LEGAL IMPACT ON WAQF FOR PROPERTY DEVELOPMENT AND COMMERCIALISATION: COURT JUDGEMENTS ANALYSIS

Mohd Zakhiri Bin Md Nor 1
Alias Azahar 2
Ani Munirah Mohamad 3
Al Hanisham Mohd Khalid 4

1 Senior Lecturer, College of Law, Government and International Studies, Universiti Utara Malaysia. Email: zakhiri@uum.edu.my
2 Associate Professor, College of Law, Government and International Studies, Universiti Utara Malaysia. Email: az.alias@uum.edu.my
3 Senior Lecturer, College of Law, Government and International Studies, Universiti Utara Malaysia. Email: animunirah@uum.edu.my
4 Lecturer, College of Law, Government and International Studies, Universiti Utara Malaysia. Email: hanisham@uum.edu.my

Accepted date: 24-05- 2019
Published date: 31-12- 2019


Abstract: There are 24000 hectares of waqf land not be fully developed in 2016 based on Waqf Foundation of Malaysia report. These waqf lands need to be developed for property development and commercialisation. However, there are many issues remained unsettled inter alia the interface between waqf and wasiat, the validity of waqf, the category of waqf land in particular leasehold and freehold of waqf land as well as the jurisdiction of the court to hear the case of waqf. It seems that all these issues may hamper the development and commercialisation of waqf land. Therefore, this paper shall analyse the administration of waqf land in Penang. This paper also shall examine the legal impact on waqf for property development and commercialisation through case analysis and court judgments. The methodology used in this paper is qualitative and content analysis method. This paper provides some suggestions and recommendations for better governance of waqf land particularly for property development and commercialisation.

Keyword: Legal Impact, Waqf Property, Development, Commercialisation
Introduction

Waqf is an inalienable trust in which the founder of the waqf (waqif) makes the guidelines or principals for the property’s revenue and allocates the profit or usufruct or yields of the property to specific person or institutions. Such property is then given in the possession of fiduciary (wali or mutawalli) who oversees the trust for the benefit of a third party (Hennigan, 2004). The literal meaning of waqf is ‘to stop or to prevent’. It can be defined as the confinement of the assets/property by the founder and the dedication of its usufruct in perpetuity to the family or public (Layish, 1997). Initially, the condition for the asset to be waqf should be an immovable asset but later such requirement was relaxed to legitimize movable assets which were then known as Cash Waqf (Kuran, 2001).

Waqf has proven historically to improve the economic cycle of a country and civilization. However, development and commercialization of waqf property in Malaysia is still lacking, as there are 11,091.82 hectares of waqf lands in which 92.8% remain undeveloped. Given these points, waqf legal framework requires improvement of the law and empowerment of waqf functionaries to develop and commercialize of waqf (Roshidah, Norasyimah and Mohd Zakhiri, 2018).

The National Land Code 1960 (‘NLC’) does not include waqf as trust, due to the fact that a waqf was created in accordance with the principles of Islamic Law (see section 5 of the NLC). As such, when the Land Administrator registers waqf land, the document of title will only consist of State Islamic Religious Council (‘SIRC’) name without endorsement “as sole trustee”. Thus, the evidence to show that such property is in fact a waqf property will remain in the Registrar of waqf. Due to this predicament, many Muslims fear that the SIRC will misuse the power or mismanage the waqf property (Roshidah Osman, Noor Asyimah, Mohd Zakhiri, 2018), No. As the result, this situation will affect the growth of Islamic finance and society well-being.

Objective

This paper shall analyse the administration of waqf land in Penang. This paper also shall examine the legal impact on waqf for property development and commercialisation through case analysis and court judgments.

Research Methodology

The methodology used in this paper was qualitative and content analysis method.

Literature Review

Nowadays, the issue of waqf management is critical to be discussed since Muslims continue to surrender their property to religious authority for waqf purposes. The religious authority, acting as Mutawalli, has the duty to manage, maintain, protect and develop waqf property either general waqf or specific waqf. The law in Malaysia gives power to the State Islamic Religious Council (‘SIRC’) to become the sole trustee or Mutawwali (Farah Nadia Abas and Fauziah Raji, 2018). However, SIRC is facing a shortage of competent menpower, i.e many of their staffs are still lacking of technical knowledge on how to develop waqf land for commercial purposes.

In addition, the laws governing the management of waqf land is still unclear and inadequate. This research shall focus on the impact of current legal framework on the viability of waqf land to be developed commercially. Norinah Mohd Ali, Rubi Ahmad, Nurul Shahnaz (2015) state that the problems of waqf land development in Malaysia, amongst others are;
(i) unclear status on *waqf* land development, (ii) inefficiency of *waqf* management, (iii) types and location of *waqf* land; and (iv) lack of financial resources.

On top of that, Roshidah, Noor Asyimah and Mohd Zakhiri (2018) raised all the legal issues pertaining to *Waqf* governance in the state of Penang and further argued that;—

(a) few states in Malaysia like Selangor\(^1\), Negeri Sembilan\(^2\), Malacca\(^3\) and Johore\(^4\) have passed specific laws on *waqf* administration and management, and by having such laws, the *waqf* properties in the abovementioned states are more organized and well managed as compared to the other states in Malaysia. This is in terms of administration of *Waqf* properties and procedures available to register the properties under *waqf*, as well as to develop *waqf* land through commercialization of the said *waqf* lands and the proceeds of this commercialization has been put to a better use to the Muslim community.

(b) In the absence of specific *waqf* enactment by the Majlis Agama Islam Negeri Pulau Pinang (MAINPP), the jurisdiction to determine *waqf* matters falls under the jurisdiction of Syariah High Court and the law regarding this can be found in section 90, Enakmen No. 3/1959 of the Administration of Islamic Religious Affairs (State of Penang) Enactment 1993. Sections 89 to section 95 of the said Enactment also exclude the concept of Trust under the Trustee Act 1949 from the definition of *waqf*. As the result, this will automatically oust the jurisdiction of Civil Court in deciding cases on *waqf*.

(c) There is a lack of specific procedures governing registration of *waqf* property. For example, National Land Code 1965 has expressly excluded *waqf* in its provision and leave it to the State Authority to formulate their own provision.

(d) Federal Government through Jabatan Wakaf, Zakat dan Haji (JAWHAR) has provided a guideline to assist Land Office when dealing with *waqf* land and this guideline contains in a Manual for Management of *Waqf*. However, this manual is insufficient to overcome the problem involving *waqf* when the dedicator of *waqf* has passed away.

(e) JAWHAR also provides for the registration of *waqf* land to State Islamic Religious Council as ‘sole trustee’ by way of transfer the land through Form 14A using the same form as under the National Land Code 1965 (NLC) or through statutory vesting by applying section 416C of the NLC. However, the NLC does not includes *waqf* as trust since *waqf* is created under the principles of Islamic Law and in the absence of a specific provision in NLC, the Land Administrator cannot include the phrase of ‘sole trustee’ in the registration of the statutory vesting in the Land Registration Document. As such, when the Land Administrator register the *Waqf* Land in the Title the registration, it will only consist of State Islamic Religious Council (SIRC) name without endorsement as sole trustee and the record that such property is in fact a *waqf* property will remain in the Registrar of *Waqf*.

Due to this predicament, many Muslims fear of the misused of power or mismanagement by the State Islamic Religious Council (SIRC) in administrating and managing *waqf* property, and hence people have reverted to pledge *waqf* with private company.

---

\(^{1}\) Wakaf (State of Selangor) Enactment 1999  
\(^{2}\) Negeri Sembilan Wakaf Enactment 2005  
\(^{3}\) Melaka Wakaf Enactment 2005  
\(^{4}\) Johor Wakaf Rules 1983
Legal issues will then arise when placing waqf under the governance of private companies (either established under Society Act 1966 or Trust Companies Act 1949), as this would place waqf land on equal ground with Trust land. Consequently, in the event conflict arises, then the issue of jurisdiction to hear the matter will begin.

For the purpose of this paper, the study shall focus on the legal impact on waqf, decided court judgments and related issues as discussed below.

Analysis and Findings

Conflict between civil and Shariah Court

Taking up the point that there is a conflict between civil court and Shariah court’s jurisdiction over waqf matters, this study analyses several landmark cases on waqf which give legal impact to property development and commercialisation. The first case to be analysed is the case of Majlis Ugama Islam Pulau Pinang dan Seberang Perai v Shaik Zolkaffily Bin Shaik Natar & Ors [2003] 3 MLJ 705 (Federal Court). This case initially started at Penang High Court in 1997 before Jeffery Tan J; where in the case, the parties disputed over a piece of land located in Penang (‘the Land’) which formed the subject matter of a will by a deceased Muslim named Sheik Eusoff bin Shaik Latiff (‘the Deceased’).

The Respondents sought few declarations from the High Court; amongst the prayers are; (i) that the Land be surrendered to the Estate of the Deceased; and (ii) an injunction restraining the Appellants or by their servants or agents from selling, charging, transftering or in anyway dealing with the Land and its hereditament. On the other hand, the Appellant contended that the Land should remain as waqf land for the benefit of ‘Shaik Eusoff’ Mosque” during the lifetime of his beneficiaries (wife and children), and for the period of 21 years after the demise of last survivor, the said Land shall be waqf as a cemetery for the Deceased, his family and for person professing Islamic faith in Penang as provided in a deed of settlement No. 84/1890 dated 26.6.1890.

Before the Learned High Court Judge, the Appellants raised a preliminary objection that the High Court had no jurisdiction to hear the Respondents’ action since the subject matters (Muslim’s will) falls under the jurisdiction of Shariah Court. Thus, the Appollants applied to strike out the Writ under under O. 18 r. 19 (1) (a) of the High Court Rules 1980. However, the Learned High Court Judge dismissed the Appellants’ application to strike out the Writ on the ground that the Shariah court has no power to grant injunction and make declaration whether or not the waqf land should be given back to the legal heirs of the testator after 21 years lapsed based on his will. The Court of Appeal also affirmed that the High Court Judge was right in adopting the ‘remedy prayed for’ approach, as opposed to the ‘subject matter’ approach.

Subsequently, the Appellants went to the Court of Appeal to appeal against the High Court’s decision, but then the Court of Appeal affirmed the decision made by the High Court, stating that Shariah court does not has the power to grant injunction and make declaration whether or not the waqf land should be given back to the legal heirs of the testator after 21 years lapsed based on his will. The Court of Appeal also affirmed that the High Court Judge was right in adopting the ‘remedy prayed for’ approach, as opposed to the ‘subject matter’ approach.

Dissatisfied with the the decision, the Appellants then appealed to the Federal Court. The Federal Court, presided by Haidar Mohd Noor CJ, Abdul Malek Ahmad FCJ, and Siti
Norma Yaakob FCJ, allowed the appeal and set aside the order made by the High Court and the Court of Appeal. At this juncture, the Federal Court followed the case of Mohd. Habibullah bin Mahmood v Faridah Bt. Dato Talib [1993] 1 CLJ 264 (Supreme Court). The test that has to be looked into by the Court is the “subject matter” of the case rather than the “remedy prayed for”. If the subject matter is within the jurisdiction of Shari’ah court, the then Shari’ah court has exclusive jurisdiction to hear the case even though the remedy (e.g. injunction, caveat and estoppels) is available at civil court.

The Federal Court did refer to the case of Majlis Agama Islam Pulau Pinang v Isa Abdul Rahman & Ors [1992] 1 CLJ (Rep) 201 (Supreme Court) where the subject matter is waqf and the plaintiff prayed for injunction. In Isa Abdul Rahman’s case, the Supreme Court said that the case can only be heard in the High Court on the reason that the Administration of Muslim Law Enactment 1959 (Penang) did not provide for the remedy of injunction. The remedy is only available under Specific Relief Act 1950. Therefore, Shari’ah courts do not have any jurisdiction over this case. Disagreed with the decision in Isa Abdul Rahman’s case, the Federal Court stated that the approach as taken by Isa Abdul Rahman’s case can no longer be supported. As highlighted in Soon Singh a/l Bikar Singh v. Pertubuhan Kebajikan Islam Malaysia (PERKIM) Kedah & Anor [1999] 2 CLJ 5, the Federal Court has adopted the ‘subject matter’ approach rather than Isa Abdul Rahman’s ‘remedy’ approach.

Based on the discussion above, it is right to contend that the Shari’ah court has the power to determine the validity of the will declaration on the waqf land. Furthermore, waqf is a state matter and it is stated in List II, State List of Table 9 under Federal Constitution of Malaysia. Therefore, this case shall under the jurisdiction of Shari’ah courts and not civil court. Furthermore, Article of 121(A) gives exclusive jurisdiction to Shari’ah court to deal with Muslim matters. (Shuaib, 2008).

**Validity of Fatwa and Judicial Notice**

The second issue to be discussed is regarding the validity of fatwa and Judicial Notice. The general rule is that the Civil High Court judge is not bound by the fatwa, even though the fatwa said the waqf is valid. However, it is contended that if there are Muslims initiating legal action in Civil High Court to determine the validity of the will in respect of the waqf property, the judge at the High Court level should refer the case to Shari’ah court. Although Shari’ah Court does not have power to grant the injunction as prayed for, this may not hinder it’s jurisdiction to hear the case in relation to Muslim’s will and waqf matters.

Thus, the case to be analysed due to this issue is the case of Commissioner for Religious Affairs; Terengganu v Tengku Mariam Tengku Sri Wa Raja & Anor [1970] 3 LNS 1 (Federal Court). This is an appeal case filed by the Appellants (named as the second and third defendants in the High Court) against the decision made by Wan Suleiman J in the High Court of Kuala Terengganu5. The brief facts of the case it that the Respondents (Plaintiffs) sought a declaration for the waqf dated 22 February 1941 made by the late Tengku Chik bin Abdul Rahim (‘the Deceased’) is void and no effect on the basis that: (i) under the terms of the wakaf property was settled on the family and relatives of the donor with an ultimate gift for religious purposes; (ii) The waqf also provided for a few immediate gifts for charity; and (iii) It was alleged that the Deceased Donor of the waqf also reserved a power to revoke the waqf.

---

5 [1969] 1 MLJ 110
Before this matter brought to Civil Court, Che’ Mek binti Haji Mohamed (the Deceased’s widow) had referred the waqf in question for a ruling to the Commissioner of Religious Affairs of Terengganu, who then sent the reference to the Mufti of Terengganu (Sahibul Fadilah Mufti Syed Yusoff bin Ali al-Zawawi). Eventually, the Mufti ruled (as fatwa) that the waqf made by the Deceased was valid. This fatwa has duly gazetted on 15 December 1966 under s. 21(3) of the Administration of Islamic Law Enactment 1955.

In this appeal, the Appellant’s counsel (Mr. Chung for the second defendant) submitted that “... the High Court is not a Muslim resident in the State within the meaning of this sub-section and therefore it is not in that sense bound by the fetua, but argues that, as the plaintiff are Muslims resident in the State (this is not disputed), they are prohibited by this provision from coming to the High Court to contest the validity of the wakf and as they have ignored this prohibition, the Court should reject their suit”. Unfortunately, this argument has been rejected by the Federal Court.

In the case, the Federal Court has agreed with the decision made by Wan Suleiman J at High Court that, the waqf that been made for the benefit of family member permanently and as a last gift for the charity to family member is deems as illusory in nature. Therefore, the waqf is void initio. Although there was a Fatwa given by Mufti of Terengganu on the validity of the waqf by The Deceased, the judge ruled that the Fatwa did not bind the Court. The Federal Court also agreed that the High Court Judge was not precluded by the gazetted fatwa from himself determining the validity of the waqf.

After critically analysed the abovementioned case, it is proper to submit that the High Court, although not bound by the fatwa, shall take judicial notice of the fatwa given by the Mufti when deciding the Islamic law matters (e.g will and waqf), on the premise that the Mufti is an Islamic scholar and the highest advisor in Islam at state level. Thus, the fatwa should, at least, has the persuasive effect in nature for the civil court judge to take into consideration in deciding case involving Islamic Law matters.

Non-Specialized in Shariah Law
Will and waqf matters involve application of Shariah Law’s principle. The current situation is that when legal action initiates by any person in the Civil Court as regards to Muslim’s matter, there is no requirement imposed (via High Court of Malaya’s Practice Direction or etc.) that the presiding judge must be a Muslim and has adequate knowledge in Shariah Law.

It is a matter of prudent that a qualified Muslim judge should decide the case on Muslim matters, to avoid unfavourable order or conflicting decision given to the parties of the case. In analysing this point, this study refers to the case of In the Estate of Tunku Abdul Rahman Putra Ibni Almarhum Sultan Abdul Hamid [1998] 4 MLJ 623 (High Court). This case appeared before Low Hop Bing J which involved two main issues (in relation to enclosure 52 in this case); Whether the High Court has the jurisdiction to hear and determine (i) a dispute arising out of the administration of the estate of a Muslim; and (ii) a related dispute pertaining to the validity of marriage contracted between Chong Ah Moi @ Chong Mee Nee and the the late Tunku Abdul Rahman ibni Almarhum Sultan Abdul Hamid (‘the Deceased’).
Low Hop Bing J, in delivering his order states that:

“Since jurisdiction over matters of ‘probate and administration’ is not conferred upon the Syariah Court, our civil court, ie the High Court shall exercise its jurisdiction: Shaik Zulkafily bin Shaik Natar. However, as I have stated above, the prayers sought in encl 52 are also related to the validity of a marriage and the legitimacy of children, involving Muslims. These two disputed areas are within the jurisdiction of the syariah court. I therefore have to consider the most practical approach and solution to the hearing and determination of encl 52. In this connection, respective learned counsel for the parties in dispute, viz the joint administrators and the third petitioner, have apparently achieved a consensus, ie to stay the hearing and determination of encl 52 and refer the issues of the validity of marriage and legitimacy of children to the Syariah Court.”

Looking at the decision, we are of the opinion that the Learned Judge in the above case is a non-Muslim and/or non-specialized in Shariah Law. It would be improper for the Civil High Court to give an order that Shariah court did not have the jurisdiction to hear the case over matters of probate and administration of a Muslim, without scrutinising the Shariah Law’s principle in toto. This situation will bring the administration of faraid Management in our country into disrepute, if the Muslims’ matters being continuously decided by the civil court judge who is a non- Muslim and/or non-specialized in Shariah Law.

Validity of Waqf

In the case of Shaik Zulkafily, the issues raised as to (i) whether the judge is erred in law when dealing with waqf property; and (ii) whether 1/3 rule of wasiat applies when it involved waqf Property. On this point, with due respect to the judges in Civil Court, Siti Mashitoh Mahamood (2006) humbly submitted that there are judgment that contradict with the waqf law in Islam. For example in the case of Tengku Nik Maimunah & Anor v Majlis Ugama Dan Adat Melayu Negeri Trengganu & Ors [1979] 1 MLJ 257, Harun J decided based on section 61, Administration of Islamic Law Enactment, 1955 (Terenganu) (on the maximum limit of waqf) that the waqf made by the plaintiff for his family and other religious and public welfare purposes is limited up to 1/3 of the property.

This abovementioned decision contradicts with the true waqf law in Islam whereby waqf shall be made on the whole property unless we make true wasiyyah during marad mawt and all the legal heirs are unanimously consented to it. This wrong decision has been overruled by the Federal Court in the case of Haji Embong bin Ibrahim and Ors v. Tengku Nik Maimunah Hajjah binte AlMarhum Sultan Zainal Abidin & Anor [1980] 1 MLJ 286 where Salleh Abbas FJ decided that the waqf in this case is wholly valid.

On this regard, it is submitted that we agree with Salleh Abbas CJ on the judgment that the waqf shall be made in full.

Validity of waqf on “lease hold propert” or “freehold property”

In the case of Shaik Zulkafily, the issues also raised as to (i) whether the conditional waqf in this for 21 years is valid; and (ii) whether the waqf is valid on “lease hold property” or “freehold property”.

In this respect, majority of fuqaha of Shafi’i sect, and fuqaha from school of al-Zahiriyah and some from Shiah Imamiyyah of the view that the element of “permanent” is the important requirement for the validity of a waqf. Consequently, the waqf that has been made

---

6 [2003] 3 MLJ 705
7 Ibid
for a certain period is not valid. Therefore, if a *waqf* is made for certain period of time, then it can be considered as invalid simply the *sighah* is deems as *fasad* and not complete. It is also in line with the *waqf* law that it shall be permanent in nature. According to Shafi’i sect, the requirement of permanent condition is important in order to determine the validity of a *waqf*. Therefore, the *waqf* for the mosque for certain period of time is invalid. Based on the above opinion, it can be said that the *waqf* for certain period of time is invalid and against the law of *waqf* under Shari’ah law. (Mahamood, 2006).

However, Imam Malik of the view that the *waqf* can be made for certain period of time and it is permissible in order not to deprive the right the leasehold land holder to make *waqf*. This view has been corroborated by the school of Maliki and Imam Abu Hanifah that the period of *waqf* can be in a specific time limit. On top of that, they are of the opinion that the *waqf* property can be sold in the state of urgency. In addition, the interpretation of “*kekal dimanfaatkan*” can be made through permanent duration in relative way (*al-dawam al-nisbi*) and not necessarily be made in way of (*al-abadi*) whereby the application of the first interpretation is deem reasonable and can be applied in interpretation of the purpose of a *waqf* under Islamic law. (Mahamood, 2006).

As to the the issue of 21 years period of conditional *waqf*, this study would rather adopt the opinion of Imam Malik and Imam Abu Hanifah on account of the fact that not all *waqf* land in Malaysia is freehold land. Otherwise, it will deprive the right of leaseholder of land to give *waqf* for the betterment of Muslim society as a whole.

**Registration of Waqf Land**

In order for the *waqf* to be valid, it has to be gazetted pursuant to section 62 of National Land Code. This particular section has to be read with section 4(2) (e) of the National Land Code which stated that “*except in so far as it is expressly provided to the contrarily, nothing in this Act shall affect the provisions of (a)…. (e) Any law for the time being in force relating to waqf.*”

As far as this case is concerned, there is no similar provision like section 13(e) of the Waqf (State of Selangor Enactment) in Penang Enactment during the trial process of this case which states that “*A waqf is invalid if (e) it is inconsistent with Hukum Syarak or any written law.*” Therefore in this case, the *waqf* is valid simply because Penang Enactment is silent and no similar provision like section 13(e) of the Waqf (State of Selangor Enactment) pursuant to section 4(2) (e) National Land Code during the trial process of this case.

As far as the judgment in Majlis Ugama Islam Pulau Pinang dan Seberang Perai v Shaik Zolkaffily Bin Shaik Natar & Ors [2003] 3 MLJ 705 is concerned, this study agrees with the Federal Court’s decision that we have to use the “subject matter” approach rather than “remedy prayed for”. This case shall be under the jurisdiction of Shari’ah court. However, the Federal Court did not discuss the issue of the validity of the will on the *waqf* land, since the appeal to the Federal Court was only based on the dismissal of Interlocutory Application to Strike Out pleading (under O. 18, r. 19 (1)(a) Rules of High Court 1980) on jurisdictional ground.

It is humbly submitted that, the *waqf* is still valid even though it is not been registered under the National Land Code. This is because the Penang Enactment at the material time does not have similar provision like in the State of Selangor. If this case happen in Selangor now the *waqf* shall be invalid.
Recommendations and Suggestions
A comprehensive Wasiat enactment should be legislated and standardized in all states in Malaysia. The administration of Muslims’ will shall be made under Shariah court jurisdiction. Therefore, Article 4(e) (i) and (ii) list 1 (Federal List) Table 9 of Federal Constitution is made so that all administration of testate property, the application of probate and the letter of administration of will fall under the jurisdiction of Shariah Court.

On account of the waqf in Islamic law requires the element of permanent as to ensure the waqf to be valid, it is suggested that there is a need to amend section 76 (aa) and include a new clause that is section 76(aa)(iv) that give the power to state local authority to inaugurate permanent grant for waqf land.

Apart of having specific legislative law on waqf, section 2 of Trustee Act 1949 must be amended whereby the definition of the court shall include Syariah court. Waqf should be exempted from the definition of the said Act. States’ Administration of Islamic Religious Affairs Enactment should contain the power to issue injunction and matters related to it. There is also a need to provide the judges with fundamental knowledge of Islamic Law, Fiqh Mualamat and Islamic Wealth Management.

Acknowledgment
This research is fully funded by Fundamental Research Grant Scheme (FRGS), Ministry of Education Malaysia S/0 Code 14211 entitled “Fomulating a Viable and Effective Waqf Model for the Development and Commercialisation of Waqf Property”

References
Abdul Razak, Shaik Hamzah Abdul(ed) (2009), Wealth Planning and Management TK 1003, Chartered Islamic Finance Professional, INCEIF
Coulson, N.J (1971), Succession in the Muslim Family, Cambridge University Press 1971
Razi Mohammad (2008), Islamic Inheritance Law, Toronto Canada.
Layish, Aharon,The Family Waqf and the Shari Law of Succession in Modern Times in Islamic Law and Society (1997), Brill
Mahamood, Siti Mashitoh (2006), “Waqf In Malaysia: Legal and Administrative Perspective”, University of Malaya Press, Kuala Lumpur, Malaysia

Shuaib, Farid Sufian, 2008, Powers and Jurisdiction Of Syariah Court In Malaysia, Lexis Nexis

Cases


Tengku Nik Maimunah & Anor v Majlis Ugama Dan Adat Melayu Negeri Trengganu & Ors [1979] 1 MLJ 257

Commissioner for Religious Affairs: Terengganu v Tengku Mariam Tengku Sri Wa Raja & Anor [1970] 3 LNS 1