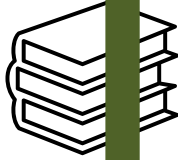


# The Prospect of *Waqf Al 'Awaridh* in the Contemporary Waqf Eco-System: A case of Malaysia.

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## Literatures

Mohiddin , M. N., &  
Kurniawan, C. S. (2022)

- “The Potential of Waqf In Facing The Covid19 Pandemic” made some practical suggestions on using Waqf as a tool to overcome issues during pandemic.

Nor Asiah,M (NST,2020)”

- Covid19, A Wake Up Call for Waqf Institutions – suggested for a proactive role of Waqf institution and the use of Waqf instruments in Solving unexpected event

Salehuddin, Nor Asiah,  
Nuarrulhilal (2018)

- “Civic Crowdfunding: The Malaysia Experience” observed on the public participation and awareness in crowdfunding and found out that there is no specific law on crowd funding and varies, there is a need for review for a better governance.

# Conceptual Framework

- Literal Meaning:

Awaridh comes from the word 'A'ridh' or Aridhah which means 'emergency' or natural disaster the situation may appear and disappear (Encyclopedia of Fiqh, 2012, Vol. 7, p.161.).

Fincyclopedia: Waqf al 'Awaridh refers to "Waqf in which the yield is held in reserve so that it can be used at times of emergency or unexpected events (contingencies) that negatively influence the livelihood and well-being of a community of people.

-medication, education of the affected

Nature: Waqf Khas, Waqf Mushtarak, Waqf Mu'aqqat

.”

# Legal Framework

## Specific pillars and identified conditions

- Waqf or Habs is an Islamic endowment institution or Foundation which is founded on specific pillars and condition which benefitting the Ummah, Muslim and Non Muslim.

## Authorities

- Waqf is developed by the Muslim jurists based on the practice of the Prophet SAW and his companions. For e.g: Hadith about Saydina Umar and his Waqf of land in Khaybar laid down a few legal principles on Waqf.

## Mawquf (ayn and manfaah)

- Movable and Immovables Dedication of movable and immovable properties for specific or general purposes, in perpetuity or temporal
- 

## Ijtihad (fatwa)

- Rules developed from the hadith and practice of the companions: inalienable, irrevocable and perpetual. The giving is only for the Manfaah (the benefit or the usufruct). As there is no clear rules in the Quran, from the hadith, the Prophet SAW made it flexible and voluntary, ijtihad on Waqf has developed from time to time. WAA is one of the juristic outcomes

# Justification



- The Waqf Legal Framework and Eco System is viable – movable and immovable, perpetual and temporal, Muslim or non Muslim, assisting the needy, fulfilling the richer, balance the wealth inequalities
- The Globe is Aging, uncertain, deteriorating, climate change, natural disaster, calamities and catastrophes, people lacks resilience
- Government is overburdened, corruption, greedy, self interest, etc

# Proposed Models

- **Sinking Fund Model**
- - a compulsory collection of money through a legal platform;
- For example, a village or strata scheme, a university may create Waqf al Awaridh through a monthly deduction or utilising the existing mode of deduction
- Utilisation is based on ‘urgency’ (dharurah) for example, water tank burst, lift faulty etc.
- “urgency” must be determined by a specific rules or body

# BAITULMAL model

- *Waqf al Awaridh* is established as a fund established and managed by the Government (state,federal, local authority, Majlis) through government allocation, a compulsory allocation from companies etc;
- Policy based Waqf fund raising – 1% of tender must be allocated to Waqf al Awaridh fund



# Community Based Model

- Initiated by the Community
- Temporary or perpetual
- Community board of advisor
- Management – Company, Cooperative, Fundraising (Cash Waqf)

# Conclusion and Recommendation

