

WAQF DEVELOPMENT IN MINORITY MUSLIM COUNTRY: SINGAPORE'S EXPERIENCE

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Abstract

Waqf is one of the important mechanisms in Islamic economic structure in developing countries besides zakat. The institutional role of *Waqf* is to reduce government burden in developing and fulfil social needs especially for Muslim society. In the majority of Muslim countries nowadays, where they have strict Shariah laws, charities such as zakat are managed by government bodies. While in non-Muslim countries such practices are managed by voluntary agencies. The methodology for this study is secondary data approach by using data analysis from the related journals, articles, and papers. This paper will discuss the role of *Waqf* institution in minority Muslim states in order to meet socio-economic development particularly for Muslim society. In addition, to explore to what extent *Waqf* institution could achieve the objective which is to minimise the poverty and improve quality life based on experience that have been through by minority Muslim in Singapore. Moreover, to identify the obstacles or challenges that the minority Muslim face in order to improve *Waqf* institution among majority non-Muslim. This paper will end up with the suggestion that may contribute for *Waqf* development in such countries.

Keywords: *Waqf*, Minority Muslim, Development, Socio-economic.

INTRODUCTION

Waqf or endowment as an institution begins with a pious intention to do good deeds for the benefit of one and others. In other words, *Waqf* is a dedication made by one person for the benefit of others, with the intention that the dedicator be entitled to a continuous reward from Allah the Creator throughout the period of the endowment. Once the *Waqf* is declared by the person it will effect a transfer of the property which is the subject matter of the dedication to Allah Almighty. However the benefit derived from the used of property will be given in accordance with the founder's intention.

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Historically, *Waqf* played a key role in the development of Muslim societies. *Waqf* served the Muslim community (*ummah*) in almost all fields, such as religion, education, medicine and other socio-economic activities. Moreover, *Waqf* played an important role in establishing a flourishing civilization that is full of moral character and rational human behavior. It created a comprehensive scientific and cultural renaissance. Undeniably, *Waqf* funds were the main resource for schools, scientific centers and libraries, which gave way to the training of many scientists, researchers, inventors and intellectuals (Shadiya et al., 2018).

However, nowadays *Waqf* has become dormant and less popular in Muslim-majority countries including Muslim minority countries. According to Wuthnow (1998) it was estimated that one-third of 1.3 billion Muslims in the world are living in non-Muslims countries.

The ability of *Waqf* to reduce poverty and increase the size of a state's economy could help reduce the government's burden to undertake these activities itself, as has been proven by history. *Waqf* no longer serves the needs of the *ummah* due to problems, such as mismanagement, *Waqf* laws and awareness of *Waqf* in Muslim society.

A *Waqf* is an unincorporated trust, an endowment that is established under Islamic law and holds land or real estate in perpetuity for the benefit of the family and their descendants, while maintaining social provisions for the poor (Brown, 2008). The institutional role of *Waqf* is to reduce government burden in developing and meeting social needs. It will be easier for government to control inflation and minimize poverty once the public has awareness of the potential of *Waqf* (Wan Yon et al., 2008).

According Laldin et al., (2008) a *Waqf* is similar to a trust. However, since a trust consists of different categories, the charitable trust is most similar to a *Waqf* as its purpose is for public benefit. This institution is more likely to be associated with the religious sentiments rather than secular ones. A *Waqf* is basically a type of '*sadaqah jariyah*' (continuous charity) Ahmed (2009) or 'perpetual charity' (Nagamia, 2007). The formation of this body is made by giving away an asset that generates permanent revenue. One of the most important features of a *Waqf* institution is that it should have the objective of '*birr*' (doing charity for goodness). *Waqf* institutions are often dedicated to socio-economic reforms for poor and needy people. They also work in the religious, education, environmental, and scientific services (Laldin et al., 2008).

RESEARCH METHODOLOGY

The methodology of this article is through descriptive research based on document analysis on articles and literatures on *Waqf*. For the purposes of conducting this research, secondary data collection tool is used. The data is collected from the published annual reports from relevant bodies, online articles, journals, websites, and conferences in order to get recent information about *Waqf* in that state.

WAQF MANAGEMENT IN MINORITY MUSLIM COUNTRIES

As minority Muslim in secular state, the Muslims have to accept the fact that they have to live in the state and owe loyalty to it (Doi, 1987) . In fact, minority Muslim will have to make more efforts to fulfil the religious requirement since the government did not fully supported for their needs to provide religious facilities particularly. Moreover, the government is expected to be less concerned to specific religious needs of minority communities compared to majority. Thus, there may be a need for more aggressive development towards the *Waqf* institution as it is one of the main sources to provide social and religious facilities that can preserve their identity (Masud, 1989). The situation may be different in a Muslim majority country as the laws and regulations may not only recognize *Waqf* as a developmental institution but also may be supportive of it.

Muslim communities in non-Muslim countries have organised their *awqaf* within the framework of their local legal systems such as under Acts of Parliament like in India, Sri Lanka, Myanmar and Kenya and under laws governing Trusts, Foundations, Non-Profit Organisations, Non-Government Organisations and Societies like in the UK and USA (Ali, 2012).

In non-Muslims countries or in such places where it is impossible for the Muslim population to abide by Shariah laws, such practices are managed and administered by voluntary agencies (Siddiqi, 1991). As Ariff (1991a) has debated if under any condition the government or the ruling authority is unwilling to take responsibility then the principles outlined as *fard kifayah*¹ (communal obligation) should be performed. These practices are carried out in a state where Muslims are in minority or when the state is non-Muslim one. As a result, the establishment of *awqaf* according to Shariah must be founded according to the legal framework of that specific place (Kahf, 2011).

¹ Fard Kifayah refers to socially obligatory duties that help fulfil the basic individual needs and essential social needs and is extremely pertinent and instructive. According to this doctrine, a socially obligatory duty must be performed somehow (regardless of whether it is done by the state, the community, or individuals).

In America, *awqaf* are created through the North American Islamic Trust (NAIT) which was established in 1973 in Indiana by the Muslim Students Association (MSA) of the United States and Canada. All assets owned by the MSA such as mosques, Islamic centres, schools and other real estate fall under this category. They developed these assets through business projects and investments and the generated income is used to buy new buildings, schools and mosques (Ali, 2012).

In the United Kingdom, an institution known as Islamic Relief successfully manages *Waqf* funds which are collected through *Waqf* cash. It is dependent on the shareholder as to where the money is spent, through Islamic Relief usually suggests that the shareholder spend the money for general purposes. For the last 4 years, Islamic Relief has been making tremendous efforts in helping the needy. It has funded many projects all over the world for the wellbeing of the poor. For example, the project in Bosnia, rehabilitation of primary education infrastructure in Kandahar and tsunami response in Indonesia are a few of the major projects assisted by Islamic Relief (Kholid *et al.*, 2007).

SINGAPORE BACKGROUND

According to the Department of Statistics of Singapore, the total population was estimated, in 2011 at 5,187.7 million. A number of different religions can be found in Singapore, due to a high number of immigrants from all over the world. Chinese people have the largest population in the region and Muslims account for 14% of the total population. The largest proportion of the Muslims in Singapore are Malays while the second largest population of Indians (Department of Statistic Singapore, 2013). Singapore is one of the most developed countries in the world and among the world's fastest growing economies (Lim, 2011). According to World Data Atlas (n.d.), it was recorded in 2012 that Singapore per capita income reached US\$54,007. In addition, the World Development Indicator (2012) shows that Singapore comes under the high income economy category list whereas Malaysia is classified as an upper middle income economy².

Singapore has the longest history of Western colonial rule in the region and remained a colony until 1963, when the country decided to join the Federation of Malaya which had gained full liberty from Britain in 1957. "Malaysia" came into being after Tunku Abdur Rahman influenced Singapore, Sabah and Sarawak to unite with Malaya in a federal union.

² Middle income economics are those with a GNI per capita of \$1,006-\$12,275. While High income economic are those with a GNI per capita of \$12,276 (World Development Bank, 2012).

After two years on August 9, Singapore detached itself from Malaysia, without any conflict and came into being as an independent state (Malaysia Tourism Promotion Board, n.d.).

WAQF IN SINGAPORE

The legal regime of *Waqf* was not even in the Malay State (1880-1957). In the Straits Settlements (comprising Singapore, Penang and Malacca) a *Waqf* was considered as a charity in terms of English law. The majority of *awqaf* which were perfectly acceptable under Shariah terms, were rejected on the grounds of not complying with the technical rules for charitable trusts. However, the endowments to help the poor and the needy were always allowed, although endowments for religious purposes such as the construction of mosques, publishing books and building schools for religious education were not (Abdul Qadir, 2004).

The first Wakaf we know about in Singapore was created in 1820. This is the Wakaf of the Omar Mosque in Kampung Melaka, beside the Singapore River. It was endowed by Syed Omar Ali Aljunied – a successful trader from Indonesia but who came originally from the Hahdramaut (now known as Yemen). Syed Omar also made a Wakaf of the Bencoolen Mosque and the properties that supported it.

A number of important Wakaf in Singapore were established in the 19th Century – by merchants who had come from Yemen and brought with them the rich tradition of Wakaf from the land of their birth. Wakaf were also established by those traders and money changers who had come from India. They began with the building of Masjid Jamae in the 1820s, followed by other mosques and they established a number of Wakaf – such as the Wakaf of Ahna Ally Mohammad Kassim – so that we now have a total of 14 Wakaf founded by the Indian community. Trade has played an important role in creating wealth in our Muslim community so, to the Arab and Indian traders we must also add the Bugis from the Indonesian Archipelago (MUIS, 2018).

Previously, *awqaf* in Singapore were created by wealthy Arabs such as Sayyid Omar al-Sagoff (1850-1927) who created the *madrasah* (Arabic school) al-Sagoff in March 1913 (“Neracha” cited in Othman, 2006). He also constructed religious schools known by the name of *al-Juned* and these schools still exist today (Othman, 2006). He was also known for giving cash and support for maintenance and providing highly qualified teachers from Arabia. Another good example of a noble and pious person is of Sayyid Mohamad al-Sagoff. He was not only a successful businessman but also a celebrity who was well known in Singapore and Johor. He was also a kind humanitarian who contributed to a number of beneficiations for the interest and well-being of Muslims in Singapore. His efforts included the founding of the al-

Sagoff *Waqf* fund, the Muslimin Trust Fund association, the al-Sagoff Outdoor Dispensary and the Muslim Boys Orphanage (Al-Sagoff, 1963).

It is worth noting that al-Sagoff is one of the private *mutawalli* that still exists. The ancestor of the first trustee of *Waqf* SMA Al-Sagoff stated in his will that the next generation of trustees, the family would be appointed through a deed of application of trustees through the court (Abdul Karim, 2010).

The majority *awqaf* were established during the early times of Muslim migration in the late 19th and early 20th centuries. The historical data for 1949 shows that about 65% of the land in Singapore was occupied by the Chinese and the Arabs and a major portion of land owned by the Arabs was endowed for religious purposes (Brown, 2008). However, according to Majlis Ugama Islam Singapura (2012), there is no evidences of the formulation of new *awqaf* since the 1970s for many reasons, such as high value of land, lack of awareness, promotion of institutionalised *Waqf* funds and being uncomfortable with government management (Abdul Karim, 2010). In terms of *Waqf* assets, most of Singaporean are preferred the outcome is for mosques and religious purposes.

The difference in the legal systems has impact on the development of *Waqf* sectors in different countries. As *Waqf* is voluntary charity and its size depends on public contribution, the cultural orientation of the people and economic situation such as income levels will determine the size and income generated from *Waqf* assets in different countries. Thus, the incentives to create *Waqf* in countries where Muslims are in minority compared to Muslim majority countries would be different. As Abdul Karim (2010) emphasised that *awqaf* institution is really important financial resource tool to fulfil the community's social and religious needs as it aligned with the community's aspiration especially for Singapore. Without *awqaf*, it is impossible to fulfil the social, religious and economic needs of the society. In Singapore, the institution of *Waqf* has contribute significantly to Muslim community although it unable to fully finance for Muslim community in economic and social.

THE ADMINISTRATION OF WAQF IN SINGAPORE

All *Waqf* is vested under The Majlis Ugama Islam Singapura (hereafter known as MUIS), also known as the Islamic Religious Council of Singapore. MUIS is a statutory board which is governed under the Ministry of Community Development Youth and Sports. The senior minister is the Minister in charge of Muslims Affairs. The *Waqf* administration is run under the Strategic Unit of *Zakat* and *Waqf* in MUIS. Various issues related to the purchase and

development of *Waqf* assets are first considered at the directorate level and then they are advanced for the second round of decision-making process at the MUIS council level. Shariah issues are heard in the *Fatwa* Committee. Any investment, purchases or financial obligations which exceeds \$5,000,000 requires the Minister's approval and agreement.

As a single trustee, MUIS is responsible for increasing the potential of the *Waqf* properties for the good of the beneficiaries. It has been estimated that to the date there were about 101 *Waqf* under the keen supervision of MUIS management which is 68 managed by MUIS while 33 are trustees managed. To this date MUIS has developed about 90% of all *Waqf*. An important project which has been undertaken is the *Waqf* Bencoolen Mosque. Significantly, MUIS has successfully enhanced the *Waqf* annual income which provides for the beneficiaries and Muslim society (MUIS brochure).

The first development and progress of *Waqf* properties was undertaken by MUIS in 1991 along with the restructuring of *Waqf* Jabbar. In the year 1968, it was estimated that there were a total of 6 *awqaf* registered under the supervision of MUIS. The registration of *Waqf* has empowered MUIS to maintain a complete database of all *Waqf* properties, revenues, expenses and disbursement information. This information is important to maintain effective *Waqf* management (Abdul Karim, 2011). The registration of all the *awqaf* is mandatory in Singapore in order to avoid poor management and improper handling of *Waqf* properties by the trustees.

MUIS is strict in order to maintain efficient and effective *Waqf* management. MUIS became the sole trustee of all mosques in order to maintain them and provide the masses with knowledge on the religious issues. MUIS has created a separate financial division *baitulmal* (*Waqf* treasury) to control the different funds. It clearly distinguishes between the commercial and religious purposes of the *Waqf* assets. Funds which are used for the maintenance of mosques and *madrasahs* are controlled by the Mendaki Fund. Financial allocation for property development is managed under two separate divisions; *Baitulmal* and *Wakaf* and Trust Funds. Both the private and the public trustees work together in order to maintain annual accounts of the funds collected (*MUIS Annual Report, 2002*).

It is important to mention that Singapore holds a unique position when it comes to cash *Waqf* for the Mosque Building Fund. Each Muslim employer is obligated to donate a fixed amount on a monthly basis. According to AMLA (Administration of Muslim Law Act) in Section 78 (1) of Part V mosques and religious school, 'Every employer of a Muslim employee shall pay to the Mosque Building and Mendaki Fund monthly in respect of each Muslim employee's contributions.' And in Section 78(3) 'Any employer who fails to pay the

contributions within such time as may be prescribed shall be guilty of an offence and shall be liable to conviction and a fine not exceeding \$500' (Singapore Attorney General's Chambers, 2011). The amount contributed by employees varies according to income as shown in Table 1.

Table 1: Contribution table for the Mosque Building and Mendaki Fund³

Monthly Gross Income	MBF
Less than \$1,000	\$3.00
\$1,001 - \$2,000	\$4.50
\$2,001-\$3,000	\$6.50
\$3,001-\$4,000	\$15.00
\$4,001 -\$6,000	\$19.50
\$6,001-\$8,000	\$22.00
\$8,001 -\$10,000	\$24.00
\$10,000 above	\$26.00

Contribution rate: effective 01/06/2016.

There are 175,000 Muslims employees who donated indirectly to this fund as the amount is deducted from their salaries through the CPF (Central Provident Fund). This acts as a collecting agent for the donation made. It has been estimated that MUIS receives an estimated SGD\$6 million annually. This fund has also helped MUIS to remodel 22 mosques with a collected amount of SGD\$130 million. The amount from the fund is used in constructing mosques and providing benefits to society (Abdul Karim, 2007). However, since it is a fund, there is an issue as to whether to consider it as *Waqf* or not. Though, since there is no statement of *wakaf (alsighah)* either *soreh* (a clear pronouncement with specific meaning) or *kinayah* (a pronouncement that brings many purposes) and there is no public choice, it may be considered a charity.

It is worth mentioning that the Mosque Building Fund (MBF) is utilised only for acquiring the land and the building of a new mosque. However the operational costs of such a mosque is fulfilled by other public donations which are held in the Mendaki Fund (Ariff, 1991b).

³ MENDAKI (Majlis Pendidikan Anak-Anak Islam or Council of Education for Muslims Children).MENDAKI was the outcome of the joint efforts of the Malay community and political leaders to improve the educational status of Muslim children. MENDAKI set about to gain the support of religious-oriented organisations in order to underscore MENDAKI's commitment to upgrading not only the secular but also the religious education of the Malay community (Zoonri, Wan Hussin (1987) Socio-Economic Problems of the Malays in Singapore, Sojourn; Journal of Social Issues in Southeast Asia, Vol 2,No. 2 (August 1987) Available at <http://www.jstor.org/stable/41056728>

MUIS has started a subsidiary company known as Wakaf Real Estate of Singapore (hereafter known WAREES). This is focused on managing all baitulmal and *Waqf* properties. In Singapore, the net value of the *Waqf* properties is increasing day by day thus, they are considered as the biggest pool of funds. It is a small country with Muslims as a minority. Therefore, MUIS has significantly supported *Waqf* management with knowledge and expertise. Recently about 200 *Waqf* properties with a current worth of about SGD250 million, was constructed which ultimately generated an annual rent of about SGD6 million to SGD7 million. Singapore has a very efficient system of managing *Waqf* and MUIS has planned to become an international participant in the field of managing *Waqf* at all levels (Harun et al., 2012). With the establishment of WAREES, the functions of MUIS and WAREES have become more clear and transparent. MUIS has played a major role as a keen administrator where as WAREES has appeared as a commercial figure. MUIS focuses more on operational functions such as auditing, supervision, record maintenance appointing employees and many more whilst WAREES concentrates on how to develop and increase profits (Ramli and Sulaiman, 2006).

In the other words, MUIS is acting as nazir while WAREES is a *mutawalli*. Both bodies have rights over *Waqf* property within a specific scope. As a nazir, MUIS's role and function is to supervise and control any *Waqf* activities performed by *mutawalli*. WAREES as *mutawalli* plays the managerial role and invests the *Waqf* asset according to their expertise. However, any activities relating to those assets must be approved from the nazir as the higher authority and that includes the selling and purchasing of assets.

MUIS carries out an annual distribution to maintain transparency and accountability for the beneficiaries. It is a practice to maintain and safeguard the *Waqf* accounts and is usually done after the audit of the accounts. However this is done on the basis of income paid in the previous year. There are two categories of beneficiaries; firstly those nominated by the founder and this allows no modifications unless there are no beneficiaries left. Secondly, when the beneficiaries are not stated a committee is established to decide where the amount should go or be dedicated to (Abdul Karim, 2010).

As mentioned earlier *Waqf* funds are managed by MUIS. They are distributed both within the state and outside the state to countries such as Hadramaut and Saudi Arabia, India and Indonesia. Figure 1 shows the breakdown of *Waqf* foreign disbursement.

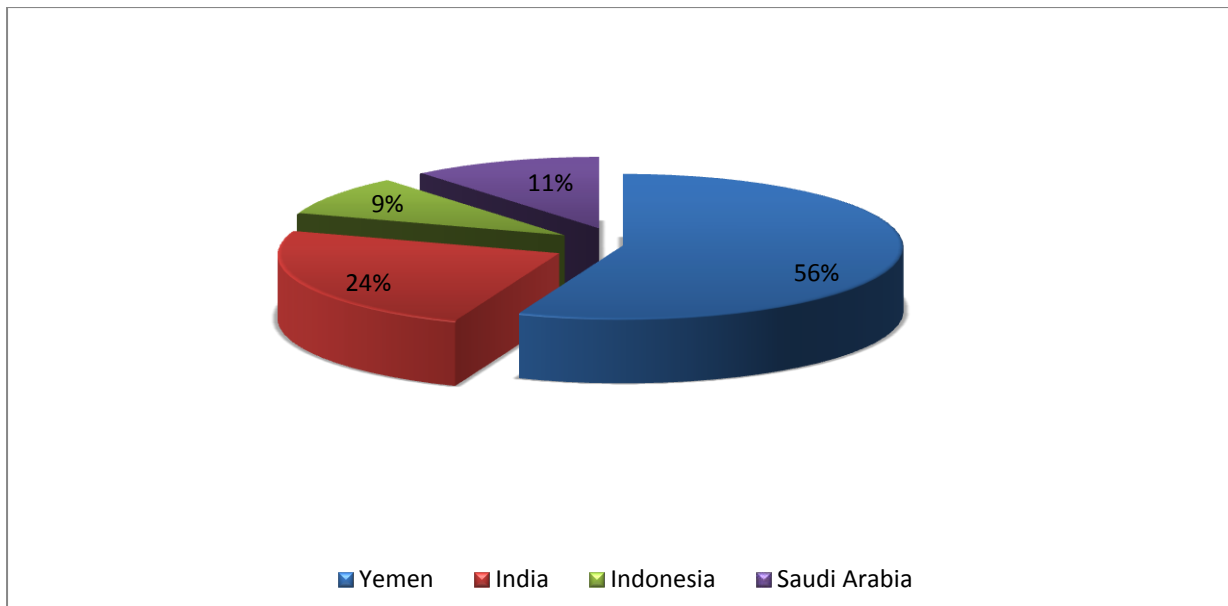


Figure 1: *Waqf* Foreign Disbursement In 2012

Source: MUIS

The total foreign disbursement in 2012 was SGD418,270 including founders from Yemen SGD234,547(56%), India SGD100,500 (24%), Indonesia SGD39,000 (9%) and Saudi Arabia SGD44,223 (11%).

Local beneficiaries include mosques, institutions, *madrasah*, the poor and needy and descendants of the founder. Total local disbursement is SGD2,468,202, mosques SGD1,334,158 (47%), *madrasah* SGD542,980(19%), foreign SGD355,021(13%), charities SGD192,161(7%), poor, burial, rice SGD262,977(9%), Indian Muslim Organisations SGD105,000(4%) and others SGD30,926(1%). The figure 2 presents local distribution of *Waqf* funds in 2013.

The major purpose of *Waqf* is for building and maintaining mosques. *Madrasah* are another example which have widespread popularity in Muslim countries and are followed by support for needy people. It has been estimated that there are 70 mosques in Singapore out of which 13 were established through the *Waqf* system. This helps fulfill the religious and the social needs of Muslims and also provides a platform for non-Muslims to learn about Islam. Other than mosques, there are 6 full-time *madrasah* of which 4 were created through the instruments of *Waqf*. Another prime social aim is to maintain equal distribution of wealth and resources through charity to support people for food, medicines, education, marriages and other social activities (Abdul Karim, 2010).

Some of the major developments of *Waqf* properties in Singapore are residential properties at Duku Road, Telok Indah, Service apartments at Somerset Bencoolen, commercial

properties at Dunlop Street and The chancery Residence (Majlis Ugama Islam Singapura, 2012).

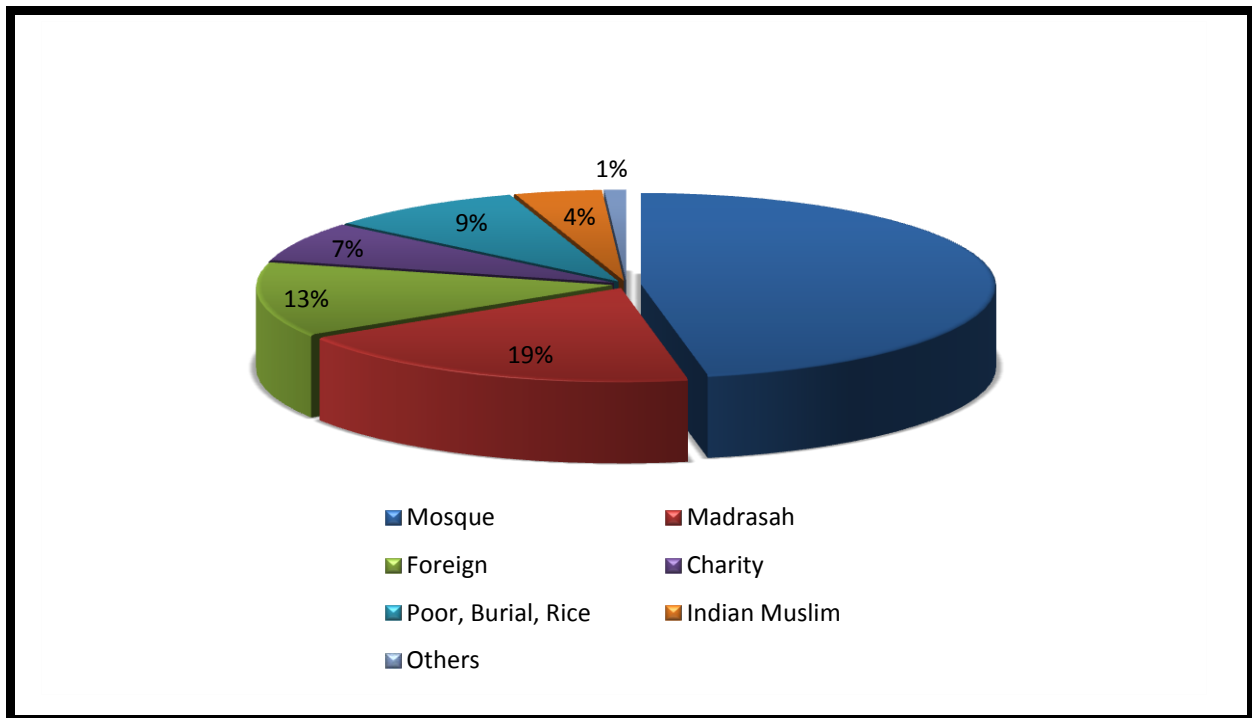


Figure 2: *Waqf* Local Disbursement in 2013

Source: MUIS

WAQF CHALLENGES AND OBSTACLES

Muslims are a small faction in Singapore. According to Dhamani (2008) the majority of Malay Muslims come from low educated and poor families and recent generations have enjoyed fewer opportunities and benefits. As a result, their overall performance in schools is below average and they get low income jobs. Thus Muslim groups in Singapore find it hard to cope with the expenses and difficult circumstances. Therefore, the institution of *Waqf* is one of the ways to free Malay-Muslims from poverty and eliminate social problems particularly in a minority Muslim country (Ali Hashim, 2001).

Human capital development and capacity are the huge challenges that they have to face in order to improve *Waqf* development, besides other problems that can be overcome such as restrictions on investment. Public awareness is a huge problem as the traditional perception on *Waqf* still remains. In addition, some people do not want government to handle this religious matter, when it is not as Islamic government as there are restrictions.

Obstacles in developing *Waqf* are not only faced by management but the public as well as they are the main source for generating more assets for *Waqf*. It can be concluded that constraints on the creation of *Waqf* are because of a limit or lack in two aspects:

- (1) Material (land, property & money)
- (2) Knowledge /familiarity (*Waqf* assets & outcomes)

Broadly speaking, having a wealthy person is not enough to motivate the creation of a *Waqf*. There must also be an increase in the awareness of how to utilise the wealth according to Islamic principles for the benefit of Muslims society or the *ummah*. So, they will know that the wealth is not only for their own purpose but for helping others as well which is considered like 'sharing' or distribution as suggested by Islam.

The problems that can be detected are of three kinds, development, management and public awareness. However, lack of awareness amongst the public becomes problematic when it is needed to increase and improve *Waqf* assets. Thus, increased awareness among the public is very important in order to develop *Waqf* institutions as it will increase the establishment of new *awqaf* that can help minimise poverty and maximise socioeconomic development.. This statement supported by Jamil (2007) as he asserts the tradition of *Waqf* in the Muslim community nowadays is diminishing and does not tend towards more productivity. Besides this public perception is still bonded to the traditional belief that *Waqf* is for religious purposes only. Moreover, as *Waqf* is not compulsory, it may less respond and concern among the public than otherwise. He also emphasised that *Waqf* can improve public welfare and assist the government in order to increase overall quality of life. *Waqf* has to be promoted widely as the important instrument of Islamic economics. It is the responsibility of Muslim scholars, advocates and intellectuals to make general public aware. The interpretation and understanding of *Waqf* need to be corrected as to enlarge the scope of contribution of *Waqf* (Abdul Jalil et al.,2018).

Based on research done by Hjh Mas Nooraini (2015) shows that Singaporean tended to believe that *Waqf* cannot be used for general purposes such as for medical services, educations and other objectives except for religious purpose such as mosques and cemeteries.

The public have to change their attitude towards *awqaf* and be aware of the importance of creating them. It is particularly important to motivate and encourage the public to increase their knowledge especially in the contemporary *Waqf* issues. As Siswantoro and Dewi (2011) recommend that there should be intensive public awareness programs on the advantage of *Waqf* for Muslims' wealth which includes advertisements, articles in the mass media, and a

declaration of a *Waqf* year. Other than this the administrator's credibility to manage *Waqf* assets must be promoted by providing detailed and transparent reports.

CONCLUSION

Waqf played a key role in the development of Muslim societies proven by history. A *Waqf* is voluntary charity and its size depends on public contribution, the cultural orientation of the people and economic situation such as income levels will determine the size and income generated from *Waqf* assets in different countries. Thus, the incentives to create *Waqf* in countries where Muslims are in minority compared to Muslim majority countries would be different. Singapore provide the best model of the successful development of *Waqf* especially for Muslim minority. The institution of *Waqf* has contribute significantly to Muslim community although it unable to fully finance for Muslim community in economic and social. Without *awqaf*, it is impossible to fulfil the social, religious and economic needs of the society particularly for Muslim minority. However, lack of awareness amongst the public becomes problematic when there is a need to increase and improve *Waqf* assets besides other problem that can be overcome.

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