

The Development of the Waqf Zurri Model Through Family Business Cooperatives

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Abstract

Waqf *zurri* is a transactional asset that is unique in Islam. It will appear as a form of devotion to Allah and social responsibility to the community. Waqf *zurri* has a high socio-economy value to develop the community. This paperwork will discuss the development waqf *zurri* model through family co-operatives. This paperwork will include an inquiry about the development of waqf *zurri* and potential growth, as well as the benefits. This research uses qualitative methods, informational research to collect data on waqf and fieldwork that involve interviews with important vital people to get the essential and primary information from those directly involved with the development of waqf *zurri*. Waqf *zurri* is crucial in providing a broader perspective of the process and characteristics of family waqf. It will help the public better comprehend the family waqf to practice it properly. It can be from a concise review of related studies that the development and sustainability of family waqf depend on all its aspects and characteristics. The result of this study will give awareness, total or quantity of waqf land especially for family waqf, so it will not become less parallel to the government, intends to make asset of waqf as the centre line for the economic development of Muslim in Malaysia. Research shows that waqf *zurri* has its speciality to ensure continuous benefits to the family. Good development of waqf *zurri* is crucial to make sure that the assets developed and the benefits from them can continue to grow for the use of the community.

1. INTRODUCTION

Waqf *zurri* can interpret various terminological concepts, such as waqf a'la aulad, waqf keluarga, waqf individu, waqf Anak cucu and waqf ahli. It is a form of waqf determined for the benefits of the family and its offspring as the beneficiaries (Sadeq, 2002). This type of waqf starts with the waqf founder's benefit and passes on to the family members. Besides,

waqf *zurri* will also benefit the next of kin aims to protect the welfare and strengthen the kinship ties (Pascale Ghazaleh, 2011).

This practice of waqf *zurri* depends on the oath of waqf, whether it includes the family members or more than the offspring themselves. With its particular oaths, the waqf property will change its ownership of the person stated in the oath (al-Mughniyyah, 1964). In this context, the property or assets of waqf *zurri* and all of its benefits cannot use other purposes as stated by the person who took the oath. For Imamiyah belief, waqf *zurri* to be a part of the particular waqf category. It is due to the usual waqf to the closest family member such as the third generation or next of kin stated by the person who took the oath intending to preserve the harmony and welfare of their family (al-Mughniyyah, 1964).

Waqf *zurri* as transaction medium or benefits by the person who takes the oath to the next owner of waqf. The benefit of waqf *zurri*, whether in the form of land, house, yields and many other permanent forms, is given by a person or more than one from the ancestors of the person who take the oath (Ishtiyah, 2018). This practice of waqf *zurri* is to preserve the family and ancestors from any hardships or poverty and the welfare of the family members (Farhana, 2018). It has been a practice since the time of Prophet Muhammad, the sahabah and during the reign of Islam. Part of waqf *zurri* that still exist and remain its benefit to the family members includes waqf Saidina Umar in Khaibar for his ancestors, as well as waqf Saidina Uthman (Ṣaḥīḥ al-Bukhārī, Hadith Translation, Cet. 6, Jld. III, Bab al-Mal, 2005:95).

The same goes for other sahabah r.a including Saidina Abu Bakar, Saad Bin Abi Waqas, Imam As-Shafie and others who also practice waqf for their property such as house and land to the family members or their offspring. Prophet Muhammad S.A.W also advised prioritizing sadaqah to their family members or next of kin in need. Abu Huraira reported the Prophet Muhammad S.A.W said: "Of the dinar, you spend as a contribution in Allah's path, or to set free a slave, or as a *sadaqah* given to a needy, or to support your family, the one yielding the greatest reward is that which you spend on your family" (Muslim, t.t, 995). This report has shown that we strongly endow our assets in the service of humanity and our offspring.

2. DEFINITION OF WAQF ZURRI

Waqf *zurri* comes from two combined words of waqf and *zurri*. In the Book of Fiqh, waqf is the derivative word from the *qalam* of *waqafa*, *yaqifu*, *waqfan*, or *al-waqf*, which bring the meaning of 'stand' or 'stop' (Ibn Manzur, 1994). Another word that brings a similar meaning with waqf is the *qalam* of *al-habs* which means 'to stop', and *al-man'u*, which means 'to forbid' (Ibrahim, 1960). Imam Nawawi believes that the words *al-waqf*, *al-tahbis* and *al-tasbil* bring the exact meaning altogether (al-Nawawi, 2008).

Meanwhile, according to the Dewan Bahasa Dictionary, Volume 4 (2010), the word waqf brings the meaning of something given for humanity's benefit or for the necessary essential with the Islamic way (Dewan Bahasa Dictionary, 2010). Thus, the word waqf to assets or property such as land, animals and agriculture that give the meaning of permanent ownership for a specific purpose or benefits (Ibn Manzur, 1994). Waqf *zurri* is the waqf that benefits the

family members or offspring of the founder, such as the grandchildren (Mohd Afandi, 2012). It is a type of waqf used for the importance and social security, especially from the offspring line or family members. It is allowed by the Islamic perspective. Waqf *zurri* is a waqf that brings a positive impact, especially to the founder (wakif).

Only. According to Khaf (2000), family waqf refers to the endowment of asset and outcome of the asset by the founder that will benefit the family members or offspring. Founder waqf managed to retain asset benefit and will also receive much goodness out of that; the goodness of its waqf charity further strengthen the family ties with the offspring. The waqf of the offspring is part of the special waqf, which is the waqf of the property initially for the waqf himself as the next priority to the heirs and relatives with the intention of charitable purposes. According to the practice, waqf endows property benefit, followed by children and then to relatives to obtain the benefits and advantages of the waqf assets of the offspring (Awang, 1994).

Islamic law, waqf *zurri* is obligatory as an element of welfare for the heirs and relatives who have a relationship with the waqf to channel assistance to the heirs. Waqf *zurri* can encourage the public to endow waqf property (Sabiq, 1946).

3. IMPORTANCE OF THE STUDY

Waqf *zurri* is very important, significantly to help the economy and life of the heirs and relatives if it developed effectively. In the current context, the practice of Waqf *zurri* can see through the concept of capital incorporation in a joint venture between family members, especially in the field of business. According to Malai Yunus (2015), the concept of family member business has long been dominated by the Chinese since before the country's independence until today. This dominance can occur through the growing number of Chinese traders and the family business more dynamic. Similarly, the younger generation of Chinese began to tame the newly established businesses and expanded the business network.

Around the world, Chinese people in business who are nicknamed overseas Chinese are known for their prowess in business to successfully create a community in an urban area and eventually become the centre of their business activities across the country (Malai Yunus, 2015). According to Yee Mun (2013), the success of Chinese entrepreneurs in business starts from the aspirations of the family business. Various tendencies influence the concept of business based on this family entity in the selection of business economic activities. According to Elaine Yong (2017), perceptions or views on economic development are vital for the Chinese nation dominating the business. The motivation and life culture of the Chinese, who always work hard in something, is the primary driver of Chinese business continues to grow.

In this regard, the concept of capital incorporation in a joint venture with family members implemented by Chinese businessmen is an example of waqf *zurri*. Although there are essential differences in implementation, the concept and approach are the same. The privilege of implementing waqf *zurri* is one of the mechanisms for sharing property among family members, especially to take care of the welfare of heirs and relatives in the long run. The

development of waqf *zurri* can be more effective if the heirs and relatives understand the concept, such as the joint venture of Chinese traders for the family. The family business run by the Chinese is inherited from generation to generation and continues to grow more progressively when inherited by children and relatives by combining existing expertise and skills in the business world. The strength of this family business synergy can be maintained while providing significant benefits to family life (Malai Yunus, 2015).

In this regard, waqf *zurri* can foster small and medium projects in family institutions. The concept of waqf *zurri* in developing the small and medium project sector is essential because it can provide a significant contribution to the national income and at the same time produce successful entrepreneurs among the heirs and relatives. Entrepreneurs from prosperous heirs create new businesses and increase employment opportunities that lead to the latest discoveries, technologies, and innovations (Mohd Yusof et al., 2021). The involvement of heirs in small and medium projects is essential in developing the economy of family members. This situation is driven by various challenges nowadays, including the high cost of living, family economy and employment opportunities as an entrepreneur. The need for the role of the heirs to run a business to increase income is significant to the sustainability of other heirs and the next generation.

In the financial aspect, waqf *zurri* is very important in providing capital for business start-ups. Financial assistance can be channeled to competent heirs to establish a family business. Business capital assistance to heirs and relatives eases the burden of business and provides benefits by opening the broadest possible employment opportunities to other heirs. The provision of business capital also indirectly expands the heirs' potential in various aspects even though the heirs have various educational backgrounds. Business capital assistance in the form of a waqf *zurri* instrument is an effective mechanism because it meets the needs of heirs and relatives. Accordingly, this capital assistance encourages beneficiaries not to make loans from various financial agencies to start a business. Waqf *zurri* is an essential instrument in generating family income today, and it needs to be implemented for long-term goals to enable heirs to be able to take care of themselves, family and all relatives in the future (Rashid, 2011; Cizakca, 2000).

4. METHOD OF THE STUDY

Clarke (2000) stated that qualitative study used to reach a better understanding level of informants and increase the quality of the outcome. This qualitative study focuses on the data collection process in case facts, as a group of information that will be analysed to achieve the title of the discussion paper—this research data through interviews, documentation and observation. Data includes the management aspects, such as procedure, development, and administration of benefits in the waqf *zurri*.

This study uses the interview method to get data. This interview method is in a semi-structured manner that combines pre-planned interviews and an additional interview with respondents. In formants for this study on the administration division and development of waqf land, including Terengganu Islamic and Malay Religious Council (MAIDAM),

Kelantan Islamic Religious Council and Malay Customs (MAIK), Penang Islamic Religious Council (MAINPP) and Kedah Islamic Religious Council (MAIK).

Besides that, the information of waqf in the Islamic Religious Council, books, journal articles, and conference papers closely related to the waqf *zurri* are used for further reference to get additional information regarding waqf *zurri*. The data analysis method is content analysis. Researchers will analyse the information textually and identify the contents systematically according to specific themes.

5. WAQF ZURRI MODEL THROUGH FAMILY BUSINESS COOPERATIVES

Cooperative development is one of the alternatives to increase the economic and social activities of the heirs. A cooperative is an association formed voluntarily to meet the needs and interests of social, economic and cultural through the implementation of jointly owned enterprises. According to Mohd Yusof, M.Z., & Tahir, T. (2021), cooperatives are business activities that involve members working together to achieve a common goal. The implementation of cooperative entities is very significant nowadays as an instrument of social capital to form a dynamic society. Cooperatives have the remarkable potential to significantly shape the interaction, reciprocity, support, and trust among cooperative members (Melece, 2013).

Rahman et al. (2019) establish family cooperatives as alternatives to help bridge the income gap between family members. Profits from cooperatives can help less affluent family members and are also used to finance the children of heirs to further their education to a higher level. The Othman Kuala Terengganu Berhad family heritage cooperative is a successfully developed family cooperative. The Othman family heritage cooperative has had various business branches through housing construction projects, including plantation and real estate. The success of the Othman family's heritage cooperative was able to accumulate assets amounting to RM5 million in five years. In this regard, the family heritage cooperative also offers shareholdings as low as RM100 per share to help less affluent family members and bridge the income gap between family members.

Researchers believe that establishing a family combined entity benefits the heirs. Family cooperatives are an alternative to developing waqf assets for children with various mediums, including renting office buildings, multi-purpose halls, and shops. The results of the rental benefits and business activities provide a significant return to the heirs in developing the waqf assets of the offspring more dynamically. The establishment of family cooperatives has a significant impact on strengthening the assets of the development of waqf offspring and helping to improve the economy of the heirs. Therefore, there are proposals for the framework of the waqf *zurri* management model through the establishment of family cooperatives as follows:

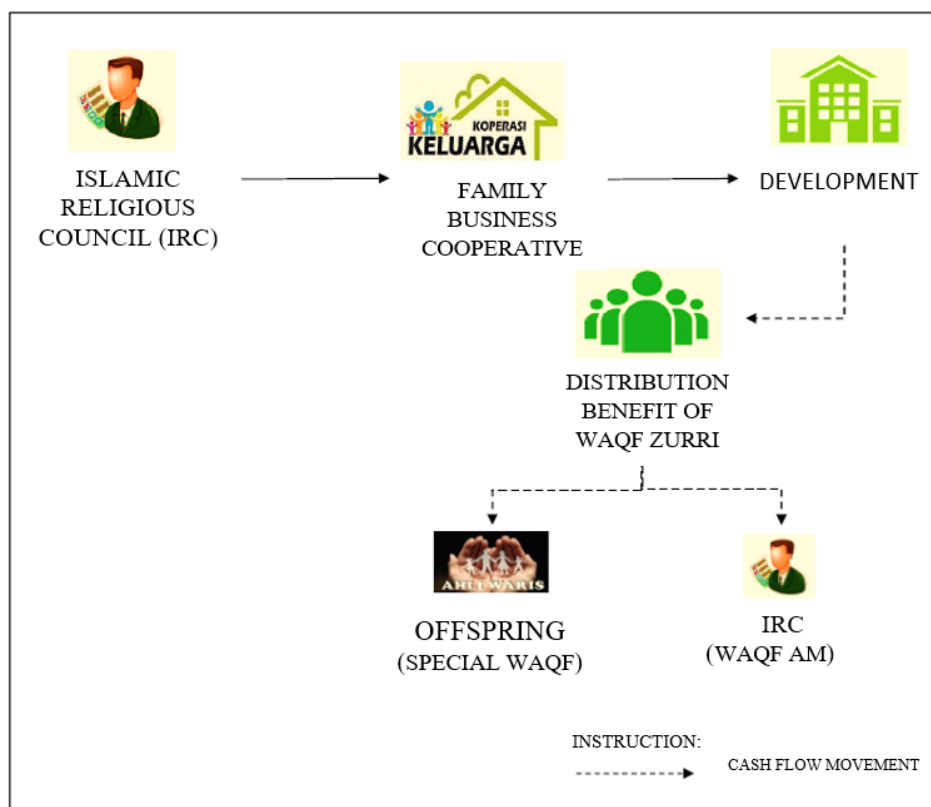


Figure 1: Waqf *Zurri* Model Through Family Business Cooperatives

Figure 1 above explains the framework of the waqf *zurri* management model through family cooperatives. The establishment of a family cooperative starts from the agreement of all heirs and relatives to use the family combined entity to manage the development of the waqf assets of the offspring. Mohd (2020) states that establishing a cooperative requires at least 20 members in the organization. Amendments to the Cooperatives Act 1993 increase management efficiency in establishing cooperatives. Therefore, the support of the heirs in establishing family cooperatives is essential to create cooperation and help each other increase the development assets of the children's endowment.

In this case, the heirs and relatives need to implement several steps before applying to set up a family cooperative. First, the heirs must refer and contact the Malaysian Cooperative Commission (SKM) office at the state branch for the legal registration of family cooperatives. Applications to establish a cooperative must to the State SKM Director through the regional or district SKM office in an area. Beneficiaries can obtain the application form from the SKM office or the SKM website. Applications can also be submitted online through the SKM application system. Heirs must complete the application form to establish a family cooperative carefully. The completed application form must be submitted to the state SKM office to obtain permission and approval to establish a family cooperative.

Eligibility to be a member of a cooperative society is subject to section 26 of the Cooperative Societies Act 1993. The cooperative society law has provided that members must be Malaysian citizens. Cooperative members must reach the age of eighteen years as an eligibility condition. In this case, heirs who are eighteen years old and above can register as

members of the cooperative to increase the number of members and help develop the waqf assets of the offspring. In addition, qualification members of the cooperative must also be residents or working or have landed in the area of operation of the cooperative. Heirs who own land or buildings can leverage the assets by developing the land with commercial plantation activities that profit the cooperative.

Similarly, the building can be rented for business activities or used as an office to operate a family cooperative. Furthermore, the Cooperatives Act 1993 also provides disqualification from membership based on section 27 of the Act 1993. Among them include mental incapacity, bankruptcy, criminal severe offences and dismissal for specific reasons. Heirs can also be subject to the rules of the cooperative if faced with the offence of violating the rules set in the cooperative.

Once a family cooperative has been established from the State SKM, the heirs and relatives must form a sponsor committee. The sponsoring committee members must consist of at least ten members. The functions of the sponsoring committee are to identify the cooperative to be established and the main activities joint needs of the members. The sponsoring committee must also prepare the cooperative's by-laws by following the example of the law provided by SKM with the necessary modifications. Accordingly, the sponsoring committee must prepare operating activities and register heirs and relatives in the family cooperative. Next, the responsibility of the sponsoring committee is also to organize activities, especially for members of the cooperative to attend information sessions on cooperative operations with officers from SKM.

The sponsoring committee must convene an initial general meeting (MAP). After the briefing session with SKM officers, the sponsoring committee shall set a suitable date to hold a general meeting with the cooperative members. The initial general meeting (MAP) shall be within three months after the approval of the establishment. In this case, if the cooperative cannot hold a MAP within three months, then the application for extension of the establishment of the cooperative must be submitted to the state SKM. Among the MAP's agenda are to appoint the chairman of the meeting, agree to establish a cooperative, adopt the cooperative by-laws, apply as a cooperative member, present and approve the budget and approve the appointment of a panel of External Auditors. The involvement and cooperation heirs are essential in mobilizing the activities cooperative to know the purpose and objectives of the establishment.

The next step is the application to register a cooperative. The registration of the establishment of a cooperative society must follow the procedure contained in Section 6 of the Cooperative Societies Act 1993. The sponsoring committee must ensure that all documents, including the cooperative registration application form, cooperative by-laws and minutes of the initial general meeting, have been completed. All such documents must be submitted to the commission no later than 14 days after the initial general meeting. Cooperatives operate legally under the law when authorized by the Cooperative Commission of Malaysia (SKM).

Based on the explanation, the researcher believes that the implementation of family cooperatives is one of the effective income generation alternatives, especially to the heirs in

developing the waqf assets of the offspring. The implementation of family cooperatives is an entrepreneurial instrument that can ensure the sustainability of welfare and, at the same time, provide new sources of income and employment opportunities to the heirs. In terms of the implementation of waqf *zurri*, all assets of the family cooperative can to MAIN as waqf property. Meanwhile, it functions as a family cooperative entity in terms of operations.

Researchers argue that entrepreneurial activities can be practical with the existence of family cooperatives. Family cooperatives can offer various services such as food catering, preparation of halal organic chicken, building shop building assets, rental houses, grocery stores. Regarding the beneficiaries of waqf *zurri*, heirs will benefit significantly from the entrepreneurial activities undertaken. For example, a family cooperative has several grocery store units developed to benefit the heirs. In this case, the grocery store can offer the service of cheap sale goods to the heirs. Also, Help ease the burden of heirs in meeting their daily needs. In addition, the profits from the grocery store benefit not only the cooperative's operations but also the beneficiaries. Therefore, the management of waqf *zurri* through the establishment of family cooperatives can preserve the welfare of the heirs and strengthen the family relationship between the heirs and relatives.

6. BENEFIT OF WAQF ZURRI DEVELOPMENT

Development of waqf under the Ninth Malaysia Plan (RMK-9) gives many benefits not only to the Waqif and his or her descendants and Islamic Religious Council. We can conclude that the benefits of implementing waqf *zurri* are as follows:

A. *Wakif* and *Maukuf* (Endowed Property):

1. To be the seed of good deeds that is always fertile and ever-lasting, as stated in most of the words of Allah SWT and the hadith of the Prophet, SAW such as al-Baqarah, verse 261, Sahih Muslim, hadith no. 3084.
2. Fulfilling responsibilities towards family by not leaving them in poverty and begging as stated in Sahih Bukhari, hadith no. 2591.
3. The status of Maukuf will forever belong to Muslims because its ownership rights are not transferable. And reduce the number of uncultivated lands because the State Islamic Religious Council will develop the land.

B. *Maukuf 'Alaih* (Descendants of Waqif)

1. Reduce confusion that arises due to lack of information related to where exactly inheritance property should too, either in High Court, Shariah Court, Pejabat Pusaka Kecil or Amanah Raya Berhad (Wan Abdul Halim, 2009)
2. Avoid quarrels among family members due to dissatisfaction related to the division of inheritance property. Many cases have occurred in this country, such as deliberately delaying the prosecution process (Wan Noraini et al., 2015), breakups (Mohd Fitri et al., 2016), and some are willing to injure and commit crimes.

3. Generating a sustainable economy due to the profits earned will be benefited by the relatives and descendants of the Waqif (Kahf, 2000)

B. Islamic Religious Council (MAIN):

1. Gives a profit return to the Islamic Religious Council (MAIN) in developing waqf *zurri* and waqf founder (JAWHAR) in the long term on the property sector and contribute to the development aspiration of Kedah.

2. This shows that Islamic Religious Council (MAIN) is concerned with providing a comfortable and secure business area to be more developed.

3. Develop the waqf land by allocating the Ninth Malaysia Plan (RMK-9) to use the waqf land that will be changed from land ownership status of agriculture to commercial use according to the proposed zone. This change of agricultural status to commercial is part of a more productive alternative to on as a new business area.

7. CONCLUSION

Waqf *zurri* is the waqf property by the waqf founder to the family members and their offspring for welfare purposes. Waqf institutions that were once well-known during the tenure of sahabah and following generations have received the strength and aspirations to develop the waqf institution today. In Malaysia, the idea of the development waqf *zurri* model through family cooperatives is an effective alternative to develop the waqf land again through a different medium. This study is essential to analyse the current development of waqf *zurri*. This study is also important to note the development potential of waqf *zurri* through family cooperatives. This study can give better comprehension to the family members and society on the development of waqf *zurri* that is holistic. Therefore, the development of waqf *zurri* and its approach must be done thoroughly, especially in the development and execution aspect and thus create a good model of waqf *zurri*.

Waqf *zurri* will attract the corporate sector's interest to donate their assets for the welfare of the next kin and bring benefits to the public. Also, it will give awareness, total or quantity of waqf land, especially for waqf *zurri*, so it will not become lesser parallel to the government intention to make asset of waqf as the centre line for the economic development of Muslims in Malaysia. Moreover, the assets of waqf *zurri* will be by the donors, and IRS will remain as the sole trustee of the property.

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42. Fakhruddin bin Abd Rahman, Unit Pembangunan Hartanah Dan Harta Wakaf, Majlis Agama Islam Negeri Pulau Pinang (MAINPP), Disember 04, 2019, Jam 10.00 Pagi.
43. Mohamad Ridwan Bin Mohd Nor, Penolong Setiausaha Wakaf, Majlis Agama Islam Dan Adat Melayu Terengganu (MAIDAM), Januari 08, 2020, Jam 11.00 Pagi.
44. Shakirah Binti Mohamad, Pegawai Wakaf, Majlis Agama Islam Dan Adat Istiadat Melayu Kelantan (MAIK), Januari 06, 2020, Jam 9.00 Pagi.
45. Umami Sayyidatul Habibah Binti Mat Lazin, Penolong Setiausaha Pembangunan Sumber Manusia, Majlis Agama Islam Dan Adat Melayu Terengganu (MAIDAM), Januari 08, 2020, Jam 10.00 Pagi.
46. Mohamad Ridzuan Bin Mohamad, Penolong Setiausaha Wakaf, Majlis Agama Islam Dan Adat Melayu Terengganu (MAIDAM), Ogos 08, 2021, Jam 12.00 Pagi.
47. Fakhruddin Bin Yub, Ketua Bahagian Wakaf, Majlis Agama Islam Kedah (MAIK), Februari 07, 2020, Jam 10.00 Pagi.
48. Ahmad Zaki Bin Haji Ghazali, Baitul Mal Maik, Majlis Agama Islam Kedah (MAIK), Februari 07, 2020, Jam 10.00 Pagi.