
Critical Review on Waqf Experiences: Lessons from Muslim and Non-Muslim Countries

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Abstract

The purpose of this paper is to critically assess current practices in waqf institution based on Middle East, Asia and some selected non-Muslim countries experience. This study applied a comprehensive library research based for the waqf practices in selected Muslim and non-Muslim countries. The critical review manifests that Singapore waqf experience was extraordinary splendid in terms of transparency, quality services, gain the public confidence in waqf management and waqf investment. On the other hand, Kuwait experience record outstanding performance due to the less interruption by the government and establishment of sound of governance, internal control and accountability tools. In addition, the practices of waqf in the Muslim minority communities are dynamic and response to the community's needs compare to the majority Muslim countries.

Keywords:

Practices, Waqf Institution, Muslim Countries, Non-Muslim Countries.

INTRODUCTION

The word waqf (plural: awqāf) is derived from an Arabic word literally meaning hold or prohibition. Kahf (2003) defines waqf as "holding certain property and preserving it for the confined benefit of philanthropy and prohibiting any use or

disposition of it outside its specific objective". The objective of waqf in Islam is to establish the socio-economic welfare among the Muslim society by making the "haves" realize that they have to share their wealth with the needy, poor, and helpless (Qasmi, 2002; Ihsan, 2007). Allāh says: "*And in their wealth there is a due share for the beggar and the deprived*" (Quran, Al-Zariyat: 19). Waqf is one of the key elements of the Muslim heritage along the Muslim history (Ihsan, 2007). Muslims countries have their own ways of managing waqf. Some ways are similar to one another and some are different. The word waqf derived from Arabic word "*waqafa*" means to stop, to prevent and to detain. Islamic jurists interpret "waqf" as "detaining assets that are beneficial and physically lasting, to be given to charity" (Ahmad, 2008).

The waqf practice had varied from time to time and from city to another, due to several elements that shape the waqf practices in terms of type and the size (Ayedh & Aimi Fadzirul, 2018). For instance, the nature of waqf practice which is based on benevolence (Ihsan) voluntary, the economic situation, the level of faith (Iman) in the society especially for the philanthropist (waqif), the level of awareness of the state waqf (Ayedh & Ihsan, 2013; Ihsan & Ayedh, 2015). Therefore, waqf practices varied from a country to another in terms of the historical beginning of waqf, major type of waqf practiced, legal statuses of waqf, and the magnitude of waqf practices. In this research the waqf experiences for some Muslim countries in the world. In addition, this research tried to critically analyse those practices in the discussion to see the similarities and differences between these waqf experiences. This research is organised as follows. The next section discusses historic of waqf. Third section discusses waqf experiences in Muslim countries. It is followed by the discussion on waqf experiences in non-Muslim countries, followed with conclusion remark. Fifth section discusses on findings and finally end with conclusion of the study.

HISTORIC OF WAQF

Waqf is based on a conviction that waqf as a concept and an experience has a great development potential which entitles it to contribute effectively to the Muslim communities and cope with the challenges which confront the Ummah (Ihsan & Ayedh,

2015). Waqf also reflects the history of Islamic world through its rich experience which embraces the various types of life and helps finding solution for emerging dilemmas. In the early of the las century during the decline of the Ummah, Waqf maintained a major part of the heritage of the Islamic civilization and caused it to continue and pass from one generation to another.

Throughout Islamic history and wherever Muslims put their feet will find the presence of the waqf is significantly. The real innovations in the idea of Waqf came in the early Islamic period in Madinah (Abu Zuhrah, 1971). After the first generation of Muslims, Waqf grew by leaps and bounds, and its endowment became a pillar in the religious, social, cultural, scientific, economic and political life of Islamic society to the extent that for every conceivable enterprise of social benefit there was a Waqf: for mosques, universities, schools, hospitals, orphanages, houses for the poor, food for the poor, the blind, battered/abused women, soup kitchens, wells, aqueducts, fountains, public baths, watchtowers, bridges, cemeteries, salaries, pensions, guest houses, libraries, books and animal welfare (Ali, 2009).

In the history of Islam, the first known Waqf is the mosque of Qubaa in Madinah, which was built upon the arrival of the Prophet (Peace and blessing of Allah be upon him) followed by the purchase of the land and construction of the mosque, known today as the Al Nabawi mosque in Madinah. According to Kahf (2003), mosque and real estates confined for providing revenues to spend on mosques" maintenance and running expenses are in the category of religious waqf, which in any Muslim society adds to the social welfare of the community because it helps satisfy the religious needs of people and reduces the direct cost of providing religious services for any future generation.

The history of Waqf is very rich with impressive achievements in serving the poor in particular and enhancing the welfare of the Ummah in general. The institution of Waqf has also degenerated in many Muslim societies from its past glory. Attempts have been made by the political authority to take over management of Waqf, though strongly resisted by the Fuqaha and other social leaders, due to either loss of or difficulty

to locate deeds of Awqaf in the old records and archives of local courts, and the centuries of old problem of corruption and mismanagement by judges and Waqf managers respectively. The shift of Waqf management to government started with the establishment of Waqf Administration by the Ottoman Empire in 1826, which led to the liquidation of most Islamic Awqaf of that time. Furthermore, in the last century in the colonial time, waqf properties and management were undergone to the colonial regimes in most of Muslim lands (Ihsan & Ayedh, 2015). As consequence of the independence of Muslim countries which most of the leaders were secular, the waqf properties were mismanaged or fully nationalization to be part of the public sector such as what happened in Syria, Egypt and Turkey (Al-Jaowhary, 2001).

METHODOLOGY

This study applied a comprehensive library research based for the waqf practices in selected Muslim and non-Muslim countries. Thorough and critical survey of the literature related to waqf experiences in Muslim and non-Muslim countries was conducted up to January 2017. Various online and offline resources were taken into consideration. The primary source of data collection for the review included research papers and review articles published by reputed publishers such as Springer, Elsevier, Routledge and Taylor & Francis imprints. Online databases including Scopus and Science Direct were also referred to collect the data on dates. Literature search was conducted using Google Scholar using the following keywords: *Waqf experiences in Muslim countries (Turkey, Kuwait, Malaysia, Brunei, Indonesia and Iran); Waqf experiences in (India, Philippines and Singapore)*. The selection of the countries based on several criteria the good record of the country in waqf practices, waqf history, and most importantly the availability of the data. The used critically compared the waqf practices among the selected Muslim and non-Muslim countries based on four main criteria the legal factors, historic of establishment, current practices and management aspects which has been adapted from Ayedh & Aimi Fadzirul (2018).

RESULT

WAQF EXPERIENCES IN MUSLIM COUNTRIES

In this section authors will try to gather some of the mine experience of waqf in these countries were the Muslim are majority (e.g. Turkey, Kuwait and Malaysia). In the selection of the countries to be included in this discussion is based on the availability of the data.

Turkey

The historic of the establishment or introducing waqf in Turkey was started along with establishment of the Othoman Empire (1324m), it can be traced back to the Sultan Mehmed Khan Ghazi second caliph. Non-arguably, waqf's had their most significant economic implication in the Ottoman world. The legal of waqf in Turkey is under protection of religious law, therefore courts mostly decided in favour of the founders whose will was respected according to the endowment deeds. The right of founding a waqf was granted only to Muslims in an Islamic State (Babacan, 2011). In current practice of waqf in Turkey, waqf s can participate in businesses within the limits of the endowment deed and their operations are under legal monitoring. They are allowed to operate with pooled resources which assumingly would create economies of scale. Their founders may include the government, other non-governmental institutions, or firms. Their assets can be in many forms, including cash and stocks (Kuran, 2001). Waqf s are still useful instruments for providing or, in many areas, complementing social services such as financing mosques, schools, hospitals, libraries, and monuments, but they are not seen as the primary suppliers of public goods. The secularization process during late Ottoman and early Turkish republic periods led the waqf system to lose its religious motives as well. Managing of waqf, modern waqf in Turkey is a corporation, an internally autonomous organization that the courts treat as a legal person. A board of mutawalli manages the modern waqf s, instead of an individual. The legal infrastructure is modified to give wider operational powers to the mutawalli boards (Kuran, 2001).

Kuwait

Historically, waqf in Kuwait dated back to 1695, but notable development started in the 1930 followed by the establishment of Waqf Affairs Boards in 1940. After the independence of Kuwait in 1962, the Ministry of Awqaf and Islamic Affairs was established to perform several tasks including the responsibility of managing waqf properties and reached a significant stage in 1993 with the enactment of Awqaf institution laws for efficient governance of the sector. These laws provided the necessary platform for all matters relating to the waqf affairs including transparent management of funds and investment of funds as per terms and conditions specified by the founders. In essence, the strategic direction of Waqf institutions in Kuwait has been set since 1993 with the establishment of Kuwait Awqaf Public Foundation (KAPF). KAPF has played an essential role in consolidating values and purposes of waqf in Kuwait (Al- Osman, 1997), which contributed in Kuwait being chosen by the OIC as coordinator of waqf institutions in the Muslim world (Abdul Mohsin, 2011).

The legal of waqf in Kuwait was under law on rules which relating to waqfs 1951 (Rabitah Harun et al., 2012). Currently practice of waqf in Kuwait is administrated by Kuwait Awqaf Public Foundation (KAPF) established by the Emirie Decree issued on November 13, 1993. The Decree provided KAPF the status of a governmental body with relative autonomy in decision-making to regulate and manage the system to take care of waqf affairs internally and externally. In managing Waqf, The KAPF is to consolidate the concept of waqf as a developmental mechanism in the community and activate its role in achieving the objectives of the founders in addition to reinforce the tendency of contemporary Islamic civilization (Dahi, 1998). While major responsibility of KAPF is to encourage people to establish new Awqaf, managing them to allocate funds for activities and investment of the assets are its major tasks. In addition, KAPF coordinates with the governmental and non-governmental bodies for the establishment of Shariah compliant waqf projects to achieve waqf objectives. This coordination includes specifically managing specialised funds in waqf sector, regional institutions for the waqf development and the management of family waqf.

Malaysia

The historic establishment institution of waqf in Malaysia is believed to have been in existence for more than eight hundred years (Syed Othman, 1986). It is believed to have started when the Arab Muslim traders brought Islam to the land in the tenth century. Religious education is the main factor of waqf being developed in Tanah Melayu, especially in Terengganu. This is evidenced by one of the early nineteenth century waqf deeds by Sultan Umar; the ruler of the state, stating the object of his waqf is to promote education and the dissemination of knowledge to the public (Yaacob & Hisham Yaacob, 2013). During the earlier period, Muslims who wished to waqf their property would go to see the village head and they would be the trustee of the waqf. However, there are no written documents regarding the first establishment of the waqf institution in Malaysia before the nineteenth century as stated above, except for the establishment of the waqf of Masjid Capitan Kling in Penang in 1801, followed by the waqf by a member of the Aceh royalty, also in Penang (Yaacob & Hisham Yaacob, 2013).

The legal of waqf in Malaysia were state under Section 25 of the Civil Law Act 1956 stated that the administration of Muslim's property shall in accordance with the Islamic law. There are 14 State Islamic Religious Councils, one for each of the 13 states and one for the Federal Territory. The state Islamic department will enforce all the legislation accordingly. Basically, different states will have a different set of legislations (Rabitah Harun et al., 2012). Besides that, administration of the Religion of Islam (Federal Territories) Act 1993 and similar Acts is for individual provinces. Current practice of waqf in Malaysia, Waqf properties are developed for common purposes for instance mosques, educational development and social welfare. The government has allocated RM250 million to develop waqf land all over Malaysia for purpose of building mosques and surau, utilizing waqf land, or land donated for religious or charitable purposes and using for commercial (Rabitah Harun et al., 2012).

In term managing waqf, waqf affairs are the responsibility of the Islamic Religious Council of each state. The courts recognized shariah as the governing law of property for Muslims including waqf. The government of Malaysia has

formed a department for zakat, waqf and hajj on the 27th March 2004 with the aim of making the administration systematic and effective. This department however does not have an authority to administer and manage waqf properties but rather plays a role as a planning coordinator and observes the waqf matter. JAWHAR formed Yayasan Waqf Malaysia (Malaysian Waqf Foundation) for the sole purpose of identifying the underutilized assets of awqaf and planning for their development in coordination with the SIRC of each state. One of the important characteristics of waqf in Malaysia is that every waqf shall be registered in the name of the Islamic Religious Council as proprietor in accordance with the National Land Code 1965 (Yaacob & Hisham Yaacob, 2013).

Brunei

The history of waqf in Brunei might be no different from the history of Malaysia and Indonesia. The legal of waqf in Brunei was under Laws of Brunei, 1/1984, Religious Council and Kadi Courts. Everything about waqf was under Akta Majlis Ugama Islam dan Mahkamah-Mahkamah Kadi Penggal 77 dalam bab 98 dan 100 (Rabitah Harun et al., 2012). Current practices, Majlis Ugama Islam Brunei (MUIB) has successfully generated a high income and give full benefits to all the Muslims from waqf property's income in Brunei. MUIB administer and manage the waqf property using e-government technology and became the sole trustee for all waqf in the country. In manage of waqf, MUIB property using e-government technology. MUIB also gives information and understanding to the public about the waqf procedure. The Council shall be the sole trustee of all endowments, whether general or special endowment (Rabitah Harun et al., 2012).

Indonesia

The historic establishment of awqaf in Indonesia, the activities had been known among Muslim in Indonesia in the middle of the 13th century. Even though Indonesia had been occupied by Dutch and Japanese for more than three hundred years, waqf activities still went on during the colonial period. Traditional phase, most waqf is used for physical development

such as mosque and cemetery. Semi-professional stage of waqf management, the usage of mosques is being widened for place of discussion, wedding and seminar (Rabitah Harun et al., 2012). The legal of waqf in Indonesia, a serious attempt in revitalization waqf institutions has been made in the late 2004 when the government enacted of new waqf act namely The Act No 41/2004 on waqf. The current act is more sophisticated whereby it recommends the establishment of an independent body to regulate waqf institutions in Indonesia, namely "Badan Wakaf Indonesia" (Indonesian Waqf Board) (Ihsan, 2007).

Current practice, waqf lands also being utilized for other benefits such as farming activities, shop lots and rice factories. Waqf assets in Indonesia were created either by individual or communal. Individual waqf's were established by the rich, while communal waqf's were created by sharing the contribution amongst several people. Mostly, waqf assets are addressed for religious purposes such as mosques and religious schools. As well as introducing a new model of waqf in Indonesia i.e. cash waqf which has been growing rapidly recently (Ihsan, 2007). In managing of waqf in Indonesia, it cannot be separated from the role of BWI (Indonesian Waqf Board). The birth of Indonesian Waqf Board (BWI) is the embodiment of the mandate outlined in Law No. 41 Year 2004 on waqf. The presence of BWI, as described in section 47, is to promote and develop the waqf in Indonesia. For the first time, BWI membership appointed by the President of the Republic of Indonesia, in accordance with Presidential Decree (Presidential Decree) No. 75 / M in 2007, which is set in Jakarta, July 13, 2007. So, BWI is an independent agency to develop waqf in Indonesia in carrying out their duties free from the influence of any authority, and is accountable to the public. Productive waqf models in Indonesia is very diverse, ranging from hospitals, schools, shop, warehouse or shop for rent, farms, universities, etc.

Iran

The history of waqf in Iran is of interest because it is a Shia rather than a Sunni country. The Shah controlled awqaf and they had great political significance and were the source of much power. They were also a source of much corruption.

The Civil Code of 1928 set out legal framework for awqaf that allowed both family and charitable awqaf. Consistent with Islamic law, it is permitting a property to be endowed only where it can produce economic benefit without consuming the capital. Education awqaf in Iran came under the control of the Ministry of Education. Department of Endowments was created under the Ministry of Education and 1934 the power was given to DOE to supervise awqaf. Iran was unique in that in 1951 the Shah ordered that all the crown land he had inherited from his father was to be distributed among peasants. In 1984 a new Iranian law was passed that said all Iranian awqaf were to be administered by the Pilgrimage, Endowment and Charity Affairs Organization (Stibbard, QC, & Bromley, 2012).

In term of legal, waqf matter was under the civil code of 1928. The 1934 Law introduced certain changes into the administration of awqaf (Stibbard et al., 2012). There is lack of information in aspect current practice of waqf in Iran. In term managing of waqf, it was under Ministry of Education and Awqaf. Ministry was at liberty to leave the waqf in the hands of whoever was its overseer at the time. In the case of charitable waqf with administrators, the Ministry of Education and Awqaf exercised to supervision (Stibbard et al., 2012).

Critical remark

From the above discussion, it could be concluded that there are several reason factors which influence the development of waqf, such as colonization, type of government (democracy and dictatorship), the awqaf practices in the neighbour countries, and the economy level of the country. In addition, by scanning and analysing the current practices of the selected Muslim countries, it could conclude and draw some of the challenges that facing the waqf development and revival process: legal practices, management, trust, government support, corruption, etc. Waqf experience in Kuwait could be a considered as best practice among the Muslim countries included in this research due to outstanding performance of waqf practices and flexibility of legal form (transparent and accountability of the waqf management) and the less interfere by the government which enhance the trust of waqf and community in general. It is worth

to mention that in Malaysia, the waqf management practices are different from one state to the others. For certain states, they practice share scheme and some states do not practices such. However there are also some similarities for example, most of the waqf properties are developed for common purposes for instance mosques, educational development and social welfare (Rabitah Harun et al., 2012). Table 1 below offers a comparison of waqf institution in Muslim countries based on the four aspects.

Table 1: Comparison of waqf institution in Muslim countries.

Countries	History	Legal	Practices	Management
Turkey	Ottoman Empire (1324m)	<ul style="list-style-type: none"> The legal of waqf in Turkey is under protection of religious law. Courts mostly decided in favour of the founders whose will was respected according to the endowment deeds. 	<ul style="list-style-type: none"> Participate in businesses within the limits of the endowment deed. Operations are under legal monitoring. Founders may include the government, other non-governmental institutions, or firms. Their assets can be in many forms, including cash and stocks 	<ul style="list-style-type: none"> Corporation. A board of mutawalli manages the modern waqfs, instead of an individual.
Kuwait	Waqf Affairs Boards in 1940	Waqf in Kuwait was under law on rules which relating to waqfs 1951	<ul style="list-style-type: none"> Administrated by Kuwait Awqaf Public Foundation (KAPF). Governmental body with relative autonomy in decision-making to regulate and manage the system to take care of waqf affairs internally and externally. 	<ul style="list-style-type: none"> Developmental mechanism in the community and activate its role in achieving the objectives of the founders in addition to reinforce the tendency of contemporary Islamic civilization. Encourage people to establish new Awqaf, managing them to allocate funds for activities and investment of the assets are its major tasks. KAP coordinates with the governmental and non-governmental bodies for the establishment of Shariah compliant waqf projects to achieve waqf objectives

<p>Malaysia</p>	<p>Waqf of Masjid Capitan Kling in Penang in 1801</p>	<p>Section 25 of the Civil Law Act 1956</p>	<ul style="list-style-type: none"> • Waqf properties are developed for common purposes for instance mosques, educational development and social welfare. • Government has allocated RM250 million to develop waqf land all over Malaysia for purpose of building mosques and surau, utilizing waqf land, or land donated for religious or charitable purposes and using for commercial. 	<ul style="list-style-type: none"> • Waqf affairs are the responsibility of the Islamic Religious Council of each state. • JAWHAR formed Yayasan Waqf Malaysia (Malaysian Waqf Foundation) for the sole purpose of identifying the underutilized assets of awqaf and planning for their development in coordination with the SIRC of each state.
<p>Brunei</p>	<p>*Same like Malaysia</p>	<p>Laws of Brunei, 1/1984, Religious Council and Kadi Courts.</p>	<ul style="list-style-type: none"> • Majlis Ugama Islam Brunei (MUIB) has successfully generated a high income and give full benefits to all the Muslims from waqf property's income in Brunei. • MUIB administer and manage the waqf property using e-government technology and became the sole trustee for all waqf in the country. 	<ul style="list-style-type: none"> • MUIB property using e-government technology. • MUIB also gives information and understanding to the public about the waqf procedure.
<p>Indonesia</p>	<p>Middle of the 13th century</p>	<p>The Act No 41/2004 on waqf.</p>	<ul style="list-style-type: none"> • Waqf lands also being utilized for other benefits such as farming activities, shop lots and rice factories. • Waqf assets in Indonesia were created either by individual or communal. • Individual waqf's were established by the rich, while communal waqf's were created by sharing the contribution amongst several people. 	<ul style="list-style-type: none"> • Indonesian Waqf Board is an independent agency to develop waqf in Indonesia in carrying out their duties free from the influence of any authority, and is accountable to the public. • Productive waqf models in Indonesia is very diverse, ranging from hospitals, schools, shop, warehouse or shop for rent, farms, universities, etc.

			<ul style="list-style-type: none"> • Mostly, waqf assets are addressed for religious purposes such as mosques and religious schools. • As well as introducing a new model of waqf in Indonesia i.e. cash waqf which has been growing rapidly recently. 	
Iran	*Not stated	The Civil Code of 1928 set out legal framework for awqaf that allowed both family and charitable.		<ul style="list-style-type: none"> • Ministry (Ministry of Education and Awqaf) was at liberty to leave the waqf in the hands of whoever was its overseer at the time. • In the case of charitable waqf with administrators, the Ministry of Education and Awqaf exercised to supervision.

WAQF EXPERIENCES IN NON-MUSLIM COUNTRIES

India

The earliest known waqf in India can be traced back to the last years of the twelfth century when Muhammad Ibn Sam, one of the Gaurid Sultans, established a waqf in his name. Sultan Muizuddin Sam Ghaor (f. 1195–95 A.D.) dedicated two villages in favour of Jama Masjid, Multan, and, handed its administration to the Shaikhul Islam (highest ecclesiastical officer of the Empire). In the coming years, several more waqf was created, as the Delhi Sultanate flourished. Waqf in India enormously developed with the advent and dominance of Muslim rulers in the country and got great momentum in Mughal era starting from 1526. Central Waqf Council, India is an Indian statutory body established in 1964 by the Government of India (Stibbard et al., 2012).

In term of legal matters, waqf was regulating under waqf Act, 1954 (now a sub section the Waqf Act, 1995). Waqf Act in 1995 has been amended by the waqf (Amendment) Act, 2013 to widen the fundamental function of council viz. it will be advising to state government and state waqf boards also besides central government. It has been given power to issue direction to the

State Waqf Boards (Stibbard et al., 2012). Meanwhile, in current practice consequent to the amendments of the waqf act, 1995 by the waqf (Amendment) Act, 2013, the central waqf council has been empowered to advise the central government or state governments and the State Waqf Boards for due administration of the awqaf. The central waqf council has now vested with the powers to issue directives to the State Waqf Boards on various aspects of its functioning and in the process the council is devising appropriate format for reporting its performance particularly on the financial performance, survey, maintenance of waqf deeds, revenue records, encroachments of waqf properties, annual reports and audit reports including leasing of waqf properties to the central waqf council as may be specified.

Subject to managing of waqf, waqf is a permanent dedication of movable or immovable properties for religious, pious or charitable purposes as recognized by Muslim Law, given by philanthropists. In the light of the above empowerment, the role of the Central Government, Central Waqf Council and State Waqf Boards have been enlarged to protect the waqf properties from encroachment and alienation and to develop them on commercial lines, so as to derive higher income to fulfil the intent of the Waqf.

Philippines

It is well known that Islam was introduced into the Philippines as early as the thirteenth century by Muslim traders and was embraced particularly in the southern islands of Sulu and Mindanao. The Islam that emerged in these far away territories was a mixture of pre-Islamic usage and local custom with the basic teachings of Islam. A strict application of the Islamic law did not take place. The Spanish conquest appears to have had little impact on the Muslim sultanates of Sulu and Mindanao.

In term of legal, waqf in Philippines was regulating under Philippine Corporation Law and Philippine Civil Code. Besides that, waqf thing is in Code of Muslim Personal Law. These pertain to the establishment of testamentary waqf, *waqf bil wasiyya*. After the independence, the Marcos administration attempted to have the Islamic personal laws codified. Although

the committee did some work on the law of the waqf, their recommendations were not included in the final draft. This was because the waqf was considered to violate the basic secularist principle: the separation of the church and the state. The Code was signed into law on February 4, 1977 with the chapter on waqf laws missing. The Muslims of the Philippines were left free to establish their own waqf s according to their own customs and beliefs (Murat Cizakca, 2000).

Presently, current practice of waqf establishment is subject to the Philippine Corporation Law, a secular body of law adopted during the American occupation. Property rights, on the other hand, are governed by the Philippine Civil Code, a reproduction of the Spanish Code. The Islamic Trust and Development Foundation aims to promote waqf establishment among the Muslims (Murat Cizakca, 2000). Meanwhile in aspect of managing, there is lack of information on this matter of awqaf in Philippines.

Singapore

Waqf that was created in Singapore is the Waqf of the Omar Mosque of Kampung Melaka which was endowed by the late Syed Omar Aljunied a trader from Indonesia who would probably originates from Yemen in 1820 (Ibrahim, 1965). The first waqf legislation was passed by the British legislation in 1905, which was provided under the Muhammed and Hindu Endowments Ordinance (chapter 27) enacted on 8th September 1905. Most of the waqf was created during the early migration of the Muslims, namely in the late 19th and early 20th centuries. Most of the waqf that was created by the early settlor was affected during the early 18th century this is due to the spice route prevalent at the point in time where merchants from Yemen and from the middle-east region sets roots here in Singapore and created waqf. There are also waqf founders from Indonesia Archipelago of the Bugis descendant example of which is the waqf of Hajjah Daeng Tahira Hj Daeng Tadaleh and some from India such as the waqf of Ahna Ally Mohammad Kassim (Abdul Karim, 2010)economic and religious benefit to mankind. It is a vehicle for financing society as a whole (Hodgson, 1974).

In term of legal, Religious activities are further supported

through an Act to govern the religious affairs of Muslims in Singapore the act is called the Administration of Muslims law Act (AMLA). Sec. 56, of the AMLA regulates the administration of awqaf in Singapore. Provision under Islamic Religious Council (Majlis Ugama Islam Singapura or MUIS) to oversee all the religious affairs of the Muslims community such as the administration of Zakat in respect of collection and disbursement, Halal certification, management and administration of Waqf, Hajj, mosques and Madrasah. Administration of Muslim Law Act, 1999 (Abdul Karim, 2010) economic and religious benefit to mankind. It is a vehicle for financing society as a whole (Hodgson, 1974. Current practice, there are 99 Awqaf registered in Singapore with over 200 properties and with an asset worth about S\$300 million. MUIS (Majlis Ugama Islam Singapura) has started a subsidiary company known as Waqf Real Estate of Singapore (WAREES Investment Pte. Ltd) to make sure waqf properties are developed to the maximum level.

Subject to managing of waqf, waqf forms the largest assets value of the total assets managed by the Islamic Religious council of Singapore. All Awqaf is vested under the Majlis Ugama Islam Singapura (MUIS). MUIS is a statutory board which is under the Ministry of Community Development Youth and Sports (MCYS). It has a minister which is the Minister in charge of Muslims Affairs. All matters regarding the selling, development of Waqf assets are first tabled at the waqf investments committee, which will then be escalated for the decision making at the management and MUIS council level. Where there are shariah issues the matter shall be heard in the Fatwa committee. Any investments, purchases or financial obligations or implications which exceed the amount of \$5,000,000 will need the Minister's approval. In terms of administrative strive for excellence; MUIS has achieved an ISO 9001 for its management and administration of waqf. MUIS is constantly striving towards excellent management system. It has achieved the mark of the Singapore Quality class which marks a commitment of the organisation in meeting excellent standards in its processes, leadership, customers and result oriented achievement. Singapore developed waqf properties into real estate which generate millions of Singapore dollar a year (Abdul Karim, 2010) economic and religious benefit

to mankind. It is a vehicle for financing society as a whole (Hodgson, 1974).

Table 2 below offers a comparison of waqf institution in non-Muslim countries based on the four aspects.

Countries	History	Legal	Practices	Management
India	12th century Muhammad IbnSam, one of the Gaurid Sulatans, established a waqf in his name.	<ul style="list-style-type: none"> Regulating under waqf Act, 1954. Amended by the waqf (Amendment) Act, 2013. 	The central waqf council has been empowered to advise the central government or state governments and the State Waqf Boards for due administration of the awqaf.	The central waqf council has now vested with the powers to issue directives to the State Waqf Boards on various aspects of its functioning and in the process the council is devising appropriate format for reporting its performance particularly on the financial performance, survey, maintenance of waqf deeds, revenue records, encroachments of waqf properties, annual reports and audit reports including leasing of waqf properties to the central waqf council as may be specified.
Philippines	13th century by Muslim traders and was embraced particularly in the southern islands of Sulu and Mindanao.	<ul style="list-style-type: none"> Philippine Corporation Law and Philippine Civil Code. Code of Muslim Personal Law. 	<ul style="list-style-type: none"> Subject to the Philippine Corporation Law, a secular body of law adopted during the American occupation. Property rights, on the other hand, are governed by the Philippine Civil Code, a reproduction of the Spanish Code. The Islamic Trust and Development Foundation aims to promote waqf establishment among the Muslims. 	Lack of information on this matter of awqaf in Philippines.

<p>Singapore</p>	<p>19th and early 20th centuries. Waqf of the Omar Mosque of Kampung Melaka</p>	<ul style="list-style-type: none"> • Administration of Muslims law Act (AMLA). Sec. 56, of the AMLA regulates the administration of awqaf in Singapore. • Provision under Islamic Religious Council (Majlis Ugama Islam Singapura or MUIS). 	<ul style="list-style-type: none"> • There are 99 Awqaf registered in Singapore with over 200 properties and with an asset worth about S\$300 million. • MUIS (Majlis Ugama Islam Singapura) has started a subsidiary company known as Waqf Real Estate of Singapore (WAREES Investment Pte. Ltd) to make sure waqf properties are developed to the maximum level. 	<ul style="list-style-type: none"> • MUIS is a statutory board which is under the Ministry of Community Development Youth and Sports (MCYS). • All matters regarding the selling, development of Waqf assets are first tabled at the waqf investments committee, which will then be escalated for the decision making at the management and MUIS council level. • Where there are shariah issues the matter shall be heard in the Fatwa committee. • Any investments, purchases or financial obligations or implications which exceed the amount of \$5,000,000 will need the Minister's approval. • In terms of administrative strive for excellence; MUIS has achieved an ISO 9001 for its management and administration of waqf. • It has achieved the mark of the Singapore Quality class which marks a commitment of the organisation in meeting excellent standards in its processes, leadership, customers and result oriented achievement. Singapore developed waqf properties into real estate which generate millions of Singapore dollar a year
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DISCUSSION AND CONCLUSION

From the above discussion it can be seen that the waqf legal situation of non-Muslim countries either has left for the Muslim community (e.g. Philippines) or has included in the civil law with especial consideration of waqf and Islamic nature (e.g. Singapore). In addition, it is likely in most of minority Muslim countries waqf institutions considered as a non-government organisation (NGO) which required being transparent and accountable to the government and public, which lead to high trust and confidence by the funders of waqf. Waqf experience in Singapore could be considered as best practice among the selected non-Muslim countries in this paper due to outstanding performance of waqf practices and creating a dynamic waqf institution by generating revenue from investing waqf property which enhance the trust of waqif and community in general.

This paper attempted to critically review some of the waqf experiences in Muslim and Non-Muslim countries. The critical analysis of waqf experiences in selected environment provides a better picture of waqf practices in systematic and comparable manner. The analysis review is based on four main elements, namely: history of waqf, legal, current practices, and management practices of waqf in those countries involved.

From the analysis review, it could be stated that there are three essential and common obstacles facing the development and sustainability of awqaf organizations, namely: the legal form of waqf which restricted the waqf funders' conditions, way of management, and investment. Second is obstacle the corruption in waqf management and third obstacle is government interfering in managing waqf.

Besides that, it could be concluded, Singapore waqf experience was extraordinary splendid as with rigorous legal (i.e. government) requirements the waqf institutions in Singapore able to meet all legal requirements (transparency, quality services, etc.) and also able to gain the public confidence in waqf management and transform to income generator instead of being receiver of donations only. In the other hand, Kuwait experience record outstanding performance due to the less interruption by the government and establishment of sound of

governance, internal control and accountability tools.

It is worthily to note that the practices of waqf in the Muslim minority communities are very dynamic and response to the community's needs compare to the majority Muslim countries. In addition, the countries waqf establishment history, the size of Muslim population in the county do not play a significant role, compared to the role of legal regulations, the government involvement and the governance and control process in enhancing the waqf practices in terms of management, services quality, gaining public confidence and waqf investment.

Though the current work laid the ground for further empirical studies and contributed significantly to the area of waqf, it is still subject to a number of limitations. Firstly, as stated above this paper is based on critical analysis review of the waqf experiences literature review in selected countries. Future research might integrate this review with empirical methodology. Secondly, there is a limit number of countries waqf experiences have been included in this study; future research might include more experiences.

In terms of the implications of findings, it hopes that the findings give more comprehensive and cross countries picture of waqf experience and practice, which will assist the related waqf regulators in the evaluation process of waqf management practices and determine best practice as well set up a benchmark waqf management practices. This work is enhancing the process of standardizing waqf industry by shading the light into the best practice in terms of legal, current practices, and management practices.

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