

Managing of WAQF Fund for Education: The Experience of Kelantan Islamic Religious and Malay Customs Council (MAIK), Malaysia and Council of Islamic Religion and Malay Customs Terengganu (MAIDAM), Malaysia

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Abstract

Previously waqf funds for education are managed by individuals, pondok teachers and appointed trustees. However, when the State Islamic Religious Council (SIRC) was established, the management of waqf funds was taken by SIRC as the sole trustee of waqf in accordance with the enactments in each State. This includes the management of educational institutions under the SIRC which is facing the issue of school development on abandoned waqf land and the lack of basic facilities. Thus, this paper outlines the management of education waqf funds by the selected SIRC in addition to identifying issues and problems arising. To obtain the data of this study, a qualitative study was conducted on a institution visit and a group interview with selected participants. The data obtained was transcribed and analyzed using the Atlas.ti software to facilitate the reporting work. The study found that there was a successful and less successful management of waqf for education as it raised the issue of fundraising funded waqf. It is hoped that this paper will provide a new perspective to strengthen the way of waqf funds for education are managed, especially under SIRC, thus enabling the strengthening of waqf institutions in Malaysia and the Islamic world in general.

Keywords: *Waqf for education, waqf management by SIRC and education management waqf issue.*

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1. Introduction

Waqf is an *ibadah* or Islamic practice using property aiming to seek pleasure from God. According to al-Qalyubiy (1994), *waqf* in Islamic terms is to hold the property which can be utilized by preserving the

substance to be applied to the required purpose. Al-Syarbiniy (1994) defines *waqf* as holding a property or goods that can be used by retaining the original physical form by the possession of a lost property for what is required.

Waqf is required based on the Quranic verses and Hadiths on the impetus of *fi sabilillah*. The laws of *waqf* are specifically constructed based on *ijtihad* by the prominent scholars. Among the prophecies of this obligations in the Qur'an is His word which means; "By no means shall ye attain righteousness unless ye give (freely) of that which ye love; and whatever ye give of a truth God knoweth it well" (Ali-Imran 3,92).

Besides that, Ibn Umar reported: Umar acquired a land at Khaybar. He came to Allah's Apostle (may peace be upon him) and sought his advice in regard to it. He said Allah's Messenger, I have acquired land in Khaybar. I have never acquired property more valuable for me than this, so what do you command me to do with it? Thereupon he (Allah's Apostle) said: If you like, you may keep the corpus intact and give its produce as *sadaqa*. So 'Umar gave it as *sadaqa* declaring that property must not be sold or inherited or given away as gift. And Umar devoted it to the poor, to the nearest kin, and to the emancipation of slaves, aired in the way of Allah and guests. There is no sin for one, who administers it if he eats something from it in a reasonable manner, or if he feeds his friends and does not hoard up goods (for himself). (Sahih Muslim, The Book of Bequests 13, Hadith no. 4006).

The management of *waqf* is entrusted to the *waqif* or appointed person. *Waqf* manager known as *Nazir*, *Mutawalli* or *Qiamiy*. In Malaysia the management of *waqf* falls under the SIRC and is subject to the enactment of the Administration Of The Religion Of Islam law or the special *waqf* law enact by selected state. It is binding with no resolution of a plaintiff to make *waqf* except with the permission of the Council.

In this paper the authors will focus on the management of *waqf* funds for education in the State of Kelantan and Terengganu, specifically located under the management of the SIRC reviewed. The discussion in this paper begins by highlighting the development of *waqf* for education in Malaysia, examining the management of *waqf* for education and identifying the management of *waqf* for education by MAIK and MAIDAM. In addition, some emerging issues are also identified and discussed and finally concluded. It is structured so that readers can get an overview of the subjects studied easily.

Development of *Waqf* for Education in Malaysia

Waqf practice for education among Muslims in Malaysia has begun since the advent of Islam into the Malay World and can be regarded as a positive tradition to be developed today. The educational *waqf* practice comes in various forms and properties as intended by the *wakif*. Among them are *waqf* for student dormitories, *waqf* scholarships, *waqf* buildings and *waqf* learning tools such as books, tables and others.

The *pondok* institution is one of the earliest educational *waqfs* in Malaya which was practiced by scholars who mostly graduated from the Middle East.

This form of *pondok* study was popular among the Muslim community especially in the late 19th century AD and early 20th century. The states where *pondok* studies are prevalent are Pattani, Kelantan, Terengganu, Kedah, Perak, Seberang Prai and others (Riduan, 2013).

As time went by, *pondok* institutions developed into more systematic and well managed *madrasahs*. According to Sufean (2004), the establishment of *madrasahs* at the early stages was linked to the colonial education policy which was indifferent to the needs of Malay education. This led the Malays to adopt a *madrasah* approach on *waqf* land which was also funded through donations from the public. The introduction of secular education policies in the colonial era prompted the Malay community to abandon them and so many *madrasahs* and religious schools were established. This is to preserve the sanctity of Islam from the elements deems deviating from the creed with the invasion of the British and followed by the influx of Chinese and Indian immigrants brought into Malaya. (Mohd Ali, 2017).

According to Maffuza and Noor Syahida (2014), a *waqf* Islamic educational institution can be divided into three categories; The Publics Religious Schools (*Sekolah Agama Rakyat*) that receive financial resources from the federal, state or SIRC and are administered as private schools with all the costs of the school management borne by the owners. Secondly, the State Religious School (*Sekolah Agama Kerajaan Negeri*) is financed by the state government and administered by the SIRC in every State and third, under the administration of SIRC and funded with *zakah* funds.

Among the most established *madrasahs* and founded on the lands of *waqf* are Madrasah al-Attas al-Arabiah, Pekan (1860), Madrasah al-Misriyah in Bukit Mertajam (1906), Madrasah al-Iqbal in Singapore (1907), Madrasah al-Attas al-Arabiah Johor (1913) and the last Madrasah Arabiah Kluang, Johor (1946).

In the corner of the management, at the early stage, the *wakifs*, village chief and mosque committees (Kamarudin Ngah, 1992) have no prior enactments related to wakaf by SIRC. The implementation is simple and does not allow the abuse or breach of conditions by the *Nazirs* (Rohayati & Rusnadewi, 2015). As a result, many lands are reserved for *Pondok* schools, *madrasahs*, mosques and cemeteries (Baharuddin, 1994).

According to Sharifah Zubaidah (2016) after the Malaysia's independence, *waqf* management subject to Federal Constitution and enactment laws enacted in the States. There are also four states which formulate separate *waqf* enactments, namely Selangor, Negeri Sembilan, Melaka and Perak. Perak proclaimed *Waqf* Control Regulation in 1959, while Johor implemented its first *waqf* law through the 1983 *Waqf* Rule of Johor. However, it is, the Selangor Islamic Religious Administration Enactment 1999, that was known and established as the first *waqf* law in Malaysia.

2. Research problems

The educational *waqfs* that have been implemented in Malaysia are not focused on most educational institutions. In fact, dealing with *waqf* property under the jurisdiction of SIRC may limit the expansion of the education *waqf* to all educational institutions. It also includes the involvement of the Ministry of Education or the Ministry of Higher Education which is increasingly complicating the wealth-raising process for the education sector. In this case Hassan (2013) argues that the SIRC should play a significant role in developing *waqf* at school or in other educational institutions (Hassan, 2013). Aamar Jawdah (2016) also stated that the SIRC should applying the *Shari'a law* in the *waqf* management, to give the freedom to the *waqif* to manage their respective *waqfs* and the governors, scientists and leaders need to be excellent role models in the creation of *Waqf*.

At the same time, *waqf*-oriented educational institutions are not so prominent and well known by the public, except in the *pondok* institution which is still practicing the traditional education system (Maffuza & Noor Syahida, 2014). Even if the potential of *waqf* can be expanded to the school level, it is able to meet the three main requirements of the school's development and its facilities, accommodating the operational costs and activities of academic excellence, personality and leadership (Syed Mohd Ghazali Wafa, 2010).

The Experience of the Management of *Waqf* Education of MAIK and MAIDAM

Generally, the *Kelantan Islamic Religious and Malay Customs Council* (MAIK) and *Malaysia And Council of Islamic Religion and Malay Customs Terengganu* (MAIDAM) are not involved with the management of *waqf* funds for education. However, based on interviews with the MAIK officer, it was found the management of *waqf* land for education under MAIK while the management of the State religious schools was entrusted to the *Kelantan Islamic Foundation* (YIK) since March 1, 1983. In this case MAIK is responsible for channeling some budget to YIK to fulfil the financial and development of all religious and Arabic secondary schools in the State of Kelantan including the Arabic Language Center, *Nilam Puri*, *Pondok Pusat*, *Telong Kandis*, *Bachok* and *Tengku Anis Kindergarten*, *Kampung Sireh*, *Kota Bharu* (www.yik.edu.my).

Based on the review on the YIK website there are about 92 religious' schools under YIK. These include management of *Maahad Muhammadi's* male and female education activities in Kota Bharu located under YIK while the management of *waqf* sites was put under MAIK management. In 2003, *Maahad Muhammadi* also introduced the *Waqf Grant Fund* to expand the school area to meet the school infrastructure development. Through the fund, the school has successfully bought two lots of land adjacent to the school namely Lot 2428 and part Lot 1507, *Mukim Padang Bongor*, *Kota Bharu*,

Kelantan. The school also sold a total of 13,068 square feet of the *waqf* lot to the public at a price of RM100/square feet including the premises on it (<http://yik.edu.my>).

In addition, MAIK also manages the development of the *Madrasah Sullamiyah* dormitory at *Bunut Payong* on *waqf* land based on the concept of cash *waqf*. The land is located at *Lot 3388 Mukim Pintu Gang Kampung Bunut Payong Kota Bharu Land* measuring 0.7624 hectares. Estimates of the cost of construction of the student dormitories are RM5.6 million based on the calculations in 2015. The amount collected so far is RM1.9 million dues to the individual contribution which contributes between RM10,000-RM30,000 per person. The Cash *Waqf* implementation by MAIK is based on the approval and meeting of the MAIK Ulama Board on 9 June 2013 which decides:

"Cash *waqf* is allowed in Islam. In managing this cash *waqf*, the MAIK administration shall ensure that the wages of cash are used for the purchase of a fixed asset. This is because cash is physically unable to be retained in its original form but this retention can still be realized by converting it to another property of a permanent nature. Hence, it conforms to the concept of *waqf* that holds something that can be used without its physical deprivation".

However, until now the project has not yet commenced since MAIK faces the problem of taking private land to enter the construction area.

Under the guidance of MAIK, there is a *tahfiz maahad* known as *Maahad Tahfiz al-Quran MAIK*. Originally located at the *Muhammadi Mosque* then moved to the Islamic Jubilee Complex which offers *tahfiz* program with the cooperation of *Darul Quran*. The *Kompleks Islam Jubli Perak Sultan Ismail Petra* (KIJP) is located in *Panji, Kota Bharu*. It was the outcome of the idea of His Majesty the *Sultan of Ismail Petra Ibni Al-Marhum Sultan Yahya Petra*. The complex has been built on 11.969 acres of *waqf* land which was administered by *al-Marhum Tengku Kaya Pahlawan*. Inside there is a main hall, multipurpose hall, dining hall, orphanary dormitory and *tahfiz* students, staff quarters, courses and *musalla* (waqaf.e-maik.my). The construction of the Complex is based on the concept of *waqf musyatarak* between *waqf zurriy* and *khairiy* intentions and was inaugurated on November 11, 2006. Where *Tengku Kaya Pahlawan* has granted the land in 1921 for the purpose of *waqf zurriy* which is beneficial 9/10 to family members and 1/10 for virtue as determined by the *wakif* in the instrument of *waqf*.

Another school built on a *waqf* land is the *Tengku Amalin A'ishah Putri Religious Secondary School* built on the land of *Waqf Sultan Mansor*. *Waqf Sultan Mansor* was one of the earliest *wakifs* in Kelantan, in 1899. Through his lawsuits, the late *Sultan Mansor* had landed the purpose of reciting the *Qur'an* and pilgrimage to his grave daily.

Based on a group interview session with the MAIDAM management, MAIDAM was involved in managing a modern *madrasah* known as *Darul Akhyar*. The institution places students from the poor and they are provided with help from the school's daily expenses, clothing, food and drink throughout the course of study. *Darul Akhyar* was founded on *waqf* land, while the welfare management of the students was financed from the collection of *zakah* money.

The MAIDAM party is also directly involved in managing the land of *Sultan Omar's waqf* which has been taught by His Highness for public education. On the land, MAIDAM manages the construction and *pondok* studies. These *waqfs* are general and not exclusively for school management. This is to give people the opportunity to benefit from the *waqf*. In addition, the general form of charity facilitates the MAIDAM to manage it.

Besides general *waqf*, MAIDAM also manages special *waqf* intended by the *wakif* for educational purposes. For example, the *wakif* handed over some money to the *Tok Guru* to provide religious education to the local community. There is also a special *waqf* in the form of property submission or rental proceeds from property provided with the will of *waqf*. But the *waqf* in this form is not so widespread.

The Terengganu Culinary Academy (AKT) was also developed on *waqf* land and managed by MAIDAM through the provision of *Yayasan Wakaf Malaysia* (YWM). It is a synergistic collaboration between MAIDAM as the owner, YWM (Financier and Manager) and GIATMARA (Instructor). AKT commenced operations in 2012. AKT is managed by YWM through *Perbadanan Wakaf Nasional Berhad* (PWNB) in collaboration with GIATMARA (MAIDAM, 2019).

At the higher education level, the MAIDAM has granted permission to *Universiti Kolej Bestari* (UCB) to collect *waqf* contributions to finance the development of the institution. The university management has taken steps to sell the entire UCB fixed campus land in Setiu Kuala Terengganu with a total area of 320 acres and is payable at RM30 per 0.1 square meter. The concept of sale and *waqf* is seen as a successful return to UCB which has so far accumulated RM 6 million from the donation.

In fact, the *Yayasan Waqaf Pendidikan Anak Yatim atau Miskin Malaysia* (YAWATIM) who was responsible for managing the *waqf* funds has raised RM 500,000 to RM 600, 000 every month. (Mutiar et.al., 2018) The uniqueness of UCB's *waqf* scheme can be observed in the benefits of *waqf* that is channeled directly to orphans and the poor in the form of education financing, free food and accommodation costs at UCB (Mohd Ali, 2015). The implementation of "*waqf foot*" schemes is consistent with the motto of PEYATIM, the to serve welfare of the Orphaned. This is because the square feet *waqf* scheme provides opportunities for all groups to contribute to the welfare of orphans and poor.

Issues of Waqf Fund Management under MAIK and MAIDAM

The findings show that MAIK and MAIDAM are facing a lack of staff and lack of expertise in developing the *waqf* sector. This problem is also faced by other SIRC. In addition, there are also several issues arising from the effects of *waqf* management on education mentioned below;

Waqf Land Development Issues

Among the issues is the development of *waqf* land for the *Madrasah Sullamiyah Bunut Payong* hostel, Kota Bharu Kelantan. MAIK parties face problems with private landowners who refuse to cooperate to allow the construction of access roads to the project site. This issue caused the project to be delayed even though the *waqf* fund collection was made several years ago. It is feared that the intention of the donators and *jariah* will not continue because the beneficiaries have not been utilized. However, based on the interview session held in MAIK in February 2019, the state religious authorities are doing their best to ensure that the dormitory is being realized immediately for the needs of the students and the survival of the donators.

Tradition Waqf Issue

This includes issues that stave off the development of *waqf* for education in Malaysia. Generally, people still see *waqf* in its traditional form for construction of mosque, cemetery and religious schools only. The implication of the development of cash *waqf* is indispensable for the development of the education sector at all levels; low, medium and high have yet to reach a commendable level. Society has generally not yet seen the potential of the cash *waqf* to preserve the ummah besides there are doubts and questioning where their contributions are used. This is supported by Zulkiflee et. al. (2015) who say in 2014 the population of Islam in Terengganu has increased to 1,062,516 people compared to 2010 of 906,317 people. But the cash *waqf* collection is still low at only RM 540,477.74.

Fund Lack Issue

The lack of funds given was found to have delayed the development of *waqf*. This is due to the continuation of the attitudes of the people who still see *waqf* in traditional form compared to the various contemporary *waqf* forms. This statement is supported by Rabiatal Hasanah et. al. (2017) who said the *waqf* institutions in Malaysia faced the problem of insufficient funds in developing the *waqf* property so the potential for expansion of *waqf* property would be difficult to achieve. Even limited *waqf* results are used for management and administration, maintenance and repair purposes only. *Waqf* revenue is also used to pay certain taxes and fail to be utilized for the benefit of beneficiaries. In the context of SIRC,

failure to collect rentals and impose unqualified rental rates led to a shortage of funds for the development of *waqf* (Che Zuina et al., 2015).

Information and Promotion Issues

The concept of *awlawiyat*/priorities in the distribution of *waqf* donations is not fully understood by many people. The community is dissatisfied with the efficiency and effectiveness of the management of the distribution of funds. In this case, fair and transparent considerations have been taken by the Islamic Affairs Council to ensure that those who need priority and take priority in receiving the funds. However, the effective delivery of information through mass media or electronic media should be extended so that the contribution information reaches the target group. For example, MAIDAM's pursuit of the information that displays the collection of zakat collection and distribution to the *asnaf* in the *Utusan Malaysia* newspaper should be praised and can be extended to the activities related to wealth and distribution to *waqf* beneficiaries.

Apart from that, acknowledgment and encouragement for *waqf* also should have been done perfectly. The Religious Authority should maximize the use of social media to enable the community to understand the need for a *waqf* besides demonstrating evidence of *waqf*-based development to attract more generous beneficiaries.

3. Conclusion

MAIK and MAIDAM was observed to have done best as a Sole Trustee of *Waqf* in administering and managing the assets of *waqf* in their respective States. However, the management of *waqf* contributions to the education sector needs to be further enhanced and proactively involved in promoting cash donations that are relevant to the present situation. This is like *waqf* for higher education which is widely introduced by higher education institutions both for government and private sector for various developmental and financing purposes of higher education in Malaysia. Similarly, the management of *waqf* funds is still limited to *waqf* properties for the construction of schools or their facilities only. The study shows that *waqf* can play a significant role in the development of education such as the al-Azhar University in Egypt and some of the leading Islamic School/*Pesantren* in Indonesia by providing scholarships and free education to the students. Hence, further studies on the management of education *waqf* funds at the primary and secondary education level are needed as the study is still lacking at present.

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