

THE POTENTIAL IMPLEMENTATION OF CONTEMPORARY WAQF TOWARDS PEOPLE'S RELIGIOUS SCHOOLS IN MALAYSIA

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Article history

Received date : 5-2-2024
Revised date : 5-3-2024
Accepted date : 21-3-2024
Published date : 31-3-2024

To cite this document:

Mat Hassan, S. H., Ayub, M. N., Abdullah, S. R.,
Hamid, C. K., & Yahaya, S. (2024). The potential
implementation of contemporary waqf towards
people's religious schools in Malaysia. *Journal of
Islamic, Social, Economics and Development
(JISED)*, 9 (61), 154 – 163.

Abstract: *The implementation of contemporary waqf as the source of funding for People's Religious Schools (SAR) has drawn the attention of various parties especially SAR administrators. Waqf is an instrument that can help cater the needs of the PRS administrators in getting a continuous source of fund. However, up until today, the implementation of the contemporary waqf instrument in PRS still lacks the response it deserves among PRS administrators. Leaning on this phenomenon, this study is carried out to achieve two goals. The first is to identify the waqf instrument available in PRS. The second goal is to identify the potential implementation of the contemporary waqf in PRS. This study serves as a qualitative study involving data collection from secondary sources gathered from documents such as books, magazines, journals, articles, and others. The data are then analysed using content analysis. Based on observation, waqf has a great potential to assure the continuity of PRS financial fund, especially involving the implementation of contemporary waqf. Some of the contemporary waqfs that have the potential to be executed in PRS are waqf of land property, lot waqf, waqf of shares, cash waqf and others. The implementation of this contemporary waqf can guarantee a good financial management and stability to cater for the funding of operations, development of the infrastructure education programs as well as the provision of basic facilities or amenities.*

Keywords: *Potential, Waqf, Contemporary Waqf, People's Religious Schools*

Introduction

Islamic religious education plays an important role in shaping moral, ethical and spiritual values in society. In Malaysia, People's Religious School, or *Sekolah Agama Rakyat (SAR)* are one of the institutions which provides Islamic education to the community. SAR is a private institution based on the *dinnyah* curriculum. The School Management Board manages the SAR completely and the management structure differs from state to state, of which some are governed by the State Islamic Religious Council, the State Islamic Religious Department, the State Islamic Foundation, and non-governmental organizations (NGO). However, there is an issue of developmental imbalance of SARs in Malaysia, whereby, while there are several advanced SARs, there are also SARs that are in a state of despair, due to the diversity of SAR management in every state even though it has received good response and is rapidly growing throughout the state.

However, as with other Islamic educational institutions, SARs also face financial difficulties which may affect the quality and overall operations. This is due to insufficient governmental funding allocated to SARs. This situation requires SAR administrators to actively seek and generate funds personally. In an effort to increase SARs finances and ensure the continuity of religious education, there is an alternative that may be applied by SARs which is through the contemporary waqf instrument. This contemporary waqf refers to waqf in a more modern form which is highly compatible with the current requirements.

In general, waqf plays a role in religious, educational, infrastructural, agricultural, and various other developments (Mahmood et.al, 2017). Based on the views of Monzer Kahf (1999), the objectives of waqf are divided into three main areas, which are religious waqf, familial waqf, and philanthropic waqf. Educational waqf encompasses all material forms whether property, goods, assets or cash that is spent with the intention of waqf to an institution or educational-related sector consistently or not for the purposes of public use and benefit. The main purpose of education waqf is the continuous effort to develop the economy of the education sector and to then generate productive financial resources so as not to rely entirely on government allocations (Raja Ramli & Abd Hamid 2014).

The practice of educational waqf in Malaysia can be traced back to the arrival of Islam in Malaya. Educational endowments were used to finance the construction of buildings and study costs in various Islamic educational institutions such as traditional religious schools or *sekolah pondok*, People's Religious Schools (SAR), madrasahs, all the way up to college level. In the past, waqf was managed by local leaders such as kadis, imams, teachers or mosque committee members. Education endowment in the new millennium has been structured as an alternative fund in institutions of higher education (*Institut Pengajian Tinggi*, IPT) be it government or private. Each IPT that implements waqf has its own name, model and method. The waqf models of Al-Azhar University, Egypt and the western IPT endowment concept are among the guidelines for the implementation of educational waqf by local IPTs (Ismail, 2013). This educational waqf usually uses a contemporary waqf instrument which is cash waqf. Universiti Kebangsaan Malaysia (UKM) for example has introduced the concept of *Wakaf Ilmu* to boost academic programs, research, industrial networks and student mobility at UKM. The funds are generated using cash waqf instruments.

The study by Ayub et al. (2020) listed several forms of educational endowments found in SAR in Pulau Pinang, Kedah and Perlis. Among these forms of educational endowments in SAR, in the three states mentioned, are land, buildings, furniture, books, canopies, and also monetary

contributions. However, based on their study, the development of these endowment assets only involves traditional methods, specifically the lease-based method known as "*ijarah*" such as rent and lease. Nevertheless, according to their research, the implementation of the concept of "*ijarah*" in the development of educational endowments in SAR has successfully preserved the sustainability of the benefits and assets of these educational endowments. Moreover, at the same time, it also contributes financial funds to SAR itself.

Based on the discussion above, waqf is a potential source of funding for educational institutions including SAR. However, until now the implementation of contemporary waqf in SAR is still not widely discussed by waqf researchers. Therefore, this study aims to identify and analyze the potential of contemporary waqf implementation in SARs in Malaysia. In this study, we will identify contemporary waqf instruments that have the potential to be implemented in SAR. Then, the benefit from the implementation of the contemporary waqf is analyzed.

Research Method

This article employs a qualitative approach. Qualitative research is an approach to explore and understand the meaning attributed by an individual or a group to a humanitarian or social problem (Creswell, 2014). Qualitative research focuses on understanding how people interpret experiences, build lives and give meaning to those experiences (Merriam, 2009). Research design is a content analysis that aims to analyze documents with a systematic procedure to explain the content of communication. The main focus is measuring the frequency and variety of messages and verifying hypotheses (Merriam, 2009). Documents analysed include articles, books, reports, proceedings as well as other authoritative and relevant documents to answer the questions as well as to reach the research objectives set which are to study the space and obstacles to implement contemporary waqf in Malaysian SARs.

The data obtained from all the documents are analysed descriptively and inductively. Descriptive is a stated description and explanation to interpret and understand a phenomenon that occurs. A review of each document will summarize all relevant findings and systematically record them (Bloomberg & Volpe, 2019). Inductive, on the other hand, is the act of collecting and interpreting information, and consequently making a conclusion of generalisation. This begins with a specific example, which is then followed by observation, research, interpretation or identification, and ends with a concluding generalization (Mok Soon Sang, 2008). In this research, all the data collected from the documents are analyzed and explained further descriptively about the feasibility of contemporary waqf in SAR. Specific data and facts are also analyzed to make a general conclusion which covers the constraints and opportunities of the implementation of contemporary waqf. In summary, this study uses a qualitative approach with a content analysis design. Data is collected through document analysis. The data collected was analyzed descriptively and inductively to understand and examine this issue in depth in accordance with the characteristics of qualitative research.

Research Study and Discussion

In general, the methods of financing the development of waqf property implemented today are divided into two, namely traditional and contemporary. Traditional implementation involves methods that have been implemented in the past and are still practiced until now such as *istibdal*, *al-hukr*, *ijaratayn*, *al-khul*, *al-musaqah* dan *al-muzara'ah*.

Contemporary waqf refers to the implementation of waqf that is relevant and in accordance with the demands of modern times. The term "contemporary" refers to something that is recent,

up-to-date, or in accordance with the development of the times and current needs. In the context of waqf, this term describes the forms of waqf that follow the development and changes of the times, and can be adapted to meet the needs and constraints that appear today.

Contemporary waqf involves various instruments or forms of waqf that are relevant to the current times. Contemporary methods can be divided into three categories, namely the use of debt-based Islamic financing instruments, equity-based instruments and self-financing as shown in Figure 1. For the purpose of this study, the contemporary waqf discussed is the instrument that has the potential to be implemented in SAR, namely cash waqf, foot waqf and corporate waqf that belong to the self-financing category.

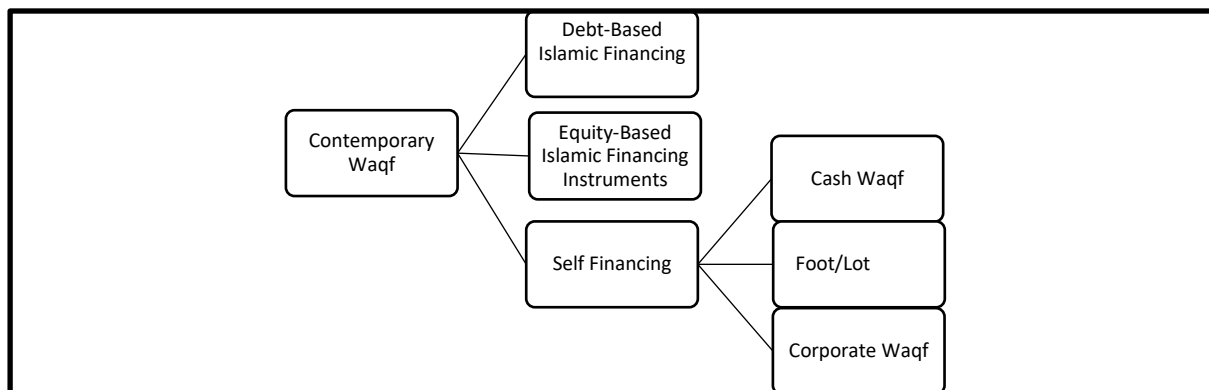


Figure 1: Contemporary Waqf Categories

Source: Research Results of the Researcher from document sources

Figure 1 displays the categories of contemporary waqf that are implemented today. There are three categories, namely the use of debt-based Islamic financing instruments, equity-based instruments and self-financing. Self-financing consists of cash waqf (cash), foot/lot waqf and corporate waqf. All three types of private financing are discussed in this paper as they have the potential to be implemented in SAR.

The implementation of contemporary waqf reflects the adaptation of traditional waqf to the rapidly changing social, economic, and technological aspects. The main purpose of contemporary waqf is to ensure the continuity and relevance of waqf as an instrument that is beneficial for today's society and organizations. This can provide wider benefits and increase the positive impact of waqf in supporting various fields such as education, health and social welfare. Further discussion of contemporary waqf is as follows:

Cash Waqf

Cash waqf refers to the handing over of property in the form of cash by the waqf as well as the continuous distribution of benefits for the sake of the community. This definition gives the connotation that cash waqf, when viewed from the asset point of view, is a category of movable waqf where endowers consisting of individuals, government and private entities as well as non-governmental organizations (NGOs) can have their cash managed by waqf asset managers or *nazirs*. In Malaysia, the sole trustee of waqf assets is under the jurisdiction of MAIN as provided in 9th Schedule (List of States) of Federal Law. Waqf and cash waqf asset managers need to get permission from MAIN to establish and manage cash waqf assets. The cash waqf funds collected will be used subject to the cash waqf asset management model that has been determined. There are religious authorities that require that the accumulated waqf funds be maintained through the purchase of permanent assets such as buildings. There is also the practice of waqf managers who invest waqf assets and distribute waqf benefits obtained in the

form of profit dividends and rent to the beneficiaries who have been determined (Othman, 2013).

Cash waqf also refers to endowment by using the intermediary of cash collected in a trust fund administered by the nazir who is entrusted to manage this waqf for the welfare and benefit of the community. Scholars in the past have used the term *waqf al-darahim* or *waqf al-dananir* which is waqf using dirhams or dinars to refer to the practice of cash waqf in the past. In other words, cash waqf is considered as a donation in the form of paper money to encourage the Muslim community to contribute and make investments as an unlimited charity to various channels that are innovative and creative (Othman, 2013).

In Malaysia, the practice of cash waqf was first practiced by the State Islamic Religious Council (Majlis Agama Islam Negeri, MAIN) and by the private sector. The Selangor Islamic Religious Council (Majlis Agama Islam Selangor, MAIS), for example, introduced a form of cash waqf known as a waqf share scheme. Through this concept, MAIN will act as a trustee and participants will have to buy the issued waqf shares and then re-waqf them. The money contributed from the sale of shares will be collected under a special fund and channeled to activities in the form of economic, educational, social and other general programs in accordance to the participants choice. However, its use is limited to certain projects and is not developed through modern investment instruments due to a lack of expertise and accumulated funds.

In keeping with current economic development, higher education institutions in Malaysia have begun to introduce knowledge waqf schemes to encourage the community to waqf in cash form to finance the needs of students and university facilities. It also seeks to meet the financial needs of the university which sees yearly increases. Among the earliest to introduce this scheme were the International Islamic University of Malaysia (IIUM), Universiti Kebangsaan Malaysia (UKM), and the Universiti Putra Malaysia (UPM). UKM introduced the concept of Knowledge Waqf under the management of UKM Chancellor's Foundation Office (Yayasan Canselor, YC). The foundation is responsible for receiving donations, generating funds and collaborating with other Responsibility Centers (Pusat Tanggungjawab, PTJ) to generate and manage waqf donations, helping to look after the welfare of UKM students in particular and all UKM citizens in general. The UKM Knowledge Waqf Foundation also functions to boost academic programs, research, industry networking and student mobility at UKM.

UPM also introduced a similar Knowledge Waqf concept to fund the university's academic activities and provide scholarships to students under the supervision of the Knowledge Waqf Fund Management Section of the UPM Bursary Office which is now known as UPM Zakat, Waqf and Waqf Management Center (Zakat Management Center, Wakaf dan Endowment UPM, WAZAN). Beneficiaries of UPM waqf are students and the university. Among the beneficiaries are final year students doing research on waqf are given the incentive of RM1000 per person. The benefits of waqf are also channeled for the purchase of copies of the Quran and selected books to be placed in mosques and musollas around the campus as well as in musollas near the university. Universiti Sains Islam Malaysia (USIM) introduced the Al-Abrar Waqf Fund to provide opportunities for university personnel and the public to donate. The accumulated cash of the Waqf Fund is used for da'wah activities, education, research, publishing, health, educational development and health facilities.

In addition, Universiti Teknologi Malaysia (UTM) introduced the concept of the UTM Endowment Fund under the management of the Endowment Unit of the UTM Treasurer's

Office with the aim of providing free education to all first degree students by 2020. UTM also introduced the UTM Cash Waqf Education Fund to help fund generation activities based on the concept of general waqf through donations in the form of cash and property. This is to achieve the objective of providing scholarships to selected beneficiaries in addition to other sources of financial aid schemes. It also aims to provide funds to relevant parties for the purposes of research, consultancy, laboratory development, thesis preparation and other needs.

Based on research on the implementation of cash waqf in IPT, this proves that this instrument is effective as a source of funding for student development in IPT. This also shows that cash waqf instrument has the potential to be implemented in SAR. The implementation model at IPT can be used as a guide in realizing its implementation at SAR

Foot waqf

Foot waqf is endowment of property for charitable purposes whereby the waqf management buys the entire property and the person paying the waqf will make payment based on measures of his own choice (Mohamad al-Bakri, 2012). Waqf in this form was introduced for the purpose of increasing real estate waqf at a time when real estate values were soaring and was difficult for someone to waqf the land they own. Foot waqf is also linked to the purchase of real estate according to the size or square feet and then re-waqf based on a certain size or measurement purchased through the trustee of the waqf (Azhar & Wan Ahmad, 2017). It is also known as floor waqf, where the waqf inspector or trustee will purchase the entire property and the waqf will buy the property according to the size/ square feet and then re-waqf (Abu Bakar, 2005).

This scheme is implemented by educational centres or certain institutions to obtain funding for development purposes. For example in Terengganu, foot waqf was introduced by the University College Bestari (UCB) in collaboration with the Malaysian Orphan Welfare Organization (*Pertubuhan Kebajikan Anak Yatim Malaysia*, PEYATIM) and the Terengganu Culinary Academy on a 320-acre waqf land owned by the Terengganu Council of Islamic Religion and Malay Customs (Majlis Agama Islam dan Adat Melayu Terengganu, MAIDAM). The development of this university is based on the concept of selling campus land for endowment and managed by Yayasan Waqaf Pendidikan Anak Yatim atau Miskin Malaysia (YAWATIM) at a rate of RM30 per 0.1 square meter. This concept of selling and waqf was found to be successful in contributing a good return to UCB which has so far managed to collect around RM 6 million from the waqf donation. On average, YAWATIM managed to collect RM 500,000 to RM 600,000 every month (Jusoh, t.t.).

The implementation of foot waqf is also highly suitable to be implemented in SAR if SAR has real estate or construction sites that require a lot of capital to build. The SAR administrator can offer waqf lot/foot as low as RM50 per square foot. The method can help SAR administrators get funding to build buildings and so forth on waqf land for educational purposes.

Corporate Waqf

There is a contemporary waqf known as corporate waqf. It was first introduced by Syarikat Johor Corporation Berhad (JCorp) on 3rd August 2006. Through this corporate waqf concept, JCorp has been able to waqf a total of RM 200 million shares belonging to JCorp in the publicly listed subsidiary Kulim (M) Berhad amounting to 12.35 million shares, (equivalent 4.68% of equity issue), Syarikat KPJ Healthcare Berhad totalling 18.60 million share units (equivalent to 4.32%), Syarikat Johor Land Berhad totalling 4.32 million share units (equivalent to 3.57%) (Laporan Tahunan Johor Corporation Berhad, 2006). It was designed to highlight the role of

waqf in a more creative way from a business context and the global world today, specifically to reduce the side effects of dependence on a capitalist economy based on the practice of *riba'*. It is also a form of Islamic Corporate Social Responsibility (CSR) which aims to integrate the relationship between business and social responsibility to the society.

The uniqueness of this waqf-based CSR allows the involvement of all levels of society in contributing donations whether in the form of cash, medical equipment, medicines or other necessary items. The concept of corporate waqf is also a mechanism to ensure that the benefits from share ownership transferred to waqf are spent for charitable activities and religious institutions. When examined, corporate waqf or stock waqf does not have a significant difference when compared to the form or practice of normal waqf, as it is still subject to the principles and conditions that have been set by the scholars such as someone waqf of land for mosques, cemeteries and others. It is only in this context that Johor Corporation (JCorp) as the parent company has appointed Wakaf An-Nur Corporation Berhad as the manager of the shares of the subsidiary that has been endowed. Waqf An-Nur Corporation Berhad (WANCorp) will then distribute the waqf benefits or share dividends obtained either for reinvestment or for common welfare. If viewed from the perspectives of the types of waqf, the corporate waqf implemented by JCorp is categorized as a charitable waqf implemented to meet the needs of the underprivileged consisting of orphans, the disabled, in addition to the benefits also channeled to the management of hospitals, schools, mosques and public places (Tahir, 1999).

Based on WANCorp's experience, there are 8 conditions that an entity must comply with before it is qualified and recognized to implement Corporate Waqf practices. Among them: Corporate Waqf is established by the endower under the Companies Act 1965; Shares, securities (listed or unlisted), or cash are waqf directly to the Corporate Waqf institution and the waqf shares are registered in the name of the Corporate Waqf; Corporate Waqf is recognized and appointed as special nazir or *mutawwali* by MAIN; Corporate Waqf needs to be a leader in entrepreneurial business, generate wealth and add value; The waqf *hujjah* or Trust Deed specifies that the majority of profit or surplus is reinvested (In the case of WANCorp, 70% of profits are reinvested while 30% for welfare benefits/*fi sabilillah*); Corporate Waqf is fully autonomous in business and corporate under the leadership of a professional CEO and overseen by a Board of Directors that is also joined by MAIN representatives; Corporate Waqf needs to open membership to the public through waqf member fee; Corporate Waqf accepts the best corporate governance procedures and practices (Don, 2019).

Corporate waqf also has the potential for implementation in SARs. However, it requires a more proactive effort from SAR administrators to get cooperation from corporate bodies that offer corporate waqf such as Jcorp. SAR administrators may execute a joint venture with a corporate body to generate financing funds to develop the SAR using corporate waqf instruments.

Suggested Contemporary Waqf Implementation Model by SAR

A contemporary waqf that has the potential and is compatible with the implementation requirements in SAR is Cash Waqf which involves cash waqf. Cash is an instrument that makes it very easy for the endower to do waqf as it does not require a large amount to do waqf as it would for waqf on a plot of land. Practices like this will also attract more Muslims to do waqf. Figure 2 shows a model that can be used as a guide by SAR administrators to implement cash waqf in SAR.

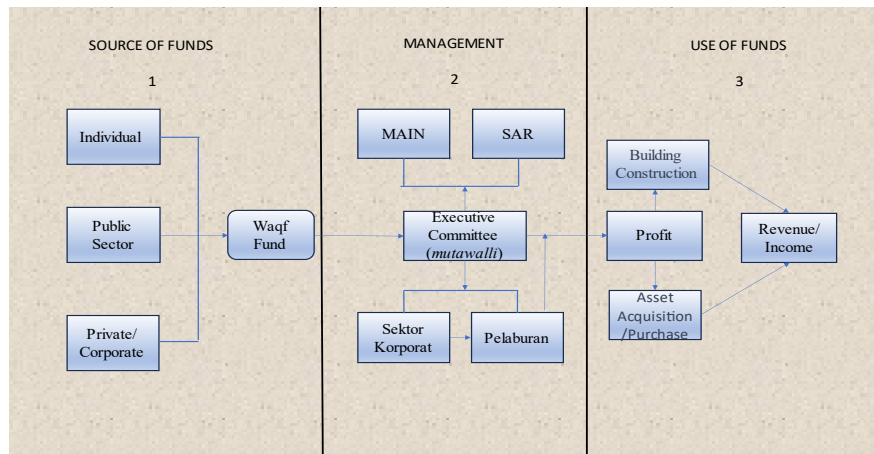


Figure 2: Suggested Cash Waqf Implementation Model in SAR

Source: Research Results of Researchers Based on Document Sources.

Figure 2 shows the proposed contemporary waqf implementation model in SAR. Contemporary waqf that is suitable to be implemented in SAR is cash waqf. The cash waqf instrument in question is waqf using cash as waqf property. The first part is the source of funds. The source of cash waqf funds is obtained from individual waqfs, the public sector, the private sector or corporate bodies and NGOs. Funds received are collected in a fund known as the Cash Waqf Fund. The Cash Waqf Fund is then handed over to the *mutawalli* to manage the fund. This *mutawalli* usually consists of the SAR administrator themselves. Nevertheless, in Malaysia the *mutawalli* for property waqf is the State Islamic Religious Council (Majlis Agama Islam Negeri, MAIN). Therefore, SAR administrators are required to obtain cooperation and approval from MAIN to manage the cash waqf fund. The *mutawalli* needs to cooperate with corporate bodies to invest cash waqf funds either to build buildings on the existing waqf land or to buy buildings or real estate assets that can provide benefits. For example, the accumulated waqf funds may be used to buy buildings such as shophouses which will provide many benefits. For example, the building may be rented out, of which the rental collection of the building is turned into income or revenue obtained from the collection of cash waqf funds. The income can be used for the purpose of helping poor students through giving scholarships and so on.

With this cash waqf fund generation model, SAR administrators can overcome the problem of financial constraints to manage SARs. Even so, SAR administrators need to be proactive and be forward in seeking joint ventures and cooperation from outside parties, especially MAIN and corporate bodies as well as NGOs. Based on Figure 2, the SAR can generate income if done with the right method. Cash waqf instruments such as cash waqf, lot/kaki waqf and corporate waqf have great potential to be implemented in SAR. This is because cash waqf has the potential to be a source of financing for waqf property development in Malaysia.

Conclusion

Education is a universally recognized human right. Every person has the right to access to quality education for self-advancement and to contribute to others. However, the cost of education is sky high. The support funds other than government allocations are very important to be created to cover the expenses of sustainable education management and development. Education waqf is the best alternative based on its record of excellence from the past until now. However, the goal towards expanding education waqf in Malaysia which is to create waqf funds for all sectors and levels of education including for government schools will face several

constraints such as legal issues in terms of differences in jurisdiction in matters of education and waqf. However, on the other hand, there are still opportunities to make this noble cause materialize, such as the strategic cooperation of stakeholders in education and waqf in this country to expand waqf to all institutions, sectors and levels of education including the school level. Cash waqf instruments such as cash waqf, foot/lot waqf and corporate waqf have the potential as educational waqf instruments especially in SAR. Cash waqf funds may also be used as a source of financing to develop educational waqf. It is hoped that this proposal can pave the way to continue the excellence of education waqf in the past. Integrated planning, research and discussion of all stakeholders are very important so as to be able to formulate a comprehensive national education waqf plan and model.

Acknowledgements

An utmost appreciation to Universiti Teknologi MARA Pahang Branch for funding the research project under *Geran Penyelidikan MyRA Lepas PhD (LPhD)*, reference number **600-RMC/GPM LPHD 5/3 (161/2021)**. Thank you to all the parties involved in terms of the data collection and sharing of knowledge throughout the course of this study.

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