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## The Prospect of *Waqf Al 'Awaridh* in the Contemporary Waqf Eco-System: A case of Malaysia

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### Abstract.

This paper explains the concept of *Waqf Al-Awaridh* (Contingency Waqf) and its ruling in Shariah provision and the extent of the need for this type of Waqf. The paper will also address the importance of this type of Waqf from the perspective of the Shariah purposes (*Maqasid Al-Shariah*), including save the human souls and money from natural disasters (such as volcanoes and floods), pandemics and catastrophes such as the COVID-19 pandemic. The paper offers various proactive solutions in attending to frequent occurrence of natural disasters and catastrophes in many Muslim countries. Recently, there are many unexpected occurrences due to climate changes taking place in Malaysia and Pakistan, to mention a few examples. *Waqf Al-Awaridh* is presented as a social solution to mitigate the effects of disasters through the participation of some segments of society. The participation may be in the form of Waqf even for a small amount, regardless of the size or value of the property. This type of Waqf has not been well studied, and there is a need to raise awareness and spread the culture of *Waqf al Awaridh* among the Muslims especially in the countries which suffer from such natural disaster. This paper employed qualitative research methodology which involves content analysis; observations; discussions; internet explorations. The findings shall contribute to a new type of Waqf product and there should be a practical way to implement *Waqf al Awaridh*.

### Abstrak

Kertas kajian ini menerangkan tentang konsep *wakaf al awaridh* atau wakaf waktu kecemasan dan hukum syarak berkaitan serta sejauh manakah ianya penting dan relevan. Kajian ini juga melihat sejauhmanakah keperluannya dari persepektif *maqasid shariah* dalam aspek penjagaan nyawa, keperluan kewangan, pandemic Covid serta ancaman yang lain. Kertas kerja mengutarakan pelbagai cadangan bagi mengatasi masalah sebegini khususnya di negara-negara Islam seperti Malaysia dan Pakistan. *Wakaf al Awaridh* dicadangkan sebagai satu solusi sosial bagi mengurangkan kesan bencana melalui partisipasi beberapa pihak termasuk orang awam. Partisipasi ini adalah bermakna, tidak mengira saiz atau nilai sumbangan tersebut. Wakaf ini belum lagi dikaji dengan mendalam dan adalah sangat perlu

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untuk mewujudkan kesadaran untuk berwakaf. Kajian ini menggunakan kaedah kajian kualitatif dengan merujuk kepada kajian literasi melibatkan kajian isikandungan dokumen, penelotitan, perbincangan dan juga explorasi bahan di internet. Hasil kajian akan mewujudkan satu lagi produk wakaf yang lebih praktikal.

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## 1. Introduction

Today's era is full of challenges, globally. There are many incidents occurred around the globe, from the ocean to the mountain and from the atmosphere to the centre of the earth. Many argue that these incidents and catastrophes are the outcome of human actions. COVID-19 pandemic has rapidly developed into the largest humanitarian and economic crisis of our age, affecting all nations, with a death toll that has surpassed 500,000 and more than 10 million confirmed cases. Evil and greedy acts and decision. The Covid-19 Pandemic requires a deep thought of who caused it. Human being or by nature or God. Whatever the reason and who ever caused it, the lessons learnt is that we must be prepared and ready physically and mentally. Physical preparation includes oneself in facing the turbulent, a government in preparing the budget, manpower, national and regional plan, as well as good system including the technological advances.

The United Nation in 2020 reported that the COVID-19 pandemic has rapidly developed into the largest humanitarian and economic crisis of our age, affecting all nations, with a death toll that has surpassed 500,000 and more than 10 million confirmed cases. (UN, 2020). The finding of the report estimated that 71 million people are expected to be pushed back into extreme poverty in 2020, the first rise in global poverty since 1998. Lost incomes limited social protection and rising prices mean even those who were previously secure could find themselves at risk of poverty and hunger. In addition, under employment and unemployment due to the crisis mean some 1.6 billion already vulnerable workers in the informal economy – half the global workforce – may be significantly affected, with their incomes estimated to have fallen by 60 per cent in the first month of the crisis. More people around the globe will be suffering from a lack of adequate housing, no running water at home, shared toilets, little or no waste management systems, overcrowded public transport and limited access to formal health care facilities.

Women and children are also among those bearing the heaviest impacts of the pandemic. Disruption to health and vaccination services and limited access to diet and nutrition services have the potential to cause hundreds of thousands of additional under-5 deaths and tens of thousands of additional maternal deaths in 2020. Many countries have seen a surge in reports of domestic violence against women and children. School closures have kept 90 per cent of students worldwide (1.57 billion) out of school and caused over 370 million children to miss out on school meals they depend on. Lack of access to computers and the internet at home means remote learning is out of reach of many. About 70 countries reported moderate to severe disruptions or a total suspension of childhood vaccination services during March and April of 2020. More importantly, Covid19 is just one example of catastrophes. In an old story about the Prophet Yusuf AH, a king sought the advice of Nabi Musa on a situation from his dream. According to the reading of the dream by Musa AH, his region would soon undergo a period of seven years of abundance followed by seven years of drought. It presented a conundrum to the king. After seven prosperous years, the kingdom faced seven dreadful years. How would it survive? In the context of historical experience and retrospect, Yusuf's advice to the King is common sense, but not always understood by others, as in this particular instance. The man proposed the King to build a reservoir. It means again a plan for wet days as the days of abundance are not permanent. In Islam, the Prophet Muhamad SAW taught us to make Waqf. Waqf is for a long-term plan.

At present, more families fall into extreme poverty, children in poor and disadvantaged communities are at much greater risk of child labour, child marriage and child trafficking. In fact, the global gains in reducing child labour are likely to be reversed for the first time in 20 years. The report also shows that climate change is still occurring much faster than anticipated. Meanwhile, ocean acidification is accelerating; land degradation continues; massive numbers of species are at risk of extinction; and unsustainable consumption and production patterns remain pervasive. As if, we are very close to the end of the world, but still, life must go on and plans must be designated. Waqf al Awaridh is presented in this paper as one of the crisis or risk management solution.

## 2. Literature Review

In 2020, the number of people living in extreme poverty is projected to increase by 71 million, marking the first increase since 1998. Even individuals who were previously secure, now may be at risk of poverty and hunger due to lost salaries, restricted social protection, and increased prices. Half of the world's workforce—1.6 billion already vulnerable employees in the informal economy may be heavily impacted by underemployment and unemployment because of the crisis, with their salaries reportedly falling by 60% in the first month of the crisis. Due to their inadequate housing, lack of access to running water at home, use of communal restrooms, and other conditions, the more than one billion slum residents around the world are particularly vulnerable to the impacts of COVID-19. (worldbank.org)

Mohiddin , M. N., & Kurniawan, C. S. (2022) in their article entitled “The Potential of Waqf In Facing The Covid19 Pandemic” highlight the issues and made some practical suggestion on using Waqf as a tool to overcome issues during pandemic. They viewed that Waqf can solve economic problems such as what happened during Covid-19 pandemic. The credibility of Waqf in efforts to reduce poverty and improve the country's economy is proven through history. The Covid19 issues are not only related to health, but its impact has affected various sectors including the economy and even worse contributed towards the escalation of the global economic crisis. The study revealed the extent to which Waqf can minimize the economic problems that are being faced. It is not only the Government that is responsible in dealing with the issue of the Covid-19 pandemic, but it is also a shared responsibility that must be borne by all levels of society and agencies. With the uniqueness of waqf, it can resolve the economic crisis and at the same time help ease the burden of the government, especially in times of pandemics that affect certain groups. The existence of Covid-19 without realizing it is the source of waqf and the latest encouragement to contribute more towards the well-being of all when recognizing the greatness of waqf and in professional governance.

These authors did not mention the various types of Waqf which could be adopted in facing the pandemic. The Specific or General Waqf (*Waqf Khas and Khairiy*) may be adopted, for specific and general purpose, hence make it easier for the trustee (nazir or mutawalli) to manage the fund (Waqf). Nazari Ismail, a Professor from University of Malaya (Mac 28, 2020) wrote that after Covid 19 Pandemic, it is timely for us to find alternative system in providing money and reducing debt. Waqf is an alternative system. *Waqf al Awaridh* is an innovation of Waqf (Encyclopaedia Fiqh, 1983) The nature of *al Awaridh* is to facilitate the emergency but the life span of the Waqf is temporary based on the existence of the needs and urgency. In this paper, the authors investigate the relevancy and viability of this Waqf and proposed for a few models of implementation with special reference to the context of Malaysia.

## 3. Jurisprudential Framework for Waqf in General

Waqf is a dedication of property, movable or immovable in which the benefit of the property is dedicated for the enjoyment of the public or any specific group of beneficiaries or grantees. The Waqf

asset shall be assigned for management and development to an agency or appointed individual or organisation who will distribute the 'manfaah' to the beneficiaries. In Malaysia, the trustee is called the Mutawalli or the nazir or other common term as manager Waqf. The law provides that the Majlis (State Islamic Religious Council) is the sole trustee of the Waqf properties in the state, but the Majlis has the authority to delegate, appoint or recognise the trustee or Mutawalli appointed by the Waqif. Since the time of the Prophet Muhammad SAW and his companions, Waqf institution has served as a charitable or welfare institution and providing for economic development of the ummah as shown in Waqf of Saydina Uthman RA and the case of *Rumah* well in Madinah.

Recent calamities around the globe demand for more activities and contribution in the form of Waqf as it provides sustainability hence more secured for future generation, unlike *zakab*, which is a kind of one-off assistance. Until recent, despite advanced technology and development, poverty is still rampant. The climate change has changed many of us, from poor to poorer. On most occasion, everybody is turning to the government as the caretaker of the welfare of the people. The issue is whether the government is ready. Many incidents show that there are many situations where things go out of the government's hand. Earthquake, tsunami, flash flood, drought and war are incidents that beyond the government's control.

In Islam, charity is very noble and encouraged as part of the religious duties. Allah SWT promises big reward in this world and the Hereafter. A man shall never become poor by giving. Prophet Muhammad SAW emphasised about this act in his hadith, "When a human being dies, good deeds come to an end, except for three: ongoing charity (known in Arabic as *sadaqah jariyah*), knowledge which benefits others, and a righteous child who prays for him or her." (Saheeh Bukhari)

Allah SWT states in the Quran about charity:  
Surah Ali Imran (3):93

(لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ)

In addition,

"And give glad tidings (O Muhammad) to those who believe and do righteous deeds..." (Quran 2:25)

"By no means will you attain righteousness unless you spend in God's cause giving freely from what you love. And whatever you give, God knows it well." (Quran 3:92)

Charity is not only a noble act of helping others, but it has its own self benefits. The act shall remove greediness, selfishness, proud and superiority complex in one's mind. It creates empathy and a true reflection shall give peace of mind to the donor, and he enjoys a more blessed life.

The issue here is how to make charity a sustainable and a legacy for the future. Facts and figures about the climate change, global crisis and natural disaster demand for a more long last security financially,

commodities, assets, technology and human capital. During the Ottoman's Turkey, we have learnt about various types of Waqf or Vakif practiced by their leaders and people. (Muslim Heritage.com.2011, Toraman & Tuncsiper,2017)

We learnt from these literatures of the existence of an institution which aid anyone who is in need. It is a place that is properly managed and aid without so many bureaucratic but with procedures. In that story, accepting the traces of the broken vase is a procedure that help is given for valid case and with proof or evidence. But once proven, the remedy is provided without any delay and painstaking manner. Hence, the institution that provide the remedy is a Waqf institution or *Habs*, as known in some countries. *Habs* or Waqf refers to an Islamic endowment institution or Foundation. The practice of Waqf developed with the Islamic society serving for the Muslim and non-Muslims. It also benefitting the poor and the rich in its own ways.

In the early history of Waqf, the nature of the subject matter were simple assets such as farmlands, wells, and orchards. It is basically involved immoveable properties as the jurists believe that the hadith about Saydina Umar and his Waqf of land in Khaybar laid down a few legal principles on Waqf. It has to be inalienable, irrevocable and perpetual. The giving is only for the *Manfaat* (the benefit or the usufruct).

Another famous example of Waqf property is the Ruma Well of Uthman in Medina, founded in the first year after migration from Makkah to Madinah. This well originally belonged to a Jew who sold the water to the poor at an exorbitant price. Prophet Muhammad SAW made a promise of Paradise to anyone who would buy the well and endow it for the benefit of the people. (Saheeh Bukhari, Saheeh Muslim). When Uthman heard about this, he purchased the well in two instalments, as it was sold by the owner at a high price. The Ruma well is a proof of the consequence of the application of the rule that Waqf is perpetual. Till today, the well was registered and managed as Waqf. All the people of Medina, Muslim and non-Muslim alike, were allowed to use water for free. This well still exists and is used till today. The *manfaat* from the water is now extended to palm orchard and hotel.

Umar ibn al-Khattab also founded a noteworthy endowment. It is reported in a hadith that:

{ حَدَّثَنَا يَحْيَى بْنُ يَحْيَى التَّمِيمِيُّ أَخْبَرَنَا سُلَيْمُ بْنُ أَحْضَرَ عَنْ ابْنِ عَوْنٍ عَنْ نَافِعٍ عَنْ  
ابْنِ عُمَرَ قَالَ أَصَابَ عُمَرُ أَرْضًا بِحَيْرٍ فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَسْتَأْمِرُهُ  
فِيهَا فَقَالَ يَا رَسُولَ اللَّهِ إِنِّي أَصَبْتُ أَرْضًا بِحَيْرٍ لَمْ أُصِبْ مَالًا قَطُّ هُوَ أَنْفَسُ عِنْدِي  
مِنْهُ فَمَا تَأْمُرُنِي بِهِ قَالَ إِنْ شِئْتَ حَبَسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا قَالَ فَتَصَدَّقَ بِهَا  
عُمَرُ أَنَّهُ لَا يُبَاعُ أَصْلُهَا وَلَا يُبْتَاغُ وَلَا يُورَثُ وَلَا يُوهَبُ قَالَ فَتَصَدَّقَ عُمَرُ فِي الْفُقَرَاءِ  
وَفِي الْقُرْبَى وَفِي الرِّقَابِ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ وَالضَّيْفِ لَا جُنَاحَ عَلَيَّ مَنْ وَلِيَهَا  
أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ أَوْ يُطْعِمَ صَدِيقًا غَيْرَ مُتَمَوِّلٍ فِيهِ }

Umar acquired a valuable piece of land and asked Prophet Muhammad to advise him on what he should do with it. Prophet Muhammad said, "If you wish you can keep it as an endowment to be used for charitable purposes." (Saheeh Bukhari). So, Umar gave the land as an endowment. Thus, the land could not be sold nor given away either as a present or a bequest, but its yield would, in perpetuity, be used for lawful Islamic charitable purposes, for example feeding the poor, using the profits to emancipate slaves, or other charitable acts necessary at the time.

#### 4. *Waqf al 'Awaridh* or Contingency Waqf

Literally, *Awaridh* comes from the word '*A'ridh*' or '*Aridhab*' which means 'emergency' or natural disaster the situation may appear and disappear. (Encyclopedia of Fiqh, 2012, Vol. 7, p.161.). According to Fincyclopedia, *Waqf al 'Awaridh* refers to "Waqf in which the yield is held in reserve so that it can be used at times of emergency or unexpected events (contingencies) that negatively influence the livelihood and well-being of a community of people. For example, waqf may be assigned to the satisfaction of specific needs such as medication for sick people who are unable to pay medication expenses and education of poor children. *Waqf al-Awaridh* may also be used to finance maintenance of the utilities of a village or neighbourhood."

According to some of the Muslim jurists, *awaridh* refers to situation which the state of emergency occurs, and the situation is temporary in nature. In other words, the emergency states

This concept is not popular in the early days and hence, is a contemporary product of Waqf. This innovation is timely as the world is full of crisis and requires for a long-term plan. As Waqf is one of the platform or tools for sustainable current and future planning, Waqf al Awaridh is a new product of Waqf. It may appear in a form of fiat money, gold, immovable properties such as buildings or land or even the intellectual properties such as royalties or expertise. Nonetheless, as it aims to cater for emergency or urgency, it is recommended that the assets which the origin is immovable should be kept in a form of fiat money or easily liquidised asset.

The execution of the Waqf may be made for a short term or long term (perpetual). Hence, in its implementation, *Waqf al Awaridh* may take the form of *Waqf Muaabbad* or *Waqf Mnaqqat* (temporal). The National Waqf Fund may accept subject matter of waqf, immovable or movable nature. The agreement for the contribution can be made for an identified term to be temporary. A *waqif* may choose to dedicate his property as Waqf or the benefit of the property to be made as the subject matter of Waqf.

## 5. Results and Discussion

### A. Justification for the Establishment

The first analysis presents a certain characteristic of Waqf which make it viable for *Waqf al Awaridh*. The pillars of Waqf provide a strong foundation of Waqf where the donors are clear, the subject of Waqf are certain, identified valuable and sustainable. The *siyah* inform the Waqf manager of all the expected responsibilities and duties. The terms can be précised or general giving more freedom for the caretaker to deal with it. Waqf institution which gives a crucial role to a trustee provides for the accountability of *Waqf al Awaridh*. Waqf must be protected and preserved in a very special manner which shall result in increasing value of the asset and a wider coverage of beneficiaries may benefit from the property. In the context of *Waqf al Awaridh*, a national or state fund for the purpose is necessary. It can be established with a seed money from the government or Baitul Mal. The people in the state can be made compulsory to contribute for a certain minimum amount.

A contingency plan provides for any project management teams prepare for the unknown. This is part of risk management. *Waqf al Awaridh* is one of the platforms of the tools.

It could operate at village level or even at national level. It needs to be put under a specific agency with a strong financial back up or strong human resource. If it is established in a village, the management can come from the Mosque Committee or Management Corporation of a strata scheme, where this organisation is regulated and answerable to a certain higher authority. The main principle is that being ‘emergency plan’ the Waqf must be able to be delivered to the people in a fast and less red-tape manner but professional.

At the national level, it could be managed by the Ministerial level with a combined agency under several ministry such as the Ministry of Welfare, and Ministry of Finance. Although some countries like Malaysia may have some bureaucracy due to Federal-State structure of governance, exception should be given for emergency cases. The working of the agency in charge of Contingency Waqf or *Waqf al Awaridh* should not be hurdled with bureaucracy issues but ‘emergency’ rules and be given priority. A body entrusted with the duty should be free to make decision to utilise the fund without fear of critics or challenge. The decision must fulfil the objectives of *Maqasid al Shariah* to protect the *Deen*, life and property.

In the current management and marketing practice, it is like contingency fund and its planning should be like contingency funding plan (CFP). Where the current CFP is more focus on money or monetary plan, *Waqf al Awaridh* is more on long term immovable assets which can produce *manfaah* or benefit which can be easily liquidised. Under the common law practices, contingency fund refers to “a reserve of money set aside to cover possible unforeseen future expenses”. It may either be ‘cash’ or liquid assets.

### b. Legal Framework of *Waqf al Awaridh*

Legally, *Waqf* law is clear with the rightful authority in managing Waqf. While the statutes clearly provide for the adoption of *Hukum Syarak* in determining the law and as preference for any conflict of authority, having a comprehensive Enactment with clear rules is necessary in Waqf governance and administration. In the context of Malaysia, the Majlis shall be the caretaker and for that matter, the finance department of Majlis may create a special vote for the purpose. A special Committee needs to be established where decision may be made as per case. Details of the membership, roles, duties and appointment and termination may be made under a separate

rule. A model of management for other fund may be adopted with special provision for 'emergency' or *dharurah* requirement.

As Waqf is *ijtihadi* matters for not having clear provision in the Quran, the Muslim jurists can always utilise the provision for Fatwa in making the law on *Waqf al Awaridh* meeting the needs of the people from times to times. Malaysian law on donation may come under the Administration of Islamic law enactment known as *Khairat*. The same law also provides some provisions for Waqf, but incomprehensive. As such, 6 states have enacted their own Waqf Enactment including Selangor, Melaka, Negeri Sembilan, Perak, Terengganu and Sabah. Nonetheless, the laws do not have provision for *Waqf Al Awaridh* and matters of details on Waqf are left for the Muslim jurists to design and legalise it using *Fatwa*. In this respect, *Waqf al Awaridh* may be established as *Waqf Muaabbad* managed at the National Level as the National Waqf Fund or State Waqf Fund. It can also be devised as a community based waqf, in temporary form (*Waqf al Mu'qqat*) based on the needs or urgency.

#### A. Model of Organisation

There are many potential models of organisation. It could be at the National level or community level. For a country where private Mutawalli is allowed, community based *Waqf al Awaridh* is viable and practical. It serves the immediate needs of the members of the community without the hassle of procedures and permission. Management wise, the model of management Sinking fund in the management of Strata properties or high-rise buildings.

##### i. Sinking Fund Model

Sinking fund is an account required to be opened and maintained as a specific legal body. For example, in Malaysia, under the Strata Management Act 2013, a developer or a management corporation is entrusted by the law to collect and manage sinking fund. The sinking fund account shall be used solely for the purposes of meeting the actual or expected capital expenditure necessary in respect of the following matters. Hence, in the management of *Waqf al Awaridh*, the important element is meeting the scope of 'emergency' or contingency. In the Strata management, the scope of the use of the sinking fund are, the painting or repainting any part of the common property which is a building or other structure, the acquisition of any movable property for use in relation to the common property, the renewal or replacement of any fixtures or fittings comprised in any common property and any movable property vested in the management corporation, the upgrading and refurbishment of the common property; and any other capital expenditure as the management corporation deems necessary. It is compulsory for all strata unit owners to contribute to the sinking fund, failure which, certain action can be taken to the extent that his property can be auctioned.

In managing *Waqf al Awaridh* using this model, the manager must be creative in finding seed money for the Waqf. It is best if the seed money come from the government or *Baitulmal*. A government can make a policy for compulsory contribution from its staff. In fact, any institution such as cooperative society can make a compulsory contribution from their staff. Although Waqf is voluntary, through effective strategy and shared returns, the members will certainly contribute more. Insurance is another evidence where good returns in monetary returns or other benefits will attract the interest of the members to contribute to the fund.

##### ii. Baitulmal Model

In general, *baitulmal* is a store treasury or property house which manages all properties and financial resources of Muslims community. Therefore, primary responsibility of *baitulmal* is man-aging assets and finances that are owned by and entrusted to Muslims community such as *zakat*, *wakef*, *ushur*, *khaarij* and other sources that are permitted by Islamic law as an effort to reduce poverty and for



socio-economic development. This article intends to examine the management of *baitulmal* during the period of Caliph Umar ibn Abdul Aziz. This is important because Caliph Umar ibn Abdul Aziz has made several revolutions throughout his reign. Based on textual analysis, six critical success factors for treasury management during his reign have been identified. The factors are healthy environment for economic growth, strengthening of the *baitulmal*, stimulating and boosting the business sector, creating new rules for the agricultural sector, giving more focus to the general fund stored in the treasury and the last factor is vigilance with the use of the national treasury.

It is important for any trustee or Waqf manager to practice good governance and adopts crisis or risk management system. A Waqf manager must have vision of the organisation and manages the institution with synergy, innovation and collaboration strategy. Waqf institution cannot act alone. We learnt that Caliph Umar ibn Abdul Aziz was very frugal in the use of national treasury. He has sent letter to Abu Bakr ibn Muhammad ibn Amru Ibn Hazm, the governor of Medina, to not using the same candles which was provided to use to manage national affairs to light up the road if he was to be out at night for personal affairs. In addition, he prohibited wasteful use of paper and sent a clear message of the policies to his staff. This wisdom of Umar ibn Abdul Aziz in managing the national treasury has made abundance of available *baitulmal's* funds. During his reign, though a short of 30 months, the history told us that there was no more case of person entitled to receive zakat. Successful *baitulmal's* management during the period was not only depended on the strategies undertaken by Caliph Umar ibn Abdul Aziz. The success was also influenced by four main factors which the caliph regards as the pillar of power. The pillars were the caliph, the governor or district's ruler, the judges, and the officials of *baitulmal*. The caliph has described that all the four factors were essential to create a prosperous country. Through a competent caliph, governor or district ruler, judges, and *baitulmal's* officer only the successful management of *baitulmal's* funds could be done. Any financial institution such as *baitulmal*, state bank, world bank and so on, if were managed through solid strategies by competent and honest person could bring substantial benefits to the people and the country. It was proven by history as was prevailed during the reign of Caliph Umar ibn Abdul Aziz.

*Waqf al Awaridh* adopting *Baitulmal* model may be administered as National Waqf Fund or State Waqf Fund and may accept any contribution in the form Waqf *Muaabad* or *Waqf al Mu'aqqat*.

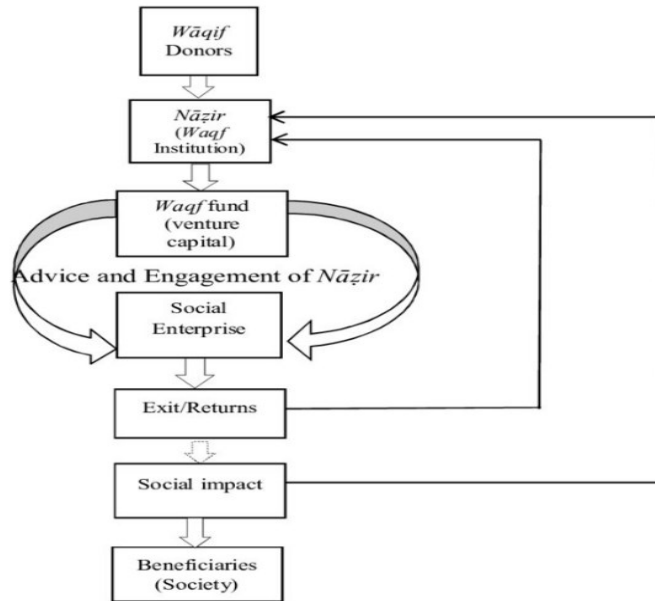
### iii. Community based Fund Model

Another model of management for *Waqf al Awaridh* is community based Waqf. The legal framework in many Muslim countries allows for Waqf to be managed by the individual or private Mutawalli or *nazir*. This is the most motivated form of Waqf or *Waqf al Awaridh* as it shall meet the immediate needs of the members of the society. History of Waqf tells us that Waqf can be managed by the people. In community based Waqf, it Waqf is managed by the people (private) it is fast and could minimise bureaucracy as the management knows the in and out of his society hence, they could immediately attend them. Furthermore, the trustee will be someone who understand what the urgency of the people is in his area, hence, minimise protocol or red tapes in the allocation of the fund.

The formation and execution of this Waqf will utilise the existing system or devise a new system for the purpose. For example, there are many mosques that have mosque management committee which has been put in place. Some countries such as Malaysia has a clear law and organisational structure that provides for a close supervision of mosque. Hence, if *Waqf al Awaridh* were to be applied, the similar format of administration shall be adopted. If the Waqf is to be introduced by the residences committee like the Strata Management scheme, the Joint Management body or the Management Corporation managing the strata scheme can be engaged to monitor Waqf asset. The reports may be supervised by both, the State Islamic Religious Council as well as the Commissioner

of Building. Whichever is the model, the main concern is to protect, preserver and maintain the Waqf.

Figure 1: A flow of Waqf Fund Raising Management



Source: Sulthoni & M Saad (2018)

### 6. Conclusion

This paper proposes for a new product waqf known as Waqf al Awaridh to aid those in needs during the emergency. The Waqf may be administered at the national or state level and may best to serve the community as a community based Waqf. The justification is obvious in the current situation where calamities and catastrophes are around the clock and unexpected. In fact, Waqf al Awaridh is the best option in the preparation for climate change mitigation and adaptation. It may be a product of a government initiative or community based initiative. Waqf is perpetual and secured. The advancement in technology must be employed to minimise fraud and mismanagement, the number one crises management in Waqf.

### Limitations and Avenue for Future Research

The main challenge is the awareness about Waqf in general and *waqf al awaridh* in particular. Waqf initiative requires a key player to commence the task and a waqf eco-system is crucial to sustain Waqf.

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