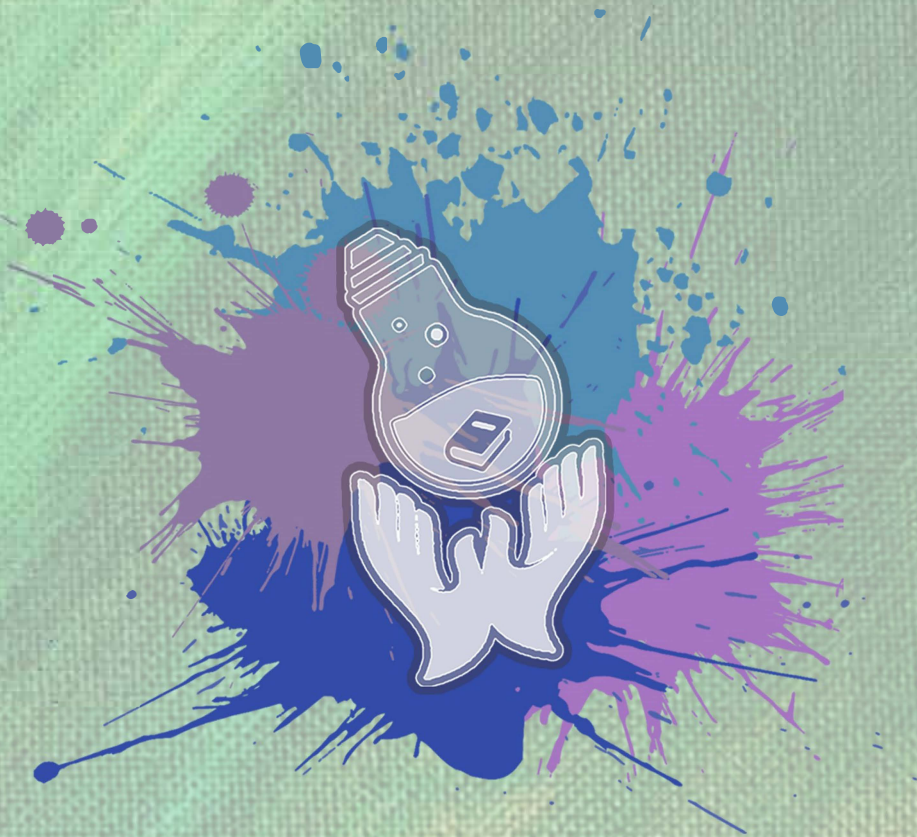




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2019



4th UNDERGRADUATE **SEMINAR** 2019

BUILT ENVIRONMENT & TECHNOLOGY

e-PROCEEDING

eISBN-978-967-5741-97-5



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FACULTY OF ARCHITECTURE, PLANNING & SURVEYING

UNIVERSITI TEKNOLOGI MARA PERAK BRANCH

SERI ISKANDAR CAMPUS

ISSUES AND CHALLENGES FACE BY MAJLIS AGAMA ISLAM PERAK (MAIPk) IN MANAGING AND DEVELOPING WAQF LANDS

Nurul Asma Husna Binti Ramlan¹ and Nur Baizura Binti Mohd Shukor²

^{1 2} Department of Estate Management, Faculty of Architecture, Planning and Surveying, Universiti Teknologi MARA, Perak Branch, Seri Iskandar Campus, 32610 Seri Iskandar, Perak
Email: asma.husna.ramlan@gmail.com¹, nurbyzura9@gmail.com²

Abstract:

Waqf is one of the sources that able to generate economic in term of revenues and incomes for *ummah*. Unfortunately, waqf today perceived and understood to be very narrow, unmodern, non-economic, anti-social and resolves only around religious issues. Thus, it is a great challenge for Waqf institution in this country to participate a role in uplifting the pride, dignity and supremacy of Islam in Malaysia. As well as MAIPk who is also having problems in managing and developing its waqf lands. Therefore, this paper aim to focus on identifying the issues and challenges face by MAIPk in managing and developing waqf lands in Perak. To come out with a proper finding, a qualitative method has been applied by carried out interview with few expert panels. Finding showed, the issues and challenges identified from this study are; legal constraints, financial, unsuitability of land & no commercial value and oral waqf. The significant impact from this study is able to improve the management and development of waqf lands and generate economic growth to the state of Perak.

Keywords:

Waqf land; Challenges in waqf; Issues in waqf; Managing and developing waqf land; SIRC

1.0 INTRODUCTION

Waqf has the meaning of hold, or to prevent. Waqf is a permanent submission by a Muslim of any valuable property to the ownership of Allah SWT. In Malaysia, Waqf had been governed by the State Islamic Religious Council (SIRC) of each state, Puad, N. A. B. M, et al. (2014). The objective of this research is to identify the issues and challenges face by MAIPk in managing and developing waqf lands.

2.0 LITERATURE REVIEW

In 2013, there are more than 8,861.15 hectares of land that has been waqf in our country (Ismail, C. Z., et al., 2015). Siti (2000) has outlined several processes and procedures for the administration and management of both general waqf and special waqf. Kamaruddin (1992) has pointed out several issues related to every aspect of the administration, management and legislation as well as exploring significant issues and barriers in the development of waqf land. According to Puad N. A. B. M (2014) in Selangor, there are few issues and challenges of waqf land in MAIS. The issues and challenges are;

2.1 Legal Constraint of Malaysia Land Administration Systems of Waqf

Legal problem existed due to waqf is a religious concept that needs legal recognition and enforcement. The concept is based on old theories that does not have serious revision thereof and the legal framework having an old interpretation of religious text. Some Muslim jurists of the past recognize three fundamental characteristics of waqf as irrevocability, perpetuity and inalienability.

2.2 Lack of Marketability and Unproductive of Waqf assets

It is usually, there are specific conditions or constraints are imposed on the waqf land that make the land hard to be develop. The SIRC did not have full ownership towards the administration of the land, which resulted in useless and unproductive lands in giving benefits to Muslim and returning from economic activities. Besides, lack of financial will cause many development projects which has been planned to be executed.

2.3 Misused of Waqf Assets

Most people believe that waqf obligation is only for Muslims society, while it is not. Waqf can also be contributed by non-Muslims as well. The society are not been promoted with the information and does not realize on how significant waqf can contribute to the growth of economic.

3.0 METHODOLOGY

The methodology used in this study is qualitative method. The interview has been carried out with three expert panels; “Pengurus Besar Bahagian Mal dan Wakaf” MAIPk Ipoh (Respondent 1), MAIPk officer, Seri Iskandar (Respondent 2) and MAIPk officer, Kampar (Respondent 3). Primary data are collectable from the interview with the expert panels in administration of waqf.

4.0 ANALYSIS AND FINDINGS

ISSUES & CHALLENGES	ACTION TAKEN (SOLUTION)
<p>1. Legal Constraints <u>Analysis</u> Respondent 1: Most waqf lands are limited to Gazetted Land. MAIPk do not have control and power over the lands. Respondent 2: The limitation, has decreased public’s interest to lease the land. Respondent 3: Problem with liaising with other government institutions. Summary: Lands from SA are limited to Gazetted Land. Which means the given land are not given for perpetuity. Thus, make the land less interested to be develop as there are possibility the land to be taken and will wasted their effort. -Problem in collaborating with other government institutions such as Local Authority (LA) and Jabatan Kerja Raya (JKR) is due to different principal of conventional and Islamic. In developing waqf lands, it cannot be lesser from its original size. Every development need to reserve some part of the land for roads and etc. -“Gazetted Land” lands are control by SUK Perak and only be maintain by MAIPk. Thus, MAIPk loss full control on the land.</p>	<p>1. Legal Constraints <u>Analysis</u> Respondent 1: Request to State Authority (SA) to convert Gazetted Lands to “Geran”. Respondent 2: When convert the holing, it will increase public’s interest as there is a very little possibility the land to be taken back. Respondent 3: For commercialising waqf lands project, MAIPk lease the reserve lands to LA. Summary: State government has now started the procedure on removing the limitation due to the request made by MAIPk. By removing and transferring the “Gazetted Land” to “Geran”, it will ease the work of managing and developing the lands. Thus, it will also attract more people to develop the land due to less risk for the land to be taken back. -Issue with other government institutions, they lease parts of land reserved for roads and etc to LA. Hence, make the land not lesser and they can still get benefit from it. -Moreover, by transferring Gazetted lands to Geran, make MAIPk regained their full control and power towards the lands.</p>
<p>2. Financial <u>Analysis</u> Respondent 1: Problem in raising fund to develop the waqf lands Respondent 2: Lack of fund to manage the existence building, such as mosques. Respondent 3: Need to find their own way in raising fund in running the management and development of waqf lands. Summary: Even though MAIPk is a government institution, yet they are a self-finance institution. They need to work on they own in order to look for fund to manage and develop the lands. Thus, it make harder for them to develop big project. Due to insufficient fund, they also having</p>	<p>2. Financial <u>Analysis</u> Respondent 1: Introduce “Wakaf Ar-Ridzuan” to the public. Respondent 2: Charge 10% of management fee in the lease or rental payment. Respondent 3: “Wakaf Ar-Ridzuan” are widely advertise to encourage people to perform “Wakaf Tunai” Cash Waqf. Summary: MAIPk introduced “Wakaf Ar-Ridzuan” programme. It is advertise widely to encourage society to involve in cash waqf. Money collected help to finance few of the project and use for the management.</p>

<p>problem in managing the institution such as mosques and musola.</p>	<p>-Recently, MAIPk has imposed a 10% management charge to every lease lands “Kadar Sewaan” to lessees.</p>
<p>3. <u>Unsuitability of Land & No Commercial Value</u> Analysis: Respondent 1: Surrendered lands are sometimes in a very bad shape. Respondent 2: The surrendered lands sometimes have no commercial value Respondent 3: The surrendered lands are located in remote area and hard to access. Summary: Previously, MAIPk received every land without considering the shape of the land, commercial value and its potentiality. Hence, some of the land does not have any potential to be develop and located in a very remote area. They are very hard to be access. It make the land left without being develop. The land will burden MAIPk financially as they need to spend money enhancing the property.</p>	<p>3. <u>Unsuitability of Land & No Commercial Value</u> Analysis: Respondent 1: Filter every waqf request. Choose lands that are suitable to be develop. Respondent 2: Send officer to inspect the land. Respondent 3: The request will be brought to meeting and it will be analyse first before be accepted as waqf lands. Summary: MAIPk has now implemented a new procedure where every land surrendered, they do not directly accept it. They will first inspect the land to see the physical state, commercial value and potentiality to be develop. If it is in a very bad shape and has no possibility to be develop, MAIPk will not accept it. This intended to avoid any future problem and less their burden on fixing them.</p>
<p>4. <u>Oral Waqf</u> Analysis: Respondent 1: Land surrendered are not documented. They are done verbally. Respondent 2: No black & white documentation. May contribute to dispute in future. Respondent 3: Lands are hard to be located. Summary: Problem happened when the founder of waqf died and there is no prove the land has be surrendered. The heir demand the land back. The undocumented surrendered lands are hard to be located. Since there is no proper documentation.</p>	<p>4. <u>Oral Waqf</u> Analysis: Respondent 1: Introduce proper documentation. Respondent 2: Register the land surrendered for waqf in the system. Respondent 3: Record and enter all the details of the lands, including location in the system. Summary: MAIPk has introduced a proper documentation of waqf. Every land to be surrendered must go through the procedure and documentation. So that, no conflicts happen in the future.</p>

5.0 CONCLUSION

In conclusion, MAIPk is facing various issues and challenges in order to manage and develop the waqf lands. The most significant problem that has been identified from the study is regarding the regulation from the state law financial. This study will benefit the growth of economy of Muslim in the state of Perak and benefit MAIPk towards managing and developing waqf lands as it will refine every issues and challenges face by MAIPk. When the efficiency of management and development of waqf lands increase, it will help to contribute to the growth of economy of ummah. This study can also be a reference to other SIRC on avoiding the stated issues and challenges or implement the action plan on increasing the effectiveness of management and development of waqf lands in their state.

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