Waqf Management Practices: Case Study in a Malaysian Waqf Institution

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There has been an increased public interest in waqf institution transparency and accountability. The public has continued to demand the best standard of services and greater transparency from waqf institutions. Recent cases of frauds and financial manipulations by the management of faith-based institutions in Malaysia have led to the demand of more accountability and transparency by the donors and the public. As such, this paper aims to examine in-depth on waqf management practices in waqf institutions in Malaysia. A focus group discussion, which involved three waqf managers and four waqf experts in Malaysia and thematic analysis, was conducted in this study. The paper discusses the findings of the current waqf management practices in Malaysia specifically on waqf governance, waqf application, waqf monitoring and waqf reporting practices. Based on the findings, several recommendations are made on how best practices in waqf management can be adopted in the future.

JEL Codes: H83, I30, M41, M48 and M49,

1. Introduction

Many Muslim countries have used waqf in the past to address a number of socio-economic problems. Waqf institutions had played a major role in providing social goods such as education and health, helping the poor, orphans and the needy, built commercial businesses and infrastructure for religious services without imposing any cost to the government (Mohsin 2008). Besides, waqf is also one of the mechanisms for wealth creation and distribution developed based on Islamic teachings and principles.

Lately in Malaysia and in other Muslim countries, there has been an increased public interest in the role of waqf institutions to eradicate poverty and nation building. More so is on the transparency, accountability of these institutions in carrying out their duties to the society at large. The donors and the public are also more concerned in the outcome, impact, effectiveness and efficiencies of these institutions. The public has continued to demand the best standard of services and greater transparency. Besides, a number of recent cases on Islamic faith-based institutions in Malaysia were reported in the local media that questioned the accountability of Islamic faith-based institutions, including waqf institutions. This includes 39 reports on manipulation and misappropriations of public funds during flood crises in 2015 - received by the Malaysia Anti-Corruption Commission (MACC) (Astro Awani 2015).

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Moreover, there are allegations and negative perceptions regarding the spending method, which became one of the factors for the cancellation of contributions by 32,934 regular donors to Yayasan Pembangunan Ekonomi Islam Malaysia (YAPIEM), an Islamic organisation in Malaysia from February 2015 until February 2016 (Teng 2016). Moreover, one particular Islamic non-profit organisation that focuses on humanitarian aids has been accused of being involved in terrorism financing (Kamaruddin 2016; Othman & Ameer 2014). Recently the top management of an Islamic faith-based organisation’s top management have been arrested for embezzlement (Hassan 2017).

In order to respond to the public interest, there is a need to examine on the current practices of this Islamic faith based institutions in Malaysia. Specifically, this study looked into the current waqf management practices in Malaysia. By examining the current waqf management practices in Malaysia, this study is expected not only to identify the strengths of current waqf management practices, but also to answer public concern on accountability issues faced by these institutions in Malaysia.

This remainder of this paper is organized as follows, Section 1 deals with the Introduction, while Section 2 focuses on the background of waqf and waqf management in Malaysia. Section 3 explains the method used to examine selected waqf institutions in Malaysia. Further, Section 4 discusses the findings on waqf management practices in selected waqf institutions in Malaysia including waqf governance, waqf application, waqf monitoring and waqf reporting practices. Finally, Section 5 concludes with some suggestions on how to improve waqf management practices in the future.

2. Literature Review

Waqf institutions in Malaysia are believed to have been in existence for more than eight hundred years (Alhabshi 1986). It is believed to have started when the Arab-Muslim traders brought Islam to this land in the tenth century. Religious education is the main factor for the establishment of waqf institutions in Tanah Melayu, especially in Terengganu. This is evidenced by one of the early nineteenth century waqf deeds by Sultan Umar, the ruler of the state, stating the objective of his waqf is to promote education and the dissemination of knowledge to the public (Yaacob 2013). During the earlier period, Muslims who wished to waqf or donate their property would go to see the village head and they would be the trustee of the waqf. However, there are no written documents regarding the first establishment of the waqf institution in Malaysia before the nineteenth century, except for the establishment of the waqf of the Masjid Capitan Kling in Penang in 1801, followed by the waqf by a member of the Aceh royalty, also in Penang (Yaacob 2013).

From the legal perspective, waqf in Malaysia is governed under Section 25 of the Civil Law Act 1956, which states that the administration of Muslim’s property shall be in accordance with the Islamic law. There are 14 State Islamic Religious Councils (SIRCs), one for each of the 13 states and one for the Federal Territory. The state Islamic department enforces all the legislations accordingly. In Malaysia different states have different sets of legislations (Harun, Isa & Ali 2012). Besides that, administration of the Religion of Islam (Federal Territories) Act 1993 and similar Acts apply for individual provinces.
In Malaysia, waqf properties are mostly developed for a common purpose for instance, building of mosques, religious schools and social welfare. The government has allocated RM 250 million under the Ninth Malaysia Plan (2006-2010) for Department of Waqf, Zakat and Hajj (JAWHAR) and the Yayasan Wakaf Malaysia (YWM) to develop waqf land all over Malaysia for the purpose of building mosques and musolla, utilizing waqf land, or land donated for religious or charitable purposes and used for commercial purpose (Harun, Isa & Ali 2012).

In term of waqf management, waqf affairs are the responsibility of each SIRC. The court recognizes shariah as the governing law of property for Muslims including waqf. The government of Malaysia has established JAWHAR on the 27th March 2004 with the aim to improve the administration of waqf institutions more systematic and effective. This department, however, does not have an authority to administer and manage waqf properties but rather plays a role as a planning coordinator only. JAWHAR has also established Yayasan Waqf Malaysia (YWM) for the sole purpose of identifying the underutilized assets of waqf and planning for their development in coordination with SIRC of each state. One of the important characteristics of waqf in Malaysia is that every waqf must be registered in the name of SIRC as proprietor in accordance with the National Land Code 1965 (Yaacob 2013).

Although SIRCs are authorized for waqf management in each state in Malaysia, there are also several other institutions who are authorized by these SIRCs to act as mutawalli (waqf manager) to administer waqf on behalf of SIRCs. This includes the establishment of subsidiary institution of SIRCs such as the Perbadanan Wakaf Selangor (PWS) under the State Islamic Religious Council of Selangor (MAIS) and the Pusat Wakaf MAIWP Sdn Bhd under the State Islamic Religious Council of Federal Territory (MAIWP). Besides, there are also other institutions that are authorized by SIRCs to administer waqf although they are not directly controlled by the SIRCs. These include Waqaf An-Nur Corporation Berhad (WANCorp), the Awqaf Holding Berhad (AWQAF), public universities and even selected Islamic non-profit organizations in Malaysia.

Previous studies on waqf management practices in Malaysia are more focused on several specific waqf management aspects such as waqf accounting and reporting (Talib et al. 2018; Masruki & Shafii 2013; Ihsan & Adnan 2009), waqf models and instruments (Sanusi & Shafii 2015; Saad, Kassim & Hamid 2013; Rahaman, Fahmi & Faisol 2011; Hasan & Abdullah 2008), utilization of waqf assets (Mutalib & Maamor 2016; Aziz, Johari & Aziz 2013; Harun, Isa & Ali 2012), legal issues on waqf administration (Yaacob 2013; Rani & Aziz 2010) and also waqf performance (Sulaiman & Zakari 2015). However, not many studies have been conducted on waqf governance, waqf application and waqf monitoring aspects. Therefore, this study aims to fill the gap in these particular aspects on waqf management practices as well as waqf reporting practices.

3. The Methodology

The main aim of this research is to explore current waqf management practices by a waqf institution in Malaysia. For the purpose of this research, one particular waqf institution in Malaysia was studied, namely Waqf Institution A. Although there are other waqf institutions in Malaysia, this study however decided only to examine waqf management practices in Waqf Institution A due to several reasons. First, Waqf
Institution A is well established as compared to other waqf institutions in Malaysia. Second, Waqf Institution A is among few waqf institutions in Malaysia that administer more than RM 500 million of waqf assets – thus, significant to be investigated. Third, Waqf Institution A is offering various waqf programs and activities, which give larger impact toward beneficiaries as compared to other waqf institutions in Malaysia.

This study used a case study method to explore current waqf management practices in Waqf Institution A. This is because case study was recognized as the best method for exploring a specific system practiced in an organization (Yin 2014). Specifically, this study employed exploratory case study as suggested by Baxter and Jack (2008), to find answers regarding real life interventions that are too complex to be studied by surveys or experimental strategies.

For data collection purpose, this study employs a focus group discussion method. Focus group discussion takes approximately about two hours. This discussion was conducted in an open-ended style but still in compliance with case study protocol (Yin 2014). For interviewees selection, interviewees from Waqf Institution A were selected on a purposive sampling basis (Patton 1990). Interviewees selected were knowledgeable of the waqf management practices by their institution. This is important to ensure that the interviewees can demonstrate how waqf management is currently being practiced in their institution. Thus, three interviewees were selected, namely: (i) an officer who is directly involved in waqf collection process; (ii) an officer who is responsible for managing waqf funds (including collection, management and distribution of waqf funds); and (iii) an officer who is responsible to conduct independent checks on waqf management process.

For reporting purposes, this study employs a single-case study. This approach is used to describe and analyse the case research of waqf management practices by Waqf Institution A in single writing (Yin 2014). This approach provides an in-depth understanding of the waqf management practices. For this purpose, findings on waqf management practices are divided into four main practices, which are: (i) waqf governance; (ii) waqf application; (iii) waqf monitoring; and (iv) waqf reporting.

Due to the concept of anonymity and confidentiality as suggested by Wiles et al. (2008), the real name of Waqf Institution A will not be disclosed. The information obtained is a primary source (from focus group discussion) therefore; it is unethical to reveal the identity of the institution. To ensure that every statement was documented, the focus group discussion was recorded. The focus group discussion was conducted in November 2017.

4. The Findings

As mentioned previously in the research methodology section, this section is divided into four main parts, which are: (i) waqf governance practices; (ii) waqf application practices; (iii) waqf monitoring practices; and (iv) waqf reporting practices. However, in order to have a better understanding of waqf management practices in Waqf Institution A, the background of Waqf Institution A is described in the next section.
4.1 Background of Waqf Institution A

Waqf Institution A was established on 11th January 2011 and was gazetted on 3rd February 2011. On 30th October 2009, the state ruler had ordered the State Islamic Religious Council A (SIRC A) to empower waqf administration by establishing a separate waqf entity from the SIRC A. This is similar to the separation of zakat administration from the SIRC A previously. Thus, a new separate waqf entity known as Waqf Institution A was established from this order, parallel with the state enactment where the SIRC A is eligible to establish a body that is suitable to administer and manage activities that serve its waqf initiatives.

Waqf Institution A is one of the bodies established to carry specifically on waqf objectives by the SIRC A which is to administer waqf funds including collection, management and distribution processes. Specifically, Waqf Institution A’s roles and functions are as follow:

- Advise the SIRC A with respect to the policies, methods, measures need to be implemented and taken to encourage the development of waqf property and products;
- Implement and give effect to such policies, instructions or directives of the SIRC A in respect of property development and endowment products;
- Develop, adopt and implement policies, ways and measures on property development and endowment products;
- Coordinate the implementation of the waqf property and product development rapidly;
- Plan, develop, implement and promote the development and implementation of waqf property and products;
- Manage and run the operation and maintenance of waqf facilities, infrastructure and equipment in the waqf area; and
- Promote, coordinate and carry out research and development in all aspects of waqf property and products.

Normally, waqf can be categorized into two types, which are waqf am (general waqf) and waqf khas (specific waqf). Waqf am is a waqf contributed by waqif (waqf donors) without any specific purpose or intention. Meanwhile, waqf khas is a waqf contributed by waqif with a specific purpose and intention on the usage of waqf property.

4.2 Waqf Governance Practices

Waqf Institution A is led by a chief executive officer (CEO), who is responsible to report to the Waqf Institution A’s board of directors (BOD). The BOD consists of 11 members from various backgrounds such as accounting, business, religious, legal, architecture and land. The BOD is responsible in governing and implementing all waqf projects and activities undertaken by Waqf Institution A. The BOD is also responsible to the waqf fund collection, which is given by the public at large. The list of the current BOD members’ designation is as follow:

1. Chairman (Deputy Chairman of SIRC A).
2. Deputy Chairman (representative from public listed company – real estate developer company)
3. Board Member (representative from private company – real estate developer company).
4. Board Member (former Director of the State Auditor General).
5. Board Member (State Mufti).
6. Board Member (SIRC A Member).
7. Board Member (Secretary of SIRC A).
8. Board Member (State Legal Advisor).
9. Board Member (representative from private architecture firm).
10. Board Member (Director of the State Land Registry Office).
11. Board Member (CEO of Waqf Institution A).

Besides BOD, Waqf Institution A has four departments consisting of the Finance Department, Administration Department, Marketing and Da’wah Department and also the Research and Investment Department. In addition, Waqf Institution A also has a separate Internal Audit Unit, which is responsible for internal audit processes. Moreover, although its headquarters is located at the state capital, Waqf Institution A also has appointed nine waqf officers under the Marketing and Da’wah Department. Each waqf officer is responsible for waqf collection in all nine districts in the state.

In order to boost waqf collection, Waqf Institution A has also collaborated with Islamic Bank A as its strategic partner. A cash waqf scheme has been successfully launched by waqf and Bank A to gather funds from the public. A Joint Management Committee (JMC) was established between Islamic Bank A and Waqf Institution A to manage the Cash Waqf fund. The JMC is answerable to the Waqf Council, which reports directly to the state ruler.

The JMC is responsible for channelling collected waqf funds for waqf projects, helping the waqf recipients particularly in education and health. It also invests a portion of the waqf profits. The investment of waqf funds are managed by the Islamic Bank A. 25 per cent of investment returns are allocated to Waqf Institution A whereas another 75 per cent is given to the JMC to be re-allocated to appropriate waqf activities/programs. The governance of the Cash Waqf A funds is shown in Figure 1 as follow:
4.3 Waqf Application Practices

All waqif who wants to give waqf with Waqf Institution A must fill the waqf application form. At present, the waqf application form is available both online in the Waqf Institution A’s website and offline at Waqf Institution A’s office. There are three types of waqf application forms, which are:

1. **Waqf Intention Form** (*Borang Hasrat Wakaf*) – this waqf application form is for immovable waqf assets such as land and buildings. It is a one page form with three sections, which are:
   - **Waqif Information**: name, address, identity card (IC) number and phone number.
   - **Waqf Asset**: type of waqf, lot number, ownership number, area, district, asset address, total land size and total land size for waqf.
   - **Waqf Intention**: Enclosed with this waqf application form, waqif also need to attach several documents such as a copy of the property grant, a copy of the latest land tax bill (paid), a copy of paid assessment and quit rent, a copy of IC and other related documents.

2. **State Waqf Share Application Form** (*Borang Mewujudkan Saham Wakaf Negeri*) – this waqf application form is for movable waqf asset specifically for cash or cheque. It consists of one page of brochure form with the following information: (i) waqif’s name; (ii) wakil’s name; (iii) IC number; (iv) address; (v) phone number; (vi) number of waqf shares (unit and RM); and (vii) signature and date.

3. **Waqf Khas/Special Application Form** (*Borang Permohonan Wakaf Khas*) – this waqf application form is for waqf khas project registration. It consists of two pages of form with following information:
   - Name of waqf khas project.
   - Purpose of creating waqf khas project.
   - Name of head of waqf khas project.
For waqf application process for immovable waqf asset, the waqif is required to fill-in Waqf Intention Form. During this stage, waqf officers usually will have a short interview with waqif in order to identify the real waqf intention. Next, the Technical Committee will analyze the completed Waqf Intention Form application. This committee is responsible to check the details in the waqf application form filled up by waqif and check on the asset status that was used for waqf purposes. If there is a problem with the waqf asset, waqif is requested to clarify or clear any pending problem. If everything is cleared, waqif will be asked to fill Immovable Waqf Registration Form (Borang Pendaftaran Wakaf Tidak Alih). Next, the second form is sent to the Technical Committee for approval. Only after that, the legal transfer of ownership from the waqif to Waqf Institution A takes place. This application process is summarized in Figure 2:

**Figure 2: Waqf Application Process for Immovable Waqf Asset**

![Diagram of Waqf Application Process for Immovable Waqf Asset](image)

Meanwhile, for waqf application process for movable waqf asset, waqif is required to fill Borang Mewujudkan Saham Wakaf Negeri. During this stage, waqif will enclose together the waqf application form with cash/cheque. Next, waqf officer will deposit cash/cheque received into waqf am account. This application process is summarized in Figure 3:

**Figure 3: Waqf Application Process for Movable Waqf Asset**

![Diagram of Waqf Application Process for Movable Waqf Asset](image)

### 4.4 Waqf Monitoring Practices

Normally, waqf-monitoring process focuses on monitoring waqf agents and waqf khas projects. Currently, waqf agents registered under Waqf Institution A have separate collection function due to types of waqf (waqf am and waqf khas). For waqf am the agents can be either individuals or companies. The list of agents is available at the Waqf Institution A’s website. The agents are appointed based on application and have to meet the key performance index (KPI), which is the targeted amount
that the agents are supposed to collect. Waqf agents will be paid 6% commission from the total waqf funds collected by each respective agent. This commission is paid not from the waqf fund collected, but from return/income of waqf investment activities/projects. The agents can be found throughout the state and are provided with receipts, similar to an amil for zakat.

Meanwhile, for waqf khas, Waqf Institution A transfers its authority to the Waqf Khas Project Committee to appoint waqf agents. The appointed waqf agents are authorised to collect waqf funds for that particular waqf khas project on behalf of the committee. For instance, a resident committee in a residential area will have the authority to collect funds to build a surau on a waqf land. Later, cash collected is deposited in a specific bank account prepared by Waqf Institution A on daily basis. At the end of each month, the Waqf Khas Project Committee will prepare waqf cash collection report and submit to Waqf Institution A. The cash waqf collection process for waqf khas project is summarized in Figure 4:

**Figure 4: Waqf Cash Collection Process for Waqf Khas Projects**

For waqf cash distribution process under waqf khas projects, this process begins with the Waqf Khas Project Committee appointing a contractor to establish waqf property. Next, the Waqf Khas Project Committee will request the payment from Waqf Institution A based on the completion of the project by the appointed contractor. Later, Waqf Institution A will make the payment by using waqf funds collected for that particular waqf khas project. The cash waqf distribution process for waqf khas project is summarized in the following Figure 5:

**Figure 5: Waqf Cash Distribution Process for Waqf Khas Projects**

However, if the waqf khas project does not have sufficient fund, Waqf Institution A will forward the case to its’ BOD, and based on the fatwa (Islamic law), an amount from waqf am fund used for this purpose is taken from the return/income generated from waqf investment activities/projects and not from the original waqf am fund. With regard to maintenance of the waqf property, it is under the responsibility of the beneficiaries. For instance, say Waqf Institution A has a waqf book project and books are given as waqf to schools, libraries or education centres. But the maintenance of the books is the responsibility of those who received the benefits, i.e., schools/libraries/education centres.
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4.5 Waqf Reporting Practices

This information was obtained from Waqf Institution A’s website. The website lists all current waqf khas projects according to the districts in the state. Information pertaining to all current waqf khas projects is available. Completed waqf khas projects are removed from the list periodically. Meanwhile, for cash waqf, the JMC is responsible to report the performance, activities and other relevant matters. At the same time, the committee has to submit its progress report to Waqf Institution A. The committee also publishes quarterly waqf reports on the website. The report contains accumulated waqf fund collection, waqf fund in use and details of the value of waqf activities/programs/projects conducted.

Besides, there is also an information on accumulated waqf funds as at 30 September 2017 on Waqf Institution A’s website. It shows that the fund consists of waqf am (RM 39.1 million), waqf khas (RM 164.4 million) and rental income on waqf assets (RM 3.5 million). For waqf disbursement as at 30 September 2017, a total RM 140.42 million disbursed consist of construction of eight mosques (RM 98 million), 23 prayer halls (RM 13.8 million), two religious schools (RM 26.2 million), two libraries/books projects (RM 0.715 million) and other waqf projects and activities (RM 1.7 million). Moreover, information on ongoing waqf khas projects worth RM 760.56 million in total as at 31 December 2016 is also disclosed. These waqf khas project involved 1,351 acres or 1,328 lots of waqf land worth about RM 500 million.

Currently, a quarterly waqf report for cash waqf scheme is restricted to the value of waqf funds and not on the number of beneficiaries. Therefore, the impact on waqf activities/programs/projects conducted under the cash waqf scheme is not presented. Furthermore, Waqf Institution A only discloses separation between waqf khas and waqf am funds in their financial report. There is no specific disclosure based on each waqf activity/program/project conducted. In other words, no annual report is prepared thereby making it difficult to determine the impact of waqf comprehensively. Moreover, the amount reported for a waqf property is based on historical cost and not fair value. Therefore, appreciation in value cannot be calculated in order to evaluate the waqfs’ growth and impact. Thus, waqf reporting practices of waqf institutions in Malaysia especially for Waqf Institution A can be improved by disclosing the growth and impact of the waqf funds in the future.

5. Summary and Conclusions

This study reports the waqf management practices in waqf institution in Malaysia. Based on the findings, this study provides an in-depth analysis and discussions on waqf governance, waqf application and waqf monitoring practices, which were not studied and discussed by previous studies on waqf management practices in Malaysia. Besides that, this study also added to the body of knowledge by analysing and identifying several weaknesses in the current waqf reporting practices in selected waqf institution in Malaysia. Overall, based on the findings, this study concludes that the current waqf management in Waqf Institution A can be considered good. Although there are some weaknesses especially in waqf reporting practices, the waqf management activities related to waqf funds are properly managed.
This study has laid the groundwork for several strands for future research. Since this study is based on only one waqf institution in Malaysia, it cannot be generalized to other waqf institutions in Malaysia. Therefore, considering different organizational structure of waqf institutions in Malaysia, future research can investigate this and other issues including waqf distribution and sustainability mechanisms by waqf institutions, and also impact of waqf on beneficiaries.

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