A STUDY ON THE SOCIO-ECONOMIC ROLES OF WAQF AHLI (FAMILY WAQF) IN PROMOTING FAMILY SECURITY AND A SUSTAINABLE FAMILY ECONOMY

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Abstract
The challenges associated with financial stability and sustainability of family economy in the future are increasing. The most worrying is the problems facing the survivors after the death of their breadwinners. The majority of Muslims are rarely ready for this possibility and many lacks the knowledge on how to face such a situation. Some wrongly hold to the view that such preparation is not encouraged in Islam, against the principle of faraidh (estate planning) and an act of avoiding taxation and etc. In this article, it is shown that although waqf (Islamic endowment) appears in the form of charity but the outcomes are tremendous, encompassing family future investment and income generating. Employing a doctrinal analysis by looking into the available literatures on waqf, this article discusses how waqf ahli can contribute to family security and ensure a sustainable family economy. It is shown that Islamic endowment (waqf) aims to preserve and protect property for the use of the public; including spending on family. In addition, family waqf saves the heirs’ property or business from fragmentation. Most importantly, it ensures sustainable family financial planning within the Shari‘ah framework while adding value to the existing family property or business.

Keywords
Author Keywords: family waqf; waqf dhurri; faraidh; tax evasion; Islamic financial planning; sustainability of family economics; family security

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Publisher
INT ISLAMIC UNIV MALAYSIA, PRESS RESEARCH MANAGEMENT CENTER, PO BOX 10, KUALA LUMPUR, 50728, MALAYSIA
Title: [not available]
By: al-Kabisi, M. Ubaid.
Ahkam al-Waqf fi asy-Syar’iah al-Islamiyah Published: 1977
cited in Tanti H.T, Wakaf Ahli Dalam Konsep Fikih Tradisional, accessed May 30, 2018
Publisher: Al-Irsyad, Baghdad
URL: http://www.academia.edu/5196894/WAKAF_AHLI DALAM_KONSEP_FIKIH_TRADISIONAL

Title: [not available]
By: Asaf, Fyzee.
Outlines of Muhammadan Law Pages: 274 Published: 1974

Title: [not available]
By: Cizakca, M.
A history of philanthropic foundations: Islamic world from the seventh century to the present Published: 2000
Publisher: Bogazici University Press, Istanbul

Awqaf In History And Its Implications For Modern Islamic Economies
By: Cizakca, Murat.
Islamic Economic Studies Volume: 6 Issue: 1 Pages: 44 Published: 1998

The British Legislation in Malaya and Its Impact upon the Malaysia Waqf System
By: Cizakca, Murat.
2 HARV LAW W UNPUB Pages: 1 Published: 2008 paper submitted to

The Institution of Waqf in Historical Perspective
By: Farooqi, Muhammad Yousuf.
Hamdard Islamicus Volume: 13 Published: 1990

THE INFLUENCE OF THE ISLAMIC LAW OF WAQF ON THE DEVELOPMENT OF THE TRUST IN ENGLAND - THE CASE OF MERTON-COLLEGE
By: GAUDIOSI, MM
UNIVERSITY OF PENNSYLVANIA LAW REVIEW Volume: 136 Issue: 4 Pages: 1231-1261 Published: APR 1988

The Earliest Waqf Foundation
By: Gil, Moshe.
Journal of Near Eastern Volume: 57 Issue: 2 Pages: 126 Published: 1998

Strategies to Develop waqf administration in India
By: Hasanuddin, A.

Times Cited: 1