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New framework for the management of waqf land registration system in Malaysia

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Abstract

Purpose - This paper aims to propose a new framework for the management of a waqf land registration system in Malaysia that is compliant with Islamic law and the Malaysian legal system. The study sought to answer the following two research questions: what are the issues of the waqf land registration system and how to solve the issues of waqf land registration in Malaysia.

Design/methodology/approach - This study used a qualitative research method by using content analysis, legal investigation and doctrinal research. Data were collected through semi-structured interviews with lawyers, academicians and executive officers from the Department of Land and Mines, the State Islamic Religious Council and reviewed documents mainly from the Department of Waqf, Zakat and Hajj Malaysia.

Findings - A new framework for the management of waqf land registration in Malaysia was identified, which was developed based on current waqf issues such as problematic registration methods, lengthy and complicated procedures, interference in the jurisdiction of the civil court and idle waqf land. The framework overcame the flaw of the previous waqf land registration system in Malaysia.

Originality/value - The new framework will provide solutions to the current registration system within the National Land Code, 1965, which will secure property in the future.

Keywords

Author Keywords: Malaysia; Framework; Registration; Legislation; Waqf land

KeyWords Plus: MODEL

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