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Challenges and problems facing the application of temporary waqf in selected states of Malaysia: New issues and their guiding rules (Article)

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Abstract

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This paper aims to critically examine challenges of the application of temporary waqf in selected states of Malaysia, to establish principles and to suggest new approaches for its implementation. A qualitative methodology was employed to analyse the data through inductive, deductive and field research methods. As for the field research, this study has conducted semi-structured interviews with the Waqf Corporations and Mufti's Department in the selected states of Malaysia, namely; Selangor, Malacca, Negeri Sembilan and Johor. The result shows that inappropriate procedures of fatwa issuance, unproductive current waqf assets and legal perspective issues are among the challenges in implementing temporary waqf in Malaysia. Thus, this paper proposes that every State's Waqf Corporations in Malaysia should reassess the existing legal framework of temporary waqf in order to realize its application as an effective solution for the current waqf properties. Finally, the study proposes to establish holistic principles of temporary waqf implementation in Malaysia.

Author keywords

[Approaches](#) [Challenges](#) [Malaysia](#) [Principles](#) [Temporary Waqf](#)

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- 1 Afiffudin, M.N., Mohd Ridzuan, A.
The Implementation of Istibdal Endowment in the State of Kedah Darul Aman
(2013) *Islamiyyat Journal*, 35 (1), pp. 49-56.
- 2 Ahcene, L.
"The Role of Cash Waqf as a Financial Instrument in Financing Small and Medium Sized Enterprises"
(2010) *Awqaf Journal*, 1, pp. 29-40.

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- 3 Ahmad, H.B.
Analisis Fatwa-Fatwa Semasa Syariah di Malaysia
(2002) *Jurnal Syariah*, 10 (1), pp. 39-52.
-
- 4 Baharuddin, S., Asmak, A., Salahudin, S.
(2006) *Pengenalan Kepada Konsep Wakaf Dalam Islam*
Shah Alam: Pusat Penerbit Universiti UiTM
-
- 5 Che Zurina, I., Rubiah, A.B., Nor Jawaness, A.H.
"Impak Peruntukan Undang-undang Kepada Pelaksanaan Pengurusan Wakaf Di Malaysia"
(2016) *Language, Education and Civilisation International Conference*
May 24-25, University Teknologi Mara, Perak
-
- 6 (2016) *Waqf*
on October 10, 2016
<http://waqaf.org.my/wp/fatwa-negeriterengganu>
-
- 7 (2016) *Waqf*
on October 10, 2016
<http://waqaf.org.my/wp/fatwa-negeri-pulau-pinang>
-
- 8 Hisham, S., Jasiran, H.A., Jusoff, K.
Substitution of waqf properties (Istibdal) in Malaysia: Statutory provisions and implementations

(2013) *Middle East Journal of Scientific Research*, 13 (SPLISSUE), pp. 23-27. Cited 3 times.
[http://www.idosi.org/mejsr/mejsr13\(cifwm\)13/5.pdf](http://www.idosi.org/mejsr/mejsr13(cifwm)13/5.pdf)
doi: 10.5829/idosi.mejsr.2013.13.1877

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-
- 9 Islam Malaysia, J.K.
(2009) *Himpunan Keputusan Muzakarah Jawatankuasa Fatwa Kebangsaan: Berhubung Dengan Isu-Isu Muamalat*
Kuala Lumpur: Jabatan Kemajuan Islam Malaysia JAKIM
-
- 10 Kompilasi Hukum dan Fatwa Berkaitan Wakaf, Zakat, Haji dan Sumber Am, Kuala Lumpur: Jabatan Wakaf Zakat dan Haji JAWHAR
-
- 11 Kamarul Khaidzir, S., Nurul Jannah, A.H.
"Cabaran Pengurusan Harta Wakaf Di Perbadanan Wakaf Selangor: Saranan Penambahbaikan"
(2014) *Muzakarah Fiqh & International Fiqh Conference 2014*
December 3-4, Kolej University Islam Antarabangsa Selangor, Sepang
-
- 12 Merriam, S.
(2002) *Qualitative Research In Practice: Examples For Discussion And Analysis*. Cited 693 times.
San Francisco: The Jossey-Bass

- 13 Mohd Afendi, M.R.
(2008) "*Fatwa Wakaf Di Malaysia: Analisis Khusus Fatwa Pengambilan Tanah Wakaf oleh Pihak Berkuasa Negeri*"
Konvensyen Kebangsaan Pengurusan Harta Pusaka, Wasiat dan Wakaf, Universiti Kebangsaan Malaysia dan Majlis Agama Islam Adat Istiadat Melayu Terengganu, Selangor. October 18-19
-
- 14 Mohd Faez, M.S.
(2013) *Metode Fatwa Jawatankuasa Fatwa Negeri Johor Dalam Menangani Persoalan Semasa: Analisis Fatwa-Fatwa Negeri Johor Dari Tahun 2000 Hingga 2010*
Unpublished master dissertation, Academy of Islamic Studies, University of Malaya
-
- 15 Mohd Ghazali, M.
Pembangunan Tanah Wakaf: Isu Prospek dan Startegi, Skudai: Universiti Teknologi Malaysia
-
- 16 "Kefahaman Konsep dan Amalan Wakaf di Malaysia Hari ini", in Nik Mustapha Nik Hassan (ed), *Konsep dan Pelaksanaan Wakaf di Malaysia*, Kuala Lumpur: Institut Kefahaman Islam Malaysia
-
- 17 Noor Naemah, A.R., Luqman, A., Anisah, A.G.
(2006) "*Fatwa-Fatwa Di Malaysia: Analisa Khusus Di Negeri Kelantan*"
September 12-14, Konvensyen Wakaf Kebangsaan, Kuala Lumpur
-
- 18 Norainan, B.
Fatwa Muamalat Di Malaysia: Satu Kajian Literatur
(2014) *E-Jurnal Penyelidikan dan Inovasi*, 1 (2), pp. 34-55.
-
- 19 Patton, M.Q.
(2002) *Qualitative Research And Evaluation Methods*. Cited 18413 times.
California: Sage Publications
-
- 20 Rahimin Affandi, A.R.
Ke Arah Penyediaan Kaedah Penyelidikan Hukum Islam Terkini: Satu Pengenalan
(2002) *Jurnal Syariah*, 10 (1), pp. 1-24.
-
- 21 Al-Fattah, M.I.A.
(2006) "*Waqf of Usufruct: Economics Feasibility Constraints and Solutions*"
Paper presented at The 2nd International Conference on Waqf. Umm al-Qura University, Mecca, Saudi Arabia
-
- 22 Allah, M.A.A.
(1989) *The book of Manhu al-Jalil*, p. 8.
Beirut, Lebanon: Dar al-Fikr
-
- 23 Abu Sulaiman, A.W.I.
(1999) "*Concept and Objective of Waqf*"; *Symposium on Waqf Libraries in The Kingdom of Saudi Arabia*
King Abdulaziz Library, Medina, Saudi Arabia
-

- 24 Al-Sadhan, A.N.
"Temporary Waqf Model: A Prospect of Waqf in Benefiting Youth"
(2008) *Awqaf Journal*, 15, pp. 104-141.
-
- 25 Al-Aini, B.
(1981) *The book of al-Nimayah fi Sharh al-Hidayah*, p. 2.
Beirut: Dar al-Fikr
-
- 26 Al-Baghawi, M.-H.
(1998) *The book of al-Tahzib fi al-Fiqh al-Imam al-Shafie*, p. 7.
Beirut, Lebanon: Dar al-Kutub al-'Ilmiyyah
-
- 27 Al-Bukhari, M.I.
(1993) *The book of Sahih al-Bukhari*
Damascus: Dar Ibn al-Kathir, 10, 153, Hadith No. 2537
-
- 28 Rohayu, A.M., Rosli, S.
"Permasalahan Pengurusan Hartanah Wakaf Di Malaysia"
(2014) *International Surveying Research Journal 2014*, 4 (1), pp. 29-43. Cited 3 times.
-
- 29 Ritchie, J., Lewis, J.
(2005) *Qualitative Research Practice: A Guide For Social Science Students And Researchers*. Cited 2470 times.
London: SAGE Publications
-
- 30 Sharifah Zubaidah, S.A.K.
"Legal Framework for Waqf Management in Malaysia: Towards Uniformity of Laws"
(2016) *28 Kanun*, pp. 101-126.
-
- 31 Strauss, A., Corbin, J.
(1998) *Basics of Qualitative Research: Techniques And Procedures For Developing Grounded Theory*. Cited 17037 times.
London: Sage Publications
-
- 32 Siti Umairah, A.H., Siti Mashitoh, M.
"Application of Perpetuity Principle of Waqf in Some Selected Higher Education Institutions: A Legal Perspective"
(2016) *Journal of Shariah and Law Research*1, (2), pp. 229-250.
-
- 33 Tahir Sabit, M., Abdul Hamid, M.I.
"Obstacles of The Current Concept of Waqf To The Development of Waqf Properties And The Recommended Alternative"
(2006) *Malaysian Journal of Real Estate*, 1, pp. 27-38. Cited 12 times.
-
- 34 Al-Dardir, A.M.
(1995) *The book of al-Sharh al-Saqir*
Beirut, Lebanon: Dar al-Kutub al-'Ilmiyyah

- 35 Al-Dardir, A.M.
The book of al-Sharh al-Kabir, p. 4.
Damascus: Dar Ihya' al-Kutub al-Arabiyyah
-
- 36 Al-Futuhi, T.M.
(1999) *The book of Ma'unah Awla al-Nahi fi Sharh al-Muntaha al-Iradat*
Beirut: Dar al-Hufri li al-Nashr wa al-Tauzi'
-
- 37 Al-Hindi, A.-K.
(1998) *The book of al-Fawaid al-Bahiyyah*
Beirut: Dar al-Aqlam
-
- 38 Al-Hulli, M.I.
(2010) *Islamic Jurisprudence Report*, pp. 13-14.
Beirut: Markaz Ibn Idris al-Hulli
-
- 39 Al-Kasani, A.B.
(1982) *The book of Badai' al-Sana'i'*, p. 6.
Beirut, Lebanon: Dar al-Kutub al-'Arabi
-
- 40 Al-Kashnawi, A.B.H.
The book of Ashal al-Madarik, p. 3.
Beirut: Dar al-Fikr
-
- 41 Al-Manawi, Z.M.
(1990) *The book of al-Tauqit 'Ala Muhimmat al-Ta'rif*. Cited 2 times.
Cairo, Egypt: Alam al-Kutub
-
- 42 Al-Mardawi, A.
The book of al-Insaf. Beirut, Lebanon: Dar al-Ihya al-Turath al-Arabi, 6 Al-Nawawi, Abu Zakariyya
(1996) *The book of Tashih al-Tanbih*
Beirut: Muassasah al-Risalah
-
- 43 Al-Nawawi, A.Z.
The book of al-Majmuk Syarh al-Muhazzab, p. 15.
Cairo, Egypt: Mathba'ah al-Munirah
-
- 44 Al-Qarwashi, H.
"Islamic Endowment: Challenges of History and Thought Through the Tunisian Vein"
(2013) *Awqaf Journal*, 24, pp. 15-55.
-
- 45 Al-Ramli, M.A.
(1994) *The book of Khayah al-Bayan*
Beirut: Dar al-Kutub al-'Ilmiyyah
-

- 46 Al-Rifa'e, H.M.
(2006) "*Temporary Service Waqf in Islamic Jurisprudence*"
Paper presented at The 2nd International Conference on Waqf. Umm al-Qura University, Mecca, Saudi Arabia
-
- 47 Al-Sarkhasi, M.A.
(1993) *The book of al-Mabsut*
Beirut, Lebanon: Dar al-Ma'rifah
-
- 48 Al-Shaukani, M.A.
(1993) *The book of al-Adillah al-Radiyyah li Matan al-Durar al-Bahiyyah*
Beirut, Lebanon: Dar al-Nada
-
- 49 The book of al-Muhazzab. Beirut, Lebanon: Dar al-Fikr
-
- 50 Al-Shirbini al-Khatib, M.A.
The book of Mughni Muhtaj, p. 2.
Beirut: Dar al-Fikr
-
- 51 Al-Zaila'e, U.A.
(1993) *The book of Tabyin al-Haqaiq*, p. 3.
Cairo, Egypt: al-Matba'ah al-Kubra al-Amiriyyah
-
- 52 Al-Zarqa, M.A.
(1998) *Rulings on Waqfs*
Amman, Jordan: Dar Ammar
-
- 53 Al-Zarqa, M.A.
(2006) "*Temporary Monetary Waqfas as a Financial Instrument in Financing Microfinances for the Poor*"
Paper presented at The 2nd International Conference on Waqf. Umm al-Qura University, Mecca, Saudi Arabia
-
- 54 Bik, A.I.
(1943) *The book of Waqf*
Cairo, Egypt: Maktabah Abdullah Wahbah
-
- 55 Dunya, A.S.
(2006) "*Prospect of Contemporary Waqf: Waqf of Usufructs and Rights*"
Paper presented at The 2nd International Conference on Waqf. Umm al-Qura University, Mecca, Saudi Arabia
-
- 56 Hiza', M.M.
(2006) "*Temporary Waqf: A Comparative Juristic Study*"
Paper presented at The 2nd International Conference on Waqf. Umm al-Qura University, Mecca, Saudi Arabia
-

- 57 Ibn Humam, M.A.W.
The book of Sharh Fathu al-Qadir, p. 6.
Beirut, Lebanon: Dar al-Fikr
-
- 58 Kahf, M.
(2000) *"Islamic Endowment its Management and Development"*
Beirut, Lebanon: Dar al-Fikr al-Mu'aasir
-
- 59 Muslim, M.-H.
The book of Sahih Muslim
Beirut, Lebanon: Dar Ihya' al-Turath al-Arabi, 3, 1255, Hadith No. 1631
-
- 60 Umar, M.A.H.
(2004) *"Symposium on the Contemporary Application of Awqaf: The Experiences of Waqf Management in Republic of Egypt"*
Khazan: al-Bank al-Islami li al-Tanmiyyah
-
- 61 Yakan, Z.
Rulings on Waqf. Beirut: al-Matba'ah al-Asriyyah li al-Tiba'ah wa al-Nashr
-
- 62 Zaituni, A.-Q.
"The Role of Waqf as a Financial Instrument in Financing Microfinances"
(2012) *Awqaf Journal*, 22, pp. 117-149.
-
- 63 Alimazri, M.
Eksekutif of Negeri Sembilan Waqf Corporation
Interview by Author, Senawang, Negeri Sembilan, 22 August 2016
-
- 64 Joriza, J.
Waqf Administrative Officer
Interview by Author, Bukit Palah, Malacca, 14 September 2016
-
- 65 Muhamad Tahrir, K.S.
Mufti State of Johor
Interview by Author, Johor, 12 March 2017
-
- 66 Mustapahayuddin, A.K.
Deputy Director of Waqf, Johor Islamic Religious Council
Interview by Author, Johor Bharu, Johor, 27 November 2016
-
- 67 Mohd Yusof, A.
Mufti State of Negeri Sembilan
Interview by Author, Negeri Sembilan, 13 February 2017
-

□ 68 Nawal Ashikin, A.R.
Executive Assistant of Private Agency Marketing
Selangor Waqf Corporation, Interview by Author, Shah Alam, Selangor, 20 October 2016

□ 69 Nasri, B.
Assistant Officer of Islamic Affair, Interview by Author, Bukit Palah, Malacca, 14 September 2016

□ 70 Norizam, B.
Executive Assistant of Executive Marketing Agency, Waqf Corporation, Interview by Author, Shah Alam,
Selangor, 20 October 2016

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