

COLLECTION OF FATWA ON WAQF

1. The Law of Developing Special Waqf Land with Development Differing from the Original Intention of the Waqf

The 80th Muzakarah of the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia held on 1 – 3 February 2008 has discussed the Law of Developing Special Waqf Land with Development Other Than the Original Intention of the Waqf.

Decision:

The Muzakarah agreed to decide that developing special waqf land, especially mosque waqf with additional development projects, or improvements to ensure the waqf property remains in tact is allowed by Islam provided this development must be based on needs that can be determined by the government and not in conflict with Shariah.

Source: The 80th MKI Fatwa Committee Muzakarah

Date: 1-3 February 2008

2. Laws Relating to the Development of Waqf Land Under the 9th Malaysia Plan

The 77th Muzakarah of the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia held on 10 – 12 April 2007 has discussed Laws Relating to the Development of Wakaf Land Under the Ninth Malaysia Plan (RMK-9). The Muzakarah has decided that:

1. Status of Buildings that have been completed on Waqf Land
 - i. Buildings that have been completed on waqf land do not automatically become a waqf. If JWZH wants to endow it, it is not an obstacle.
 - ii. The building needs to be registered as a new waqf property and needs to meet the pillars of waqf and state enactments.

2. Development Using RMK 9 Waqf Property Development Program Funds on Baitulmal Land Owned by MAIN
 - i. Baitulmal land owned by MAIN and buildings built on the land that use the funds of the 9MP Wakaf Property development program can be registered as wakaf property.
 - ii. To meet and comply with syariah rules, JWZH must refer to the existing waqf conditions.
3. Leasing of Wakaf Land to the Federal Land Commissioner Waqf land can be leased but cannot be sold.
4. Lease Sale of Shop/Residential/Office Space Units Developed on Waqf Land
 - i. Residential units or shops built on waqf land can be leased to individuals for long periods of time.
 - ii. The conditions and methods that need to be complied with in order to meet the requirements of Shariah are based on the Lease Agreement (rental).
5. Status of the Federal Government in the Development of Waqf Land
 - i. The Federal Government may be considered a waqif providing that provisions are made for the development of waqf land intended for waqf.
 - ii. As a waqif, the government has the right to determine the conditions of the waqfed property. Nevertheless, the appointment of nazir is not allowed as it contradicts the existing Enactment.
6. Department of Wakaf Zakat and Hajj (JWZH) as the Trustee to the 9th Malaysia Plan Waqf Property Development Program Fund

JWZH can be the trustee of the 9th Malaysia Plan Waqf Property Development Program funds through a national waqf entity that will be established through an economic joint venture with MAIN provided agreed by both MAIN and JWZH.

7. Sole Trustee of Wakaf

The issue of MAIN as the sole trustee of waqf is not a syariah issue but a policy issue involving administration.

8. Cash Waqf (Waqf)

Waqf in the form of cash is permissible in Islam.

9. Exemption or Remittance of Land Tax on Waqf Property Waqf property should be exempted from tax.

Source: The 77th MKI Fatwa Committee Muzakarah

Date: 10-12 April 2007

3. Waqf Law for Land with "Limited Property Rights"

The 65th Muzakarah of the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia held on 13 October 2004 has discussed on Waqf Law for land with limited property rights. Muzakarah has decided that endowing leasehold land is valid and accepted by Shariah.

Background

The issue of wakaf for land with limited ownership status was raised in the 43rd Meeting of the National Council for Islamic Religious Affairs, on 9 February 2004. Government land ownership is based on the National Land Code Act (KTN) which is one of the methods of land disposal by the state authorities. Section 76 (a) clarifies that the alienation of land by way of disposal shall not exceed ninety-nine years. This limited ownership makes the status of limited ownership 41 (leasehold). Upon expiration of the ownership period, in

accordance with the provisions in Section 46 (1) (a) (KTN) ownership of the leasehold land will return to government.

Limited ownership land position; upon expiration of the period of ownership, the property will return to the ownership of the government. The government may grant the expired land ownership to an agency or person providing a premium is paid for further ownership.

Because the State Islamic Religious Council (MAIN) is the sole trustee for waqf property, usually the renewal of ownership for leasehold waqf land is managed by MAIN, including the payment of ownership premium. If the renewal of ownership is made by MAIN, does this situation have implications for the concept of waqf of land with leasehold status as a source of charity will bear continuous rewards to the waqif, as long as the property exists?

(Note: Land ownership in Malaysia is divided into two categories, freehold and leasehold. Freehold is land whose ownership is permanent, while leasehold is limited ownership given by the government on lease. The owner must pay a premium to the government to renew the ownership of the land after the expiry of the lease).

Arguments and Propositions:

Imam Shafie and the majority of scholars believe that one of the conditions of waqf is that the property must be permanent in nature. According to the Shafie sect, waqf is to withhold property that can be benefited from it, as well as to retain its physical ain, by deciding on the business rights owned by the relevant waqif such as inheritance, wills, hibah, and sale and purchase. Waqf management in Malaysia is based on the Imam Shafie School because the State Islamic Religious Administration Law is based on the Imam Shafie School.

According to the opinion of Sohiban (Ahmad Hassan al-Syaibani and Zufar) Imam Abu Hanifah which is the opinion fatwaed among the Hanafiah and the stronger opinion in the Shafie and Hanbali schools,

wakaf is defined as withholding property taken advantage of by retaining in property. The income, earnings or benefits of the waqf property will be spent for goodness and welfare as well as getting closer to Allah SWT. Therefore, the property no longer belongs to the waqif, it even becomes the right of Allah SWT (it cannot be taken back and cannot be owned by anyone).

When we look into the National Land Code which gives exemptions in waqf and Baitulmal matters as in Act no. 56 of 1965 Section 4 (2): "Exceptions to the extent expressly provided otherwise, nothing in this Act shall affect the provision (e) of any law for the time being in force on wakaf or baitulmal". Section 76 (aa) of the National Land Code, provides that "the State Government may grant ownership of land permanently if the state authorities are satisfied it is used for public interest". While Section 76 (aa) (iii) provides that if the state authorities are satisfied that there are special circumstances that are suitable, then the State Government can grant permanent ownership of the land.

Both of these provisions provide space for (MAIN) to obtain government land or public land handed over to it for waqf purposes, as the purpose and concept of waqf is for the public interest. Under the provision, it provides space for each wakaf land with leasehold status to be converted into freehold as soon as the transaction process of the waqf has been completed. Based on the provisions of the National Land Code the issue of endowing leasehold land or any building, construction, house on it is clear and does not arise because of the exemptions given to wakaf and baitulmal property.

In conclusion, any leasehold land waqfed in accordance with the prescribed procedure and the baitulmal receives the waqf property handed over to it in the form of leasehold will change status in the hands of the baitulmal to permanent ownership as a clear exception in the National Land Code Act no. 56 of 1965 Section 4 (2). Thus, Muslims are encouraged to waqf property even in the form of a leasehold for a noble purpose and lasting charity.

Source: The 65th Muzakarah of MKI Fatwa Committee
Date: October 13, 2004

4. Law of Submitting Part of Wakaf Land to the Authority

The 65th Muzakarah of the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia held on 13 October 2004 has discussed on the law of submitting part of a waqf land to the authority. The Muzakarah has decided:

- i. Waqf land cannot be transferred at all except for an emergency that requires it based on certain conditions.
- ii. Waqf land taken/transferred to the government, must be compensated according to the value of the land taken or replaced with land that is equivalent or better in value.
- iii. Waqf land to be developed must be exempted from the condition of handing over land for the purpose of building public facilities such as roads, drainage, electrical substation sites and so on.
- iv. For special wakaf land for certain purposes such as mosques, schools and the like, the party who takes the land must allocate certain parts in lieu of wakaf land taken according to the current value to maintain the status of the wakaf. For example, multi-storey buildings are erected, certain units (according to current values) are allocated for mosques, schools or the like as intended by the waqif.

Source: The 46th Muzakarah of MKI Fatwa Committee
Date : 22 April 1999

5. Measures to Develop Wakaf MAIN Properties from a Legal Perspective
The Special Muzakarah of the Fatwa Committee of the 41st National Council for Islamic Religious Affairs Malaysia which met on 3-4 Nov 1996 discussed the Measures to Develop MAIN Wakaf Properties from a Legal Perspective.

The Muzakarah has decided that Waqf Istibdal and Shares Wakaf is good, and should be practiced the soonest because development is going on so fast while on the other hand, waqf lands, old mosque sites are left idle and complicate the authorities. It is time for all practices and matters regarding waqf as a whole to be modified without being only tied to the Syafie School, while at the same time management method is based on the Hanafi school. For example or any school or qaul that suits the situation and time. Other than that for practice it is necessary to be careful and more thorough.

Source: The 41th Muzakarah of MKI Fatwa Committee
Date: 3-4 November 1996

6. Waqf Shares and Replacement Waqf (Wakaf Ibdal)

The 4th Muzakarah of the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia held on 13-14 April 1982 has discussed on Shares Waqf and replacement Waqf (*Waqf Ibdal*). The Muzakarah has decided:

- i. Holding wakaf shares that are divisive with business companies through the purchase of shares, then endowed with the aim of developing wakaf property is required according to the conditions of wakaf.
- ii. Replacement Waqf (*waqf ibdal*) means exchanging waqf property with other property through sale or purchase or the like with the purpose of maintaining the waqf property is required according to taqlid opinion of Imam Abu Hanifah.

Source: The 4th Muzakarah of MKI Fatwa Committee
Date: 13-14 April 1982

7. Determining the Valid and Effective Date of Wakaf by the late Ahmad Dawjee Dadabhoy

Decision:

- a. The practice of waqf is an act of worship in Islam. According to Shariah, wakaf is valid and effective when the conditions and pillars of wakaf are met.
- b. Based on the conditions and pillars of wakaf, then according to the Shariah of wakaf made by the late Ahmad Dawjee Dadabhoy is effective from July 30, 1934.

Source: Federal Territory Shariah Consultative Committee
Date: 13 Mei 1994

8. Wakaf by Ahmad Dawjee Dadabhoy

Decision:

"That Ahmad Dawjee Dadabhoy has created a waqf in terms of Islam. This is based on the statement made in the Wakaf Declaration Deed and the written confession of his witness Syed Mustapha bin Syed Wazir."
"

Source: Federal Territory Shariah Consultative Committee
Date: 19 June 1989

9. Implementation of Wakaf Terengganu Cash Scheme

Decision:

- i. So that the minimum requirement of RM 10.00 does not apply. This means that any person can contribute as much money as possible to the Council to purchase Waqf Property.
- ii. Entries amounting to RM 10.00 and below in this Scheme do not need to be issued a certificate.
- iii. Sighah lafaz amended to lafaz:
I delegate to MAIDAM to endow any permanent property by check/

Bank Draft/ Postal Order/ Cash in the name of Terengganu Cash Waqf Scheme of RM..... for myself/ Almarhum/ Almarhumah/ for the welfare and importance of Islam and its people because of Allah SWT forever.

Source: Terengganu State Fatwa Committee

Date: 31 January 2007

10. Waqf Land Repossession Compensation Payment

Seek views on the compensation payment for the repossession of waqf land to be used to construct a building as Istibdal.

Decision:

The meeting was of the view that the compensation money paid for the repossession of special wakaf land to Masjid Hikiran could be used to construct a building on the remaining land as Istibdal.

Source: Terengganu State Fatwa Committee

Date: 2 February 2005

11. Fatwa Request: To Withdraw Waqf

Decision:

After examining and studying the issues related to waqf and waqf of land for the benefit of mosques, cemeteries and so on, the meeting agreed that it could not be withdrawn either by the waqif himself or his heirs.

The meeting also held that ownership when endowed to a mosque or cemetery, it is beneficial to be a direct right of Allah and cannot be revoked.

Source: Terengganu State Fatwa Committee

Date: 22 April 2004

12. Chenderong Concession Waqf

Decision:

After hearing a briefing from the Terengganu Islamic Religious and Malay Customs Council on the background of the Chenderong Concession and refining the relevant documents and questions about it, the meeting agreed to take the following decision:

- i. The status of Chenderong Concession wakaf contains special wakaf, descendants wakaf and also wills.
- ii. Waqf land cannot be sold or its status changed from the conditions made by the waqif, but the land including the proceeds can be leased and SUBLISTED.
- iii. DYMM Al-Sultan is now entitled to receive a share of the waqf land of Chenderong Kongsyen because he is the heir of the descendants of the late Al-Marhum Al-Sultan Ismail Nasaruddin Shah Ibni Al-Marhum Sultan Zainal Abidin.
- iii. He was also the trustee (nazir) on the land which was endowed with his share of 7/144. Thus, the acquisition of His Majesty DYMM Al-Sultan from him is valid in terms of rules and wills of the waqif.

Apart from that, the Meeting also agreed with the distribution made by MAIDAM to the heirs of Al-Marhumah Engku Zaharah (son of Al-Marhumah Tengku Ngah Aisyah) binti Engku Sulong, on the basis of waqf zuriat as pledged waqf by Tengku Nik Maimunah herself:

“To Her Majesty my sister Tengku Ngah Aisyah Al-Hajjah binti Al-Marhum Al-Sultan Zainal Abidin of 24/144 shares and perpetuate for her, and then from her children are entitled to receive from that an equal share, and to return to the descendants respectively, and when one of them loses their offspring, then return the share to the poor Muslims under the management and administration of the Terengganu Islamic Religious Affairs Office “.

Source: Terengganu State Fatwa Committee

Date: 13 August 2001

13. Converting the Special Waqf of School Students' Dormitory Site to a Special Waqf for Education

Decision:

The meeting agreed with the Terengganu Islamic Religious and Malay Customs Council's proposal to convert the Wakaf Khas hostel site for school students (KRM 678, Lot 1397, Mukim Kuala Ibai) from Tuan Haji Awang Umar bin Haji Muhammad to Special Wakaf for education.

Source: Terengganu State Fatwa Committee

Date: 15 May 2001

14. Tribute Payment From Chenderong Concession Oil Palm Yield

Decision:

The meeting was informed that the Terengganu Islamic Religious and Malay Customs Council which met on 1 August 1996 agreed to seek the views of the Fatwa Committee on the recommendation that the tribute payment for Chenderong Concession oil palm be increased from 2^{1/2} per cent to 5 per cent.

After examining the waqf pledge of the land and discussing, the meeting agreed to maintain the tribute payment of 2^{1/2} percent as understood from the waqf pledge.

Source: Terengganu State Fatwa Committee

Date: 26 December 1996

15. Law on Leasing Waqf Land to Occupants of Waqf Land Owned by the Malacca Islamic Religious Council in Lot 1666, MCL 755, Mukim Bukit Rambai, Central Malacca District, Malacca and Related Matters

Decision:

1. Waqf (Waqf) of land Lot 1666, MCL 755, Mukim Bukit Rambai, Central Melaka District, Melaka by Mrs. Khatijah binti Mamat, Identity Card No.: 520218-04-5324 to the Malacca Islamic Religious Council for religious purposes according to Shariah and civil law is valid. Therefore, the Council as the Nazir should impose a reasonable rent to the occupants who are willing to settle in the waqf land area by taking into account their ability in terms of finance and welfare that needs to be maintained.

2. Based on the results, the answers to the questions are as follows:
 - i. Registered property ownership is a strong argument in justifying the ownership of a property. Therefore, Shariah recognizes it as one of the valid means of proving perfect ownership.

 - ii. The use or taking advantage of a mawquf is handed over to the mawquf 'alaih, that is, the party determined by the waqif based on the conditions of the waqif. The taking of benefits from mawquf by the heirs of the waqif is subject to the permission of the government as the Nazir of Waqf if the property is waqfed for the welfare of Muslims or religion. The government also has the power to impose any rent on the heirs of the waqif who take advantage of the mawquf. For property waqfed for specific use, the heirs of the waqif have the right to take advantage of the mawquf (waqf) if determined by the waqif to do so.

 - iii. The determination of perfect ownership in a dispute over property registered in the name of an individual shall be submitted to the Court as the highest body having the power to hear and decide a claim. In this context, the claimant (al-mudda "iyy) must submit strong and

sufficient evidence and evidence so that the decision can be given accurately and fairly. While the claimed party (al-mudda "a" alayh) will swear if he denies the claim.

- iv. According to "urf in Malaysia, waqf properties are handed over and entrusted to the Islamic Religious Councils of the States to be developed commercially for the purpose of making a profit so that they are not left unattended. For the development of these waqf properties, the taking of benefits is subject to the original status of the waqf properties whether it is general waqf or khayriyy, special or offspring.

Source: Melaka State Fatwa Committee

Date: 8 October 2007

16. Law on Clearing of Islamic Cemetery Waqf Land in Lot 137, Mukim Duyong, Melaka

Decision:

1. Must cut or level the bank of the Islamic cemetery wakaf land on Lot 137, Mukim Duyong, Melaka to reduce the steepness of the bank to avoid harm to the lives and property of nearby residents and preserve public welfare with the following conditions:
 - i. Land that is cut or terraced shall be moved to a low area on the same lot. If the area cannot accommodate while there is still surplus land that needs to be transferred, then it can be transferred to nearby waqf land to benefit from it.
 - ii. All expenses involved in the work of cutting/clearing the cliffs and land transfer shall be fully borne by the Historic Melaka City Council (MBMB).
 - iii. The Malacca Islamic Religious Council must arrange a thorough and wise action on this issue to ensure its smoothness such as holding discussion sessions and

information to the parties involved so that there is an understanding between the wakaf land manager and the party who will carry out the work of transferring the waqf land.

2. With this decision, all legal views that have been issued previously on this issue are considered void due to the existence of changes and urgent current needs.

Source: Melaka State Fatwa Committee

Date: 8 May 2007

17. Interpretation of Hukum Syara 'on Waqfs whose Submission is not clear

Decision:

1. All mosques, suraus, religious schools (institutions of religious studies) and cemeteries in the state of Melaka are waqf, if determined by the waqif for that purpose to be enjoyed by the public.
2. A waqf is considered valid according to Shariah if it has fulfilled the spelt rules and conditions.
3. It is not required for the beneficiary to prove that an item has been waqfed. If the waqif has died and there is no document to prove that the waqf has been made, then the testimony of a trusted witness can be accepted to confirm the waqf.
4. Oral waqf is valid providing the waqif and the waqfed goods (mawquf) meet the conditions prescribed by Shariah.
5. The waqf (waqf) process does not require that there be witnesses to confirm it. Therefore, in the case of waqf that cannot be proven, then the testimony of witnesses who are waham, zan or suspicion can be accepted to confirm the waqf.

6. An item is considered as mawquf according to what is pronounced by the waqif. Therefore, if the waqif states in his statement to endow a mosque, then only the mosque building and its site is counted as waqf property.
7. The use of a premise or property that is considered waqf by the locals for generations, for a long period of time can be interpreted as waqf by the Muslim community, even if there is no clear oral or written evidence of its authenticity. It is suffice even when leaders and majority of the local community claims that the property is a waqf.

Source: Melaka State Fatwa Committee

Date: 5 September 2006

18. Law of Cancellation and Withdrawal of Waqf and Law of Changing the Intention of Waqf from Special Waqf to General Waqf by the Waqif

Decision:

The Melaka State Fatwa Committee Meeting No. 2/2005 which convened on 15 Muharram 1426H / 24 February 2005 unanimously decided that:

- i. According to Mazhab Syafi'i there is no khiyar, either khiyar majlis or khiyar syarat in waqf. The ownership of the waqf property is transferred to Allah SWT and its management transferred to the person who administers the waqf, whether the waqf is made for a specific or general purpose. Therefore, the cancellation and reappointment of land waqf lot 1089, Mukim Merlimau Jasin District, Melaka is not allowed, based on the event of land waqf of Umar bin Al Khattab in Khaibar which stated that "It cannot be sold, not gifted and not inherited".
- ii. The proposal by the Malacca Islamic Religious Council for the waqf to change the intention of the special waqf to a general waqf in order to maintain the waqf cannot be implemented because based on the view of Mazhab Syafi'i, the waqfed

property will be transferred from the son of Adam to Allah forever and its management handed over to the party administering the waqf. This means that the waqif no longer has any rights over the property/land. Therefore, the management of waqf land in lot 1089, Merlimau is fully subject to the Malacca Islamic Religious Council as the appointed nazir and it is up to the Council to manage the waqf land.

Source: Melaka State Fatwa Committee

Date: 24 February 2005

19. Acquisition of Waqf Land for Public Interest

Decision:

1. That according to Hukum Syarak, Waqf lands cannot be traded, cannot be given to anyone and cannot be transferred, as happened to the Waqf of Saidina Omar Ibnu Khattab RA of his land in Khaibar, which became the first waqf in Islam.
2. That pursuant to section 37 of the Administration of Hukum Syarak (State of Melaka) Enactment 1991, the Waqf lands in the State of Melaka are vested to the Islamic Religious Council, as the sole Trustee.
3. Therefore if the waqf land is taken back by the State Authority for any reason, then compensation must be paid for it, and the compensation money must be vested and paid to the Islamic Religious Council, to be replaced by other land to maintain the waqf and fulfill the requirements of the waqif

Description/Argument:

- a. Waqf property belongs to Allah SWT for the benefit of Muslims. Any acquisition of waqf land should not be handed over for free to the authorities.
- b. Acquisition of waqf land by the government for public benefit is part of the istibdal process. Istibdal means selling waqf property

with money. The term "istibdal" is actually a combination of three terms, namely abdal, badal and tabadul. Abdal means to buy waqf property with currency, while badal or tabadul means to exchange waqf property with other property. These three meanings are combined and called istibdal only with the meaning of "exchanging or replacing waqf property with other property through sale or purchase or the like with the aim of maintaining the waqf".

- c. To practice istibdal, it has laws that are taken into account based on certain circumstances. In this case, the fuqaha' have disagreed on it and it can be referred to as follows:
 - i. The opinion of Imam Abu Hanifah who gives breadth in practicing istibdal, if the istibdal provides more benefit that brings lucrative results due to desire and emergency, even if its a mosque.
 - ii. Imam Ahmad bin Hanbal gave the extent of istibdal other than the waqf of the mosque by imposing certain conditions according to certain circumstances.
 - iii. Imam Malik forbade istibdal on mosques and immovable property that have good results except for emergencies and intentions such as enlarging mosques, cemeteries, roads or the like for the purpose of public welfare. However, Imam Malik allowed istibdal on movable wakaf property because istibdal in the sense of changing the movable wakaf property will maintain the waqf.
 - iv. The opinion of Imam Syafi'i seems to be the same as the opinion of Imam Malik. In fact it does not even require directly selling the mosque even if it has collapsed and is not used. All items and equipment related to the collapsed mosque are only allowed to be given as hibah to other mosques. If they are unusable, they must be destroyed. The former site of the mosque remains as waqf property.

- d. The imams (scholars) of the school of fiqh require istibdal with certain conditions allowed by Shariah, taking into account the maslahah and desire to do so.

Source: Melaka State Fatwa Committee

Date: 6 December 1994

20. Proposed Development on Waqf Land of the Selangor Islamic Religious Council (MAIS) by Lease

Decision:

The Selangor State Shariah Consultative Committee (FATWA) meeting has decided that the Selangor Islamic Religious Council (MAIS) cannot sell assets from the development of waqf land unless it only sells in the form of benefits.

- i. MAIS can develop its waqf land on lease to build residential houses, shop houses and so on.
- ii. MAIS has been reminded that all forms of development on waqf land, owned by lease cannot be sold or sold to other parties because it contradicts the concept of wakaf according to Islam.
- iii. MAIS can sell benefits of these assets as a result of the development of waqf land. For example, the Housing Developer who develops waqf land owned by MAIS on lease, cannot sell the house to any party, but can only be rented out.

Source: Selangor State Shariah Consultative Committee (FATWA) Meeting

Date: January 1, 1970

21. Application for Fatwa to Develop Waqf Lands in the State of Perak Darul Ridzuan (Pembangunan Wakaf [M] Sdn. Bhd. [Subsidiary of YPEIM])

Decision:

- i. Individual waqf land

That waqf land can be leased (hijarah) within a certain period based on the text of Kitab Nihayah, juzuk 5, m.s. 397, Kitab Tuhfah, juzuk 6, m.s. 172, Kitab Al-Hawi, juzuk 7, m.s. 407.

- ii. State government awarded waqf land (reserve)

Depending on the intentions of the government. If the government intends to waqf, it becomes waqf. If it is given only as a reserve, then it is designated as a gift to Baitul Mal.

Source: Perak Shariah Committee Meeting

Date: 6 January 1997

22. Madrasah Nagore Land Status

Decision:

A piece of Land on Lot 373, Section 4, Butterworth Town or better known as "Madrasah Nagore" has been designated as waqf, based on its nature and use.

Explanation/Proposition:

The Surau building which has been in existence on this land for a long time has used for the center of religious activities and education of Muslims, confirms the status of the land. (Usage Waqf)

Source: Penang State Fatwa Committee

Date: 16 April 2002

23. Fatwa on the Waqf Land of Sheikh Eusoff

Decision:

A piece of land on which a mosque now stands known as the Sheikh Eusoff Mosque has been designated as waqf through DEED POLL REGISTRATION NUMBER 584, 1890 is permanent to this day and forever. The waqfed property cannot be revoked, it remains permanent, and time factor cannot be linked to waqf process.

(Reference: As-Syed Al-Bakri. Hasyiah I "anatul At-Talibin Juz. Third, Dar Al Fikr (t.t) page 167.)

Explanation/Argument:

Waqf property can only be taken advantage of, it cannot be made the property of a person or heirs.

Source: Penang State Fatwa Committee

Date: 9 November 2000

24. Sale and Purchase (Aqad) of Waqf Land

Is it valid if the sale and purchase of wakaf land lots (foot wakaf) without going through verbal aqad but through payment and receipt only.

Decision:

The sale and purchase of the waqf land lot is valid without a verbal aqad and even sufficient with the payment given by the buyer and the receipt issued by the treasurer.

Source: Penang State Fatwa Committee

Date: 8 November 1989

25. **Fatwa Concerning Waqf Land**

Decision:

The site of Surau Guar Tuan Syed, Penaga which is located on part of the land of Lot 3817, GM 210 Mk. 5, Seberang Perai Utara District measuring 20 jemba has been designated as a wakaf based on its nature and use.

Source: Penang State Fatwa Committee

Date: January 1, 1970