

THE ROLE OF HEALTHCARE WAQF AND ITS IMPLEMENTATION TO THE PRIVATE HOSPITALS IN MALAYSIA

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Abstract: Taking care of health is very important to avoid from getting infected from harmful diseases. It also can improve a person's quality of life. In Malaysia, the main provider of healthcare services is the Ministry of Health. It is considered as a public healthcare provider since Malaysians pay the services through the general taxation of income. Patients who seek treatment from public healthcare only need to pay small amounts of fees because the public healthcare is heavily subsidised by the public sector. Currently, the health system in Malaysia is facing challenging issues that can affect its performance and sustainability. To solve this issue, waqf is an alternative way to ease the burden of the society by implementing the healthcare waqf system. Hence, this study aims to explore the concept of Waqf from Islamic perspective and highlight the implementation of Healthcare Waqf at private hospitals in Malaysia. The researcher adopted qualitative method to fulfil the objectives of the study, by conducting an interview session with a Shariah Advisor at the Islamic Bank and lecturer at the Department of Fiqh and Usul al-Fiqh, Kulliyah of Islamic Revealed Knowledge and Human Sciences, IIUM. The findings from the study are healthcare waqf is not only limited with the concept of the owner can give cash or property to build a hospital but can also contribute to fund education, research, publication, development of facilities and health. To conclude this study, healthcare waqf should be promoted especially in private hospitals in Malaysia as it can help efficiently upgrade healthcare facilities or equipment using the waqf funds.

Keywords: Waqf, Private Sector, Healthcare, Public Sector

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INTRODUCTION

Healthcare is very important to prevent diseases and improve quality of life. In Malaysia, the Ministry of health is the main provider of healthcare services to the public.ⁱ Furthermore, Malaysia health care is implemented jointly with the public and private sectors.ⁱⁱ Public healthcare is paid by Malaysian citizens through the general taxation of income. As a result, patients only need to pay nominal fees in this heavily subsidised public sector. However, the nominal fees in this public system are only applicable for Malaysian nationals, and the government doesn't have a reciprocal healthcare policy with any other country. Foreigners are

eligible for public healthcare, so long as they pay additional fees, or they can alternatively opt for private healthcare. Public healthcare may be the much cheaper option, but private healthcare options do have their advantages, such as faster services as a result of more doctors in the sector who are attracted to the higher salaries and better working conditions.ⁱⁱⁱ

Healthcare is a fundamental aspect of societal well-being, and ensuring its accessibility and quality is a priority for governments and organizations worldwide. In Malaysia, the healthcare system is a mix of public and private services, with private hospitals playing a significant role in addressing the increasing demand for advanced medical care. However, the cost of healthcare in private institutions often poses challenges for low- and middle-income populations. This has led to the exploration of alternative funding models to enhance healthcare accessibility and sustainability. Waqf refers to the dedication of wealth or assets for charitable purposes, where the benefits are continuously used for the welfare of society. Historically, Waqf has been instrumental in financing various public services in Muslim-majority societies, including education, social welfare, and healthcare. In the context of modern healthcare, integrating Waqf into private hospitals offers a unique opportunity to bridge gaps in affordability and equity, aligning with the principles of social justice and collective welfare.

Besides, the health system in Malaysia is facing increasingly challenging issues that can affect its performance and sustainability. Private sector services also present challenges to the public sector due to their ability to attract professionals to leave the public sector. This has resulted in a shortage of professionals in the public health sector.^{iv} Waqf is an alternative way to help ease the burden of society by implementing the healthcare waqf system. Waqf is a unique form of virtue in the teachings of Islam because it is an act of worship that combines spiritual and material aspects. In terms of socio-economics, waqf instruments have a major role in providing services such as education, health, municipalities and so on to the community.^v Healthcare Waqf can also provide healthcare services at minimal cost and all treatment is rendered by qualified medical doctors and includes the cost of the medicines prescribed.^{vi} This paper explores the role of healthcare Waqf in Malaysia and examines its potential implementation in private hospitals. It discusses the principles of Waqf, its alignment with Malaysia's healthcare objectives, and the challenges and opportunities involved in integrating Waqf into the private healthcare sector. By highlighting successful models and best practices, the study aims to provide insights into how healthcare Waqf can contribute to a more inclusive and sustainable healthcare system in Malaysia.

Overview of Waqf

In Islamic tradition, Waqf has been one of the most important sources of public financing. Since the early days of Islam, waqf has met the needs of the ummah in a variety of areas, including education, social development, and public needs.^{vii} Waqf is also a unique form of virtue in the teachings of Islam because it is an act of worship that combines spiritual and material aspects. In terms of socio-economics, waqf instruments have a major role in providing services such as education, health, municipalities and so on to the community.^{viii} The definition of Waqf can be defined in terms of language and in terms of terminology.

Definition of Waqf in Terms of Language and Terminology

From the definition of Oxford Languages, Waqf is an endowment made by a Muslim to a religious, educational, or charitable cause. From the Arabic word, Waqf literally means stoppage or immobilization (of ownership of property) or from waqafa, that means come to a standstill.^{ix} Waqf is derived from the Arabic word "Al-Waqf" (الْوَقْفُ) which means waqfed property. It also means property withheld "Al-Habs" (الْحَبْسُ) or property withheld "Al-Mana' (الْمَنْعُ).^x Waqf means a person who hands over his property (property that can be used without physical depreciation) to the user of the waqf from the beginning of the waqf property to the end solely because of Allah S.W.T, and It cannot be taken back or owned by any individual.^{xi}

Types of Waqf

In general, there are 2 types of Waqf which is Waqf Ahli and Waqf Khairi.

Waqf Ahli is the Waqf that is dedicated to the benefits of family members who have been determined by the Waqf. While Waqf Khairi is divided into Waqf Am and Waqf Khas. Waqf Am means a waqf for the purpose of general benefits according to Islamic law such as for the convenience or economic development of Muslims through various activities carried out based on Islamic law. Waqf Khas is the waqf for the purpose of certain benefits of Muslims according to Islamic law such as waqfing land for the purpose of mosques, suraus, religious schools, Islamic cemeteries and others specified by the waqf.^{xii}

Dalil of Waqf

Waqf is a charity practice that is encouraged by Islam for its able-bodied people so that the pleasures bestowed can be enjoyed by the less fortunate. The dalil of Waqf according to the Quran:

مَثَلُ الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ اللَّهِ كَمَثَلِ حَبَّةٍ أَنْبَتَتْ سَبْعَ سَنَابِلٍ فِي كُلِّ سَنَابِلَةٍ مِائَةٌ حَبَّةٌ ۗ وَاللَّهُ يُضَاعِفُ لِمَنْ يَشَاءُ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ^{xiii} (٢٦١)

“The example of those who spend their wealth in the way of Allah is like a seed [of grain] which grows seven spikes; in each spike is a hundred grains. And Allah multiplies [His reward] for whom He wills. And Allah is all-Encompassing and Knowing.”

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ ۚ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ^{xiv} (٩٢)

“Never will you attain the good [reward] until you spend [in the way of Allah] from that which you love. And whatever you spend - indeed, Allah is Knowing of it.”

The Hadith that describes about Waqf:

عن عبد الله بن عمر -رضي الله عنهما- قال: «قد أصاب عمر أرضاً بخير. فأتى النبي -صلى الله عليه وسلم- يستأمره فيها. فقال: يا رسول الله، إني أصبت أرضاً بخير، لم أصب مالا قط هو أنفس عندي منه، فما تأمرني به؟ فقال: إن شئت حبست أصلها، وتصدق بها. قال: فتصدق بها، غير أنه لا يباع أصلها، ولا يوهب، ولا يورث. قال: فتصدق عمر في الفقراء، وفي القربى، وفي الرقاب، وفي سبيل الله، وابن السبيل، والضيف. لا جناح على من وليها أن يأكل منها بالمعروف، أو يطعم صديقاً، غير متمول فيه»، وفي لفظ: «غير متآكل»^{xv}.

Abdullāh ibn ‘Umar (may Allah be pleased with him) reported: ‘Umar acquired a piece of land in Khaybar, so he came to the Prophet (may Allah's peace and blessings be upon him) to know what he should do with it. He said: "O Messenger of Allah, I have acquired a piece of land in Khaybar, and I have never acquired a property more precious to me than that. What do you command me to do with it?" He said: "If you wish you can keep its origin as an endowment and give its yield in charity." So, ‘Umar gave the land in charity (i.e. as an endowment on the condition that the land would neither be sold nor given as a gift, nor bequeathed). He gave its yield as charity to the poor, the relatives, for emancipation of slaves, in Allah's cause, and for the travelers. It was permissible for its administrator to eat from it in a reasonable just manner and feed his friends without seeking to be wealthy by its means. In another wording: "...without storing the property with the purpose of becoming rich”.

This hadith highlights the establishment of *waqf* as a virtuous act in Islam. *Waqf* refers to dedicating the usufruct or benefits of a property for charitable purposes while preserving the principal asset. This ensures that the property continuously benefits others. It emphasizes the importance of selflessness and giving from one's most valuable possessions for the sake of Allah. ‘Umar's willingness to part with his prized land is a model of sacrifice for the greater good and ‘Umar's consultation with the Prophet (peace be upon him) reflects the importance of seeking guidance from knowledgeable and trustworthy sources in religious and ethical matters. Therefore, establishing a *waqf* is a form of ongoing charity (*sadaqah jariyah*), as it continues to benefit people indefinitely, ensuring continuous reward for the donor even after death.

The Pillars and Condition of Waqf

There are 4 Pillars of Waqf which is:

1. People who endow. (الوَاقِفُ)
2. Endowed objects. (الْمَوْقُوفُ)
3. The party receiving the endowment or beneficiaries. (الْمَوْقُوفُ عَلَيْهِ)
4. Waqf Statement (صيغة)

The condition for the people who endow also known as (الوَاقِفُ) is the owner must fully own the property to be endowed, meaning it is free to endow the property to whomever it wishes. Secondly, must be reasonable (perfect mind) and sane in thought. Thirdly, the owner

must have reached puberty. Lastly, it is the owner's own choice to waqf and not be forced (*ikhtiar bi nafsih*).

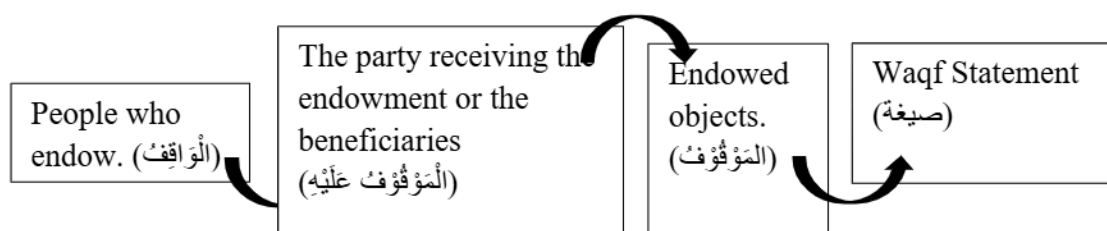
Secondly, the condition for the endowed objects also known as (المَوْقُوفُ) is the property must be something that can be taken advantage of. Moreover, the endowed property has a price value (*mutaqawwim*). The endowed property is the perfect property of the person who is endowed (waqif). The Endowed property is endowed for a good purpose only and does not violate Islamic law.

Thirdly, the condition for the party receiving the endowment also knows as (المَوْقُوفُ عَلَيْهِ) is the people who can own property (*ahlan li al-tamlík*), which is the Muslims, free (wo)men and non-Muslims that are peaceful towards Muslim that can own and receive the benefits of waqf property. While people who are not perfect in mind, slaves, and insane people are not allowed to receive waqf. The recipient of waqf can make the benefits of waqf as a matter of *Taqarrub* (getting closer) to Allah S.W.T and this matter is only intended for the benefit of Islam only. Lastly, the condition for the Waqf Statement also known as (صيغة) is the waqf statement made either orally, in writing with words or gestures and must be done explicitly or implicitly.^{xvi}

CONCEPT OF WAQF

The general concept of Waqf is depicted in the diagram below, in which the owner of the property (الوَاقِفُ) endows the party receiving the endowment (المَوْقُوفُ عَلَيْهِ) with the endowed objects (المَوْقُوفُ) from which the owner wishes the beneficiaries to benefit. For the Waqf Statement (صيغة), can be done orally, in writing, with words or gestures, and explicitly or implicitly by the property's owner. The purpose of the Waqf Statement (صيغة) is to determine who the beneficiaries are for the property that has been endowed.^{xvii}

Figure 1: The concept of Waqf



The Role of Healthcare Waqf

According to the respondent, one of the roles of healthcare waqf is to assist Muslims with non-halal income who want to repent (توبة). For example, in their early working years, they are unconcerned about halal and haram, but after retirement, people with non-halal income want to repent (توبة). As a result, in Islam, this non-halal income must be donated to charity. The respondent also stated that there are numerous examples of charity in Fiqh books (كتب الفقه) and one of the examples are by building hospitals (بداية المستشفيات) from the charity. The respondent also mentioned that Muslim Scholars always give an example of giving to charity that is related

to healthcare, which is applicable to someone who wants to give waqf. For example, a person can give his property or cash to build a hospital.

This data is supported with the previous study by Wan Abdul Fattah Wan Ismail, Fuadah Johari, Ahmad Syukran Baharuddin, Muhammad Hazim Ahmad, Muhammad Haji Alias (2019) about the implementation of healthcare waqf. According to this study, aiding those in need is a shared responsibility and a very noble practise. Every waqf contribution we make to ease the burden of our Muslim brothers and sisters is viewed as an ongoing good deed that will be carried out in the Hereafter. In life, the assets bestowed upon us by Allah S.W.T are ephemeral; our true destination is to assist our brothers and sisters who are in need. As a result, we must actively practise waqf and incorporate it into our way of life.^{xviii}

Issues and Challenges of Implementation of Healthcare Waqf

The medical industry is just like any other revenue generating body suffers from the same global market pressure that is part and parcel of running a business. With competition growing every single day, it is getting tougher for hospitals to thrive as compared to earlier times. Concerning the issues and challenges, the respondent stated that the main issue are hospitals and other health-related facilities are being built for profit and it is very rare to hear that some of this service is being offered free of charge especially for waqf purposes. Nonetheless, we are aware that Malaysians are extremely generous. If there is a waqf-based initiative to build a hospital or clinic, Malaysians are usually willing to contribute.

The proof that Malaysians are generous people can be seen in the previous study by Norizah Mohamed and Asmak Ab Rahman about a case study in Hospital Waqaf an-Nur regarding healthcare waqf. According to this study, Johor Corporation Berhad (JCorp) through KPJ Healthcare Berhad in collaboration with the Johor Islamic Religious Council established Waqaf An-Nur Hospital with the concept of virtue and not motivated by established profit. Waqaf An-Nur Hospital focuses on providing health care to the community's underprivileged members. Prior to the establishment of the Hospital Waqaf An-Nur, Johor Corporation Berhad (JCorp) established an endowment clinic in Pasir Gudang in 1999. Due to increased demand from the Pasir Gudang population, the clinic was upgraded to a hospital in 2006, becoming the country's first waqf hospital.

The Effect of Implementation of Healthcare Waqf

The implementation of healthcare waqf to the private hospitals in Malaysia will surely give an effect to the society. The respondent stated that there is no negative impact from the implementation of healthcare waqf. The implementation of healthcare waqf will have a greater positive impact on society, the economy, and people's social well-being. This data is supported in the previous study by Norizah Mohamed and Asmak Ab Rahman about a case study in Hospital Waqaf an-Nur regarding healthcare waqf.

The findings of the previous study shows that Hospital Waqaf an-Nur (HWAN) accepted everyone who wanted to seek treatment in this hospital, regardless of race or religion. Based on the demographic from the respondents of the previous study, respondents ranged in age from 24 to 64 years old, and they were all married. The majority of respondents were

housewives who relied on the income of their husbands or dependent children. Due to the service fees at this hospital are as low as RM5, it greatly helps them to reduce the financial burden of seeking treatment. This demographic from the previous study strongly supports that the implementation of healthcare waqf have a positive impact on society, economy, and people's social well-being.^{xix}

Figure 2: Example of the Data Collection from previous study on the treatment at the Hospital Pasir Gudang

Jadual 1.2: Demografi Responden Yang Mendapat Rawatan di Hospital Waqaf An-Nur Pasir Gudang.

PERKARA	PESAKIT			
	Responden 1	Responden 2	Responden 3	Responden 4
Jantina	Perempuan	Perempuan	Perempuan	Perempuan
Bangsa	Melayu	Melayu	Melayu	Melayu
Umur	58 tahun	48 tahun	44 tahun	64 tahun
Taraf Perkahwinan	Berkahwin	Berkahwin	Berkahwin	Berkahwin
Tahap Pendidikan	Tingkatan 3	SPM	Tingkatan 3	Darjah 6
Pekerjaan	Suri Rumah	Suri Rumah	Suri Rumah	Suri Rumah
...				
PERKARA	PESAKIT			
	Responden 5	Responden 6	Responden 7	Responden 8
Jantina	Perempuan	Perempuan	Lelaki	Perempuan
Bangsa	Melayu	India	Melayu	Melayu
Umur	42 tahun	45 tahun	50 tahun	24 tahun
Taraf Perkahwinan	Berkahwin	Berkahwin	Berkahwin	Berkahwin
Tahap Pendidikan	SPM	Tingkatan 3	SPM	SPM
Pekerjaan	Suri Rumah	Suri Rumah	Berniaga	Berniaga
Bilangan Anak / Tanggungan	4 orang	2 orang	2 orang	-
Pendapatan Bulanan/ Pendapatan isi rumah	RM2000 (suami)	(Tanggungan Anak-anak)	RM2000	RM800
Tahun Mula Mendapat Rawatan	2013	2006	2004	2010

Sumber: Responden 1, Responden 2, Responden 3, Responden 4, Responden 5, Responden 6, Responden 7 dan Responden 8, 2013.

Research Methodology

In this study, the researcher will use qualitative method only.

Based on the qualitative method, the researcher will use library research approach to find the best explanation of the definition and concept of waqf from Islamic perspective. The researcher will collect information from various website including some journal and do an article review about any discussion from the scholar about the meaning and concept of waqf from Islamic perspective. This method can help the researcher to fulfill the objective of the study.

The researcher will also conduct an interview with one respondent which is Dr. Mohd Fuad Bin Mohd Sawari who is an Associate Professor at the Department of Fiqh & Usul al-Fiqh, Kulliyah of Islamic Revealed Knowledge and Human Sciences, IIUM and Member of Profesional Body / Association, Association of Shariah Advisor in Islamic Finance Malaysia. This interview can help the researcher to fulfill the objective.

FINDINGS

The Way to Implement Healthcare Waqf for Private Hospitals in Malaysia

According to the findings of the study that the researcher has collected is there are various ways to implement healthcare waqf for private hospitals in Malaysia. Healthcare waqf is not only limited with the concept of the owner give cash or property to build a hospital but can also contribute to fund education, research, publication, development of facilities and health. From the understanding of the researcher, it is also possible to use waqf fund to upgrade healthcare equipment that are more efficient, highly expensive, or also add the capacity of beds for hospitals if there are contribution and support from the society.

Moreover, there are not many challenges or issues to implement healthcare waqf and it is a very good initiative especially during this covid-19 pandemic. Waqf is also under the state jurisdiction or Majlis Agama Islam and the implementation of healthcare waqf must follow the rules and regulations provided because it is for the benefit of people, and it is to prevent waqf fund to be use for personal benefits. Therefore, to implement healthcare waqf for the private hospitals in Malaysia, engagement with the state jurisdiction or Majlis Agama Islam is needed to ensure that public money is utilised correctly according to the shariah law and for the benefit of the beneficiaries.

Lastly, the hospitals or clinic that are using healthcare waqf is very important to help the low-income households especially in helping ease the burden for the medical fees. Healthcare waqf also does not only help the beneficiaries only but also the provider (الواقف) to do charity.

CONCLUSION

The concept of waqf is very broad and flexible. It is not fixed with only giving property such as lands or buildings for a charity cause but nowadays there are various new concept of waqf such as cash waqf regarding there are new assets or properties over time. There are also pillars of waqf and every pillar have its conditions. There is no negative impact from the

implementation of healthcare waqf but hospitals and other health-related facilities are being built for profit, and it is very rare to hear that some of this service is being offered free of charge especially for waqf purposes. The implementation of healthcare waqf will also have a greater positive impact on society, the economy, and people's social well-being. Furthermore, the implementation of healthcare waqf greatly helps most people especially those who have financial burden of seeking treatment.

The implementation of healthcare waqf to the private hospitals in Malaysia is a very good initiative especially in solving the issue of high medical fees and the crumbling healthcare system in Malaysia. Healthcare waqf also can help solve major economic challenges and balance the economy by the rich people taking care of the needy people and sharing their wealth. Nowadays, healthcare is critical, particularly for the poor and they should be provided with the best healthcare that can be offered.

In conclusion, the result of this study found that the implementation of healthcare waqf provides advantage to the low-income households in gaining the best medical attention at a minimal cost and to balancing the economy. Healthcare waqf also can help to upgrade healthcare facilities and equipments or even upgrade the capacity of the private hospitals. Furthermore, it also plays a major role in helping the one who endow also known as (الواقف) to do charity and as a matter of Taqarrub (getting closer) to Allah S.W.T. Lastly, the management of the waqf must be done with Amanah as its use's public money and for the benefit of people.

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