

The Participation of Muslim Women in Islamic Philanthropy in The Digital Era: A Malaysian Experience

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MEK WOK BT MAHMUD, NOR AMNI BAZILAH BT MOHD ZAIN

Department of Fiqh & Usul Fiqh, Kuliyyah of Islamic Revealed Knowledge & Human Sciences, International Islamic University Malaysia (IIUM), Malaysia.

RAUDLOTUL FIRDAUS BT FATAH YASIN

Department of Qur'an & Sunnah, Kuliyyah of Islamic Revealed Knowledge & Human Sciences, International Islamic University Malaysia (IIUM), Malaysia.

Correspondence E-mail: (rawda@iium.edu.my)

ABSTRACT

In general, Islamic Philanthropy is an important instrument that can solve the socio-economic problems of a country. The ultimate goal of Islamic Philanthropy is to benefit the economy and the society, which began during the time of Prophet Muhammad S.A.W. and has been continuously developed to this day. This research aimed to investigate the participation of Muslim women in Islamic philanthropy in the digital era, specifically their contributions to the waqf institutions in Malaysia. History and present times have shown evidence of significant contributions of women in Islamic Philanthropy as founders, beneficiaries, and mutawallis or trustees. This research conducted a library search, seeking evidence of selected Malaysian experiences of women's participation in Islamic Philanthropy in the past and at present. The expected result was an analysis of Malaysian experiences in the participation of Muslim women in Islamic Philanthropy institutions in this digital era, and to identify the need for improvements of the socio-economic conditions of the society.

Keywords: Islamic Philanthropy, Women, Participation, Society, Malaysia

ABSTRAK

Secara umumnya, Filantropi Islam merupakan sebuah instrumen penting yang dapat menyelesaikan masalah sosioekonomi sebuah negara. Tujuan utama Filantropi Islam adalah untuk memberi manfaat kepada ekonomi dan masyarakat. Sejarah Filantropi Islam bermula sejak zaman Nabi Muhammad S.A.W. dan telah berkembang hingga hari ini. Artikel ini bertujuan untuk mengkaji partisipasi

wanita Islam dalam filantropi Islam pada zaman era digital khususnya dalam sumbangan institusi wakaf di Malaysia. Sejarah masa lalu dan dan kenyataan hari ini telah menunjukkan bukti-bukti sumbangan golongan wanita dalam Filantropi Islam sebagai pendiri, penerima manfaat, dan mutawalli atau pemegang amanah wakaf. Metodologi yang telah digunakan dalam penelitian ini adalah penelitian perpustakaan, mencari bukti keterlibatan wanita Islam dalam Filantropi Islam berdasarkan pengalaman Malaysia pada masa dahulu dan masa kini. Hasil kajian merupakan sebuah analisis penglibatan wanita Islam dalam institusi Filantropi Islam dalam era digital berdasarkan pengalaman Malaysia serta untuk mengenal pasti keperluan untuk memperbaiki keadaan sosio-ekonomi masyarakat tersebut.

Keywords: Filantropi Islam, Wanita, Penglibatan, Masyarakat, Malaysia

INTRODUCTION

The accumulation of wealth and its redistribution are closely related in Islamic teaching and tradition. Once wealth is accumulated, Muslims are ordained to voluntarily redistribute their wealth. Income redistribution by voluntarily helping the poor, primarily through *waqf*, is definitively preferred.¹ *Waqf* refers to the act of surrendering one's own property so that it can be used to benefit all Muslims. The main reason for a person to commit the ownership of his or her property to waqf is to seek the blessings of Allah S.W.T. and to bring oneself closer to Him. Waqf is a mechanism for the redistribution of wealth that can help ensure the socio-economic welfare of the community.²

The terms waqf (plural: awqaf) and *habs* (plural: ahbas) are *masdar* (verbal nouns in Arabic), and they both literally mean 'to stop', 'to prevent', or 'to restrain'.³ Waqf is an Arabic word that may be simply translated as endowment. In Islamic terminology, waqf, or also known as the Islamic endowment is defined as the dedication of a certain property made by a Muslim. This property will be used for a charitable or religious purpose, as recognised by the Islamic law.⁴

Waqf and zakat are similar in terms of their potential to alleviate poverty, but their concepts are totally different, especially in terms of the beneficiaries. Waqf beneficiaries are not clearly mentioned in the Qur'an, whereas the recipients of zakat are clearly stated in the Qur'an and are known as the eight *asnaf*, or categories. Furthermore, waqf is voluntary, while zakat is compulsory. The purpose of waqf should be for any religious purposes, as long as it does not contravene the concept of the Sharia law. Zakat also has specific approaches, as prescribed in the Qur'an

and al-Hadiths, whereby waqf generally has no direct Qur'anic injunction, except for various verses. For example, in Surah Ali-Imran says:

Never will you attain the good [reward] until you spend [in the way of Allah] from that which you love. And whatever you spend – indeed, Allah is Knowing of it. (Surah Ali-Imran: 92)

This verse states that Muslims will not be rewarded with goodness unless they are willing to give their best to others, and the gift must be of value and can benefit the beneficiary. People are encouraged to help and give to each other to make life more orderly and harmonious. Allah S.W.T. further commands in Surah al-Hajj:

O you, who have believed, bow and prostrate and worship your Lord, and do good – that you may succeed. (Surah al-Hajj: 72)

In this verse, Allah commands human beings to do good things, especially waqf because it will bring benefits for the *maslahah* (public interest) of the ummah, thus it is considered as a righteous deed. Doing good things is also considered as an act of worship or *ibadah* towards Allah S.W.T. and Allah will reward all believers, man or woman, for all their good deeds. It can be inferred here that the act of waqf is not constrained only to Muslim men, it is also open to women, and verily Allah is the Most Gracious and the Most Merciful. ⁵

There is also a hadith on Umar ibn al-Khattab, who acquired a piece of land in Khaibar and he went to see the Prophet S.A.W. to ask about his new asset. This hadith is narrated by Sahih al-Bukhari:

Ibnu Umar r.a. reported a hadith on waqf from Rasulullah S.A.W.: 'Umar ibn al-Khattab gained possession of a piece of land in Khaibar, and he went to see the Prophet, peace and blessings of Allah be upon him, to consult him about it. He said, "O Messenger of Allah! I have got a piece of land in Khaibar, of which I have never obtained more valuable property than this. (Although I aspire to reach out to Allah) what is your advice or suggestion about it and the best course of action to take?" The Messenger of Allah (pbuh) said, "If you wish, make the property itself to remain inalienable and give (the profit from) it to charity". ⁶

Based on this hadith, Umar r.a. endowed his land in Khaibar after hearing the Prophet Muhammad's recommendation. The Prophet (pbuh) did not advise Umar to leave his property to the state, even though he

(Prophet) was the head of state at that time. This advice indicates that the Prophet saw the importance of the role of waqf to public welfare. Abu Talha, one of the Prophet's companions and a very rich man in Madinah, has also endowed his most favourite garden, Bairuha in Madinah, for the purpose of welfare and to seek the blessing of Allah.

The first waqf in the Islamic jurisprudence was set by the Prophet Muhammad S.A.W. himself, who contributed his own funds to Masjid Quba', which was built when he arrived in Madinah. He also endowed seven farms in Madinah, which were given to him by Mukhairiq. These actions have proven that our Prophet Muhammad (pbuh) is a good role model for our society, who encouraged Muslims to perform righteous and good deeds in their lives.

BASIC CONCEPT OF WAQF

There is a consensus among the majority of *fuqaha'* (Muslim jurists) regarding the conditions of waqf. According to the *fuqaha'*, there are four conditions or elements that must be fulfilled: ⁷

1. Waqif: the person who will be the endower or the founder, who must have achieved the age of *baligh* (puberty) and be of sound mind. The act must also be done voluntarily, and not being forced by anyone else;
2. Mawquf: the property or capital; an existing property or capital must be completely owned by the waqif and be free from any burden of ownership or encumbrances. To dedicate a property for waqf, it must be under the absolute ownership of the waqif because in Islam, earning and owning a property relates to the human effort and work;
3. Mawquf 'alaih: beneficiaries, whether family members, descendants, or the poor and the public. The recipients must not be an enemy of Islam; and
4. Sighah: *ijab* and *qabul* of *waqf*, which is to offer and the acceptance of the property.

According to Magda Ismail ⁸, beneficiaries of a waqf property can be classified into three categories, namely, *Waqf Khayri* (public waqf), *Waqf Dhurri* (family waqf), and *al-Waqf al-Mushtarak* (a combined waqf for both the public and family).

1. *Waqf Khayri* or waqf '*am* (public waqf) is an endowment that aims to

support the welfare system for the poor and the needy in society. This type of waqf is made by the waqif, or founders in the form of buildings, such as mosques, schools, hospitals, orphanages, and guesthouses, and by providing basic infrastructures, dedicating books, or enclosing lands for use as cemeteries and for digging wells for dedicating weapons. The revenue generated by these awqaf is spent entirely on charity or philanthropy.

2. *Waqf Dhurri*, *waqf ahli*, and *waqf 'ala awlad* refer to family waqf. In this case, the founder would endow his/her property to his/her children, grandchildren, relatives, or to other persons whom he/she specifies. If the beneficiaries specified by the founder are no longer alive, then only in this case will the waqf property be given for public welfare purposes. The revenue should be spent for the family members of the founder.⁹ As our Prophet also approved this type of waqf and encouraged his companions to make endowments for their closest relatives. Moreover, the Prophet (pbuh) declared that the most pious offering is to one's family by providing for their wants, which is better than giving alms to beggars.
3. *Waqf Mushtarak* (a combination of public and family waqf) is a waqf created by the founder to support both the public and his family, for example, the founder dedicates a part of his property to his family and another part to the public. The founder will specify the targeted beneficiaries and designate the profits from the property for religious and welfare purposes. In this case, the legal conditions from waqf khayri (general waqf) and *waqf dhurri* (posterity waqf) will be used. In Malaysia, only waqf khayri is available, while the existence of waqf zurri and waqf mushtarak is hardly traceable.¹⁰

WAQF CONTRIBUTION OF MUSLIM WOMEN IN ISLAMIC CIVILISATION

Previously, Islamic activities were successful because all Muslim men and women participated in the activities. Although the wealthy has established mosques, hospitals, libraries, schools, and other institutions, the on-going success of these institutions has been possible due to the small, but continued donations made by the immense number of ordinary people who are enlightened by the spirit of Islamic charity.¹¹ Women also made small continuous donations where they play important roles in increasing

the rate of endowments.

For example, by the mid-sixteenth century in Istanbul, 37% of all officially recorded founders of awqaf were female. A study conducted in the 1930s has indicated that 128 of 491 fountains built in Istanbul were endowed by women belonging to various social classes.¹² Among the contributions of Muslim women in Islamic Civilisation, whereby they are the founders in these awqaf are as follows:¹³

1. Contributions to Mosques

Abu Hurairah narrated that the Prophet (PBUH) said, "Among the acts and good deeds that will reach a believer after his death are knowledge that he learned and then spread, a righteous son whom he leaves behind, a copy of the Qur'an that he leaves as a legacy, a mosque that he built, a house that he built for wayfarers, a canal that he dug, or charity that he gave during his lifetime when he was in good health. This deed will reach him after his death."¹⁴

Zumurrud Khatoon, the wife of the Abbasid caliph al-Mustadhi'e, constructed a mosque to the south of the Mustansiria school, which was located on the banks of the Tigris River. This mosque is known as the Mosque of Khafaffin, whose minaret is reported to be the oldest in Baghdad. She is well-known as a lover of charity and doing good deeds, in addition to her interest in learning.

Among the rarest contributions by female in awqaf for mosques is that of Fatima al Hadhena, who dedicated a number of invaluable books and works, some of which still exist, to Oqba Ibn Nafie Mosque in al-Qairawan. A gilded Qur'an in Kufi handwriting is among those wonderful works. Furthermore, Princess Zainab is the only woman who took the initiative to dedicate awqaf to al-Azhar Mosque in Egypt after the death of Muhammad Ali Pasha, the Ottoman governor of Egypt. She set up a large waqf in 1266 A.H. (1860 A.D.) and recommended that spending for charitable purposes, such as salaries and bread for the Hanafi scholars should be made out of its proceeds.

2. Health Services

The women of the Ottoman rulers were keen to endow hospitals, for example, the awqaf established by the mother of Sultan Abdul Majid and the mother of Sultan Murad III, as well as Sultana Hafiza and Sultana Turiana. The hospital of Sultana Turiana remained functional until 1927, and the contributions by Muslim rulers in Spain for their hospital facilities

were made available to Muslims and non-Muslims alike.

These women's awqaf has benefitted the health services, which received the lion's share, as depicted by the establishment of hospitals offering free treatments to poor patients, as well as establishing waqf for medical education. With a full waqf, there were children's hospitals to meet their medical needs, including nurses to attend them. For illegitimate children, who were born outside of marriage, nurseries were set up to provide them with the necessary medical aids and wet nurses who breastfeed them.¹⁵

3. Educational Development

Waqf for educational financing has the freedom of education approach, which means it is not restricted to religious studies. It would usually cover books, libraries, stipends to students, and salaries for teachers and other staff. This financing helped to create a learned class separate from the ruling and rich classes.¹⁶ The stability of a society can be achieved through progress and the evolution of education. This is considered as an investment in human capital, which in turn may improve human resources, and develop skills and qualifications to increase the positive impacts on the society. In the field of education, some of the most significant endowments were as follows:

1. The wife of the Abbasid Caliph, al-Musta'sim Billah, endowed books and money to the al-Bashiriya school and library, both established in 1255 A.H., in Baghdad. It was established under a great endowment allocated by the Abbasid Caliph himself. It was a replica of al-Mustansiriya school, in which all four schools of Islamic thoughts were taught.
2. Zumurrud Khatoon, wife of the Caliph al-Mustadhi'e, has endowed a waqf hostel for international students. Through this waqf, she dedicated all of her properties to the construction of this hostel for the benefit of the students.
3. Shams al-Duha, the granddaughter of Salah al-Din al-Ayubi, founded the famous al-Mutasammia School in Baghdad, which she dedicated to the four schools of Islamic thoughts.

Princess Fatima Binti Ismail was the foremost among these women, who generously spent her time promoting charitable work in the fields of education and culture in Egypt. A considerable portion of the proceeds from her waqf was earmarked to support civil and military education in

the seat of the Ottoman Caliphate. She takes the credit for establishing the Egyptian University, which is currently known as the University of Cairo. Once she knew that this project was suffering from financial difficulties, she allocated six acres of her own best lands for the project.

Moreover, she allocated 661 acres in the Daqahlia governorate, out of the 3,357 acres, for charitable work in this project. The university's portion of the proceeds of these lands amounted to 40% annually. This support from Princess Fatima was expanded to cover sending talented students on scholarships inside and outside of Egypt.

The function and role of waqf has such a big impact on the country's development. It should be developed not only by the government, but in cooperation with society. Al-Azhar University in Cairo is an example of the cooperation between the government and civil society. Al-Azhar University managed to raise funds through waqf donations from the public. As a result, this university has turned itself into a well-respected institution, free of government intervention.¹⁷

THE HISTORY OF WAQF IN MALAYSIA

Malaysia is the one of the most peaceful, developed, and integrated Muslim countries, with a multicultural population and society. It has a long and rich waqf legacy that stretches over the country's 13 states and three federal territories. The State Islamic Religious Council (SIRC) of each state governs waqf properties with its own legislative procedures.¹⁸

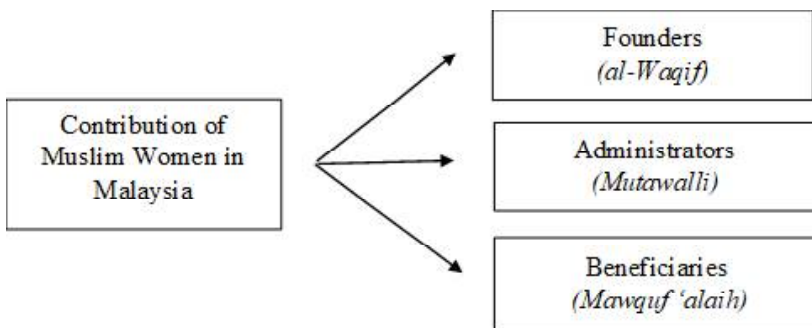
The institution of waqf in Malaysia is believed to have been in existence for more than 800 years. It is believed to have started when Arab Muslim traders brought Islam to the land in the 10th century.¹⁹ In short, the history of waqf in Malaysia can be traced back since hundreds of years ago, and recently started anew with Selangor as the first state that authorises the SIRC as the manager of waqf properties in 1952. This move was soon followed by other states, such as Kelantan in 1953, Terengganu in 1955, and Pahang in 1956.²⁰

In the context of Malaysia, the two most commonly discussed forms of waqf are *waqf am* (general waqf) and *waqf khas* (specific waqf). Meanwhile, *waqf ahli* (family waqf) is not available in Malaysia.²¹ Awqaf are administered by the respective State Islamic Religious Councils, or locally known as Majlis Agama Islam Negeri (MAIN). All MAIN have to be held accountable as the sole trustees in their respective states in Malaysia by

the existence of related acts and special waqf guidelines.²² The various MAIN have been very active in discharging their roles and performing their functions.

On the 27th of March 2004, the government established the *Jabatan Wakaf, Zakat dan Haji* (JAWHAR), or the Department of Awqaf, Zakat, and Hajj, in an effort to upgrade and boost their services and expertise in waqf management. JAWHAR has its own administrators and funding to assist MAIN in developing new methods to improve the administration of the states' awqaf. These management teams are operated under the same roof for the development of the ummah.²³ The Malaysian Awqaf Foundation or Yayasan Wakaf Malaysia (YWM) was established on 23 July 2008 as a business arm to the JAWHAR. In 2013, YWM was upgraded to Waqf Corporation in an announcement by the 6th Prime Minister of Malaysia. The purpose of establishing this institution is to uphold the development and management of waqf properties in Malaysia, in relation to various commercial projects built on waqf lands to benefit the society.²⁴ Since the inception of YWM in 2008, 16 physical development projects and four non-physical projects were completed in the form of hotels, educational complexes, shop houses, rehabilitation centres, haemodialysis centres, Islamic complexes, and orphanages. The YWM operates on funds given by the government under the Ninth and Tenth Malaysian Plan (RMK 9 & RMK 10) amounting to RM256.4 million and RM72.76 million, respectively, as well as other sources of waqf.²⁵

DIAGRAM 1: Contribution Of Muslim Women In Malaysia



SIGNIFICANCE OF THE CONTRIBUTION BY MALAYSIAN WOMEN IN WAQF

Both men and women played significant roles in the formation of social networks in Malaysia. The presence of women, who play increasingly dynamic roles in society, will more than likely expedite the development of the Islamic endowment²⁶, as shown in the following Diagram 1.

First: Participation of women as the creators, founders, or benefactors

The founder of the waqf is the one who owns the property, either by having bought it or through inheritance. He/she must be able to transfer it from his/her ownership to the ownership of Allah. The founder of the waqf also must be *'aqil* (in full possession of his physical and mental faculties), *baligh* (adult), and *hurr* (a free man or woman). The property, whether movable or immovable, may be dedicated as endowment or waqf property. According to the Islamic law, an individual may not establish more than one third of his or her properties in waqf, so as not to deprive the heirs of their due heritage.²⁷ Generally, endowing property is attributed to the elite and rich women. However, recent studies showed that women from all classes have performed this act of endowment for various reasons, such as under political, social, economic, and cultural conditions.²⁸

Among the contributions of Malaysian women as founders of awqaf is Setee Aishah's endowed land, which is located in Seberang Jaya, Pulau Pinang. This waqf land was donated by Setee Aishah Binti Haji Mahmood on 30 September 1901. It was developed into a housing estate by the Majlis Agama Islam Negeri Pulau Pinang (MAINPP), in collaboration with UDA Land North Sdn. Bhd. as the developer of this project. This waqf land is strategically located near shopping malls, such as Carrefour, Tesco Extra, Sunway Carnival, Billion, and Giant.²⁹

Setee Aishah's waqf land was originally a paddy field and she allocated 9.86 acres (39,902.04 square metres) for charitable work. The development project included nine units of three-storey shops and 76 units of double-storey houses. The development of this project totalled up to approximately RM15 million and was developed in phases. The first phase was completed on 3 May 2012, followed by the second phase, within 36

months after the completion of the first phase.³⁰

This is a significant contribution because the most critical problem currently faced by Muslims in Malaysia is the lack of access to decent and affordable housing for low and middle income families. This problem, which is relatively widespread, appears to be more acute among families residing in rural areas. Consequently, many of the low and middle income families have to endure staying in cramped and often unfavourable living conditions.³¹ In the provision of low cost housing, or its equivalent for needy Muslims, the Setee Aishah waqf land had contributed to provide a housing estate with lower prices, ranging between RM281,800 and RM439,600 per unit.³² This estate has helped most of the Muslim families in Pulau Pinang, especially those who earn lower income, to live a harmonious life.

Another significant contribution made by Muslim women in Malaysia is the endowment of lands by Noor Chahaya Abdul Majid and Hajjah Fatimah Abdullah. They allocated 3,397.68 acres of land for charitable projects. These lands, which are located in Kuala Lumpur, were then sold to NAZA Motors Trading Sdn. Bhd. through the process of *istibdal*. Both lands were sold within market value, which totalled up to RM 300,000, with the permission from the Chief Justice of Majlis Agama Islam Wilayah Persekutuan Kuala Lumpur (MAIWPKL). The revenues generated from the sales were used to buy 3 housing units, namely, no. 151, no. 153, and no. 155, at Taman Pelangi Jaya, Sentul.³³

According to Magda Ismail (2009), the terminology of *Istibdal* (substitution) and *Ibdal* (exchange) are two common transactions needed in the development of waqf in Malaysia. *Ibdal* is the actual selling of non-profitable waqf property, while *istibdal* is the purchase of another property to replace the former waqf property. This is an extremely important requirement, which can be applied by the founder or trustee, with the permission of the Chief Justice, even if the founder did not include this prerequisite in his/her written deeds. This stipulation gives the trustee the right to exchange unprofitable waqf property with another valuable property.

The two waqf lands from two generous women, Noor Chahaya and Hajjah Fatimah, are very significant in the waqf development in Malaysia. In this case, the waqf administrator was legally authorised, through the process of *istibdal*, to exchange the worn or damaged property for a more productive one.³⁴ Nonetheless, there are cases where corruption occur,

for example, the case where a piece of land was leased to a man for RM250, who afterwards rented it to another person for over RM2,500. Such differences between the leased value and the market value of properties may open the doors to numerous threats, including corruption.³⁵

In the early 2013, a new waqf product was released by the name of "Gold Waqf" (wakaf emas). This product incorporates a prominent cultural factor among Malaysian Muslims. Malay women have the tendency to buy gold jewellery as part of their savings and assets for the future. When they are desperate for financial liquidity, especially in emergency cases, they would then sell their jewellery. Hence, it is fair to assume that the Gold Waqf is a useful mechanism to capture the current market as the price of gold is rising with time. This waqf product allows individuals to endow their gold assets, which then will be sold, and the cash received will be given to the cash waqf fund. By April 2013, the amount of cash collected from the Gold Waqf was more than RM40,000.³⁶

The purpose of introducing the Gold Waqf is to generate more cash waqf and revenue for the development of waqf projects. This is due to the problem of insufficient waqf revenues to bear the operational costs. Furthermore, when waqf properties are unproductive to self-generate income, the earning of the compensation of waqf properties will be delayed, which may cause irregularity in receiving the benefits of the waqf properties by the beneficiaries.³⁷ By introducing the Gold Waqf, the problem of insufficient income, which would lead to an ineffective waqf management system in Malaysia, can be solved.

By endowing their properties and assets, women are able to safeguard them from confiscation and appropriation, as well as gain benefits from the waqf during their lifetime, while maintaining their rights to manage the property.³⁸ There is a wrong perception among Muslims that waqf endowment could only be done if they have land and that it is not possible to do so with cash. Many Muslims have missed the chance to participate in waqf endowment because of this false belief. The existence of Gold Waqf proves that it is possible to do so by cash, hence, would encourage Muslim women to contribute to waqf for the development of society.

Second: Participation of women as the administrator, manager, or *mutawalli*

In principle, waqf founders (waqif) have the right to determine the type of management for their waqf. The waqf manager, who is also known as *Mutawalli* or *Nazir*, is responsible for managing the waqf property to the best interest of the beneficiaries. Among the duties of the Mutawalli are to preserve and maintain the waqf property to make sure it can generate revenues and maximise the benefits of the beneficiaries.³⁹ The Mutawalli, as appointed by the waqif, must meet the following requirements; sound of mind, baligh, amanah (trustworthy), and has the ability to administer and manage the waqf property. All of these requirements must be fulfilled, otherwise, a new *mutawalli* has to be appointed to ensure a better supervision of the waqf property.⁴⁰

Waqf property development has been implemented by University Malaya Awqaf as a trustee for the endowment of University Malaya, as approved by Majlis Agama Islam Wilayah Persekutuan (MAIWP). It operates under the governance of the Vice Chancellor of Universiti Malaya. It was established on 14 Disember 2016 and it started its operation on 1 January 2017. The main purpose for the establishment of UM Awqaf is to generate income for the benefit and welfare of the students, staff, and patients of the UM Medical Centre (PPUM). UM Awqaf is managed by a group of committee members, led by Dr Siti Mashitoh Mahamood as the manager and 11 staff members at the university. Among the waqf instruments provided by UM Awqaf are cash waqf, online banking through CIMB Islamic on behalf of Universiti Malaya, money orders, bank drafts, and deduction from salaries.⁴¹

Among other ways in developing waqf fund is through the investment of waqf property using the mudharabah concept, or by creating a specific cash fund for endowment.

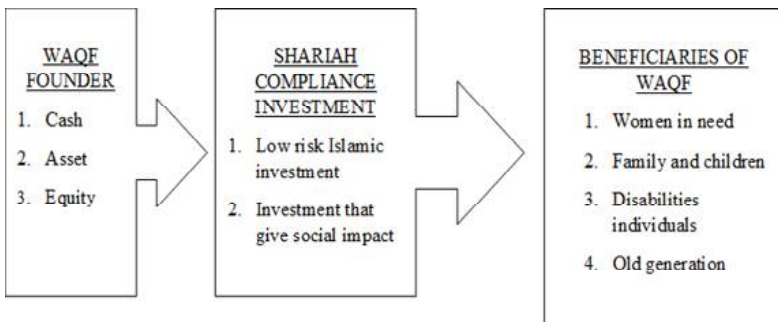
Therefore, the Khadijah International Waqf Foundation (KIWF) was established to serve as part of the International Waqf Fund, to give and impact socio-economic activities at the global level. The main mission for the establishment of KIWF is to raise funds and to establish endowments from individuals, companies, and other entities around the world. The impact of such activities would be in the form of community development that supports socio-economic initiatives for the empowerment of

women and children. The role model of this institution is Mazlina Binti Saidi, who has been appointed as the Director of KIWF.

KIWF is an institution of Waqf Khayri (general waqf) that was established under Section 107 of the Islamic Financial Services Act (IFSA 2013) and Labuan Securities 2010. It was formed by taking an example of the first woman who believed in Allah and His Messenger, Saidatina Khadijah Binti Khuwailid, who was also the wife of the Prophet Muhammad S.A.W. She was also known as a woman with high self-respect and was called ath-Thahirah (the Holy Woman).

This institution consists of experts in Islamic finance, such as Dr Fauziah Bt Hasan, Dr Abdul Rahman Bin Bidin, Tuan Haji Abdul Aziz Peru Mohamed, Prof Engku Rabiah Adawiyah Bt Engku Ali, and Hajjah Rohani Bt Datuk Haji Mohd Shahir. Meanwhile, members of the Shariah Advisory Department consist of Dr Zurina Shafii and Prof Engku Adawiyah Rabiah. Among the roles of KIWF is to raise funds through public donations for their endowment funds. They also accept any valuables and donations from Muslims worldwide. In addition, KIWF aim to manage and organise waqf funds endowed according to the Sharia low risk investments and focus on sustainable initiatives with social impact. They are also responsible for distributing the profits from these investments, which may go directly to the beneficiaries, or indirectly passed through other institutions. These institutions are believed to be the pillars for women and children, and the poor around the world, regardless of races, religions, and beliefs. Some examples that have been highlighted by this institution are shown in Diagram 2.⁴²

DIAGRAM 2: KIWF Financing Investment Model For Women



Source: Khadijah International Waqf Foundation, 2018

According to Md. Shahedur et.al⁴³, Malaysia is facing several accumulated problems in the waqf management system. This is based on the observations and opinions of waqf practitioners and researchers in this field. The main issue is related to the Mutawalli or waqf manager, who is fully responsible for managing the waqf asset. Some Mutawalli were found to be unqualified, for example, in the case of waqf lands being managed by non-Muslims, who lack the knowledge of Islamic law. The authorities could not trust them with their non-Islamic fundamentals, beliefs, and ideologies. Waqf properties should be managed by qualified persons with vast knowledge in Islamic philosophy, or by professional managers who are competent in both civil and Islamic jurisprudence. These individuals would be able to effectively manage awqaf to attain the ultimate performance goals in the waqf system. This means that the right Mutawalli, or waqf manager should manage the waqf assets by utilising their skills, abilities, and beliefs effectively.

The participation of women in waqf as Mutawalli or waqf manager has clearly been approved by Saidatina Hafsa Binti Umar, who was appointed to manage a garden and its revenue for the benefit of the ummah. The garden belonged to her father, Saidina Umar r.a. This example shows the significance of appointing Muslim women as managers due to the rising number of educated women around the world. Therefore, women can also play a more active and dominant role in Islamic endowment.

Third: Participation of women as the beneficiaries or *mawquf 'alaih*

The waqif would specify the beneficiaries or *mawquf 'alaih* and the proportion of distribution from the proceeds of the endowed investment. Depending on the type of waqf being created, the beneficiaries can range from family members to specific groups, such as the poor and needy. The proceeds of the endowed investment can also be distributed for general purposes, such as the building and upkeep of masjids, schools, and hospitals.

Among the contributions of waqf that are focused on women as the beneficiaries is the establishment of the Terengganu Culinary College. This college was established from the collaboration between waqf and zakat. The Malaysia Awqaf Foundation (MAF) built the Terengganu Culinary Col-

lege on waqf land through a joint venture, with a cost of RM2.5 million. The joint venture involved the Majlis Agama Islam dan Adat Istiadat Melayu Terengganu (MAIDAM) as the client. This project was managed and financed by MAF and GIATMARA (a skills training institute under MARA) as the service provider by providing teaching staff. This project was completed on 30 July 2012, and they started their operation on 2 September 2012. The state zakat institution sponsored the fees for asnaf children, women who were categorised as needy, and those who were between 15 years old and above. Confectionary and bakery courses are among the offered courses, and hostels are provided during the 6-month course.⁴⁴

The courses offered in this project allow women to develop their skills in confectionary and bakery. This will benefit them, especially those who are not working in any companies or industries. The skills learnt from these courses can help them to generate income and to start their own business. This can motivate them to live their life to its fullest potential.

It is recorded that the number of older widows, and widowed mothers and their children, face destitution and sometimes marginalisation due to several reasons. In some cases, widows find themselves without financial support or completely dependent on the charity of relatives. The poverty faced by widows can also be further exacerbated by illiteracy, and lack of education or training, which would render them incapable of supporting themselves or their families.⁴⁵

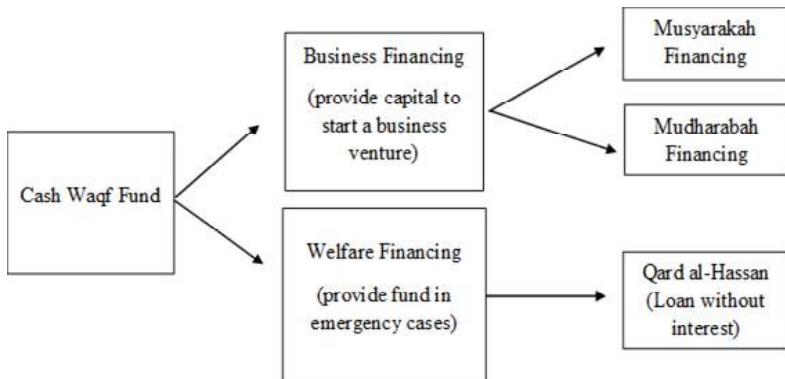
Waqf fund can be used to provide loans to small and medium enterprises since SME is an emerging sector in underdeveloped and developing nations.⁴⁶ Thus, cash waqf can be a very useful tool in developing effective schemes to alleviate the struggles faced by widows, as shown in Diagram 3. Access to capital through profit and loss sharing (PLS) can motivate widows to become economically secure. For small businesses run by widows, the capital can be provided through profit and loss sharing (PLS) instruments, such as *mudharabah* and *musharakah*.⁴⁷

Mudarabah financing will be used to provide capital to widows, who want to start business ventures to support themselves. This type of financing using the waqf fund will generally involve the contribution of capital by the waqf endowment, acting as Rabbul Mal to the widow (as the *mudarib*), to set up and run a small business. Lending capitals based on Mudarabah will help the poor widows and keep a large number of people from sins of interest as interest is strictly prohibited in Islam.⁴⁸ In

cases where the women have a small amount of capital in their possession, but it is insufficient to start a business, a *musharakah* agreement can be established using the waqf fund. The fund will make contribution to start the business and the widow will also chip in her money. At the end of the day, the profit is distributed based on the ratio of capital contribution.

Parts of waqf funds are also allocated for benevolent loans or “Qard al-Hasan”, which are loans without interests. These funds will be given to women in need, especially in cases of emergency, such as fire, and accident. This kind of help will provide some moral and material support in the form of cash, to help these women face such moments and will also help to fulfil their needs. Payment of Qard al-Hasan will be equal to the initial loan without any extra charges.

DIAGRAM 3: Financing Model For Widowed Women



Source: Y.J Amuda et al., 2016

CONCLUSION

Women can play more active and dominant roles in Islamic endowment. It is recommended to review the law that would empower women, especially in Malaysia, to contribute to waqf as founders, trustees, and beneficiaries. Nowadays, the number of educated and working women is increasing around the world. Hence, they are well equipped to be parts of the founders and trustees in waqf development. If women decide to be waqf founders, they can generate more waqf assets and funds. If they choose to be managers, they can contribute towards waqf management

and administration in religious institutions and government agencies. In fact, women tend to be more committed and loyal to the entity that they serve. Their commitments are mostly driven by their affection for knowledge and experiences. Furthermore, women have the ability to make detailed plans that would be beneficial during the development process of any waqf project. Therefore, by providing better opportunities that will facilitate the contribution of women to the Islamic endowment system, they can raise and sustain the potential of waqf for the benefit of the society.

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