

Towards Developing a Shariah Governance Framework for Waqf Institutions: A Case of Majlis Agama Islam Melaka

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ABSTRACT

The practice of Waqf is deeply rooted in the history of Malaysia, going as far back as the 15th century during the Malaccan Sultanate. Waqf, at the time, became popular amongst Muslims in the Malay Peninsula. It brought about remarkable changes to the communities and the standard of living, and the world's outlook on the inhabitants (Mahamood, 2006). The building of mosques like the Kg. Hulu Mosque in Malacca, the Sultan Abu Bakar Mosque in Johor, and the Kg Laut Mosque in Kelantan are momentous examples of the early and firm establishment of Waqf in Malaysia (Sayin, 1994a). During the early stages of Waqf in the Malay states, the community organizers were responsible for managing the waqf assets' trusteeship. The trustees were responsible for the organization, its control, and Waqf management to benefit the beneficiaries. However, the purchases were not documented or evidenced to be used for Waqf. The lack of proper documentation caused different issues, like claims made by the heirs over the asset after the asset owner passed away, leading to the inability to use the asset for Waqf. Waqf properties during the colonization period from 1511 to 1946 witnessed many changes in their development. A notable difference was that waqf management's responsibility gradually shifted to the respective Majlis Agama Islam Negeri or State Islamic Religious Councils (SIRCs).

Keywords: Waqf, Shari'ah governance, Majlis Agama Islam, and Malaysia