? Is the money that, in origin should be given to the state, should be given entirely to the poor, or only one-fifth? Thank you, may Allah grant you victory and may Allah protect you and the faithful.

**Answer:**

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh.

We have already answered a similar question more than once, and I will quote you from it:

1- From the Answer to a Question **8/11/2013:**

(...As for the second part of the question about Al-Rikaz (buried treasures, whoever finds Rikaz (buried treasures), one-fifth of it must be handed over to the Islamic State to put it in the interests of Muslims, and the other four-fifths are for those who find it, provided that the ore is not found in someone else's land.

But if the Islamic state did not exist as it is today, then the one who finds Al-Rikaz pays out one-fifth for the poor and the needy and the interests of Muslims...and seeks the right to that, and the rest is his.

The evidence for that is:

A- Al-rikaz is property buried underground whether gold, silver, jewels, pearls or weapons. These could be treasures of ancient peoples like the Egyptians, Babylonians, Assyrians, Sassanid (Persians), Romans or Greeks and include money, currency, jewelry and gems placed in the graves of their kings and leaders or even the remains of their ancient cities that have been destroyed. It also applies to their gold or silver currency placed in jugs and other vessels found hidden in the earth from the Days of Ignorance or past Islamic eras. These are also considered hidden treasures, just like the other things mentioned. Al-Rikaz is derived from Rakaza, Yarkazu like Gharaza, Yarghruzu i.e. 'when it is hidden', so you can say: 'Rakaza' the lance when it is planted in the earth. From this is derived ar-Rikz, which is a hidden voice. Allah Ta'ala said: ﴿أَوْ تَسْمَعُ لَهُمْ رِكْزًا﴾ "...or hear even a whisper (rikz) from them?" [Maryam: 98].

As for minerals (*Al-m'adin*), they are what Allah (swt) created in the earth on the Day He created the heavens and the earth or gold, silver, copper, lead and similar substances. *Al-m'adin* is derived from 'Adana (in a place), Ya'adanu when he settles in it, and from it the term Garden of Eden is derived as it is a place of residence and eternity. Minerals are of Allah's creation and not buried by man and are thus different from the treasure, as the latter has been buried by man.

B- The principle regarding treasure and mineral is what was narrated by Abu Hurayra that the Messenger of Allah said: «العجماء جرحها جبار، وفي الركاك الخمس» **“Regarding the wounded beast there is no indemnity nor punishment (Qisas) and in the treasure its fifth is due.”** Also what was narrated by Abdullah bin Amru that the Prophet was asked of property found in a very ancient ruined place and he said: «فيه وفي الركاك الخمس» **“In it and in buried treasure is the fifth.”** And also what was narrated from Ali bin Abi Talib that the Prophet said: «وفي السيوب الخمس. قال: والسيوب عروق الذهب والفضة التي تحت الأرض» **“And in the Suyyub is the fifth. He said: The Suyyub are the veins of gold and silver that are buried underground.”** This is mentioned by Ibn Qudamah in al-Mughni.

C- Therefore, any property of gold, silver, jewellery, gems and the like buried and found in graves, ruins, cities of ancient peoples, uncultivated land, very ancient ruins, as ascribed to people of 'Ad,

whether from the treasures of the Days of Ignorance or those of Muslims in past Islamic eras, becomes the property of its finder of which he gives a fifth to the Bait ul-Mal. Thus, all **small amounts, not continuous (not l'id)**, of limited amount of minerals, gold or silver whether in veins or as raw metal in uncultivated land not belonging to anyone, they belong to the finder who gives a fifth of them to the Bait ul-Mal. But **if it is continuous (l'id) i.e., a mine and not a limited buried amount**, it takes the rule of public property, which has other details.

The fifth taken from the finder of treasure and minerals is considered as booty (Fai') and takes its rule. It is placed in the Bait ul-Mal in the department of Fai' and Kharaj and it is spent the same way as Fai' and Kharaj. Its matter is delegated to the Khalifah to spend in taking care of the Ummah's affairs and fulfilling her interests according to his view and Ijtihad of what is good and beneficial.

D- Whoever finds a treasure or minerals in his property, whether land or buildings, then he owns it, whether he inherited this land and building or bought it from someone else. Whoever finds a treasure or minerals in another person's land or building, then the treasure or mineral found belongs to the owner of the land or building and not to its finder.

5 Muharram 1435 AH corresponding to 11/8/2013 CE) End of the answer to the question.

2- From the Answer to A Question 18/9/2014:

(...It was extracted by Al-Bukhari and Muslim from Ibn Shihab, from Sa'eed Bin Al-Musayyib, from Abi Salamah Bin Abdul Rahman, from Abu Hurairah (ra): That the Messenger of Allah (saw) said: «وَفِي الرِّكَازِ الْخُمْسُ» **“(Take) from the Rikaz (buried treasure) fifth (the amount).”**

Rikaz is ancient treasures buried underground or vessels of limited amounts of metals... if it is discovered by someone in his property, whether a land or building, it will belong to the discoverer, but if the Rikaz or metal is found in someone else's land or building, the Rikaz or metal will belong to the owner of the property and not the finder of the Rikaz or metal... The fifth of the amount of the Rikaz is obliged to be paid the moment it is discovered to Bait ul-Mal and it is prohibited to delay.

As for whether the fifth (of the Rikaz) is Zakat or Fai' (booty) that is "state property", the answer is that it is not zakat but it is Fai', and from the evidences for this is what is narrated by Abu Ubaid from Mujalid from As-Sha'bi that:

"A man found 1,000 Dinars buried in a place outside of Madinah so he came with them to 'Umar ibn Al-Khattab who took a fifth, 200 Dinars, and returned the rest to that man. 'Umar began dividing the 200 among the Muslims present before him until there remained a surplus. 'Umar said: 'Where is the owner of the Dinars?' So, he stood before him and 'Umar said to him: 'Take these Dinars. They are yours."

From the hadith of As-Sha'bi, it is clear that the amount taken by 'Umar (ra) from the whole Rikaz is only the fifth, and the remaining four fifth were returned back to the finder of the Rikaz; this fifth was not Zakat, but was considered as Fai', because if it was Zakat it would have been given to those eligible for Zakat, and 'Umar (ra) would not have given it to the finder of the Rikaz because he was a wealthy man, and Zakat is not given to the wealthy.

This is why whatever the amount of the Rikaz is, four-fifth of it is given to its finder and the fifth is given to Bait ul-Mal. This is not conditional to a Nisab because it is not Zakat, whether the amount of the Rikaz reaches the Nisab or not, a fifth of it is paid to Bait ul-Mal of the Muslims. Currently the Muslims do not have Bait ul-Mal, so the finder of the Rikaz can pay the fifth to that which benefits the Muslims or the needy among them...he does what he sees best. 23 Dhul Qi'dah 1435 AH corresponding to 18/9/2014 CE). End to the answer of the question.

And in that it is sufficiency, and Allah is All-Knowing and Most Wise.

**Your Brother,**

**Ata Bin Khalil Abu Al-Rashtah**

19 Safar Al-Khair 1444 AH

15/9/2022 CE

**The link to the answer from the Ameer's Facebook page:**

<https://www.facebook.com/photo/?fbid=638779587809414&set=a.469598088060899>