



THE EVALUATION FRAMEWORK FOR WAQF LAND
ADMINISTRATION AND MANAGEMENT IN
MALAYSIA

BY

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ABSTRACT

Waqf is defined as the act of charity where the donors sustain their property from personal use and share it for the benefits of the public. In Malaysia, the administration and management of waqf land lay under each State Islamic Religious Councils (SIRCs) that acted as legal trustees of waqf land. The SIRCs faces several issues that encompass waqf land development, thus reflect the weaknesses in the administration systems that need an immediate attention. Currently, there are no standard administration and management aspects that guided the SIRCs. The aim of this thesis is to formulate an evaluation framework for the administration and management that is adopted from land administration evaluation framework. The evaluation framework can serve as self evaluation for the SIRC or to the monitoring agency such as the Department of Waqf, Zakah and Hajj (JAWHAR) in order to improve the waqf land administration which eventually, can result in standardised waqf land administration and management throughout Malaysia. The study comprises two methodologies for triangulation and validity purposes. The first one is a content analysis of the literature reviews to identify the waqf administration and management strategies that will be used as evaluation tools. The second method is the analysis of selected case studies that adopts the land administration evaluation framework in order to come out with refined evaluation aspects. The findings from content analysis revealed current and innovative strategies in the administration of waqf land. Meanwhile, analyses of case studies revealed significant strategies practiced by the selected SIRCs that worth emulated by other SIRCs. Both findings are incorporated into a comprehensive waqf land administration evaluation framework. The final stage is to quantify the evaluation aspects by using Goal Achievement Matrix approach. The quantified evaluation framework calculates the score of the selected case studies. The result from the evaluation serves as a great reflection to waqf institutions, where the religious councils will have a better idea on their strength and weaknesses as well as their opportunity and threat from the evaluation framework. Additionally, the proposed evaluation framework provides solutions to the problems since the evaluation aspects listed from the sets of strategies are to improve waqf land administration. Hence, hopefully the evaluation framework contributes to the betterment of waqf land administration and management.

ملخص البحث

يُعرّف الوقف بأنه عمل خيري ببحث امتنع المتبرعون عن الاستخدام الشخصي لممتلكاتهم ويشاركونها للمصلحة العامة. في ماليزيا، إدارة وتديبر الأراضي الوقفية تحت رعاية مصالح الشؤون الإسلامية للولايات (SIRCS) كأمناء قانونيين للأوقاف. وهذه الجهة (SIRCS) بقلجه العديد من المسائل التي تشمل تطوير الأوقاف وبالتالي تعكس نقاط الضعف في نظم إدارة الأوقاف التي تحتاج إلى انتباه فوري. حاليا، لا توجد أية آلية معيارية لتقييم أبعاد إدارة وتديبر الأوقاف التي ترشد مصالح الشؤون الإسلامية للولايات (SIRCS). والهدف الأساسي من هذه الأطروحة هو وضع الإطار التقييمي لإدارة وتديبر الأوقاف الذي يعتمد على الإطار التقييمي لإدارة الأراضي. وهي تأمل أن يكون الإطار التقييمي بمثابة التقييم الذاتي لمصالح الشؤون الإسلامية للولايات (SIRCS) أو الوكالة المراقبة مثل مصلحة الأوقاف والحاج والزكاة (JAWHAR) لتحسين إدارة الأراضي الوقفية. في نهاية المطاف، من خلال الإطار التقييمي المعياري يمكن أن يؤدي إلى إدارة الأراضي الوقفية الموحدة في جميع أنحاء ماليزيا. وتشمل الدراسة منهج البحث لأغراض المساحة التثليثية والصلاحية. المنهج الأول هو طريقة تحليل المحتوى من مراجعة الدراسات السابقة لتحديد إدارة الأوقاف و الاستراتيجيات الإدارية التي سيتم استخدامها في الجوانب التقييمية. أما المنهج الثاني هو طريقة تحليل دراسة الحالات المختارة التي تنتهج الإطار التقييمي لإدارة الأراضي حتى تنتج الأبعاد التقييمية الدقيقة. وتكشف نتائج مراجعة الدراسات السابقة الاستراتيجيات الإبداعية والمعاصرة في إدارة الأراضي الوقفية. وفي غضون ذلك، تحليل دراسة الحالات يظهر الاستراتيجيات الهامة المطبقة لدى مصالح الشؤون الإسلامية للولايات (SIRCS) المختارة وتستحق أن يقتدى بها مصالح الشؤون الإسلامية للولايات (SIRCS) الأخرى. ومن ثم، سيتم دمج كل النتائج من تحليل المحتوى وتحليل دراسة الحالات للإطار التقييمي الشامل في إدارة الأراضي الوقفية. والمرحلة النهائية هي تحديد الأبعاد التقييمية عن طريقة مصفوفة لتحقيق الأهداف والانجاز (Goal Achievement Matrix). ثم بدأ يحسب الإطار التقييمي المحدد نتائج دراسة الحالات المختارة. وأنتجت نتيجة التقييم التأثير الكبير على مؤسسات الأوقاف. وتستفيد مصالح الشؤون الدينية

من التقييم بالتصور العام الأفضل عن نقاط القوة والضعف وكذلك الفرص والتهديدات من التقييم. عموماً، فإن الإطار التقييمي يقدم الحل لمشكلات بما أن الأبعاد مفهومة من مجموعات الاستراتيجيات لتحسين إدارة الأراضي الوقفية. ومن هنا، نأمل أن يكون الإطار التقييمي مساهم في تحسين وإصلاح إدارة الأراضي الوقفية.

APPROVAL PAGE

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DECLARATION

I hereby declare that this thesis is the result of my own investigations, 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.

Salbiah Mokhtar

Signature

Date.....

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To my beloved parents, may Allah grant them continuous rewards from this humble knowledge, and to my students, hope this quest for knowledge may inspire each and every one of you to conquer your own success, InsyaAllah.

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CHAPTER ONE

INTRODUCTION

1.1 BACKGROUND OF THE RESEARCH

Waqf land plays a significant role in providing economy and social benefits towards the Muslims society. Waqf land development could generate work opportunities, provide housing as well as commercial property that could be utilised for Muslim and Islamic charity purposes. In contrast to this, currently waqf land plays a little role rather than nothing towards contributing in Malaysia's socioeconomic development. Other Islamic countries such as Egypt and Kuwait have been successfully relying on waqf and also spreading the wealth to the non-Muslim. Waqf as an agent of economic security relates to its role as a social provision to the community. Waqf institution needs to be independent and self-sufficient as to contribute more to the community of Muslim particularly and to the country as a whole.

Numerous researches have been conducted concerning the issues and problems of waqf land in Malaysia. Several studies focus on the lack of managerial efficiency, while others contemplate on the legal issues surrounding the land. At the same time, there are several contributions made on the efficacy of the database management. Previous research suggests that improved management in increasing the economic yield of waqf land can lead to more income for the religious council. With ample fund, the council could move forward as an institute that governs the well-being of the economic activities among Muslims.

Although various studies have been carried out with numerous proposals and strategies laid out, their application is deemed slow in progress and implementation. The key lies in the responsibilities of the main trustee, which is the State Islamic

Religious Council (SIRC). It seems that the SIRC needs longer time to execute most of the proposed strategies. The empowerments of waqf to the mainstream, the assistance from other agencies, the execution of the proposals need to come hand in hand in order to ensure the success of waqf management.

1.2 STATEMENT OF THE PROBLEM

The issues related to waqf land administration and management seem to be never-ending. Numerous researches have come up with findings, strategies, and several solutions to alleviate waqf problems as well as enhancing waqf institutions. However, according to the literature review, many of these strategies are still not successfully implemented by the SIRC as proven by recent studies stating that the same old issues keep surfacing (Siti Alawiyah Siraj, 2012; Mohd Afandi Rani 2012; Rabitah Harun, Zuraidah Mohamed Isa and Norhidayah Ali, 2012). Thus, the SIRC as the legal trustees need to be monitored and evaluated to ensure their efficient and comprehensive management.

Currently, there is no fixed evaluation instruments on waqf administration and management whether within the organisation or from upper-level institutions. As far as the research is concerned, there is limited literature mentions the needs for an evaluation to monitor the waqf land administration and management. Only until recently Mohd Afandi Mat Rani (2013) emphasises the need for such an effort to identify the issues and problems in order to improve strategies of the SIRC. He suggests that more frequent auditing to all the SIRC can give tremendous benefits as the selective auditing that has been carried out provides positive outcomes to the selected institutions.

Besides the need for an evaluating mechanism, it is crucial to identify the appropriate aspects to be monitored and evaluated. Those aspects are supposed to identify the weaknesses in the administration system and simultaneously suggest the strategies to overcome the problems. Evaluation will be hard without a comprehensive framework that embodies important elements or aspects to be scrutinised. Nevertheless, the land administration theory does provide the evaluation framework that can be adapted for the benefits of waqf administration and management.

After considering vast literatures, this research emphasises the need to integrate the land administration and land management theory and practice in order to study, explore, and propose solutions for waqf land administration. This is as an insight and contribution from the built environment perspective. It is believed that land administration theory can provide close measures in evaluating waqf administration that is reflective of the managements of waqf land. The nature of the land as a medium under scrutiny, whether the land is private or public provides relevance for the reference with adjustments to the purpose and functions of the land.

As the waqf land administration in Malaysia still does not have any models or guidelines to be followed, it is hoped that land administration and management theory can offer some assistance to increase the efficiency of waqf administration and management.

1.3 RESEARCH AIM, QUESTIONS AND OBJECTIVES

1.3.1 Aim of the Research

The aim of this research is to formulate the appropriate evaluation framework for promoting a standard and comprehensive administration and management of waqf land in Malaysia.

1.3.2 Main Research Questions

This research is classified as a qualitative research to understand the phenomenon that occurs in the administration and management of the SIRC. Therefore, as elaborated by Creswell (2003), qualitative study is more appropriate to deal with research questions rather than research assumptions or hypotheses. These research questions have two forms, central questions and associate subquestions.

The main research question is as follows:

What is the appropriate evaluation framework for a standard and comprehensive administration and management of waqf land in Malaysia?

1.3.3 The Subresearch Questions and the Objectives

Several subresearch questions and objectives addressed in this research are as Table 1.1 below:

Table 1.1 Research Questions and Objectives

Research Questions	Research Objectives
i. What are the issues faced by SIRC's in managing and administering waqf land?	i. To identify problems and issues in managing and administering waqf land in Malaysia by the selected SIRC's.
ii. How waqf is administered and managed?	ii. To understand all the concept, principles, and jurisdiction regarding waqf administration and management.
iii. What are the appropriate aspects to evaluate the administration and management of waqf land?	iii. To determine the evaluation aspects of the strategies proposed in document analysis.
	iv. To analyse in detail the strategies to be used as the evaluation aspects from four case studies.
	v. To evaluate the case studies in determining the administration and management performance.

1.3.4 Proposition

A proposition is a general statement usually used in case study method. The proposition attempts to explain the key facet of a study or even to make a prediction (Yin, 2009).

Therefore, there are two propositions to be achieved in this research as follows:

1. First, even though the waqf institution is a religiously motivated organisation, it is feasible to develop an evaluating framework for waqf land administration and management based on the land administration and management theories that also reflect on the land policy, institutions, and economic and social aspects.
2. Sets of strategies gathered from the literature review of waqf administration and management provide a comprehensive aspects or

elements that serve as an indicator in evaluating the trustees. This research describes the development of a framework to evaluate the performance of trustees in waqf land administration systems qualitatively and quantitatively.

1.4 JUSTIFICATION OF THE RESEARCH

There are three key motivations for this research. First, there is an existing research gap where at present there is no standardised waqf management and administration system between the SIRC's as waqf trustees in Malaysia. However, administration and management issues of waqf in Malaysia have long been discussed by many researchers. Muhammad Zain Othman (1970) through his doctoral thesis highlights on the administration that focuses on land registering and land ownership that are often being disputed due to lack of proper procedures. Several authors have followed suit with highlighting issues on non standardisation of waqf administrations with some state is progressing while others remain stalled (Syed Othman Al-Habshi, 1991; Kamaruddin Ngah, 1992; Siti Mashitoh Mahamood, 2000; Mohd Afandi Mat Rani, 2012). The previous Director General of Waqf, Zakah and Hajj Department (JAWHAR) also writes that there is a crucial need of a standard organisational structure to manage the waqf administration (Sohaimi Mohd Salleh and Syarqawi Muhammad, 2008). JAWHAR itself has plans to conduct a study to establish a suitable framework that focuses on organisational structure for SIRC's. However, this idea has not been carried out yet during the completion of this research.

Second, it is important to evaluate the performance of waqf land administration systems in order to improve the overall organisation. The evaluation aspects created or developed through lists of strategies are identified from previous

researches. These researches have come up with findings, strategies, and several solutions to alleviate waqf problems as well as to enhance the institutions of waqf. However, from the literature review, many of these strategies have still not been successfully implemented by the SIRC. It has been proven by a number of recent studies that same old issues keep surfacing (Siti Alawiyah Siraj, 2012; Mohd Afandi Rani 2012; Rabitah Harun, Zuraidah Mohamed Isa, Norhidayah Ali, 2012). The solutions suggested will not be effective unless implemented. However, some SIRC have played a significant role in reviving their waqf management and worth to be emulated by other SIRC. Therefore, this research is of particular relevance since it is hoped that the SIRC could take similar steps or consider even small changes that could improve the administration. This evaluation framework serves as a checklist or an audit in recognising the current administration and management situation of the trustees. Without self-evaluation or evaluation by external agency, SIRC might be dwelled in their existing state of lack of improvements. Although SIRC have an internal audit department the scope of their work is bigger which cater every level of the organisation. Although external audit is carried out by the National Audit and usually covers many agencies, it is not done regularly and there are some states council that has not been audited on their waqf administration.

Third, the motivation to contribute to waqf development is from the built environment perspective. Based on the literature review, little contribution is available from the context of the built environment. For example, Kamaruddin Ngah (1992) incorporates town planning aspect in his study. Other than that, Mohammad Tahir Sabit (2006; 2008) provides his expertise in land administration and property development into waqf administration and management. Mohammad Tahir raises the need for waqf property to be recognised in the Malaysian property market so that the