



AN EXPLORATORY STUDY ON AWARENESS OF  
WAQF AMONG KENYAN MUSLIMS

BY

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## **ABSTRACT**

In Kenya, Waqf has been in practice since 1899 and played an important role in the Muslim society by providing social services for the community. Given such importance, the government went further to enact law which seemed amicable for the practice of Waqf by then. However, as time elapse the practice of Waqf declined and it became apparent that several factors undermined the potential of waqf in the socio-economic development of Muslims in Kenya, and this, has caught the attention of scholars to put on efforts to identify ways to revive Waqf in Kenya. These studies, however have been theoretical in nature. A pertinent aspect being considered was the Waqf Act and the management issues which most of them considered as an impediment to the development of Waqf in the country. There was also the issue of lack of awareness among most of the Muslims in Kenya about Waqf. Despite this, no detailed study has been conducted to investigate the issues, thus the novelty of this study is to investigate the knowledge level of Kenyan Muslims on Waqf and the role it plays in their awareness on Waqf. This study adopts quantitative method using structured questionnaire on a total number of 205 respondents. Most of the respondents came from two major cities in Kenya, namely Nairobi and Mombasa totaling 186 respondents, while the rests came from different counties of the country. The data was analyzed using Statistical Package for the Social Science (SPSS). The findings show that the respondents have ample knowledge about the general aspects of Waqf, while their knowledge on some specific characteristics of Waqf is quite low. Meanwhile, their awareness level of the current practice of Waqf is very low. The study has also found that there is a significant relationship between knowledge and awareness of Waqf among the respondents. Thus, it is advisable for the regulators as well as Muslim scholars to educate people about Waqf and its role in improving the well-being of the less fortunate segment of the society. This will increase the public awareness of Waqf, which will contribute to the revival of Waqf institution in the Kenya.

## خلاصة البحث

في كينيا، كان الوقف تمارس منذ عام 1899 ولعب دورا هاما في المجتمع الإسلامي من خلال توفير الخدمات الاجتماعية للمجتمع. ونظرا لهذه الأهمية، ذهبت الحكومة أبعد من ذلك إلى سن القانون الذي بدا ودية لممارسة الأوقاف بحلول ذلك الوقت. ومع ذلك، مع مرور الوقت انخفضت ممارسة الأوقاف وأصبح من الواضح أن عدة عوامل تقوض إمكانات الوقف في التنمية الاجتماعية والاقتصادية للمسلمين في كينيا، وهذا، وقد لفت انتباه العلماء إلى بذل الجهود لتحديد سبل إحياء الوقف في كينيا. غير أن هذه الدراسات كانت نظرية في طبيعتها. ومن الجوانب ذات الصلة التي يجري النظر فيها قانون الوقف وقضايا الإدارة التي يعتبر معظمها عائقا أمام تطور الأوقاف في البلاد. وكانت هناك أيضا مشكلة نقص الوعي لدى معظم المسلمين في كينيا حول الوقف. على الرغم من ذلك، لم يتم إجراء دراسة تفصيلية للتحقيق في القضايا، وبالتالي فإن الجدة من هذه الدراسة هو التحقيق في مستوى المعرفة من المسلمين الكينيين في الوقف والدور الذي يلعبه في وعيهم بشأن الوقف. تعتمد هذه الدراسة الطريقة الكمية باستخدام استبيان منظم على إجمالي عدد 205 مشارك. وجاء معظم المجيبين من مدينتي رئيسيتين في كينيا، هما نيروبي ومومباسا حيث بلغ مجموع المشاركين 186 شخصا، في حين أن المسيرات جاءت من مقاطعات مختلفة من البلاد. تم تحليل البيانات باستخدام الحزمة الإحصائية للعلوم الاجتماعية (SPSS). وتظهر النتائج أن المجيبين لديهم معرفة وافرة بالجوانب العامة للأوقاف، في حين أن معرفتهم ببعض الخصائص المحددة للأوقاف منخفضة جدا. وفي الوقت نفسه، فإن مستوى الوعي لديهم من الممارسة الحالية للأوقاف منخفض جدا. كما توصلت الدراسة إلى وجود علاقة مهمة بين المعرفة والوعي لدى الأوقاف بين المستطلعين. وبالتالي، من المستحسن للهيئات التنظيمية وكذلك علماء المسلمين لتثقيف الناس حول الوقف ودوره في تحسين رفاه شريحة أقل حظا من المجتمع. وهذا سيزيد من وعي الجمهور بالأوقاف، الأمر الذي سيسهم في إحياء مؤسسة الوقف في كينيا.

## APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion, it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Science (Islamic Banking and Finance).

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## DECLARATION

I hereby declare that this dissertation is the result of my own investigation, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

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*This piece of work is dedicated to my late Father Mohammed, late Brother Nuh and my lovely Mother Amina Mohammed*

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# CHAPTER ONE

## INTRODUCTION

### 1.1 BACKGROUND OF STUDY

Islam as a way of life that propagates towards attaining good moral behaviour in all walks of life, be it at the personal level or the society level. In the spirit of brotherhood, Islam encourages people to help each other by all possible means so that a person can fulfil his objective in life as a vicegerent (*khalifah*) and together, the society may achieve prosperity. In this regard, waqf plays a very important role in efforts to manifest the brotherhood and helping each other in Islam (Quran 5:2). A largely unregulated form of waqf has been in practice even before the advent of Islam but the systematic arrangement that was laid-out by Islam and the introduction of legal injunctions which did not exist before made this institution a success (Yaacov & Miriam 2009).

Waqf institutions have contributed much in many countries, economically and socially; it has enabled cities to be build and infrastructure to be repaired. Further, it has contributed to all aspects of life and improved the welfare of both humans and animals, and even catered for the military expenses in the Ottoman caliphate (Sazak and Ersen 2009). If well-utilized by government, Waqf might help to cut down government expenditure and uplift the welfare of the community. Waqf is not only practiced in majority Muslim jurisdiction, but rather it has its roots in minority Muslims countries with legislation being passed to give room for Waqf practice in such places.

Throughout the history, however, waqf has been an independent entity with no government participation until the Ottoman time where they took the authority to overlook and manage Waqf. While there is no doubt that governments play a vital role in enabling the development of Waqf through establishing policies for such sector to maneuver and prosper, many are against the idea of the government to take full control of Waqf (see, for example, Kahf, 2004; Ciszaka, 2000). As Ali, Saadiah & Salwaan (2015) concluded that, in Yemen the practice of Waqf declined since the government started to take control of the Waqf management. This was further worsened by the fact that majority of the people showed no trust on the government (Ali, Saadiah, & Salwaan, 2015). Rashid (2011) proposed for a mix governance method between the government and the public, much like the current practice in India whereby the government are given some seats in the board of management of Waqf.

On the contrary, there are cases in which governments have established specific ministries to cater for their Waqf sector and this have yielded positive results. A good example is the Kingdom of Jordan, where the Ministry of Waqf has actively participated in the facilitation and development of Waqf property/lands in the Kingdom. One of the main projects introduced by the ministry was the Shohada Mosque community complex which is a tourist attraction place that has created many job opportunities for the locals in the region. In efforts to ensure financial sustainability the ministry went further to introduce an independent body which assists in investing the Waqf fund, namely the Waqf Fund Development Institution (AFDI). The AFDI is treated as an independent legal entity with different administration and

financial obligations. The returns from the Waqf fund are being used solely for economical purposes as well as social uplift of the citizens (Mousa and Bashar, 2014).

Consistently, such initiatives have been seen to have some effective measures in increasing the awareness of Waqf practice in such jurisdiction and other Muslim state such as Malaysia (Ismail et al., 2014). Nonetheless, the awareness level is still very low even in such Muslims countries, as Abideen et al. (2016) stated, very few Malaysian are aware of the economic impact of Waqf. This notion is supported by other studies such as (Puad et al., 2014; Ibrahim et al., 2013) where they all state that awareness about Waqf in Malaysia is very low. Some studies suggested that, one of the stimulant of lack of awareness was the lack of knowledge about Waqf (Faiz, 2014; Puad et al., 2014).

In addition, Qureishy et. al (2008) lamented that, there is strong connection between information and acceptance of online banking services among Pakistani bank customers. As such basic understanding of an ideology contributes to the awareness level of such phenomenon which might contribute to the uptake of the practice of such phenomenon. In the context of Kenya, Waqf has been in practice since the late 19<sup>th</sup> century and the government even went further to enact Waqf Act and name a specific body which will manage the Waqf properties. But as Salah (2011) commented, Muslims have little knowledge about Waqf practice in the country, his finding was also supported by Kahumbi (2010) who concluded that, Muslim leaders should increase awareness of Waqf practice through educating the public on the importance of Waqf.

Therefore, the novelty of this study is that it will focus on the awareness level of Waqf among Kenyan Muslims. Given the current trend of Waqf development in the world and more specifically in Kenya, it is important to measure the awareness level of the current practice and knowledge level about Waqf among Muslims. Furthermore, such initiative will help in underpinning the core challenges surrounding the practice of Waqf in Kenya, which in turn will be beneficial to the regulators when formulating solutions to include the findings of this study.

## **1.2 PROBLEM STATEMENT**

Waqf institutions contributed significantly towards Islamic civilisation in the medieval age. Major government project such as building of bridges, hospitals, schools etc. were all financed through Waqf (Miriam & Yacoov, 2009; Cizacka 2014). If well planned and efficiently used by the relevant authority, waqf could uplift the welfare of the community. However, the performance of this institution in the current era is not quite pleasing due to the decreasing number of people creating Waqf either because they lack trust in Mutawalis (managers) and the way they manage such endowment. In addition, the perception of many Muslim that Waqf is only confined to immovable properties stimulated the decline of Waqf creation (Wan, 2014). This however does not mean that there are no steps taken by Muslims leaders in reviving this important institution particularly in majority Muslim countries like Malaysia, Kuwait, Jordan, Indonesia and others. Awareness has been done by scholars and the government to try and bring back the spirit of creating Waqf for the betterment of the Muslim societies in these regions and abroad. This noble practice was emulated even in non-Muslim countries such as Singapore, Australia and New Zealand where reforms of Waqf was given priority (Magda et al., 2016).



There is a need to raise the awareness of Waqf in Kenya since very little is known about the institution among the public (Kahumbi, 2010). This will help in the development of such institution and contribute to the public participation in both developing old Waqf properties which are under developed as well as encourage in creation of new Waqf. Apparently, the study is therefore set to analyse the awareness level of Muslims in Kenya, regarding the practice of Waqf in the country their intention to support and participate in the development of such important institution.

Lack of inherent knowledge about Waqf is one of the key factors affecting Waqf institutions around the world. As studies have shown majority of Muslims have limited knowledge about Waqf and its practice, most of the people tend to prefer the classical practice of Waqf since that is what they are familiar with (Abideen et al., 2016). In the Kenyan context, Waqf has been there for almost a century now and the government went further to enact specific law that allows the practice of Waqf in the country. Given the enactment of Waqf law and the involvement of government in the management of such institutions, much was anticipated but as history shows this interference failed to bring any pleasing result. Abuse of Waqf property became rampant, the incompetence of those managing Waqf all contributed to the decline of Waqf practice.

Despite this very little is known about Waqf in Kenya and the management of such institutions, majority of Muslims in the country are not aware about Waqf. As Salah (2011) lamented, the knowledge of Waqf among Kenyan Muslims is very limited, this is fostered by lack of awareness and outreach by both the Muslim leaders

as well as the authority. Thus, this study intends to investigate the awareness of Waqf among Kenya Muslims. The study also intends to empirically investigate the knowledge level of Muslims on Waqf. Although Salah (2011) reported limited knowledge about Waqf among Kenyan Muslims, his study was conceptual and thus this study is set to provide empirical evidence on the level of knowledge about Waqf among Kenyan Muslims. Notwithstanding that no study has been conducted on the awareness of Waqf in Kenya, so the novelty of this study is that it is the first of its kind in assessing the awareness level of Waqf among Kenyan Muslims.

### **1.3 OBJECTIVES OF THE STUDY**

Awareness and knowledge go hand in hand and they both play a critical role in determining the behavior of the people. Since knowledge gives detailed information about specific field it makes it easier for one to assess and make decision about such detailed information. In the context of Waqf institutions, the public may have some basic information about the mechanism of Waqf and the incentives of creating Waqf, thus knowledge formulate the general objective of the study. However, what really matters is the in-depth information about to such Waqf, such as the management practice of Waqf institutions, thus the specific objectives of this study are to:

1. analyze the level of awareness about Waqf;
2. analyze the level of knowledge about Waqf;
3. analyze the level of public perception on the existing practice of Waqf;
4. analyze the public willingness to support the development of Waqf.

## **1.4 RESEARCH QUESTIONS**

In line with the research objectives stated above, the study embarks on the following research questions:

1. What is the level of awareness of Kenyan Muslims on Waqf?
2. What is the knowledge level of Kenyan Muslims on Waqf?
3. What is the perception of Kenyan Muslims on Waqf practice?
4. Are Muslims ready to support the development of Waqf institutions?

## **1.5 SIGNIFICANCE OF THE STUDY**

This study would contribute valuable information on the public awareness, knowledge level, perception and willingness to support Waqf institution in Kenya. Moreover, it will also contribute in the body of knowledge. Firstly, in the body of knowledge the study will contribute to the literature on Waqf, and the area of governance of such institutions which is an issue at stake. An in-depth analysis of the literature shows that Waqf institutions still lacks awareness, which has contributed to the poor performance of such important institutions. Particularly, the case of Kenya where very little has been done by both the institution as well as the Muslim clerics in promoting the practice of Waqf.

Secondly, the study will help in elaborating the role of Waqf in providing basic needs to the less fortunate such as housing, bridges, hospitals, schools etc. which in turn will help the government cut down its budget. Apparently the Waqf commissioners of Kenya was under reform and the government in its effort appointed new officers who are expected to run the institution, the findings of this study is

expected to guide the management team on both classical and contemporary methods of developing old Waqf properties. Given the limited literature on Waqf institutions of Kenya, the study is believed to be the first of its kind to analyze the awareness of Waqf among Muslims in Kenya. In addition, the study will give some insights on the contemporary modes of advertising, such as creating Waqf platform through social media to attract Muslims to participate in alms giving. Using digital Waqf registration for people who want to create Waqf and monitor their properties performance and the beneficiaries up keep. Such initiatives will contribute to awareness and confidence towards the practice of Waqf in the country which in the long-run will attract more Waqf creation.

Thirdly, if such initiatives are adopted and practiced it will lead to better management of such institutions, simply because the public will be able to monitor the managers' work and thus hold them accountable. With the use of technology and social media platform this problem can be mitigated through engaging the public in decision making and assessment of the managers performance.

Fourthly, the findings of the study will also contribute in designing a technique of choosing the managers who represent the Waqf institution. The need to have qualification parameters for the management of Waqf properties is crucial for the development of Waqf properties, simply because this will contribute to better performance of such institutions. Lack of competent people was one of the reason of depletion of Waqf institutions in Kenya which was also the backbone of poor governance. This practice of creating qualification parameters will help good allocation of resources by the management, such as better investment strategies for the

Waqf properties which needs qualified people with specific expertise such as economics, finance and other important fields (Ihsan & Abdullah, 2015).

## **1.6 SCOPE AND LIMITATION OF THE STUDY**

This study is confined to the Waqf institutions in Kenya and specifically the awareness level among Kenyan Muslims. Although there is more other aspect which could be covered such as the governance of Waqf institutions, the role of Muslim leaders in the development of Waqf institutions etc. The study only concentrates on the level of awareness, simply because if Muslims are fully aware about the importance of Waqf in the society they would fully support such practice. Given the respondent feedback, majority of them were from the two major cities with a total of 90.7% residing in these two places as such, the study could not cover all Muslims in Kenya. This could be because the people who reside in these two cities are familiar with questions of this type, also the issue of internet connection is very high in these two cities which might have triggered the higher response.

## **1.7 ORGANIZATION OF THE STUDY**

The study is organized in the following sequence, the first chapter covered the background study followed by the purpose of the study and the problem statement moreover we highlight the objectives of this study together with the research questions. Further, the research elaborates the significance of the study as well as the scope and the limitation of the study.

In the second chapter endowment from historical perspective and charity giving behavior are discussed. Followed by Waqf institute is introduced and its principles and ruling from the Shariah perspective, this include characteristics of Waqf, types of Waqf, the administration of Waqf. Thirdly, the determinant of Waqf creation was also analyzed and the role of Waqf in Muslim society was elaborated, lastly the chapter summary.

Chapter three tackles the Waqf practice of Kenya and the challenges faced by such institution, it goes further to suggest some strategies that can be adopted to solve such issues. These issues are; poor governance, lack of logistics on Waqf properties, lack of confidence in the commissioners who manage Waqf properties in Kenya, followed by the chapter summary.

Chapter four discusses the methodology used, it begins with the introduction, followed by research design then data and the instruments used to collect data and analyze the collected data. This is followed by discussing the population under study and the sampling design, here we also highlight the reason for choosing the sample under study and the rationale for the decision, followed by chapter summary.

Chapter five elaborates the findings, it begins with the demography of the respondent, followed by the discussion of the knowledge about Waqf. The findings on the awareness of Waqf practice is then discussed, this is followed by the discussion of the open-ended questions whereby the respondents were asked to give suggestions on ways to improve Waqf practice in Kenya, here their suggestions are classified and discussed in detailed this is followed by chapter summary.

Chapter six discusses the conclusion of the study and give recommendation on the way forward, it begins with introduction, followed by summary of the findings then recommendations and the chapter summary.

## **CHAPTER TWO**

### **LITERATURE REVIEW ON WAQF**

#### **2.1 INTRODUCTION**

This chapter introduces the concept of Waqf from the classical time by juxtaposing monotheistic religions. This is important simply because Kenya is a Christian majority country, therefore it is important to discuss the similarities and differences between these religions in terms of Waqf. In this chapter, the word Waqf, endowment and charity are used interchangeably. The chapter goes further to introduce Waqf and then definition of Waqf (from Islamic perspective) and the classical jurist views on the validity of such institutions. The chapter then elaborates the types of Waqf its characteristics, it also highlights the Shariah conditions for creating Waqf and the juristic opinions are discussed in accordance to such conditions. Pillars of Waqf are also discussed, these pillars are Waqif, Waqf property and the beneficiaries, the administration of such institution and who should administer it is discussed. The manager and the criteria to elect is also highlighted considering the juristic opinions. Furthermore, it talks about the role of Waqf in Muslim societies by highlighting three cases whereby Waqf had impact on the society such as, the Mamluk era, Ottoman Turkey and Indonesia.

The chapter is organized as follows, in the next section we discuss the endowment from historical perspective, followed by the charity giving behavior this is