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Comparative Study on Institutional Mutawalli Practices in Utilising Waqf Property

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ABSTRACT

Waqf is one of the benevolence charities that are highly encourage in Islam. Through the donated waqf property, the benefit will provide to all of the beneficiaries directly or indirectly. Thus, all waqf property should be managed and administered efficiently. A good and effective institutional mutawalli (IM) is capable not only to develop but also to utilise the property. However, most IM facing challenges in their governance practices, hence these properties are not being utilised to achieve their full impact to other beneficiaries. Therefore, the aim of this paper is to compare the practice of waqf property utilisation by IM in Malaysia. A qualitative method applied in this study where formal and semi-structured interview conducted where the participants are those in leadership positions such as CEO and the top management of the four (4) selected IMs. The finding from this study discussed in detail the practice and experience of the waqf institution which are IMs in utilisation of waqf properties. This study identifies the crucial characteristic in the waqf property which needs to possess in utilizing and governing the waqf property. The finding also could benefit the similar and different IM and policy makers to identify the important interdependent characteristics to help them attain growth performance

Keywords: Institutional Mutawalli, Utilisation of Waqf Property, Waqf Institution

INTRODUCTION

Waqf properties have become the backbone of Islamic economic development (Mobin & Ahmad, 2017). For instance, there are many waqf educational institutions, such as the Cordova University in Andalus, Al-Azhar Al-Syarif in Egypt, and Madrasah Nizamiyyah Baghdad. University Al-Azhar is another example of a waqf property that was established more than 1,000 years ago and has contributed to the educational services of thousands of Muslim students globally (Abdul Ghafar & Noraziah, 2009).

According to Islamic laws, all waqf properties that have been donated must be managed, administered, supervised, and developed by the pertinent parties or organisations. A person who is responsible for managing a waqf property is known as Al-*Mutawalli*. A *mutawalli* can be an individual, a group of individuals, or an organisation or institution; it is important that waqf properties are managed and utilised accordingly (Mohd Afendi & Asmah, 2010). Therefore, the *mutawalli* is responsible for managing and developing the waqf property to ensure that it benefits society, whether Muslims or non-Muslims.

In the Malaysian context, a *mutawalli* can operate at the state level, such as the State Islamic Religious Council (SIRC), and at the national level, such as the Department of Waqf, Hajj and Umrah (JAWHAR) and Yayasan Waqaf Malaysia (YWM). Besides that, there are also *mutawalli* from other types of institutions, such as educational institutions, corporate institutions, private institutions, trustee board institutions, foundations, and voluntary waqf institutions. With respect to the unique characteristics of waqf, such as the long-lasting reward to the waqf donor, waqf properties in Malaysia have expanded to become more developed and optimised. As the waqf institutions hold public trust, the management and administration of these institutions are typically exposed to the public.

The administration and development activities of most waqf properties in Malaysia are overseen and governed entirely by SIRC. As the sole trustee at the state level, SIRC is responsible for managing all waqf properties, whether immovable or movable properties, and their corresponding activities. Every SIRC has its own enactment, regulation, and procedure to manage all waqf institutions, resulting in different practices across the states in Malaysia (Wan Mohd Al Faizee *et al*., 2021; Yusuf, 2020).

The main problem in the utilisation of waqf properties is that these waqf properties are underutilised, unproductive, and left idle (Anwar & Mohamad Isa, 2016; Sukriah Ismail *et al.,* 2021). During the 2023 Budget Presentation, Malaysian Prime Minister Datuk Seri Anwar Ibrahim emphasised that only approximately 3,500 hectares, or merely 12 percent, of the registered waqf land has been successfully developed to date (Kementerian Kewangan, 2023). Moreover, there is no official record of the current level of utilisation of waqf properties. Waqf properties have not been fully utilised, and there is no official related information. Moreover, certain records remain fragmented.

There are several factors that cause the underutilisation of waqf properties. For example, the changes in the title of waqf lands that affect the generation of income; the non-strategic location of waqf lands, where certain waqf lands are located in remote, rural areas; and the small size of waqf lands, which would affect the development of the waqf land (Fathullah Asni et al., 2024).

Apart from that, there are also poor governance practices among institutional *mutawalli* (IM). Due to the implementation of poor governance practices, the management strategies to optimise the utilisation of waqf properties by the institutional *mutawalli* cannot be improved. Furthermore, there are different types of waqf institutions, which add complexities to the implementation of governance rules and regulations. This issue was highlighted in several past studies (Mohd Bakri, 2014; Rabitah *et al.,* 2012; Sukriah Ismail *et al.,* 2021; Syed Aisam Syed Idris, personal communication, 2013; Zuraidah et al*.,* 2011), which include the lack of standardisation in terms of management and governance practices, lack of professionalism and expertise (Selamah et al., 2021; Wan Mohd Al Faizee *et al.,* 2021), lack of human capital or human resources in the waqf department to manage waqf properties (Saiti *et al.,* 2021), non-standardisation of the legal framework (Ibrahim *et al.,* 2021; Sano & Kassim, 2021), and unqualified and unprofessional personnel in certain areas such as land administration, urban planning, and legislation (Sukriah *et al.,* 2021).

Another issue that is linked to the underutilisation of waqf properties involves the improper management of the waqf properties (Aznan Hasan & Syahnaz Sulaiman, 2016), which may be due to the lack of funding for maintenance and financing of waqf projects. Asharaf *et al.* (2022) and Azniza Hartini and Fadhilah (2021) also highlighted similar issues, where most of these studies identified the shortage of funds as the major problem in developing and managing the productivity of waqf properties. In addition, certain waqf properties do not have commercial value for long-term sustainability and have

low rental yields (Abdullah & Saiti, 2016). Likewise, in the context of government institutions, SIRCs encounter a lack of funds to develop and manage all waqf properties (Marina *et al.,* 2020).

Indirectly, this scenario leads to inefficient and ineffective productivity of waqf properties and the underutilisation of waqf properties (Mohd Bakri, 2014; Rusni & Fatimah, 2020). Although there are various sources of income or funding, it remains insufficient to fund or maintain the expenses to develop waqf properties. As a result, waqf properties are not able to generate more income and wealth for the surrounding community (Anwar *et al.,* 2023; Hydzulkifli Hashim & Asmak, 2015). Hence, it is not surprising that numerous waqf properties in Malaysia remain dormant and unproductive, given the dependence on only three main sources of funding, which are waqf land and building rental (Abdul Ghafar & Noraziah, 2009; Asmak, 2009), cash waqf contributions (Magda, 2013; Yusuf *et al.,* 2022), and Baitulmal (Noor Fazni & Asmak, 2021; Siti Alawiah, 2012).

Considering the above scenario, waqf properties cannot be used in the transformation of state economic development (Aznan Hasan & Syahnaz Sulaiman, 2016; Medias *et al.,* 2022). It is believed that waqf properties can only be fully utilised through good waqf property management, leading to the development of Islamic wealth (Mohd Afendi & Asmah, 2010; Shafinar *et al.,* 2023). Therefore, the aim of this study is to explore and compare the practice of waqf property utilisation by IMs in Malaysia.

REVIEW ON UTILISATION OF WAQF PROPERTY

In the context of this study, utilisation means the in-depth use of waqf property so that it can generate more income, enabling the waqf property to be self-sustainable, benefiting both the waqf property and the local community, provided they do not conflict with *Sharia* compliance. Recently, many scholars have widely debated the issues of waqf, both locally and internationally. These studies cover various perspectives and areas of waqf. Among those studies currently mentioned are in the perspective of waqf in education (Rusnadewi & Rohayati, 2014), waqf management and administration (Chowdhury *et al.,* 2012; Rabitah et al., 2012), waqf accounting (Rosnia & Zurina, 2013), cash waqf (Che Zuina *et al.,* 2014), waqf institutions (Sohaimi, 2009), waqf development (Farhana *et al.,* 2014; Hydzulkifli Hashim & Asmak, 2015), and corporate waqf (Abd Shakor, 2011).

From the previous literature, it is evident that waqf research has been explored from various perspectives. It is clearly proven that the issues of waqf have raised wide awareness among researchers, prompting more in-depth studies. Therefore, the main focus of this study is to understand the utilisation of waqf property. This study focuses on immovable waqf property, such as land and buildings.

Utilisation means the full use of the waqf property. Utilisation involves the association of all resources without any wastage. Significantly, the function of waqf property is not only for the benefit but also to generate income for the institution. The reason why the waqf property needs to generate income is due to the factor of self-sustainability costs (Chowdhury et al., 2012; Mustafa et al., 2021). Meanwhile, Abul Hassan and Mohammad Andus Shahid (2010) and Abdelkader et al. (2020) explained that the main purpose of the waqf institution is to make a social profit. Social profit means cost efficiency in using any available resources in such a way that the social objective as defined by the *waqif* is achieved.

Moreover, to implement the waqf property utilisation, cash waqf is an alternative for raising funds. Once the cash waqf is acquired, it will be collected and reinvested to generate more income for the property (Abul Hasan, 2014). This method can lighten the load of institutional *mutawalli* in obtaining sources of funding to cover the maintenance and management expenses of the waqf property. Furthermore, the cash waqf also serves as a contributor to economic development by providing basic amenities such as access to education, health, welfare, and other activities that benefit the community (Johari *et al.,* 2023).

At the same time, the cash waqf also functions to finance the development of the waqf property. The institutional *mutawalli* will manage the cash fund, which will be utilised for providing a circling loan for the development of waqf properties. This loan is payable to the fund, to be utilised again for

financing other waqf properties. Since this fund will be generated out of cash waqf contributions from individuals and institutions, including the government, its administrative expenditures will be covered by service charges that are in accordance with *Sharia* compliance if they represent the actual cost of administering a loan (Abul Hassan & Mohammad Andus Shahid, 2010; Hafis *et al.,* 2020).

In addition, each institutional *mutawalli* must think long-term and develop appropriate strategies for gathering funds. Effective methods and strategies that are able to create opportunities for the waqf property to be utilised so that its use benefits and achieves the objectives of the stakeholders involved (Che Zuina *et al.,* 2014). Among these roles are those undertaken by Wakaf An-Nur, which introduced a waqf share to collect funds for long-term strategies. Similarly, the same approach was adopted by YWM to obtain funds from the community. As a result of the funds collected, YWM successfully developed small high-impact projects that can generate income for the benefit of the local community (Aemy et al., 2022; Mohammed Izzuddin et al*.,* 2021). At the same time, the federal government also provided funding amounting to RM30 million for the purpose of developing waqf property. This scenario is indirectly able to increase the number of Muslim entrepreneurs in the country.

Methods of cash financing through *mudarabah* or *musharakah* are able to produce more income from waqf property and can help institutional *mutawalli* in the creation of income (Abul Hassan & Mohammad Andus Shahid, 2010; Hydzulkifli Hashim & Asmak, 2015). The revenue could be used to utilise the existing waqf property for the benefit of the property and to accomplish the *waqif*'s objective. As suggested by Furqon (2020) and Nasution and Medias (2020), two types of financing vehicles can be used to finance the development of waqf property: the establishment of a cash waqf fund and the issuance of Sukuk. These two alternatives are suitable for current practice since most potential *waqif* does not have an immovable asset. With these strategies, it will encourage the community to contribute, ensuring that the waqf property is developed and utilised accordingly.

Asmak (2009) explains the strategy adopted by YWM to identify institutions capable of providing synergies towards charitable fundraising in a more integrated and comprehensive manner. Among the institutions involved are the Pilgrims Fund Board (LTH), Federal Territory Zakat Collection Centre (PPZ council), and Bank Islam Malaysia Berhad (BIMB) with the cooperation of SIRCs throughout Malaysia. This approach intensifies the collection of funds for the waqf, providing a way for *waqif* to engage in religious endowment. This, in turn, can facilitate the construction of more efficient waqf property.

Each institutional *mutawalli* is the trustee of all the assets that have been donated. From the dedicated waqf property, the institutional *mutawalli* should ensure that the benefits are realised for society through the utilisation of the waqf property in accordance with the predetermined objectives (Abul Hassan & Mohammad, 2010).

Mutually, the donated waqf property should be utilised and managed systematically in every respect. The reason is that each institutional *mutawalli* is the centre that provides facilities for those who are less fortunate, such as orphans, the poor, and the needy (Abul Hasan, 2014). Through the actions taken by the institutional *mutawalli* to fully utilise the waqf property, many facilities can be reconstructed and made available to the community. This, in turn, can provide convenience and comfort to those in need. In practice, they will be able to improve their standard of living, thereby reducing poverty. Thus, it is aligned with the institutional *mutawalli*'s goals to ensure that each waqf property is beneficial to all beneficiaries (Che Zuina *et al.,* 2014).

Waqf land was formerly a major method of religious endowment from the time of Prophet Muhammad. Chowdhury et al. (2012) explains that currently, it is no longer the most productive waqf property to be acquired. As an alternative, cash waqf is more productive at this moment. This situation arises because many institutional *mutawalli* face great challenges in managing waqf property. This issue is often associated with management problems and fundraising. If institutional *mutawalli* can identify effective methods and strategies, there would be no issues with the effective utilisation of waqf property. Institutional *mutawalli* should undertake a more transparent, productive, and innovative management system for the utilisation of waqf property. Hopefully, each of these waqf properties will gain attention

and appropriate action from the overall institutional *mutawalli* orientation system. Hasnol (2007) also noticed that not all waqf property had the potential to be developed, particularly waqf land. The management of institutional *mutawalli* should take a more groundbreaking approach in addressing difficulties in the development of waqf property. Hence, to face current challenges and demands, a programme and innovative methods should be implemented to solve this problem.

For example, Ahmad Dawjee Dadaboy donated land located in the Golden Triangle, Kuala Lumpur, estimated to be worth more than RM34 million and RM658 per square foot. Even with an area of just 1,185 square feet, the strategic positioning makes the waqf land highly valuable and with significant development potential. This shows that with the utilisation of the waqf property, it can be used to provide returns that bring prosperity to the entire community, not only the surrounding area but other areas as well (Hasnol, 2007).

In addition, *istibdal* methods can also be employed as a measure to overcome the unproductive and low-value waqf property. A simple explanation of the concept of *istibdal* is that it is a method to replace the waqf property with another, but with similar classification or value estimation. The replacement through *istibdal* must comply with *Sharia* compliance (Hasnol, 2007). Moreover, it is the duty of every institutional *mutawalli* to make strategic plans for waqf property. This is aligned with the suggestion by Che Zuina et al. (2015) that management must adopt proactive actions to enhance the utilisation of waqf property. With a beneficial strategy, the waqf property will profit Muslims indefinitely.

Meanwhile, Rosnia and Zurina (2013) recommended that both a *Sharia* advisory board and *Sharia* auditing should be implemented to ensure that waqf property resources and their utilisation are not in contradiction of Islamic law. The various stakeholders could be discharged through Islamic accounting practices. Thus, the institutional *mutawalli* should provide annual reports to stakeholders, such as the *waqif*, waqf board, beneficiaries, and the community. The information provided by the *mutawalli* should clearly state what has been done with the waqf property. This will provide clear identification to all related stakeholders' interests. At the same time, this helps the institutional *mutawalli* fulfil their responsibility and accountability to stakeholders. With consistent reporting, the institutional *mutawalli* will understand the performance of the waqf property, which will indicate how much the waqf property is being utilised and invested for future development.

The utilisation of waqf property can be done effectively and efficiently by introducing proper and systematic guidelines and procedures. This action is to ensure that all waqf property under the institutional *mutawalli* is utilised optimally without any wastage. It would be beneficial for all institutional *mutawalli* to have standard guidelines and SOPs related to the utilisation of waqf properties management (Anwar & Mohamad Isa, 2016; Norma *et al.,* 2017; Salbiah, 2015). These act as guidance in developing and strategising the waqf properties so that they benefit the community.

RESEARCH METHODOLOGY

This study employed a qualitative method, where formal and semi-structured interviews were conducted with participants in leadership positions, including CEOs and top management of the selected institutional *mutawalli*, Board of Directors (BOD) members, and management representatives. To preserve institutional confidentiality, the participation institutions are anonymised as IM1, IM2, IM3 and IM4. The process of this study involved seven steps, as shown in Figure 1.

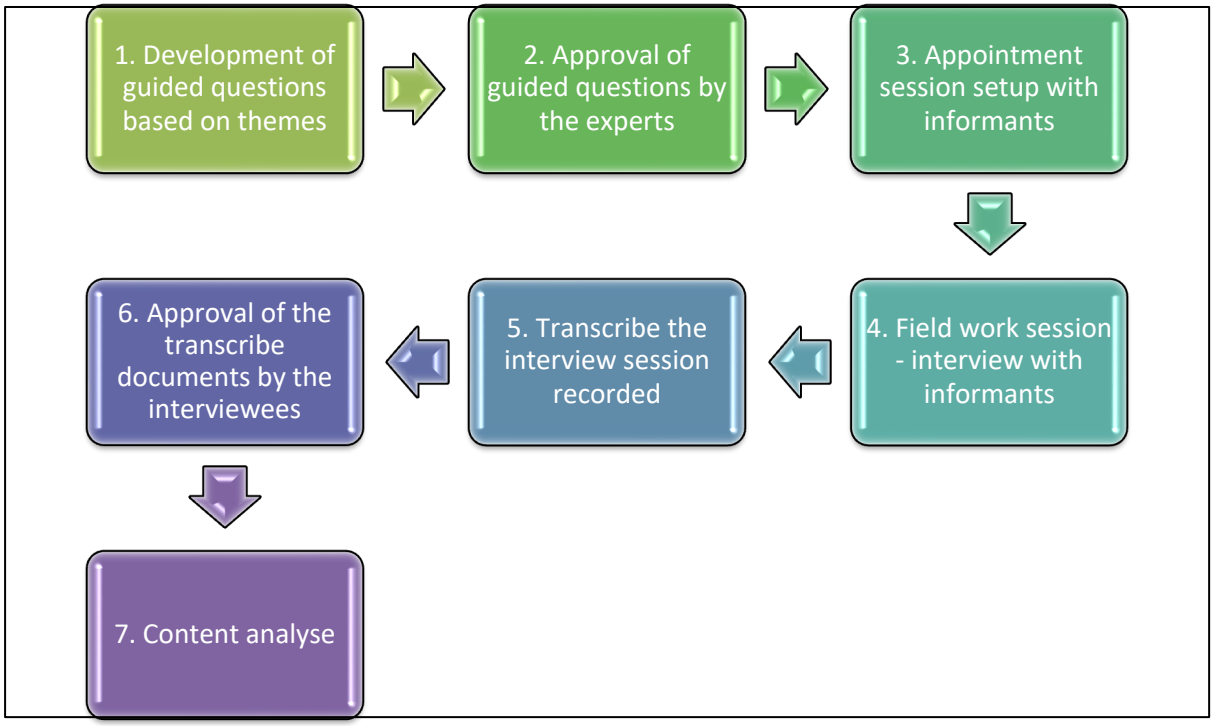

Figure 1. *7 Steps Involved in the Study of Utilisation of Waqf Properties*

The interviews with the institutional *mutawalli* for this study were conducted from a broader perspective to gain comprehensive insights. Overall, the duration of each interview session was about one to two hours, covering all of the guided questions. In addition, other documents were also used to corroborate the responses from the interviewees. These documents included the annual reports of institutional *mutawalli*, bulletins, fatwa resolutions, institutional *mutawalli* websites, books, newspapers, and journal articles, which helped to enhance understanding and triangulate the information gathered from the interviews. Due to the legitimate status of these documents, the information obtained is reliable. Hence, through triangulation, the information gathered from the interviewees is considered relevant, reliable, and valid. Documentary analysis was conducted to support and triangulate all the data gathered from the interview sessions. The purpose of the document analysis was to obtain a deeper understanding for the analysis of the utilisation of waqf property. The interviews were transcribed verbatim and analysed using the content analysis method. A summary of themes from the findings was identified: (1) waqf property utilisation guidelines and procedures; (2) waqf property utilisation strategies; and (3) waqf property utilisation constraints

FINDINGS AND DISCUSSIONS

A total of 20 participants from four different types of institutional *mutawalli* were interviewed. From each institution, one primary participant, one BOD member, two management representatives, and one waqf beneficiary of waqf property were selected for the interviews. The interview transcripts were transcribed verbatim and analysed using thematic analysis.

Waqf Property Utilisation Guidelines and Procedures

The first identified theme was the waqf property utilisation guidelines and procedures. These guidelines and procedures are essential for assessing the availability of specific protocols before proceeding to the waqf property utilisation strategies for each institutional *mutawalli*. They ensure the optimal utilisation of waqf properties. Therefore, it is imperative to understand how each institution practises these guidelines and procedures for waqf property utilisation. Table 1 summarises the findings on the waqf property utilisation guidelines and procedures.

Table 1
Waqf Property Utilisation Guidelines and Procedures of Institutional Mutawalli (D2)

Waqf Property Utilisation Guidelines and Procedures	IM1	IM2	IM3	IM4
	• No specific guidelines and procedures on how to utilise waqf properties	• No specific guidelines and procedures on how to utilise waqf properties	• No specific guidelines and procedures on how to utilise waqf properties • It is generic and only discussed if there are any issues.	• No specific guidelines and procedures • Based on the minutes of meeting set as reference policy • However, for now, only one waqf clinic operates and it is fully utilised accordingly.

Based on the above findings, all institutions in this study appeared to lack specific guidelines and procedures on how to utilise waqf properties. For IM3, the waqf property utilisation guidelines and procedures are only general terms and conditions. The guidelines and procedures are discussed only when issues related to waqf properties arise. Moreover, IM3 relies on the discretion of management to resolve cases of waqf property utilisation, guided by discretion based on the verified minutes of meetings. Meanwhile, IM4 uses decisions made in BOD meetings as references for waqf property utilisation. IM4 has only one type of waqf property, the waqf clinic, which is optimally utilised.

These findings confirm that the institutions still do not have proper and standardised waqf property utilisation guidelines and procedures, for several possible reasons. Firstly, at this point, all institutions are more focused on the development of waqf properties (Anwar & Mohamad Isa, 2016; Muhammad Iqmal Hisham *et al.,* 2024;Norma *et al.,* 2017; Salbiah, 2015), as the current development of waqf properties is a significant agenda for these institutions. As a result, they lack proper waqf property utilisation guidelines and procedures.

Secondly, all institutions are also focused on strengthening their governance structures by strategising for better, more efficient, and more effective management practices (Marziana *et al.,* 2024; Norma *et al.,* 2017; Siti Alawiah & Yusof, 2015; Zunaidah *et al.,* 2015). Nevertheless, a more practical and systematic administration of waqf properties benefits the *ummah*. Moreover, with good governance practices, proper waqf property utilisation guidelines and standardised procedures can be established to project the excellence of Islamic properties.

Thirdly, the lack of proper and standardised waqf property utilisation guidelines and procedures may also be due to the pooling of resources, either in tangible or intangible forms of waqf properties. This statement aligns with the efforts of every institutional *mutawalli* in pooling resources, primarily associated with cash waqf. If all institutions successfully pool sufficient cash waqf, they can carry out more development activities for waqf properties. Consequently, they can optimise the utilisation of waqf properties (Anwar *et al.,* 2014; Hakim & Nawawi, 2024; Wahyu Puspitasari, 2017)

Waqf Property Utilisation Strategies

The second identified theme was the waqf property utilisation strategies. This subsection presents the strategies employed by these institutions to optimise the utilisation of waqf properties. Each institution needs to identify suitable strategies before proposing proper planning and management approaches. Table 2 summarises the findings on waqf property utilisation strategies.

Table 2
Waqf Property Utilisation Strategies (D2)

Waqf Property Utilisation Strategies	IM1	IM2	IM3	IM4
	• Regular monitoring • Proactive actions against problematic tenants • Strengthen the procedures • Increased public understanding and awareness • Enhance joint venture (JV) with other institutions • Increased marketing strategies • Frequent auditing for various aspects • Reasonable and affordable rental fees	• Classify the types of land • Feasibility studies • Strengthen its relationships with subsidiaries • Increased marketing strategies • Increased public understanding and awareness • Regular monitoring • Frequent auditing process for various aspects • Maintenance issues	• Strategic location for the waqf properties • Good and proper marketing strategies • Secure proper funding for maintenance • Reasonable and affordable rental fees • Carry out beneficial activities in the area of waqf property	• The operation of waqf clinic is attached to the medical and dentistry faculty. • The waqf clinic is also appointed as a panel clinic for the university staff. • Increased marketing strategies • Increased public understanding and awareness • Regular monitoring • Frequent audit in all various aspects • Maintenance issues

Based on the findings shown in Table 2, IM1 appeared to have several waqf property utilisation strategies. Firstly, IM1 conducts regular monitoring of all waqf properties under its supervision. This strategy ensures that the benefits of waqf properties can be properly channelled according to the wishes and aspirations of the *waqif*. Furthermore, it can also prevent wastage of the waqf property resources. In addition, IM1 takes proactive action against problematic tenants of waqf shop lots and other waqf properties, such as issuing warning letters and taking legal action if there are tenants who do not comply with the rules set by IM1. Such proactive actions are necessary in order to avoid any of the leased waqf properties remaining idle without potential tenants.

Apart from that, IM1 strengthens the ongoing procedures to ensure more effective implementation and improve any errors made through corrective actions. Furthermore, IM1 takes steps to increase public awareness and understanding of the implementation and institutional operation of waqf properties. IM1 also enhances collaboration and joint ventures with other institutions for the development of waqf projects, depending on the terms of the joint venture. Additionally, there are also efforts to execute promotional strategies through public lectures, seminars, conferences, as well as social and electronic media. Moreover, frequent audits covering all departments are also conducted. Last but not least, IM1 sets reasonable and affordable rental fees in order to promote the rental of waqf properties and avoid cases of idle waqf properties. The following excerpts support the above findings:

> "… we always face the perception of people who do not clearly understand the purpose of waqf, ... mostly they often have the wrong perceptions, when it comes to or related to waqf, everything is going to be free, so our roles here need to correct their understanding and perception of waqf ..." (C1R2)

> "… if we refer to the current situation, the monthly rent of RM5 is not proportional and reasonable. We do not want to rent at such a rate because, at the end of the day, the benefit of renting the waqf property will return to the community itself …" (C1R3)

Meanwhile, IM2 executes several waqf property utilisation strategies. For instance, the institution classifies the types of land according to uses, types of waqf, and potential lots to be developed. IM2 also conducts feasibility studies to identify the potential of waqf property development and utilisation strategies. Besides that, IM2 strengthens its relationships with subsidiaries to ensure that the waqf projects run smoothly without any intervention. At the same time, IM2 improves its marketing strategies, such as the use of billboards, promotions in printed, electronic, and social media, public lecture sessions, and other types of marketing strategies. These marketing strategies raise public

awareness and general understanding of the management and administration of waqf properties. Moreover, IM2 also conducts regular monitoring of all waqf properties under its custody and supervision. Furthermore, IM2 conducts frequent audits on all aspects and elements; thus, corrective actions can be implemented to address any identified errors. IM2 also focuses on maintenance issues for all waqf properties. The following excerpt supports the above findings:

> "... various strategies that we have implemented, all of which are aimed at developing the waqf property currently, we are managing to provide long-term benefits to the entire community ... basically on promotion, talks, strengthening institutional management ..." (C2R1)

As for IM3, its waqf property utilisation strategies focus on the strategic location of every waqf property purchased through the *istibdal* process. With that, IM3 can ensure that all waqf properties are fully utilised, where the institution can receive rental fees without letting these properties remain idle. Additionally, IM3 emphasises effective marketing strategies to promote the importance of donating waqf properties, waqf implementation, and waqf rules. Indirectly, this enhances public awareness and knowledge of the benefits of waqf as a whole. IM3 also emphasises secure funding for the management and operation of waqf buildings under its custody and supervision through collaboration with interested parties. Moreover, IM3 sets reasonable and affordable rental fees for interested tenants. The determination of rental fees encourages nearby communities to rent these waqf buildings. Besides that, beneficial activities are set up within the waqf property areas and surroundings. The following excerpt supports the findings:

> "… in my point of view, a preliminary and detailed study is very important, for example, the selection of waqf land location and building should be strategic and at the same time marketing is very important… who is our target market, who wants to rent our place, ... everything needs to be detailed …" (C1R1)

As for IM4, the institution implements waqf property utilisation strategies through the operation of a waqf clinic and its attachment with the Faculty of Medicine and Dentistry at the university level. In order to encourage the utilisation of the waqf clinic, the waqf clinic serves as the panel clinic for the university. Additionally, IM4 also enhances marketing strategies through the implementation of various promotional strategies to promote the waqf clinic across the state. This is expected to encourage nearby communities and less fortunate people to obtain affordable or free treatment from the waqf clinic, as supported in the following excerpt:

> "… we are trying to promote the waqf clinic more so that everyone can feel the benefits and make this waqf clinic project one of the viable waqf projects, this will be an example and people will be more confident in donating through any waqf projects in the future …" (C1R1)

Other strategies implemented by IM4 include increasing public awareness and understanding of waqf practices and the benefits of waqf contributions and conducting periodic monitoring of the management and operation of the waqf clinic to ensure its compliance with the requirements of the medical board and *Sharia* laws. This situation is supported by the periodic auditing process that covers all elements of the management and operation of the waqf clinic. Moreover, IM4 also emphasises the maintenance issues of waqf properties, as any arising problems can be promptly identified for the institution to take corrective actions.

Clearly, these institutions have several waqf property utilisation strategies. Furthermore, the findings reaffirm the significance of these strategies for the institutions to implement in order to ensure that the waqf properties under their supervision and administration are fully utilised and provide long-term benefits to the *ummah*. The strategies carried out by these institutions differ according to their respective contexts. For example, IM4 focuses on the attachment of the waqf clinic to ensure that the waqf clinic provides practical training placements for future medical and dentistry students. However, as for IM3, the institution emphasises the strategic location of the waqf properties purchased through the *istibdal*

process. This is essential because if the location is not strategic, tenants would not be interested in renting the building or shop lot. As a result, the building or shop lot would remain idle, resulting in significant losses to the institution.

Nonetheless, there are also similarities in the strategies implemented. In particular, IM1 and IM2 execute eight similar strategies. There are five strategies for IM3, whereas IM4 implements seven strategies. The findings revealed that IM1, IM2, and IM4 carry out similar strategies, namely regular monitoring, frequent auditing processes, and increasing public awareness and understanding. These strategies were also found in other studies (see Musaee, 2013; Rusni *et al.,* 2022; Sohaimi & Syarqawi, 2008), whereby implementing appropriate strategies may increase institutional responsibility in managing waqf properties.

Apart from that, other significant findings were that these institutions make marketing strategies a priority in their waqf property utilisation – all institutions agree that the implementation of marketing strategies is the best way to promote waqf-related programmes, waqf products, and the benefits of donating waqf properties, as well as improving the awareness and understanding of the Muslim and non-Muslim communities. Apart from printed and electronic media, most of these institutions identified social media as their essential promotional strategy method. These findings were found to be associated with a study by Rabitah et al. (2016) on the critical success factors for waqf institutions. Moreover, if all institutions are able to support their marketing strategies with up-to-date and innovative methods of promotion, it will definitely increase the purpose and development of the utilisation of waqf property, as mentioned in a study by Mohammad Tahir Sabit (2009) and Shafinar *et al.* (2023).

Waqf Property Utilisation Constraints

The third identified theme was the waqf property utilisation constraints. It is essential that each institutional *mutawalli* identifies these constraints to take proactive strategies for optimised utilisation of waqf properties.

Table 3
Waqf Property Utilisation Constraints (E7)

Waqf Property Utilisation Constraints	IM1	IM2	IM3	IM4
	• Management issues • Community issues • External issues • Tenant issues	• Management issues • Community issues	• Management issues	• Management issues

Based on the obtained findings, IM1 was found to encounter various waqf property utilisation constraints. Overall, four significant constraints were identified. The first constraint was related to management issues. The management needs to identify how to distribute the benefits of waqf to other countries according to the wishes of the *waqif*. Additionally, this is also related to the incompetency of staff. Some are not specialised in specific areas, such as waqf land matters, and do not understand the concept and implementation of waqf. The staff lack adequate training and are less familiar with specific programmes; surprisingly, they need to explore these programmes on their own. Furthermore, certain auditors also do not understand the concept and implementation of waqf and do not follow standard accounting practices. IM1 also often encounters changes in the institutional hierarchy, making it difficult to execute long-term plans. IM1 proposes to set up a subsidiary company under its management authority. The following excerpt supports the above findings:

> "… every institution needs people who are specialised in a particular field of expertise, this will make it easier because they have knowledge in their respective fields; otherwise, I would have to study all areas which are sometimes outside my area of expertise…" (C1R1)

The second constraint was related to community issues. There are misperceptions and misinterpretations related to waqf property management. Most people think that waqf properties should not be commercialised and should not generate profit. There is also a mindset that waqf properties are only for religious purposes, such as mosques, *musallas*, and cemeteries.

The third constraint was related to external issues, such as legal restrictions and political intervention, which are beyond the control of IM1 and cannot be avoided. It depends on the discretion of IM1's management to overcome these constraints. The following excerpt supports the above findings:

> "… Many factors are driving this, for example, many people protesting, political intervention, people arguing, and it is very tiring to deal with this kind of situation… furthermore, we also need to deal with grassroots needs, political needs, as well as community needs related to the waqf property …" (C1R1)

The fourth constraint was related to tenant issues. Some dishonest tenants of waqf premises do not pay monthly rental fees or misuse the premises. Some tenants rent the waqf premises and use them as storage for their sales items or to sell goods. They perceive that waqf premises have lower rental fees, which leads to the misuse of waqf properties. The related part of the excerpt is presented as follows:

> "… currently the rental rate is different, if you still want to rent at a rate of RM 5.00 a month, it doesn't make sense ... we want the benefit of the waqf to channel back to the community, to the ummah, if we still implement at that rate, how much benefit from the waqf property itself can be donated back …" (C1R3)

Meanwhile, IM2 was found to encounter two significant constraints related to waqf property utilisation. The first constraint was related to management issues. Specifically, IM2 experiences a shortage of staff to oversee all waqf lands throughout the state and issues in running the *istibdal* process for pocket lands and non-strategic waqf land locations. Moreover, IM2's management encounters difficulties in identifying the inheritor of the *waqif* when it comes to long-term waqf lands, as certain wishes and aspirations of the *waqif* may not be practical for implementation and require changes. Additionally, IM2 faces technical problems in managing and operating waqf properties. Furthermore, the SOP for carrying out various types of waqf (e.g., waqf *mushtarak*) for IM2 is lacking.

In addition, the lack of funding is also a contributing factor, as funds are necessary to finance new waqf property development and sustain existing waqf properties. The second constraint was related to community issues, specifically the lack of public understanding of the concept and implementation of waqf. Most people think that waqf is only for religious purposes, such as the construction of mosques, *musallas*, and cemeteries. Similarly, they believe that waqf properties should not be commercialised and generate profit. The following excerpts support the above findings:

> "… the challenge is if the information obtained is incomplete, it will make it difficult for the system to trace and retrieve all that information, plus the institution's SOP cannot be implemented properly …" (C2R1)

> "... it is also a problem because people are not very knowledgeable about waqf, and it is very difficult for us to do any project related to waqf property ..." (C2R2)

On the other hand, IM3 was found to encounter only one constraint, specifically management issues. The management issues faced by IM3 are related to the lengthy decision-making process when the institution introduces new waqf products. Additionally, there is tax exemption for waqf contributions, but this only applies to Malaysians. IM3 also encounters difficulties in obtaining competent tenants for the waqf buildings and premises. Furthermore, the share waqf introduced by IM3 only applies to a particular state and does not cover other states in Malaysia. The following excerpt supports the above findings:

> "… we are only allowed to manage share waqf ... not cash waqf … so we have constraints there. Moreover, cash waqf is only within the company group, ... in the event that we cannot break the agreement between the company and SIRC ..." (C3R1)

Similarly, IM4 identified management issues as a waqf property utilisation constraint. During the early stage of its establishment, IM4 had difficulties convincing the top management of the university on the concept and implementation of waqf because not all members of the top management were familiar with the concept and implementation of waqf. Although the waqf clinic was successfully established, its operation does not yield favourable profit. As a result, the benefits of the waqf clinic cannot be distributed properly, and the institution struggles to implement new waqf projects. The following excerpts support the above findings:

> "… we have to be completely independent in order to generate more income without depending too much on the university …" (C4R1)

> "… overall, I think some of the leaders at this university see the importance of waqf, but there are some problems with the execution and methods to get it all out ..." (C4R2)

> "… all the leaders are not really into waqf development …" (C4R3)

In general, this study revealed that all institutions encounter rather similar constraints regarding management issues. For example, IM1 and IM2 have limited staff to handle and manage waqf properties under their respective authority. Consequently, both institutions struggle to monitor and control a large number of waqf property lots. Zamri (2012) reported similar findings, where issues related to a lack of staff were identified as a major constraint for waqf institutions (Siregar, 2024). Having adequate and qualified staff could solve management issues and ensure the institution's efficient daily operation.

Moreover, this study also revealed that IM1 and IM2 similarly encounter community issues, specifically public misconceptions and misunderstandings about the concept and implementation of waqf. This is due to the lack of public awareness of waqf properties and the misconception that waqf is only for religious purposes, such as developing mosques, *musollas*, and cemeteries. In fact, most waqf properties today can be commercialised and profitable. The profit gained from waqf properties can be channelled according to the wishes and aspirations of the *waqif* as well as for the sustainability of other waqf properties.

Among all the institutions, only IM1 encounters external and tenant issues. Public misconceptions have caused the institution to refrain from further developing waqf properties. The institution is concerned that potential waqf properties cannot be developed and utilised productively, resulting in the loss of resources and issues in distributing benefits to the communities (Anwar & Mohamad Isa, 2016; Lukman, 2024)

CONCLUSIONS

This study presented the findings and discussion concerning the third objective: the current waqf property utilisation practices by types of institutional *mutawalli*. Overall, the study demonstrated that none of the institutions have specific guidelines and procedures for the utilisation of waqf properties. One possible explanation for these findings is that every institution at this level tends to focus on guidelines and procedures for the development of waqf properties. As for IM3 and IM4, both institutions address related problems during Board of Directors (BOD) meetings to develop specific resolutions. Thus, although the institutions do not have specific waqf property utilisation guidelines and procedures, they take proactive actions to address their current constraints or issues holistically.

Additionally, each institution implements various waqf property utilisation strategies. Interestingly, some of the institutions employ similar marketing strategies. Through these strategies, various promotional methods are implemented via printed, electronic, and social media. Furthermore, IM1,

IM2, and IM4 focus on enhancing public awareness and understanding of the need for and implementation of waqf. Effectively and systematically promoting waqf activities is essential. Moreover, management and administration reform strategies are also implemented to strengthen the waqf property management of the institutions, aiming for a more professional approach.

However, the institutions face some constraints in the management and administration of waqf properties. One of the main constraints faced by all institutions relates to management issues, including the lack of competent and professional officers and staff in several critical areas, such as handling waqf property real estate. The institutions also encounter public misconceptions and a lack of understanding of the concept and implementation of waqf. In the case of IM1, the institution appeared to face both external and internal issues.

In summary, this chapter highlighted three significant points: (1) none of the institutions have specific waqf property guidelines and procedures; (2) all institutions implement specific strategies to enhance the management and administration of waqf properties; and (3) all institutions encounter management issues as a major constraint in waqf property utilisation. If the institutions can overcome these constraints through different strategies and alternatives, they could potentially achieve a high level of competitiveness in managing their waqf properties for optimal utilisation. Additionally, the institutions could holistically support the Muslim community economically. A bold transformation is necessary for the dynamic and concerted management of waqf properties, ensuring that each institutional *mutawalli* remains relevant. Finally, it is recommended that future research include other types of institutional *mutawalli* or any waqf institutions involved in waqf property development to gain a clearer and deeper understanding of waqf property governance and administration.

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