

# FIQH MUASARAH IN PHILANTHROPY

**ISSUE 1: WAQF ISTIBDAL**

**ISSUE 2: SHARE WAQF**

PREPARED FOR  
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# INTRODUCTION

- Waqf is an Islamic endowment of property dedicated permanently for religious or charitable use.
- Istibdal means exchanging or substituting waqf property with another asset of equal or greater value.
- This is important today because many waqf lands are underused, poorly located, or neglected.
- Istibdal helps reposition waqf assets to better serve public needs like building hospitals or mosques in strategic locations (Mushaddad Hasbulla,2019)

## CONCEPT OF WAQF ISTIBDAL

- Istibdal involves selling the original waqf asset and buying a new one that can provide equal or better benefits.
- The goal is to keep the waqf effective and continuously beneficial.
  - Acts as a revitalization tool to adapt waqf assets to changing circumstances.
  - Example: Selling a remote waqf land to buy a plot near a growing community for a new mosque.





# QURANIC AND HADITH EVIDENCE

- Quran (Surah Al-Baqarah 2:267): Prohibits selling waqf property except in emergencies.
- Hadith: Emphasizes that waqf property should not be sold unless it benefits the public or in dire need.
- Istibdal is allowed but only under strict conditions to protect the waqf's original purpose.

## SCHOLAR OPINION

### Hanafi

Allows istibdal except for mosque waqf.  
(Shafiatul Muna,2023)

### Shafi'i

More cautious; requires judicial approval, especially for mosque waqf  
(Shafiatul Muna,2023)

### Maliki & Hanbali

More flexible; permit istibdal when the original waqf asset is no longer beneficial.  
(Mohd Ridzuan,2020)



# FATWAS ON WAQF ISTIBDAL

## National Fatwa Council of Malaysia (Jawatankuasa Fatwa MKI)

- Permits istibdal based on the Hanafi school of thought, especially when the original waqf property is no longer suitable or beneficial.
- Emphasizes maslahah ammah (public interest) and necessity.

(Muzakarah Fatwa Kebangsaan, 2016)

## Federal Territories Mufti Office

- States that waqf is a sacred trust (haqq Allah).
- Istibdal is only valid when:
  - It serves a clear public benefit,
  - It is supervised by a competent authority (such as a qadi or state religious council),
  - And the substituted asset is of equal or higher value.

(Shaykh Wahbah al-Zuhayli supports conditional istibdal)

## Perlis Fatwa Committee (2021)

- Approves the sale and replacement of waqf assets with the condition that:
  - It is evaluated at fair market price,
  - The proceeds are used strictly for similar or higher religious/social benefit,
  - Documentation is thorough and transparent

## Selangor State Fatwa Committee (2018)

- Allows istibdal of general (am) waqf lands that are unproductive.
- Proceeds must be channeled to another waqf purpose with similar benefits.
- Emphasizes no fixed timeframe needed to reuse the proceeds.