

WAQF

LAWS & MANAGEMENT

(With Special Reference to Malaysia)

Edited By
Prof. Dr. Syed Khalid Rashid
&
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This book deals with effective utilization of waqf properties and their resources through better laws and management techniques. Discussion is with reference to such countries like Malaysia, Bosnia and Nigeria about which it is not easy to find material. In case of Malaysia, the waqf laws of the three States- Selangor, Malaka and Negeri Sembilan-- which appear in the Appendix are published in a book for the first time, and will provide valuable material for comparative studies. Similarly the chapter on awqaf in Bosnia is a rare piece of research writing in the English language about a non-English speaking region.

It is hoped the book will be welcomed by the academics and waqf professionals and administrators and those doing comparative studies.

Prof Dr Syed Khalid Rashid is Professor of Law at the International Islamic University Malaysia since the last 22 years. Before this he taught law at the Aligarh Muslim University for 9 years, and at Usman Danfodiyo University, Sokoto, Nigeria for 10 years and at Kurukshetra University, India for 3 years. He has published on waqf alone as many as 7 books and about 24 papers. In all, there are to his credit 12 books and 80 papers. IRTI, IDB (Islamic Development Bank) Saudi Arabia invited him as visiting Fellow in 2011. He was awarded The Best Researcher Award in 2004 by the International Islamic University, Malaysia. In 2010-2011 he served as the Chief Consultant (Waqf), to the Federal Government Malaysia, Prime Minister's Department (JAWHAR), and he submitted a comprehensive Report on awqaf in Malaysia to the Government. He now permanently resides in Malaysia with his family.

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Preface

This book consists of selected papers presented at the International Conference on "Waqf Laws and Management: Reality and Prospects", jointly organized by the Management Centre; Ahmad Ibrahim Kulliyah of Laws; International Institute of Muslim Unity; and IIUM Endowment Funds, International Islamic University, Malaysia on 20-22 October, 2009 in Kuala Lumpur. However, in order to fill certain gaps in the coverage of the theme of this book with the existing papers three more papers (two by Syed Khalid Rashid and one by Dato Othman Al-Habshi) which were not presented at the conference, have been included. The coverage of the conference was international but its focus still remained on Malaysia. This has prompted the inclusion of the text of the Waqf Acts of the States of Selangor, Malacca, and Negeri Sembilan. These are the only States which have separate waqf enactments while in the rest of the States *Awqaf* are governed with the skeletal provisions given in the Administration of Islamic Law Enactment of each State. The order in which papers are arranged in this book is according to thematic relevance and not in accordance with any reference to their relative merit. Each paper is important in its own right.

It is important to remind ourselves that *Awqaf* should be treated as a valuable asset of the Muslim community heritage all over the world. It is essential therefore that *Awqaf* must be preserved and governed efficiently and their assets should be managed professionally. However, it is unfortunate that a majority of *Awqaf* have fallen victim of neglect, mismanagement and misappropriation. It is so either due to weak legal infrastructure which regulates them or it is the result of ill-planning and defective management style. Hence, it is obvious what is needed is an effective legal regime and professional management techniques, to make possible the revitalization of *Awqaf*. All of the *Awqaf* conferences held during recent years (Harvard – 2006 and 2008; Cape Town – 2007; Singapore – 2008; Kuwait – 2008; Isfahan – 2008) focused on themes other than law and management aspect of waqf. These conferences rather emphasized origin to nationalization of *Awqaf* or from investment to civilizational aspects. All of these are important but probably unachievable without good legal and management backing and support.

The conference in Kuala Lumpur tried to fill this gap by making legal regulation and effective management of waqf as its theme. It was well attended and scholars from many countries presented papers.

The issue that were discussed and which formed the basis of papers presented included the possible contents of a waqf legislation; the extent of State participation in waqf management; the effect of land law on waqf lands; and so on. It was aimed at reviving the institution of waqf by changing its poor image due to defects in its management and legal regulation. There is also a search for a model waqf legislation which should have provisions relating to survey, audit, management strategy and organizational structure, etc. The papers presented in the conference reflect these issue and concerns. The publication of this book owes much to the support received from the Director, Management Centre; Dean, Kulliyah of Economic and Management Services; Dean, Ahmad Ibrahim Kulliyah of Laws; Director, International Institute of Muslim Unity and; Manager, IIUM Endowment Fund.

The editors wish to thank all the contributors for their co-operation, and also wish to thank Dato Dr. Othman Al-Habashi for the liberty we have taken in the publication of his paper. The responsibility for any mistake which might be there in the text belongs to the editors, who need to be apologized for these. We are also thankful to Mr. Abdul Rasyid, Research Assistant for his help in typing the manuscript of this book

Wa ma taufiqi illa billah

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