



**DETERMINANTS OF FINANCIAL  
REPORTING DISCLOSURE ON WAQF BY  
MALAYSIA'S STATE ISLAMIC RELIGIOUS  
COUNCILS**

**BY**

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## ABSTRACT

This study aims to examine the financial reporting practices of *waqf* as practiced by the State Islamic Religious Councils (SIRCs) in Malaysia. For the purpose of this study, 10 self-developed questionnaires have been posted to each of the 14 SIRCs specifically to those respondents who are involved directly in managing *waqf*. The study adopts questionnaires technique and study of annual reports of the SIRCs in order to examine the nature of the financial reports of the SIRCs. It also determines to evaluate the level of disclosure of information as disclosed in the annual financial reports.

The study does not aim to generalize from the findings but rather to obtain the feedbacks and views of the officers who are involved directly in managing the financial accounts of *waqf* in the SIRCs. This is important to understand the nature of financial reporting practices from various groups of officers of SIRCs. The study provides evidence that the annual reports were categorized into three categories, i.e. latest annual report, overdue annual reports and out-dated annual reports. It also indicates that majority of the SIRCs showed a high level of disclosure of information on the financial report. However, most of them showed a low level of disclosure of information on the *waqf* financial report. This study indicates that in maintaining and updating the *waqf* financial reports most of the SIRCs referred to State Islamic Enactment with modification (SIEM). However, due to the insufficient guidelines in SIEM, SIRCs also referred to the other procedures (OP).

## ملخص البحث

يرمى هذا البحث إلى دراسة الممارسة للتقارير المالية للوقف ( *Waqf* ) كما عملتها المجالس الولائية الدينية بماليزيا ( SIRCs ). وقد تم إرسال 10 استبيانات ذاتية إلى كل من SIRCs ويشمل هؤلاء المجيبين الذين انضموا في تصريح الوقف مباشرة. ويسعف هذا البحث صيغة الاستبيانات والتقارير المالية السنوية في المجالس الولائية الدينية بماليزيا ( SIRCs ) لدراسة التقارير المالية في SIRCs . ويرمى أيضا هذا البحث إلى تقييم مستوى المعلومات كما اتضح في التقارير المالية السنوية.

ولا يرمى هذا البحث إلى تعميم الموجودات بل يلتمس من وراء ذلك انعكاسات و آراء الموظفين الذين انضموا في إدارة الحسابات المالية للوقف في SIRCs. وهذا الأمر في غاية الأهمية لفهم طبيعة الممارسة للتقارير المالية على مختلف المجموعات من الموظفين في SIRCs. وقد اكتشف هذا البحث على أن التقارير السنوية تنقسم إلى ثلاثة أقسام وهي: التقارير السنوية الحديثة، و التقارير المتأخرة، و التقارير السنوية القديمة. و كما أشار إلى أغلبية SIRCs وضحت المستوى العالي لكشف المعلومات للتقارير المالية. إلا أن معظمها أظهرت المستوى المنخفض في كشف المعلومات للتقارير المالية للوقف. وبيّن هذا البحث على أنه من خلال المحافظة و التحديث على التقارير المالية للوقف، قامت SIRCs بالمراجعة إلى تعديل قانون الولائية الإسلامية ( SIEM ). ولكن إذا كانت الإرشادات في SIEM غير كافية، تراجع SIRCs إلى بعض الإجراءات الأخرى ( OP ).

## **APPROVAL PAGE**

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

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## DECLARATION

I hereby declare that this thesis is the result of my own investigations, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and a bibliography is appended.

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Date

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This dissertation is specially dedicated to my late mother in law, Puan Zaina Bee Binti  
Haji S.M. Babjee who has been called by The Creator on 22<sup>nd</sup> of May, 2002.  
Thank you for everything.

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## LIST OF ABBREVIATIONS

AA	Assistant Accountant
ACC	Accountant
AIA	Assistant Islamic Affairs
CI	Circular Instructions
DV1	Dependent Variable One
DV2	Dependent Variable Two
DV3	Dependent Variable Three
DV4	Dependent Variable Four
DV5	Dependent Variable Five
DV6	Dependent Variable Six
DV7	Dependent Variable Seven
DV8	Dependent Variable Eight
GAAP	Generally Accepted Accounting Principles
ICT	Information and Communication Technology
IKIM	Institute of Understanding Islam Malaysia
NAD	National Audit Department
OP	Other Procedures
OS	Other status
PKA	Pegawai Kerja Akaun
PRO	Public Relation Officer
PS	Permanent Staff

continued

SIEM	State Islamic Enactments with Modification
SIRCS	State Islamic Religious Councils
TI	Treasury Instructions
WAC	<i>Waqf</i> Administrative Clerk
WACC	<i>Waqf</i> Accounts Clerk
WAO	<i>Waqf</i> Administrative Officer
WFP	Written Financial Procedures
YDP	Yang DiPertua

# CHAPTER 1

## INTRODUCTION

This chapter examines the definition of *waqf* from various perspectives such as from the viewpoint of its literal meaning, *fuqahā'* and economics. It also describes the history of *waqf* as opined by various *fuqahā'* and scholars. It also describes the *waqf* practices in Malaysia by Selangor State Islamic Religious Council. In addition, it also discusses the problems arises in the *waqf* administration in Malaysia. Finally, the researcher explains the objectives and motivation of the study and the organizational structure of the whole study.

### 1.1 *Waqf* in Islamic Jurisprudence

#### 1.1.1 Definition of *waqf*

The word *waqf* is derived from an Arabic root verb *waqafa*, which literally means “confinement and prohibition” or causing a thing to stop and stand still. Similarly, Hassan (1985) asserts that in Islamic jurisprudence, Islamic scholars are inconsistence in giving the definition of *waqf*, which arises, from the nature and reality of *waqf*. In giving the definition, most of the scholars focus themselves within the three important element of *waqf*.

First, the “confinement” issues where the individuals would give away their properties or assets or wealth in the name of God so as to be utilized for the purpose of charity. Second, the “confinement” of giving away ones properties or assets or wealth in the

name of its owner which at the same time to be utilized for the purpose of charity and third, the allocation or segregation of the income or usufruct generated from the assets or properties or wealth regardless of the real owner(s).

Here, Sheikh Abu Zahra as quoted by Hassan (1984) argued that *waqf* could be defined as asset(s) or property (ies) for which the ownership is not negotiable, and it carries an employable values and the usufructs is meant for charitable purposes - forever. At the same time, Hassan (1985) also observed that the Hanafi school of thought agreed with the definition of *waqf* given by *Qādi* Abu Yousof as “..*taking the corpus of any property out of the ownership of oneself, and transferring it permanently to the ownership of Allah, and dedicating its usufruct to the others*”. In the *syariah* viewpoint, *waqf* is defined as holding a *Māl* (an asset) and preventing its consumption for the purpose of repeatedly extracting its usufruct for the benefit of an objective representing righteousness (Muhammad 1985; Abdul Rahim et al., 1999).

Similarly, in Islamic legal terminology, *waqf* is defined as protecting a *Māl* (asset) in order to refrain it from being the third person’s property. Murat (1998) and Monzer (1998), viewed *waqf* in the economic perspective as an economic mechanism, which could be invested in productive assets, whereby individuals or a group of individuals would benefit from the usufruct. Meanwhile, as there exists a conflict of *waqf* land in India, Tahir (1998) opines that the modern definition of *waqf* could be derived as stipulated in the *Musalman Waqf Validating Act, 1913* as “..*Waqf means the permanent dedication by a person professing the Musalman faith of any property for any purpose recognized by the Musalman Law as religious, pious or charitable*”.



Islam recognizes three types of *waqf* which are declared as *waqf khās* (specific *waqf*), *waqf `ām* (general *waqf*) and *waqf mushtarak* (mixed *waqf*). A *waqf* is considered as *waqf `ām* if the usufruct goes to the public institution such as hospitals, schools and parks. Meanwhile, a *waqf* is considered as *waqf khās* or specific *waqf* if the usufruct goes to the specific individual such as to their offspring. *Waqf mushtarak* is not traceable in Malaysia even though it exists in the Middle Eastern countries (Abdul Rahim et al. , 1999). Hanafi school of thought insisted that only fixed assets could be made for *waqf* such as real estate in order to ensure the “permanent” status of the *waqf*. However, majority of the other Islamic scholars agreed that the movable *waqf* is also acceptable (Mohammad Zain, undated).

## **1.2 The History of *waqf***

It is agreeable among Islamic scholars that the origin of *waqf* is not clearly stated in the Qur’an (Monzef, 1998; Murat, 1998). The earlier civilizations such as Mesopotamian, Rome and Pre Islamic Arab significantly recognized the existence of *waqf* in their civilization, which is known as charitable endowment (Murat, 1998; Abdul Rahim et al., 1999). Mohammad Zain (undated) argued that *waqf* (endowment) had been introduced in the Islamic civilization during the conquest time of the Islamic crusaders. As the Islamic crusaders disseminated Islam in the countries they have conquered, they might have adopted the good deeds in the other civilization, which is in line with the teaching of Islam. Murat (1998) opines that the origin of *waqf* in Islam could be traceable within the influence of Byzantine<sup>1</sup>, Mesopotamian, Sasanid, Jewish and Buddhist. Similarly, Mohammad Zain (undated)

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<sup>1</sup> Mohammad Zain argues that the endowment during the Byzantine civilization was under the administration of the Bishop and is acknowledged as a charitable institution.

asserts that the origin of *waqf* is identical with the ancient church properties. As *waqf* resemblances the same features as the ancient church properties such as 1) collective ownership of the religious community; and 2) the inalienability of the basic objects of *waqf*.

For example, the collective usage is referred to as providing social services to the community such as parks, aqueducts, hospitals, schools and religious building. It does not concentrate in one community but could be adopted by others too. Notwithstanding, Islamic scholars such as Hanafi, Syafie and others opined that the *waqf* element could be related to a hadith narrated by Abu Hurairah, “*Abu Hurairah reported that Prophet (s.a.w.), as saying: When a man dies, all his acts come to an end, but three, recurring charity, sadaqah jāriah or knowledge (by which people benefit), of pious offspring who prays for him*” (cited by Murat, 1998: 9). Therefore, the Islamic scholars unanimously agree that the recurring charity could be made in term of *waqf* – be it lands, properties or other assets.

Nevertheless, Abu Zahra’ as quoted by Mohammad Zain (undated) argues that before the pre-Islamic period, the Al Aqsa Mosque, Al Haram Mosque (the *Kaabah*) and other philanthropic or places of religious worship are considered to be the first *waqf* in the Arabs constituents. In his study, Mohammad Zain (undated) opines that the history of family settlement dated back during the Prophet Ibrahim a.s. Kaabah strongly features the four element of *waqf* (endowment) characteristics such as; first, it was the center for the Arab to perform their worships (during the pre-Islamic period), cultural and trade center where poet’s competition were held. Second, it

represented a respectable place by the Arab tribes amongst friends or enemies as there is a prohibition of war, killing of animals etc. during certain months of the year.

Third, it is a place where the Arabs from all tribes came to perform their prayers and lastly, it was held in such a pure way and only for the purpose of sacred and divine worship.

However, the Islamic *fuqahā'* showed a diverse opinion on the first *waqf* that has been endowed in Islam particularly during the period of the Prophet Muhammad (peace be upon him). One of the well-known *fuqahā'* was Abu Zarqa. He opined that the first *waqf* in Islam is the Quba' Mosque i.e the first mosque built by Prophet Muhammad the moment he arrived in Medina (Mohammad Zain, undated). In contrast, majority of the *fuqahā'* agreed that the first *waqf* in Islam is the *waqf* made by Umar Al Khattab upon a piece of land in Khaibar. Mohammad Zain (undated) argues that some other Islamic jurists assert that the first *waqf* in Islam is the *waqf* of the seven garden which consist of مشربة and سناء , برقاء , المتياب , الدلال , السطية , الأعراف

Similarly, some of the *fuqahā'* also argued that the first *waqf* during the Prophet time was the Nabawi Mosque. This was actually a piece of land that belonged to Bani Al-Najjar. As the Prophet wished to purchase the gardens in order to build a mosque, the tribes voluntarily gave the land for the sake of God without summoning any payment (Mohammad Zain, undated).

In relation to the family *waqf*, majority of the *fuqahā'* cited an incident between Abu Talhah and the Prophet s.a.w. The case was about Abu Talhah who insisted on giving

his Bayruha garden in Medina to the Prophet as he noticed that the Prophet loved to drink the water and enjoyed the cooling environment of the gardens. However, Prophet Muhammad s.a.w. refused to accept the token but instead advised him that he (Abu Talhah) could turn the piece of land into *waqf* for his relatives. This advice was immediately implemented by Abu Talhah where he turned the garden into his family *waqf*<sup>2</sup>. Observing the cases, the *fuqahā*<sup>3</sup> also is in the opinion that there is no direct instruction or verses in the Qu'ran with relation to *waqf*.

### 1.3 *Waqf* Practices In Malaysia

Basically, under Islamic jurisprudence, *waqf* have four significant canons. First, the *Waqif* or the Endower who wishes to make an endowment; be it land or properties such as buildings etc. Second, the *Waqif* should identify his or her target beneficiary in the foundation deed. He or she must also specify the purpose of the use of the endowment. Third, the endowed assets, be it either property or fund. Selangor State Islamic Religious Council, for example, requests the endower to fill in Form A (Application Form to Establish *Waqf*) together with a copy of several important documents inclusive of a copy of grant or issue document of title, a copy of recent real estate tax, amongst the many others (refer to Appendix 1). Fourth, the legal form or terms in which *waqf* contract is written or expressed. For example, Selangor SIRC requests the endower to fill in a *waqf* declaration together before two witnesses.

In practice, the *Waqif* usually appoints a *mutawwali* or trustee so as to ensure that the *waqf* and its purpose is being taken care of. He could appoint any individual that he trusts could manage the *waqf*. Nevertheless, he could also appoint himself as the

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<sup>2</sup> Abu Talhah give away the garden as a *waqf* to Hassan and Ubayy ibn Ka'b.

*mutawwali*. It is a practice in Malaysia that each SIRC is the sole trustee of the *waqf* properties.

*Waqf* institution has long been neglected and nearly forgotten by Islamic community compared to some other prestigious Islamic institution such as “*Tabung Haji*”, Islamic bank, *Takaful* and *Zakāt* Institution, to name a few. This might be due to the “uneconomic” contribution that *waqf* institution has portrayed in this materialistic world even though its contribution has long been recognized throughout the past decade. Most of the land that the *waqif* (s) endowed is small in size, which usually less than one acre, and the location is not strategic for the development purposes. Apart from that, SIRC, as a trustee, had to bear the land taxes.

Baharuddin (1998) in his study asserts that 48 percent of the *waqf* agricultural land in Malaysia is less than one acre. It is usually unproductive since the return it yields is not that much (Tahir and Ahmad, 2001; Baharuddin, 1998). Another dilemma that the *waqf* institution has to face is the rental issues. Most of the *waqf* land and *waqf* building that have been let out are at a low rental fee, which actually does not reflect the actual value of the *waqf* land. Kamaruddin (1992) discovered that in Pulau Pinang, even though the market value of the *waqf* land is between RM50.00 to RM 100.00 per square footage, but it is being rented out as low as RM 1.00 to RM 15.00 per month. At the same time, the leasees do not pay their rents for quite some times. Often times, some of the *waqf* buildings, especially in Melaka, Pulau Pinang and Perak that are being rented are old buildings and in bad shape.

Because of that, the SIRCS in those states are unable to increase the rental fees even though the locations of the buildings are strategic and the market value has increased from time to time. To add up to the chronic scenario, there are *waqf* land and buildings that have been rented by the non-Muslim even though the *waqif* has stated that the *waqf* is for the benefit of the Islamic society in general and for the purpose of building mosques.

For example, 73.8 percent of the leasees of *waqf* building in Pulau Pinang are non-Muslims. Kamaruddin (1992) in his study discovers that 54 out of 70 shop lots of Kapitan Kling Mosque are being rented by the non-Muslim with minimal rental fees. Besides, there are leasees that are carrying out prohibited business in Islam such as selling liquors and gambling.

Meanwhile, Table 1.1 shows a study conducted by Baharuddin (1998) pertaining to the organizational structure of *waqf* administration in Peninsular Malaysia.

**Table 1.1 *Waqf* Administrative Management with relation to SIRCS**

<b>SIRCS</b>	<b>Officers and Clerical staff</b>	<b>Total</b>
Johor	1 Officer (Grade A22) 1 Clerk (Grade C)	2
Kedah	1 Officer (Grade A22) 2 Clerk (Grade C) 1 Assistant Clerk (Grade D)	4
Kelantan	1 Officer (Grade A 22) 3 Clerks (Grade C)	4
Melaka	1 Officers (Grade A22) 3 Clerks (Grade 3)	4
Negeri Sembilan	No specific staff being appointed	

**Table 1.1 Continued**

Pahang	1 Officer (Grade A22) 1 Assistant Officer (Grade B) 1 Clerk (Grade D)	3
Perak	1 Officers (Grade A22) 2 Clerks (Grade 3)	3
Perlis	1 Officer (Grade A22) 2 Clerk (Grade C)	3
Pulau Pinang	1 Officer (Grade A22) 2 Clerks (Grade C)	3
Selangor	1 Officer (Grade A22) 1 Clerk (Grade C) 1 Assistant Clerk (Grade D)	3
Terengganu	1 Officer (Grade 22) 4 Clerks (Grade D) 1 Contract Clerk (Grade C) 1 Daily Clerk	7

With reference to table 1.1, it could be observed that the majority of the SIRC's have appointed an officer to handle the *waqf* administration (except for SIRC Negeri Sembilan where there is no specific officer appointed to handle the *waqf* matters). SIRC Terengganu has the largest number of *waqf* administrative staff, which consist of one officer, and six clerical staff. Nevertheless, in his survey, Baharuddin (1998) stated that the *waqf* administrators are not only responsible for *waqf* matters but have also some other responsibilities to uphold. This includes to handle the administration of mosques, *suraus* and *Bayt-al Māl*. In some states such as SIRC Melaka, Pahang and Perlis, the officers are also responsible to handle the administrative matters of zakāt and *Bayt-al Māl*. From his survey, it could be concluded that there is no specific officer who is fully in charge of the financial matters of *waqf*.

A study by Baharuddin (1998) also discovered that in the early days, there was no specific body to administer the *waqf* assets in Peninsular Malaysia. The administration

lied upon the *Penghulu* (Head of the Village), *Qādi* or the local mosque committees. Later, the administration of *waqf* is within the jurisdiction of the SIRC as a sole body for the Islamic affairs of each state. The limitation of Baharuddin's study was that he only concentrated on the *waqf* administrative matter. The financial matters of *waqf* were not taken into consideration.

Table 1.2 shows the figures of the SIRC personnel who involve directly and indirectly in the financial and administration of *waqf*.

**Table 1.2 Financial and Administrative Personnel of SIRC**

SIRCS	Position	Total
Kelantan	1 Accountant 1 Pegawai Kerja Akaun <i>1 Bayt-al Māl and Waqf Adm. Officer</i> <i>1 Bayt-al Māl and Waqf Adm. Clerk</i> 1 Public Relation Officer	5
Selangor	1 Accountant 1 Pegawai Kerja Akaun <b>2 Assistant Accountant</b> <i>1 Waqf land Surveyor</i> <i>1 Bayt-al Māl and Waqf Adm. Officer</i> <i>1 Assistant Islamic Affairs Officer</i> 1 Public Relation Officer	8
P.Pinang	1 Accountant 1 Assistant Accountant <i>1 B/ Mal &amp; Waqf Adm. Officer</i> <i>1 B/ Mal &amp; Waqf Adm. Clerk</i> <i>1 Waqf Accounts Clerk</i> <i>1 Public Relation Officer</i>	6
Wilayah Persekutuan	1 Accountant 2 Pegawai Kerja A kaun <i>1 Bayt-al Māl and Waqf Adm. Clerk</i> 1 Public Relation Officer 1 Assistant Accountant <i>1 Bayt-al Māl and Waqf Adm. Officer</i> 1 Assistant Islamic Affairs	8
Perlis	1 Accountant 1 Assistant Accountant 1 Assistant Islamic Affairs 1 Zakāt, <i>Bayt-al Māl and Waqf Officer</i> 1 Zakāt, <i>Bayt-al Māl and Waqf Adm. Clerk</i>	5
Sarawak	-	-
Melaka	1 Accountant 1 Pegawai Kerja Akaun <i>1 B/mal and Waqf Adm. Officer</i> 1 Assistant Accountant 1 Assistant Islamic Affairs <i>1 Bayt-al Māl and Waqf Adm. Clerk</i>	6
Terengganu	1 Accountant 1 Assistant Accountant <i>1 Bayt-al Māl and Waqf Adm. Officer</i> <i>1 Bayt-al Māl and Waqf Adm. Clerk</i> 1 ICT Officer	5
Negeri Sembilan	1 Accountant 1 Assistant Accountant 1 Assistant Islamic Affairs	3