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# DISTINGUISHING WAQF AND CHARITY IN MALAYSIA: LEGAL FRAMEWORKS AND IMPLICATIONS FOR DONOR AWARENESS

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## Abstract

In Malaysia, terms like 'charity', 'sadaqah', and 'waqf' are often used interchangeably in fundraising efforts, which can lead to confusion and even regulatory issues. While there are various fatwas discussing aspects of sadaqah, and waqf, the broader implications of these terms, especially within Malaysia's complex legal framework, which includes non-Islamic charities, have not been thoroughly examined. This paper aims to clarify the distinctions between waqf and Islamic forms of giving, like sadaqah, while also considering the wider charitable sector that includes both Islamic and secular organisations. Through a detailed analysis of laws, academic literature, and conference materials, we identify significant inconsistencies in regulations. Notably, waqf is governed solely by State Islamic Religious Councils, while non-waqf charities, regardless of being Islamic or secular, are overseen by

various federal regulators with different standards and obligations. This fragmented system often leads to poor oversight and inconsistent accountability, which can undermine donor trust, particularly when the term "waqf" is misused in public appeals. To address these issues, this paper suggests reforms such as establishing a centralized information hub for verifying charitable entities, enhancing public education about the differences between charity, sadaqah, and waqf, creating a unified federal regulatory body for non-waqf charities, and standardizing transparency and reporting requirements throughout the charitable sector. These steps could strengthen governance, clarify the classification of charitable instruments, and protect donors against potential misuse of their contributions. © The Authors 2026.

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Charity; Charity Law; Donor Awareness; Malaysia; Sadaqah; Waqf

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