

**LEGAL ANALYSIS ON JURISDICTIONAL CONFLICTS  
RELATING TO *WAQF***

By

Bailey Luigi Ubu (2009943069)

Fathin Nadia binti Muhammad Fauzi (2009634554)

Nur Anis Farhah binti Ahmad Afandi (2009931085)

Nurnadmin binti Zulkifli (2009973707)

Submitted in Partial Fulfillment of the Requirements

For the Bachelor in Legal Studies (Hons)

**Universiti Teknologi MARA**

**Faculty of Law**

June 2012

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others

## **ACKNOWLEDGEMENT**

This project paper has been carried out by a team which has included Bailey Luigi Ubu, Fathin Nadia binti Muhammad Fauzi, Nur Anis Farhah binti Ahmad Afandi and Nurnadmin Zulkifli. This project paper would not have been possible without the support of many people. We would like to express our gratitude to our supervisor, Puan Rozlinda binti Abdullah who was very helpful and offered her invaluable assistance, support and guidance. Special thanks also to all of our learned friends from other groups for sharing their ideas and invaluable assistances. We would also like to convey thanks to Assoc. Prof. Dr. Sharifah Zubaidah Syed Abdul Kader for giving us helpful views and additional information regarding our research topic. We would also like to express our love and gratitude to our beloved families; for their understanding and endless love, throughout the duration of completing this project paper.

## ABSTRACT

List II of the Ninth Schedule to the Federal Constitution provides that Islamic law is a state matter. Article 74(2) of the Federal Constitution empowers the legislature of a state to make laws for the whole or any part of the state in respect of any matter enumerated in the State List. *Waqf* is also included in one of the matters governed by states in Malaysia. According to List II of the Ninth Schedule, *waqf* falls under the jurisdiction of Syariah Court in Malaysia. On top of that, each state in Malaysia has enacted *waqf* laws, either in its own *waqf* enactment or in the Administration of Islamic Law Enactments. Although it is clearly provided in the legislation that disputes on *waqf* shall be heard in Syariah Courts, there are still several cases on *waqf* that are being heard and decided in Civil Courts. Follows from this, the people having interest in *waqf* under Islamic law are deprived of their rights. This paper will elaborate on the laws on *waqf* in Malaysia, examine the issues raised and several decided cases on *waqf*, and discuss further on the jurisdiction of Syariah and Civil Courts in hearing disputes of *waqf*. Therefore, this paper is intended to provide an overview on the legislations and jurisdictions of courts concerning *waqf* in Malaysia.

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